

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

7.1 DAC 21/03/2023 – 94 RODGERS STREET CARRINGTON – DA2022/00858

Dwelling house – alterations and additions

Attachment A - Submitted Plans

Attachment B - Draft Schedule of Conditions

Attachment C - Processing Chronology

Attachment D - Clause 4.6 written exception to development standard

7.2 SUPPLEMENTARY REPORT - DAC 21/03/2023 – 37 STEVENSON PLACE NEWCASTLE EAST – DA2022/00611

Dwelling house – alterations and additions

Attachment A – Development Assessment Committee Assessment Report –
Meeting 6 December 2022

Attachment B – Amended Architectural Plans

Attachment C – Amended Schedule of Conditions of Consent

7.3 DAC 21/03/2023 – 67 GIPPS STREET CARRINGTON – DA2022/00502

Dwelling house – alterations and additions including demolition

Attachment A - Submitted Plans

Attachment B - Draft Schedule of Conditions

Attachment C - Processing Chronology

Attachment D - Clause 4.6 written exception to development standard

7.4 DAC 21/03/2023 – 50 HOWE STREET LAMBTON – DA2022/01099

One into two lot subdivision

Attachment A - Submitted Plans

Attachment B - Draft Schedule of Conditions

Attachment C - Processing Chronology

Attachment D - Clause 4.6 written exception to development standard

7.5 DAC 21/03/2023 – 16 REAY STREET HAMILTON – DA2022/01196

One into two lot subdivision

Attachment A - Submitted Plans

Attachment B - Draft Schedule of Conditions

Attachment C - Processing Chronology

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**DAC 21/03/2023 – 94 RODGERS STREET CARRINGTON –
DA2022/00858 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

- | | | |
|-----|----------------------|--|
| 7.1 | Attachment A: | Submitted Plans |
| 7.1 | Attachment B: | Draft Schedule of Conditions |
| 7.1 | Attachment C: | Processing Chronology |
| 7.1 | Attachment D: | Clause 4.6 written exception to development standard |

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**DAC 21/03/2023 – 94 RODGERS STREET CARRINGTON –
DA2022/00858 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

7.1 Attachment A: Submitted Plans

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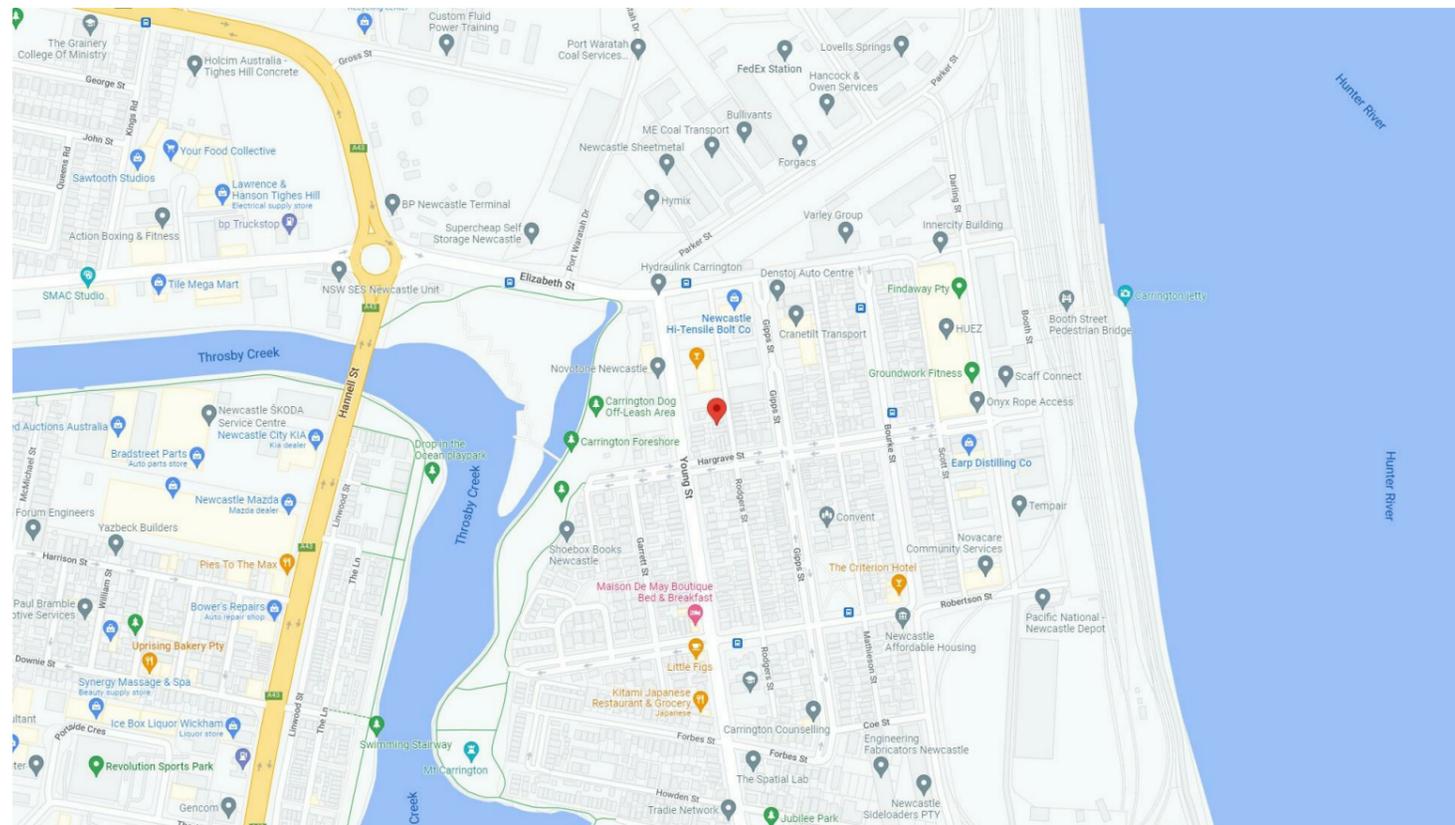
Additions & Alterations

For Darcy Burgess

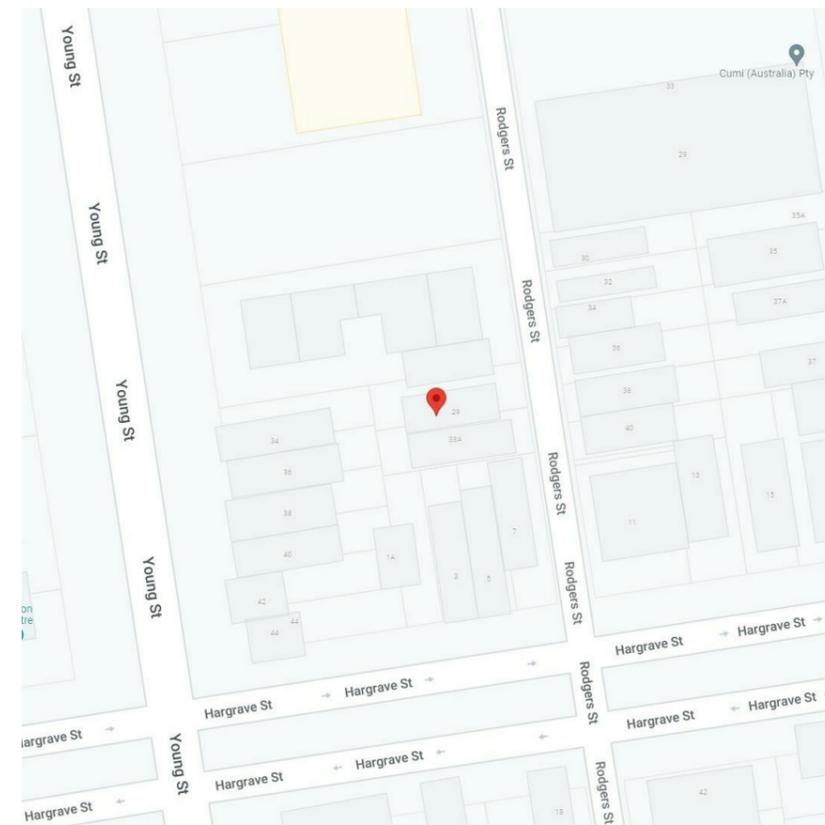
At Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Architectural Drawing Index

Sheet Number	Rev	Sheet Name
Ar01		Cover Sheet
Ar02		Ground Floor Plan
Ar03		First Floor Plan
Ar04		Elevations
Ar05		Elevations
Ar06		Sections
Ar07		3D Views
Ar08		Site Plan
Ar09		FSR Floor Plans
Ar10		Landscape & POS Plan



Locality Plan



Area Plan



PLAN VISION

2 Lousia Avenue, Cardiff
W/ (02) 40231266 M/ 0414 011 483

Revision Schedule

Rev	Date	Description

Client:

Darcy Burgess

Address:

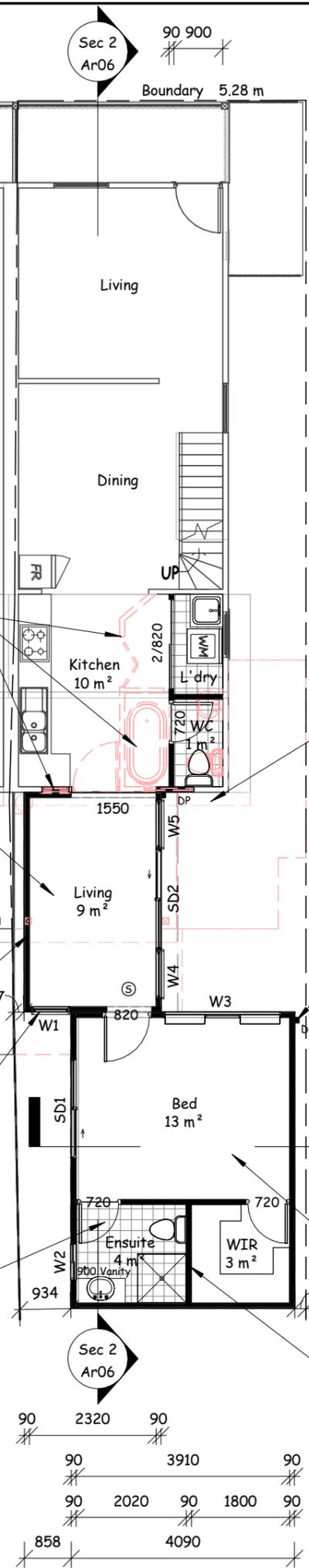
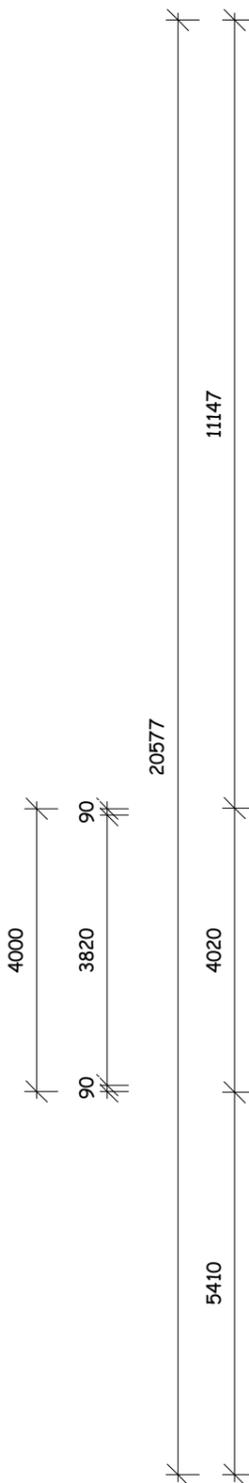
Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022

Drawing No: 322-7649

Sheet: Ar01

Scale: @ A3



- Remove existing windows and doors, and demolish existing walls and fixtures as required for proposed scope of works
- Roof rafter over. Roof rafters, roof bracing and tie downs to the manufacturers specifications and AS1684.
- Selected plasterboard linings fixed to the manufacturers specifications & the schedule of specifications details
- Selected aluminium windows and doors to the owners details and manufacturers specifications
- Wetseal to the manufacturers specifications with selected tiles over fixed to the manufacturers specifications
- Proposed outdoor shower to owner's details
- Selected colorbond fascias, gutters and downpipes to the manufacturers specifications
- Selected colorbond roof sheeting, to match existing, fixed to the manufacturers specifications & the schedule of specifications details
- 90 x 35 F5 or F7 stud walls. Wall framing, bracing and tie-downs to the wall manufacturers specifications and as1684

General Notes

1. Bracing and tie-down details to the engineers details and AS1684.2
2. All timber and steel to be installed and treated to the manufacturers specifications, especially for any exterior applications
3. All white ant protection to be strictly within the guidelines of AS3660 and installed by a qualified licenced pest control consultant
4. AJ denotes masonry articulation joint, to be installed to AS 3700 section 4.8 requirements

Note: boundaries to be pegged and setout confirmed before commencement of construction



PLAN VISION

2 Louisa Avenue, Cardiff
W/ (02) 40231266 M/ 0414 011 483

BUILDERS NOTE:
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Wind Class: N2 (W33N) (Assumed)
Site Class: 'M' Soil Class: 'M'
Refer to Geotech report for more details

SURVEY NOTE:
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Ground Floor Electrical Fixtures

Key	Description	Count
⊙	Smoke Detector	1

Ground Floor Window Schedule

Mark	Height	Width	Type	Assembly	Sill Height
W1	1800	700	ALW	LL	300
W2	600	610	ASW	SF	1500
W3	1800	2100	ALW	LFL	300
W4	1800	900	ALW	LL	300
W5	1800	900	ALW	LL	300

Ground Floor Door Schedule

Mark	Height	Width	Type	Assembly
SD1	2100	1810	ASD	SF
SD2	2100	1810	ASD	SF

Revision Schedule

Rev	Date	Description

Additions & Alterations

Client:
Darcy Burgess

Address:
Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022

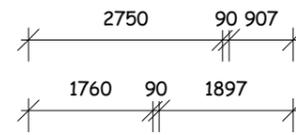
Drawing No: 322-7649

Sheet: Ar02

Scale: 1:100 @ A3

Ground Floor

1:100



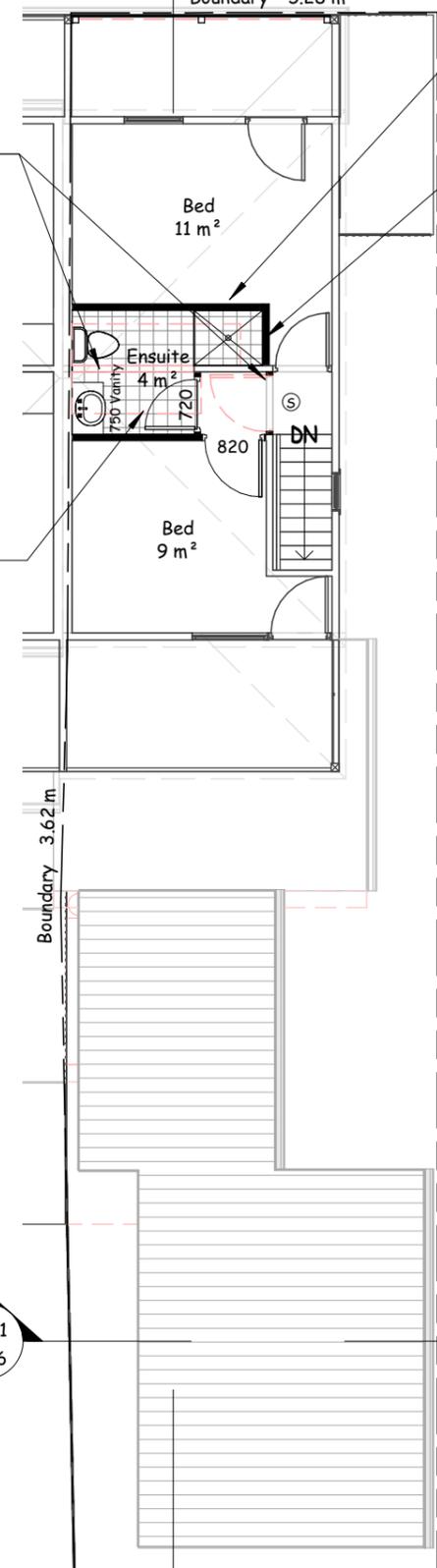
Sec 2
Ar06

Boundary 5.28 m



Remove existing windows and doors, and demolish existing walls and fixtures as required for proposed scope of works

Wetseal to the manufacturers specifications with selected tiles over fixed to the manufacturers specifications



Selected plasterboard linings fixed to the manufacturers specifications & the schedule of specifications details

90 x 35 F5 or F7 stud walls. Wall framing, bracing and tie-downs to the wall manufacturers specifications and as1684



Boundary 3.62 m

Boundary 25.15 m

Sec 1
Ar06

First Floor

1 : 100

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Note: boundaries to be pegged and setout confirmed before commencement of construction



PLAN VISION

2 Louisa Avenue, Cardiff
W/ (02) 40231266 M/ 0414 011 483

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Site Class: 'M' Soil Class: 'M'
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Revision Schedule

Rev	Date	Description

Additions & Alterations

Client:

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Address:

Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022

Drawing No: 322-7649

Sheet: Ar03

Scale: 1 : 100 @ A3

First Floor Electrical Fixtures

Key	Description	Count
Ⓢ	Smoke Detector	1

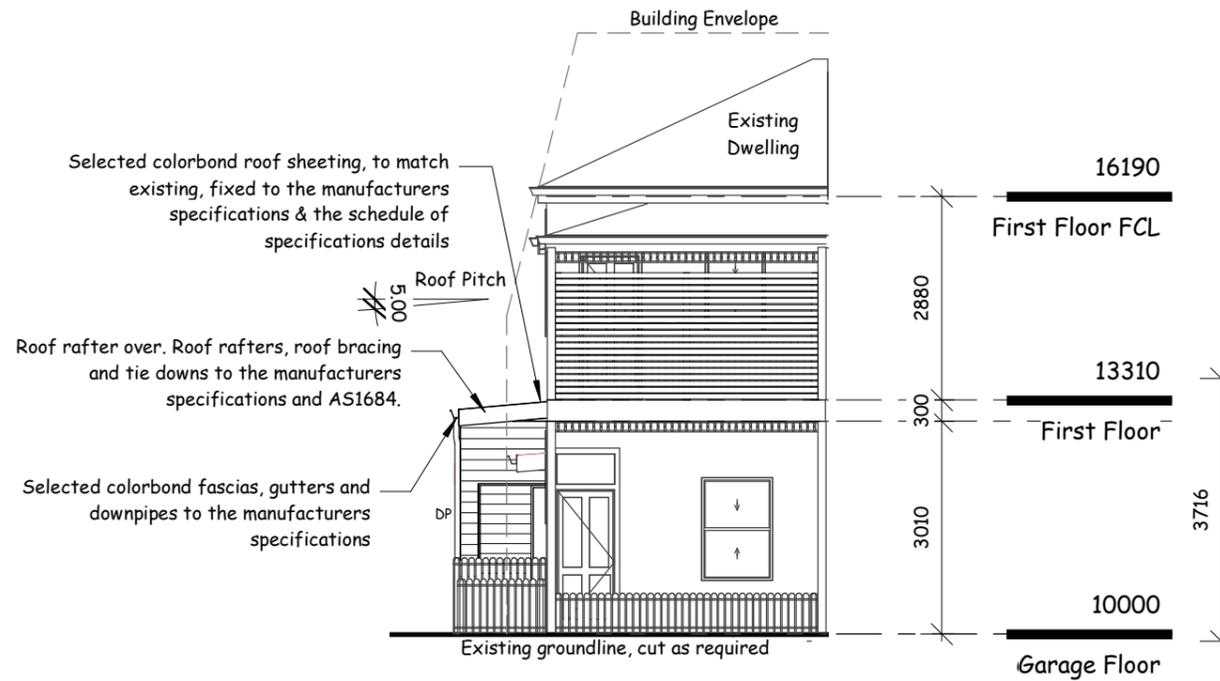


PLAN VISION

2 Louisa Avenue, Cardiff
W/ (02) 40231266 M/ 0414 011 483

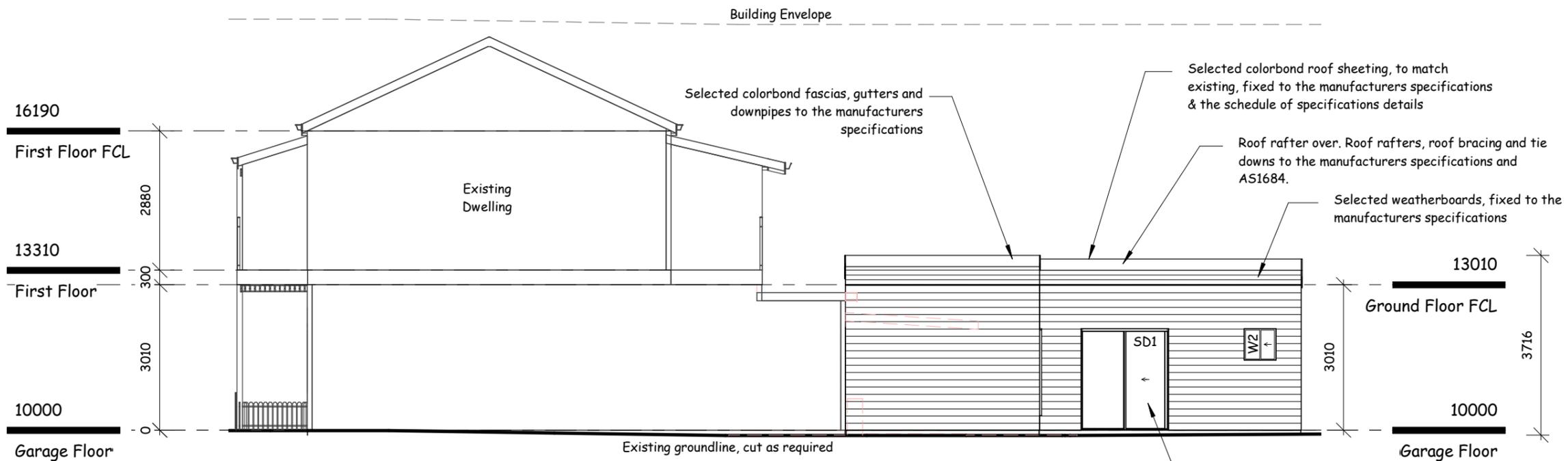
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East Elevation

1 : 100



North Elevation

1 : 100

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Revision Schedule

Rev	Date	Description

Additions & Alterations

Client:

Darcy Burgess

Address:

Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022 ∞

Drawing No: 322-7649

Sheet: Ar04

Scale: 1 : 100 @ A3



PLAN VISION

2 Louisa Avenue, Cardiff
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Revision Schedule		
Rev	Date	Description

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Client:
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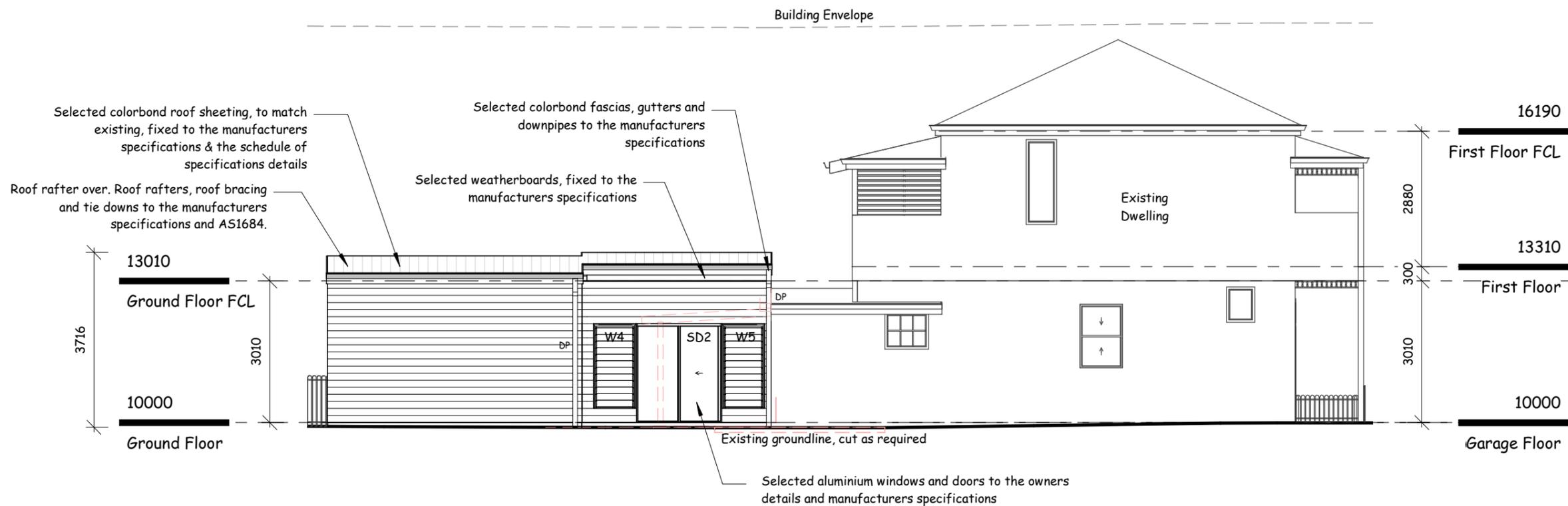
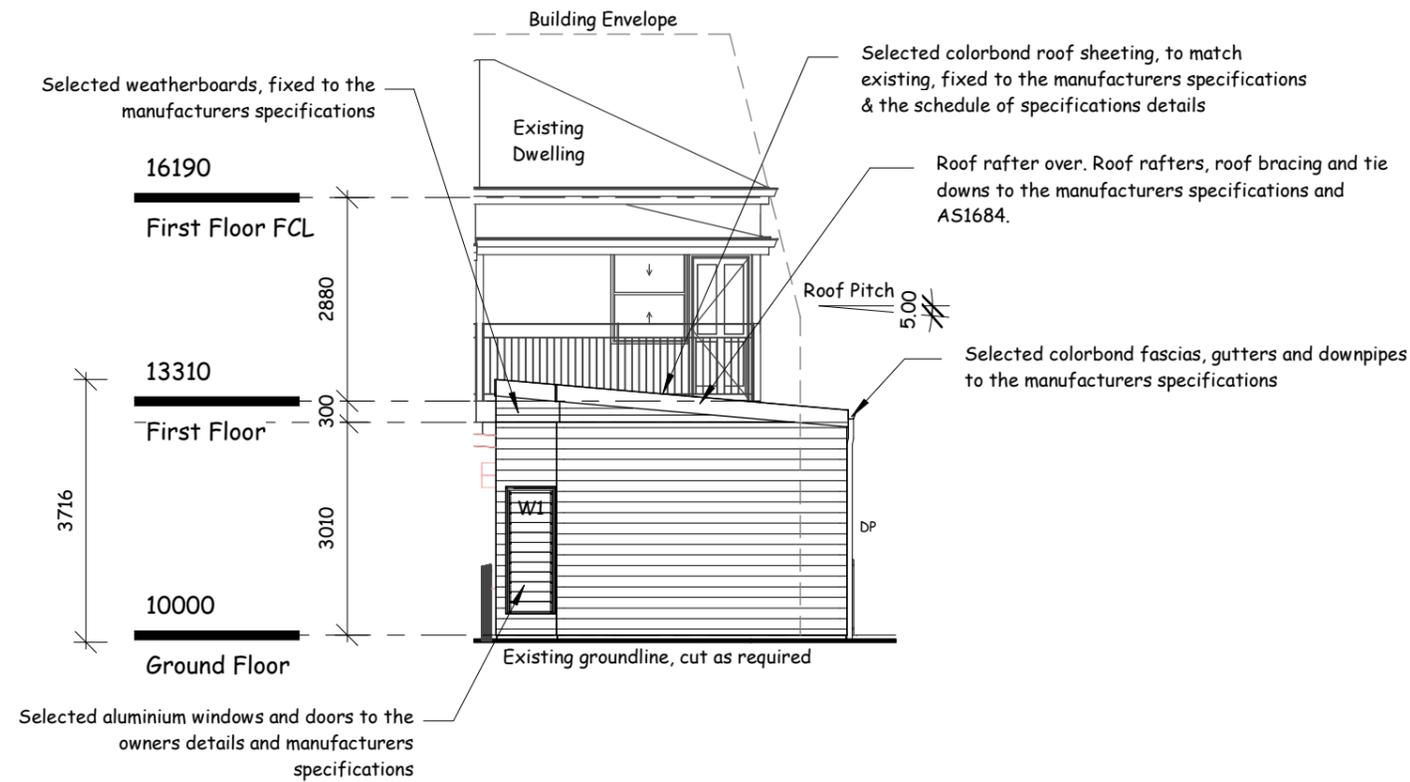
Address:
Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022

Drawing No: 322-7649

Sheet: Ar05

Scale: 1: 100 @ A3





PLAN VISION

2 Louisa Avenue, Cardiff
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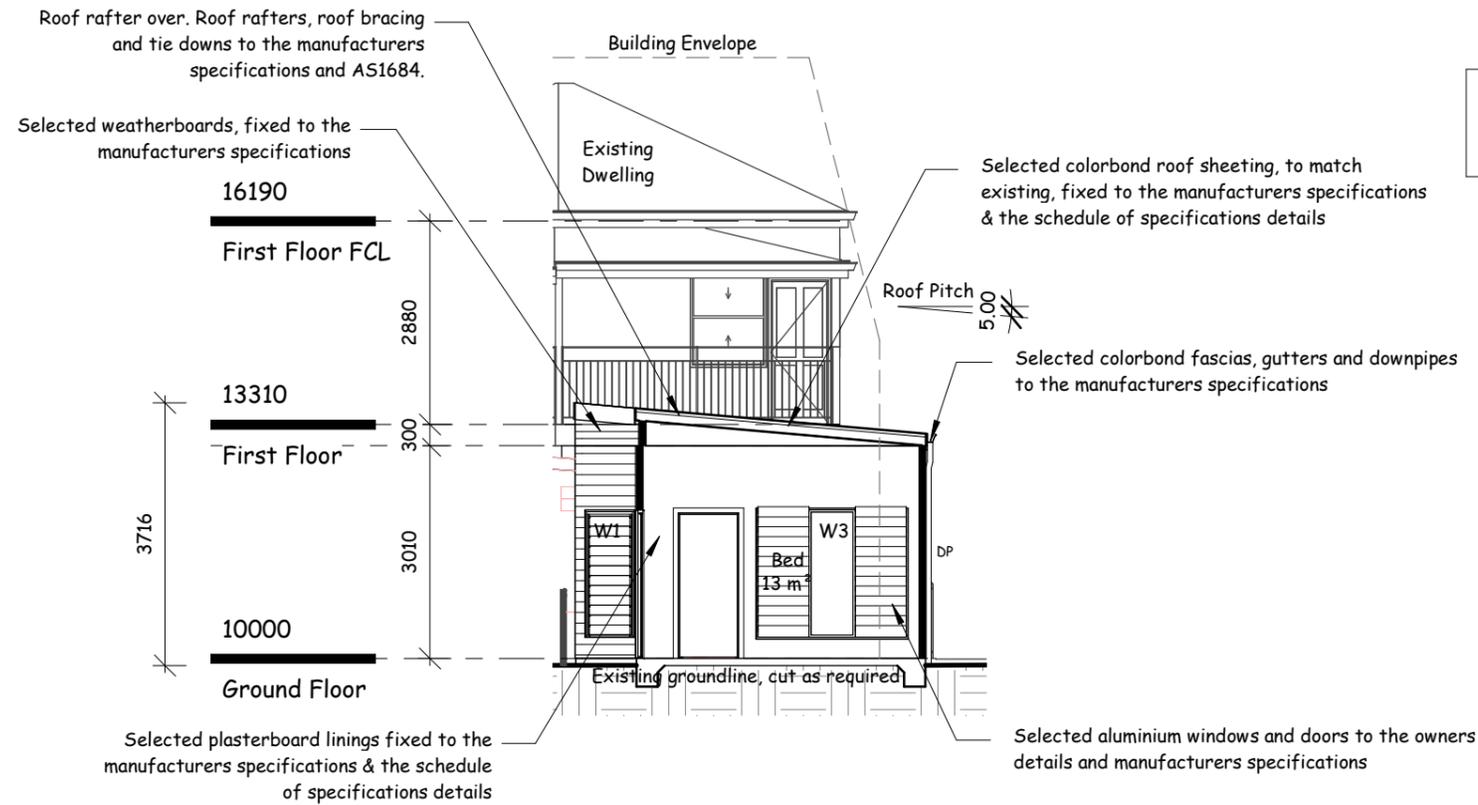
Revision Schedule		
Rev	Date	Description

Additions & Alterations

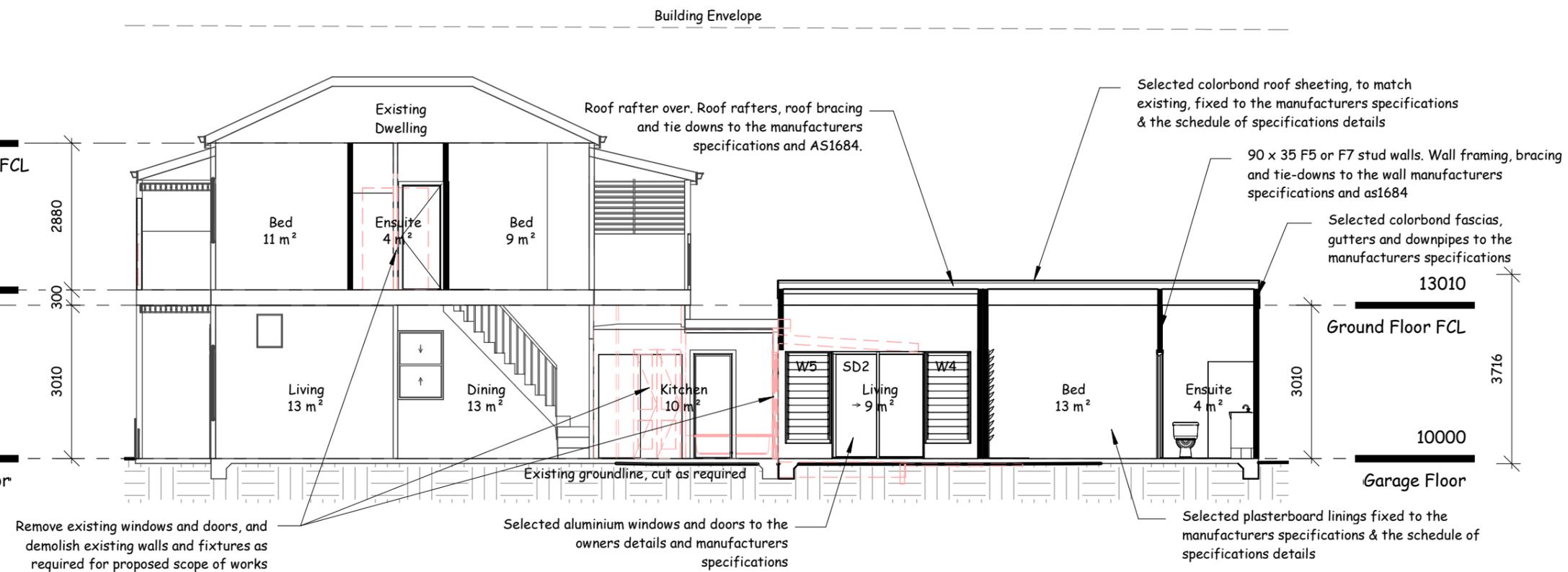
Client:
Darcy Burgess

Address:
Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started:	22/06/2022	10
Drawing No:	322-7649	
Sheet:	Ar06	
Scale:	1: 100 @ A3	



Sec 1
1 : 100



Sec 2
1 : 100



PLAN VISION

2 Louisa Avenue, Cardiff
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Revision Schedule

Rev	Date	Description

Additions & Alterations

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Address:

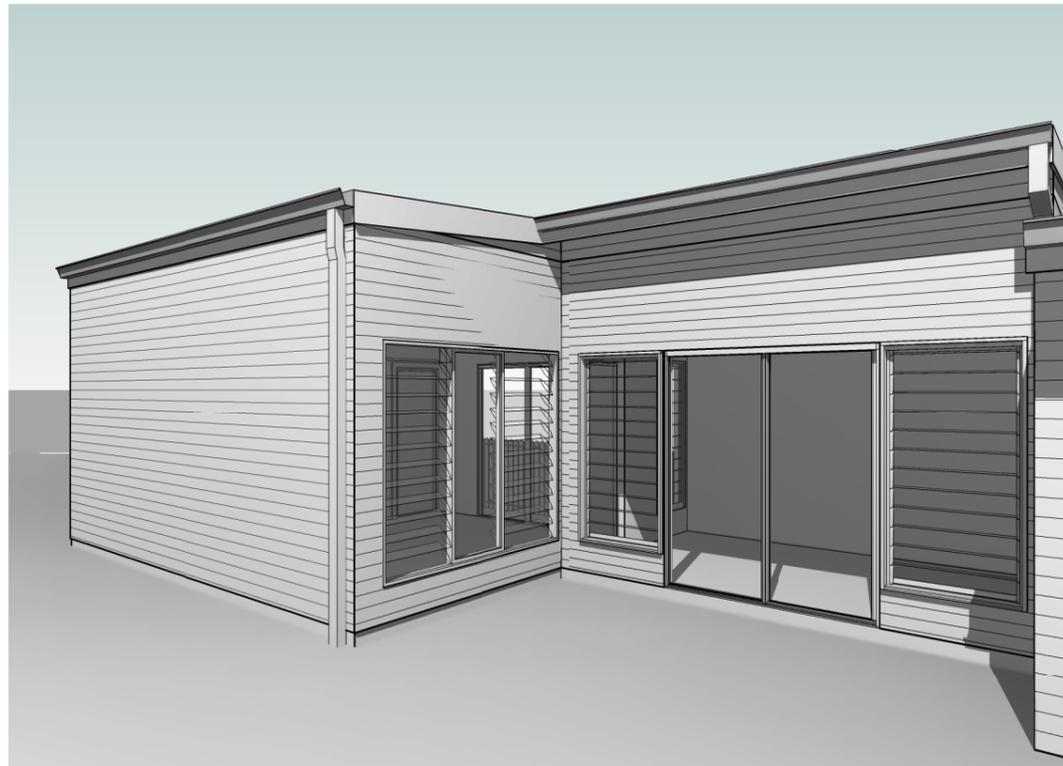
Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022 →

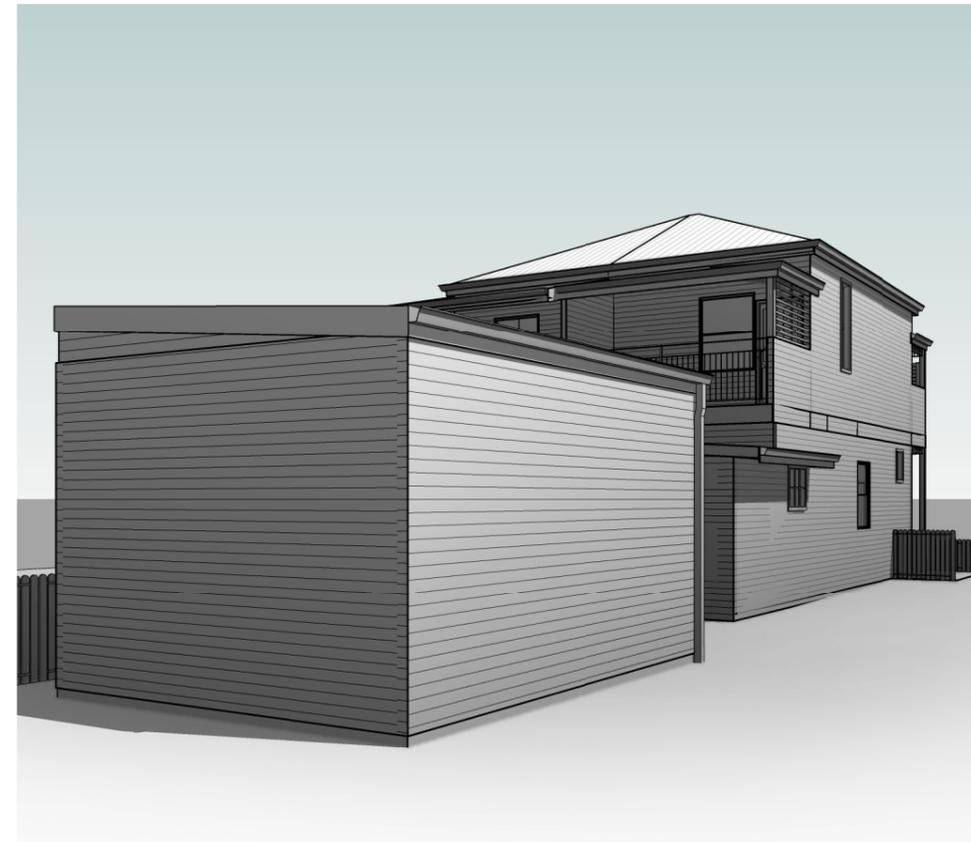
Drawing No: 322-7649

Sheet: Ar07

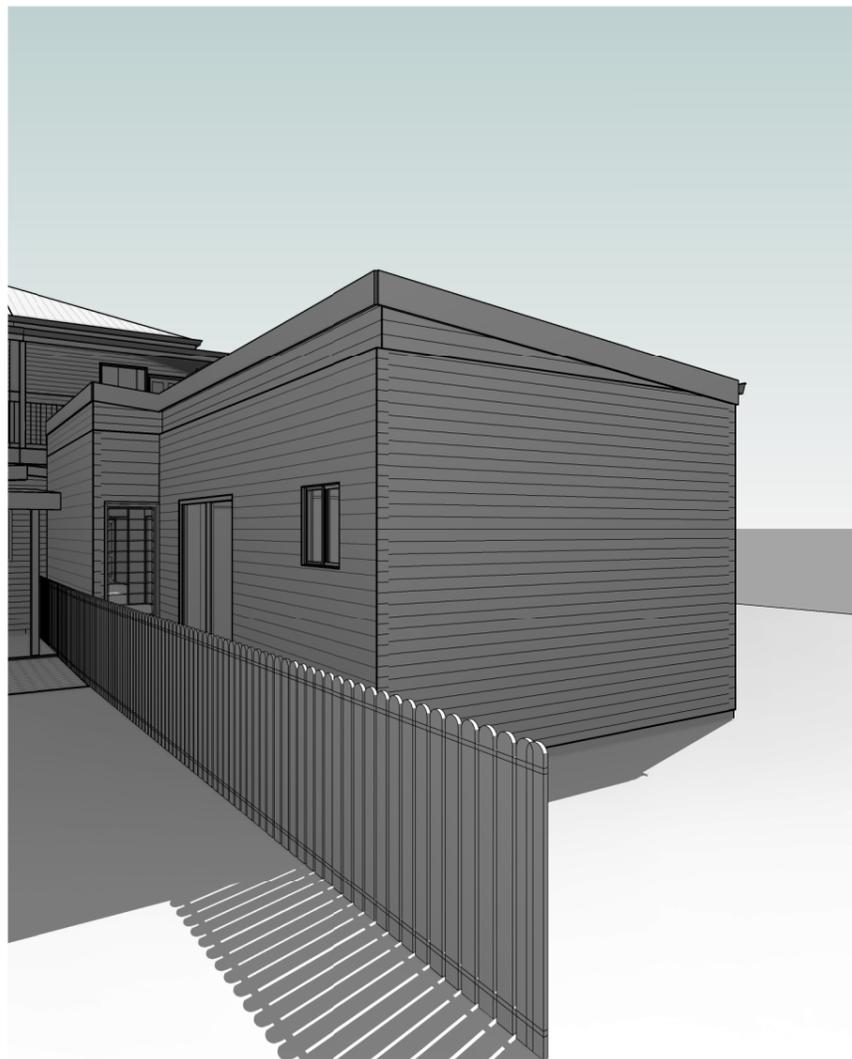
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3D View 1



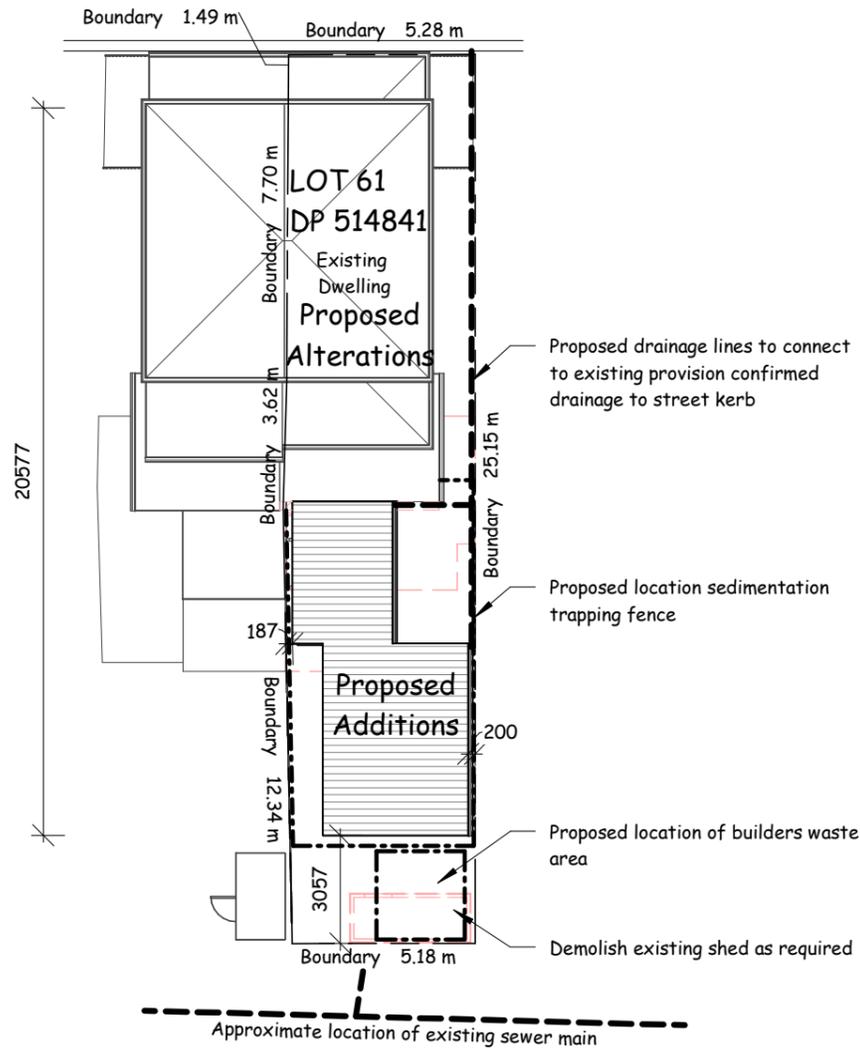
3D View 2



3D View 3



RODGERS STREET



Site Plan

1 : 200

Note: boundaries to be pegged and setout confirmed before commencement of construction

Plan Vision Australia Ph: 4954 2422 Mob: 0414 011 483
enquiries@planvision.com.au

Important Note for Development Applicants:
The following specification details the requirements necessary to achieve the thermal performance values as indicated on the BASIX Certification. Once the development is approved by Council, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, or need further information, please contact Plan Vision Australia

BASIX Certificate Number A466785 July 2022

These are the Specifications upon which the Certified Assessment is based. If they vary from drawings or other written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specification must be detailed below and / or clearly indicated on referenced documentation.

Floor Construction	Insulation	Covering	Detail
Concrete Slab on Ground	Nil	As drawn (if not noted default values used)	
External Wall Construction	Insulation	Colour (Solar Absorptance)	Detail
Stud Framed	R1.3 (or 1.7 including construction)	Any	
Internal Wall Construction	Insulation	Detail	
Plasterboard on studs	none		
Ceiling Construction	Insulation	Detail	
Plasterboard	R3.0		
Roof Construction	Insulation	Colour (Solar Absorptance)	Detail
Metal	Foil/Sarking	Medium (solar absorptance 0.475 - 0.70)	
Windows	Glass and frame type	U SHGC	Detail
W1	Single clear Aluminium	7.63 0.75	Awning (adjustable) >=900 mm
W2	Single clear Aluminium	7.63 0.75	None
W3	Single clear Aluminium	7.63 0.75	Awning (adjustable) >=900 mm
W4	Single clear Aluminium	7.63 0.75	None
W5	Single clear Aluminium	7.63 0.75	None
SD1	Single clear Aluminium	7.63 0.75	Awning (adjustable) >=900 mm
SD2	Single clear Aluminium	7.63 0.75	None
Plumbing	The owner/builder must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		
The owner/builder must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.			
The owner/builder must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.			
Lighting	The owner/builder must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		

Erosion and Sediment Controls

General Notes

- This plan shows the control objectives, philosophy and key control works for the site. The contractor shall provide supplementary works that reflect the adopted construction program and practices to ensure that erosion and sediment movement are managed in accordance with the objectives of this plan.
- Erosion and sediment hazard areas include stockpiles, exposed ground, embankments, cuttings concentrated flow paths and waterways.
- This plan is to be used as a guide only. The suitability of erosion and sediment control measures to be evaluated on site and where required, are to be modified under the supervision of a suitably qualified engineer and Council.

Pre-Construction Phase Notes

- Site works are not to start until the erosion and sediment control measures are installed and functional.
- Temporary sediment traps to be installed during construction (where applicable)
- Waste bins are to be provided for building waste or waste enclosure min. 1800 x 1800 x 1200mm high constructed using star pickets and 1200mm high weed control mat. Arrangement to be made for regular collection and disposal or recycling of construction waste.
- Entry and departure of vehicles is to be confined to the nominated existing vehicle access or stabilised site access. Sediment or barrier fencing will be used to restrict all vehicular movements to that access point. Stabilisation will be achieved by either:
 - constructing a sealed (eg concrete or asphalt) driveway to the street
 - constructing a stabilised site access according to Council's engineering standards.

