



City of
Newcastle



CITY OF NEWCASTLE

Development Applications Committee

Councillors,

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that a Development Applications Committee Meeting will be held on:

DATE: Tuesday 19 March 2019

TIME: 5.30 pm

VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

Tuesday 12 March 2019

Please note:

Meetings of City of Newcastle (CN) are webcast. CN accepts no liability for any defamatory, discriminatory or offensive remarks or gestures made during the meeting. Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by the CN. Confidential meetings will not be webcast.

The electronic transmission is protected by copyright and owned by CN. No part may be copied or recorded or made available to others without the prior written consent of CN. Council may be required to disclose recordings where we are compelled to do so by court order, warrant or subpoena or under any legislation. Only the official minutes constitute an official record of the meeting.

Authorised media representatives are permitted to record meetings provided written notice has been lodged. A person may be expelled from a meeting for recording without notice. Recordings may only be used for the purpose of accuracy of reporting and are not for broadcast, or to be shared publicly. No recordings of any private third party conversations or comments of anyone within the Chamber are permitted.

DEVELOPMENT APPLICATIONS COMMITTEE
19 March 2019

CONTENTS

Item	Business	Page
	APOLOGIES/LEAVE OF ABSENCE	
	DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST	
	CONFIRMATION OF PREVIOUS MINUTES	4
	MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 4 DECEMBER 2018	4
	DEVELOPMENT APPLICATIONS	6
ITEM-1	DAC 19/03/19 - DA2018/01097 2 AND 4A ROSE STREET TIGHES HILL, THREE LOT INTO TWO LOT SUBDIVISION	10

NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 4 DECEMBER 2018

RECOMMENDATION

The draft minutes as circulated be taken as read and confirmed.

ATTACHMENTS

Attachment A: 181205 Development Applications Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au

Attachment A

CITY OF NEWCASTLE

Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on Tuesday 4 December 2018 at 6.54pm.

PRESENT

Deputy Lord Mayor (Councillor D Clausen), Councillors M Byrne, J Church, C Duncan, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), K Liddell (Director Infrastructure and Property and Interim Director Strategy and Engagement), F Leatham (Interim Director People and Culture), A Murphy (Director City Wide Services), J Vescio (Executive Officer, Chief Executive Office and Acting Manager Corporate and Community Planning), E Kolatchew (Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), M Murray (Policy Officer, Lord Mayor's Office), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcast).

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Duncan

The apologies submitted on behalf of the Lord Mayor Councillor Nelmes and Councillor Dunn be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

The Deputy Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

Councillor Church

Councillor Church declared a significant and pecuniary interest in Item 17 - DA2017/01624 - 144 Brunner Road Adamstown and managed the conflict by removing himself from the Chamber for discussion on the item.

Councillor Church

Councillor Church declared a significant and pecuniary interest in Item 20 - DA2018/00879 - 854 Hunter Street Newcastle West and managed the conflict by removing himself from the Chamber for discussion and vote on the item.

Councillor Church

Councillor Church declared a significant and pecuniary interest in Item 21 - DA2018/00709 - 21 Alma Road New Lambton and managed the conflict by removing himself from the Chamber for the debate and vote on the item.

PROCEDURAL MOTION

Moved by Cr Rufo, seconded by Cr Byrne

That Council amend the order of the Council meeting agenda items to hear Items 18 and 19 first followed by Items 17, 20 and 21.

Carried

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 20 NOVEMBER 2018

MOTION

Moved by Cr Mackenzie, seconded by Cr Luke

The draft minutes as circulated be taken as read and confirmed.

Carried

DEVELOPMENT APPLICATIONS

ITEM-18 DAC 04/12/18 - DA2018/00580 - 158 NATIONAL PARK STREET MEREWETHER - DEMOLITION OF DWELLING, OUTBUILDING AND POOL, ERECTION OF SINGLE STOREY DWELLING, ASSOCIATED SWIMMING POOL AND FRONT FENCE

MOTION

Moved by Cr Luke, seconded by Cr Church

- A. That DA2018/00580 for demolition of dwelling, outbuilding and pool, erection of single-storey dwelling, associated swimming pool and front fence at 158 National Park Street Merewether be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of the determination.

