



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 18/06/2024 - 8 PARNELL PLACE NEWCASTLE EAST -  
DWELLING HOUSE - ALTERATIONS AND ADDITIONS -  
DA2023/00520**

**7.1 Attachment A:** Submitted Plans - 8 Parnell Place Newcastle East

**7.1 Attachment B:** Draft Schedule of Conditions - 8 Parnell Place Newcastle East

**7.1 Attachment C:** Processing Chronology - 8 Parnell Place Newcastle East

**7.1 Attachment D:** Clause 4.6 written exception to development standard - 8 Parnell Place Newcastle East

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AMENDMENTS AS PER RFI

REV. 1 RELOCATION OF LIFT & EXTERNAL ALTERATIONS. THE RELOCATION OF THE LIFT ALLOWS THE NEW WALL TO BE ANGLED CLEAR FROM THE EXTENT OF THE EXISTING DIVIDING WALL. THIS ENSURES THAT ALL EXISTING ELEMENTS THAT ENCROACH THE SUBJECT PROPERTY ARE NOT IMPACTED (INC. GUTTERS & SHADING DEVICES). THE ANGLED WALL WILL BE SUITABLY FIRE RATED DUE TO ITS PROXIMITY TO THE BOUNDARY.

REV. 2 MINOR INTERNAL ALTERATIONS TO SUIT RELOCATION OF LIFT.

REV. 3 ADJUSTMENTS TO BATHROOM TO SUIT NEW LAYOUT.

REV. 4 MINOR ALTERATIONS – RELOCATION OF NEW DOWNPIPES TO BETTER CONNECT TO EXISTING STORMWATER SYSTEM. ALL RAINWATER TO BE DIRECTED TO EXISTING DISCHARGE POINT, LOCATED IN THE NORTH-EAST CORNER OF THE SITE, AS PER THE RFI; 1. STORMWATER MANAGEMENT.

REV. 5 RELOCATION OF CERAMIC PRIVACY SCREEN TO SUIT CHANGES TO INTERNAL LAYOUT CAUSED BY LIFT RELOCATION. THIS ELEMENT HAS BEEN REPOSITIONED BETWEEN THE EXISTING BUILDING AND NEW BUILDING TO BETTER DELINEATE THESE STRUCTURES AND TO RETAIN THE FABRIC OF THE TERRACE HOUSE.

ALTERATIONS & ADDITIONS TO EXISTING DWELLING  
8 PARNELL PLACE, NEWCASTLE EAST  
LOT 1 / DP 909257

TITLE	A01	R.3
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PROPOSED PLANS	A05	R.3
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ELEVATIONS 2	A07	R.3
SECTIONS	A08	R.3
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VISUAL 2	A10	R.3
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EXISTING SHADOW DIAGRAMS	A12	R.3
STATEMENT OF ENVIRONMENTAL EFFECTS	B01	R.1
HERITAGE REPORT	C01	R.1
FSR - COMPLIANCE DIAGRAM	D01	R.3
FSR - MAPPING	D02	R.1

FOR | STEPHEN BARTROP & KERRY CHISHOLM  
PREPARED BY | ODE ARCHITECTURE STUDIO  
ISSUE | FOR APPROVAL  
DATE | 13.02.2024

REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	TITLE
NUMBER	A01

SHEET	1 OF 12
SCALE	–
PROJECT	ALTERATIONS & ADDITIONS

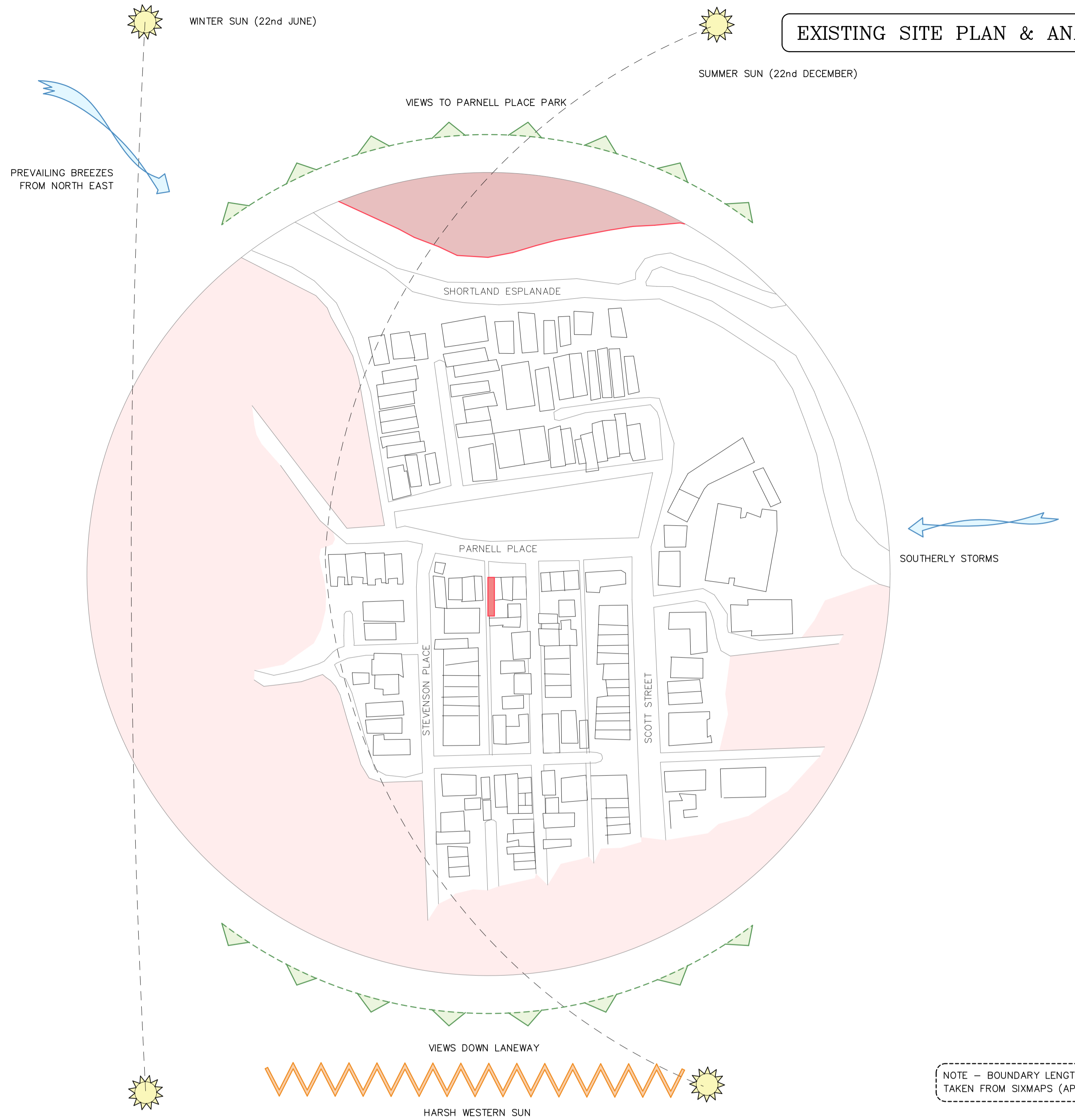
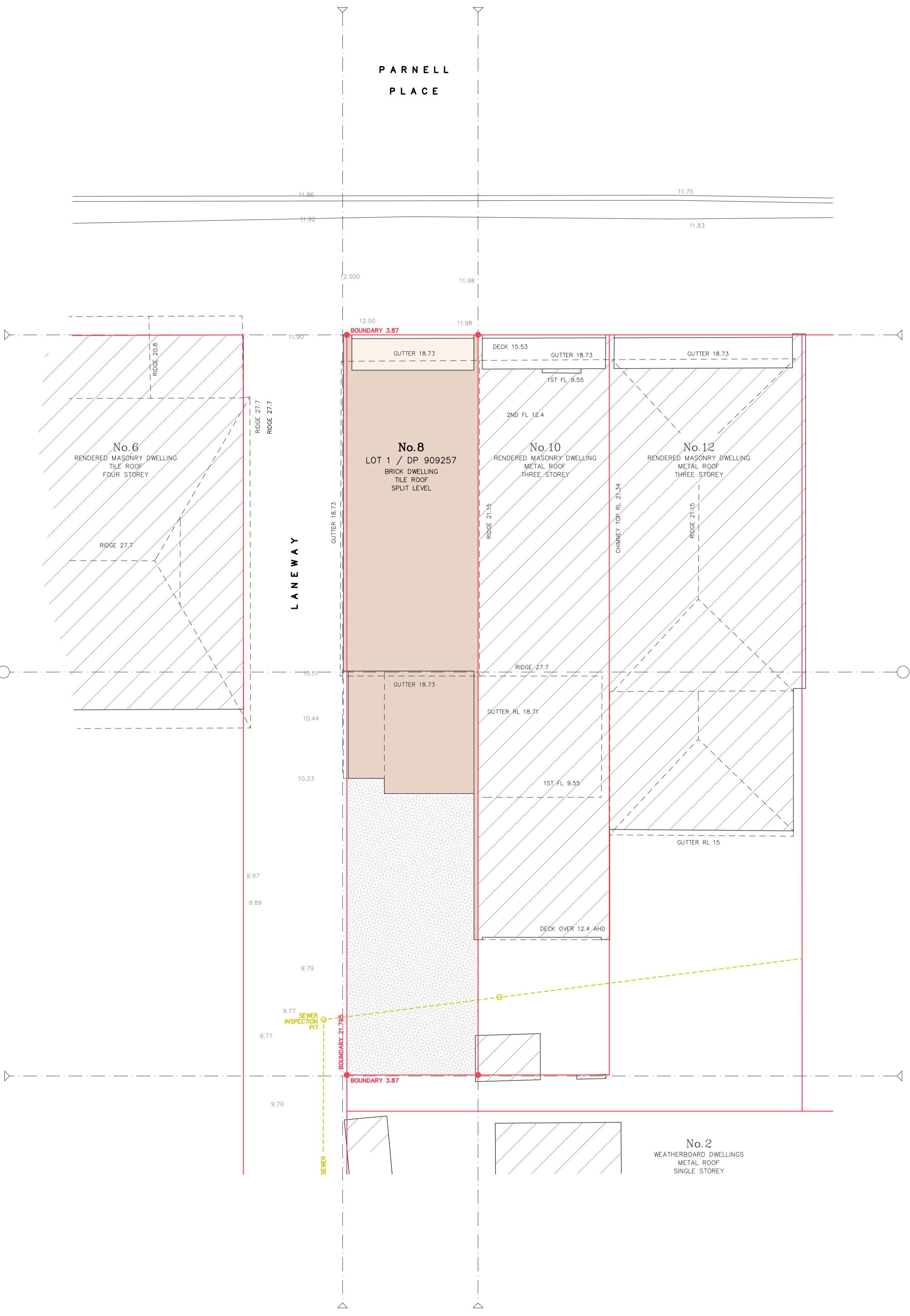
LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23

**ODE** x **DYLAN WOOD ARCHITECTS**

PREPARED BY ODE ARCHITECTURE STUDIO & DYLAN WOOD  
CONTACT BRENTON@ODE-ARCHSTUDIO.COM | 0408 633 515

ODE ARCHITECTURE STUDIO | ABN 20 649 560 332 | 0408 633 515 | HELLO@ODE-ARCHSTUDIO.COM | T&G BUILDING, SUITE 301, LEVEL 3, 45 HUNTER STREET NEWCASTLE 2300 | NOMINATED ARCHITECT BRENTON PORTER NSW REG. 10032  
ODE ACKNOWLEDGE THE TRADITIONAL CUSTODIANS OF THE LAND UPON WHICH WE LIVE, PRACTICE, AND VISIT, AND PAY OUR RESPECTS TO ELDERS PAST AND PRESENT. WE RECOGNISE THE CONTINUOUS ENGAGEMENT AND CARING OF THE LANDS, WATERS, AND SKIES BY FIRST NATIONS PEOPLES FOR

EXISTING SITE PLAN & ANALYSIS



**LEP PLANNING SUMMARY**

COUNCIL	NEWCASTLE CITY COUNCIL
ABORIGINAL LC	AWABAKAL
LEP	NEWCASTLE LEP 2012
ZONING	R3: MEDIUM DENSITY RESIDENTIAL
FLOOR SPACE RATIO	1:1
HEIGHT OF BUILDING	10.0m
BUSHFIRE	N/A
FLOOD	N/A
HERITAGE	NEWCASTLE EAST HERITAGE
MINES	YES

**DWELLING SUMMARY (EXISTING)**

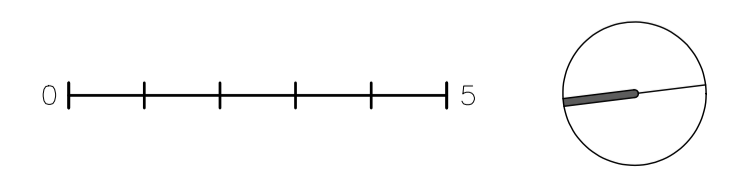
LOT AREA	84,292 sqm
LOT WIDTH	3.865m
LOT LENGTH	21.795m
MAX. HEIGHT	11.960m
GFA - EXISTING	102 sqm

