

# ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM-10 DAC 28/04/20 – DA2019/00603 – 26 SMITH STREET HAMILTON SOUTH

Dwelling house – alterations and additions and ancillary structure

Attachment A - Submitted Plans Attachment B - Draft Schedule of Conditions Attachment C - Processing Chronology



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ITEM DA2019/00603 - 26 SMITH STREET HAMILTON SOUTH

Dwelling house - alterations and additions and ancillary structure

Attachment A - Submitted Plans

- Attachment B Draft Schedule of Conditions
- Attachment C Processing Chronology

### DEVELOPMENT APPLICATIONS COMMITTEE MEETING

28 APRIL 2020

### DAC 28/04/2020

### DA2019/00603 - 26 SMITH STREET HAMILTON SOUTH

Attachment A: Submitted Plans

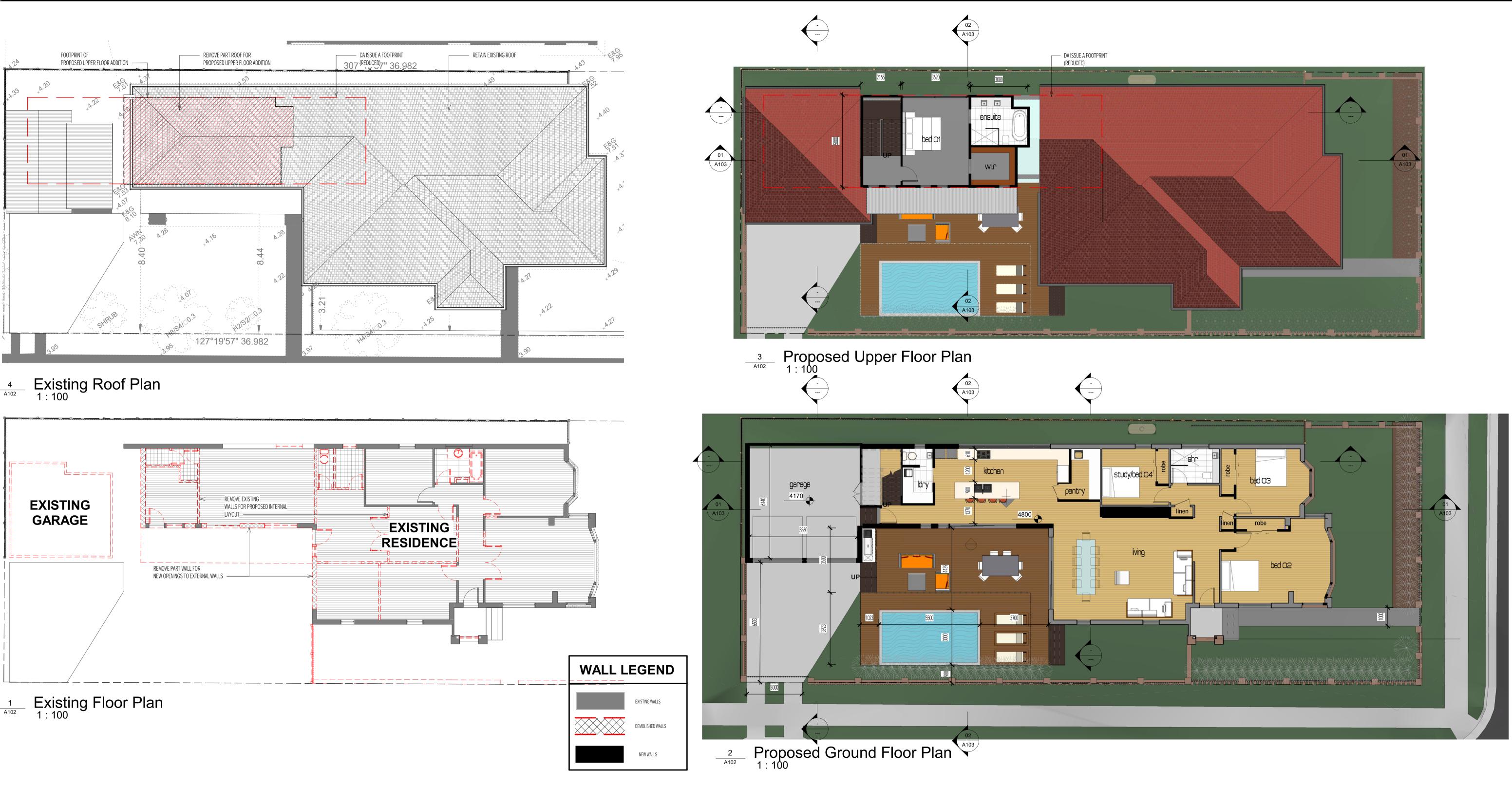


Project address			
Project name	19003 - Wilkinson - 26 Smith St, Ham_02		
Street address	26 Smith Street Hamilton South 2303		
Local Government Area	Newcastle City Council		
Plan type and number	Deposited Plan 37567		
Lot number	24		
Section number			
Project type			
Dwelling type	Separate dwelling house		
Type of alteration and addition	My renovation work is valued at \$50,000 or more and includes a pool (and/or spa).		

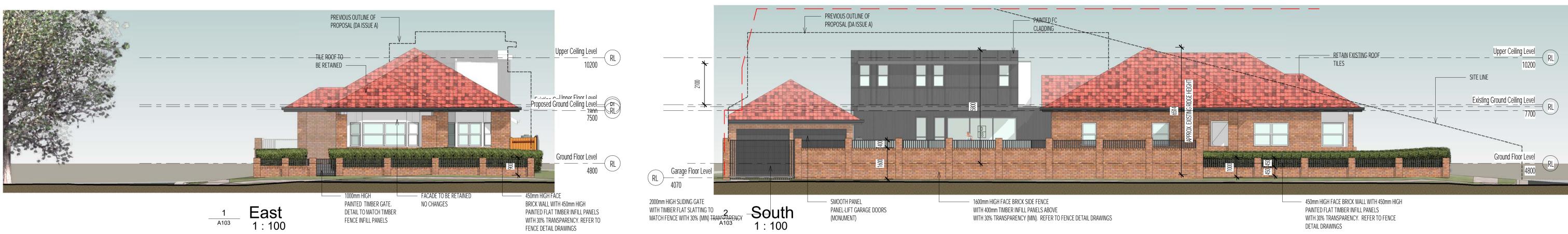
Area Schedule			
Name	Area		
Existing Residence	166 m²		
Proposed Garage	39 m²		
Proposed Upper Floor	32 m <sup>2</sup>		
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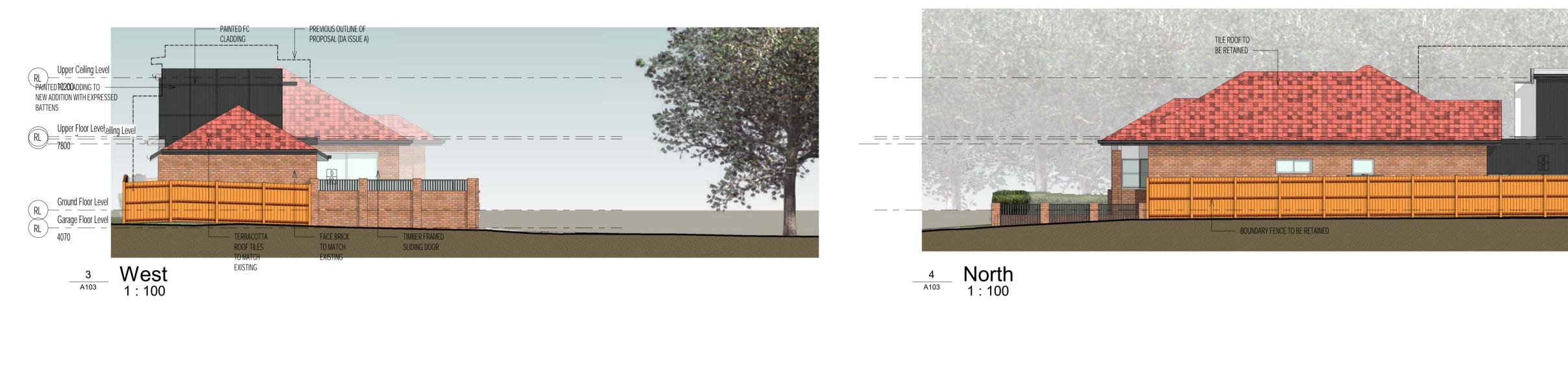


