Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that the Development Applications Committee Meeting adjourned on 19 June 2018 will be reconvened on:

DATE: Tuesday 26 June 2018

TIME: Following the Ordinary Council Meeting

VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

20 June 2018

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<td>DAC 19/06/18 - DA2017/01610 - 115 EVERTON STREET HAMILTON - DEMOLITION OF DWELLING AND OUTBUILDING ERECTION OF TWO ATTACHED DWELLINGS AND ONE LOT INTO TWO LOT SUBDIVISION</td>
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At the Development Applications Committee meeting held on 19 June 2018, Item 9 - DA2018/00048 - 430 Hunter Street Newcastle and 20a And 20b Wright Lane Newcastle - Three Lots Into Seven Lot Subdivision And Associated Road Widening, was laid on the table pending advice being sought on an additional condition of consent.

The advice has now been received allowing the item to be reconsidered at the Adjourned Development Applications Committee to be held on 26 June 2018.

**NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER**
PART I

PURPOSE

An application has been received seeking consent for the demolition of a dwelling and outbuilding, erection of dual occupancy (attached) dwellings and one lot into two lot subdivision.

The application has been called in by two Councillors to be determined by the Development Applications Committee. The proposal was considered at a meeting of the Public Voice Committee on 10 April 2018.

A copy of the amended plans for the proposed development is appended at Attachment A.

The proposed development has been notified in accordance with Council’s Public Notification policy and 16 submissions were received in response.

The submissions raised concerns regarding overshadowing, privacy impacts, bulk and scale of development, design, impact on views, parking and the suitability of the site for the development.

The application was amended after the Public Voice meeting, to lower the overall height of the development and to improve treatments of windows to reduce privacy impacts.

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 Environmental Planning Assessment at Section 4.0.
Issues

a) Privacy and overshadowing impacts of the proposed development on adjoining properties.

b) Bulk, scale and character of the proposal.

Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered to be acceptable subject to compliance with appropriate conditions.

Accordingly, it is recommended that the application be approved on the basis of the amended plans, subject to the nominated conditions of consent.

RECOMMENDATION

A. That DA2017/01610 for the demolition of a dwelling and outbuilding, erection of dual occupancy (attached) dwellings and one lot into two lot subdivision at 115 Everton Street Hamilton be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to Attachment B); and

B. That those persons who made submissions be advised of the determination of the application.

Political Donation / Gift Declaration

Under Section 10.4 of the Environmental Planning and Assessment Act 1979, the applicant, and any person related to this Development Application must report any political donation and/or gift to a Councillor and/or any gift to a Council employee within a two year period before the date of this application.

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 site comprises Lot 145 Section F DP979101, is rectangular in shape and has an area of 502.8m². The site is generally flat, with drainage achieved to Everton Street, at the northern side of the site.

The site contains a single-storey dwelling (117m² in area) and a detached garage/shed. Vehicular access to the site is currently from a single driveway crossover on Everton Street, located adjacent to the north-western corner of the property.

The site is adjoined by a number of similarly sized single-storey dwellings, with a two-storey dual occupancy development located directly to the east at 28/28A Steel Street.

The surrounding area is experiencing increased re-development, with a number of dual occupancies and multi dwelling developments in relatively close proximity to the site.

2.0 THE PROPOSAL

The proposed development includes the demolition of the dwelling and detached garage/shed on the site, the subsequent erection of dual occupancy (attached) two-storey dwellings with integrated single garages and a one lot into two lot Torrens Title subdivision.

Each proposed dwelling will consist of three bedrooms with ground floor living, dining and kitchen areas. Covered alfresco areas are included to the rear of the dwellings, adjoining the living areas.

A copy of the amended plans is appended at Attachment A. The various steps in the processing of the application to date are outlined in the Processing Chronology at Attachment C.

3.0 PUBLIC NOTIFICATION

The application was initially publicly notified for a period of 14 days in accordance with Council's Public Notification Policy. In response, 16 submissions were received, objecting to the development.

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

a) Statutory and Policy Issues:

   I.) Non-compliance with the objectives of the zone
   II.) Non-compliance with DCP requirements
   III.) Suitability of the site for the development
b) Amenity Issues:

I.) Overshadowing
II.) Privacy - overlooking of neighbouring properties
III.) View loss
IV.) Bulk and scale
V.) Impact on natural light and ventilation
VI.) Impacts of demolition

c) Design and Aesthetic Issues:

I.) Building appearance - not consistent with scale, massing and character of area

d) Traffic and Infrastructure Issues:

I.) Insufficient parking on-site

4.0 ENVIRONMENTAL PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, as detailed hereunder.

4.1 Statutory Considerations

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

The subject site is not listed on Council’s contaminated lands register and Council’s records do not identify any past contaminating activities on the site. Accordingly, the subject site is considered suitable for its intended land use.

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

A BASIX Certificate was lodged with the application, demonstrating that the development has achieved 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.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are to protect the biodiversity value of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The Policy applies to the Newcastle Local Government Area and to the R2 Low Density Residential zone. The development does not propose any vegetation removal and is considered consistent with the provisions of the SEPP.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

The subject property is zoned R2 Low Density Residential under the provisions of NLEP 2012. The proposal is defined as ‘dual occupancy (attached)’, which is a form of ‘residential accommodation’ and is permissible in the zone, subject to development consent.

NLEP 2012 defines the proposed development as:

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

The proposed development is consistent with the objectives of the R2 Low Density Residential zone, which are:

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

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

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 development is consistent with the objectives of the R2 Low Density Residential zone, as the proposal seeks a form of housing that is responsive to the identified needs of the community, by providing diversity of housing in a low density environment. The form of the development is considered to be reasonable in relation to the existing building typology, adding interest and diversity to the site's context without negatively altering the character of the area.

