DAC 20/09/2022 – UNIT 402/116 TUDOR STREET HAMILTON – DA2022/00500 - MIXED USE DEVELOPMENT – ALTERATIONS AND ADDITIONS TO DWELLING (AWNING)

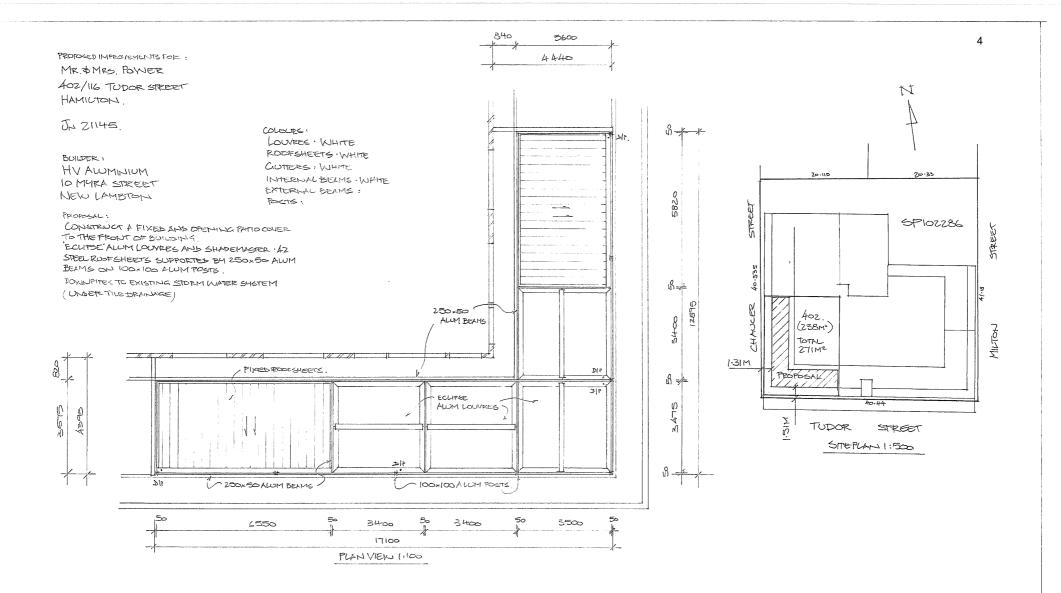
PAGE 4 ITEM-14 Attachment A: Submitted Plans

PAGE 11 ITEM-14 Attachment B: Draft Schedule of Conditions

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ITEM-14 Attachment A: Submitted Plans



10+2

TOP OF ROFRL 21.61 RL3 W 250,50 ALUMBEAMS. 100×100 ALUM POSTS. 250x50 ALUM BEAMS RLZ TIFLOOR LEVEL OF WIT 402 BALCONY TILES RL 18-60 RL14 & GROUND FL RL 6.14 WEST VIEW SOUTHYIEW