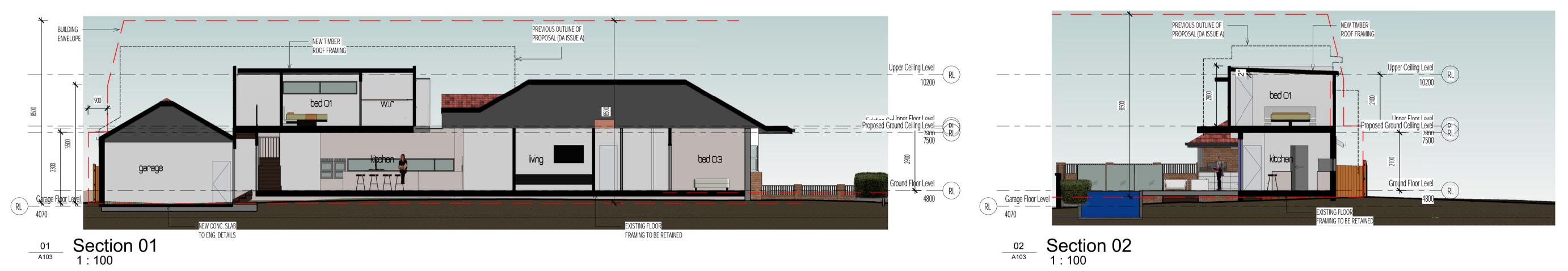






WITH 30% TRANSPARENCY. REFER TO FENCE DETAIL DRAWINGS



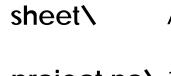


			consultants	status\Development Application
			-	client\M Wilkinson
date	desciption	issue		

description \ Proposed Alterations + Additions to residence scale\ 1:100 @A1

#### 26 Smith St, Hamilton South address\

issue date\18.02.20



PAINTED FC CLADDING

PREVIOUS OUTLINE OF

PROPOSAL (DA ISSUE A)

# A103 issue\G

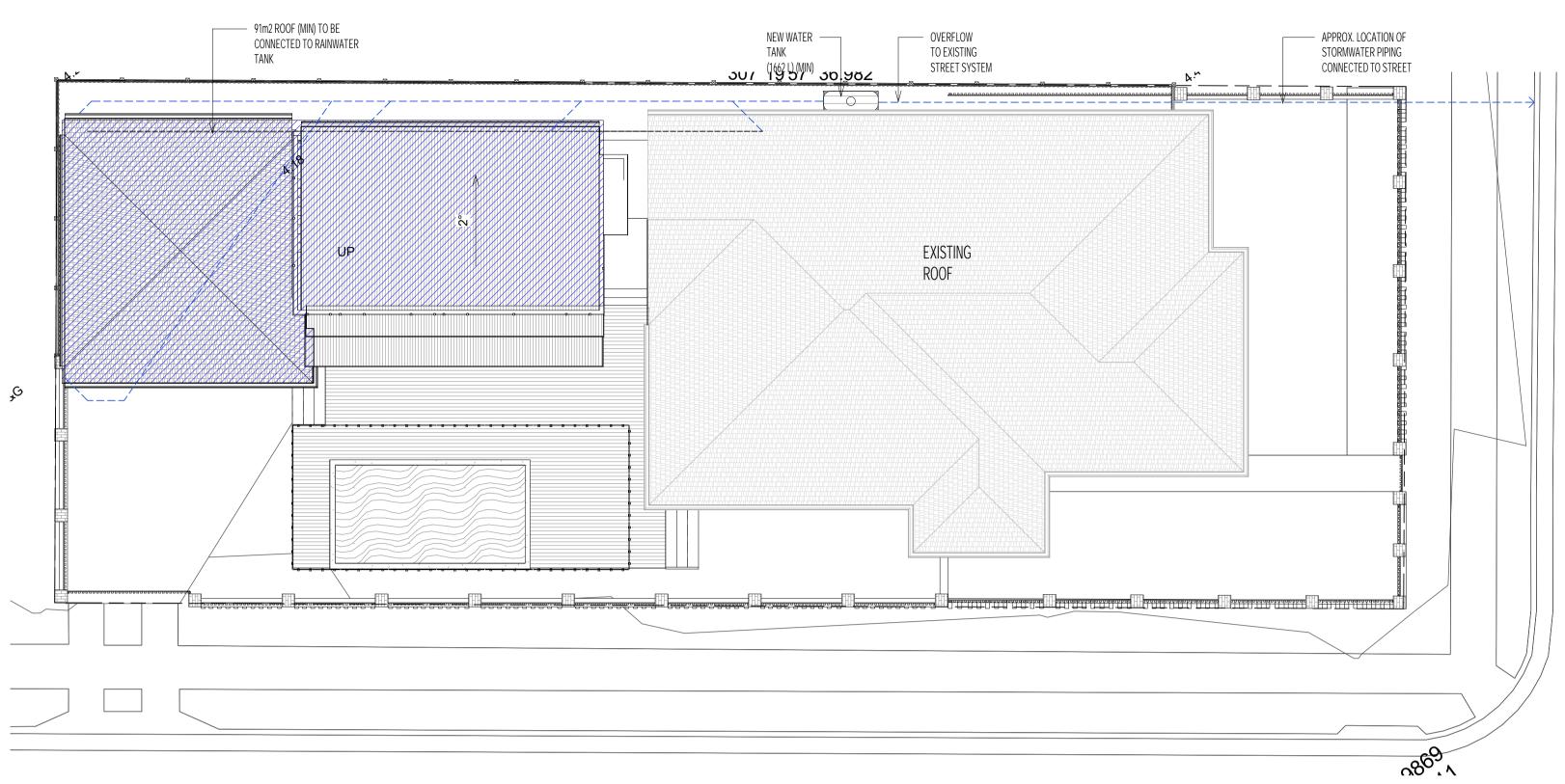
p/ po box 3387 project no\ 19003 merewether nsw 2291 m/ 0404 755250 ©соруяюнт 2020



