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**DAC 17/05/22 – 11 BRYANT STREET TIGHES HILL – DA2021/01547-
DWELLING HOUSE - ALTERATIONS AND ADDITIONS**

PAGE	3	ITEM-6	Attachment A:	Submitted Plans
PAGE	35	ITEM-6	Attachment B:	Draft Schedule of Conditions
PAGE	43	ITEM-6	Attachment C:	Processing Chronology

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**DAC 17/05/22 – 11 BRYANT STREET TIGHES HILL – DA2021/01547-
DWELLING HOUSE - ALTERATIONS AND ADDITIONS**

ITEM-6 Attachment A: Submitted Plans

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Charge/Schneider Bryant Additions

11 BRYANT STREET
TIGHES HILL
NSW 2297
LOT 150/DP1142599

DEVELOPMENT APPLICATION

Planning Controls

Preliminary Authority Control Information subject to planner and council review and further investigation.

Newcastle LEP 2012:

- Zoning: R3 Medium Density Residential
- Minimum Lot Size: 400m²
- Maximum Building Height: 11m
- Maximum Floor Space Ratio: 0.75:1
- Acid Sulphate Soils: Class 5
- Heritage: NA
- Bushfire Prone Land: NA

Newcastle DCP 2012 - 3.02 Single Dwellings

Objectives of this section

1. Encourage development that complements and enhances the built environment and the existing amenity.
2. Ensure efficient use of land for residential purposes.
3. Encourage innovation and diversification in site layout and building design.
4. Ensure dwellings are generally compatible with the scale and bulk of desired residential development character.
5. Ensure dwellings provide their occupants with adequate levels of comfort, security and amenity.
6. Ensure new development is designed to take advantage of the positive attributes of the site; including, slope, aspect, trees, gardens and existing buildings.
7. Ensure landscaping is in scale with the building and complements features on the site and adjoining land.
8. Retain significant existing landscaping where possible.
9. Ensure adequate solar access for dwellings.

Heritage: NA

Building Envelope:

- Buildings are contained within the building envelope defined by a 900mm setback from each boundary up to a height of 4.5m then in at an angle of 4:1 up to the maximum height which is specified in the Newcastle LEP 2012.
- The setback to the rear boundary is to be at least the following;
 - a) for any part of the building up to 4.5m in height - a 3m setback
 - b) for any part of the building with a height greater than 4.5m an 6m setback.

Private Outdoor Space:

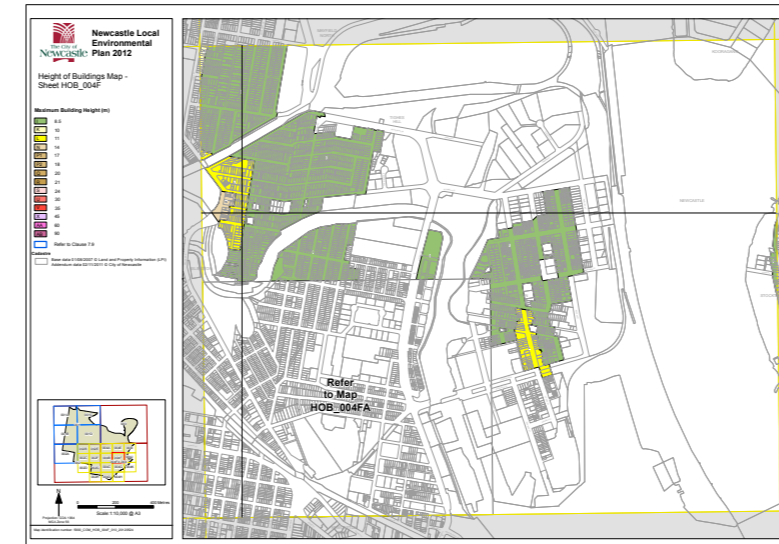
- Private Outdoor Space: 3m x 4m level area of private open space directly accessible from the main living area of the dwelling
- The principal area of private open space is not located within the front setback to the primary road

Solar Access:

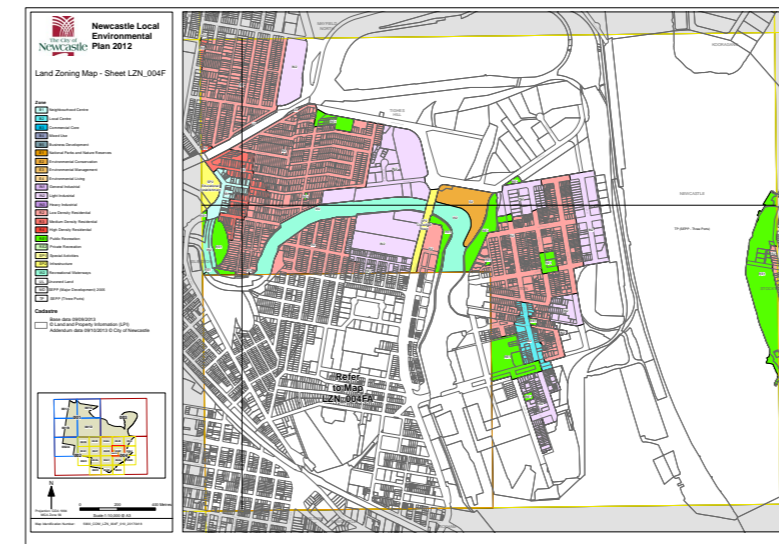
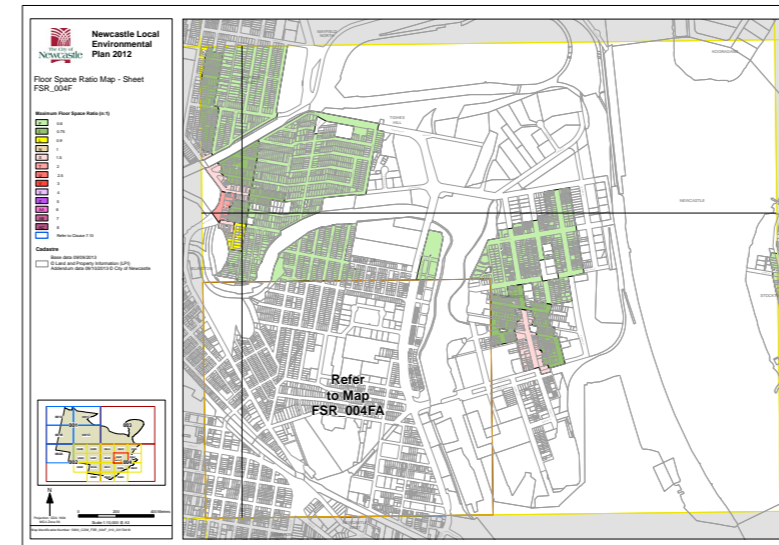
1. Maintain 3 hours of sunlight to north facing windows of living areas in adjacent dwellings between 9am-3pm on 21 June.
2. Maintain 2 hours of sunlight to the principal area of private open space of adjacent dwellings between 9am-3pm on 21 June.
3. Sunlight to any existing solar panels is not reduced to less than three hours between 9am and 3pm on 21 June.

Mines Subsidence:

Guideline 8 - No restriction



LEGEND			
BR	BRICK	HR	HANDRAIL
BAL	BALUSTRADE	HWS	HOT WATER SYSTEM
CONC	CONCRETE - REFER TO SCHEDULE	LOR	LIGHTWEIGHT CLADDING - REFER TO SCHEDULE
COL	COLUMN - REFER TO ENGINEERING	LDY	LAUNDRY
CUP	CUPBOARD	LIN	LINEN
CTM	CERAMIC TILE - REFER TO SCHEDULE	LW	LOW WALL
DP	DOWNPIPE	MRC	METAL ROOF CAPPING
DR	DRYER (BY OWNER)	MRS	METAL ROOF SHEETING
DEMO	DEMOLITION	P	PANTRY
EG	EAVES GUTTER	PLD	PANEL LIFT DOOR
ENS	ENSUITE	PWR	PAWER - REFER TO SCHEDULE
EX	EXISTING	SC	SCREENING
F	REFRIGERATOR	TD	TIMBER DECKING
FBR	FACE BRICK - REFER TO SCHEDULE	TUB	LAUNDRY TUB
FENB	FENCE AS SCHEDULED	W	WASHING MACHINE
FSL	FINISHED STRUCTURAL LEVEL	WC	WATER CLOSET
FW	FLOOR WASTE	WR	WALK IN ROBE



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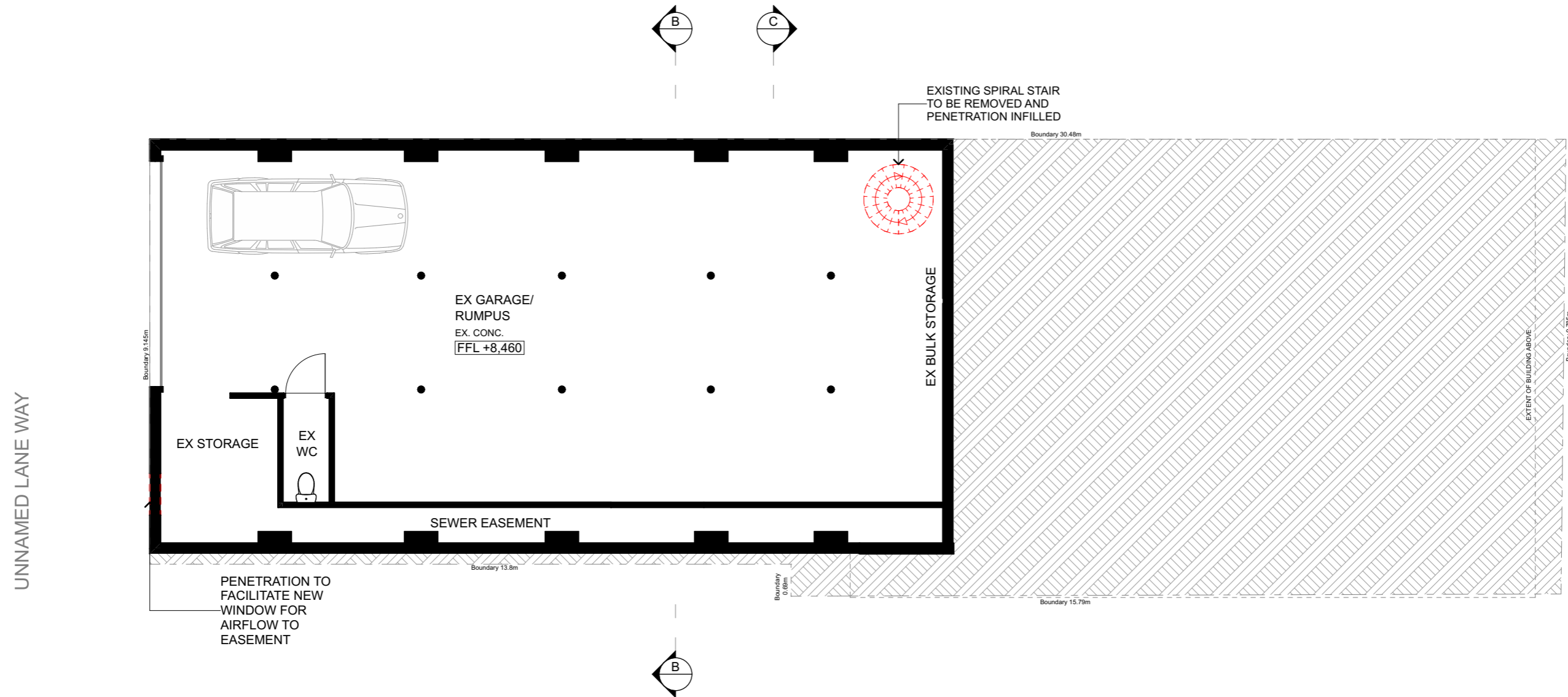
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Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

North Point



Charge/Schneider Bryant
Additions
project #
21077
11 BRYANT STREET,
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Legends / Planning Controls
drawing #
A-0002
AS SHOWN
issue
06
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1 **Basement**
SCALE 1:100 @ A3

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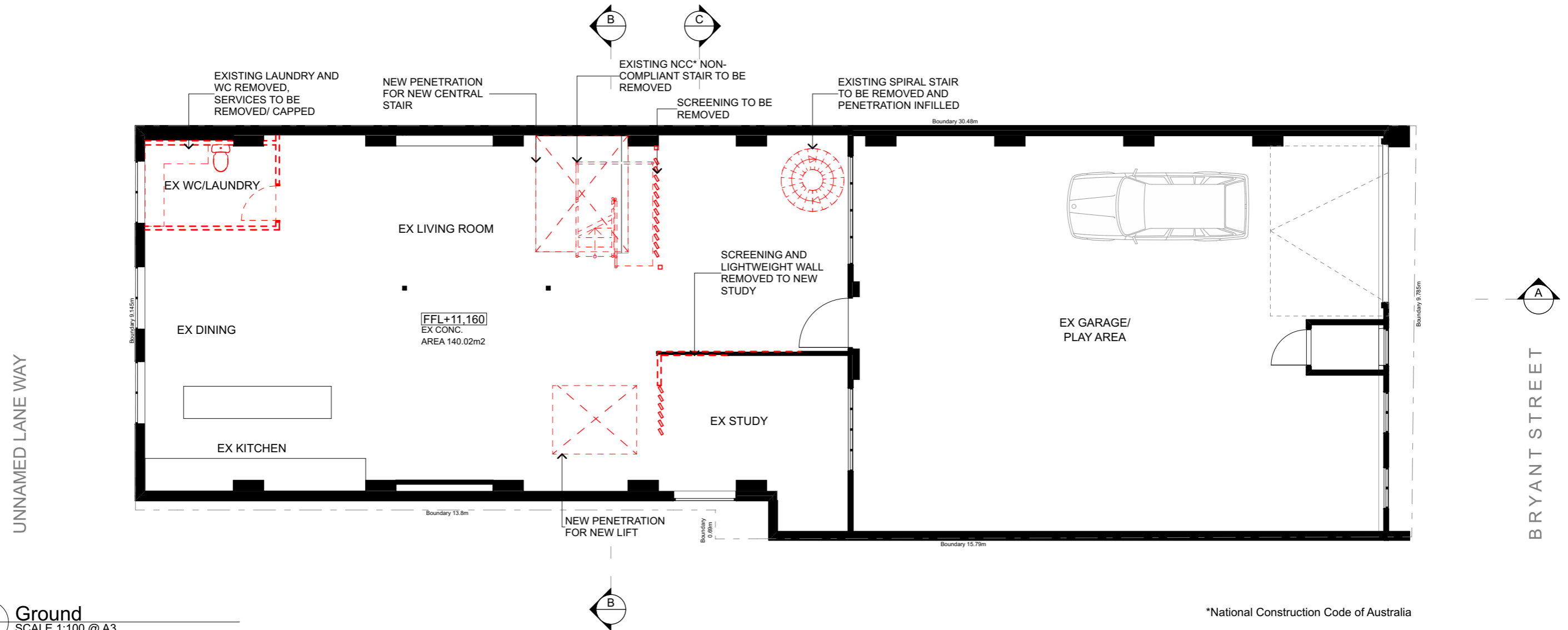
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EX Basement/ Demo Plan
drawing #
A-0101
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issue
15
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1 Ground
SCALE 1:100 @ A3

