

17 September 2025

Teresa Gizzi
Principal Planning Officer
Social and Infrastructure Assessments
Department of Planning, Housing and Infrastructure

Reply by portal: <https://majorprojects.planningportal.nsw.gov.au>

Dear Teresa Gizzi

HUNTER INDOOR SPORTS CENTRE (SSD-65595459) - 24 WALLARAH ROAD & 2 MONASH ROAD NEW LAMBTON

I refer to the Department of Planning, Housing and Infrastructure's (DPHI) request of 18 August 2025 via the NSW Major Projects Portal inviting City of Newcastle (CN) to provide advice, including any recommended conditions of consent, on the 'Response to Submissions and Amendment Report' (Aug 2025)(RSAR) by Urbis Ltd for the State Significant Development Application (SSD-65595459) for the above development.

According to the above report, the development has been amended in response to the submissions and stakeholder consultation. The applicant identifies the changes to the layout were made '*...to ameliorate on-site flood hazard levels, reduce off-site flooding impacts in the Probable Maximum Flood (PMF) event as well as address commentary from Transport for New South Wales (TfNSW) concerning the access driveway.*'

CN also refers to our letter of 18 November 2024. We consider the matters previously raised regarding the Broadmeadow Place Strategy, Staging of the development, Wind Impacts, Noise Impacts, Social Impact Assessment, Legal Description of the subject land, Site Area and Appendix referencing to have been satisfactorily addressed or we have no further comment to offer on these matters.

In respect of the remaining matters, we provide the following supplementary advice and/or recommended conditions of consent. A schedule of recommended conditions is also attached.

1. Broadmeadow Place Strategy

Active connections:

CN's previous comments regarding the legibility of the active transport connection from Ker-rai Creek through the site to the forecourt area have been addressed. We support the amended width and design of this active connection. Our previous comments regarding potential pedestrian/vehicle conflicts have been addressed through the relocation of the building footprint west, resulting in greater separation between the service and loading area and pedestrians.

Given service vehicles are still required to cross the active connection from Ker-rai Creek, CN recommends the imposition of a condition of consent requiring clear signage and pavement markings to delineate the service and loading zone and warn drivers and

pedestrians of the risk of pedestrian and vehicle activity in this area. A suitable condition is included in our schedule of recommended conditions.

2. Landscaping, fencing and trees

Landscaping

CN notes that while some aspects of the landscape design of the development have been amended, there remains limited landscaping along the northern and southern boundaries (southwest corner). The landscape design appears to be constrained by the architectural design of the amended development.

We further note a key design amendment as identified on plan 'RtS Site Plan Revisions' of EJE (Item 10) and in the RSAR (p2) is a reduction in landscape elements along the southern boundary of the site, "*...to allow space for future pedestrian/cycleway expansion, aligning with the City of Newcastle's strategic vision for the precinct.*" However, this statement appears to be inconsistent with the other submitted documentation such as the Landscape Masterplan - All Stages of Terras Landscape Architects, as well as overall view plans and illustrations which show landscaping in this location.

Any future plans to expand the pedestrian/cycleway along Ker-rai Creek (identified as an 'existing drainage corridor' on the submitted plans) will not be precluded by landscaping in this location. It is recommended the applicant be required to reinstate the proposed landscaping in this location as it will provide benefits to southern neighbours in terms of visual amenity, as well as enhanced biodiversity along Ker-rai Creek, supporting CN's blue-green grid initiative, an important outcome of the Newcastle Environment Strategy.

Tree coverage

CN notes that despite our previous advice the site area of 7.83ha indicated in the original documentation is not correct the above-mentioned architectural design report continues to cite this figure which may impact on the calculations of existing and proposed tree canopy.

Northern boundary fence

As advised previously, CN recommends the 'continuous fencing' along the northern boundary as referenced in Appendix B: Hunter Indoor Sports Centre Agency Response (p11) be constructed in Stage 1 to protect the amenity of the adjoining properties.

Tree removal and compensatory plantings

The RSAR is supported by the revised Arboricultural Impact Assessment (AIA) (June 2025) of Bark.Trees and Landscaping. The AIA recommends the removal of nine trees (identified as Trees 1,2,16-21 and 24) including two trees (Trees 1&2) 'occurring off-site' located along the Turton Road boundary of the site '...subject to negotiations with City of Newcastle.' To compensate for the loss of Trees 1-18 which are considered to have moderate retention value it is recommended 12 standard trees [45 litre] be planted on site.

The proposed removal of Trees 1 & 2 is necessary to provide vehicular access from Turton Road to the development.

CN notes the AIA is inconsistent in its identification of the locations of Trees 1 & 2. While the above recommendations refer to the trees as being off-site, Figure 4:Tree Location & Notation identifies the trees as being on site, with their locations confirmed by survey. We also note that contrary to the above recommendations, the provision of compensatory

planting is based only on the removal of Trees 17-20. Further compensatory planting is therefore required for the proposed removal of Trees 1 & 2.

