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**DAC 20/07/21 – 110 ELIZABETH STREET TIGHES HILL -
DA2020/00011 - TAKEAWAY FOOD AND DRINK PREMISES,
HARDWARE AND BUILDING SUPPLIES, VEHICLE SALES OR HIRE
PREMISES AND ASSOCIATED SITE WORKS**

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DA2020/00011 - TAKEAWAY FOOD AND DRINK PREMISES,
HARDWARE AND BUILDING SUPPLIES, VEHICLE SALES OR HIRE
PREMISES AND ASSOCIATED SITE WORKS**

ITEM-11 Attachment A: Submitted Plans

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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.1 10 Elizabeth Street
Tighes Hill



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07	Revised Issue for Council
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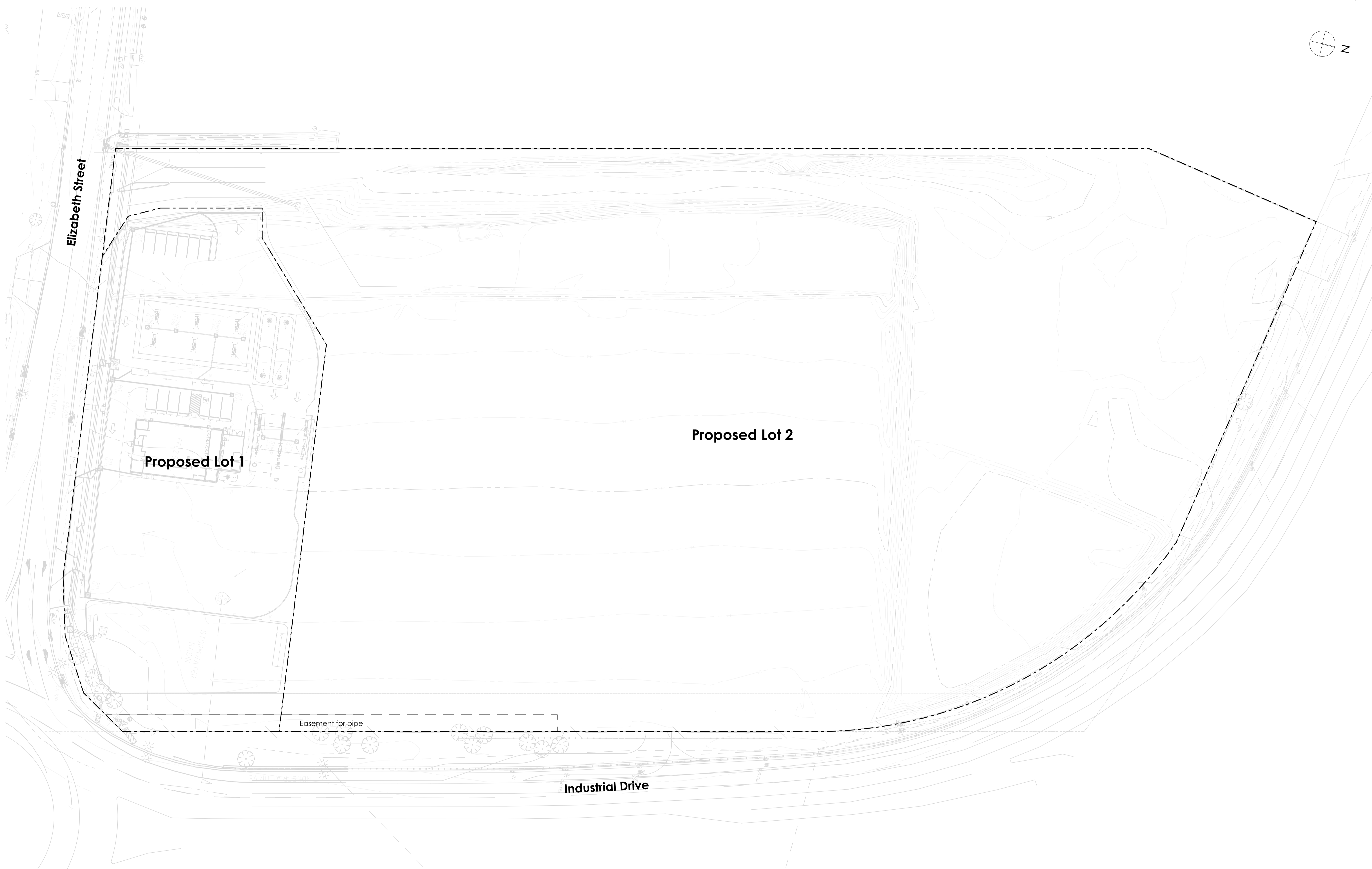
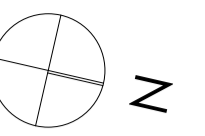
Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Location Map

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A001
scale: @ A1
rev no. 07



Elizabeth Street

Proposed Lot 1

Proposed Lot 2

STORMWATER BASIN

Easement for pipe

Industrial Drive



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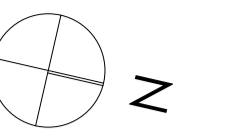
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Proposed Development

Proposed Lot 2 in a Subdivision of
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Tighes Hill, NSW 2297

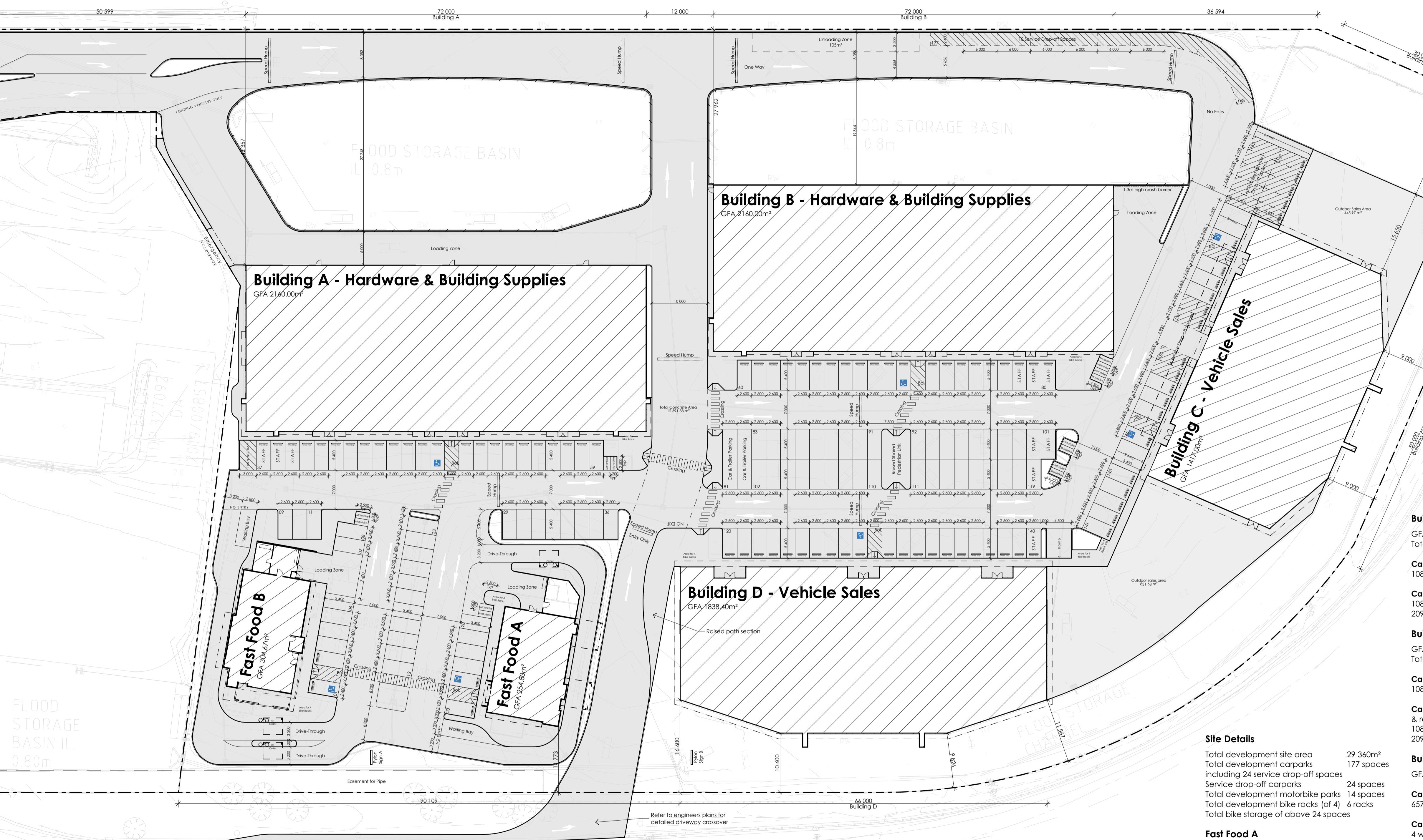
Existing Survey Plan

project no.	A18032	dwg no.	A002
date:	3/02/2021	scale:	1:400 @ A1
drawn:	KB	rev no.	07



Elizabeth Street

Industrial Drive



Building A - Hardware & Building Supplies
 GFA (footprint area) 2160.00m²
 Total mezzanine area 209.75m²

Carparking (bulky goods) front half of units
 1080m² / 1 space per 60m² GFA 18 spaces

Carparking (warehouse) rear half & mezzanine
 1080m² / 1 space per 200m² GFA 5.4 spaces
 209.75m² / 1 space per 200m² GFA 1 space

Building B - Hardware & Building Supplies
 GFA (footprint area) 2160.00m²
 Total mezzanine area 209.75m²

Carparking (bulky goods) front half of units
 1080m² / 1 space per 60m² GFA 18 spaces

Carparking (warehouse) rear half, mezzanine & rear loading accessway
 1080m² / 1 space per 200m² GFA 5.4 spaces
 209.75m² / 1 space per 200m² GFA 1 space

Building C - Vehicle Sales
 GFA (footprint area) 1417.00m²

Carparking (vehicle sales) internal & external
 657.32m² / 1 space per 130m² GFA 5.0 spaces

Carparking (vehicle repair station)
 4 workbays / 6 spaces per workbay 24 spaces

Building D - Vehicle Sales
 GFA (footprint area) 2271.60m²
 Total mezzanine area 360.90m²

Carparking (vehicle sales) internal & external
 880m² / 1 space per 130m² GFA 6.7 spaces

Carparking Table
 Total spaces requires 114.5 spaces
 Total spaces provided 177 spaces
 (above includes service drop off spaces for workbays)
 Surplus Carparking 62 spaces

Site Details
 Total development site area 29 360m²
 Total development carparks including 24 service drop-off spaces 177 spaces
 Service drop-off carparks 24 spaces
 Total development motorbike parks 14 spaces
 Total development bike racks (of 4) 6 racks
 Total bike storage of above 24 spaces

Fast Food A
 GFA (footprint area) 254.80m²
 Internal seats 42, total seats 42

Carparking (drive-in takeaway food and drink)
 42 seats / 1 space per 3 seats 14 spaces

Fast Food B
 GFA (footprint area) 304.67m²
 Internal seats 30, external seats 18, total seats 48

Carparking (drive-in takeaway food and drink)
 48 seats / 1 space per 3 seats 16 spaces



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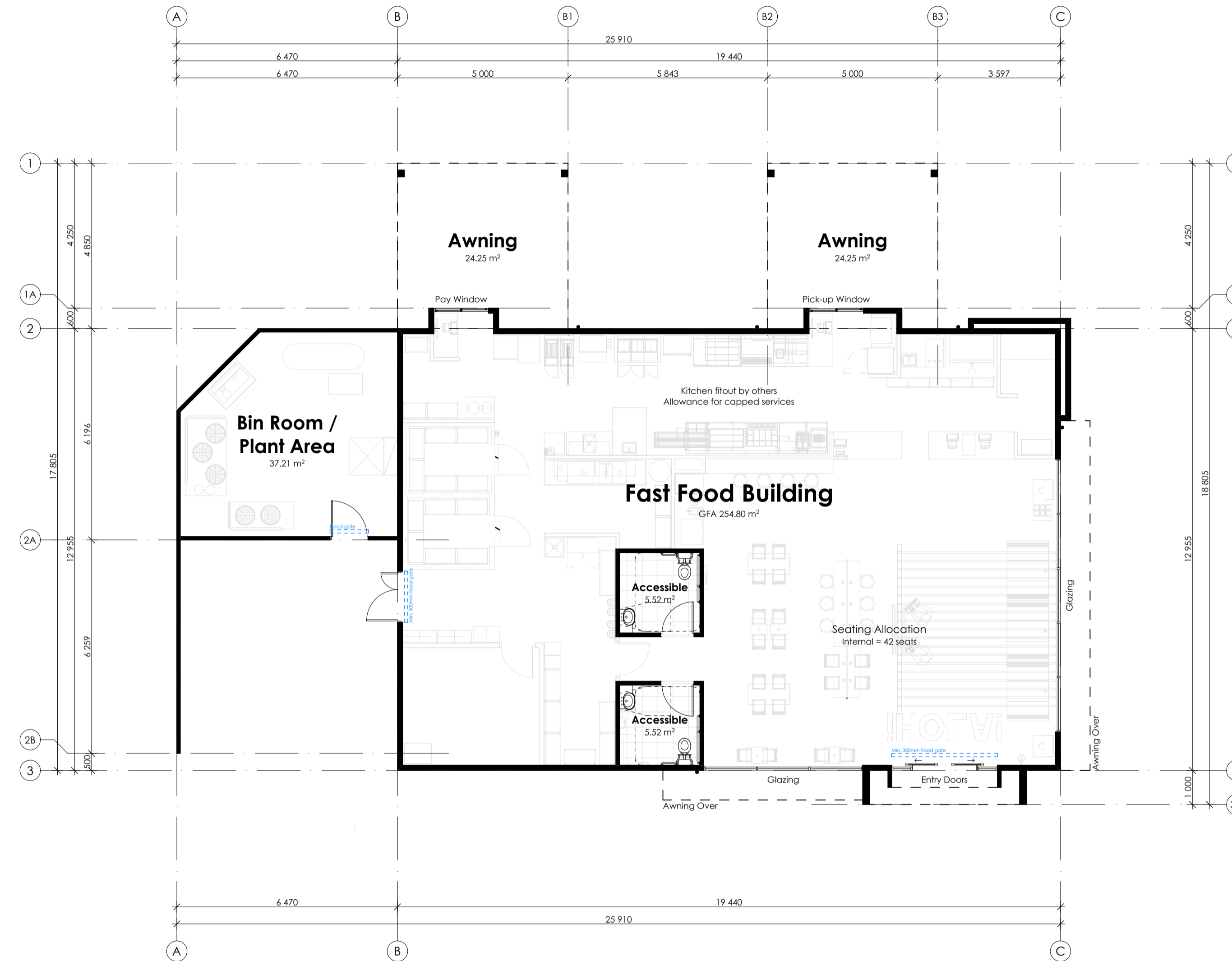
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Proposed Development

Proposed Lot 2 in a Subdivision of
 Lot 1 DP327092, No.110 Elizabeth Street
 Tighes Hill, NSW 2297

Proposed Site Plan

project no.	A18032	dwg no.	A003
date:	3/02/2021	scale:	1:400 @ A1
drawn:	KB	rev no.	07



Food Prep Note

All external and internal walls including partitioning walls are to be of solid construction, such as masonry construction (AS 4674-2004 [3.2.1]). Refer to table 3.2 (AS4674-2004) for suitable wall finished

Waste Bin Note

Garbage storage and garbage bins as per AS 4674-2004. Area to be mechanically ventilated. The room shall be paved in an impervious material, graded and drained to the sewer and provided with a hose tap connected to the water supply in accordance with AS 4674-2004 (2.4).

Stormwater Management Plan Note

□ Min. 300mm high flood gates are to be provided to each door and roller door in accordance with the stormwater management plan



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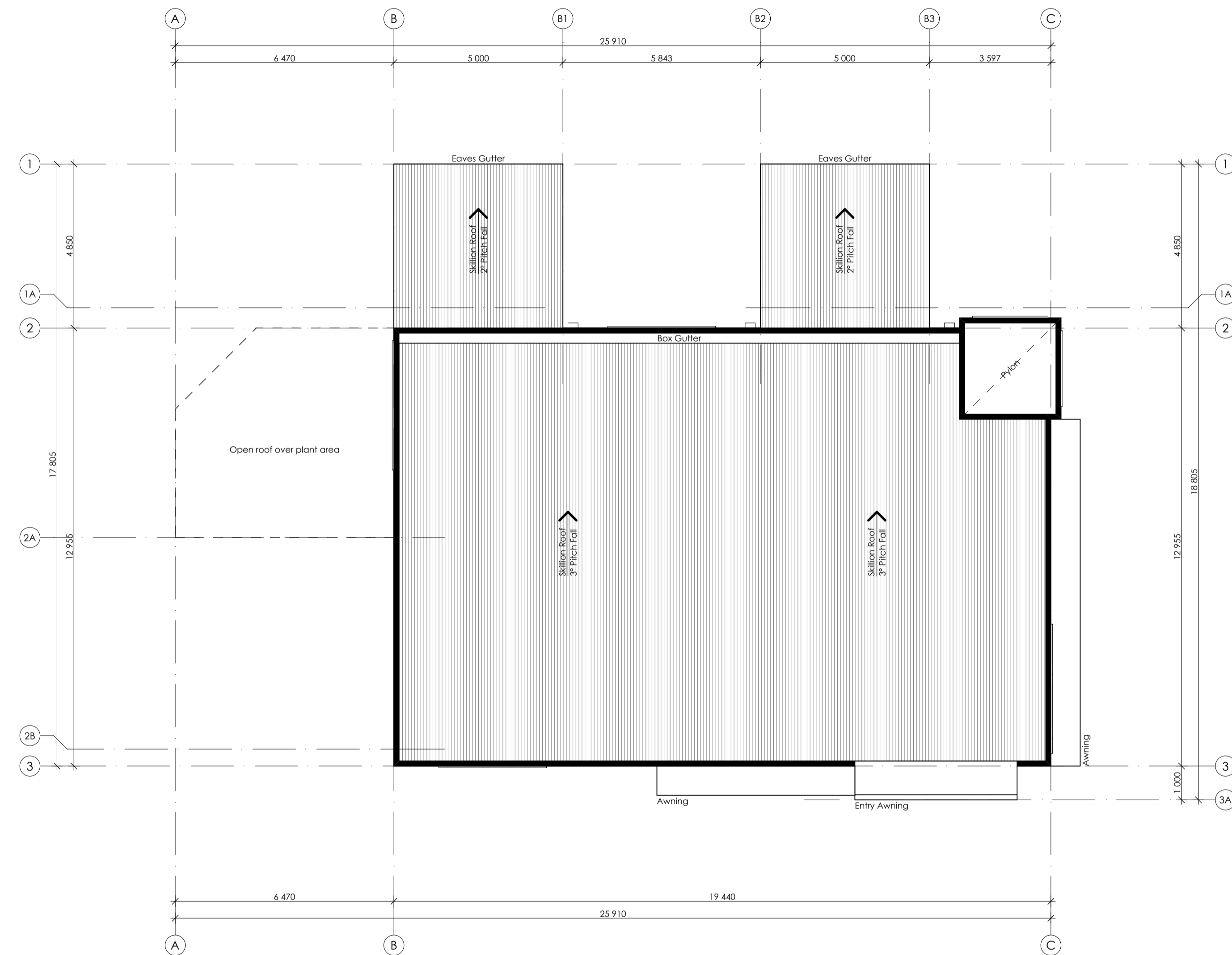
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Proposed Development

