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**DAC 15/11/22 – 53 RODGERS STREET CARRINGTON -
DA2022/00587 - DWELLING HOUSE - ALTERATIONS AND
ADDITIONS INCLUDING DEMOLITION**

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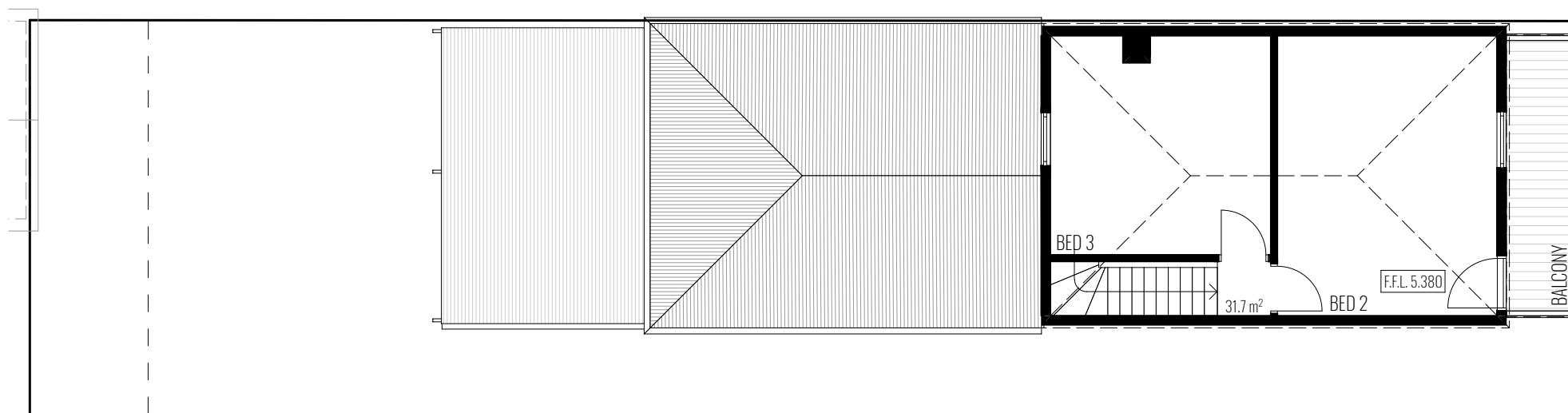
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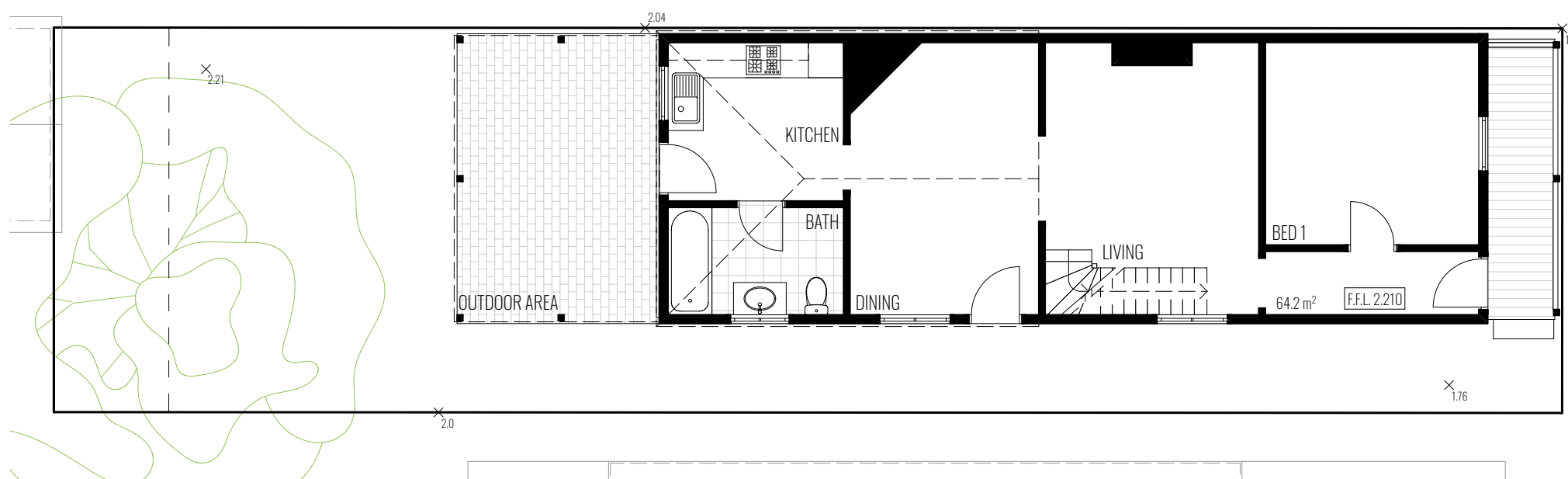
ITEM-20 Attachment A: Submitted Plans

