



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 26 WOODWARD STREET MEREWETHER –
DA2022/00382 AND DUAL OCCUPANCY – INCLUDES DEMOLITION
AND SUBDIVISION (2 LOTS) TORRENS TITLE**

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PAGE 64	ITEM-25	Attachment E:	Clause 4.6 variation request

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**DAC 06/12/22 – 26 WOODWARD STREET MEREWETHER –
DA2022/00382 AND DUAL OCCUPANCY – INCLUDES DEMOLITION
AND SUBDIVISION (2 LOTS) TORRENS TITLE**

ITEM-25 Attachment A: Submitted Plans

DISTRIBUTED UNDER SEPARATE COVER



Woodward Street Dual Occupancy

Council Submission

Project Location:
26 Woodward Street Merewether 2291

Client:
Nicole & Stephen
Drawing Catalogue: (Survey By Others)

DA-000	Cover Page
DA-001	Site Analysis Plan
DA-002	Site Plan
DA-003	Site Coverage
DA-004	Perspectives
DA-005	Perspectives
DA-100	Dwelling One Plans
DA-101	Dwelling One Plans
DA-102	Dwelling Two Plans
DA-103	Dwelling Two Plans
DA-104	Dwelling Two Plans
DA-105	Dwelling Two Plans
DA-300	Elevations
DA-301	Elevations
DA-302	Elevations
DA-303	Elevations
DA-304	Elevations
DA-305	Elevations - Street
DA-400	Sections
DA-401	Sections
DA-402	Sections
DA-500	Shadow Diagrams - JUN 21st
DA-501	Shadow Diagrams - JUN 21st
DA-502	Shadow Diagrams - DEC 21st
DA-503	Perspective Shadow Diagrams
DA-504	Perspective Shadow Diagrams
DA-505	Perspective Shadow Diagrams
DA-506	Perspective Shadow Diagrams
DA-700	BASIX
DA-800	Area Schedules