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Photos: realestate.com.au



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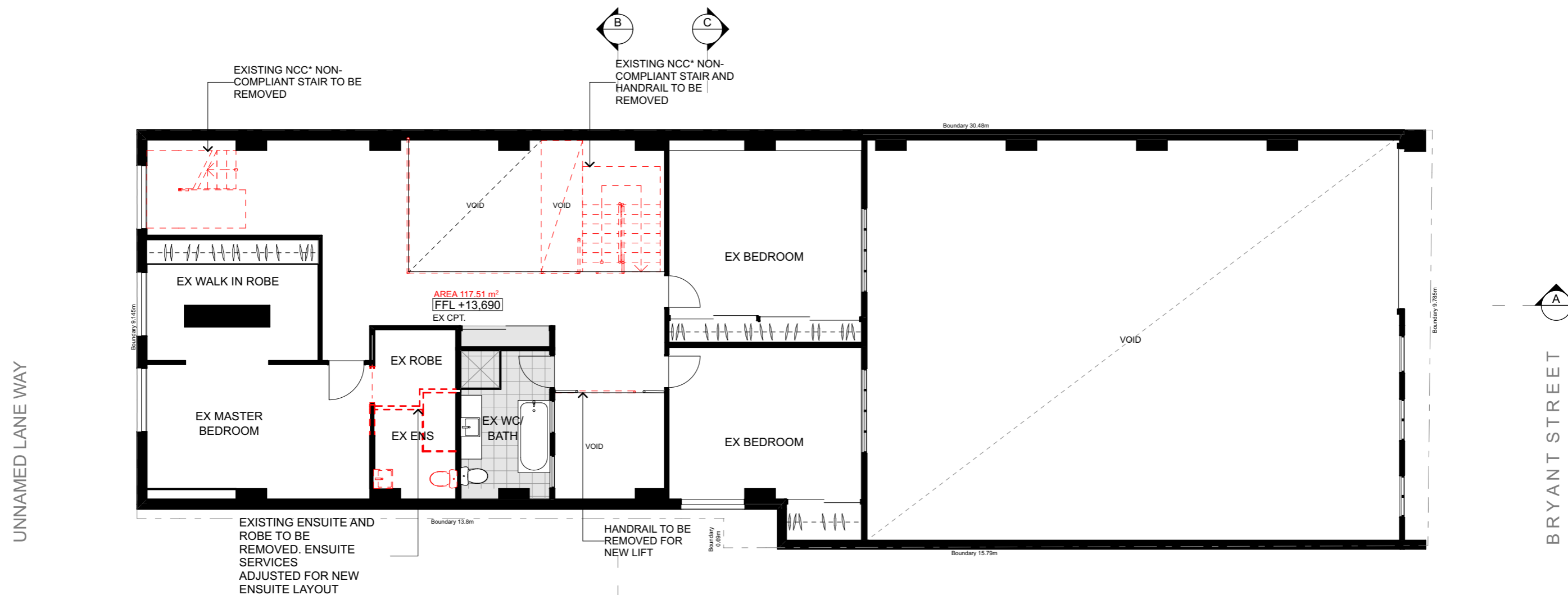
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EX Ground Floor/ DemoPlan
drawing # A-0102
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1 First
SCALE 1:100 @ A3

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Photos: realestate.com.au



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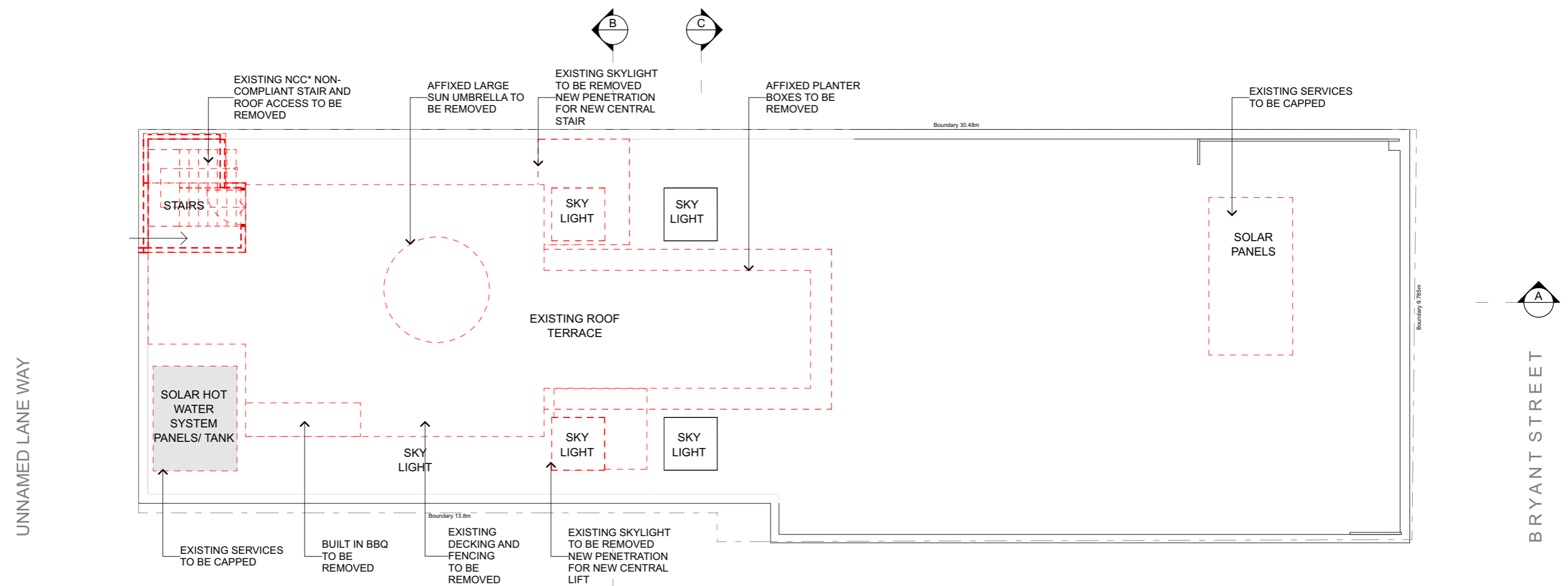
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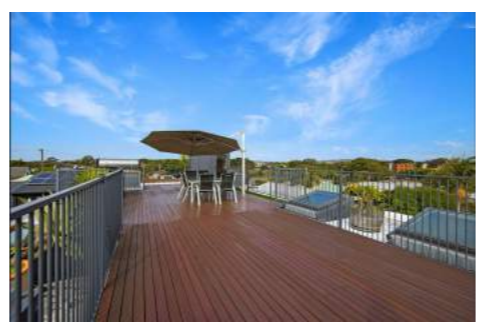
EX First Floor/ Demo Plan
drawing # A-0103
issue 15
AS SHOWN 1/2/22

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1 Roof Terrace
SCALE 1:100 @ A3

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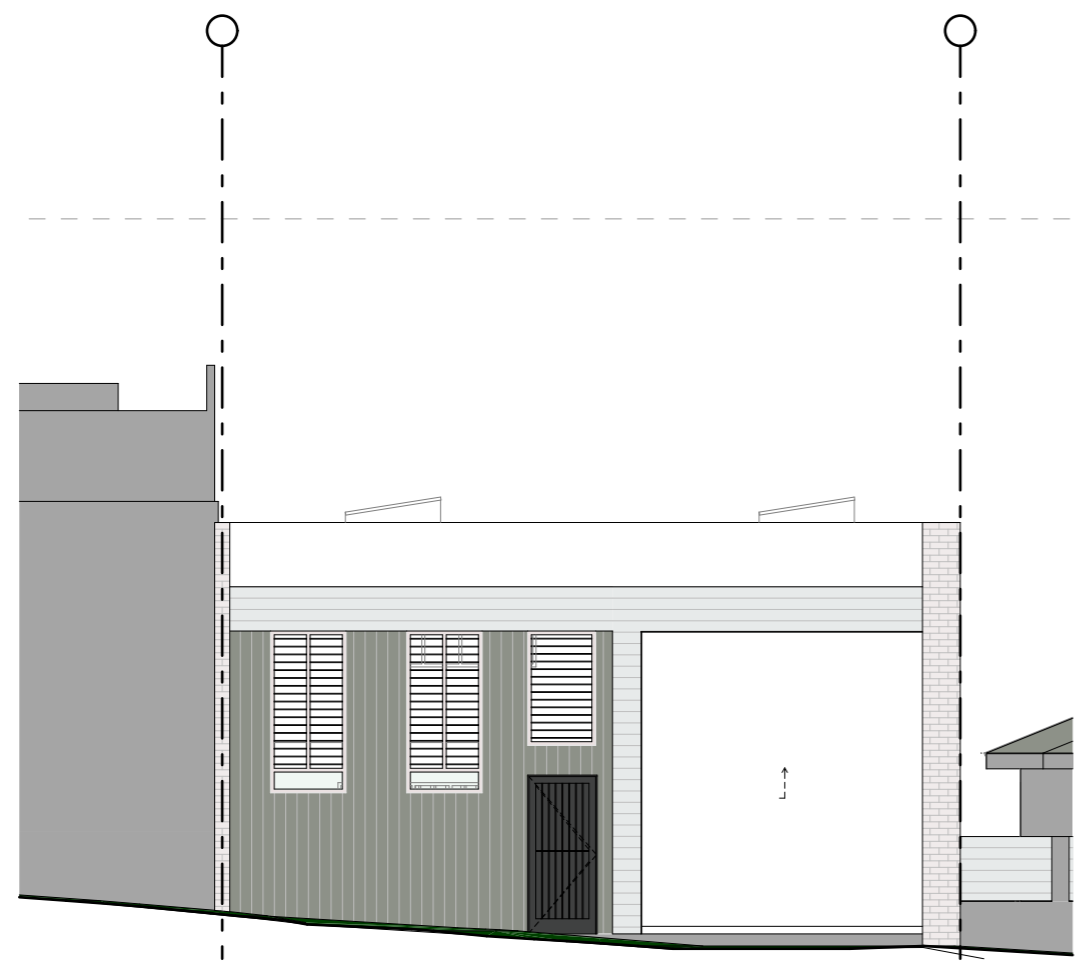
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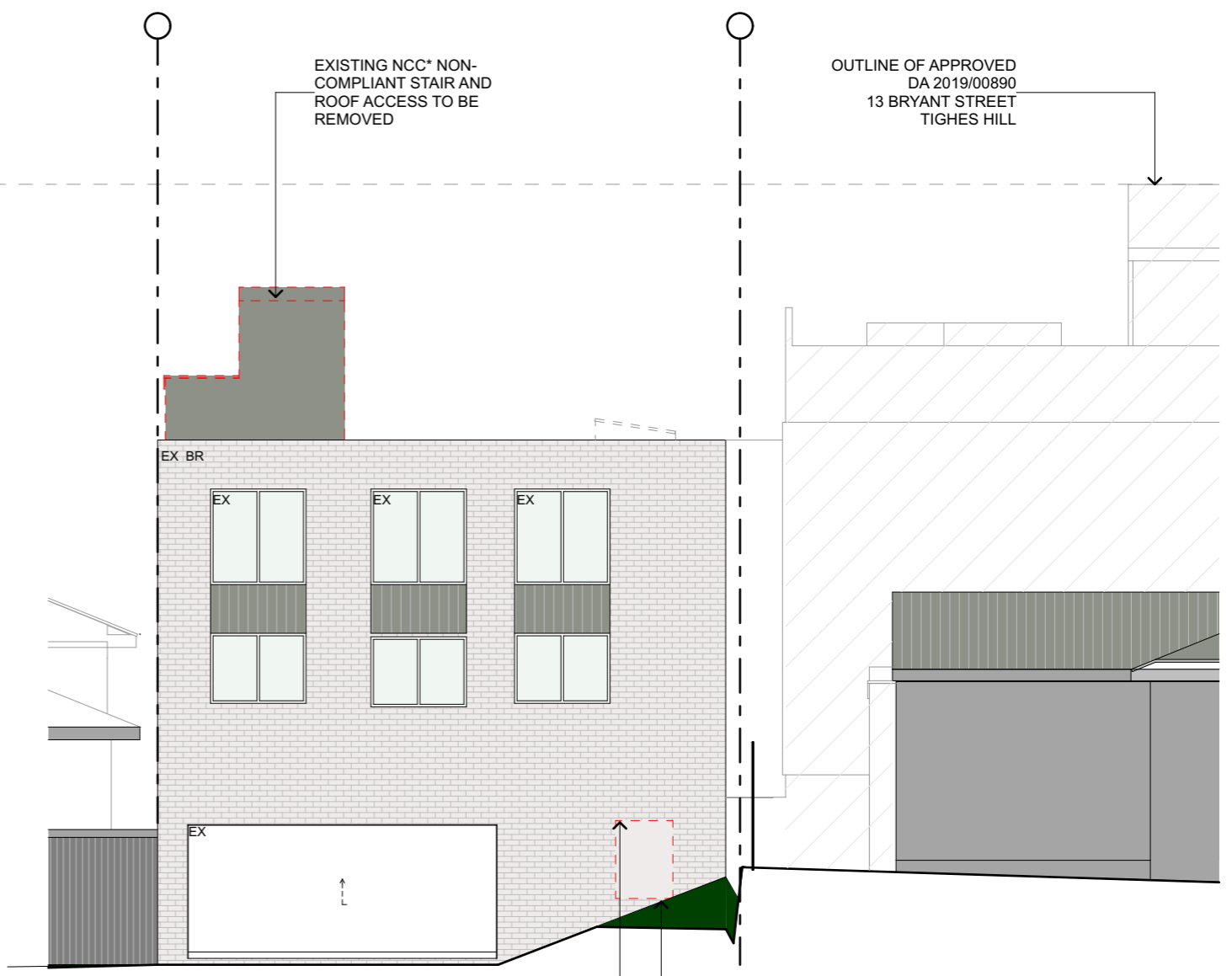
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EX Roof / Demo Plan
drawing # A-0104
AS SHOWN
issue 15
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1 Existing/Demo North Elevation
SCALE 1:100 @ A1