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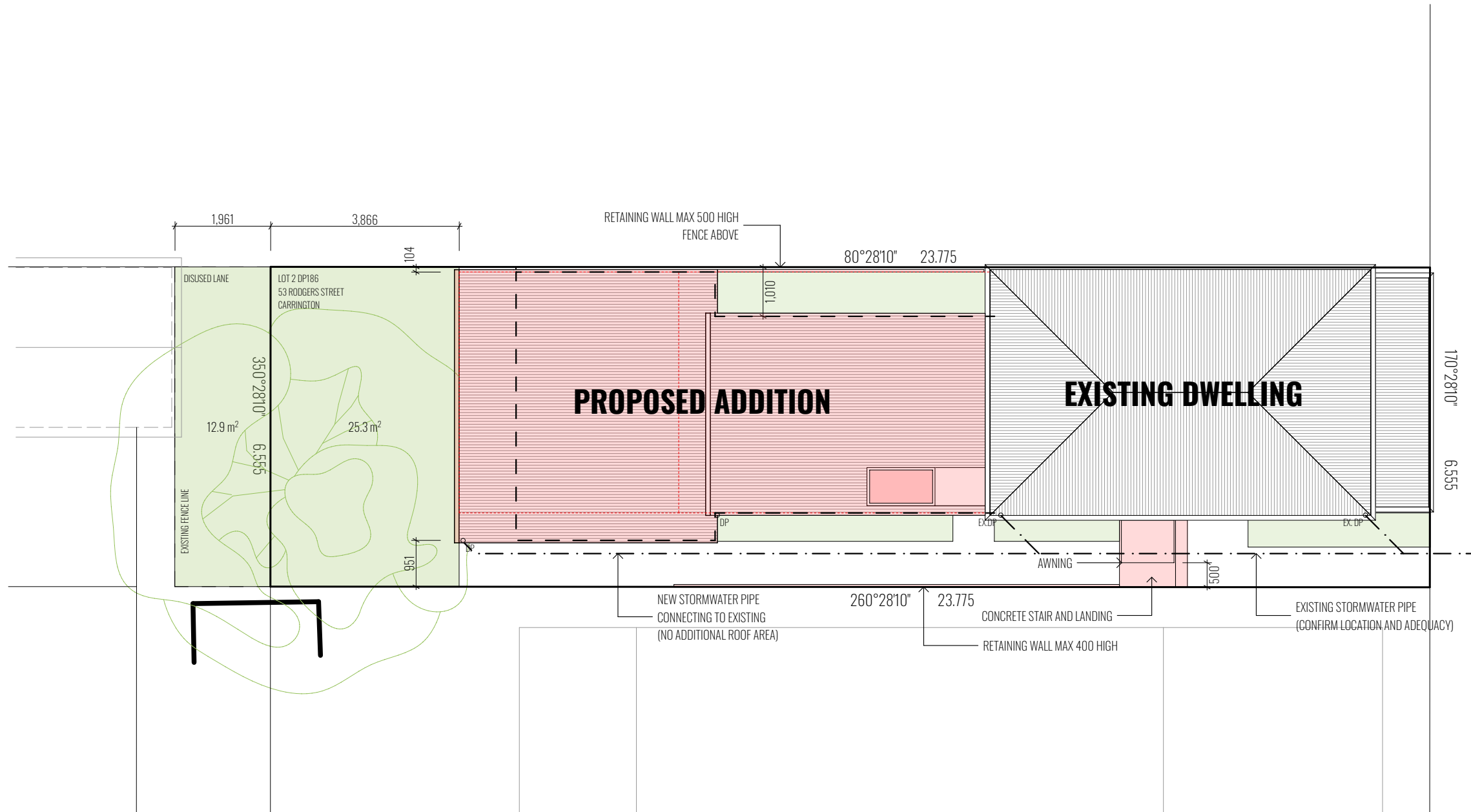