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Fast Food A | Floor Plan

project no.	A18032	dwg no.	A101
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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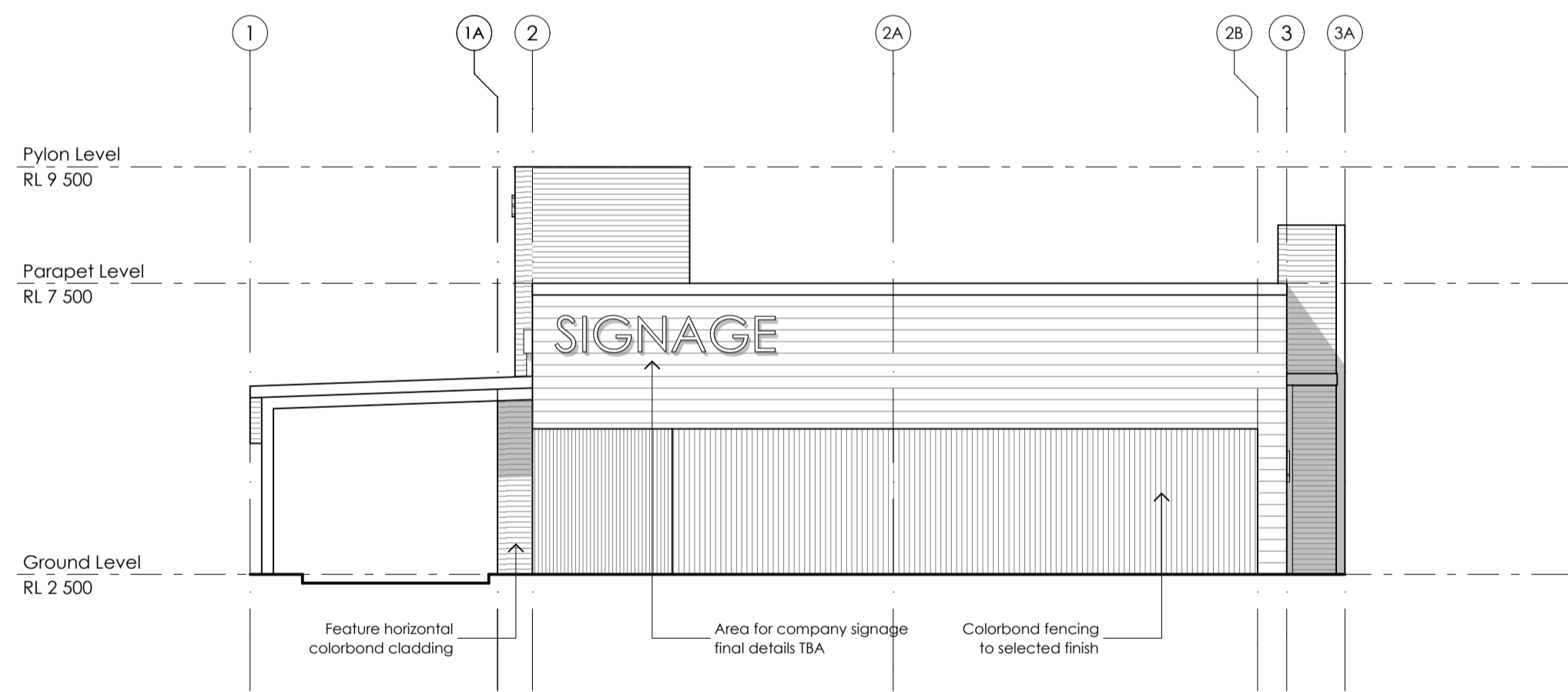
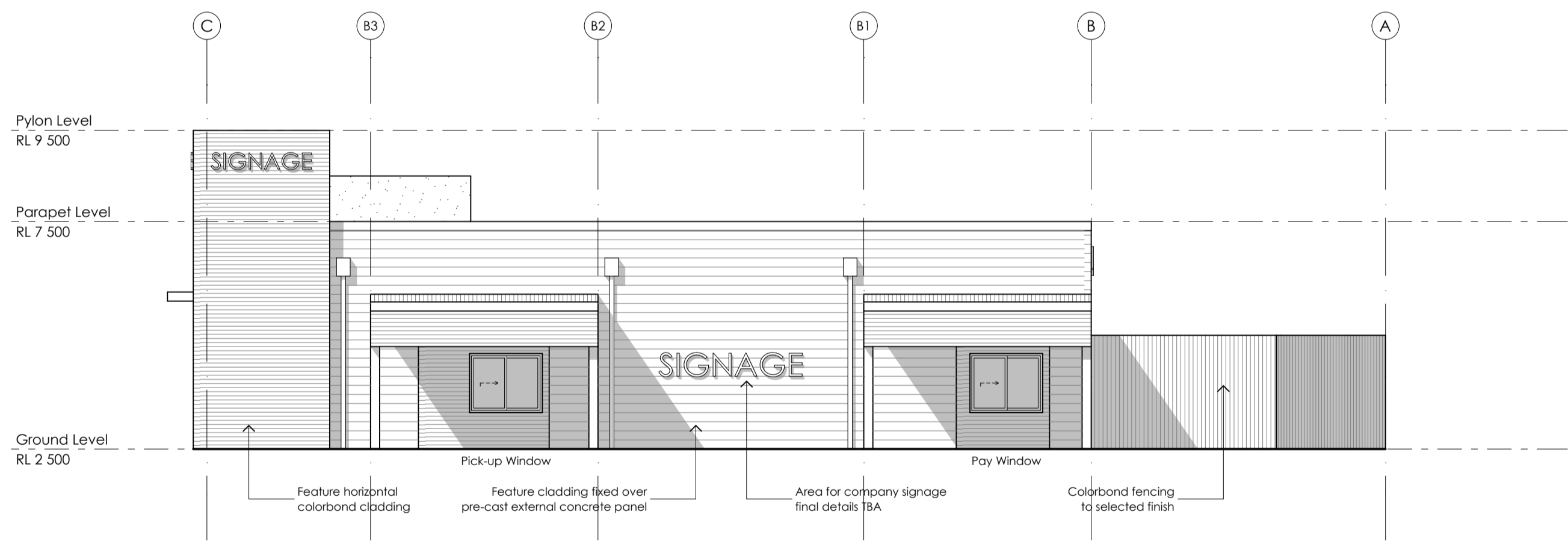
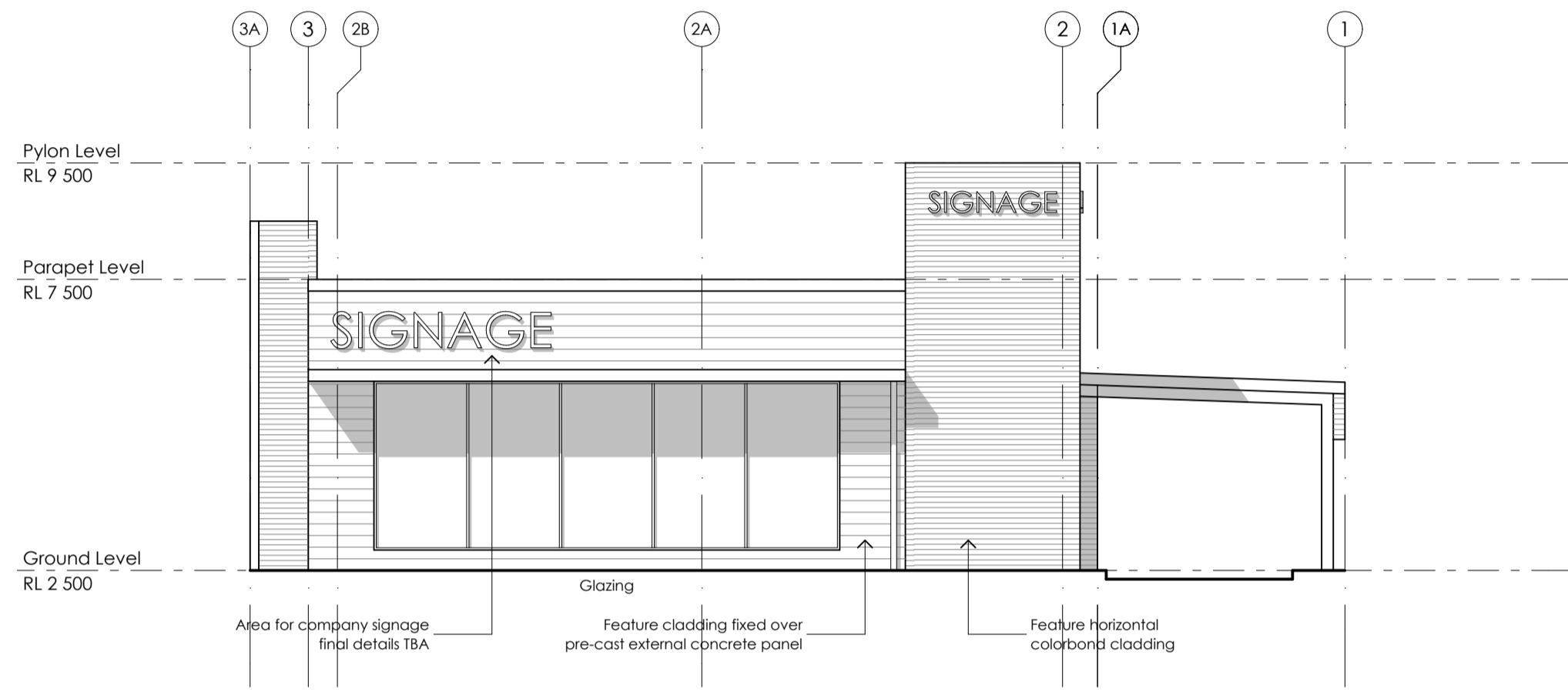
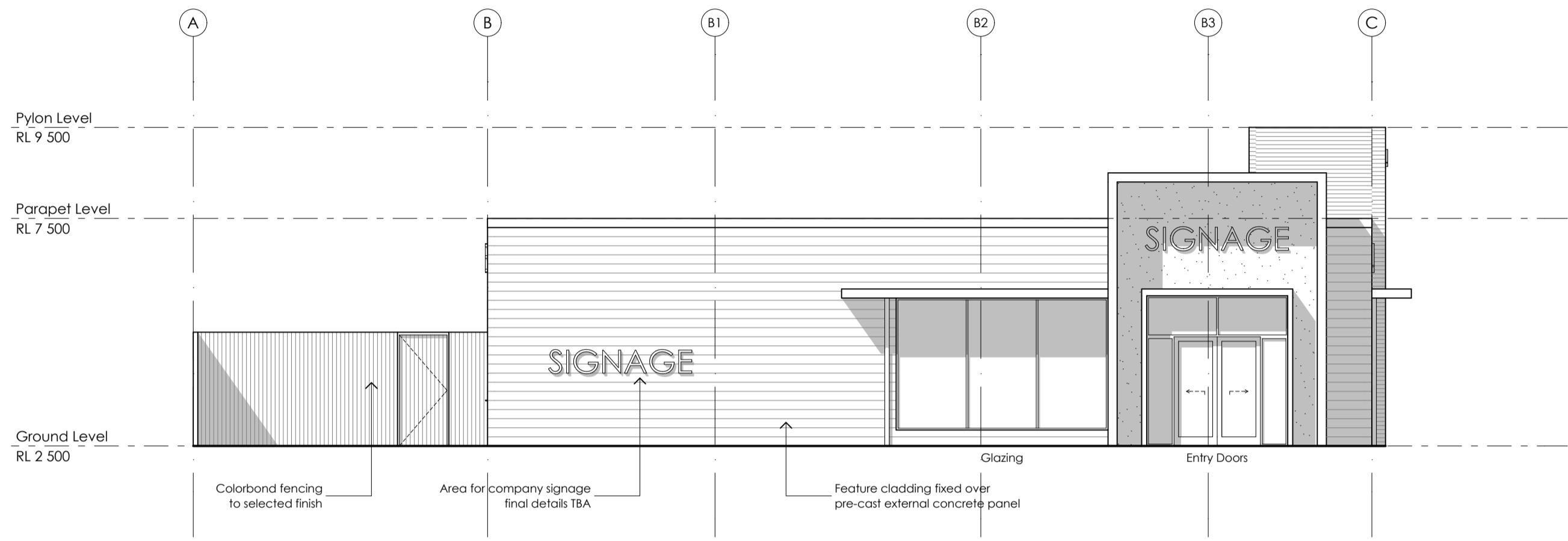
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Proposed Development

Proposed Lot 2 in a Subdivision of
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Fast Food A | Roof Plan

project no.	A18032	dwg no.	A102
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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Proposed Development

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Fast Food A | Elevations

project no.	A18032	dwg no.	A103
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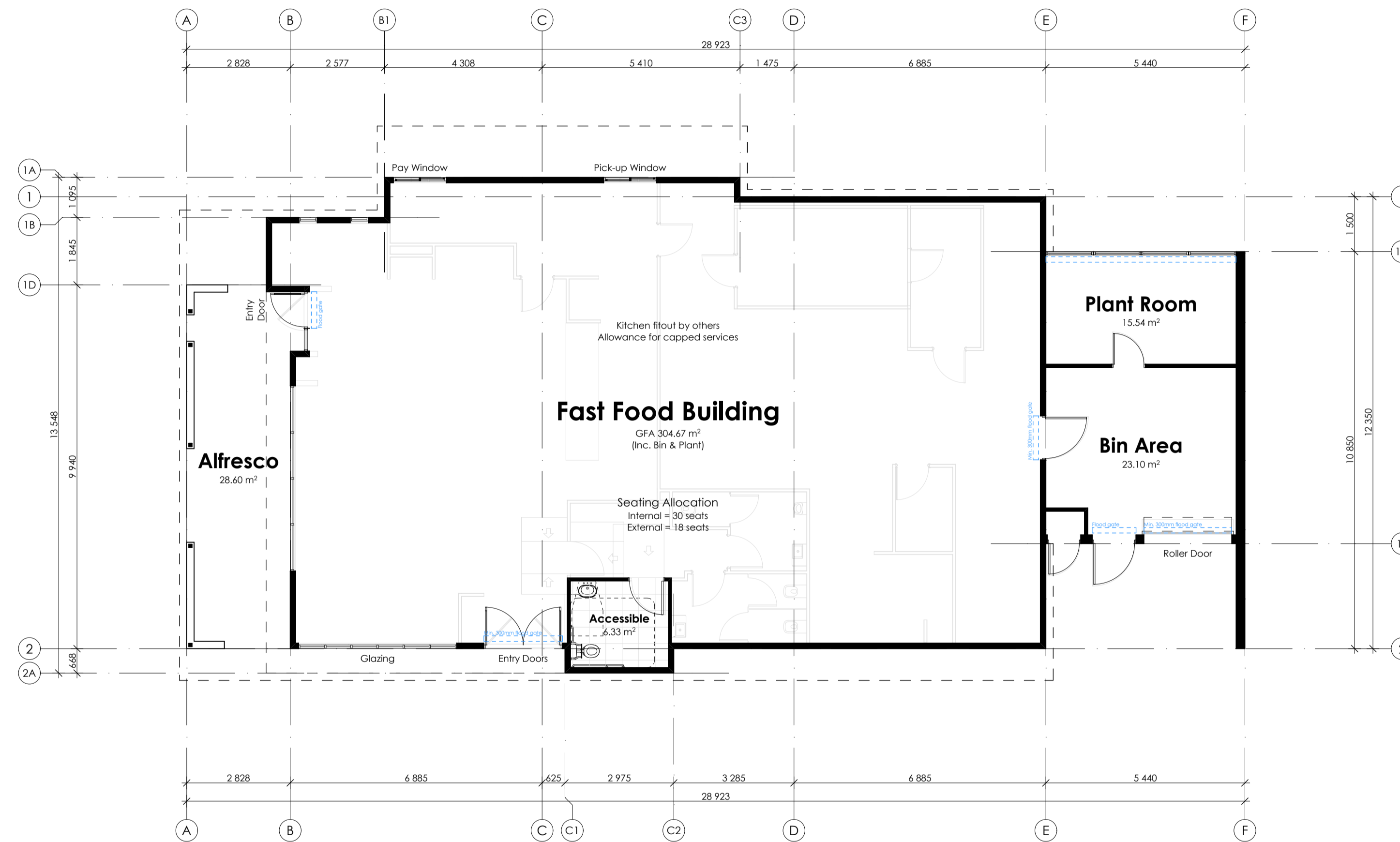
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Fast Food A | Perspective

project no.	A18032	dwg no.	A104
date:	3/02/2021	scale:	@ A1
drawn:	KB	rev no.	07



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Stormwater Management Plan Note

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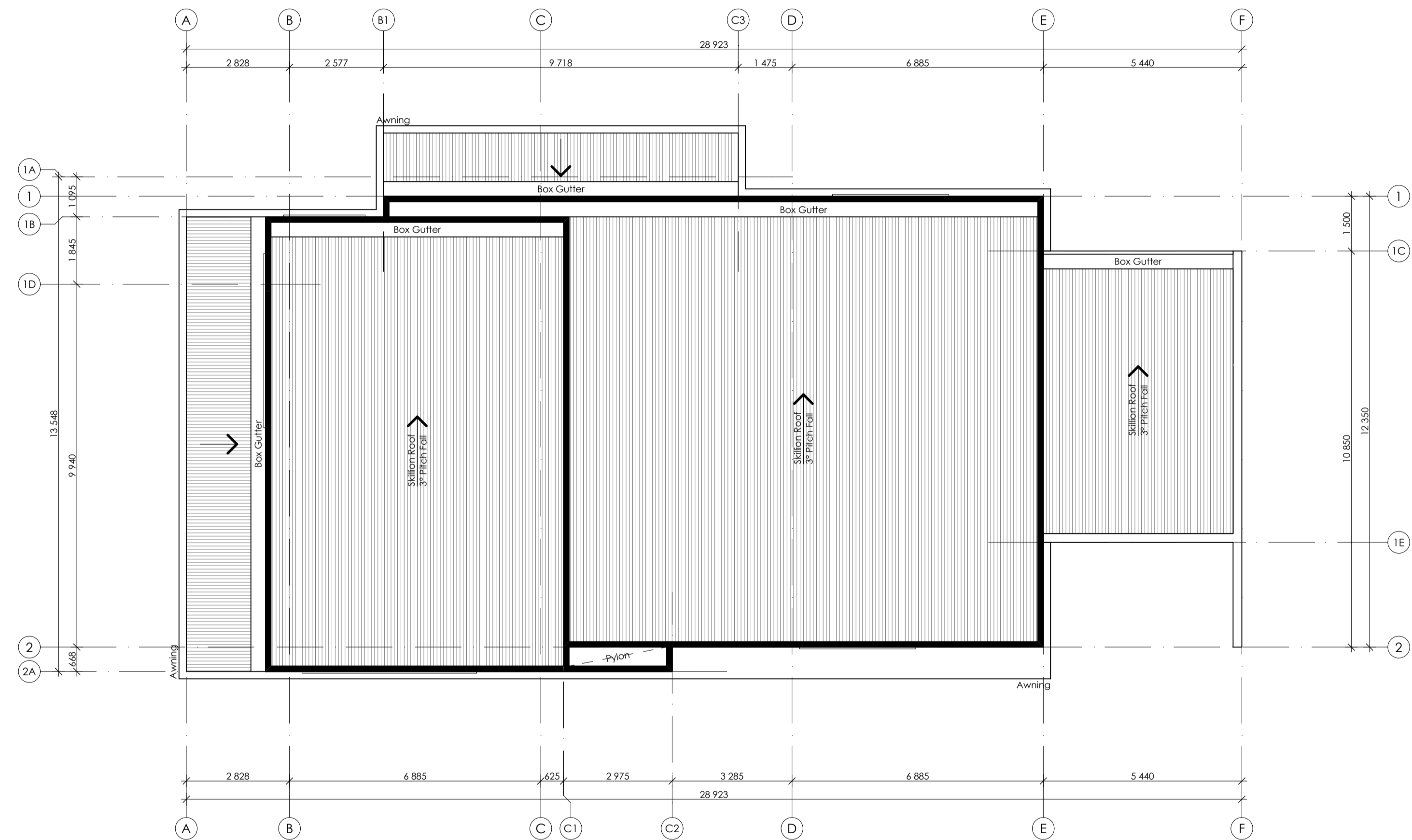
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Proposed Development

Proposed Lot 2 in a Subdivision of
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Tighes Hill, NSW 2297