SUBJECT SITE - NTS



LOCATION - NTS

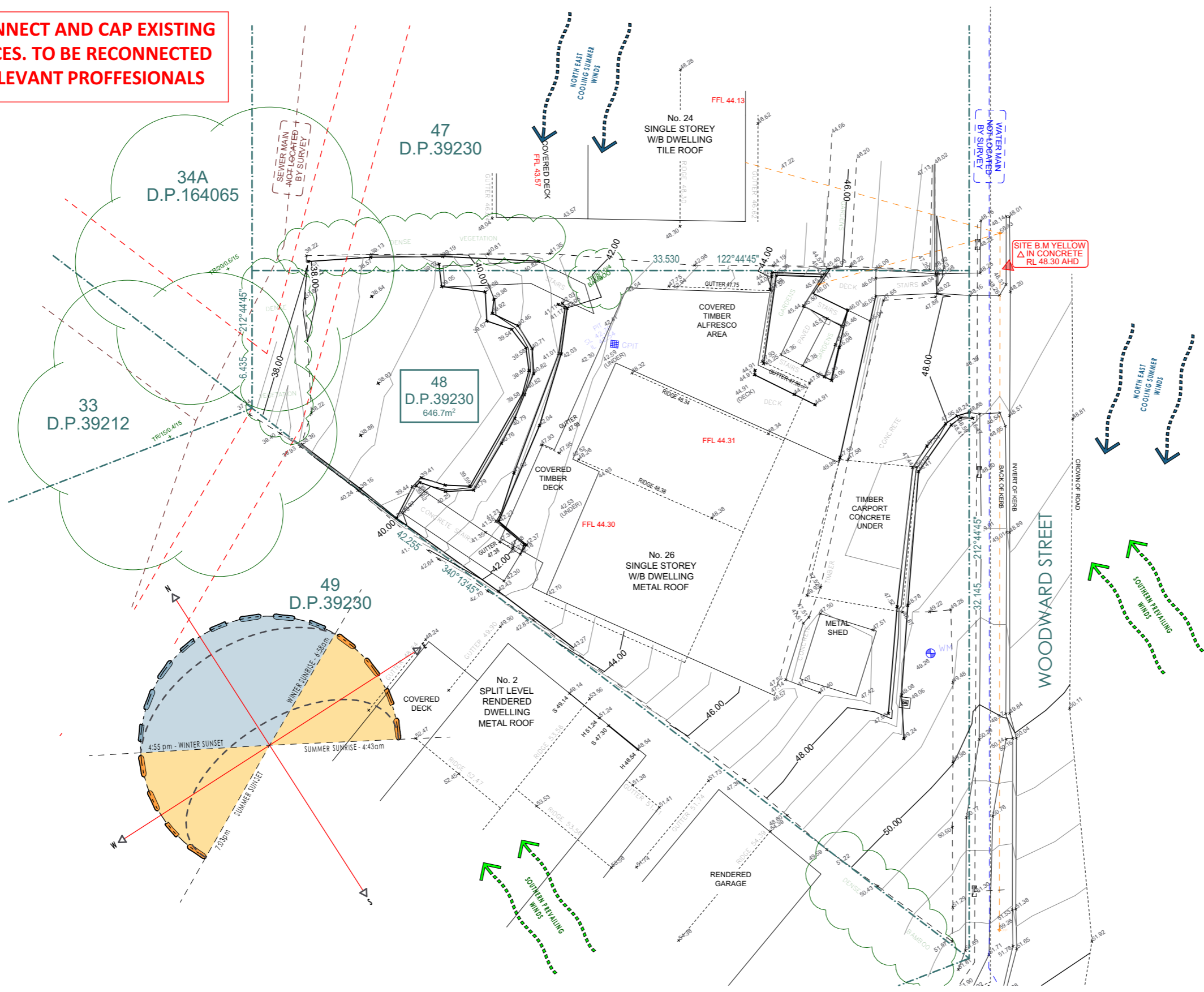
Site Information

Client	Nicole & Stephen
Site Address	26 Woodward Street Merewether 2291 Sec -, Lot 48, DP 39230, SP -
LGA	Newcastle
Land Zoning	R2
Precinct	Limited
FSR/Site Coverage	0.6
Maximum Height	8.5
Flood Area	no
Mine Subsidence Area	Yes
Bushfire Area	no
Heritage Area	no



e : joel@shadedesign.net.au
m : 0412 879 643

DISCONNECT AND CAP EXISTING SERVICES. TO BE RECONNECTED BY RELEVANT PROFESSIONALS



LEGEND

SOUTHERN PREVAILING WINDS

NORTH EAST COOLING SUMMER WINDS

ANALYSIS NOTE

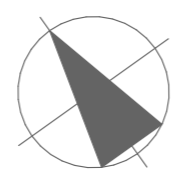
NOISE ANALYSIS

VIEW ANALYSIS

W-01	SITE ANALYSIS
1:200	

Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen

0007170250 28 Mar 2022
 Assessor Joseph Lorrman
 Accreditation No. DMN161742
 Address
 26 Woodward Street,
 MEREWETHER, NSW, 2291
 hstar.com.au



Drawing
 Site Analysis Plan

Drawing No.
 DA-001

Project Number
 2168

Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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LEGEND

Site Area	646m²
Floor Area (GFA)	
Dwelling 01	180m ²
Dwelling 02	191m ²
Total Floor Area (GFA)	371m²
Floor Space Ratio (Max 0.6 = 387m ²)	0.57:1
R2 - Limited Growth	
landscape Area (30% Min Req. = 193m ²)	263m² 40%
Deep Soil Area (15% Min Req. = 96m ²)	150m² 15%

STORMWATER

PLEASE REFER TO CONSULTING ENGINEERS DRAWINGS FOR STORMWATER DETAILS AS REQUIRED

-  CALCULATED LANDSCAPED AREAS
-  DEEP SOIL AREAS
-  PRICIPLE PRIVATE OPEN SPACE
-  BUILDING FOOTPRINT

NOTES

VERTICAL CONTROL JOINTS INDICATIVE ONLY LOCATED IN ALL EXTERNAL WALLS 5000-6000mm CTS MAX AS PER ENGINEERS SPECIFICATIONS (BUILDER TO CONFIRM LOCATIONS)

DOWNPIPE POSITIONS ARE INDICATIVE ONLY, POSITION OF DOWNPipes TO BE CONFIRMED BY BUILDER.