EXISTING FIRST FLOOR PLAN
SCALE 1:100 @ A3



EXISTING GROUND FLOOR PLAN
SCALE 1:100 @ A3



ROGERS STREET

NOTES

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN STRICT ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, ALL S.A.A. CODES, ORDINANCES AND BY LAWS OF NEWCASTLE CITY COUNCIL AND ALL OTHER RELEVANT BUILDING AUTHORITIES.
2. ASSUMED M CLASS SITE
ASSUMED N2 WIND TERRAIN CATEGORY
ENGINEER TO VERIFY BOTH ON SITE
3. ALL FOOTINGS, BEAMS, BRACING, TIE-DOWNS, STRUCTURAL FRAMING, STRUCTURAL DESIGN ETC. STRICTLY TO ENGINEERS CERTIFICATION AND SITE INSTRUCTIONS.
4. ALL TIE-DOWNS TO COMPLY WITH AS 1684.
5. ALL TERMITE PROTECTION TO COMPLY WITH AS 3660.1
6. VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING ANY MATERIALS OR COMMENCING ANY WORK.
7. USE FIGURED DIMENSIONS IN PREFERENCE TO ANY SCALED READINGS
8. ALL LEVELS, BOUNDARY SETOUT DIMENSIONS AND EAVE/GUTTER SETBACKS TO BE VERIFIED BY REGISTERED SURVEYOR PRIOR TO COMMENCEMENT.
9. PROVIDE A SILT FENCE IN THE LOCATION INDICATED ON PLAN.
10. ALL WORKS SHALL BE IN STRICT ACCORDANCE WITH THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT URBAN EROSION AND SEDIMENT CONTROL PLAN REV. 1992
11. RAINWATER TANK TO BE RETICULATED TO THE TOILET CISTERN AND THE COLD WATER TAP FOR THE WASHING MACHINE. "RAINBANK" OR SIMILAR SYSTEM INSTALLED TO THE RAINWATER TANK AS TO MAINTAIN BETWEEN 10% AND 15% OF THE TANKS CAPACITY.

AREAS

SITE: 151.7m²
 MAX FSR: 0.6 (91.02m²)
 MIN. LANDSCAPING: 10% (15.1m²)

FLOOR SPACE RATIO

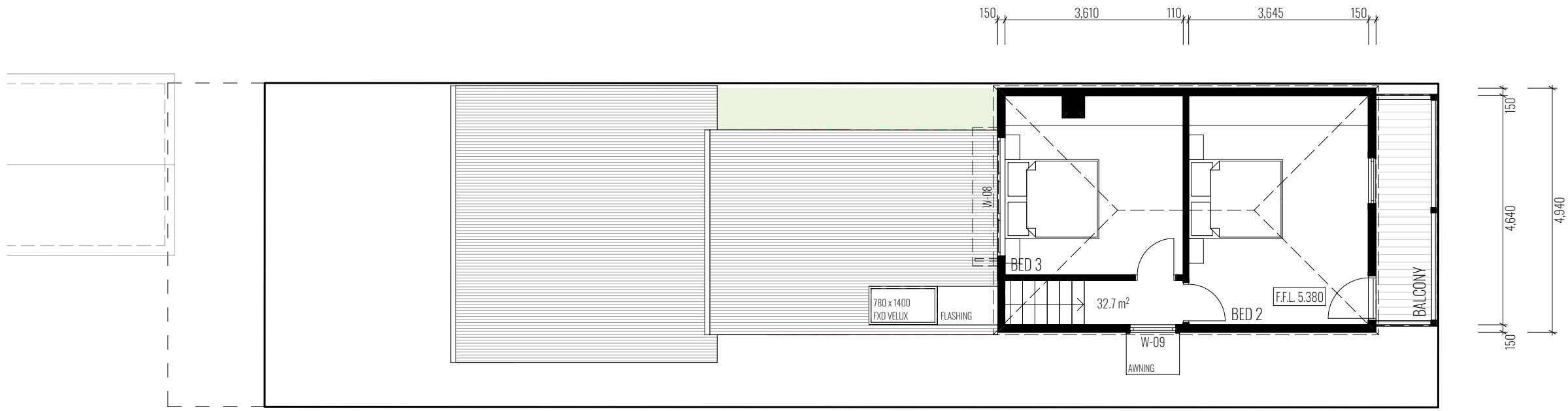
- EXISTING GFA: 95.9m² (1:0.632)
 - PROPOSED GFA: 109.7m² (1:0.72)

