

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 20/08/2024 - 47 SCOTT STREET CARRINGTON - DWELLING  
HOUSE - DEMOLITION WORKS, CHANGE OF USE AND  
ALTERATIONS AND ADDITIONS - DA2024/00155**

- |     |                      |   |
|-----|----------------------|---|
| 7.1 | <b>Attachment A:</b> | Submitted Plans -<br>47 Scott Street Carrington   |
| 7.1 | <b>Attachment B:</b> | Draft Schedule of Conditions -<br>47 Scott Street Carrington  |
| 7.1 | <b>Attachment C:</b> | Processing Chronology -<br>47 Scott Street Carrington   |
| 7.1 | <b>Attachment D:</b> | Clause 4.6 Exception to FSR Development Standard<br>& Addendum to Clause 4.6 Report -<br>47 Scott Street Carrington |

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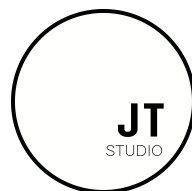
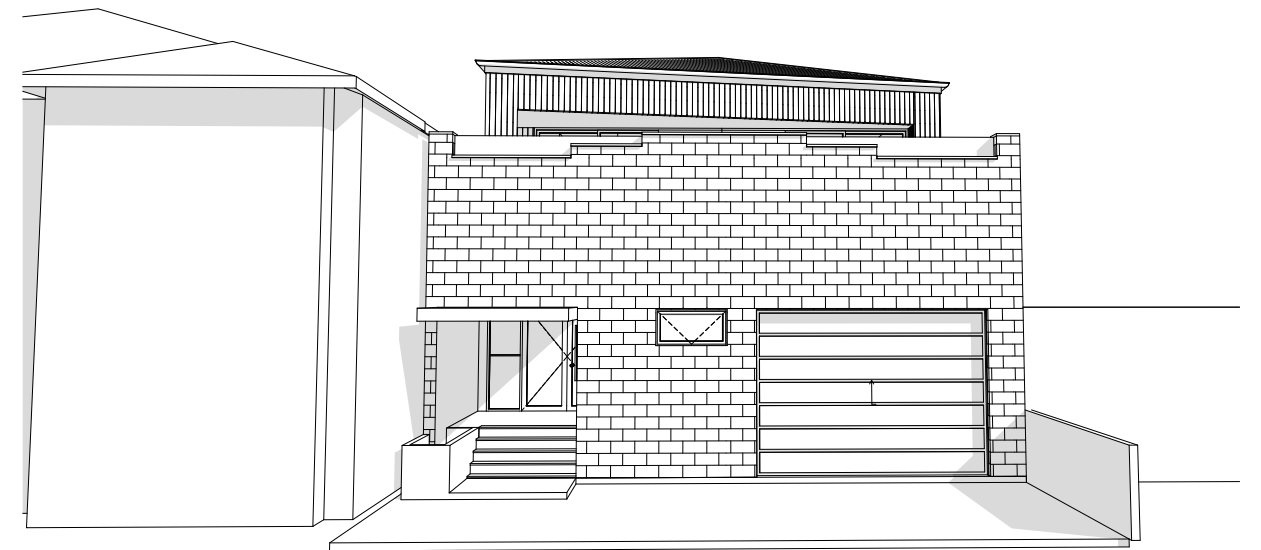
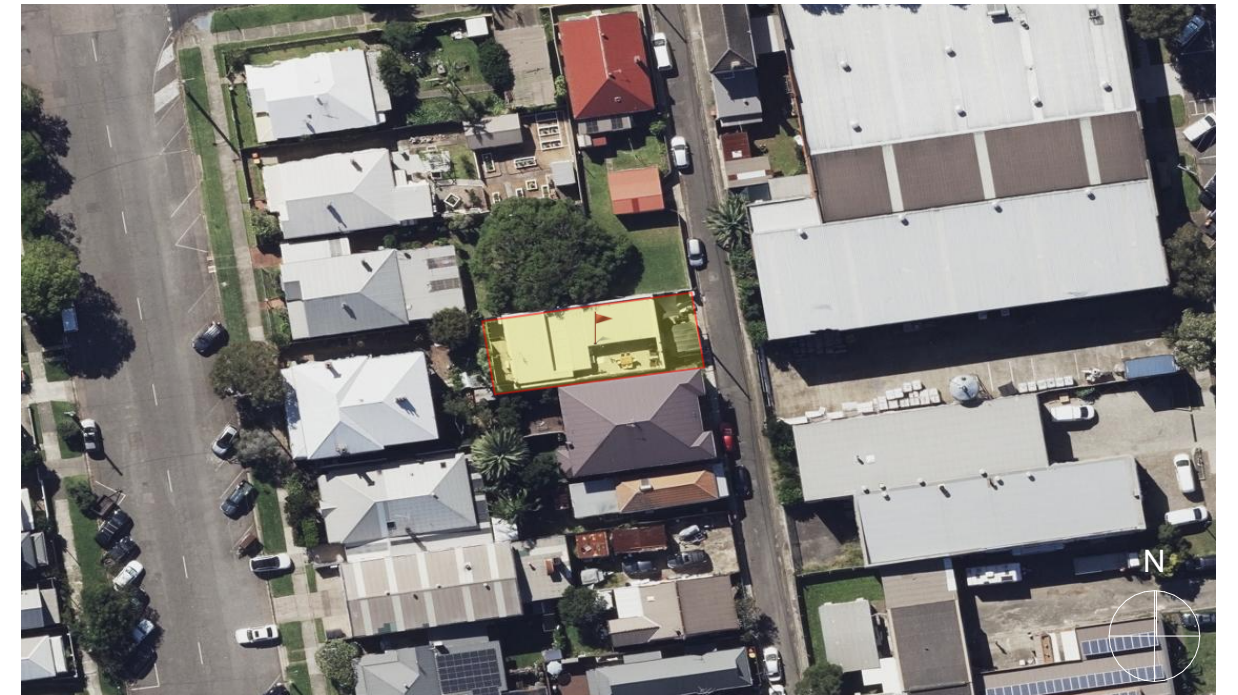
DISTRIBUTED UNDER SEPARATE COVER

LOT: 30, SECTION 42 DP: 300  
 FLOOR SPACE RATIO (FSR - n:1): 0.6:1  
 LAND ZONING: R2 - Low Density Residential  
 ACID SULFATE SOILS: Class 2  
 SITE BUSHFIRE ATTACK LEVEL (BAL): NA  
 MAX. BUILDING HEIGHT: 8.5m

# RESIDENTIAL REDESIGN

## LAYOUT LIST

Layout ID	Layout Name	Drawing Scales	Issued	Issued Date
<b>Site and Location Drawings</b>				
A00	Drawing List   Site Location		<input type="checkbox"/>	-
A001	Site Plan	1:150	<input type="checkbox"/>	-
A002	Site Analysis	1:150	<input type="checkbox"/>	-
<b>Plans</b>				
A200	Existing Floor Plans	1:100	<input type="checkbox"/>	-
A201	Demolition Plans	1:100	<input type="checkbox"/>	-
A202	Proposed Floor Plan	1:100	<input type="checkbox"/>	-
A203	Proposed Roof Plan	1:100	<input type="checkbox"/>	-
A204	Shadow Diagrams - Summer	1:200	<input type="checkbox"/>	-
A205	Shadow Diagrams - Summer	1:200	<input type="checkbox"/>	-
A206	Shadow Diagrams - Winter	1:200	<input type="checkbox"/>	-
A207	Shadow Diagrams - Winter	1:200	<input type="checkbox"/>	-
A208	FSR Calculations	1:100	<input type="checkbox"/>	-
<b>Elevations</b>				
A300	E-01	1:100	<input type="checkbox"/>	-
A301	E-02	1:100	<input type="checkbox"/>	-
A302	E-03	1:100	<input type="checkbox"/>	-
A303	E-04	1:100	<input type="checkbox"/>	-
<b>Sections</b>				
A400	S-01 S-02	1:100	<input type="checkbox"/>	-
<b>3D Perspectives</b>				
A500	3D Perspectives		<input type="checkbox"/>	-
<b>Schedules</b>				
A600	Door & Window Schedules		<input type="checkbox"/>	-



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Project Status: FOR APPROVAL  
 Drawn by: J.T.  
 Plot Date: 29/07/2024  
 Project NO: JTS-0307  
 Client: ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
 Lot: 30, SECTION 42  
 DP: 300

DRAWING TITLE :  
 Site and Location Drawings  
**Drawing List | Site Location**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

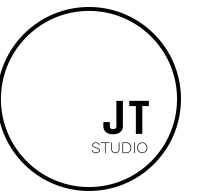
DRAWING SCALE :

REVISION ID.

**H**

DRAWING NO.

**A00**



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PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING TITLE :  
Site and Location Drawings  
**Site Plan**

Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Status FOR APPROVAL  
Client ROBERT PICTON  
Lot: 30, SECTION 42  
DP: 300  
Site: 47 SCOTT STREET  
CARRINGTON NSW  
2294

NOTES:  
ALL MEASUREMENTS ARE SUBJECT  
TO SITE MEASURE AND ARE NOT  
FOR CONSTRUCTION ISSUE



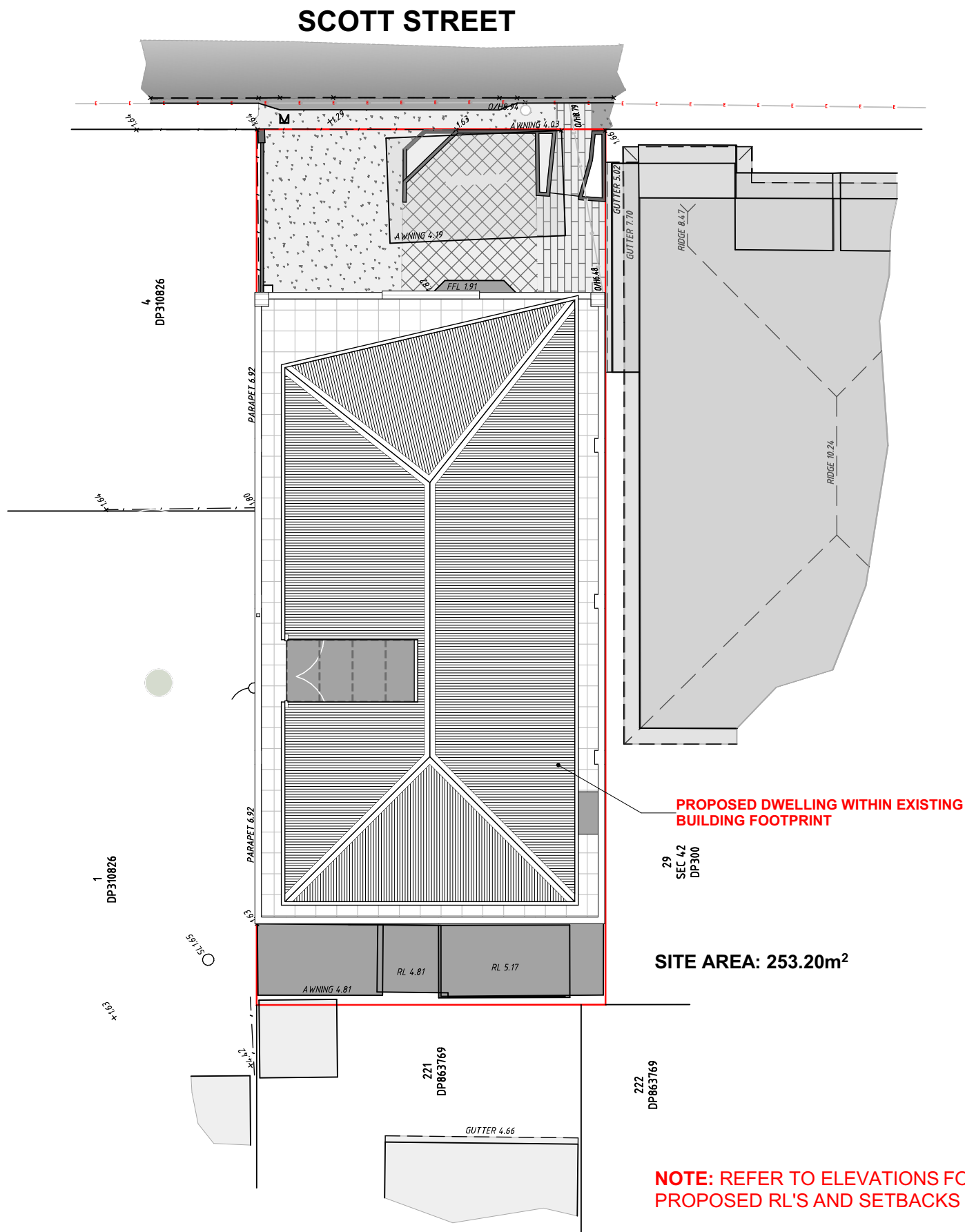
DRAWING SCALE (@A3):  
1:150

REVISION NO.

**F**

DRAWING NO.

**A001**



**PROPOSED DWELLING WITHIN EXISTING BUILDING FOOTPRINT**

29  
SEC 42  
DP300

**SITE AREA: 253.20m<sup>2</sup>**

**NOTE: REFER TO ELEVATIONS FOR PROPOSED RL'S AND SETBACKS**

2.

Site Plan  
1:150

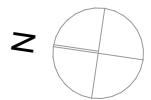


PROJECT NAME :  
**RESIDENTIAL  
 REDESIGN**

DRAWING TITLE :  
 Site and Location Drawings  
**Site Analysis**

Drawn by J.T.  
 Plot Date: 29/07/2024  
 Project NO. JTS-0307  
 Status FOR APPROVAL  
 Client ROBERT PICTON  
 Lot: 30, SECTION 42  
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 Site: 47 SCOTT STREET  
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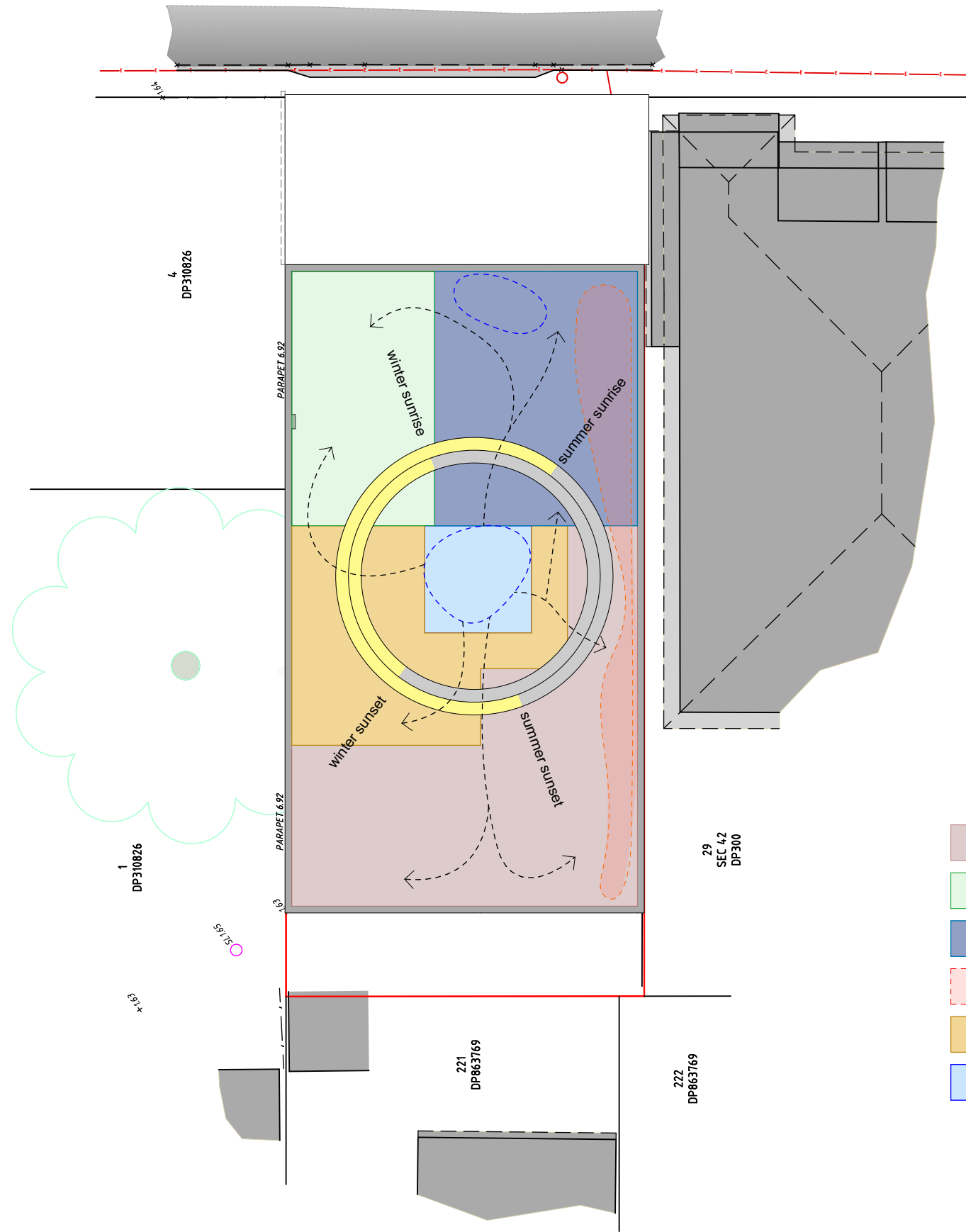
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




REVISION NO.

**F**

DRAWING NO.