Construction Phase Notes

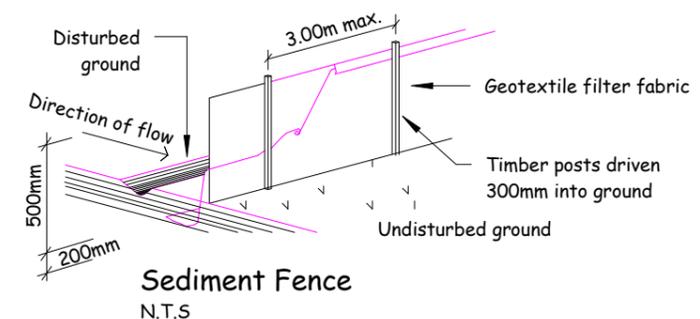
- Topsoil is to be stripped from building site and stockpiled for later use in landscaping the site.
- The footpath and driveway, other than stabilised site access, is not to be disturbed, including stockpiling of materials. Where essential works (eg drainage) are required, the footpath is to be rehabilitated (turfed) as soon as possible.
- Where appropriate, an aggregate bag shall be placed in the gutter below the site access. The bag shall be made from green sediment fence material, or similar. The bag must be at least 450mm long, 200mm diameter, filled with less than 20mm blue metal or crushed rock. If the bag breaks or deteriorates, the bag shall be replaced immediately and the material cleaned out from any gutter, kerb, road surface or stormwater system it has entered. The use of hessian bags, and sand filled bags is not acceptable.
- All sedimentation controls are to be checked daily (at a min. weekly) and after all rain events. All structures to be cleaned on reaching 50% storage capacity to ensure they are maintained and in full functional condition. Excess materials and water from cleaning tools and equipment should not be washed down stormwater drains.

Post-Construction Phase Notes:

- Topsoil is to be re-spread and all disturbed areas rehabilitated (turfed) within 20 working days of completion of works. Where necessary, spray and seed disturbed areas.
- Roof downpipes to be connected to street kerb or other stormwater disposal system as nominated in the plans on completion of roof and guttering as soon as possible.

FSR = 0.72:1

Floor to Space Schedule	
Name	Area
Existing First Floor Living Space	25.6 m ²
Existing Ground Floor Living Space	41.0 m ²
Proposed Ground Floor Living Space	29.9 m ²
Site	133.8 m ²



PLAN VISION

2 Louisa Avenue, Cardiff
W/ (02) 40231266 M/ 0414 011 483

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Revision Schedule

Rev	Date	Description

Additions & Alterations

Client:

Darcy Burgess

Address:

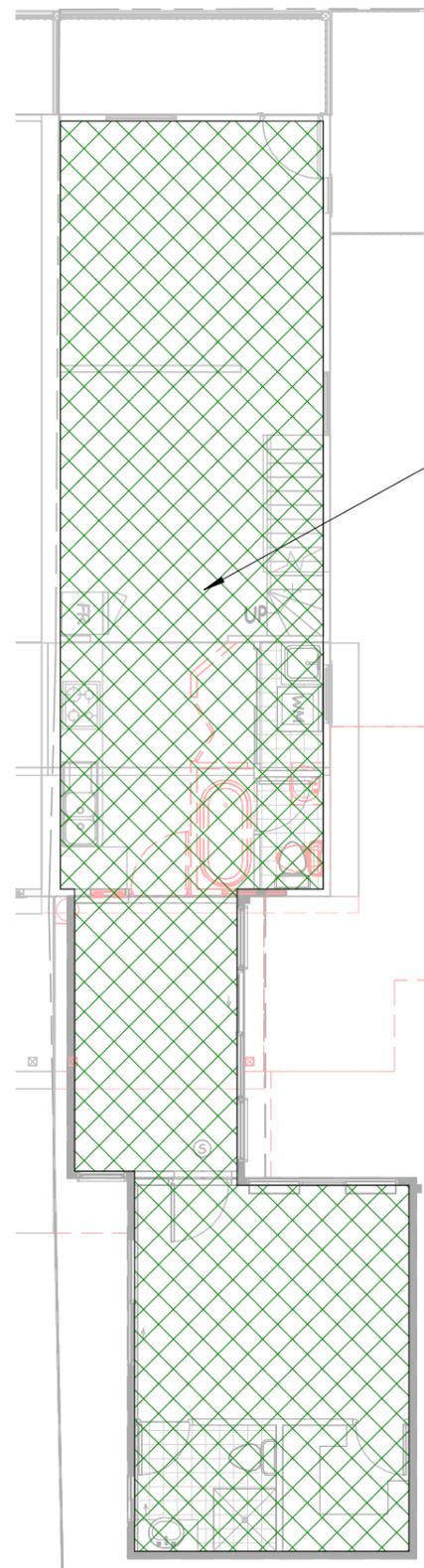
Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022

Drawing No: 322-7649

Sheet: Ar08

Scale: As indicated @ A3

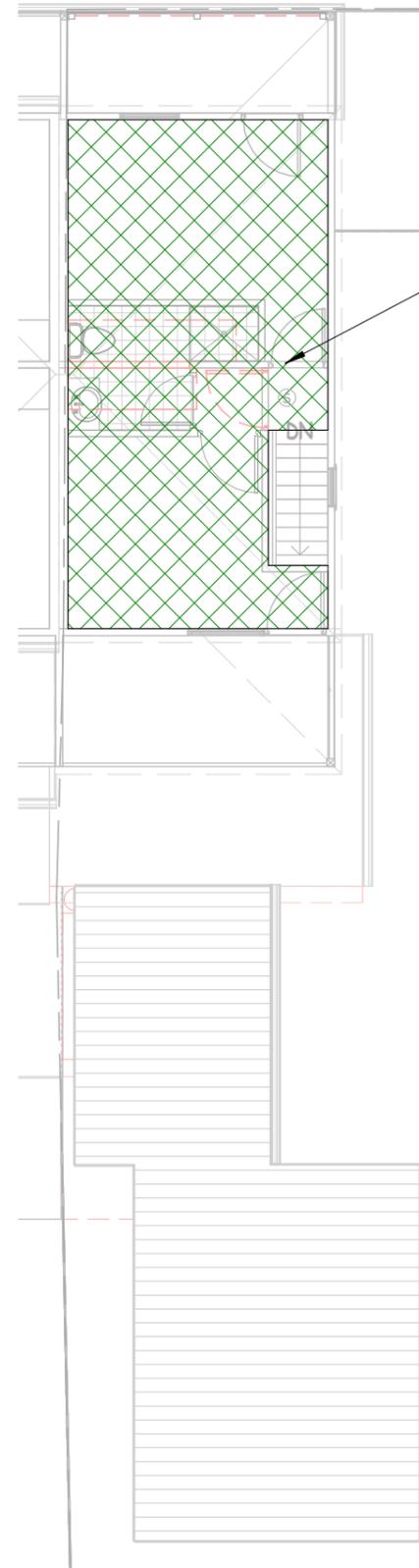


Area included in FSR calculation shown hatched (taken from the inside face of the outer walls) = 71.0m²

Total Area = 96.8m²
FSR = 0.72:1

Ground Floor (FSR)

1 : 100



Area included in FSR calculation shown hatched (from the inside face of the outer walls, removing stair void as this is counted in ground floor area) = 25.8m²

Total Area = 96.8m²
FSR = 0.72:1

First Floor (FSR)

1 : 100



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Materials are under no circumstances to be ordered direct off Additions Plans.
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Additions plans are not intended to be the absolute medium for construction information accuracy due to existing buildings discrepancies and existing buildings hidden characteristics. See schedule of specifications for further details.

Wind Class: N2 (W33N) (Assumed)
Site Class: 'M' Soil Class: 'M'
Refer to Geotech report for more details

SURVEY NOTE :

Boundary dimensions are assumed only and taken from site information, others or owners information.
Confirm boundaries before commencement of construction.
Full project specific detailed survey plans have not been supplied to Plan Vision for planning purposes.
See schedule of specifications for details.

Revision Schedule

Rev	Date	Description

Additions & Alterations

Client:

Darcy Burgess

Address:

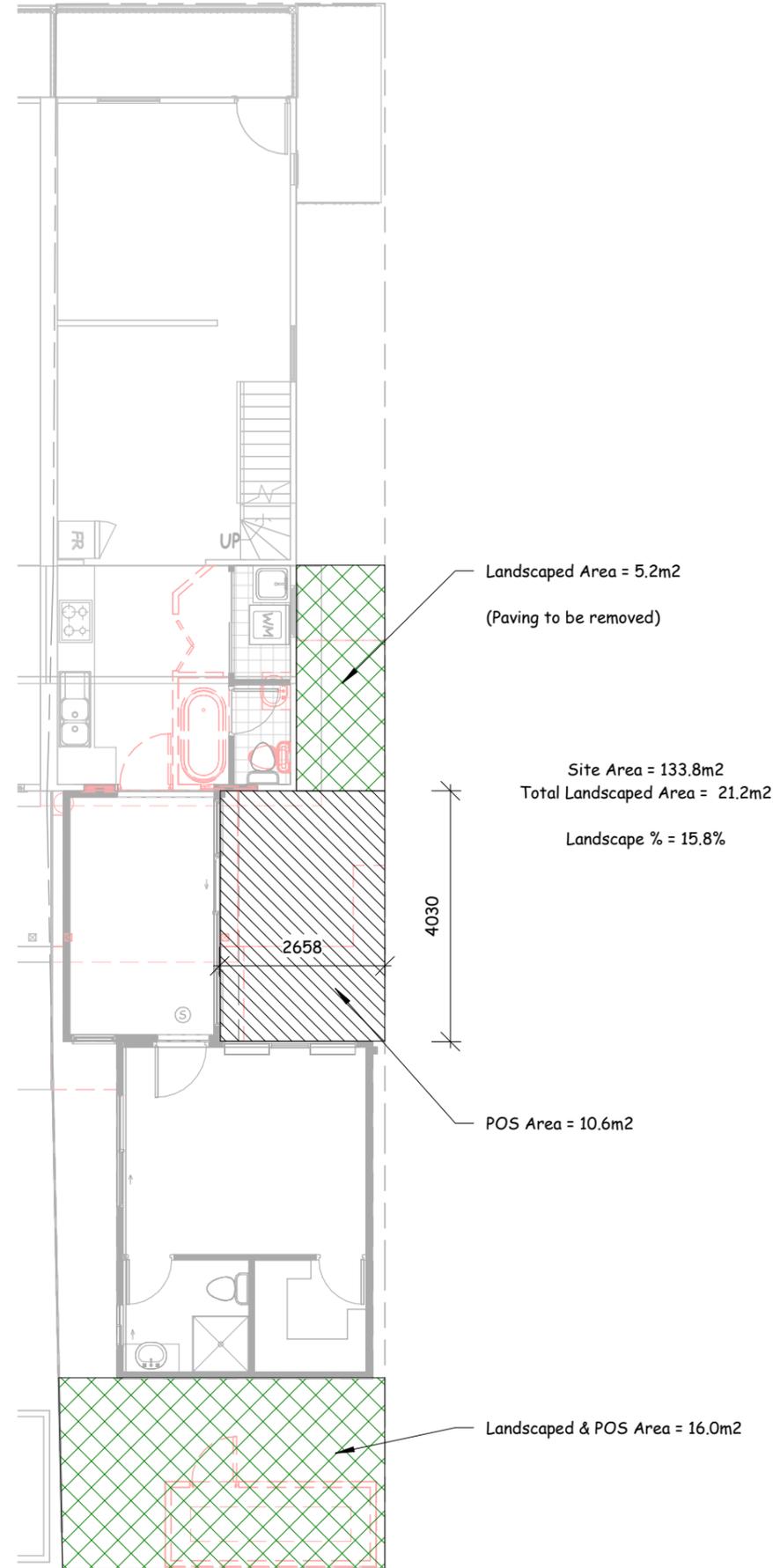
Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022 ↻

Drawing No: 322-7649

Sheet: Ar09

Scale: 1 : 100 @ A3



Landscape & POS Plan



1 : 100



PLAN VISION

2 Louisa Avenue, Cardiff
W/ (02) 40231266 M/ 0414 011 483

BUILDERS NOTE :

Use Dimensions in preference to scale.
Site verify all dimensions before ordering Materials.
Footings information shown on these plans may have to be changed if Builders site excavations reveal non-virgin ground.
Consultation of Plan Vision Australia Pty Ltd would then be necessary to determine the required changes.
Builder to inspect adequacy of existing footings & piers for proposed scope of works. Replace existing footings & sub floor members as necessary
Materials are under no circumstances to be ordered direct off Additions Plans.
Materials to be ordered are only to be ordered from a Builders or applicable product manufacturers separate site confirmed Materials list.
Additions plans are not intended to be the absolute medium for construction information accuracy due to existing buildings discrepancies and existing buildings hidden characteristics. See schedule of specifications for further details.

Wind Class: N2 (W33N) (Assumed)
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Client:

Darcy Burgess

Address:

Lot 61 - DP 514841
94 Rodgers Street
CARRINGTON

Date Started: 22/06/2022 14

Drawing No: 322-7649

Sheet: Ar10

Scale: 1 : 100 @ A3



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 21/03/2023 – 94 RODGERS STREET CARRINGTON –
DA2022/00858 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

7.1 **Attachment B:** Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER

Application No: DA2022/00858

Land: Lot 61 DP 514841

Property Address: 94 Rodgers Street Carrington NSW 2294

Proposed Development: Dwelling house - alterations and additions

SCHEDULE 1

Approved Documentation

- 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
Ground Floor	Drg. 322-7649 Sheet Ar02	Plan Vision	22/06/2022
First Floor	Drg. 322-7649 Sheet Ar03	Plan Vision	22/06/2022
East and North Elevations	Drg. 322-7649 Sheet Ar04	Plan Vision	22/06/2022
West and South Elevations	Drg. 322-7649 Sheet Ar05	Plan Vision	22/06/2022
Sec. 1 and Sec. 2	Drg. 322-7649 Sheet Ar06	Plan Vision	22/06/2022
Site Plan	Drg. 322-7649 Sheet Ar08	Plan Vision	22/06/2022
BASIX Certificate	A466785	Plan Vision Australia	14/07/2022

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.

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

- The second storey of the proposed building is to be a flood refuge in a Probable Maximum Flood event and 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 2.3m Australian Height Datum, Maximum Flow Velocity of floodwaters 0.1m/s). Full 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

3. Consent is not given to undertake works to the party wall.
4. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries and the party wall, is to be submitted to the Principal Certifying Authority before construction is commenced.
5. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's 'Acid Sulfate Soil Manual'.
6. Any black glassy slag excavated during earthworks and which will not be covered by building structures or reburied on site, is to be removed for disposal at the Summerhill Waste Management Centre or another approved waste disposal site. Any such action is to be confirmed by the submission of evidence of disposal to the Principal Certifier, e.g. copy of docket from disposal centre.
7. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
8. 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*.
9. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
 - a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
 - b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner
 - c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
 - d) a copy of all waste disposal receipts are to be kept in the possession of the landowner and made available to authorised Council Officers upon request
 - e) seven working days notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such

written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and

- f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
10. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
11. 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 approval to position the container on the adjacent public road in accordance with the Council's adopted Building Waste Container Policy.

12. All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

13. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
14. 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 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*.

15. A rigid and durable sign is to be erected in a prominent position 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, if any, for any building work and 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, and must be removed when the work has been completed.

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

16. 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.
17. 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.
18. 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.
19. 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.

20. Council'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 Council, 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.

21. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
22. 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*.
23. All public trees that are required to be retained are to be protected in accordance with the City of Newcastle *Urban Forest Technical Manual, Part B Public Trees*.

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

24. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
25. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
26. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil are to be provided.
27. A separate application is to be lodged and consent obtained from the City of Newcastle for all works within the road reserve, pursuant to Section 138 of the *Roads Act 1993*, prior to the commencement of works.
28. 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 Council's requirements, in accordance with Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012.
29. The following waste management measures are to be implemented during construction:
 - a) waste container of at least one cubic metre capacity shall 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) appropriate provision is to be made to prevent wind blown 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* (NSW)

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

30. All commitments listed in the relevant BASIX certificate for:
 - a) BASIX development,
 - b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

are to be satisfactorily completed prior to the issue of an Occupation Certificate.

Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided

to the Newcastle City Council with Occupation Certificate documentation.

31. 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.
32. All works within the road reserve required by this consent are to be completed prior to the issue of an Occupation Certificate.

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.
- 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 (ie '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.
- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the *Heritage Act 1977 (NSW)* for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.

- If any Aboriginal objects are discovered which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974 (NPW Act)*. Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974 (NPW Act)* for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

- Prior to commencing any building works, the following provisions of Division 6.2 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 Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).
 - For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
 - a) Defined Flood Level (DFL) is 2.2m Australian Height Datum (AHD)
 - b) Flood Hazard Level is 2.5m AHD (Freeboard is 500mm above DFL)
 - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.1m/s

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.
- The City of Newcastle has considered and accepted the proposed development standard variation made under Clause 4.4 of the *Newcastle Local Environmental Plan 2012*. The proposed 20% variation is considered acceptable in the particular circumstances of this case as the variation will not significantly obstruct significant view corridors and not result in negative privacy issues.

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 21/03/2023 – 94 RODGERS STREET CARRINGTON –
DA2022/00858 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

7.1 **Attachment C:** Processing Chronology

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PROCESSING CHRONOLOGY

DA2022/00858 – 94 Rodgers Street Carrington

1 August 2022	-	Application lodged
9-23 August 2022	-	Application notified in accordance with CN's Community Participation Plan (CPP)
13 October 2022	-	Request for additional information
27 October 2022	-	Additional information received



Application to Vary a Development Standard

Proposed single storey alterations and additions at rear of
existing dwelling

94 Rodgers Street, Carrington

Owner: Darcy Burgess

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1. Property Information

Site Details

The property is described as Lot 61, DP 514841, 94 Rodgers Street, Carrington.

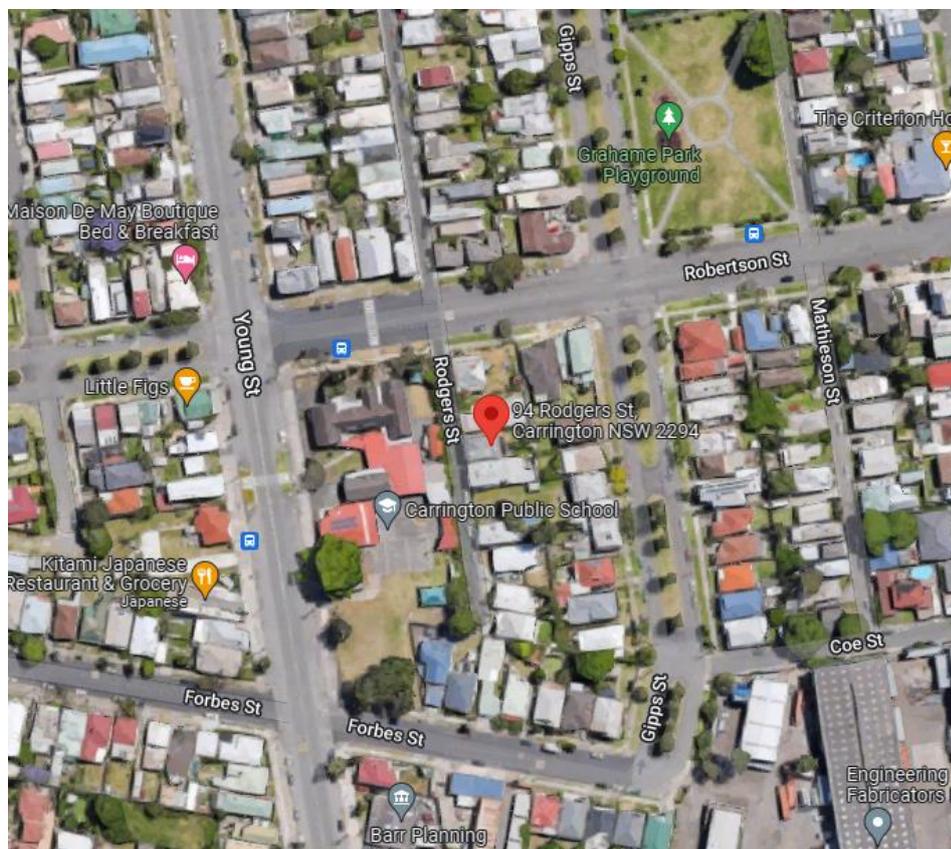


Figure 1: Immediate Context (Source: Google maps)

Site Description

The development in the immediate context of the site includes single dwellings, dual occupancies, unit developments, rental housing and private-owned housing. All these houses and units are a mix of brick veneer, weatherboard, tile roofs, iron roof and all different colours and styles with no consistent context for the area.

The site appears to have always been zoned residential and as the proposal is for residential use there is no change of use required.

The site has an existing single-storey weatherboard and iron dwelling located on it that is used for residential purposes.

There are no known or likely contamination issues or evidence of any previous contamination issues on the site.

The site falls steeply to the rear boundary and is generally rectangular. It has an area of 133.8m² and a frontage of 5.28m.

There is no existing mature vegetation located on the site that will be affected by the proposed additions.

2. Proposal

Description

The proposal includes rear additions to existing dwelling including an open plan living area, and main bed with ensuite and WIR, and some internal changes on the existing first floor.

Rationale

The existing dwelling has very little connection with the rear yard. The proposal will provide more living spaces opening onto decks and the rear yard and provide better connection between indoor and outdoor areas.

It will also extend an existing small dwelling for a growing family.

2.2 Name of the Planning Instrument that applies to the land

Newcastle LEP 2012.

Newcastle DCP 2012.

2.3 Zoning of the land

Under the provisions of the LEP, the site is zoned **R2 Low Density Residential**. The proposal is permitted within this zone subject to Council consent.

Objectives of zone

(a) To provide for the housing needs of the community within a low-density residential environment.

The proposal will still be considered low density and continues to provide for the housing needs of the community.

(b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is designed such that it can be used for home based businesses if required.

(c) To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

The proposed additions are single storey in an area with other single & two storey development similar to the proposal. As such the proposal respects the amenity and character of surrounding development.

2.4 The development standard to be varied

The proposal is slightly over the maximum FSR specified for the site.

2.5 Clause of the standard to be varied

Newcastle LEP 2021 – Section 4.4 Floor Space Ratio.

2.6 Objectives of Standard

(a) to provide an appropriate density of development consistent with the established centres hierarchy,

The proposal is in keeping with other development in the area, that are dwelling and building that take up a large proportion of the lots (due to the small size of allotments in the area).

98 Rodgers Street, which is located next door, takes up the majority of the site as can be seen below.

The front section is two storey, and an estimate of the FSR for this site is 1:1, so it is well over the 0.6:1 FSR requirement for the site. It is noted that this is twice the size of the subject site.

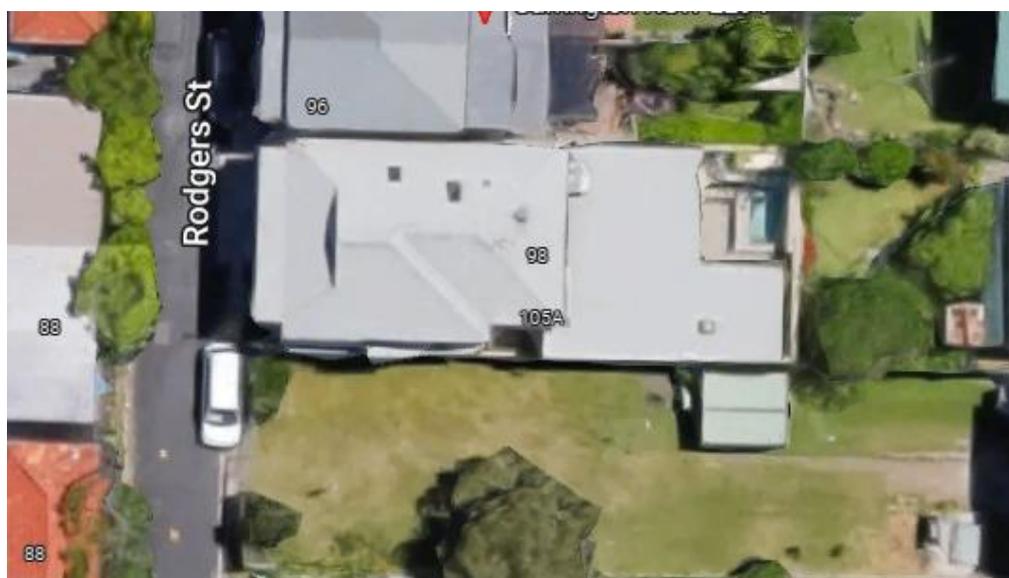


Figure 2: 98 Rodgers Street (Source: Google maps)

35 Robertson Street, which is located within 60m of the proposal has two dwelling located on it that are two storey. It is noted that this site is twice the size of the subject site.

The estimate of the FSR for this site is 1:1 as well, which is well over the 0.6:1 FSR for the site and area.



Figure 3: 35 Robertson Street (Source: Google maps)

33 Roberston Street, which is located within 60m of the proposal. The dwelling takes up most of the block, and the front section is two storey. This site is of a similar size and arrangement to the proposal.

The estimate of the FSR for this site is 0.9:1, which is well over the 0.6:1 FSR requirement.



Figure 4: 33 Robertson Street (Source: Google maps)

The proposed site, in terms of size, has more in common with sites further up in Rodgers Street and Young Street. Below is a picture of 82 and 84 Rodgers Street and 91 and 93A Gipps Street.

82 Rodgers Street is two storey and takes up the majority of the site, and the same for 91 Gipps Street and 93A Gipps Street. The estimate FSR for these sites varies from 1:1 to 1.2:1, so all these sites are well over the FSR for the site and the area.

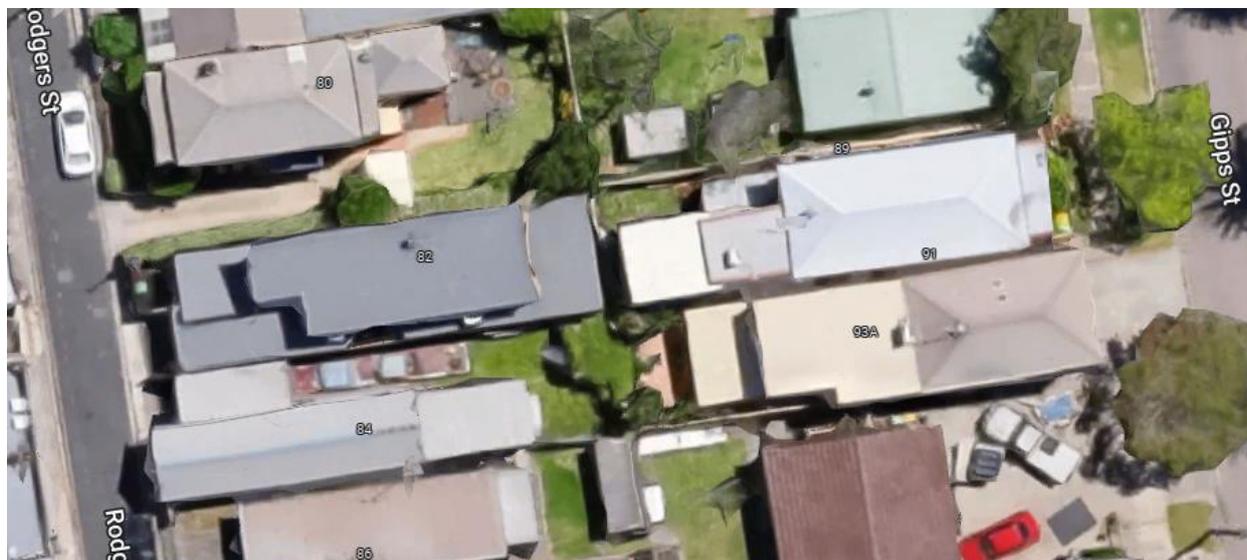


Figure 5: 82-84 Rodgers Street, 91, 93A Gipps Street (Source: Google maps)

The picture below shows 57 and 59 Rodgers Street, and 76 Young Street, which have similar site area to the proposal.

These dwellings are all single storey, but they still take up a large portion of the site. The estimate FSR for these vary from 0.8:1 to 0.9:1.

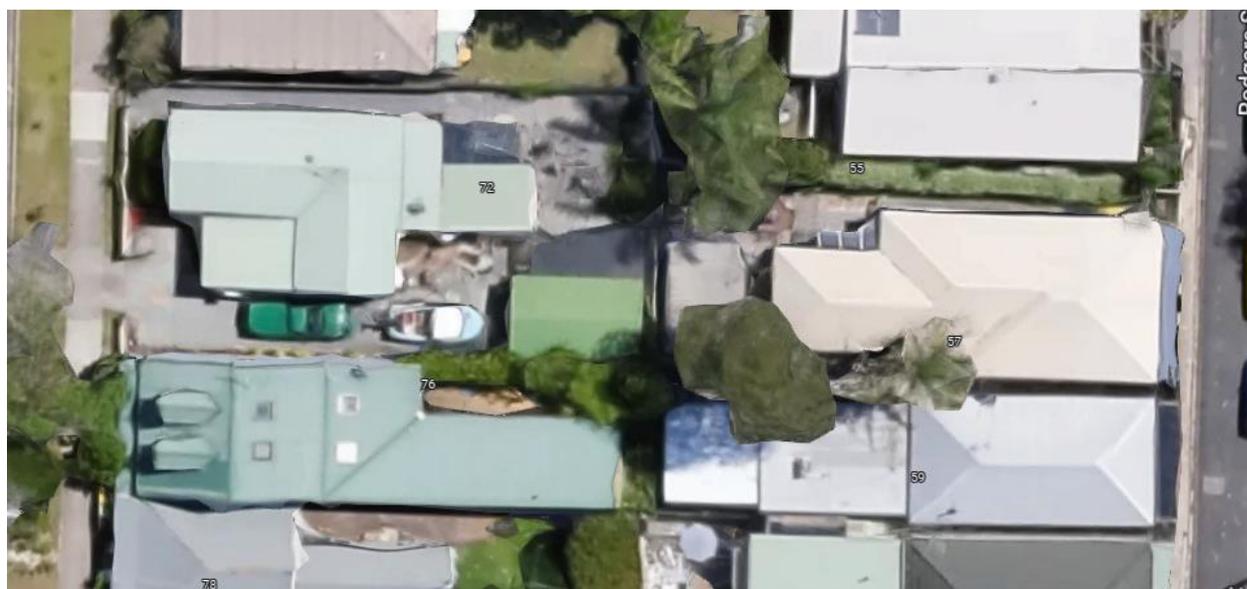


Figure 6: 57-59 Rodgers Street, 76 Young Street (Source: Google maps)

Other dwellings in the area that are at or above the FSR include:

1. 78 Gipps Street
2. 21-23 Robertson Street
3. 24 Robertson Street
4. 17 Robertson Street
5. 19 Robertson Street
6. 106 Rodgers Street

As noted there are at least 15 sites and dwellings existing that are at or above the 0.6:1 FSR for the area.

As such, the proposal is in keeping with the area, and provides an appropriate density consistent with the established centres hierarchy.

(b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.

As noted above, the proposal is in keeping with the density of the area.

The proposal itself is single storey addition to an existing two storey dwelling. There are a number of dwellings, and other buildings, such as a school, and multi story commercial buildings, so the proposal is definitely not out of character with the bulk and scale of the area.

The proposal complies with other aspects of the DCP including overshadowing, open space and landscaping, which in conjunction with FSR, help to drive the desired character of the area.

2.7 Numeric value of standard

The site has an FSR of 0.6:1.

2.8 Proposed numeric value

The proposed FSR is 0.72:1.

2.9 Percentage Variation

The percentage difference between the proposed and required FSR is 20%.

2.11 Performance based Control Standard?

The FSR is not a performance-based control standard.

2.12 Clause 4.6 – Exceptions to Development Standards

Clause 4.6(1)

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The development standard that is to be varied is Clause 4.4 – Floor Space Ratio. Clause 4.6 allows for flexibility when applying the development standard, allowing for development that is more in keeping with other development in the area.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Clause 4.6(2) grants Council, the consent authority, the discretion to consent to the development despite it not being in keeping with Clause 4.4 Development Standard.

***(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and***

Although the proposal contravenes the written standard, it complies with the objectives of the standard. See Section 2.6 for more detail.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Environmental Planning & Assessment Act (EP&A Act).

The proposed development will enable the attainment of the relevant objects of the EP&A Act, which are:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

The proposal is for single storey additions to an existing dwelling and will promote the social and economic welfare of the community by providing a dwelling suitable for a growing family. The proposal complies with BASIX requirements, and Council's guidelines regarding open space, landscape, and sediment control, and as such, provides a suitable environmentally managed design.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

The proposal complies with BASIX requirements and other Council requirements such as stormwater, and provides a sustainable development.

(c) to promote the orderly and economic use and development of land,

The proposal is an economic and orderly use of the land by complying with all other Council requirements, including landscaping, overshadowing, setbacks, open space etc.

(d) to promote the delivery and maintenance of affordable housing,

The proposal will use pod type buildings as part of the addition, to help provide and affordable residential addition that may not fall within budget otherwise.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

N/A, as the proposal does not affect any habitat area or existing trees.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

The proposal should have minimal impact on this as it is a small residential addition to an existing dwelling.

(g) to promote good design and amenity of the built environment,

The proposal is suitable design for the site, cost effective and low impact and as such provides good design and amenity for the area.

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The proposal complies with NCC and Australian Standards regarding construction, and will use materials that are easy to maintain, and as such, promotes the health and safety of residents.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

N/A, as this will be assessed and approved by Council.

(j) to provide increased opportunity for community participation in environmental planning and assessment.

N/A as the proposal is not looking to change development standards, but only vary one, FSR, for the subject site.

Relevant Local Environmental Plan

Guided by Section 4.15 of the EP&A Act, the development is subject to consent in accordance with NLEP. The aims of the NLEP are as follows:

(1) This Plan aims to make local environmental planning provisions for land in the City of Newcastle in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

(2) The particular aims of this Plan are as follows—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

The proposal should have minimal impact on this, as it is for a small single storey addition to an existing dwelling. It will provide an addition that is cost effective and allows the resident to stay by providing a dwelling for a growing family.

(a) to respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle,

The proposal has minimal impact on this except for providing an addition to an existing dwelling in keeping with thousands of others that occur in the Newcastle area.

(b) to conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development in the City of Newcastle,

The proposal complies with requirements such as BASIX, Sediment control, and use of low maintenance materials, and as such, is in keeping with this section of the LEP.

(c) to contribute to the economic wellbeing of the community in a socially and environmentally responsible manner and to strengthen the regional position of the Newcastle city centre as a multi functional and innovative centre that encourages employment and economic growth,

The proposal provides a single storey, cost effective addition to an existing dwelling, it is in keeping with this section of the LEP, as it allows the resident to stay in their current dwelling, in an area that they have lived in for a number of years and built connections with local business and other residents.

(d) to facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor vehicle dependency,

The proposal is for a residential use to an existing residential dwelling. It is in keeping with this point of the LEP by continuing the residential character of the site that supports local urban centre of Carrington.

(e) to encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services,

The existing dwelling is close to the urban centre of Carrington, public transport, parks and other community facilities, and providing an addition to the existing dwelling, allows the existing residents to stay, and keep this going.

(f) to facilitate the development of building design excellence appropriate to a regional city.

The proposal is for a fairly straight forward addition to an existing residential dwelling. While not winning any awards, it provides a cost-effective addition to the dwelling for a growing family and is in keeping with this section of the LEP.

Strategic Planning Policy

Having regard for the objectives of local strategic plans including the Newcastle Housing Strategy 2020, the proposed variation to development standard will support housing affordability in the Carrington Area.

The proposal allows the existing residents to extend a very small existing dwelling for a growing family. It allows them to stay in the existing dwelling, and stay in the area, rather than potentially moving to the

urban fringe, in areas such as Cameron Park and Fletcher, using more land and increasing reliance on vehicles to get to and from work and other family commitments.

Other Environmental Planning Grounds

The proposal is in keeping with the character of the area, as detailed in Section 2.6 of this report.

The proposal complies with all other Council guidelines, including landscaping, open space, overshadowing, setbacks, NCC guidelines etc.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

The proposal, as noted above, demonstrates that it is in keeping with the development in the area, and as such, the objectives of the standard to be varied.

Section 2.6 gives details of this in relation to each of the objectives of the standard.

As such, Council can be satisfied that the development is in the public interest.

The existing site is very small, being under 200m², similar to other lots in the area.

To comply fully with an FSR of 0.6:1, means that the lots only just contain a very small, two bedroom dwelling, with one bath and one living space.

It gives no chance for the dwelling to be added to accommodate a growing family.

(b) the concurrence of the Planning Secretary has been obtained.

Further to the considerations above, Clause 4.6(4)(b) states that the concurrence from the Secretary must be obtained for the contravention of this development standard.

In this case, concurrence from the Secretary is applicable according to the planning circular 'Variations to development standards' PS18-003 issued 21st February 2018. The circular states that:

All consent authorities may assume the Secretary's concurrence under:

- *Clause 4.6 of a local environmental plan that adopts the Standard Instrument (Local Environmental Plans) Order 2006 or any other provision of an environmental planning instrument to the same effect, or*
- *State Environmental Planning Policy No 1 – Development Standards.*

The circular specifically states that:

The Secretary's concurrence may not be assumed by a delegate of council if:

- *the development contravenes a numerical standard by greater than 10%; or*
- *the variation is to a non-numerical standard.*

The proposed development is 20% or 16.52m² above the specified FSR

Whilst this may appear to propose a substantial percentage variation to the FSR, it is also a small area variation, and the 16.52m² equates to a large bedroom or small living area, so by no means a substantial increase in area for the dwelling.

Due regard for the site's context and the environmental planning grounds listed above should be considered. Specifically, it is noted that there are at least fifteen (15) lots within the surrounding locality which are of a similar FSR, or much greater FSR, than the proposal.

On this basis, the proposed variation should be supported.

As the proposed variation exceeds 10%, it is noted that Planning Secretary concurrence cannot be assumed. It is understood that the proposed variation must be determined by the elected Council.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

There are no significant matters for State or regional environmental planning that will be affected by the contravention of this development standard for this development.

(b) the public benefit of maintaining the development standard, and

There are no significant matters with regard to the public benefit that will be affected by the contravention of this development standard for this development.

3. Conclusion

As demonstrated in the SoEE submitted (unless otherwise stated and justified) the proposal complies with relevant state, regional and local environmental plans and Council's DCP as well as the relevant matters of Section 4 of the Environmental Planning and Assessment Act 1979 Section 4. The only deficient area is in regards to FSR, for the reasons mentioned above.

As such, the proposal is considered to be justified upon its merits and recommended to Council for approval.



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**SUPPLEMENTARY REPORT - DAC 21/03/2023 – 37 STEVENSON
PLACE NEWCASTLE EAST – DA2022/00611 - DWELLING HOUSE -
ALTERATIONS AND ADDITIONS**

- | | | |
|-----|----------------------|--|
| 7.2 | Attachment A: | Development Assessment Committee
Assessment Report – Meeting 6
December 2022 |
| 7.2 | Attachment B: | Amended Architectural Plans |
| 7.2 | Attachment C: | Amended Schedule of Conditions of
Consent |

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**SUPPLEMENTARY REPORT - DAC 21/03/2023 – 37 STEVENSON
PLACE NEWCASTLE EAST – DA2022/00611 - DWELLING HOUSE -
ALTERATIONS AND ADDITIONS**

- 7.2 **Attachment A:** Development Assessment Committee
Assessment Report – Meeting 6 December 2022

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ITEM-24 **DAC 06/12/22 - 37 STEVENSON PLACE NEWCASTLE EAST
- DA2022/00611 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

APPLICANT: **P DONN**
OWNER: **A P DI NARDO & L H HOWARD**
REPORT BY: **PLANNING AND ENVIRONMENT**
CONTACT: **INTERIM EXECUTIVE DIRECTOR, PLANNING &
ENVIRONMENT / ACTING MANAGER, PLANNING,
TRANSPORT & REGULATION**

PART I

PURPOSE

A development application (DA2022/00611) has been received seeking consent to carry out alterations and additions to the existing dwelling at 37 Stevenson Place Newcastle East.

The submitted application was assigned to Development Officer Isabelle Rowlatt for assessment.

The application is referred to the Development Applications Committee (DAC) for determination, due to the proposed variation to the Floor Space Ratio development standard of the *Newcastle Local Environmental Plan 2012* (NLEP 2012), being more than a 10% variation.



**Subject Land: 37 Stevenson Place
Newcastle East**

A copy of the plans for the proposed is at **Attachment A**.

The proposed development was publicly notified in accordance with City of Newcastle's (CN) Community Participation Plan (CPP) and 11 submissions have been received in response.

The objectors' concerns included:

- i) Floor Space Ratio exceedance
- ii) Bulk and scale
- iii) Heritage impacts
- iv) Amenity impacts

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- v) Privacy impacts
- vi) Inadequate parking

Details of the submissions received are summarised at Section 3.0 of Part II of this report and the concerns raised are addressed as part of the Planning Assessment at Section 5.0.

Issues

- 1) The proposed variation to the Floor Space Ratio development standard as prescribed under Clause 4.4 of the NLEP 2012.
- 2) Matters raised in the submissions including floor space ratio, bulk and scale, heritage, amenity, privacy, parking and other matters.

Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is acceptable subject to compliance with appropriate conditions.

RECOMMENDATION

Vote by division

- A. That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2022/00611 for alterations and additions at 37 Stevenson Place Newcastle East be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- C. That those persons who made submissions be advised of CN's determination.

Political Donation / Gift Declaration

Section 10.4 of the *Environmental Planning and Assessment Act 1979* requires a person to disclose "*reportable political donations and gifts made by any person with a financial interest*" in the application within the period commencing two years before the application is made and ending when the application is determined. The following information is to be included on the statement:

- a) all reportable political donations made to any local Councillor of Council; and

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- b) all gifts made to any local Councillor or employee of that Council.

The applicant has answered **NO** to the following question on the application form: Have you, or are you aware of any person having a financial interest in the application, made a 'reportable donation' or 'gift' to a Councillor or Council employee within a two-year period before the date of this application?

PART II**1.0 THE SUBJECT SITE**

The subject property comprises Lot 1 DP 908106 and is a small rectangular allotment located on the southern side of Stevenson Place. The site has a frontage of 5.08m to Stevenson Place, an average depth of 22.15m and a total site area of 112.2m². The site is relatively flat, with road frontage to Stevenson Place and rear frontage to a laneway that is connected to Telford Street and Zaara Street.

The subject property is occupied by a painted masonry and metal roof terrace style dwelling that is part of a row of 12 connected terrace houses. The general built form of the subject property and surrounding terrace houses comprise of painted masonry and weatherboard construction with elevated timber balconies and metal roof sheeting.

Development in the immediate area predominantly consists of two- to three-storey attached terraces, single storey cottages, detached villa residences, and warehouse conversions. Figures 1 to 4 show the locality.

The site, along with adjoining terrace houses on the southern side of Stevenson Place, is part of group listed heritage item 'Stevenson Place Precinct', Item 490 on Schedule 5 of the NLEP 2012. The site is also located in the Newcastle East Heritage Conservation Area (HCA).

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Figure 1 The lane frontage of the subject site.



Figure 2 View of the laneway behind the subject site, looking east from Telford Street. The site is located approx. halfway down the lane on the left.



Figure 3 The adjoining neighbour to the east (subject property indicated).



Figure 4 The adjoining neighbours to the west (subject property indicated).

2.0 THE PROPOSAL

The applicant seeks consent for alterations and additions to a terrace dwelling house, consisting of:

- i) Demolition of the rear single-storey structure (existing laundry and bathroom).
- ii) Alterations and extension to an existing two-storey rear addition.
- iii) Alterations to the existing attic with access to a new roof terrace over the first-floor addition.
- iv) Restoration of the front facade facing Stevenson Place.
- v) Construction of a single storey ancillary structure on the western boundary (garden/bike storage).

Amended plans have been submitted during assessment of the application in response to issues raised within submissions and matters raised by CN officers, including deletion of the roof top spa, reduction in size of roof top terrace, reduction in height of the rear addition, and amendments to materials and finishes.

A copy of the submitted plans is appended at **Attachment A**.

The various steps in the processing of the application to date are outlined in the Processing Chronology (refer to **Attachment C**).

3.0 PUBLIC NOTIFICATION

The original application was publicly notified from 21 June to 12 July 2022, in accordance with CN's Community Participation Plan. A total of 21 submissions were received during the first notification period. The concerns raised by the objectors in respect of the original application are summarised as follows:

- i) Floor Space Ratio exceedance
- ii) Bulk and scale
- iii) Heritage impacts
- iv) Amenity impacts
- v) Privacy impacts
- vi) Inadequate landscaping area
- vii) Inadequate parking

viii) Stormwater management

Amendments and additional information were requested by CN on 28 July 2022. In response, the proposed development was amended, and additional information was provided in October 2022.

The amended plan set was publicly notified from 13 October to 27 October 2022. A total of 11 submissions were received during the re-notification period.

The concerns raised by the objectors in respect of the current amended proposed development are summarised as follows:

a) Floor Space Ratio:

- i) The proposal does not comply with the floor space ratio development standard of 1:1 under NLEP 2012.

b) Buildings setbacks

- i) The proposal does not comply with building setback requirements set out in Section 3.02 (Single Dwellings) of the Newcastle Development Control Plan 2012 (NDCP 2012).

c) Heritage:

- i) The scale of the development is not consistent with the local character.
- ii) The proposed development will impact the heritage significance of the subject property and its neighbour at 39 Stevenson Place as the floor plan arrangement of the terraces are similar.
- iii) The proposed development will impact the character of the rear lane.
- iv) The rooftop terrace will set a precedent for three-storey buildings in a two-storey area.

d) Amenity:

- i) Overbearing: the bulk and scale of the development will be overbearing to adjoining properties.
- ii) Light: the attic and rooftop terrace will result in light emission which will impact neighbouring properties.
- iii) Solar access: the proposed development will negatively impact the solar access to neighbouring properties.

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iv) Acoustic: the proposed development will create excessive noise that will impact neighbouring properties.

e) Privacy:

- i) The rooftop terrace will overlook the private open space of adjoining residences.
- ii) The first-floor windows create visual privacy concerns for the rear of Alfred Street properties.

f) Traffic and Parking:

- i) The proposed development does not provide adequate parking.

g) Other matters:

- i) Notification issues
- ii) Fire safety
- iii) Future use of the building
- iv) Construction issues
- v) Encroachment on the rear lane
- vi) Objection to solid fuel heaters and air conditioning systems
- vii) Setback of the rooftop terrace

The concerns raised by objectors are addressed as part of the Planning Assessment at **Section 5.0**.

4.0 INTEGRATED DEVELOPMENT

The proposal is not '*integrated development*' pursuant to Section 4.46 of the EP&A Act.

5.0 PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of section 4.15(1) of the EP&A Act, as detailed hereunder.

5.1 Provisions of any environmental planning instrument

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land Clause 4.6 of this SEPP provides that prior to granting consent to the carrying out of any development on land the consent authority is required to consider whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required. The subject land is currently being used for residential purposes and CN's records do not identify any past contaminating activities on the site. The proposal is acceptable having regard to this policy.

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)

The Coastal Management State Environmental Planning Policy (SEPP) came into effect on 3 April 2018. The SEPP seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management, consistent with the objectives of the *Coastal Management Act 2016* (the Act).

The 'coastal zone' is defined in the Act as comprising four coastal management areas; coastal wetlands and littoral rainforest, coastal environment, coastal use and coastal vulnerability. Note: the Newcastle Local Government Area (LGA) has no areas identified in the coastal vulnerability map. The proposed development is not inconsistent with the SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was lodged with the application, demonstrating that the development can achieve the required water and energy reduction targets. A condition of consent has been recommended, requiring that the development be carried out in accordance with the BASIX Certificate.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

The following summarises an assessment of the proposal against the provisions of the NLEP 2012 that are primarily relevant to the proposed development:

Clause 2.1 - Land Use Zones

The subject property is included within the R3 Medium Density Residential Zone under the provisions of NLEP 2012, within which zone the proposed development is permissible with CN's consent.

The proposed development is consistent with the objectives of the R3 Medium Density Residential Zone, which are:

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- a) To provide for the housing needs of the community within a medium density residential environment.
- b) To provide a variety of housing types within a medium density residential environment.
- c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- d) To allow some diversity of activities and densities if:
 - (i) the scale and height of proposed buildings is compatible with the character of the locality, and
 - (ii) there will be no significant adverse impact on the amenity of any existing nearby development.
- e) To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development:
 - (i) has regard to the desired future character of residential streets, and
 - iii) does not significantly detract from the amenity of any existing nearby development.

The following summarises an assessment of the proposal against the provisions of NLEP 2012 that are primarily relevant to the proposed development:

Clause 2.7 - Demolition Requires Development Consent

The proposal includes partial demolition of some of the existing structures on the site. Conditions are recommended to require that demolition works and the disposal of material is managed appropriately and in accordance with relevant standards.

Clause 4.3 Height of Buildings

Under NLEP 2012 the site has a maximum height of 10m. The existing dwelling has a ridge height of 9.65m, with the height of the proposed rear addition measuring 7.7m from the ground level to the top of the privacy screen. The proposed dormer (rooftop access) has a maximum height of 9.15m which is 0.5m below the existing ridge. The building complies with the height of buildings development standard.

Clause 4.4 - Floor Space Ratio (FSR)

Under NLEP 2012 the site has a maximum 1:1 floor space ratio. The existing dwelling has a total gross floor area (GFA) of 130.7m². This equates to an existing FSR of 1.16:1, based on a site area of 112.5m², which is a 16% FSR exceedance.

The proposed development seeks consent for an additional 11m² of floor area, resulting in a total GFA of 141.7m². This equates to an FSR of 1.26:1, exceeding the prescribed maximum FSR by 26%.

The applicant has submitted a request for a variation to this development standard, as per Clause 4.6 of NLEP 2012. Refer to the discussion under Clause 4.6 - Exceptions to Development Standards below.

Clause 4.6 - Exceptions to Development Standards

The proposal seeks consent to vary Clause 4.4 Floor Space Ratio (FSR) of the NLEP 2012. The Floor Space Ratio Map of the NLEP 2012 provides for a maximum FSR of 1:1 on the subject site. The proposed development will result in a maximum FSR of 1.26:1, which exceeds the maximum FSR for the site by 26%. As such the application is supported by a formal request to vary the development standard under Clause 4.6 of the NLEP 2012.

Clause 4.6 of the NLEP 2012 enables consent to be granted to a development even through the development would contravene a development standard.