LANDSCAPING

- PROPOSED LANDSCAPING: 16.6% (25.3m²)

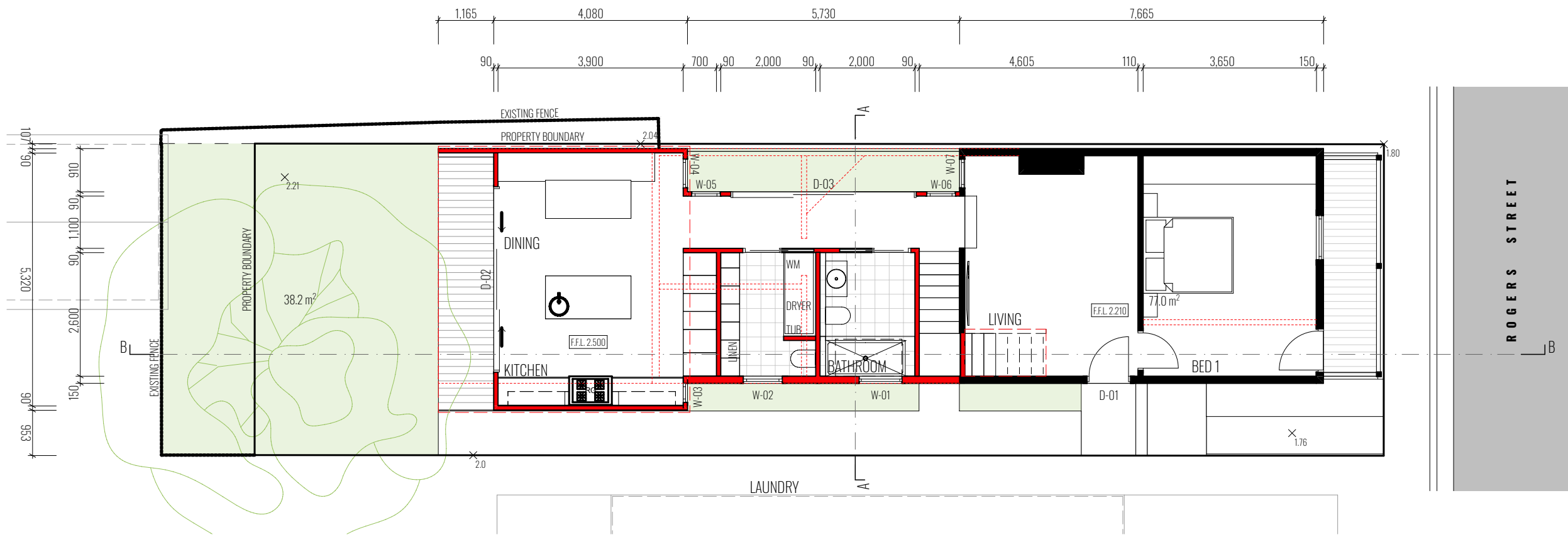
SITE PLAN
 SCALE 1:200 @ A3

KEY
 [Red Box] PROPOSED WORK

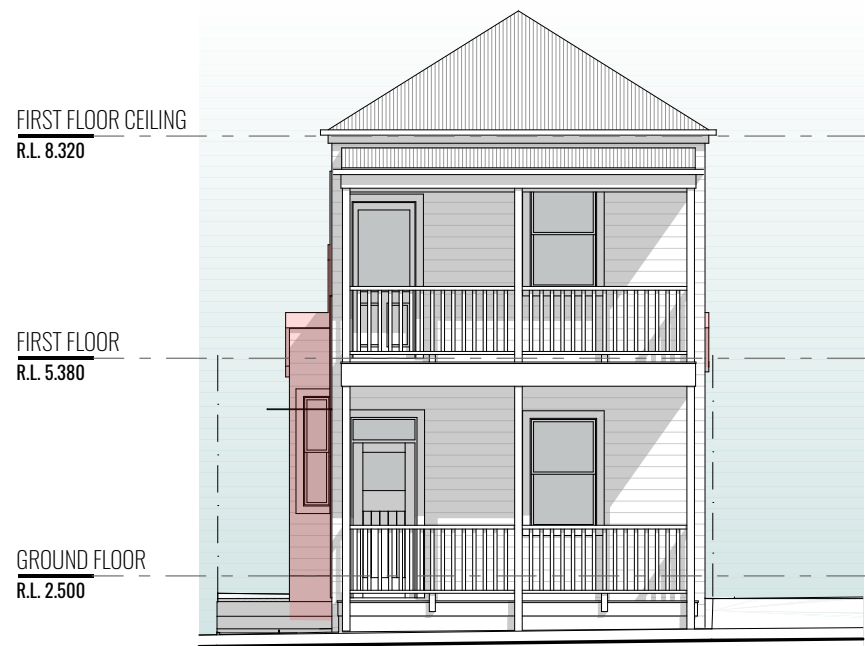


- KEY 7**
- EXISTING