**A002**



-  DENOTES PRIVATE ZONE: BATHROOMS, ENSUITES AND BEDROOMS
-  DENOTES OUTDOOR ZONE: ALFRESCO SPACE CONNECTED TO OPEN/COMMUNAL SPACES
-  DENOTES COMMUNAL ZONE: OPEN PLAN KITCHEN, DINING
-  DENOTES SERVICE SPINE: PLUMBING & GAS
-  DENOTES COMMUNAL ZONE: LIVING/STUDY AND OPEN AREA
-  DENOTES VERTICAL ATRIUM: SPINE FOR VERTICAL CIRCULATION AND OFFERING MORE WINDOW OPPURTUNITIES

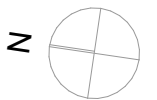
-1. Site Analysis  
 1:150

**PROJECT NAME :**  
**RESIDENTIAL REDESIGN**

**DRAWING TITLE :**  
 Plans  
**Existing Floor Plans**

Drawn by J.T.  
 Plot Date: 29/07/2024  
 Project NO. JTS-0307  
 Status FOR APPROVAL  
 Client ROBERT PICTON  
 Lot: 30, SECTION 42  
 DP: 300  
 Site: 47 SCOTT STREET  
 CARRINGTON NSW  
 2294

**NOTES:**  
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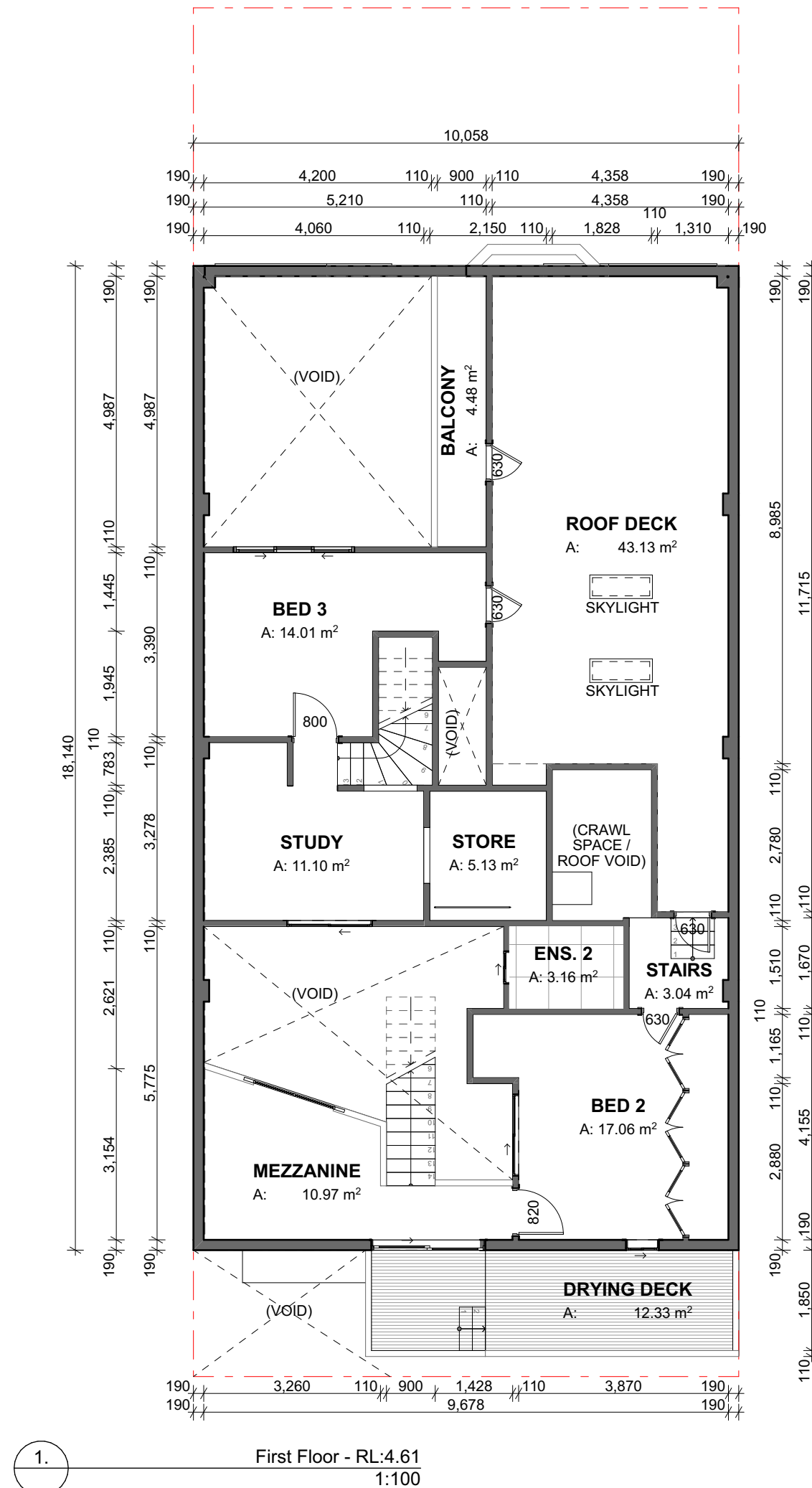
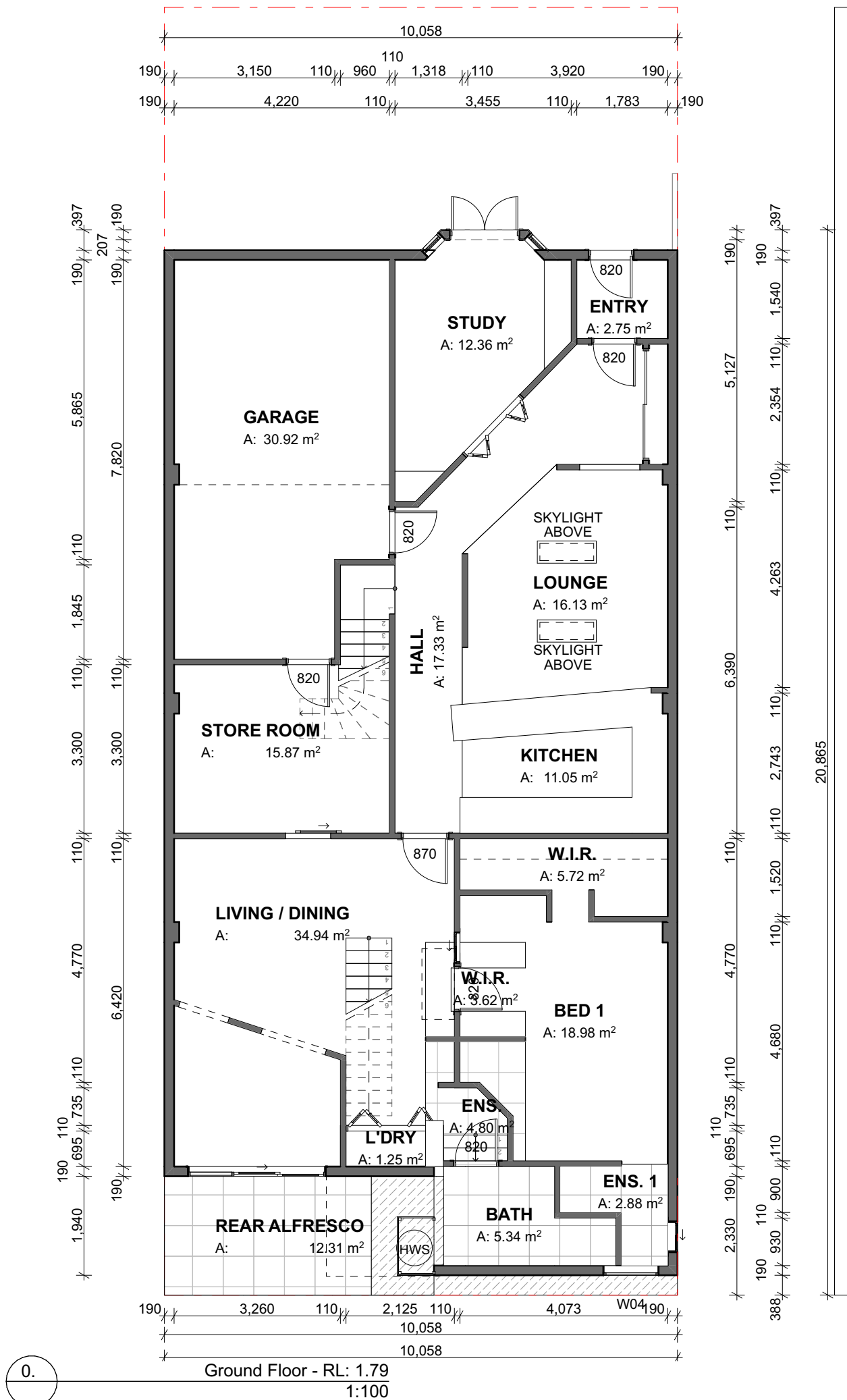
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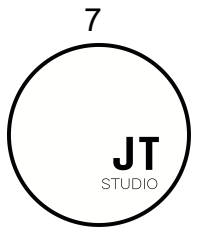
REVISION NO.

**F**

DRAWING NO.

**A200**





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PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING TITLE :  
Plans  
**Demolition Plans**

Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Status FOR APPROVAL  
Client ROBERT PICTON  
Lot: 30, SECTION 42  
DP: 300  
Site: 47 SCOTT STREET  
CARRINGTON NSW  
2294

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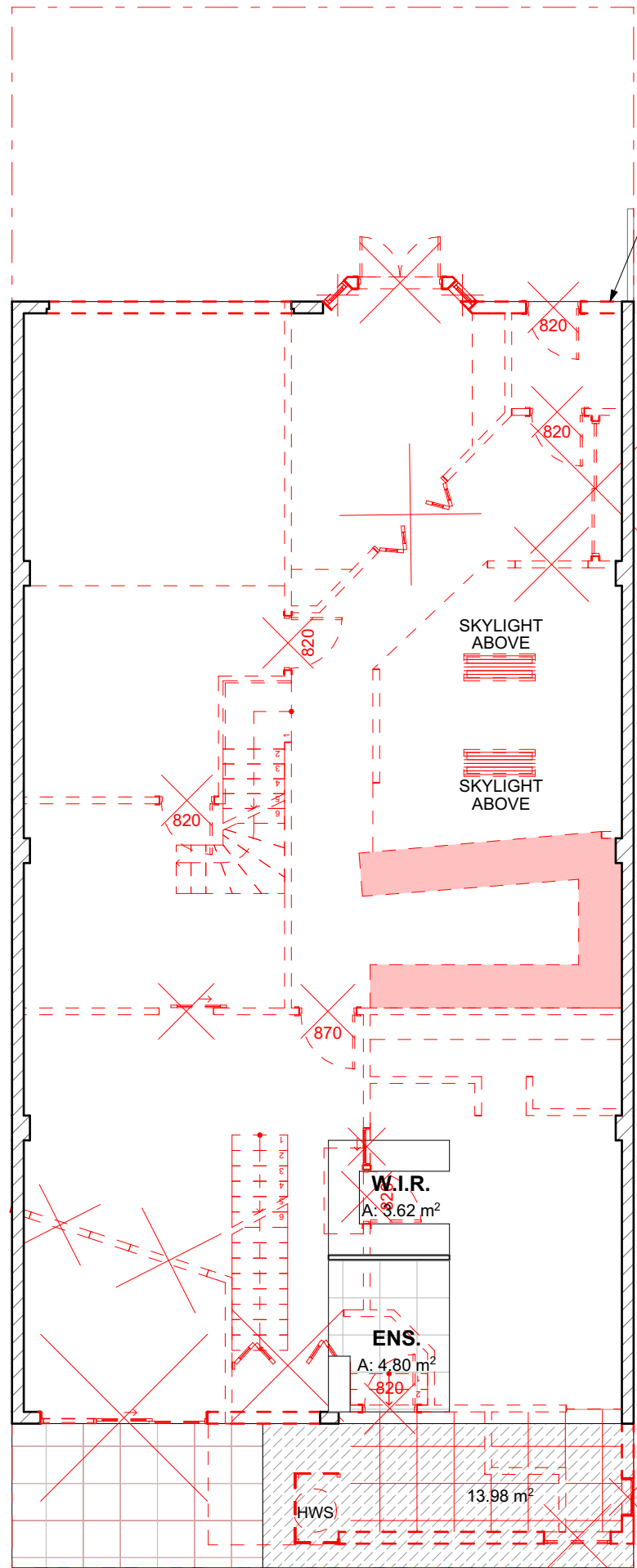
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REVISION NO.

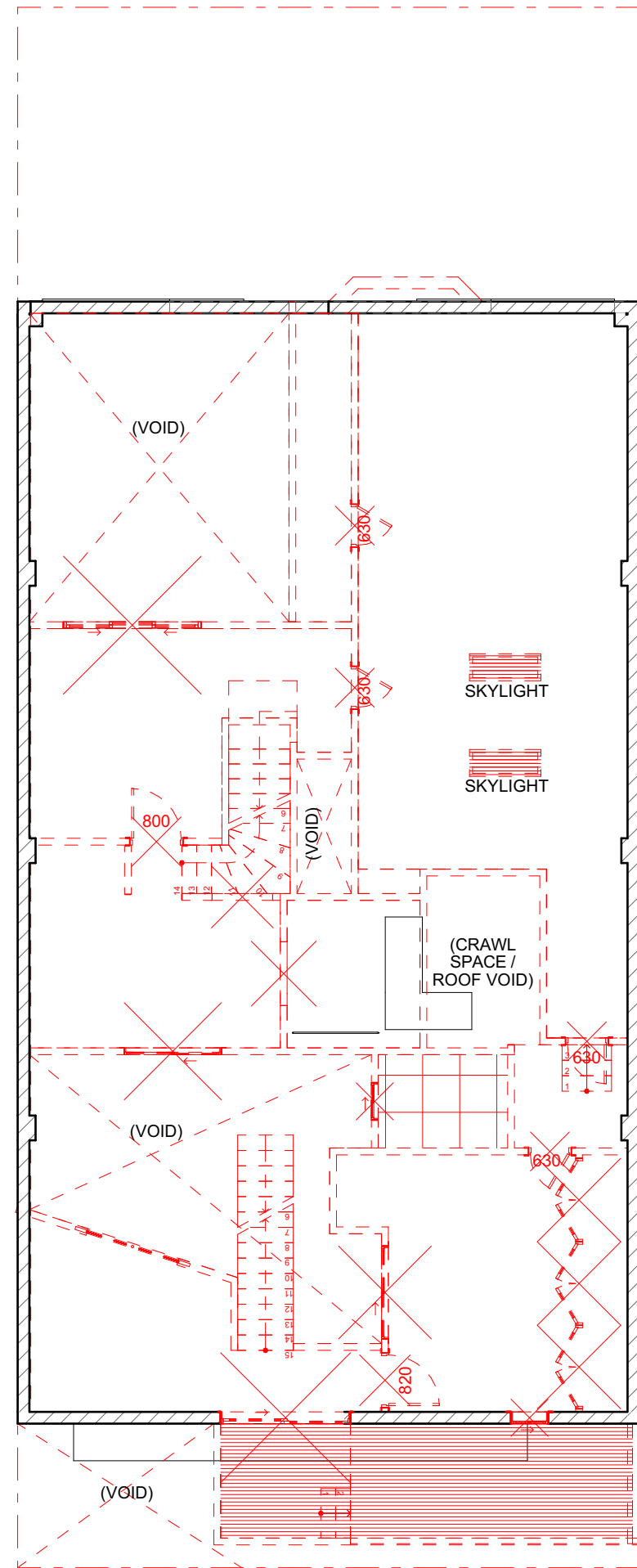
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DRAWING NO.

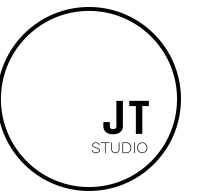
**A201**



0. Ground Floor Demolition Plan  
1:100



1. First Floor Demolition Plan  
1:100



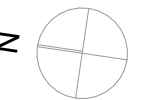
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# PROJECT NAME : RESIDENTIAL REDESIGN

## DRAWING TITLE : Plans Proposed Floor Plan

Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Status FOR APPROVAL  
Client ROBERT PICTON  
Lot: 30, SECTION 42  
DP: 300  
Site: 47 SCOTT STREET  
CARRINGTON NSW  
2294

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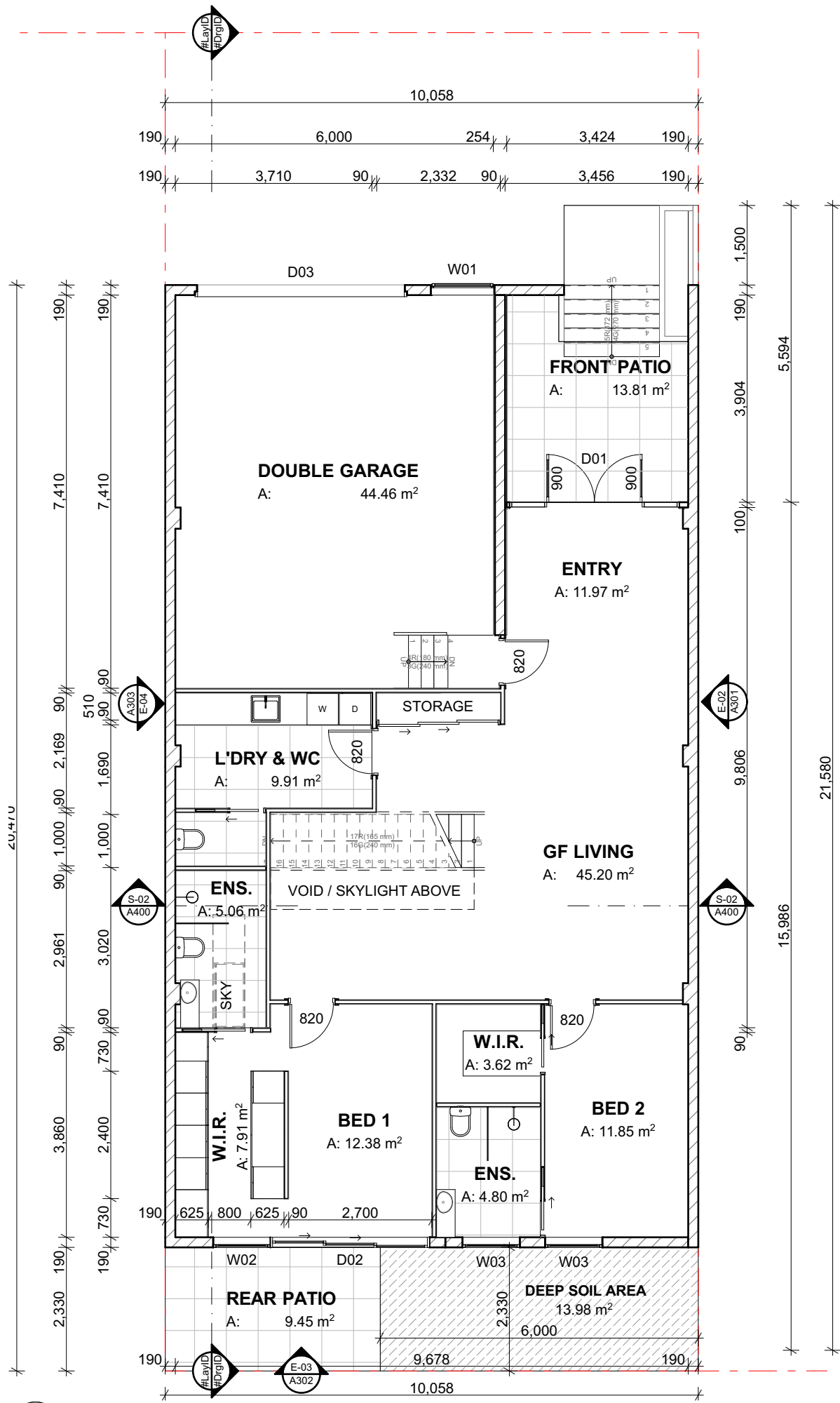
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REVISION NO.