For the Motion:

Deputy Lord Mayor, Cr Clausen, Councillors Byrne, Church, Duncan, Elliott, Luke, Mackenzie, Rufo, White, Winney-Baartz.

Against the Motion:

Nil.

**Carried
unanimously**

Councillor Robinson was not present when the vote was taken.

CITY OF NEWCASTLE

Development Applications Committee Meeting 19 March 2019

Page 7

ITEM-19 DAC 04/12/18 - DA2018/00963 - 282 KING STREET NEWCASTLE - BOUNDARY ADJUSTMENT (FIVE LOTS)

MOTION

Moved by Cr Byrne, seconded by Cr Mackenzie

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of NLEP, against the development standard at Clause 4.1 Minimum Subdivision Lot Size, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.1 and the objectives for development within the B3 Commercial Core and RE1 Public Recreation zones in which the development is proposed to be carried out; and
- B. That DA2018/00963 for a subdivision boundary adjustment (five lots) at 282 and 290 King Street and 347, 357 and 365 Hunter Street Newcastle be approved and consent granted, subject to the Draft Schedule of Conditions at **Attachment B**.

PROCEDURAL MOTION

Moved by Cr Church, seconded by Cr Elliott

The item lay on the table pending a further briefing and consultation.

The motion moved by Councillor Church and seconded by Councillor Elliott was put to the meeting.

For the Motion: Councillors Church, Elliott, Robinson and Rufo.

Against the Motion: Deputy Lord Mayor, Cr Clausen, Councillors Byrne, Duncan, Luke, Mackenzie, White and Winney-Baartz.

Defeated

The motion moved by Councillor Byrne and seconded by Councillor Mackenzie was put to the meeting.

For the Motion: Deputy Lord Mayor, Cr Clausen, Councillors Byrne, Duncan, Luke, Mackenzie, White and Winney-Baartz.

Against the Motion: Councillors Church, Elliott, Robinson and Rufo.

Carried

Councillor Church left the Chamber for discussion on Items 17, 20 and 21.

ITEM-17 DAC 04/12/18 - DA2017/01624 - 144 BRUNKER ROAD ADAMSTOWN - DEMOLITION OF BUILDINGS, ERECTION OF FIVE STOREY MIXED USE DEVELOPMENT

MOTION

Moved by Cr Luke, seconded by Cr Elliott

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of NLEP, against the development standard at Clause 4.4 FSR, and considers the objection to be justified in the circumstances and to be consistent with the objectives for development within the B4 Mixed Use zone in which the development is proposed to be carried out; and
- B. That DA2017/01624 for demolition of buildings and erection of a five-storey mixed-use development at 144-148 Bruncker Road Adamstown be approved and consent granted, subject to compliance with the conditions set out in the Schedule of Conditions at **Attachment B**; and
- C. That those persons who made submissions be advised of Council's determination.

For the Motion:

Deputy Lord Mayor, Cr Clausen, Councillors Byrne, Duncan, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion:

Nil.

**Carried
unanimously**

ITEM-20 DAC 04/12/18 - DA2018/00879 - 854 HUNTER STREET NEWCASTLE WEST - MULTI STOREY CARPARK

MOTION

Moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Robinson

- A. That DA2018/00879 for erection of a multi-storey car park at 854 Hunter Street Newcastle West be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of the City of Newcastle's (CN) determination.

Councillor Mackenzie gave notice of a foreshadowed motion.

The motion moved by Deputy Lord Mayor, Cr Clausen, seconded by Cr Robinson was put to the meeting.