In addition to the above compensatory plantings, we recommend the applicant is also required to provide 15 'street' trees along Monash Road as contribution to landscaping, assist with heat island effect and to improve visual amenity. The tree selection and location of these trees would be determined by CN in accordance with the CN's Street Tree selection manual. As Monash Road is a Crown Road any works proposed to be undertaken by the applicant within the road reserve will require the prior approval of Crown Lands. A suitable condition is included in our schedule of recommended conditions.

3. Flood risk Management

Impact on identified floodway

In CN's previous letter, we recommended the applicant be required to make design changes to provide a development that was compatible with the floodway function of the land. It was suggested that such compatibility should be demonstrated by showing, with flood modelling, the development would have acceptable impacts on existing flood behaviour.

We note that the development will continue to locate some structures and fill in the path of the floodways identified in Council's adopted Throsby, Styx and Cottage Creek Flood Study (Rhelm 2023). The submitted Flood Impact and Risk Assessment demonstrated the amended development proposal will increase modelled peak PMF flood levels in order of 60-100 mm which is beyond the limit (+50 mm) recommended.

Adequacy of shelter in place arrangements

CN recommends consideration be given to the shelter-in-place arrangements at each stage of development against the design criteria provided in the DPHI's publication 'Shelter in place Guideline for flash flooding'. Consideration should be given to the available floor area for refuge and likely attendance at each stage of the development.

We provide conditions regarding flooding in our schedule of recommended conditions.

4. Stormwater management

The Response to Submissions and Amendment Report was supported by supplementary documentation which satisfactorily addressed CN's previous advice regarding stormwater management. We provide conditions regarding stormwater management in our schedule of recommended conditions.

5. Traffic and parking

Traffic Impact Assessment

CN notes the Traffic Impact Assessment (May 2025) of Seca Solution (pp40-41) includes Sidra modelling to analyse and compare the performances of the intersections of Turton Road / Young Road, Turton Road/Monash Road and Turton Road/Griffiths Road for both pre and post development periods.

Various scenarios were modelled for the following peak hours:

- Weekday: - AM Peak: 08:00 – 09:00 - PM Peak: 16:45 – 17:45
- Weekend: - Peak: 11:15 AM -12:15 PM.

The results of the analysis confirmed the impact of the additional development traffic would be negligible for most intersections, for which no particular upgrades would be required. For Turton Road / Griffiths Road, the average delay denotes that the performance reduced at the Turton Road right turn bay, which required mitigation. This was resolved by optimising signal timing. No other geometric upgrades were required.

In order to maintain road network safety and efficiency in the vicinity of the site the TIA recommends:

- a. 'Left turn Only' signs be provided at the exit driveway on Turton Road within the site.
- b. A 'No U Turn' sign be provided on the central median in Turton Road at the intersection with Monash Road for southbound traffic.
- c. Optimisation of traffic light phase times at the intersection of Turton Road and Griffiths Road to clear the northbound right turn lane at this intersection during the PM peak, due to additional traffic generated by the proposed sporting centre. Transport for NSW (TfNSW) are the responsible authority for traffic signals and therefore the Applicant should consult with this authority to address signal phasing

CN supports these recommendations. We provide an appropriate condition in our schedule of recommended conditions.

Road Networks

- a. *Turton Road* - The application as originally proposed included a kerbside left turn deceleration lane for access to the site off Turton Road. CN notes the amended development has deleted this lane and retained the kerbside shoulder with appropriate '*No Stopping*' parking restrictions. Also, the main vehicular access has been relocated further south. CN as the responsible roads authority under the *Roads Act 1993* supports these changes but acknowledges Turton Road is a 'classified road' and therefore the concurrence of TfNSW is required.
- b. *Monash Road* – CN previously recommended the applicant be required to undertake works to 'formalise' the northern side of Monash Road for parking and upgrade the existing pedestrian footbridge across the stormwater channel linking the site to Monash Road. We note in Appendix B: Hunter Indoor Sports Centre Agency Response (p19) the applicant indicates it does not propose to undertake these works because they are currently being used by visitors to the existing ovals as well as by people to attend activities at McDonald Jones Stadium ('MJS').

We note the above mentioned TIA (p51) identifies the use of the approximately 80 informal spaces in Monash Road as necessary to address the parking demands generated by medium or large events at the proposed Hunter Indoor Sports Centre ('HISC'). Given the reliance of the development on the use of Monash Road for overflow parking and its proximity to the site we believe there is sufficient nexus to warrant the applicant being required to undertake the above-mentioned works. The reliance of the development on Monash Road for overflow parking is further discussed below in our advice on parking.

Monash Road is a Crown road any works proposed to be undertaken by the Applicant within the road reserve as part of this application will require the prior approval of Crown Lands.

Civil Plans

- a) *Stormwater Connections* – CN notes the civil plans indicate the provision of three new stormwater connections to the existing stormwater channel adjacent to Monash Road. These stormwater connections require the approval of Hunter Water.
- b) *Bus swept paths* - CN previous advice identified the modelled 14.5m long rigid bus vehicle swept path conflicts with the designated pick-up / drop-off and bus parking areas. We note this conflict remains in the amended civil plans. To minimise onsite conflicts, reduce congestion and improve overall traffic safety we recommend the car park layout be amended to remove this conflict. We have provided an appropriate condition in our schedule of recommended conditions.
- c) *Pedestrian Pathway* – CN notes that in accordance with our previous recommendations the proposed internal east/west pedestrian pathway linkage to Turton Road is now being implemented as part of Stage 1 including incorporating a marked foot crossing on the internal driveway access road.