The objectives of this clause are:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

An assessment of the Clause 4.6 variation request has been undertaken below, in undertaking the assessment consideration has been given to both the provisions of Clause 4.6 and the relevant Land and Environment Court judgements including: *Four2Five Pty Ltd v Ashfield Council [2015]* NSWLEC 1009 (and appeal at NSWLEC 90)(*Four2Five*), *Initial Action Pty Ltd v Woollahra Municipal Council [2018]* NSWLEC 118 ('Initial Action'), and *Wehbe v Pittwater Council [2007]* NSWLEC 827 (*Wehbe*), namely that the objection is well founded, that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(2) – is the provision to be varied a development standard? And is the development standard excluded from the operation of the Clause?

The Floor Space Ratio (Clause 4.4) development standard in the NLEP 2012 is a development standard in that it is consistent with the definition of development standards under Section 1.4 of the EP&A Act.

The Floor Space Ratio (Clause 4.4) development standard is not expressly excluded from the operation of Clause 4.6.

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Clause 4.6 (3)(a) – has the applicant submitted a written request that seeks to justify contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The applicant has prepared a written request for the purposes of Clause 4.6(3).

There are five circumstances established by *Wehbe v Pittwater Council* [2007] NSWLEC 827 in which it could be reasonably argued that the strict application of a development standard would be unreasonable and/or unnecessary.

The submitted 'Request to Vary Development Standard (FSR)', prepared by Donn Architects, constitutes a written request for the purposes of Clause 4.6(3), and seeks to demonstrate that strict compliance would be unreasonable. The documentation provided by the applicant addresses Clause 4.6 (3)(a), as follows:

There is sufficient justification to vary the development standard. Not only does the existing residence exceed the development standard by 16%, but several nearby residential properties exceed the development standard likely WELL beyond what is proposed (more than 26%) – such is the eclectic nature of the existing row-house formations which can be observed from the vantage point of the laneway that services all properties fronting Stevenson Place.

It is estimated that two storey residences occupying Nos. 33 & 41 Stevenson Place, as well as Nos. 49, 51, 53 and 55 Stevenson Place (positioned closer to Telford Street) all exceed their individual site FSR development standard which is the same as the subject site. On a broader scale – when considering the entire stretch of the heritage-listed properties fronting Stevenson Place (LEP Item 1490) – residential properties east of Zaara Street appear to be occupied by residences with greater density.

It would therefore be unreasonable to burden the applicant with the task of maintaining the current 16% FSR overrun or indeed reduce the site's FSR to comply with the 1.00:1.00 development standard. And, given the increased density of the surrounding context the 26% exceedance over the FSR development standard can be considered reasonable, provided neighbourhood amenity is not negatively impacted. The proposal has been designed to carefully consider neighbourhood amenity. Although the roof-top terrace is not counted as part of the GFA, it is recognised that the screened enclosure around the terrace will visually provide some level of perceived increase in density. It is for this reason that the roof-top terrace is kept below the existing ridge line of the pitched roof, and the privacy screen which encloses the terrace is kept to a maximum height of 1.8m; and its footprint occupies the same extent as the proposed two-storey building addition below.

CN Officer Comment

The proposed development provides for a modernised residential dwelling in a medium-density, low impact form complementary to the existing and future desired character of the streetscape, noting that the proposed development is entirely hidden

from the primary public street and is not inconsistent with the established eclectic nature of the rear 'lanescape'.

Further, the proposal for a single dwelling development is consistent with the medium-density objectives of the land and consistent with other developments to similar terraced housing developments in the local area.

The proposed variation to the development standard does not cause any undue adverse environmental impacts, including impacts on neighbouring properties in terms of bulk, scale, overshadowing and privacy, indicating the proposed development is suitable for the site. The non-compliance does not result in any additional unreasonable impacts compared to a compliant design. It is considered that strict compliance with the development standard would be unreasonable as the existing dwelling is not capable of strict compliance without significant demolition of existing GFA.

As such, the applicant's written request is considered to satisfy the requirements of clause 4.6(3)(a) in demonstrating that compliance with the development standard is unreasonable in the circumstances of the case.

Clause 4.6(3)(b) – that there are sufficient environmental planning grounds to justify contravening the development standard.

In Initial Action, Preston CJ identified that for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6, focus must be on the element of the development that contravenes the development standard and that the environmental planning grounds provided in the written request must justify contravening the development, rather than promoting the benefits of the development as a whole. The applicant's response to Clause 4.6(3)(b) is addressed, and provides the following specific environmental planning grounds to justify the breach of the standard:

Approximately, 6m² of additional floor area relates to the creation of an infill ground floor section of the proposal which will occupy an un-built portion of the site where a narrow access aperture exists between the external wall of the building (existing kitchen wall) and the common wall shared with the neighbouring property to the east (No. 35). This particular area – although small – is already built out and largely enclosed by surrounding high walls and a hardstand paved surface which contributes to the density and impervious nature of the site. A further 5m² of additional floor area can be attributed to a small 2m² increase of the attic space to facilitate access onto a proposed roof-top terrace; and an additional 3m² increase in floor area shared over two levels as part of the proposed two storey rear yard addition, which follows a redistribution of site density areas after demolition and renovations.

Given the above minor increases in floor area (6 + 2 + 3)m² it is not anticipated that such increases create any significant impacts on the amenity of the neighbouring dwellings and surrounding context.

To offset the minor increase in site density, the proposal includes the creation of a small permeable garden space as part proposed alterations to the rear

courtyard space, which will have a total area of 8m². No such soft landscaping is currently provided on the site, as it is completely impervious and built out. This part of the design not only provides enhanced amenity for the owner but also promotes a reduction in density of impervious surfaces...

Currently, the site has no permeable areas and is completely built out with established floor/roof areas and hardstand pavement at ground level. The proposed garden brings a level of 'softening' to the inner-city site and enhances usable private open space to recognise the importance of outdoor living space – a fundamental necessity and improvement to quality-of-life outcomes that COVID-19 lockdowns have taught recently us.

The proposal focuses its increase in floor area at the rear of the site, which follows a consistent approach that can be observed at neighbouring properties all of which most likely exceed the maximum permissible FSR development standard under the LEP. The proposal is therefore consistent with the objectives of the R3 zone and its specific locality, as it respects the heritage significance of a buildings as one form fronting Stevenson Place, promotes a diversity in densities, does not significantly impact on the neighbouring properties and is compatible with the eclectic composition of a variety of built forms across several rear yard spaces that adjoin the rear laneway.

There are sufficient grounds to justify continued contravention of the FSR development standard that are proposed to be slightly above existing FSR conditions. An FSR-compliant development would clearly be unworkable when considering the existing GFA for the site already exceeds the maximum FSR by 16%. And the increase of a further 9% in floor space can be considered as a minor change to the visual impact of the existing residence, which is within acceptable standards. It should also be noted that solar access to the outdoor rear courtyards of the immediately adjacent residential properties will closely match their current overshadowing conditions, given their south-facing aspect (winter solstice shadow-casting diagrams between the hours 9am and 3pm and summer solstice shadow-- casting diagrams between the hours 8am and 4pm are illustrated on Drawing DA040). Dominant view corridors from the adjoining properties will also not be diminished as a result of the proposal.

CN Officer Comment

The written request outlines environmental planning grounds which adequately justify the contravention. In particular that the additional FSR does not result in inconsistency with the desired built form of the locality and is generally consistent with the performance criteria of the NDCP 2012. The written request provides sufficient justification to contravene the development standard.

Clause 4.6(4)(a)(i) – Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

As outlined above, the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of NLEP 2012. It follows that the test of Clause 4.6(a)(i) is satisfied.

Clause 4.6(4)(a)(ii) – Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objects for development within the zone in which the development is proposed to be carried out.

The applicant's response to the satisfaction of the objectives of the FSR standard was considered under the Clause 4.6(3)(a) discussion above. However, this provision does not require consideration of whether the objectives have been adequately addressed, rather that, '*the proposed development will be in the public interest because it is consistent*', with the relevant objectives.

Objectives of Clause 4.4 'Floor space ratio'

The development is consistent with the objectives of Clause 4.4 'Floor space ratio' as the proposed development is of an appropriate density which is consistent with the established centre's hierarchy. The development is of an acceptable bulk and scale, is consistent with nearby dwelling houses, and is consistent with the built form as identified by the centres hierarchy.

Objectives of the R3 Medium Density Zone

The development is consistent with the objectives of the R3 Medium Density Zone as the proposed development maximises residential amenity in an appropriate terraced dwelling form complementary to the medium-density residential environment. Further, the development type is a permissible development within the land zone.

Based on the above, the proposed development is in the public interest because it is consistent with the objectives of the relevant standard and the objectives for development within the relevant zone. Therefore, the test of Clause 4.6(4)(a)(ii) of NLEP 2012 is satisfied.

Clause 4.6(4)(b) – Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the concurrence of the Planning Secretary has been obtained.

The Secretary's (i.e., of the Department of Planning and Environment) concurrence to the exception to the FSR development standard as required by Clause 4.6(4)(b) of NLEP 2012, is assumed, as per Department of Planning Circular PS20-002 of 5 May 2020.

Conclusion

It is considered that the requirements of Clause 4.6 of the NLEP 2012 have been achieved and there is power to grant development consent to the proposed

development notwithstanding the variation from the floor space ratio development standard.

The Clause 4.6 variation request has demonstrated that the proposed floor space ratio is acceptable and therefore that strict compliance with the prescribed floor space ratio standard would be unnecessary in this instance. In this regard, the Clause 4.6 variation request is supported.

Clause 5.10 - Heritage Conservation

The site is part of a local heritage item, 'Stevenson Place Precinct', which is listed as item 490 on Schedule 5 of the NLEP 2012, together with 1-55 Stevenson Place. The State Heritage Inventory provides the following Statement of Significance for the group listing:

An important precinct which forms part of inner residential core and contributes significantly to the streetscape. National Trust – Most important precinct in Newcastle. Considered to be historically, architecturally and environmentally significant.

The application is supported by a Statement of Heritage Impact (SOHI), prepared by Placemark Consultants.

The proposed development is considered to satisfy the objectives of Clause 5.10 for the following reasons:

- a) The heritage significance of the dwelling has been assessed as relating to its position in the group listed item, 'Stevenson Place Precinct'. The precinct is a rare and intact Victorian residential streetscape. Within the group heritage item there are a range of dwellings, including elaborate Victorian architectural styles, as well as more modest example such as the subject site. As such it is considered that the rear of the heritage item has a greater tolerance for change and the proposed addition will not detract from its Victorian character as it presents to Stevenson Place, or the overall significance of the group listing.
- b) The proposed internal alterations retain significant original fabric associated with the heritage item including fireplaces, mantels and hearths; timber flooring; decorative plasterwork; windows and doors; timber boarded ceilings. A more contemporary character is proposed to the rear addition which does not compete with the historical character of the main dwelling.
- c) The application includes restoration works to the front facade which will improve the presentation of the dwelling to Stevenson Place and complement its neighbour at no. 35.
- d) The proposed addition is acceptable with regards to the provisions for development in heritage conservation areas. The site has a secondary frontage to a rear pedestrian laneway which is an important aspect of the urban pattern in Newcastle East. There are a variety of additions

presenting to the laneway of many forms, ages, scale and materiality. The proposed development is generally consistent with that eclectic character. The height of the bulk of the addition maintains the height of the existing two-storey addition, with a proposed privacy screen demonstrating a suitably integrated and simplified design.

- e) Significant views to the heritage item (being the whole of Stevenson Place Precinct) will not be impacted. The proposed addition will not be visible from Stevenson Place or from key heritage sites in the vicinity, including Foreshore Park, Fort Scratchley, and the Boatmans' Terrace Group.
- f) The property is not identified as containing an Aboriginal site or as a potential European archaeological site.
- g) Subject to conditions, the proposal is considered satisfactory in respect to heritage conservation objectives of Clause 5.10 of NLEP 2012. Further assessment is provided below in Section 5.3 of this report.

Clause 6.1 – Acid Sulfate Soils

The site is affected by Class 5 acid sulphate soils and the proposed development is considered satisfactory in this regard.

Clause 6.2 - Earthworks

The level of earthworks proposed to facilitate the development is acceptable having regard to this clause. The design suitably minimises the extent of proposed earthworks, having regard to the existing topography.

5.2 Any draft environmental planning instrument that is or has been placed on public exhibition

A number of draft State Environmental Planning Policies or updates have been exhibited and are/or under consideration by the Department of Planning and Environment. The following is considered relevant to the subject application.

Review of Clause 4.6 of the Standard Instrument LEP: Explanation of Intended Effect

The review of Clause 4.6 seeks to ensure that applications to vary development standards have a greater focus on the planning outcomes of the proposed development and are consistent with the strategic context of the site. The EIE was exhibited from the 31 March to 12 May 2021 and outlines those amendments to Clause 4.6 will include new criteria for consideration.

The proposed change would require applicants to demonstrate that a variation to a development standard "is consistent with the objectives of the relevant development standard and land use zone and the contravention will result in an improved planning outcome when compared with what would have been achieved if the development

standard was not contravened.” For the purposes of CN’s assessment, the public interest, environmental outcomes, social outcomes, or economic outcomes would need to be considered when assessing the improved planning outcome.

The proposed development includes a Clause 4.6 variation request and is not inconsistent with the proposed changes to Clause 4.6 of the Standard Instrument and the NLEP 2012.

5.3 Any development control plan

Newcastle Development Control Plan 2012 (NDCP 2012)

Council at its meeting of 27 September 2022 adopted the amendments to the Newcastle Development Control 2012 - Section 4.02 Bush Fire Protection, Section 4.03 Mine Subsidence, Section 4.04 Safety and Security and Section 7.03 Traffic, Parking and Access.

The amendment came into effect on 1 November 2022 and the adopted DCP chapters include savings provisions to the following effect: 'any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.'

Notwithstanding, as the draft chapters have been publicly exhibited and adopted by Council, they have been considered within the assessment of this application below as a relevant matter for consideration.

The main planning requirements of relevance in the NDCP 2012, as it applied to the proposal at the time of lodgement, are discussed below.

Single Dwellings and Ancillary Development - Section 3.02

The following comments are made concerning the proposed development and the relevant provisions of Section 3.02:

Street frontage appearance (3.02.03)

The proposed development does not alter the existing front setback to Stevenson Place. The existing verandah overhanging the Stevenson Place footpath currently features hardi-plank cladding and is missing the typical decorative features associated with architecture of this period. The proposed development involves reinstating the decorative lacework with detailing to match the neighbouring verandah of 35 Stevenson Place. The proposed development is considered satisfactory in this regard.

Side/rear setbacks (building envelope) (3.02.04)

The built form of the locality is predominantly boundary to boundary terrace housing. As such, the proposed design was considered against the performance criteria of this section of the NDCP 2012.

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The existing two-storey terrace dwelling is built to both side boundaries, with the existing single storey laundry and bath structure built to the western side boundary only.

The proposed addition proposes a matching zero setback to the western side boundary. An eastern side courtyard is provided between the proposed addition and the eastern neighbour, providing a setback of 1.3m. The western boundary wall will remain as existing, with the height of this being increased to two storeys.

The typical pattern of development along Stevenson Place does not comply with the permissible building envelope described by NDCP 2012, being characterised by two storey boundary walls. Therefore, the proposed development similarly does not comply with the permissible building envelope when measured from side boundaries.

The proposed addition reflects the established method of extending terrace form housing in this area. At the ground level, the addition is built to both side boundaries, which is consistent with both adjoining neighbours and is acceptable. At the first floor, the addition is built to one side boundary with an offset to the opposite boundary to maintain light and ventilation. The proposed new two storey wall built to the western boundary has a length of approximately 3m.

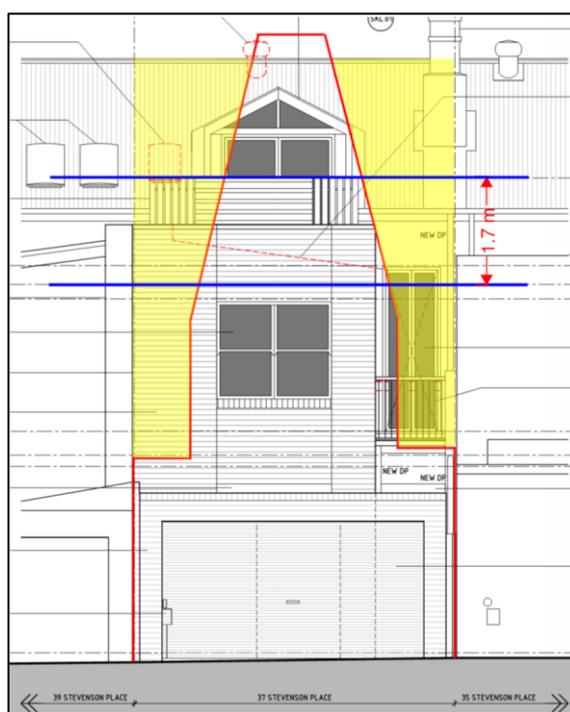


Figure 5 - the NDCP 2012 - building envelope variation from side boundaries (shaded yellow); the blue line indicates the proposed floor level of the roof terrace and the top of the privacy screen, ensuring views at a 1.5m eye level when standing on the terrace are suitably screened.

The proposed two storey rear setback is 5.5m, which is less than the nominated 6m setback as stated in the NDCP 2012 for development over 4.5m in height. The proposed two storey addition partly encroaches within the rear setback building envelope by 0.5m as depicted below.

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Building forms of nearby properties in the block between Telford and Zaara Streets have variable rear setbacks ranging from approximately 10m to 4m. There are several examples in the vicinity of rear boundary encroachments similar to what is proposed. Given the north-south orientation of the allotment, it is considered the building envelope departure will not adversely impact adjoining development with respect to overshadowing, view loss or privacy. With consideration to the local context, the proposed rear setback is not considered to be unreasonable.

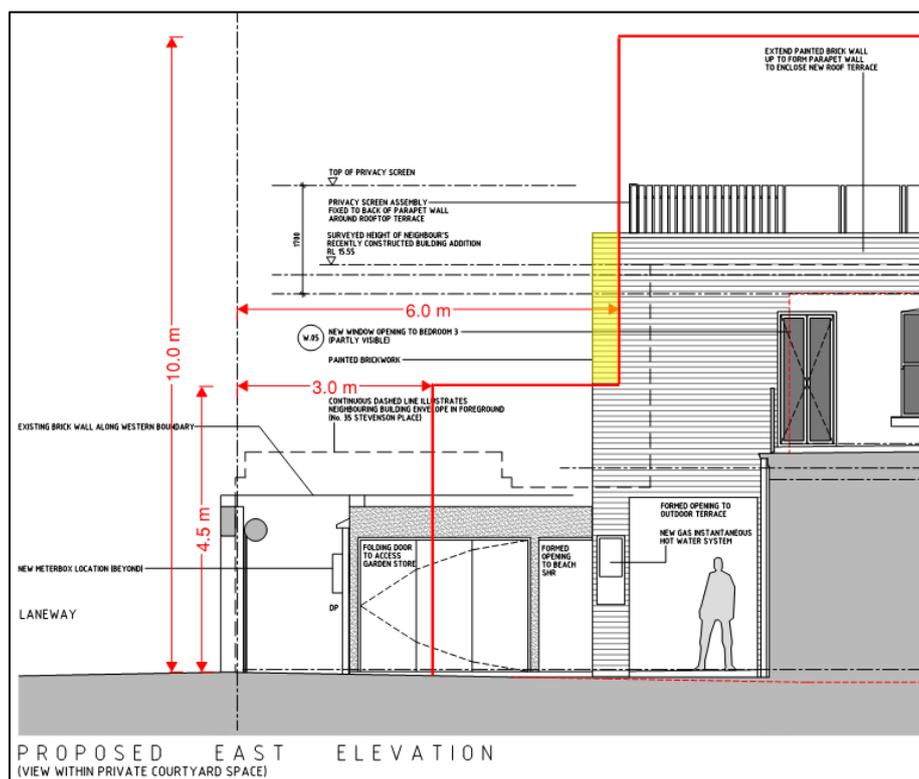


Figure 6 - the NDCP 2012 building envelope variation towards rear boundary (shaded yellow).

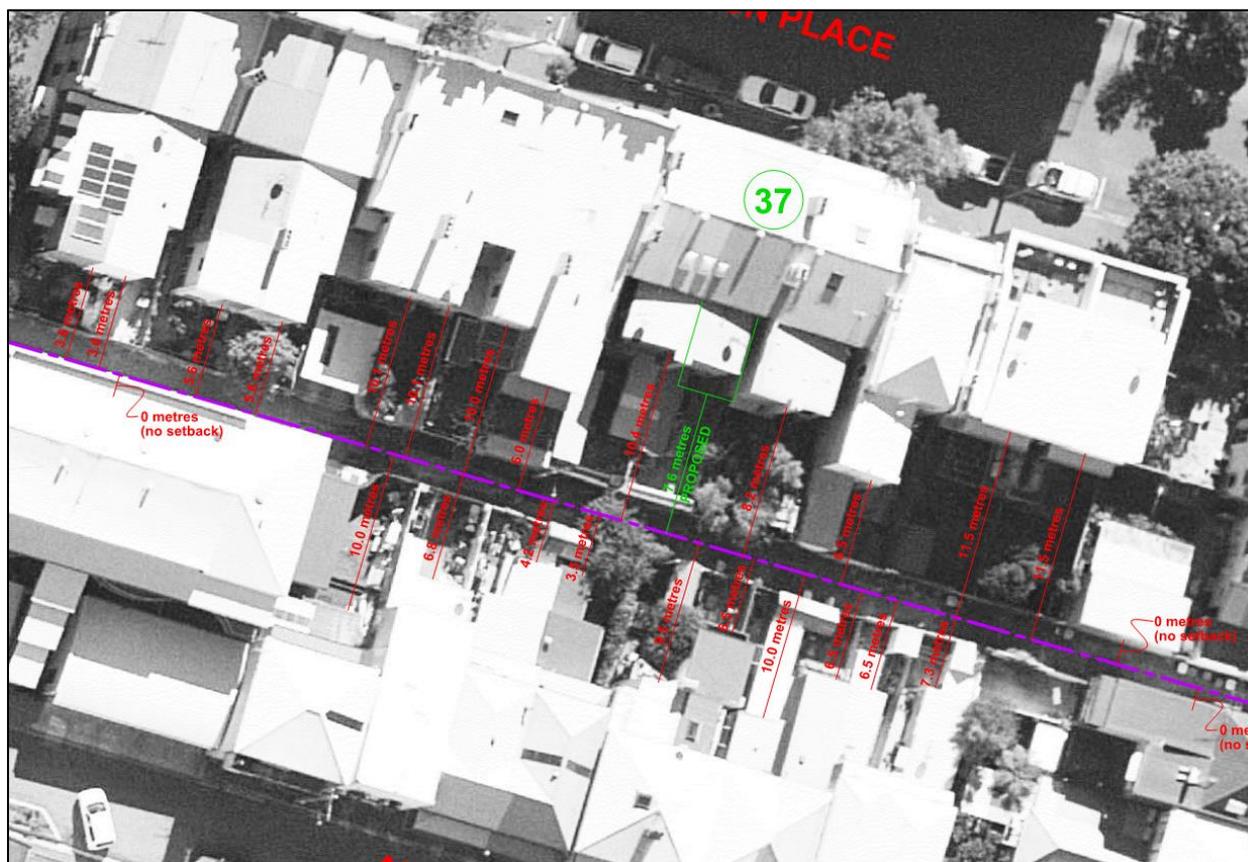


Figure 7 - Existing rear setback conditions measured to the centre line of the rear lane (excluding sheds/outhouses). The average setback of all properties is 7.5m to the centre of the lane. The proposed setback of the subject property is consistent with this average at 7.6m. Refer dwg DA80.



Figure 8 Existing rear setback conditions in the context of 37 Stevenson Place (indicated by red arrow). The rear setback of the proposed development will be approximately the average of no.33 (far right) and no.35. There are examples of further reduced setbacks in the lane including no. 41 (far left).

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The variation is satisfactory on its merits to the relevant Performance Criteria of Section 3.02.04 of the NDCP 2012.

Landscaping (3.02.05)

The site area is 112.2m², generating a requirement for 10% of the site to be provided with landscaping (11.2m²). The application proposes approximately 9m² of landscaped area, which equates to 8% of the site. The proposed development also incorporates a green roof which has not been included in the landscaping calculation. The existing site has no permeable area and is completely built out with established roof areas and hardstand pavement at the ground level. With consideration to the restricted nature of the site, the provision of 8% landscaped area is considered acceptable. It is noted that many small allotments within the Newcastle East Heritage Conservation Area have limited or zero landscaping opportunities on the site.

The proposed development will improve the amenity of the subject site and its contribution to the area and is satisfactory in this regard.

Private open space (3.02.06)

The existing site has a paved private open space area of 8.5m x 3m at the rear of the site, where it is not adjacent to any living area. The proposed development includes a rear paved terrace directly adjacent to the new kitchen/living area, measuring 3.1m x 2.8m. Although this is less than the NDCP 2012 required private open space area of 3 x 4m, it represents a much more usable space as compared to the existing rear yard (being visible and accessible from the living area). Private open space is also available in the rear courtyard beyond the paved terrace, which meets the minimum NDCP 2012 - private open space requirement.

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A condition of consent is recommended requiring the privacy screen to be constructed of one material (timber battens) to replace the proposed glazed balustrade sections to further mitigate privacy concern.

Also, a condition of consent is recommended to ensure the whole of the roof over the first-floor addition is a non-trafficable roof garden which will eliminate any potential for overlooking into neighbour's yards.

Having regard to the relevant provisions of this section, the proposed development as amended is considered satisfactory with respect to privacy and overlooking impacts.

As such, the current amended proposal is considered acceptable in this regard. The proposal complies with Council's policy in terms of maintaining a reasonable standard of visual privacy.

Solar access (3.02.08)

The proposed alterations and additions will not overshadow north facing living area windows due to the orientation of the allotment. The current amended plans included an analysis of overshadowing set out in shadow diagrams for 21 June and 21 December. Section 3.02 of the NDCP 2012 requires that at least two hours of sunlight is maintained to the private open space (POS) of adjoining properties on 21 June. The submitted diagrams indicate that the POS of adjoining properties is currently completely in shadow on 21 June in the existing situation.

The application demonstrates that the proposed development will not create any additional overshadowing on 21 June and complies with the Acceptable Solutions of the NDCP 2012.

Additional shadow diagrams have been submitted for spring and autumn which indicate some additional overshadowing to both adjoining neighbours. Due to the north-south orientation of the allotment and the established urban density, some additional overshadowing is not considered to result in unreasonable impacts.

View sharing (3.02.09)

The height of the proposed development exceeds 5m. However, it is not anticipated to block any views from adjoining properties to water due to the existing form and bulk of the existing terrace row. The proposed development will have minimal impact on views from neighbouring properties and meets the DCP's requirements.

Car parking and vehicular access (3.02.10)

There is no provision for on-site car parking. On-site car parking is considered a historical deficiency and the proposal is satisfactory as proposed.

Development within Heritage Conservation Areas (3.02.11)

The proposed alterations and additions to the dwelling will not adversely impact upon the established streetscape in this section of the Newcastle East Heritage

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Conservation Area (HCA) or diminish its cultural heritage significance. The design respects the heritage context of the site and locality and results in an improvement to the functionality, liveability and amenity for building occupants. Further discussion is provided below under Heritage Conservation Areas – Section 6.02.

Ancillary development (3.02.12)

The NDCP 2012 provides performance criteria and acceptable criteria for ancillary development including, carports and garages, detached studios, fences, secondary dwellings, swimming pools.

The development proposes a garden shed at the rear of the property built to the western boundary. There are no specific provisions for garden sheds in the Ancillary Development section of the NDCP 2012. However, the proposed shed is of a form that is consistent with recent ancillary development of adjoining properties and is not considered to have an adverse impact on the amenity of neighbours. It is considered that the development meets the performance criteria of the NDCP 2012.

Soil Management - Section 5.01

The earthworks proposed as part of this application are minimal and consistent with the requirements of the NDCP 2012. The proposed development is satisfactory with respect to the relevant soil management objectives.

Land Contamination - Section 5.02

Land contamination has been considered in this assessment report under *State Environmental Planning Policy (Resilience and Hazards) 2021* – Chapter 4 Remediation of Land. The site is not considered to have any contamination constraints that will impact on the development of the site.

Vegetation Management - Section 5.03

The proposal does not involve the removal of any trees.

Aboriginal Heritage - Section 5.04

Reference to the Aboriginal Heritage Information Management System confirmed that there are no sites of Aboriginal cultural heritage significance recorded on the site.

Heritage Items - Section 5.05

The site is part of a local heritage item, 'Stevenson Place Precinct', which is listed as item 490 on Schedule 5 of the NLEP 2012, together with 1-55 Stevenson Place. The State Heritage Inventory provides the following Statement of Significance for the group listing:

An important precinct which forms part of inner residential core and contributes significantly to the streetscape. National Trust – Most important precinct in Newcastle. Considered to be historically, architecturally and environmentally significant.



Figure 10 Heritage context of the local area, with subject site outlined in yellow, and the group listed item 'Stevenson Place Precinct' (Item 490) outlined in red.

The application is supported by a Statement of Heritage Impact (SOHI), prepared by Placemark Consultants. The SOHI notes the following with regard to the property's established heritage significance and potential impact on the heritage building:

[The terrace] is not one of the substantial Victorian and Edwardian terraces once constructed for the wealthy, following stabilisation of the sand dunes with chitter. It is a simple Victorian terrace. On its own, it would not be a listed heritage item.

The [group] item is made up of a range of architectural styles, a variety of decades, form, scale and decoration from little to elaborate.

The proposed changes will retain a building within the group listing; will contribute positively to presenting a relatively intact group of three terraces; will make a positive contribution to the appearance of the street and the HCA, which is also an objective of the Item 490 listing. It will retain the scale and character of this terrace in the streetscape. The colour scheme to the street should include the chimneys with an emphasis on their detailing and should be sympathetic to the group Item 490.

The proposed design retains the door and window fenestrations of the front elevation; restored the verandah and the minor character elements (eg stone threshold, sills, wall vents). For the inward glimpses, the scope will retain the ceilings of the hallway and front rooms, the front rooms' fireplaces, hallway

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timber flooring and the original staircase. Internally fireplaces, walls, window and door joinery, mouldings, the few existing decorative elements and some boarded ceilings are all shown and noted as being retained.

The proposal includes adding one bedroom but retains the existing lightwell, with separation from the neighbour's wall. This will maintain a similar external massing for the back rooms. The proposed dormer (roof deck access) on the south side will read as a contemporary element. It will be inconspicuous from the laneway. The south facing, centred window is a contemporary insertion at the rear of the building. It will not impact on a principal or significant façade.

The proposal will improve the amenity that can be offered by this small, late [19th] century terrace house and extend its viable longevity with little or no impact on the significance of the HCA or the listed item.

The SOHI provides a grading of significance of elements of the heritage item, from 'high' to 'intrusive'. To summarise, elements including the street-facing elevation, chimneys, roof form, ground floor fireplaces, timber elements including boarded ceilings, plaster archway, and timber staircase are graded as being of 'high significance'. Elements including the lightwell between nos. 35 and 37 Stevenson Place, the upper floor fireplaces, and rear roof are graded as 'moderate significance'. The existing single storey bathroom and laundry addition and rear roller door are 'little' and 'intrusive'. This grading provides a framework for assessing the impact of the proposed development on building fabric and spaces that contribute to the heritage significance of the group heritage item.

The subject terrace is a modest example of a Victorian terrace by comparison to other buildings within the terrace group, and it is the collective nature of the terrace group that is the most significant element. The heritage value of this collective nature will be enhanced by the proposal which includes restoration of heritage features to the facade. The significance of the single storey bathroom and laundry would appear to be a later addition and the demolition of this element is considered to have a negligible impact on the heritage building.

Although the proposal incorporates some demolition works to the rear of the dwelling, it is considered that the design respects the heritage context of the site and locality and results in an improvement to the functionality, liveability and amenity for the building occupants. The extension and adaptation of the existing two-storey rear addition continues the pattern of extending the terraces in this row, evident from the rear lane where additions of many forms, ages and styles are represented. The two-storey rear addition of adjoining neighbour at 35 Stevenson Place has recently been adapted and extended in a contemporary manner and as such it is considered to be an appropriate outcome for the subject building.

The SOHI has provided a grading of significance for internal and external elements. The proposed development is generally consistent with the recommendations in the SOHI, and includes retention/restoration of all elements identified as being of high significance. Elements identified as being of moderate significance are generally retained or proposed for some level of alteration, including the proposed dormer/rooftop access in the rear roof plane of the original dwelling and the ground floor offset side wall.

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The development does not propose facadism, with the whole of the building retained and adapted as a single dwelling. The scheme avoids introduction of faux heritage fabric which would detract from the integrity of the heritage item.

The development removes previous alterations that are unsympathetic to the heritage significance of the heritage item, including reinstatement of a cast iron balustrade to the front facade. Works to the original building use materials and finishes that are appropriate to the architecture of the heritage item, with a simple contemporary interpretation of traditional materials for the rear addition that are consistent with the existing materials of the subject site (painted brick and timber). Original window and door openings of the dwelling are retained. New windows to the addition are vertically proportioned to be consistent with the existing.

The removal of a significant portion of floor structure of the first floor to facilitate a glazed floor is an unreasonable impact to the original section of the terrace and a condition is recommended to ensure this is retained.

It is noted that skylights are generally not permitted to the main front roof plane of heritage items or buildings in heritage conservation areas. The current amended plans have deleted one skylight (one still proposed). It is noted the adjoining property (part of the same terrace group) has one existing skylight facing the street. Notwithstanding this, it is considered that approving skylights on the main elevation of roofs facing Stevenson Place will establish an undesirable precedent. A condition of consent is recommended in this regard to remove the skylight.

The development is consistent with maintaining and repairing building elements to retain the heritage item in a serviceable condition. Continued occupation and use of all individual properties that make up the group listing is imperative to maintaining the significance of this important precinct, to preserve the integrity of the group as a whole.

Significant views to the heritage item (being the entire terrace row between Parnell Place and Telford Street) are achieved from a wide range of vantage points in the HCA, including along Stevenson Place, from Foreshore Park, Parnell Place, Nobbys Road and Fort Scratchley. The proposed development does not intrude into any of these significant views.

During the assessment concern was raised regarding the impact of views to the heritage item from the lane, noting that this is a secondary view but still an integral part of the group listing and subdivision pattern of the local precinct. In response to CN's RFI, the height of the addition to the roof has been reduced to maintain the existing height of the first floor. The height to the top of the privacy screen has also been reduced and the design of the screen amended to be more effectively integrated into the built form of the addition.

The proposed access to the rooftop terrace from the attic has been revised to a dormer form, referencing the pitched dormers prevalent in the surrounding residential roof forms, examples of which can be observed at the residential properties fronting Scott Street further to the south. The proposed glazed dormer roof is unusual in this context and use of traditional roof sheeting would be a more appropriate intervention. A condition of consent is recommended in this regard.

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The proposed additions will be highly visible from the rear lane adjoining the site and, in this respect, it is noted that there is considerable variation and in the laneway presentation of dwellings in the locality. The rear of the site is considered to have greater tolerance for change noting the eclectic nature of previous additions to other properties that make up the group listing, which vary significantly in form, age and materiality. Further assessment in this regard is provided under the following section 6.02 – Heritage Conservation Areas.

On balance it is considered that the application proposes an acceptable level of intervention with regard to the heritage significance of the group item. Subject to conditions of consent, the proposed development as amended is an acceptable response.

While rooftop terraces are not common in the Newcastle East HCA, it is considered that the terrace has been suitably integrated into the built form of the addition and presents as a more recessive and modest design than some of those examples noted above. The proposed terrace will not be immediately apparent from the pedestrian level at the laneway. The location of the rooftop terrace, behind the pitched roof form of the original dwelling, effectively mitigate any potential impact of this area to Stevenson Place, which is in contrast to other built examples of rooftop terraces which face the main street and disrupt the established building form.

Archaeological Management - Section 5.06

The site is not identified in the Newcastle Archaeological Management Plan 1997 or NLEP 2012 as an '*Archaeological Site*'.

Heritage Conservation Areas - Section 6.02

The existing terrace building is a *contributory* building in the Newcastle East Heritage Conservation Area. It is located in a dense urban core of two- to three-storey terrace housing, and detached villa residences and cottages.

Alterations and additions in HCAs (6.02.01)

The scheme ensures the prevailing Victorian character of the residential precinct is maintained with facade conservation works that will positively contribute to interpretation of the terrace row and streetscape. Rectification works to the balcony and reinstatement of the missing lacework balustrade are particularly positive and will enhance the integrity of the terrace as it presents to Stevenson Place. The defining architectural qualities of the existing building are deemed to the general terrace form, specifically the front facade, decorative detailing, materiality, fenestration, pitched roof form, and chimneys. The current proposal does not negatively impact on those values. The siting of the addition behind and below the ridge of the dwelling ensures that potential visual impact of the proposal to Stevenson Place is entirely mitigated.

The addition will be highly visible from the laneway. Although this will mean a change to the 'lanescape', it is noted that for a property with more than one street frontage it is generally impossible for an addition to be completely concealed from the public

domain. The context of rear yards within Stevenson Place/Alfred Street/Scott Street is characterised by additions, of varying forms, age and materiality.

Following a preliminary assessment and notification of the proposal, the bulk and scale of the extension was reduced. The built form of the addition as amended maintains the height of the existing two-storey addition. The privacy screen has been integrated more successfully into the overall design. The simple form of the extension responds to the allotment shape and maintains the existing setback from the eastern boundary, referencing the way in which terrace-row housing is typically extended in this area.

The proposal respects the lanescape but is also aligned with historical alterations and additions within this area, notably 10 and 24 Parnell Place, 10 and 23 Alfred Street, 15 Zaara Street, 34 Scott Street and 3 Stevenson Place. The new extension responds subordinately to the host building, ensuring the high-pitched gabled roof of the host dwelling and the roofs of its neighbours remain distinct. The single level garden storage shed proposed to the courtyard is screened from the laneway by the existing masonry wall and roller door.

The extension will contribute to the established eclectic nature of built forms in the laneway, while preserving and enhancing the consistent and historical architecture that presents to the main public streets.

Materials and details in HCAs (6.02.02)

Following a preliminary assessment and notification of the proposal, the materials palette of the addition was modified from compressed fibre-cement sheet cladding and aluminium to a simplified interpretation of traditional materials prevalent in the local area.

The style of the addition as amended references the characteristic materials of heritage buildings in the precinct (painted brickwork, weatherboard and timber framed fenestration). The simple and contemporary detailing distinguishes the extension as new work, consistent with Burra Charter principles, and also maintains the simplified character of built forms presenting to the 'lanescape' compared to the more finely detailed character presenting to Stevenson Place. External brick walls with painted finish, timber fenestration and timber screening is considered to be sympathetic within the heritage nature of both the residential precinct and broader conservation area.

The proposed works will see the restoration of the front facade which will enhance the street frontage and contribute positively to the conservation area. New works are restricted to the rear of the terrace, while retaining the historical setback character of the terrace form at the eastern and southern boundaries.

The proposed development is considered to be an appropriate outcome with regard to maintaining and restoring the heritage character of the façade and ensuring that the addition is completely concealed from the significant Stevenson Place frontage. The scale of the addition is similar to the scale of previous additions presenting to the lane. The character of the lane demonstrates numerous ad hoc additions of a variety of forms, age, scale, and materiality, including recent contemporary additions.

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A contemporary addition in this location is appropriate with regard to the eclectic nature of the lane.

It is considered that, on balance, the proposed alterations and additions will not detrimentally affect the existing or desired amenity, streetscape and character of the Newcastle East Heritage Conservation Area. The proposed development is consistent with the principles for development in a heritage conservation area, in accordance with the provided Statement of Heritage Impact and the relevant objectives of this section.

Traffic, Parking & Access - Section 7.03

Given the historical subdivision pattern, no onsite car parking is available. In this instance, car parking is considered a historical deficiency in accordance with this section.

Stormwater- Section 7.06 & Water Efficiency - Section 7.07

Stormwater will drain to Council's infrastructure located in the rear laneway; the proposed stormwater management plan is considered to be acceptable.

Waste Management - Section 7.08

Demolition and waste management will be subject to conditions recommended to be included in any development consent to be issued.

Development Adjoining Laneways - Section 7.11

The site adjoins a Type B laneway (vehicular – light vehicle only) as specified in this section. The lane is approximately 3.4m wide.

The proposed drainage to the laneway is acceptable as there is existing infrastructure in the laneway.

The proposed addition is set back greater than the minimum required three metres where a lane forms the rear boundary. The elevation addressing the lane does not contain the main entrance and is legible as a secondary frontage.

Development Contributions

The EP&A Act enables CN to levy contributions for public amenities and services. The proposed development would attract a development contribution to CN, as detailed in CN's Development Contributions Plans.

A condition requiring this contribution to be paid has been included in the Draft Schedule of Conditions at **Attachment B**.

5.4 Planning agreements

No planning agreements are relevant to the proposal.

5.5 The regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the EP&A Act requirement to comply with AS2601 – Demolition of Structures will be included in the conditions of consent for any demolition works.

No Coastal Management Plan applies to the site or the proposed development.

5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The proposed development will not have any undue adverse impact on the natural or built environment.

The development is compatible with the existing character, bulk, scale and massing of development in the immediate area.

It is considered that the proposal will not have any negative social or economic impacts.

5.7 The suitability of the site for the development

The site is suitable for the proposed development as it is located in the City Centre, which is well serviced by public transport and community facilities. It is considered that adequate services and waste facilities are available to the development.

At-grade access to the site will be available for pedestrians, from adjacent roads and public transport. Having regard for its central location and the availability of public transport services, it is considered that the proposed use is satisfactory in respect of its accessibility.

The constraints of the site have been considered in the proposed development, which includes heritage.

The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

5.8 Any submissions made in accordance with this Act or the regulations

The application was notified in accordance with CN's Community Consultation Plan. A total of 11 submissions were received during the notification period.

The following table provides a summary of the key issues raised in the submissions and a response to those issues.

Table 1 Matters raised in submissions objecting to the proposed development.

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Matter	Officer Comment
Statutory and Policy Issues	
<p>Floor Space Ratio: The proposal does not comply with floor space ratio development standard of 1:1 under NLEP 2012</p>	<p>The existing dwelling has a total GFA of 130.7m². This equates to an existing FSR of 1.16:1, based on a site area of 112.5m², which is a 16% FSR exceedance.</p> <p>The proposed development seeks consent for an additional 11m² of floor area, resulting in a total GFA of 141.7m². This equates to an FSR of 1.26:1, exceeding the prescribed maximum FSR by 26%.</p> <p>In accordance with the requirements of Clause 4.6, the applicant has submitted a written request to vary the development standard imposed by Clause 4.4 of the NLEP 2012.</p> <p>As discussed under 'Clause 4.6 – Exception to Development Standards' of the NLEP 2012 assessment in Section 5.1 of this report above, an assessment of the written request has been undertaken. The request is well founded.</p>
<p>Building setbacks: The proposal does not comply with side and rear boundary setback controls under NDCP 2012 Section 3.02 Single Dwellings.</p>	<p>The front, side and rear boundary setback controls in Section 3.02 Residential Development under NDCP 2012 are not applicable to the development application as they are for residential development where there are no locality specific controls.</p> <p>The subject site is located within the Newcastle East HCA, and as such the building envelope is to be assessed on merit regarding Section 6.02 Heritage Conservation Areas of the NDCP 2012.</p> <p>The current amended proposal is considered acceptable in regard to building setbacks as discussed in Section 5.3 of this report.</p>
Heritage Issues	
<p>The development is not consistent with the character of the rear lane in relation to bulk and scale, shape and materiality.</p> <p>The development will conceal the roof of the original terraces from</p>	<p>In response to CN's RFI, the overall height and bulk of the addition was reduced. The top of the brick parapet is now consistent with the height of the existing addition (7 metres). The privacy screen is 700mm above the parapet and is set back from the external face of the addition, which assists in providing a more recessive and integrated design.</p> <p>The rear setback of the addition is not inconsistent with</p>

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the lane.	<p>the lane. Neighbouring properties demonstrate a variety of setbacks ranging from approximately 10m to 4m. The proposed rear setback of 5.5m is roughly the average of the rear setback of adjoining premises at 33, 35, and 41 Stevenson Place.</p> <p>The calculated average height of adjoining premises facing the lane between 31 and 45 Stevenson Place is approximately 6.9m. The height of the addition to the parapet (7.0m) is generally consistent with the height of adjoining and nearby two-storey properties. This maintains the height of the existing addition and matches the height of the adjoining neighbour's two-storey addition.</p> <p>The height to the top of the privacy screen is 0.7m above the parapet, bringing the total overall height of the addition to 7.7m, 0.1m taller than the highest rear addition in the lane (43 Stevenson Place, 7.6m).</p> <p>The proposed development, and all other additions presenting to the lane, are all significantly lower than the principal roof ridge line of 9.5 - 9.9m above ground level in the lane.</p> <p>The width of the addition is the same as the width of the existing two-storey addition in this location (3.9m). The proposed bulk and scale of the development is therefore considered to be reasonable.</p> <p>The rear addition is a roughly rectangular shape. This is consistent with most additions in this area facing the lane. There is a splayed brickwork element provided to the rear elevation as an architectural feature which is not considered to be visually intrusive. It is noted that the adjoining property also has a contemporary addition that is rectangular with an angled balcony. The shape of the proposed addition is not considered to have a detracting impact on the character of the lane.</p> <p>The original proposal included a schedule of materials and finishes for the rear addition, indicating fibre cement exterior cladding and aluminium louvres. In response to CN's RFI, the proposed materials for the addition were revised to reflect the traditional materials used in the precinct – painted brick, natural timber, and timber fenestration. The amended proposal is considered to present a more neutral appearance and is acceptable in this regard, subject to conditions of consent. Further comment is provided above in Section 5.3 of this report.</p>
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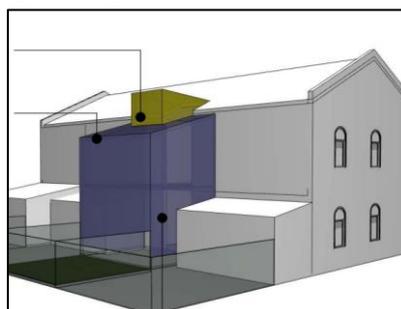
	<p>At the pedestrian level in the lane, views to the back of the roof of the original terraces are generally blocked by existing alterations and additions at the rear of the terraces. The proposed development is consistent with this pattern. The proposed development will maintain views to the rear wall of the existing terrace via the proposed offset from the eastern boundary, which is consistent with the manner in which terraces in this area are extended.</p>
<p>The proposed development will impact the heritage significance of the subject property and its neighbour at 39 Stevenson Place as the floor plan arrangement of the terraces are similar.</p>	<p>As discussed in Section 5.3 of this report, the potential impact of the development on the heritage significance of the heritage item is acceptable.</p> <p>The SOHI submitted with the application provides an analysis of the heritage significance of the heritage item and concludes that the key heritage values of the subject property and the group item is in the presentation of the buildings as a rare and highly intact Victorian streetscape. The interiors of the group heritage item vary from building to building. The lane frontages of the heritage item are highly eclectic, having been extended and adapted in an ad hoc fashion over the last century.</p> <p>Internal renovations include retention of historical internal elements including timber boarded ceilings, decorative ceiling roses and plasterwork, timber floorboards, fireplaces, mantels and hearths, windows, and the original staircase.</p> <p>The relationship between the subject property and its neighbour will be readily appreciated from the principal frontage and will be legible from the lane through retention of the roof forms and back wall of the original dwellings.</p> <p>Subject to conditions of consent, the proposed development is considered to be acceptable in this regard.</p>
<p>The rooftop terrace will set a precedent for three-storey buildings in a two-storey area.</p>	<p>The following extract from the Statement of Significance for the Newcastle East Heritage Conservation Area is noted:</p> <p><i>'...The residential area is significant for its consistent streetscapes of two- and three-storey terrace housing dating from mid-19th to early 20th centuries and its housing for workers. There are also examples of single storey detached houses.'</i></p> <p>The surrounding area is not exclusively two storeys and</p>

there are many examples of three storey dwelling houses in the area, just as there are examples of other building typologies including warehouses, apartment buildings, single storey cottages, and detached villas.

The immediate context of the subject site is exclusively attached terrace dwelling houses between 33 and 55 Stevenson Place. All terraces in this row present to Stevenson Place as two-storeys.

There are other existing three-storey dwellings in the street, including buildings that clearly present as three storeys and others that have had attic levels converted to habitable space, including one of the adjoining dwellings. Therefore, it is not considered unreasonable for the subject property to have a third level in principle.

The rooftop terrace does not add unacceptable bulk and scale to the rear addition as it is uncovered. The proposed privacy screen has been suitably integrated into the built form so that it does not appear 'tacked on' or create unnecessary bulk, subject to conditions of consent. The proposed addition will be perceived as a two-storey structure, from the pedestrian level in the lane. The proposed dormer/roof access will physically impact the rear roof plane, however this is considered to be an acceptable outcome to gain roof access being invisible from the street, and is not dissimilar to design guidelines in CN's Heritage Technical Manual (indicating a dormer style insertion for a lightwell):



There are some other examples of approved and built rooftop terraces in the Newcastle East HCA, notably 31 and 31A Stevenson Place, 2 and 7 Fort Drive, 3 and 9 Beach Street, and 29 Parnell Place.

While rooftop terraces are not a common feature in the Newcastle East HCA, it is considered that the terrace has been suitably integrated into the built form of the addition and presents as a more recessive and modest design than some of those examples noted above.