2 Existing/Demo South Elevation
SCALE 1:100 @ A1

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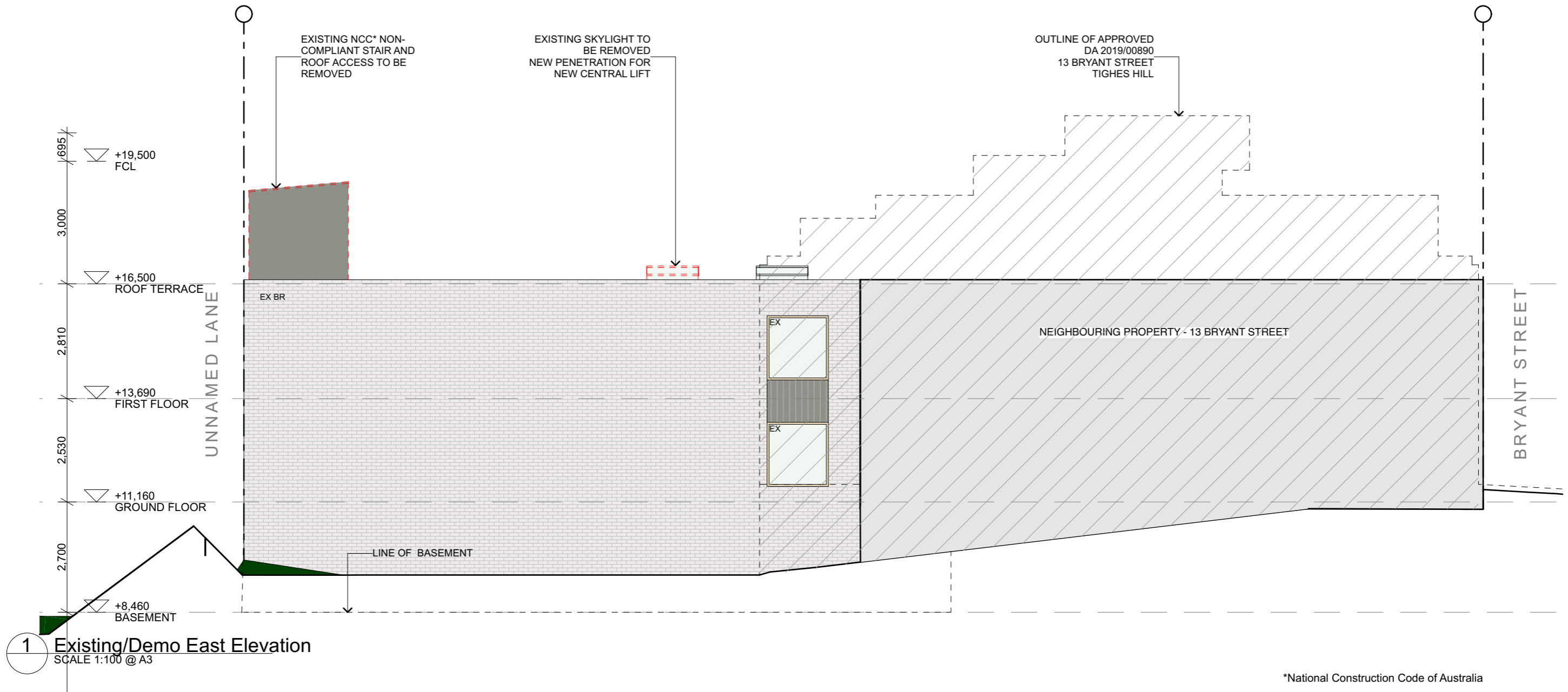
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EX/DEMO Elevations N & S
drawing # A-0201
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1 Existing/Demo East Elevation
SCALE 1:100 @ A3

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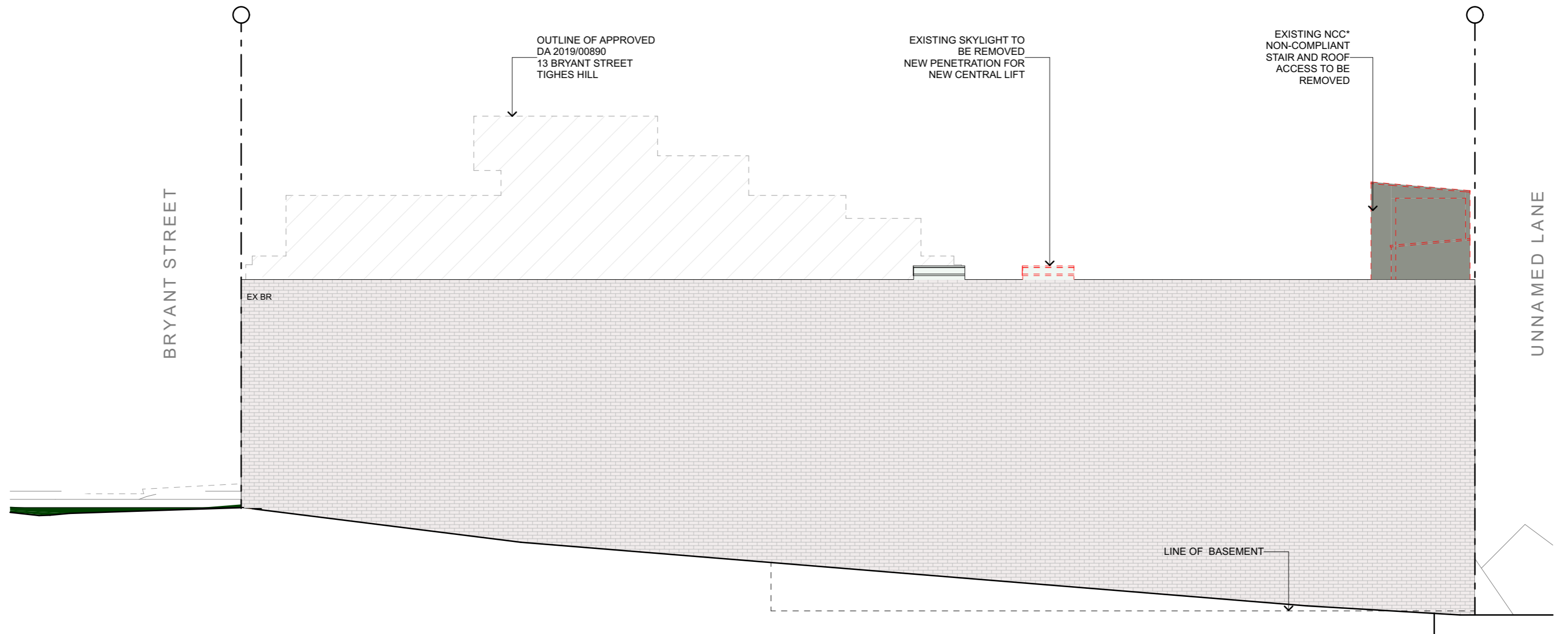
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EX/DEMO Elevations East
drawing # A-0202
AS SHOWN
issue 15
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1 Existing/Demo West Elevation
SCALE 1:100 @ A3

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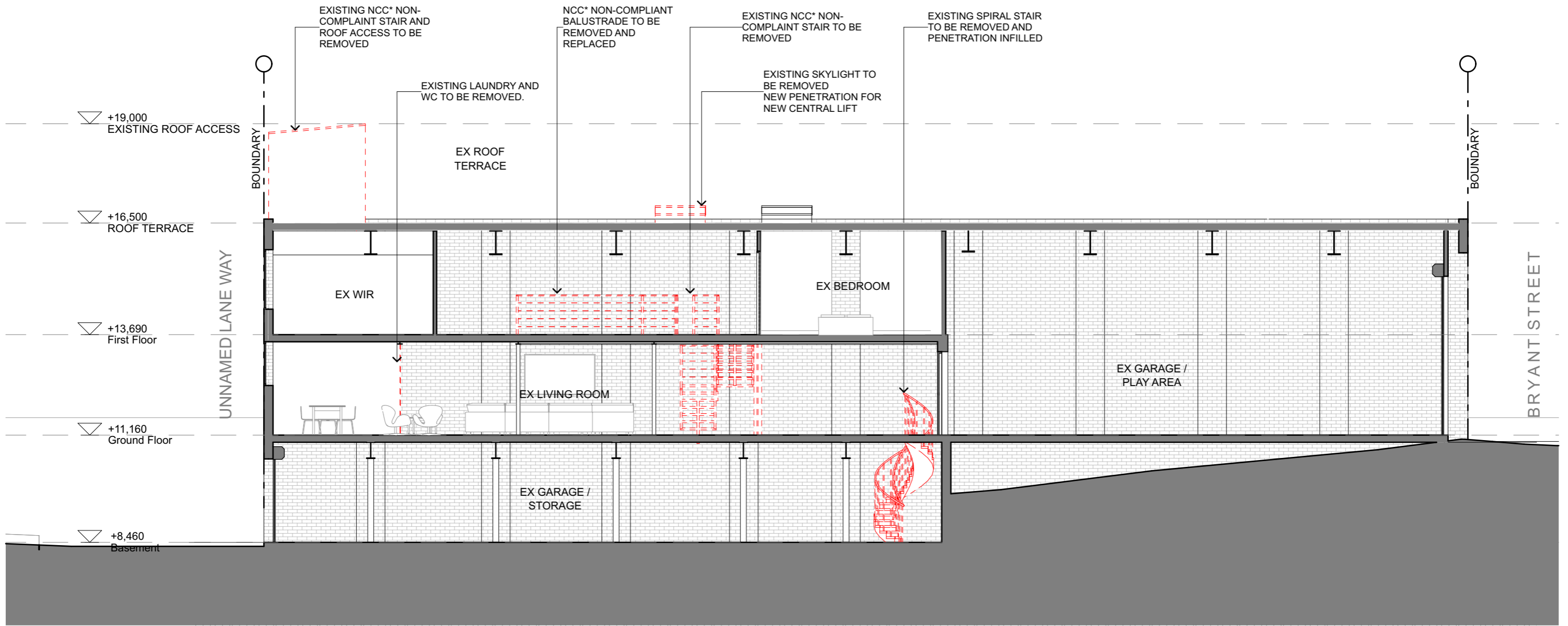
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EX/DEMO Elevations West
drawing # **A-0202** issue **15**
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1 Existing/Demo Section A
SCALE 1:100 @ A3

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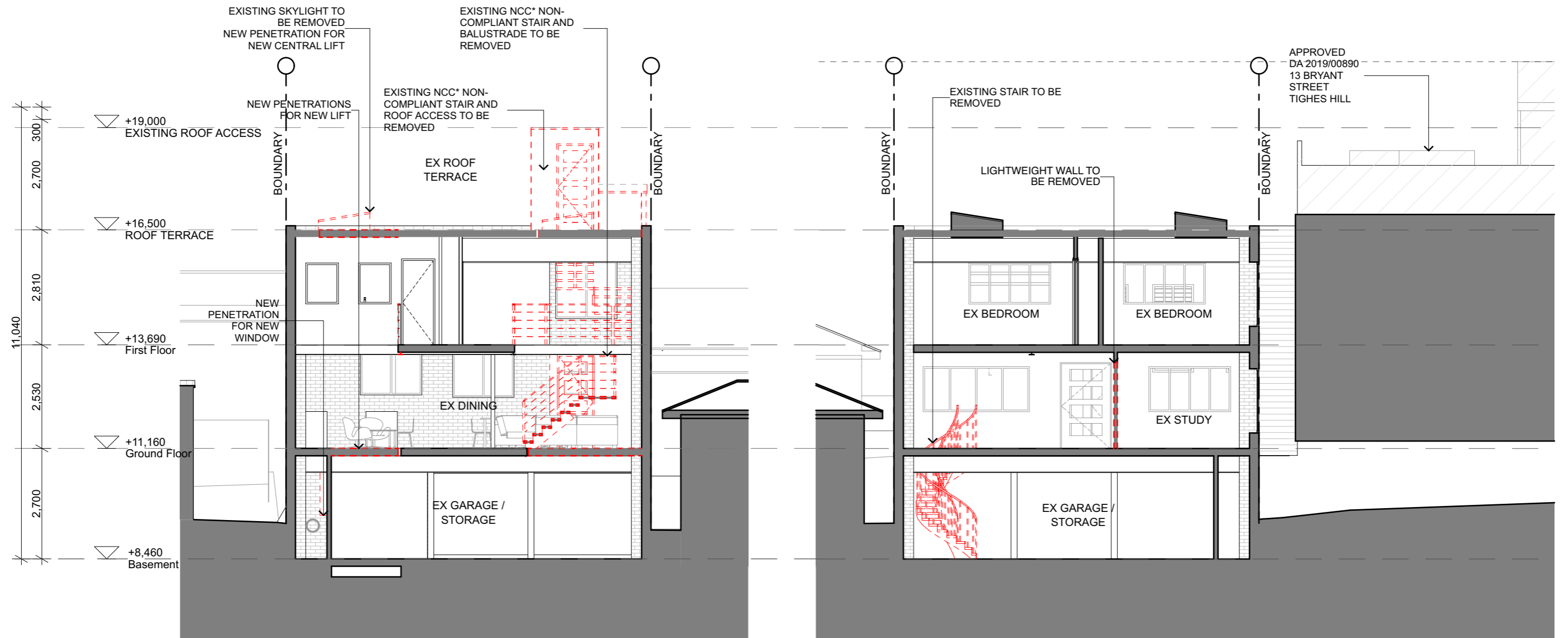
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EX/DEMO Section
drawing # A-0301
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1 Existing/Demo Section B
SCALE 1:100 @ A1

2 Existing/Demo Section C
SCALE 1:100 @ A1

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EX/DEMO Section
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Site Location Plan

Site - Lot 150 DP 1142599

The subject site, 11 Bryant Street, Tighes Hill currently accommodates a brick warehouse converted to double storey residence with basement level garage / storage to the rear lane and roof terrace.

The driver for the change is to rectify the existing non-compliant stairways from the ground level to the roof terrace. The existing roof terrace amenity will be improved through the provision of a new roof pavilion with an indoor/outdoor room. The roof terrace will also include a covered outdoor dining and above ground pool. The roof pavilion will be predominantly operable glazed walls, with areas of light weight metal cladding around the central spine, thereby contributing to a reduction in acoustic impact. A low-profile roof line with extended shading to the eaves will cover both pavilion and outdoor dining spaces. Sliding doors and windows will allow the space to be opened in the warmer months to bring the outdoors in while providing protection from the weather from changing directions for year-round use. A covered northern deck opens to a private open space with proposed above ground pool. The pool, outdoor dining and decking take advantage of the northern orientation and provide much needed breakout space. The new amenities of outdoor shower and internal WC will increase the functionality of this level.

Alterations to the existing dwelling include removal of spiral stair to basement, removal of existing National Construction Code of Australia non-compliant central and roof access stairs, and other minor internal room adjustments.

The proposed roof terrace pavilion and roofline is designed to reflect the industrial nature of the warehouse. A streamlined roof and setback walls reduce the visual aspect of the addition from the street and lane views. The proposal will have minimal impact to neighbouring properties, particularly in respect to overshadowing due to the setback and North-South orientation of the site. The proposed works largely keep within the existing character of Tighes Hill and other recently approved neighbouring developments.