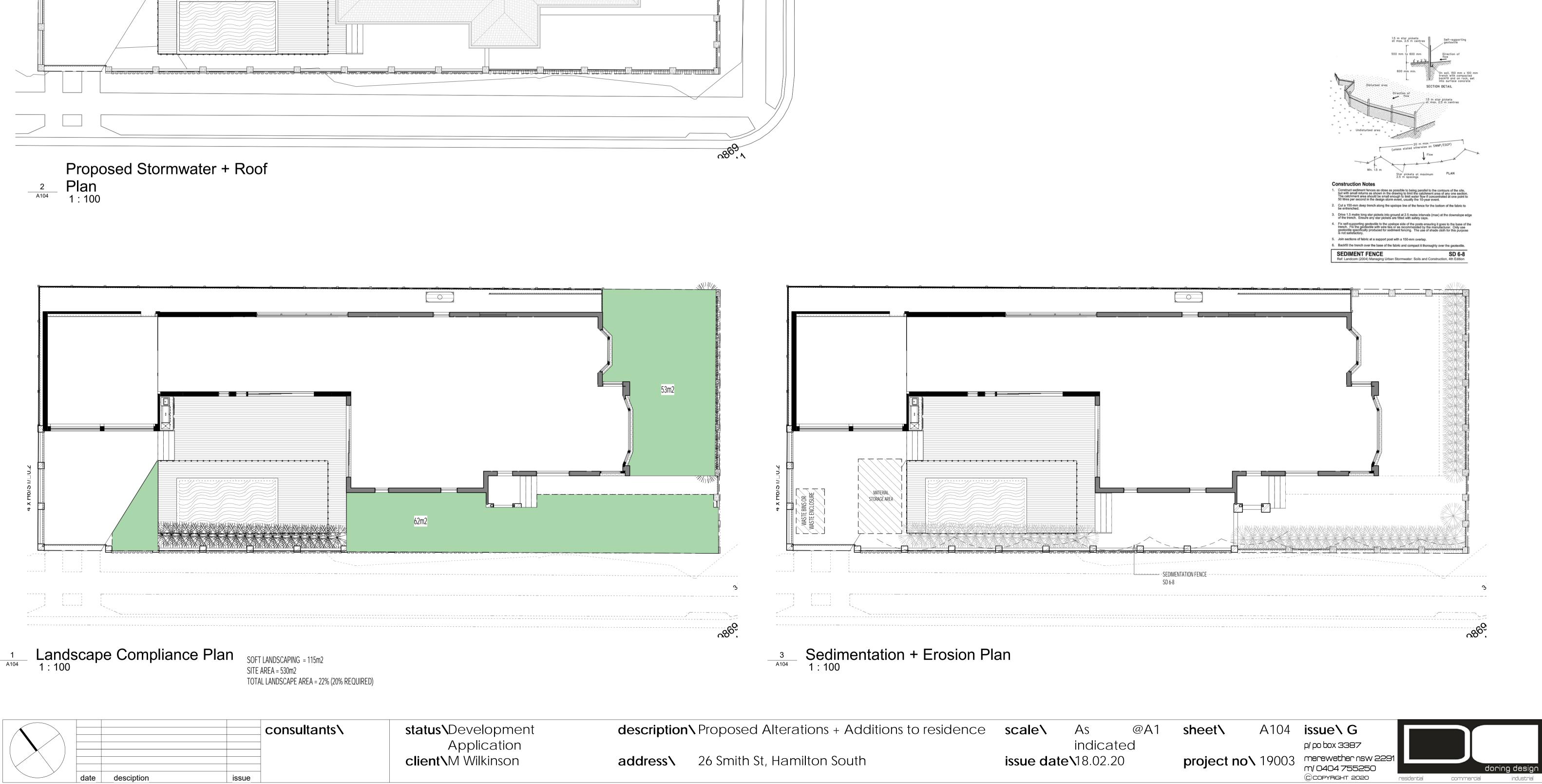
Upper Ceiling Level RL

Proposed Ground Ceiling Level

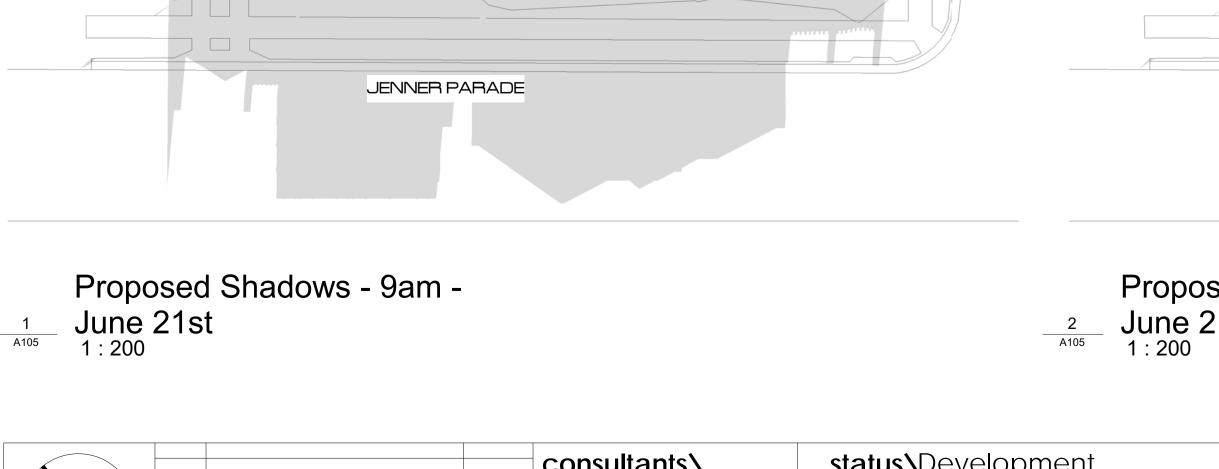
Ground Floor Level Garage Floor Level 4070











			status\Development Application client\M Wilkinson
date	desciption	issue	

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description \ Proposed Alterations + Additions to residence	scale\	As indicat	@A1 ed

26 Smith St, Hamilton South address\

issue date\18.02.20

# adows - 3pm- June



### DEVELOPMENT APPLICATIONS COMMITTEE MEETING

28 APRIL 2020

DAC 28/04/2020

### DA2019/00603 - 26 SMITH STREET HAMILTON SOUTH

Attachment B: Draft Schedule of Conditions

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Application No:	DA2019/00603
Land:	Lot 24 DP 37567
Property Address:	26 Smith Street Hamilton South NSW 2303
Proposed Development:	Dwelling house - alterations and additions and ancillary structures

### SCHEDULE 1

#### APPROVED DOCUMENTATION

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Site Plan	19003 Issue G A101	Doring Design	18/02/2020
Floor Plans	19003 Issue G A102	Doring Design	18/02/2020
Elevation and Section Plan	19003 Issue G A103	Doring Design	18/02/2020
Statement of Heritage Impact	191234 Issue A	Heritas	13/12/2019
Arborist Report	-	Joseph Pidutti Consulting Arborist	16/12/2019
BASIX Report	A347322_02	Doring Design	13/12/2019

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

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

2. Roof water from the proposed new work is to be directed to the proposed water tank and being reticulated to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be included in documentation for a Construction Certificate application.