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	A condition is recommended to further reduce the size of the roof terrace in response to concerns regarding the size of the terrace.
The proposed development will have a negative impact on Alfred Street.	The proposed development will not be visible from Alfred Street. It will be visible from the pedestrian rear lane between Alfred St and Stevenson Place. The visual impact of the proposed development to the lane is discussed under Section 5.3 of this report.
Amenity Issues	
Light: The attic and rooftop terrace will result in light emission which will detrimentally affect adjoining properties.	<p>Anticipated levels of light emission from the attic are what would be reasonably expected in a residential area. There is no additional lighting proposed in the application beyond the scope of what would be associated with a single dwelling.</p> <p>Some submissions noted concern regarding potential reflectivity of the glass balustrade. A condition is recommended that the glass is deleted and the privacy screen is constructed of one material to promote a more cohesive appearance and address light and privacy concerns.</p>
Solar access: the proposed development will negatively impact the solar access to adjoining properties.	<p>The current amended plans included an analysis of overshadowing set out in shadow diagrams for 21 June. Section 3.02 of the NDCP 2012 requires that at least two hours of sunlight is maintained to the private open space (POS) of adjoining properties on 21 June.</p> <p>The submitted diagrams indicate that the POS of adjoining properties is currently completely in shadow on 21 June in the existing situation.</p> <p>The application demonstrates that the proposed development will not create any additional overshadowing on 21 June and complies with the Acceptable Solutions of the DCP.</p> <p>The application includes additional shadow diagrams for spring and autumn, which indicate some additional overshadowing. This impact is not considered unreasonable given the context of the site and the north-south orientation of the allotments.</p>
Acoustic: The proposed development will create excessive noise that will impact adjoining properties.	<p>The original application proposed a 24m² rooftop terrace, including a rooftop spa and access to an attic kitchenette.</p> <p>In response to CN's Request for Information, the rooftop spa and kitchenette were deleted from the proposal and the size of the terrace was reduced from 24m² to 14m².</p>

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<p>Particularly, the rooftop terrace will be used for parties/gatherings.</p>	<p>A condition of consent is recommended to ensure the whole of the roof over the first-floor addition is non-trafficable roof garden which will eliminate any potential for overlooking into neighbour's yards and further reduce the roof terrace size to 11.8 m². This has been discussed with the applicant who is accepting of the change.</p> <p>Residential use of outdoor areas is expected to generate levels of noise consistent with the use of the site as a single dwelling. This is considered reasonable given the location of the site within a medium-density residential area and the prevalence of elevated terraces and balconies in the local area. It is noted that the proposed rooftop terrace is larger than the typical balcony of adjoining neighbours, however the application does not propose an intensification of the use of the site, which remains as a single dwelling.</p> <p>To assist with this assessment, Section 3.03 Residential Development of the NDCP 2012 has been reviewed. This section <u>does not apply</u> to the proposed development, it applies to dual occupancies and multi-dwelling housing, and excludes single dwellings. However due to the dense urban context, Section 3.03.03 'Amenity' has been reviewed as a guide for assessment of any potential acoustic impacts of this development. Notwithstanding that this section does not apply to the application, the proposed development would comply with the Acceptable Solutions for Acoustic Privacy (Section 3.03.03 I) and Noise and Pollution (Section 3.03.03 J).</p> <p>Should there be unreasonable or unacceptable noise impacts arising from occupants of the site, that would be addressed via other means.</p>
<p>Privacy</p>	
<p>The rooftop terrace will overlook the private open space of adjoining residences.</p>	<p>The original application proposed a 24m² rooftop terrace. This has been revised down to 14m². A condition of consent is recommended to ensure the whole of the roof over the first floor addition is non-trafficable roof garden which will further reduce the roof terrace size to 11.8 m². This has been discussed with the applicant who is accepting of the change.</p> <p>A green roof and privacy screen is proposed between the usable area of the rooftop terrace and the edges of the roof.</p> <p>The privacy measures incorporated into the proposed development will not unreasonably overlook adjoining</p>

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	<p>residences.</p> <p>Any privacy impacts resulting from the proposed roof terrace (3m x 4.8m) to the following aspects have been addressed as follows:</p> <ul style="list-style-type: none"> a) East, west and south: 1700mm privacy screening has been incorporated to prevent privacy and overlooking impacts. Views are also obscured given the form of adjoining properties, the elevation of the proposed terrace, and the setback of the balustrade from the perimeter parapet of the proposed development. Further, it is noted that the floor level of the terrace is 1m lower than the parapet level of the roof, with the privacy screen protruding 400mm above the parapet to reduce the perceived bulk of the addition. b) North: views are obscured by the existing roof form of the dwelling and its attached neighbours. <p>Some submissions noted an objection to the provision of glass privacy screen sections on the eastern and western sides of the rooftop terrace. A condition is recommended that the glass is deleted and the privacy screen is constructed of one material to promote a more cohesive appearance and address light and privacy concerns.</p> <p>Having regard to the relevant provisions of this section, the proposed development as amended is considered satisfactory with respect to privacy and overlooking impacts. As such, the current amended proposal is considered acceptable subject to conditions.</p>
<p>The first floor windows create privacy concerns for the rear of the Alfred Street properties.</p>	<p>The first floor windows facing the rear lane are located within a bedroom. Due to the limited use of such rooms this is not considered to be a privacy concern.</p>
<p>People on the rooftop terrace will be able to look over the privacy screen / the openings in the screen between the battens will allow for overlooking.</p>	<p>The privacy screen is 1.7m taller than the floor level of the terrace. The floor of the terrace is set back from the perimeter of the addition with a roof garden incorporated. It will not be possible for the average person to look over the top of the screen.</p> <p>The proposed screen consists of 90mm battens with 30mm spacings which equates to a maximum open area of 25%.</p> <p>The design of the screen complies with the relevant requirements set out in Section 3.02 (Single Dwellings) of the NDCP 2012.</p>

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	It is therefore considered that the privacy screen is adequate for its intended purpose.
Views from the converted attic room into nearby properties are a privacy concern.	Views from the attic room will not be possible as they will be blocked by the built form of the addition itself and the roofs of neighbouring properties. Additionally, any views to the backs of properties are outside of the 12m exclusion zone defined in the NDCP.
Traffic and Parking	
The proposed development does not include a parking space.	The site is considered to have a historical parking deficiency as discussed in Section 5.3 above. The development is considered acceptable as proposed, with regard to the configuration of the allotment and the constrained nature of the rear lane.
Other matters	
Redaction of plans makes it difficult to understand the potential impacts of the development.	Internal floor plans were redacted prior to being made available on the DA Tracker in accordance with the Information and Privacy Commission's (IPC) guidelines and the Community Participation Plan. This is standard practice for all single dwelling applications that are made publicly available.
The proposed development will create fire safety issues between the attic spaces of adjoining terraces. Details of fireproofing measures has not been provided.	This level of detail is assessed at Construction Certificate stage and is not a matter for consideration under this assessment. Prior to construction commencing the applicant will be required to obtain a Construction Certificate at which point fire separation and other BCA matters will be addressed.
The building may be used as short-term rental accommodation.	The existing building is used as a dwelling house and the application does not propose a change of use. It is noted that future short term rental accommodation (STRA) would require registration on the STRA Register and comply with the associated Code of Conduct and is not a matter for consideration under this assessment. Any future unauthorised use of the site would become a compliance matter.
The construction of the development may cause damage to adjoining properties.	Normal construction practices and civil liabilities for any damage to adjoining premises will apply to this development as it would for any development.
The brick wall on the	The existing brick boundary wall and roller door

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southern boundary encroaches on the public lane.	encroaches approximately <300mm into the rear lane. No work is proposed to the wall and roller door which are to be retained in the proposal. A condition of consent is recommended to ensure the proposed development is set out by a registered surveyor and is within the property boundaries.
Objection to solid fuel heaters	The original fireplaces in the front of the dwelling are to be retained. No additional solid fuel heaters are proposed.
The roof terrace will be prone to water ingress.	Waterproofing of the proposed development is a construction matter.
The rooftop terrace should be set to the alignment of 35 Stevenson Place.	The amended plans show that the deck is set back further than the alignment of the adjoining property at 35 Stevenson Place. Additionally, a condition of consent is recommended to ensure the whole of the roof over the first floor addition is non-trafficable roof garden which will eliminate any potential for overlooking into neighbour's yards. This setback is aligned with the other neighbouring dwelling at 39 Stevenson Place (approx. 2m further back than no.35).
Objection to skylights facing the street	A condition of consent is recommended to delete the proposed skylight.
The cost of works is inaccurate.	The applicant has submitted a cost estimate report prepared in accordance with CN's <i>'Guide to estimating the cost of works'</i> .
Objection to metal flashing against the adjoining property	A condition of consent will be included to ensure the development is set out by a registered surveyor and is contained within the property boundary. Technical details such as resolving flashing is a matter for Construction Certificate stage.
Objection to air conditioning systems	An air conditioning system does not form part of this application.

5.9 The public interest

The proposed development is satisfactory having regard to the principles of ecologically sustainable development.

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The proposal is consistent with CN's urban consolidation objectives, making more efficient use of the established public infrastructure and services.

The proposed development will not result in the disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment.

The development is in the public interest and will allow for the orderly and economic development of the site.

6.0 CONCLUSION

The proposal is acceptable against the relevant heads of consideration under section 4.15(1) of the EP&A Act and is supported on the basis that the recommended conditions in **Attachment B** are included in any consent issued.

ATTACHMENTS

Item 24 Attachment A: Submitted Plans – 37 Stevenson Place Newcastle East

Item 24 Attachment B: Draft Schedule of Conditions - 37 Stevenson Place Newcastle East

Item 24 Attachment C: Processing Chronology - 37 Stevenson Place Newcastle East

Item 24 Attachments A-C distributed under separate cover



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 37 STEVENSON PLACE NEWCASTLE EAST –
DA2022/00611 - DWELLING HOUSE - ALTERATIONS AND AD
DITIONS**

PAGE 5	ITEM-24	Attachment A:	Submitted Plans
PAGE 20	ITEM-24	Attachment B:	Draft Schedule of Conditions
PAGE 30	ITEM-24	Attachment C:	Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER

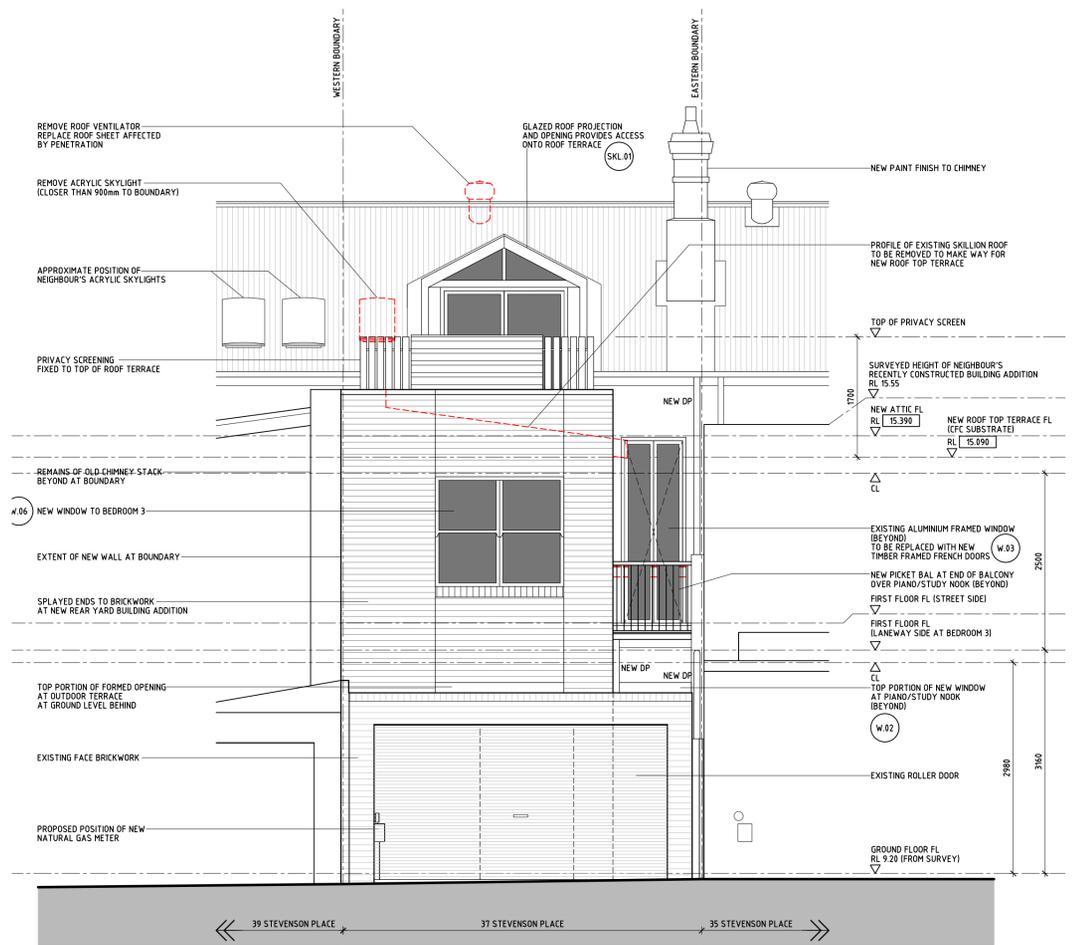
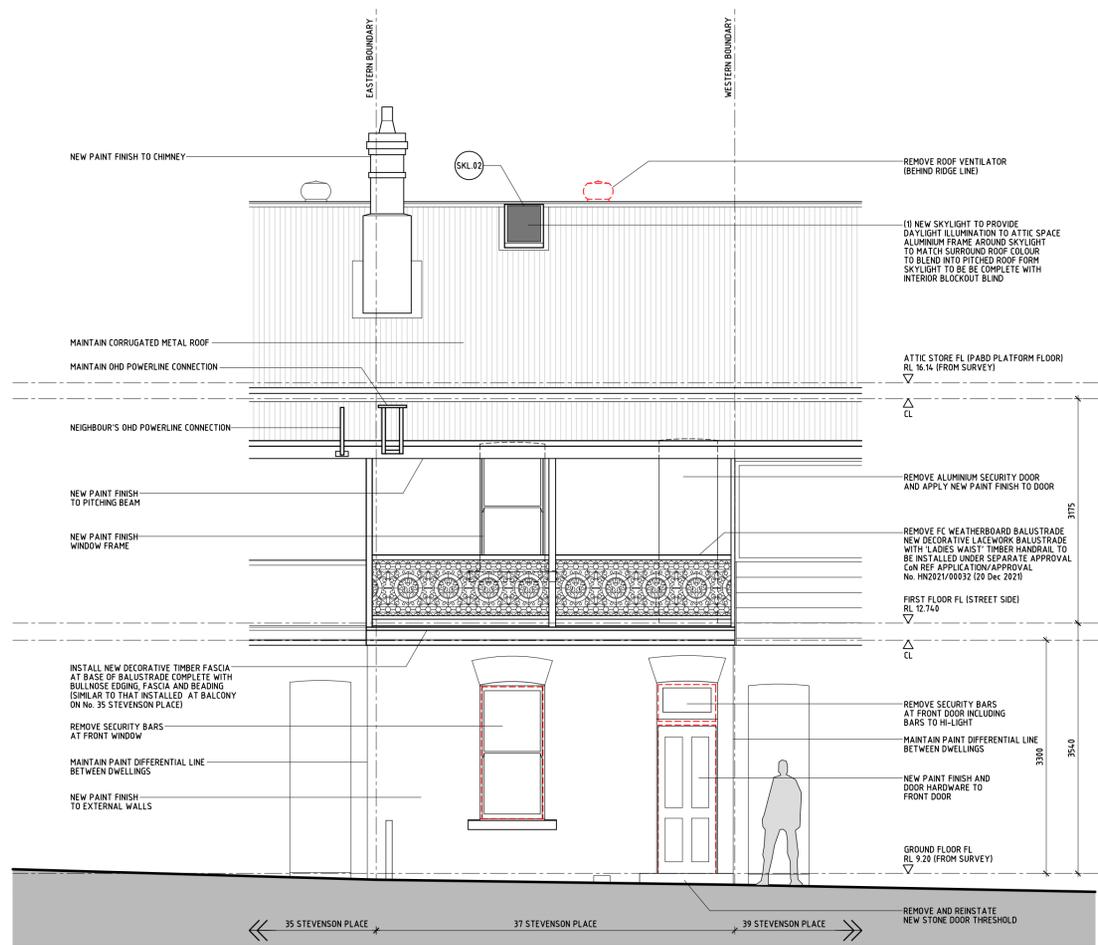


ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

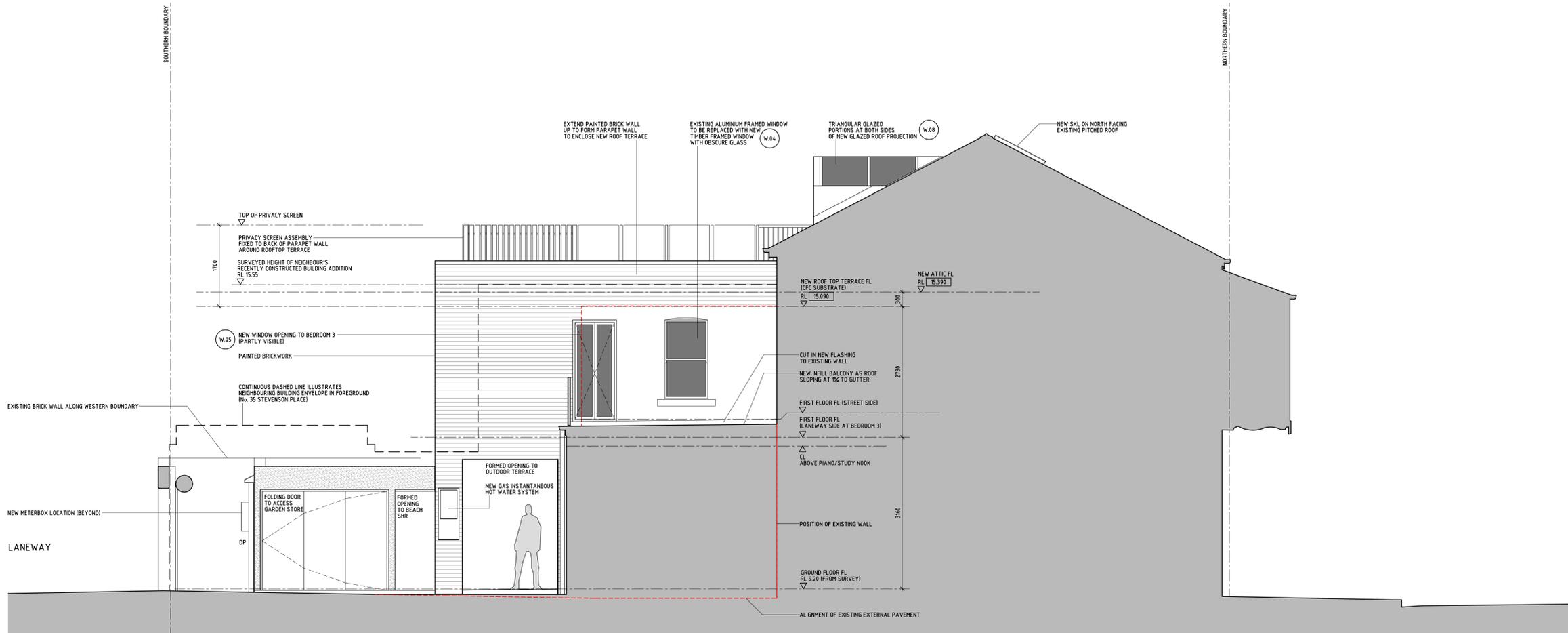
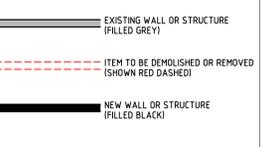
**DAC 06/12/22 – 37 STEVENSON PLACE NEWCASTLE EAST –
DA2022/00611 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

ITEM-24 **Attachment A:** Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER



KEY TO ALTERATIONS



ISS	DESCRIPTION	APP	DATE
B	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	04.05.2022

DRAWING REVISIONS

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

CLIENT

Ms L Howard
 60 Dawson Street
 Cooks Hill NSW 2300

Mr Anthony Di Nardo
 189 Bruce Street
 The Junction NSW 2291

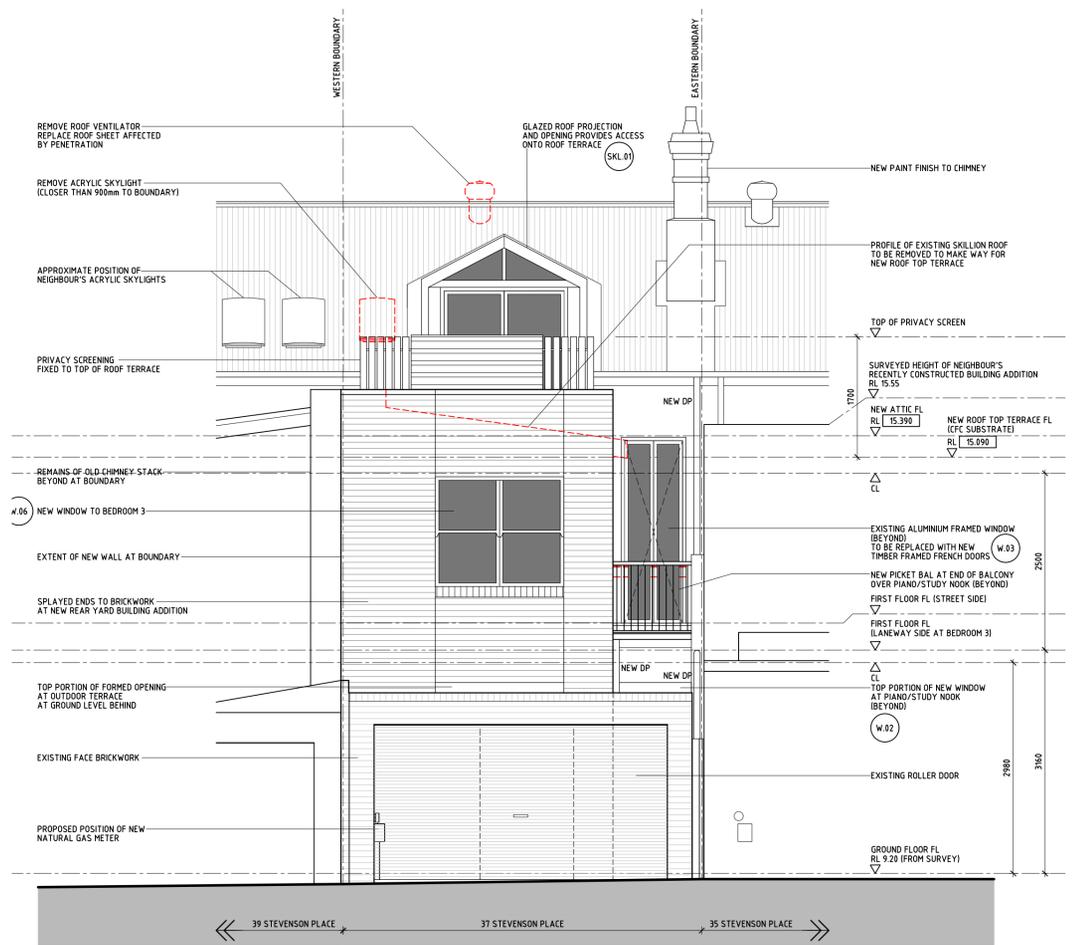
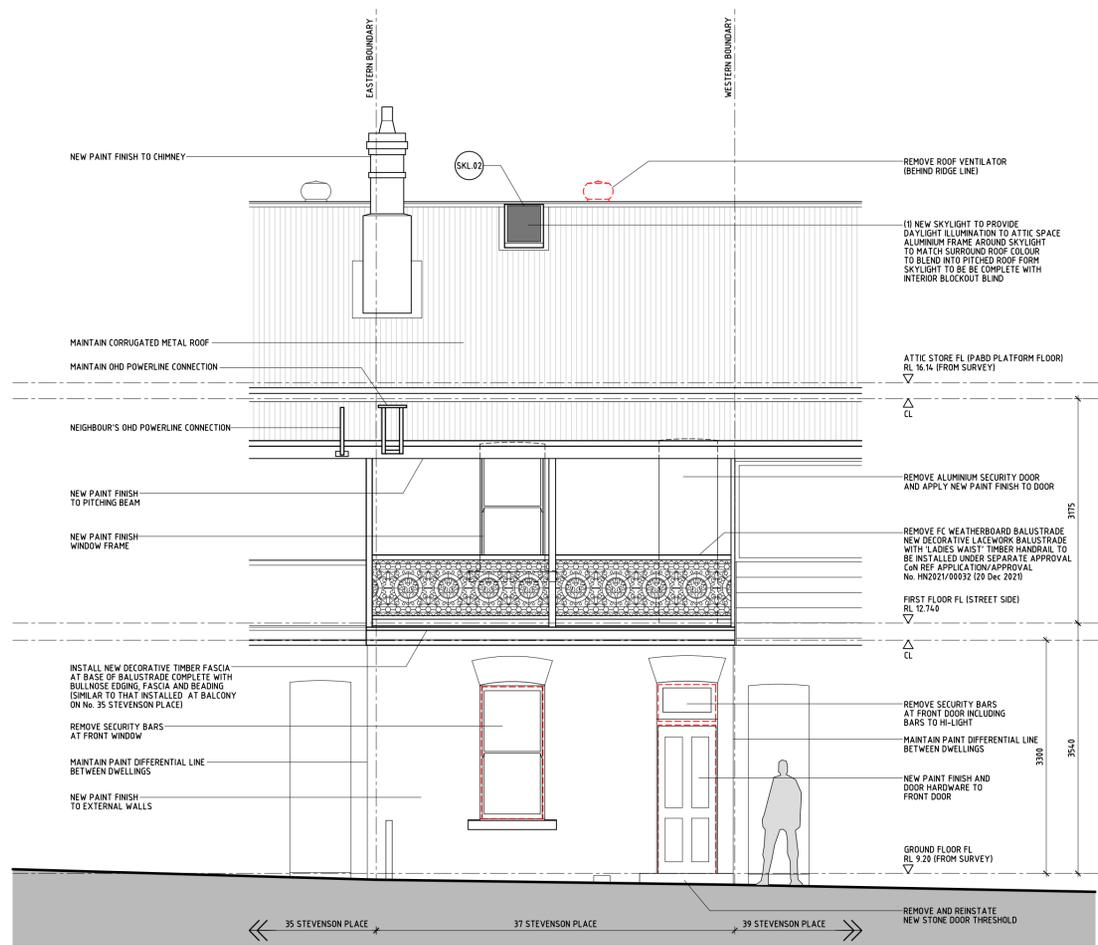
donn architects
 t: (02) 4967 2806 e: admin@donnarchitects.com.au w: www.donnarchitects.com.au
 PO Box 229 WARATAH NSW 2298

PROJECT
 Alterations & Additions to Residence
 37 Stevenson Place, Newcastle East NSW 2300
 Lot 1
 DP 908106

DRAWING TITLE
 PROPOSED ELEVATIONS - SHEET 1

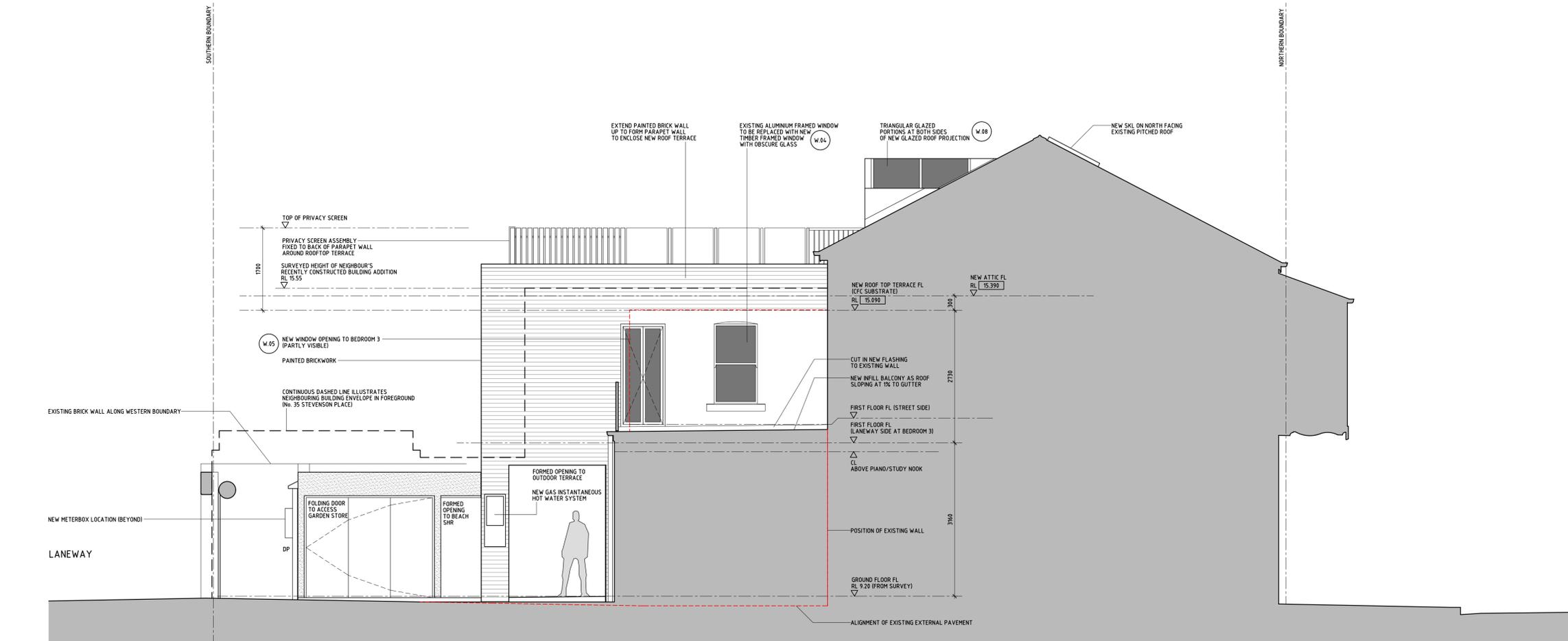
SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:50	PD	PD

JOB	DRAWING	ISSUE
21-080	DA30	B



KEY TO ALTERATIONS

	EXISTING WALL OR STRUCTURE (FILLED GREY)
	ITEM TO BE DEMOLISHED OR REMOVED (SHOWN RED DASHED)
	NEW WALL OR STRUCTURE (FILLED BLACK)



DRAWING REVISIONS

ISS	DESCRIPTION	APP	DATE
B	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	04.05.2022

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

CLIENT

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PROJECT
 Alterations & Additions to Residence
 37 Stevenson Place, Newcastle East NSW 2300
 Lot 1
 DP 908106

DRAWING TITLE
 PROPOSED ELEVATIONS - SHEET 1

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:50	PD	PD

JOB	DRAWING	ISSUE
21-080	DA30	B

PAINTED OFF-WHITE BRICKWORK (WITH OFF-WHITE MORTAR)
 FINISHED WITH PORTERS PAINT OR EQUIVALENT BREATHABLE PAINT SYSTEM



FIXED VERTICAL BATTENS FOR PRIVACY SCREEN
 (TIMBER PALINGS)



FIXED WEATHERBOARDS FOR PRIVACY SCREEN
 (TIMBER)



FIXED ETCHED OBSCURE GLASS FOR PRIVACY SCREEN
 (IMAGE DISPLAYS INDICATIVE PATTERN ONLY)



TIMBER FRAMED WINDOWS
 (CLEAR FINISH CEDAR OR SIMILAR)



NEW POTTED PLANTS AT STREET LEVEL
 (SIMILAR TO 35 STEVENSON PLACE)



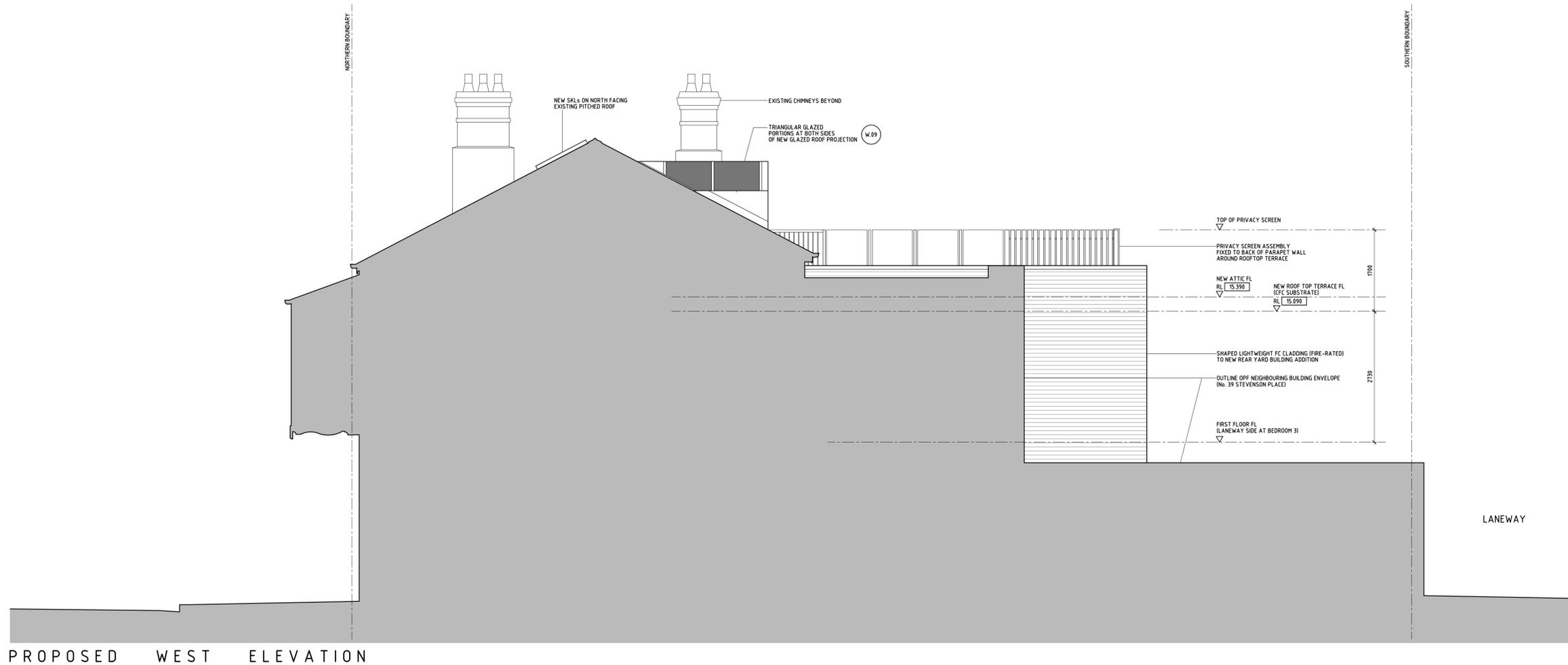
METAL LACEWORK BALUSTRADE FOR BALCONY
 (SAMPLE SALVAGED FROM BACKYARD ILLUSTRATED)
 (PATTERN No. 45 BY WAGGA IRON FOUNDRY, OR SIMILAR)



MATERIALS PALETTE

KEY TO ALTERATIONS

- EXISTING WALL OR STRUCTURE (FILLED GREY)
- ITEM TO BE DEMOLISHED OR REMOVED (SHOWN RED DASHED)
- NEW WALL OR STRUCTURE (FILLED BLACK)



PROPOSED WEST ELEVATION

ISS	DESCRIPTION	APP	DATE
B	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	04.05.2022

DRAWING REVISIONS

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

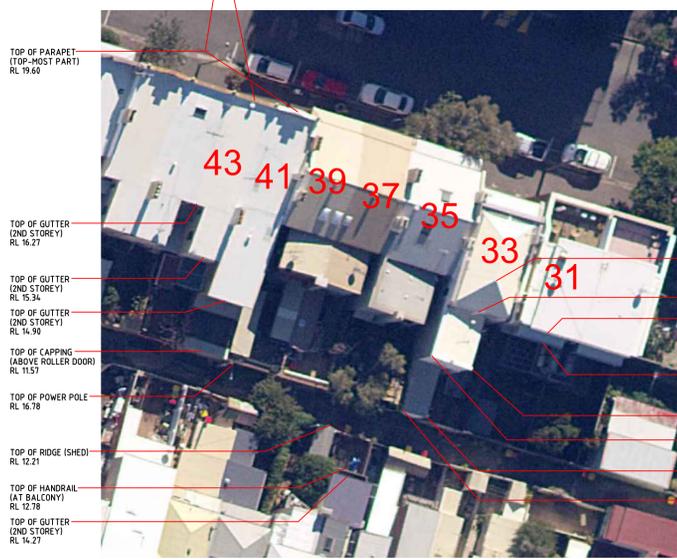
CLIENT
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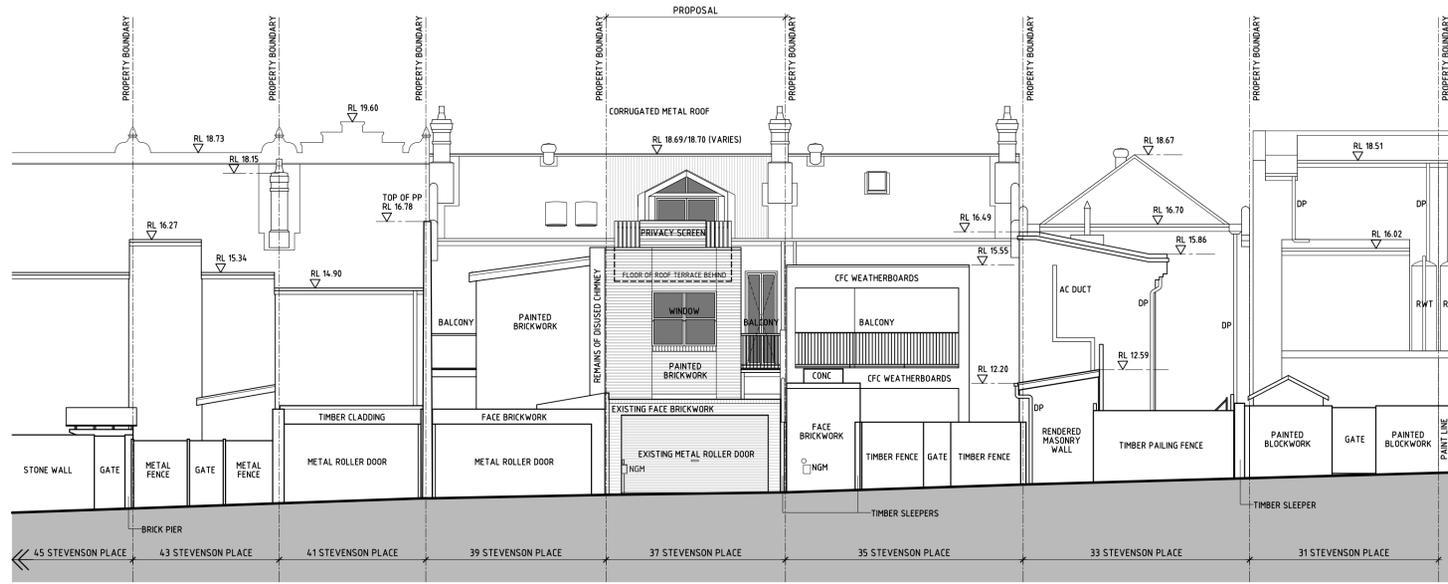
PROJECT
 Alterations & Additions to Residence
 37 Stevenson Place, Newcastle East NSW 2300
 Lot 1
 DP 908106

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 PROPOSED ELEVATIONS - SHEET 2
 & MATERIALS PALETTE

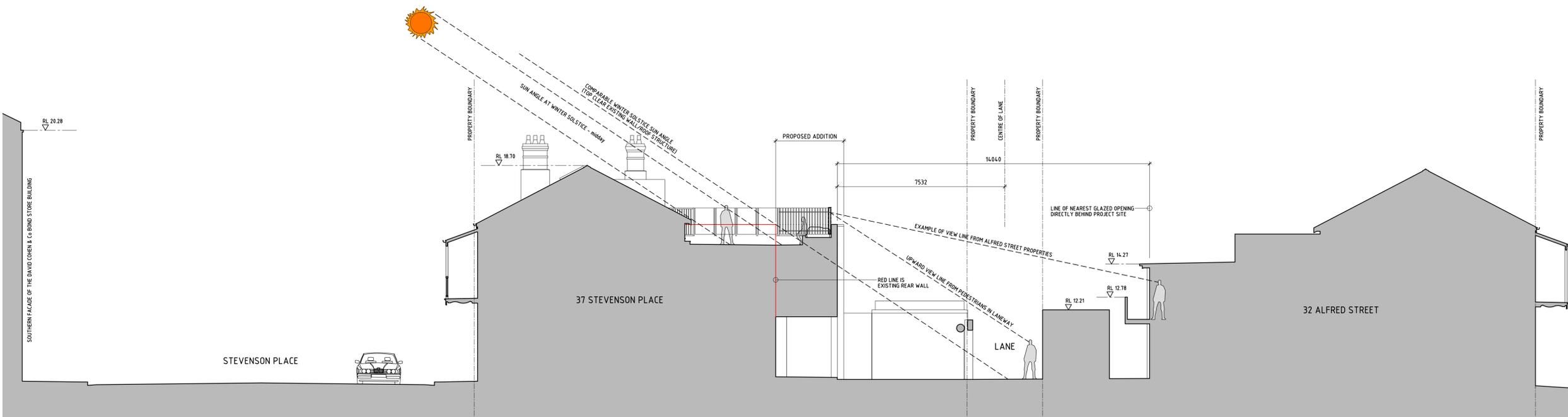
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JOB	DRAWING	ISSUE	
21-080	DA31	B	



CONTEXT LEVELS
ADDITIONAL LEVELS RECORDED BY METRI REGISTERED SURVEYORS



**BACK LANE ELEVATION
(WITH PROPOSAL AT CENTRE)**



SITE SECTION (WITH PROPOSAL)

DRAWING SCALE (UNO)
0 0.5 1 2 metres

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A	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
P1	ISSUED TO SURVEYOR	PD	05.09.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS
CURRENT DRAWING STATUS
DEVELOPMENT APPLICATION

CLIENT
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donn architects
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Notified Architect: Peter Donn (6532)
PO Box 229 WARATAH NSW 2298

PROJECT
Alterations & Additions to Residence
37 Stevenson Place, Newcastle East NSW 2300
Lot 1
DP 908106

DRAWING TITLE
**BACK LANE ELEVATION
& SITE SECTION**

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:100	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA32	A	

PROJECT TEAM

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CURRENT VIEW DOWN LANE (LOOKING WEST)



VIEW DOWN LANE (LOOKING WEST) WITH PROPOSAL



CURRENT VIEW DOWN LANE (LOOKING EAST)



VIEW DOWN LANE (LOOKING EAST) WITH PROPOSAL

A	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

CLIENT
 Ms L Howard Mr Anthony Di Nardo
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 Cooks Hill NSW 2300 The Junction NSW 2291

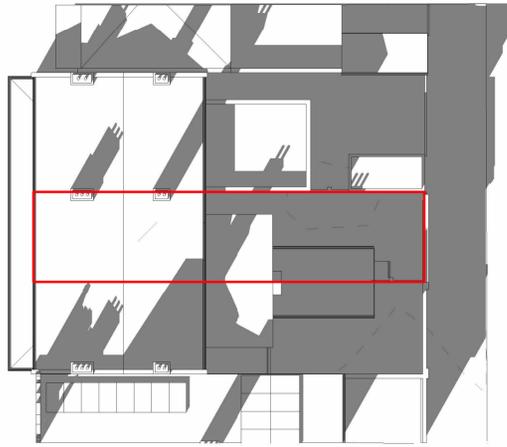


PROJECT
 Alterations & Additions to Residence
 37 Stevenson Place, Newcastle East NSW 2300
 Lot 1
 DP 908106

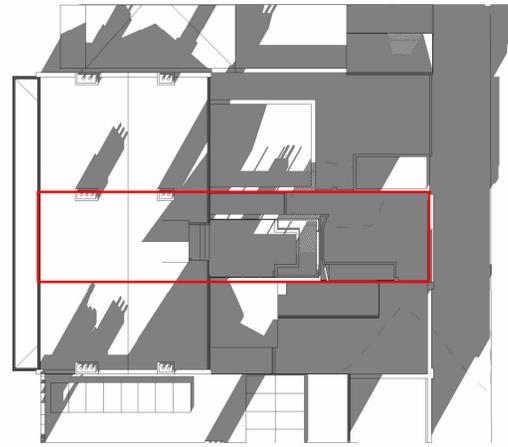
DRAWING TITLE
 PERSPECTIVE VIEWS FROM LANEWAY
 (EXISTING & PROPOSED)

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JOB	DRAWING	ISSUE	
21-080	DA33	A	

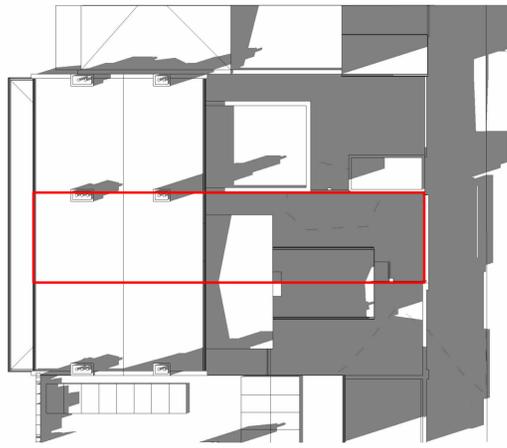
WINTER SOLSTICE



EXISTING SHADOW-CASTING PLAN - 21 June 2022 (3pm)



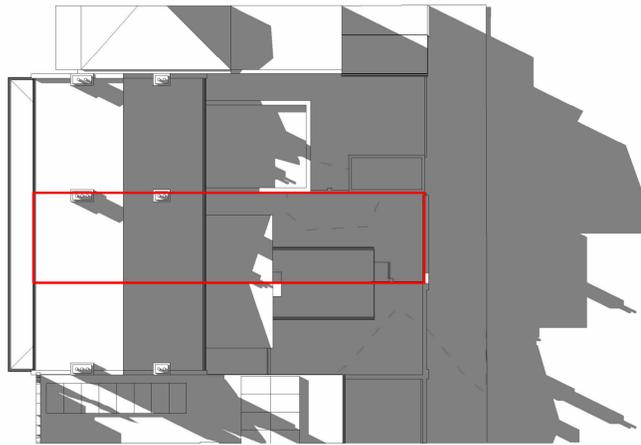
PROPOSED SHADOW-CASTING PLAN - 21 June 2022 (3pm)



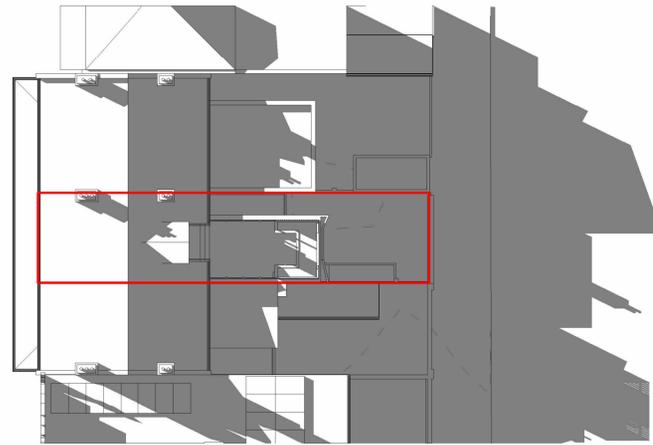
EXISTING SHADOW-CASTING PLAN - 21 June 2022 (midday)



PROPOSED SHADOW-CASTING PLAN - 21 June 2022 (midday)



EXISTING SHADOW-CASTING PLAN - 21 June 2022 (9am)

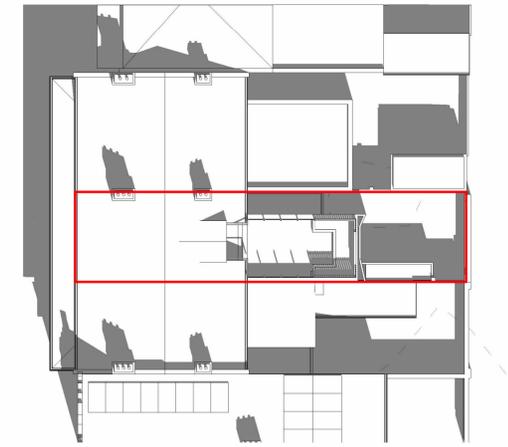


PROPOSED SHADOW-CASTING PLAN - 21 June 2022 (9am)

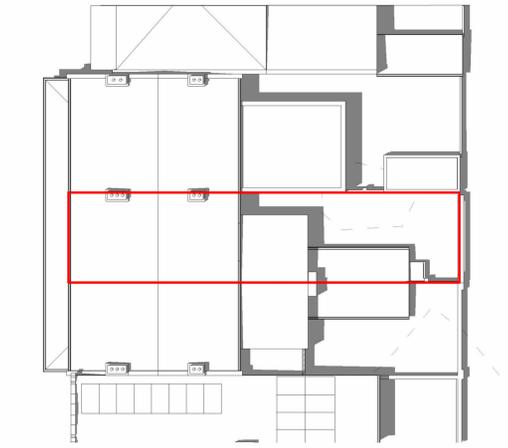
SUMMER SOLSTICE



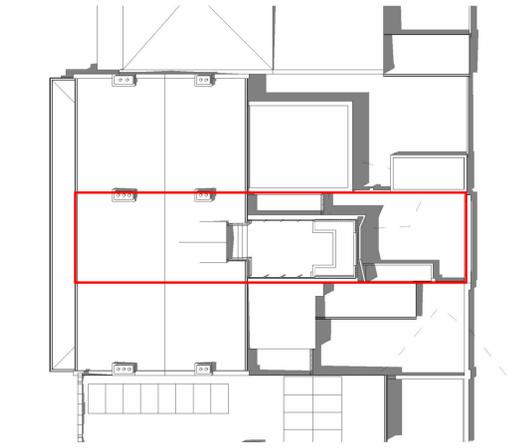
EXISTING SHADOW-CASTING PLAN - 21 December 2022 (4pm)
(daylight saving time)



PROPOSED SHADOW-CASTING PLAN - 21 December 2022 (4pm)
(daylight saving time)



EXISTING SHADOW-CASTING PLAN - 21 December 2022 (1pm)
(daylight saving time)



PROPOSED SHADOW-CASTING PLAN - 21 December 2022 (1pm)
(daylight saving time)



EXISTING SHADOW-CASTING PLAN - 21 December 2022 (8am)
(daylight saving time)



PROPOSED SHADOW-CASTING PLAN - 21 December 2022 (8am)
(daylight saving time)



DRAWING SCALE (UNO)
0 1 2 10 metres

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NOTES
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2. SURVEYOR'S LEVELS AND ARCHITECTURAL MEASUREMENTS HAVE BOTH BEEN USED TO INFORM THE PREPARATION OF THE 3D MODEL.
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B	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	09.05.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS
CURRENT DRAWING STATUS
DEVELOPMENT APPLICATION
CLIENT
Ms L Howard