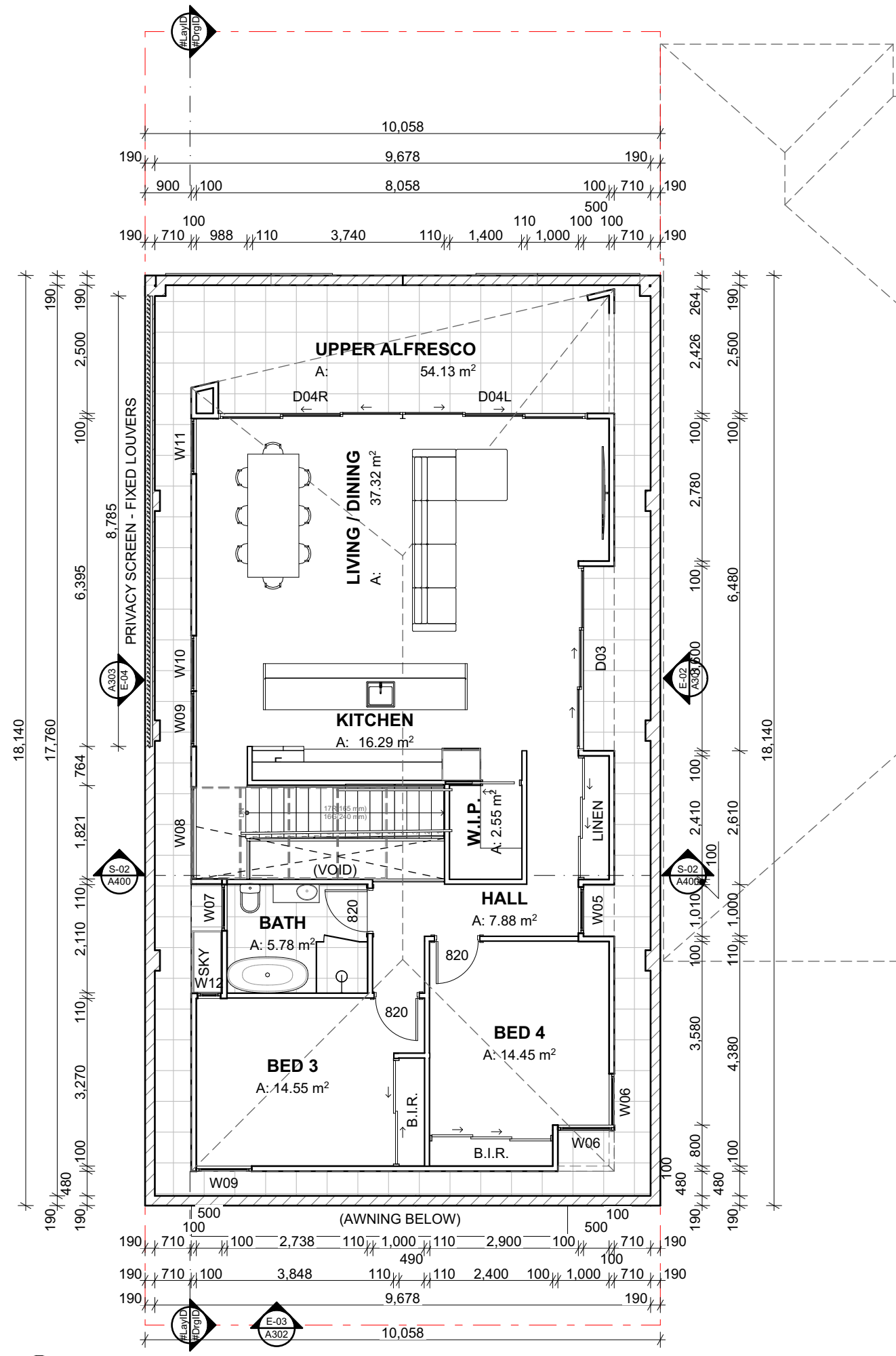
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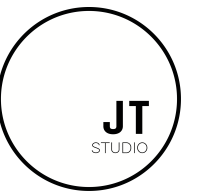
**A202**



0. Proposed Ground Floor Plan  
1:100



1. Proposed First Floor Plan  
1:100



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PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING TITLE :  
Plans  
**Proposed Roof Plan**

Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Status FOR APPROVAL  
Client ROBERT PICTON  
Lot: 30, SECTION 42  
DP: 300  
Site: 47 SCOTT STREET  
CARRINGTON NSW  
2294

NOTES:

Empty rectangular box for notes.



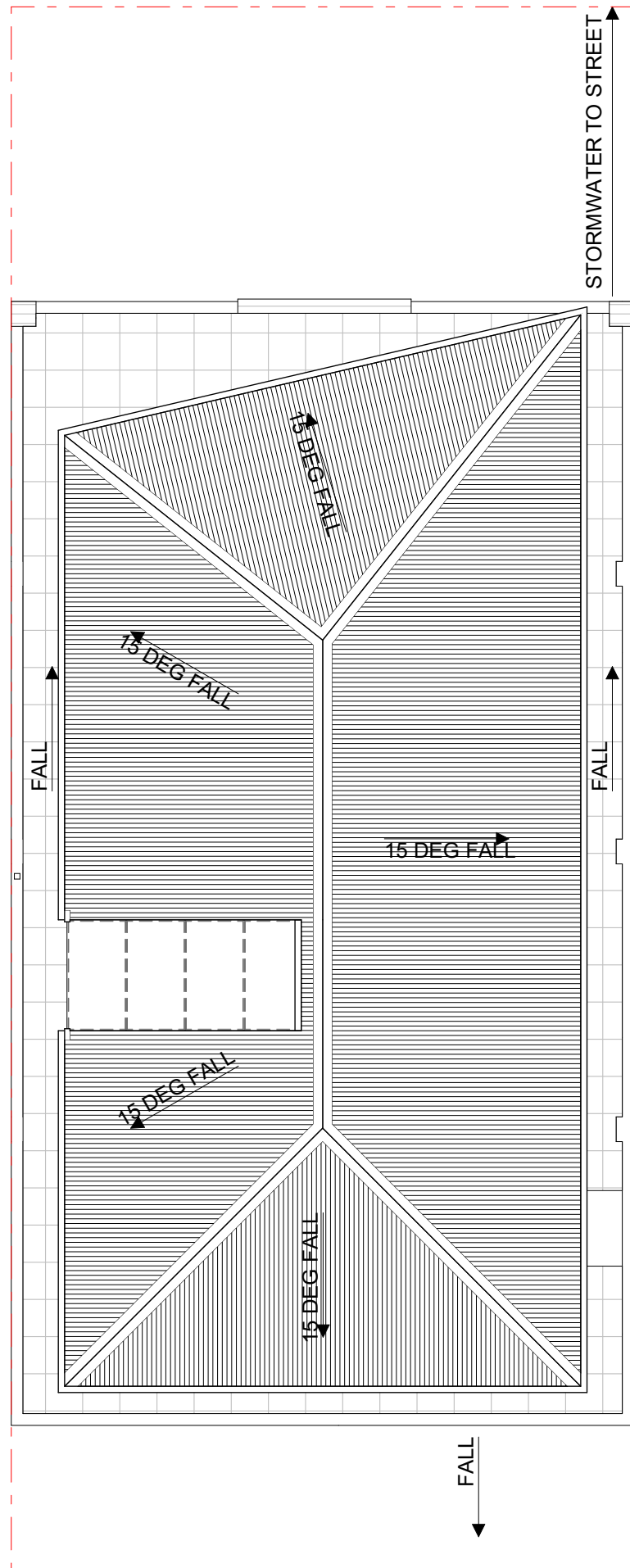
DRAWING SCALE (@A3):  
1:100

REVISION NO.

**F**

DRAWING NO.

**A203**

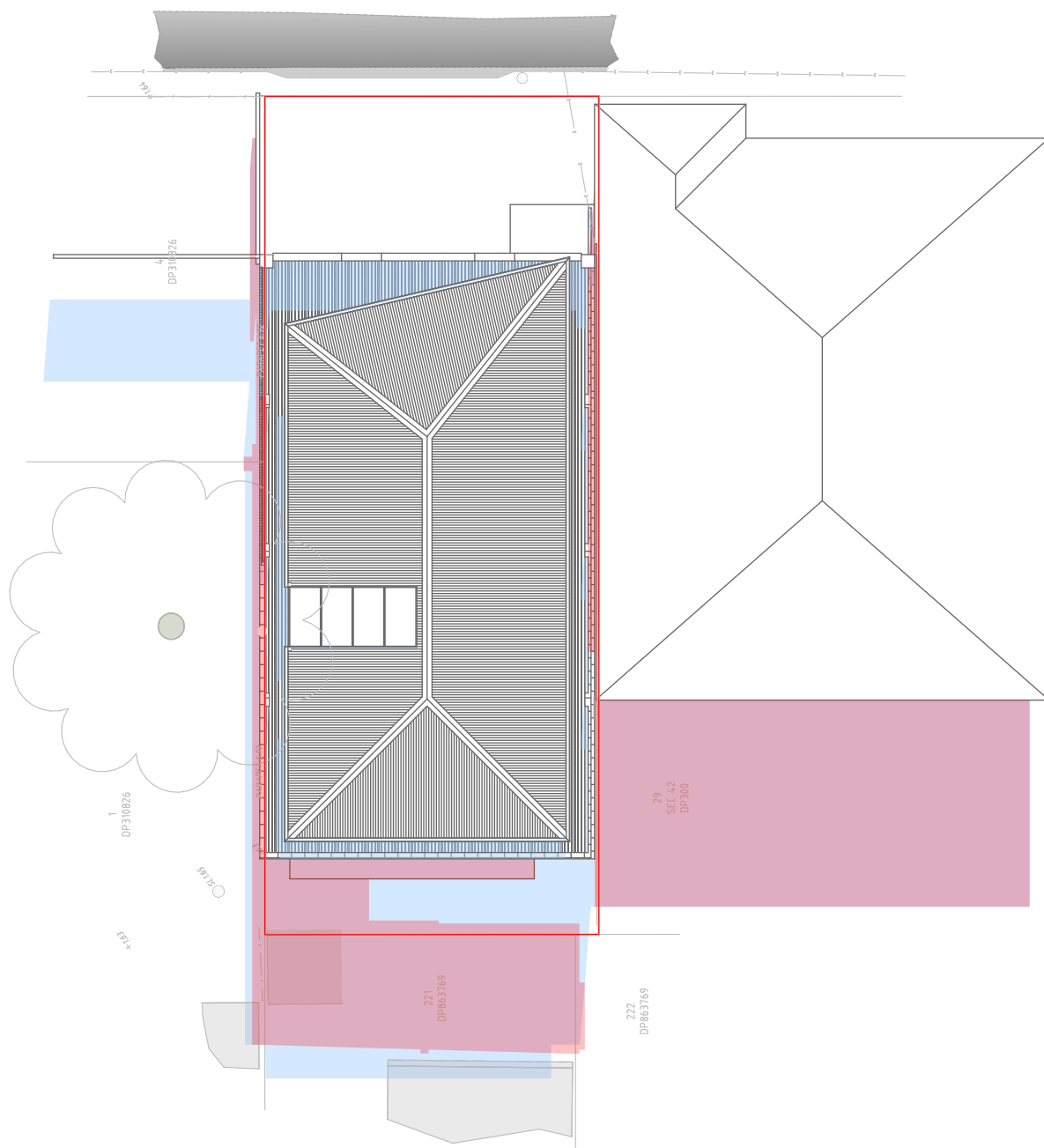


**SITE AREA**

2.

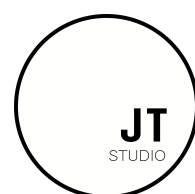
Roof Plan  
1:100

SCOTT STREET



04 Shadow Study 21 Dec at 0900h  
1:200

■ DENOTES OVERSHADOWING FROM EXISTING DWELLING  
■ DENOTES OVERSHADOWING FROM PROPOSED DWELLING

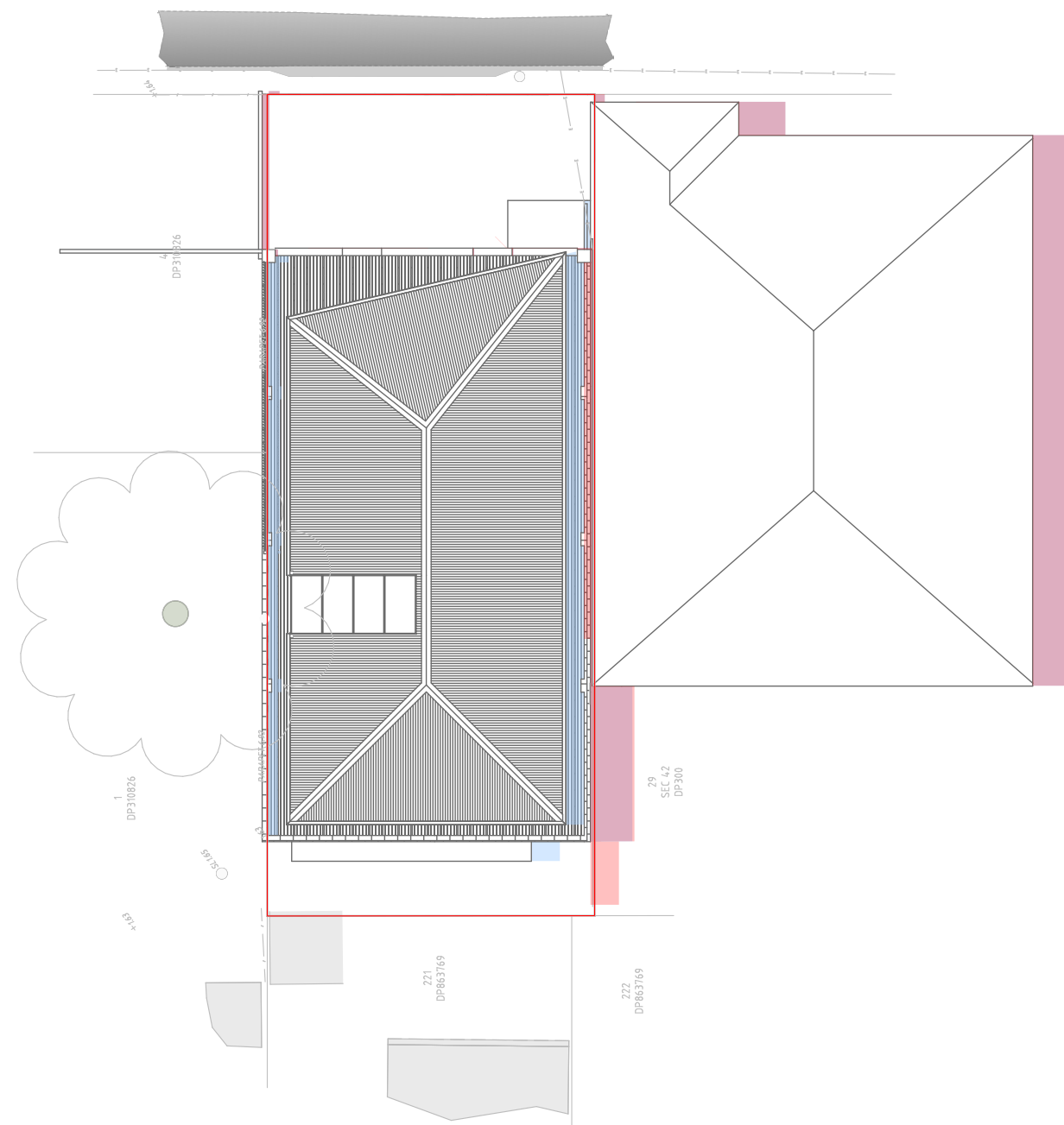


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Plot Date: 29/07/2024  
Project NO. JTS-0307  
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Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

SCOTT STREET



05 Shadow Study 21 Dec at 1200h  
1:200

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DRAWING TITLE :  
Plans  
**Shadow Diagrams - Summer**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :  
1:200