**KEY:**

EXISTING DWELLING	[Brown Box]
EXISTING (DECKS & TERRACES)	[Hatched Box]
NEIGHBOURS	[Diagonal Lines Box]
SEWER	[Dashed Yellow Line]
BOUNDARY	[Red Line]

SURVEY INFORMATION OBTAINED FROM  
 DETAIL SURVEY BY C R HUTCHISON & CO;  
 JOB NUMBER - 16557

NOTE - BOUNDARY LENGTHS  
 TAKEN FROM SIXMAPS (APPROX. ONLY)



REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	EXISTING SITE PLAN & ANALYSIS
NUMBER	A02

SHEET	2 OF 12
SCALE	0.75:1 at A1
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23

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EXISTING PLANS



- KEY
- ① BACKYARD | 3.8 x 8.2
  - ② STORE | 0.9 x 1.7
  - ③ UTILITY | 2.4 x 2.4
  - ④ STUDY | 3.2 x 3.9
  - ⑤ BED 3 | 3.2 x 3.6
  - ⑥ DOWNSTAIRS ENTRY
  - ⑦ ENTRY
  - ⑧ LIVING | 3.6 x 3.9
  - ⑨ KITCHEN | 2.7 x 4.2
  - ⑩ STORE | 0.9 x 3.0
  - ⑪ BATHROOM & LAUNDRY | 2.6 x 2.0
  - ⑫ BED ROOM 2 | 3.6 x 3.9
  - ⑬ PORCH | 3.6 x 0.8
  - ⑭ BED ROOM 1 | 2.7 x 4.2

WALL SCHEDULE

EXISTING	
RETAIN (FOR POTENTIAL RE-USE)	
DEMOLITION	

FINISHES

EXISTING TIMBER FLOORS	
EXISTING BATHROOM TILES	
EXISTING TIMBER DECKING	
EXISTING HARDSTAND	

DWELLING SUMMARY (EXISTING)

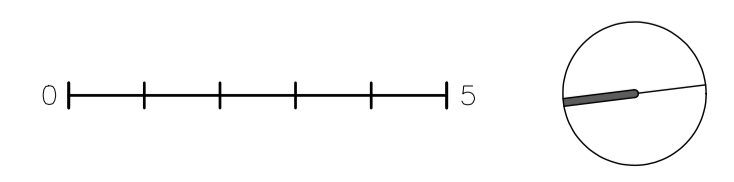
LOT AREA	84,292 sqm
LOT WIDTH	3.865m
MAX. HEIGHT	11.960m
GFA - EXISTING	102 sqm

REFER TO:  
 A03 - SITE PLAN FOR:  
 LOCATION OF EXISTING SERVICES, CONTOURS,  
 SPOT LEVELS & NEIGHBOURING BUILDINGS.

basement

ground

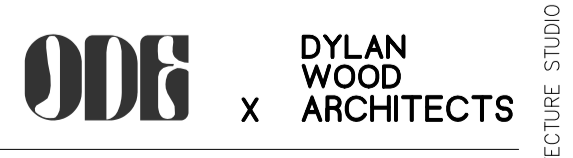
upper



REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	EXISTING PLANS
NUMBER	A03

SHEET	3 OF 12
SCALE	0.75:1 at A1
PROJECT	ALTERATIONS & ADDITIONS

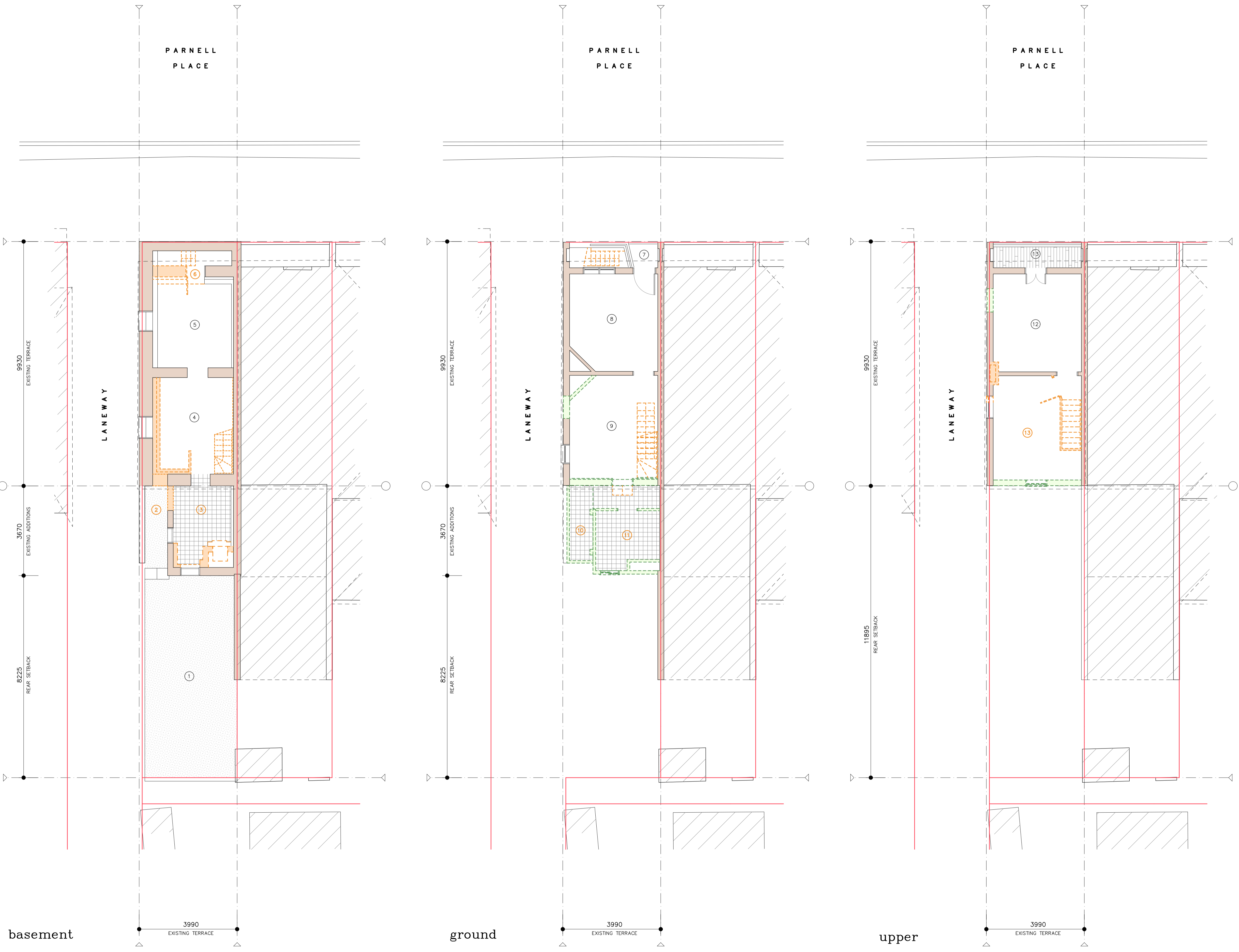
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CLIENT	STEPHEN BARTROP
PROJECT	003_23



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# DEMOLITION PLANS



- KEY
- ① BACKYARD | 3.8 x 8.2
  - ② STORE | 0.9 x 1.7
  - ③ UTILITY | 2.4 x 2.4
  - ④ STUDY | 3.2 x 3.9
  - ⑤ BED 3 | 3.2 x 3.6
  - ⑥ DOWNSTAIRS ENTRY
  - ⑦ ENTRY
  - ⑧ LIVING | 3.6 x 3.9
  - ⑨ KITCHEN | 2.7 x 4.2
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  - ⑫ BED ROOM 2 | 3.6 x 3.9
  - ⑬ PORCH | 3.6 x 0.8
  - ⑭ BED ROOM 1 | 2.7 x 4.2

WALL SCHEDULE

EXISTING	
RETAIN (FOR POTENTIAL RE-USE)	
DEMOLITION	

FINISHES

EXISTING TIMBER FLOORS	
EXISTING BATHROOM TILES	
EXISTING TIMBER DECKING	
EXISTING HARDSTAND	

DWELLING SUMMARY (EXISTING)

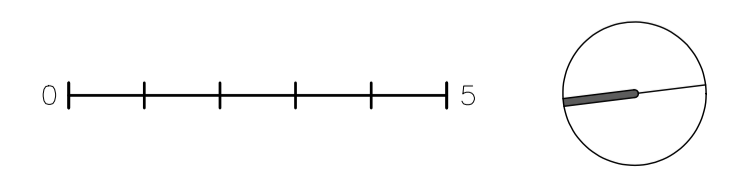
LOT AREA	84.292 sqm
LOT WIDTH	3.865m
MAX. HEIGHT	11.960m
GFA - EXISTING	102 sqm

REFER TO:  
 A03 - SITE PLAN FOR:  
 LOCATION OF EXISTING SERVICES, CONTOURS,  
 SPOT LEVELS & NEIGHBOURING BUILDINGS.

basement

ground

upper



REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	DEMOLITION PLANS
NUMBER	A04

SHEET	4 OF 12
SCALE	0.75:1 at A1
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23



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# PROPOSED PLANS

**AMENDMENTS AS PER RFI**

**REV. 1** RELOCATION OF LIFT & EXTERNAL ALTERATIONS. THE RELOCATION OF THE LIFT ALLOWS THE NEW WALL TO BE ANGLED CLEAR FROM THE EXTENT OF THE EXISTING DIVIDING WALL. THIS ENSURES THAT ALL EXISTING ELEMENTS THAT ENCROACH THE SUBJECT PROPERTY ARE NOT IMPACTED (INC. GUTTERS & SHADING DEVICES). THE ANGLED WALL WILL BE SUITABLY FIRE RATED DUE TO ITS PROXIMITY TO THE BOUNDARY.

**REV. 2** MINOR INTERNAL ALTERATIONS TO SUIT RELOCATION OF LIFT.

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**REV. 4** MINOR ALTERATIONS – RELOCATION OF NEW DOWNPIPES TO BETTER CONNECT TO EXISTING STORMWATER SYSTEM. ALL RAINWATER TO BE DIRECTED TO EXISTING DISCHARGE POINT, LOCATED IN THE NORTH-EAST CORNER OF THE SITE, AS PER THE RFI; 1. STORMWATER MANAGEMENT.

- KEY**
- ① BACKYARD | 3.8 x 8.2
  - ② REAR ENTRY | 0.9 x 1.7
  - ③ LAUNDRY / BATHROOM | 2.4 x 2.4
  - ④ STUDY | 3.2 x 3.9
  - ⑤ BEDROOM 3 | 3.2 x 3.6
  - ⑥ ROBE | 3.1 x 0.5
  - ⑦ ENTRY
  - ⑧ LIVING | 3.6 x 3.9
  - ⑨ WC
  - ⑩ KITCHEN | 5.3 LONG
  - ⑪ DINING | 2.6 x 2.0
  - ⑫ BEDROOM 2 | 3.6 x 3.9
  - ⑬ PORCH | 3.6 x 0.8
  - ⑭ BATHROOM | 2.3 x 2.0
  - ⑮ WALK IN ROBE | 2.6 LONG
  - ⑯ MASTER | 3.6 x 3.7
  - ⑰ DECK | 2.0 x 1.2
  - ⑱ LIFT

**WALL SCHEDULE**

EXISTING	[Pattern]
INFILL WALLS	[Pattern]
STUDWORK & POSTS	[Pattern]
LANDSCAPE WALLS (1.8 HIGH)	[Pattern]

**FINISHES**

TIMBER FLOOR	[Pattern]
BATHROOM TILES	[Pattern]
TIMBER DECKING	[Pattern]
CONCRETE	[Pattern]
BRICKWORK	[Pattern]

**DWELLING SUMMARY (PROPOSED)**

LOT AREA	84.292 sqm
LOT WIDTH	3.865m
MAX. HEIGHT	9.7m
FLOOR SPACE RATIO	1.45:1
LANDSCAPED AREA	9.1 sqm
GFA – EXISTING	102 sqm
GFA – ADDITIONAL	19.91 sqm
GFA – TOTAL	121.91 sqm

**STORMWATER MANAGEMENT:**

ALL NEW STORMWATER TO BE COLLECTED & CONNECTED TO EXISTING DISCHARGE POINT IN ACCORDANCE WITH AS 3500.3 & COUNCIL'S STANDARD GUIDELINES & REGULATIONS WHERE APPLICABLE.

NEW DOWNPIPE DISCHARGE TO EXISTING

**REFER TO:**

A02 – SITE PLAN FOR; LOCATION OF EXISTING SERVICES, CONTOURS, SPOT LEVELS & NEIGHBOURING BUILDINGS.

A07/A08 – ELEVATIONS & SECTIONS FOR; GLAZING SCHEDULE DETAILS.