NOTES:

- BUILDER TO CONFIRM LEVELS AND DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ANY DISCREPANCIES ARE TO BE REPORTED TO THE BUILDING DESIGNER BEFORE CONSTRUCTION.
- USE FIGURED DIMENSIONS ONLY. **DO NOT** SCALE FROM DRAWINGS
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EXISTING VEHICLE CROSSING TO BE REMOVED AND KERB REINSTATED TO COUNCIL REQUIREMENTS

PROPOSED VEHICLE CROSSING TO CURRENT COUNCIL REQUIREMENTS

PROPOSED VEHICLE CROSSING TO CURRENT COUNCIL REQUIREMENTS

SELECTED 1200mm HIGH DECORATIVE BLOCKWORK FENCE FORWARD OF THE BUILDING LINE

SELECTED 1200mm HIGH DECORATIVE FENCE FORWARD OF THE BUILDING LINE

NOTES:

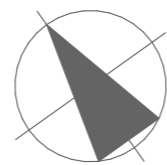
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- ANY SITE/SURVEY DISCREPANCIES ARE TO BE REPORTED TO SHADE DESIGN NEWCASTLE PTY LTD IMMEDIATLY

SURVEY BY OTHERS



1:200	Site Plan
-------	-----------

Project
Woodward Street
Dual Occupancy
26 Woodward Street Merewether 2291
Client
Nicole & Stephen



Drawing
Site Plan

Drawing No.
DA-002

Project Number
2168

Scale
As Shown @ A3

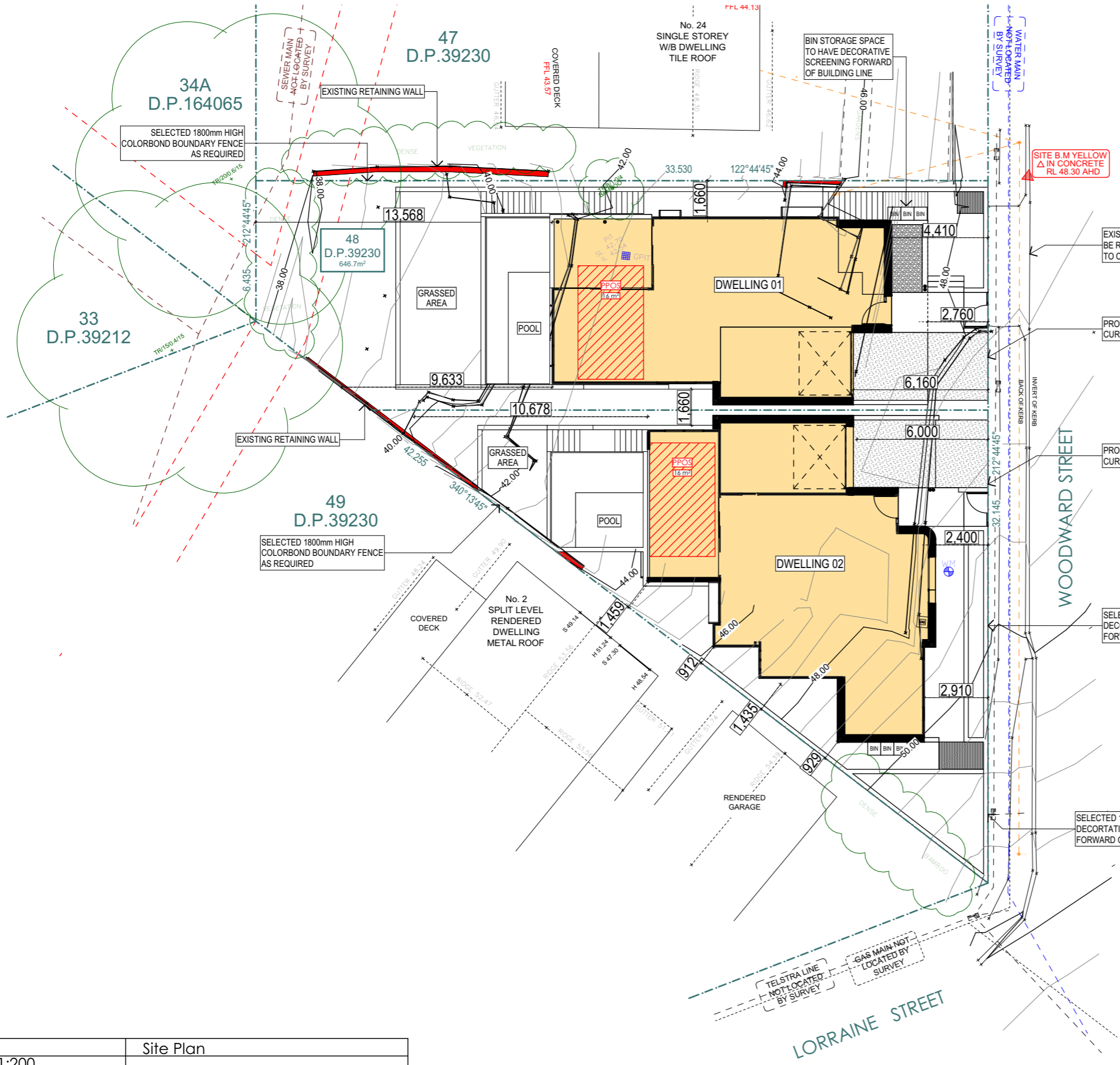
Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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LORRAINE STREET