 - TO BE DEMOLISHED
 - PROPOSED WORK

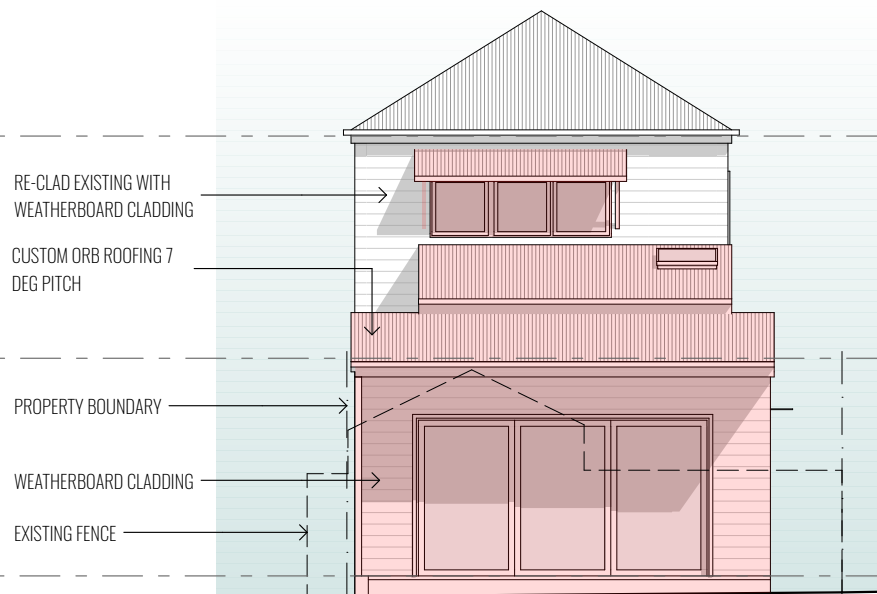
PROPOSED FIRST FLOOR PLAN - OPTION 1
SCALE 1:100 @ A3



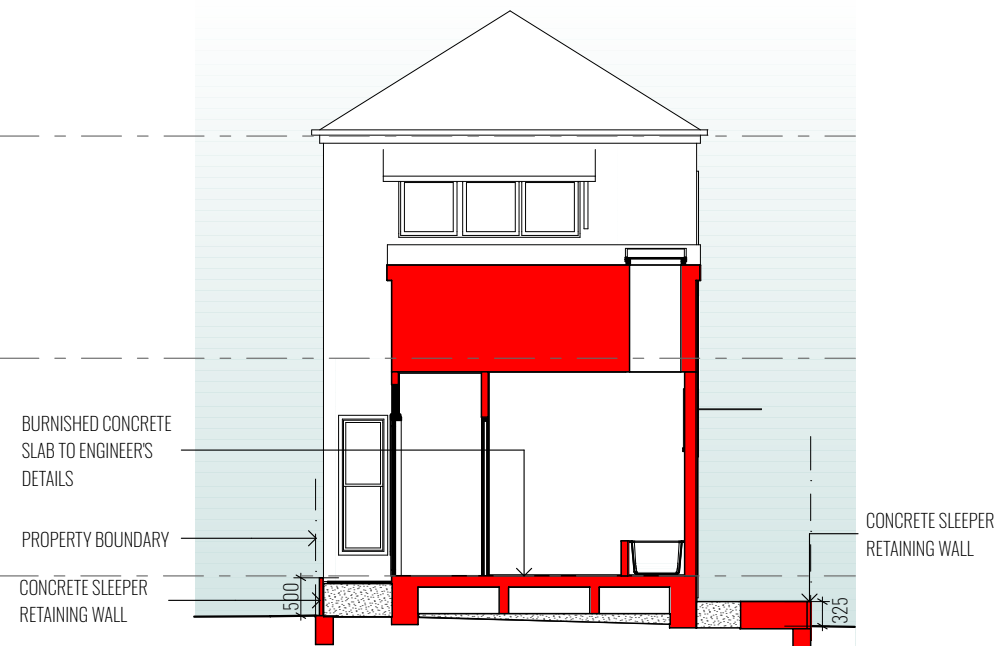
PROPOSED GROUND FLOOR PLAN - OPTION 1
SCALE 1:100 @ A3