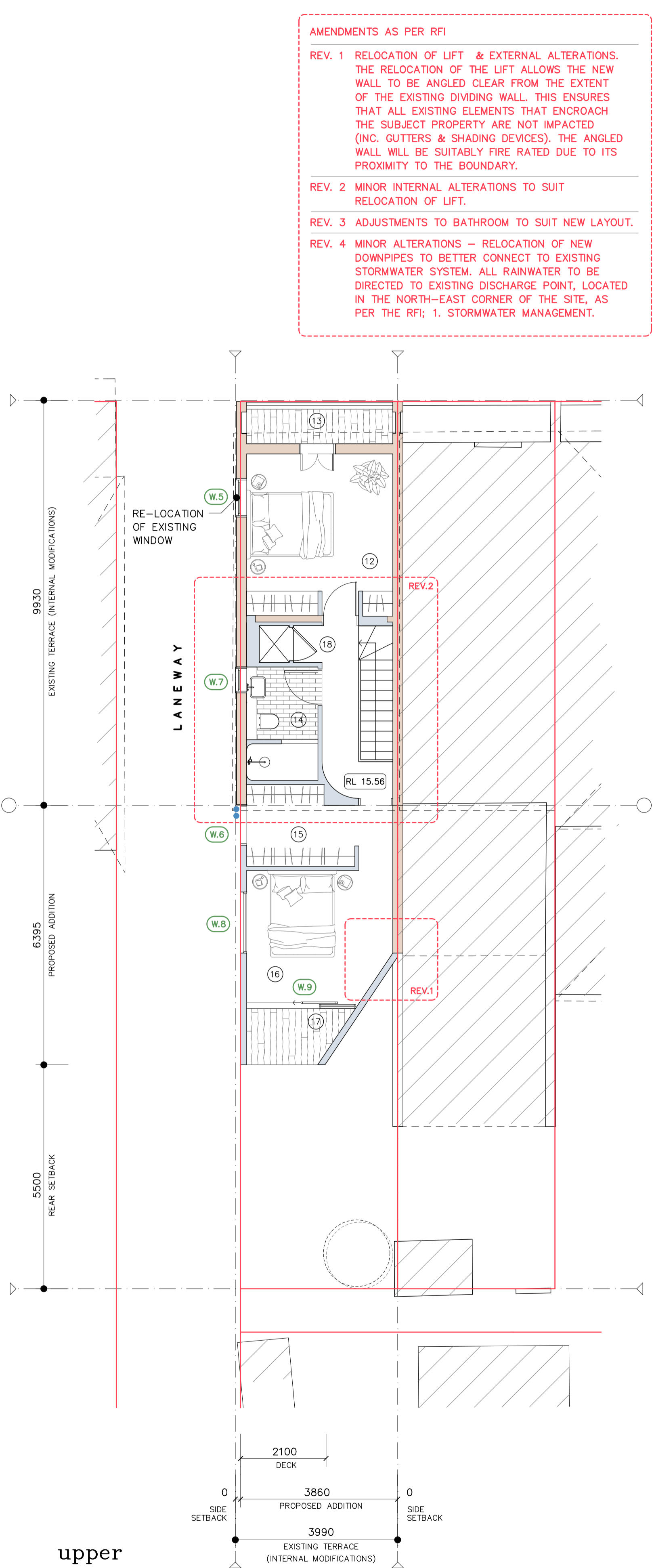
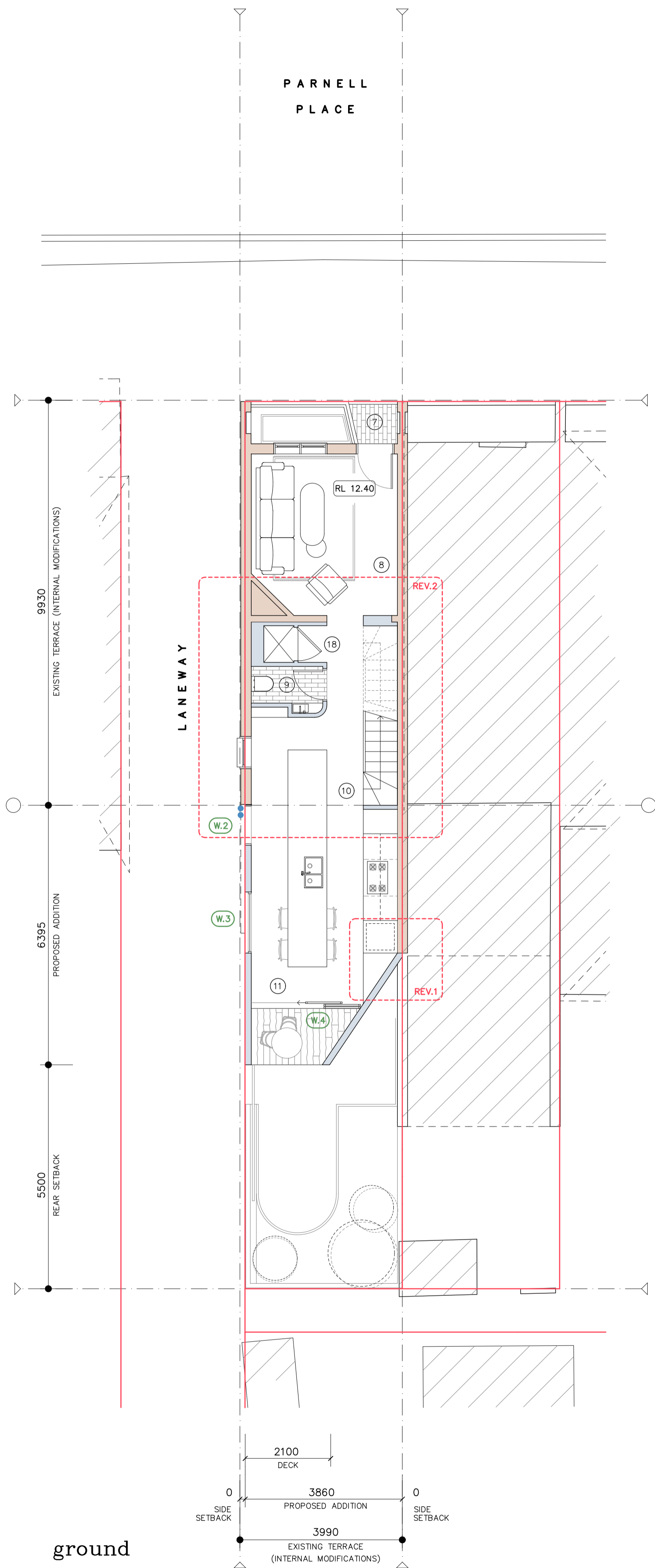
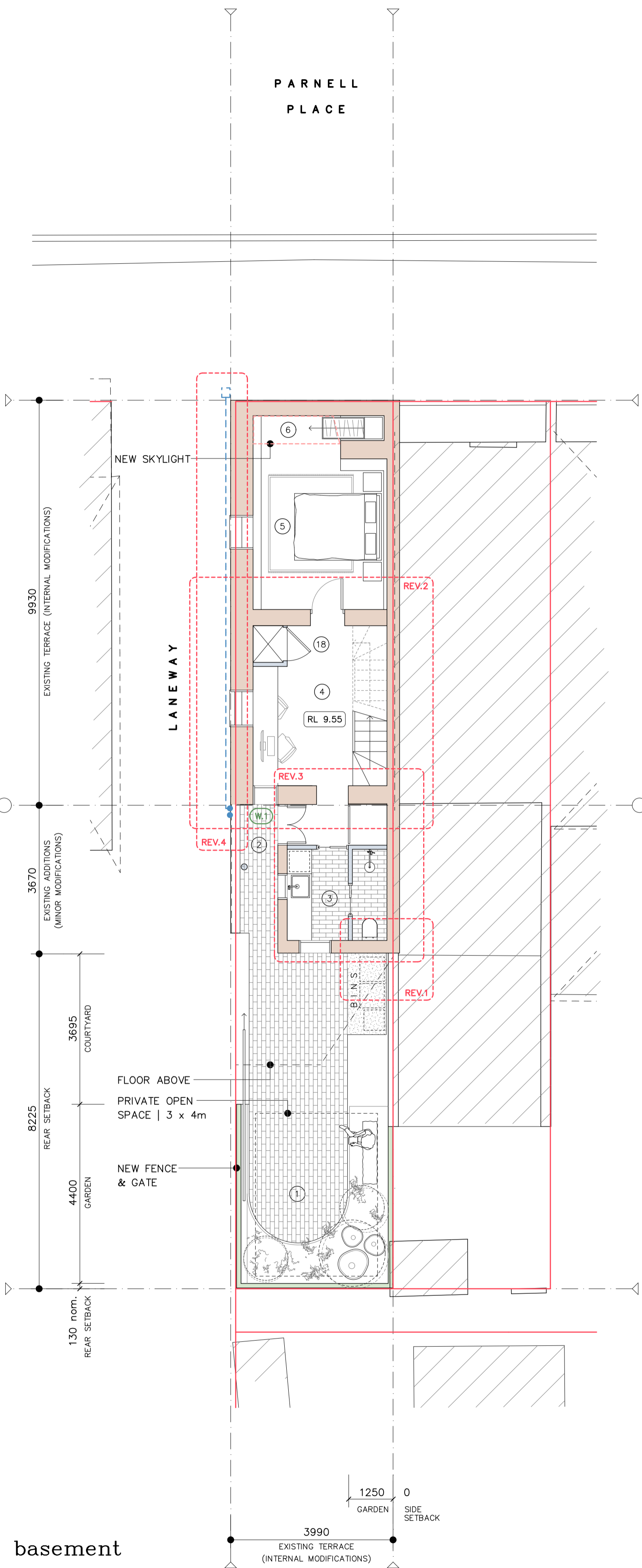
BASIX CERTIFICATER No. A499090 FOR BUILDING SUSTAINABILITY REQUIREMENTS.

**ODE x DYLAN WOOD ARCHITECTS**

ODE ARCHITECTURE STUDIO | AEN 20 649 560 332 | 0408 633 515 | HELLO@ODE-ARCHSTUDIO.COM | 186 BUILDING, SUITE 301, LEVEL 3, 45 HUNTER STREET NEWCASTLE 2300 | NOMINATED ARCHITECT BRENTON PORTER NSW REG. 10032

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**REVISION** 3 | FOR APPROVAL | 13.02.2024

**DRAWING** PROPOSED PLANS

**NUMBER** A05

**SHEET** 5 OF 12

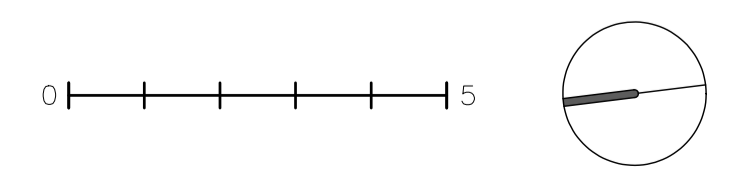
**SCALE** 0.75:1 at A1

**PROJECT** ALTERATIONS & ADDITIONS

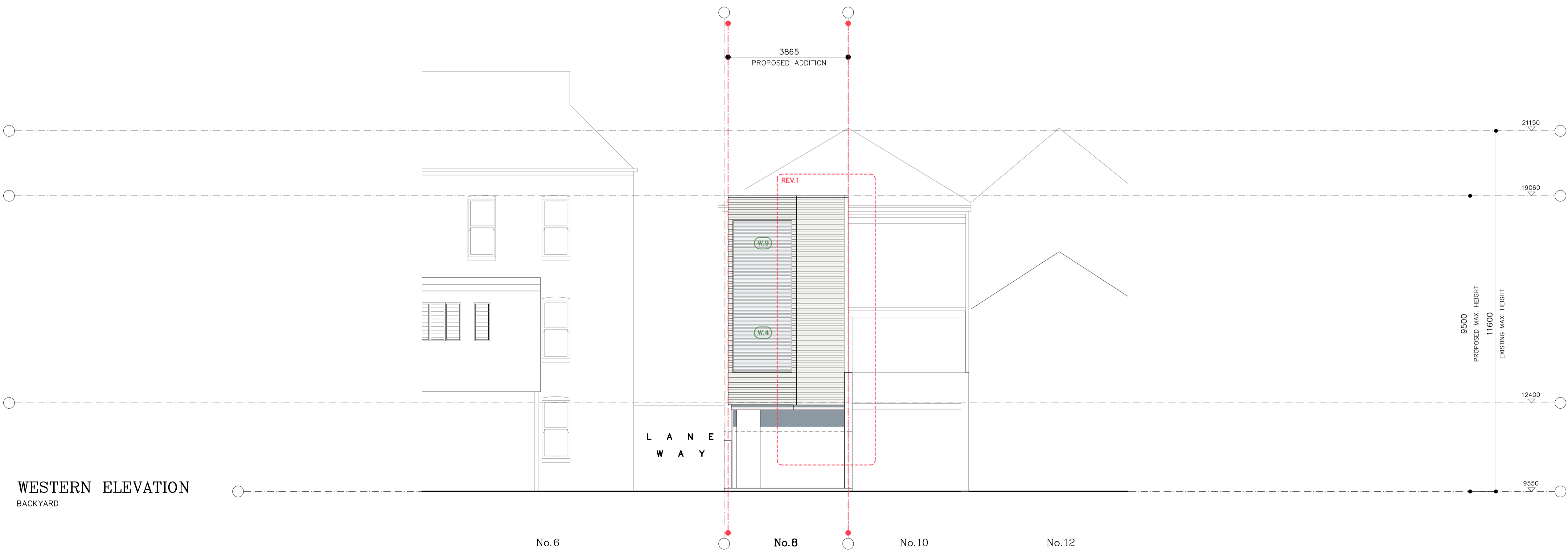
**LOCATION** 8 PARNELL PLACE, NEWCASTLE EAST