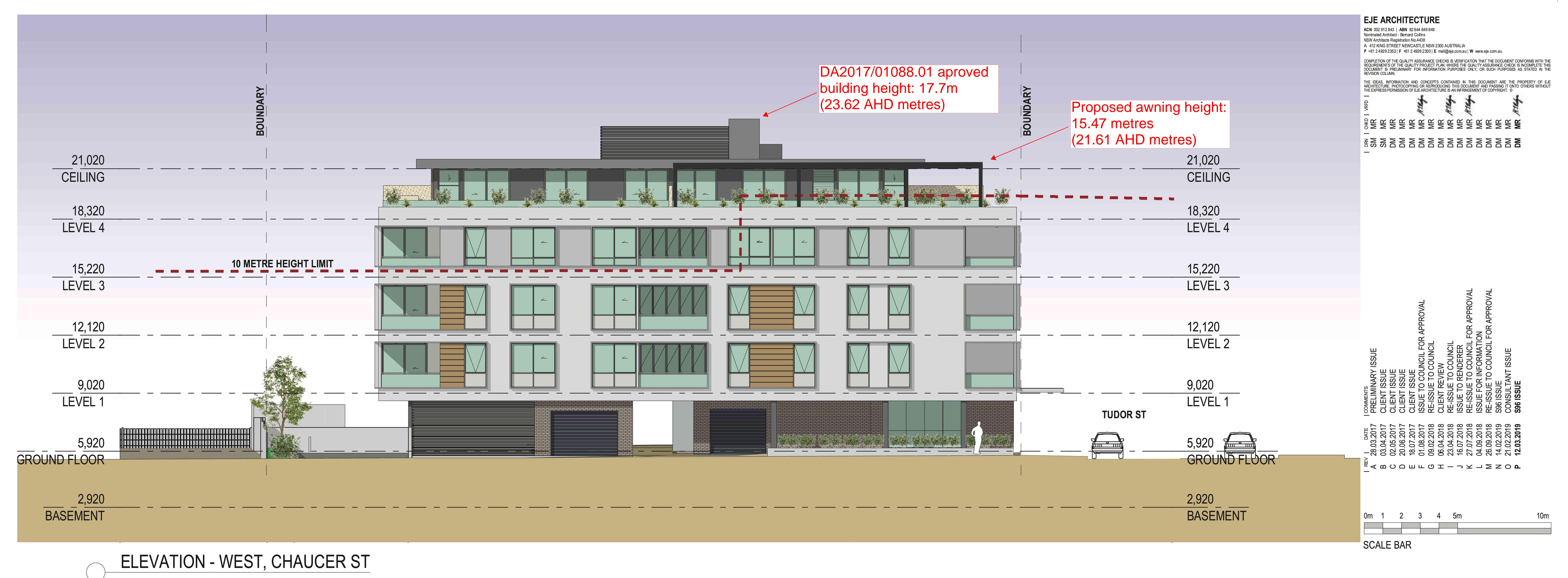
DATUM: AND

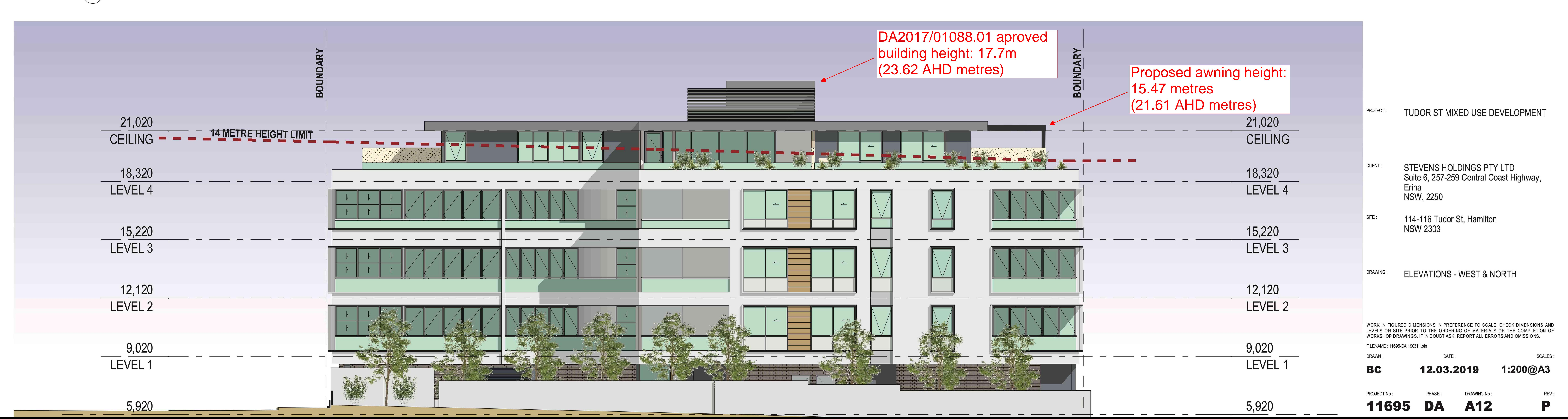
DRIGIN OF LEVELS: SSM 103577 RL 5.901 AHD