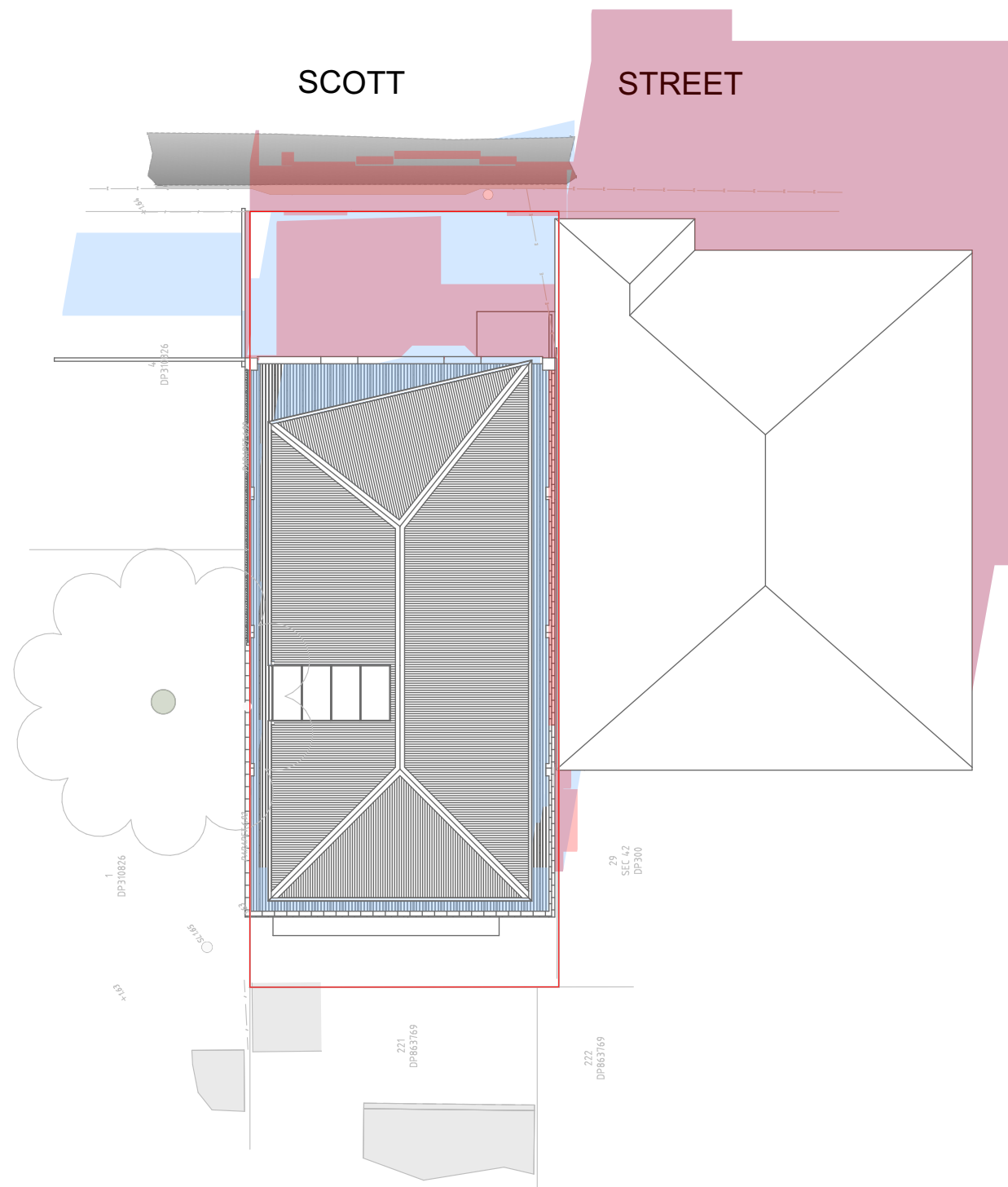
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**H**

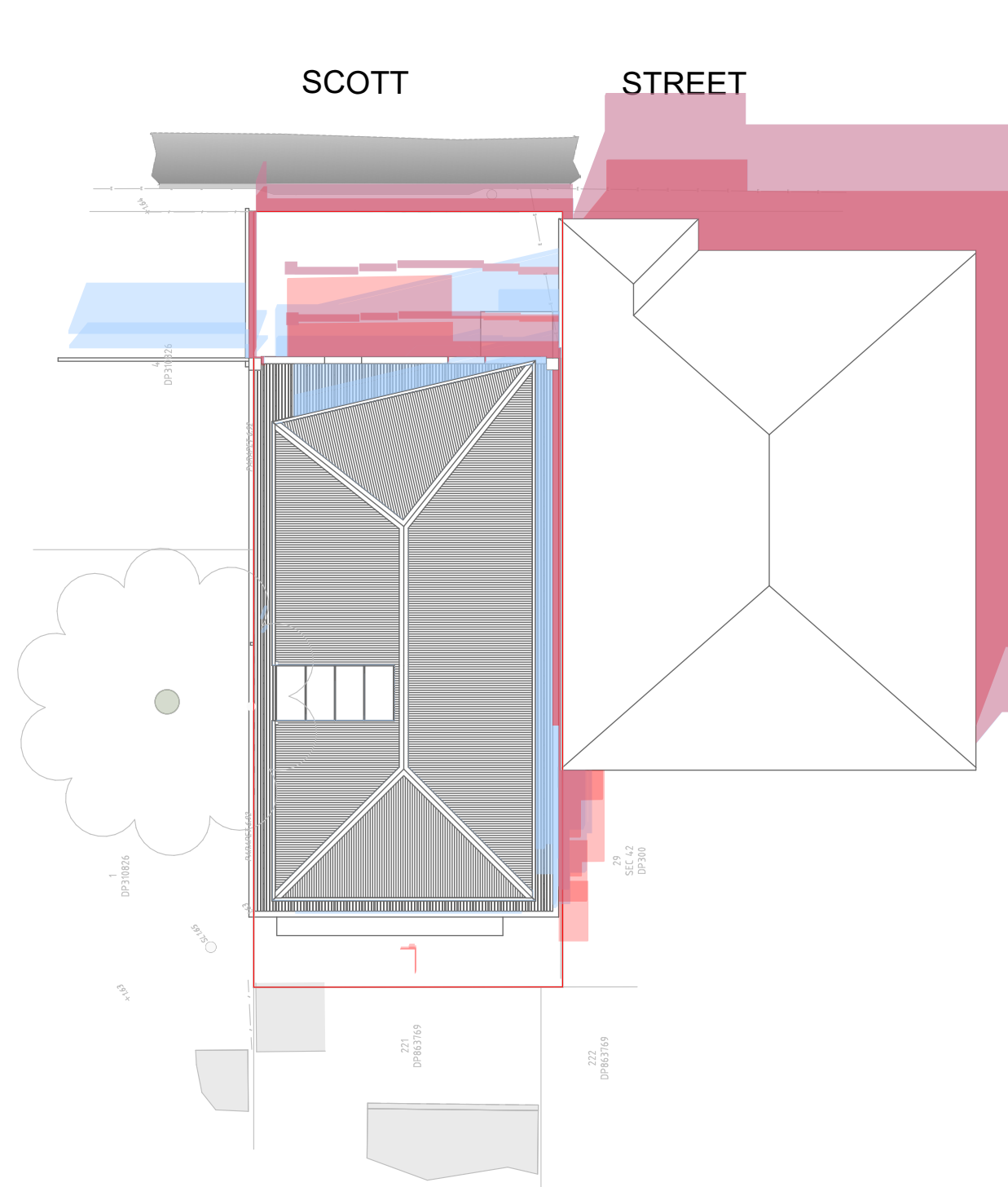
DRAWING NO.

**A204**





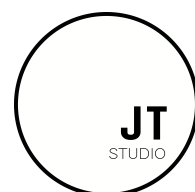
06 Shadow Study 21 Dec at 1500h  
1:200



07 Shadow Study 21 Dec at 1300-1400h  
1:200

■ DENOTES OVERSHADOWING FROM EXISTING DWELLING  
■ DENOTES OVERSHADOWING FROM PROPOSED DWELLING

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 Drawn by J.T.  
 Plot Date: 29/07/2024  
 Project NO. JTS-0307  
 Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
 Lot: 30, SECTION 42  
 DP: 300

DRAWING TITLE :  
 Plans  
**Shadow Diagrams - Summer**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :  
 1:200

REVISION ID.

**H**

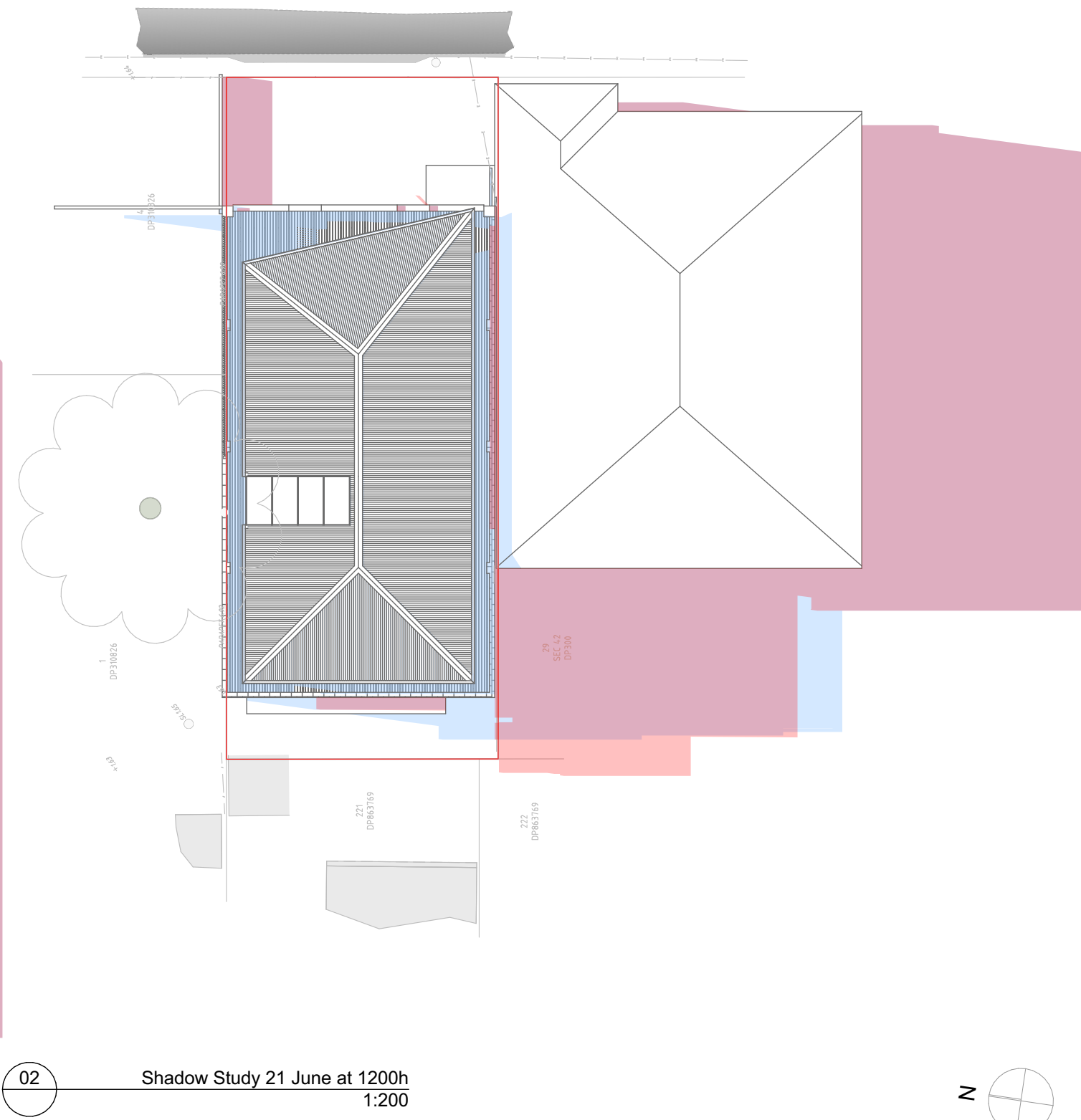
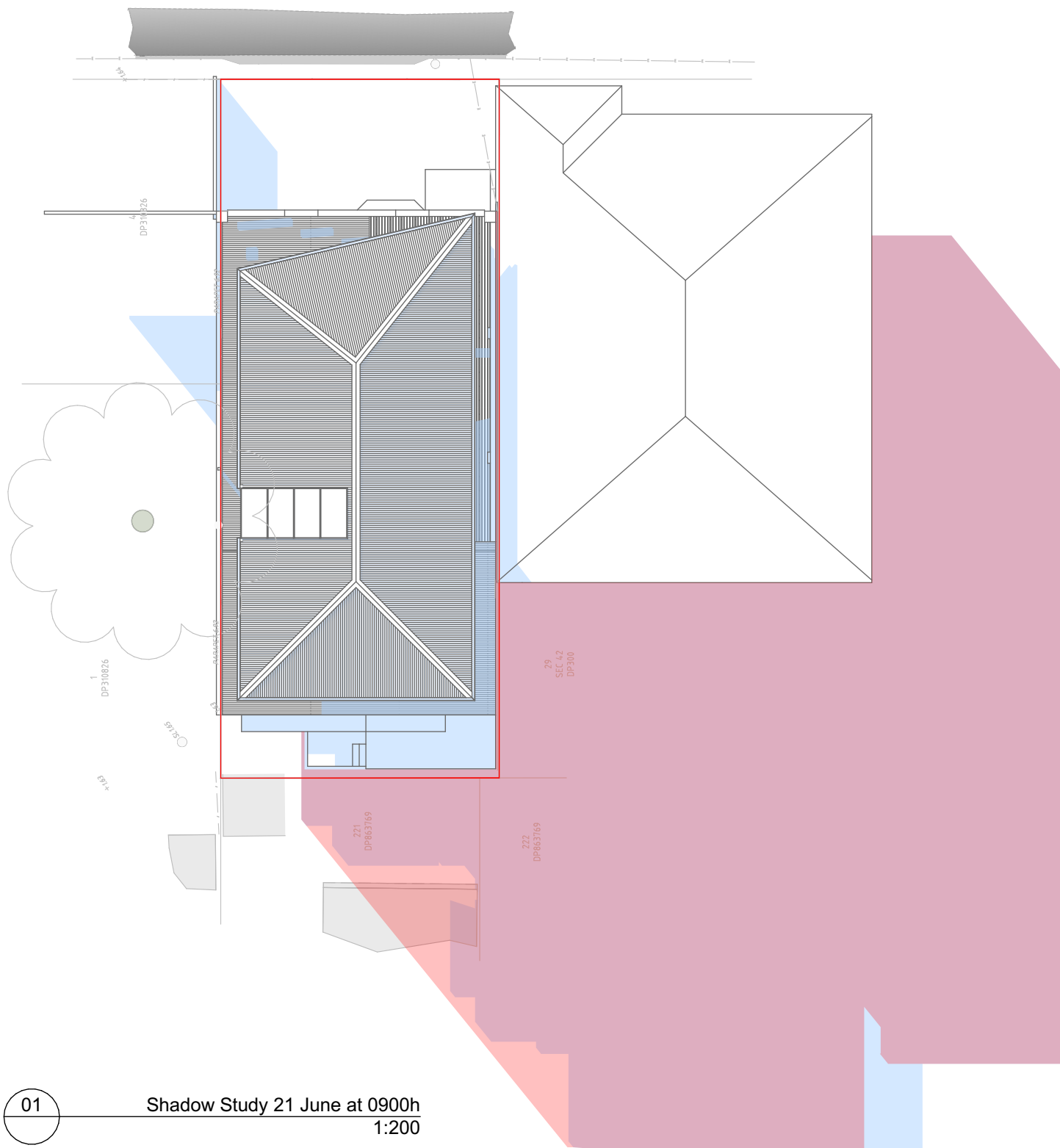
DRAWING NO.

**A205**



SCOTT STREET

SCOTT STREET



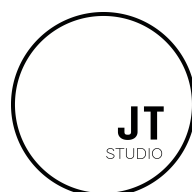
01 Shadow Study 21 June at 0900h  
1:200

02 Shadow Study 21 June at 1200h  
1:200



■ DENOTES OVERSHADOWING FROM EXISTING DWELLING  
■ DENOTES OVERSHADOWING FROM PROPOSED DWELLING

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 Drawn by J.T.  
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Site: 47 SCOTT STREET CARRINGTON NSW 2294  
 Lot: 30, SECTION 42  
 DP: 300

DRAWING TITLE :  
 Plans  
**Shadow Diagrams - Winter**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :  
 1:200