WOODWARD STREET

LEGEND

Site Area	646m²
Floor Area (GFA)	
Dwelling 01	180m ²
Dwelling 02	191m ²
Total Floor Area (GFA)	371m²
Floor Space Ratio (Max 0.6 = 387m ²)	0.57:1
R2 - Limited Growth	
landscape Area (30% Min Req. = 193m ²)	263m² 40%
Deep Soil Area (15% Min Req. = 96m ²)	150m² 15%

STORMWATER

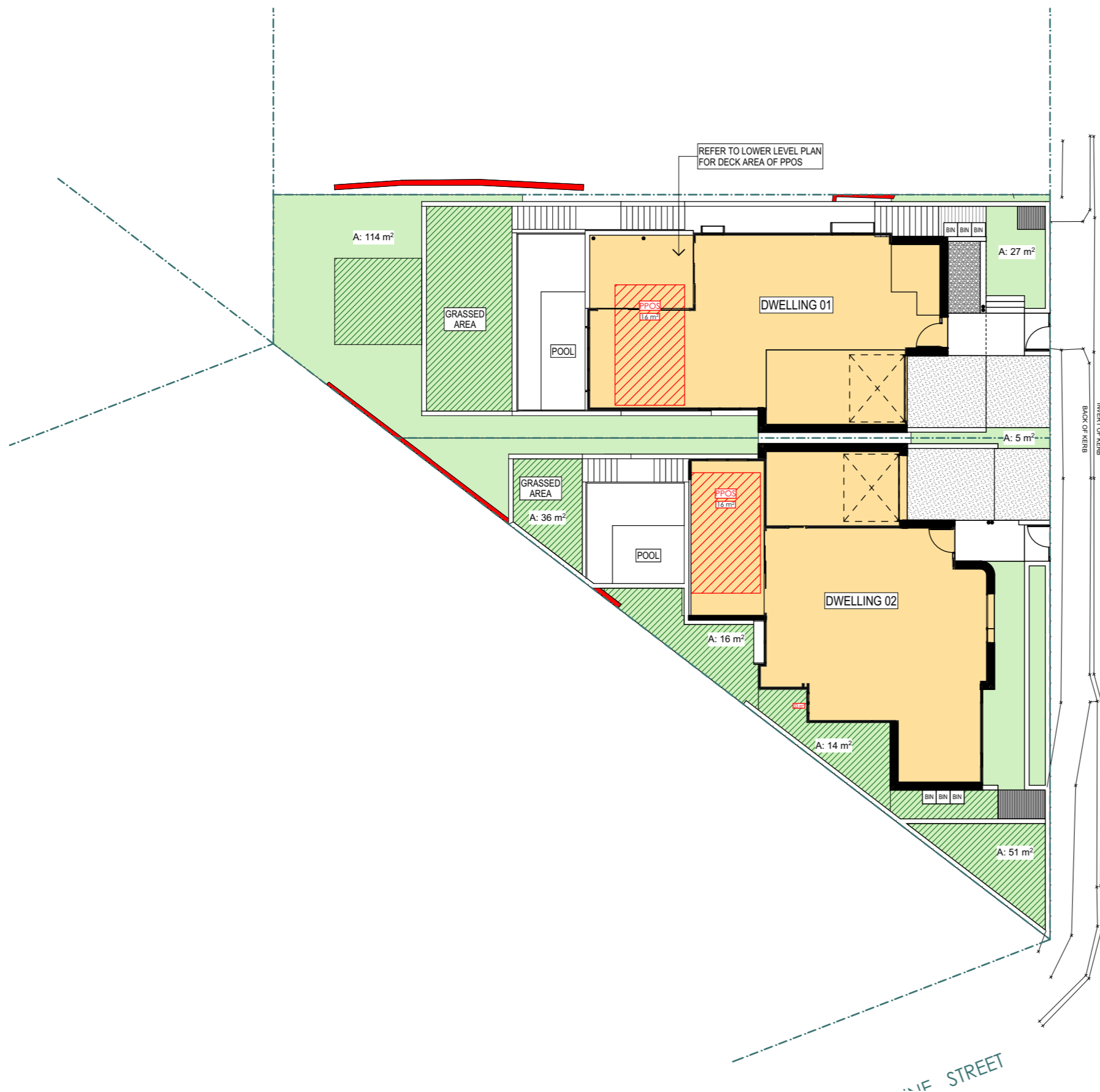
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SURVEY BY OTHERS