Pedestrian/Cycle Network Impact

- a) *Cycleway Alignment* - CN notes the development has been amended to no longer impact on the existing approach /departure alignment of the major east/west cycleway at Turton Road. This amendment is supported.
- b) *Grade separated cycle /pedestrian bridge* - We also note future transport planning by TfNSW in association with CN's Broadmeadow Place Strategy propose a grade separated cycle /pedestrian bridge crossing at Turton Road. While planning is in the early stages, an adequate area will be required for the bridge landing in the south/western corner of the site. CN notes the revised layout maintains a clear area in the south /eastern corner of the site that should facilitate a future bridge landing.
- c) *Cycle / pedestrian corridor* - CN's previously advised a 10m wide corridor is required along the southern boundary of the site from the top of the existing Hunter Water Board channel to accommodate the future upgrade of the major east/west cycleway. We note the amended development appears to encroach on this corridor with a proposed concrete pedestrian pathway and landscaping. CN recommends the applicant be required to maintain a 10m corridor clear of any HISC infrastructure. We provide an appropriate condition in our schedule of recommended conditions.

Pedestrian/Cycle Network Upgrade

Having regard to the potential increase in pedestrian / cycle activity likely to be generated by the development CN recommends the following pedestrian /cycle upgrades be undertaken by the applicant as part of Stage 1 of the development:

- a) The existing 1.2m wide concrete pedestrian path located on the western side of Turton Road between Monash Road and the proposed internal site pedestrian pathway is upgraded to a combined 3.0m wide pedestrian/cycle pathway incorporating pedestrian fencing. We note the applicant has agreed to undertake this work.
- b) The existing pedestrian footbridge linking the site to Monash Road is upgraded to provide a minimum 5.0m wide pedestrian bridge incorporating appropriate pedestrian safety fencing. The provision of a 5.0m bridge span width will ensure a

minimum 3.0m wide clear pedestrian opening is maintained with the installation of safety fencing.

- c) The provision of full width concrete foot paving in Turton Road between the site's proposed internal site pedestrian pathway and Young Road.
- d) The provision of a clear 10.0m wide cycle / pedestrian corridor along the southern boundary of the site adjacent to the existing Hunter Water stormwater channel.
- e) A raised marked foot crossing be installed in Monash Street at the intersection with Turton Road.

We recommend the above requirements are addressed as part of Stage 1 of this development. An appropriate condition is included in our schedule of recommended conditions.

Parking

The amended development proposes a total of 240 parking spaces across two stages of development. Stage 1 comprises 185 space car park, nine space pickup/drop off facility and two bus/coach parking spaces. Stage 2 provides an additional 55 spaces in a separate car park.

The abovementioned TIA and Traffic Management Plan (Version 02.2025) of Drew Ferguson-Tait indicates parking for the HISC will be accommodated through utilising a combination of both on and off-site parking comprising 240 spaces on-site, approximately 80 informal spaces in Monash Road adjacent to the Hunter Water stormwater channel and 920 spaces in the McDonald Jones Stadium (MJS) car park. The scale of the events held at the HISC will determine the parking utilisation and this can be broken down into the following four categories:

Category	Type	Capacity	Parking Location
1	Low (typical week day event)	00 to 500	On-site
2	Low	500 to 1100	On-site
3	Medium	1100 to 1700	On-site /Monash Road
4	Large	1700 to 2500 +	On-site/Monash Road/MJS

Note - Parking calculations based on typical 2.5 to 3 persons per car plus 10% reduction for alternate transport

The parking demand for normal week day events can be accommodated on-site, while events with a capacity exceeding 1100 persons would necessitate overflow parking being accommodated in Monash Road and in excess of 1700 persons in Monash Road and the MJS car park.

As discussed in our advice above, CN has reaffirmed our previous recommendation that the Monash Road parking and associated footbridge be formalised as part of this development.

CN understands the utilisation of the MJS car park as overflow parking for larger events is understood to be an agreement between the applicant and Venues NSW. CN supports venues sharing carparking spaces. The availability of this car park for larger events is

necessary to minimise on-street parking that may otherwise result in traffic congestion, reducing traffic safety and impacting on residential amenity in the area. On this basis, larger events at the HISC should not coincide with major events at either MJS or the adjacent Hockey Sporting complex. CN considers that this aspect is best managed through the approval process of Event Traffic Management Plans for the HISC. This is discussed in further detail below.

Broadmeadow Place Strategy - Under CN's Broadmeadow Place Strategy part of the MJS car park is identified for future commercial development. CN acknowledges that the impact of the displacement and / or loss of parking would be assessed as part of any future development application for this area.

Conclusion

The on-site parking provision for the HISC coupled with the overflow parking arrangements for medium and larger events is considered acceptable and supported by CN.