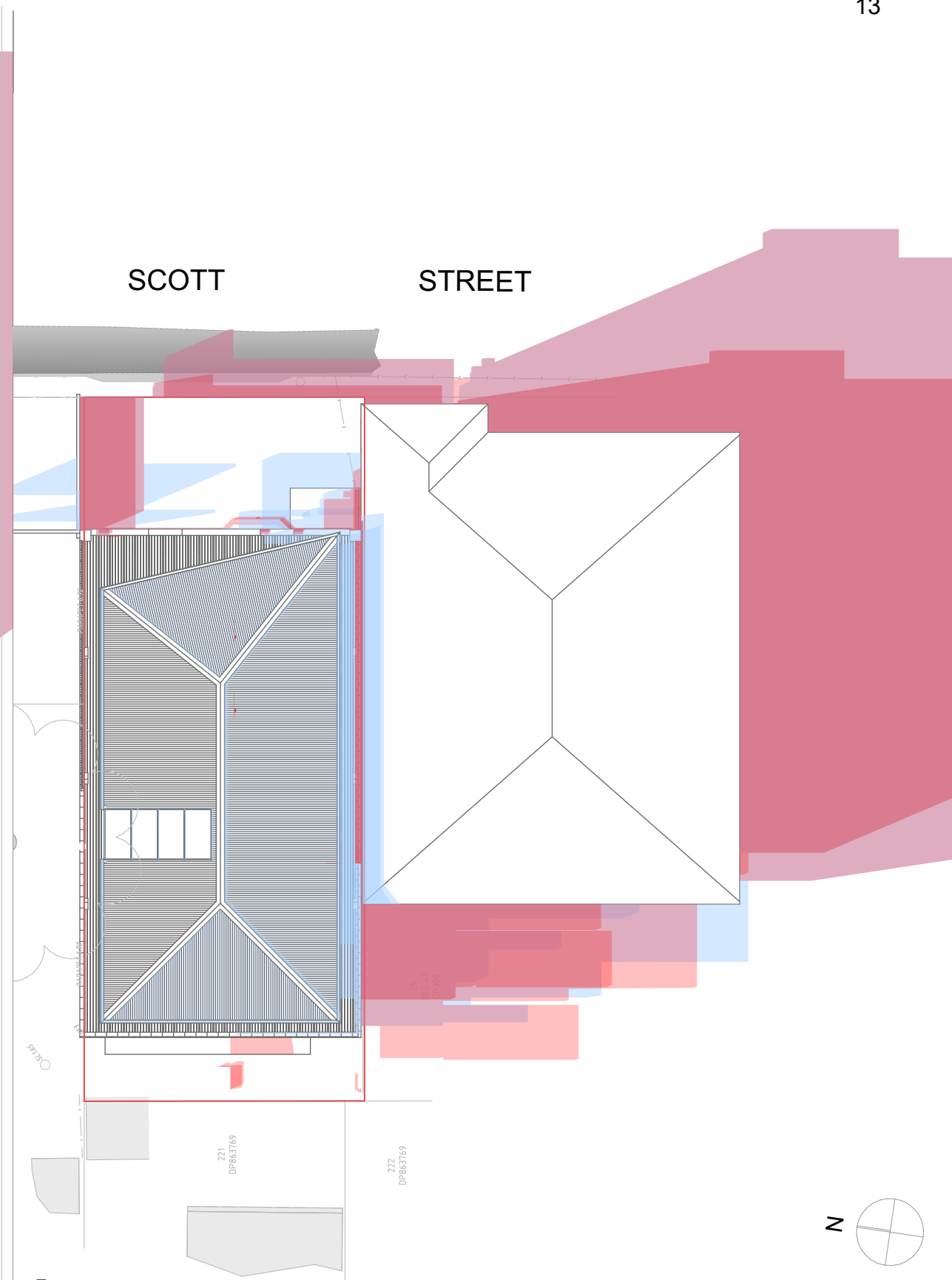
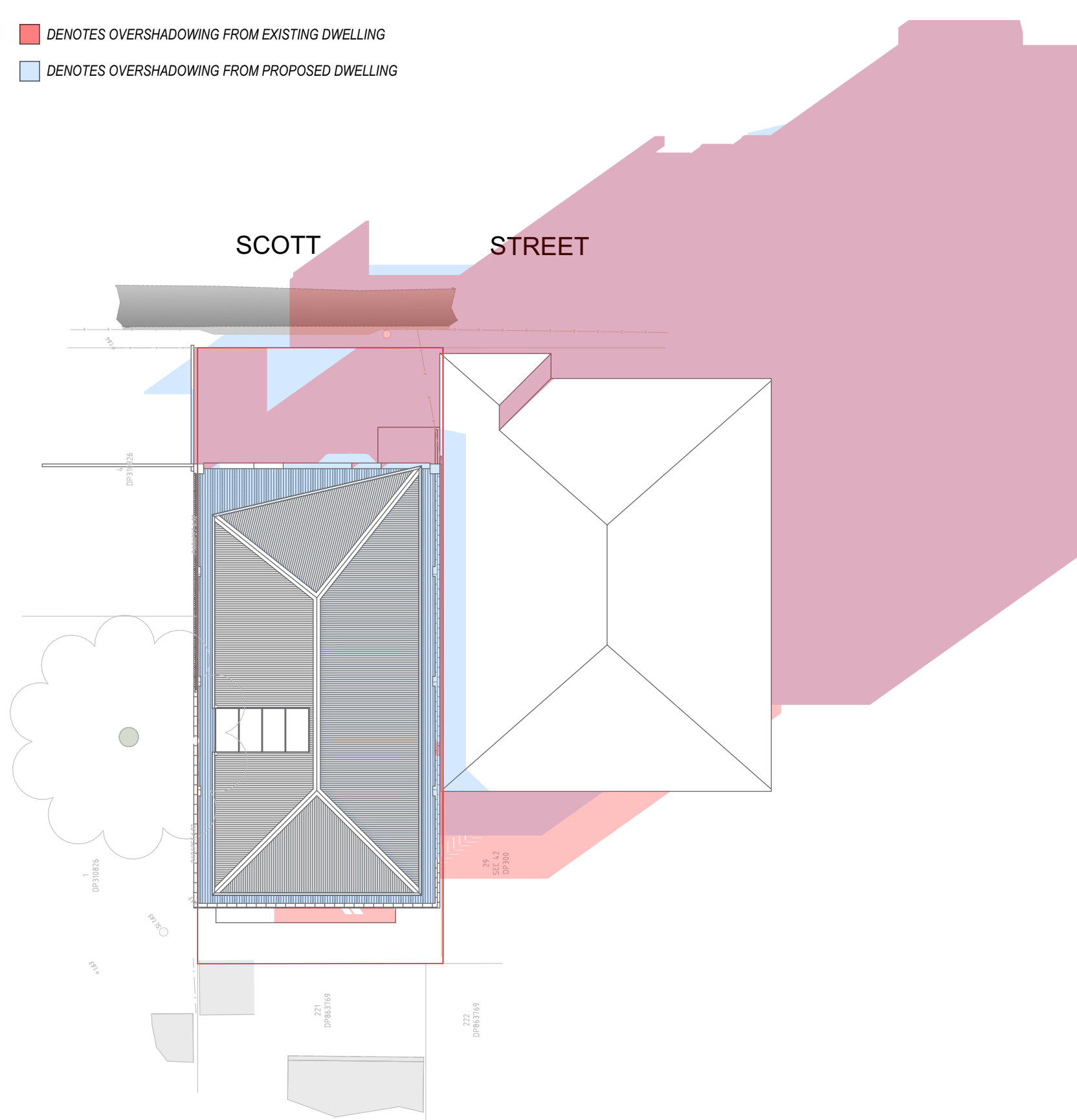
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DRAWING NO.

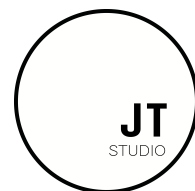
**A206**

■ DENOTES OVERSHADOWING FROM EXISTING DWELLING  
■ DENOTES OVERSHADOWING FROM PROPOSED DWELLING



03 Shadow Study 21 June at 1500h  
1:200

08 Shadow Study 21 June at 1300-1400h  
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Project Status FOR APPROVAL  
Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

DRAWING TITLE :  
Plans  
**Shadow Diagrams - Winter**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

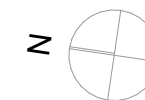
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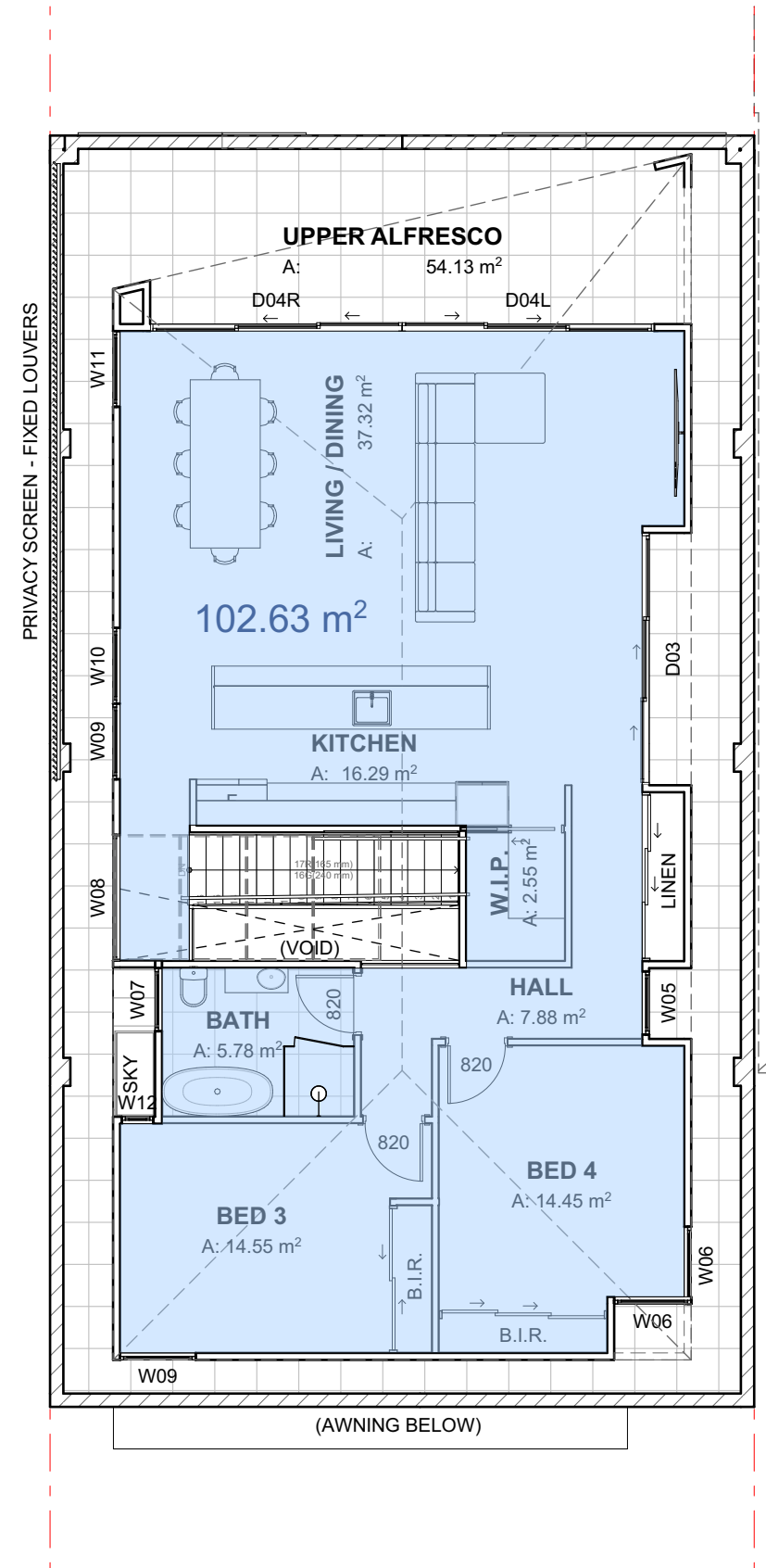
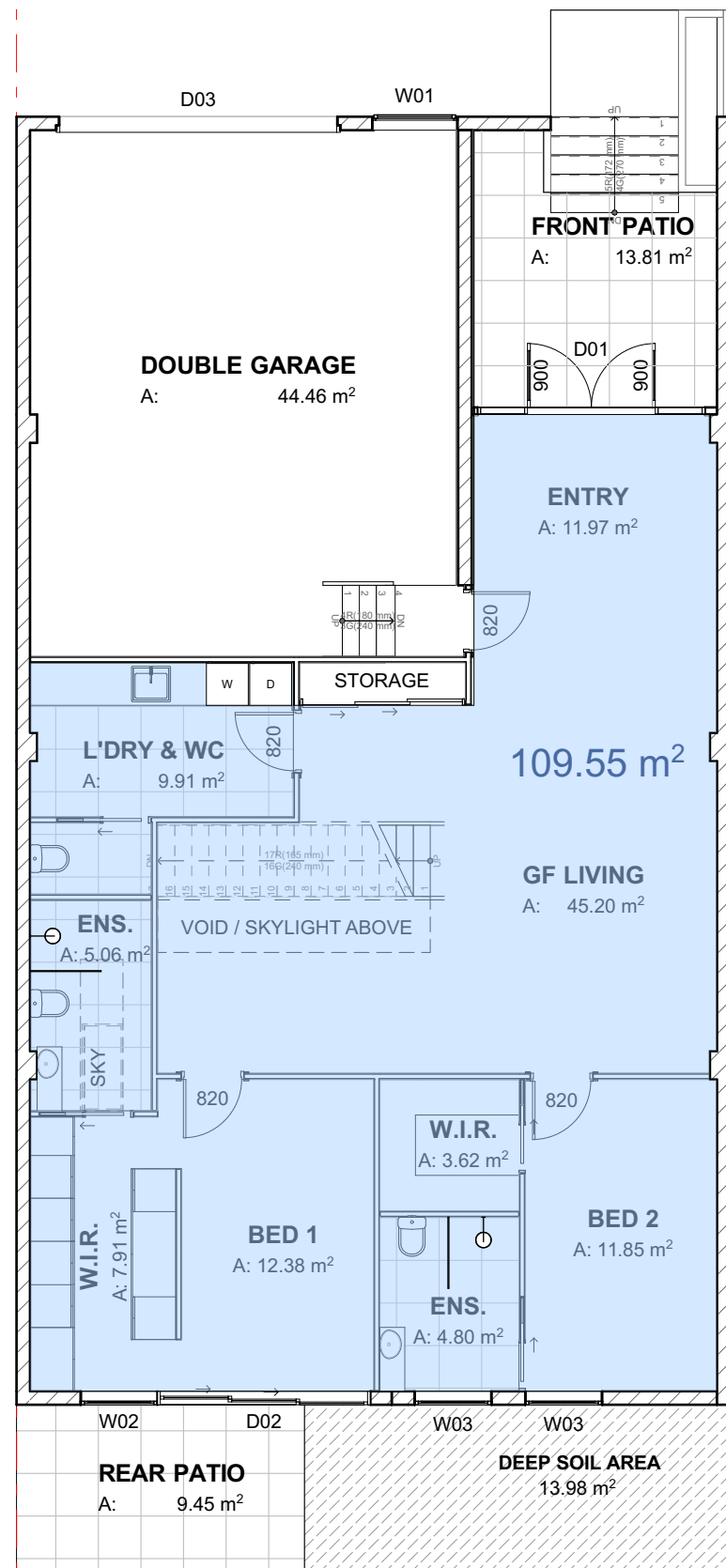
REVISION ID.

**H**

DRAWING NO.

**A207**





**FSR CALCULATIONS**

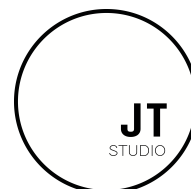
Location	Area adding to FSR
GROUND FLOOR: RL 1.79	109.55
FIRST FLOOR: RL 4.61	102.63
	<b>212.18 m<sup>2</sup></b>

TOTAL SITE AREA: 252.96m<sup>2</sup>  
 CONDITIONED FLOOR AREA: 212.18m<sup>2</sup>

FSR = 212.18 / 253.2  
 = 0.838:1

Allowable FSR = 0.6:1  
 Allowable FSR = 151.92m<sup>2</sup>.

DCP FSR ALLOWANCE = 0.6:1  
 FSR RATIO EXCEEDANCE = 0.238:1  
 FSR AREA EXCEEDANCE = 60.26m<sup>2</sup>  
 FSR % EXCEEDANCE = 39.67%



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 Plot Date: 29/07/2024  
 Project NO.: JTS-0307  
 Client: ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
 Lot: 30, SECTION 42  
 DP: 300

DRAWING TITLE :  
 Plans  
**FSR Calculations**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :  
 1:100

REVISION ID.

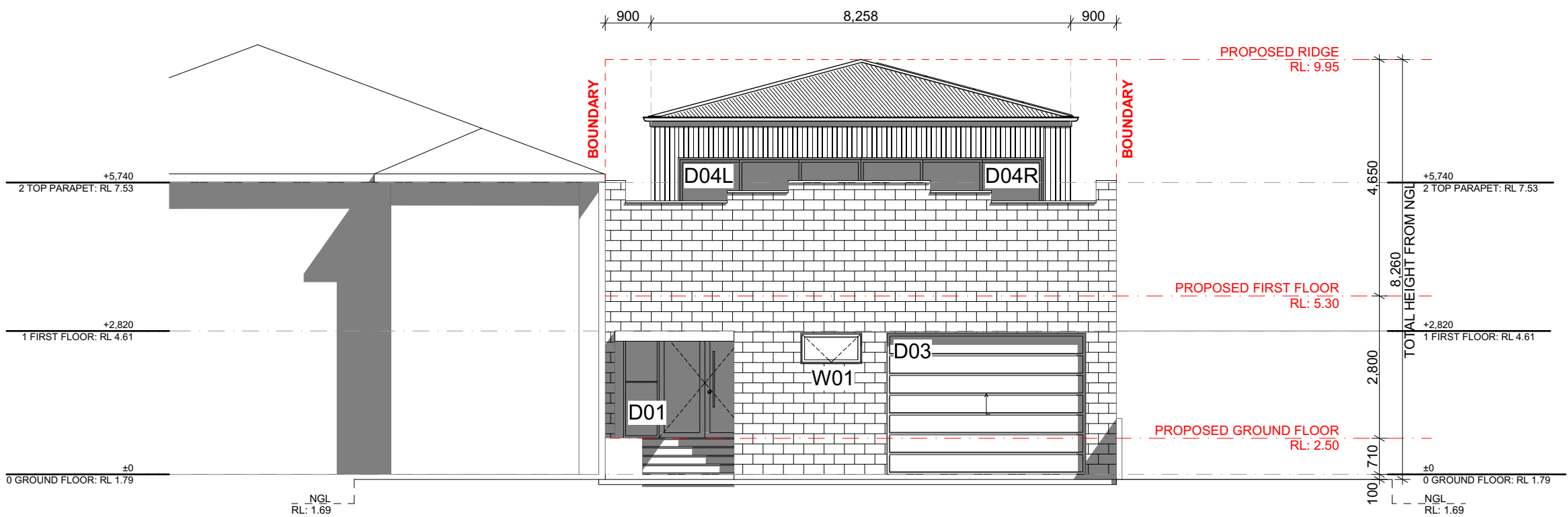
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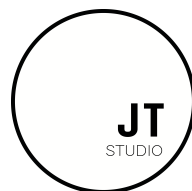
**A208**



**E-01** East Elevation - Existing  
1:100



**E-01** East Elevation - Proposed  
1:100



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Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

DRAWING TITLE :  
Elevations  
**E-01**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

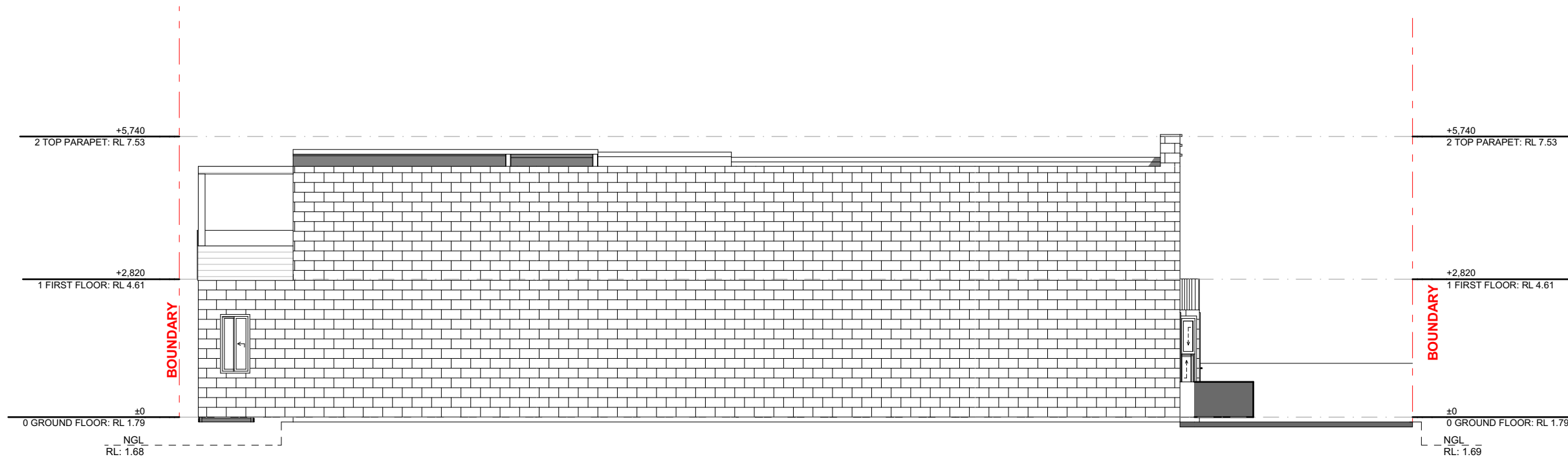
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REVISION ID.