1:200	Site Coverage
-------	---------------

Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Site Coverage
Drawing No.
 DA-003

Project Number
 2168
Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
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ARTISTS IMPRESSION

Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Perspectives

Drawing No.
 DA-004

Project Number
 2168

Scale
 As Shown @ A3

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A	Council Submission	28.03.22
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Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Perspectives
 Drawing No.
 DA-005

Project Number
 2168
 Scale
 As Shown @ A3

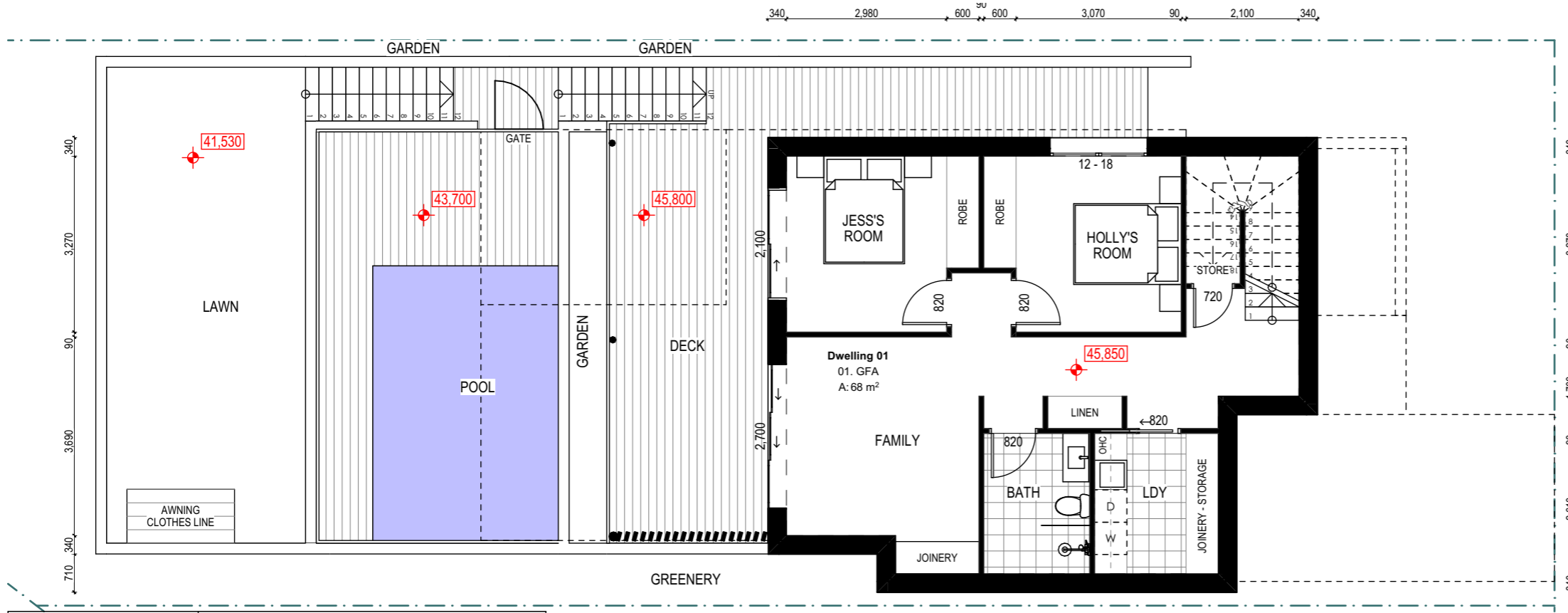
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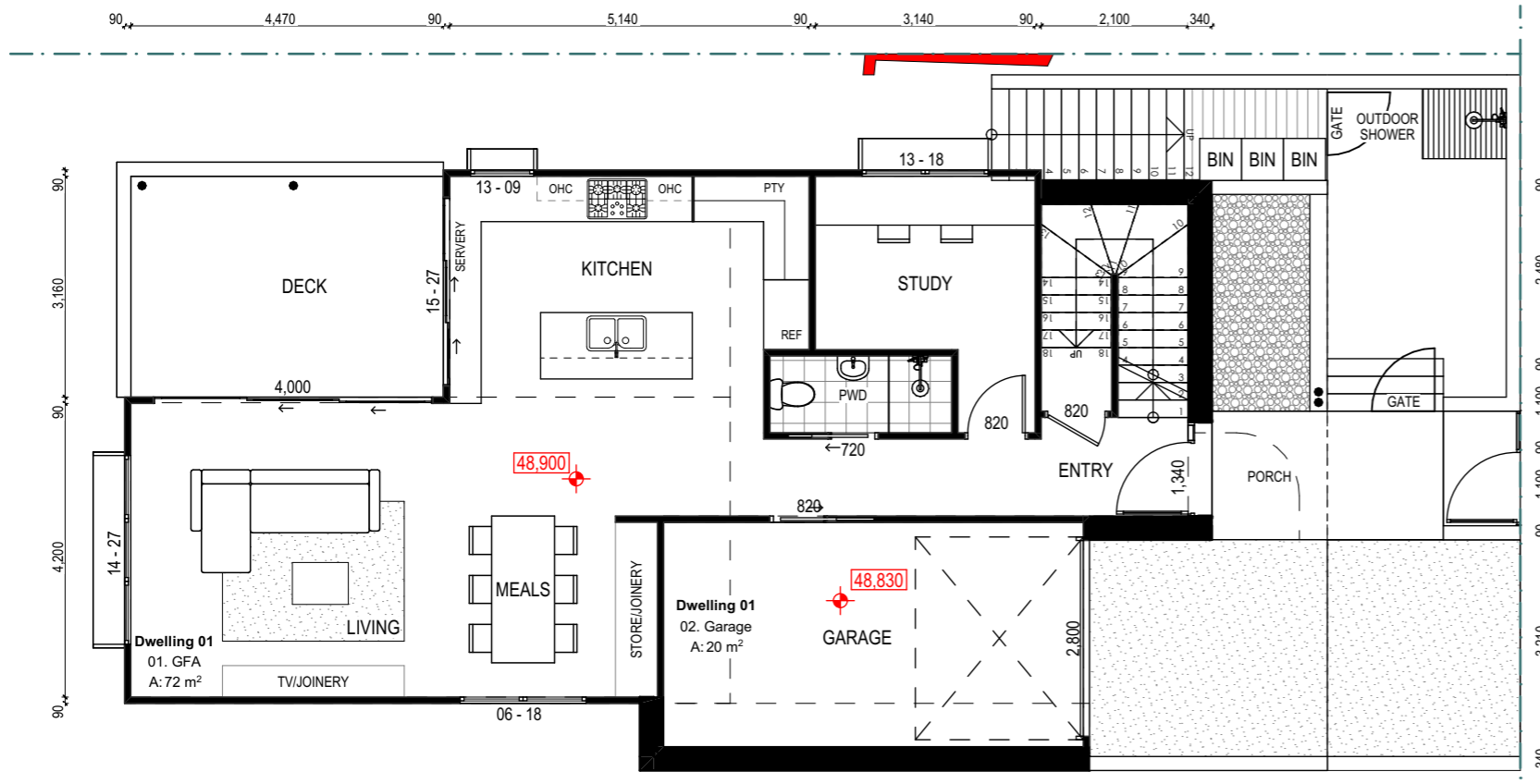


