

## ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

### EDAC 28/07/2020 – SUPPLEMENTARY REPORT – DA2020/00136 - 76 LINWOOD STREET, WICKHAM – DWELLING HOUSE AND ALTERATIONS AND ADDITIONS

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<b>PAGE 39</b>	<b>ITEM 24</b>	<b>Attachment B:</b>	Schedule of conditions of consent should recommendation 2 be adopted – DA2020/00136 - 76 Linwood Street, Wickham

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# Extraordinary Development Applications Committee

28 July 2020



City of  
Newcastle

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**EDAC 28/07/2020 –SUPPLEMENTARY REPORT – DA2020/00136 –  
76 LINWOOD STREET, WICKHAM – DWELLING HOUSE AND  
ALTERATIONS AND ADDITIONS**

**ITEM-24**      **Attachment A:**      Item 22 – DAC 21/07/20 – DA2020/00136 –  
76 Linwood Street, Wickham – Dwelling house  
and alterations and additions

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**ITEM-22**                    **DAC 21/07/20 - DA2020/00136 - 76 LINWOOD STREET, WICKHAM - DWELLING HOUSE AND ALTERATIONS AND ADDITIONS**

**APPLICANT:**            **K M LAWRENCE**  
**OWNER:**                **K M LAWRENCE**  
**NOTE BY:**              **GOVERNANCE**  
**CONTACT:**             **DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

## PART I

**PURPOSE**

An application has been received seeking consent for dwelling house – alterations and additions at 76 Linwood Street, Wickham.

The submitted application was assigned to Development Officer Michael Peisley for assessment.

The application is referred to the Development Applications Committee for determination due to being called in by two Councillors (Cr Mackenzie and Cr Duncan).

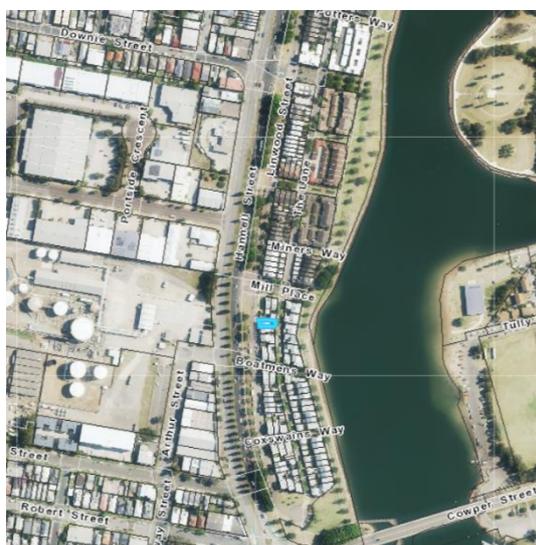
The development proposes a variation to the Floor Space Ratio (FSR) development standard of the Newcastle Local Environmental Plan 2012 (NLEP 2012) being more than a 10% variation (81.7% variation).

A copy of the plans for the proposed development is included at **Attachment A**.

The proposed development was publicly notified in accordance with City of Newcastle's (CN) Community Participation Plan and no submissions have been received in response.

**Issues**

- 1) The proposed variation to the FSR development standard, under the NLEP 2012.



**Subject Land: 76 Linwood Street Wickham**

- 2) The suitability of the development with respect to the relevant provisions of the Newcastle Development Control Plan 2012 (NDCP 2012).

### Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is unsatisfactory.

### RECOMMENDATION

That DA2020/00136 for dwelling house – alterations and additions at 76 Linwood Street Wickham be **refused** for the following reasons:

- 1) The development does not adequately address the matters required to be demonstrated by Clause 4.6(3) of the NLEP 2012. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 2) The development is not consistent with the objectives of the FSR development standard (Clause 4.4 of the NLEP 2012). [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 3) The development will not be in the public interest because it is not consistent with the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 4) The development will have substantial impacts on neighbouring properties in terms of bulk, scale, and overshadowing. [Section 4.15(1)(b) Environmental Planning and Assessment Act 1979].

### Political Donation / Gift Declaration

Section 10.4 of the *Environmental Planning and Assessment Act 1979* requires a person to disclose "*reportable political donations and gifts made by any person with a financial interest*" in the application within the period commencing two years before the application is made and ending when the application is determined. The following information is to be included on the statement:

- a) all reportable political donations made to any local Councillor of Council; and
- b) all gifts made to any local Councillor or employee of that Council.

The applicant has answered No to the following question on the application form: *Have you, or are you aware of any person having a financial interest in the application, made a 'reportable donation' or 'gift' to a Councillor or Council employee within a two year period before the date of this application?*

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## PART II

### 1.0 THE SUBJECT SITE

The subject property comprises Lot 11 DP 1079338. The lot is irregular in shape and extends from Linwood Street (frontage 7.47m) to The Lane (frontage 6.42m). It has a maximum depth of approximately 19.1 metres and a total area of 135.4m<sup>2</sup>. The site is devoid of vegetation and is relatively flat, with a slight fall to the rear.

The site is currently occupied by an attached two storey terrace with an associated single storey carport to the rear. The existing dwelling was approved by Council under DA2003/0234 - Erect 47 x three bedroom attached and detached dwellings and 13 x one bedroom 'mews' dwellings and subdivide the associated lands into 47 Torrens Title lots.

### 2.0 THE PROPOSAL

The applicant seeks consent for alterations and additions to a dwelling house.

The proposed development consists of a first floor addition to be constructed over the existing carport at the rear of the site. The proposed additions will comprise a multi-purpose room, bedroom and storage area within the ceiling space.

The existing dwelling contains three bedrooms and two bathrooms on the first floor, with lounge, dining, laundry and kitchen located on the ground floor.

#### Public Voice Committee

As CN did not receive any submissions in response to the notification of the development application, it was not considered at a meeting of the Public Voice Committee.

A copy of the submitted plans is appended at **Attachment A**.

The various steps in the processing of the application to date are outlined in the Processing Chronology (refer to **Attachment C**).

### 3.0 PUBLIC NOTIFICATION

The application was publicly notified in accordance with CN's Community Consultation Plan. No submissions were received as a result of the notification process.

### 4.0 INTEGRATED DEVELOPMENT

The proposal is not 'integrated development' pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

## **5.0 PLANNING ASSESSMENT**

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15(1) of the EP&A Act as detailed hereunder.

### **5.1 Provisions of any environmental planning instrument**

#### **State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)**

SEPP 55 provides that prior to granting consent to the carrying out of any development on land, the consent authority is required to give consideration to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

The subject land has been identified within a Land Contamination Report associated with the original Linwood development. It is understood that appropriate remediation works were carried out prior to the existing development of the precinct proceeding.

The subject land is currently being used for residential purposes and CN's records do not identify any recent contaminating activities on the site. The proposal is acceptable having regard to this policy.

#### **State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)**

The subject site is located within the coastal zone and is specifically mapped as being within the coastal environment area and coastal use area. The proposed development is satisfactory with regard to the provisions of the SEPP.