Compliance with the objectives of the zone is demonstrated through the proposal's compliance with the relevant planning controls, which allow the development to sit comfortably in relation to the context of the area, with minimal impacts on the surrounding amenity and character of surrounding development.

The following summarises an assessment of the proposal against the provisions of NLEP 2012 that are primarily relevant to the proposed development:
Clause 4.1 Minimum Subdivision Lot Size

The minimum lot size for subdivision of the site is 400m². The minimum lot size has not been met. However, Clause 4.1A provides an exemption to this standard, as discussed below.

Clause 4.1A Exceptions to Minimum Lot Sizes for Certain Residential Development

Consent can be granted to a development application that involves the subdivision of two or more lots and the erection of a dwelling on each lot, if each lot is equal to or greater to 200m². The new lots proposed as part of this application will each be 250m².

The requirements of this clause have been met, as both lots exceed 200m² and a dwelling will be located on each lot.

A condition will be placed on the consent to ensure that the dwellings are substantially built before a subdivision certificate is released.

Clause 4.3 Height of Buildings

The Height of Buildings Map of NLEP 2012 provides for a maximum building height of 8.5 metres. The height of the proposed development is 7.7m above existing ground level when measured to the highest point of the proposed development, being compliant in this regard.

Clause 4.4 Floor Space Ratio

The Floor Space Ratio (FSR) Map of NLEP 2012 provides for a maximum FSR of 0.75:1. The proposal has a FSR of 0.63:1 with a gross floor area of 319m².

The proposed FSR has been calculated with regard to the provisions of NLEP 2012. Accordingly, car parking, basement storage and areas for common vertical circulation, such as stairs and voids, have been excluded from the calculation.

Clause 5.10 Heritage Conservation

Concerns have been raised from adjoining owners in relation to the impact of the proposed development on the heritage characteristics of the area.

Neither the site nor adjoining sites are identified as being of heritage significance. The site is not located within heritage conservation area.

The proposed development is considered to be satisfactory, in accordance with the relevant objectives of this clause of NLEP 2012.

Clause 6.1 Acid Sulfate Soils

The site and all surrounding properties are identified as containing Class 4 acid sulfate soils. The proposed works will not occur more than 2 metres below the natural ground surface, and are unlikely to lower the water table by more than 2 metres. The proposal is satisfactory having regard to this clause.
Clause 6.2 Earthworks

The proposed earthworks are considered to be minor in nature and will not have a detrimental impact on any environmental function or process, neighbouring uses or any item of cultural or heritage significance.

Conditions of consent are recommended to address potential sedimentation and erosion control issues.

The proposed development is considered acceptable with regard to this clause.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

The broader strategic policies, including the Local Planning Strategy and the Lower Hunter Regional Strategy (LHRS) have been considered in the assessment of this application. The vision and objectives for Hamilton are to further develop the area into a major shopping and business centre for the area, mixed with medium and higher density residential. Hamilton has been identified as a place of renewal where higher residential densities and mixed use development are encouraged through the facilitation of higher density housing close to major transport routes and commercial centres and encouraging diversity of housing choice to allow the population to age in place.

The proposed development is located to take advantage of nearby transport routes on Tudor Street, Belford Street and Brunker Road. The proposed site is also located close to the shopping and service centre of Beaumont Street.

The area has also been classified as a moderate growth area under the local planning strategy. The moderate growth area is identified as being walking distance from local centres, and enables a transition between substantial and limited growth areas. The local planning strategy suggests that town houses and apartment style development would be the most efficient to respond the urban design standards and controls that apply, hence the allowable floor space ratios, reduced landscaping and open space requirements.

The application is consistent with the objectives of the LHRS, which include ensuring that there is adequate land available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years.

4.2.2 Newcastle Development Control Plan 2012 (DCP)

Section 3.01 Subdivision

The application proposes one lot into two lot Torrens Title subdivision.

The subdivision of the site allows for adequate solar access and essential services such as water, sewer and electricity to be available to the proposed lots.
The following matters are noted in relation to the proposed subdivision:

a) The proposed dwellings are located entirely within each respective lot, with a party wall and appropriate roof form proposed to minimise the requirement for any easement.

b) The lots are rectangular in shape.

c) Pedestrian access is provided to Everton Street.

d) Stormwater is drained to existing infrastructure at the front of the site on Everton Street.

e) Frontage of the new lots is appropriate for the type of development.

The shape and configuration of the lots provides for an efficient use of the site and allows for individual parking and open space areas as required under section 3.03 of the DCP.

**Section 3.03 Residential Development**

**3.03.01 Principal Controls**

**A. Frontage Widths**
The site at 115 Everton Street has a frontage of 12.19m, which complies with the 12m frontage requirement.

**B. Front Setbacks**
The proposal was amended so that both the first floors align with the prevailing front setback. The ground floor is setback 5.043m from the front boundary, with the first floor setback 3.7m. The front setback is consistent with the prevailing front setback of this section of Everton Street.

The proposed articulation area, front portico and first floor facade treatment comply with the articulation zone controls.

**C. Side and rear setbacks**
The proposed dual occupancy complies with the required side and rear setbacks. The dual occupancy is setback 1.5m from each side boundary and 13.2m from the rear boundary. The development complies with the identified R2 Low Density Residential zone building envelope.

**D. Landscape Area**
The dual occupancy complies with the landscaping controls. The development is required to provide 25% of the lot (125m²) as landscape area with 12% (60m²) allocated as deep soil areas. The development provides 209m² of landscaping which equates to 41%, with 63m² (13%) identified as deep soil areas.
3.03.02 Siting the development

A. Local Character and context
The built form, articulation and scale relate to the existing local character and context of the area. The development does not unreasonably impact on the amenity and privacy of adjoining dwellings.

B. Public Domain Interface
The proposed development provides an appropriate interface with the public domain and allows for clear delineation between the private and public space. Direct visibility is provided to the front door and garage of each dwelling along paths and driveways from the public domain. The private open space is located to the rear of the dwellings.