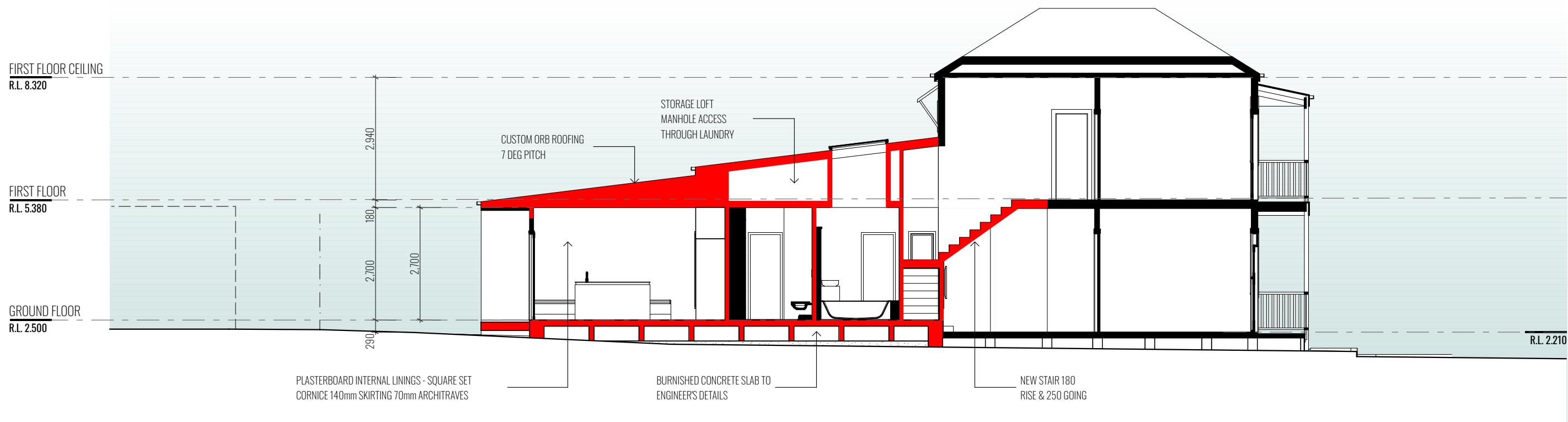
EAST ELEVATION (RODGERS STREET)
SCALE 1:100 @ A3