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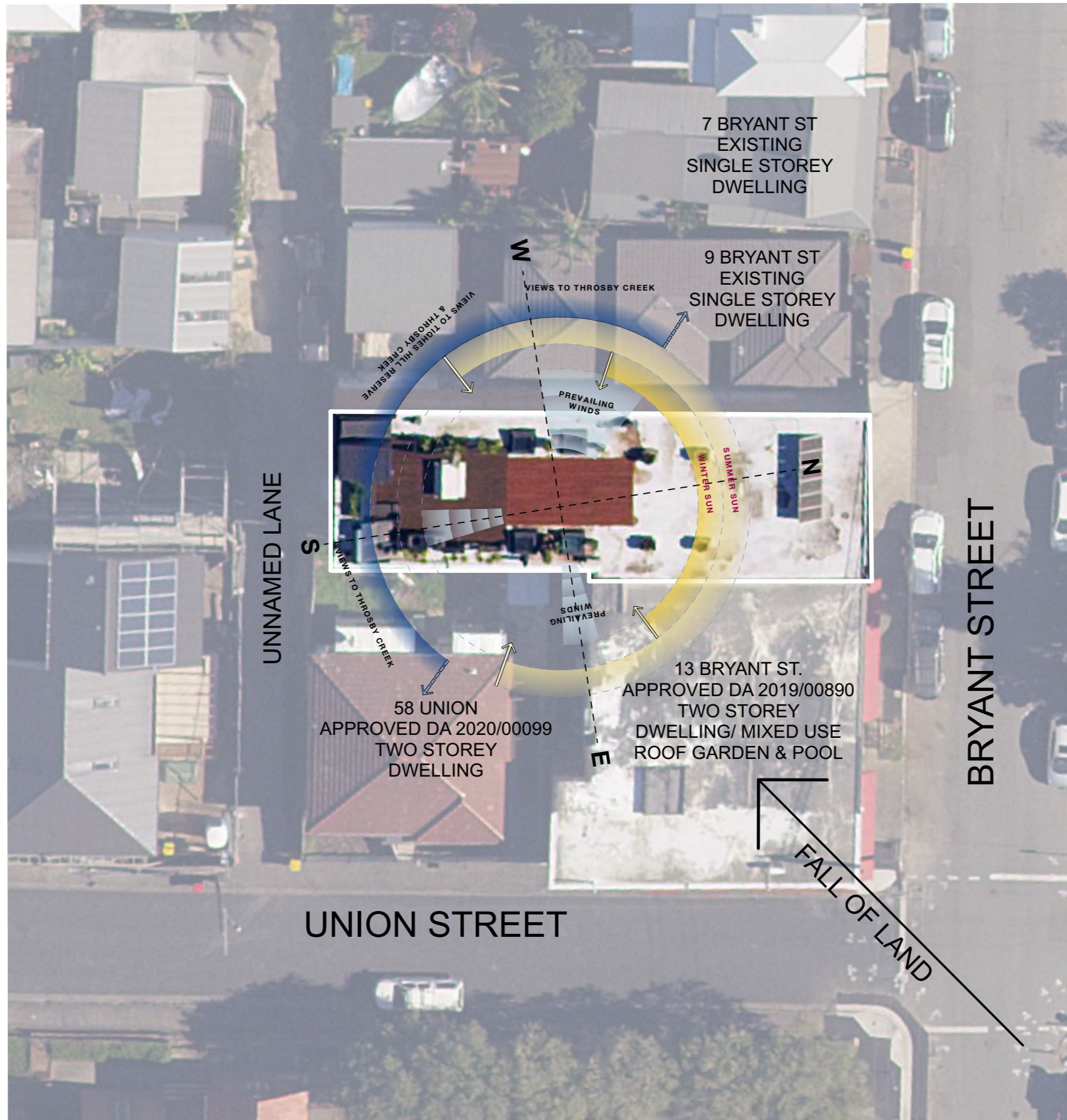
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Site Location Plan
drawing # **A-1001**
issue **15**
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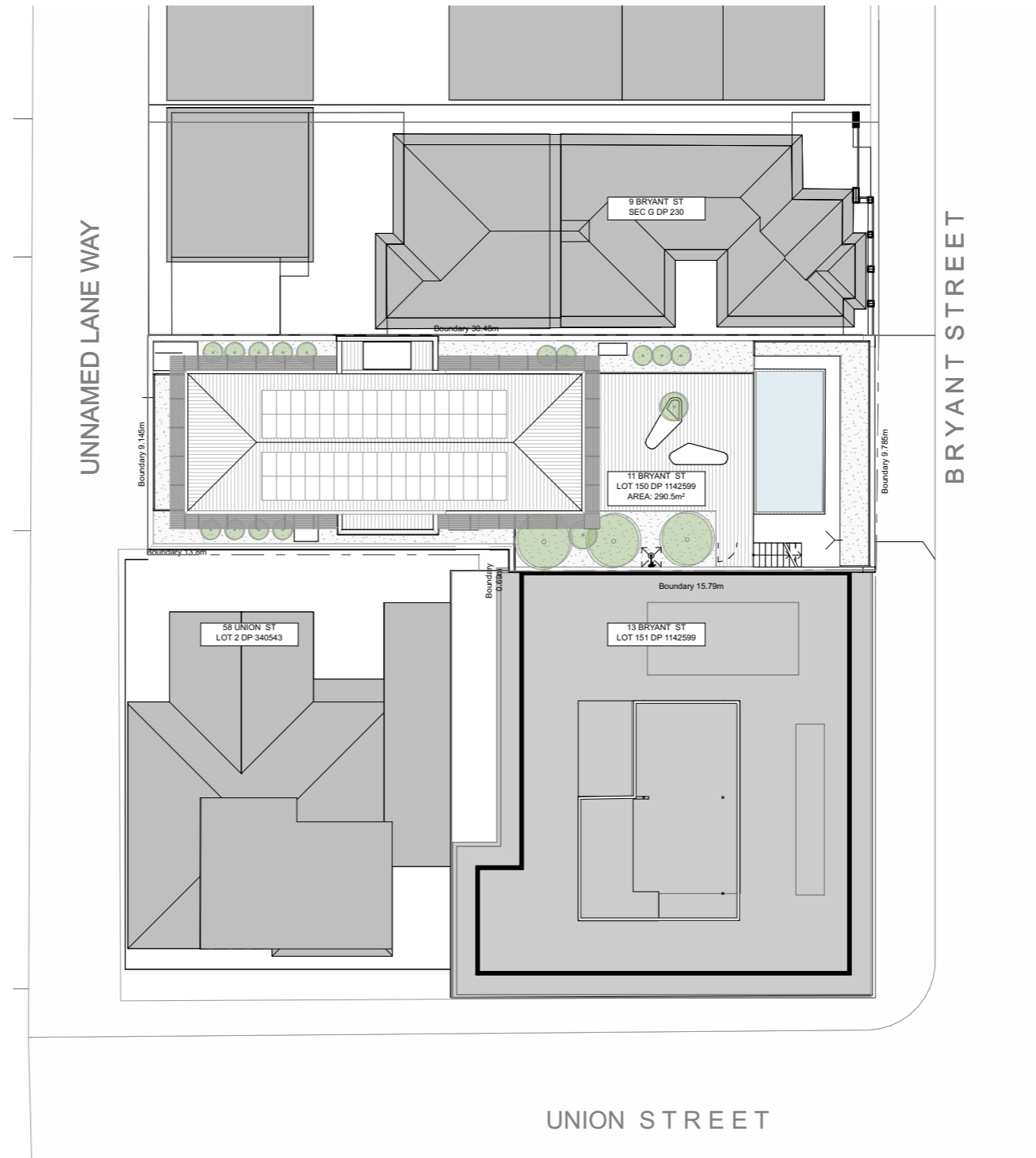
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Site Analysis Plan
 drawing # **A-1002**
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SITE INFORMATION FROM:
 SURVEY- 13/01/2009, JASON LEE HARMAN PLAN OF
 SUBDIVISION OF LOT DP 340543 & LOT 15 SEC. G D.P 230,
 ARIAL IMAGE, 09/07/2021, SIXMAPS.COM

Site Plan
 SCALE 1:250 @ A3

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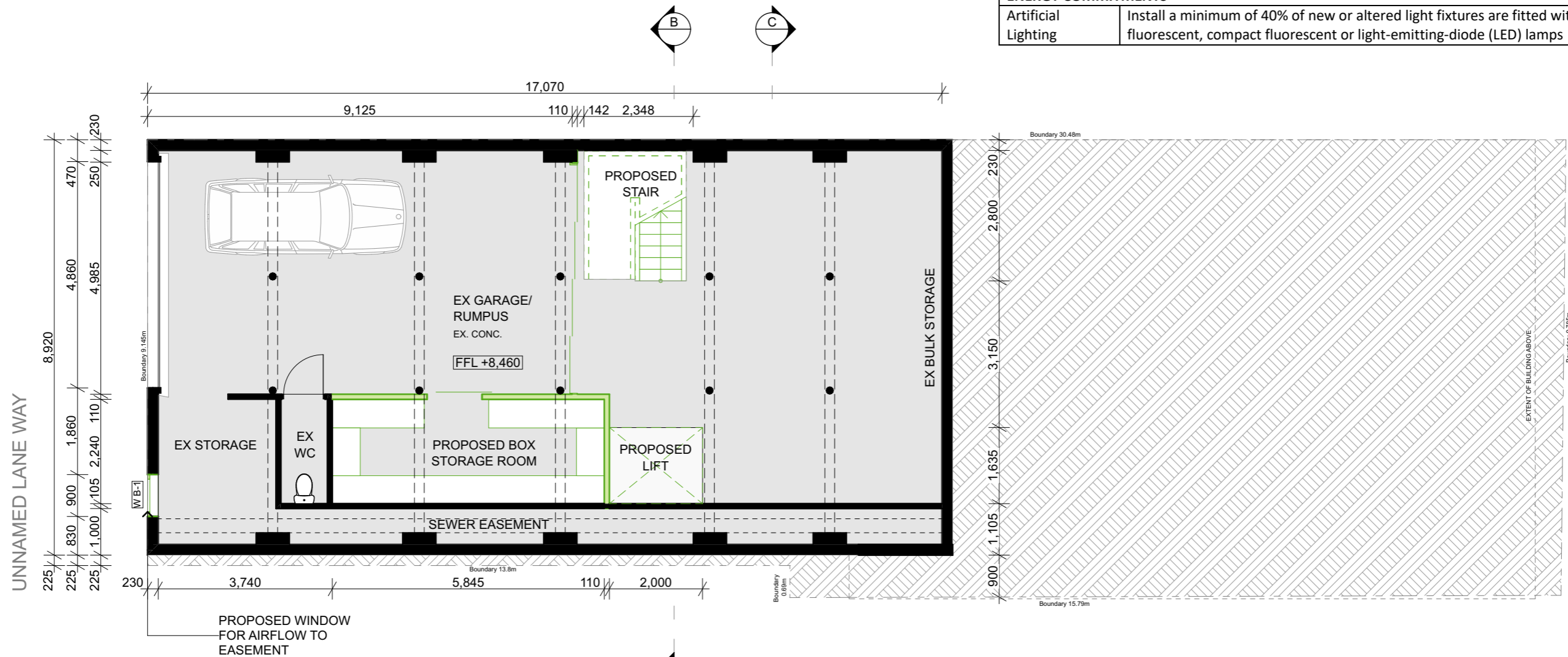


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Site Plan
 drawing #
A-1003
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11 Bryant Street, Tighes Hill			
SUMMARY OF BASIX COMMITMENTS			
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for Complete details.			
WATER COMMITMENTS			
Fixtures			
3 Star Shower Heads	3 Star Toilet	3 Star Kitchen Taps	3 Star Basin Taps
THERMAL COMFORT COMMITMENTS			
External wall	Framed (weatherboard, fibro, metal clad), R1.30 (or R1.70 including construction)		
Flat ceiling – Flat roof	Ceiling: R1.40 (up), roof: foil backed blanket (55mm) – Light in colour		
Glazing –	Standard aluminium, single toned, (or U-Value: 7.57, SHGC:0.57)		
Glazing –	Standard aluminium, single clear, (or U-Value: 7.63, SHGC:0.75)		
Skylights	Timber, low-e internal/argon fill/clear external (or U-Value: 2.5, SHGC:0.456)		
ENERGY COMMITMENTS			
Artificial Lighting	Install a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent or light-emitting-diode (LED) lamps		



1 **Basement**
SCALE 1:100 @ A3

LEGEND

- EXISTING / RETAINED AREA
- EXISTING / RETAINED WALLS
- NEW CONSTRUCTION



DEVELOPMENT APPLICATION

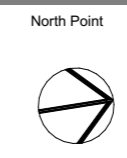


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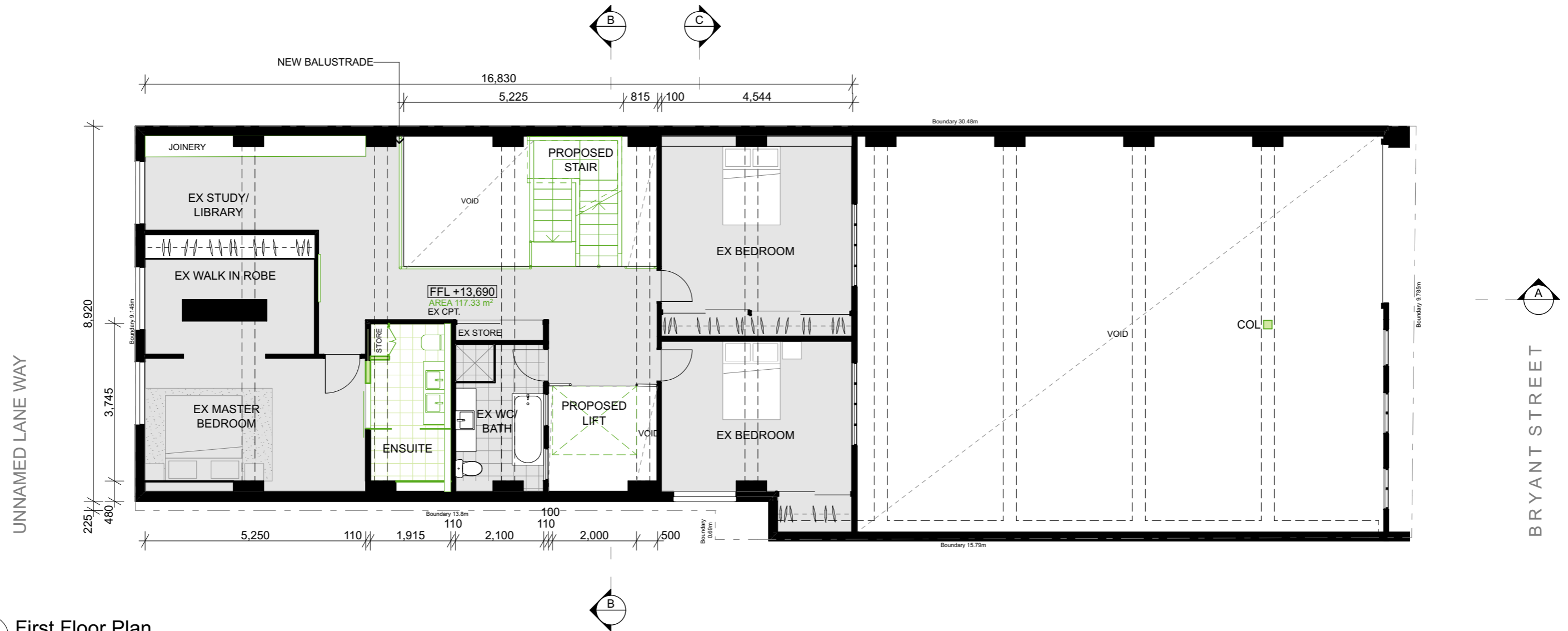
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Basement
drawing # **A-1101**
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1 First Floor Plan
SCALE 1:100 @ A3