The two-storey dual occupancy (attached) is in keeping with the built form and scale of existing development in the immediate area.

No front fencing or retaining walls are proposed.

C. Pedestrian and vehicle access
The proposed driveway is considered appropriate in relation to AS 2890.1. Sufficient landscaping is proposed to be provided adjacent to the driveways.

D. Orientation and siting

Each dwelling has a frontage to Everton Street, with an entry and window facing the street, which allows for casual surveillance.

The submitted shadow diagrams demonstrate that the proposed dual occupancy maintains appropriate levels of solar access to adjoining properties' open space areas and north facing windows. The following outlines the impact on each of the adjoining properties:

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<thead>
<tr>
<th>Property</th>
<th>Assessment Comment</th>
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</thead>
<tbody>
<tr>
<td>117 Everton Street</td>
<td>The applicant has provided the following statement with regard to the overshadowing impact of the development of 117 Everton Street.</td>
</tr>
<tr>
<td></td>
<td>The POS of 117 Everton Street is significantly impacted by existing shadows due to its location immediately south of the existing dwelling on 117 Everton Street, and east of the existing dwelling on 119 Everton Street. The POS of 117 Everton Street does not receive the minimum 2 hours of sunlight between 9am and 3pm on the winter solstice. It is 100% impacted by existing overshadowing. As a result, the proposed development does not increase the impact of overshadowing by any amount.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Development Site</th>
<th>117 Everton Street</th>
<th>The development site and 117 Everton Street are generally north/south in orientation. As a result, any overshadowing from the development site does not impact 117 Everton Street after midday. The dwelling at 117 Everton Street does not currently receive two hours of solar access to the eastern facing windows or private open space (POS), due to the orientation of the dwelling on 117 Everton Street and on the development site. The proposed development is considered to not substantially increase the impact of overshadowing.</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 Steel Street</td>
<td></td>
<td>The proposal has no impact on the existing solar access available to this property.</td>
</tr>
<tr>
<td>28 Steel Street</td>
<td></td>
<td>The open space to the rear of 28 Steel Street maintains the existing levels of solar access from 9am through to midday, meeting the minimum two hour requirement, with full solar access available from approximately 10:30am onward until approximately 12:30pm. The applicant has provided the following statement with regard to the overshadowing impact of the development of 28 Steel Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The POS for 28 Steel Street is located close to the western boundary and is partially covered by an existing roof line. These factors make compliance with minimum solar access requirements difficult. The proposed development increases overshadowing to the POS of 28 Steel Street between 1pm and 3pm during the winter solstice. The extent of additional overshadowing equates to a 10% increase over the 6 hour period between 9am and 3pm. This is less than the 20% increase permitted by the DCP.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The proposed additional overshadowing is considered be acceptable given the existing location of the POS and that the proposed development complies with height, setback and site coverage requirements, meaning that the impact of the development cannot be considered unreasonable in the context of the existing development standards and controls.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The solar access of the adjoining dwelling will not be significantly impacted, given the existing limited solar access available. The proposal's compliance with the height limits, setbacks, building envelope and landscaping indicate the development is suitable for the site, with the impacts acceptable in relation to the</td>
</tr>
</tbody>
</table>
future desired character of the moderate growth area in relation to the applicable strategic policies as outlined in section 4.2.1 of this report.

28A Steel Street

The open space to the rear of 28A Steel Street maintains existing levels of solar access from 9am through to midday, meeting the minimum two hour requirement, with full solar access available from approximately 10:30am onward until approximately 12:30pm. The applicant has provided the below statement with regard to the overshadowing impact of the development of 28A Steel Street.

The POS of 28A Steel Street currently does not achieve the minimum 2 hours solar access between 9am and 3pm during the winter solstice. This is due to existing shadows from dwellings on 115 Everton Street, 26 Steel Street, 28 Steel Street and 28A Steel Street. The POS for 28A Steel Street is located close to the western boundary and is partially covered by an existing roof line. These factors make compliance with minimum solar access requirements difficult.

The proposed development increases overshadowing to the POS of 28A Steel Street at 2pm and 3pm during the winter solstice. The additional overshadowing equates to an 11% increase over the 6 hour period between 9am and 3pm. This is less than the 20% permitted by the DCP. The proposed additional overshadowing is considered be acceptable given the existing location of the POS and that the proposed development complies with height, setback and site coverage requirements, meaning that the impact of the development cannot be considered unreasonable in the context of the existing development standards and controls.

The solar access of the adjoining dwelling will not be significantly impacted, given the existing limited solar access available. The proposal's compliance with the height limits, setbacks, building envelope and landscaping indicate the development is suitable for the site, with the impacts acceptable in relation to the future desired character of the moderate growth area in relation to the applicable strategic policies as outlined in section 4.2.1 of this report.
<table>
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<tr>
<th>30 Steel Street</th>
<th>The open space and rear of 30 Steel Street experiences considerable overshadowing from the adjoining attached dual occupancy at 28 and 28A Steel Street. 30 Steel Street is able to maintain two hours of solar access between 9am and 3pm on the winter solstice, as can be seen on the submitted shadow diagrams.</th>
</tr>
</thead>
<tbody>
<tr>
<td>130 Dumaresq Street</td>
<td>The POS of 130 Dumaresq Street receives more than two hours of sunlight between the hours of 9am and 3pm during the winter solstice under existing and proposed conditions.</td>
</tr>
<tr>
<td>132 Dumaresq Street</td>
<td>The POS of 132 Dumaresq Street receives more than two hours of sunlight between the hours of 9am and 3pm during the winter solstice under existing and proposed conditions.</td>
</tr>
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</table>

_E. Building Separation_
As the proposed dual occupancy is attached, the separation controls do not apply.