**CLIENT** STEPHEN BARTROP

**PROJECT** 003\_23



ELEVATIONS 1



DWELLING SUMMARY (PROPOSED)

LOT AREA	84.292 sqm
LOT WIDTH	3.865m
MAX. HEIGHT	9.7m
FLOOR SPACE RATIO	1.45:1
LANDSCAPED AREA	9.1 sqm
GFA – EXISTING	102 sqm
GFA – ADDITIONAL	19.91 sqm
GFA – TOTAL	121.91 sqm

FINISHES

EXISTING	
LIGHTWEIGHT CLADDING – HORIZONTAL	
LIGHTWEIGHT CLADDING – SMOOTH	
RENDERED MASONRY	
GLAZING	
PRIVACY SCREENS	

GLAZING SCHEDULE:

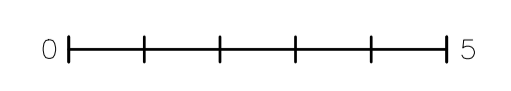
#	AREA	ORIENT.	OPERATION
W1	0.8 sqm	N	LOUVRE
W2	2.9 sqm	N	FIXED
W3	3.5 sqm	N	SLIDING
W4	2.2 sqm	W	SLIDING
W5	1.0 sqm	N	AWNING
W6	2.7 sqm	N	FIXED
W7	0.9 sqm	N	AWNING
W8	3.5 sqm	N	SLIDING
W9	2.2 sqm	W	SLIDING

REFER TO BASIX CERTIFICATER No. A499090 FOR BUILDING SUSTAINABILITY REQUIREMENTS.

KEY:  
BOUNDARY

10m HEIGHT PLANE & BUILDING ENVELOPE

AMENDMENTS AS PER RFI  
REV. 1 RELOCATION OF LIFT & EXTERNAL ALTERATIONS. THE RELOCATION OF THE LIFT ALLOWS THE NEW WALL TO BE ANGLED CLEAR FROM THE EXTENT OF THE EXISTING DIVIDING WALL. THIS ENSURES THAT ALL EXISTING ELEMENTS THAT ENCRGOACH THE SUBJECT PROPERTY ARE NOT IMPACTED (INC. GUTTERS & SHADING DEVICES). THE ANGLED WALL WILL BE SUITABLY FIRE RATED DUE TO ITS PROXIMITY TO THE BOUNDARY.



REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	ELEVATIONS 1
NUMBER	A06

SHEET	6 OF 12
SCALE	0.75:1 at A1
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23

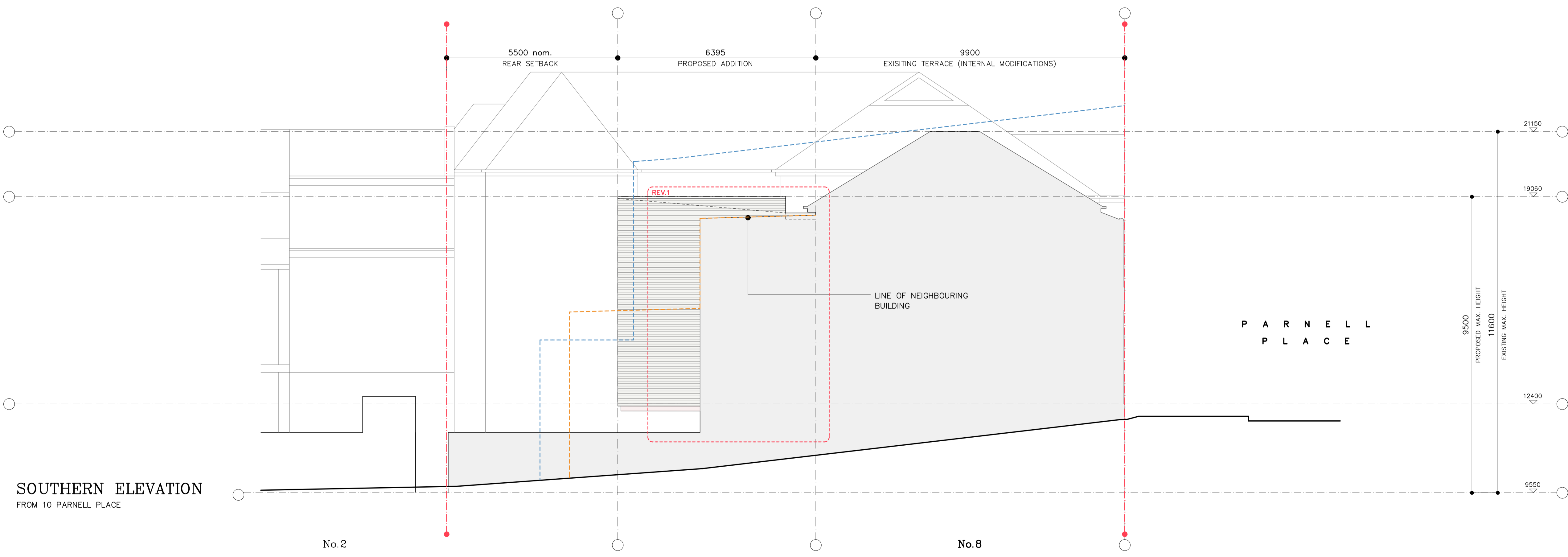
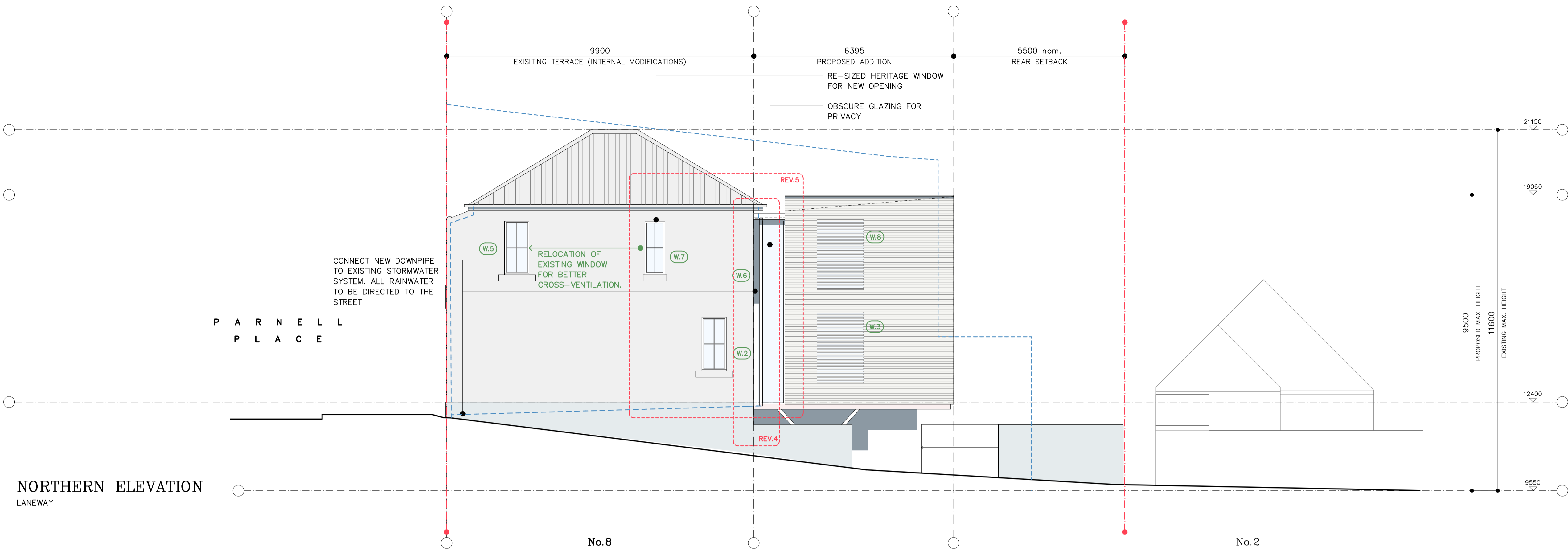


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# ELEVATIONS 2



DWELLING SUMMARY (PROPOSED)

LOT AREA	84,292 sqm
LOT WIDTH	3.865m
MAX. HEIGHT	9.7m
FLOOR SPACE RATIO	1.45:1
LANDSCAPED AREA	9.1 sqm
GFA - EXISTING	102 sqm
GFA - ADDITIONAL	19.91 sqm
GFA - TOTAL	121.91 sqm

FINISHES

EXISTING	
LIGHTWEIGHT CLADDING - HORIZONTAL	
LIGHTWEIGHT CLADDING - SMOOTH	
RENDERED MASONRY	
GLAZING	
PRIVACY SCREENS	

GLAZING SCHEDULE:

#	AREA	ORIENT.	OPERATION
W1	0.8 sqm	N	LOUVRE
W2	2.9 sqm	N	FIXED
W3	3.5 sqm	N	SLIDING
W4	2.2 sqm	W	SLIDING
W5	1.0 sqm	N	AWNING
W6	2.7 sqm	N	FIXED
W7	0.9 sqm	N	AWNING
W8	3.5 sqm	N	SLIDING
W9	2.2 sqm	W	SLIDING

REFER TO BASIX CERTIFICATOR No.A499090 FOR BUILDING SUSTAINABILITY REQUIREMENTS.

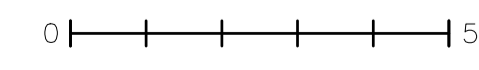
- KEY:
- BOUNDARY
  - 10m HEIGHT PLANE & BUILDING ENVELOPE
  - ENVELOPE OF NEIGHBOURING PROPERTY

AMENDMENTS AS PER RFI

REV. 1 RELOCATION OF LIFT & EXTERNAL ALTERATIONS. THE RELOCATION OF THE LIFT ALLOWS THE NEW WALL TO BE ANGLED CLEAR FROM THE EXTENT OF THE EXISTING DIVIDING WALL. THIS ENSURES THAT ALL EXISTING ELEMENTS THAT ENCRUCH THE SUBJECT PROPERTY ARE NOT IMPACTED (INC. GUTTERS & SHADING DEVICES). THE ANGLED WALL WILL BE SUITABLY FIRE RATED DUE TO ITS PROXIMITY TO THE BOUNDARY.

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DRAWING	ELEVATIONS 2
NUMBER	A07

SHEET	7 OF 12
SCALE	0.75:1
PROJECT	ALTERATIONS & ADDITIONS

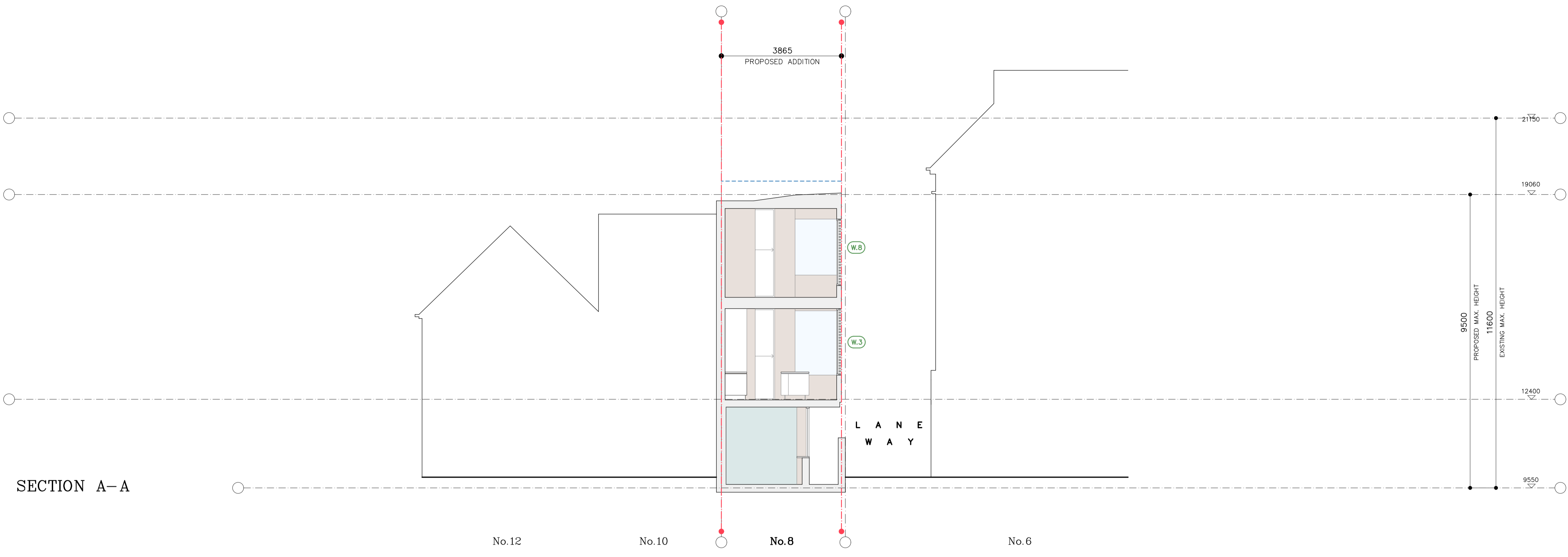
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CLIENT	STEPHEN BARTROP
PROJECT	003_23