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

A BASIX Certificate was lodged with the application, demonstrating that the development can achieve the required water and energy reduction targets.

#### **Newcastle Local Environmental Plan 2012 (NLEP 2012)**

The following summarises an assessment of the proposal against the provisions of the NLEP 2012 that are primarily relevant to the proposed development.

##### Clause 2.1 - Land Use Zones

The subject property is zoned R2 Low Density Residential zone under the NLEP 2012, and the proposed development is permissible with CN's consent.

The proposed development is not considered to be consistent with the objectives of the R2 Low Density Residential zone, particularly objectives (a) and (c):

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

The proposed additions do not allow for a low-density environment. The additions also do not respect the character and scale of the surrounding development.

### Clause 2.7 - Demolition Requires Development Consent

The proposal includes the demolition of a section of the rear wall and roof of the existing dwelling in order to construct the proposed additions. The demolition is acceptable, subject to the demolition works and the disposal of material being managed appropriately and in accordance with relevant standards.

### Clause 4.3 - Height of Buildings

Under the NLEP 2012 the site has a maximum building height of 8.5 metres. The submitted height is approximately 8.25 metres and complies with this requirement.

### Clause 4.4 Floor Space Ratio (FSR)

Under the NLEP 2012 the subject site has a maximum FSR of 0.6:1.

In its current form, the existing dwelling house on the subject property has a gross floor area (GFA) of 126.8m<sup>2</sup> and FSR of 0.94:1. This equates to an exceedance of 57%, or 45.56m<sup>2</sup> above the mapped FSR for the site.

The proposed development GFA is 147.4m<sup>2</sup>. This is an additional 20.6m<sup>2</sup> above the existing GFA. The proposed development has an FSR of 1.09:1, exceeding the prescribed maximum FSR by 81.7% (66.2m<sup>2</sup>).

The applicant has submitted a request for a variation to this development standard, as per Clause 4.6 of the NLEP 2012. Refer to the discussion under Clause 4.6 - Exceptions to Development Standards below.

### Clause 4.6 - Exceptions to development standards

The application involves additions to an existing building that will result in it exceeding the maximum FSR under Clause 4.4 of the NLEP 2012.

The proposed development has an FSR of 1.09:1, exceeding the prescribed maximum FSR (0.6) by 81.7% (66.2m<sup>2</sup>).

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Clause 4.6 of the NLEP 2012 enables consent to be granted to a development even though the development would contravene a development standard.

The applicant has prepared a written request, as required by Clause 4.6(3), that seeks to justify the contravention of the development standard. Clause 4.6(3) requires the written request to demonstrate:

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

The applicant's request to vary the development standard follows:

*Council is requested to consider the following justification for varying the floor space ratio development standard for the subject site:*

- i) Under Council's LEP the land is zoned R2 Low Density Residential, and the proposed development is a permissible use of the land;*
- ii) The Applicant seeks an increase in FSR. The increase will not increase the building footprint;*
- iii) It is our understanding that Council have received no objections to the proposed development from neighbouring properties;*
- iv) As the proposed development is to occur within an existing building it is unreasonable to comply with current FSR requirements;*
- v) The additional area is to be used to accommodate the needs of the existing family and is not proposed to be used to increase the resident density of the dwelling;*
- vi) Currently the dwelling accommodates parents and children. Grandparents visit to assist in the care of children as the mother has a brain tumour. The additional space will relieve the stress that the family is currently experiencing by trying to accommodate these people in the existing building;*
- vii) Original plans presented to Don Maloney, Duty Planner, Newcastle City Council, included a bigger addition to the building. Mr Maloney suggested a decrease in the proposed development would be more acceptable to Council. The Applicant complied with Mr Maloney's advice;*
- viii) The existing appropriately approved dwelling would have been in excess of Council's FSR when constructed. It is unreasonable for Council to now suggest that there is already an overdevelopment of the site;*

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- ix) The proposed development will not create a negative impact upon drainage or flooding of the local area as there is no increase in non-pervious areas;*
- x) The proposed development is of an appropriate height for its location and has been located and designed so as to not have an adverse visual impact;*
- xi) The proposed building design will not create a negative impact on the streetscape;*
- xii) The proposed development will provide a positive environmental impact; and*
- xiii) The variation is not considered to have any adverse amenity outcomes to existing and future uses of surrounding land.*

Clause 4.6(4) of the NLEP 2012 requires CN to be satisfied of certain matters prior to granting consent for development that contravenes a development standard.

*(4) Development consent must not be granted for development that contravenes a development standard unless —*

*(a) the consent authority is satisfied that —*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Planning Secretary has been obtained.*

In assessing this application, consideration has been made of the original approval in order to better evaluate the context of the existing dwelling within the Linwood precinct. As previously noted, the existing dwelling was approved by Council under DA2003/0234 - Erect 47 x three bedroom attached and detached dwellings and 13 x one bedroom 'mews' dwellings and subdivide the associated lands into 47 Torrens Title lots.

The primary planning controls relevant to the original approval were:

- i) 2(c) Mixed Residential-Commercial zone under Newcastle Local Environmental Plan 1987*
- ii) 2(b) Urban Core under Draft Newcastle Environmental Plan 2002.*

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The proposed development was permissible with CN's consent under both instruments. A FSR development standard was not included in either of the abovementioned planning instruments.