_3.03.03 Amenity_

_A. Solar and daylight access_
The proposed dual occupancy is considered to comply with the requirements of this section. The proposed private open space, as shown on the submitted shadow diagrams, receives the required minimum solar access. The development also includes a northern facing balcony on the first level to take advantage of the northern solar access. The living rooms of the dwellings have been provided with windows orientated towards the east and west, with living rooms receiving appropriate solar access.

Every proposed habitable room has been supplied with an appropriately sized window, with no rooms required to borrow light from other rooms.

_B. Natural ventilation_
The proposed dual occupancy (attached) complies with the ventilation requirements as each room is naturally ventilated, with the dwellings each cross-ventilated from front to back.

_C. Ceiling Heights_
As a result of concerns raised by the submitters in relation to the overall height of the dual occupancy (attached) the applicant amended the proposal to reduce the overall height. This involved a reduction to the proposed ceiling heights from 2700mm to 2550mm. The ceiling heights are considered acceptable as the dwellings achieve sufficient natural ventilation and daylight access, with sufficient spatial quality provided.
D. Dwelling size and layout
The internal layout and spatial arrangement of the development is in accordance with the DCP requirements and provides appropriate levels of amenity for future occupants.

E. Private Open Space
The private open space areas provided to each dwelling are considered appropriate, having regard to the nature of the development and their intended purpose. They provide reasonable levels of solar access and connectivity and are conducive to private recreational pursuits. The DCP requires dwellings to have a minimum of 16m² of private open space, with a minimum dimension of 3m, adjacent to either a living or dining room or kitchen and 50% of this area covered. The covered alfresco areas are considered to provide for the required covered open space requirement, with the alfresco areas also connected to the proposed living areas.

Each dwelling has been provided with private open space which exceeds the minimum requirements.

F. Storage
Adequate storage has been provided for the development in accordance to the DCP requirements.

G. Car and bicycle parking
Each dwelling has been provided with a single garage, set back 5.5m from the front boundary, which allows for a stacked park to be achieved on the site. The dual occupancy complies with the requirements of this section.

H. Visual Privacy
The proposed dual occupancy is consistent with the controls of this section. The ground floor habitable rooms have a finished floor level that is not greater that 1m above existing ground level, as a result no screening is required to ground floor living rooms.

The plans have been amended to include opaque window treatment to the proposed first floor sitting rooms and a condition is recommended to require that any openable part of the those windows is to be above 1.5m from the floor level. A condition is also recommended to raise the sill heights of bedroom ‘two’ in each unit to be a minimum of 1.5m from the finished floor level. Given the location of the bedroom ‘one’ windows at the front of the site, the proposed sill heights are considered acceptable for those rooms.

The recommended conditions will ensure that the privacy of the adjoining owners is maintained, and will bring the development into compliance with the requirements of the DCP.

The proposed first floor balconies are orientated towards the street and do not pose a privacy concern.
I. Acoustic Privacy
The development has been designed to ensure the potential transfer of noise between dwellings is minimised. The location of openings, plant and recreational areas has been suitability positioned on site.

J. Noise and Pollution
There is no development or infrastructure within close proximity that generates noise levels that will detrimentally impact upon the use of the development for residential purposes.

3.03.04 Configuration

A. Universal Design
The proposed development is not inconsistent with the objectives of achieving universal design features and there is scope to achieve flexibility in the design.

B. Communal area and open space
This section does not apply to this development.

C. Architectural design and roof form
The proposed roof design is considered to be appropriate for the type of development. The roof allows for each dwelling to drain independently of each other and compliments the overall building form. The roof form is generally consistent with the prevailing character of the area.

D. Visual Appearance and articulation
Articulation is achieved through the provision of a porch area to the frontage of each dwelling, along with the variation of materials used on the first floor balconies. The facade is consistent with existing development and the design ensures that the development does not unreasonably impact upon the amenity and privacy of adjoining development.

E. Pools and ancillary development
No pools or ancillary development are proposed.

3.03.05 Environment

A. Energy Efficiency
A BASIX certificate has been submitted for the development. A condition of consent has been recommended, requiring that the development be carried out in accordance with the BASIX Certificate.

B. Water Management and conservation
Subject to the inclusion of conditions of consent, the proposed development achieves compliance with water management and conservation requirements.

C. Waste Management
Suitable waste storage and collection can be achieved for each dwelling.
Section 4.01 Flood Management
The development is located on a flood affected lot. The proposal has been assessed by Council's Engineers who have raised no concerns in relation to flooding impacts. The minimum required floor level for the site has been achieved in the proposal. The development is able to achieve flood storage on the site and will not detrimentally impact flood behaviour. The development is considered acceptable with regard to this section.

Section 4.03 Mine Subsidence
The site lies within a Mine Subsidence District. The development has gained approval from Subsidence Advisory NSW.

Section 5.01 Soil Management
The earthworks proposed as part of this application are minimal and consistent with the requirements of the DCP.

A sediment and erosion control plan was submitted with the application and a condition is recommended to be imposed on the consent to ensure this plan is implemented during construction works.

Section 5.02 Land Contamination
The site is not known to be contaminated, as detailed in the previous comments regarding SEPP 55.

Section 7.02 Landscape, open space and visual amenity
The proposal complies with the requirements outlined in this section. An appropriate landscape plan has been provided.

Section 7.03 Traffic, parking and access
The development is consistent with this section of the DCP. Each dwelling has been provided with one parking space and one stacked space. Access to the site and traffic impacts have been assessed by Council's Engineers and found to be appropriate for the site and context.

Section 7.05 Energy Efficiency
The proposal complies with the requirements of BASIX.

Section 7.06 Stormwater and water efficiency
The proposal has been assessed by Council's Engineer as being acceptable. Each proposed dwelling has been provided with a 4000L tank in accordance with the requirements of the DCP, with conditions of consent included to require re-use of the rain water in the dwellings.