CITY OF NEWCASTLE

Development Applications Committee Meeting 19 March 2019

Page 9

For the Motion: Deputy Lord Mayor, Cr Clausen, Councillors Byrne, Duncan, Elliott, Luke, Robinson, Rufo, White, Winney-Baartz.

Against the Motion: Councillor Mackenzie.

Carried

ITEM-21 DAC 04/12/18 - DA2018/00709 - 21 ALMA ROAD NEW LAMBTON - DEMOLITION OF DWELLING AND OUTBUILDING ALTERATIONS AND ADDITIONS TO SHOPS ERECTION OF FOUR STOREY MIXED USE DEVELOPMENT AND TWENTY ONE LOT STRATA SUBDIVISION

MOTION

Moved by Cr Elliott, seconded by Cr Rufo

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP, against the development standard at Clause 4.3 Height of Buildings, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.3 and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2018/00709 for the demolition of a dwelling and outbuilding, alterations and additions to shops, erection of a four-storey mixed use development and 21 lot strata subdivision at 21-39 Alma Road New Lambton be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- C. That those persons who made submissions be advised of the City of Newcastle's (CN) determination.

For the Motion: Deputy Lord Mayor, Cr Clausen, Councillors Byrne, Duncan, Elliott, Luke, Robinson, Rufo, White and Winney-Baartz.

Against the Motion: Councillor Mackenzie.

Carried

Councillor Church did not return to the Chamber prior to the close of the meeting.

The meeting concluded at 7.22pm.

DEVELOPMENT APPLICATIONS

**ITEM-1 DAC 19/03/19 - DA2018/01097 2 AND 4A ROSE STREET
TIGHES HILL, THREE LOT INTO TWO LOT SUBDIVISION**

**APPLICANT: PIPER PLANNING
OWNER: STRAWBERRY JAM PTY LTD
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY,
PLANNING AND ASSESSMENT**

PART I

BACKGROUND

An application has been received seeking consent for subdivision of three lots into two lots at 2 and 4A Rose Street Tighes Hill.

The application is referred to the Development Applications Committee for determination, due to the proposed variation to the minimum subdivision lot size development standard of the Newcastle Local Environmental Plan 2012 (NLEP2012) being more than a 10% variation.

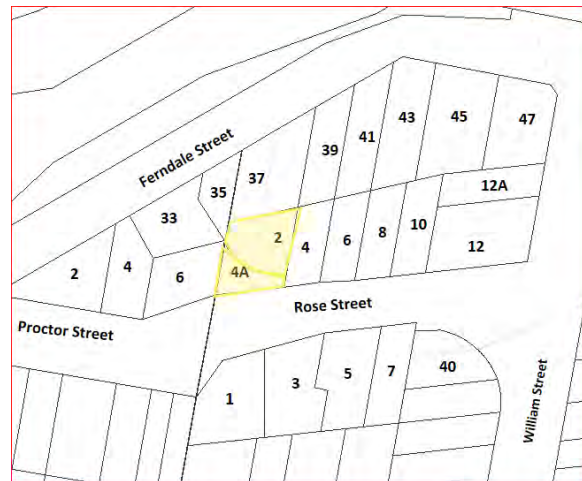
A copy of the plans for the proposed subdivision is included at **Attachment A**.

The proposed subdivision was publicly notified in accordance with the Newcastle Development Control Plan 2012 (NDCP2012) and one submission was received in response. The proposal was considered at a meeting of the Public Voice Committee on 19 February 2019.

The objector's concerns include:

- i) Size of proposed lots
- ii) Consistency with zone objectives
- iii) Consistency with local character
- iv) Amenity impacts from future developments

Details of the submissions received are summarised at Section 3.0 of Part II of this report and the concerns raised are addressed as part of the Planning Assessment at Section 5.0.