LEGEND

- EXISTING / RETAINED AREA
- EXISTING / RETAINED WALLS
- NEW CONSTRUCTION

CERTIFIED BY



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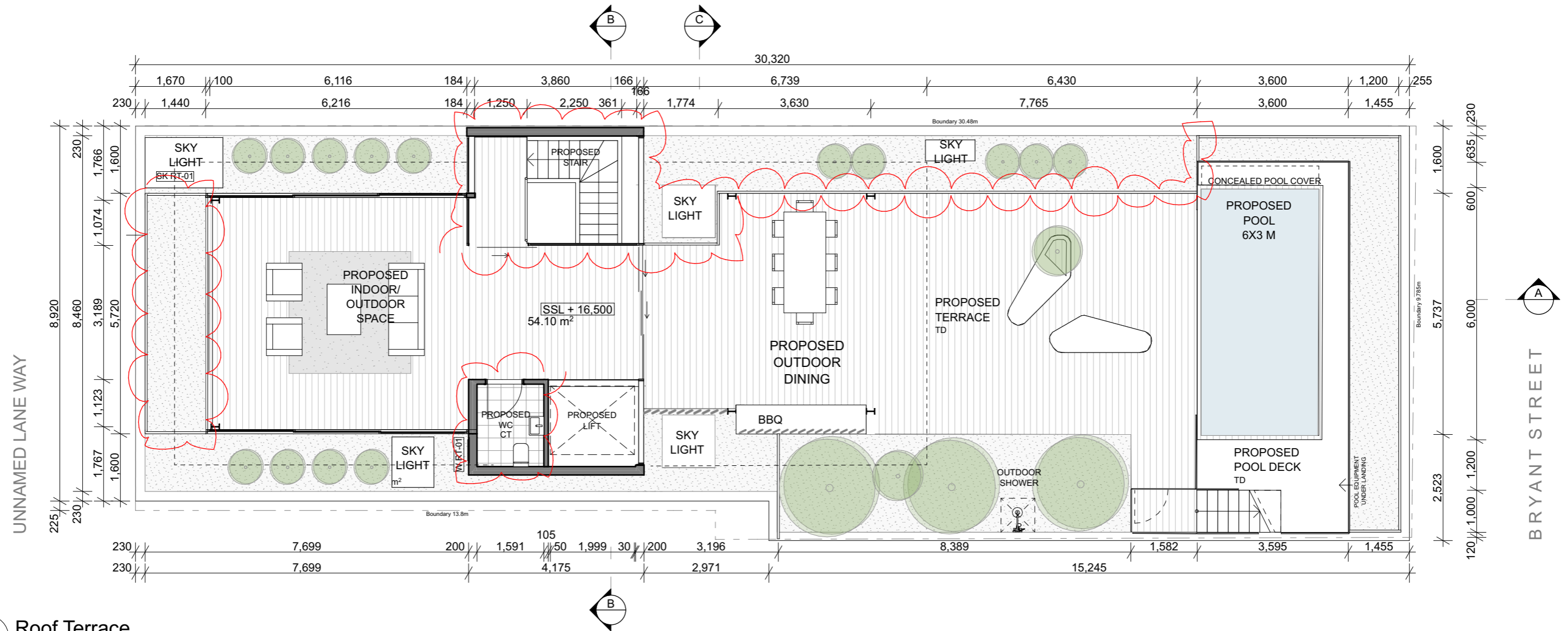
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Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545



Charge/Schneider Bryant Additions
project # **21077**
11 BRYANT STREET,
TIGHES HILL, NSW 2297

First Floor Plan
drawing # **A-1103** issue **15**
AS SHOWN 1/2/22

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1 Roof Terrace
SCALE 1:100 @ A3

LEGEND

- EXISTING / RETAINED AREA
- EXISTING / RETAINED WALLS
- NEW CONSTRUCTION

CERTIFIED BY



DEVELOPMENT APPLICATION



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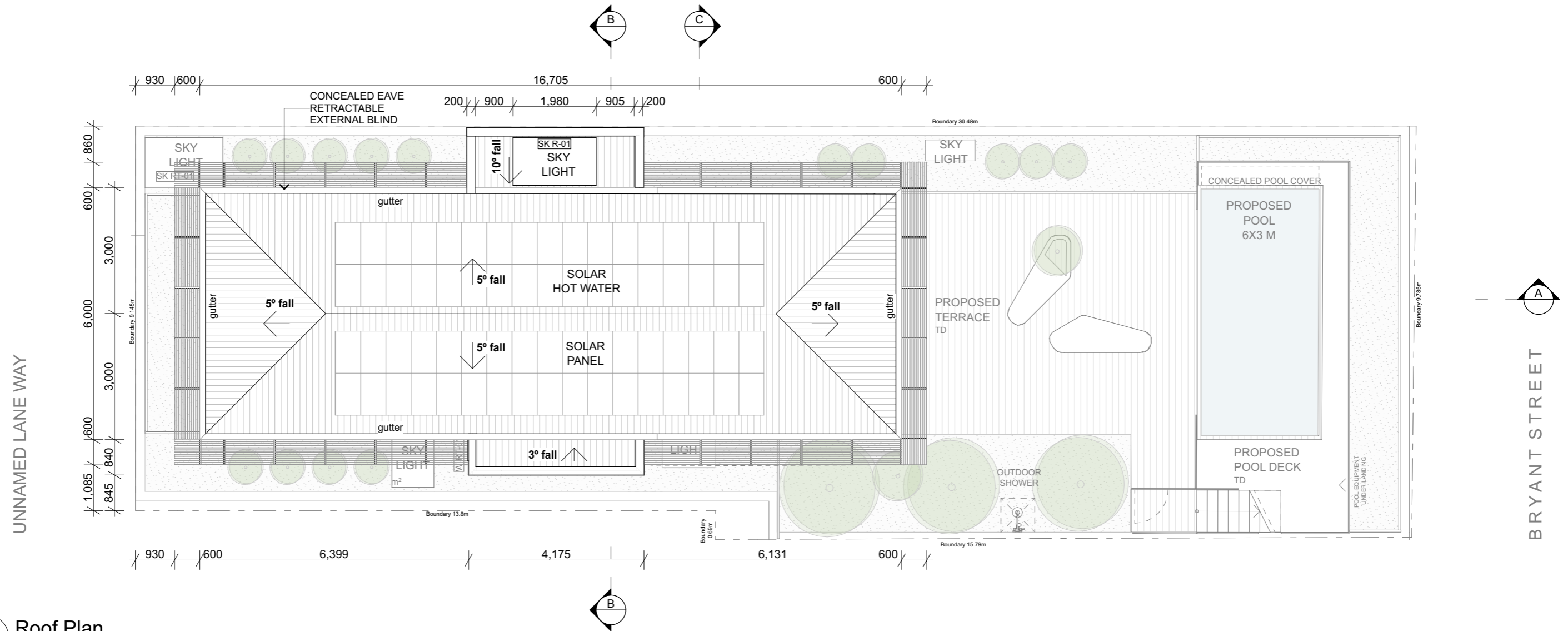
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project # **21077**
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Roof Terrace
drawing # **A-1104**
AS SHOWN
issue **15**
1/2/22

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1 Roof Plan
SCALE 1:100 @ A3



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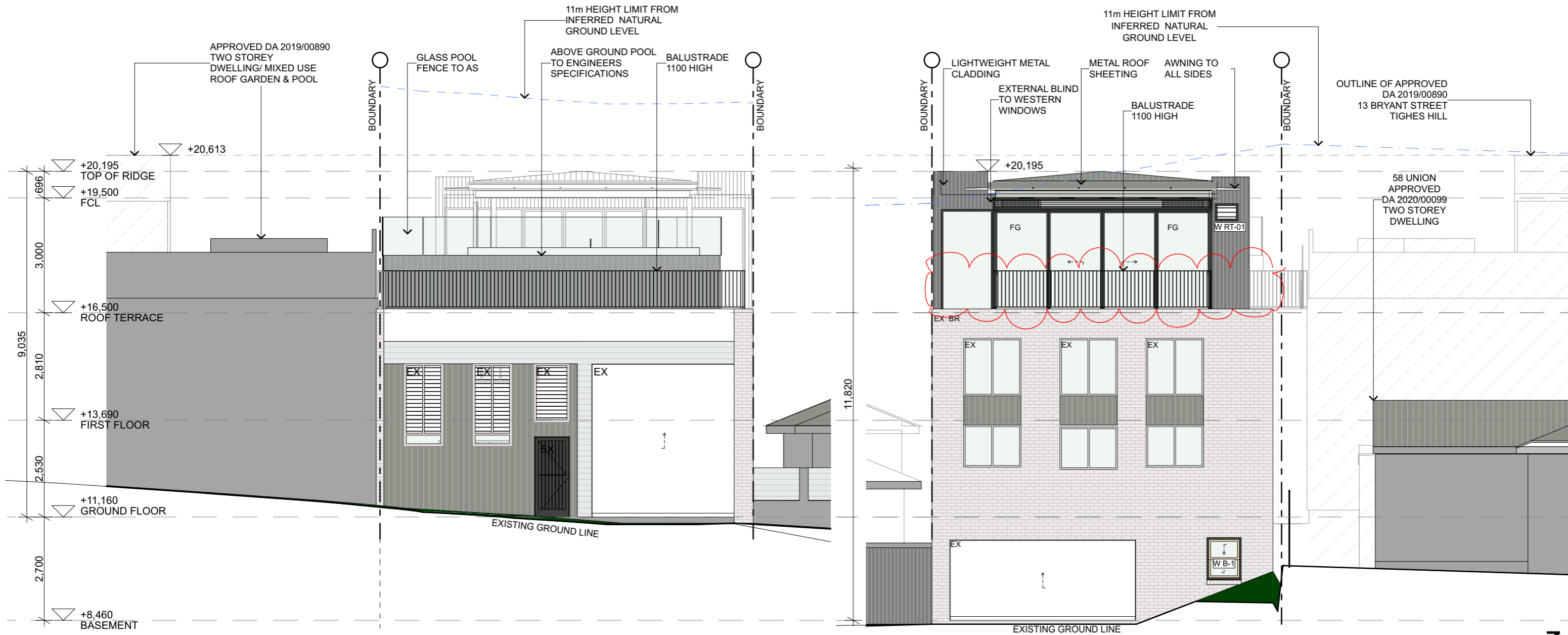
Charge/Schneider Bryant Additions
project # **21077**
11 BRYANT STREET,
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Roof
drawing # **A-1105**
AS SHOWN

issue **15**
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DEVELOPMENT APPLICATION



1 North Elevation
SCALE 1:100 @ A3

2 South Elevation
SCALE 1:100 @ A3

DEVELOPMENT APPLICATION



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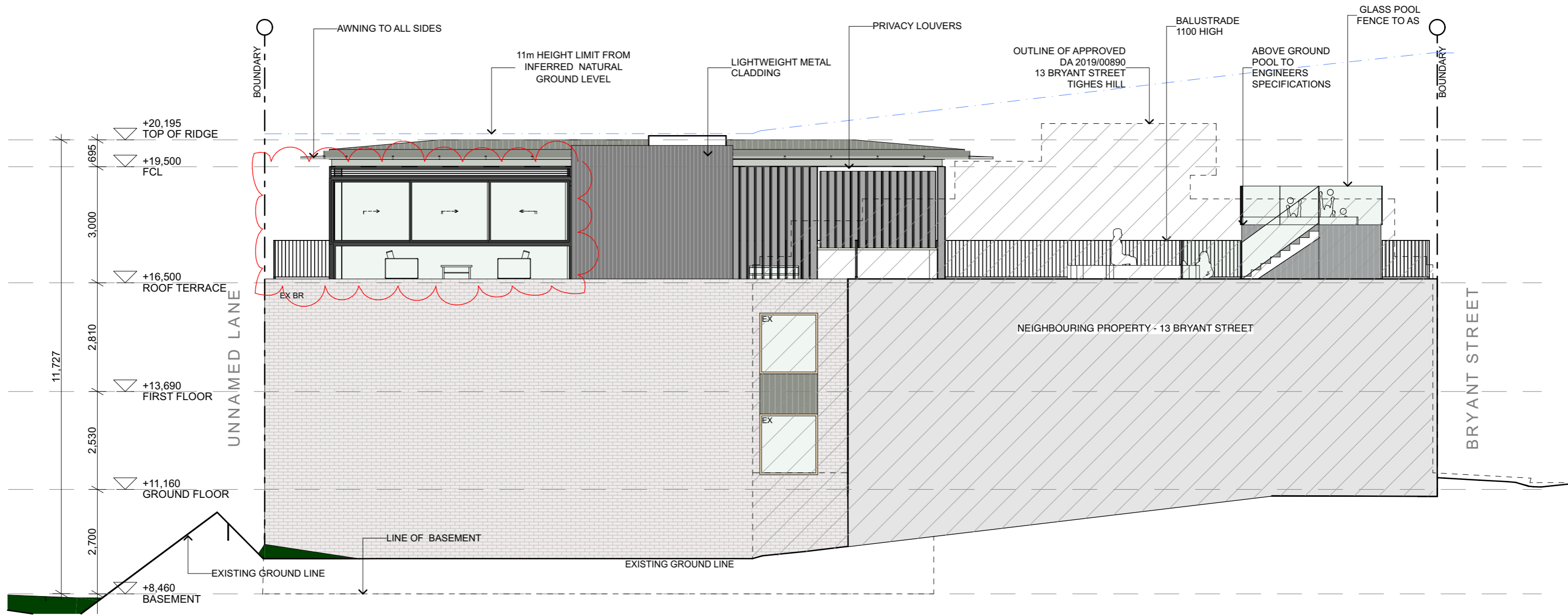
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Elevations North South
drawing # **A-2001**
issue **15**
AS SHOWN 1/2/22

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1 East Elevation
SCALE 1:100 @ A3