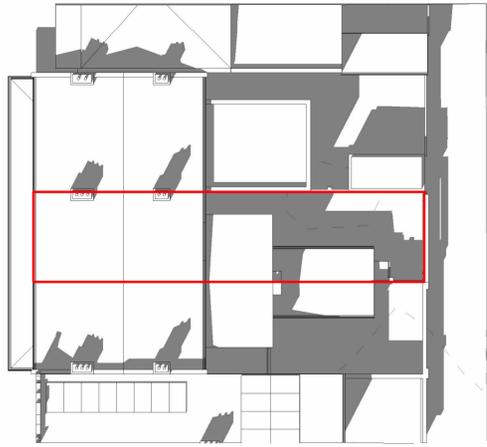
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Not a Registered Architect Peter Donn (3132)
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PROJECT
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37 Stevenson Place, Newcastle East NSW 2300

DRAWING TITLE
SHADOW CASTING PLANS (EXISTING & PROPOSED)

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:200	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA40	B	

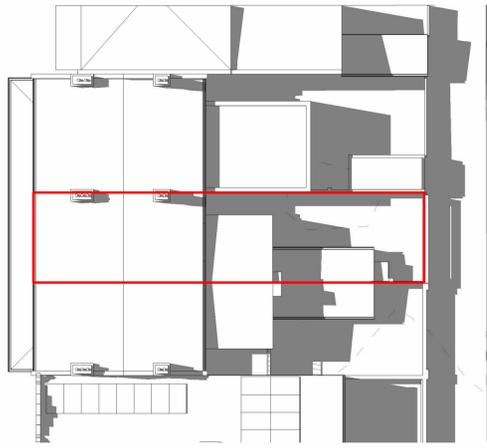
AUTUMN EQUINOX



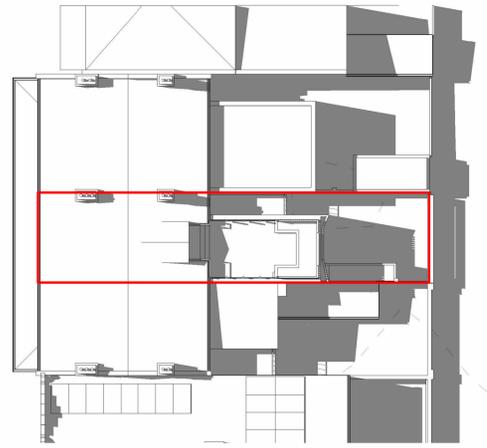
EXISTING SHADOW-CASTING PLAN - 21 March 2022 (3pm)
(daylight saving time)



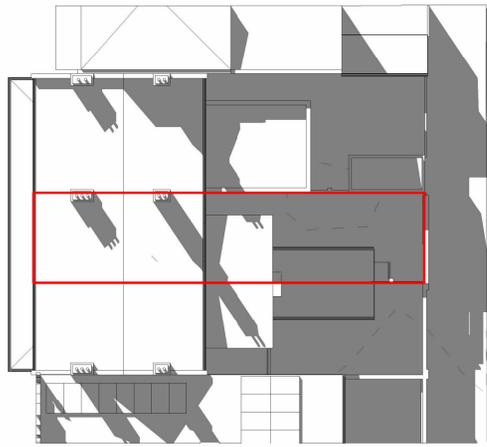
PROPOSED SHADOW-CASTING PLAN - 21 March 2022 (3pm)
(daylight saving time)



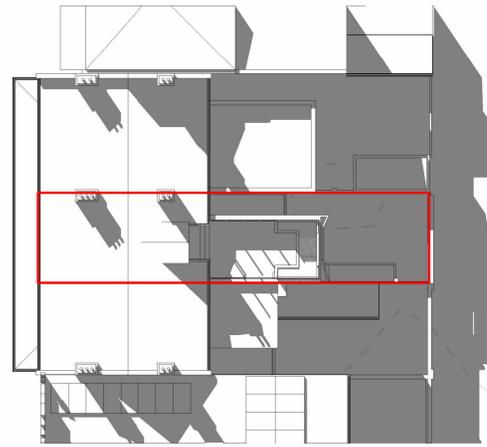
EXISTING SHADOW-CASTING PLAN - 21 March 2022 (midday)
(daylight saving time)



PROPOSED SHADOW-CASTING PLAN - 21 March 2022 (midday)
(daylight saving time)



EXISTING SHADOW-CASTING PLAN - 21 March 2022 (9am)
(daylight saving time)

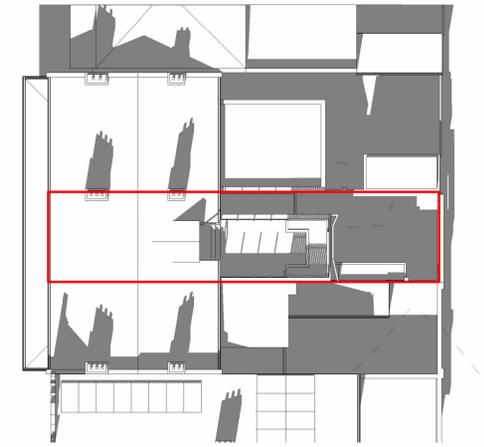


PROPOSED SHADOW-CASTING PLAN - 21 March 2022 (9am)
(daylight saving time)

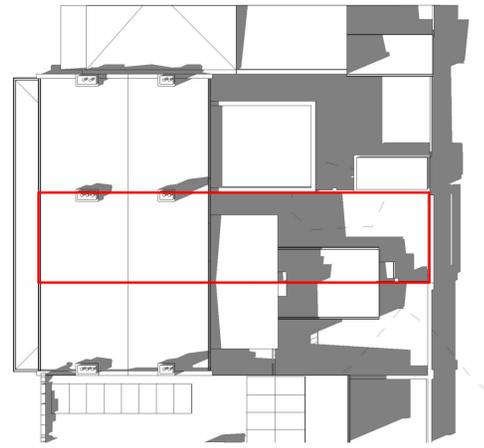
SPRING EQUINOX



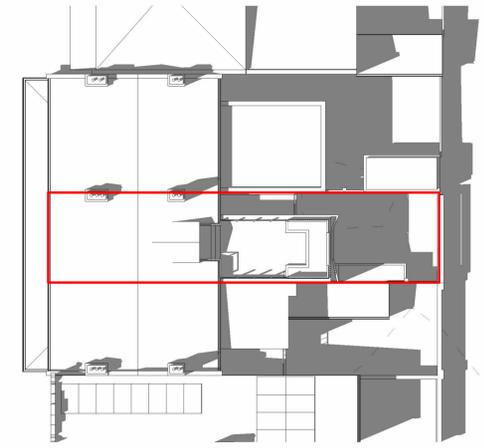
EXISTING SHADOW-CASTING PLAN - 23 September 2022 (3pm)



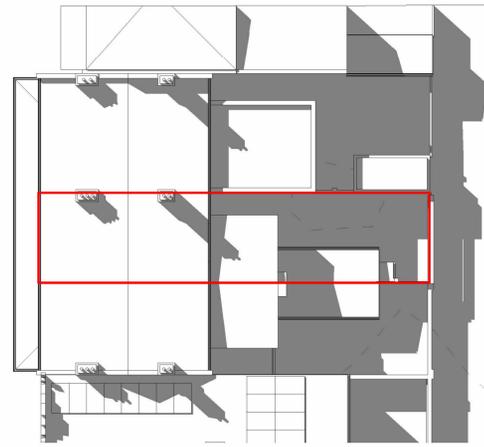
PROPOSED SHADOW-CASTING PLAN - 23 September 2022 (3pm)



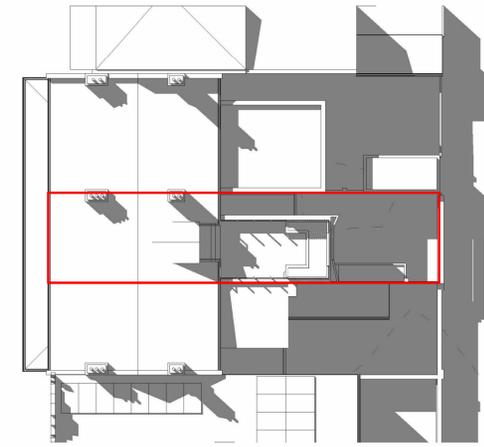
EXISTING SHADOW-CASTING PLAN - 23 September 2022 (midday)



PROPOSED SHADOW-CASTING PLAN - 23 September 2022 (midday)



EXISTING SHADOW-CASTING PLAN - 23 September 2022 (9am)



PROPOSED SHADOW-CASTING PLAN - 23 September 2022 (9am)



DRAWING SCALE (UNO)
0 1 2 10 metres

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A	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

CLIENT

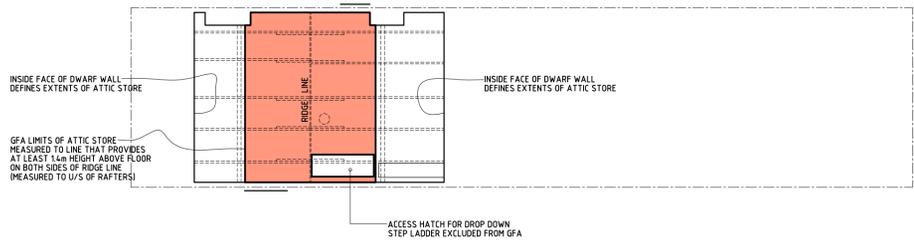
Ms L Howard



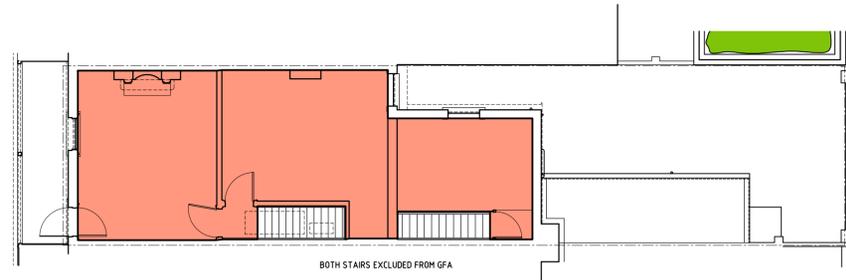
PROJECT
Alterations & Additions to Residence
37 Stevenson Place, Newcastle East NSW 2300

DRAWING TITLE
SHADOW CASTING PLANS (EXISTING & PROPOSED)

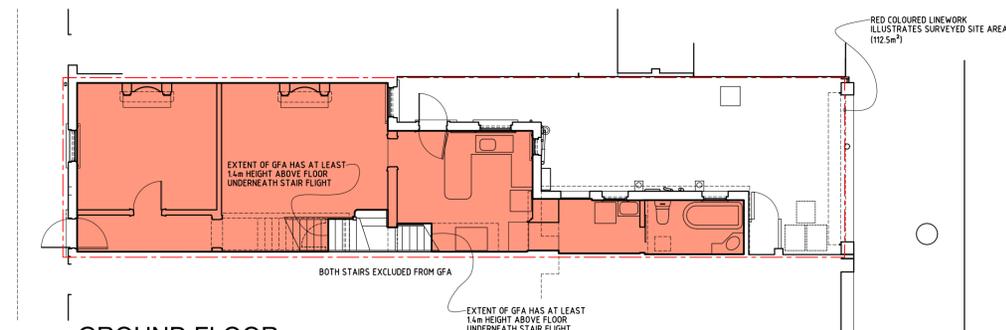
SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:200	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA41	A	



ATTIC FLOOR
GFA = 16.6m²

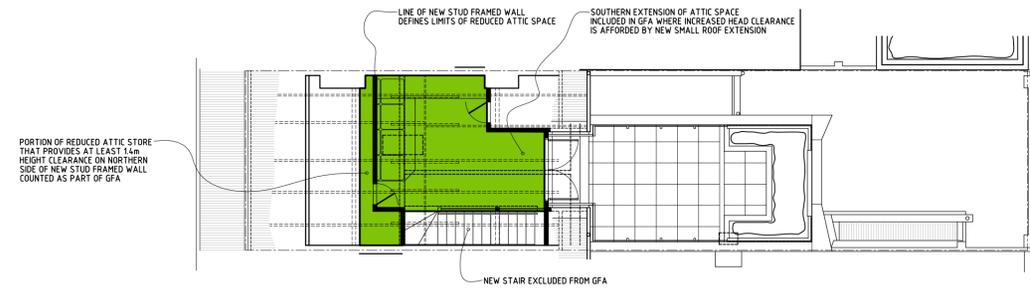


FIRST FLOOR
GFA = 51.7m²

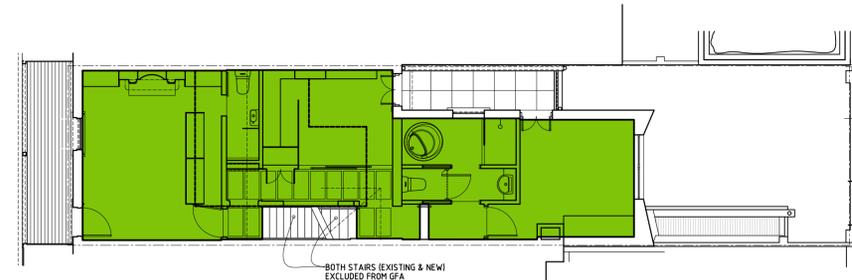


GROUND FLOOR
GFA = 62.4m²

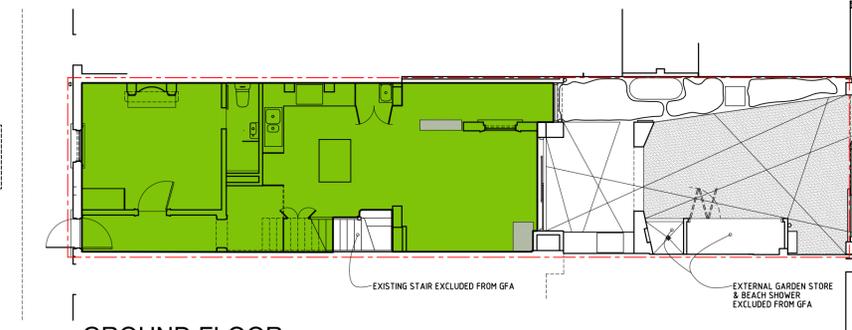
EXISTING GFA PLANS



ATTIC FLOOR
GFA = 18.6m²



FIRST FLOOR
GFA = 62.4m²



GROUND FLOOR
GFA = 60.3m²

PROPOSED GFA PLANS

DRAWING SCALE (UNO)



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NOTES

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- ALL FLOOR AREAS ARE MEASURED TO INSIDE OF PERIMETER EXTERNAL WALLS AND FACE OF COMMON WALL SEPARATING ADJOINING TERRACES.
- GFA EXCLUDES THE FOLLOWING AREAS:
 - STAIRS
 - EXTERNAL OUTDOOR TERRACE (GROUND FLOOR)
 - EXTERNAL GARDEN STORE AND BEACH SHOWER
 - EXISTING BALCONY
 - ROOF TOP TERRACE & SPA AREA
 - NON-HABITABLE ATTIC STORES WITHIN ROOF SPACE THAT ARE LESS THAN 1.4m IN HEIGHT

AREA CALCULATIONS

SITE AREA = 112.5m ²	
EXISTING GFA = 62.4 + 51.7 + 16.6m ² = 130.7m ²	EXISTING FSR = 130.7m ² / 112.5m ² : 1.00 = 1.16 : 1.00
PROPOSED GFA = 60.3 + 62.4 + 18.6m ² = 141.3m ²	PROPOSED FSR = 141.3m ² / 112.5m ² : 1.00 = 1.26 : 1.00
PROPOSED INCREASE IN GFA = 10.6m ²	

B	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	16.05.2022
PA	UPDATED FOR CLIENT & CONSULTANT REVIEW	PD	04.05.2022
P3	REVISED FOR PRE-DA MEETING WITH CUN	PD	03.02.2022
P2	GFA UPDATED FOLLOWING ADDITION OF STAIR AT FIRST FLOOR LEVEL	PD	21.12.2021
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	17.12.2021
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

CLIENT
Ms L Howard
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Mr Anthony Di Nardo
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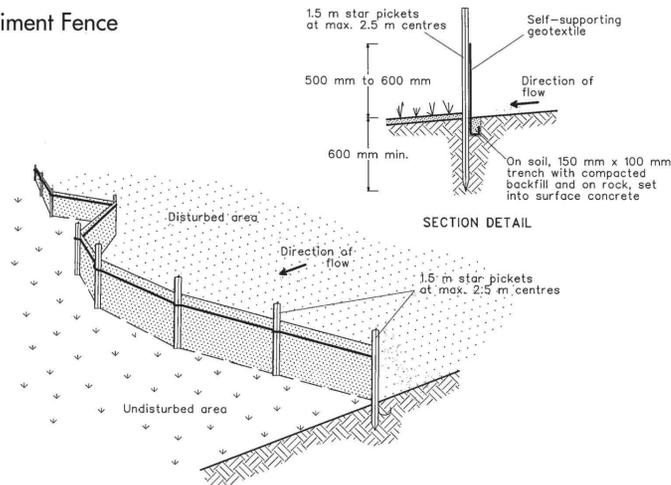
PROJECT
Alterations & Additions to Residence
37 Stevenson Place, Newcastle East NSW 2300
Lot 1
DP 908106

DRAWING TITLE
GFA PLANS
(EXISTING & PROPOSED)

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:100	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA50	B	



Sediment Fence



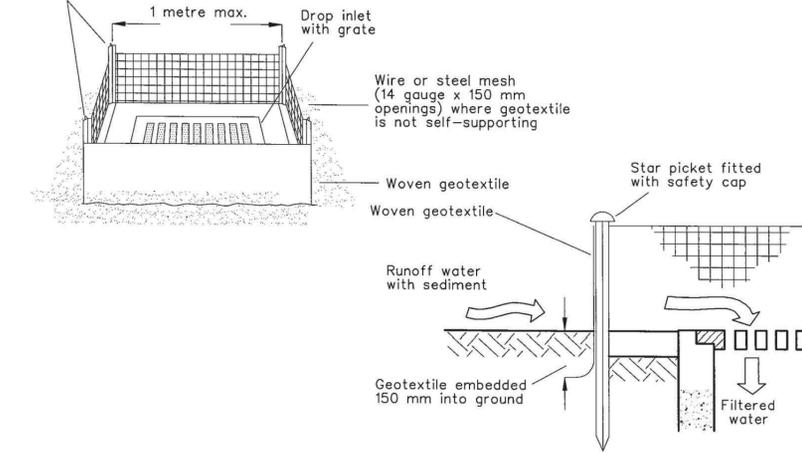
SEDIMENT FENCE DETAILS

(SOURCE OF DETAIL DRAWING: MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION, 4th edn, Vol. 1 - DRAWING SD 6-8)

Construction Notes

1. Construct sediment fences as close as possible to being parallel to the contours of the site, but with small returns as shown in the drawing to limit the catchment area of any one section. The catchment area should be small enough to limit water flow to concentrated at one point to 50 litres per second in the design storm event, usually the 10 year event.
2. Cut a 150mm deep trench along the up-slope line of the fence for the bottom of the fabric to be entrenched.
3. Drive 15m long star pickets into the ground at 2.5m intervals (max) at the down-slope edge of the trench. Ensure any star pickets are fitted with safety caps.
4. Fix self-supporting geotextile to the up-slope side of the posts ensuring it goes to the base of the trench. Fix the geotextile with wire ties or as recommended by the manufacturer. Only use geotextile specifically produced for sediment fencing. The use of shadecloth for this purpose is not satisfactory.
5. Join sections of fabric at a support post with a 150mm overlap.
6. Backfill the trench over the base of the fabric and compact it thoroughly over the geotextile.

Star pickets



GEOTEXTILE INLET FILTER DETAILS

(SOURCE OF DETAIL DRAWING: MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION, 4th edn, Vol. 1 - DRAWING SD 6-12)

Construction Notes

1. Fabricate a sediment barrier made from geotextile.
2. Follow Standard Drawing SD-8 for installation procedures for geofabric. Reduce picket spacings to 1m maximum centres.
3. In waterways, artificial sag points can be created with sandbags.
4. Do not cover the inlet with geotextile unless the design is adequate to allow for all waters to bypass it.

DRAWING SCALE (UNO)



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PROJECT TEAM

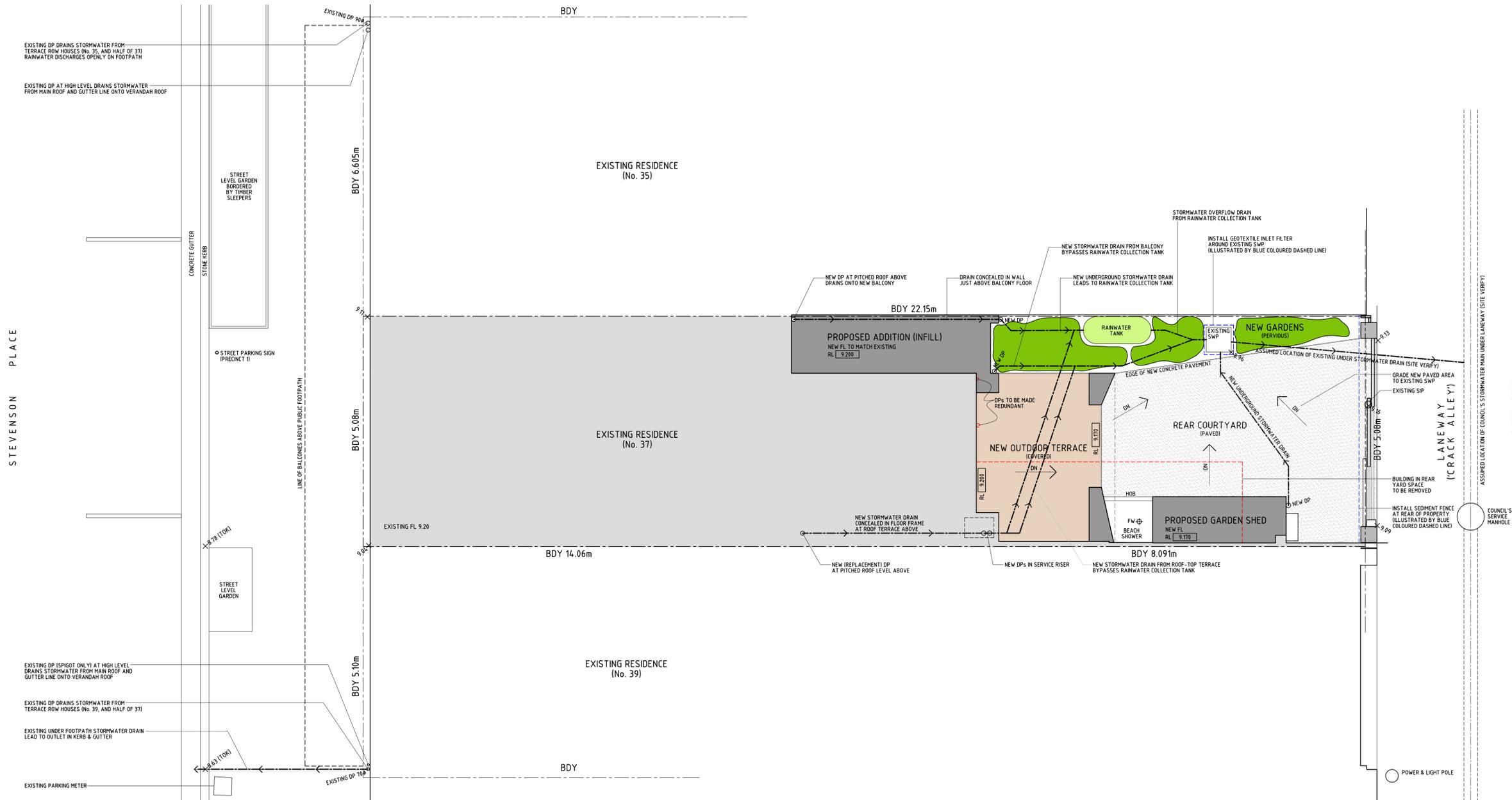
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2. THIS DRAWING CONTAINS LIMITED SITE LEVEL INFORMATION FOR DETAILED ANALYSIS OF SITE LEVELS AND TOPOGRAPHY. REFER TO SURVEY DRAWING PREPARED BY METRI ENGINEERS, SURVEYORS & PLANNERS.
3. SEDIMENT & EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDCOM PUBLICATION MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTION VOLUME 1 (4th Edition).
4. ALL SILT CONTROL MEASURES SHALL BE IN PLACE PRIOR TO COMMENCEMENT OF EARTHWORKS ON SITE WITH MEASURES SUBJECT TO FURTHER ADDITIONS OR ALTERATIONS, WHERE CONSIDERED NECESSARY, AS DIRECTED BY CITY OF NEWCASTLE DURING THE PROGRESSION OF THE WORKS.
5. UTILISE SANDBAGS DOWNSTREAM ON THE STORMWATER OUTLETS TO STEVENSON PLACE AS WELL AS TO THE NATURAL LAND FORM DEPRESSIONS WITHIN THE SITE.



STORMWATER & SEDIMENT CONTROL PLAN

B	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT AS HERITAGE CONSULTANT	PD	04.05.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

CLIENT

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60 Dawson Street 189 Bruce Street

Cooks Hill NSW 2300 The Junction NSW 2291

donn architects

PO Box 229 WARATAH NSW 2298

PROJECT

Alterations & Additions to Residence

37 Stevenson Place, Newcastle East NSW 2300

Lot 1

DP 908106

DRAWING TITLE

STORMWATER & SEDIMENT CONTROL PLAN

SHEET SIZE

A1

SCALE(S)

1:50

DRAWN

PD

CHECKED

PD

JOB

21-080

DRAWING

DA60

ISSUE

B



NEWCASTLE HARBOUR

NEWCASTLE FORESHORE RESERVE

FORT SCRATCHLEY

SCOTT STREET

PACIFIC STREET

TELFORD STREET

ZARRA STREET

STEVENSON PLACE

PARNELL PLACE

FORT DRIVE

BEACH ST

SHORTLAND ESPLANADE

PROJECT SITE
37 STEVENSON PLACE
(7%)

ALFRED STREET

22 ALFRED STREET (24%)

8 ZAARA STREET (8.2%)

37 ALFRED STREET (7%)

7 ZAARA STREET (1%)

10 ALFRED STREET (30%)

23 ALFRED STREET (30%)

2 PARNELL PLACE (7.1%)

24 PARNELL PLACE (2%)

42 NOBBYS ROAD (6.4%)

50 NOBBYS ROAD (2.06%)

62 NOBBYS ROAD (2.7%)

4 BEACH STREET (49%)

9 BEACH STREET (40%)

11 BEACH STREET (40%)

DRAWING SCALE (UNO)

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ARCHITECTURE
Donn Architects
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NOTE
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2. FSR MAP REVIEWS RESIDENTIAL PROPERTIES ONLY WITHIN THE 1:1 FSR NEWCASTLE EAST AREA.
3. PROPERTIES THAT LIKELY EXCEED AN FSR OF 1:1 (MARKED WITH AN ORANGE) ARE ESTIMATED FROM STREET WALK SURVEY ONLY - NO MEASUREMENTS HAVE BEEN UNDERTAKEN TO CONFIRM FSR FOR THESE PROPERTIES.

KEY
● COUNCIL APPROVED FSR EXCEEDING 1:1 BUT NOT GREATER THAN 10%
● COUNCIL APPROVED FSR EXCEEDING 1:1 AND GREATER THAN 10%
● PROPERTIES THAT LIKELY EXCEED FSR 1:1 BUT HAVE NO RECORD OF APPROVAL
● 3 PROPERTIES THAT LIKELY EXCEED FSR 1:1 AND ARE 3 STOREYS IN HEIGHT
● PROJECT SITE 37 STEVENSON PLACE
--- 1:1 FSR PLANNING BOUNDARY

P2	ISSUED TO CLIENT FOR FURTHER REVIEW	PD	08.09.2022
P1	ISSUED TO CLIENT FOR REVIEW	PD	09.09.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS
CURRENT DRAWING STATUS
DEVELOPMENT APPLICATION
CLIENT
Ms L Howard
60 Dawson Street
Cooks Hill NSW 2300

Mr Anthony Di Nardo
189 Bruce Street
The Junction NSW 2291
donn architects
t: (02) 4987 2806 e: admin@donnarchitects.com.au w: www.donnarchitects.com.au
Nominated Architect: Peter Donn (6532)
PO Box 229 WARATAH NSW 2298

PROJECT
Alterations & Additions to Residence
37 Stevenson Place, Newcastle East NSW 2300
Lot 1
DP 908106

DRAWING TITLE
FSR MAP OF NEWCASTLE EAST

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	NTS	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA70		A





ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 37 STEVENSON PLACE NEWCASTLE EAST –
DA2022/00611 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

ITEM-24 **Attachment B:** Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER

Application No:	DA2022/00611
Land:	Lot 1 DP 908106
Property Address:	37 Stevenson Place Newcastle East NSW 2300
Proposed Development:	Dwelling house - alterations and additions

SCHEDULE 1**APPROVED DOCUMENTATION**

1. 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
Proposed Ground & First Floor Plans	DA10 (Issue B)	Donn Architects	23/09/2022
Proposed Attic Floor Plan & Roof Plan	DA11 (Issue B)	Donn Architects	23/09/2022
Proposed Sections P1 & P2	DA20	Donn Architects	23/09/2022
Proposed Elevations – Sheet 1	DA30	Donn Architects	23/09/2022
Proposed Elevations – Sheet 2	DA31	Donn Architects	23/09/2022
Back Lane Elevation & Site Section	DA32	Donn Architects	23/09/2022
Basix Certificate	A457152_02	Donn Architects	03/05/2022

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.

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

2. In accordance with the City of Newcastle Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$10,145.90 shall be paid to the City of Newcastle for the purposes of the provision, extension or augmentation of transport and social infrastructure.
 - (a) 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.

- (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to the City of Newcastle
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (iii) prior to the issue of the first Construction Certificate where the development is for building work.
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.
3. The roof garden is to extend to the blue hatched area shown on dwg DA11 (Issue B) of the approved plans. The roof garden is to be a non-trafficable landscaped area. Full details to be submitted with the Construction Certificate Application.
 4. The dormer/roof access at the attic is to be amended to have corrugated metal roof sheeting to match the existing roof, and lightweight cladding to the walls. Full details to be submitted with the Construction Certificate Application.
 5. A suitably qualified and experienced heritage architect 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 architect is to be submitted with the Construction Certificate.
 6. A full archival photographic record is to be undertaken of the subject building, including the interiors. The archival recording is to be in accordance with the requirements of:
 - The NSW Heritage Office publication "How to Prepare Archival Records of Heritage items" (1998); and
 - The Department of Planning's "Recording Places of Cultural Significance" (1991)
 The record in digital form is to be submitted to Council and written approval of Council's Heritage Advisor submitted prior to the release of the Construction Certificate.
 7. Where internal walls at the ground floor are shown to be demolished, between G.04 Kitchen and G.06 Lounge, a downstand at the ceiling and wall nibs are to be retained as an indication of their former position. Full details to be submitted with the Construction Certificate Application.
 8. The etched glass panels to the east and west edge, and the solid weatherboard wall to the southern edge, of the roof terrace are to be deleted and replaced with timber battens consistent with the remainder of the privacy screen. The privacy screen is to be constructed with a minimum height of 1.7m (measured above finished floor level) along the eastern, western and southern edge of the roof terrace. The privacy screen is to have a maximum area of 25% openings and is to be permanently fixed. Full details to be submitted with the Construction Certificate Application.
 9. The proposed skylight on the front roof plane facing Stevenson Place is to be deleted. Full details to be submitted with the Construction Certificate Application.
 10. The glass floor panels to the first floor of the original dwelling are not approved. The existing floor structure and timber flooring to the first floor of the dwelling is to be maintained. Full details to be submitted with the Construction Certificate Application.

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

11. Significant internal and external building elements, including chimneys; ground and first floor bedroom fireplaces, mantles and hearths; decorative timber boarded ceilings;

internal window to G.06 Lounge; original timber staircase; decorative hall arch; and any other building elements guided by the project heritage consultant, are to be retained and protected for the duration of the development.

12. The fireplace and mantle to be removed from the ground floor kitchen is to be retained and stored on the site to facilitate future reinstatement.
13. Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by a suitably qualified heritage consultant, highlighting the historical significance of the site and in particular those building elements requiring conservation.
14. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
15. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council and the demolisher prior to commencement of work.
16. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
 - a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
 - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
 - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
 - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (4974 2000) and the Workcover Authority of NSW telephone number (4921 2900) and
 - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
17. 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, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.

18. The demolisher is to ensure that all demolition material is kept clear of the public footway

and carriageway as well as adjoining premises.

19. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
20. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifying Authority upon completion of the floor slab formwork, before concrete is poured, to ensure that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.
21. 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.
22. 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 Certifying Authority 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, but must be removed when the work has been completed.

23. All building work must be carried out in accordance with the provisions of the National Construction Code.
24. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
25. All building materials, plant and equipment is to be placed on the site of the development so as 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.
26. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.
27. 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 Council requirements, in accordance with Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.
28. 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.

29. Council'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 Council for the duration of demolition and construction work.

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

30. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
31. The following waste management measures are to be implemented during construction:
- a) waste container of at least one cubic metre capacity shall 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) appropriate provision is to be made to prevent wind blown 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* (NSW)

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

32. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
33. 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.
34. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council'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.

35. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

36. The roof garden is to be maintained as a non-trafficable landscaped area in perpetuity.
37. 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* (NSW).

Should Council consider 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 appropriate 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 confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

ADVISORY MATTERS

- The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

- Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- The carrying out of the development may be affected by the '*declared racing area*' under the *Motor Racing (Sydney and Newcastle) Act 2008*. The ability for works to occur on the site or within the road reserve in the vicinity of the property may be impacted between the first week in October and end of December each year that motor racing is conducted in the area. Further consultation is required in the nominated area during this period with the possibility of access restrictions being imposed. For further information and

assistance please contact the City's Major Events Team at events@ncc.nsw.gov.au <<mailto:events@ncc.nsw.gov.au>>.

- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- 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 both Council and any other relevant authorities. Council 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 Division 6.2 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 Council is to be notified of the appointment; and
 - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) 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 ('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* (NSW), which may be subject to a penalty infringement notice ('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.
- Council has considered and accepted the proposed development standard variation made under Clause of the *Newcastle Local Environmental Plan 2012*. The proposed Floor Space Ratio variation of 26% is considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow the neighbouring properties, obstruct significant view corridors, and result in negative privacy issues.
- Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

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 06/12/22 – 37 STEVENSON PLACE NEWCASTLE EAST –
DA2022/00611 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS**

ITEM-24 **Attachment C:** Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER

PROCESSING CHRONOLOGY

DA2022/00611 – 37 Stevenson Place Newcastle East

15 June 2022	-	Application Lodged
21 June to 12 July 2022	-	First Public Notification
28 July 2022	-	First request for additional information
26 September 2022	-	Amended plans and RFI Response received
13 October to 27 October 2022	-	Second Public Notification



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**SUPPLEMENTARY REPORT - DAC 21/03/2023 – 37 STEVENSON
PLACE NEWCASTLE EAST – DA2022/00611 - DWELLING HOUSE -
ALTERATIONS AND ADDITIONS**

7.2 **Attachment B:** Amended Architectural Plans

DISTRIBUTED UNDER SEPARATE COVER

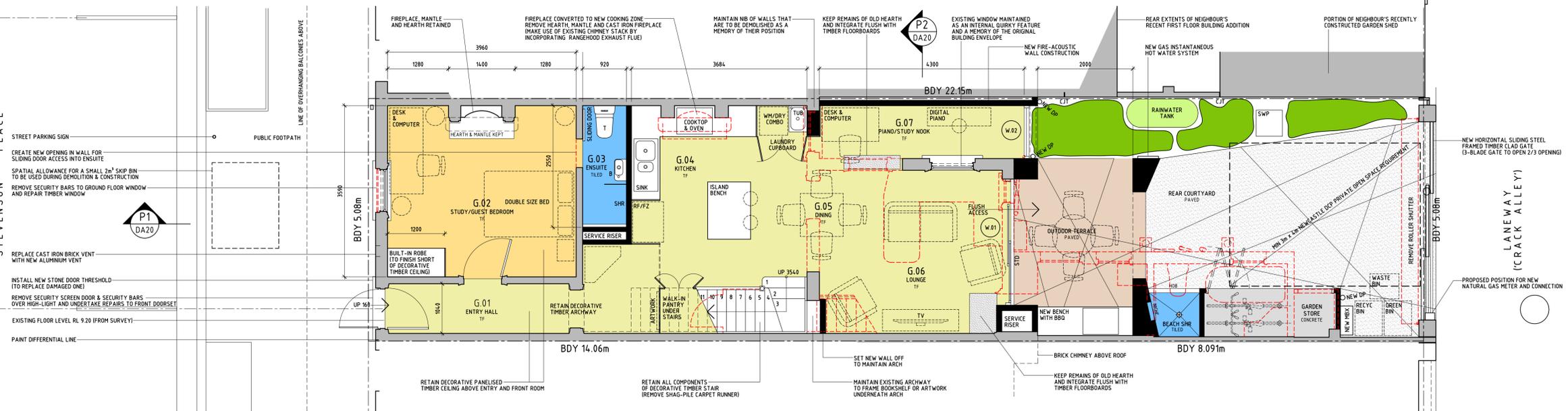
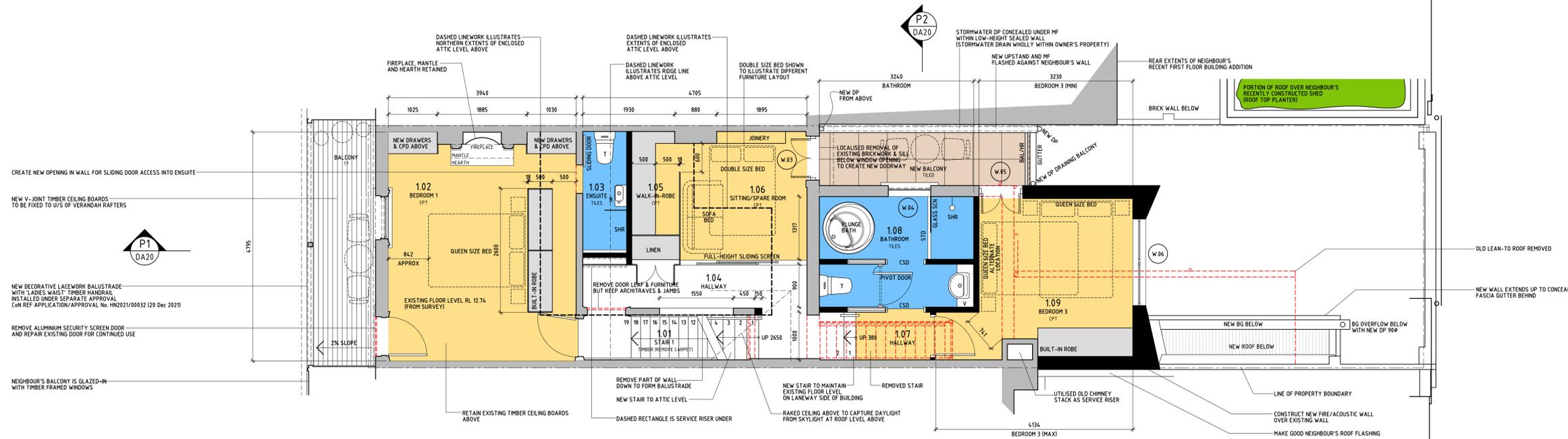
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- FOR GFA AND FSR CALCULATIONS REFER TO DRAWING DASH.

KEY TO ALTERATIONS

- EXISTING WALL OR STRUCTURE (FILLED GREY)
- ITEM TO BE DEMOLISHED OR REMOVED (SHOWN RED DASHED)
- NEW WALL OR STRUCTURE (FILLED BLACK)

FIRST FLOOR PLAN



GROUND FLOOR PLAN

ISSUE	DESCRIPTION	APP'D	DATE
C	GLASS FLOOR PANELS REMOVED FROM FIRST FLOOR PLAN	PD	06.02.2023
B	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	04.05.2022

DRAWING REVISIONS
 CURRENT DRAWING STATUS
 DEVELOPMENT APPLICATION

CLIENT
 Ms L Howard
 60 Dawson Street
 Cooks Hill NSW 2300

Mr Anthony Di Nardo
 189 Bruce Street
 The Junction NSW 2291

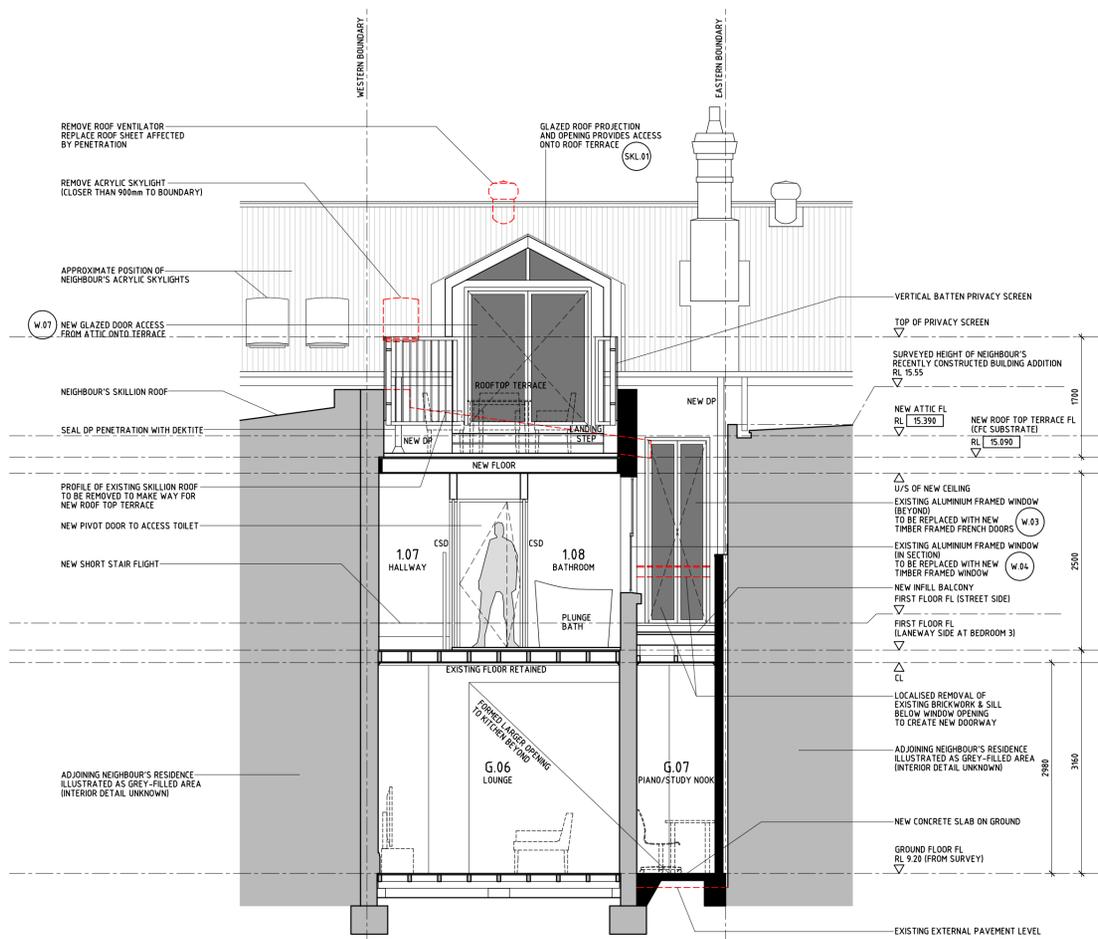


PROJECT
 Alterations & Additions to Residence
 37 Stevenson Place, Newcastle East NSW 2300
 Lot 1
 DP 908106

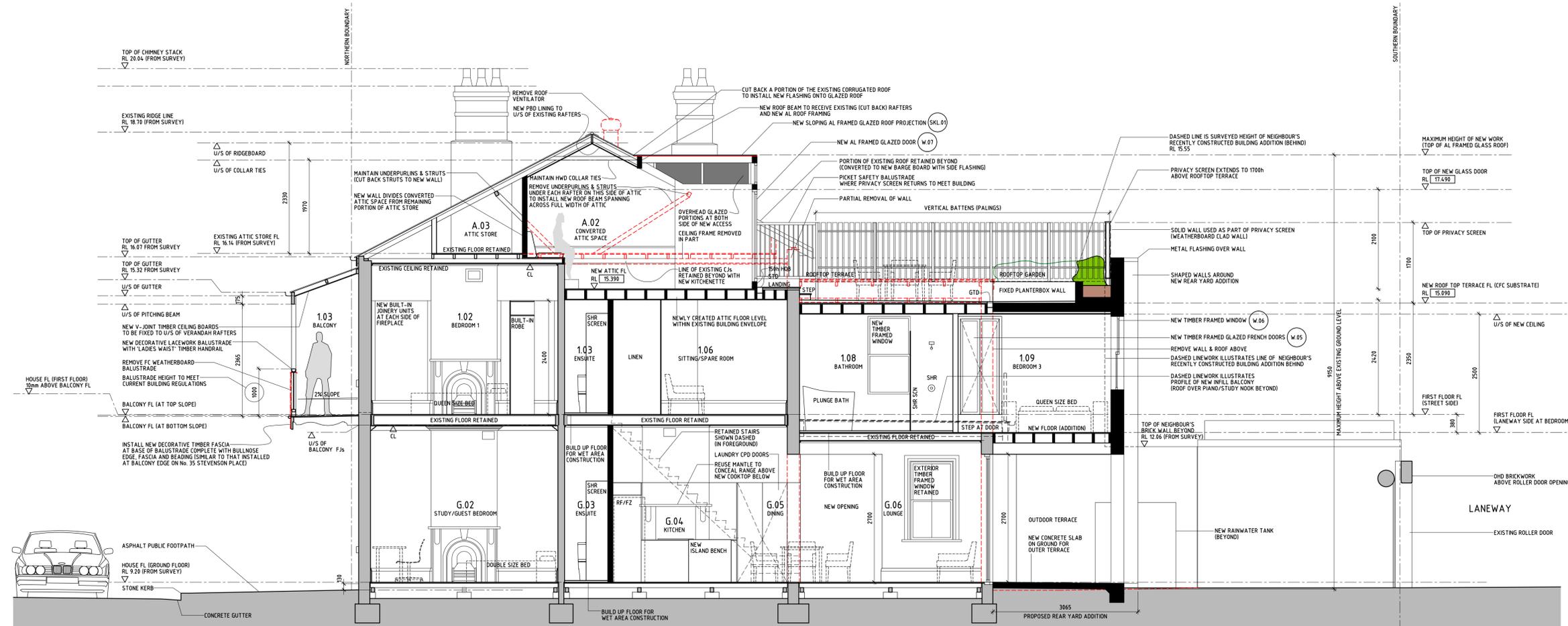
DRAWING TITLE
 PROPOSED GROUND & FIRST FLOOR PLANS

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:50	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA10	C	





SECTION P2



SECTION P1

DRAWING SCALE (UNO)



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PROJECT TEAM
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SURVEYING
 Meiri
 5033 The Boulevard, Toronto NSW 2283
 Contact: Sean Price
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KEY TO ALTERATIONS



C	AMENDMENTS TO ROOFTOP TERRACE & SCREEN	PD	06.02.2023
B	SKYLIGHT FACING STEVENSON PLACE DELETED	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	04.05.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

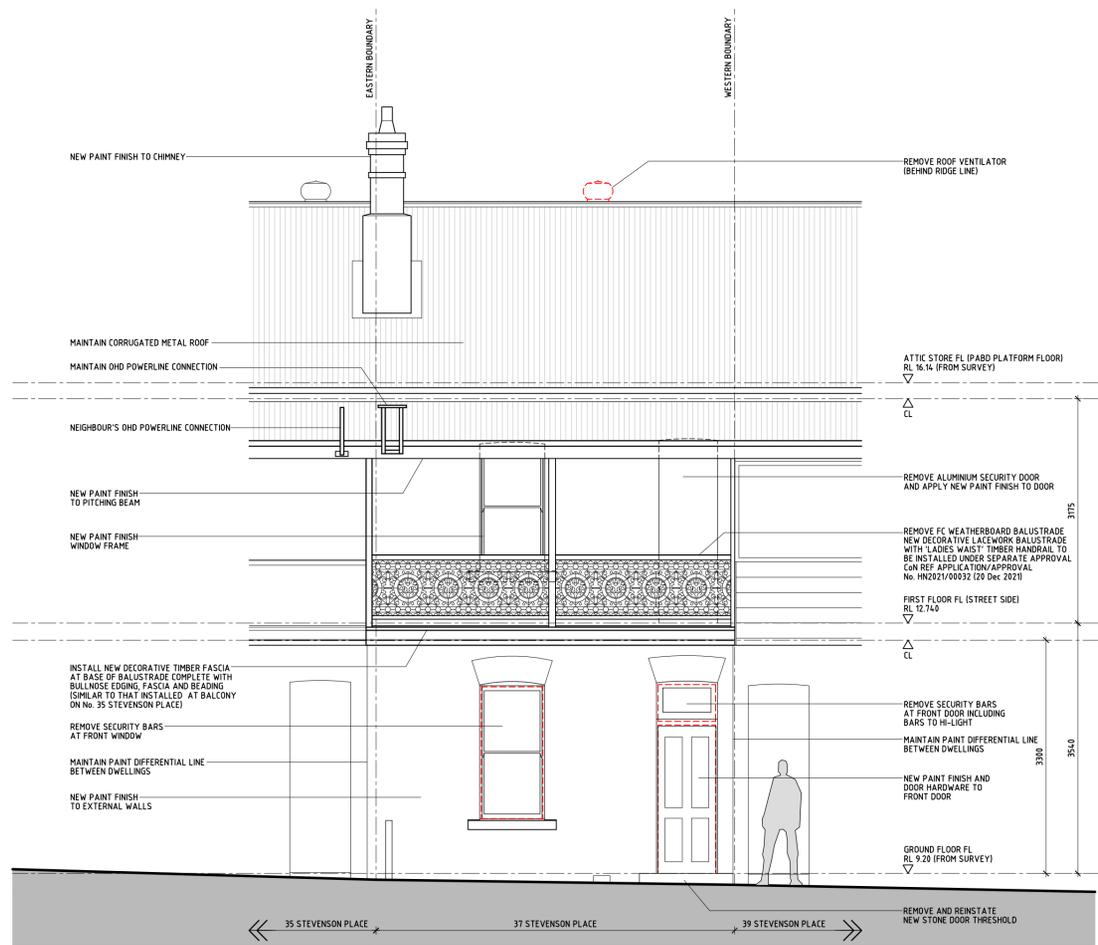
CLIENT
 Ms L Howard Mr Anthony Di Nardo
 60 Dawson Street 189 Bruce Street
 Cooks Hill NSW 2300 The Junction NSW 2291