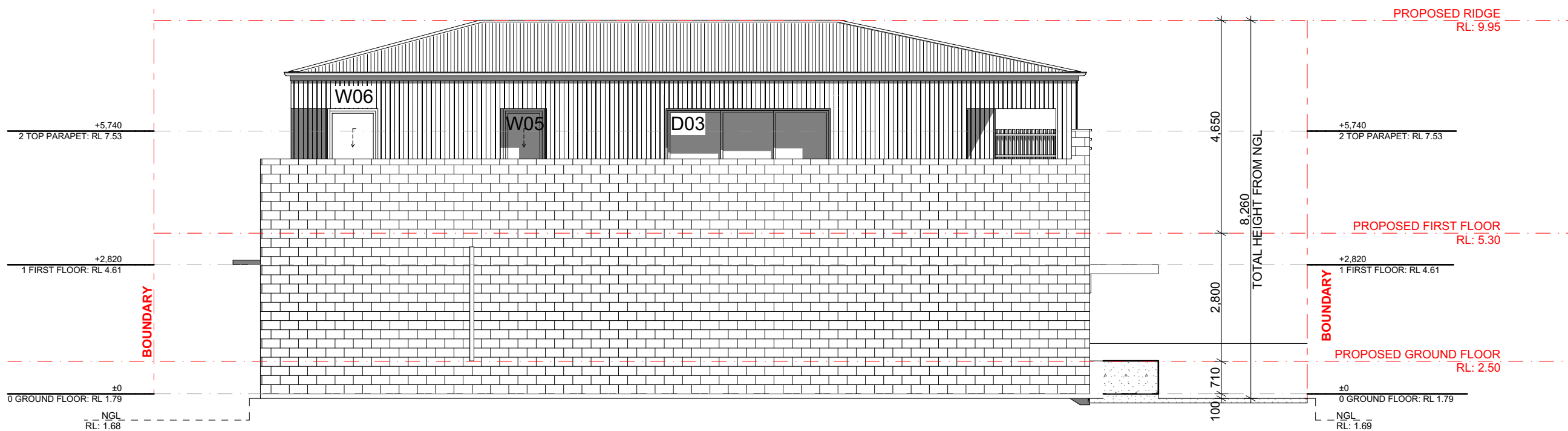
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DRAWING NO.

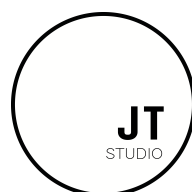
**A300**



E-02 South Elevation - Existing  
1:100



E-02 South Elevation - Proposed  
1:100



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Project Status FOR APPROVAL  
Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

DRAWING TITLE :  
Elevations  
**E-02**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :  
1:100

REVISION ID.

**H**

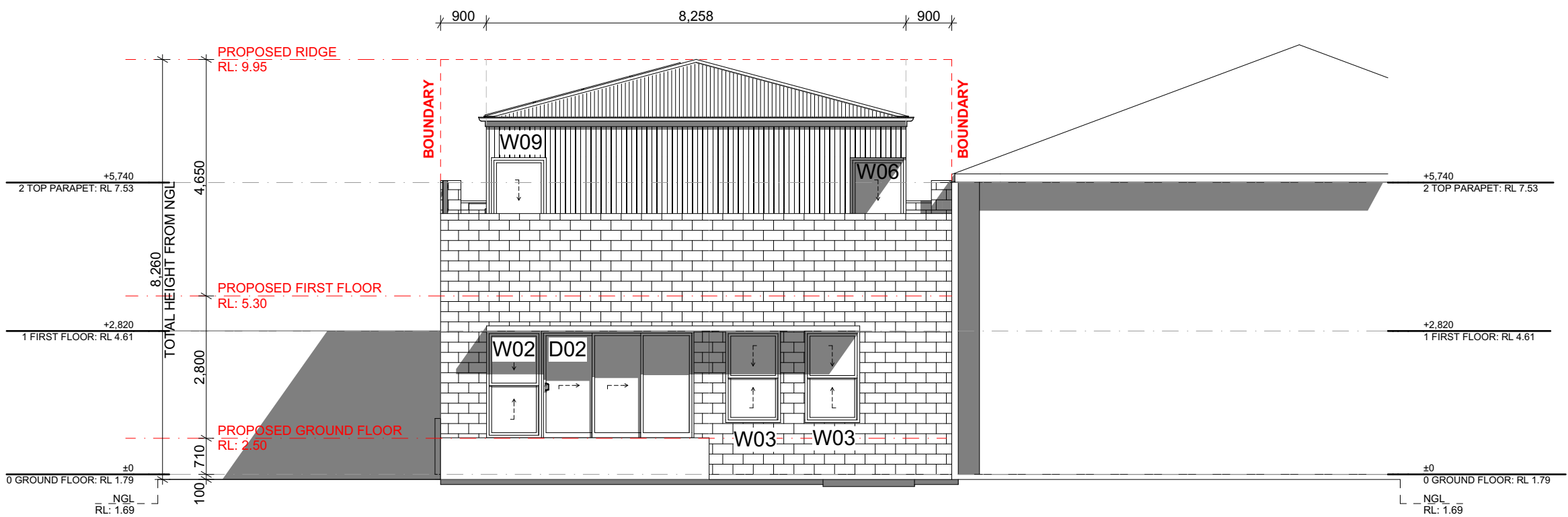
DRAWING NO.

**A301**

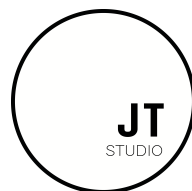




**E-03** West Elevation - Existing  
1:100



**E-03** West Elevation - Proposed  
1:100



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Plot Date: 29/07/2024  
Project NO. JTS-0307  
Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

DRAWING TITLE :  
Elevations  
**E-03**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

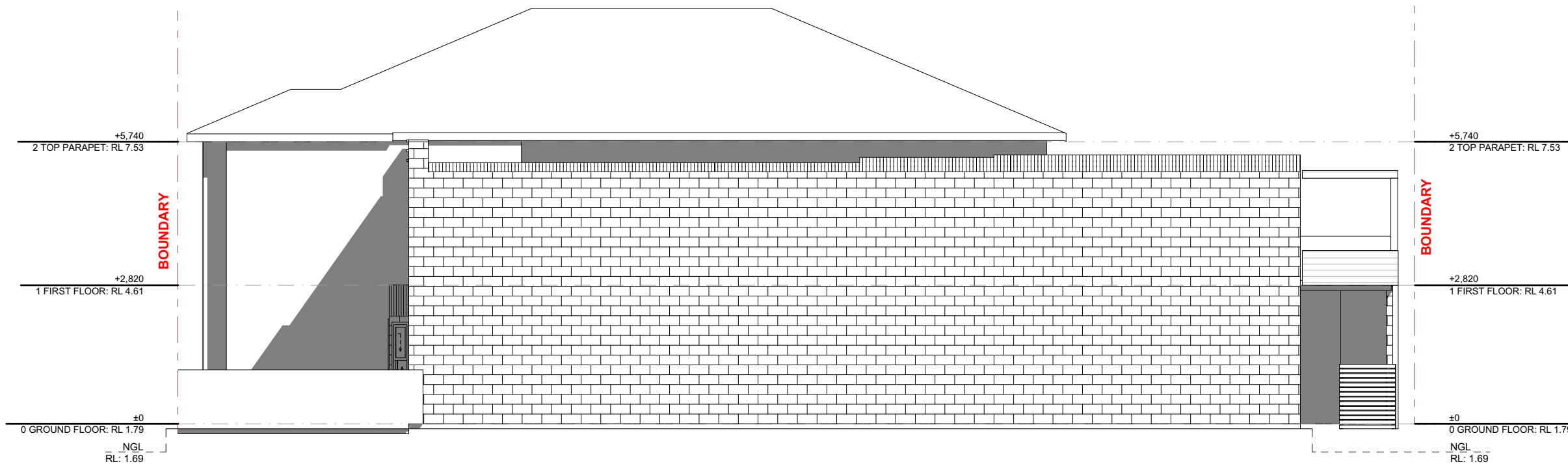
DRAWING SCALE :  
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REVISION ID.

**H**

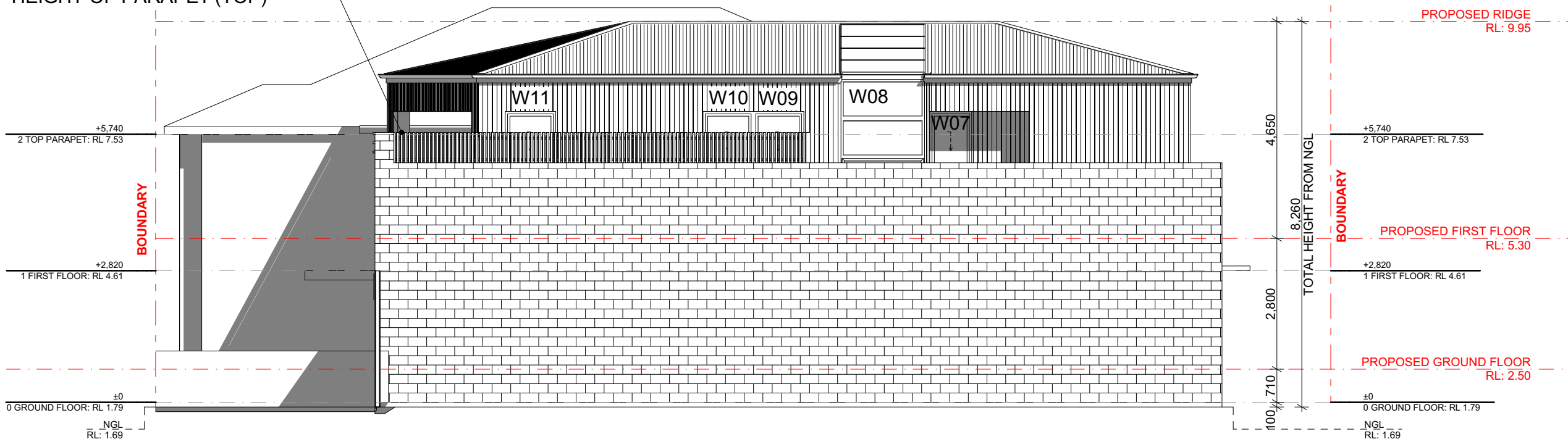
DRAWING NO.

**A302**

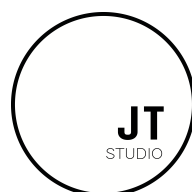


**E-04** North Elevation - Existing  
1:100

45° ANGLED LOUVERED  
PRIVACY SCREEN TO  
HEIGHT OF PARAPET (TOP)



**E-04** North Elevation - Proposed  
1:100



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Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

DRAWING TITLE :  
Elevations  
**E-04**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

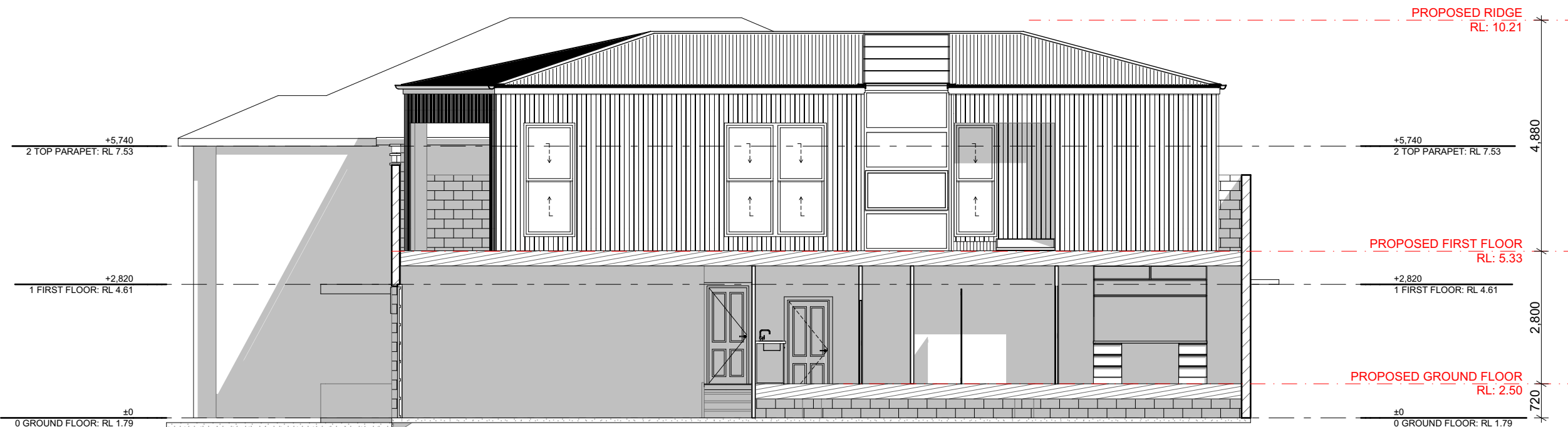
DRAWING SCALE :  
1:100

REVISION ID.

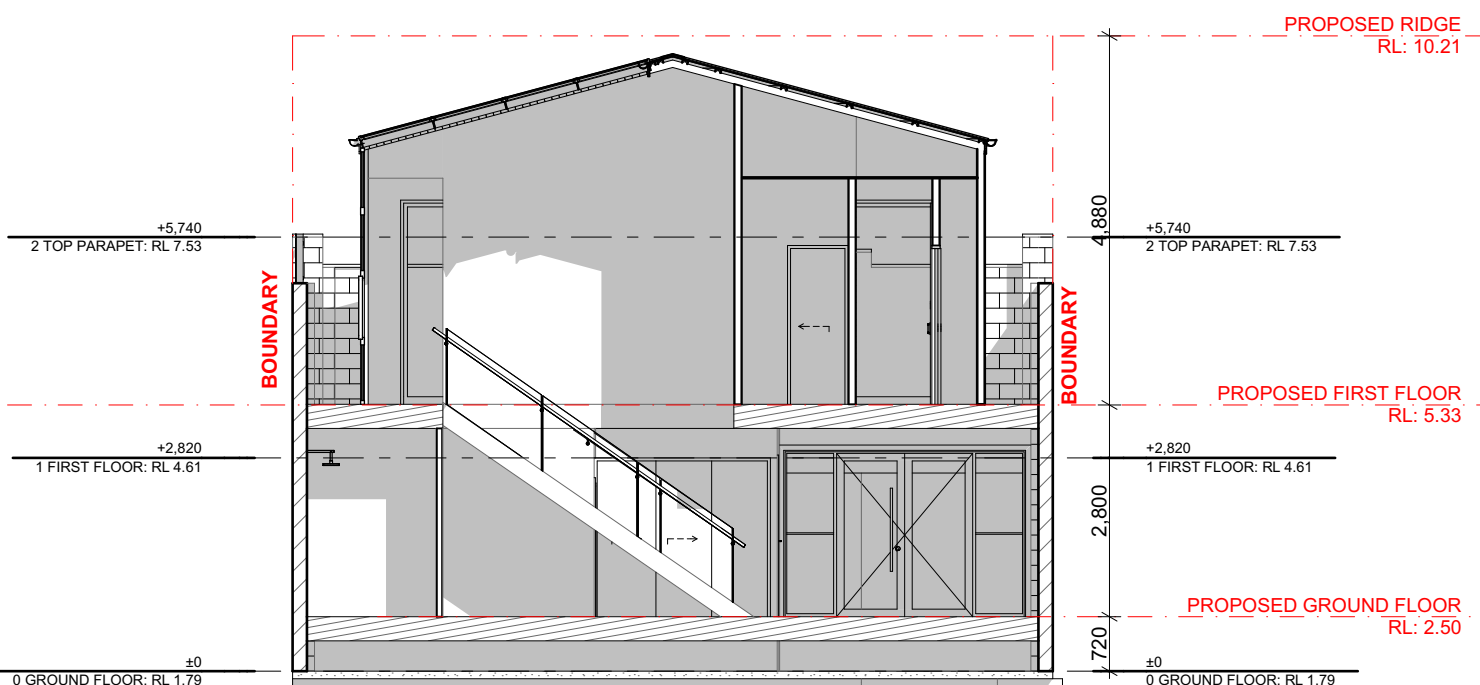
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DRAWING NO.

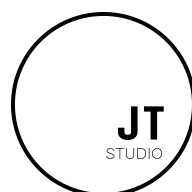
**A303**



S-01 Building Section 1  
1:100



S-02 Building Section 2  
1:100



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Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

DRAWING TITLE :  
Sections  
**S-01 S-02**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :  
1:100

REVISION ID.