DEVELOPMENT APPLICATION

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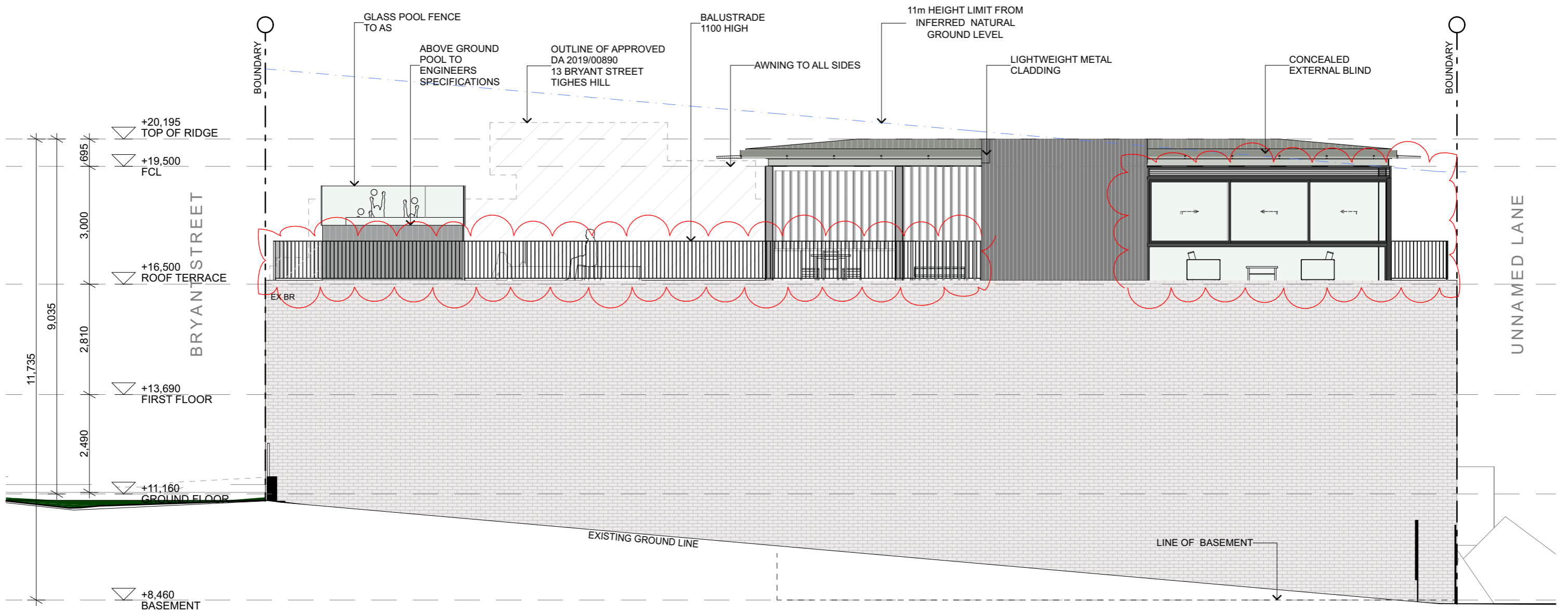
North Point



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project #
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Elevation East
drawing #
A-2002
AS SHOWN
issue
15
1/2/22

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1 West Elevation
SCALE 1:100 @ A3



DEVELOPMENT APPLICATION



Architecture | Planning | Interiors

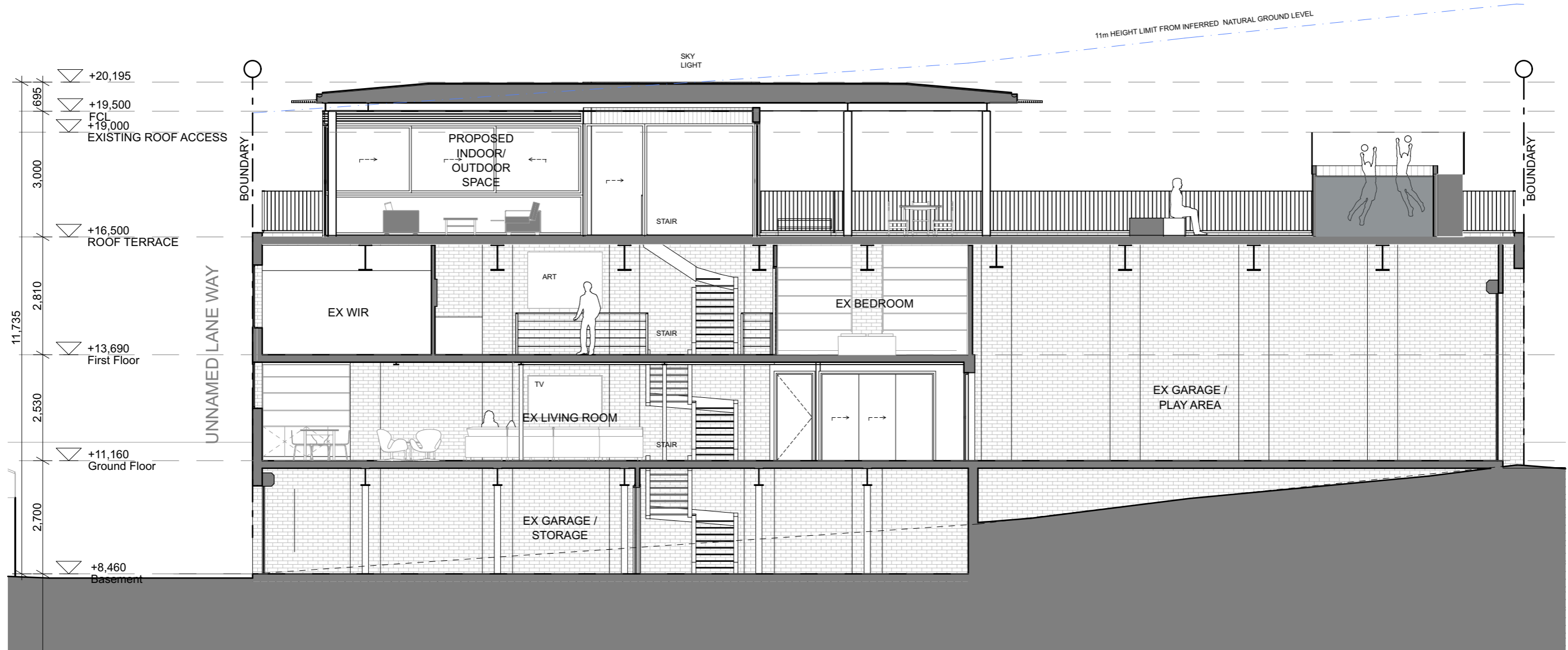
NEWCASTLE 115 King St (P.O. Box 958) Newcastle NSW 2300 P 02 4929 1843	CENTRAL COAST 1/28 Adelaide St (P.O. Box 4400) East Gosford NSW 2250 P 02 4321 0503	www.ckds.com.au E admin@ckds.com.au ABN 12 129 231 269 Nominated Architects: Caine King NSW ARB 7974 / Stuart Campbell NSW ARB 7545
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Elevation West
drawing # **A-2003** issue **15**
AS SHOWN 1/2/22

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01 Section A
SCALE 1:100 @ A3

DEVELOPMENT APPLICATION



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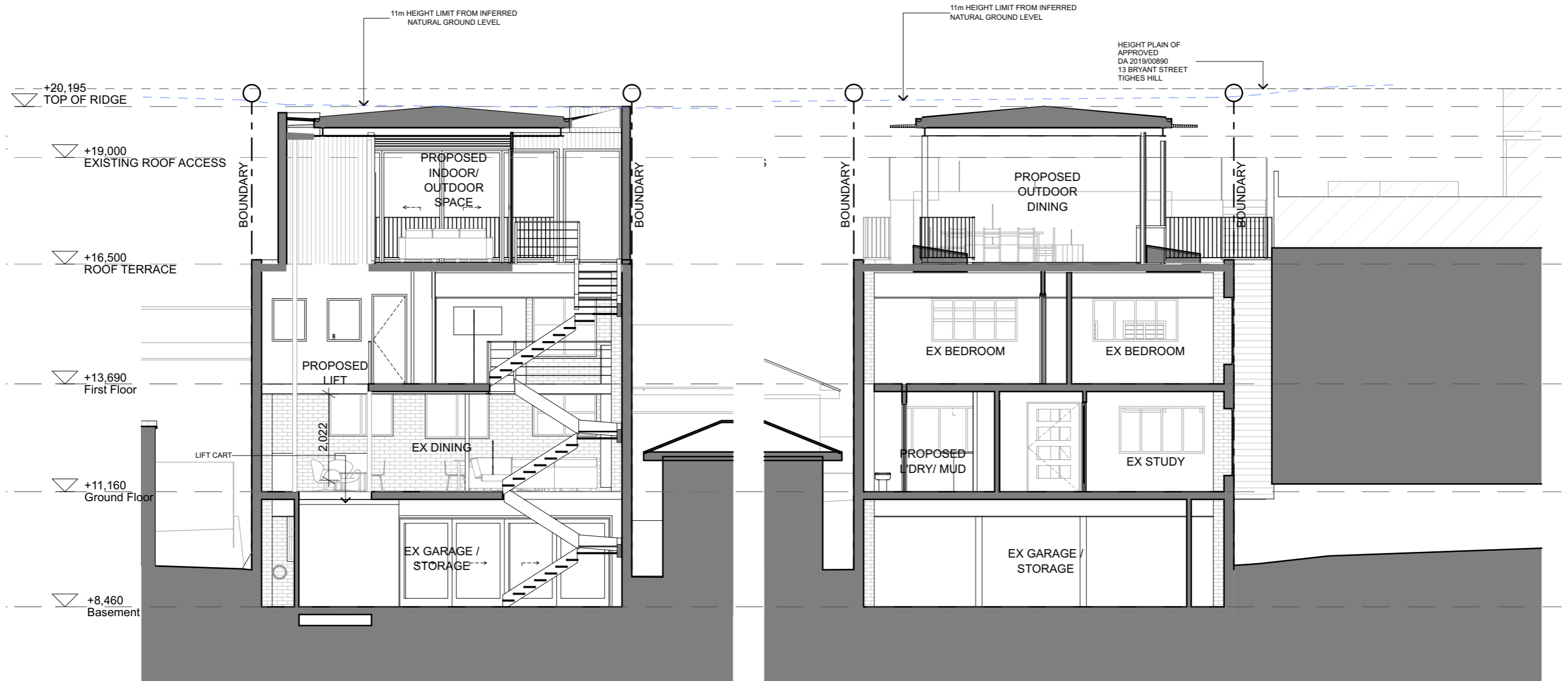
North Point



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Additions
project #
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Section A
drawing #
A-3001
AS SHOWN
issue
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1/2/22

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01 Section B
SCALE 1:100 @ A1

02 Section C
SCALE 1:100 @ A1

DEVELOPMENT APPLICATION



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North Point



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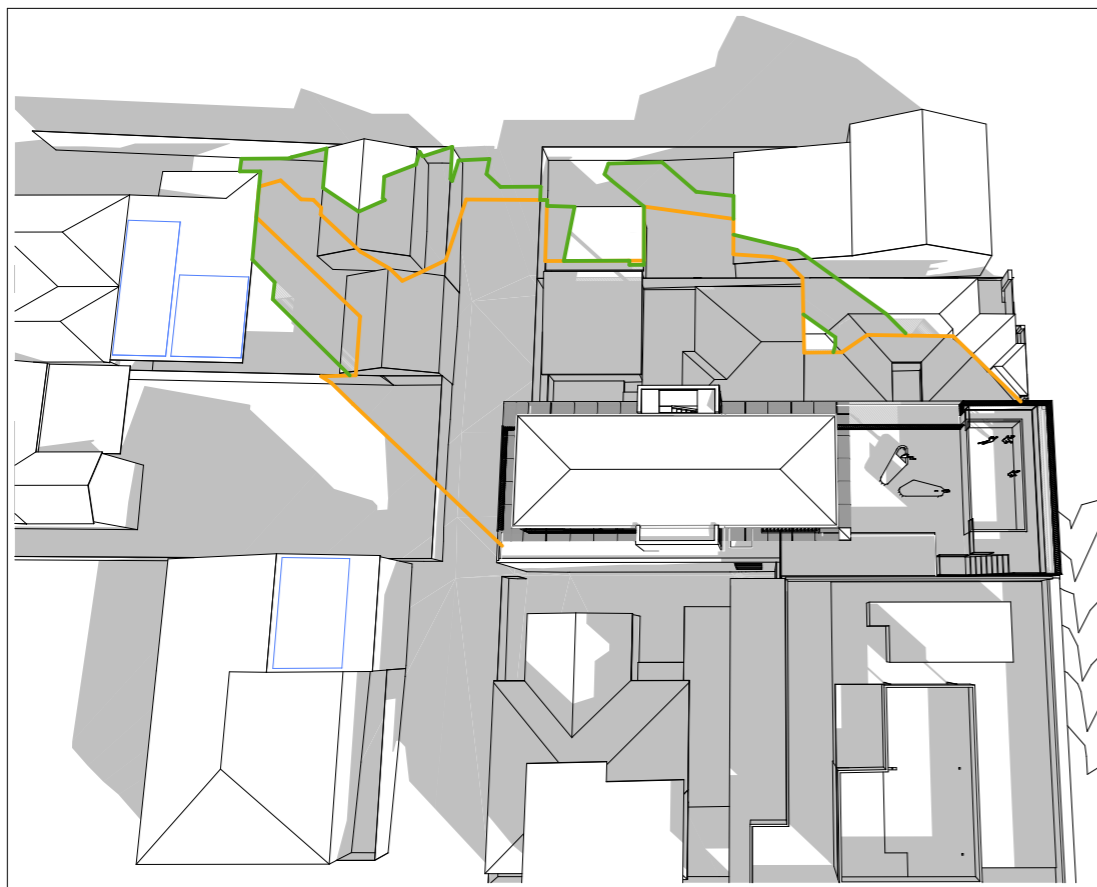
Section B and C
drawing #
A-3002
AS SHOWN
issue
15
1/2/22

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LEGEND

- NEW SHADOWS
- EXISTING SHADOWS
- NEIGHBOURING SOLAR PANELS

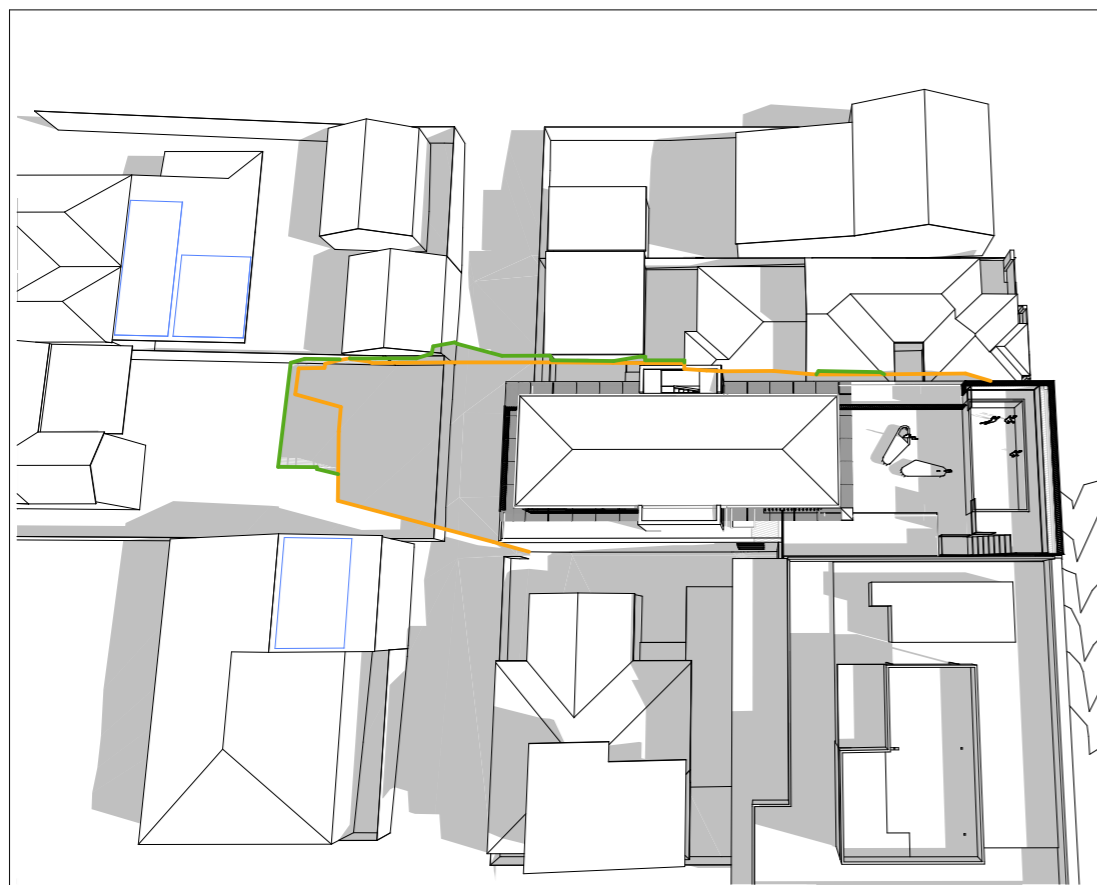
Note: Context shown approx based on visual site inspection, aerial imagery and survey of subject site.