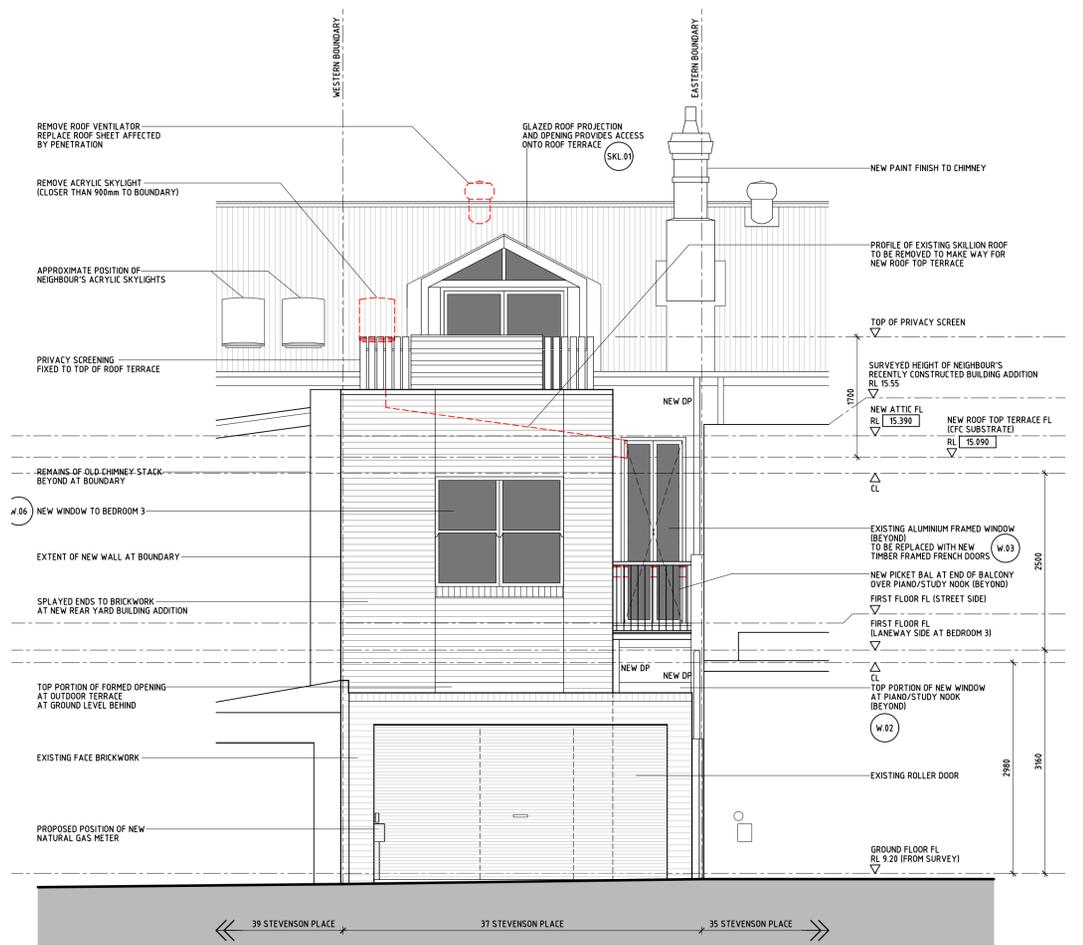
PROJECT
 Alterations & Additions to Residence
 37 Stevenson Place, Newcastle East NSW 2300
 Lot 1
 DP 908106

DRAWING TITLE
 PROPOSED SECTIONS P1 & P2

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:50	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA20		C

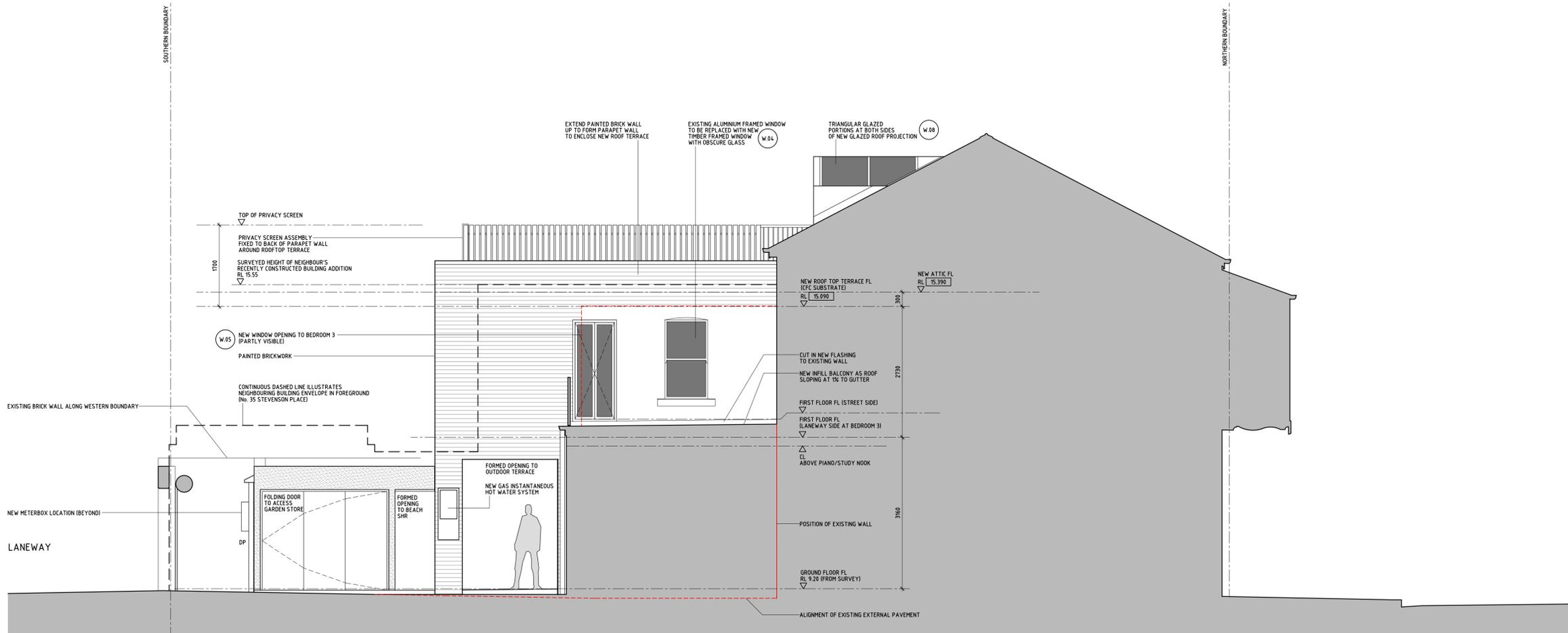
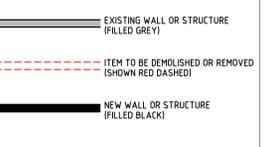


PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION

KEY TO ALTERATIONS



PROPOSED EAST ELEVATION (VIEW WITHIN PRIVATE COURTYARD SPACE)

C	AMENDMENTS TO ROOFTOP SCREEN	PD	06.02.2023
B	SUNLIGHT FACING STEVENSON PLACE DELETED REFERENCE TO ETCH OBSCURE GLASS REMOVED ISSUED TO COUNCIL IN RESPONSE TO RPI	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	04.05.2022
ISS	DESCRIPTION	APP	DATE

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DRAWING TITLE
 PROPOSED ELEVATIONS - SHEET 1

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:50	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA30	C	

PAINTED OFF-WHITE BRICKWORK (WITH OFF-WHITE MORTAR)
 FINISHED WITH PORTERS PAINT OR EQUIVALENT BREATHABLE PAINT SYSTEM



FIXED VERTICAL BATTENS FOR PRIVACY SCREEN
 (TIMBER PALINGS)



FIXED WEATHERBOARDS FOR PRIVACY SCREEN
 (TIMBER)



TIMBER FRAMED WINDOWS
 (CLEAR FINISH CEDAR OR SIMILAR)



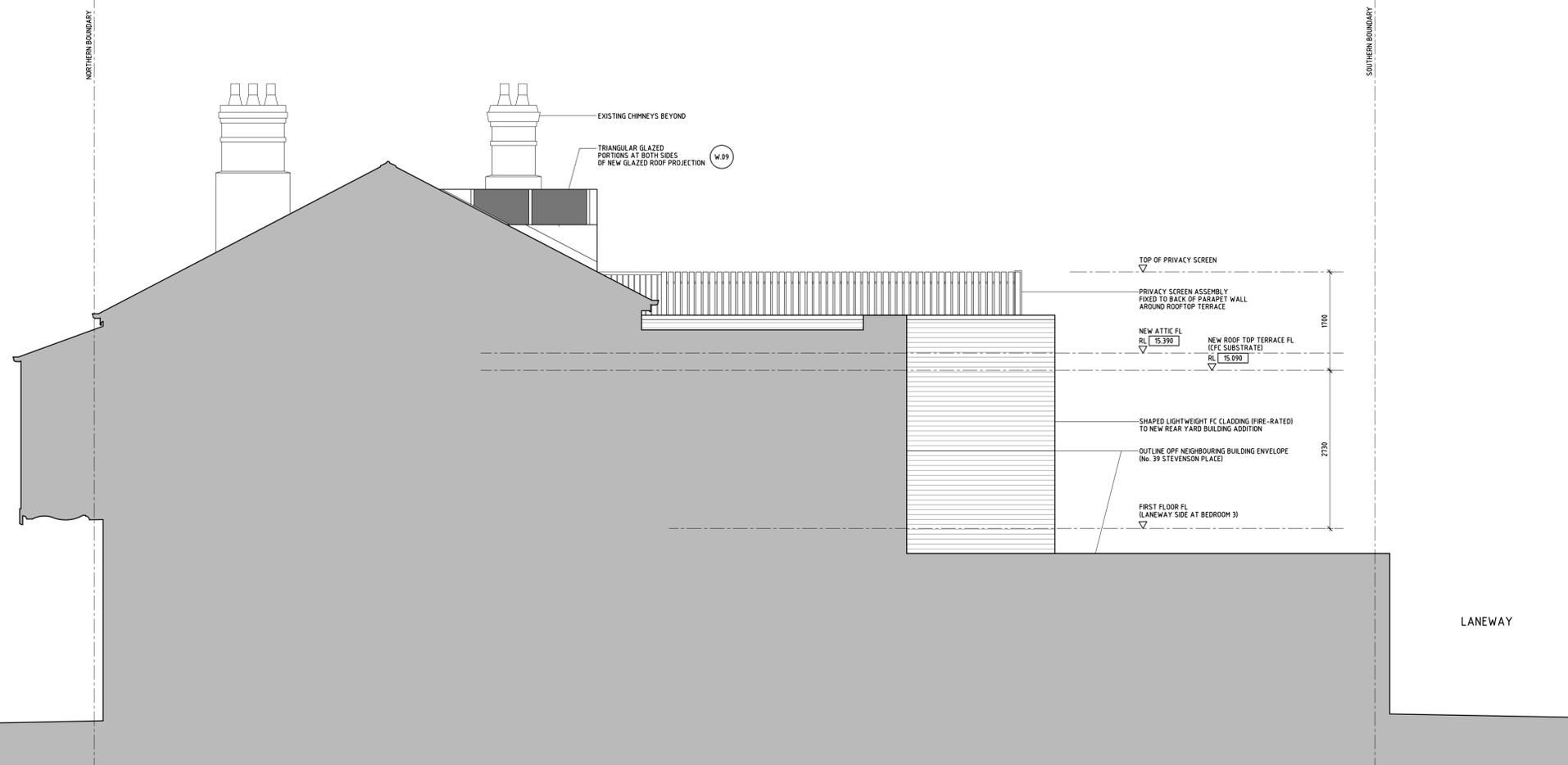
NEW POTTED PLANTS AT STREET LEVEL
 (SIMILAR TO 35 STEVENSON PLACE)



METAL LACEWORK BALUSTRADE FOR BALCONY
 (SAMPLE SALVAGED FROM BACKYARD ILLUSTRATED)
 (PATTERN NO. 45 BY WAGGA IRON FOUNDRY, OR SIMILAR)



MATERIALS PALETTE



PROPOSED WEST ELEVATION

KEY TO ALTERATIONS

- EXISTING WALL OR STRUCTURE (FILLED GREY)
- ITEM TO BE DEMOLISHED OR REMOVED (SHOWN RED DASHED)
- NEW WALL OR STRUCTURE (FILLED BLACK)

ISS	DESCRIPTION	APP	DATE
C	AMENDMENTS TO ROOFTOP SCREEN	PD	06.02.2023
B	SOULIGHT FACING STEVENSON PLACE DELETED REFERENCE TO ETCHED OBSCURE GLASS REMOVED	PD	23.09.2022
A	DEVELOPMENT APPLICATION	PD	18.05.2022
P1	ISSUED TO CLIENT & HERITAGE CONSULTANT	PD	04.05.2022

CURRENT DRAWING STATUS

DEVELOPMENT APPLICATION

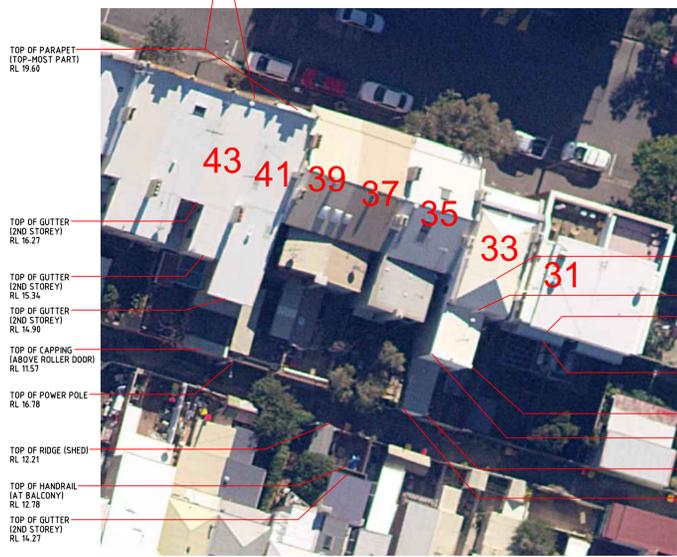
CLIENT
 Ms L Howard Mr Anthony Di Nardo
 60 Dawson Street 189 Bruce Street
 Cooks Hill NSW 2300 The Junction NSW 2291

donn architects
 t: (02) 4987 2806 e: admin@donnarchitects.com.au w: www.donnarchitects.com.au
 Not a Public Architect Peter Donn (6532)
 PO Box 229 WARATAH NSW 2298

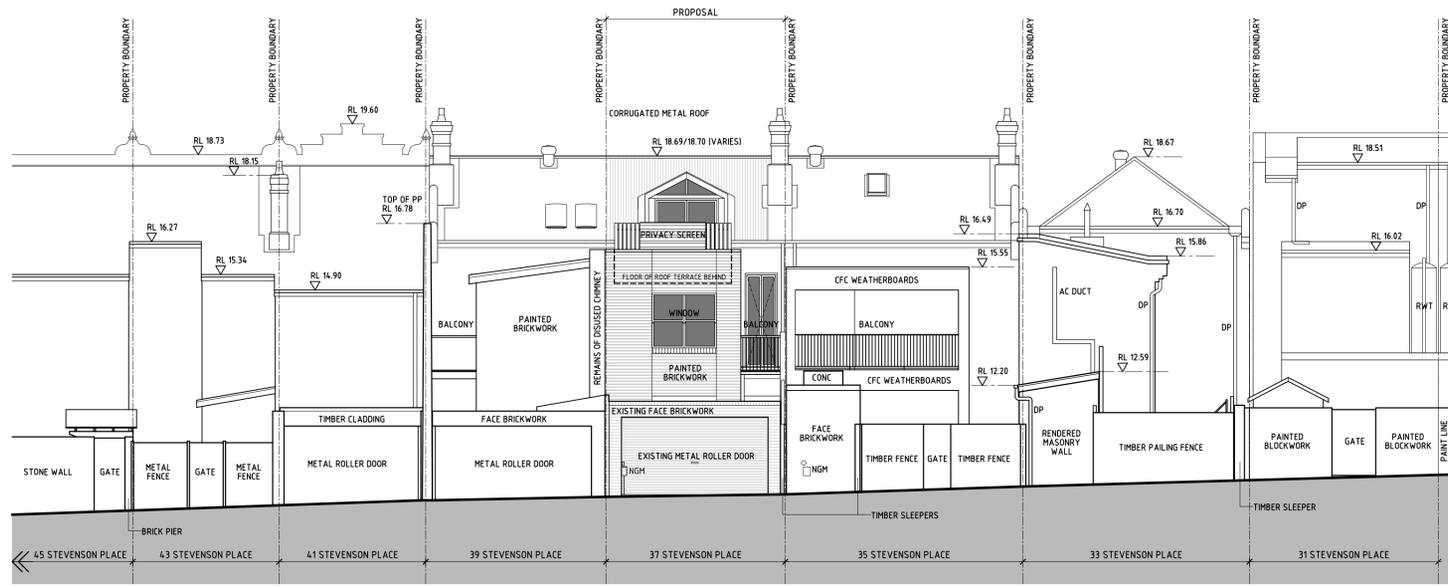
PROJECT
 Alterations & Additions to Residence
 37 Stevenson Place, Newcastle East NSW 2300
 Lot 1
 DP 908106

DRAWING TITLE
 PROPOSED ELEVATIONS - SHEET 2
 & MATERIALS PALETTE

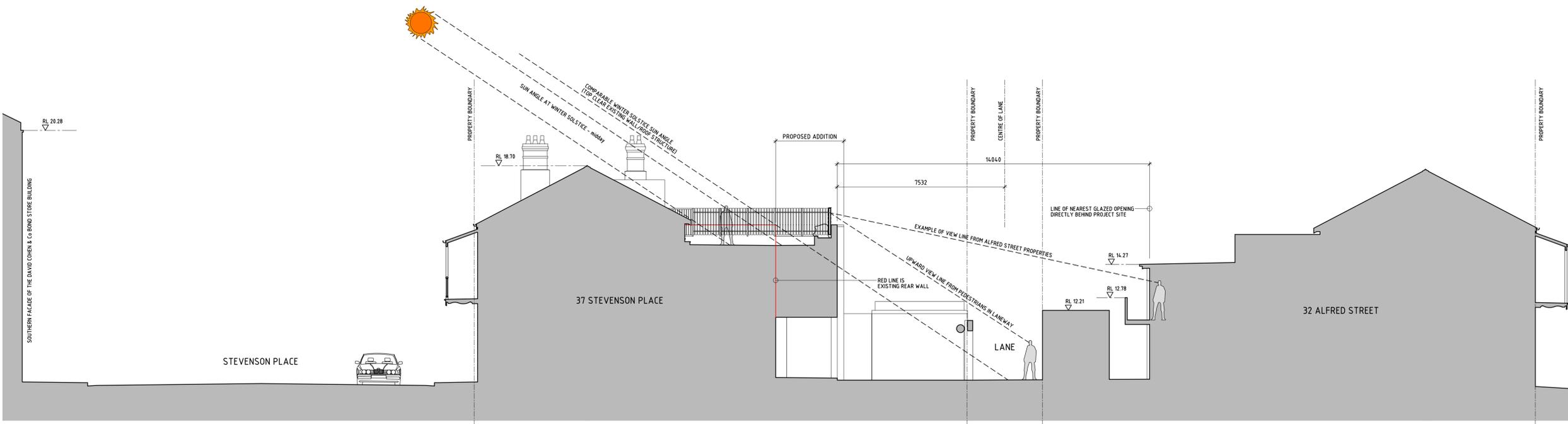
SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:50	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA31	C	



CONTEXT LEVELS
ADDITIONAL LEVELS RECORDED BY METRI REGISTERED SURVEYORS



**BACK LANE ELEVATION
(WITH PROPOSAL AT CENTRE)**



SITE SECTION (WITH PROPOSAL)

DRAWING SCALE (UNO)
0 0.5 1 metres

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PROJECT TEAM
ARCHITECTURE
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503 The Boulevard, Toronto NSW 2283
Contact: Sean Price
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B	AMENDMENTS TO ROOFTOP SCREEN & SOLYLIGHT FACING STEVENSON PLACE DELETED	PD	06.02.2023
A	ISSUED TO COUNCIL TO RESPOND TO RFI	PD	23.09.2022
P1	ISSUED TO SURVEYOR	PD	05.09.2022
ISS	DESCRIPTION	APP	DATE

DRAWING REVISIONS
CURRENT DRAWING STATUS
DEVELOPMENT APPLICATION

CLIENT
Ms L Howard Mr Anthony Di Nardo
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Notified Architect: Peter Donn (6532)
PO Box 229 WARATAH NSW 2298

PROJECT
Alterations & Additions to Residence
37 Stevenson Place, Newcastle East NSW 2300
Lot 1
DP 908106

DRAWING TITLE
**BACK LANE ELEVATION
& SITE SECTION**

SHEET SIZE	SCALE(S)	DRAWN	CHECKED
A1	1:100	PD	PD
JOB	DRAWING	ISSUE	
21-080	DA32	B	



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**SUPPLEMENTARY REPORT - DAC 21/03/2023 – 37 STEVENSON
PLACE NEWCASTLE EAST – DA2022/00611 - DWELLING HOUSE -
ALTERATIONS AND ADDITIONS**

7.2 **Attachment C:** Amended Schedule of Conditions of Consent

DISTRIBUTED UNDER SEPARATE COVER



Application No:	DA2022/00611
Land:	Lot 1 DP 908106
Property Address:	37 Stevenson Place Newcastle East NSW 2300
Proposed Development:	Dwelling house - alterations and additions

SCHEDULE 1

APPROVED DOCUMENTATION

- 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
Proposed Ground & First Floor Plans	DA10 (Issue C)	Donn Architects	06/02/2023
Proposed Attic Floor Plan & Roof Plan	DA11 (Issue D)	Donn Architects	06/02/2023
Proposed Sections P1 & P2	DA20 (Issue C)	Donn Architects	06/02/2023
Proposed Elevations – Sheet 1	DA30 (Issue C)	Donn Architects	06/02/2023
Proposed Elevations – Sheet 2	DA31 (Issue C)	Donn Architects	06/02/2023
Back Lane Elevation & Site Section	DA32 (Issue B)	Donn Architects	06/02/2023
Basix Certificate	A457152_02	Donn Architects	03/05/2022

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.

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

- In accordance with the City of Newcastle Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$10,145.90 shall be paid to the City of Newcastle 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.

- (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to the City of Newcastle
- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (iii) prior to the issue of the first Construction Certificate where the development is for building work.
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.
3. A suitably qualified and experienced heritage architect 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 architect is to be submitted with the Construction Certificate.
 4. A full archival photographic record is to be undertaken of the subject building, including the interiors. The archival recording is to be in accordance with the requirements of:
 - The NSW Heritage Office publication "How to Prepare Archival Records of Heritage items" (1998); and
 - The Department of Planning's "Recording Places of Cultural Significance" (1991)
 The record in digital form is to be submitted to Council and written approval of Council's Heritage Advisor submitted prior to the release of the Construction Certificate.
 5. Where internal walls at the ground floor are shown to be demolished, between G.04 Kitchen and G.06 Lounge, a downstand at the ceiling and wall nibs are to be retained as an indication of their former position. Full details to be submitted with the Construction Certificate Application.
 6. The privacy screen is to be constructed with a minimum height of 1.7m (measured above finished floor level) along the eastern, western and southern edge of the roof terrace. The privacy screen is to have a maximum area of 25% openings and is to be permanently fixed. Full details to be submitted with the Construction Certificate Application.

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

7. Significant internal and external building elements, including chimneys; ground and first floor bedroom fireplaces, mantles and hearths; decorative timber boarded ceilings; internal window to G.06 Lounge; original timber staircase; decorative hall arch; and any other building elements guided by the project heritage consultant, are to be retained and protected for the duration of the development.
8. The fireplace and mantle to be removed from the ground floor kitchen is to be retained and stored on the site to facilitate future reinstatement.
9. Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by a suitably qualified heritage consultant, highlighting the historical significance of the site and in particular those building elements requiring conservation.
10. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
11. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance

with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council and the demolisher prior to commencement of work.

12. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
 - a) Demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development
 - b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
 - c) A copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request
 - d) Seven working days' notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council's contact telephone number (4974 2000) and the Workcover Authority of NSW telephone number (4921 2900) and
 - e) On sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
13. 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, application must be made for Council's approval to position the container on the adjacent public road in accordance with Council's adopted Building Waste Container Policy.
14. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
15. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
16. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifying Authority upon completion of the floor slab formwork, before concrete is poured, to ensure that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.
17. 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.
18. 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 Certifying Authority 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, but must be removed when the work has been completed.

19. All building work must be carried out in accordance with the provisions of the National Construction Code.
20. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
21. All building materials, plant and equipment is to be placed on the site of the development so as 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.
22. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.
23. 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 Council requirements, in accordance with Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012.
24. 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.

25. Council'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 Council for the duration of demolition and construction work.

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

26. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an

established vegetative cover.

27. The following waste management measures are to be implemented during construction:
- a) waste container of at least one cubic metre capacity shall 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) appropriate provision is to be made to prevent wind blown 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* (NSW)

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

28. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
29. 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.
30. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council'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.
31. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

32. 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* (NSW).

Should Council consider 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 appropriate 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 confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

ADVISORY MATTERS

- The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

- Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- The carrying out of the development may be affected by the 'declared racing area' under the *Motor Racing (Sydney and Newcastle) Act 2008*. The ability for works to occur on the site or within the road reserve in the vicinity of the property may be impacted between the first week in October and end of December each year that motor racing is conducted in the area. Further consultation is required in the nominated area during this period with the possibility of access restrictions being imposed. For further information and assistance please contact the City's Major Events Team at events@ncc.nsw.gov.au <<mailto:events@ncc.nsw.gov.au>>.
- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- 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 both Council and any other relevant authorities. Council 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 Division 6.2 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 Council is to be notified of the appointment; and
 - c) Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) 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 ('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* (NSW), which may be subject to a penalty infringement notice ('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.
- Council has considered and accepted the proposed development standard variation made under Clause of the *Newcastle Local Environmental Plan 2012*. The proposed Floor Space Ratio variation of 26% is considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow the neighbouring properties, obstruct significant view corridors, and result in negative privacy issues.
- Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

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 21/03/2023 – 67 GIPPS STREET CARRINGTON – DA2022/00502
- DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING
DEMOLITION**

- | | | |
|-----|----------------------|--|
| 7.3 | Attachment A: | Submitted Plans |
| 7.3 | Attachment B: | Draft Schedule of Conditions |
| 7.3 | Attachment C: | Processing Chronology |
| 7.3 | Attachment D: | Clause 4.6 written exception to development standard |

DISTRIBUTED UNDER SEPARATE COVER

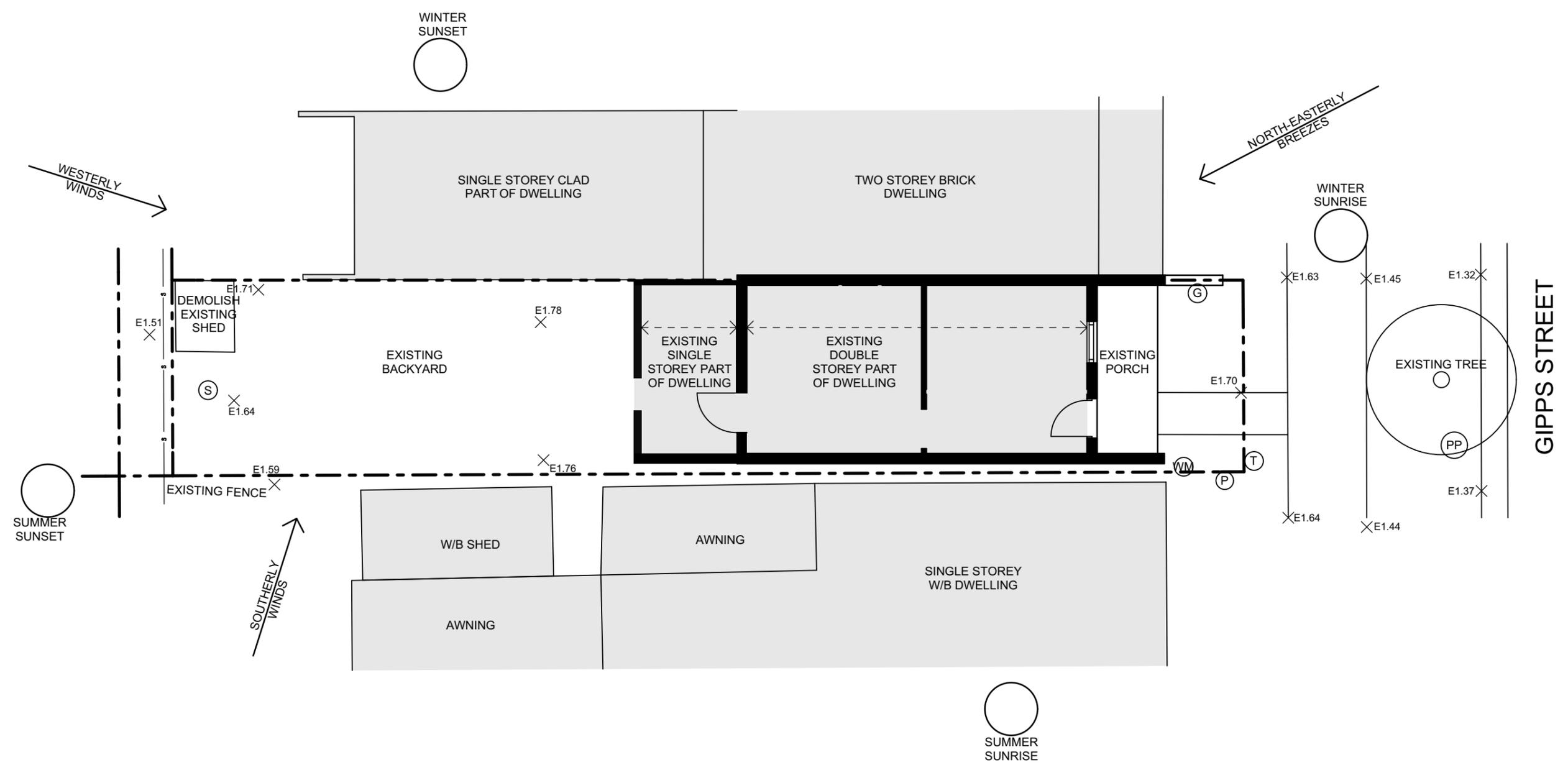


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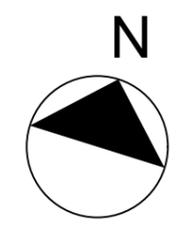
**DAC 21/03/2023 – 67 GIPPS STREET CARRINGTON – DA2022/00502
- DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING
DEMOLITION**

7.3 Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER



Site Analysis Plan
SCALE 1:100 @ A3



Drawing Title			Client		
Site Analysis - Demolition Plan			Dani & Brent Rowlands		
Job Number	Drawing Number	Issue	Project		
328	DA01	01	67 Gipps Street Carrington		



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01 Issue for Information 16/02/2022
02 CDC Note Added 2/05/2022

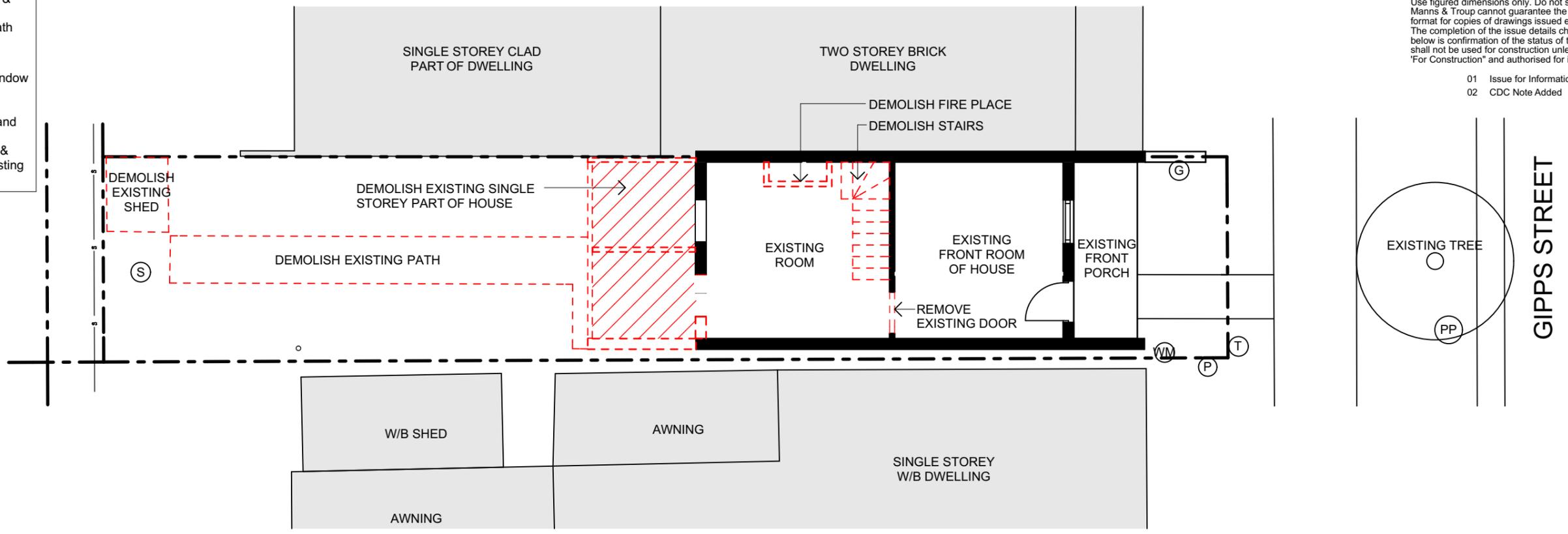
Works Approped under CDC

Internal Works

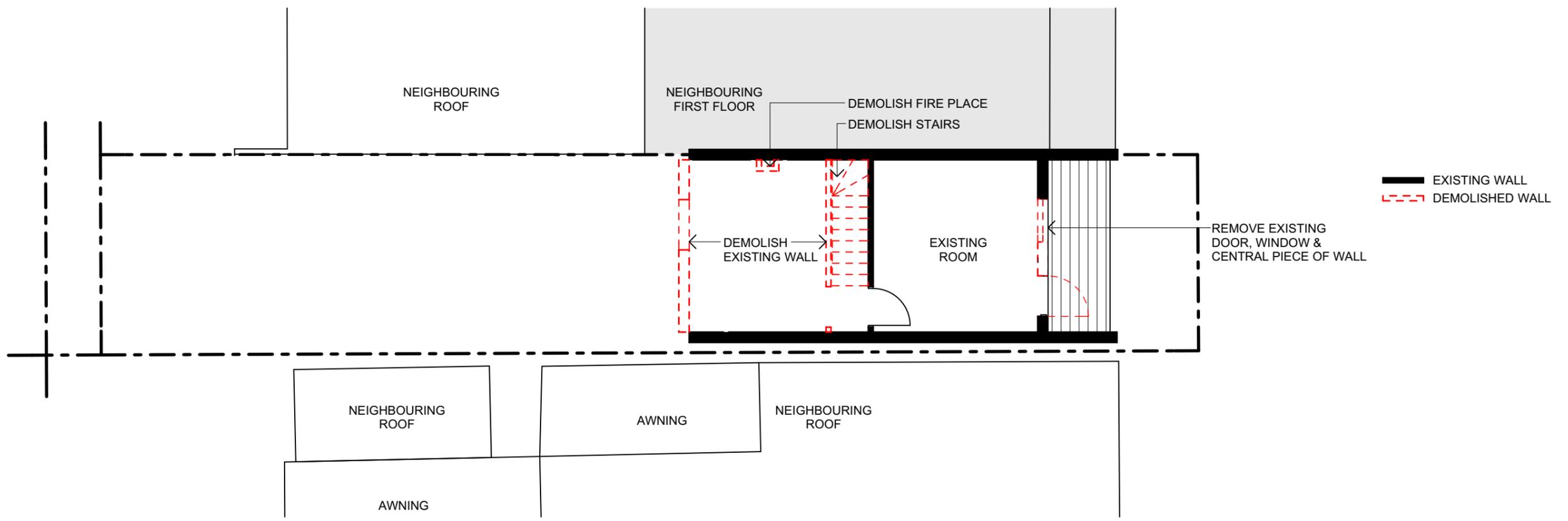
- Demolition of existing fireplace & stairs
- New Laundry, Store, Stairs & Bath

External Works

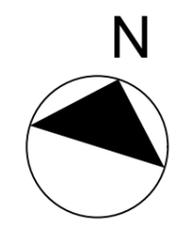
- Front Facade Ground Floor
- Restore existing entry door & window
- Front Facade First Floor
- Remove existing bedroom door, window & central piece of wall and replace with new door
- Rectification of existing balcony & provide new handrail to suit existing terraces



Ground Floor Demolition Plan
SCALE 1:100 @ A3



First Floor Demolition Plan
SCALE 1:100 @ A3



Drawing Title			Client
Demolition Plans			Dani & Brent Rowlands
Job Number	Drawing Number	Issue	Project
328	DA02	02	67 Gipps Street Carrington

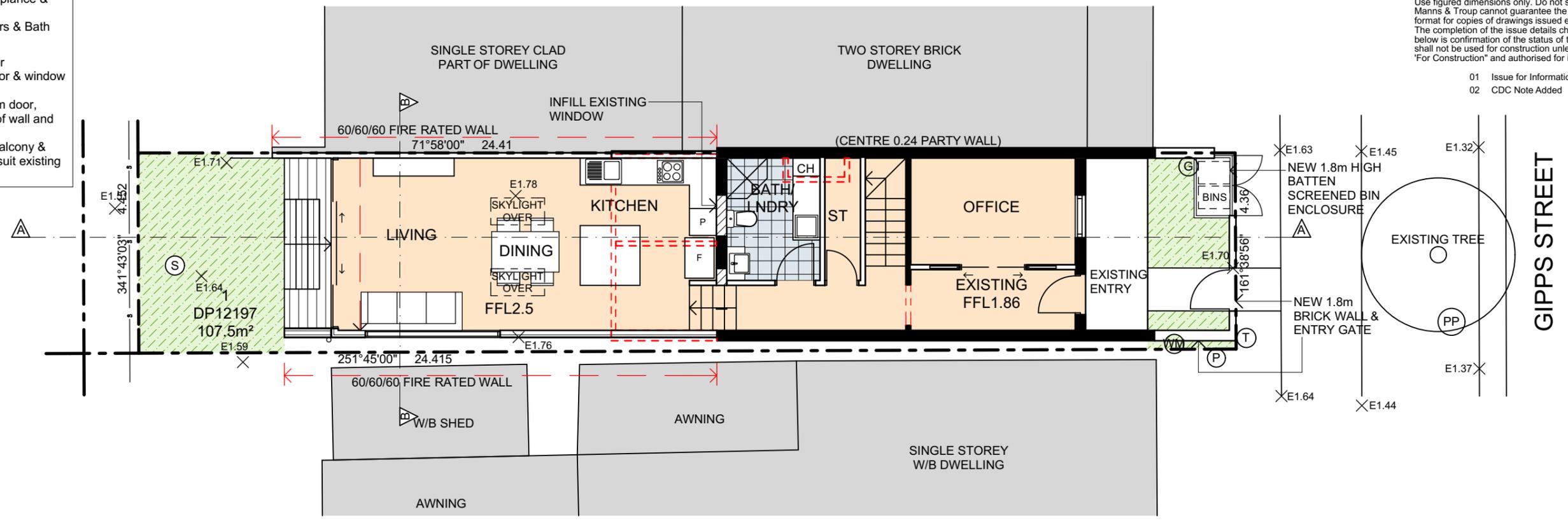


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01 Issue for Information 16/02/2022
02 CDC Note Added 2/05/2022

Works Approped under CDC

- Internal Works**
- Demolition of existing fireplace & stairs
 - New Laundry, Store, Stairs & Bath
- External Works**
- Front Facade Ground Floor
 - Restore existing entry door & window
 - Front Facade First Floor
 - Remove existing bedroom door, window & central piece of wall and replace with new door
 - Rectification of existing balcony & provide new handrail to suit existing terraces

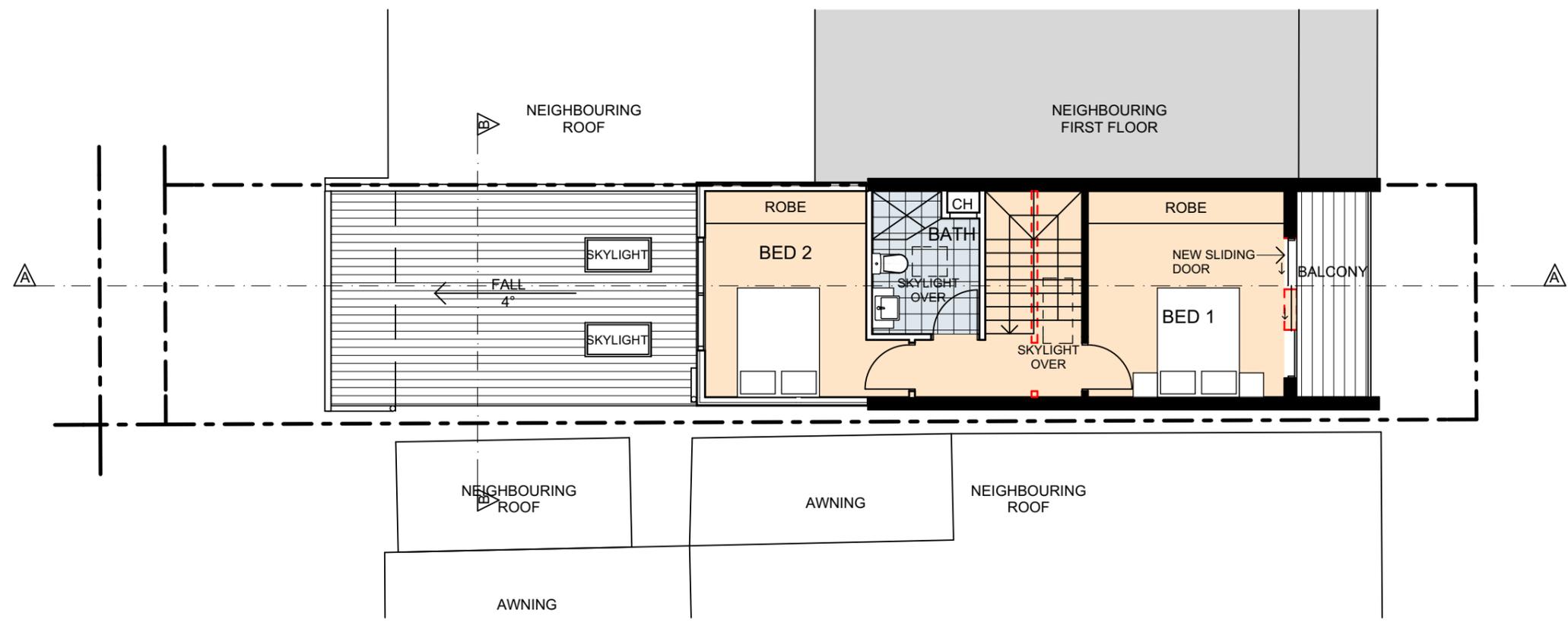


Ground Floor
SCALE 1:100 @ A3

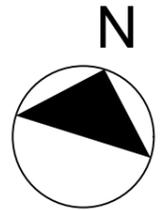
Site Area	107.5m ²
Required Landscaping @ 10%	11m ²
Provided Landscaping	14m ²

- NEW WALL
- EXISTING WALL
- DEMOLISHED WALL
- EXISTING FENCE
- LANDSCAPING

× ERL - EXISTING LEVELS IN BLACK FOR REFERENCE ONLY AND TO BE USED AS A GUIDE FOR PROJECT LEVELS ONLY



First Floor
SCALE 1:100 @ A3



Drawing Title
Floor Plans

Job Number 328 Drawing Number DA03 Issue 02

Client
Dani & Brent Rowlands

Project
67 Gipps Street
Carrington



Works Appropped under CDC

Internal Works

- Demolition of existing fireplace & stairs
- New Laundry, Store, Stairs & Bath

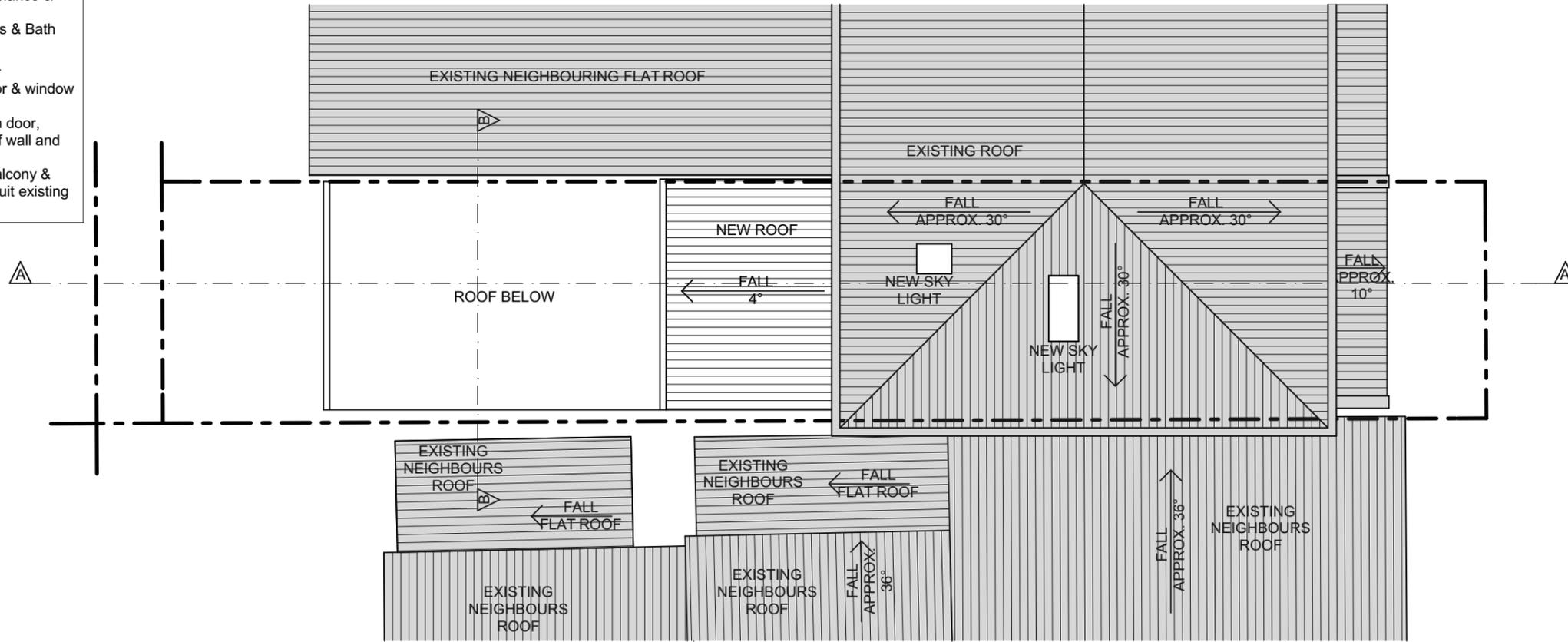
External Works

- Front Facade Ground Floor
- Restore existing entry door & window
- Front Facade First Floor
- Remove existing bedroom door, window & central piece of wall and replace with new door
- Rectification of existing balcony & provide new handrail to suit existing terraces

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01 Issue for Information
02 CDC Note Added

16/02/2022
2/05/2022



Roof Plan

SCALE 1:100 @ A3



Drawing Title
Roof Plan

Job Number Drawing Number Issue
328 DA04 02

Client
Dani & Brent Rowlands

Project
67 Gipps Street
Carrington



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01 Issue for Information 16/02/2022
02 CDC Note Added 2/05/2022