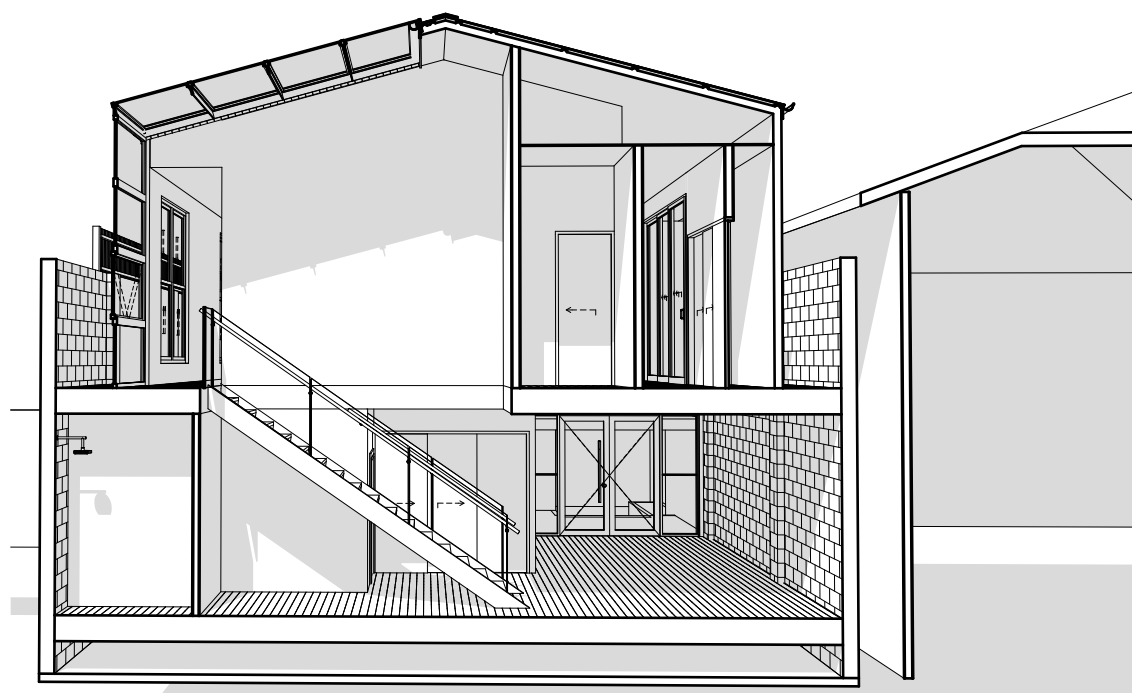
**H**

DRAWING NO.

**A400**



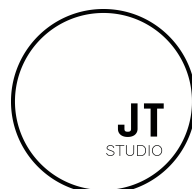
3D1 Front Perspective



3D2 Short Section Perspective



3D3 Short Section Perspective



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Project Status FOR APPROVAL  
Drawn by J.T.  
Plot Date: 29/07/2024  
Project NO. JTS-0307  
Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
Lot: 30, SECTION 42  
DP: 300

DRAWING TITLE :  
3D Perspectives  
**3D Perspectives**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :

REVISION ID.

**H**

DRAWING NO.

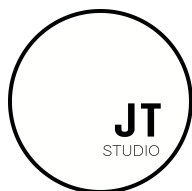
**A500**

Window Schedule

ID	QTY	Width	Height	Sill Height	Head Height	Renovation Status	Elevation
W01	1	1,200	600	2,180	2,780	New	
W02	1	1,080	2,100	720	2,820	New	
W03	2	1,080	1,800	1,020	2,820	New	
W05	1	900	2,400	300	2,700	New	
W06	2	1,100	2,400	300	2,700	New	
W07	1	900	2,400	300	2,700	New	
W08	1	1,790	3,387	0	3,387	New	
W09	2	1,080	2,400	300	2,700	New	
W10	1	1,080	2,400	300	2,700	New	
W11	1	1,080	2,400	300	2,700	New	
W12	1	450	2,400	300	2,700	New	

Door Schedule

ID	QTY	Leaf Width	Opening Width	Opening Height	Head Height	Renovation Status	Elevation	Model
D01	1	1,800	1,800	2,160	2,880	New		TBA
D02	1	2,920	3,000	2,100	2,820	New		Ascend Three Lite (BSSD-3) - S/S/F
D03	1	3,520	3,600	2,700	3,409	New		Ascend Three Lite (BSSD-3) - S/S/F
D04L	1	3,560	3,600	2,700	3,409	New		Ascend Six Lite (BSSD-6) - F/S/S/S/S/F
D04R	1	3,560	3,600	2,700	3,409	New		Ascend Six Lite (BSSD-6) - F/S/S/S/S/F



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Project Status FOR APPROVAL  
 Drawn by J.T.  
 Plot Date: 29/07/2024  
 Project NO. JTS-0307  
 Client ROBERT PICTON

Site: 47 SCOTT STREET CARRINGTON NSW 2294  
 Lot: 30, SECTION 42  
 DP: 300

DRAWING TITLE :  
 Schedules  
**Door & Window Schedules**

PROJECT NAME :  
**RESIDENTIAL REDESIGN**

DRAWING SCALE :

REVISION ID.

**H**

DRAWING NO.

**A600**



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**DISTRIBUTED UNDER SEPARATE COVER**





## DRAFT SCHEDULE OF CONDITIONS

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<b>To Application number</b>	DA2024/00155
<b>Land</b>	Lot 30 Sec 42 DP 300
<b>Property</b>	47 Scott Street Carrington NSW 2294
<b>Description of development</b>	Dwelling House - demolition, change of use and alterations and additions

---

### Reasons for approval

- 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, subject to the recommended conditions, is considered acceptable in terms of the requested Clause 4.6 request for variation to Clause 4.4 'Floor Space Ratio'.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2023 (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.

## Terms and Reasons for Conditions

# GENERAL CONDITIONS

## Condition

### 1. Approved plans and documentation

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

<b>Approved plans</b>				
<b>Plan number</b>	<b>Revision number</b>	<b>Plan title</b>	<b>Drawn by</b>	<b>Date of plan</b>
A00	Rev H	Drawing List/Cover Sheet	JT Studio Design	29.07.2024
A001	Rev F	Site Plan	JT Studio Design	29.07.2024
A201	Rev F	Demolition Plans	JT Studio Design	29.07.2024
A202	Rev F	Proposed Floor Plan	JT Studio Design	29.07.2024
A203	Rev F	Proposed Roof Plan	JT Studio Design	29.07.2024
A208	Rev H	FSR Calculations	JT Studio Design	29.07.2024
A300	Rev H	Elevation 01	JT Studio Design	29.07.2024
A301	Rev H	Elevation 02	JT Studio Design	29.07.2024
A302	Rev H	Elevation 03	JT Studio Design	29.07.2024
A303	Rev H	Elevation 04	JT Studio Design	29.07.2024
A400	Rev H	Section Plan 1 & 2	JT Studio Design	29.07.2024
A500	Rev H	3D Perspective Plan	JT Studio Design	29.07.2024
A600	Rev H	Door & Window Schedules	JT Studio Design	29.07.2024
<b>Approved documents</b>				
<b>Document title</b>	<b>Version number</b>	<b>Prepared by</b>	<b>Date of document</b>	
Preliminary Site Investigation Report	-	Hunter Environmental Consulting	25 June 2024	

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

Condition reason: to ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

### 2. Contamination Report

During site work and/or building work that involves the disturbance of soil, an un-expected finds protocol is to be implemented in accordance with the requirements of section 7 of the Preliminary Site Investigation Report, prepared by Hunter Environmental Consulting, 25 June 2024.

Reason: To protect workers, the public and the environment

## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

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#### Condition

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#### 3. **Development contributions - 7.12 general**

In accordance with the Newcastle City Council Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of **\$7500.00** shall be paid to the Newcastle City Council for the purposes of the provision, extension or augmentation of transport and social infrastructure.

- (a) If the contribution is not paid within the financial quarter that this consent is granted, the contribution payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment.
- (b) Subject to prevailing Ministerial Directions, the monetary contribution shall be paid to Newcastle City Council
  - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - (ii) prior to the issue of the first Construction Certificate where the development is for building work.
  - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Condition reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

#### 4. **Privacy screening**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), the first-floor privacy screen as shown on the North elevation is to have a height of 2.2m metres as measured from the finished floor level of the first floor. The privacy screen shall have a maximum area of 25% openings (spread evenly throughout the screen), with fixed louvres and be made of durable materials.

Condition reason: To protect the amenity of adjoining properties.

#### 5. **Rear boundary fencing**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), 1.8m high rear boundary fencing is to be provided to the rear setback.

Condition reason: To ensure fencing replaces existing unauthorised boundary structures.

#### 6. **Car parking requirements**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details of on-site parking accommodation are to be provided for a minimum of two (2) vehicles meeting the minimum parking layout standards indicated in Section C1 'Traffic, Parking and Access' of Newcastle Development Control Plan 2023, with full details included in the construction certificate documentation.

Condition reason: to meet on-site car parking numbers and design standards

#### 7. **Garage door width**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of a building), a design showing the proposed garage door openings having a minimum clear width of 4.8m. is required, with full details included in the construction certificate documentation.

Condition reason: to permit unobstructed vehicular access to garages.

#### 8. **Car park design**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of a building), full details of the design of the car parking and vehicular access complying with the relevant provisions of *AS/NZS 2890 Parking facilities* are to be documented, with full details included in the construction certificate documentation.

Condition reason: to satisfy car parking and vehicular access standards for vehicles.

#### 9. **Water tanks detention**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of a building), details are to be provided demonstrating rainwater runoff from the proposed new work will be directed a detention tank with a minimum capacity of **2000 litres**. A 65mm orifice shall be located at the bottom of the tank to control the release of water discharging from the tank. 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 provided with the construction certificate documentation.

Condition reason: to ensure that detailed designs provide for stormwater runoff relating to the new work to be directed to a detention tank.

#### 10. **Rainwater tank screening**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that all downpipes discharging to the rainwater tanks will have pre-storage insect, debris and vermin control (eg. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. capped relief access points at the lowest level of stormwater drainage). Full details are to be included in documentation for the construction certificate application.

Condition reason: to require screening of rainwater tanks.

#### 11. **Flooding - verifying floor levels**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of a building), full details are to be provided demonstrating that the ground floor level of all proposed buildings or building additions are to be reduced level 2.50m Australian Height Datum.

Condition reason: to require verification of proposed floor level heights.

#### 12. **Flood refuge on-site**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of a building), details are to be provided demonstrating that an on-site flood refuge is to be provided in the development. The minimum on-site refuge level in the building is the level of the Probable Maximum Flood event (reduced level 2.0m Australian Height Datum). The design and/or suitability of the refuge is to be structurally certified by a professional engineer, ensuring that the building is able to withstand the hydraulic loading due to flooding from the Probable Maximum Flood (Flood Level reduced level 2.5m Australian Height Datum, Maximum Flow Velocity of floodwaters 0.15m/s). Full details are to be included in documentation for the construction certificate application.

Condition reason: to require location and design of an appropriate flood refuge on-site.

#### 13. **Electric vehicle circuitry and electric vehicle charging point requirements - dwelling houses, semi-detached dwellings, secondary dwellings and dual occupancies, including alterations and additions with an estimated cost equal to or more than \$200,000.**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of a building), details are to be provided of electrical plan and specifications for all off-street car parking, prepared by a suitably qualified and experienced person and demonstrating the following;

- a) That at least one off-street car parking space will be provided with electrical circuitry to support the installation of a 'Level 2' electric vehicle charger point. The construction certificate plans are to:
  - i) Identify the power capacity to each car parking space.

Full details are to be included in documentation for the construction certificate application.

Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:

- a) Privately available spaces: 'Level 2' slow - single phase 7kW power; and
- b) Public spaces: 'level 2' fast - three-phase 11-22kW power.

Condition reason: to ensure detail is provided for off street parking with dwelling houses, semi-detached dwellings, secondary dwellings and dual occupancies so it satisfies electric charging.

**14. Controlling stormwater - sealed pipe**

Before the issue of the first construction certificate for the development (i.e., whether for part or whole of a building), details are to be provided demonstrating that stormwater will be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions. Full details are to be included in the construction certificate documentation.

Condition reason: to control stormwater runoff.

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**BEFORE BUILDING WORK COMMENCES**

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Condition

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**15. Compliance with Home Building Act (if applicable)**

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Condition reason: prescribed condition EP&A Regulations 2021 (Section 69).

**16. Roads Act approval**

Before building work commences, a separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve, pursuant to Section 138 of the *Roads Act 1993*, prior to the commencement of works.

Condition reason: to ensure compliance with the *Roads Act 1993*.

**17. Erosion and sediment control - vehicle access**

Before site work and/or building work commences a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.

Condition reason: to prevent soil erosion.

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**DURING BUILDING WORK**

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Condition

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**18. Controlling surface water**

During site work and/or building work 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.



Condition reason: to protect adjacent properties from additional surface water runoff.

**19. Site signage - site and building work**

During site work and/or building work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

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

Condition reason: prescribed condition.

**20. Compliance with BCA**

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

Condition reason: prescribed condition - EP&A Regulation (Section 69).

**21. Excavation and backfilling safety**

During site work and/or building work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

**22. Containing materials and plant**

During building work, all building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Newcastle City Council reserves, including the road reserve, is not permitted.

Condition reason: to contain materials and plant and protect the public.

### 23. **Checking floor levels - surveyor**

During building work, certification is to be prepared by a Registered Surveyor and submitted to the principal certifier at the following stages of construction:

- 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.

Condition reason: to ensure finished floor levels equal approved plans.

### 24. **Limits on noise**

During building/demolition work, generation of 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.

Condition reason: to protect the residential amenity of neighbours.

### 25. **Containing waste**

During site work and/or building work, and at a minimum, the following measures are to be implemented:

- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste.
- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
- c) Provision is to be made to prevent 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*.

Condition reason: to require waste management on site.

### 26. **Pollution prevention signage**

During site work and/or building work, a Newcastle City Council '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 the Newcastle City Council for the duration of demolition and construction work.

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

Condition reason: to require pollution prevention signage.

#### 27. **Erosion and sediment control measures**

During site work and/or building work, erosion and sediment control measures are to be implemented and maintained during the period of construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Condition reason: to prevent erosion and control sediment.

### **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

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#### Condition

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#### 28. **Privacy screening (Prior to Occupation Certificate)**

The construction of the privacy screen is to be completed prior to the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building).

Condition reason: To protect the amenity of adjoining properties.

#### 29. **Water management measures complete**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), 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.

Condition reason: to ensure water management measures are as approved.

#### 30. **Car park provision**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), on-site car parking accommodation is to be provided for a minimum of two (2) vehicles and be set out generally in accordance with the details indicated on the approved DA plans except as otherwise provided by the conditions of consent.

Condition reason: to require minimum car spaces.

#### 31. **Evidence of correct installation of EV charging**

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), the principal contractor or owner-builder must submit to the satisfaction of the principal certifier, certification by a suitably qualified and experienced person that the electric vehicle charger points and/or electric vehicle circuitry, has been installed in accordance with the construction certificate plans and specifications as required by the appropriate conditions of consent that have been included in the determination.

Condition reason: to ensure proposed electric vehicle parking and charging facilities are completed.

### 32. **Basix implemented**

Before the issue of each occupation certificate for the development (i.e., whether for part or whole of a building), all commitments listed in the relevant BASIX certificate for:

- a) BASIX development, or
  - b) BASIX optional development, if the development application was accompanied by a BASIX certificate,
- are to be satisfactorily completed.

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 included with Occupation Certificate documentation.

Condition reason: to ensure BASIX commitments are completed.

### 33. **Public infrastructure - rectification of damage**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), any public infrastructure (including all public footways, foot paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and at no cost to Council.

Condition reason: to ensure rectification of any damage to public infrastructure.

### 34. **Completion of road reserve works**

Before the issue of the first occupation certificate for the development (i.e., whether for part or whole of a building), all works within the road reserve required by this consent are to be completed and a practical completion certificate, or equivalent written advice, is to be obtained from Newcastle City Council.

Condition reason: to ensure completion of works within the road reserve.

## DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

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### Condition

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#### 35. Notification to nearby properties

At least seven (7) days prior to site work and/or demolition work commencing, all directly adjoining properties are to be notified of demolition works.

Condition reason: to alert adjoining properties to demolition works.

#### 36. Toilets on site

Before site work and/or demolition work commences, toilet facilities are to be available or provided at the work site and maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the Local Government Act 1993,  
or
- c) be a temporary chemical closet approved under the Local Government Act 1993.

Condition reason: to require provision of toilet facilities on site.

#### 37. Erosion and sediment control measures

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

Condition reason: to prevent erosion and control sediment.

## DURING DEMOLITION WORK

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### Condition

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#### 38. Controlling surface water

During site work and/or demolition work, 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.

Condition reason: to protect adjacent properties from additional surface water runoff.

#### 39. Demolition management

During site work and/or demolition work, works are to be undertaken in accordance with *Australian Standard 2601:2001 - The Demolition of Structures* and the following requirements:

- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
- b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner.
- c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
- d) a copy of all waste disposal receipts is to be kept in the possession of the landowner and made available to authorised Council Officers upon request.
- e) seven working days' notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
- f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

Condition reason: to comply with Australian standards.

#### 40. **Containing waste**

During site work and/or demolition work, and at a minimum, the following measures are to be implemented:

- a) A waste container of at least one cubic metre capacity is to be provided, maintained and regularly serviced from the commencement of operations until the completion of the building, for the reception and storage of waste generated by the construction of the building and associated waste.
- b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets.
- c) Provision is to be made to prevent 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*.

Condition reason: to require waste management on site on site.

#### 41. **Demolition - protecting services**

During demolition work, the demolisher is to ensure that all services (i.e. water,

telecommunications, gas, electricity, sewerage etc) are disconnected in accordance with the relevant authority's requirements prior to demolition.

Condition reason: to protect services during demolition.

42. **Demolition - material management**

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

Condition reason: to protect public and private spaces during demolition

43. **Demolition - waste management**

During demolition work, any demolition/waste building materials that are not suitable for recycling are to be disposed of at Newcastle City Council's Summerhill Waste Management Facility or other approved site.

Condition reason: to require waste disposal and maximise reuse on site.

44. **Site signage - site and building work**

During site work and/or demolition work, a rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

- a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
- b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
- c) stating that unauthorised entry to the work site is prohibited, and
- d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, and must be removed when the work has been completed.

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

Condition reason: prescribed condition.

45. **Excavation and backfilling safety**

During site work and/or demolition work, all excavations and backfilling are to be executed safely, and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.

Condition reason: to protect the public near worksites.

**46. Controlling surface water**

During site work and/or demolition work, 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.

Condition reason: to protect adjacent properties from additional surface water runoff.

**47. Limits on noise**

During site work and/or demolition work, generation of 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.

Condition reason: to protect the residential amenity of neighbours.

**48. Pollution prevention signage**

During demolition work, a Newcastle City Council '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 the Newcastle City Council for the duration of demolition and construction work.