1 21 June 9am
SCALE 1:250 @ A1



2 21 June 10am
SCALE 1:250 @ A1



3 21 June 11am
SCALE 1:250 @ A1



4 21 June 12pm
SCALE 1:250 @ A1

DEVELOPMENT APPLICATION



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North Point



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Additions
project #
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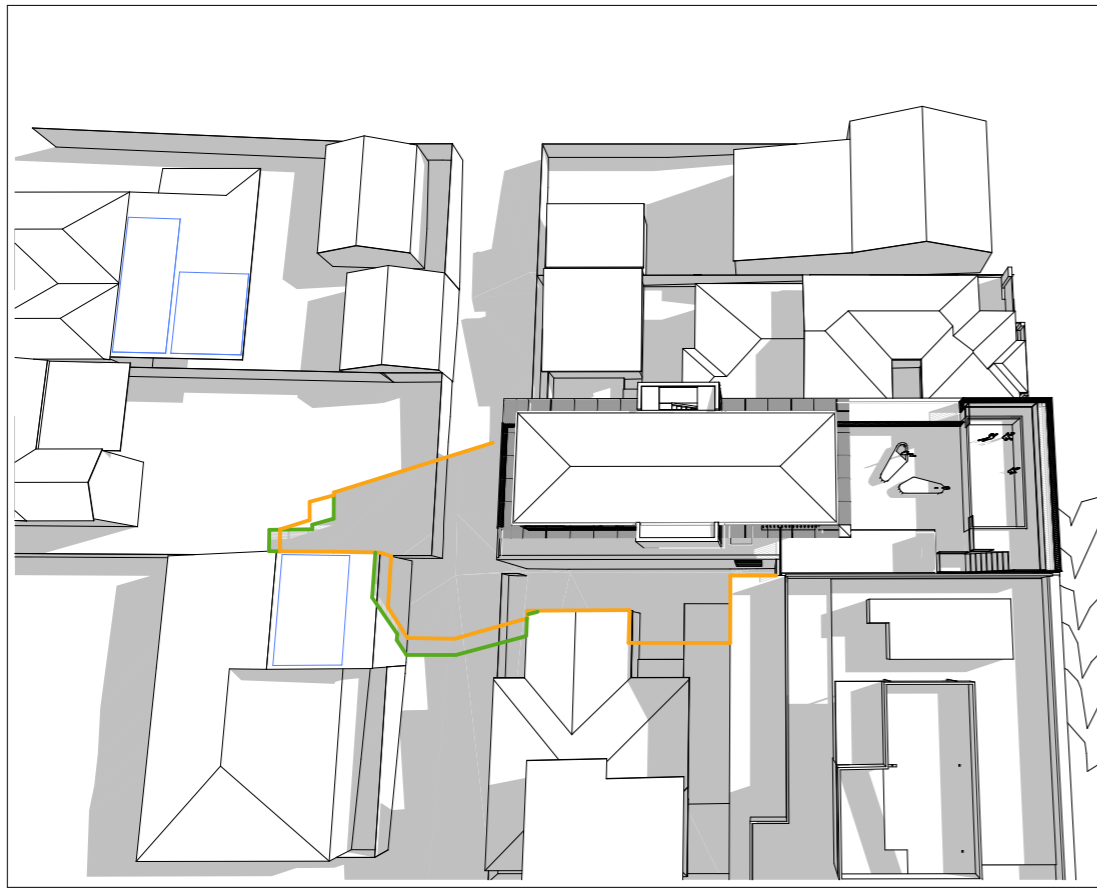
Shadow Diagrams

drawing #
A-4001
issue
15
AS SHOWN
1/2/22

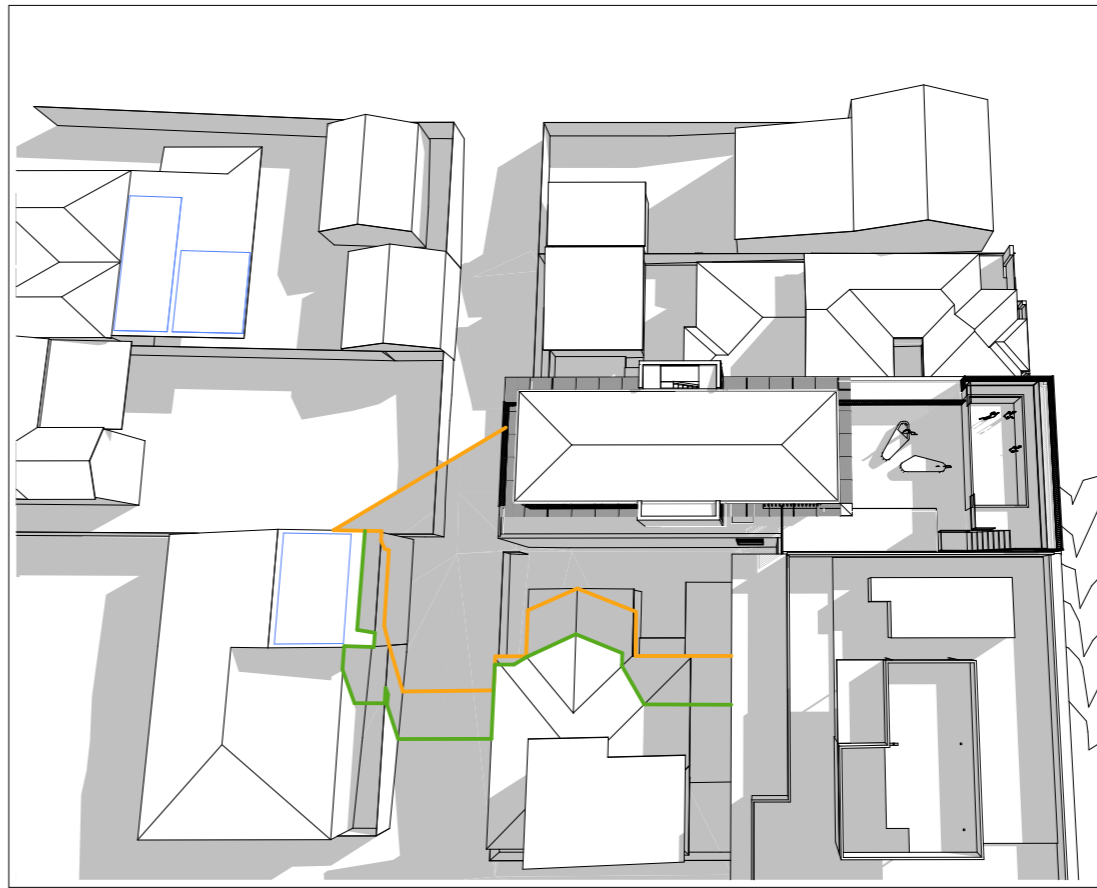
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- NEW SHADOWS
- EXISTING SHADOWS
- NEIGHBOURING SOLAR PANELS

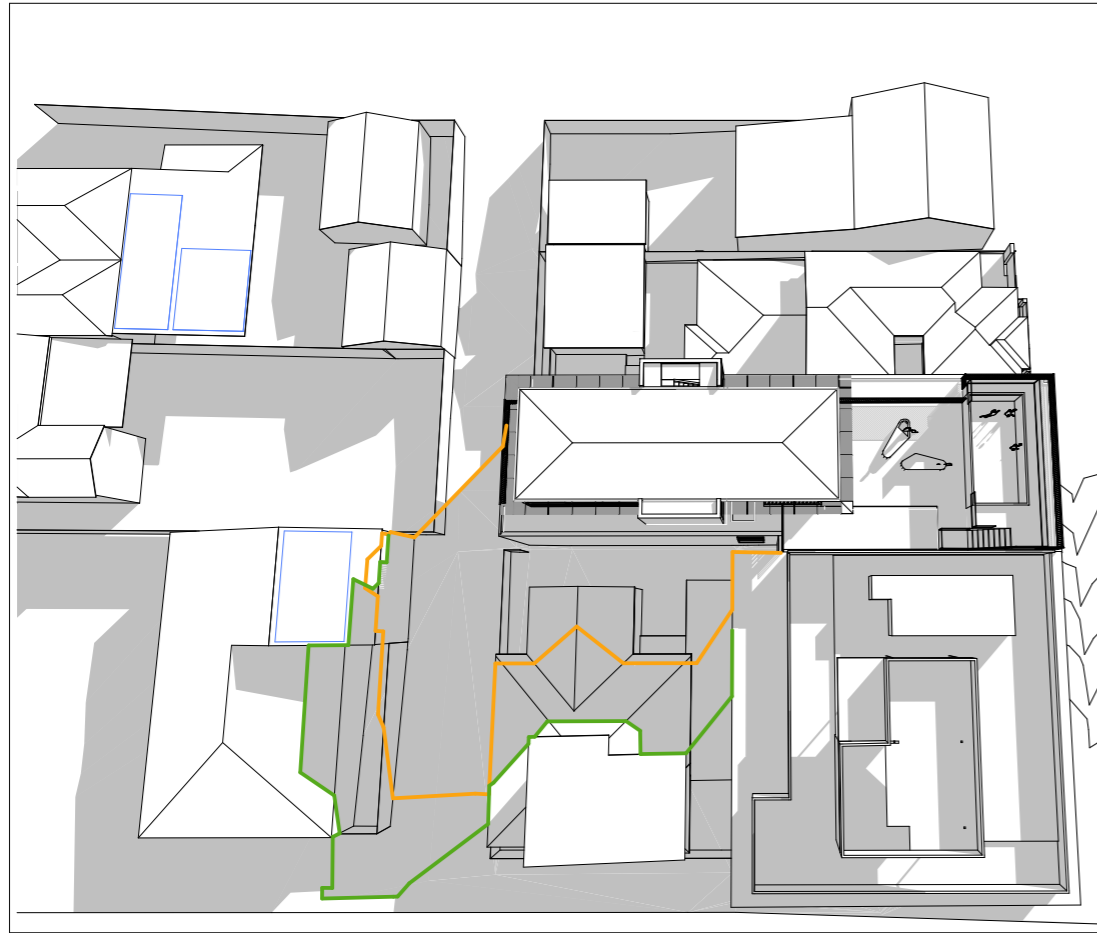
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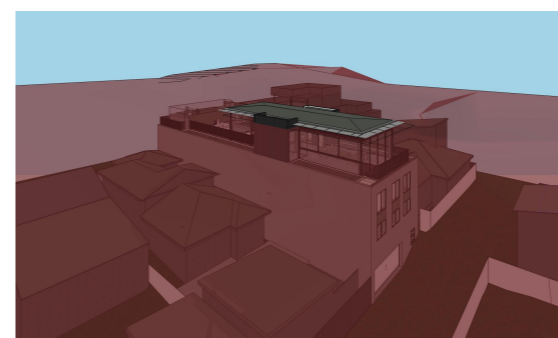
5 21 June 1pm
SCALE 1:250 @ A1



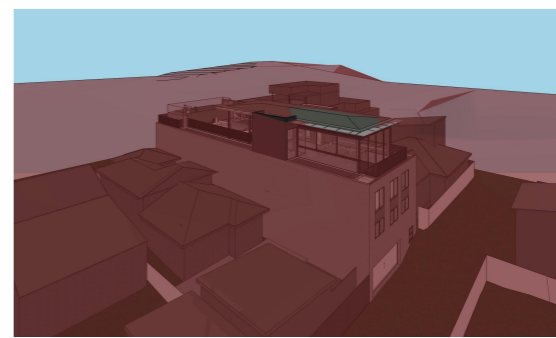
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SCALE 1:250 @ A1



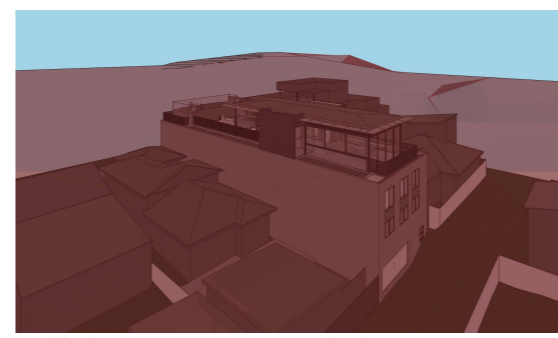
7 21 June 3pm
SCALE 1:250 @ A1



EXISTING GROUND LINE (BASEMENT)



INFERRED NATURAL GROUND LINE

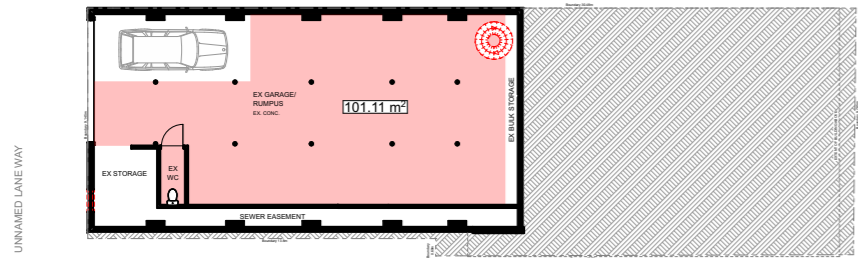


+10% TO INFERRED NATURAL GROUND LINE

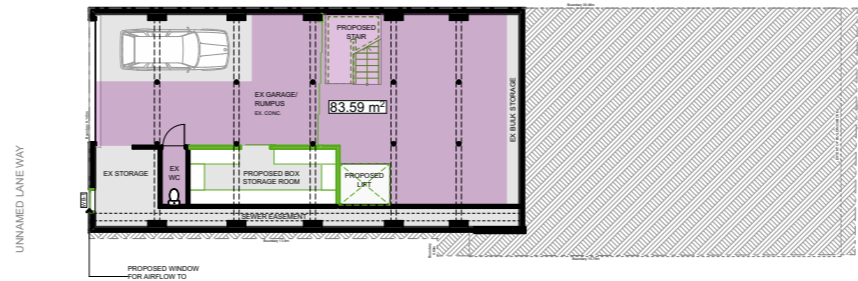
7 LEP Height Controls
SCALE 1:1000 @ A3

DEVELOPMENT APPLICATION

EX BASEMENT GFA



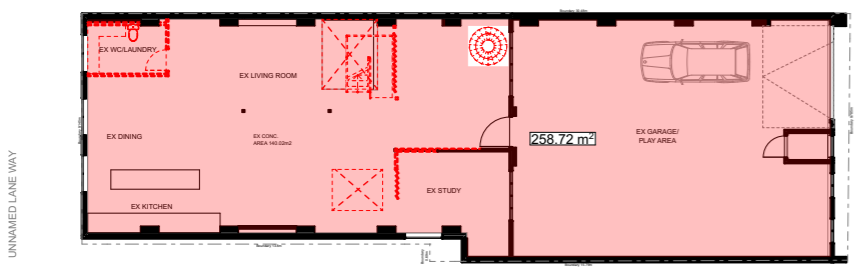
NEW BASEMENT GFA



FSR Calculation Table

Existing GFA	Existing Area
Ex Basement	101.11 m ²
Ex Ground Floor	258.72 m ²
Ex First Floor	117.64 m ²
Ex Roof Terrace	1.15 m ²
Total Existing GFA	478.62 m²
Site Area	289.29 m ²
Existing FSR	1.65 : 1