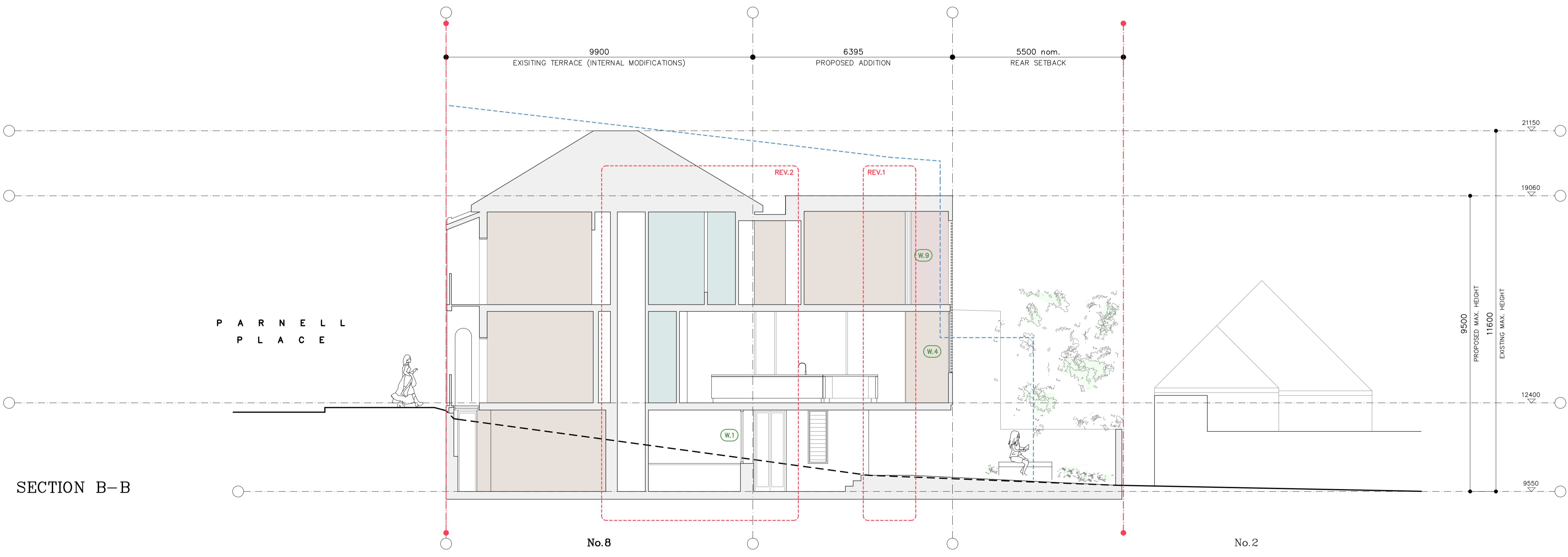
PREPARED BY ODE ARCHITECTURE STUDIO & DYLAN WOOD  
CONTACT BRENTON@ODE-ARCHSTUDIO.COM | 0408 633 515

ODE ARCHITECTURE STUDIO | ABN 20 649 460 332 | 0408 633 515 | HELLO@ODE-ARCHSTUDIO.COM | TAG-BUILDING, SUITE 301, LEVEL 3, 45 HUNTER STREET, NEWCASTLE 2300 | NOMINATED ARCHITECT BRENTON PORTER NSW REG. 10032  
ODE ACKNOWLEDGE THE TRADITIONAL CUSTODIANS OF THE LAND UPON WHICH WE LIVE, PRACTICE, AND JUST, AND PAY OUR RESPECTS TO ELDERS PAST AND PRESENT. WE RECOGNISE THE CONTINUOUS ENGAGEMENT AND GARDING OF THE LANDS, WATERS, AND SKIES BY FIRST NATIONS PEOPLES FOR

SECTIONS



SECTION A-A



SECTION B-B

DWELLING SUMMARY (PROPOSED)

LOT AREA	84.292 sqm
LOT WIDTH	3.865m
MAX. HEIGHT	9.7m
FLOOR SPACE RATIO	1.45:1
LANDSCAPED AREA	9.1 sqm
GFA - EXISTING	102 sqm
GFA - ADDITIONAL	19.91 sqm
GFA - TOTAL	121.91 sqm

FINISHES

EXISTING	
LIGHTWEIGHT CLADDING - HORIZONTAL	
LIGHTWEIGHT CLADDING - SMOOTH	
BRICKWORK	
GLAZING	

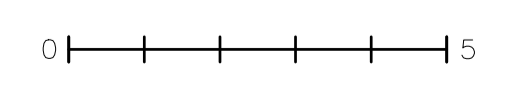
GLAZING SCHEDULE:

#	AREA	ORIENT.	OPERATION
W1	0.8 sqm	N	LOUVRE
W2	2.9 sqm	N	FIXED
W3	3.5 sqm	N	SLIDING
W4	2.2 sqm	W	SLIDING
W5	1.0 sqm	N	AWNING
W6	2.7 sqm	N	FIXED
W7	0.9 sqm	N	AWNING
W8	3.5 sqm	N	SLIDING
W9	2.2 sqm	W	SLIDING

REFER TO BASIX CERTIFICATER No.A499090 FOR BUILDING SUSTAINABILITY REQUIREMENTS.

KEY:  
 BOUNDARY  
 10m HEIGHT PLANE & BUILDING ENVELOPE

AMENDMENTS AS PER RFI  
 REV. 1 RELOCATION OF LIFT & EXTERNAL ALTERATIONS. THE RELOCATION OF THE LIFT ALLOWS THE NEW WALL TO BE ANGLED CLEAR FROM THE EXTENT OF THE EXISTING DIVIDING WALL. THIS ENSURES THAT ALL EXISTING ELEMENTS THAT ENCROACH THE SUBJECT PROPERTY ARE NOT IMPACTED (INC. GUTTERS & SHADING DEVICES). THE ANGLED WALL WILL BE SUITABLY FIRE RATED DUE TO ITS PROXIMITY TO THE BOUNDARY.  
 REV. 2 MINOR INTERNAL ALTERATIONS TO SUIT RELOCATION OF LIFT.



REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	SECTIONS
NUMBER	A08

SHEET	8 OF 12
SCALE	0.75:1 at A1
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23



PREPARED BY ODE ARCHITECTURE STUDIO & DYLAN WOOD  
 CONTACT BRENTON@ODE-ARCHSTUDIO.COM | 0408 633 515

ODE ARCHITECTURE STUDIO | ABN 20 649 560 332 | 0408 633 515 | HELLO@ODE-ARCHSTUDIO.COM | 186 BUILDING, SUITE 301, LEVEL 3, 45 HUNTER STREET NEWCASTLE NSW REG. 10032  
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VISUAL 1  
VIEW FROM PARNELL PLACE

REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	VISUAL 1
NUMBER	A09

SHEET	9 OF 12
SCALE	—
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23



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CONTACT BRENTON@ODE-ARCHSTUDIO.COM | 0408 633 515



VISUAL 2  
VIEW FROM LANEWAY

REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	VISUAL 2
NUMBER	A10

SHEET	10 OF 12
SCALE	—
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23



  
 PREPARED BY ODE ARCHITECTURE STUDIO & DYLAN WOOD  
 CONTACT BRENTON@ODE-ARCHSTUDIO.COM | 0408 633 515

ODE ARCHITECTURE STUDIO | ABN 20 649 560 332 | 0408 633 515 | HELLO@ODE-ARCHSTUDIO.COM | 186 BUILDING, SUITE 301, LEVEL 3, 45 HUNTER STREET NEWCASTLE 2300 | NOMINATED ARCHITECT BRENTON PORTER NSW REG. 10032  
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MATERIAL SCHEDULE



LIGHT WEIGHT CLADDING



ROOF SHEETING



LANDSCAPING

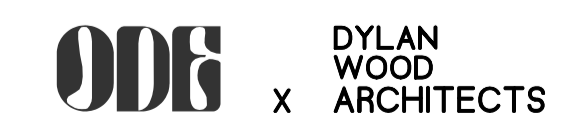


PRIVACY SCREEN

REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	MATERIAL SCHEDULE
NUMBER	A11

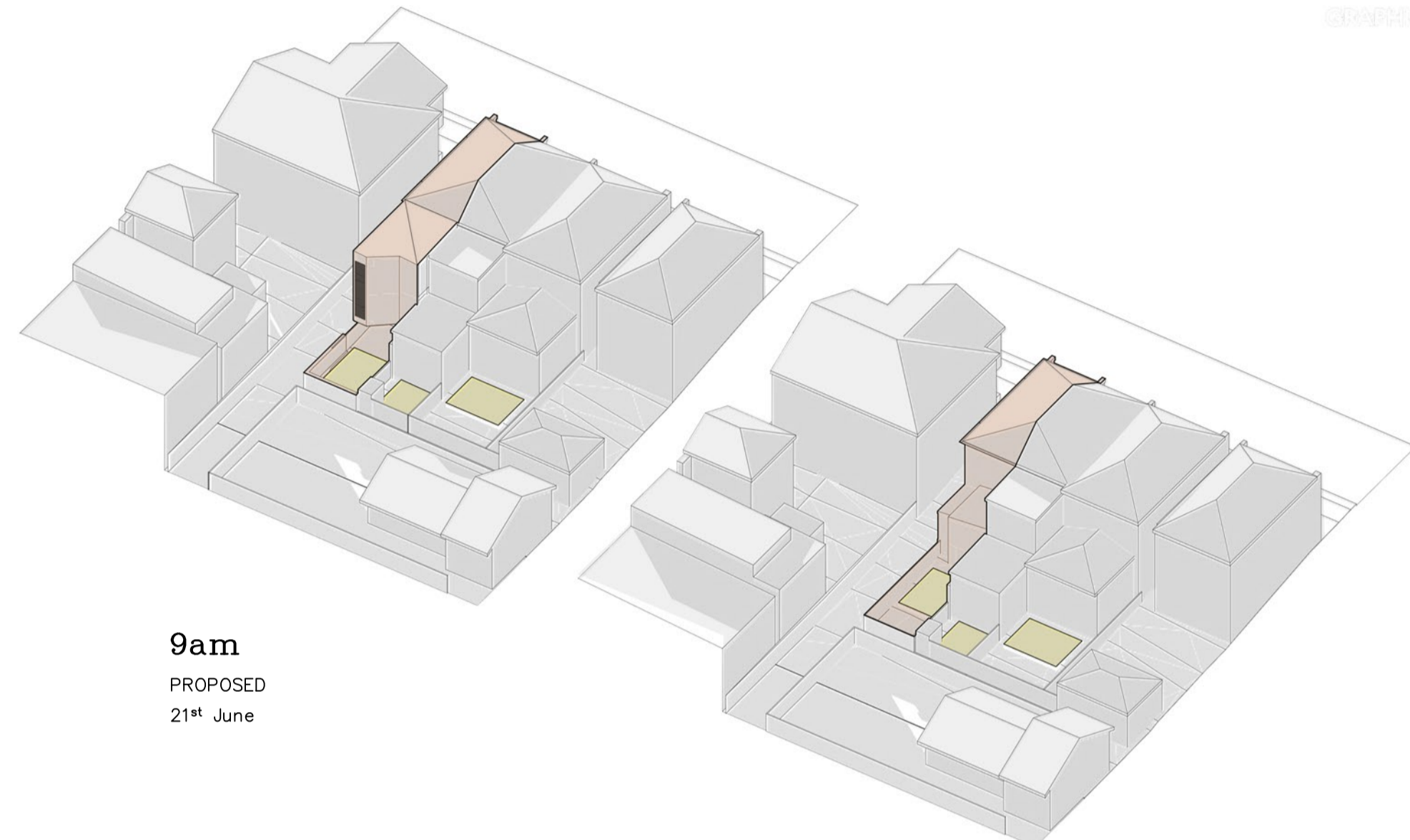
SHEET	11 OF 12
SCALE	—
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23