Electric Vehicle (EV) Charging facilities

CN notes a total of 13 EV spaces are proposed as part of the development in the Stage 2 carpark only. The Newcastle Development Control Plan 2023 Section C1 Traffic Parking and Access requires 5% of the proposed parking to be available with EV charging facilities. This would equate to an EV requirement of 10 spaces under Stage 1 and three spaces under Stage 2. CN recommends the development be designed to comply with the above requirements. We have provided an appropriate condition in our schedule of recommended conditions.

Traffic Event Management Plan

CN's previously recommended the applicant be required to prepare a Traffic Events Management Plan (TEMP) in consultation with TfNSW, CN, and NSW Police to address traffic management during events held at the HISC, such a plan being prepared in accordance with 'NSW Guide to Traffic and Transport Management for Special Events (July 2018)'. This is consistent with the requirement for MJS regarding large events.

As mentioned above in our consideration of parking, the RSAR is supported by a Traffic Management Plan (TMP) for the management of traffic, transport and parking for events held at the HISC. The TMP indicates that events held at HISC with less than 1100 people will have low impacts. No road closures are required with parking able to be accommodated principally on-site. For these events there is no requirement for a TEMP. Events exceeding 1100 persons will require the implementation of an approved TEMP.

Overflow parking for medium impact events (1100 to 1700 persons) is proposed in Monash Road while high impact events (1700 to 2500 + persons) utilise Monash Road and the McDonald Jones Stadium (MJS) car park. Originally the HISC had intended to utilise the (MJS) car parking for larger events and ensure through appropriate planning that these large events did not coincide with similar events at the MJS; however, the submitted Operational Management Plan (July 2025) (p12) of the APP Group states:

'Venues NSW initially communicated that between 60 – 70 days a year the carpark will not be available for shared parking, due to planned concert and sporting events. Since these initial discussions, it has become evident that there may be more days that the carpark is unavailable for use. It was never the intention for the HISC to rely solely on McDonald Jones Stadium carparking, it was merely in situations that the carparking was available when the HISC required overflow, that it could be used.'

Based on these further discussions, HISC has reviewed its carparking strategy and for Business as Usual operations, there is no requirement to use any other parking besides on-site carparking. Basketball Association of Newcastle Limited (BANL) will prepare a schedule of events (once in operation) and liaise with stakeholders to schedule any major events outside of those events scheduled at MJS. The first act of management is to avoid a conflict in scheduled events between HISC and MJS. In the event there are significant clashes, the detailed TMP's will be in place or there may be potential for the HISC to close on days where the events held at MJS are too significant.

Having regard to the above circumstances, CN believes this matter is best addressed during the approval process for future TEMP's associated with the operation of the HISC events. This approach would ensure this traffic related matter is appropriately managed by the relevant road authorities TfNSW and CN. We recommend that an appropriate condition be imposed requiring the applicant to submit and obtain the prior approval of a TEMP for events proposed at the HISC exceeding 1100 persons. We have provided an appropriate condition in our schedule of recommended conditions.

Preliminary Construction Traffic Management Plan

The Response to Submissions and Amendment Report (RSAR) is supported by an updated Preliminary Construction Traffic Management Plan (June 2025) of the APP Group. Designated heavy vehicle access routes are not specifically addressed under this plan. CN re-affirms our previous advice that heavy vehicle construction traffic is not permitted to utilise local roads to access the site and is to be confined to the State road network.

Green Travel Plan

The RSAR is supported by a Green Travel Plan (May 2025) of SECA Solutions to actively promote increased use of sustainable transport modes with targets of around 10% cycle trips for normal weekday operations. CN notes the development however only nominates the provision of 22 secure bicycle parking comprising eight staff and 14 visitors. This provision is considered insufficient and not consistent with the above plan. We therefore recommend the applicant be required to amend the development to provide a minimum of 50 secure visitor bicycle parking spaces. We provide an appropriate condition in our schedule of recommended conditions.

6. Heritage

All recommendations and management and mitigation measures contained in the submitted Historical Archaeological Assessment and Aboriginal Cultural Heritage Assessment Report (May 2025) both of Artefact Heritage and Environment should be individually conditioned by the DPHI.

We also recommend the following:

- A copy of the post-excavation report on the results of the archaeological monitoring program be provided to CN for inclusion in the city library collection.
- A suitably qualified and experienced heritage consultant is to be commissioned to provide detailed heritage advice to the project for its duration, including guidance to the construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage consultant is to be submitted with the Construction Certificate.

- Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by the project heritage consultant, highlighting the historical significance of the site, and particularly those building elements and archaeology requiring conservation.
- Informative: unexpected finds procedure for discovery of archaeological relics during works i.e. in the event that an archaeological relic is unexpectedly discovered during works, requirement for development works to immediately stop in area of discovery, and to inform Heritage NSW and await their instruction.
- Informative: unexpected finds procedure for discovery of Aboriginal objects during works i.e. in the event that an Aboriginal object is unexpectedly discovered during works, requirement for development works to immediately stop in area of discovery, and to inform Heritage NSW and await their instruction.

We have provided appropriate conditions in our schedule of recommended conditions.