Condition reason: to require pollution prevention signage.

## **ON COMPLETION OF DEMOLITION WORK**

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### Condition

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**49. Relocation of survey monuments**

On completion of demolition work, where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated at no cost to Newcastle City Council, by a surveyor registered under the *Surveying and Spatial Information Act 2002*.

Condition reason: to ensure relocation of survey marks.

**50. Public infrastructure - rectification of damage**

On completion of demolition work, any public infrastructure (including all public footways, foot paving, kerbs, gutters and road pavement) damaged during the works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) are to be immediately fully repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles, to the written satisfaction of Council, and



at no cost to Council.

Condition reason: to ensure rectification of any damage to public infrastructure.

### Advisory Matters

- For the purpose of applying the provisions of the National Construction Code for class 1, 2, 3, 4, 9a (health care) and 9c (aged care) buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is 2.0m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 2.50m AHD (Freeboard is 500mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.15m/s

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

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

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

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

- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.

- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of Newcastle City Council and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
  - c) Newcastle City Council is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, any Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for any Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).



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**PROCESSING CHRONOLOGY**

**DA2024/00155 - 47 Scott Street Carrington**

12 March 2024	-	Application lodged.
12 March 2024	-	Initial request for additional information issued.
19 March - 2 April 2024	-	Application notified in accordance with CN's Community Participation Plan (CPP).
5 April 2024	-	Request for additional information issued.
23 April - 7 May 2024	-	Application renotified to adjoining properties.
29 April - June 2024	-	Request for additional information requested and information provided by the Applicant.



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# Clause 4.6 Report

## Change of Use Carrington Variation to Clause 4.4

Prepared by Barr Planning

for Rob Picton

February 2024



## Document Control

<b>Title:</b>	Change of Use – Dwelling House
<b>Address:</b>	47 Scott Street, Carrington
<b>Job No.</b>	23NEW0067
<b>Client:</b>	Rob Picton

## Document Issue

Issue	Date	Prepared by	Reviewed by
Draft 1	27 February 2024	Kelvin Chu	Rebecca Boresch
Client review	29 February 2024		Rob Picton
<b>Final</b>	29 February 2024	Kelvin Chu	Rebecca Boresch

Signed



Kelvin Chu  
Student Planner  
**B. CP**



Rebecca Boresch  
Principal Planner  
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## 1 Introduction

This report has been prepared by Barr Planning on behalf for Rob Picton to support a Development Application for demolition and construction work to facilitate a change of use from a warehouse to a dwelling house at Lot 30 Deposited Plan 300, 47 Scott Street, Carrington ('the site'). The development seeks to retain the existing structure onsite, carryout demolition works of the internal fittings and erect a two-storey dwelling house.

The development application has been submitted on the NSW Planning Portal to address compliance action from Council relating to unauthorised works and use of the site as a dwelling house. The application seeks variation to the floor space ratio (FSR) applying to the land under the Newcastle Local environmental Plan 2012 (NLEP 2012), to enable the repurpose of the existing structure.

This report should be read in conjunction with the following documentation:

- Statement of Environmental Effects prepared by Barr Planning.
- Architectural Plans prepared by JT Studio.

### 1.1 Purpose

This Clause 4.6 report has been submitted to support a non-compliance with the FSR development standard specified by Clause 4.4 of the NLEP 2012.

Clause 4.4(2) state the following:

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).*

The site is mapped with a FSR of 0.6:1 under the NLEP 2012. The existing FSR of 1.54:1 was recognised on the site prior to current FSR coming into effect. This ratio exceeds the current FSR by 2.57 times with a ratio of 1.55:1 or 60.73%. As detailed in Section 2.2 of the Statement of Environmental Effects (SEE), the erection of the building and use of the site as a warehouse have been established through building and development consents granted by Newcastle City Council, confirming the current and approved FSR existing for the site.

The proposed development seeks the re-purpose of the existing structure previously used as a warehouse to form a two storey-dwelling house. The proposed variation will increase the current approved FSR for the site by 2.62 times with a ratio of 1.57:1 or 61.16%.

Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant. The request must justify the contravention of the development standard by demonstrating under LEP Clause 4.6(3) that:

- '(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) That there are sufficient environmental planning grounds to justify contravening the development standard.'*

The provisions of Clause 4.6(3) are addressed as part of this report and assessed further below.

## 2 Site Description

### 2.1 The Site

The subject site is located at Lot 30, Section 42 in DP 300, which is known as 47 Scott Street, Carrington. It has a rectangular shape and comprises an area of 253.2 m<sup>2</sup> as confirmed by the survey plan prepared by TSD Consulting. It is identified on the NLEP 2012 mapping as being zoned as R2 Low Density Residential, as being flood affected and containing Class 2 Acid Sulfate Soils.

To the north of the site is low-density residential dwellings, to the south and west is single and two storey dwellings. On the opposite side of Scott Street to the east are a variety of warehouses and Industrial uses within the E3 General Industrial Zone. Pedestrian access to is provided from the footpath along the western side of Scott Street to a path on the southeastern corner of the site providing access to the building entry. There is a singular vehicular crossing onto the site towards the northeastern corner of the site which provides gated access to the existing garage.

There is an existing industrial building constructed from Besser Block and metal roof sheeting with a zero setback from each site boundary. Unauthorised internal building works were carried out by the previous property owner for the conversion and use of the building as an unauthorised dwelling house. The proposed development seeks to remove these works and obtain development consent for the change of use and works to repurpose the existing structure as a two-storey dwelling house.



Figure 1 Locality plan: Adopted from Nearmaps (October 2023)

### 3 Proposed Development and Compliance with Newcastle Local Environmental Plan 2012

The proposal seeks to gain approval for the change of use from a warehouse and distribution facility to a dwelling house. This includes the demolition of existing internal works and repurposing the existing structure through new alterations and additions to form a new two storey dwelling house.

#### 3.1 Zone Objectives

The site is zoned R2 Low Density Residential under the NLEP 2012 as shown in Figure 2, the objectives of this zone being as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.*



Figure 2: Land use zoning map adopted from NSW Spatial Viewer

The proposed development aligns with the first and third objectives as it will provide additional housing suitable for the low-density residential environment and will be constructed with consideration of the character and quality of surrounding development.

The proposed development is for the change of use of the site to a Dwelling house which is defined by NLEP 2012 as:

***dwelling house*** means a building containing only one dwelling.

A dwelling house is a type of residential accommodation and is permitted with consent within the R2 Low Density Residential zone. The proposed change of use from a warehouse to a dwelling house is consistent with the objectives of the zone.

### 3.2 Maximum Floor Space Ratio Imposed by Clause 4.4

Clause 4.4(3) of the NLEP 2012 states that:

*'The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.'*

The site is mapped with a FSR of 0.6:1 under the NLEP 2012. The site currently exceeds the existing FSR by 2.57 times with a ratio of 1.55:1 or 60.73%, with this exceedance being recognised and established on the site prior to the current FSR standard coming into effect. As detailed in Section 2.2 of the Statement of Environmental Effects (SEE), the erection of the building and use relating to the site as a warehouse have been established through building and development consents granted by Newcastle City Council, confirming the approved current floor space ratio for the site.

The proposed development seeks a variation to the FSR to facilitate the repurpose of the existing structure previously used as a warehouse to form a two storey-dwelling house. The proposed variation will increase the FSR for the site by 2.62 times the FSR with a ratio of 1.57: 1 or 61.16%.

### 3.3 Objectives of the Development Standards

Under the Environmental Planning and Assessment Act, 1979 (the EP&A Act) a development standard is defined as:

*'...provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being the provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development''.*

The EP&A Act defines a development standard to include FSR. In this respect, the FSR development standard specified in Clause 4.4 of the NLEP 2012 is considered a development standard.

Consistency of the proposed development with the development standard and associated objectives of Clause 4.4 are a key consideration in determining whether to grant consent to a contravention of the FSR development standard. The objectives of Clause 4.4 are outlined in sub clause (1):

- (a) *to provide an appropriate density of development consistent with the established centres hierarchy,*
- (b) *to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.'*

The development is consistent with object (a), the repurposing of the existing structure is consistent with the low-density residential development identified within the established centre as hierarchy for this location. In relation to object (b), consistency is achieved by the design of the of the proposed dwelling. Despite the non-compliance, the bulk and scale are compatible with adjoining development whilst paying homage to the previous use of the site in the retention of the external elements of the warehouse structure.

Notwithstanding the noncompliance of the proposed development with the development standard, the development is considered to meet the objectives of Clause 4.4. An assessment of this is set out within Section 4 of this report.

## **4 Clause 4.6 – Exceptions of Development Standards**

### **4.1 Objectives of Clause 4.6**

Clause 4.6 of the LEP states the following:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.4 is the development standard that relates to the FSR that applies a development. Clause 4.6 provides flexibility in the application of this development standard, allowing for improved and consistent development outcomes.

The proposed development will enable the attainment of the relevant objects of the EPA Act, which are:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*

- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

This development is most relevant to and meets the aims of object (b), (c), (g), and (h) of the EPA Act.

Regarding object (b), the proposed development has considered economic, social, and environmental considerations to repurpose an existing structure, and use the environmental planning assessment decision making tools such as the application of Clause 4.6 to request a variation of the Clause 4.4 to contribute to a more ecological sustainable development.

Regarding object (c), the proposed development will promote orderly and economic use and development in a manner that the proposed development and change of use to a dwelling house is consistent with the surrounding streetscape and adjacent residential land uses.

Regarding objective (g) the proposed development will allow for the utilisation of the site as a dwelling house that respects the past use of the structure whilst updating the internal fit out and design in line with relevant standards and provisions.

Regarding Objective (h), the proposed development provides the construction of the existing structure and new elements of the building aligns with required standards for a dwelling house and is safe for occupants.

Section 4.3 of this report details how the variation of Clause 4.4 achieves consistency with the above objects.

## 4.2 Applicability of Clause 4.6

The development standard in Clause 4.4 is not expressly excluded from the operation of Clause 4.6. Clause 4.6(2), therefore, grants the consent authority the discretion to consent to the proposed development despite the contravention of this development standard.

## 4.3 Considerations under Clause 4.6

The consent authority's consideration in determining whether to grant consent for development that varies a development standard are outlined in Clause 4.6(3) and 4.6(4) of the LEP. These considerations are addressed below:

**Clause 4.6(3)(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

Having regard for the guidance provided by Preston CJ in *Wehbe v Pittwater Council [2007] NSWLEC 827 (Wehbe)*, Wehbe Method 1 has been here utilised to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances because the objectives of the development standard are achieved notwithstanding the non-compliance with the standard.

The objectives of Clause 4.4 are listed below along with an assessment against the objective of the non-compliance.

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

The development is consistent with objectives (a), the repurposing of the existing structure with a slight variation the existing FSR remains consistent with the low-density residential development typology identified within the established centre as hierarchy for this location. Compliance with this development standard is considered unreasonable given the existing and recognised exceedance in FSR being appropriate and compatible with the surrounding development within the immediate locality.

In relation to object (b), consistency is achieved by the design of the of the proposed dwelling. Despite the non-compliance, the bulk and scale are compatible with adjoining development whilst paying homage to the previous use of the site in the retention of the external elements of the warehouse structure. Compliance with this development standards is considered unreasonable given the recognised and established bulk and scale of the existing development.

**Clause 4.6(3)(b) There are sufficient environmental planning grounds to justify contravening the development standard**

The objects under Section 1.3 of the EP&A Act provide the basis for 'environmental planning grounds' to be considered. There are sufficient environmental planning grounds the justify contravention to the FSR applying to the site.

The variation enables the repurpose an existing structure in which the contravention of FSR has been recognised and established prior to the current development standard applying the land. The repurpose of this existing structure seeks to minimise cost, construction waste, enable the reuse of materials, achieve compliance with the Building Code of Australia, achieve building sustainability targets and efficiencies for a residential dwelling to facilitate a greater ecological sustainable development than currently exists. This requires the use of environmental planning assessment decision making tools such as the application of Clause 4.6 achieve the variation of the Clause 4.4. On



this basis the variation aligns with object (b), facilitating ecologically sustainable development through the integration of economic, social, and environmental considerations.

The variation enables the repurpose an existing structure from a use from a warehouse, a use that is not considered compatible within the low-density zoning that applies land to a dwelling house, a development that is consistent with the surrounding residential development. The contravention of FSR on this site has been recognised and established prior to the current development standard applying the land. On this basis, the variation aligns with object (c), in promoting orderly and economic use and development.

The variation enables the use of the site and existing structure as a dwelling house. The contravention of FSR on this site has been recognised and established. The redesign of the alterations and additions provides a design that respects the past use of the structure, whilst enable greater amenity outcomes for future occupants and adjoining properties, with the design complying with current building and energy efficiency standards and the flood impacts associated with the land. On this basis, the variation aligns with objective (g) promoting good design an amenity of the built environment.

The contravention of FSR on this site has been recognised and established. Retention and minor increase to the existing variation will see the removal of unauthorised works and new alterations and additions to an existing structure that comply with current building and energy efficiency standards, achieve the minimum floor level for occupiable rooms and provide flood refuge as required for the flood impacts associated with the site. Compliance with the FSR would result in limiting the reuse of the structure and achieving these outcomes. This outcome minimises the risks for the current occupants and adjoining properties that are associated with the current development. On this basis, the variation aligns with objective (h), the promoting the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.

## 5 Conclusion

The relevant considerations of Clause 4.6 have been discussed above and support the variation of the development standard in this instance. This report has systematically addressed the matters required to be demonstrated by Clause 4.6(3)(a), and satisfied the considerations required to be made by Council under Clause 4.6(3)(b). The deviation from the prescribed FSR is considered unreasonable given the variation is consistent with the zone objectives and the objectives of the development standard under Clause 4.4. The variation results in a minor increase to the existing and approved FSR exceedance to achieve positive environment, economic and social outcomes for the site. The Newcastle City Council may be satisfied that the objectives of Clause 4.6 are achieved by the proposed variation requested.

In accordance with the requirements of sub-clause 4.6(3), development consent may be granted for the proposed development.



6 May 2024

Oliver King

Submitted via email: [oking@ncc.nsw.gov.au](mailto:oking@ncc.nsw.gov.au)

Dear Oliver,

**DA2024/00155 – Response to Request for Further Information.  
47 Scott Street, Carrington**

I refer to your email dated 29 April 2024 requesting an area calculation plan to confirm the floor space ratio (FSR) calculated for the proposed dwelling, a revised Statement of Environmental Effects and Clause 4.6 Assessment Report.

Minor changes were made to the development to address concerns raised during the public notification period. These changes affect the considerations made under clause 4.4 Floor Space Ratio within the Newcastle Local Environmental Plan 2012 (NLEP) and clause 4.6 Exceptions to development standards. The original FSR calculations associated with provided within the Clause 4.6 Report, are now superseded and are redressed within this addendum and attached FSR Calculation Plan by JT Studio dated 30 April 2024.

Table 1 FSR Calculations

Control	Statement of Environmental Effects	Addendum – Revised Calculations
Site Area	252.96m <sup>2</sup>	252.96m <sup>2</sup>
Current FSR Control	0.6:1	0.6:1
Allowable FSR	151.92m <sup>2</sup>	151.92m <sup>2</sup>
Existing Exceedance	1.54:1	1.54:1
Proposed Exceedance	1.55:1	0.838:1
Difference	60.73%	39.67%

The addendum updates the sections of the Clause 4.6 Report that specifically refer to the superseded calculations.

### **Section 1.1 Purpose**

The site is mapped with an FSR of 0.6:1 under the NLEP 2012. The erection of the building and use of the site as a warehouse has been established through building and development consents granted by Newcastle City Council, confirming the current and approved FSR existing for the site.

The existing FSR of 1.54:1 was recognised and accepted on the site before the current FSR came into effect. The current exceedance equates to 60.73% of the current FSR applying to the site. As detailed within the Addendum to the Statement of Environmental Effects, the erection of the building and use of the site as a warehouse has been established through building and development consents granted by Newcastle City Council, confirming the current and approved FSR existing for the site.

The revised calculations show the proposed exceedance associated with the proposed dwelling to be 0.838:1 exceeding the current FSR rate of 0.6:1 or 39.67%. As per the revised calculations, the proposed dwelling provides an exceedance that is less than the existing rate applying to the site, resulting in better planning outcomes.

### **Section 3.2 Maximum Floor Space Ratio Imposed by Clause 4.4**

Clause 4.4(3) of the NLEP 2012 states that:

*'The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.'*

The site is mapped with an FSR of 0.6:1 under the NLEP 2012. The erection of the building and use of the site as a warehouse has been established through building and development consents granted by Newcastle City Council, confirming the current and approved FSR existing for the site. The existing FSR of 1.54:1 was recognised and accepted on the site before the current FSR came into effect. The current exceedance equates to 60.73% of the current FSR applying to the site.

The revised calculation for the development seeks a variation to the FSR to facilitate the repurposing of an existing structure previously used as a warehouse to form a two-storey dwelling house and reduce the existing exceedance from 1.54:1 or 60.73% of the FSR to 0.838:1 exceeding the current FSR rate if 0.6:1 by 39.67%.

The amended calculations and changes above do not affect the assessment outcomes provided within the other sections within the Clause 4.6 Report. The relevant considerations of Clause 4.6 are maintained despite the revised calculations to support the variation of the development standard in this instance. The report and this addendum systematically address the matters required to be demonstrated by Clause 4.6(3)(a) and satisfy the considerations required to be made by Council under Clause 4.6(3)(b).

The deviation from the prescribed FSR is considered unreasonable given the variation is consistent with the zone objectives and the objectives of the development standard under Clause 4.4. The variation results in a minor decrease in the existing and approved FSR exceedance to achieve positive environmental, economic,



and social outcomes for the site. The Newcastle City Council may be satisfied that the objectives of Clause 4.6 are achieved by the proposed variation requested.

Per the requirements of sub-clause 4.6(3), development consent may be granted for the proposed development.

If you have any queries regarding this information, please do not hesitate to contact Rebecca Boresch on 0401 266 777 or [rboresch@barrplanning.com.au](mailto:rboresch@barrplanning.com.au).

Yours sincerely.

A handwritten signature in black ink that reads 'Rebecca Boresch'.

Rebecca Boresch  
**Principal Planner**