Fast Food B | Floor Plan

project no.	A18032	dwg no.	A201
date:	3/02/2021	scale:	1:100 @ A1
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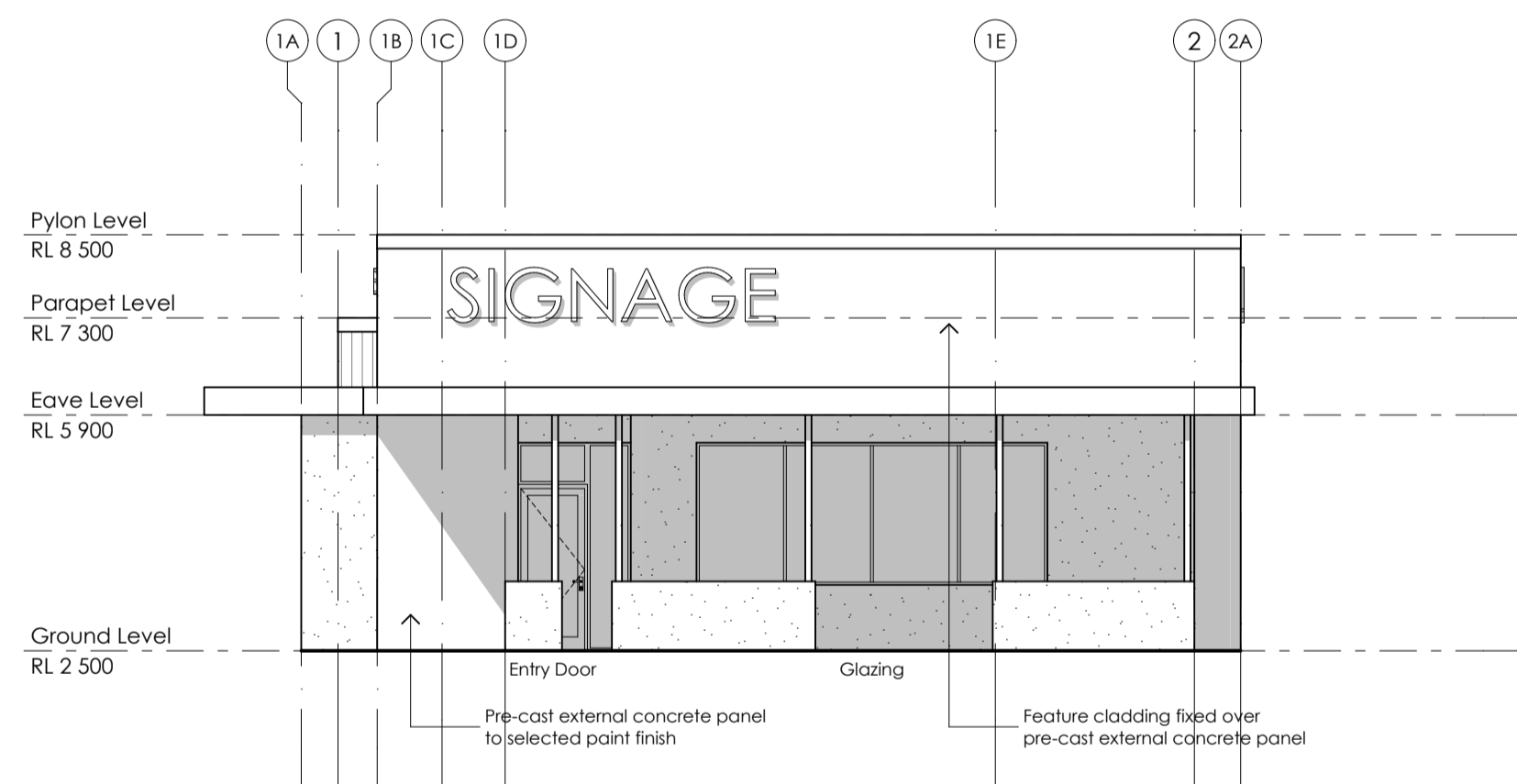
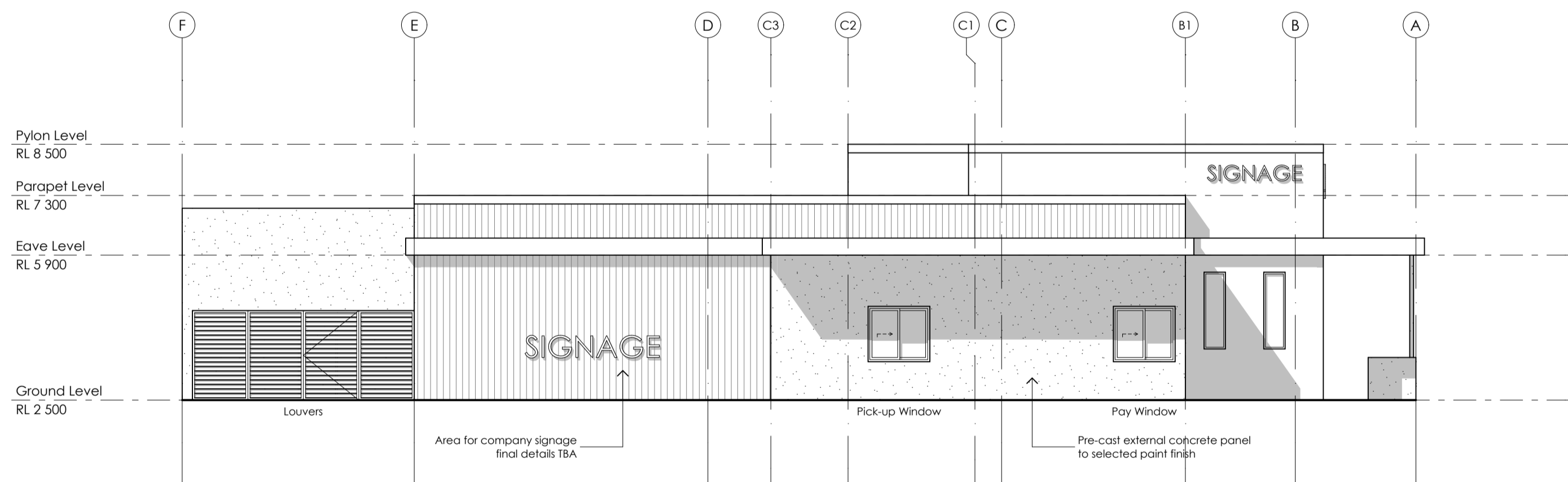
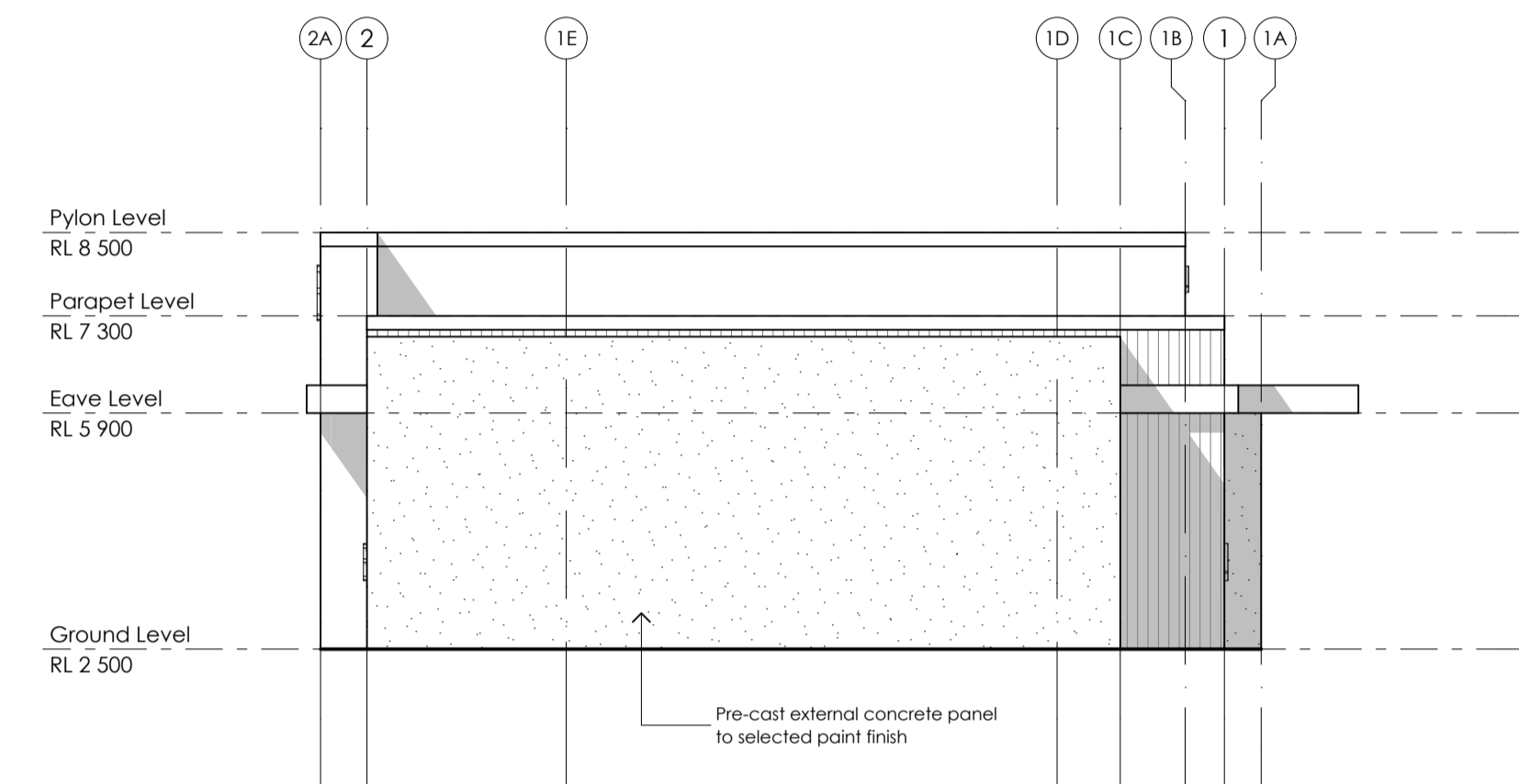
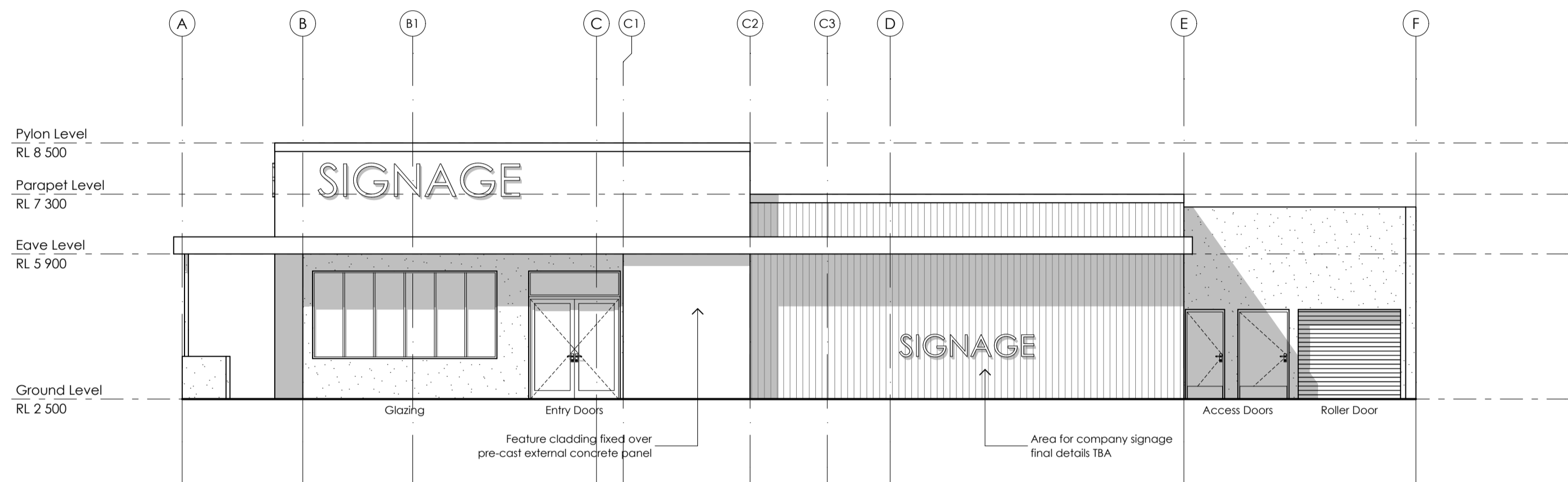
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Proposed Development

Proposed Lot 2 in a Subdivision of
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Fast Food B | Roof Plan

project no.	A18032	dwg no.	A202
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Proposed Development

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Fast Food B | Elevations

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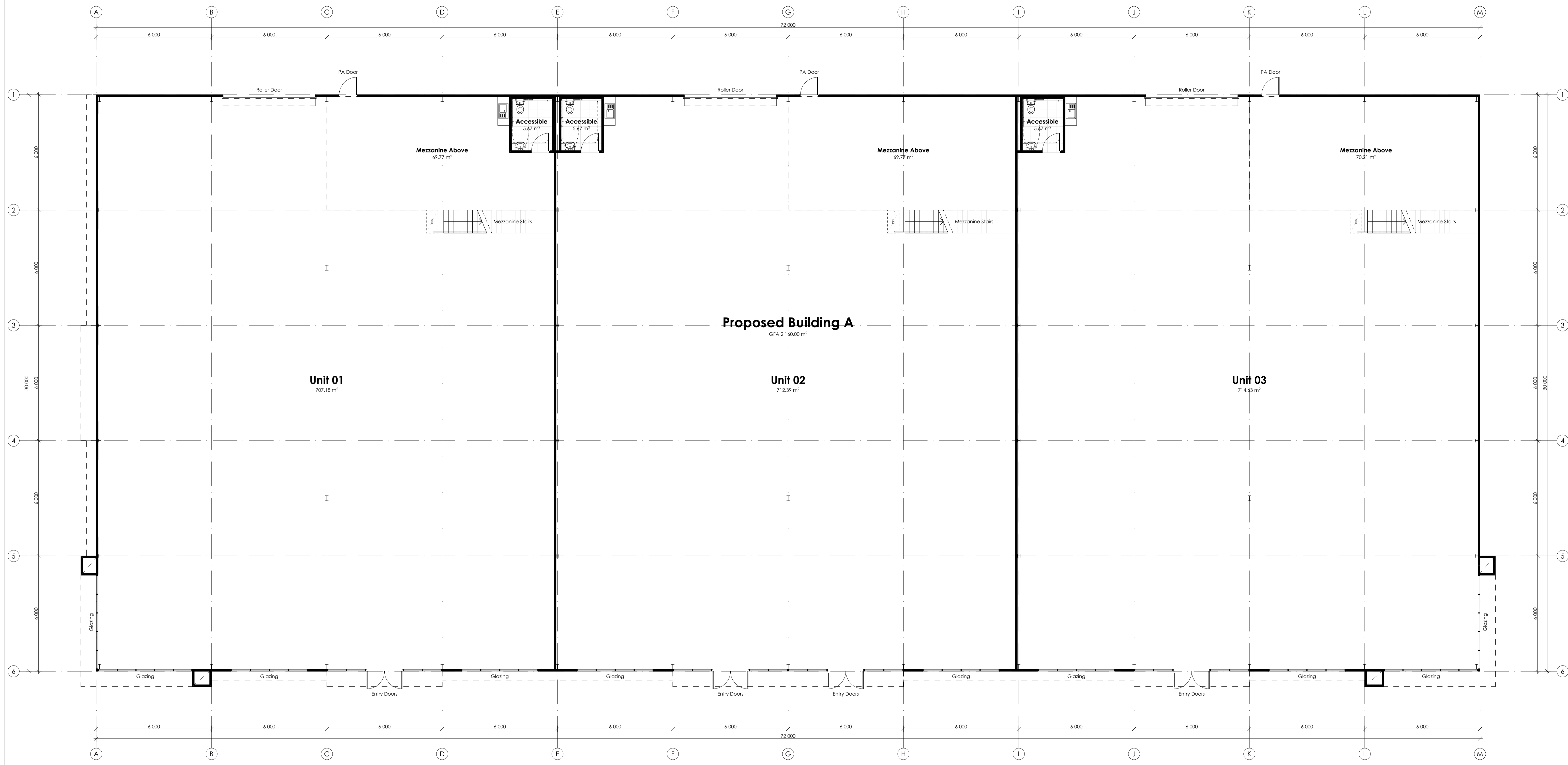
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Fast Food B | Perspective

project no.	A18032	dwg no.	A204
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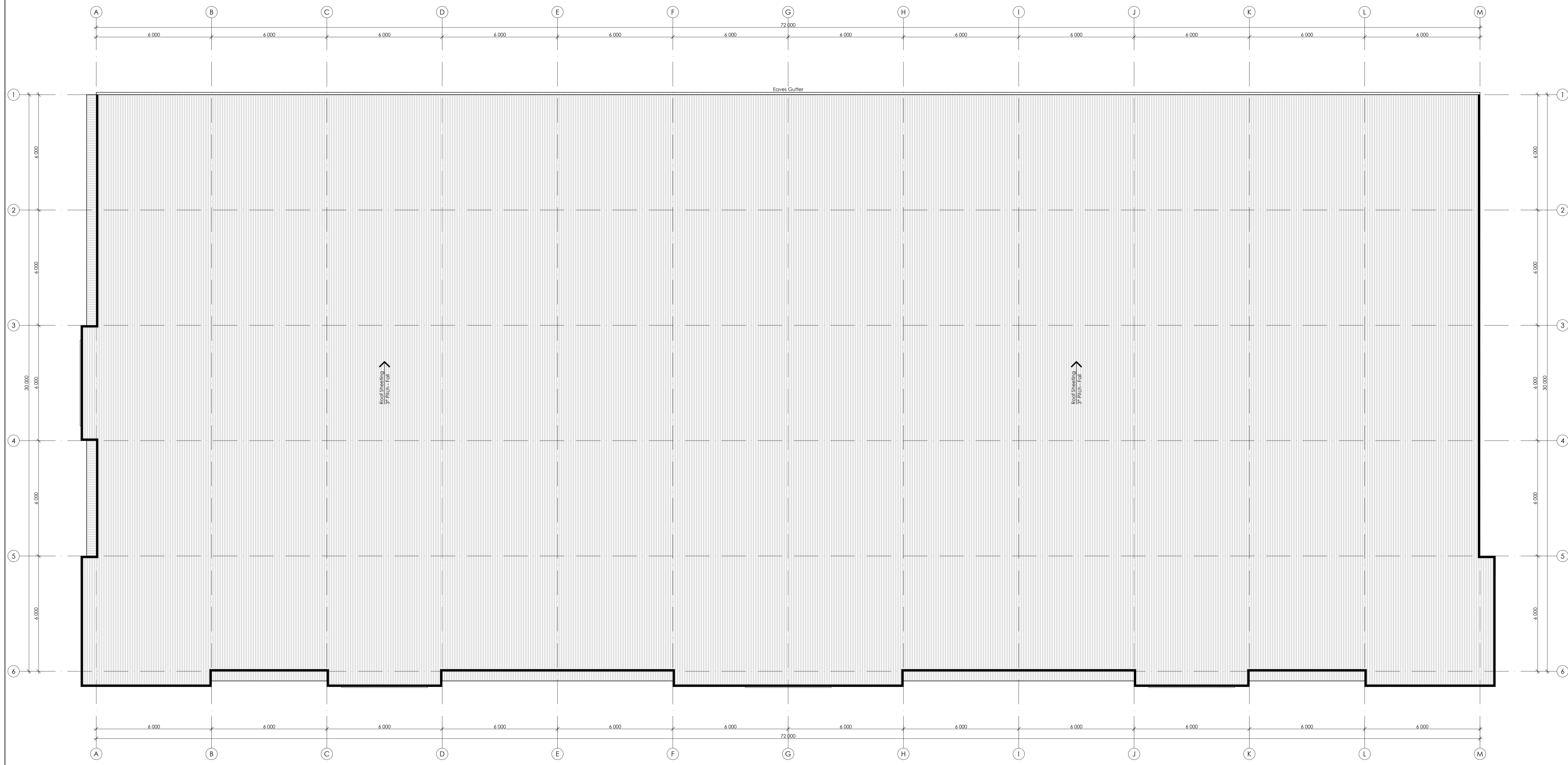
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Building A | Floor Plan