7. Development Contributions Plan

The provisions of CN's Section 7.12 Development Contributions plan (the Plan) apply to the subject land. The applicant previously sought an exemption from the payment of contributions from the consent authority based in part on the grounds the BANL is a not-for-profit organisation. CN previously recommended the applicant be required to submit:

- A Detailed Cost Report (DCR) in accordance with Section 208 of *Environmental Planning and Assessment Regulation (EP&A Regulation) 2021*.
- A certificate of registration with the Australian Charities and Not-for-Profit Commission (ACNC) demonstrating Basketball Association of Newcastle Limited (BANL) is a registered charity.

We note the requested DCR has not been submitted and in 'Appendix B: Hunter Indoor Sports Centre Agency Advice Response'(p6) of Urbis it is stated that BANL is a Not-for-Profit entity but are not a registered charity and are therefore not registered with the ACNC.

As the proposal does not meet the criteria for an exemption or reduction, the applicant now seeks from the consent authority an exemption from the payment of a contribution on the grounds that the proposal provides public benefit, the use of the site is consistent with the Plan, and imposing a contribution will divert funding away from the project.

The principal purpose of the development is a recreation facility which is a type of development captured under the Plan. A s7.12 levy, unlike a s7.11 contribution, is not required to demonstrate a nexus between the proposed development and imposition of the levy. Therefore, CN considers the imposition of the levy is appropriate, and it is recommended. To enable the monetary contribution to be calculated, CN requests the applicant be required to prepare a Detailed Cost Report and pay the required contribution. We provide an appropriate condition in our schedule of recommended conditions.

8. House numbering

The existing site is identified as 24 Wallarah Road and 2 Monash Road New Lambton. On the submitted 'Existing site plan' (14683-DA-A41-RevE-01 August 2025) of EJE a note indicates 'Lots 2377-2380 & southern adjacent parcel of land lot 1 DP131 04081 to be consolidated as part of the development.' Should this consolidation proceed, CN will allocate the address 315 Turton Road New Lambton to the site. A suitable condition is included in our schedule of recommended conditions.

9. Food premises

CN notes the development also includes food premises and we recommend the applicant is required to design and construct the development in accordance with the relevant requirements of the Australian Standard 4674-2004 Design, Construction and Fit-out of Food Premises. We provide an appropriate condition in our schedule of recommended conditions.

Conclusion

Thank you for the opportunity to review the Response to Submissions and Amendment Report and amended plans. If you have any questions about the matters raised in this letter, please contact Geof Mansfield, Principal Development Officer (Planning) on 02 4974 2767 or on gmansfield@ncc.nsw.gov.au.

Yours faithfully

Amy Ryan
EXECUTIVE MANAGER PLANNING AND DEVELOPMENT

Attachment A - Schedule of recommended conditions of consent

Attachment A: Schedule of recommended conditions of consent

Note: A reference to 'Council' in the following conditions is a reference to Newcastle City Council.

PART A - GENERAL CONDITIONS

No recommended conditions,

PART B- PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1-Payment of Development Contribution

Prior to the issue of the first Construction Certificate, in accordance with the City of Newcastle's Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of **[\$[INSERT FIGURE]** shall be paid to Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.

If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment

B2-Car parking requirements (Stage 1)

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details of on-site parking accommodation are to be provided for:

- (a) a minimum of 185 commercial car parking spaces;
- (b) a minimum of 9 car space pickup/dropoff facility;
- (c) a minimum of 2 bus/coach parking spaces; and
- (d) a minimum of 50 bicycle parking spaces

The design of on-site parking accommodation shall meet the minimum parking layout standards indication in AS/NZS 2890.1 and Section C1 'Traffic, Parking and Access' of Newcastle Development Control Plan 2023, with full details included in the construction certificate documentation.

B3-Car parking requirements (Stage 2)

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details of on-site parking accommodation are to be provided for a minimum of 55 commercial car parking spaces.

The design of on-site parking accommodation shall meet the minimum parking layout standards indication in AS/NZS 2890.1 and Section C1 'Traffic, Parking and Access' of Newcastle Development Control Plan 2023, with full details included in the construction certificate documentation.

B4-Car park design

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details of the design of the car parking and vehicular access complying with the relevant provisions of AS/NZS 2890 Parking facilities are to be documented, with full details included in the construction certificate documentation.

B5-Driveways basecourse

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), all proposed driveways, parking bays, loading bays and vehicular turning areas are to be designed and constructed with a basecourse of a depth to suit design traffic and be sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers, with full details included in the construction certificate documentation.

B6-Vehicular crossings standards

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and approval obtained or other satisfactory arrangements confirmed, in writing, from Council, pursuant to section 138 of the *Roads Act 1993* for a commercial vehicular crossing across the Turton Road road reserve, in accordance with the following criteria:

- (a) Constructed in accordance with Council's A1300 – Driveway Crossings Standard Design Details.
- (b) The driveway crossing, within the road reserve, is to be a maximum of 15.0 metres wide.
- (c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
- (d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
- (e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

Note: *These works are not approved until consent under Section 138 of the Roads Act has been granted by Council.*

B7-Electric vehicle circuitry and electric vehicle charging point requirements

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided of electrical plan, specifications for all off-street car parking and any electric kiosk requirements prepared by a suitably qualified and experienced person (such as an electrical engineer) and demonstrate the following;

- (a) That each off-street car parking space will be provided with electrical circuitry to support the installation of a 'Level 2' or higher standard electric vehicle charger point The construction certificate plans are to:
 - i) Identify the power capacity to each car parking space.
 - ii) Identify the EV Distribution Board and EV Load Management System on each level of parking. Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect.