Subject Land: 2 and 4a Rose Street Tighes Hill

The proposal was considered at a meeting of the Public Voice Committee on 19 March 2019. The applicant for the proposal was present and made a presentation. The objector declined the opportunity to make a presentation to the Committee and was not in attendance.

Issues

- 1) Variation of minimum subdivision lot size development standard under the NLEP2012.

Conclusion

The proposed subdivision has been assessed having regard to the relevant heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is considered to be acceptable subject to compliance with appropriate conditions.

RECOMMENDATION

- A. That Council: resolves that the objection under Clause 4.6 Exceptions to Development Standards of the NLEP2012, against the development standard at Clause 4.1 minimum subdivision lot size, and considers the objection to be justified in the circumstances and to be consistent with the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out;
- B. That DA2018/01097 for three lot into two lot subdivision at No.2 and No.4A Rose Street Tighes Hill be approved and consent granted, subject to compliance with the conditions set out in the Schedule of Conditions at **Attachment B**; and
- C. That those persons who made submissions be advised of the determination of the application.

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?*

PART II

1.0 THE SUBJECT SITE

The subject site is located at No.2 and No.4A Rose Street Tighes Hill and is legally described as Lots 16 and 17 DP456376 (ie. No.2 Rose Street) and Lot 1 DP957027 (ie. No.4A Rose Street).

No.4A Rose Street is irregular in shape, originally created for infrastructure purposes (rail corridor spur) in the 1880s, with direct access to Rose Street. No.2 Rose Street is also irregular in shape and is land locked, having no direct public road access. No.2 Rose Street consists of two lots that would follow the typical subdivision pattern of the area, if it were not for the land at No.4A having been excised from them in the past.

The site is currently vacant of structures, with vegetation limited to small shrubs. The site is adjoined by land that contains dwellings.

Part of the site (primarily the western side of No.4A Rose Street) currently has the physical appearance of being part of the side and front yard space of the adjoining property at No.6 Rose Street.

2.0 THE PROPOSAL

The applicant seeks consent for a three lot into two lot torrens title subdivision. The proposed subdivision would create street frontages for the two lots of No.2 Rose Street. Access to a public road, for the two lots of No.2 Rose Street, is currently prevented by the location of the land known as No.4A Rose Street (a redundant former infrastructure development lot). The subdivision will provide for two regular shaped lots that match the subdivision pattern of the area and will allow for the future development of these lots.

The proposed development will create two vacant lots of land with proposed Lot 16 being 244m² and proposed Lot 17 being 216m².

Concurrent development applications for dwellings on each of the proposed new lots have been separately lodged.

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 the City of Newcastle's (CN) Public Notification Policy. One submission was received in response.

The concerns raised by the objector in respect of the proposed development are summarised as follows:

a) Statutory and Policy Issues

- i) Minimum Lot Size – the proposed subdivision does not comply with Clause 4.1 minimum subdivision lot size under the NLEP2012.
- ii) Zone Objectives – the proposed subdivision will provide for future development that is not consistent with R2 zone objectives.

b) Amenity Issues

- i) Overshadowing – the proposed subdivision will provide for future development that will result in a loss of solar access to adjoining properties.
- ii) Privacy – the proposed subdivision will provide for future development that will result in a loss of privacy to adjoining properties.

c) Design and Aesthetic Issues

- i) Character – the proposed subdivision will provide for future development that is inconsistent with the existing local character of the area.

The objector's concerns are addressed under the relevant matters for consideration in the following section of this report.

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 of the *Environmental Planning and Assessment Act 1979*, as detailed hereunder.

5.1 Provisions of any Environmental Planning Instrument

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 requires that where land is contaminated, CN must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

CN's records do not identify any past contaminating activities on the site. The form of the three current lots arose from a circa 1880s resumption of land that was

associated with an infrastructure development (rail corridor spur), however, it appears that the infrastructure development did not proceed.

The proposed subdivision is considered to be acceptable having regard to SEPP 55.