project no.	A18032	dwg no.	A301
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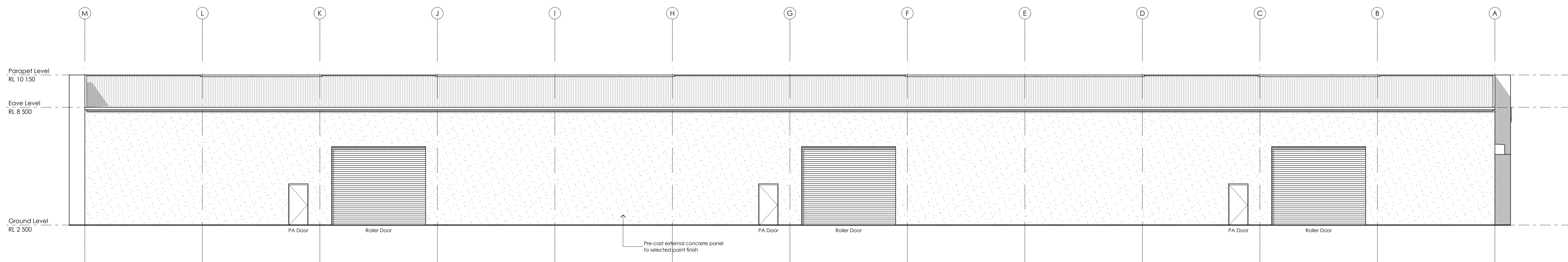
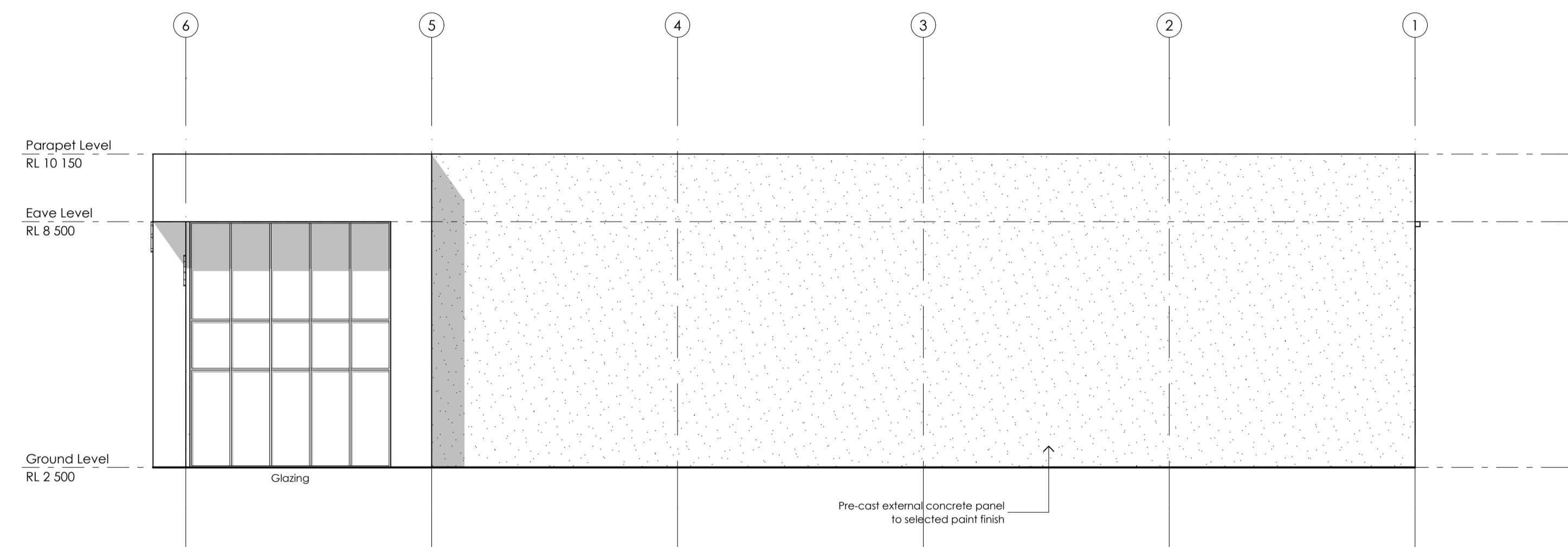
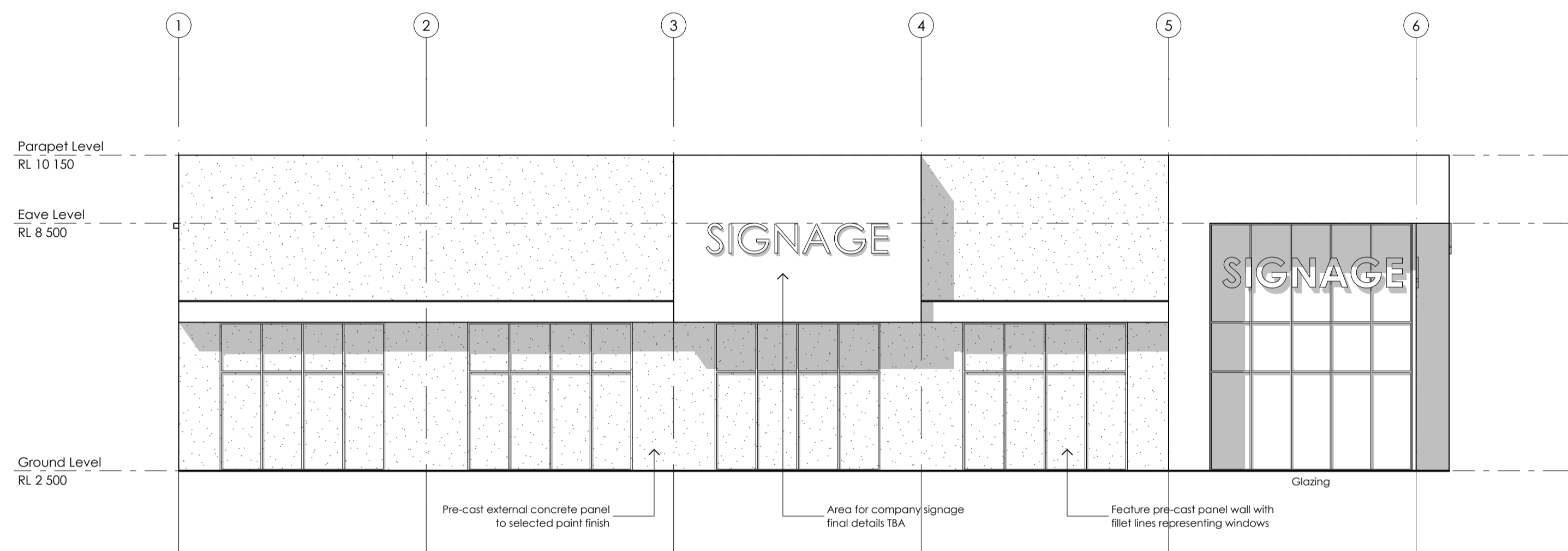
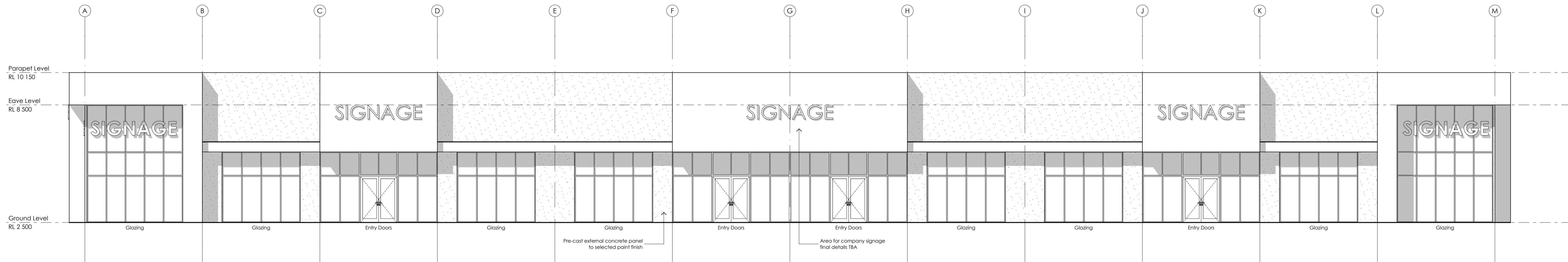
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Proposed Development

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Building A | Roof Plan

project no.	A18032	dwg no.	A302
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Building A | Elevations

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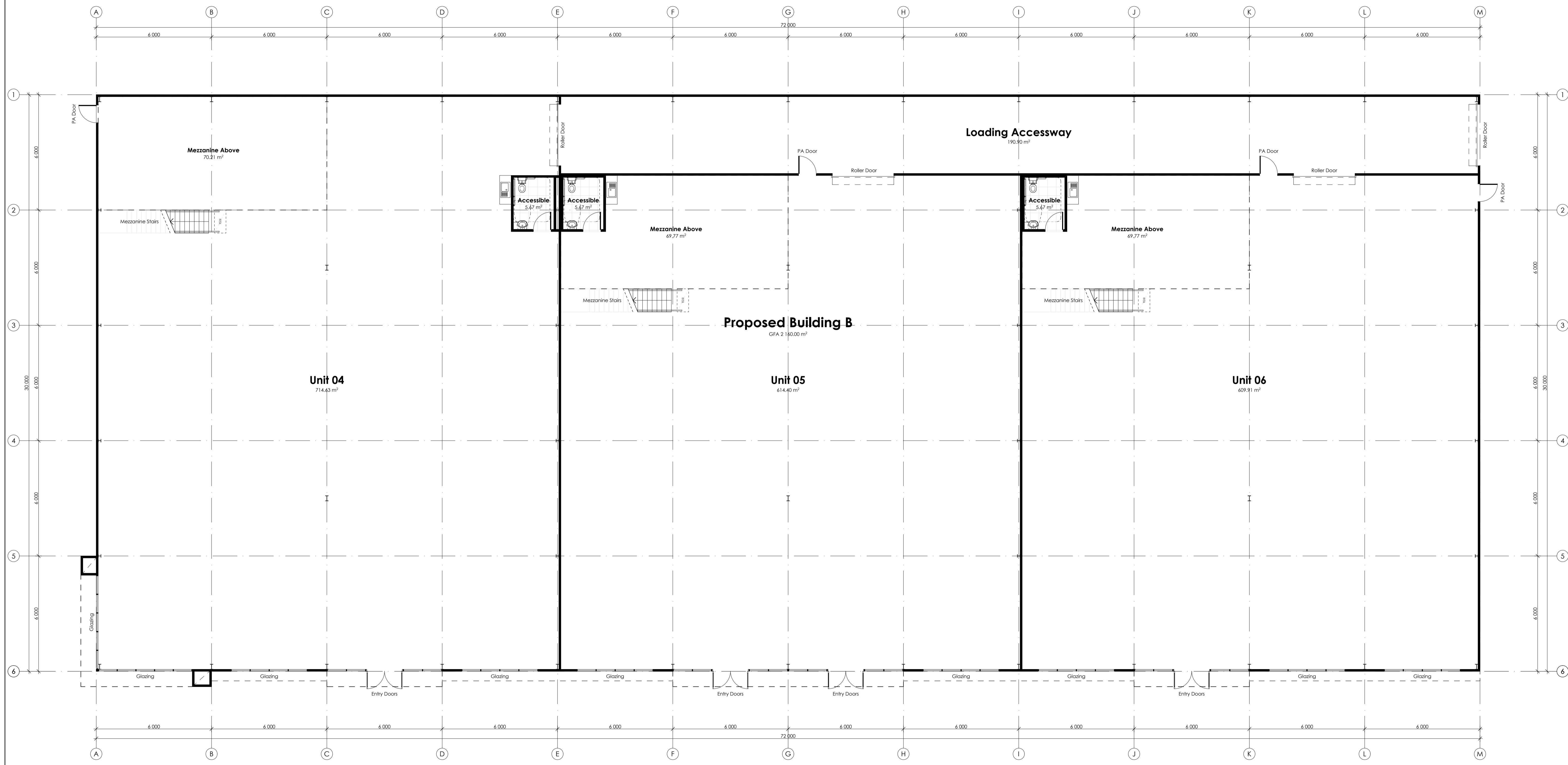
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building A | Perspective

project no.	A18032	dwg no.	A304
date:	3/02/2021	scale:	@ A1
drawn:	KB	rev no.	07



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rev no.	description
07	Revised Issue for Council
06	Revised Issue for Council
05	Revised RFI Issue

date
2/02/2021
13/10/2020
25/06/2020

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Suite 6, 257-259 Central Coast Highway
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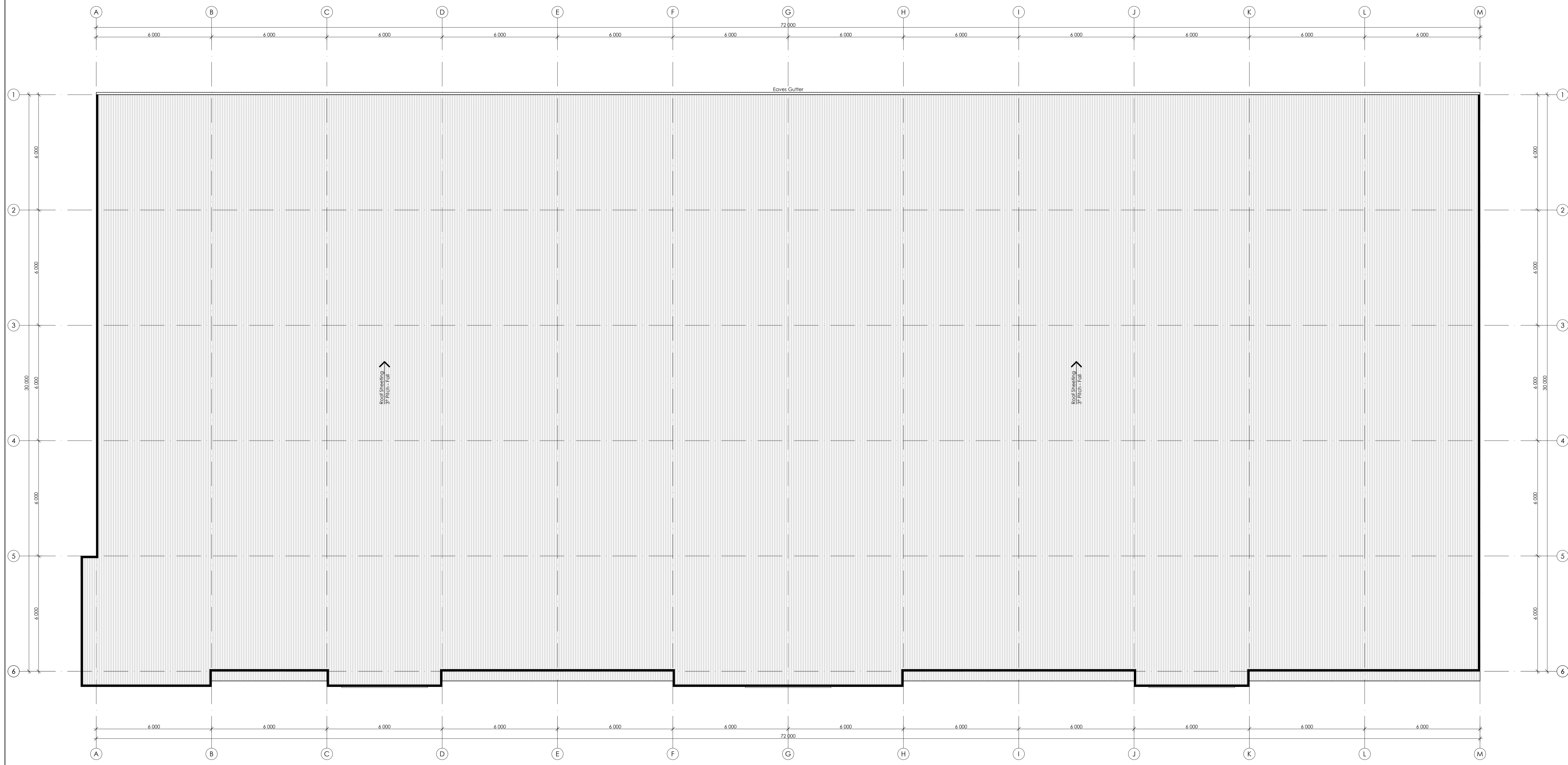
Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building B | Floor Plan

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A401
scale: 1:100 @ A1
rev no. 07



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2/02/2021
13/10/2020
25/06/2020
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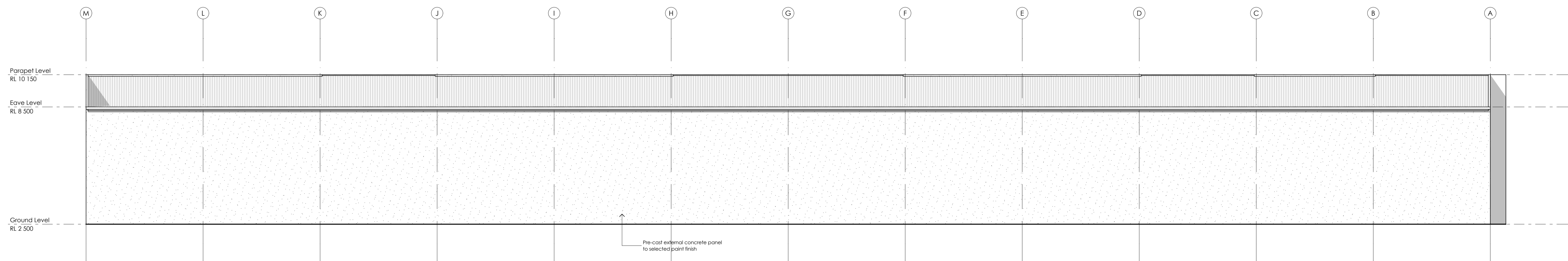
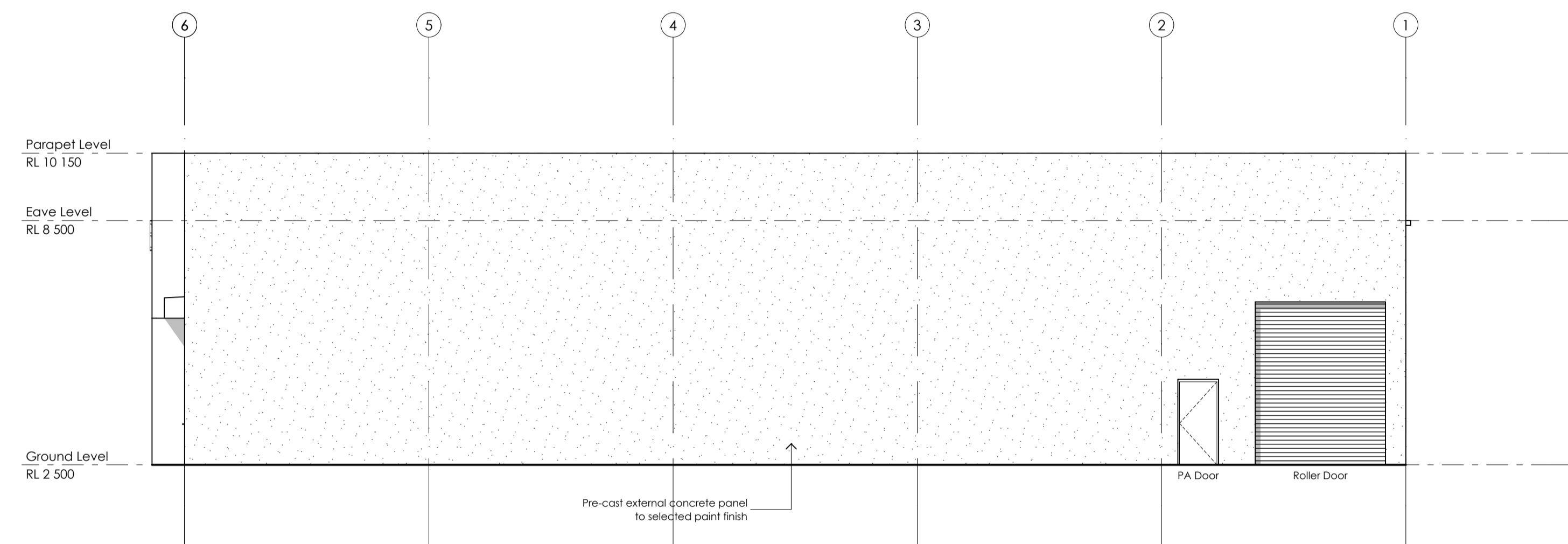
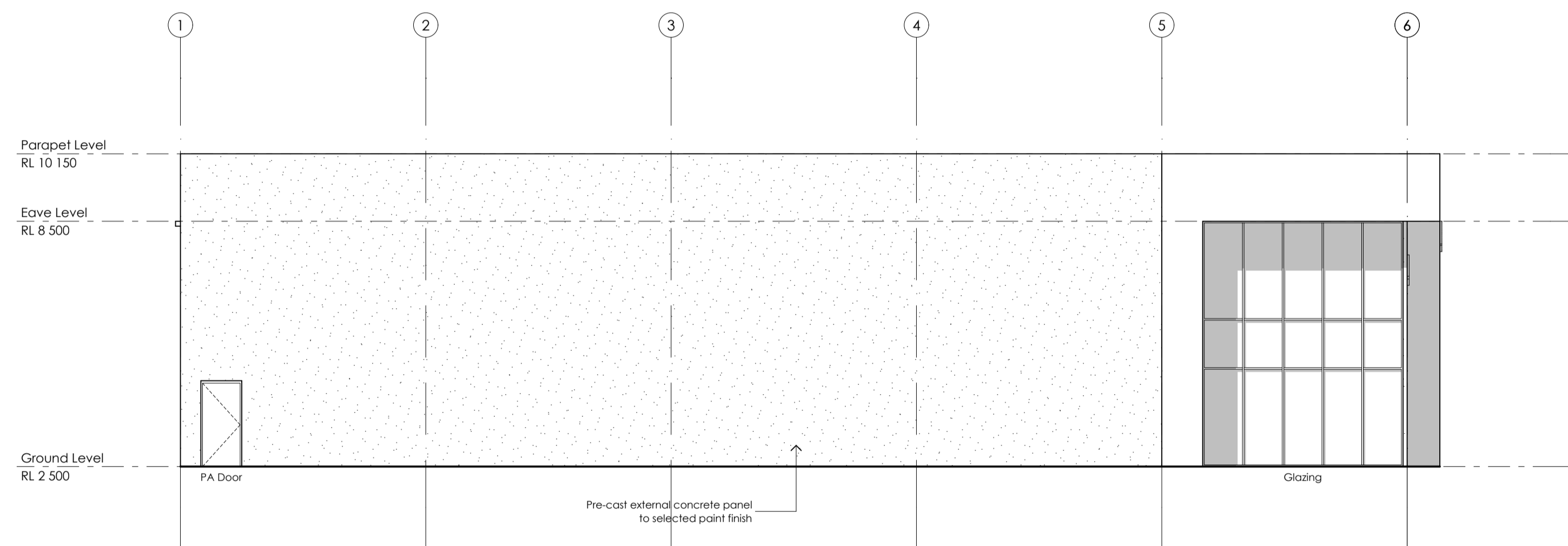
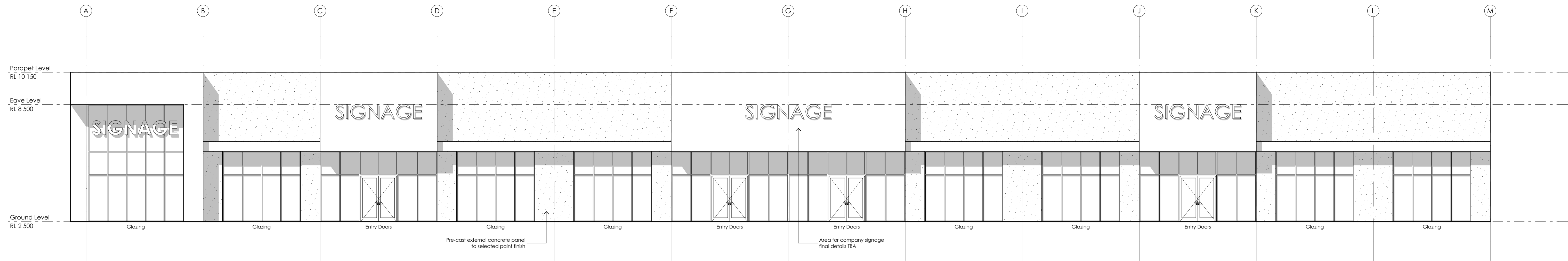
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building B | Roof Plan

project no.	A18032	dwg no.	A402
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building B | Elevations