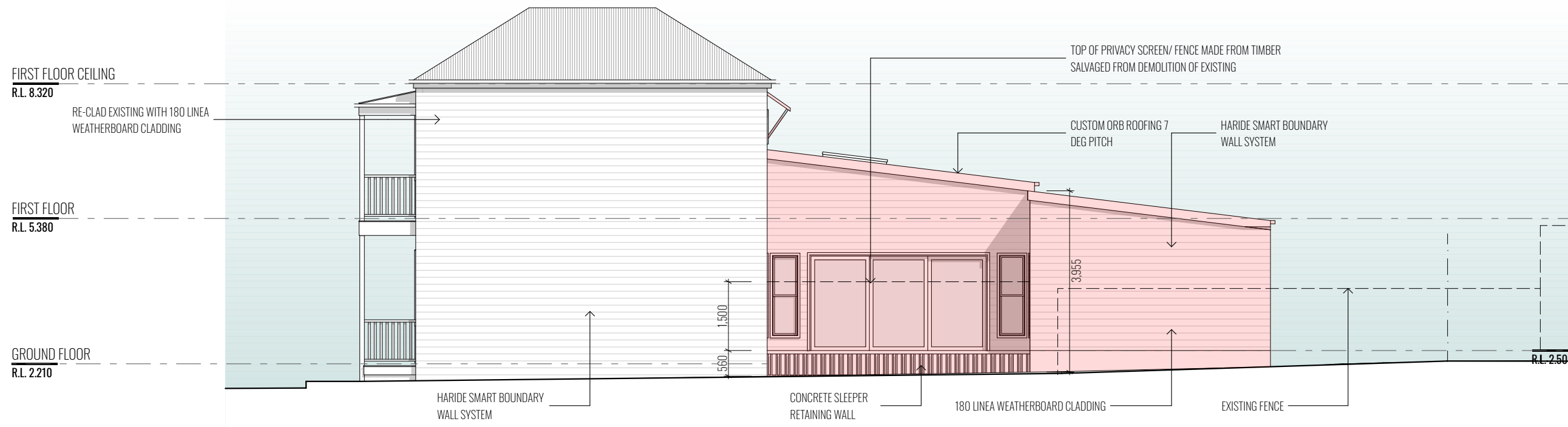
WEST ELEVATION
SCALE 1:100 @ A3



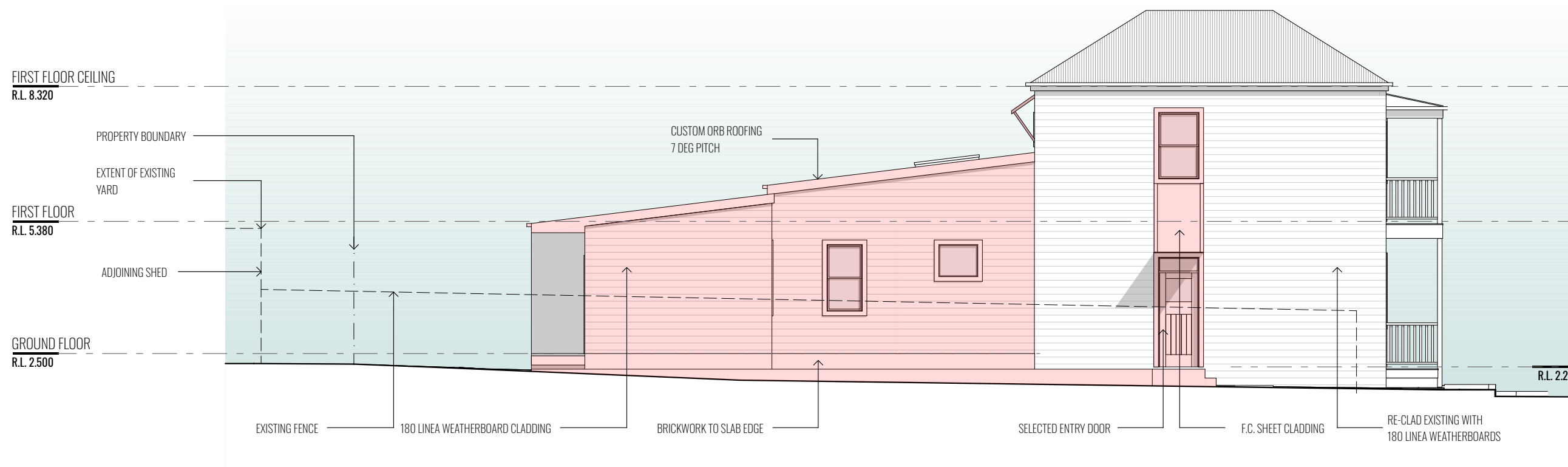
SECTION A
SCALE 1:100 @ A3



SECTION B
SCALE 1:100 @ A3



NORTH ELEVATION
SCALE 1:100 @ A3



SOUTH ELEVATION
SCALE 1:100 @ A3



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**DAC 15/11/22 – 53 RODGERS STREET CARRINGTON -
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ITEM-20 Attachment B: Draft Schedule of Conditions

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Application No: DA2022/00587