Section 7.08 Waste Management
Demolition and waste management will be subject to conditions that are recommended to be included in any development consent issued.

Section 8.00 Public Participation
The development was notified in accordance with the requirements of the DCP. As previously discussed, 16 submissions were received during the notification period.
The issues raised in the submissions have been addressed in the assessment of the application.

4.2.3 Impacts on the Natural and Built Environment

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

The development is compatible with the existing character, bulk and scale and massing of development in the immediate area. The development is also consistent with the future desired character of the moderate growth area in relation to the applicable strategic policies as outlined in section 4.2.1 of this report.

The development will have minimal impacts on the natural environment. The site does not contain any significant vegetation and will not impact on any natural ecosystems. Appropriate measures are required to be in place during the construction of the development to minimise any sediments leaving the site or entering waterways.

4.2.4 Social and Economic Impacts in the Locality

The proposed development is unlikely to have any negative social or economic impacts. The addition of housing in an area that is well serviced is a positive outcome of the development. The proposal allows for diversity in housing stock in the Hamilton area, which allows for the introduction of additional residents to the area. The development will also result in additional employment opportunities during the construction period.

The concern raised by objectors regarding a possible reduction in property values in the vicinity of the site as a result of the proposed development is considered to not be justified. The proposal will not adversely impact on the amenity of the adjoining premises or the neighbourhood generally and, accordingly, is not likely to detract from current market values.

4.2.5 Suitability of the Site for the Development

The site is within a Mine Subsidence District and conditional approval for the proposed development has been granted by the Subsidence Advisory NSW. The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

The site is suitable for the proposed development as it is located in an existing urban area that is well serviced by public transport and community facilities. The proposed dwellings are compatible with existing residential uses in the area. The development is also consistent with the desired future character of the moderate growth area.

4.2.6 Submissions made in accordance with the Act or Regulations

The application was notified in accordance with planning legislation and 16 submissions were received. The concerns raised during the notification period are summarised as follows, with corresponding assessment comments:
<table>
<thead>
<tr>
<th>Issue</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overshadowing</td>
<td>An analysis of the overshadowing impacts has been undertaken in section 4.2.2 of this report. The impacts of the development are considered suitable in relation to the desired future character and building typology expected to occur in the moderate growth area.</td>
</tr>
<tr>
<td>Bulk and Scale</td>
<td>As has been outlined in section 4.2.2 of this report, the overall bulk and scale of the development is considered to be appropriate.</td>
</tr>
<tr>
<td></td>
<td>Effort has been made by the developer to be sympathetic to the surrounding character through the use of pitched roof and appropriate materials. The proposed design of the dwellings is considered to respond to the essential elements that make up the character of the surrounding urban environment. The application is considered to be acceptable with regard to building height, setbacks and landscaping. It is also considered to be acceptable with regard to architectural style and materials.</td>
</tr>
<tr>
<td></td>
<td>The immediate area has a general mix of single-storey and two-storey single dwellings and dual occupancies. While the density of the site is being increased, the development is considered to be compatible with the scale, character and massing of development in the area. Typical design elements, window patterns and roof forms have been included, along with varied materials and finishes.</td>
</tr>
<tr>
<td></td>
<td>The development shows compliance with the floor space ratio and height requirements, along with having acceptable impacts with regard to overshadowing and privacy. The building complies with the identified building envelope and setbacks and provides for in excess of 30% of the site to be landscaped. Compliance with these controls indicates the development is of an appropriate scale and density, and is appropriate for the R2 Low Density Residential zone.</td>
</tr>
<tr>
<td>Privacy - overlooking of neighbouring properties</td>
<td>As has been outlined in section 4.2.2 of this report, the proposed development will comply with the requirements and controls outlined in the DCP.</td>
</tr>
<tr>
<td>Views</td>
<td>It is considered that the proposed development does not impact on any significant views or vistas afforded to adjoining owners.</td>
</tr>
<tr>
<td>Non-compliance with the objectives of the R2 zone/Site Suitability</td>
<td>As has been outlined in section 4.1 of this report, the proposed development complies with the objectives of the R2 Low Density Residential zone.</td>
</tr>
<tr>
<td></td>
<td>The development is consistent with the objectives of the R2 Low Density Residential zone, as the proposal seeks a form of housing that is responsive to the identified needs of the community, by providing diversity of housing in a low density environment.</td>
</tr>
</tbody>
</table>
The form of the development is considered to be reasonable in relation to the existing building typology, adding interest and diversity to the site's context without negatively altering the character of the area. Compliance with the objectives of the zone is demonstrated through the proposal's compliance with the relevant planning controls, which allow the development to sit comfortably in relation to the context of the area, with minimal impacts on the surrounding amenity and character of surrounding development.

Council's land use strategies and polices encourage a choice of housing forms and tenures to help facilitate housing diversity and choice, to meet the different housing needs of the community, including increased residential densities in close proximity to support mixed-use centres, local employment, community facilities and public transport.

<table>
<thead>
<tr>
<th>Building Design and appearance/ Streetscape/ Heritage</th>
</tr>
</thead>
<tbody>
<tr>
<td>As has been outlined in section 4.2.2 of this report, the proposed development complies with the controls outlined in the DCP.</td>
</tr>
<tr>
<td>The site is not located within a heritage conservation area or in the vicinity of a heritage item. The immediate area consists of a mix of older style weatherboard and brick dwellings, with a number of newer developments of similar size in the immediate vicinity.</td>
</tr>
<tr>
<td>The proposed development is consistent in scale and form to the wider examples of redevelopment in the immediate area and throughout the locality. The design responds to the controls allowable for a moderate growth precinct.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each dwelling has been provided with one car park as per the requirements of the DCP. An additional parking space is also available on the driveway. The development provides on-site parking which is compliant with the rate required by the DCP.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Front Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>The plans were amended to align both levels of the dual occupancy with the adjoining property next door at 117 Everton Street. This amendment brings the proposed dual occupancy into line with the prevailing setbacks evident on this section of Everton Street.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Demolition Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerns have been raised in relation to the impacts of the proposed demolition of the existing house. Conditions will be included in the consent to require that demolition is undertaken in accordance with the applicable standards and legislation.</td>
</tr>
</tbody>
</table>
4.2.7 Public Interest

The proposed development is considered to be satisfactory, having regard to the principles of ecologically sustainable development. The proposal is consistent with Council’s urban consolidation objectives, making more efficient use of the established public infrastructure and services.