R. Weld

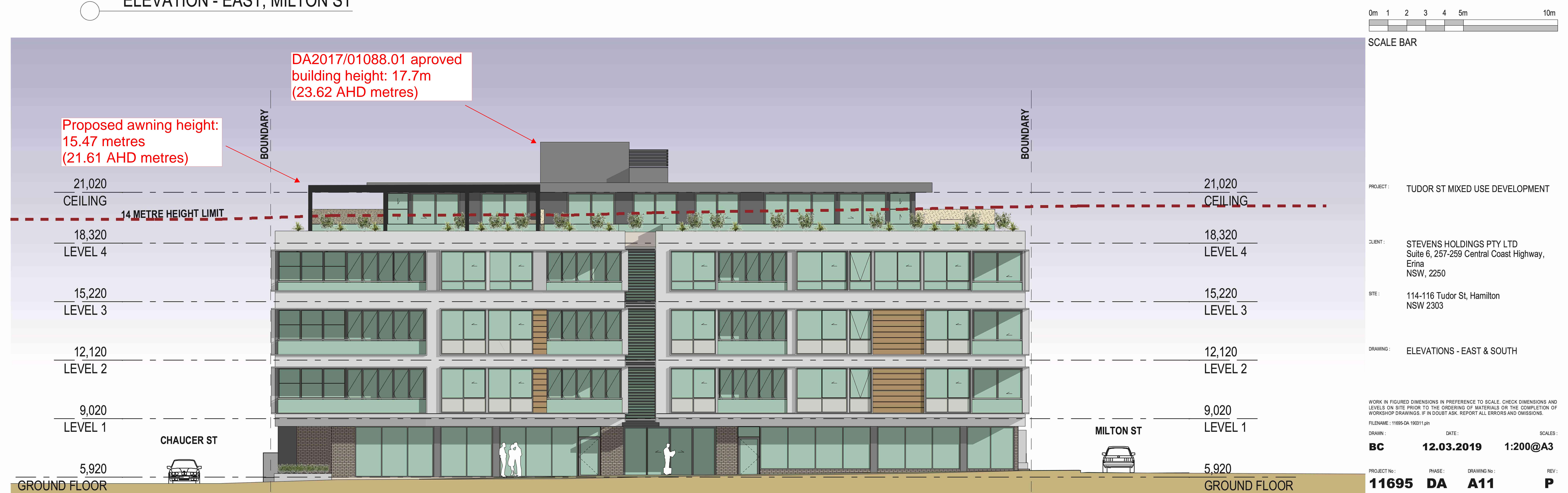
RICHARD SCOTT MULDOON REGISTORED SURVEYOR

DAVID. R. WALPOLE PTY LTD











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ITEM-14 Attachment B: Draft Schedule of Conditions

DRAFT SCHEDULE OF CONDITIONS



Application No: DA2022/00500

Land: Lot 29 SP 102286

Property Address: 402/116 Tudor Street Hamilton NSW 2303

Proposed Development: Mixed Use Development -Alterations and additions to

dwelling (awning).

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	Reference /	Prepared by	Dated
Document	Version		
Site Plan and detail	JN21145 Sheet 1 of 2	HV Aluminium	25/03/21
Elevations	Sheet 2 of 2	HV Aluminium	25/03/21
Elevation West and North (adapted drawing)	Sheet 1 of 2	HV Aluminium	2/06/22
Elevation East and South (adapted drawing)	Sheet 2 of 2	HV Aluminium	2/06/22

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. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012. 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. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:
 - a) When the roof has been completed, confirming that the building does not exceed the approved levels.

4. 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*.
- 5. Demolition is to be planned and carried out in accordance with *Australian Standard* 2601:2001 The Demolition of Structures.
- 6. 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.
- 7. 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 Council's adopted Building Waste Container Policy.
- 8. 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.
- 9. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
- 10. 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*.
- 11. 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.

- 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.
- 13. 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.
- 14. 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.

15. 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.

- 16. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 17. 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.

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

- 18. 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 Newcastle City 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.
- 19. All works within the road reserve required by this consent are to be completed prior to the issue of a 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 Newcastle City Council and any other relevant authorities. Newcastle City Council 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.
- 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.
- No objections were received and no negative neighbour impacts are anticipated.
- The City of Newcastle has considered and accepted the proposed development standard variation made under Clause 4.6 of the *Newcastle Local Environmental Plan 2012*. The written request to vary the standard is considered to be well founded. The proposed 10.5% and 54.7% variations are considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow the neighbouring properties, obstruct significant view corridors, or result in adverse privacy impacts.

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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ITEM-14 Attachment C: Processing Chronology

THE CITY OF NEWCASTLE Report to Development Applications Committee Meeting on 20 September 2022



PROCESSING CHRONOLOGY

DA2022/00500 – 402/116 Tudor St, Hamilton

10 May 2022	-	Application lodged
12 May 2022 to 31 May 2022	-	Application notified in accordance with CN's Community Participation Plan (CPP)
25 May 2022	-	Request for information issued to applicant
22 June 2022	-	Additional information received from applicant