State Environmental Planning Policy (Coastal Management) 2018

The subject site is located within the coastal zone and is mapped as being within the coastal environment area. The proposed development is considered to be not likely to cause an increased risk of coastal hazards on the land or other land and is not likely to cause an adverse impact with regard to the specific impact considerations in relation to the coastal environment area.

Newcastle Local Environmental Plan 2012 (NLEP2012)

The following summarises an assessment of the proposal against the provisions of the NLEP2012 that are primarily relevant to the proposed development.

Clause 2.1 Land Use Zones

The subject site is zoned R2 Low Density Residential under the provisions of the NLEP2012, within which zone the proposed development is permissible with consent.

The proposed development is consistent with the objectives of the R2 Low Density Residential zone, which are:

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

The subdivision will provide for two regular shaped residential lots that are consistent with the subdivision pattern of the area, reverting to the arrangement that was in place before the land in No.4A Rose Street was resumed for infrastructure purposes in the 1880s.

Clause 2.6 Subdivision—Consent Requirements

The proposed subdivision is permissible with consent on all land to which NLEP2012 applies.

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 requires a minimum subdivision lot size of 400m². The proposed subdivision will result in two lots, both being under the nominated minimum lot size at 244m² (proposed lot 16) and 216m² (proposed lot 17), amounting to variations of 39% and 46% respectively.

The applicant has submitted a clause 4.6 variation request to this standard. Refer to discussion under Clause 4.6 Exceptions to Development Standards below.

Clause 4.6 Exceptions to Development Standards

The applicant has submitted a request for a variation to the minimum subdivision lot size (ie. Clause 4.1) under Clause 4.6 of the NLEP2012, as the proposed development proposes lots do not meet the minimum lot size of 400m².

Clause 4.6 of the NLEP2012 enables consent to be granted to a development even though the development would contravene a development standard. In assessing the proposal against the provisions of Clause 4.6, it is noted that:

1. Clause 4.1 is not expressly excluded from the operation of this clause; and
2. The applicant has submitted a written request for a variation to the development standard, seeking to demonstrate:
 - a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
 - b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant's request to vary the Development Standard includes the following extract:

"The proposal seeks to reinstate the original subdivision pattern, which was formerly eroded through attempts to create a spur in the rail corridor. That process was never fully realised and so the residue irregular parcels have sat redundant for a significant period of time. It has only been recently the ownership of all parcels has been consolidated, which now allows the lands to be returned to the original subdivision pattern. That form is entirely consistent to the surrounding subdivision pattern.

The submission is made as the proposed subdivision lot size, post consolidation, remains under the current minimum subdivision standard. Nothing within the consolidated form acts as an impediment to functional development of the lands. This application sits concurrently with proposals for single dwelling house forms and so Council has the capacity to review the suitability of the lot size concurrently to this application. The point being is that the lands can clearly be developed consistent to NLEP2012 and NDGP2012 provisions despite the limited lot size. This is best illustrated by the existing

surrounding developments that occur on lot sizes similar to that of the subject lands (post consolidation)."

An assessment of the request has been undertaken and it is considered that:

- a) It adequately addresses the matters required to be demonstrated by Clause 4.6(3);
- b) 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;
- c) The Secretary's concurrence to the exception to the subdivision minimum lot size, as required by Clause 4.6(4)(b) of the NLEP2012, is assumed, as per Department of Planning Circular PS 18-003 of 21 February 2018; and
- d) The proposed development is not within a zone that is excluded by the operation of Clause 4.6(6).

It is considered that the development adequately addresses the matters required to be demonstrated by Clause 4.6. The proposed subdivision is consistent with the existing subdivision pattern of the area and will enable land at No. 2 Rose Street to achieve direct access to a public road (ie. the land is currently land locked). In addition, the proposed development is considered to be in the public interest, meeting the standards and objectives for development within the R2 Low Density Residential zone. Concurrent development applications for dwellings have been lodged, demonstrating that dwellings can be achieved on the proposed new lots that address the objectives of Section 3.02 Single Dwellings and Ancillary Development of the NDCP2012.