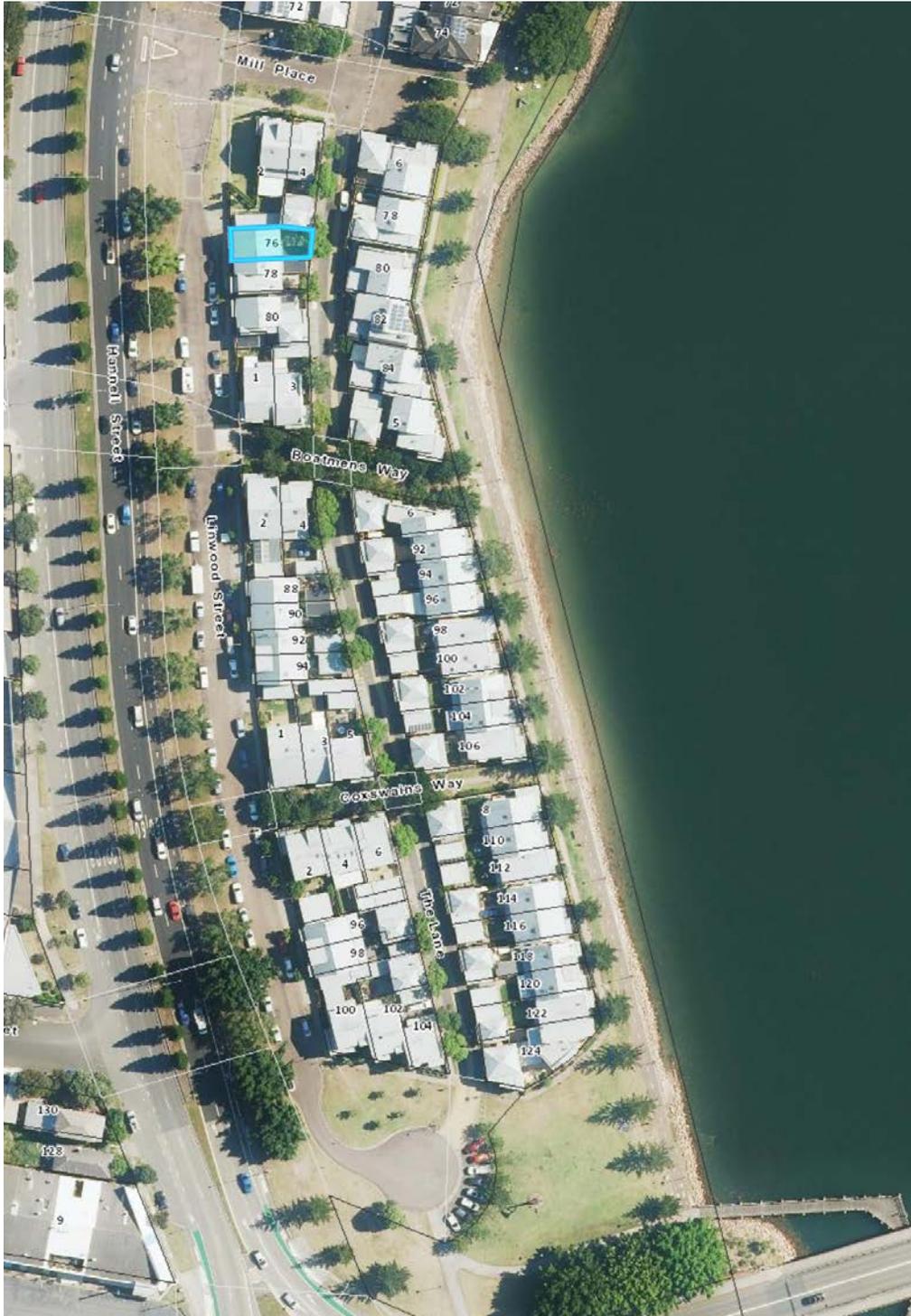
- i) The NDCP 2012 - 39, which incorporated Stage 3 – Linwood Village Urban Design Guidelines.

In the report to Council for DA2003/0234, comments were provided in respect of the FSR of the entire development (being 0.7:1), that it was considered to be appropriate and satisfactory to maximise development of the original site.

As mentioned previously, the existing dwelling house on the subject property has a GFA of 126.8m<sup>2</sup> and FSR of 0.94:1. This equates to an exceedance of 57%, or 45.56m<sup>2</sup> above the mapped FSR for the site.

The proposed development GFA is 147.4m<sup>2</sup>. This is an additional 20.6m<sup>2</sup> above the existing GFA. The proposed development has a FSR of 1.09:1, exceeding the prescribed maximum FSR by 81.7% (66.2m<sup>2</sup>). This is a further variation of 24.7% above the existing FSR exceedance on site. This is significantly higher than the density of the surrounding built form in the locality.

Consideration has also been made of any other similar developments within the Linwood precinct.



The above aerial view depicts the subject land at 76 Linwood Street Wickham (highlighted) and the broader Linwood precinct depicting current built form and densities within locality.

CN's public register of variations to development standards indicates that, within the Linwood precinct, no other developments have been granted a variation to the FSR development standard to what was originally approved.

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Since the original approvals for development of the Linwood precinct, consent has been granted for the following development; awnings, patio covers (13 development applications); carport (1); sunroom (1); change of use to serviced apartment or short term accommodation (4); and fitout of food premises (1). These developments do not contribute to FSR and are considered different and minor alterations and additions to existing development in the Linwood precinct. The current proposal will create a precedent for this area.

An assessment of the applicant's request to vary the FSR development standard has been completed and it is considered that:

- a) It does not adequately address the matters required to be demonstrated by Clause 4.6(3) of the NLEP 2012.
- b) The proposed development will not be in the public interest because it is not consistent with the objectives of the FSR development standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out. The proposed development would undermine the objectives of the development standard, zone objectives and create an undesirable precedent.

The objectives of the particular standard FSR are provided in clause 4.4 of the NLEP 2012.

### **4.4 Floor space ratio**

- (1) The objectives of this clause are as follows —
  - (a) *to provide an appropriate density of development consistent with the established centres hierarchy,*
  - (b) *to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.*
- (2) *The maximum FSR for a building on any land is not to exceed the FSR shown for the land on the FSR Map.*
- (2A) *Despite subclause (2), the maximum FSR for a building on land in any zone in this Plan is to be determined as if the area of the access laneway of a battle-axe lot were not part of the area of the lot.*

The objectives for development within the R2 Low Density Residential zone are provided in the Land Use Table of the NLEP 2012.

**Zone R2 Low Density Residential****1 Objectives of zone**

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

The proposed FSR exceedance is not considered to be a reasonable variation as it will have substantial impacts on neighbouring properties in terms of bulk, scale, and overshadowing. The proposed exceedance of the FSR adds unnecessary bulk and scale to the existing development. The proposed scale of the development is out of character with existing dwellings within Linwood Street and the wider surrounding area.

The applicant has not provided sufficient environmental planning grounds to justify contravening the development standard.

**Clause 5.10 - Heritage Conservation**

Under the NLEP 2012, the subject property is not listed as a heritage item nor is it located within a Heritage Conservation Area.

**Clause 6.1 – Acid Sulfate Soils**

The site is affected by acid sulfate soils (Class 3). Due to the limited extent of excavation, the likelihood of potential impacts arising from acid sulfate soils is expected to be negligible. The proposed development is satisfactory in this regard.

**Clause 6.2 - Earthworks**

The level of earthworks proposed to facilitate the development is acceptable having regard to this clause. The design suitably minimises the extent of proposed earthworks, having regard to the existing topography.

**5.2 Any draft environmental planning instrument that is or has been placed on public exhibition**

There is no exhibited draft environmental planning instrument relevant to the application.

### 5.3 Any development control plan

#### Newcastle Development Control Plan (NDCP 2012)

The main planning requirements of relevance in the NDCP 2012 are discussed below.

##### Single Dwellings and Ancillary Development - Section 3.02

The following comments are made concerning the proposed development and the relevant provisions of Section 3.02.

##### *Density - Floor Space Ratio (3.02.01)*

The maximum permissible FSR for the site is 0.6:1. The proposed development has a nominated FSR of 1.09:1. Refer to Section 5.1 of this report for details of the applicant's request for the proposed FSR variation and the assessment of that request.

##### *Height of Buildings (3.02.02)*

Under the NLEP 2012 the site has a maximum height of 8.5 metres. The submitted height is approximately 8.25 metres and complies with this requirement.

##### *Street frontage appearance (3.02.03)*

The existing setback is retained. The proposed development meets the relevant acceptable solutions of Section 3.02.03.

##### *Side/rear setbacks (building envelope) (3.02.04)*

The proposed development does not meet all of the acceptable solutions of Section 3.02.04, in particular those relating to the rear setbacks.