Land: Lot 2 DP 186

Property Address: 53 Rodgers 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	Reference / Version	Prepared by / for	Dated
Existing Floor Plan	53 Rodgers Street Carrington / Issue B	Murray James Building Design And Planning	29.08.22
Site Plan	53 Rodgers Street Carrington / Issue B	Murray James Building Design And Planning	29.08.22
Proposed Floor Plan	53 Rodgers Street Carrington / Issue B	Murray James Building Design And Planning	29.08.22
Elevation and Section Plans	53 Rodgers Street Carrington / Issue B	Murray James Building Design And Planning	29.08.22
BASIX Certificate	A457557	Murray James	19 May 2022
Arboricultural Impact Assessment	53 Rodgers St Carrington, NSW	Ian Hills	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 A CONSTRUCTION CERTIFICATE AND DURING THE CONSTRUCTION PHASE

- The whole of the proposed structure below known flood level (2.5m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters are to be installed above the said height, or alternatively be of materials and functional capability resistant to the effects of floodwaters/tidal waters. Details are to be included in documentation for a Construction Certificate application.
- In accordance with the City of Newcastle Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of \$2457.40 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.
4. 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. Full details are to be included in documentation for a Construction Certificate application.
5. The existing building is to be upgraded so as to comply with Performance Requirement P2.3.1 (Spread of fire) and Performance Requirement P2.3.2 (Automatic warning for occupants) of Volume Two of the Building Code of Australia. Full details are to be included in the application for a Construction Certificate.

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

6. 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.

7. 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.

8. 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.
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. 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.

14. 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*'.
15. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
16. At a minimum, the following measures are to be implemented during the demolition and construction phases:
 - 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 demolition and 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*.

17. 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*.

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.

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. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
20. 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.
21. 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.
22. The retaining walls are to be entirely within the bounds of the allotment in order that there will not be any encroachment on the adjacent land.
23. 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 Certifier before construction is commenced.
24. All works in relation to the affected trees and significant vegetation on the adjoining private properties are to be carried out in accordance with the recommendations contained in the Arboricultural Impact Assessment prepared by Ian Hills, dated August 2022.
25. 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.
26. 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.
27. 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*.
28. 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.

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

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.

30. 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.
31. All works within the road reserve required by this consent are to be completed prior to the issue of an Occupation Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

Nil

ADVISORY MATTERS

- 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* 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.
- 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
- 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.
- 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 development is consistent with the City of Newcastle's adopted policies, that are developed taking into account community views. The development is considered to be consistent with the public interest and no significant negative neighbour impacts are anticipated.
- City of Newcastle Council has considered and accepted the variation to development standard request made under Clause 4.6 of NLEP 2012 in respect of the Clause 4.4 Floor Space Ratio development standard. The proposed 20.72% variation is considered acceptable in the particular circumstances of the case as the variation request is well founded, will not significantly overshadow neighbouring properties, obstruct views, result in negative privacy issues or bulk and scale 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.

SCHEDULE 3: Rights of Review and Appeal

Review of Determination

- You have the right to request a review of this determination under the Section 8.2 of the EP&A Act 1979 provided that this determination is not made in respect of designated or crown development. Any application for a review must be submitted on the NSW planning portal, no later than 28 days after the determination.

Rights Of Appeal

- If you are dissatisfied with the determination of Council (including a determination on a review under the EP&A Act 1979) you may appeal to the Land and Environment Court within 6 months after the date on which you receive notice of the determination of the application or review. Otherwise, the right to appeal is exercisable in accordance with the rules of the Land and Environment Court.
- The EP&A Act 1979 does not give a right of appeal against this determination to an objector.

If you are considering exercising your rights of appeal or lodging a request for a review, it is advisable to obtain legal advice regarding the interpretation of your rights in relation to the matter.

SCHEDULE 4: Dictionary

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included with this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation.

Council means NEWCASTLE CITY COUNCIL.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.



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DA2022/00587 - DWELLING HOUSE - ALTERATIONS AND
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ITEM-20 **Attachment C:** Processing Chronology

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PROCESSING CHRONOLOGY

DA2022/00587 – 53 Rodgers Street Carrington

31/05/2022	-	Application lodged
27/07/2022	-	Request for additional information issued
01/09/2022	-	Additional information received from applicant