- iii) Identify the conduit system to allow each car space to install an electric vehicle charger point – such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4G modem).

Note: *The installation of a charging point is not required by this clause (a).*

- (b) A minimum of one 'Level 2' electric charger must be provided and 'Level 2' electric chargers must be provided to not less than 5% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction certificate plans.

Full details are to be included in documentation for the construction certificate application.

Note: *The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:*

- (i) *'Privately available spaces: 'Level 2' slow – single phase 7kW power; and*
- (ii) *Public spaces: 'level 2' fast – three-phase 11-22kW power.*

B8-Roads Act Approval (Stage 1)

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), a separate application is to be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, or other satisfactory arrangements confirmed in writing from Council.

B9-Public domain works required (Stage 1)

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), full details are to be provided to, and consent obtained, or other satisfactory arrangements confirmed in writing, from Council pursuant to Section 138 of the *Roads Act 1993* for the following works to be constructed by the Applicant in connection with the proposed development within the Turton Road and Monash Road public road reserves, at no cost to Council and in accordance with Council's guidelines and design specifications:

- a) Provision of a minimum 3.0m wide concrete shared pedestrian /cycle pathway incorporating pedestrian safety fencing along Turton Road frontage of the site;
- b) Provision of full width concrete footpaving in Turton Road between the proposed driveway entry/exit to the site and Young Road;
- c) Provision of a raised marked pedestrian crossing inclusive of kerb blisters in Monash Road at the intersection of Turton Road;
- d) Replacement of the existing Monash Road pedestrian footbridge over the existing stormwater channel and adjacent to the southern boundary of the site with a minimum 5.0m wide pedestrian footbridge incorporating pedestrian safety fencing; Flood modelling being undertaken to determine the impacts of this footridge.

- e) Formalisation of the existing parking area located on the northern side of Monash Road between Turton Road and Wallarah Road incorporating road pavement, kerb and gutter, stormwater drainage, vehicular safety barriers and lighting.
- f) Provision of 15 trees along the northern side of Monash Road and the payment of a fee, to be determined by Council. Evidence of the payment of the required fee is to be included in the documentation for the first construction certificate.

Note1: *The tree selection and location of the trees will be determined by Council in accordance with Council's Street Tree selection Manual.*

Note 2: *Monash Road is a Crown Road any works proposed to be undertaken by the applicant within the road reserve will require the prior approval of Crown Lands.*

Engineering design plans and specifications for the works to be undertaken within the public road reserve are to be prepared by a practising professional engineer and arborist with experience and competence in the related field.

B10- Amendments to design of the development

The development as detailed on the submitted Architectural Plan by EJE Architecture Project No. 14683 Rev E Sht A43 dated 1 August 2025 being amended to incorporate the following:

- (a) The provision of a 10.m wide cycle/pedestrian corridor along the southern boundary of the site and adjacent to the existing stormwater channel, such being clear of Hunter Indoor Sports Centre infrastructure; and
- (b) The proposed nine space vehicle pickup / drop-off area being positioned sufficiently clear of bus/coach swept paths to minimise potential conflict and on-site congestion; and
- (c) The provision of an open mesh or rod style fence along the southern boundary of the site, such allowing flood waters to pass freely through the site.

Full details to be included in documentation for the Stage 1 Construction Certificate application.

B11-Food preparation /premises

The design and construction of the proposed development is to be in accordance with the relevant requirements of Australian Standard *AS4674:2004 - Design, Construction and Fit-Out of Food Premises*, including (but may not be limited to) the following:

- (a) Wall construction in accordance with Section 3.2 (Walls and ceilings) of AS4674-2004. 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)). Cavity stud walls are not appropriate anywhere in the food premises. Refer to table 3.2 (AS 4674-2004) for suitable wall finishes.
- (b) Ceilings must be non-perforated and finished free from open joints, cracks and crevices and must be finished smooth (AS 4674-2004 (3.2.5)).

Note: *Drop in panels are not permitted where open food / beverages are handled.*

- (c) Ventilation whether natural or mechanical must comply with the Building Code of Australia (AS 4674-2004 (2.5)) and is installed in compliance with the requirement of AS1668.1 and AS1668.2 (AS 4674-2004 (2.5.1)).
- (d) The garbage storage area must be paved in an impervious material, graded and drained to the sewer and provided with a hose tap connected to the water supply. As the proposed the waste area is internal, the room must be fitted with a tight, self-closing door and mechanically ventilated in accordance with AS 4674-2004 (2.4.3).
- (e) The grease arrestor must not be in an area where food, equipment or packaging materials are stored with direct vehicle access for cleaning purposes as required by Australian Standard 4674-2004 (2.3.2)).