The proposed development is not considered to achieve the performance criteria within Section 3.02.04, particularly criteria (a), (b), (c), and (e).

##### *Development is of a bulk and scale that:*

- (a) is consistent with and complements the built form prevailing in the street and local area;*
- (b) does not create overbearing development for adjoining dwelling houses and their private open space;*
- (c) does not impact on the amenity and privacy of residents in adjoining dwelling houses;*
- (d) does not result in the loss of significant views or outlook of adjoining residents;*
- (e) provides for natural light, sunlight and breezes.*

*Landscaping (3.02.05)*

The site area is 135.4m<sup>2</sup>, generating a requirement for 10% (ie. 13.5m<sup>2</sup>) of the site to be provided with landscaping. The total area of proposed landscaping is approximately 25m<sup>2</sup> and is considered to meet the NDCP 2012 requirements.

*Private open space (3.02.06)*

The proposed private open space area is satisfactory and meets the NDCP 2012 requirements.

*Privacy (3.02.07)*

The privacy of the proposed development and the adjoining neighbours is satisfactory and meets the NDCP 2012 requirements.

The location of windows and physical separation between the proposed dwelling and the neighbours' living areas and principal areas of private open space is sufficient to create a reasonable level of privacy between those premises.

*Solar access 3.02.08)*

The proposed development meets the acceptable solutions of Section 3.02.08 of the NDCP 2012 in relation to the overshadowing of north facing living area windows in adjacent dwellings.

The proposed development does not meet the acceptable solutions of Section 3.02.08 of the NDCP 2012 in relation to the overshadowing of the principal area of private open space of adjacent dwellings. The level of solar access to the principal area of private open space of 78 Linwood is currently compromised by the existing structures on both sites. However, the proposed development will exacerbate the overshadowing and not provide any solar access to the principal area of private open space of 78 Linwood Street, Wickham.

The proposed development does not demonstrate compliance with the performance criteria within Section 3.02.04:

*Development does not significantly overshadow living area windows and principal areas of private open space of adjacent dwellings.*

The applicant has provided shadow diagrams that illustrate the overshadowing by the proposed development. The shadow diagrams are presented on drawing DA07 and can be found at **Attachment A**. The shadows cast at 3pm on June 21 are incorrect and the applicant was requested to provide amended shadow diagrams.

Updated shadow diagrams have not been submitted to CN; however, the assessing officer has undertaken detailed assessment of shadows cast which confirm non-compliance with Section 3.02.04 of the NDCP 2012.

*View sharing (3.02.09)*

The proposed development meets the acceptable solutions of Section 3.02.09 of the NDCP 2012. That is, adjoining properties do not have views or vistas to water, city skyline and iconic views obscured by the proposed development.

*Car parking and vehicular access (3.02.10)*

The existing arrangements for car parking and vehicular access are to be retained. The proposed development is considered acceptable in this regard.

*Development within a Heritage Conservation Areas (3.02.11)*

The subject site is not located within a Heritage conservation area.

Flood Management - Section 4.01

The subject site is identified as land susceptible to flooding and subject to requirements relating to the management of development within flood prone areas. The proposed development is considered to satisfy flood planning requirements and is acceptable with respect to Section 4.01.

Mine Subsidence - Section 4.03

The site is located within a proclaimed Mine Subsidence District and conditional approval for the proposed development has been granted by Subsidence Advisory NSW.

Soil Management - Section 5.01

The proposed development is satisfactory with respect to this section of the NDCP 2012.

Land Contamination - Section 5.02

Land contamination has been considered in this assessment report, in accordance with SEPP 55 and considered satisfactory.

Vegetation Management - Section 5.03

The proposal does not involve the removal of any trees.

Wickham - Section 6.03

The subject site is not within the land area that is the subject of Section 6.03.

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### Traffic, Parking and Access - Section 7.03

The proposed development is required to provide on-site car parking in accordance with the rates set out in Table 1 of Section 7.03.02 of the NDCP 2012. As an “attached dwelling”, the proposed development is required to have a minimum of one car parking space per dwelling. The proposal is satisfactory in this regard.

### Stormwater- Section 7.06 and Water Efficiency - Section 7.07

The impervious area of the proposed development remains similar to the current area and the applicant proposes to direct the roof water to the existing drainage system. The proposed development is satisfactory and in accordance with the relevant aims and objectives of the NDCP 2012.

### Waste Management - Section 7.08

Demolition and waste management would be subject to conditions recommended to be included in any development consent to be issued.

### Development Adjoining Laneways - Section 7.11

The proposed development is considered satisfactory with respect to Section 7.11 of the NDCP 2012.

### Public Participation - Community Participation Plan

The proposed development was publicly notified in accordance with CN's Community Participation Plan and no submissions have been received in response.

## **5.4 Planning agreements**

No planning agreements are relevant to the proposal.

## **5.5 The regulations (and other plans and policies)**

The application has been considered pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

## **5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Impacts upon the natural and built environment have been discussed in this report in the context of relevant policy, including the NLEP 2012 and the NDCP 2012 considerations.

The development is not compatible with the existing character, bulk, scale and massing of development in the immediate area. The proposed scale of the

development is out of character with existing dwellings within Linwood Street and the wider surrounding area.

The proposed development is not considered to be reasonable as it will have substantial impacts on neighbouring properties in terms of bulk, scale, and overshadowing. The proposed development adds unnecessary bulk and scale to the existing development and set an undesirable precedent.

### **5.7 The suitability of the site for the development**

The constraints of the site have been considered in respect of the proposed development, including contamination, acid sulfate soils and flooding. The site is within a Mine Subsidence District and conditional approval for the proposed development has been granted by Subsidence Advisory NSW. The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

The proposed development will not result in the disturbance of any endangered flora or fauna habitat or otherwise have any significant adverse impact on the natural environment.

### **5.8 Any submissions made in accordance with this Act or the regulations**

The application was publicly notified, and no submissions were received.

### **5.9 The public interest**

The proposed development will not be in the public interest because the applicant's request to vary the FSR development standard is not consistent with the objectives of the FSR development standard and the objectives for development within the R2 Low Density Residential zone.

The proposed development would undermine the objectives of the development standard, zone objectives and create an undesirable precedent.

## **6.0 CONCLUSION**

The proposal is unacceptable against the relevant heads of consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is not supported on the following grounds:

- 1) The development does not adequately address the matters required to be demonstrated by Clause 4.6(3) of the NLEP 2012. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 2) The development is not consistent with the objectives of the FSR development standard (Clause 4.4 of the NLEP 2012). [Section 4.15(1) Environmental Planning and Assessment Act 1979].

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- 3) The development will not be in the public interest because it is not consistent with the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
- 4) The development will have substantial impacts on neighbouring properties in terms of bulk, scale, and overshadowing. [Section 4.15(1)(b) Environmental Planning and Assessment Act 1979].