EX GROUND FLOOR GFA



NEW GROUND FLOOR GFA



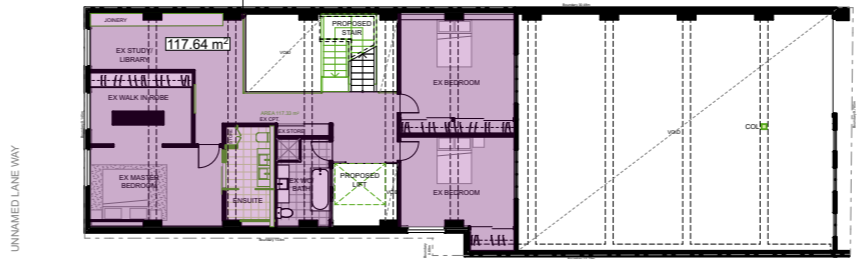
New GFA	New Area
New Basement	83.59 m ²
New Ground Floor	251.87 m ²
New First Floor	117.64 m ²
New Roof Terrace	19.35 m ² + 34.21 m ²
Total New GFA	506.66 m²
Site Area	289.29 m ²
New FSR	1.75 : 1

Permissible FSR: 0.75 : 1
Existing FSR: 1.65 : 1
Proposed FSR: 1.75 : 1

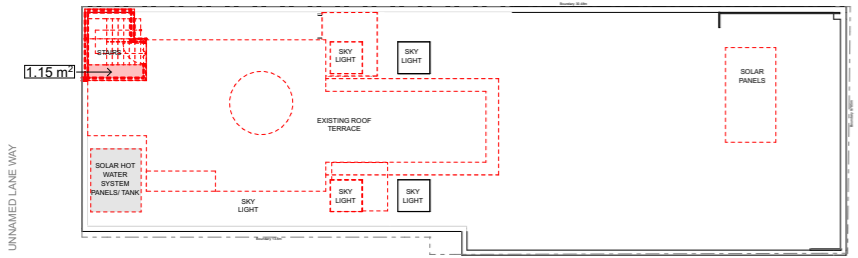
EX FIRST FLOOR GFA



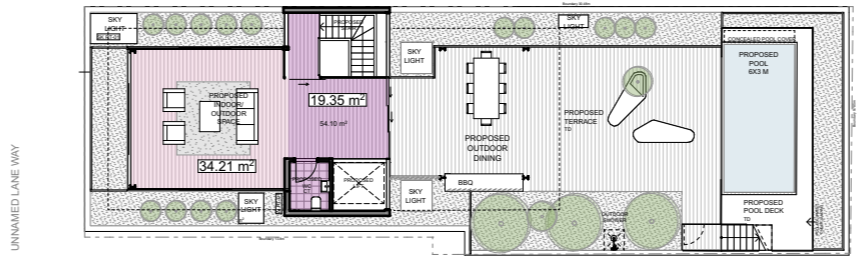
NEW FIRST FLOOR GFA



EX ROOF TOP GFA



NEW ROOF TOP GFA



DEVELOPMENT APPLICATION

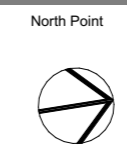


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Additions
 project #
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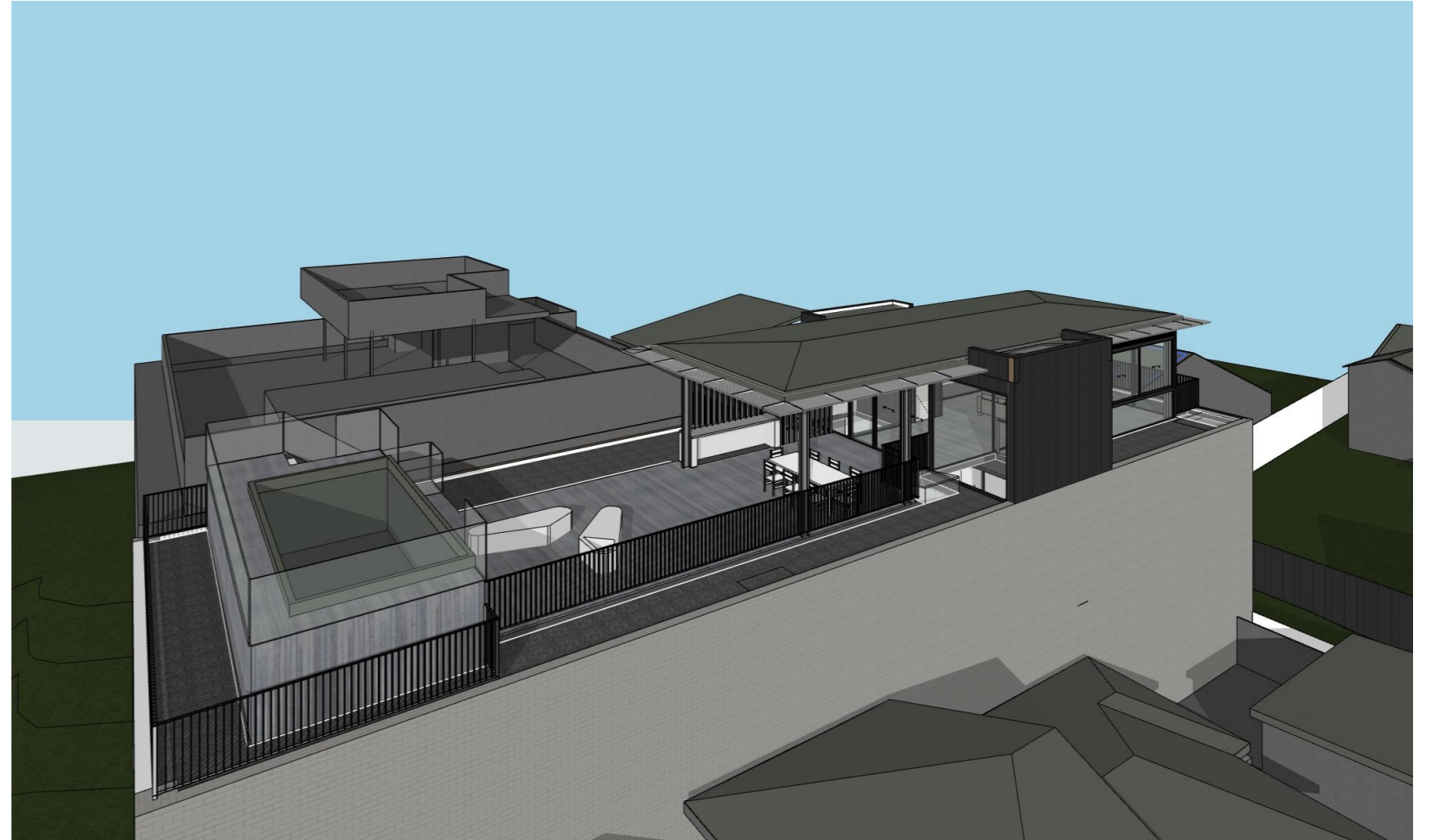
FSR Diagram
 drawing #
A-4003
 AS SHOWN

issue
03
 1/2/22

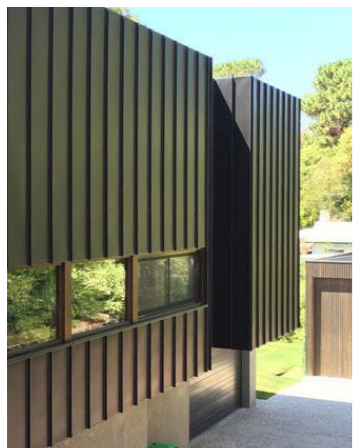
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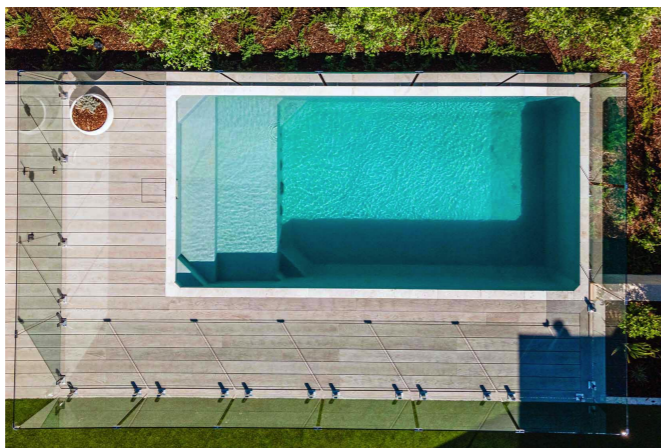
BRYANT ST VIEW



ROOF TOP VIEW



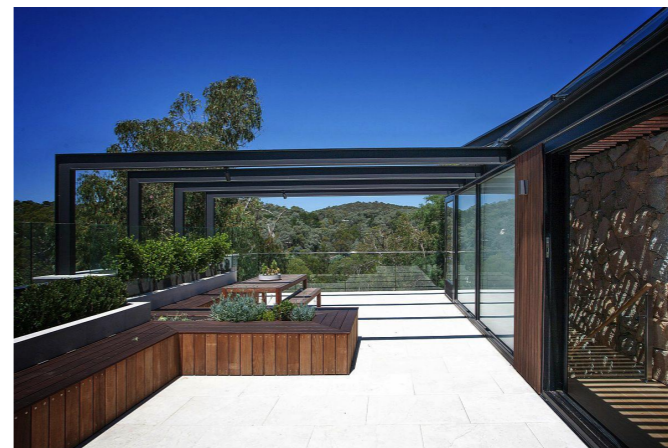
ALUMINIUM /ZINC CLADDING



ABOVE GROUND POOL



STEEL FLAT BAR BALUSTRADE



EXPOSED STEEL FRAMING AND COLUMNS



EAVE SHADING

DEVELOPMENT APPLICATION



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North Point



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Materials
drawing #
A-5001
AS SHOWN
issue
15
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ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 17/05/22 – 11 BRYANT STREET TIGHES HILL – DA2021/01547-
DWELLING HOUSE - ALTERATIONS AND ADDITIONS**

ITEM-6 **Attachment B:** Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER



Application No: DA2021/01547
Land: Lot 150 DP 1142599
Property Address: 11 Bryant Street Tighes Hill NSW 2297
Proposed Development: Dwelling house - alterations and additions

SCHEDULE 1

APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Existing/demolition plans	A-0101 - 0104 Issue 15	CKDS	01/02/22
Existing/demolition elevations	A-0201 - 0203 Issue 15	CKDS	01/02/22
Existing/demolition sections	A-0301 - 0302 Issue 15	CKDS	01/02/22
Site plan	A-1003 Issue 15	CKDS	01/02/22
Basement plan	A-1101 Issue 15	CKDS	01/02/22
Ground floor plan	A-1102 Issue 15	CKDS	01/02/22
First floor plan	A-1103 Issue 15	CKDS	01/02/22
Roof terrace plan	A-1104 Issue 15	CKDS	01/02/22
Roof plan	A-1105 Issue 15	CKDS	01/02/22
Elevations north & south	A-2001 Issue 15	CKDS	01/02/22
Elevation east	A-2002 Issue 15	CKDS	01/02/22
Elevation west	A-2003 Issue 15	CKDS	01/02/22
Section A	A-3001 Issue 15	CKDS	01/02/22
Section B & C	A-3002 Issue 15	CKDS	01/02/22
BASIX	A439230	Evergreen Energy Consultants	12/11/21

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

- The swimming pool/spa water recirculation and filtration system installation is to

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.

3. The construction or erection of swimming pool safety fences and gates and all associated work is to be carried out in accordance with the *Swimming Pools Act 1992* and Regulations. Full details are to be included in the documentation for a Construction Certificate application.
4. All proposed roof level garden and planter bed areas indicated on the submitted plan or otherwise required under the conditions of this consent, are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 Section 7.06.02 and is to include details of the following:
 - a) botanical names
 - b) quantities and container size of all proposed trees
 - c) shrubs and ground cover
 - d) details of proposed soil preparation
 - e) mulching and staking
 - f) treatment of external surfaces
 - g) drainage, location of taps and
 - h) appropriate maintenance periods.

The required landscape works, and full details of the above requirements are to be nominated on plans submitted with documentation for a Construction Certificate application.

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

5. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
6. Stormwater is to 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.
7. A rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
 - a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

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.

8. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
9. 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.
10. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil are to be provided.
11. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves, including the road reserve, is not permitted.
12. 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.

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

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

14. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
15. 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)

16. Pool plant and equipment is to be sited or enclosed in a sound absorbing enclosure to prevent any offensive noise (as defined under the *Protection of the Environment Operations Act 1997*) impacts to adjoining neighbours.
17. 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.
18. 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.

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

19. A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
20. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
21. All works within the road reserve required by this consent are to be completed prior to the issue of an Occupation Certificate.
22. 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 Newcastle City Council within fourteen days of receipt.

ADVISORY MATTERS

- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development', as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a retaining wall taking place.

- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) A Construction Certificate is to be obtained; and
 - b) A Principal Certifier is to be appointed for the building works and Newcastle City Council is to be notified of the appointment; and
 - c) Newcastle City Council is to be given at least two days' notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).
- 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 (i.e. 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (i.e. 'on-the-spot fine') or prosecution.
- The owner of the premises on which a swimming pool/spa is situated is to 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.
- Council has considered and accepted the proposed development standard variations made under Clause 4.6 of the Newcastle Local Environmental Plan 2012. The proposed 3.75% variation to the height of buildings standard, and the proposed 133% variation to the floor space ratio standard are considered acceptable in the particular circumstances of this case as the variations will not significantly overshadow the neighbouring properties, obstruct significant view corridors, detract from the streetscape, or result in privacy 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.



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 17/05/22 – 11 BRYANT STREET TIGHES HILL – DA2021/01547-
DWELLING HOUSE - ALTERATIONS AND ADDITIONS**

ITEM-6 **Attachment C:** Processing Chronology

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PROCESSING CHRONOLOGY

DA2021/01547 – 11 Bryant Street Tighes Hill

23 November 2021	-	Application lodged
29 November to 13 December 2021	-	Application notified in accordance with CN's Public Participation Policy
25 November 2021		External referral undertaken to Ausgrid
21 December 2021	-	Request for additional information: Cl 4.6 (Height, FSR), amend roof terrace, demonstrate solar access
1 February 2022	-	Additional Information received from applicant
17 May 2022	-	Development Applications Committee meeting