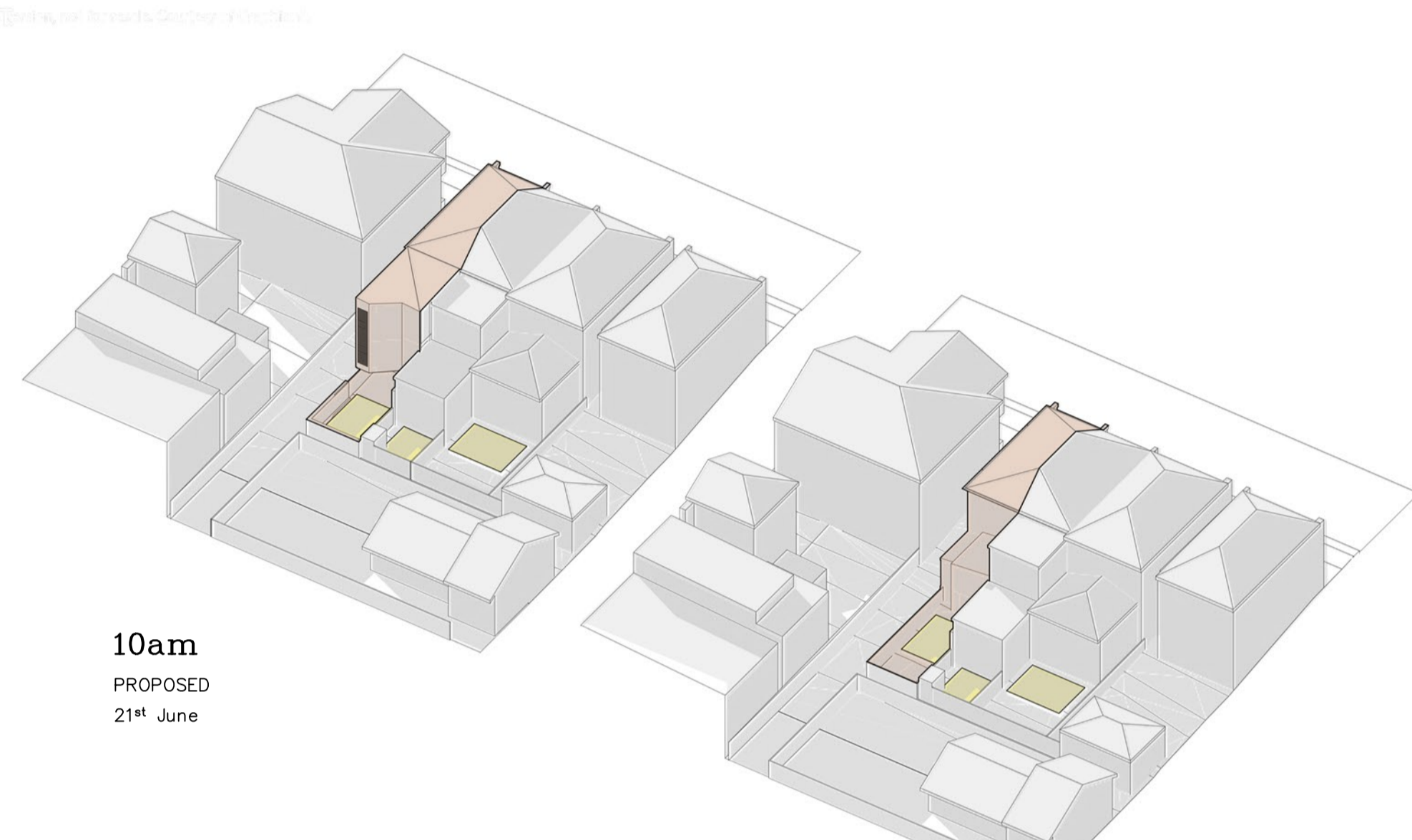
PREPARED BY ODE ARCHITECTURE STUDIO & DYLAN WOOD  
 CONTACT BRENTON@ODE-ARCHSTUDIO.COM | 0408 633 515