**ATTACHMENTS**

**Item 22 - Attachment A:** Submitted Plans – 76 Linwood Street, Wickham

**Item 22 - Attachment B:** Draft Reasons for Refusal – 76 Linwood Street, Wickham

**Item 22 - Attachment C:** Processing Chronology – 76 Linwood Street, Wickham

**Item 22 Attachments A to C distributed under separate cover.**



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**DAC 21/07/2020 – DA2020/00136 – 76 LINWOOD STREET,  
WICKHAM – DWELLING HOUSE – ALTERATIONS AND ADDITIONS**

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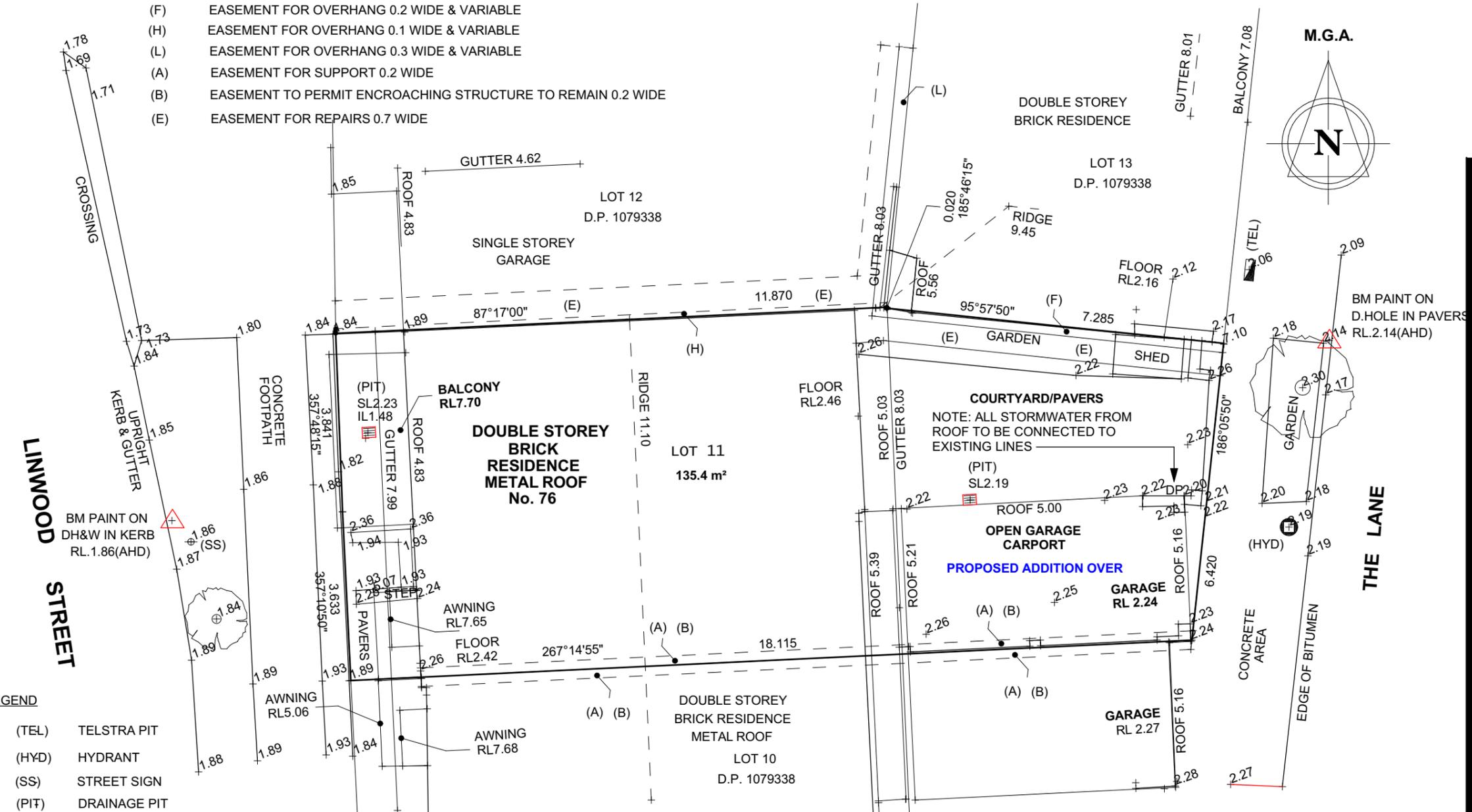
**DAC 21/07/2020 – DA2020/00136 – 76 LINWOOD STREET,  
WICKHAM – DWELLING HOUSE – ALTERATIONS AND ADDITIONS**

**ITEM-22      Attachment A:      Submitted Plans**

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- (F) EASEMENT FOR OVERHANG 0.2 WIDE & VARIABLE
- (H) EASEMENT FOR OVERHANG 0.1 WIDE & VARIABLE
- (L) EASEMENT FOR OVERHANG 0.3 WIDE & VARIABLE
- (A) EASEMENT FOR SUPPORT 0.2 WIDE
- (B) EASEMENT TO PERMIT ENCRANCHING STRUCTURE TO REMAIN 0.2 WIDE
- (E) EASEMENT FOR REPAIRS 0.7 WIDE



Plot Date: 12/02/2020

**Amendments:**

Rev:	Detail:	Date:

**Drawing:**

project

**PROPOSED FIRST FLOOR ADDITION & RENOVATION**

**SITE PLAN**

client **Ms. K. Lawrence**  
 site **LOT 11 DP 1079338**  
**76 Linwood Street, Wickham NSW 2293**

status DEVELOPMENT APPLICATION  
 scale As noted (A3 sheet)  
 drawn B.C.  
 file 254 / 2019 DA01 of

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 a: po box 114, east maitland 2323 e: info@cronansdesign.com.au  
 ABN 25 113 739 840

- LEGEND**
- (TEL) TELSTRA PIT
  - (HYD) HYDRANT
  - (SS) STREET SIGN
  - (PIT) DRAINAGE PIT

- NOTES:**
- SURVEY IS FOR CONTOUR PURPOSES ONLY
  - BM IS AHD AS SHOWN, DATUM PM 57550 (R.L. 1.648)
  - CONTOUR INTERVAL IS 0.2m
  - SERVICES LOCATED BY FIELD SURVEY ONLY
  - TREE SPREADS ARE DIAGRAMMATIC ONLY AND MAY NOT BE SYMMETRICAL

**NOTE:**  
 Soil erosion and sedimentation being controlled and contained within the allotment boundaries to the standards of the Department of Land & Water Conservation