For the reasons outlined above, strict compliance with the subdivision minimum lot size of 400m² is considered unreasonable.

Clause 6.1 – Acid Sulfate Soils

The site is affected by Class 4 acid sulphate soils. The proposed development is considered satisfactory in this regard as there are no earthworks proposed.

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 2012 (NDCP2012)

The main planning requirements of relevance in the NDCP2012 are discussed below.

Subdivision - Section 3.01

3.01.01 Site Analysis

The submitted plans identify the constraints of the site, including its slope, vegetation and adjoining built form.

The proposed subdivision plan is considered to respond appropriately resulting in a sustainable planning outcome. Concurrent applications that have been lodged, for dwellings on the proposed lots, demonstrate that the proposed lots can adequately accommodate future development.

3.01.02 Subdivision Design

The proposed lots have solar access that is suitable for future development of the land.

The proposed lots have access to services that will be required in connection with the future development of the land.

3.01.03 Lot Layout, Sizes and Dimensions

The proposed subdivision is considered satisfactory in relation to lot layout, sizes and dimensions.

Though the proposed lots are under the nominated subdivision minimum lot size of 400m², and do not meet the minimum 15m frontage, the proposed lots are consistent with the existing subdivision pattern of the area, with similar lots historically having been developed for dwelling houses. In addition, concurrent applications have been lodged for dwellings on the proposed lots, demonstrating that the proposed lots can adequately accommodate future development.

The proposed subdivision will provide for direct access to a public road, allowing for future dwellings to be orientated towards the street.

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.

Stormwater- Section 7.06

The sites slope to the street and it is considered that future development can meet controls relating to stormwater management.

Public Participation - Section 8.0

The proposal was notified to neighbouring properties for 14 days in accordance with the provisions of the NDCP2012. One submission objecting to the proposal was received.

Comments on the submission are provided in Section 5.8 below.

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 Regulation 2000.

No Coastal Management Plan applies to the site or the proposed development.

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 on the natural and built environment have been discussed in this report in the context of relevant policy, including the NLEP2012 and NDCP2012 considerations. It is considered that the proposed development will not have any undue adverse impact on the natural or built environment.

It is considered that the proposal will not have any negative social or economic impacts.

5.7 The Suitability of the Site for the Development

The site is within a proclaimed 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.

5.8 Any Submissions Made in Accordance with this Act or the Regulations

The application was notified in accordance with the NDCP2012 for a period of 14 days. One submission was received during the notification period. The following table provides a summary of the issues raised in the objection and a response to those issues.

Issue	Comment
Lot size	The proposed lots are consistent with the existing subdivision pattern of the area. The proposal reverses a circa 1880s resumption of land, associated with an infrastructure development that appears to have not proceeded.
Consistency with R2 zone objectives	The proposal is considered to meet the objectives of the zone, by providing for the housing needs of the community within a low density residential environment, consistent with the historic subdivision pattern of the area.
Amenity issues – solar access and privacy	It is noted that concurrent development applications for dwelling houses have been lodged and are currently under assessment. Impacts on privacy and solar access are being considered as part of the assessment of the proposed dwelling houses.
Inconsistent with local character	As noted above, the proposed lots are consistent with the historic subdivision pattern. Applications for dwelling houses on the proposed lots have been lodged and are considered to be consistent with the residential character of the area.

The proposal was considered at a meeting of the Public Voice Committee on 19 February 2019. The applicants made a presentation to the Public Voice Committee outlining that the proposed subdivision was not in accordance with the subdivision standards, however it is consistent with the historic subdivision pattern. The objector declined the opportunity to make a presentation to the Committee and was not in attendance.

5.9 The Public Interest

The proposal is consistent with the CN’s urban consolidation objectives, making more efficient use of the established public infrastructure and services.