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A403
scale: 1:100 @ A1
rev no. 07



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date
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13/10/2020
25/06/2020

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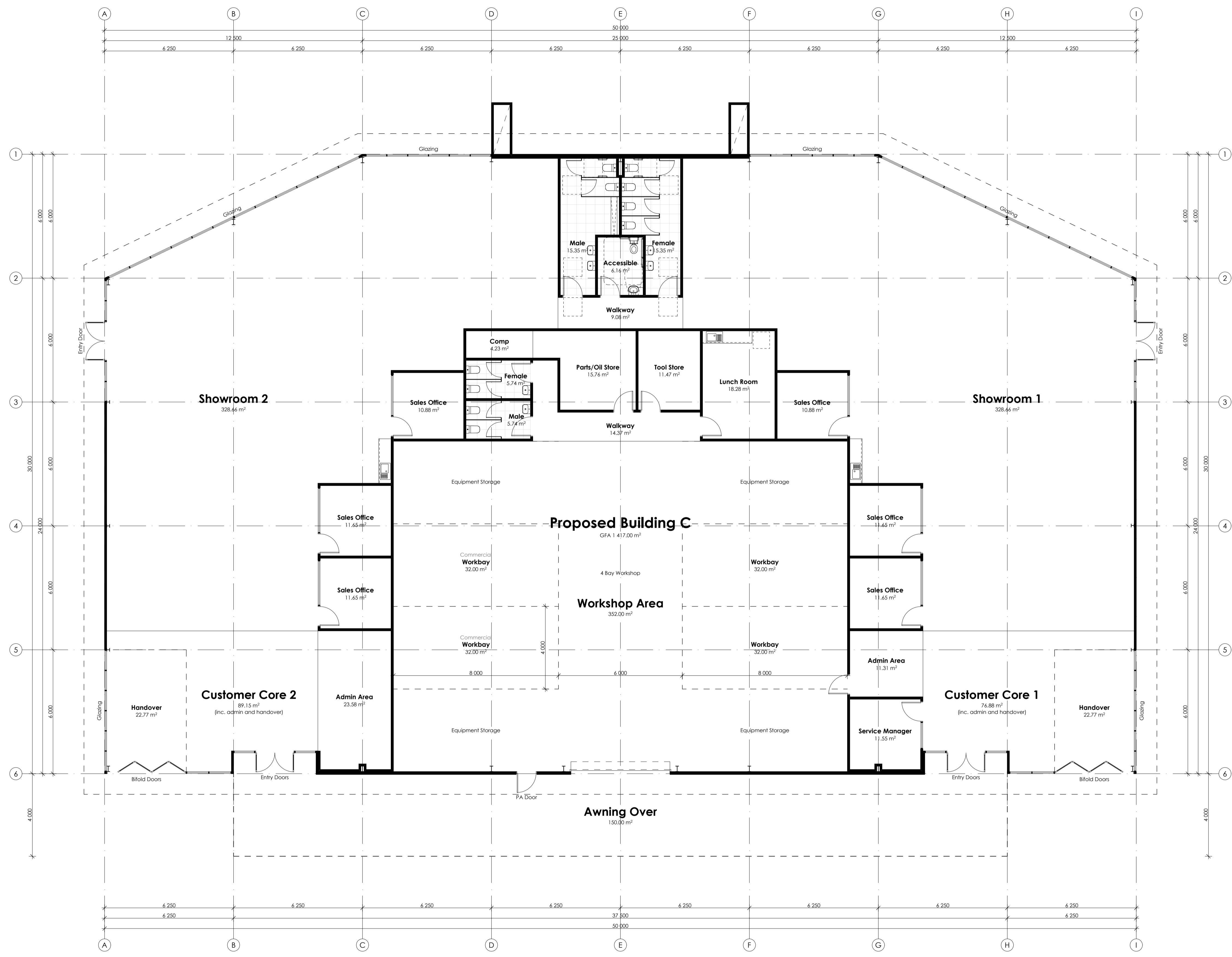
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building B | Perspective

project no.	A18032	dwg no.	A404
date:	3/02/2021	scale:	@ A1
drawn:	KB	rev no.	07



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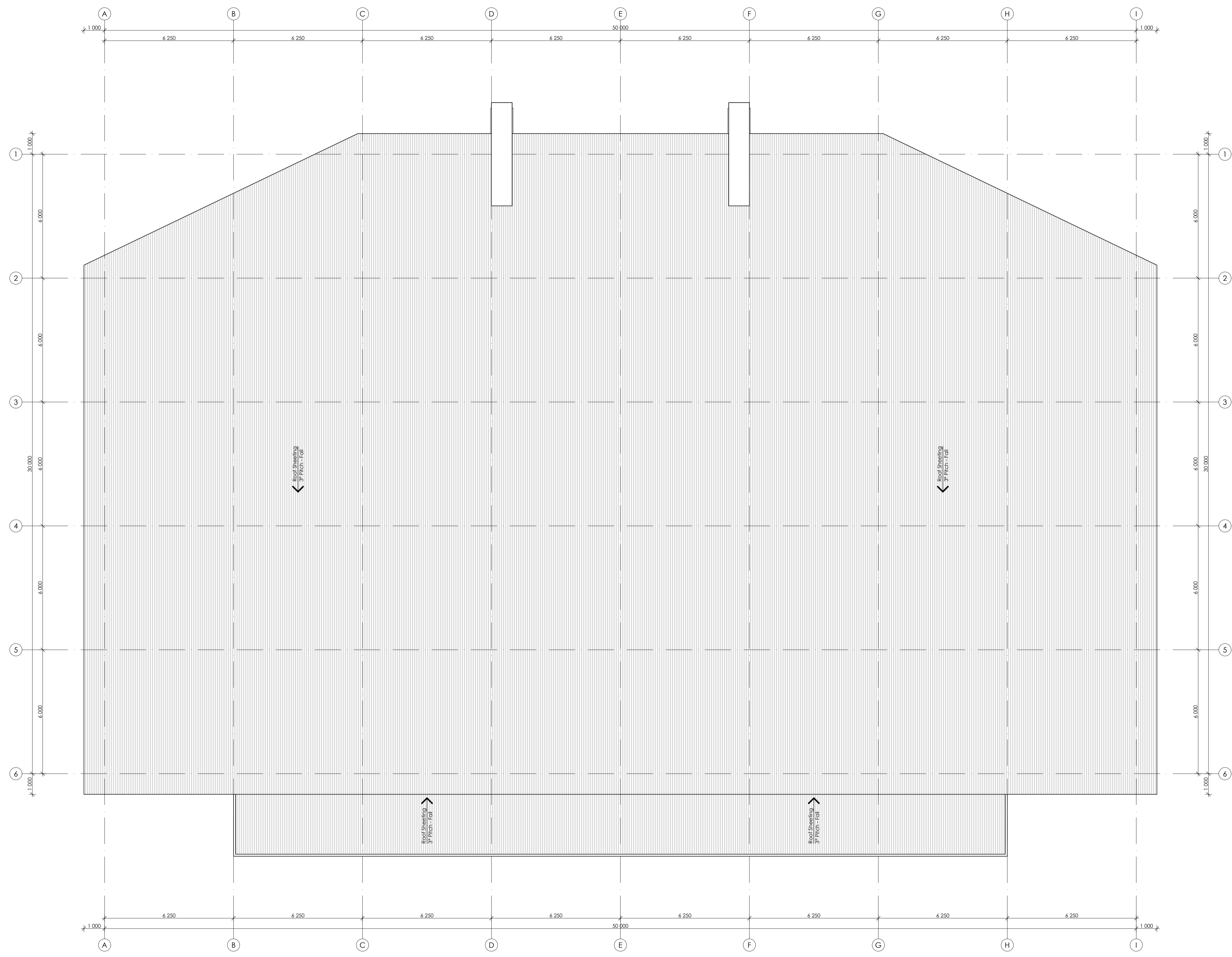
date
2/02/2021
13/10/2020
25/04/2020

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Proposed Development
Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building C | Floor Plan

project no.	A18032	dwg no.	A501
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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date
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25/06/2020

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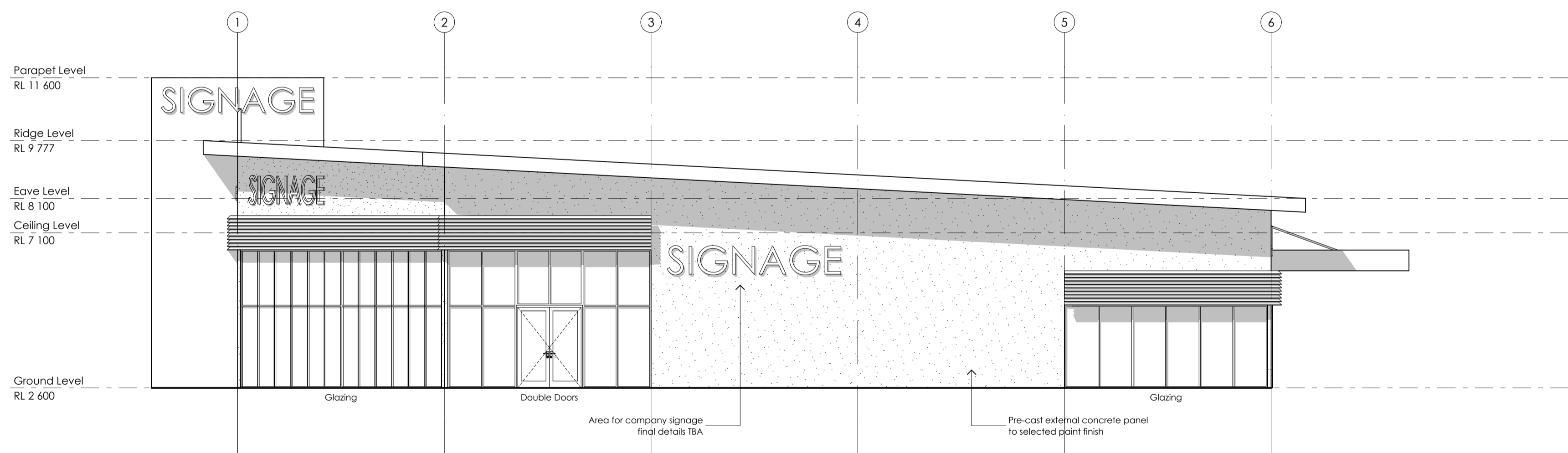
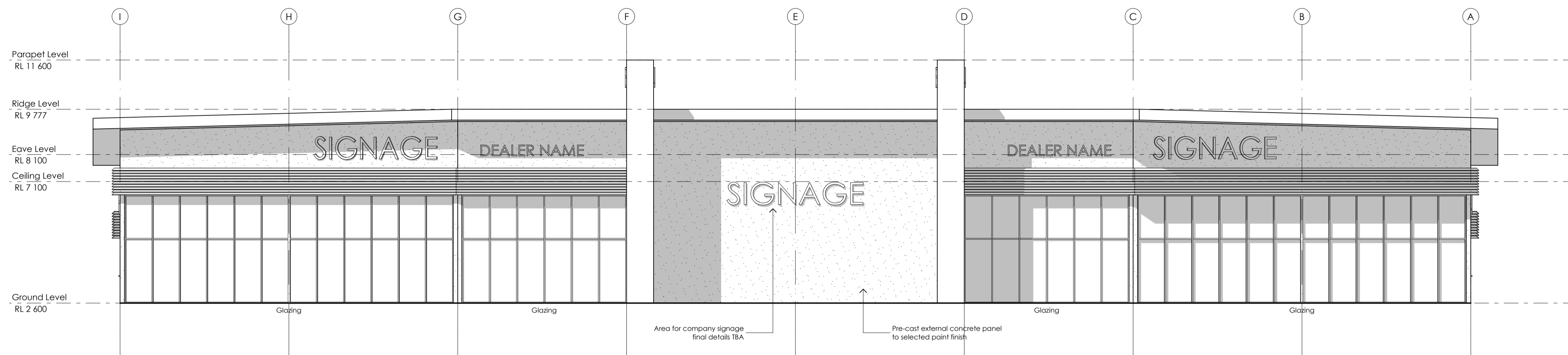
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building C | Roof Plan

project no.	A18032	dwg no.	A502
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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05	Revised RFI Issue	25/06/2020

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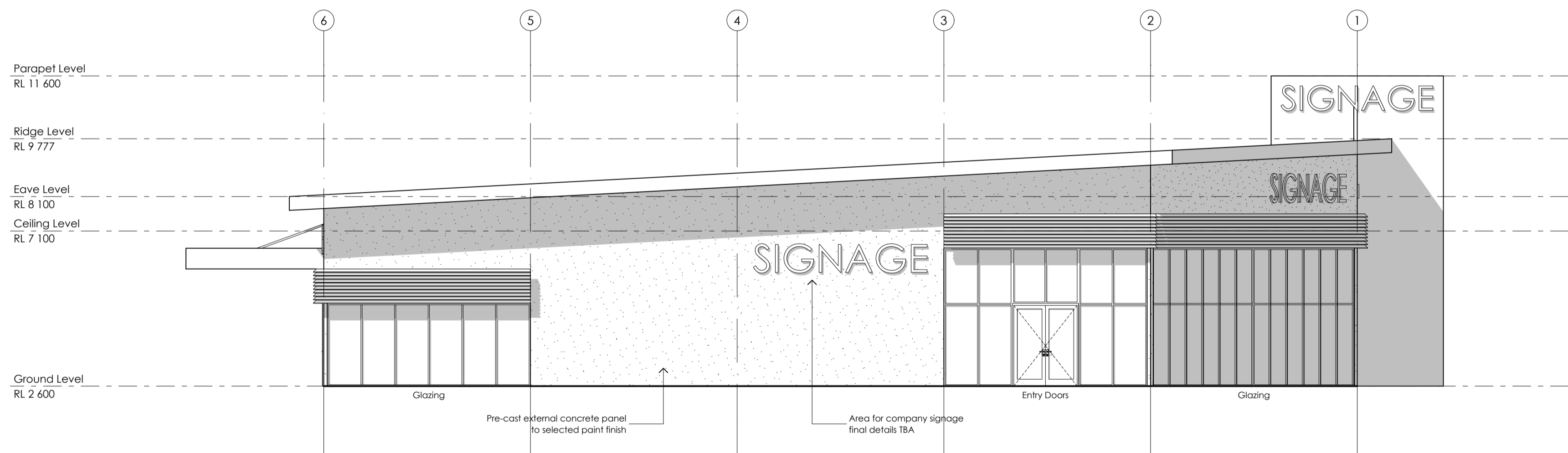
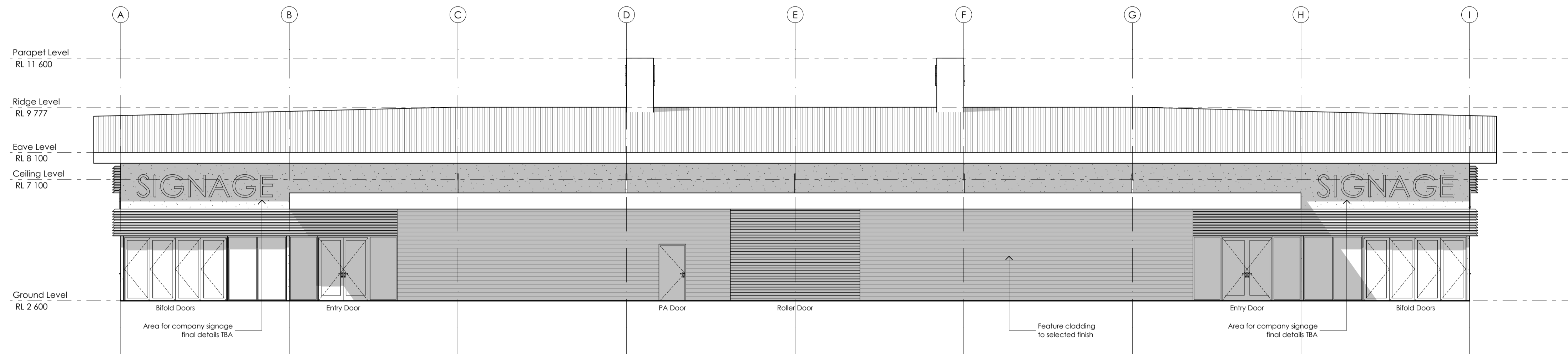
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
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Building C | Elevations

project no.	A18032	dwg no.	A503
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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06	Revised Issue for Council	13/10/2020
05	Revised RFI Issue	25/06/2020

2/02/2021
13/10/2020
25/06/2020
date

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Proposed Development

Proposed Lot 2 in a Subdivision of
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Tighes Hill, NSW 2297

Building C | Elevations

project no.	A18032	dwg no.	A504
date:	3/02/2021	scale:	1:100 @ A1
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13/10/2020
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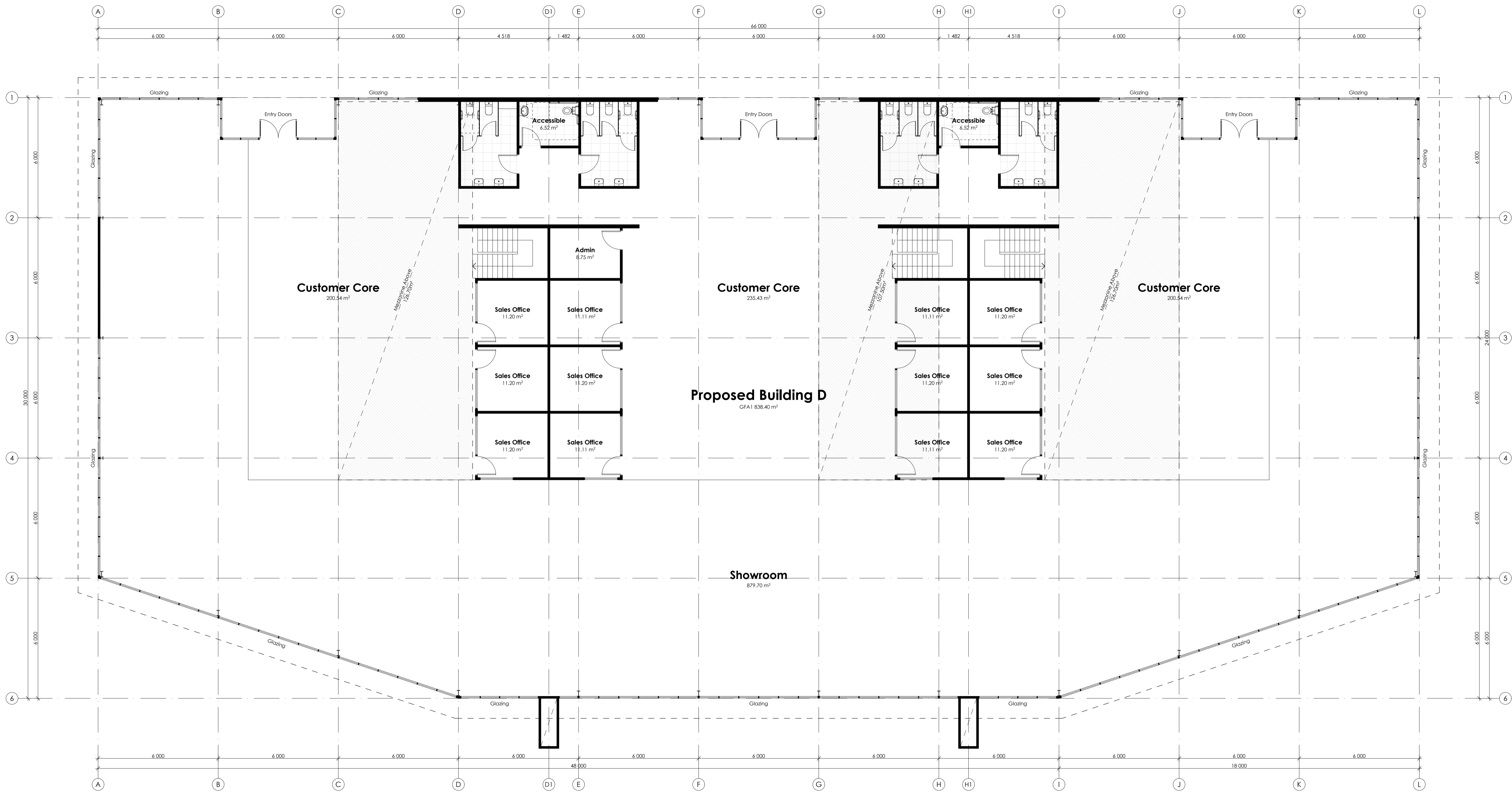
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Proposed Development