EXISTING & PROPOSED SHADOW DIAGRAMS



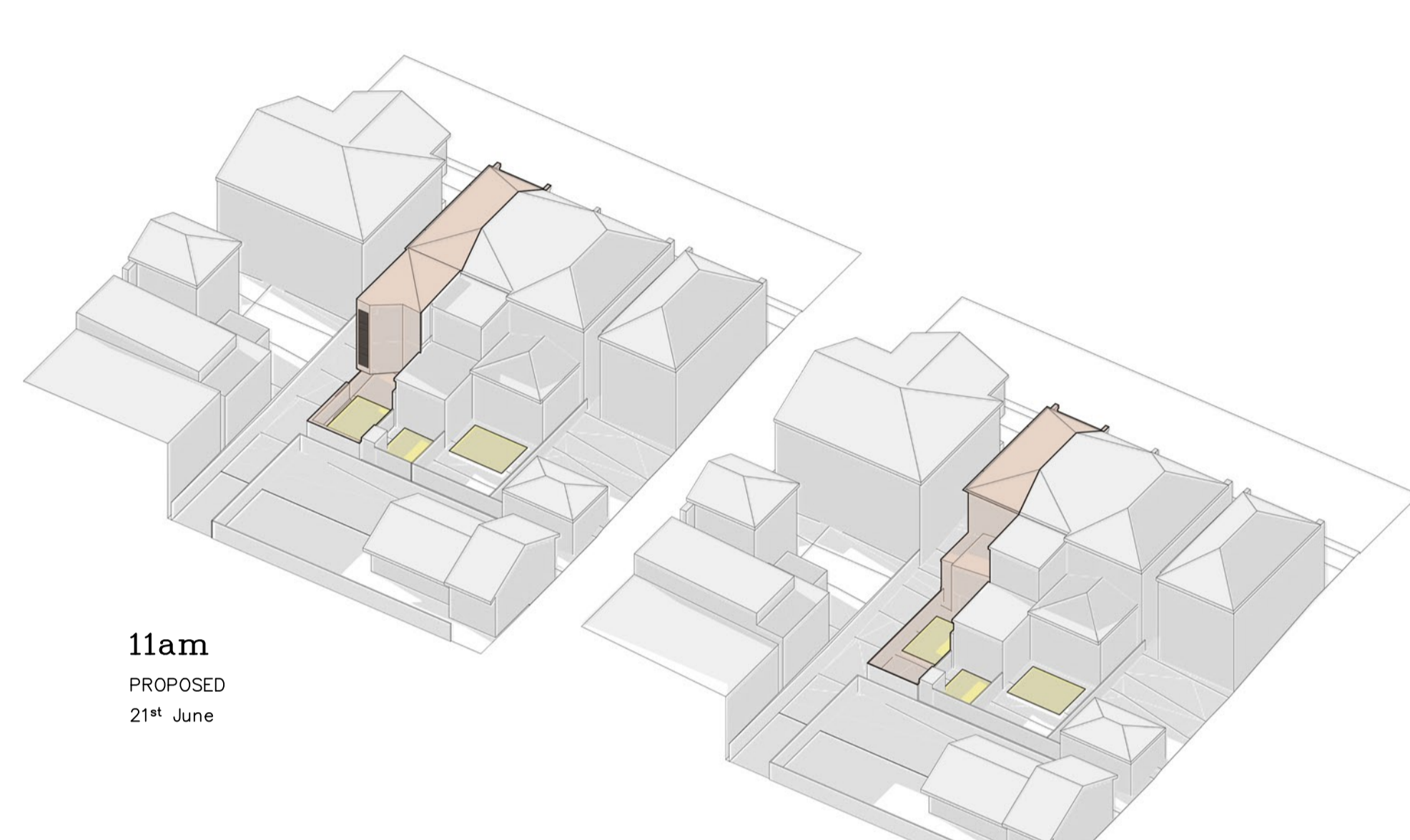
9am  
PROPOSED  
21<sup>st</sup> June

9am  
EXISTING  
21<sup>st</sup> June



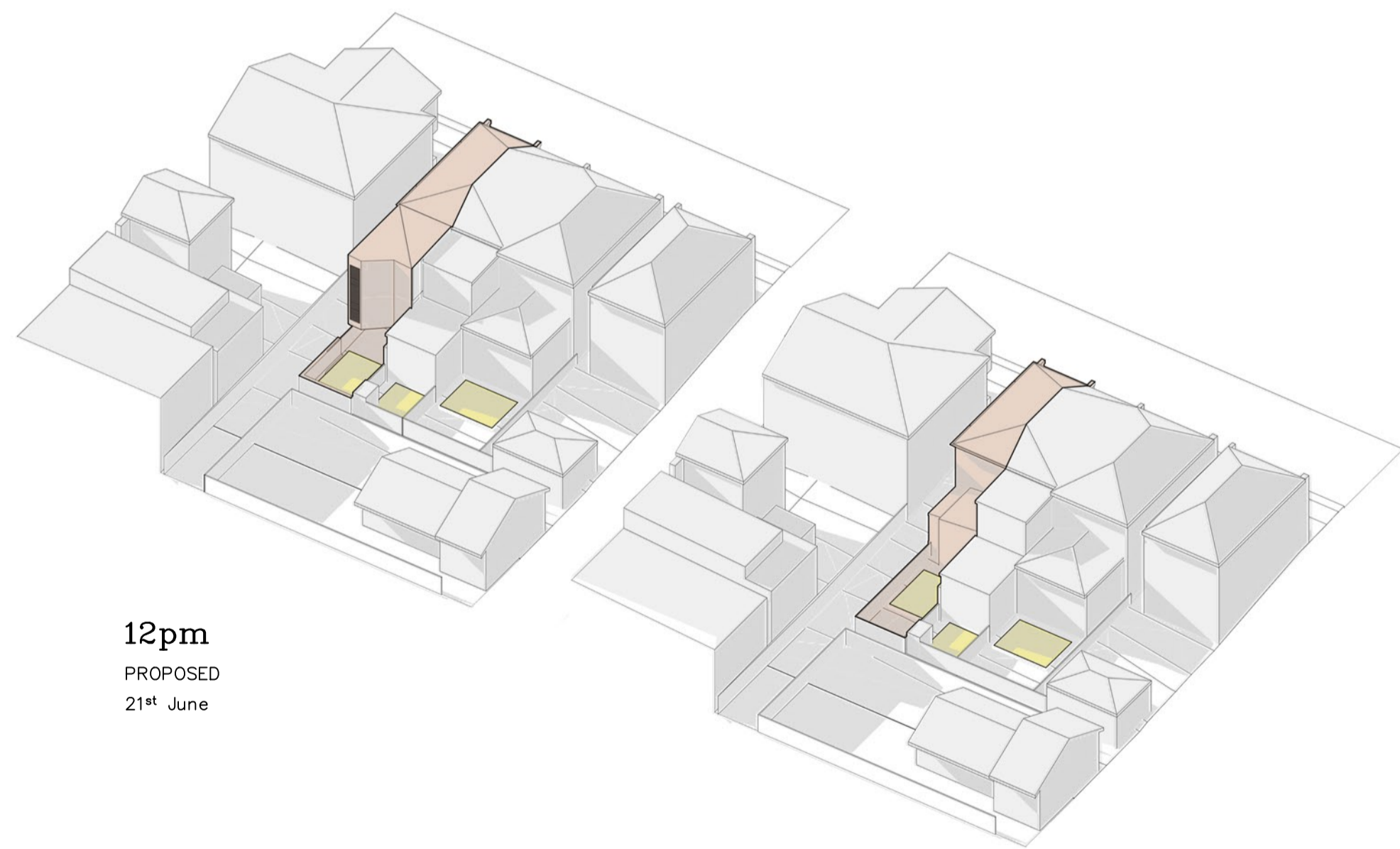
10am  
PROPOSED  
21<sup>st</sup> June

10am  
EXISTING  
21<sup>st</sup> June



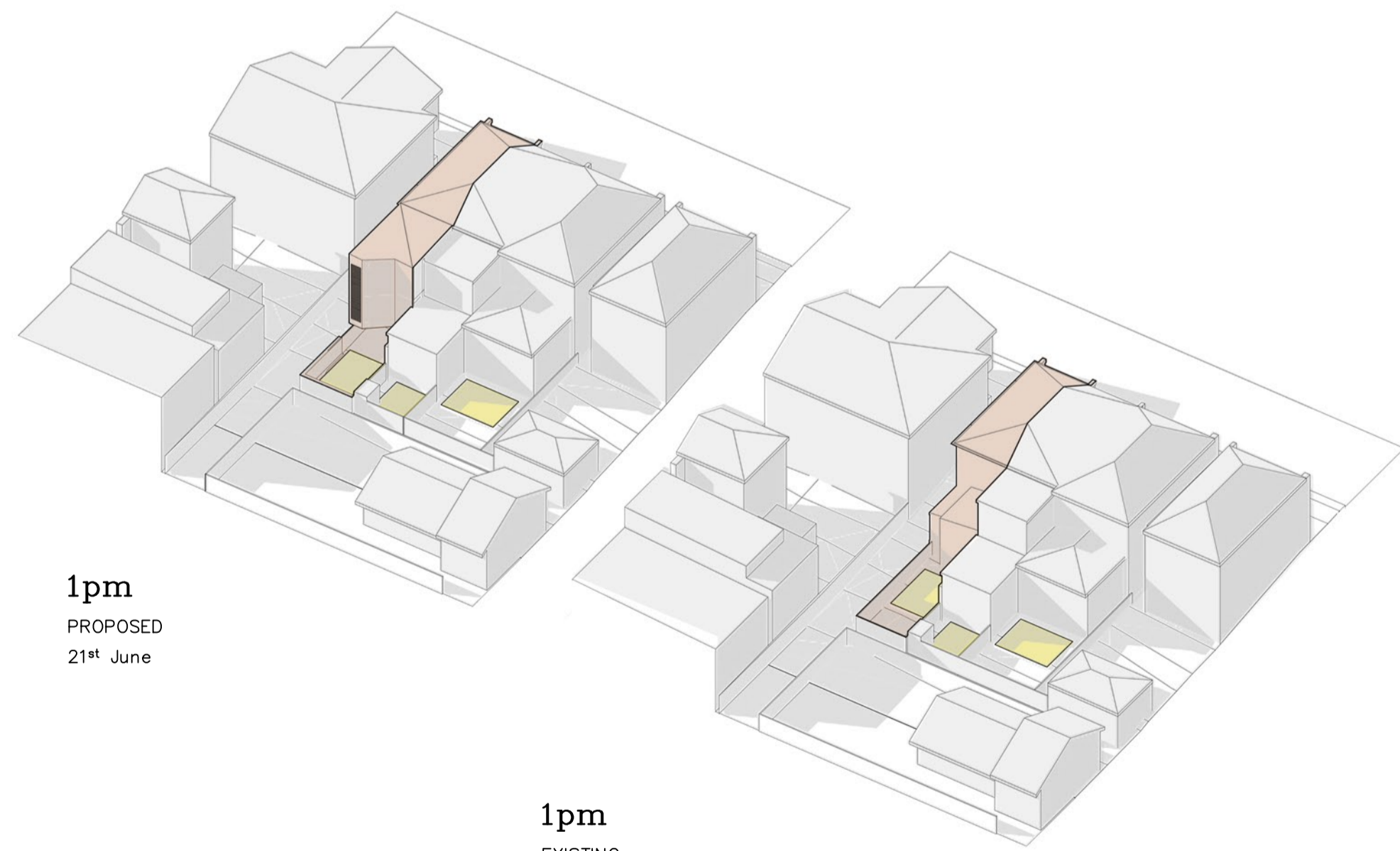
11am  
PROPOSED  
21<sup>st</sup> June

11am  
EXISTING  
21<sup>st</sup> June



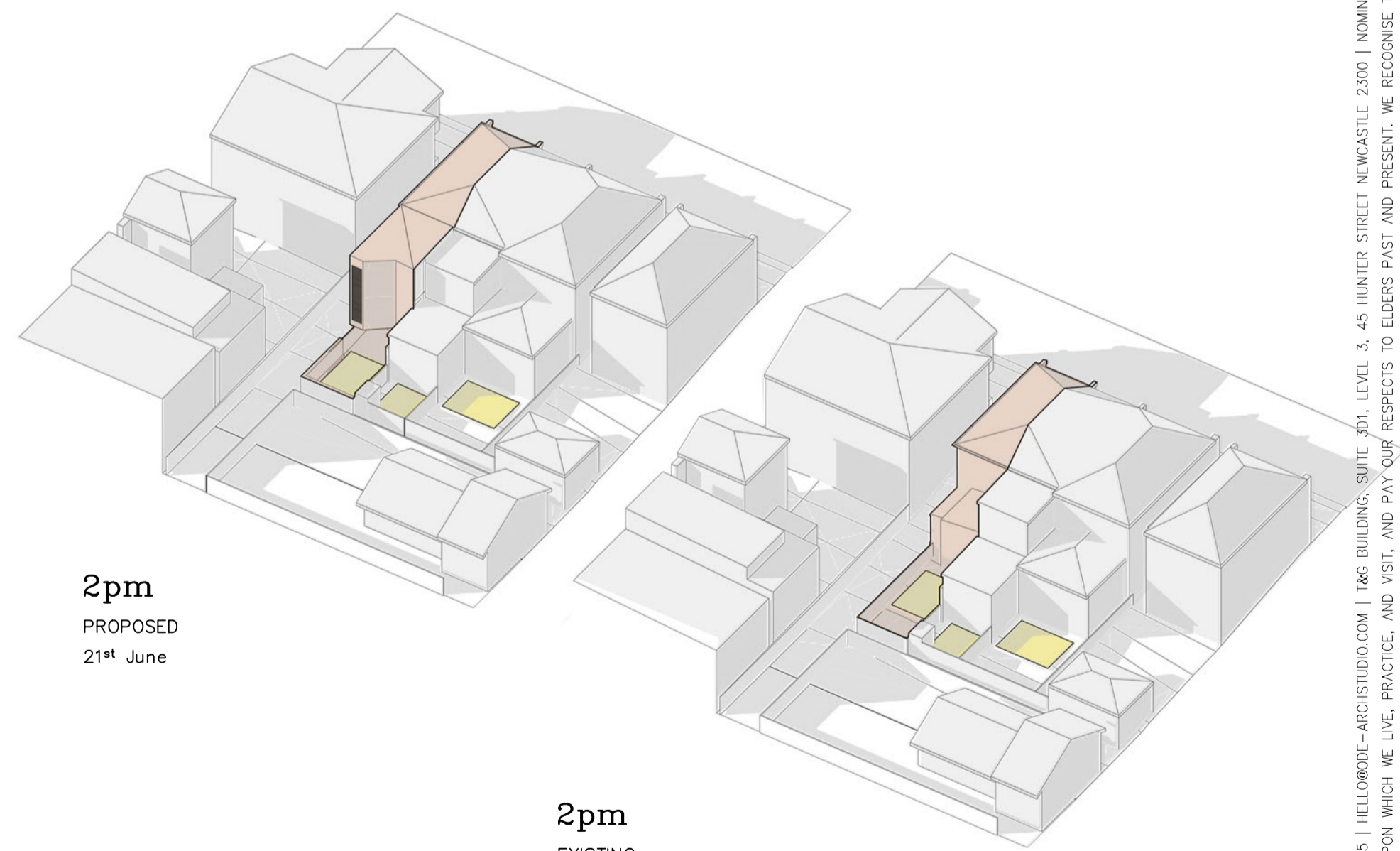
12pm  
PROPOSED  
21<sup>st</sup> June

12pm  
EXISTING  
21<sup>st</sup> June



1pm  
PROPOSED  
21<sup>st</sup> June

1pm  
EXISTING  
21<sup>st</sup> June



2pm  
PROPOSED  
21<sup>st</sup> June

2pm  
EXISTING  
21<sup>st</sup> June

REVISION	3   FOR APPROVAL   13.02.2024
DRAWING	SHADOW DIAGRAMS
NUMBER	A12

SHEET	12 OF 12
SCALE	-
PROJECT	ALTERATIONS & ADDITIONS

LOCATION	8 PARNELL PLACE, NEWCASTLE EAST
CLIENT	STEPHEN BARTROP
PROJECT	003_23

**ODE** x **DYLAN WOOD ARCHITECTS**

PREPARED BY ODE ARCHITECTURE STUDIO & DYLAN WOOD  
 CONTACT BRENTON@ODE-ARCHSTUDIO.COM | 0408 633 515

ODE ARCHITECTURE STUDIO | ABN 20 649 560 332 | 0408 633 515 | HELLO@ODE-ARCHSTUDIO.COM | 1&6 BUILDING, SUITE 301, LEVEL 3, 45 HUNTER STREET NEWCASTLE NSW REG. 10032  
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## DRAFT SCHEDULE OF CONDITIONS

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<b>Application number</b>	DA2023/00520
<b>Land</b>	Lot 1 DP 909257
<b>Property</b>	8 Parnell Place Newcastle East NSW 2300
<b>Description of development</b>	Dwelling house - alterations and additions, including demolition.

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### 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 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 variation to the Floor Space Ratio standard made under Clause 4.6 of the Newcastle Local Environmental Plan 2012. The proposed 44% variation is considered acceptable in the particular circumstances of this case as the development is compatible with the bulk and scale of the surrounding neighbourhood and will not result in significant adverse overshadowing or privacy impacts to adjoining land.
- 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.



## Terms and Reasons for Conditions

# GENERAL CONDITIONS

## Condition

### 1. Development contributions - 7.12 general

In accordance with the Newcastle City Council Section 7.12 Development Contributions Plan (the Plan), a monetary contribution of **\$2,339.86** 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.

### 2. 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.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A02	Rev 3	Existing Site Plan & Analysis	ODE x Dylan Wood Architects	13/02/2024
A04	Rev 3	Demolition Plans	ODE x Dylan Wood Architects	13/02/2024
A05	Rev 3	Proposed Plans	ODE x Dylan Wood Architects	13/02/2024
A06	Rev 3	Elevations 1	ODE x Dylan Wood Architects	13/02/2024
A07	Rev 3	Elevations 2	ODE x Dylan Wood Architects	13/02/2024
A08	Rev 3	Sections	ODE x Dylan Wood Architects	13/02/2024
A11	Rev 3	Materials Schedule	ODE x Dylan Wood Architects	13/02/2024

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.

## **BUILDING WORK**

### **BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

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#### Condition

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#### **3. Tiled Entrance - Heritage**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of the building), full details are to be provided demonstrating that the entrance landing to Parnell Place is to be tiled in style consistent with the architectural period of the existing dwelling (e.g. tessellated tiles or similar to existing). Brick pavers to the entrance landing is not approved. Full details to be provided with the Construction Certificate application.

Condition reason: To maintain the character of the dwelling.

#### **4. Palisade Railing - Heritage**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of the building), details are to be provided demonstrating that the existing palisade railing at the ground floor entrance will be retained and the missing section will be reinstated to match existing. Damaged pickets are to be repaired by a suitably experienced tradesperson. Full details to be provided with the Construction Certificate application.

Condition reason: To retain significant fabric.

#### **5. Reuse of windows - Heritage**

Before the issue of the first construction certificate for the development (i.e. whether for part or whole of the building), full details are to be provided demonstrating that the existing first floor window (W.5) will be salvaged and reused as part of the development as noted on DWG A07 'Elevations 2' prepared by ODE x Dyland Wood Architects (dated 13/02/2024).

Condition reason: To retain significant fabric.

#### **6. Controlling stormwater**

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 all roof waters will be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to Newcastle City Council requirements, in accordance with Section 7.06 'Stormwater' of Newcastle Development Control Plan 2012 and included in the construction certificate documentation.

Condition reason: to control stormwater runoff.

**7. Minimum Sill Heights for Windows**

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 which demonstrate that Windows W.3 and W.8 will have minimum sill height of 1500mm from finished floor level. Full details are to be included in construction certificate documentation.

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## BEFORE BUILDING WORK COMMENCES

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### Condition

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**8. Induction session**

Before any works commence on site, all contractors and subcontractors shall undergo an induction session, delivered by the project heritage consultant, highlighting the historical significance of the site and in particular those building elements requiring conservation.

Condition reason: To ensure all contractors are aware of heritage obligations

**9. 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).

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## DURING BUILDING WORK

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### Condition

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**10. Protective barriers - Heritage**

Protective barriers, fencing, padding or similar is to be placed on or around significant heritage fabric in the vicinity of the proposed works during construction to protect it from inadvertent impact.

Condition reason: To protect significant heritage fabric

**11. 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.

## 12. **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).

## 13. **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.

## 14. **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.

## 15. **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.

#### 16. **Containing waste**

During site work and/or demolition/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.

#### 17. **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.

#### 18. **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.

#### 19. **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.

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## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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### Condition

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#### 20. **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.

#### 21. **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.

## DEMOLITION WORK

### BEFORE DEMOLITION WORK COMMENCES

---

Condition

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#### 22. 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.

## DURING DEMOLITION WORK

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Condition

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#### 23. Demolition standards - Australian Standards

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

Condition reason: to comply with Australian standards.

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

#### 24. 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.

#### 25. 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.

Any waste containers used in association with the proposed demolition are to be located on the site where possible.

**Note:** Where this is not feasible, an application is to be made for the Newcastle City Council's

approval to position the container on the adjacent public road in accordance with Newcastle City Council's adopted Building Waste Container Policy.

Condition reason: to protect public spaces during demolition.

#### 26. 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.

#### 27. 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.

#### 28. 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.



## 29. 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.

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## ON COMPLETION OF DEMOLITION WORK

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### Condition

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## 30. 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.

## Advisory Matters

- 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.

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- 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).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental*

*Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.

- 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).

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**PROCESSING CHRONOLOGY**

**DA2023/00520 - 8 Parnell Place Newcastle West**

22 June 2023	-	Application lodged
28 June 2023	-	Application notified in accordance with CN's Community Participation Plan (CPP).
14 August 2023	-	Change of nominated applicant.
20 September 2023	-	Request for additional information issued.
25 September 2023	-	Change of nominated applicant.
11 October 2023	-	Additional information received from applicant.
15 January 2024	-	Request for additional information issued.
20 February 2024	-	Amended architectural plans and detail on stormwater management received.