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

The development is in the public interest and will allow for the orderly and economic development of the site.

6.0 CONCLUSION

The proposal is acceptable against the relevant heads of consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* and is supported on the basis that the recommended conditions in **Attachment B** are included in any consent issued.

ATTACHMENTS

Attachment A: Submitted Plans - Under Separate Cover - 2 and 4A Rose Street Tighes Hill

Attachment B: Schedule of Conditions and reasons for the determination and consideration of community views - 2 and 4A Rose Street Tighes Hill

Attachment C: Processing Chronology - 2 and 4 Rose Street Tighes Hill

Attachment A - Submitted Plans Under Separate Cover - 2 and 4A Rose Street Tighes Hill

Attachment B

SCHEDULE OF CONDITIONS



Application No: DA2018/01097

Land: Lot 16 DP456376
Lot 17 DP456376
Lot 1 DP957027

Property Address: 2 Rose Street Tighes Hill NSW 2297
4A Rose Street Tighes Hill NSW 2297

Proposed Development: Three lot into two lot Subdivision

SCHEDULE 1

APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Subdivision Plan	Surveyors Ref: B1 488-2	John Charles Sorby	31/7/2018
Statement of Environmental Effects		Piper Planning	23/8/2018

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, the Administration Sheet and a Section 50 Certificate from the Hunter Water Corporation.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

- The premises are allocated the following street addresses in accordance with *Council's House Numbering Policy* and the *Surveying and Spatial Regulation*.

Unit/ dwelling number on plan	Council allocated street address/es			
	Street number	Street name	Street type	Suburb
17	2	Rose	Street	Tighes Hill
16	2A	Rose	Street	Tighes Hill

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* 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 form for the site and the character of the locality.
- The proposed development 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 in the public interest.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

- Confirm and clarify the terms of Council's determination; and
- Provide for the ongoing management of the development.

Attachment C

THE CITY OF NEWCASTLE
Report to Development Applications Committee Meeting on 19 March 2019

PROCESSING CHRONOLOGY

DA 2018/01097 – 2 & 4A Rose Street Tighes Hill

3 October 2018	Application lodged
4 October 2018	Public notification
23 October 2018	Request to applicant for additional information
24 October 2018	Response from applicant
19 February 2019	Proposal considered at meeting of Public Voice Committee

89J9@CDA9BH'5DD@75HCB'7CAA#H99'A99HB;

19 March 2019

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

Attachment A - Plans DA2018/01097 – 2 & 4A Rose Street Tighes Hill
Three lot into two lot subdivision

DISTRIBUTED UNDER SEPARATE COVER

MARK	MGA COORDINATES		CLASS	ORDER	METHOD	STATE
	EASTING	NORTHING				
SSM103575	383 401.455	6 358 551.875	B	2	FROM SCIMS	FOUND
SSM128577	383 235.516	6 358 631.652	B	2	FROM SCIMS	FOUND
SSM128578	383 372.543	6 358 708.272	B	2	FROM SCIMS	FOUND

MGA DATUM: GDA94 DATE OF SCIMS COORDINATES: 09/02/2018
 MGA ZONE: 56 COMBINED SCALE FACTOR: 0.999 763

"DRAFT"