A BASIX certificate has been submitted with the application, confirming that the proposed development will meet sustainability requirements.

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 proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

5.0 CONCLUSION

The proposal is acceptable against the relevant heads of consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is supported on the basis that the recommended conditions in Attachment B are included in any consent issued.

ATTACHMENTS

Attachment A: Submitted Plans - Under Separate Cover - 115 Everton Street Hamilton
Attachment B: Draft Schedule of Conditions - 115 Everton Street Hamilton
Attachment C: Processing Chronology - 115 Everton Street Hamilton

Attachment A - Submitted Plans - Under Separate Cover - 115 Everton Street Hamilton
### DRAFT SCHEDULE OF CONDITIONS

**Application No:** DA2017/01810  
**Land:** Lot 145 Sec F DP 979101  
**Property Address:** 115 Everton Street Hamilton NSW 2303  
**Proposed Development:** Demolition of dwelling and outbuilding, erection of two attached dwellings and one lot into two lot subdivision.

### SCHEDULE 1

#### REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 4.15 of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

#### APPROVED DOCUMENTATION

2. 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.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Analysis Plan</td>
<td>DWG No. DA002, Issue A, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Site Plan</td>
<td>DWG No. DA003, Issue C, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Site Coverage Plan</td>
<td>DWG No. DA004, Issue A, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Ground Floor Plan</td>
<td>DWG No. DA100, Issue B, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>First Floor Plan</td>
<td>DWG No. DA101, Issue D, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Roof Plan</td>
<td>DWG No. DA102, Issue A, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Elevation Plans</td>
<td>DWG No. DA300, DA301, Issue D,</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Plan Type</td>
<td>Plan Details</td>
<td>Designer</td>
<td>Date</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>External Finishes Plan</td>
<td>DWG No. DA350, Issue A, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Section Plan</td>
<td>DWG No. DA400, Issue A, Project No. 17066</td>
<td>ELK DESIGNS</td>
<td>23/4/2018</td>
</tr>
<tr>
<td>Proposed Subdivision Plan</td>
<td>Ref. 7937</td>
<td>De Witt Consulting P/L</td>
<td>15/12/2017</td>
</tr>
<tr>
<td>Landscape Plans</td>
<td>DWG No. US 71402 LP, PGs 1, 2, 3</td>
<td>Forum Urban Sanctum Landscape Design</td>
<td>December 2017</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td>Job No. 7937</td>
<td>De Witt Consulting</td>
<td>December 2017</td>
</tr>
<tr>
<td>Stormwater Management Plan</td>
<td>Job No. 18-181, DWG No. C01, No. in set-1, Sheet A1, Issue 0</td>
<td>MPC Consulting Engineers</td>
<td>8/12/2017</td>
</tr>
<tr>
<td>Basis Certificate</td>
<td>Cert No. 870518M</td>
<td>Evergreen Energy Consultants</td>
<td>7/12/2017</td>
</tr>
</tbody>
</table>

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**

3. A total monetary contribution of $5,666,66 is to be paid to Council, pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council’s Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.

c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters
from the ABS are as follows:

<table>
<thead>
<tr>
<th>Indexation quarters</th>
<th>Approx release date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>Late October</td>
</tr>
<tr>
<td>December</td>
<td>Late January</td>
</tr>
<tr>
<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
</tr>
</tbody>
</table>

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

4. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.

5. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.

6. Roof water from the proposed new work is to be directed to the proposed water tank (minimum size 4000L per dwelling) and being reticulated there from to any new toilet cisterns, external taps and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.

7. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council’s drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for a Construction Certificate application.

8. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by MPC Consulting Engineers (Job No. 18-181, Drg. No. C01, Issue 0, dated 6/12/2017). Full details are to be included in documentation for a Construction Certificate application.

9. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

10. The whole of the proposed structure below known flood level (ie reduced level 6.56m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for a Construction Certificate
application.

11. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a landscape plan and specification. The plan and specifications is to be prepared in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:

   a) cross sections through the site where appropriate
   b) proposed contours or spot levels
   c) botanical names
   d) quantities and container size of all proposed trees
   e) shrubs and ground cover
   f) details of proposed soil preparation
   g) mulching and staking
   h) treatment of external surfaces and retaining walls where proposed
   i) drainage, location of taps and
   j) appropriate maintenance periods.

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

12. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation’s compliance certificate (refer s50 Hunter Water Act 1991) is to be included in documentation for a Construction Certificate application.

13. Adequate facilities are to be provided within the proposed individual private courtyards, or in another adequately screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

14. A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

   a) Constructed in accordance with Council’s A1300 - Driveway Crossings Standard Design Details.

   b) The driveway crossing, within the road reserve, shall be a maximum of 3 metres wide per driveway.

   c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance

   d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve

   e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

   These works are not approved until consent under Section 138 of the Roads Act 1993 (NSW) has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

15. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW), before the issue of a Construction Certificate.
16. The site has been identified as a flood storage area requiring that not more than 20% of the site area be filled in accordance with Newcastle Development Control Plan 2012 - Section 4.01 Flood Management. Under floor flood storage areas are to be designed to allow floodwaters to enter and leave the flood storage areas without flow restrictions (The use of suspended floor techniques such as pier and beam construction, with a minimum 20% by area openings over the full height of the storage area perimeter, is generally satisfactory). Full details are to be provided in documentation for a Construction Certificate application.