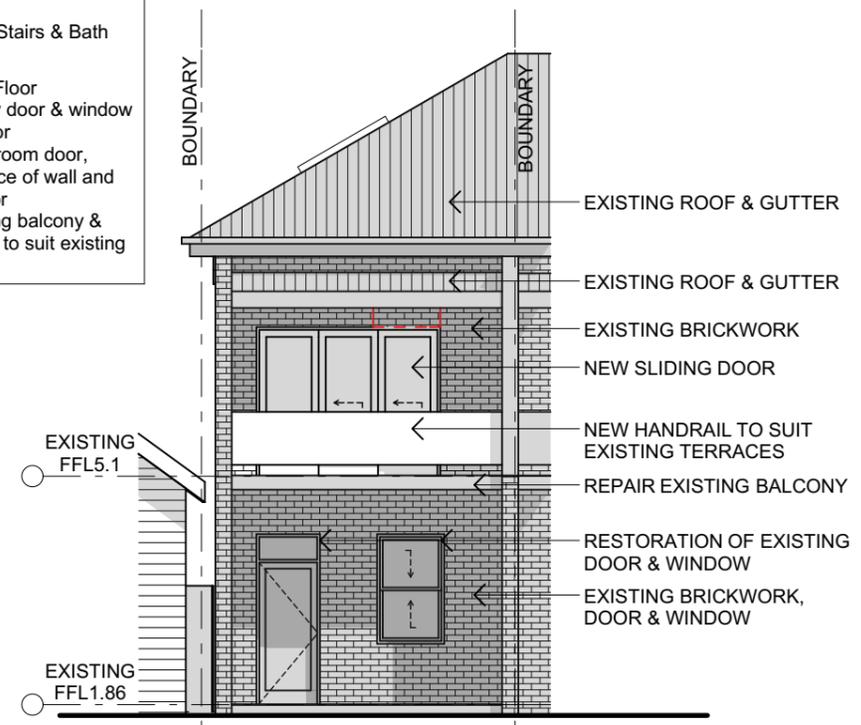
Works Approped under CDC

Internal Works

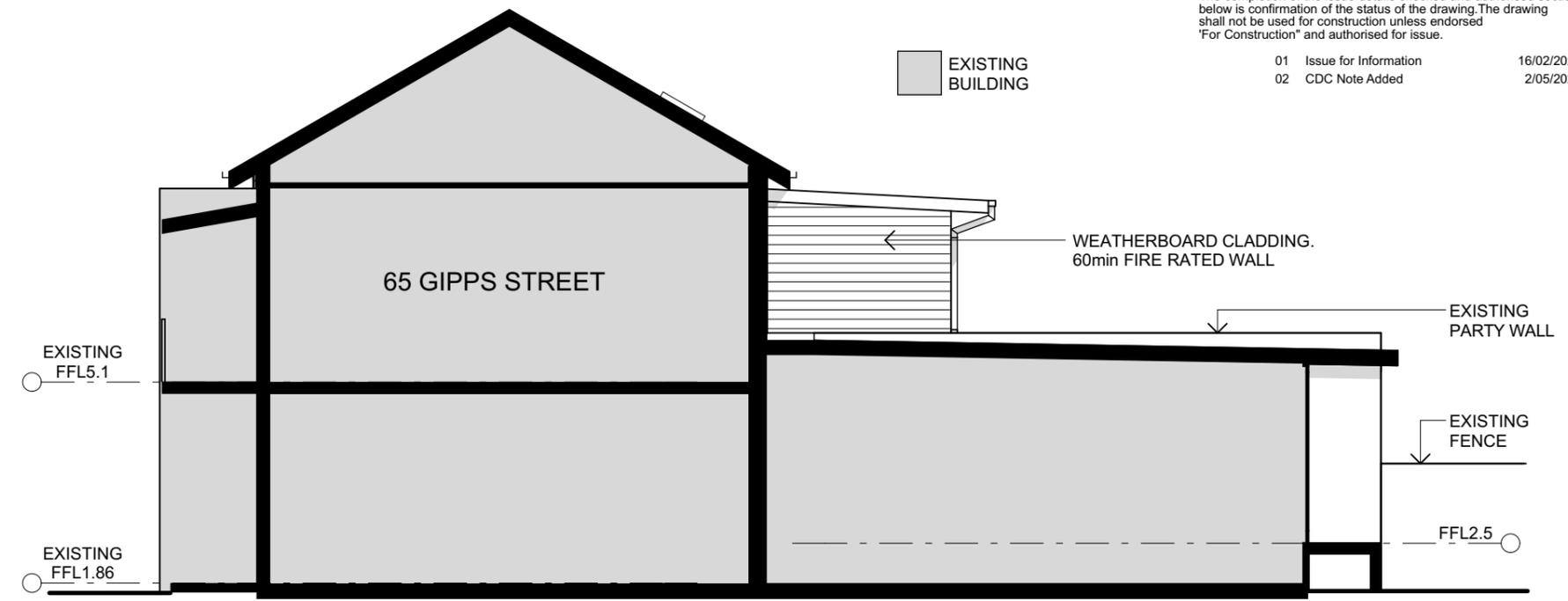
- Demolition of existing fireplace & stairs
- New Laundry, Store, Stairs & Bath

External Works

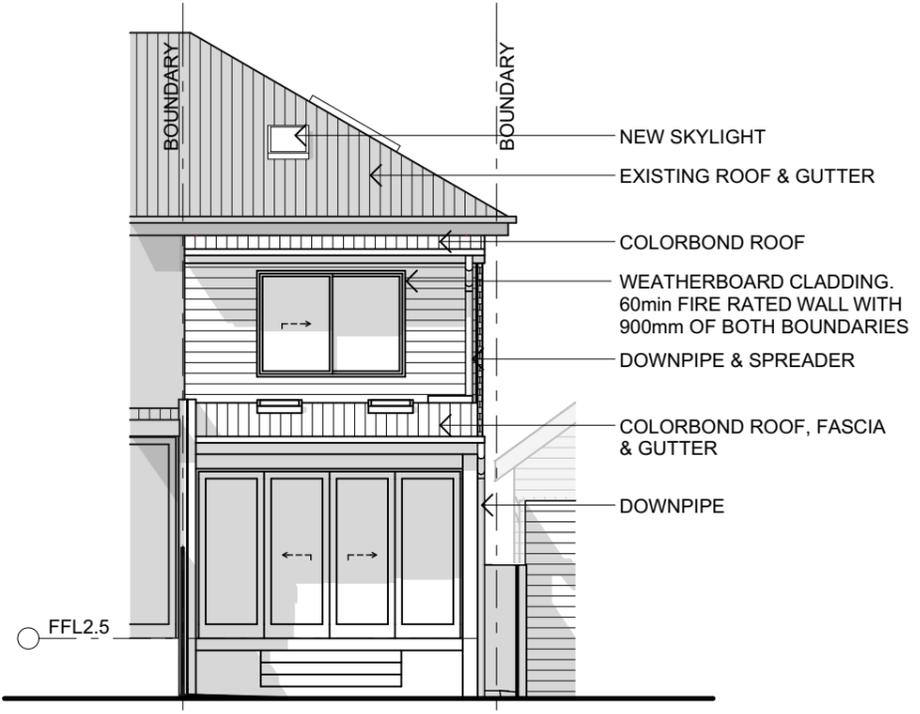
- Front Facade Ground Floor
- Restore existing entry door & window
- Front Facade First Floor
- Remove existing bedroom door, window & central piece of wall and replace with new door
- Rectification of existing balcony & provide new handrail to suit existing terraces



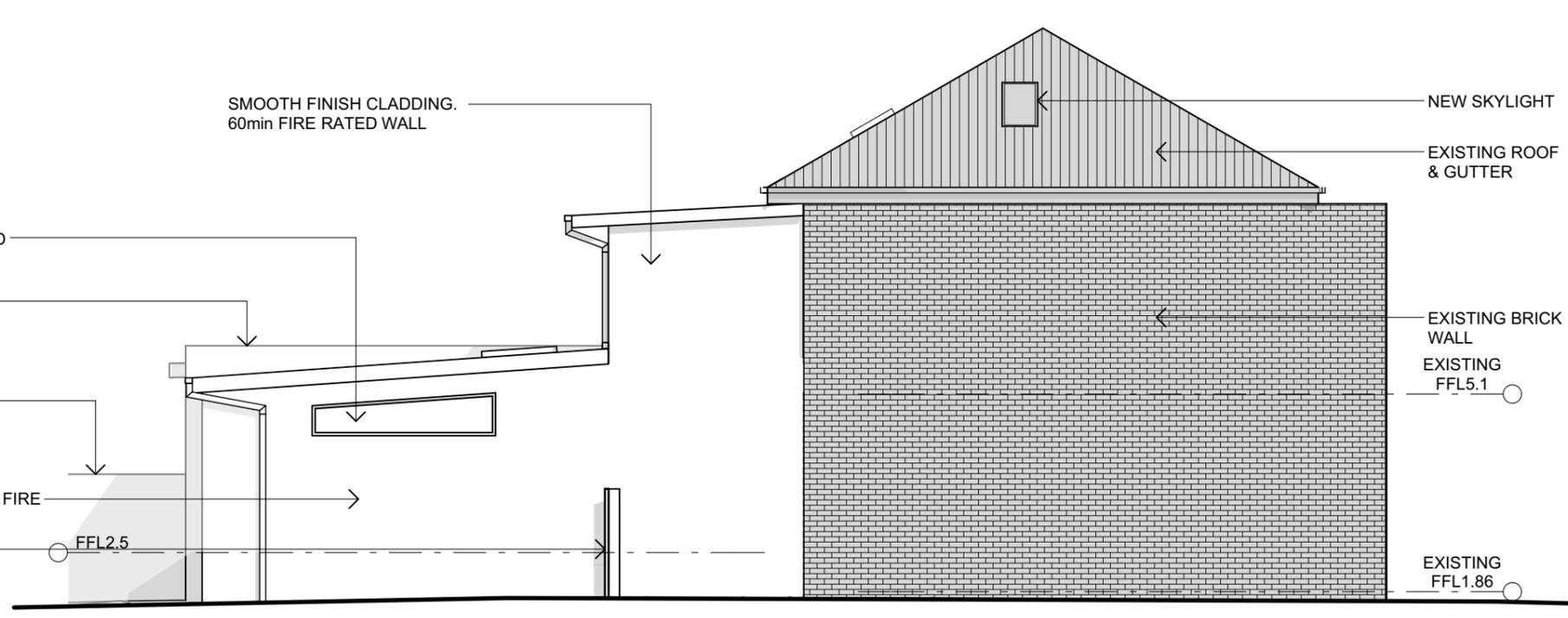
East Elevation
SCALE 1:100 @ A3



North Elevation
SCALE 1:100 @ A3



West Elevation
SCALE 1:100 @ A3



South Elevation
SCALE 1:100 @ A3

Drawing Title Elevations			Client Dani & Brent Rowlands
Job Number 328	Drawing Number DA05	Issue 02	Project 67 Gipps Street Carrington



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01 Issue for Information 16/02/2022
02 CDC Note Added 2/05/2022

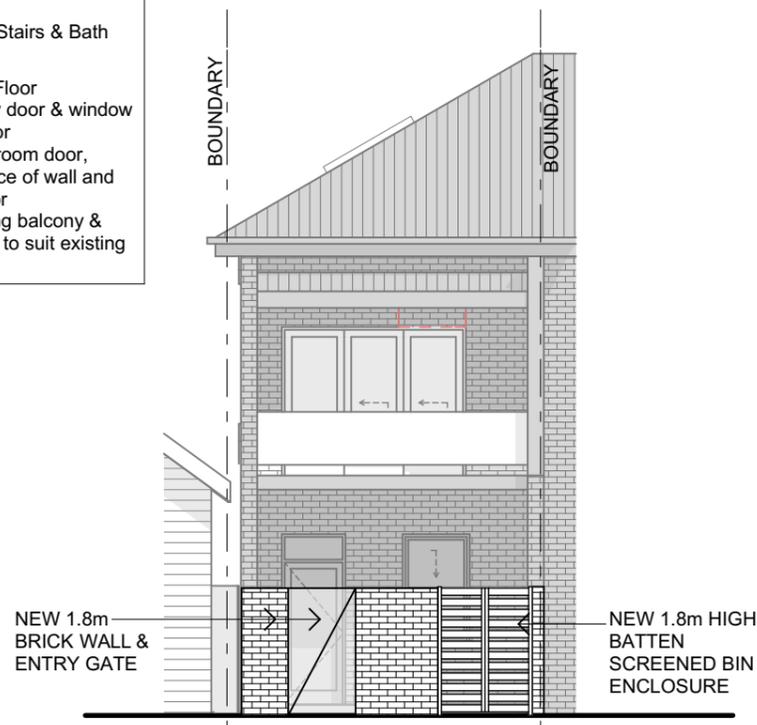
Works Approped under CDC

Internal Works

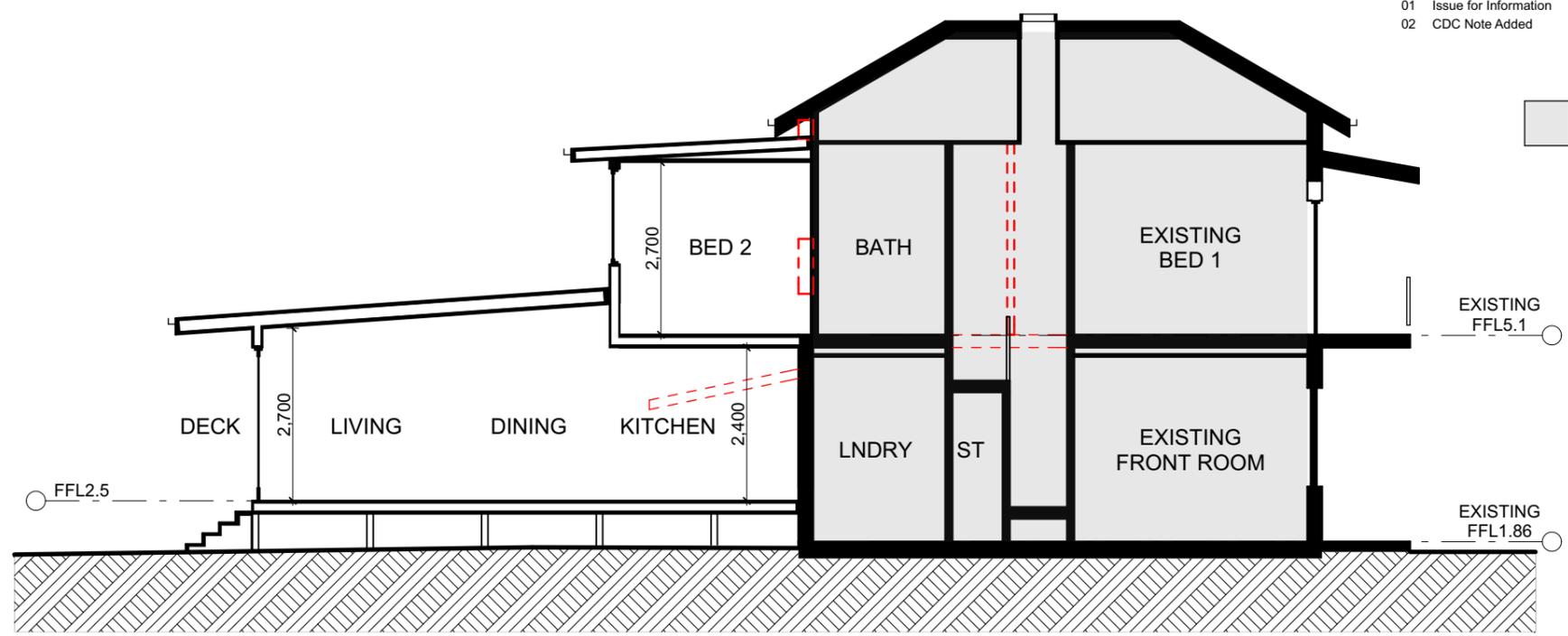
- Demolition of existing fireplace & stairs
- New Laundry, Store, Stairs & Bath

External Works

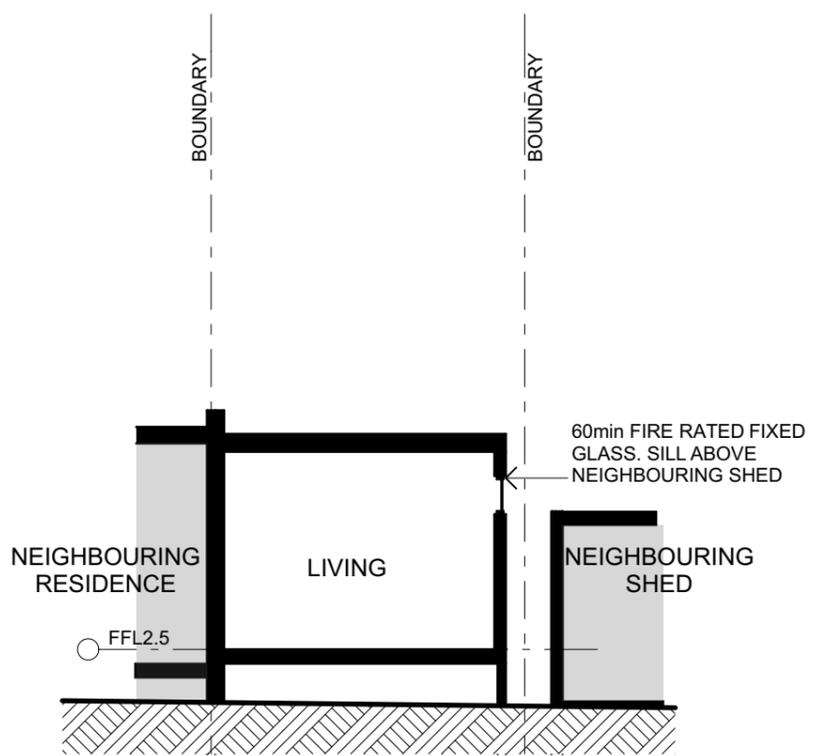
- Front Facade Ground Floor
- Restore existing entry door & window
- Front Facade First Floor
- Remove existing bedroom door, window & central piece of wall and replace with new door
- Rectification of existing balcony & provide new handrail to suit existing terraces



Street Elevation
SCALE 1:100 @ A3



A Section AA
SCALE 1:100 @ A3

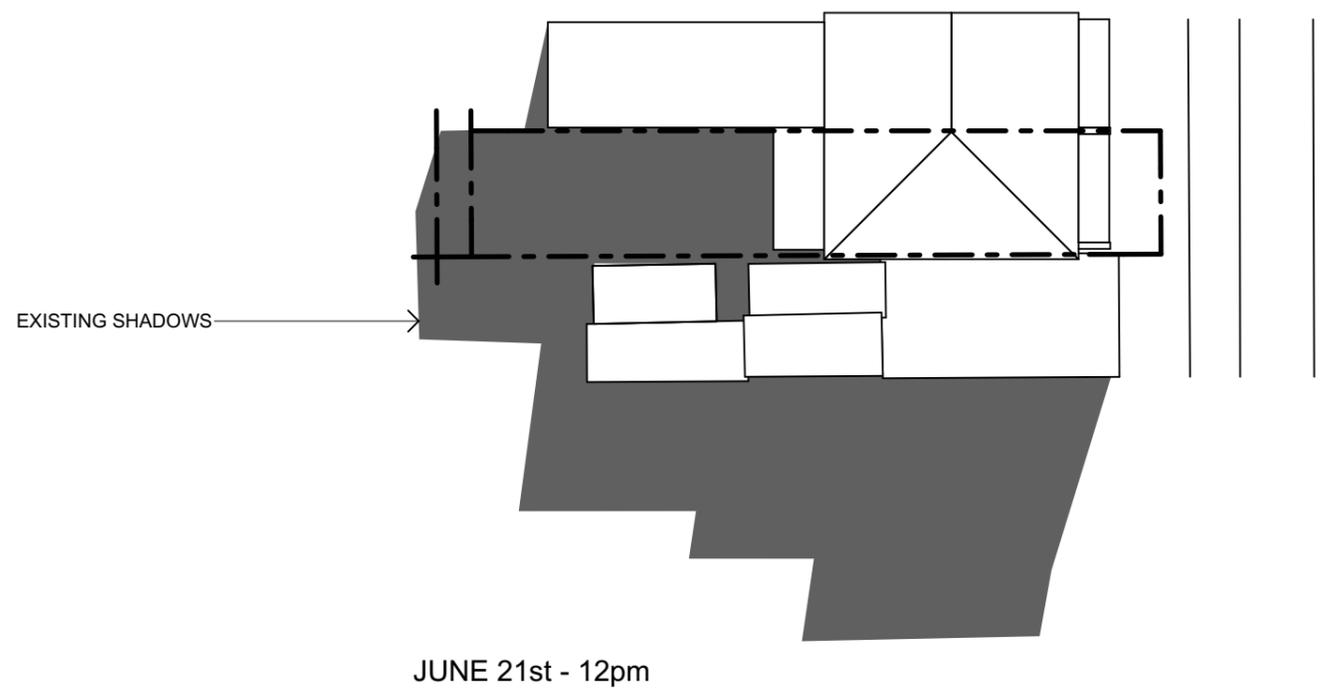
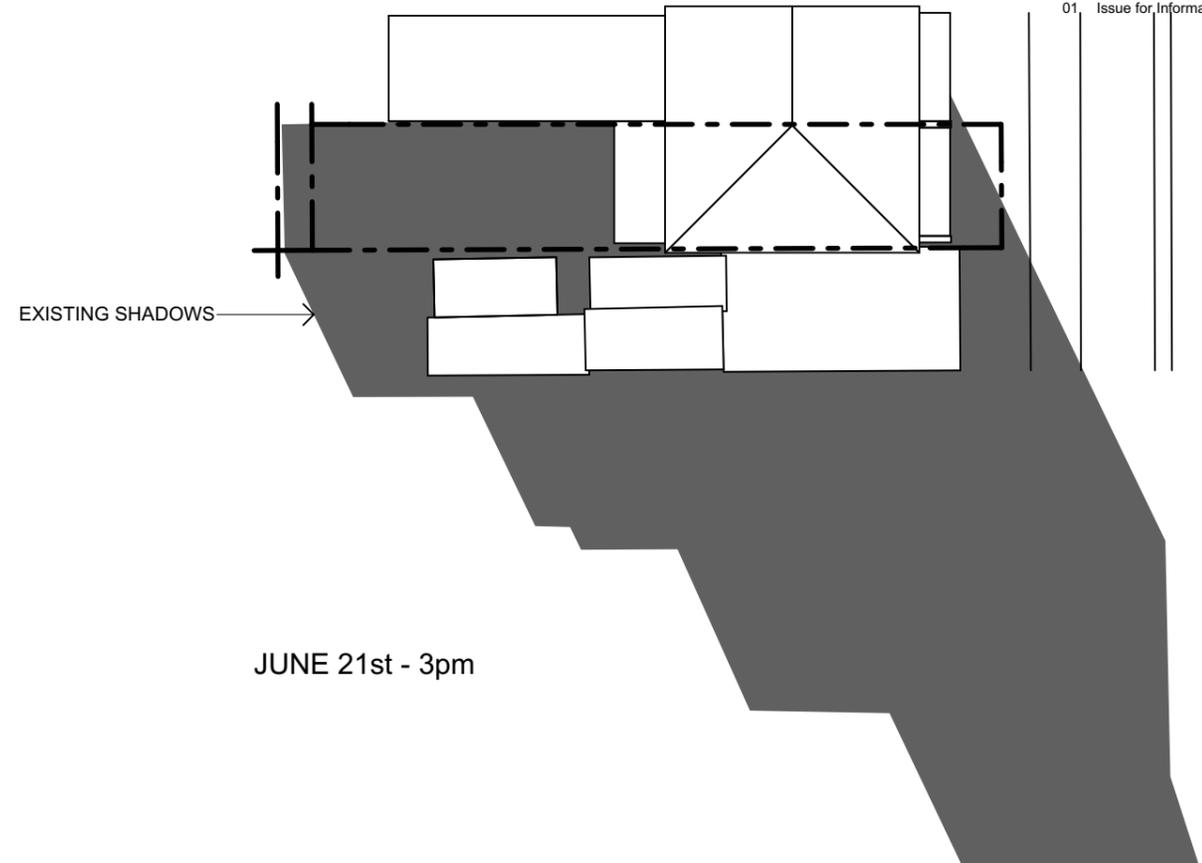
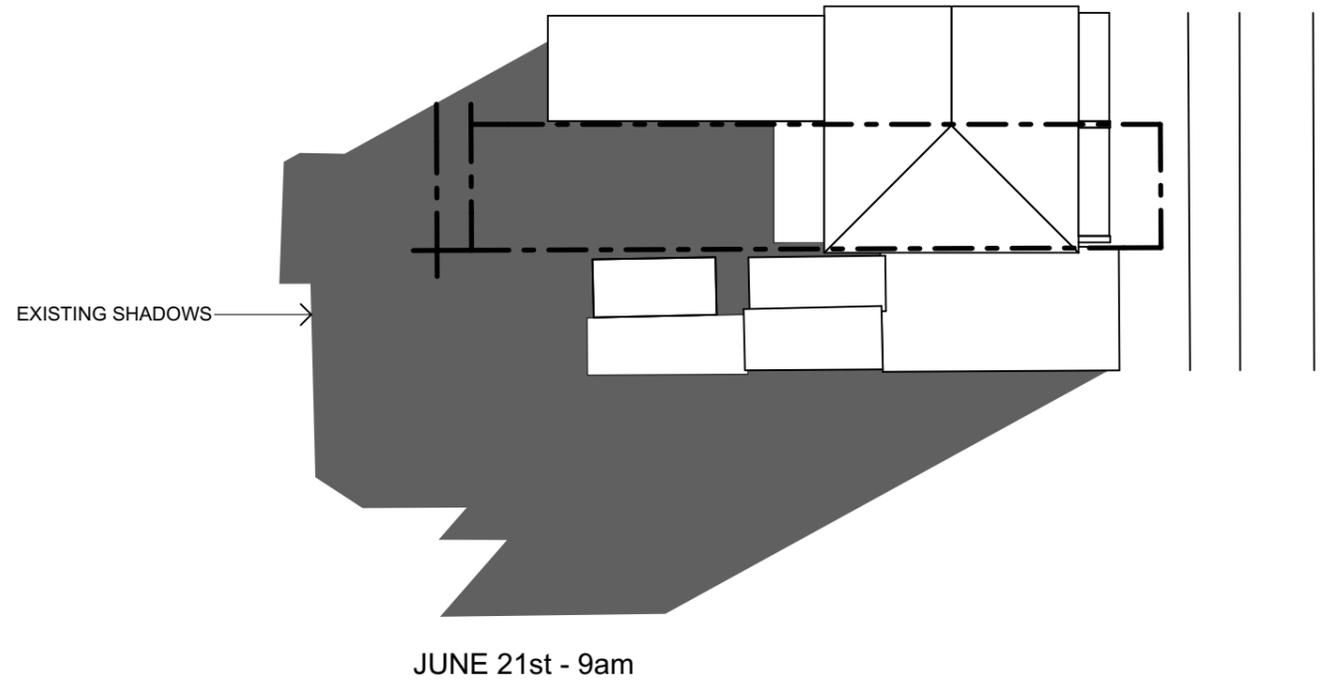


B Section BB
SCALE 1:100 @ A3

Drawing Title Elevations & Sections			Client Dani & Brent Rowlands
Job Number 328	Drawing Number DA06	Issue 02	Project 67 Gipps Street Carrington

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01 Issue for Information 16/02/2022



Existing Shadow Diagrams
SCALE 1:250 @ A3

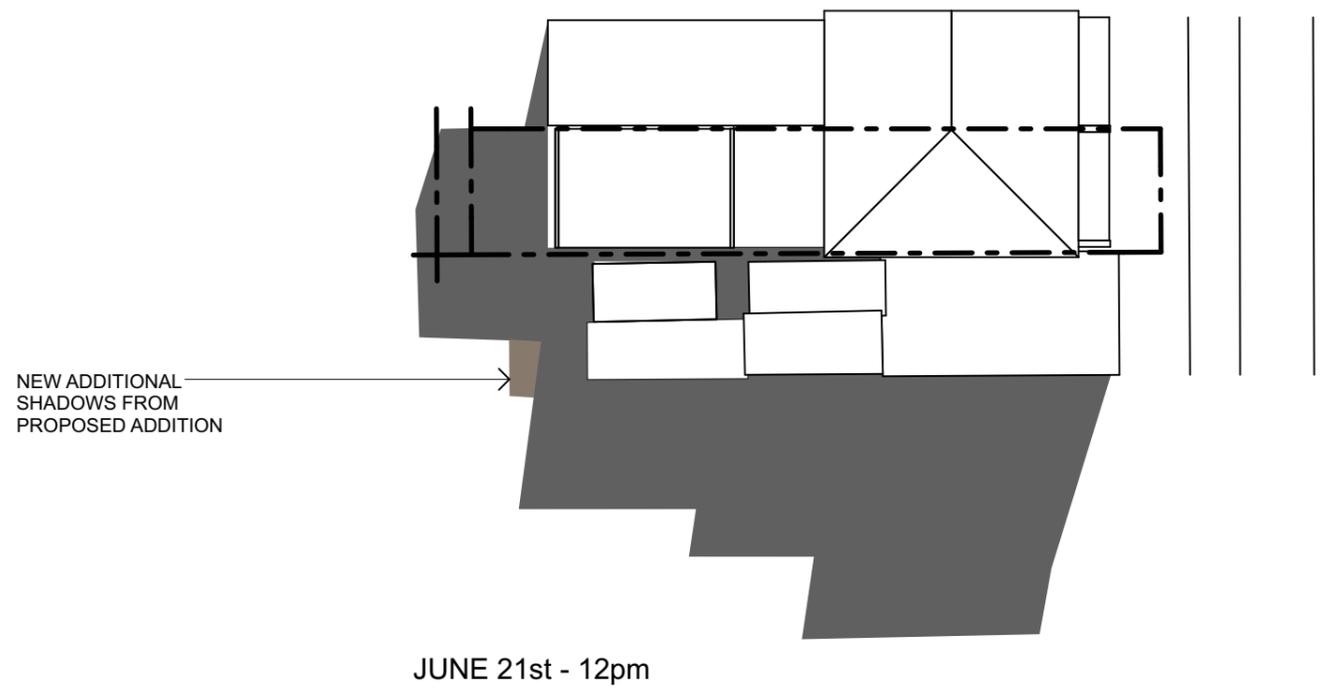
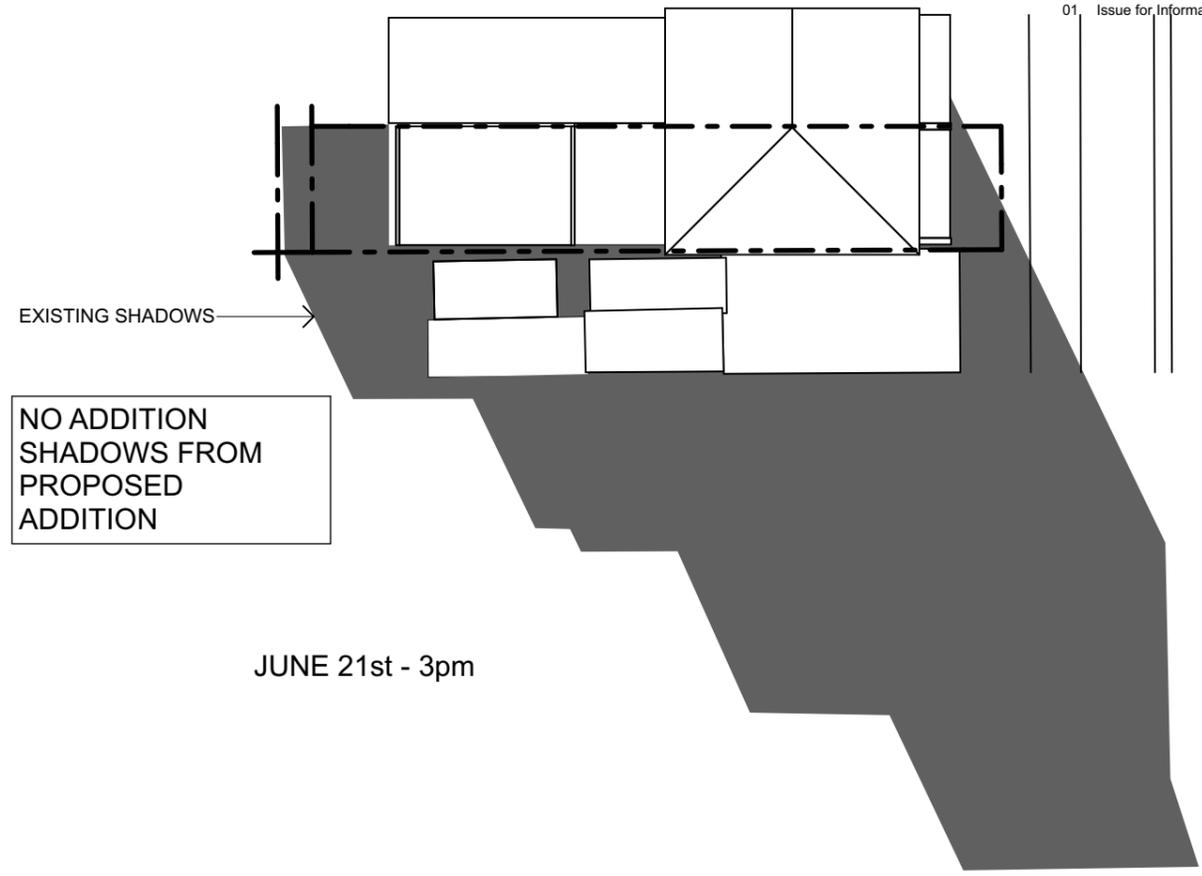
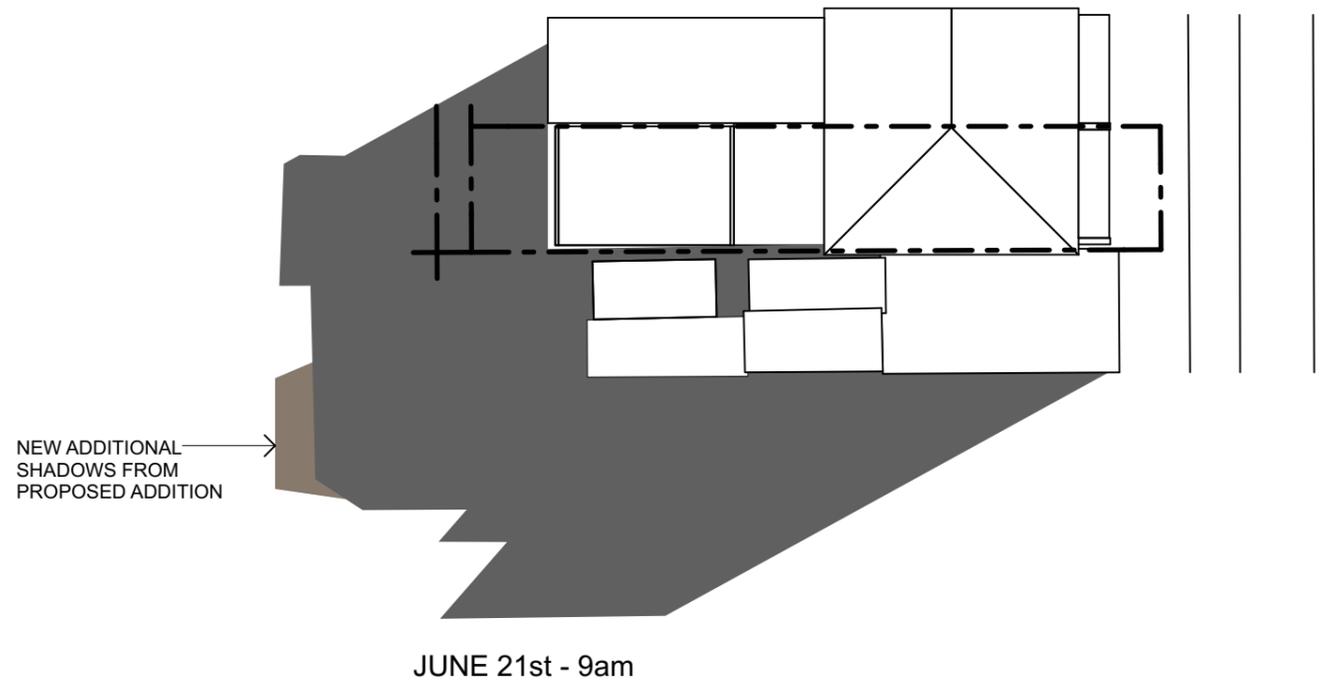


Drawing Title			Client
Existing Shadow Diagrams			Dani & Brent Rowlands
Job Number	Drawing Number	Issue	Project
328	DA11	01	67 Gipps Street Carrington



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01 Issue for Information 16/02/2022

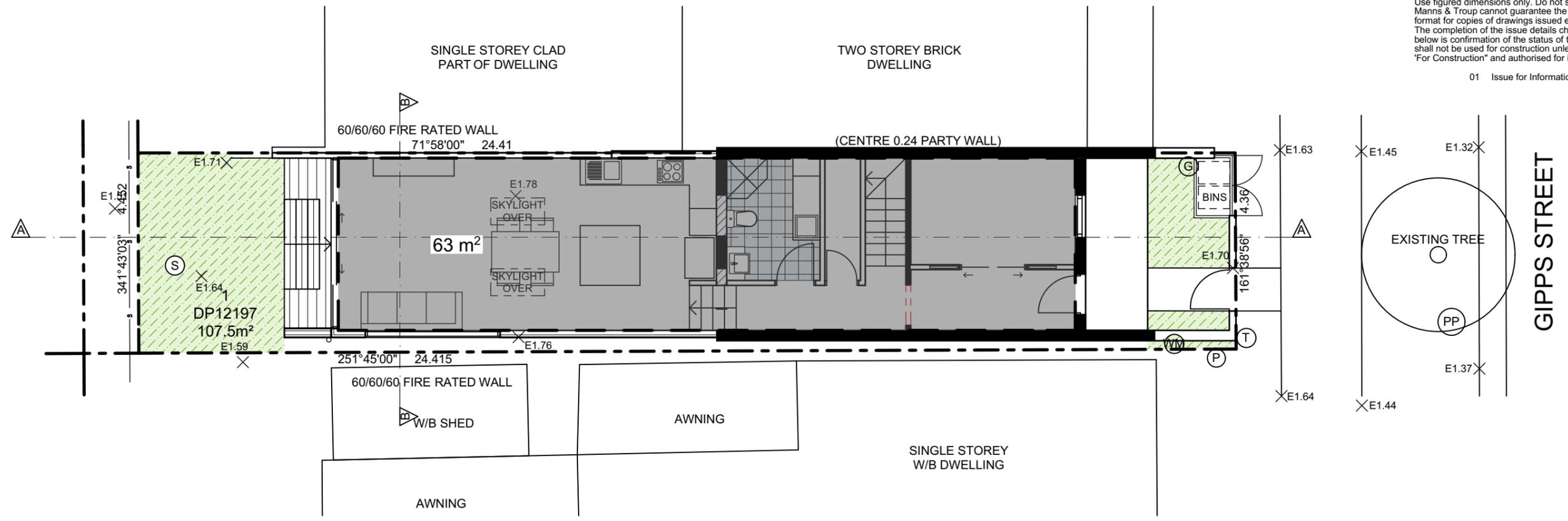


Shadow Diagrams
SCALE 1:250 @ A3



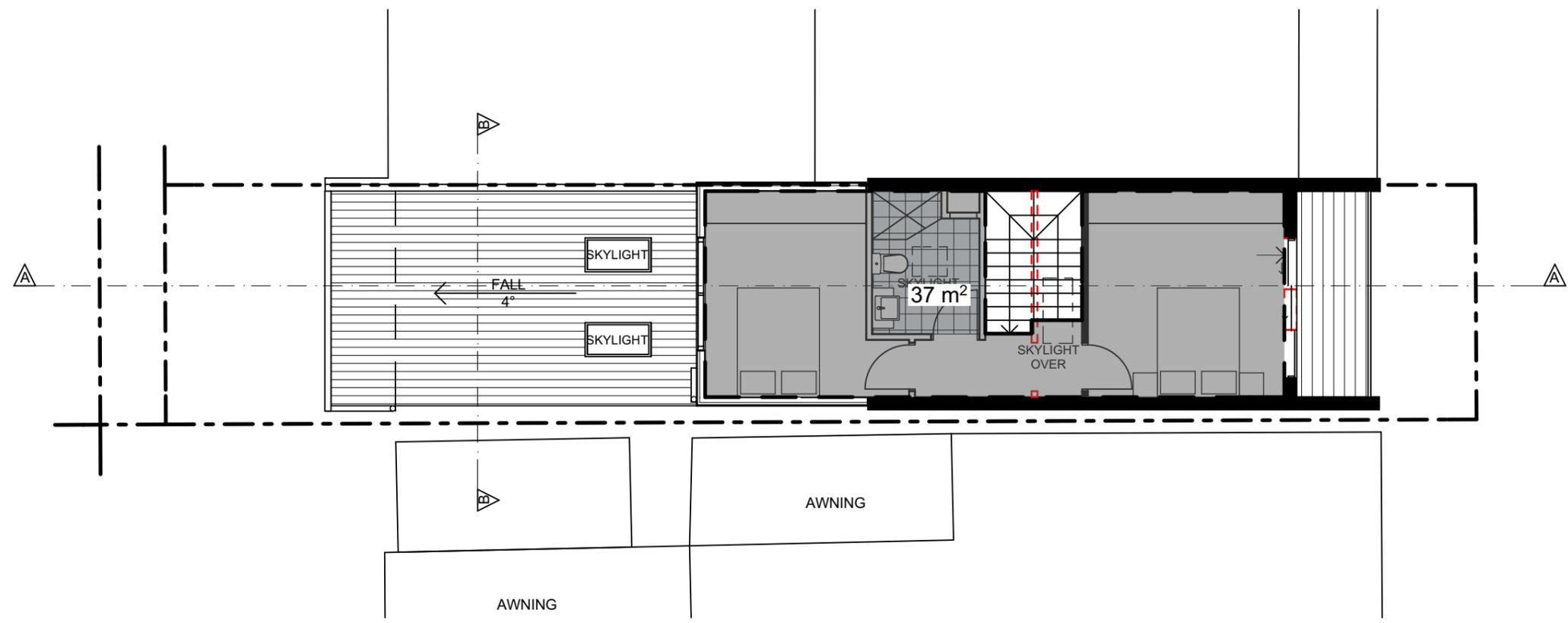
Drawing Title			Client
Proposed Shadow Diagrams			Dani & Brent Rowlands
Job Number	Drawing Number	Issue	Project
328	DA12	01	67 Gipps Street Carrington



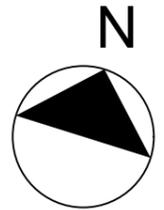


Ground Floor FSR
SCALE 1:100 @ A3

Site Area	108m ²
FSR at 0.6	64.8m ²
Existing FSR	68m ²
Proposed FSR	100m ² (92.6%)



First Floor FSR
SCALE 1:100 @ A3



Drawing Title	FSR Diagrams		Client	Dani & Brent Rowlands
Job Number	Drawing Number	Issue	Project	67 Gipps Street Carrington
328	DA13	01		



This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Friday, 11, March 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of Project

Project address	
Project name	67 Gipps Street
Street address	67 Gipps Street Carrington 2294
Local Government Area	Newcastle City Council
Plan type and number	Deposited Plan 1
Lot number	12197
Section number	
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	Manns & Troup
ABN (if applicable):	86742042211

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓			
The following requirements must also be satisfied in relation to each window and glazed door:						
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.	✓	✓	✓			
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓			
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓			
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓			
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Height (m)	Distance (m)	Shading device	Frame and glass type
Living	W	8.8	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
Living	S	1.8	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
Bed 2	W	3.15	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
Bed 1	E	5.4	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
Skylights						

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications	
suspended floor with enclosed subfloor: framed (R0.7).	R0.60 (down) (or R1.30 including construction)		
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		
flat ceiling, flat roof: framed	ceiling: R3.00 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)	

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Skylights			
The applicant must install the skylights in accordance with the specifications listed in the table below.	✓	✓	✓
The following requirements must also be satisfied in relation to each skylight:			
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.	✓	✓	✓
Skylights glazing requirements			
Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
S1	0.72	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)
S2	0.72	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

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Drawing Title
BASIX Information

Job Number Drawing Number
328 DA14

Client
Dani & Brent Rowlands

Project
67 Gipps Street Carrington





BUILDING PLAN ASSESSMENT

Clear of Hunter Water Assets

Reference No: 54503

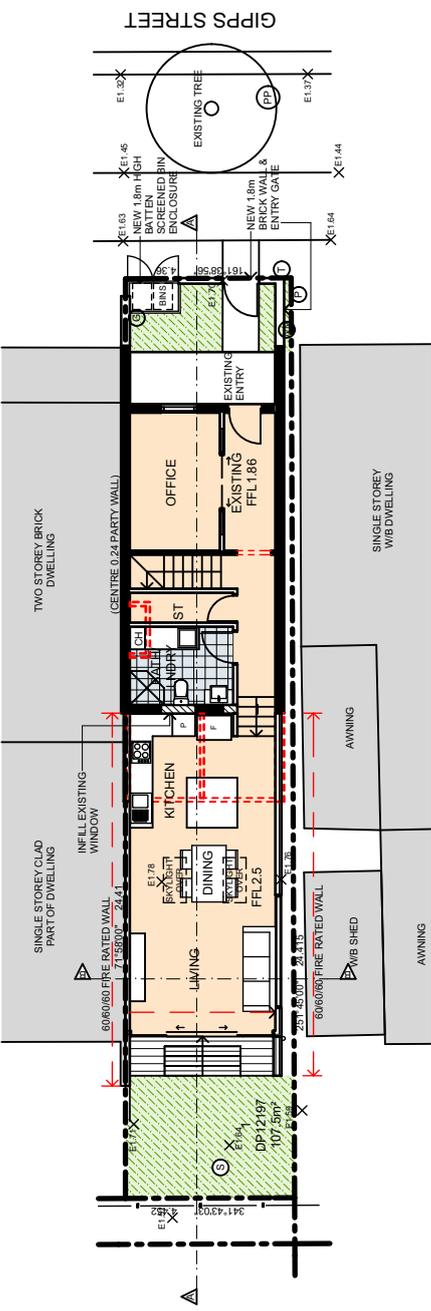
- Water available for connection
- Sewer available for connection

Only valid for 54503
Only valid for 54503
Only valid for 54503
Only valid for 54503

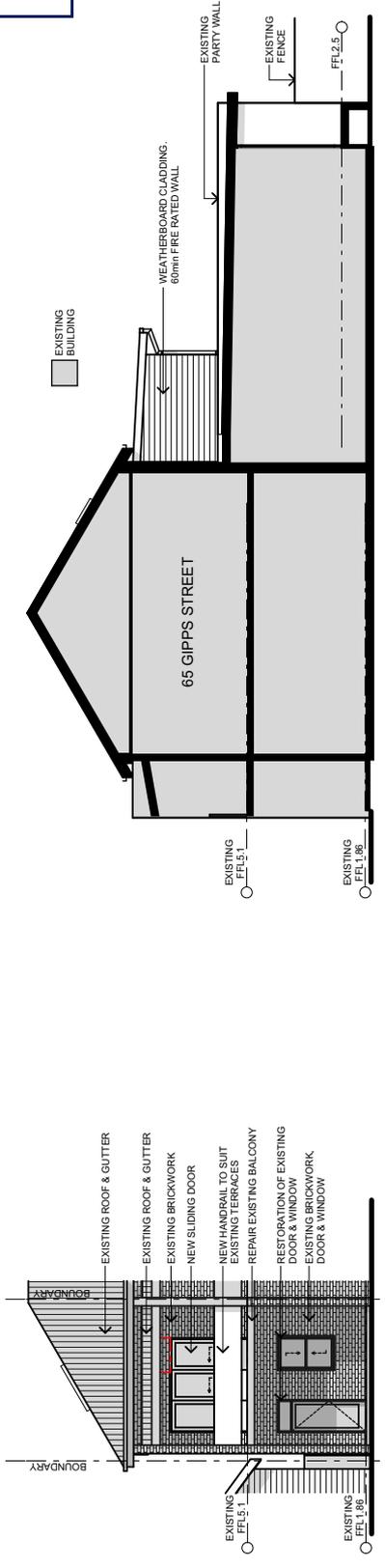
Date Processed: 05 May 2022
 Applicant: Resolve Urban Planning - Paul McLean
 Property Location: 67 GIPPS ST, CARRINGTON NSW 2294

PLEASE TAKE INTO CONSIDERATION

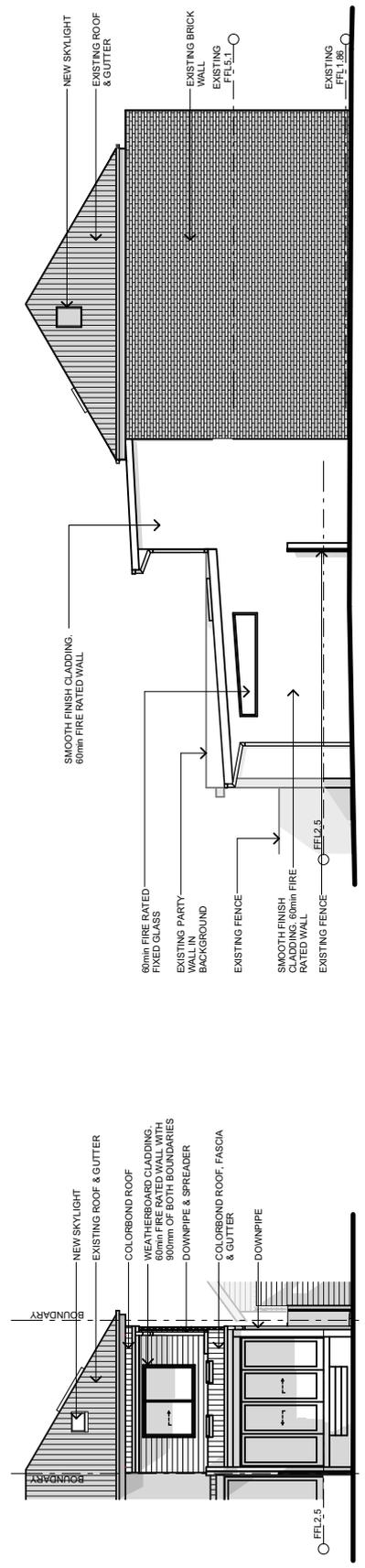
This is not a compliance certificate. This stamp indicates that Hunter Water has undertaken an initial assessment of the proposed development to identify possible impacts to our infrastructure. Conditions of Hunter Water easements apply. For information on the Hunter Water easements, please refer to the Hunter Water Development Manual on our website or contact us on 1300 657 657. Version 3.2 (22 December 2021)



Site/Ground Floor Plan



North Elevation



East Elevation

South Elevation

West Elevation



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 21/03/2023 – 67 GIPPS STREET CARRINGTON – DA2022/00502
- DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING
DEMOLITION**

7.3 Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER

Application No: DA2022/00502

Land: Lot 1 DP 12197

Property Address: 67 Gipps Street Carrington NSW 2294

Proposed Development: Dwelling house - alterations and additions including demolition

SCHEDULE 1

Approved Documentation

- 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 (Job No.328)	Reference / Version	Prepared by	Dated
Site Analysis – Demolition Plan	DA01 – Issue 01	Manns & Troup	16 February 2022
Demolition Plans	DA02 – Issue 02	Manns & Troup	2 May 2022
Floor Plans	DA03 – Issue 02	Manns & Troup	2 May 2022
Roof Plan	DA04 – Issue 02	Manns & Troup	2 May 2022
Elevations	DA05 – Issue 02	Manns & Troup	2 May 2022
Elevations & Sections	DA06 – Issue 02	Manns & Troup	2 May 2022

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.