- 3. 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.
- 4. 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.
- 5. Recommendations contained in the approved Arborist Report are to be incorporated into the proposed development during site and construction works. Full details are to be included in documentation for a Construction Certificate application.
- 6. The applicant is to comply with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or drain under the Corporation's control. Details addressing any requirements of the Hunter Water Corporation are to be included in documentation for a Construction Certificate application.
- 7. The swimming pool/spa water recirculation and filtration system installation shall comply with Australian Standard 1926.3:2010 Swimming pool safety Water recirculation systems. Full details are to be included in the documentation for a Construction Certificate application.
- 8. The construction or erection of appropriate swimming pool safety fences and gates and all associated work is to be carried out in accordance with the *Swimming Pool Act 1992* (NSW) and Regulations. Full details are to be included in the documentation for a Construction Certificate application.
- 9. The 2000mm brick and timber infill fences to the secondary road frontage (south elevation) and west elevation are to be reduced to a maximum height of 1800mm above the ground level (existing). The fence is to comprise a 1400mm high face brick fence, with 400mm timber infill panels above that achieve a minimum 30% transparency. Engaged brick piers are to be a maximum height of 1800mm above the ground level (existing). Full details are to be included in the documentation for a Construction Certificate application.

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

- 10. A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to Council and the demolisher prior to commencement of work.
- 11. 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.
- 12. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
- 13. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
- 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.
  - 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 is to be applied for and approved before the commencement of any construction works on the site the subject of this development application.

- 15. 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.
- 16. 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*'.
- 17. 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.

- 18. All building work must be carried out in accordance with the provisions of the National Construction Code.
- 19. In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
- 20. 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.
- 21. A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW), before the commencement of works.
- 22. 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.

23. Council's 'Prevent Pollution' sign is to be erected and maintained in a conspicuous location on or adjacent to the property boundary so it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of demolition and construction work.

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

24. 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 4<sup>th</sup> 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.

25. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.

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

- 26. The following waste management measures are to be implemented during construction:
  - a) waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
  - b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
  - c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and
  - d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the *Protection of the Environment Operations Act 1997* (NSW)

- 27. Pool plant and equipment is to be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the Protection of the Environment Operations Act 1997 (NSW).
- 28. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool waste water is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation.
- 29. 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.

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

- 30. All commitments listed in the relevant BASIX certificate for 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.
- 31. 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.

- 32. 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.
- 33. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.
- 34. Prior to the issue of an Occupation Certificate, the building shall be upgraded to comply with Performance Criteria P2.3.2 (Automatic warning for occupants) of the Building Code of Australia.

#### ADVISORY MATTERS

- An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.
- 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).
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development' as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Council is to be notified of the appointment; and
  - c) Council is to be given at least two days notice of the date intended for commencement of building works.

- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000* (NSW).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- The owner of the premises on which a swimming pool/spa is situated must ensure that the pool details are entered into the State Swimming Pool Register. The register is accessible at www.swimmingpoolregister.nsw.gov.au.

#### **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 proposed development has acceptable heritage impacts and well-considered site planning.
- The proposed development has satisfactorily resolved flooding, privacy and overshadowing issues.
- Any issues raised in submission have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

### REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.

### DEVELOPMENT APPLICATIONS COMMITTEE MEETING

28 APRIL 2020

DAC 28/04/2020

### DA2019/00603 - 26 SMITH STREET HAMILTON SOUTH

Attachment C: Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER



## PROCESSING CHRONOLOGY

### DA2019/00603 - 26 Smith Street Hamilton South

31 May 2019	-	Application lodged.
6 June 2019 to 25 June 2019	-	Application publicly notified. Twenty-two submissions were received in response to the notification period.
20 June 2019	-	Preliminary request for additional information.
17 July 2019	-	Additional information received from applicant.
29 July 2019	-	Additional information received from applicant.
7 August 2019	-	Request from Councillor Elliott and Councillor Duncan received (PB2019/08468).
26 August 2019	-	Response sent to applicant.
22 October 2019	-	Meeting with designer, planner and CN staff to discuss design issues to resolve.
29 October 2019	-	Request for additional information.
17 December 2019	-	Additional information received from applicant.
2 January 2020 to 28 January 2020	-	Application publicly notified. Forty submissions of objection were received, and five submissions of support received in response to the notification period.
11 February 2020	-	Request from Lord Mayor Nelmes received (PB2020/01569).
19 February 2020	-	Additional information received from applicant.
17 March 2020	-	Application proceeded to Public Voice meeting.
28 April 2020	-	Application scheduled to proceed to Development Assessment Committee meeting