**SEDIMENTATION DETAILS**

**NOTE:**

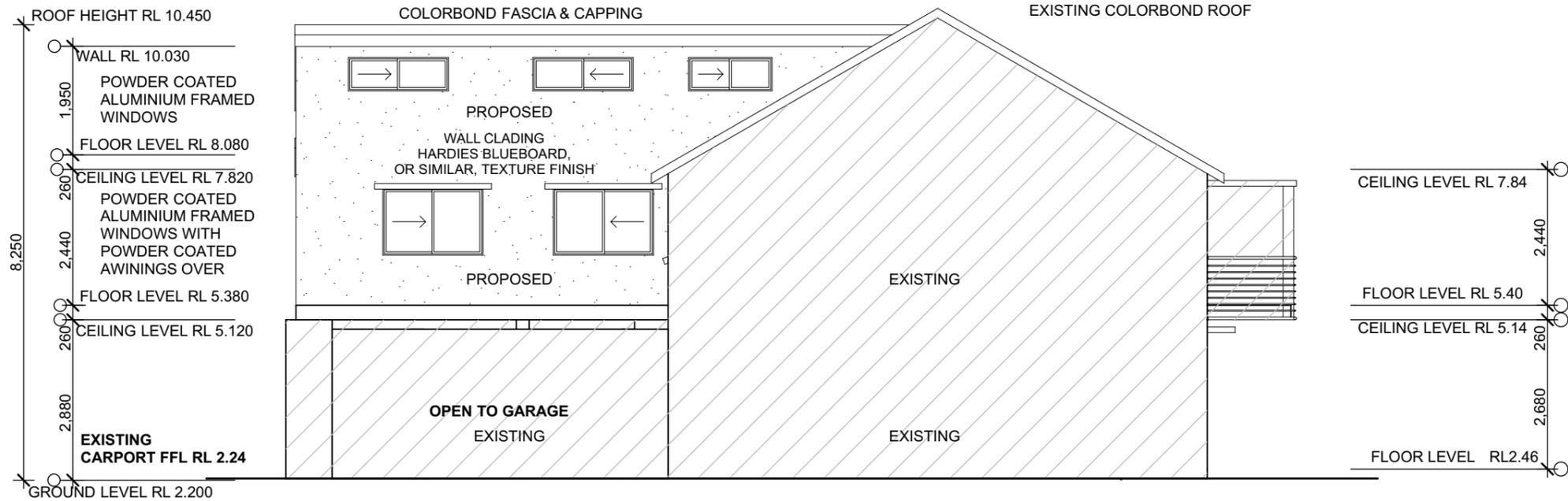
- NO VEHICLE CROSSING OR STOCKPILING OF MATERIAL ON VEGETATION BUFFER.
- ALL SEDIMENTATION CONTROL STRUCTURES TO BE INSPECTED AND MAINTAINED BY SITE MANAGER DAILY.
- ALL SEDIMENT RETAINING STRUCTURES TO BE CLEANED ON REACHING 50% STORAGE CAPACITY.
- ALL EXISTING VEGETATION WILL BE RETAINED OUTSIDE THE CONSTRUCTION SITE
- CLEAN SEDIMENTS FROM FOOTPATHS, DRIVEWAYS AND ROADS DAILY.
- ROOF DRAINAGE VIA SEALED PIPELINE TO STREET GUTTER ON ROOF COMPLETION.

**NOTE:** NO SUBTERRANEAN INVESTIGATIONS HAVE BEEN UNDERTAKEN. IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT DIAL BEFORE YOU DIG ON PHONE No. 1100 PRIOR TO ANY EXCAVATION OR EARTHWORKS.

**RENNIE GOLLEDGE PTY. LTD.**  
**SURVEYORS & PLANNERS**  
**CADASTRAL, ENGINEERING & MINING SURVEYORS**  
**ENGINEERING DESIGN CONSULTANTS FILE NO. 410.19**

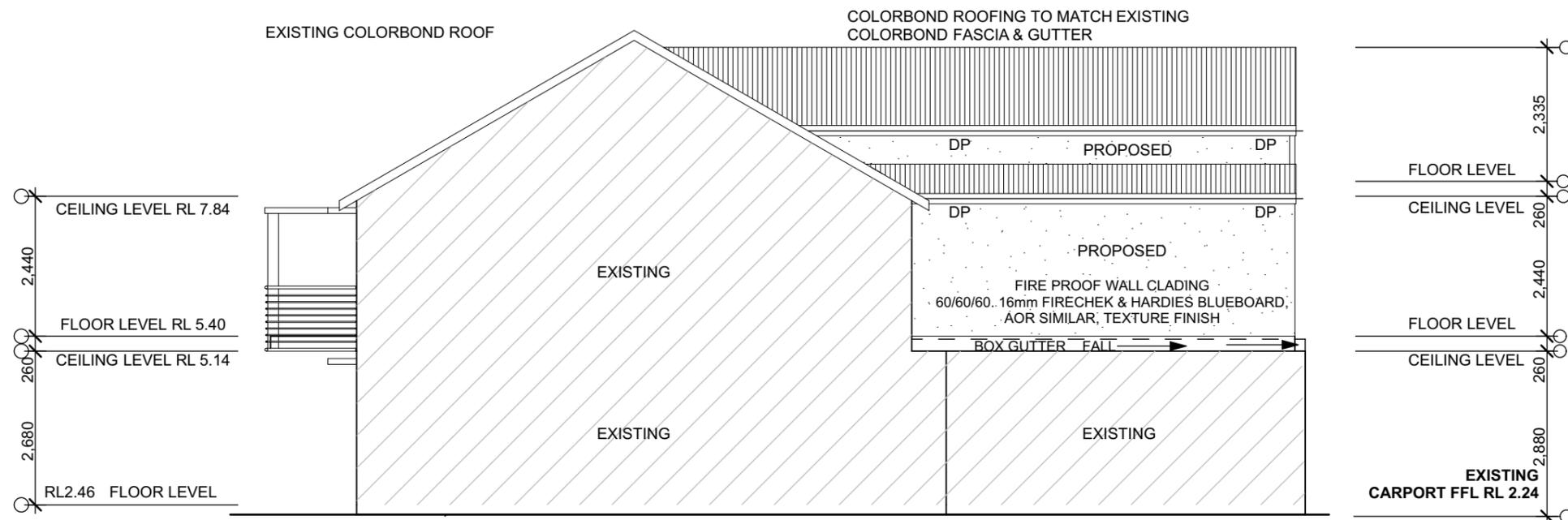
**CONTOUR AND DETAIL PLAN**  
 SCALE 1:100 @ A3





**NORTH ELEVATION**

SCALE 1 : 100 @ A3



**SOUTH ELEVATION**

SCALE 1 : 100 @ A3

Plot Date: 12/02/2020

**Amendments:**

Rev:	Detail:	Date:

**Drawing:**

project

**PROPOSED FIRST FLOOR ADDITION & RENOVATION**

title

**ELEVATIONS**

client

**Ms. K. Lawrence**

site

**LOT 11 DP 1079338  
76 Linwood Street,  
Wickham NSW 2293**

status DEVELOPMENT APPLICATION

scale As noted (A3 sheet)

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# BASIX<sup>®</sup>Certificate