Proposed Lot 2 in a Subdivision of
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Building C | Perspective

project no.	A18032	dwg no.	A505
date:	3/02/2021	scale:	@ A1
drawn:	KB	rev no.	07



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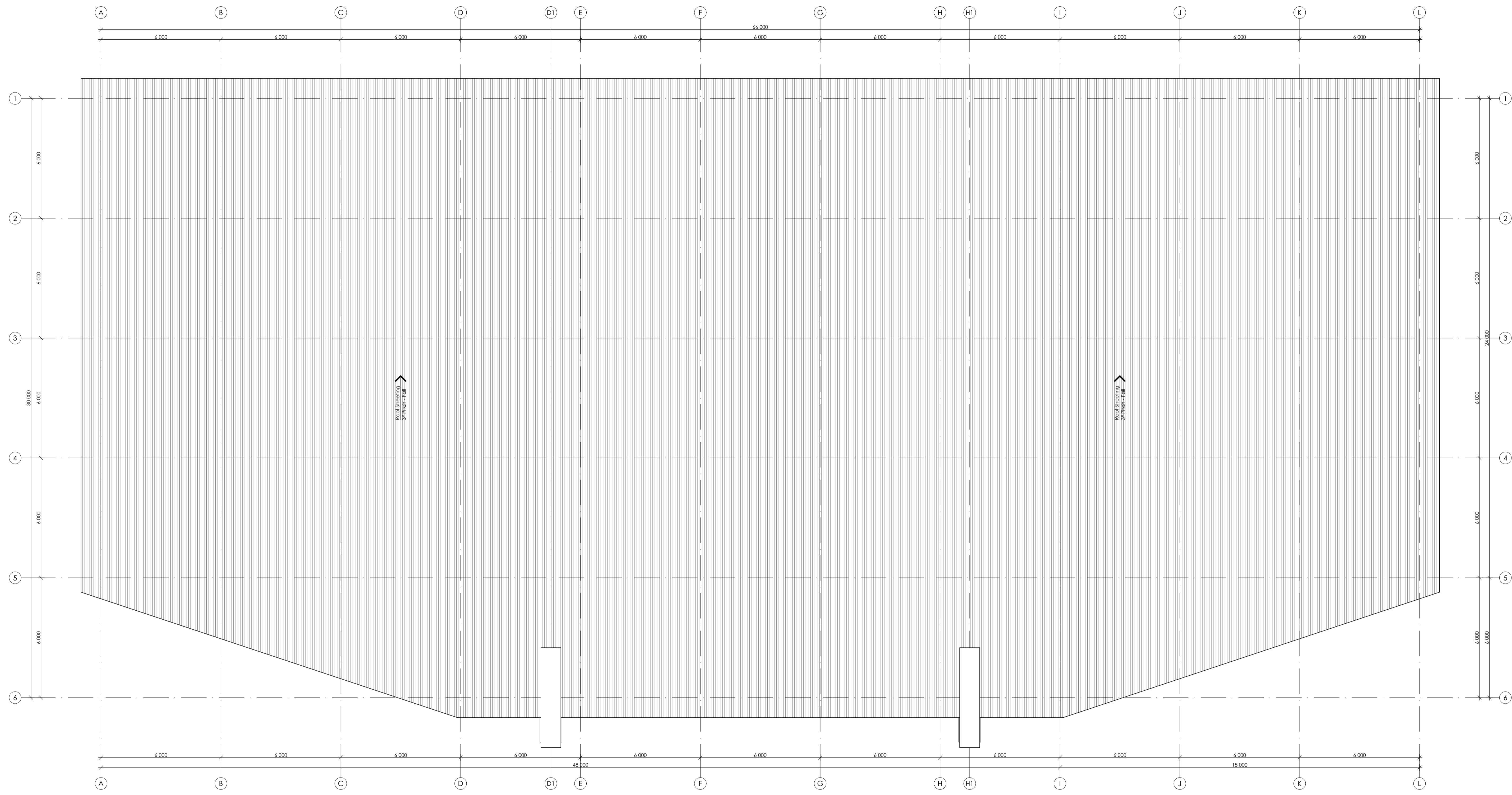
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building D | Floor Plans

project no.	A18032	dwg no.	A601
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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date
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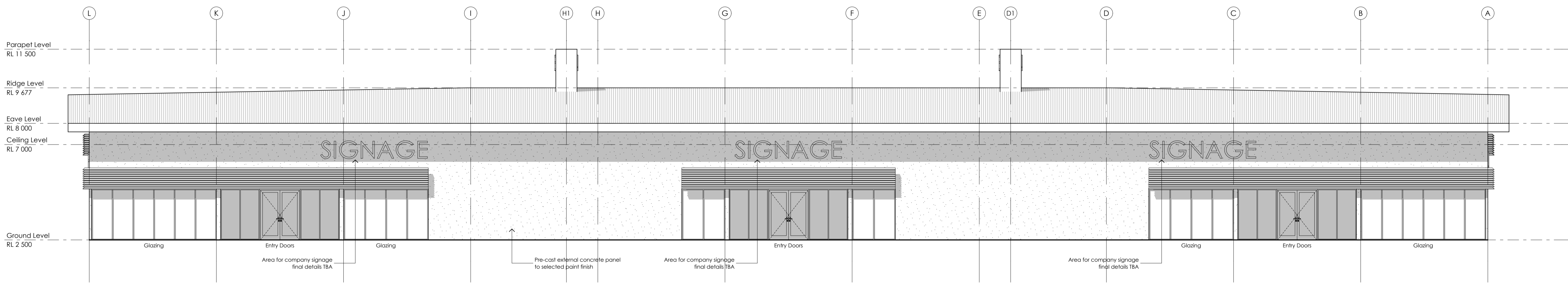
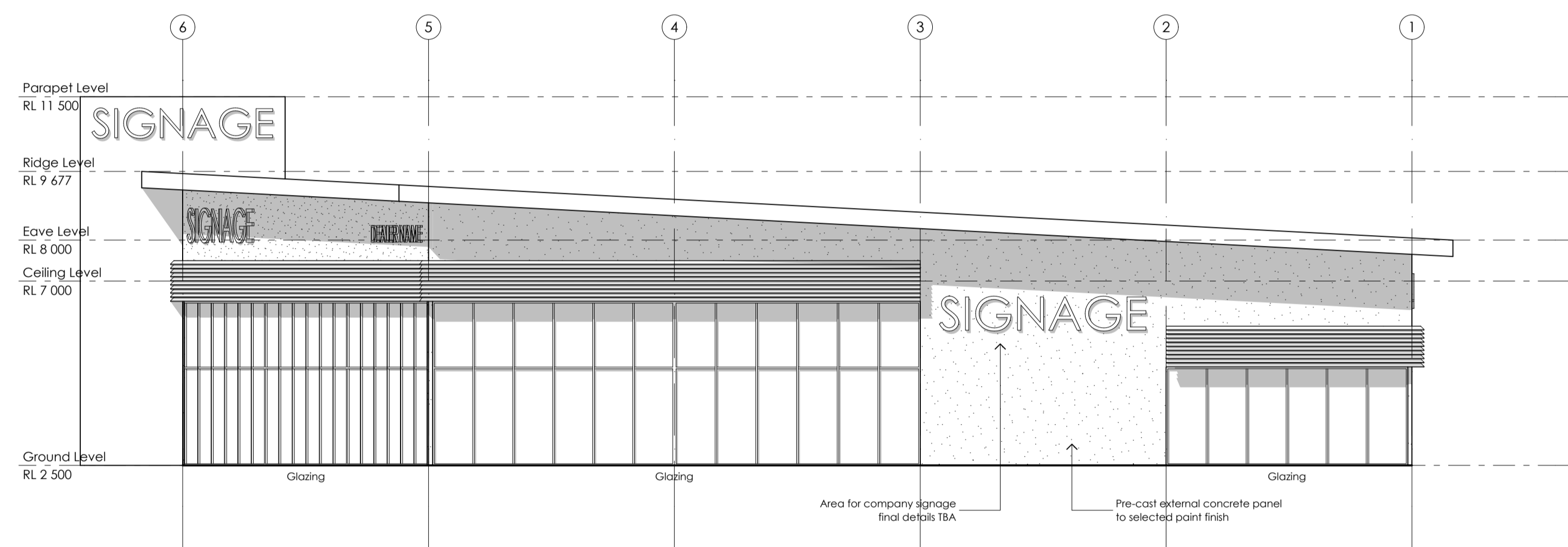
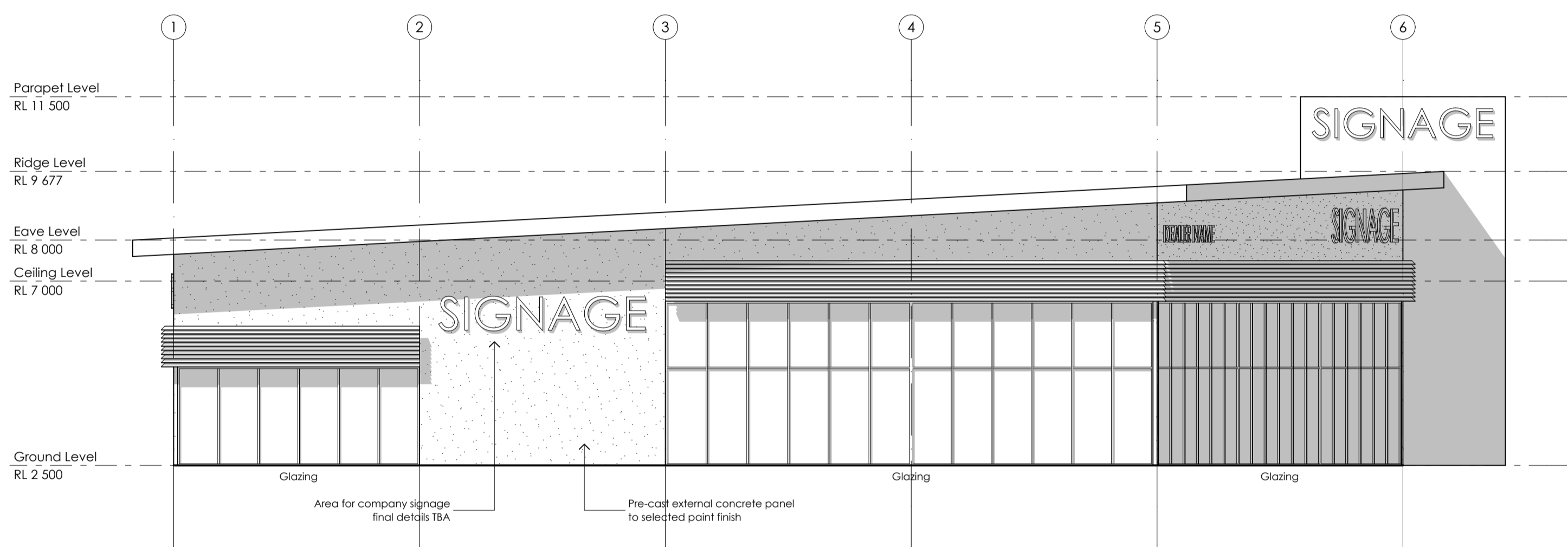
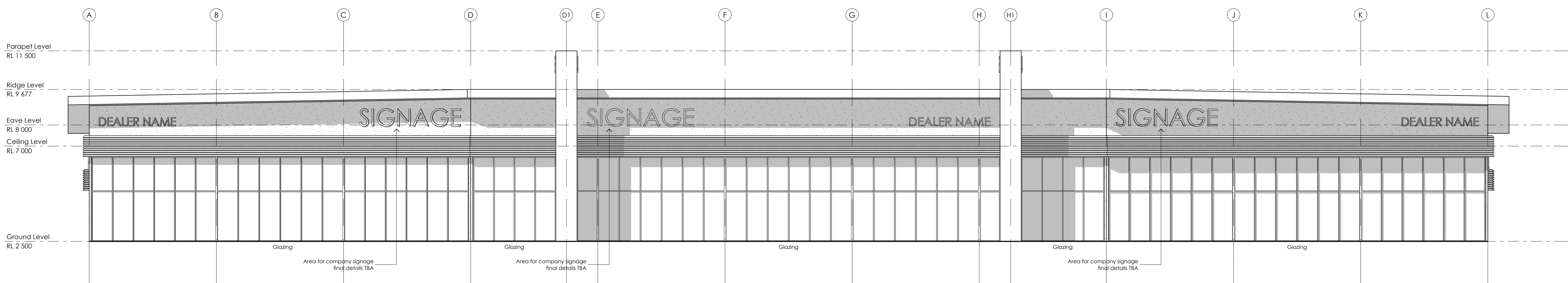
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building D | Roof Plan

project no.	A18032	dwg no.	A602
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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date
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13/10/2020
25/04/2020

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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building D | Elevations

project no.	A18032	dwg no.	A603
date:	3/02/2021	scale:	1:100 @ A1
drawn:	KB	rev no.	07



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13/10/2020
25/04/2020

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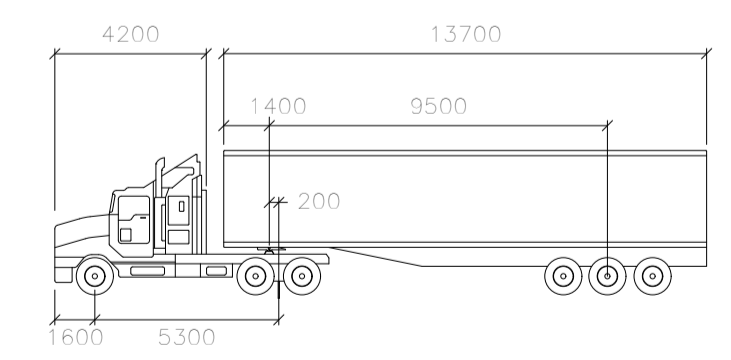
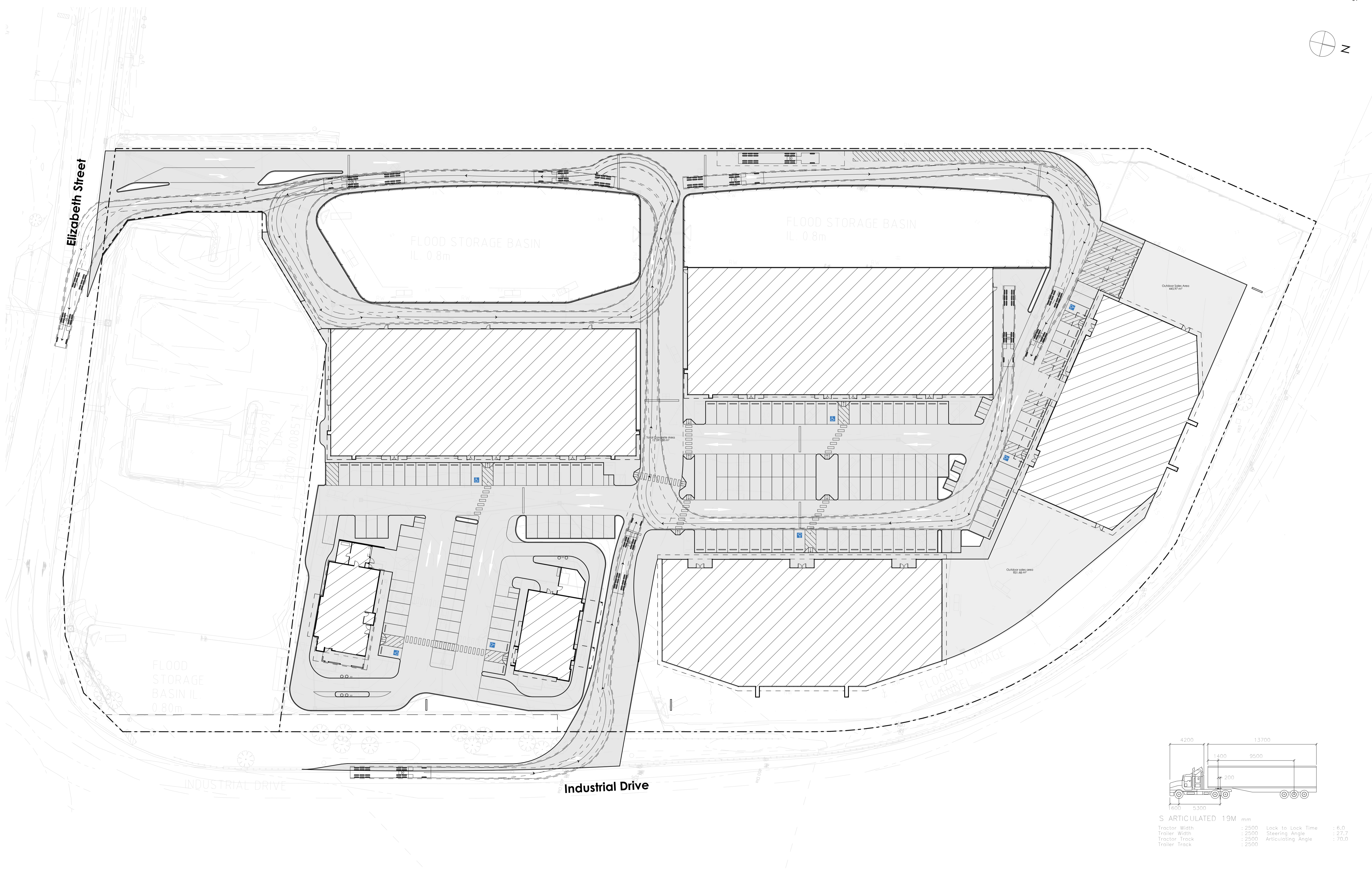
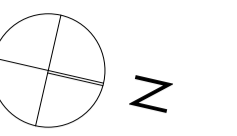
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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Building D | Perspective

project no.	A18032	dwg no.	A604
date:	3/02/2021	scale:	@ A1
drawn:	KB	rev no.	07



S ARTICULATED 19M mm

Tractor Width	: 2500	Lock to Lock Time	: 6.0
Trailer Width	: 2500	Steering Angle	: 27.7
Tractor Track	: 2500	Articulating Angle	: 70.0
Trailer Track	: 2500		



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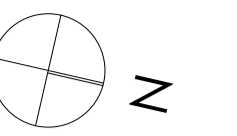
Suite 6, 257-259 Central Coast Highway
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Proposed Development

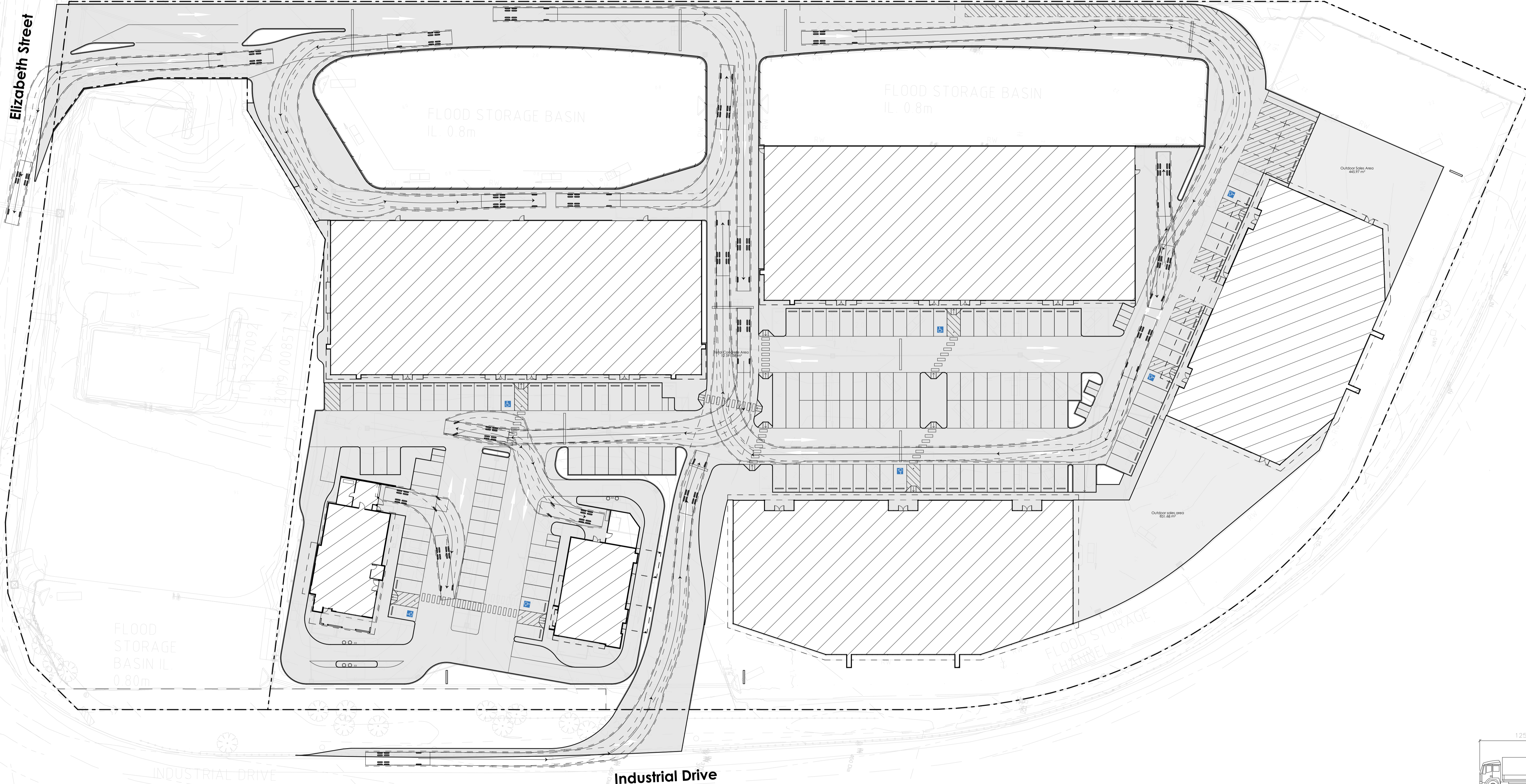
Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Turning Template | Semi 19m

project no.	A18032	dwg no.	A701
date:	3/02/2021	scale:	1:400 @ A1
drawn:	KB	rev no.	07