Full details are to be included in the documentation for the Construction Certificate application.

B12-Stormwater Management System

Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Water Cycle Management Plan (WCMP) prepared by a suitably qualified engineer demonstrating stormwater runoff from the proposed development will be managed in accordance with:

- (a) The requirements of Section C4 'Stormwater' of Newcastle Development Control Plan 2023 and the associated 'Stormwater and Water Efficiency for Development' Technical Manual (SWEDTM).
- (b) Applicable Australian Standards.
- (c) The Concept Soil and Water Management Plan prepared by Groundswell Engineers (Proj. no. 250106, rv. A, dated 13/06/2025) and the associated plans in the Civil Engineering Package prepared by Groundswell Engineers (Proj. no. 250106, rv. 3, dated 10 June 2025).

B13-Rainwater retention and reuse capacity

Prior to the issue of the first Construction Certificate, details are to be provided demonstrating roof water from the proposed new work will be directed to the proposed water tanks with a minimum total capacity:

- (a) At Stage 1: 60,000 litres.
- (b) At Stage 2: 110,000 litres.

Details are to include reticulation of rainwater storage to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be provided to the Certifier prior to the commencement of construction.

B14-Flooding – verifying floor levels

Prior to the issue of the first Construction Certificate, full details are to be provided to the Certifier demonstrating that the ground floor level of all buildings are to be reduced level 9.20 m Australian Height Datum.

B15-Flood refuge – second storey

Prior to the issue of the first Construction Certificate, details are to be provided demonstrating the second storey of the building is to be a flood refuge in a Probable Maximum Flood event and is 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 9.70 m Australian Height Datum, Maximum Flow Velocity of floodwaters 1.7 m/s). Full details are to be submitted to the Certifier prior to the commencement of construction.

B16- Bicycle parking spaces

The design of the development being amended to incorporate a minimum 50 secure visitor parking spaces. Full details are to be included in the documentation for the Construction Certificate application.

PART C- PRIOR TO COMMENCEMENT OF WORKS

C1-Construction Traffic Management Plan

Before site work (including demolition, tree removal and earthworks) and/or building work commences, a 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 address, but not be limited to, the following:

- (a) Measures ensuring the provision of safe, continuous movement of traffic and pedestrians within the road reserve during construction works.
- (b) Any traffic control plans to be implemented in the public road reserve during the construction phase.
- (c) Proposed heavy vehicle routes and schedule.
- (d) Provision of on-site parking facilities (or alternate off-site arrangements for workers), including for heavy vehicles, to ensure construction traffic associated with the development does not utilise public areas, residential streets or public parking facilities for the parking of construction vehicles.
- (e) A plan to address any complaints and conflicts with neighbouring properties arising from construction work.

Written acceptance of the Plan must be obtained from the relevant roads authority and Council.

C2-Heritage Consultant

A suitably qualified and experienced heritage consultant is to be commissioned to provide detailed heritage advice to the project for its duration, including providing guidance to the

construction documentation, the implementation of the conditions of consent and through the construction process. Written documentation to support the commission of the heritage consultant is to be submitted with the Construction Certificate.

C3-Unexpected finds protocol-Archaeological relics

Prior to the commencement of any earthworks works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of archaeological relics are encountered during works.

C4-Unexpected finds protocol-Aboriginal objects

Prior to the commencement of any earthworks works, the Applicant must submit to the Certifier an unexpected finds protocol which has been reviewed and endorsed by a suitably qualified and experienced consultant. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of Aboriginal objects are encountered during works.

C5-Heritage Induction

Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by the project heritage consultant, highlighting the historical significance of the site and in particular those building elements and archaeology requiring conservation.

PART D- DURING CONSTRUCTION

D1-Storage of building materials, plant and equipment

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 Council reserves, including the road reserve, is not permitted.

D2-Survey monuments

Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002*.

D3-Checking floor levels – surveyor

During construction, certification is to be prepared by a Registered Surveyor and submitted to the Certifier at the following stages of construction:

- (a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
- (b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
- (c) When the roof has been completed, confirming that the building does not exceed the approved levels.

PART E – PRIOR TO COMMENCEMENT OF OCCUPATION AND USE

E1-Post Excavation report

Prior to commencement of occupation a copy of the post-excavation report on the results of the archaeological monitoring program is to be provided to Council for inclusion in the City Library collection.

E2-Food preparation /premises-Notice to agencies

Prior to commencement of occupation the food businesses must notify the relevant enforcement agency, under the *Food Act 2003* and (for licensed food businesses) under the *Food Regulation 2025*.

Note: Notification that is to be provided to Council can be found at www.newcastle.gov.au by downloading a copy of Council's Food Business Notification Form or contact Council's Planning & Environment team on (02) 4974 2000.