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Alterations and Additions

Certificate number: A369932

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Secretary  
Date of issue: Wednesday, 12, February 2020  
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	Ms. K. Lawrence
Street address	76 Linwood Street Wickham 2293
Local Government Area	Newcastle City Council
Plan type and number	Deposited Plan 1079338
Lot number	11
Section number	
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<b>Lighting</b>			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check															
<b>Insulation requirements</b>																		
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m <sup>2</sup> , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓															
<table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr> <td>suspended floor with open subfloor: framed (R0.7).</td> <td>R0.8 (down) (or R1.50 including construction)</td> <td></td> </tr> <tr> <td>external wall: framed (weatherboard, fibro, metal clad)</td> <td>R1.30 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>flat ceiling, pitched roof</td> <td>ceiling: R1.95 (up), roof: foil backed blanket (55 mm)</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> <tr> <td>raked ceiling, pitched/skillion roof: framed</td> <td>ceiling: R2.24 (up), roof: foil backed blanket (55 mm)</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	suspended floor with open subfloor: framed (R0.7).	R0.8 (down) (or R1.50 including construction)		external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		flat ceiling, pitched roof	ceiling: R1.95 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)	raked ceiling, pitched/skillion roof: framed	ceiling: R2.24 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)			
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Plot Date:	12/02/2020
<b>Amendments:</b>	
Rev:	Detail: Date:

**Drawing:**

project

### PROPOSED FIRST FLOOR ADDITION & RENOVATION

title

**BASIX REPORT**

client

**Ms. K. Lawrence**

site

**LOT 11 DP 1079338  
76 Linwood Street,  
Wickham NSW 2293**

status DEVELOPMENT APPLICATION

scale As noted (A3 sheet)

drawn B.C.

file 254 / 2019 DA05 of

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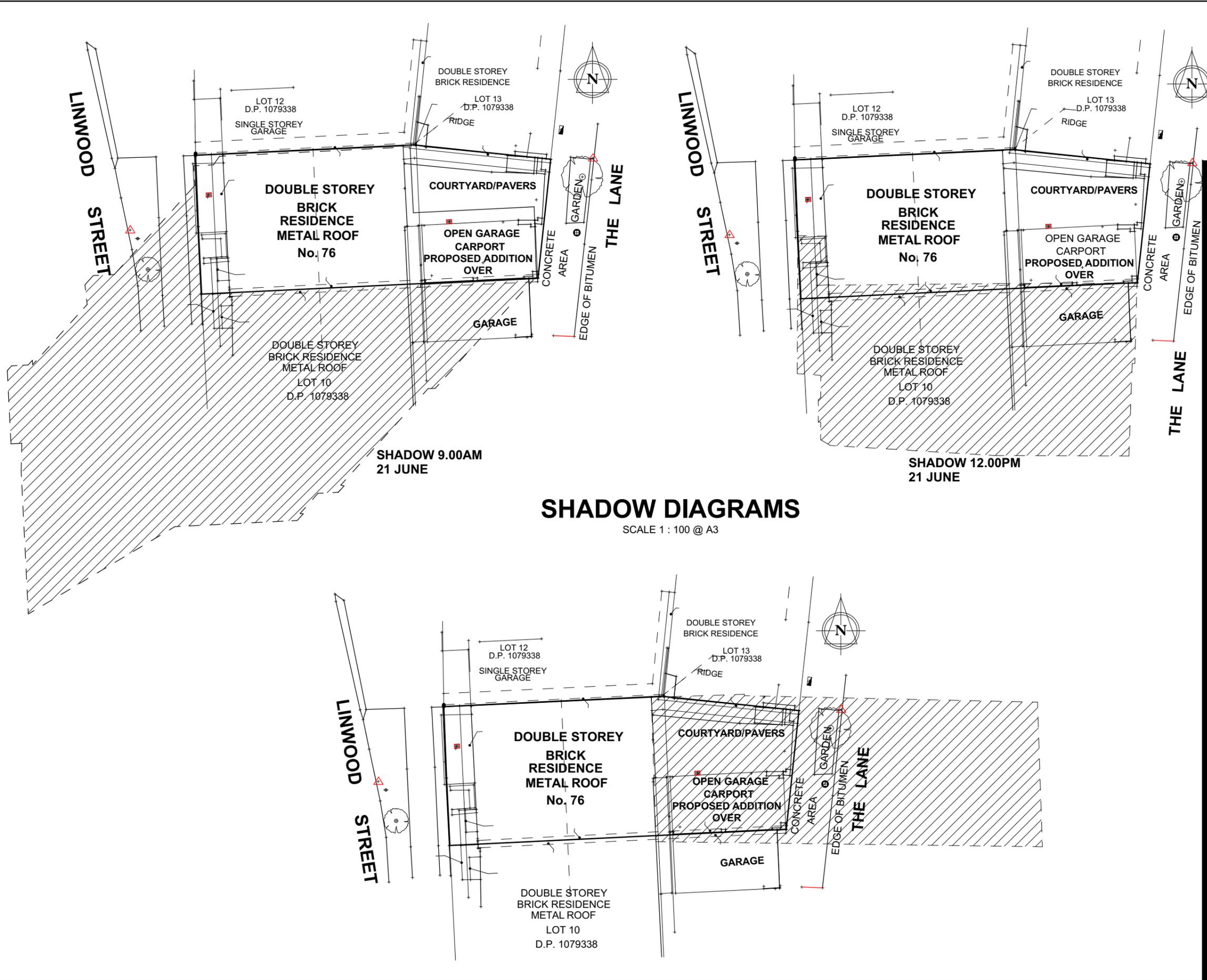
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Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check		
<b>Windows and glazed doors</b>					
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓		
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓		
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓		
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓		
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓		
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓		
<b>Windows and glazed doors glazing requirements</b>					
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m)    Distance (m)	Shading device	Frame and glass type
W1	N	2.16	0    0	eave/verandah/pergola/balcony >=450 mm	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W2	N	2.16	0    0	eave/verandah/pergola/balcony >=450 mm	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W3	N	1.08	0    0	eave/verandah/pergola/balcony >=450 mm	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)
W4	N	1.08	0    0	eave/verandah/pergola/balcony >=450 mm	improved aluminium, single pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

Plot Date: 12/02/2020		
<b>A m e n d m e n t s :</b>		
Rev:	Detail:	Date:
<b>D r a w i n g :</b>		
project		
<b>PROPOSED FIRST FLOOR ADDITION &amp; RENOVATION</b>		
title		
<b>BASIX REPORT</b>		
client		
<b>Ms. K. Lawrence</b>		
site		
<b>LOT 11 DP 1079338 76 Linwood Street, Wickham NSW 2293</b>		
status		
DEVELOPMENT APPLICATION		
scale		
As noted (A3 sheet)		
drawn		
B.C.		
file		
254 / 2019                      DA06    of		
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**SHADOW DIAGRAMS**  
SCALE 1 : 100 @ A3

Plot Date: 12/02/2020

**Amendments:**

Rev:	Detail:	Date:

**Drawing:**

project  
**PROPOSED FIRST FLOOR ADDITION & RENOVATION**

title  
**SHADOW DETAIL 21 JUNE**

client  
**Ms. K. Lawrence**  
site  
**LOT 11 DP 1079338  
76 Linwood Street,  
Wickham NSW 2293**

status DEVELOPMENT APPLICATION  
scale As noted (A3 sheet)  
drawn B.C.  
file 254 / 2019 DA07 of