Elizabeth Street



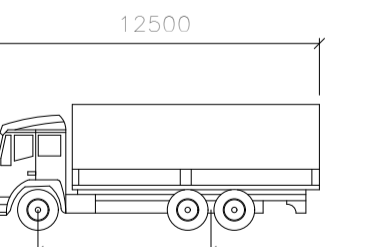
FLOOD STORAGE BASIN IL. 0.80m

FLOOD STORAGE BASIN IL. 0.8m

FLOOD STORAGE CHANNEL

INDUSTRIAL DRIVE

Industrial Drive



SU TRUCK
Width : 2500
Track : 2500
Lock to Lock Time : 6.0
Steering Angle : 36.6



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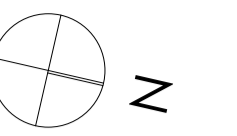
Proposed Development

Proposed Lot 2 in a Subdivision of
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Tighes Hill, NSW 2297

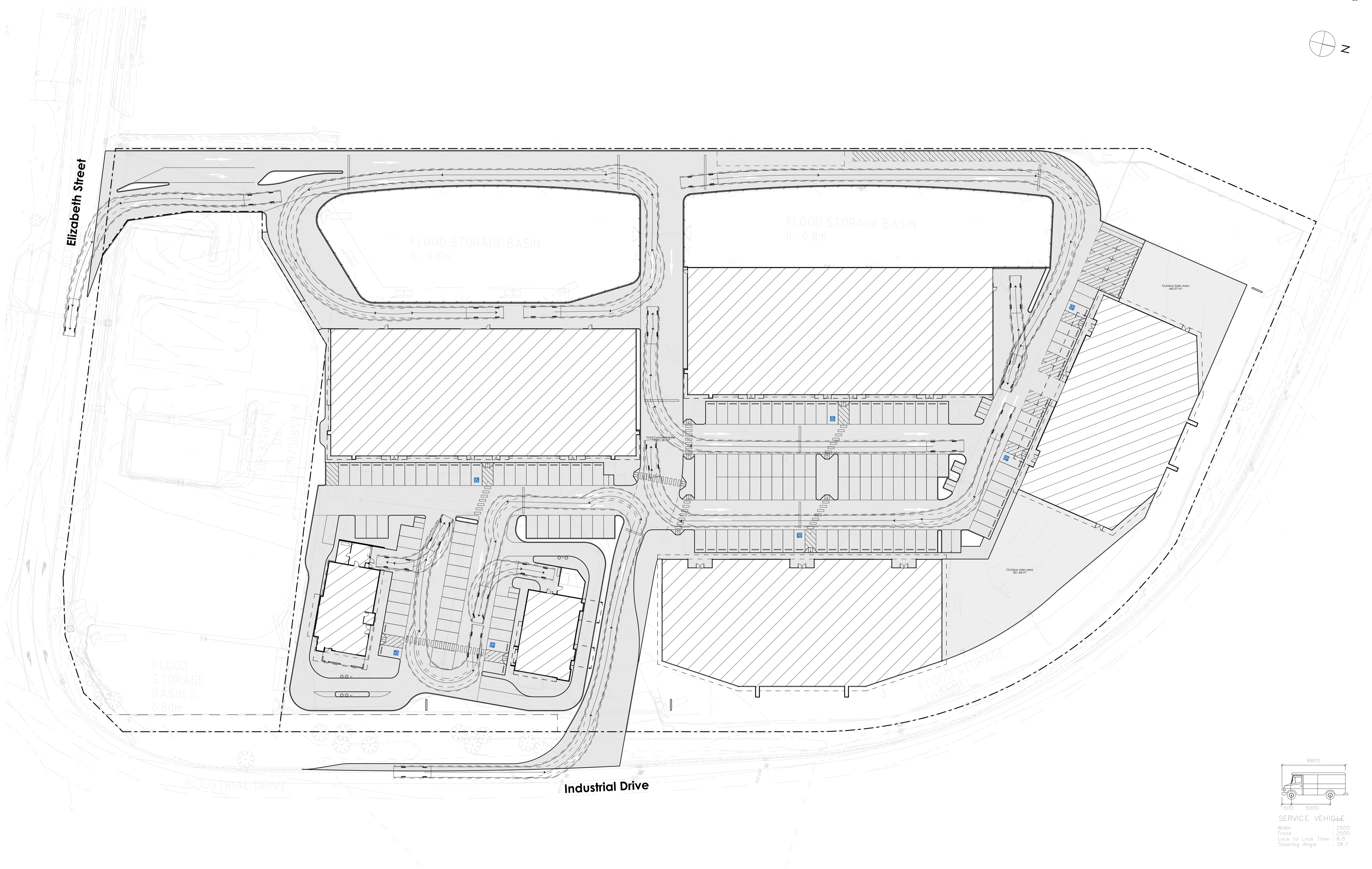
Turning Template | Service Truck 12.5m

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A702
scale: 1:400 @ A1
rev no. 07



Elizabeth Street



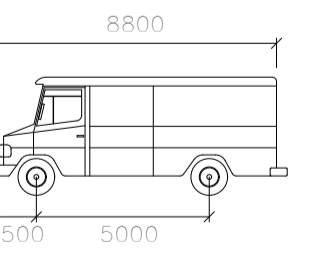
FLOOD STORAGE BASIN IL 0.80m

FLOOD STORAGE BASIN IL 0.8m

FLOOD STORAGE CHANNEL

INDUSTRIAL DRIVE

Industrial Drive



SERVICE VEHICLE
Width : 2500
Track : 2500
Lock to Lock Time : 6.0
Steering Angle : 38.7



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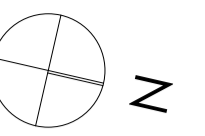
Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

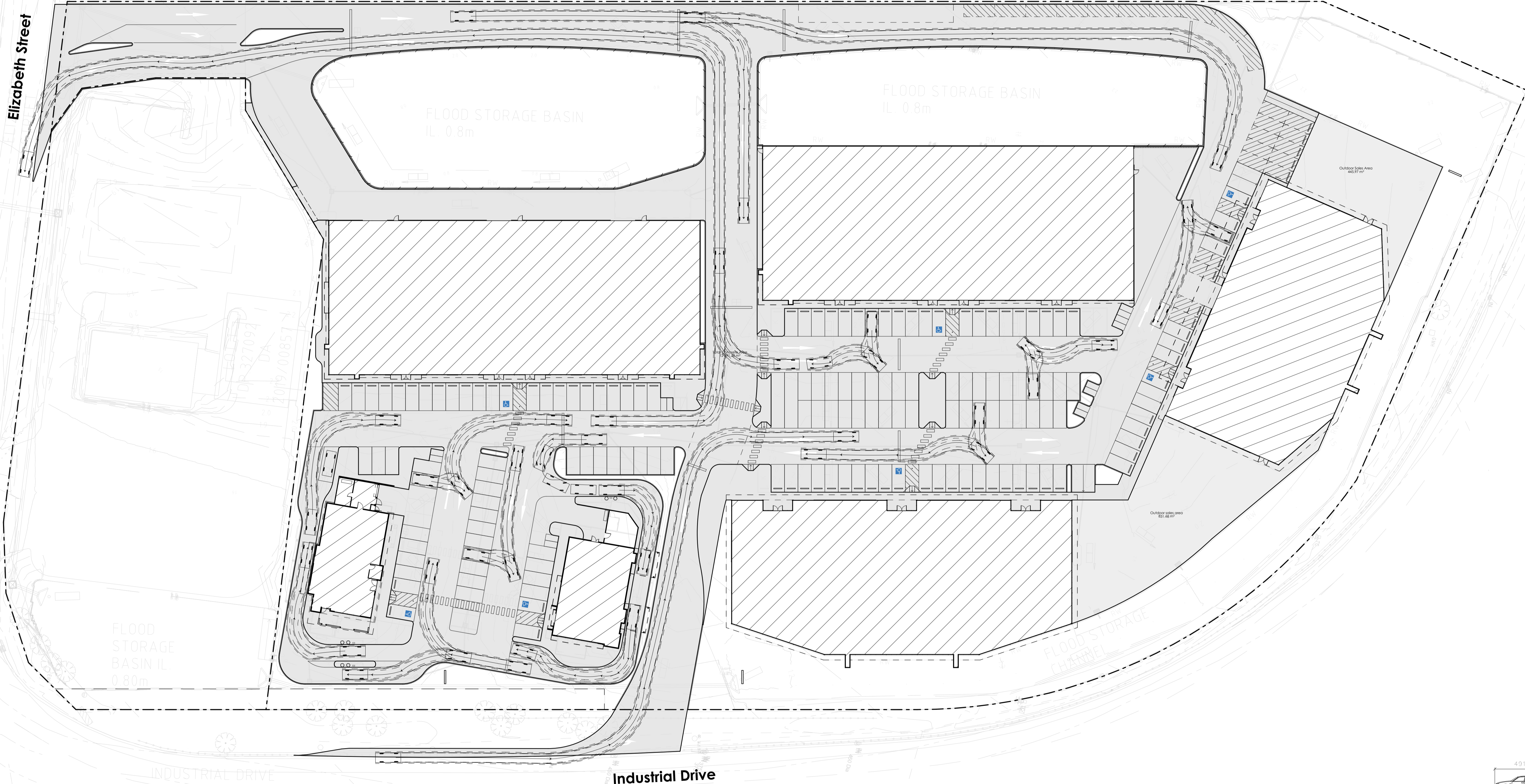
Turning Template | Service Truck 8.8m

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A703
scale: 1:400 @ A1
rev no. 07



Elizabeth Street



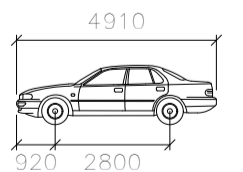
FLOOD STORAGE BASIN IL 0.80m

FLOOD STORAGE BASIN IL 0.8m

FLOOD STORAGE CHANNEL

INDUSTRIAL DRIVE

Industrial Drive



B85
Width : 1870
Track : 1770
Lock to Lock Time : 6.0
Steering Angle : 34.0



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rev no.	description
05	Revised Issue for Council
04	Revised Issue for Council
03	Revised RFI Issue

date
2/02/2021
13/10/2020
25/04/2020

Stevens Group

Suite 6, 257-259 Central Coast Highway
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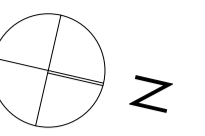
Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

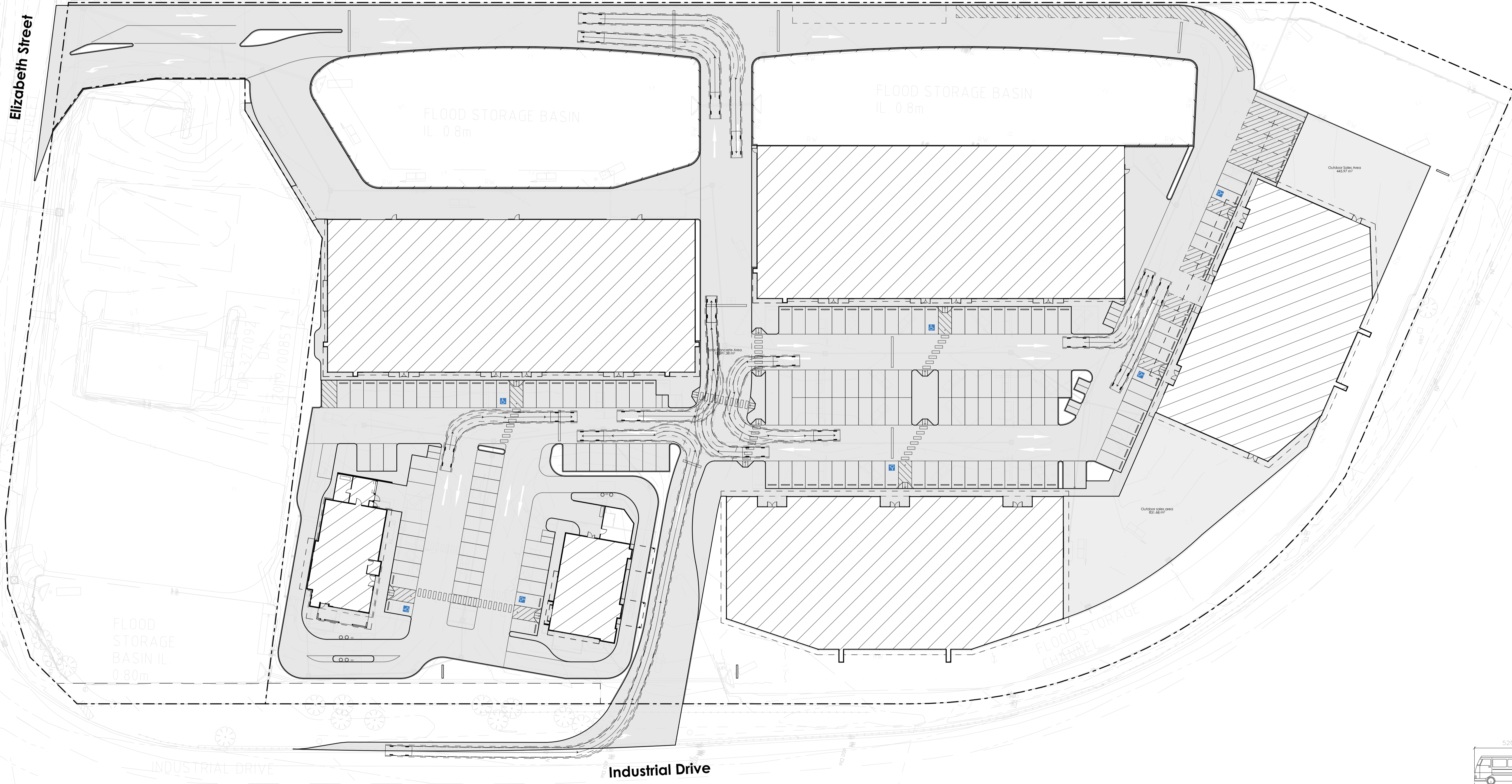
Turning Template | Car / B85

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A704
scale: 1:400 @ A1
rev no. 05



Elizabeth Street



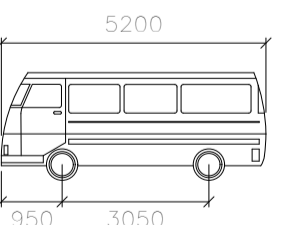
FLOOD STORAGE BASIN IL 0.80m

FLOOD STORAGE BASIN IL 0.8m

FLOOD STORAGE CHANNEL

INDUSTRIAL DRIVE

Industrial Drive



VAN
Width : 1940
Track : 1840
Lock to Lock Time : 6.0
Steering Angle : 33.5



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rev no.	description
05	Revised Issue for Council
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13/10/2020
25/04/2020

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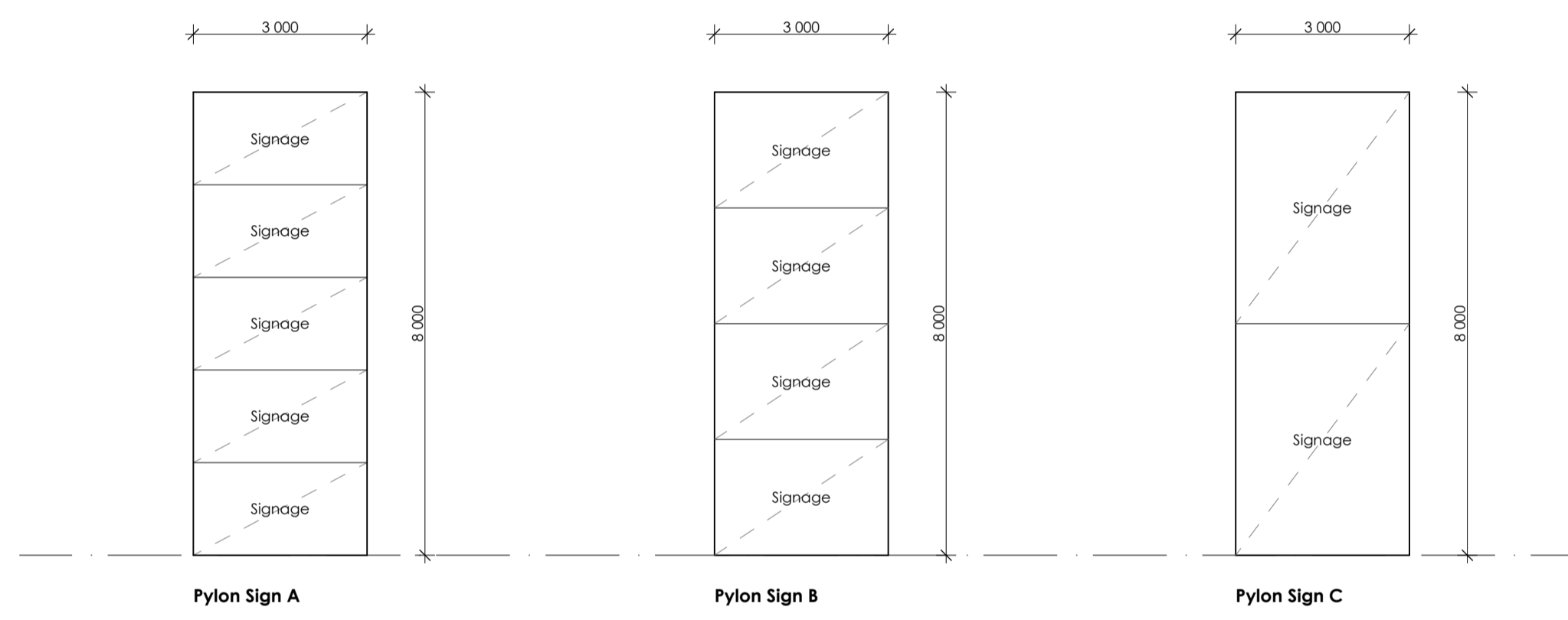
Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Turning Template | Van / B99

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A705
scale: 1:400 @ A1
rev no. 05



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rev no.	description
07	Revised Issue for Council
06	Revised Issue for Council
05	Revised RFI Issue

date
2/02/2021
13/10/2020
25/06/2020

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Proposed Development

Proposed Lot 2 in a Subdivision of
Lot 1 DP327092, No.110 Elizabeth Street
Tighes Hill, NSW 2297

Pylon Signs

project no. A18032
date: 3/02/2021
drawn: KB

dwg no. A801
scale: 1:100 @ A1
rev no. 07



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 20/07/21 – 110 ELIZABETH STREET TIGHES HILL -
DA2020/00011 - TAKEAWAY FOOD AND DRINK PREMISES,
HARDWARE AND BUILDING SUPPLIES, VEHICLE SALES OR HIRE
PREMISES AND ASSOCIATED SITE WORKS**

ITEM-11 Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER



Application No: DA2020/00011

Land: Part Lot 1 DP 327092

Property Address: 110 Elizabeth Street Tighes Hill NSW 2297

Proposed Development: Commercial - erection of take away food and drink premises, hardware and building supplies, vehicle sales or hire premises and associated site works

SCHEDULE 1

APPROVED DOCUMENTATION AND ADMINSTRATIVE CONDITIONS

- The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Plans	Proj – A18032 Dwg No: - A003 Rev 7 A101 Rev 7 A102 Rev 7 A103 Rev 7 A401 Rev 7 A402 Rev 7 A403 Rev 7 A501 Rev 7 A502 Rev 7 A503 Rev 7 A504 Rev 7 A601 Rev 7 A602 Rev 7 A603 Rev 7	GWH	3/2/21
Landscape Plans	Proj SS19-4234 Dwg No:- 00 Iss B 101 Iss B 102 Iss B 103 Iss B 104 Iss B 501 Iss A	Site Image Landscape Architects	6 & 7/11/19
Letter from EP Risk Management Pty Ltd	Addendum to the Environmental Management Plan, DA2019/00857 - Service Station	EP Risk Management Pty Ltd	17 January 2020

	Development - EP1520.001		
Environmental Management Plan	EP1042.001_v2	Report: EP Risk Management Pty Ltd (2019)	20 June 2019

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

OTHER APPROVALS

2. A separate application must be lodged and consent obtained from Council for all works associated with the Stormwater Connection works from the site to Throsby Creek via 75 Elizabeth Street Tighes Hill within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council before the issue of a Construction Certificate.
3. A controlled activity approval under Section 91 of the *Water Management Act 2000* is to be obtained and provided to the certifying authority prior to the issue of any Construction Certificate due to the proposed stormwater works connecting drainage to Throsby Creek.

Note: Where dewatering of the ground waters associated with the development is also proposed, these works will also need an approval under the *Water Management Act 2000*.