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

- The second storey of the proposed building is to be a flood refuge in a Probable Maximum Flood event and 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 2.4m Australian Height Datum, Maximum Flow Velocity of floodwaters 0.3m/s). Full details are to be included in documentation for a Construction Certificate application.
- All stormwater runoff from the proposed development is to be managed in accordance with the requirements of Element 7.06 ‘*Stormwater*’ of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*. Details are to be included in documentation for a Construction Certificate application.

4. Consent is not given to undertake works to the party wall. The proposed structures are to be independently supported and a certificate from a qualified and practising Structural Engineer is to be obtained, confirming that the proposed works are able to be supported independently of the party wall, and must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate.

The required structural engineers certificate is to state that the design is independently supported and does not rely on the party wall for lateral or vertical support. It is not sufficient for a Structural Engineer to state that the works will impose no additional load on the party wall.

5. A report / certificate from an appropriately qualified and practising structural engineer, certifying the structural adequacy of the adjoining property which certifies ability to withstand the proposed works and outlines any measures required to be implemented to ensure that no damage will occur to adjoining premises during the course of the works, must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The measures outlined in the certified report must be complied with at all times.

Under no circumstances shall the party or common wall be extended or altered without the prior written consent of the adjoining owner. Any such extension of the party wall shall be noted on title by way of appropriate easement or Section 88B instrument.

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

6. 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*.
7. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*. A copy of the Hazardous Substances Management Plan is to be provided to the Council and to the demolisher prior to commencement of work.
 8. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
 - a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
 - b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner
 - c) the removal, handling and disposal of any asbestos material is to be undertaken

only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW

- d) a copy of all waste disposal receipts are to be kept in the possession of the landowner and made available to authorised Council Officers upon request
 - e) seven working days notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
 - f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
9. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
10. 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 approval to position the container on the adjacent public road in accordance with the Council's adopted Building Waste Container Policy.

11. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
12. A rigid and durable sign is to be erected in a prominent position 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, if any, for any building work and 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, and must be removed when the work has been completed.

Note: This does not apply in relation to building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

13. Any black glassy slag excavated during earthworks and which will not be covered by building structures or reburied on site, is to be removed for disposal at the Summerhill Waste Management Centre or another approved waste disposal site. Any such action

is to be confirmed by the submission of evidence of disposal to the Principal Certifying Authority, eg. copy of docket from disposal centre.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. Council'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 Council, 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.

20. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the '*Blue Book*') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
21. 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*.
22. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
23. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

24. During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee's '*Acid Sulfate Soil Manual*'.
25. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries and the party wall, is to be submitted to the Principal Certifying Authority before construction is commenced.
26. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the building, structure or work from possible damage from the excavation, and
 - b) Where necessary, underpin the building, structure or work to prevent any such damage.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

27. The following waste management measures are to be implemented during construction:
 - a) waste container of at least one cubic metre capacity shall 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) appropriate provision is to be made to prevent wind blown 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* (NSW)

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

28. 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.
29. All commitments listed in the relevant BASIX certificate for:
 - a) BASIX development,
 - b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

are to be satisfactorily completed prior to the issue of an Occupation Certificate.

Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to the Newcastle City Council with Occupation Certificate documentation.

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.
- 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 (ie '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.
- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the *Heritage Act 1977 (NSW)* for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.

- If any Aboriginal objects are discovered which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974 (NPW Act)*. Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
 - a) Defined Flood Level (DFL) is 2.2m Australian Height Datum (AHD)
 - b) Flood Hazard Level is 2.5m AHD (Freeboard is 300mm above DFL)
 - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.1m/s
- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development', as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a retaining wall taking place.
- Prior to commencing any building works, the following provisions of Division 6.2 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 Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).

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.
- The City of Newcastle has considered and accepted the proposed development standard variation made under Clause 4.4 of the *Newcastle Local Environmental Plan 2012*. The Clause 4.6 variation to the Floor Space Ratio development standard is well founded and acceptable in the circumstances of this case.

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.



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**DAC 21/03/2023 – 67 GIPPS STREET CARRINGTON – DA2022/00502
- DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING
DEMOLITION**

7.3 **Attachment C:** Processing Chronology

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PROCESSING CHRONOLOGY

DA2022/00502 – 67 Gipps Street, Carrington

11 May 2022	-	Application lodged
12 May 2022 to 1 June 2022	-	Application notified in accordance with CN's Community Participation Plan (CPP)
26 September 2022		Request for additional information
8 November 2022	-	Additional information received
6 December 2022	-	Request for additional information
7 December 2022	-	Additional information received



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**DAC 21/03/2023 – 67 GIPPS STREET CARRINGTON – DA2022/00502
- DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING
DEMOLITION**

7.3 **Attachment D:** Clause 4.6 written exception to development
standard

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Exception to Development Standard

Prepared in accordance with Clause 4.6 of the Newcastle Local Environmental Plan 2012

Alterations and Additions to Existing Dwelling

67 Gipps Street Carrington

Lot 1 DP12197

Applicant: Dani and Brent Rowlands
Amended December 2022

Limitations Statement

This report has been prepared in accordance with the scope of services agreed between Resolve Urban Planning and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by Resolve Urban Planning and the sub-consultants engaged for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by Resolve Urban Planning or by any person involved in the preparation of this assessment and report.

This document is solely for the use of the authorised recipient. It is not to be used or copied (either in whole or in part) for any other purpose other than that for which it has been prepared. Resolve Urban Planning accepts no responsibility to any third party who may use or rely on this document or the information contained herein.

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1.0 Introduction

This Exception to Development Standard document accompanies a Development Application to Newcastle Council for alterations and additions of a Dwelling house, located at 67 Gipps Street Carrington.

The exception is made in accordance with Clause 4.6 of the Newcastle Local Environmental Plan 2012 to the development standard for Floor Space Ratio (Clause 4.4) of this plan.

1.1 Site Description

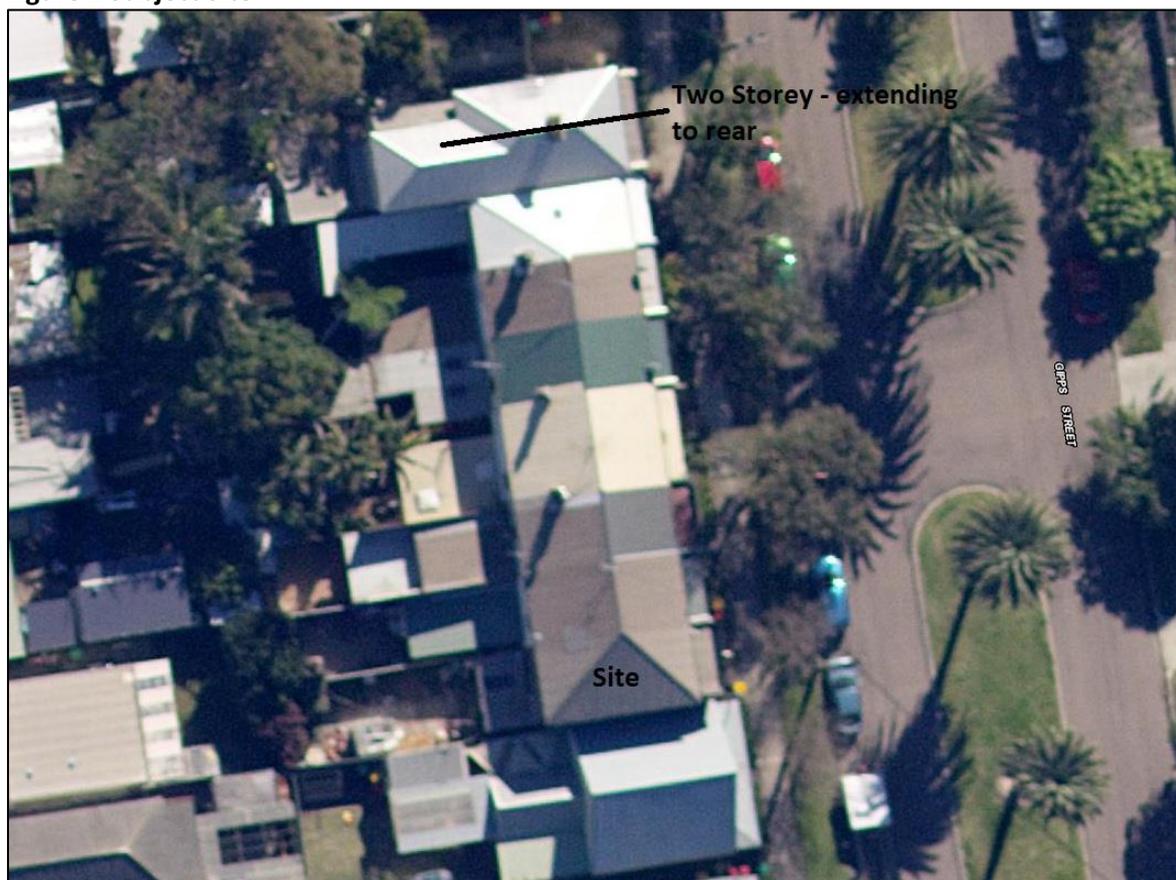
The subject site is located at 67 Gipps Street Carrington and is described as Lot 1 DP12197.

The site has a frontage of approximately 4.36m to Gipps Street and an area of 107.5m².

The site currently contains a residential dwelling sharing a common wall with the adjoining dwelling.

An aerial photo of the site is provided by **Figure 1**.

Figure 1 Subject Site



Details of the site's context, and opportunities and constraints, is provided within the accompanying DA Report.

3.0 Exception to Development Standard

The proposed development seeks:

- A total gross floor area of 100m², including post existing and proposed floor area. This results in Floor Space Ratio of 0.93:1
- The maximum floor space ratio applicable to the site is 0.6:1, allowing for a total of 64.8m² of floor area, the proposal therefore represents a 54% exceedance of the allowable floor area

It is demonstrated by this document, and the accompanying DA report, that the increase in the non-compliance to the FSR will not impact on the amenity and character of the sites context.

In any case, the proposal responds to the requirements of Clause 4.6 of the Newcastle Local Environmental Plan 2012.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The non-compliant Floor Space Ratio is deemed to provide a better planning outcome for the site, facilitating alterations and additions that will provide living spaces that reflect the requirements for the modern home.

The total existing floor area of 68sqm was considered to provide insufficient area to provide suitably amenity for future occupants. In particular the room sizes were small with spaces that are difficult to furnish and utilise for the occupants.

The additional floor area provides opportunity to have a functional kitchen and dining space, with substantially increased sunlight via skylights and large sliding door along with internal amenities on both the ground and first floor.

The non-compliance will therefore provide improved liveability and functionality of the dwelling. The application achieves this without impacting on the character of the site and its context as detailed below.

Description of Existing Character

The subject site forms part of a row of two storey terrace houses extending from 53 to 67 Gipps Street.

The built form of the houses as they present to Gipps Street, largely retaining their historical form, is deemed to be the prevailing character for the immediate context. The following is noted:

1. All of the houses retain the shared roof form as it presents to the street
2. The majority of the dwellings have not been subject to significant alteration to the facades as presenting to Gipps Street. However the dwellings have been subject to a variety of alterations and additions to the rear of the dwellings. This is illustrated in **Figure 1, 3 and 4**

Figure 3 Subject Site as viewed from Gipps Street looking North



Figure 4 View from rear of Subject Site looking North



These figures illustrate the range of built elements that have been added to the row of houses over time. This includes contemporary additions, fire rated walls reaching a 1.5 storey height, pergolas etc

3. The row of terrace houses is also terminated to the north by the substantial 2 two storey dwelling of 53 Gipps Street
4. The rear of the terrace houses are obscured from view within nearby streets including Rodgers Street, refer to **Figure 5** and **6**

Figure 5 View towards Site from 56-58 Rogers Street



Figure 6 View towards Site from 58-60 Rogers Street



5. Other cross streets, Robertson and Hargrave Street, are too far away from the site and terrace houses to allow for any views of the rear of the terrace houses
6. Further, whilst the rear of the terrace houses is visible from the rear of dwellings off Rodgers Street, the significant variation in built form extending out from the original terrace structures is such that the only remaining consistent element is the shared roof form of the terrace houses

It is concluded that the existing character of the terrace houses is defined as:

- Two storey attached terrace housing form from Gipps, largely retaining historical built form
- Two storey elements extend to the rear of the site for 53 Gipps St. “bookending” the terrace form
- Built form to the rear of the terrace housing presents with a diversity of built form treatments, lengths and heights

- Rear of the terrace housing obscured from view in adjoining streets. Where it can be observed from adjoining dwellings, the built form consists of a diverse range of elements, no consistency in built form typology

Response to Identified Character and Prevailing Built Form

The proposed development is seeking an addition to the rear of the existing Terrace house, including elements at the ground and 1st floor.

These additions have considered and responded to the prevailing built form and character of the terrace houses as follows:

1. The works will be obscured from view from all adjoining roads as per above Figures
It is particularly critical to note that the works will be obscured from view in Gipps Street and will not alter the dominant characterisation of the site and immediate context, being the traditional building style and form of terrace housing
2. The works will remain entirely below the roof form of the terrace houses
3. The 1st floor element is consistent with the two-storey built form extending to the rear of 53 Gipps Street. Thus the proposal will provide a “bookending” of the southern extent of the terrace houses, complementary to the northern side
4. The additions will reflect the footprint of additions undertaken to adjoining terrace houses. A variation in form (from the 1st floor addition) is not deemed to be significant given the significant variation in built form already provided along the rear of the terrace housing (there is no consistency in built form to the rear)

Accordingly the proposal will not impact on the prevailing character and built form of the sites context.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Clause 4.4 is not explicitly excluded by Clause 4.6.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Compliance with the development is unreasonable and unnecessary where:

- The proposed non-compliance will provide improved amenity and functionality within the existing dwelling and will not impact on the amenity provided to adjoining allotments. This includes consideration of existing views over the site, visual privacy and solar access
- The increased Floor Space Ratio will have no perceptible increase in the bulk and scale of the dwelling as viewed from Gipps Street. The streetscape is unchanged by the proposed works

- The bulk and scale of the proposal reflects the general scale of development immediately adjoining the site

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Firstly, it is noted that in accordance with *Initial Action Pty Ltd v Woollahra Council (2018)* that this clause only requires a demonstration of sufficient environmental planning grounds justifying the non-compliance. It does not require a non-compliant development to have a better environmental outcome than a compliant development (see Paragraph 88 of the judgement).

This document demonstrates how the proposed floor space ratio exceedance responds to all relevant planning instruments and will have the same or better environmental planning outcome to a compliant development outcome. Accordingly, it has been demonstrated that there are sufficient environmental planning grounds to justify the non-compliance.

Further, as per the *Initial Action* judgement (Paragraph 23), in the absence of a definition of environmental planning it is accepted that response to the objectives of the Environmental Planning and Assessment Act provide a suitable demonstration of sufficient environmental grounds to justify the non-compliance:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources

The proposed non-compliance can be accommodated within the site without influence on the social and economic welfare of the community in the context, given the non-compliance will not impact on the amenity provided to any adjoining allotments.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment

The development, and non-compliance, is to be subject to detailed assessment to determine the proposals response to economic, environmental and social considerations.

These matters are in no way impacted by the non-compliance.

(c) to promote the orderly and economic use and development of land

The additional floor area is considered to be an orderly and economic use of the land, where it has been demonstrated the additional area will have no impact on the amenity of the site's context.

(d) to promote the delivery and maintenance of affordable housing

It is beyond the scope of this development, notwithstanding the non-compliance, to promote the delivery of affordable housing given the scale of the proposal.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats

The proposal will have no impact on any threatened species or ecological communities.

- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)*

The proposal will have no impact on any item of built or cultural heritage.

- (g) *to promote good design and amenity of the built environment*

The non-compliance promotes good design by responding to the existing site conditions in a manner that will not detract from the amenity provided to any adjoining allotment.

Further, it will not alter the streetscape provided by the dwelling, all works being obscured by the existing structures as outlined in detail above.

- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants*

The proper construction and maintenance of the building will be confirmed via the Construction Certificate process, responding to any conditions imposed by Council.

- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State*

Not considered to be relevant to the application.

- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The application will be subject of community participation via notification by Council.

Any items raised during consultation will be addressed as required.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Subclause (3) addressed above.

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The proposal responds to the objectives of Clause 4.4 as follows:

Clause 4.4 – Floor Space Ratio

- (a) to provide an appropriate density of development consistent with the established centres hierarchy*

The proposed non-compliance, in light of the existing non-compliance and the scale of development within the context, is considered to have no impact on the perceived density achieved within the site.

- (b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.*

The proposed non-compliance results in a development form that reflects the bulk and scale of development within the context and has demonstrated it will not impact on the amenity provided to adjoining allotments.

The streetscape is not altered by this application, further mitigating any perception of the dwelling being inconsistent with the character of the area.

The proposal responds to the objectives of the R2 Zone as follows:

To provide for the housing needs of the community within a low density residential environment.

The proposal will provide for the needs of the community where the dwelling will more appropriately reflect the communities expectations for liveable and functional internal spaces.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Not considered relevant to the application, day to day services are more appropriately provided in other areas of the suburb.

To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

The proposal respects and reflects development within the context whilst properly considering the amenity and character of the sites context, as detailed within this report and accompanying documentation.

(b) the concurrence of the Secretary has been obtained.

It is understood that assumed concurrence is provided to the Council for exceptions of this type.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

The contravention of the development standard raises no matters of significance for State or regional planning, given the proposals response to the intentions and objectives for development within Newcastle.

(b) the public benefit of maintaining the development standard, and

There appears to be no public benefit of maintaining the development standard, with the nature of the non-compliance resulting in no amenity impacts to any nearby public or private domain.

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

There are no known additional matters required to be taken into consideration for this application.

4.0 Five Part Test for Exceptions to Development Standards

In accordance with the principle established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827* the proposal addresses the five part test for exceptions to a Development Standard:

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard*

As illustrated above, the objectives of the standard are achieved notwithstanding the proposed non compliance.

2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*

The purpose of the standard is considered relevant to the development however given the existing non compliance, and likely extent of non compliance for a number of dwellings within the sites context, compliance is not considered to be necessary in this instance.

3. *the underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

The underlying objectives of the Development Standard is thwarted in this instance by the existing dwelling being non compliant.

4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

The Development Standard has not been destroyed by the actions of Council, however their application to this site is deemed to be unreasonable and unnecessary as outlined within this document and the plans of the proposal.

5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

The application of the standard is deemed to be unreasonable and unnecessary given the existing non-compliance and scale of existing dwellings within the site's immediate context.

5.0 Conclusion

This report demonstrates how the proposed non-compliance with the Clause 4.4 Development Standard can be supported in accordance with Clause 4.6 of the Newcastle Local Environmental Plan.

Council support for this Exception to the Development Standard is therefore anticipated.

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**DAC 21/03/2023 – 50 HOWE STREET LAMBTON – DA2022/01099 -
ONE INTO TWO LOT SUBDIVISION**

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|-----|----------------------|--|
| 7.4 | Attachment A: | Submitted Plans |
| 7.4 | Attachment B: | Draft Schedule of Conditions |
| 7.4 | Attachment C: | Processing Chronology |
| 7.4 | Attachment D: | Clause 4.6 written exception to development standard |

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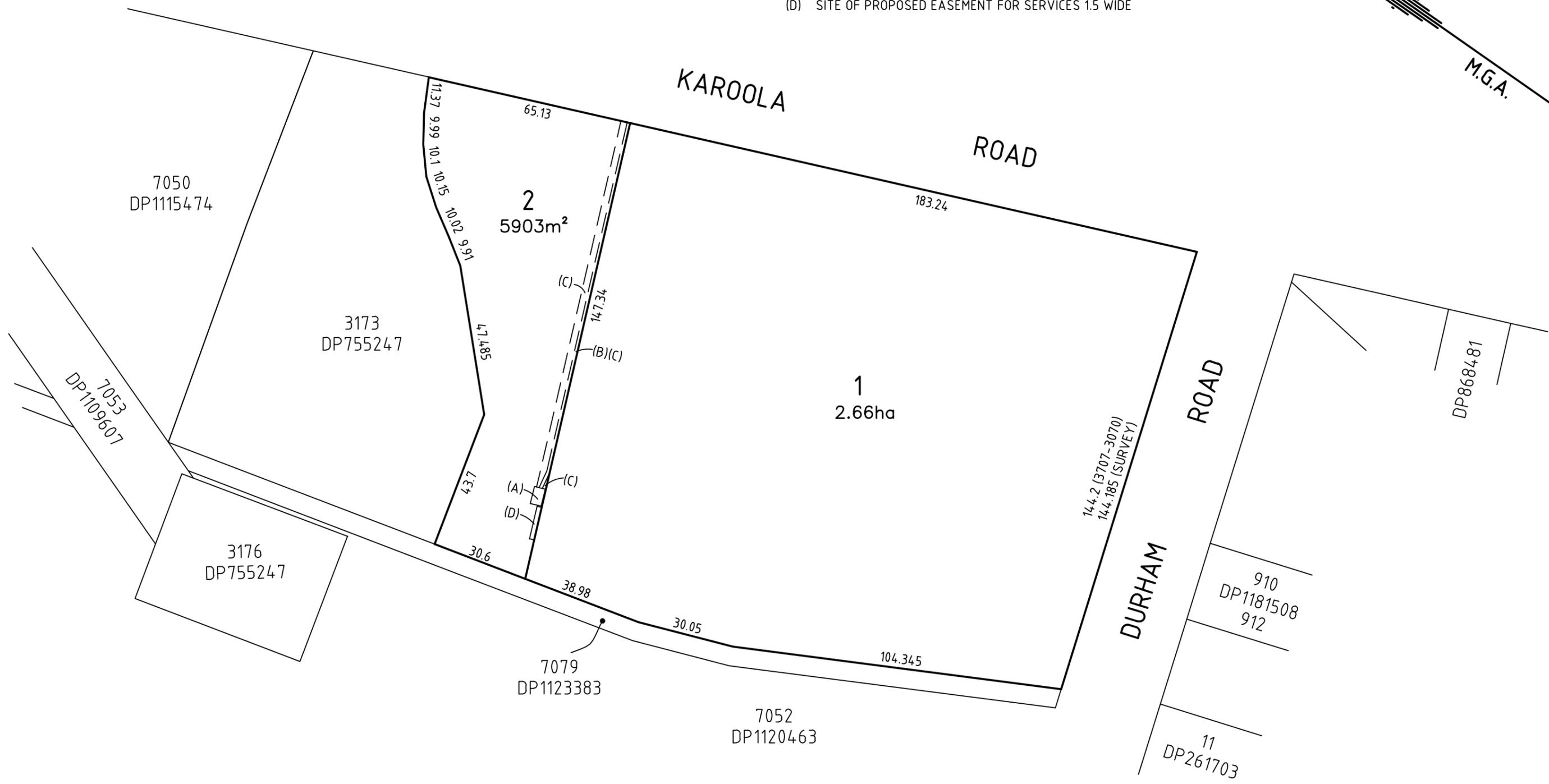
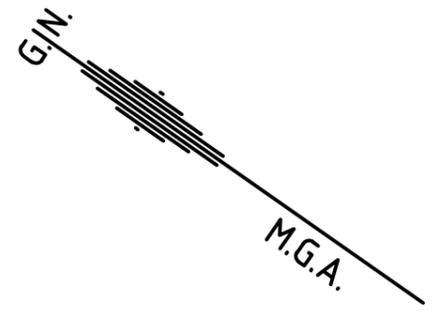
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**DAC 21/03/2023 – 50 HOWE STREET LAMBTON – DA2022/01099 -
ONE INTO TWO LOT SUBDIVISION**

7.4 Attachment A: Submitted Plans

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- (A) SITE OF PROPOSED EASEMENT FOR ELECTRICITY PURPOSES 3.5 WIDE (DP268678)
- (B) SITE OF PROPOSED EASEMENT FOR UNDERGROUND ELECTRICITY CABLES AND ACCESS THERETO 1 WIDE (DP268678)
- (C) SITE OF PROPOSED RIGHT OF CARRIAGEWAY 3 WIDE (DP268678)
- (D) SITE OF PROPOSED EASEMENT FOR SERVICES 1.5 WIDE



NOTE:
FINAL BEARINGS, DIMENSIONS AND AREAS ARE SUBJECT TO
FINAL SURVEY.

REV	DETAILS & AMENDMENTS	DATE
A	INITIAL PLAN	25/02/2022
B	AMENDED PLAN TO SHOW EASEMENT	26/08/2022

REF No: B1732SUB-1-B SHEET 1 OF 1 A3

PLAN TITLE: PLAN OF PROPOSED SUBDIVISION	
ADDRESS: 102 DURHAM ROAD - LAMBTON	CLIENT: CITY OF NEWCASTLE
TITLE DETAILS: LOT 7077 IN DP1120464	
DATUM: -	SOURCE: -
PARKER SCANLON CONTACT: MARK SCANLON	SURVEYED/DRAWN/CHECKED: -/WW/MS

17 William Street HAMILTON NSW 2303
PO Box 986 HAMILTON NSW 2303
Ph: 4969 6995
www.parkerscanlon.com.au
Email: surveys@parkerscanlon.com.au
ABN 36124 624 022





ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 21/03/2023 – 50 HOWE STREET LAMBTON – DA2022/01099 -
ONE INTO TWO LOT SUBDIVISION**

7.4 **Attachment B:** Draft Schedule of Conditions

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Application No: DA2022/01099
Land: Lot 7077 DP 1120464
Property Address: 50 Howe Street Lambton NSW 2299
Proposed Development: One into two lot subdivision

SCHEDULE 1

Approved Documentation

1. 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
Plan of Proposed Subdivision	B1732SUB-1-B (sheet 1 of 1)	Parker Scanlon	26 August 2022

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.

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

2. An application is to be made for a Subdivision Certificate. The application is to be supported by a digital copy (pdf format) of the survey plan of subdivision, associated administration sheets and a Section 50 Certificate from the Hunter Water Corporation.
3. An instrument under Section 88B of the *Conveyancing Act 1919*, setting out the terms of easements as required by this consent, along with related notations on the plan of subdivision, are to be submitted to the City of Newcastle for certification. The City of Newcastle is to be identified as a party whose consent is required to release, vary or modify easements.
4. Written evidence of arrangement being made with the Hunter Water Corporation for the provision of water supply and sewerage and with the electricity authority for the provision of overhead or underground electricity supply is to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

ADVISORY MATTERS

- In accordance with Hunter Water requirements for the development, all internal drains associated with Lambton swimming pool are to be contained wholly within Lot 1.
- The following street addresses are allocated for the development:

ADDRESS SCHEDULE				
Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
Lot 1	102	Durham	Road	Lambton
Lot 2	47	Karoola	Road	Lambton

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.
- The Clause 4.6 variation to the Minimum Subdivision Lot Size development standard is well founded and acceptable in the circumstances of this case.

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 21/03/2023 – 50 HOWE STREET LAMBTON – DA2022/01099 -
ONE INTO TWO LOT SUBDIVISION**

7.4 **Attachment C:** Processing Chronology

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PROCESSING CHRONOLOGY

DA2022/01099 – 50 Howe Street, Lambton

11 October 2022	-	Application lodged
12 October 2022 to 31 October 2022	-	Application notified in accordance with CN's Community Participation Plan (CPP)



Request to Vary a Development Standard under Clause 4.6 of LEP

*One into Two Lot Subdivision
(Torrens Title) of
Lot 7077 in DP 1120464*

*at **102 DURHAM ROAD, LAMBTON***

Date: 23 January 2023

Ref: B1732_VAR-B

Document Control

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VERSION	DESCRIPTION	ORIGINAL by	REVIEW by	RELEASE DATE
A	Request to Vary a Development Standard under Clause 4.6 of LEP	J.M	L.B	27/09/2022
B	Request to Vary a Development Standard under Clause 4.6 of LEP	J.M	L.B	23/01/2023

PROPOSAL SUMMARY

Prepared by: Parker Scanlon Pty Limited

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Town Planner

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Senior Town Planner

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Email: planning@parkerscanlon.com.au

Property Description: Lot 7077 in DP 1120464, No.102 Durham Road, Lambton

Zone: RE1 – Public Recreation (Newcastle LEP 2012)

Project Description: One into Two Lot Subdivision (Torrens Title) of Lot 7077 in DP 1120464

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1. INTRODUCTION

This document has been prepared as a request to vary a Development Standard under Clause 4.6 of the Newcastle Local Environmental Plan 2012 (NLEP 2012) for a One (1) into Two (2) Lot Torrens title Subdivision of Lot 7077 in DP 1120464. Lot 7077 will be referred to as the 'subject site' throughout this document.

This Clause 4.6 variation report is prepared pursuant to Clause 4.6 of the NLEP 2012 pertaining to the 'minimum lot size' standard that applies to the subject site. This variation request must be reviewed in conjunction with the Plan of Proposed Subdivision, prepared by Parker Scanlon Pty Ltd (ref: B1732SUB-B), refer to **Attachment A**.

Clause 4.6(3) of NLEP 2012 states the requirements of an objection, which must demonstrate:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4)(a) of NLEP 2012 states that consent must not be granted for a development that contravenes a development standard, unless the consent authority is satisfied that Clause 4.6(3) is addressed, and:

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

This proposal has been prepared with consideration given to the following:

- Clause 4.6 of NLEP 2012;
- Clause 4.1 of NLEP 2012;
- 'Varying Development Standards: A Guide', published by the Department of Planning and Infrastructure in August 2011; and
- The key considerations for assessing development standards, as outlined in the *Wehbe v Pittwater Council [2007] NSWLEC 827*.

2. SUMMARY

The request for a variation to a development standard specifically relates to the minimum lot size requirements, as set out in NLEP 2012, under the provisions of Clause 4.1. The subdivision proposes the creation of an additional allotment of land, where the parent lot is currently less than the minimum lot size under Clause 4.1 and on Council's maps, identified as 40 hectares. The current configuration of the site comprises one lot created from historical subdivision patterns and under a previous LEP, which is now classed as an 'undersized lot' under the current environmental planning instrument being NLEP 2012 that governs the site. Although the resultant lots will remain undersized lots (i.e. under 400,000m² or 40 hectares) and are considered to be contravening Council's Development Standards for minimum lot size, the proposed lot size will not impact the ability of the site to adequately function in the future. Therefore, the impact of the variation is deemed negligible.

2.1 Name of the Environmental Planning Instrument that Applies to the Land

Newcastle Local Environmental Plan 2012 (NLEP 2012).

2.2 Land Zoning

RE1 – Public Recreation

2.3 Objectives of the Zoning

RE1 – Public Recreation

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

2.4 Development Standard being Varied

The development standard being varied is Clause. 4.1 with regard to the 'Minimum Subdivision Lot Size' of NLEP 2012.

2.5 Objectives of the Development Standard

The objectives of Clause 4.1 are:

(a) to provide subdivision lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded,

(b) to facilitate greater diversity in housing choice,

(c) to ensure that lots are of sufficient size to meet user requirements and to facilitate energy efficiency of the future built form,

(d) to ensure that the subdivision of land in Zone E4 Environmental Living:

(i) will not prejudice its possible future development for urban purposes or its environmental conservation, and

(ii) will conserve the rural or bushland character, and the biodiversity values or other conservation values, of the land.

2.6 Numerical Value of the Development Standard in the NLEP

40,000m² or 40 hectares (area) – pursuant to Clause 4.1.

2.7 Proposed Numerical Value of the Development Standard

Refer to the Draft Plan of Proposed Subdivision, prepared by Parker Scanlon (ref: B1732SUB-A) in **Attachment A**:

- Proposed Lot 1 – 2.66 hectares (or 26,600m²); and
- Proposed Lot 2 – 5,903m².

2.8 Percentage Variation (between the proposal and the NLEP)

The percentages identified below is the percentage of the development standard not achieved.

- Proposed Lot 1 – 93.3%; and
- Proposed Lot 2 – 98.5%.

2.9 How Strict Compliance with the Development Standard is Unreasonable or Unnecessary in this Particular Case

The objective of the minimum subdivision lot size standard is still satisfied in this instance, as the proposed lots are of sufficient size to meet user requirements of the existing recreational establishments, being the Lambton Swimming Centre. Furthermore, the proposed lots will not impact community and economic needs of the site from being met. Pursuant to minimum lot size objectives under Clause 4.1(1) the development proposal makes a positive contribution to the functioning of both lots in this immediate locality. The subdivision proposal is considered a minor change in lot area for lots that are already undersized. The heritage considerations of Lambton Park will remain unaffected by the proposed subdivision, as no physical works are required to facilitate the subdivision.

With reference to Council's zoning objectives identified previously in Section 3, the proposal does not hinder the continuation of an orderly use of the subject site. The proposal does not hinder the recreational setting or uses of the site, nor is the natural environment impacted by the subdivision. The proposal respects the general configuration of the parent allotment. Moreover, the amenity and character of surrounding development will not be impacted by the proposed subdivision.

2.10 How Strict Compliance Hinders the Attainment of the Objects Specified in Section 1.3(a) and (c) of the Act

The *Webhe* decision references *Section 5(a)(i) and (ii)* [now known as *Section 1.3(a) and (c)*] of the *Environmental Planning and Assessment Act 1979*, which needs to be considered when assessing a variation to a development standard. *Section 5(a)(i) and (ii)* are identified below:

(ii) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, and

(iii) the promotion and co-ordination of the orderly and economic use and development of land.

The specific matters identified above will not be compromised or contravened by the proposed variation. Due to the existing recreational setting and land-use context surrounding the proposal, the subdivision, particularly being low-impact in nature, will result in no additional impacts for the site or adjoining development. The proposed development is an orderly and economic use of the land and in doing so, does not compromise the objects of Section 1.3(a) and (c) of the EP&A Act 1979. Furthermore, the proposed subdivision, although continuing to provide undersized lots, will not cause or create any impacts when observed from the streetscape and public domain, or negatively impact future uses of the subject site or adjoining properties.

2.11 Is the Development Standard a Performance Based Control?

No.

2.12 Would Strict Compliance with the Standard, in your Particular Case, be Unreasonable and Unnecessary? Why?

Refer to Section 2.9.

2.13 Are There Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard? Give details.

The proposal does not undermine the objectives of the minimum lot size (Clause 4.1) standard, despite creating 'non-compliant' lots in terms of their size through a new Deposited Plan. Due to historical subdivision arrangements, the area of the subject site is already less than the minimum lot size requirement of 40 hectares governing the site. The proposal to subdivide the site will not disrupt or severely alter the characteristics of the existing configuration of lots. Moreover, the minimum lot size objectives pursuant to Clause 4.1(1) are still achieved, notwithstanding the 'non-compliance'.

With the exception of the minimum lot size standard, the proposal does not raise any significant items of non-compliance with the Newcastle Development Control Plan 2012 (NDCP 2012) with regard to subdivision planning controls. Strict compliance with this standard is

unwarranted because the non-compliant variation has little impact on the overall functioning of the existing use of the site in the context of the recreational and built environment that currently operates, therefore presenting a negligible impact. The proposal is considered an orderly development that assists in meeting user needs and is not constrained by any site characteristics.

The proposal does not require the removal of vegetation and will not generate adverse acid sulfate soil conditions within the subject site or in the surrounding locality.

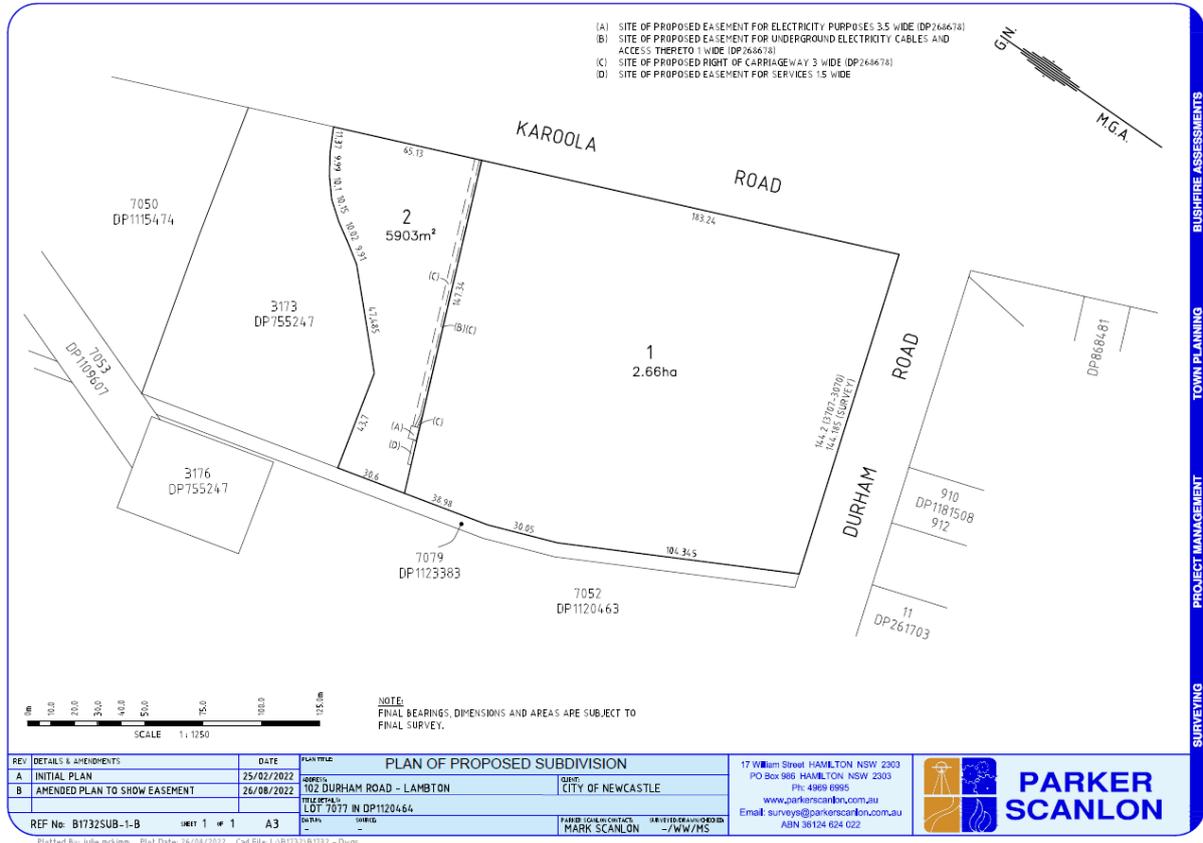
The proposal respects the amenity, heritage and character of the surrounding development and environment, as there are no physical changes proposed on-site

In summary, the proposal is: -

- an orderly development of the land, in accordance with the objectives of the EP&A Act;
- unlikely to have detrimental environmental impacts;
- likely to generate positive social impacts by allowing the recreational use of the site to continue;
- likely to generate positive short term, and facilitate long term economic impact;
- reinforces an appropriate land use in the locality;
- able to be undertaken in a controlled manner with minimal environmental impacts;
- not likely to create any land use conflicts; and
- not likely to adversely impact upon the amenity of the locality.

Accordingly, there are sufficient environmental planning grounds in this instance, to justify contravening the minimum lot size standard prescribed by Clause 4.1 of the NLEP 2012 for the proposed subdivision of Lot 7077 in DP 1120464, No.102 Durham Road, Lambton. Therefore, Council is encouraged to approve the development application for the one (1) into to (2) lot subdivision.

Attachment 1: Proposed Plan of Subdivision



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**DAC 21/03/2023 – 16 REAY STREET HAMILTON – DA2022/01196 -
ONE INTO TWO LOT SUBDIVISION**

- 7.5** **Attachment A:** Submitted Plans

- 7.5** **Attachment B:** Draft Schedule of Conditions

- 7.5** **Attachment C:** Processing Chronology

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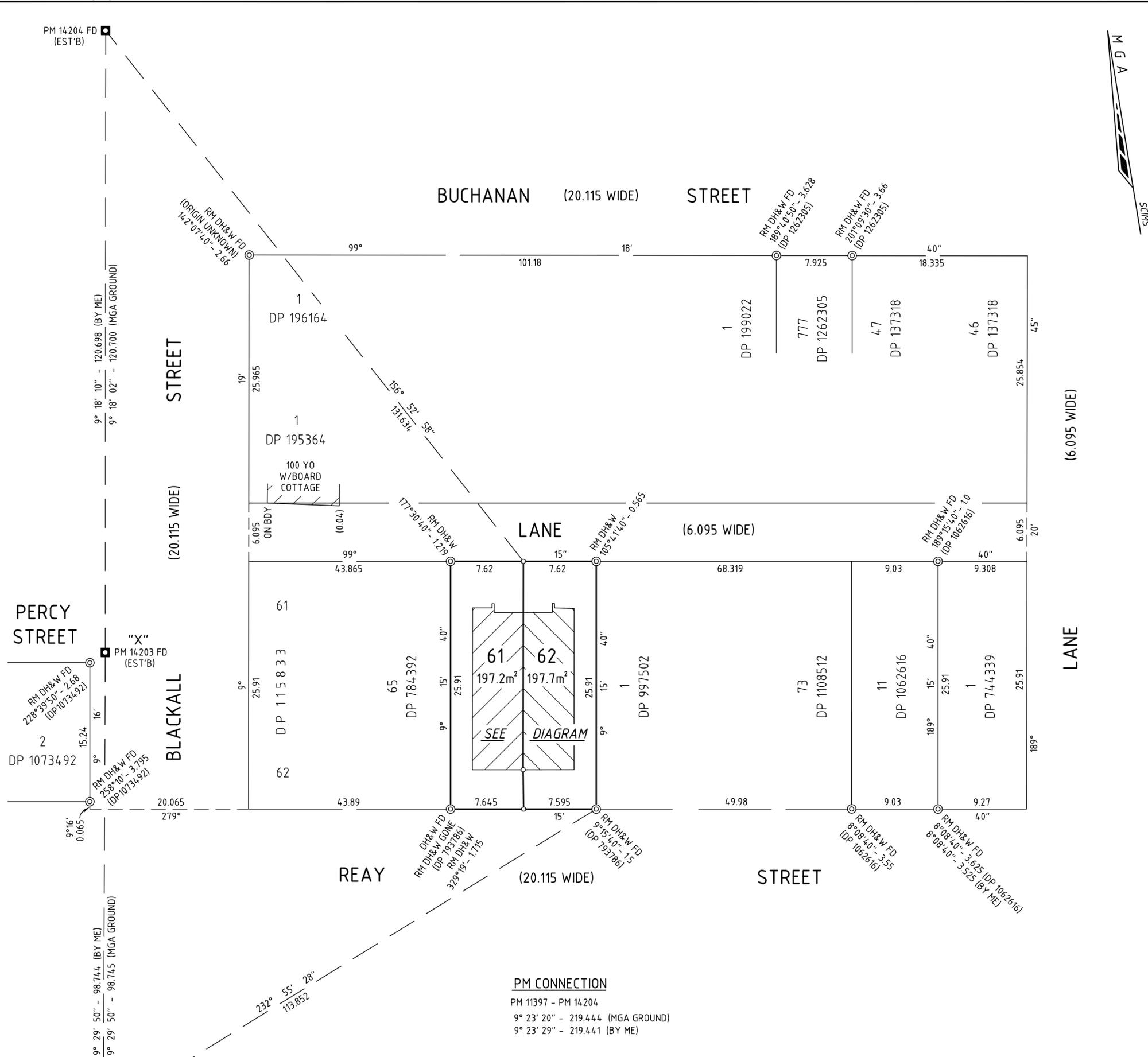


ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 21/03/2023 – 16 REAY STREET HAMILTON – DA2022/01196 -
ONE INTO TWO LOT SUBDIVISION**

7.5 Attachment A: Submitted Plans

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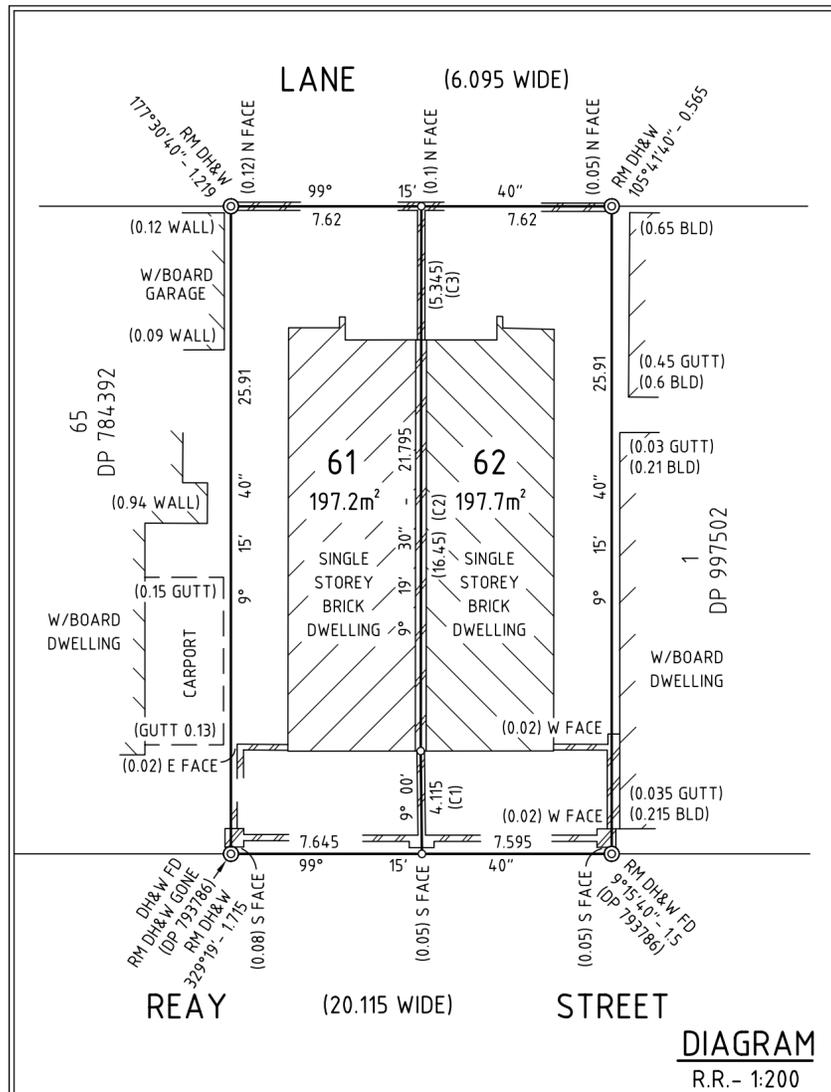


MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
"Y"	382 188.609	6 356 554.066	B	0.02	FROM SCIMS	FOUND
"X"	382 204.898	6 356 651.435	B	0.02	FROM SCIMS	FOUND
"X"	382 224.400	6 356 770.520	B	0.02	FROM SCIMS	FOUND

DATE OF SCIMS COORDINATES : XX.XX.2022.
 MGA ZONE : 56 MGA DATUM : GDA2020
 COMBINED SCALE FACTOR : 0.999766.



- (C1) - CENTRELINE OF LOW BRICK WALL
- (C2) - CENTRELINE OF 0.27 WIDE PARTY WALL
- (C3) - CENTRELINE OF 0.11 WIDE BRICK PARTY WALL



SURVEYOR: Name: STEVEN WAYNE WHITE Centurion Survey Date of Survey: - Reference: 5626	PLAN OF SUBDIVISION OF LOT 6 DP 793786	LGA: NEWCASTLE Locality: HAMILTON Reduction Ratio 1:300 Lengths are in metres.	REGISTERED	DP DRAFT 17/08/22
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**DAC 21/03/2023 – 16 REAY STREET HAMILTON – DA2022/01196 -
ONE INTO TWO LOT SUBDIVISION**

7.5 **Attachment B:** Draft Schedule of Conditions

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Application No: DA2022/01196
Land: Lot 6 DP 793786
Property Address: 16 Reay Street Hamilton NSW 2303
Proposed Development: One into two lot subdivision

SCHEDULE 1

General Conditions

Approved Documentation

1. 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
Subdivision Plan	Sheet 1 of 1 Sheets Reference 5626	Centurion Survey	17/08/2022

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.

Conditions To Be Satisfied Prior to the Issue of a Subdivision Certificate

2. An application is to be made for a Subdivision Certificate. The application is to be supported by a digital copy (pdf format) of the survey plan of subdivision, associated administration sheets and a Section 50 Certificate from the Hunter Water Corporation.
3. An instrument under Section 88B of the Conveyancing Act 1919, setting out the terms of easements as required by this consent, along with related notations on the plan of subdivision, are to be submitted to the City of Newcastle for certification. The City of Newcastle is to be identified as a party whose consent is required to release, vary or modify easements.
4. Written evidence of arrangement being made with the Hunter Water Corporation for the provision of water supply and sewerage and with the electricity authority for the provision of overhead or underground electricity supply is to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Conditions To Be Satisfied During the Operation and Use Of The Development

5. The premise/s is/are allocated the following street address/es in accordance with City of Newcastle’s *House Numbering Policy* and the *Surveying and Spatial Regulation*.

City of Newcastle allocated street addresses				
Unit/ dwelling number on	Street number	Street name	Street type	Suburb

plan				
Proposed Lot 61	16A	Reay	Street	Hamilton
Proposed Lot 62	16	Reay	Street	Hamilton

Advisory Matters

- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the *Heritage Act 1977 (NSW)* for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.

- If any Aboriginal objects are discovered which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with section 89A of the *National Parks and Wildlife Act 1974 (NPW Act)*. Depending on the nature of the discovery, additional assessment and approval under the NPW Act may be required prior to works continuing in the affected area(s). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974 (NPW Act)* for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

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.
- Newcastle City Council has considered and accepted the proposed development standard variation made under Clause 4.1 of the Newcastle Local Environmental Plan 2012. The proposed 50.7 & 50.5% variation is considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow the neighbouring properties, obstruct significant view corridors, and result in negative privacy issues.

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.



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**DAC 21/03/2023 – 16 REAY STREET HAMILTON – DA2022/01196 -
ONE INTO TWO LOT SUBDIVISION**

7.5 **Attachment C:** Processing Chronology

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PROCESSING CHRONOLOGY

DA2022/01196 – 16 Reay Street Hamilton

31/10/2022	-	Application lodged
10/11/2022	-	Request for additional information
13/12/2022	-	Additional information received