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**DAC 21/07/2020 – DA2020/00136 – 76 LINWOOD STREET,  
WICKHAM – DWELLING HOUSE – ALTERATIONS AND ADDITIONS**

**ITEM-22      Attachment B:      Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**



**Application No:** DA2020/00136

**Land:** Lot 11 DP 1079338

**Property Address:** 76 Linwood Street Wickham NSW 2293

**Proposed Development:** Dwelling house - Alterations and additions

---

1. The development does not adequately address the matters required to be demonstrated by Clause 4.6(3) of NLEP 2012). [Section 4.15(1) Environmental Planning and Assessment Act 1979].
2. The development is not consistent with the objectives of the floor space ratio development standard (Clause 4.4 of NLEP 2012). [Section 4.15(1) Environmental Planning and Assessment Act 1979].
3. The development will not be in the public interest because it is not consistent with the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out. [Section 4.15(1) Environmental Planning and Assessment Act 1979].
4. The development will have substantial impacts on neighbouring properties in terms of bulk, scale, and overshadowing. [Section 4.15(1)(b) Environmental Planning and Assessment Act 1979].



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 21/07/2020 – DA2020/00136 – 76 LINWOOD STREET,  
WICKHAM – DWELLING HOUSE – ALTERATIONS AND ADDITIONS**

**ITEM-22      Attachment C:      Processing Chronology**

**DISTRIBUTED UNDER SEPARATE COVER**



**PROCESSING CHRONOLOGY**

**DA2020/00136 76 Linwood St Wickham**

19 February 2020	Application lodged
10 March 2020	Public notification of application (14 days)
24 April 2020	Further information requested
5 May 2020	Applicant advised that the variation to the floor space ratio (FSR) is not supported
12 May 2020	Discussion held with applicant's planning consultant regarding the variation to the FSR
15 May 2020	Application called in by Councillors Mackenzie and Duncan
19 May 2020	Further information received
1 June 2020	Applicant and owner requested to submit the information received 19 May in the format of Council's application form to vary a development standard

## ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

### EDAC 28/07/2020 – SUPPLEMENTARY REPORT - DA2020/00136 – 76 LINWOOD STREET, WICKHAM – DWELLING HOUSE AND ALTERATIONS AND ADDITIONS

**ITEM-24**      **Attachment B:**      Schedule of conditions of consent should  
recommendation 2 be adopted – DA2020/00136  
– 76 Linwood Street, Wickham

**DISTRIBUTED UNDER SEPARATE COVER**



**Application No:** DA2020/00136

**Land:** Lot 11 DP 1079338

**Property Address:** 76 Linwood Street, Wickham NSW 2293

**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.

<b>Plan No / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared by</b>	<b>Dated</b>
Site Plan	254/2019 DA01	Cronan's Design and Drafting	12/2/2020
Floor Plan	254/2019 DA02	Cronan's Design and Drafting	12/2/2020
Elevations	254/2019 DA03	Cronan's Design and Drafting	12/2/2020
Elevation and Section	254/2019 DA04	Cronan's Design and Drafting	12/2/2020
BASIX Report	254/2019 DA05	Cronan's Design and Drafting	12/2/2020
BASIX Report	254/2019 DA06	Cronan's Design and Drafting	12/2/2020

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 COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE**

- A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
  - Showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work; and
  - Showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes; and
  - Stating that unauthorised entry to the work site is prohibited; and
  - Being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

3. Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet is to:

- a) Be a standard flushing toilet connected to a public sewer; or
  - b) Have an on-site effluent disposal system approved under the *Local Government Act 1993 (NSW)*; or
  - c) Be a temporary chemical closet approved under the *Local Government Act 1993 (NSW)*.
4. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
  5. Any waste containers used in association with the proposed demolition are to be located on the site where possible. Where this is not feasible, application must be made for City of Newcastle's approval to position the container on the adjacent public road in accordance with City of Newcastle's adopted Building Waste Container Policy.
  6. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
  7. The following waste management measures shall be implemented during the construction phase:
    - a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste; and
    - 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; and
    - c) Appropriate provision is to be made to prevent windblown rubbish leaving the site; and
    - d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

8. All building materials, plant and equipment is to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on City of Newcastle reserves including the road reserve is not permitted.
9. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
10. All building work must be carried out in accordance with the provisions of the National Construction Code.

11. In the case of residential building work for which the *Home Building Act 1989 (NSW)* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
12. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the building, structure or work from possible damage from the excavation; and
  - (b) Where necessary, underpin the building, structure or work to prevent any such damage.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

13. Construction / demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday - 7:00am to 6:00pm and
  - Saturday - 8:00am to 1:00pm.
 No noise from construction / demolition work is to be generated on Sundays or Public Holidays.

14. City of Newcastle'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 City of Newcastle 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 Counter, Wallsend Library or the Master Builders Association Newcastle.

15. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and / or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
16. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set-out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
17. A separate application must be lodged, and consent obtained from City of Newcastle for all works within the road reserve pursuant to Section 138 *Roads Act 1993 (NSW)*, before the commencement of works.
18. All roof and surface waters are to be conveyed to the street gutter by way of a sealed pipe system, extending through the footway to City of Newcastle requirements, in accordance with Element 7.06 'Stormwater' of the Newcastle Development Control Plan 2012.

#### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

19. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to 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.

20. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
21. Prior to the issue of an Occupation Certificate, smoke alarms shall be installed in the existing dwelling, in accordance with the provisions of the National Construction Code.

### ADVISORY MATTERS

- For the purpose of applying the provisions of the National Construction Code for Class 1 buildings, it is advised that the proposed building is located in a Flood Hazard Area and the:
  - a) Defined Flood Level (DFL) is 2.2m Australian Height Datum (AHD)
  - b) Flood Hazard Level is 2.5m AHD (Freeboard is 300mm above DFL)
  - c) Maximum Flow Velocity of floodwaters for the Defined Flood Event is 0.1m/s
- 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. Enquiries should provide the property details and the nearest cross street / road.
- Any necessary alterations to public utility installations are to be at the developer / demolisher's expense and to the requirements of both 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.
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997 (NSW)* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979 (NSW)*, which may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Prior to commencing any building works, the following provisions of Division 6.2 of the *Environmental Planning and Assessment Act 1979 (NSW)* 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 City of Newcastle is to be notified of the appointment; and
  - c) City of Newcastle is to be given at least two days' notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000 (NSW)*.

## **END OF CONDITIONS**

### **SCHEDULE 2**

#### **REASONS FOR THE DETERMINATION AND CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- City of Newcastle has considered and accepted the variation to development standards made under Clause 4.6 of the Newcastle Local Environmental Plan 2012. The variation to the floor space ratio is considered acceptable in the particular circumstances of this case as the proposed development will not generate significant impacts for the neighbouring properties.
- 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 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.
- 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.

#### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The following conditions are applied to:

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