E3-Stormwater Operational and Maintenance Plan

Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Stormwater Operational and Maintenance Plan that:

- (a) Is designed to ensure the proposed stormwater quality and conveyance measures remain effective; and
- (b) Specifies, but is not limited to:
 - i. A maintenance and monitoring schedule of all stormwater quality treatment devices;
 - ii. A maintenance schedule of the stormwater conveyance swale;
 - iii. Record and reporting details;
 - iv. Relevant contact information;
 - v. Protection of quality treatment devices constructed in Stage 1 during construction of proposed Stage 2; and
 - vi. Work Health and Safety requirements.

E4-Flood Emergency Response Plan

Prior to the issue of any Occupation Certificate, the Applicant must submit to the Certifier a Flood Emergency Response Plan prepared by a professional engineer, who is experienced in flood management. The plan is to include an education and awareness component for the workforce, detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan, and provisions for any third parties likely to be involved.

The plan is to describe the following:

- (a) likely flood behaviour;
- (b) on-site and off-site flood warning systems;
- (c) education awareness program;
- (d) evacuation and evasion procedures;
- (e) maintenance and upkeep of on-site flood monitoring devices;
- (f) evacuation routes and flood refuges; and
- (g) flood preparedness and awareness procedures for residents and visitors.

Considerations are to include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. The plan is to be

aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources.

E5-Traffic Events Management Plan

Before the issue of the first occupation certificate for Stage 1 of the development (i.e., whether for part or whole of a building), the developer submitting and obtaining approval from Council of a Traffic Events Management Plan (TEMP) addressing strategic actions to be undertaken to reduce the impact of events on the local road network as well as traffic control measures to be utilised in the public road reserve during events. The TEMP is to be prepared in accordance with the TfNSW's '*Guide to Traffic and Transport Management for Special Events*'.

E6- Road Safety Audit

A road safety audit of the project being undertaken by an accredited auditor and a report prepared and submitted, for concurrence, to the Transport for NSW (TfNSW) and Council at the completion of construction. The concurrence of TfNSW and Council being obtained before the issue of the first occupation certificate for Stage 1 of the development (i.e., whether for part or whole of a building).

E7-Completion of road reserve works(Stage 1)

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), all works within the road reserve required by this consent are to be completed and a practical completion certificate, or equivalent written advice, is to be obtained from Council.

E8- Removing redundant driveways

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), any existing redundant vehicular crossing is to be removed at no cost to the Council. The road reserve and kerb are to be restored to the Council's satisfaction.

E9-Car parking requirements (Stage 1)

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), on-site parking accommodation is to be provided for:

- a) a minimum of 185 commercial car parking spaces;
- b) a minimum of 9 car space pickup/dropoff facility;
- c) a minimum of 2 bus/coach parking spaces; and
- d) a minimum of 50 bicycle parking spaces

The on-site parking accommodation shall be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

E10-Car parking requirements (Stage 2)

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), on-site parking accommodation is to be provided for a minimum of 55 commercial car parking spaces.

The on-site parking accommodation shall be set out generally in accordance with the details indicated on the approved development application plans except as otherwise provided by the conditions of consent.

E11-Evidence of correct installation of EV charging

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), the principal contractor or owner-builder must submit to the satisfaction of the principal certifier, certification by a suitably qualified and experienced person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by the appropriate conditions of consent that have been included in the determination.

E12- Servicing and Loading zone

The proposed servicing and loading zone is clearly indicated by means of signs and pavement markings to warn drivers and pedestrians of the potential risk for pedestrian /vehicular conflict in this area.

E13 -Traffic Impact Assessment

Before the issue of the first occupation certificate for Stage 1 of the development (i.e., whether for part or whole of a building) the Applicant is to implement the following recommendations of the Seca Solution Traffic Impact Assessment (Ref P2614 Version 06 dated 6 June 2025):

- (h) The provision of 'Left turn Only' signs within the site at the proposed Turton Road exit driveway;
- (i) The provision of a 'No U Turn' sign on the central median in Turton Road at the intersection with Monash Road for southbound traffic.
- (j) Subject to obtaining the consent of Transport for NSW pursuant to section('s') 87 Roads Act 1993 the optimisation of traffic control signal phase times at the intersection of Turton Road and Griffiths Road to clear the northbound right turn lane during the PM (post meridiem) peak.

Full details to be included in documentation submitted with the required s138 application.

PART F - OCCUPATION AND ONGOING USE

F1-Maintenance of Stormwater Treatment and Conveyance Devices

Following the issue of the Occupation Certificate or commencement of use and throughout the life of the Development, the Applicant must:

- a) Implement the Stormwater Operational and Maintenance Plan; and
- b) Otherwise ensure that all stormwater treatment and conveyance devices (including drainage systems, sumps and traps, rain gardens, and conveyance swales) are regularly maintained, to remain effective, and (if applicable) in accordance with any positive covenant.

F2-Flood Emergency Response Plan

The Flood Emergency Response Plan must be implemented and adhered to at all times by the Applicant following the issue of the Occupation Certificate. Additionally, the Applicant must ensure all devices required by the plan (including, but not limited to, emergency signage, public address systems and flood monitoring devices) are maintained and effective throughout the life of the development.

F4-House numbering

The premises is allocated the following street address in accordance with Council's House Numbering Policy and the *Surveying and Spatial Regulation*:

- 315 Turton Road New Lambton