4. A separate Type 2 application must be lodged and consent obtained from Council for all works associated with the public domain upgrade and traffic related works within the Elizabeth Street road reserve pursuant to Section 138 of the *Roads Act 1993 (NSW)*. The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council before the issue of a Construction Certificate.
5. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of stormwater to Throsby Creek, water supply and sewerage services, including the payment of any required contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's certificate of compliance (refer s50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.
6. Prior to the issue of a construction certificate, written evidence from Transport for NSW (TfNSW) is to be submitted to the Certifying Authority indicating the initiation of the Works Authorisation Deed (WAD) has occurred.
7. A separate development application is required to obtain consent for any proposal, individually or combined on the subject site, which would exceed the trigger threshold criteria for preparation a *Preliminary Hazard Analysis* under the provisions of *State Environmental Planning Policy 33 - Hazardous and Offensive Development*.
8. A separated development application is required for any signage which is except when such signage meets '*exempt development*' criteria. Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position.

DEVELOPMENT CONTRIBUTIONS

9. A total monetary contribution of \$185,469.09 is to be paid to the City of Newcastle, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of the first occupation certificate in respect of the proposed development.

The payment deferral arrangements enabling payment prior to the issue of the first occupation certificate applies from the 8th July 2020 to when the COVID-19 prescribed period ends. The payment deferral arrangements cease to apply if a construction certificate has not been issued for the development by 25 September 2022.

Note:

- i) This condition is imposed in accordance with the provisions of the City of Newcastle's *Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019*.
- ii) The City of Newcastle's *Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019* permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement.
- iii) Certifiers are required to obtain documentation from City of Newcastle confirming the payment of infrastructure contributions prior to the issuing of an occupation certificate.
- iv) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and, as a guide, these approximate dates are as follows:

Indexation quarters	Approximate release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact City of Newcastle's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

ENGINEERING – TRAFFIC, PARKING & PUBLIC DOMAIN

10. On-site parking accommodation is to be provided for a minimum of 177 vehicles (includes 10 Staff and 7 Disabled parking spaces), 14 Motorbike and 24 Bicycle spaces and generally in accordance with the Architectural Plan Project No. A18032 Dwg No. A003 Rev 07 dated 02/02/2021 and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.
11. The car parking and vehicular access is to be designed to comply with AS/NZS

2890.1:2004 - Parking facilities - Off-street car parking, AS/NZS 2890.2:2018 - Parking facilities - Off-street commercial vehicle facilities and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.

12. A suitable traffic management device in the form of a line marking & safety devices, speed, parking, traffic control & management, and pedestrian management signs and line markings and left out signs at the exit driveway on Elizabeth Street are to be installed in an appropriate location within the site, such device to be constructed in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
13. The Developer designing the following works in connection with the proposed development within the Elizabeth Street public road reserve, adjacent to the site, at no cost to Council and in accordance with Council's guidelines and design specifications and generally based on the Strategic Concept Plans prepared by Northrop Job No. NL182112 Dwg No's SD-C01.02 and NCTC approval dated 15 March 2021 Item No. 506
 - a) Civil and landscaping works generally based on the concept plans.
 - b) Minimum 1.2m wide concrete footpath along southern side of Elizabeth Street between existing footpath termination point at Kings Road up to the proposed driveway
 - c) P3 street lighting on Elizabeth Street due to increased pedestrian movements.
 - d) New kerb and gutter and associated stormwater works along the site frontage on Elizabeth Street.
 - e) Reinstatement kerb at redundant driveway crossovers on Elizabeth Street and Industrial Drive.
 - f) Relocation and upgradation of both bus stops to Council/DDA standards.
 - g) Services relocation/adjustment as required.
 - h) Associated drainage works

Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

14. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers. Details are to be included in documentation for a Construction Certificate application.
15. An industrial vehicular crossing is to be constructed across the road reserve on Elizabeth Street, in accordance with the following criteria:
 - a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
 - b) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
 - c) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
 - d) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the Roads Act 1993

(NSW) has been granted by Council. An application under Section 138 must be lodged and consent obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate.

ENGINEERING – STORMWATER & DRAINAGE

16. Roof water is to be directed to the proposed water tanks and be reticulated to any new toilet cisterns and cold water washing machine taps and landscaping areas. A mains water top-up system is to be installed to maintain a minimum water depth of 100mm within the tank. Alternatively, an electronically activated mechanical valve device is to be installed to switch to mains water when the water level in the tank falls below the minimum depth. The water tank and plumbing are to be installed in accordance with the Plumbing Code of Australia. Full details are to be included in documentation for a Construction Certificate application.
17. Overflows from the roof water tank, proposed basins and any additional discharge controls (if required) are to be directed to Throsby Creek (Hunter Water Drainage System) via the proposed easement on 75 Elizabeth St, Tighes Hill and proposed stormwater system by means of an interallotment drainage line or underground pipe. Full details are to be included in documentation for a Construction Certificate application.

Note: A separate approval maybe required by Hunter Water for the proposed discharge connection to Throsby Creek.

18. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Northrop Job No.NL182112 (Drg. No. C012.01 Rev G dated 14/10/2020. Full details are to be included in documentation for a Construction Certificate application.
19. A structural engineer is to determine the location and depth of the proposed stormwater basins and stormwater treatment filter vault and certify that it will not adversely affect any building foundation footings or slabs when the basin/tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and The City of Newcastle's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a construction certificate.
20. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
21. Suitable overland flowpath/floodways are to be provided within the site, as outlined in the Engineering details and calculations submitted in support of the Development Application, sufficient to allow floodwaters to pass freely through the site. Plans indicating full details of the required floodways and the design of such are to be included in documentation for a Construction Certificate application.
22. Groundwater shall not be allowed to be discharged into adjoining roads stormwater system, sewerage system etc. without the controlling authority's approval and/or owner's consent/s. Approval form the controlling authority and any requirements of the approving authority is to be complied with prior to the commencement of any extraction of groundwater.
23. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls. Details are to be included in documentation for a Construction Certificate application.

ENGINEERING – FLOODING

24. The floor level of all proposed buildings or building additions is to be verified on plans for a Construction Certificate application to be minimum 2.5m Australian Height Datum.
25. An appropriate flood emergency response plan is to be prepared by independent consulting engineer experienced in flood management and put in place by the applicant prior to occupation of this site for the intended use. Such plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved.

A flood emergency response plan is to describe the following components:

- a) Likely flood behaviour
- b) Installation of a Flood emergency warning systems and flood awareness signs at appropriate locations including the car parking areas
- c) Education awareness program
- d) Evacuation and evasion procedures
- e) Evacuation routes and flood refuges
- f) Flood preparedness and awareness procedures for residents and visitors

Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources. Full details are to be included in documentation for a Construction Certificate application.

26. The whole of the proposed structure below known flood level (level 2.5m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for a Construction Certificate application.
27. On-site flood refuge is to be provided in the development. The minimum on-site refuge level in the building is the level of the Probable Maximum Flood event (reduced level 2.8 m Australian Height Datum). The design and/or suitability of the refuge is to be structurally certified by a professional engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood (Flood Level reduced level 2.8m Australian Height Datum, Maximum Flow Velocity of floodwaters 0.7m/s). Full details are to be included in documentation for a Construction Certificate application.

ENVIRONMENTAL HEALTH

28. The design and construction of the proposed development is to be in accordance with the relevant requirements of *Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises*. Full details are to be included in the documentation for the Construction Certificate application.

PLANNING

29. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not

to be removed until the site is stable with all bare areas supporting an established vegetative cover.

30. The proposed lighting including car park lighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 - Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application.
31. Installation of a 24-hour CCTV system across the proposed development, in accordance with the Crime Risk & Social Impact Report by Stevens Group dated July 2020, to ensure adequate surveillance is achieved on site. Full details are to be submitted with the required Construction Certificate.
32. End user facilities including as showers, lockers and change rooms are to be appropriately designed for proposed Buildings A & B ('Hardware & Building Supplies') and C & D ('Vehicle Sales'), and the design of such are to be included in documentation for a Construction Certificate application.
33. Facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements are to be made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of City of Newcastle approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.

STREET TREES & LANDSCAPING

34. Fourteen street trees are required to be planted as compensation for the removal of the existing trees and interference with designated planting locations. A fee, to be determined by contacting Council's City Greening Services, is to be paid to Council for the required compensatory planting and evidence of the payment of the required fee is to be included in the documentation for a Construction Certificate application.
NOTE: The tree selection and location of the required compensatory tree will be determined by Council's City Greening Section in accordance with Newcastle City Council Street Tree selection manual. The location of the compensatory tree planting may not be in the immediate proximity of the site.
- 35A. All proposed trees on site, as detailed in the landscape plan by Site Image Landscape Architects (Proj SS19-4234), are to be planted at a minimum 100 litre volume pot size, must be advanced growth and have a minimum height of 2 metres at installation. Full details of the planting required by the landscape plan must be provided to the Certifying Authority for approval prior to the issue of any Construction Certificate and incorporated within the required comprehensive landscape plan. The Certifying Authority must ensure that the details submitted fully satisfy the requirements of this condition and be consistent with the Site Image Landscape Architect Landscape Plan
35. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required by the conditions of this consent are to be detailed on a comprehensive landscape plan and specification. The comprehensive landscape plan is to be amended to reflect the approved architectural plans (by GWH Proj No A18032 dated 3/2/21) including the revised vehicular crossings at Industrial Drive and Elizabeth Street. The plan and specification are to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
 - a) cross sections through the site
 - b) proposed contours or spot levels
 - c) botanical names
 - d) quantities and container size of all proposed trees

The plan and specification are to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

36. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays, sufficient to discourage the encroachment of vehicles. Details are to be included in documentation for a Construction Certificate application.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE

BUILDING AND SITE REQUIREMENTS

37. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

38. All building work is to be carried out in accordance with the provisions of the National Construction Code.

39. The development is to be carried out in accordance with the details set out in the Acid Sulfate Soil Management Plan prepared by EP Risk Management Pty Ltd (ref EP1042.002) dated 4 June 2019.

40. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the City of Newcastle's approval to position the container on the adjacent public road in accordance with City of Newcastle's adopted Building Waste Container Policy.

41. Any demolition/waste building materials that are not suitable for recycling are to be disposed of at City of Newcastle's Summerhill Waste Management Facility or other approved site.

42. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

43. An application is to be made to and approved by the City of Newcastle for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.

44. The work site is to be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

45. A rigid and durable sign is to be erected on any site on which building work, subdivision

work or demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

46. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on City of Newcastle reserves, including the road reserve, is not permitted.
47. City of Newcastle's '*Prevent Pollution*' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary, so it is clearly visible to the public, or at other locations on the site as otherwise directed by the City of Newcastle, for the duration of demolition and construction work.

The sign can be obtained by presenting your development application receipt at City of Newcastle's Customer Enquiry Centre, Wallsend Library or the Master Builders Association Newcastle.

48. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:
 - a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site is to be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover; and
 - b) Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the '*Blue Book*') published by Landcom, 2004.
49. Prior to the commencement of work, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.
50. All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:
 - a) Restricting topsoil removal;
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
 - c) Alter or cease construction work during periods of high wind; and
 - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

51. Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated, at no cost to the City of Newcastle, by a Surveyor registered under the *Surveying and Spatial Information Act 2002*.
52. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer, or
- b) Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) Be a temporary chemical closet approved under the *Local Government Act 1993*.

EARTHWORKS

53. Any excavated material to be removed from the site is to be assessed and classified in accordance with the NSW Environment Protection Authority's '*Waste Classification Guidelines Part 1: Classifying Waste*' and be transported and disposed of in accordance with the provisions of the *Protection Of The Environment Operations Act 1997* and the *Protection Of The Environment (Waste) Regulation 2014*.
54. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2014*.
55. Documentation verifying compliance with the conditions of a relevant Resource Recovery Order and Resource Recovery Exemption are to be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Resource Recovery Exemption. This documentation is to be provided to City of Newcastle officers or the Principal Certifier on request.
56. All excavations and backfilling are to be executed safely and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

ENGINEERING

57. Prior to commencement of site works, the developer is to submit to the City of Newcastle, for approval, a Construction Traffic Management Plan, addressing traffic control measures to be implemented in the public road reserve during the construction phase.
58. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a *Design and Audit Traffic Control Plans Certificate* in accordance with *Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads*. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.
59. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
60. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to City of Newcastle requirements, in accordance with Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012.

61. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.

PLANNING

62. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
63. Individual specific Waste Management Plans are to be prepared and implemented in accordance with the provisions of the Newcastle DCP 2012 for each tenancy as actual operators are confirmed. At a minimum, the following measures are to be implemented during the construction phase:
- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste;
 - b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets;
 - c) Provision and regular management is to be made to prevent windblown rubbish leaving the site; and
 - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997*.

ENVIRONMENTAL HEALTH

64. The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of *Australian Standard 4674:2004 - Design, construction and fit-out of food premises*.

STREET TREES & LANDSCAPING

65. The existing trees (Council ID's 26202 & 26194) are approved to be removed and the designated planting spaces (25212, 25211, 25210, 26193 & 25209) are approved to be removed, subject to arrangements being made for the removal of the street trees by contacting Council's City Greening Services. All tree removal works are to be carried out by Council at the Developer's expense.
66. All of the remaining public trees are required to be retained and must be physically protected in accordance with the 'City of Newcastle Urban Forest Technical Manual Part B Public Trees', 'Section 8.0 Protection Measures'.

The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment, or machinery to be stored within the fenced area.

CAR PARKING

67. On-site car parking accommodation is to be provided for a minimum of 177 vehicles (includes 10 Staff and 7 Disabled parking spaces), 14 Motorbike and 24 Bicycle spaces and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.
68. All onsite parking is to remain common property within the development and in relation

to any future possible Strata subdivision of the site.

69. All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs.
70. The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

ENGINEERING

71. Any redundant existing vehicular crossing is to be removed at no cost to the City of Newcastle. The road reserve and kerb is to be restored to the City of Newcastle's satisfaction. Works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.
72. The common driveway is to be the subject of an appropriate reciprocal right-of-way and the necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act 1919 (NSW) being registered with NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development, it being noted that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of The City of Newcastle.
73. The portion of the site required for road widening purposes for Stage 2 development purposes, denoted as (C) on the Plan of Subdivision of Lot 1 DP327092, is to be transferred to Council for dedication as road reserve. A suitable survey plan providing for the dedication is to be submitted with an accompanying Subdivision Certificate Application for Council certification and such plan is to be registered with the NSW Government Land & Property Information prior to the issuing of an Occupation Certificate for the proposed development.

Note: All associated survey and legal work is to be undertaken by the Developer at the Developers expense.

74. Prior to the issue of any Occupation Certificate the developer is required to enter into a Works Authorisation Deed (WAD) with TfNSW for all the required road works to provide access from Industrial Drive (MR336).

TfNSW shall exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD (Attachment A).

- All road works under the WAD shall be completed prior to issuing any Occupation Certificate for the development.
- All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to TfNSW or Council, and to TfNSW satisfaction.

75. On-site car parking accommodation is to be provided for a minimum of 177 vehicles (includes 10 Staff and 7 Disabled parking spaces), 14 Motorbike and 24 Bicycle spaces and generally in accordance with the Architectural Plan Project No. A18032 Dwg No. A003 Rev 07 dated 02/02/2021 and such being set out generally in accordance with the details required by this consent are to be completed prior to the issue of a Final Occupation Certificate.

76. A Green Travel Plan for the development is to be prepared and implemented prior to occupation of the development. The Green Travel Plan is to be in accordance with Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012.
77. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
78. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.
79. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, are to be submitted to the Principal Certifier and to the City of Newcastle prior to the issue of an Occupation Certificate. The plans are to be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
80. A Maintenance Manual for all water quality devices is to be prepared in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.
81. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

PLANNING

82. An application is to be made for a Subdivision Certificate. The application is to be accompanied by the appropriate fee and supported by .pdf copies of the following documentation, together with any other documentation required under the conditions of this consent:
 - a) The original survey plan of subdivision prepared by a Registered Surveyor;
 - b) The original Administration Sheet; and
 - c) The original instruments prepared under s88B of the Conveyancing Act, 1919, as appropriate.
83. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act 1919 (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.
84. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
85. The premises are to be identified by the provision of street numbers on the

building/mailbox such that they are clearly visible from the road frontage. The minimum numeral height is to be 75mm.

ENVIRONMENTAL HEALTH

86. Prior to the issue of an Occupation Certificate, a validation report being prepared by a suitably qualified consultant in accordance with NSW Environment Protection Authority endorsed contaminated land guidelines is to be provided (.pdf copy) to the Accredited Certifier and Council.
87. Prior to the issue of an Occupation Certificate, a Site Audit Statement (SAS) and Site Audit Report (SAR) prepared by a NSW Environment Protection Authority (EPA) accredited Site Auditor is to be provided (.pdf copy) to the Accredited Certifier and Council certifying that the site is suitable for the approved land use. The Site Auditor must review all relevant contamination information including any validation report, Long Term Environmental Management Plan, addenda and other documents considered relevant by the Site Auditor.
88. Prior to issue of an Occupation Certificate, the food business is to notify the relevant enforcement agencies, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2010*. Notification is to be provided to the city of Newcastle and the NSW Food Authority.

Note: To arrange notification of the food business with the City of Newcastle, go to www.newcastle.gov.au <<http://www.newcastle.gov.au>> and download a copy of the 'Council Food Business Notification Form' or contact City of Newcastle's Environmental Health Services on (02) 4974 2525. To notify with the NSW Food Authority go to www.foodnotify.nsw.gov.au <<http://www.foodnotify.nsw.gov.au>> and follow the instructions.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

PLANNING

89. The hours of operation or trading of the approved *takeaway food and drink* premises has been granted for 24hr use Monday to Sunday.
90. The hours of operation or trading of the *hardware and building supplies premises* and *vehicle sales or hire premises* are to be not more than:

DAY	START	FINISH
Monday	7am	10pm
Tuesday	7am	10pm
Wednesday	7am	10pm
Thursday	7am	10pm
Friday	7am	10pm
Saturday	7am	10pm
Sunday	7am	10pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by the City of Newcastle.

91. The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.
92. All vehicles associated with the proposed motor vehicle sales yard are to be contained wholly within the site, and under no circumstances are advertising signs to be displayed, or vehicles offered for sale in the adjacent public road or public footway.

ENVIRONMENTAL HEALTH

93. Any hazardous substances or dangerous goods stored on or within the premises are to be stored, labelled or placarded and handled, with appropriate Safety Data Sheets (SDS) maintained on site for each dangerous good or hazardous substance, in accordance with the requirements of SafeWork NSW.
94. A current hard copy register of all hazardous substances and dangerous goods, including appropriate individual Safety Data Sheets (SDS), is to be maintained on site in an appropriate secure area.
95. Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts is to be carried out within a wash bay or dedicated cleaning unit connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'. Under no circumstances are such activities to be carried out elsewhere on site.
96. Any work on motor vehicles or plant, including washing, degreasing, steam cleaning, detailing, spray painting, maintenance, servicing or repair, or the fitting of tyres or accessories thereto, is to be carried out wholly within the building, within areas designated for such purposes or otherwise provided in accordance with the conditions of this consent. Under no circumstances is such work to be carried out elsewhere on the site or within adjacent or nearby streets or laneways. No vehicle or plant brought to the premises for such purposes are to be allowed to stand or park in adjacent or nearby streets whilst under the control of the management or staff of the premises.
97. Any washing or degreasing of mechanical equipment or parts is to be carried out within a dedicated cleaning unit connected to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'. Under no circumstances are such activities to be carried out elsewhere on site.
98. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*.

Should City of Newcastle consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant, verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to City of Newcastle prior to the expiration of the nominated period.

99. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997*, that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.
100. Should City of Newcastle consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emission of air impurities to an acceptable level and such measures will be required to be implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to City of Newcastle, confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of

neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

101. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change 'Waste Classification Guidelines Part 1: Classifying Waste'

ENGINEERING

102. The driveway crossing, parking areas, stormwater management system within the site, the private drainage system on Elizabeth Street, road reserve and on 75 Elizabeth St, Tighes Hill required to manage the site stormwater discharge and flood management system are to be properly maintained for the life of the development.
103. A minimum of 177 vehicles (includes 10 Staff and 7 Disabled parking spaces), 14 Motorbike and 24 Bicycle spaces are to be provided.
104. Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

ADVISORY MATTERS

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Part 6 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and the City of Newcastle is to be notified of the appointment; and
 - c) The City of Newcastle is to be given at least two days notice of the date intended for commencement of building works.
- A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists are to describe the extent, capability and basis of design of each of the measures.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to a building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate is to contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000*.
- A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy

of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

- An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* is to be submitted to the City of Newcastle and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (i.e., 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 20/07/21 – 110 ELIZABETH STREET TIGHES HILL -
DA2020/00011 - TAKEAWAY FOOD AND DRINK PREMISES,
HARDWARE AND BUILDING SUPPLIES, VEHICLE SALES OR HIRE
PREMISES AND ASSOCIATED SITE WORKS**

ITEM-11 **Attachment C:** Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER



PROCESSING CHRONOLOGY

DA2020/00011 – 110 Elizabeth Street Tighes Hill

8 January 2020	Application Lodged
21 Jan-7 Feb 2020	Public Notification (round one)
15 April 2020	Request for further information
29 April 2020	Request for further information
10 July 2020	Request for further information
7-20 August 2020	Further information received
23 October 2020	Further information received
6 November – 8 December 2020	Public Notification (round two)
11 December 2020	Request for further information
11 January 2021	Request for further information
19 January 2021	Request for further information
26 February 2021	Further information received
5 March 2021	Further information received
3 April 2021	Further information received