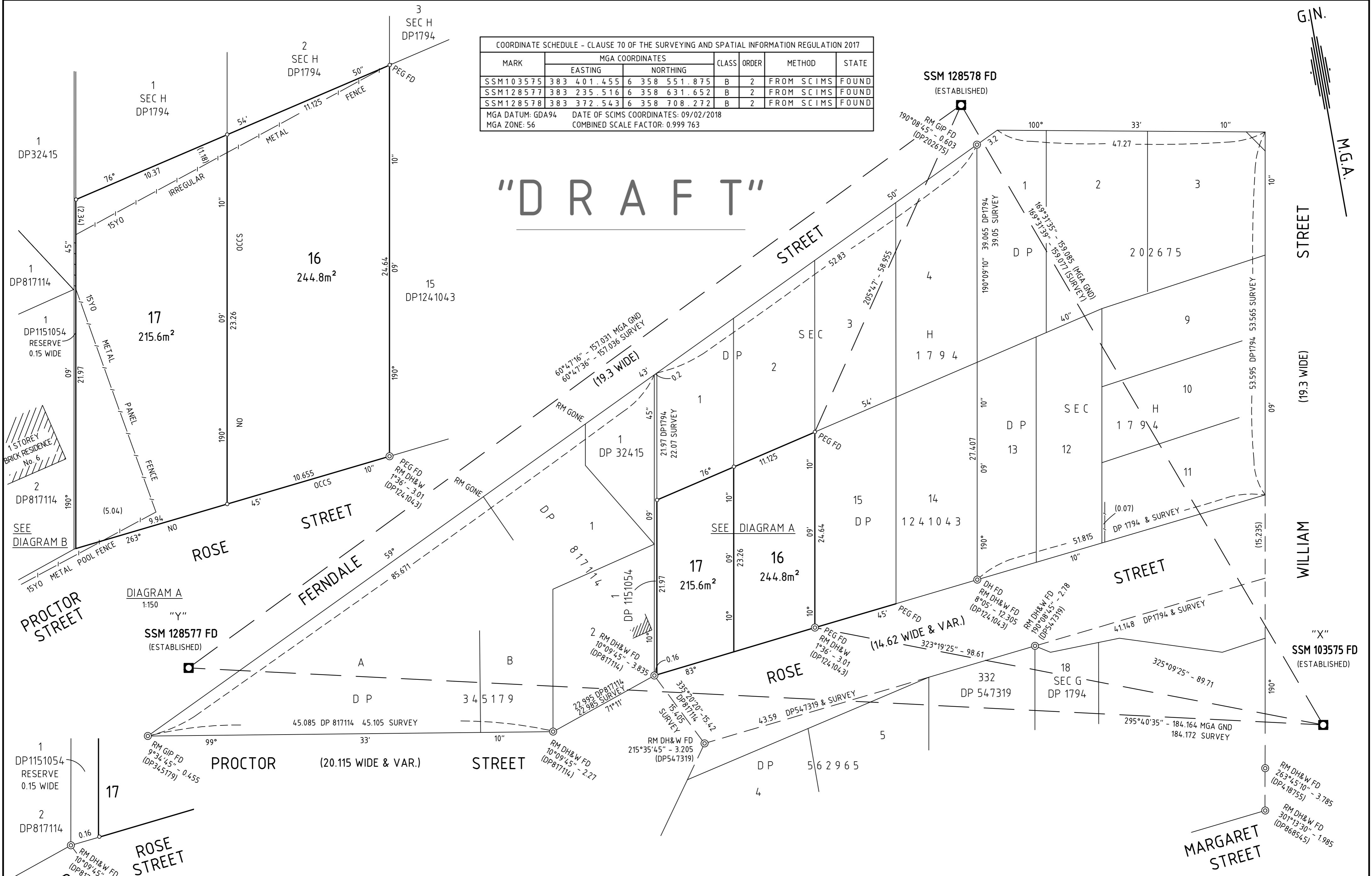


DIAGRAM A
1:150

SSM 128577 FD
(ESTABLISHED)

DIAGRAM B
NTS

Surveyor: JOHN CHARLES SORBY
 Date of Survey: 31 JULY 2018
 Surveyor's Ref: B1488-2

PLAN OF SUBDIVISION OF LOTS 16 AND 17 IN DP467376
 AND LOT 1 IN DP957027

LGA: NEWCASTLE
 Locality: TIGHE'S HILL
 Subdivision No:
 Lengths are in metres. Reduction Ratio 1:300

Registered

DP