17. The sill heights for windows identified in bedroom 2 of each unit are to have a minimum sill height of 1.5m above the finished floor level of the first floor. Full details are to be provided in documentation for a Construction Certificate.

18. Any openable part of the windows identified in the first floor sitting rooms is to above 1.5m from the finished floor level of the first floor. Full details are to be provided in documentation for a Construction Certificate.

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

19. 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 (NSW), or
   c) Be a temporary chemical closet approved under the Local Government Act 1993 (NSW).

20. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

21. 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 (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.

22. 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 (49742000) and the Workcover Authority of NSW telephone number (49212900) 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.

23. 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.

24. 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.

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

26. Waste management shall be implemented. At a minimum, the following measures shall be implemented during the construction phase:

a) 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 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 (NSW).

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

28. 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.

29. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

30. All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

31. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:
   a) Protect and support the adjoining premises from possible damage from the excavation, and
   b) Where necessary, underpin the adjoining premises to prevent any such damage.

The above requirements does 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 the requirements not applying.

32. 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.

33. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:
   a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
   b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
   c) When the roof has been completed, confirming that the building does not exceed the approved levels.

34. 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.

35. The removal of any asbestos material during the demolition phase of the development is to be in accordance with the requirements of the WorkCover Authority of NSW.

36. 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.

37. 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.

Note: Council’s ‘PREVENT POLLUTION’ sign can be obtained by presenting your
development application receipt at Council’s Customer Enquiry Counter at 282 King
Street Newcastle.

38. Any excavated material to be removed from the site is to be assessed, classified,
transported and disposed of in accordance with the Department of Environment and

39. Any fill material imported into the site is to be Virgin Excavated Natural Material or
material subject to a Resource Recovery Order that is permitted to be used as a fill
material under the conditions of the associated Resource Recovery Exemption, in
accordance with the provisions of the Protection of the Environment Operations Act

40. Documentation demonstrating the compliance with the conditions of the appropriate
Resource Recovery Order and Resource Recovery Exemption must be maintained for
any material received at the site and subsequently applied to land under the conditions
of the Resource Recovery Order and Exemption. This documentation must be
provided to Council officers or the Principal Certifying Authority on request.

41. 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:
2004. Controls are not to be removed until the site is stable with all bare areas
supporting an established vegetative cover.

42. All necessary measures are to be undertaken to control dust pollution from the site.
These measures must include, but not are limited to:

   a) Restricting topsoil removal
   b) Regularly and lightly watering dust prone areas (note: prevent excess watering
      as it can cause damage and erosion
   c) Alter or cease construction work during periods of high wind and
   d) Erect green or black shadecloth mesh or similar products 1.8m high around the
      perimeter of the site and around every level of the building under construction.

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

44. 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’.

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

45. 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.

46. 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.

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

48. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council’s satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

49. A copy of the stormwater drainage design plans approved with the Construction Certificate with ‘work as executed’ levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

50. 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.

51. A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.

52. An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, five copies thereof and a Section 50 Certificate from the Hunter Water Corporation.

53. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act 1919 (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

54. Written evidence of arrangements 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 Certifying Authority prior to the issue of the Subdivision Certificate.

55. The approved dual occupancy development on the site is to be completed to at least lock-up stage prior to the issue of the Subdivision Certificate.

Lock-up stage is taken to mean the stage at which a building’s external wall cladding and roof covering is fixed and external doors and windows are fixed (even if those doors and windows are only temporary).

56. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.
The minimum numeral heights shall be:

a) Exterior of the building = 75mm and
b) Group mailbox - street number = 150mm
   - house number = 50mm

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

57. The premises are allocated the following street addresses in accordance with Council’s House Numbering Policy and the Surveying and Spatial Regulation.

<table>
<thead>
<tr>
<th>Unit/ Dwelling/ Lot Number on plan</th>
<th>Council Allocated Street Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Number</td>
</tr>
<tr>
<td>Unit 1</td>
<td>115A</td>
</tr>
<tr>
<td>Unit 2</td>
<td>115</td>
</tr>
</tbody>
</table>

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 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.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences Act 1991 (NSW).
- 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.

- For the purpose of applying the provisions of the Building Code of Australia 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 6.06m Australian Height Datum (AHD)
  b) Flood Hazard Level is 6.56m AHD (Freeboard is 500mm above DFL)
  c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.23m/s

END OF CONDITIONS
### Processing Chronology

**DA2017/01610 – 115 Everton Street Hamilton**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 December 2017</td>
<td>Application lodged</td>
</tr>
<tr>
<td>3 to 22 January 2018</td>
<td>Public notification period</td>
</tr>
<tr>
<td>31 January 2018</td>
<td>Application called in to DAC by two Councillors</td>
</tr>
<tr>
<td>13 February 2018</td>
<td>Late submission received</td>
</tr>
<tr>
<td>6 March 2018</td>
<td>Additional information requested</td>
</tr>
<tr>
<td>10 April 2018</td>
<td>Amended plans and response received, Public Voice meeting held</td>
</tr>
<tr>
<td>17 April 2018</td>
<td>Amended plans requested</td>
</tr>
<tr>
<td>24 April 2018</td>
<td>Amended plans received</td>
</tr>
</tbody>
</table>
DEVELOPMENT APPLICATIONS COMMITTEE MEETING

19 June 2018

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

Attachment A - Plans DA2017/01610 - 115 Everton Street, Hamilton
Demolition of dwelling and outbuilding erection of two attached dwellings and one lot into two lot subdivision

DISTRIBUTED UNDER SEPARATE COVER
The completion of the issue details checked and authorised section below is commencement of work and any ordering of materials.