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Ode Architecture Studio

0408 633 515

welcome@ode-archstudio.com

T&G Building - Suite 3D1, Level 3, 45 Hunter Street, Newcastle 2300

Nominated Architect: Brenton Porter NSW ARB #10032

To:

City Of Newcastle | Tamara West

Ref:

**Request to Vary a Development Standard for DA2023/00520**

Alterations & Additions | Lot 1 DP 909257 | 8 Parnell Place, Newcastle East NSW 2300

01.12.2023

**Introduction:**

This written request is submitted seeking a variation to a development standard under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (NLEP); and adopts the format of Council's prescribed form to vary a Development Standard (Standard 28-10-19 Version 2).

The development standard for which the variation is sought is Clause 4.4 (Floor Space Ratio) pursuant to the NLEP.

This application has been prepared in accordance with the NSW Department of Planning and Environment guidelines and has incorporated relevant principles identified in various Land and Environment Court decisions identified in the following judgements.

1. *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*
2. *Wehbe v Pittwater Council [2007] NSWLEC 827*
3. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')*
4. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
5. *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')*
6. *Moskovich v Waverley Council [2016] NSWLEC 1015*

This report should be read in accordance with Diagrams D01 & D02 supplied by Ode Architecture titled FSR Compliance diagram and FSR Mapping, respectively.

It should also be noted that the Draft Newcastle City Centre Heritage Conservation Report (Version 4 Dated October 2023), recommends removal of Height of Building and Floor Space Ratio controls from the Newcastle East Low Rise Residential Area (where the development site is located), citing the following reasons:

- *HOB and FSR development standards are not applied to residential zoned land in HCAs outside the Newcastle City Centre LEP boundary, such as residential zoned land in Cooks Hill, The Hill, Hamilton South and Hamilton Residential Precinct HCAs. To remove HOB and FSR from this part of Newcastle East HCA will maintain a consistent land-use planning and heritage conservation approach to the management of these areas.*
- *Not applying HOB and FSR development standards to land in HCAs is best practice and a common approach across NSW. This includes The Rocks and the Millers Point HCA in City of Sydney, and the HCAs in the commercial centres of Maitland and Morpeth, Orange, Wagga Wagga, Singleton, Armidale, and Albury.*

- *HOB and FSR does not necessarily promote the best heritage outcome for a low-rise residential area as it can provide perception and expectation of building envelope entitlement.*
- *This area largely consists of small blocks already developed boundary to boundary to a high density. Additionally, existing buildings are already approaching the height limit and Clause 4.6 variations are frequently requested to exceed the FSR to support development applications in this locality. Furthermore, Clause 4.6 variation requests are required for HOB and FSR exceedances when the proposed bulk and form of the development is appropriate to its streetscape setting and there is no impact on the heritage significance of the HCA. For example, a small kitchen extension at the rear of a residential terrace which is not visible from the public street.*
- *Removing HOB and FSR facilitates a merit assessment approach, allowing the assessment authority to consider development proposals that also maintains the heritage significance and is compatible with the protected character and appearance of the HCA. It also gives the proposed design the flexibility to respond to its place within the surrounding townscape rather than complying with a generic set of prescribed LEP development standards. The merit assessment approach and design responding to place is complemented and robustly controlled by detailed planning and design guidelines provided in the heritage conservation chapters of the DCP and associated Heritage Technical Manual.*

### **1. What is the name of the environmental planning instrument that applies to the land?**

- The EPI that applies to the subject land, 8 Parnell Place, Newcastle East is the Newcastle Local Environmental Plan 2012.

Within the above noted EPI, Clause 4.6 - Exceptions To Development Standards states:

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.*
2. *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
3. *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
  - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

### **2. What is the zoning of the land?**

- The land subject of this application is zoned R3: Medium Density Residential.

### **3. What are the objectives of the zone?**

- As stated in Newcastle Local Environmental Plan 2012 Land Use Table, the objectives of the R3 Medium Density Residential Zone are:



- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow some diversity of activities and densities if:*
  - (i) the scale and height of proposed buildings is compatible with the character of the locality, and*
  - (ii) there will be no significant adverse impact on the amenity of any existing nearby development.*
- *To encourage increased population levels in locations that will support the commercial viability of centers provided that the associated new development:*
  - (i) has regard to the desired future character of residential streets, and*
  - (ii) does not significantly detract from the amenity of any existing nearby development.*

**Comment:** The proposed development is consistent with the objectives of the zone, as follows:

- The proposed alterations and additions provide for the housing needs, by taking a dwelling of 1890's standards, and modernizing it into a usable family home that addresses the 'day-to-day' needs, and provides a high-standard of contemporary amenity for residents.
- The increased floor area allows a larger family (or 'population') to inhabit the space, therefore better supporting the commercial viability of the Newcastle East area.
- The proposal has been designed sympathetically to ensure it remains compatible with the scale and height of the immediate context. The proposal will integrate seamlessly into the established urban fabric.
- The building fully retains and restores its heritage character when visible from the street frontage and adjacent laneway, thus:
  - Contributing to the existing character of the precinct.
  - Retaining the amenity of the public domain.
  - Safeguarding the 'contributory nature' of the building into the future.
  - Contributing to the desired future character of the Newcastle East residential streets.
- The modern 'pavilion' provides a variety and diversity of housing types within the zone.
- The proposal suitably complies with the DCP requirements for setbacks, open space and landscaping to align with the housing pattern of the locality, ensuring suitable bulk, scale, and height. The proposal will not detract from the amenity of existing nearby development, and will retain, and reinforce, the charm of the precinct.

The proposal will complement and enhance the core functions of the zoning and suburb by allowing a suitable form of housing within an area where it is desired and integrates seamlessly. The Variation will enable a well-considered residential development that effectively addresses the site constraints, streetscape and objectives of the zoning.

#### 4. What is the development standard being varied? e.g. FSR, height, lot size

- The prescribed development standard requested to be varied is Floor Space Ratio (FSR).

### 5. Under what clause is the development standard listed in the environmental planning instrument?

- The FSR development standard is listed in the EPI under Clause 4.4 Floor Space Ratio

### 6. What are the objectives of the development standard?

- As stated in Newcastle Local Environmental Plan 2012, Clause 4.4 Floor Space Ratio, the objective of Floor Space Ratio are:
  - *(a) to provide an appropriate density of development consistent with the established centers hierarchy,*
  - *(b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centers hierarchy.*

**Comment:** The proposed development is consistent with the objectives of the development standard, as follows:

- The primary dwelling is a contributory building within the streetscape. It is wholly retained (and restored) as part of the proposal, ensuring the bulk, scale, and density of the streetscape remains consistent.
- The proposal represents a modest increase in gross floor area of only 19.91 sqm. This is not considered an overdevelopment, or excessive intensification of the site
- The additional area does not result in any loss of amenity, or excessive overshadowing.
- The proposal suitably accommodates the setback, height, open space and landscaping requirements of the DCP.
- The visual separation of the new and old building has been intentionally designed as a visual 'break'. This aesthetically reduces the scale and bulk of the structure, but making it appear as two contrasting, yet complimentary, elements.
- Newcastle East is characterised by dense, attached terrace housing on sites typically less than 100 sqm. FSR breaches are consistent within the precinct, as can be seen within the following approved developments within the immediate vicinity (refer drawing D02 - FSR Mapping):
  - *10 Parnell Place - Exceeded FSR (30%)*
  - *37 Alfred Street - Exceeded FSR (7%)*
  - *14 Scott Street - Exceeded FSR (40%)*
  - *20 Scott Street - Exceeded FSR (37%)*
  - *22 Scott Street - Exceeded FSR (35%)*
  - *26 Scott Street - Exceeded FSR (20%)*
  - *7 Zaara Street - Exceeded FSR (20%)*
  - *8 Zaara Street - Exceeded FSR (10%)*
  - *3 Beach Street - Exceeded FSR (38%)*
  - *9 Beach Street - Exceeded FSR (40%)*

### 7. What is the numeric value of the development standard in the environmental planning instrument?

- The prescribed maximum FSR for the subject site within the EPI is 1:1, which equates to 84.3sqm of gross floor area for the subject site area of 84.3sqm.

**8. What is the proposed numeric value of the development standard in your development application?**

- The proposed numeric value of the development standard in the application is 1.44:1, with a proposed gross floor area of 121.91sqm.

**9. What is the percentage variation (between your proposal and the environmental planning instrument)?**

- The percentage variation is 44%, which equates to an excess of 37.61sqm.

**10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

- In this particular case, strict compliance with the FSR development standard is unreasonable, due to the incredibly small site area. The site is a relic of historic Newcastle, being only 84 sqm in area. Strict compliance is thus unreasonable as follows:
  1. The existing dwelling exceeds the prescribed FSR control by 21%, therefore requiring the removal of 18sqm of existing GFA to achieve compliance with the prescribed standard.
  2. The design achieves the objectives of the FSR Control and the R3 zoning, in a way that addresses the individual circumstances of the site and results in a better streetscape and internal and external amenity outcome than a development which complied with the prescribed standard.
  3. The proposal for the subject site achieves a similar outcome in that it responds appropriately to surrounding and existing built form; provides an architectural design which strengthens the buildings presentation and appropriately promotes the desired future residential character.
  4. The development scheme has been designed with due consideration to existing site context and surrounding built form. In particular, the built form will be improved within the neighborhood character and context of its surrounds and maintains a respectful interface with adjoining residences.

The proposal is consistent with the purpose of the development standard, and the broader planning objectives of the locality, where the variation achieves this outcome, in the same way as a proposal which complies with the standard. Therefore, strict compliance with the FSR standard is deemed to be unreasonable and unnecessary, in which case Council can approve the variation.

**11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act (now Part1, Section 1.3 Objects of Act)**

Strict compliance with the development standard would fall short of achieving the following Objects within Section 1.3 of The Act:

- (f) to promote the sustainable management of built and 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,

**12. Is the development standard a performance based control? Give details.**

- The development standard in which this request seeks to vary is a numerical control, as outlined in the EPI, as a maximum allowable FSR of 1:1.

**13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary?  
Why?**

- Refer to Point 10.

**14. Are there sufficient environmental planning grounds to justify contravening the development standard?  
Give details.**

- In the LEC matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be 'environmental planning grounds' by their nature: See Four2Five Pty Ltd. v Ashfield Council. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act including the objects in s1.3 of the EPA Act.'

As mentioned above, the relevant Objects of the EPA Act are as follows:

- (f) to promote the sustainable management of built and 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,

This written request supports the proposed non-compliance with the FSR standard to align with the Objects of the EPA Act, as follows:

- The proposal promotes the sustainable management of built and cultural heritage, by restoring a historically contributory building within the Newcastle East Heritage Precinct. The proposal safeguards this building into the future by sympathetically altering it to suit the requirements and expectations of modern life, ensuring occupation into the future.
- The proposal promotes good design and amenity of the built environment by offering a high-quality, architecturally designed alteration which contributes positively towards the streetscape and desired built form. A minor FSR variation is extremely negligible considering the opportunities and positive contribution of the development in revitalising the streetscape and achieving the zoning objectives. The proposal suitably complies with the requirements of the Newcastle DCP 2012 as established within the Statement of Environmental Effects.
- The proposal promotes proper construction and maintenance of buildings by restoring a 1890's structure and ensuring its compliance with current building codes and requirements. Furthermore, the health and safety of occupants benefit from improved ventilation, daylight access, condensation management, and assorted other modern conveniences.

Lastly, it is worth noting that the City of Newcastle's Draft Newcastle City Centre Heritage Conservation Report (although not yet formally approved) recommends amending the Environmental Planning instrument (Newcastle LEP 2012) to abolish Floor Space Ratio controls for the subject site.

**Conclusion:**

- This written submission effectively illustrates the justification for deviating from the prescribed development standard outlined in Clause 4.4, aligning with the relevant considerations stipulated in Clause 4.6. The presented request convincingly establishes that adhering strictly to the development standard would be impractical or unnecessary in the given circumstances. Furthermore, it demonstrates that ample environmental planning justifications support the deviation from the standard.

The submission assures the consent authority that the proposed variance is not only in compliance with the objectives of the development standard but also aligns with those applicable to the R3 zone, thus serving the public interest. The proposal is shown to be consistent with the broader planning objectives of the locality. It is emphasized that the variation achieves outcomes comparable to those of a proposal adhering strictly to the standard, thereby rendering strict compliance as deemed unreasonable and unnecessary.

Consequently, the Council is well-justified in approving the proposed variation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brenton Porter', with a stylized flourish extending to the right.**Brenton Porter**

Principal Architect

Registered Architect #10032

B.Des (Arch) M.Arch (Hons1)

0408 633 515

brenton@ode-archstudio.com

T&G Building - Suite 3D1, Level 3, 45 Hunter Street, Newcastle 2300