Notes

PO Box

con

contact

requirements, the proposed construction varies to those detailed or need further condition of consent and must be included in the built works indicated on referenced documentation.

The following specification was used to achieve the thermal performance values indicated on the drawings:

External Wall Construction

- Thermal breaks in accordance with Section J1.3(d) & 1.5(c) or Part 3.12.1.2(c) & 3.12.1.4(b)
- Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1

Internal Wall Construction

- Fixed shading

Floor Construction

- Party Walls

Roof Construction

- Cavity wall construction unless endorsed
- Alternative Water Fixtures

Thermal Performance Specifications

- 601 Phibro Cavity Panel
- 39 A Aluminium framed
- 42 A Aluminium framed

Stove/Oven

- Artificial Lighting

Ventilation

- Heating

- Alternative Water Fixtures

WATER COMMITMENTS

- Bulk, reflective side down,
- Bulk insulation both sides
- None
- Liner
- None
- Ceiling fans
- None
- None
- None

For Construction

Certificate no.:
Assessor Name:
Accreditation no.:
Certificate date:
www.nathers.gov.au
Dwelling Address:
0002264520
Joseph Lorriman
VIC/BDAV/16/1742
5.9
07 December 2017
115 Everton Street
HAMILTON, NSW
2303
Landscape Consultant

21

DA

24.

- 3,270

Description

6,478

000

001

Joseph Lorriman

0002264520

5.9

07 December 2017

115 Everton Street
HAMILTON, NSW
2303
Landscape Consultant

Description

DA DEVELOPMENT APPLICATION

1.41

2141

350:

VIC/BDAV/16/1742

HAMILTON, NSW

2303

Joseph Lorriman

0002264520

5.9

07 December 2017

115 Everton Street

HAMILTON, NSW

2303

The following specification was used to achieve the thermal performance values indicated on the

Refer to the CURRENT BASIX Certificate for Complete details.

The completion of the issue details checked and authorised section below is

Important Note for Development Applicants:

Refer to TPA Specification on plans

Do not scale from drawings

Plasterboard, single gap

A Aluminium framed

Lighting

Ventilation

Hot Water

Brick Veneer

Plasterboard with Timber

Wall insulation

Floor insulation

Internal Insulation

External Insulation

Plasterboard

Lighting

Fan ducted to roof/facade

2 phase air

Manual on/off

DP

1078476

Survey by Land Development Solutions Pty Ltd

Surveyor

Certificate number:

Assessor Name:

Accreditation number:

Certificate Date:

www.nathers.gov.au

Dwelling Address:

0002264520

Joseph Lorriman

VIC/BDAV/16/1742

5.9

07 December 2017

115 Everton Street

HAMILTON, NSW

2303
Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work and any ordering of materials. Drawings are to be read in conjunction with all contract documents. Use figured dimensions only. Do not scale from drawings.

ELK Designs cannot guarantee the accuracy of content and format for copies of drawings issued electronically. The completion of the issue details checked and authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed ‘For Construction’ and authorised for issue.

Notes:

- PRECEDENT ANALYSIS
- FOR AUTHORITY APPROVAL ONLY
- NOT FOR CONSTRUCTION

The information contained in the document is copyright and may not be used or reproduced for any other project or purpose.
Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work and any ordering of materials. Drawings are to be read in conjunction with all contract documents. Use figured dimensions only. Do not scale from drawings. ELK Designs cannot guarantee the accuracy of content and format for copies of drawings issued electronically. The completion of the issue details checked and authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed ‘For Construction’ and authorised for issue.
Verify all dimensions and levels on site and report any discrepancies prior to the commencement of construction.

The drawing shall not be used for any purpose beyond the scope of the project on which it is based.

All Toilets are to be made to the BASIX specifications as indicated on the BASIX Certificate.

Water meters are to be installed at the water source and the end of each water service, and a water supply is to be provided for all fixtures.

The location and extent of the alternate specification shall be indicated on referenced documentation.

Compensating for loss of ceiling insulation in accordance with Section J1.3(d) & 1.5(c) or Part 3.12.1.2(c) & 3.12.1.4(b).

Electrical work shall include proper wiring, conduits, and junction boxes.

Thermal breaks in accordance with Section J1.3(c) or Part 3.12.1.5(a)(iii) or (c) & (d).

Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6.

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Refer to TPA Specification on plans.
NOTE
FIRST FLOOR LIVING ROOM WINDOWS TO BE OPAQUE GLASS TO A MINIMUM HEIGHT OF 1.5m AND CLEAR ABOVE

E-02 NORTH ELEVATION

UNIT 2

BUILDING ENVELOPE

UNIT 1

EXISTING GROUND LEVEL TO BE RETAINED

1:100

E-01 WEST ELEVATION

BUILDING ENVELOPE

EXISTING GROUND LEVEL TO BE RETAINED

1:100

DETAILED QUESTIONNAIRE

The information contained in the document is copyright and may not be used or reproduced for any other project or purpose.

Drawings issued electronically.

VERDIS

DEVELOPMENT APPLICATION

DEVELOPMENT APPLICATION

FOR CONSTRUCTION

Dwelling Address:
0002264520
Joseph Lorriman
VIC/BDAV/16/1742
5.9
07 December 2017
115 Everton Street
HAMILTON, NSW
2303

BDAV Assessor # 16/1742
7th December 2017
Reference: 262/2017

Certificate no.:
Assessor Name:
Accreditation no.:
Certificate date:
www.nathers.gov.au
Sediment and erosion control

Vehicle access to site

Vehicle access to the building site should be restricted to a single point so as to reduce the amount of soil disturbed in the street pavement.

Sediment trap

Sediment traps are to be installed along the immediate vicinity of the property consisting of the drainage area.

Sediment control

Sediment and erosion control shall be effectively maintained at all times during the course of construction and shall not be removed until the project manager has informed all contractors of their obligations under the erosion and sediment control plan.

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