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1:100 Dwelling One - Lower Floor Plan

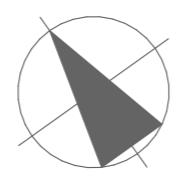


1:100 Dwelling One - Lower Floor Plan

CONFIRM BUILDING DIMENSIONS PRIOR TO & DURING CONSTRUCTION

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Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Dwelling One Plans
Drawing No.
 DA-100

Project Number
 2168
Scale
 As Shown @ A3

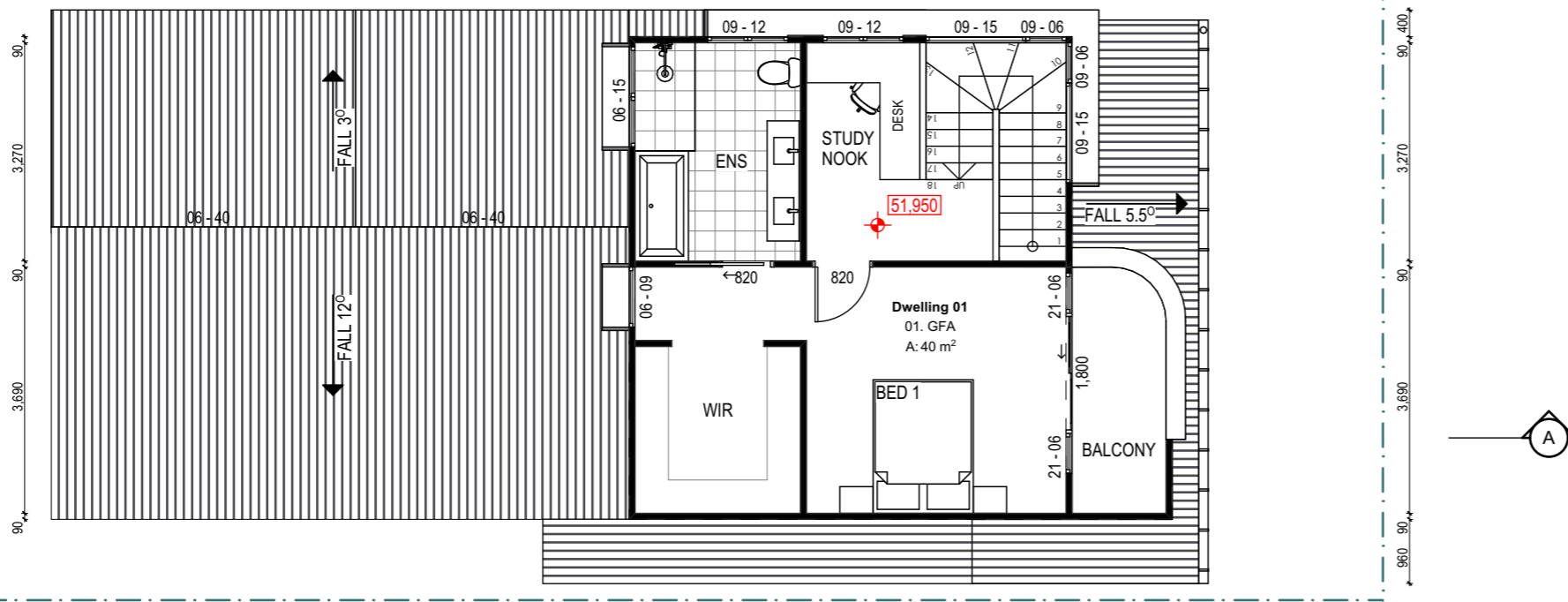
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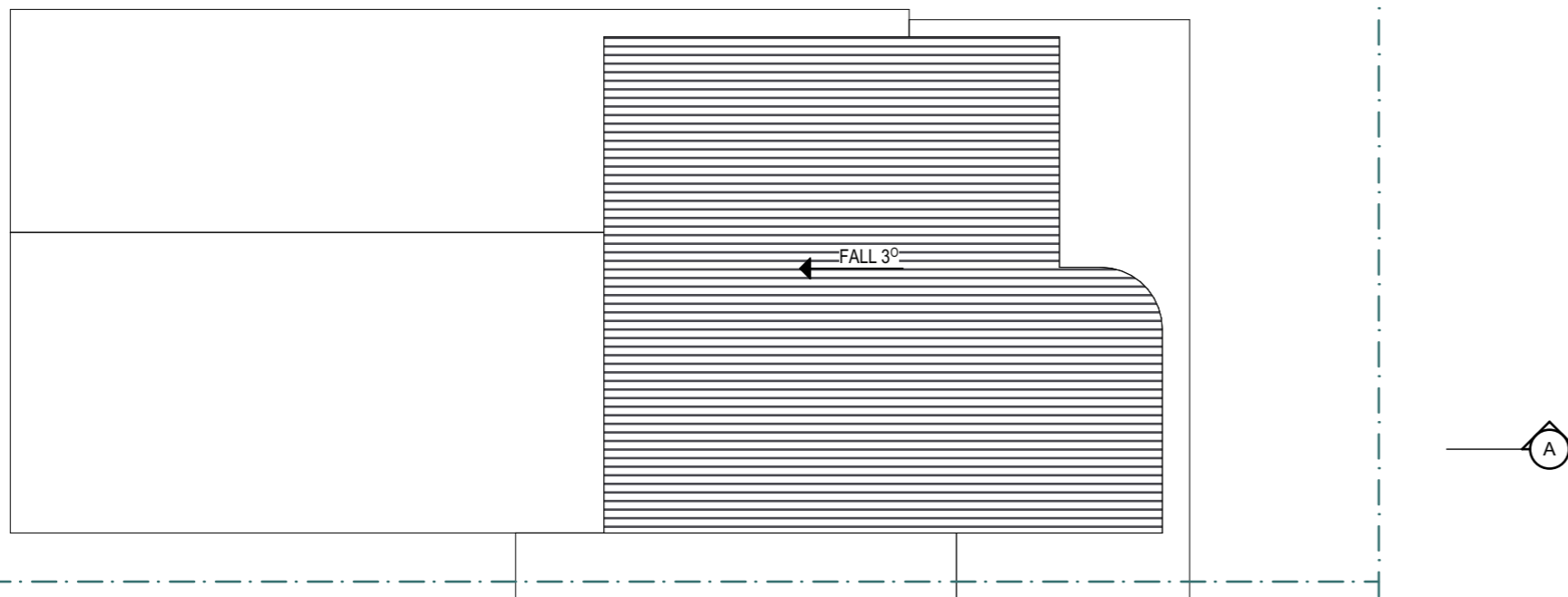


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90 2,480 90 1,700 90 2,100 90 1,500 200 200



1:100	Dwelling One - First Floor Plan
-------	---------------------------------



1:100	Dwelling One - Roof Plan
-------	--------------------------

CONFIRM BUILDING DIMENSIONS PRIOR TO & DURING CONSTRUCTION

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Project
Woodward Street
Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Dwelling One Plans

Drawing No.
 DA-101

Project Number
 2168

Scale
 As Shown @ A3

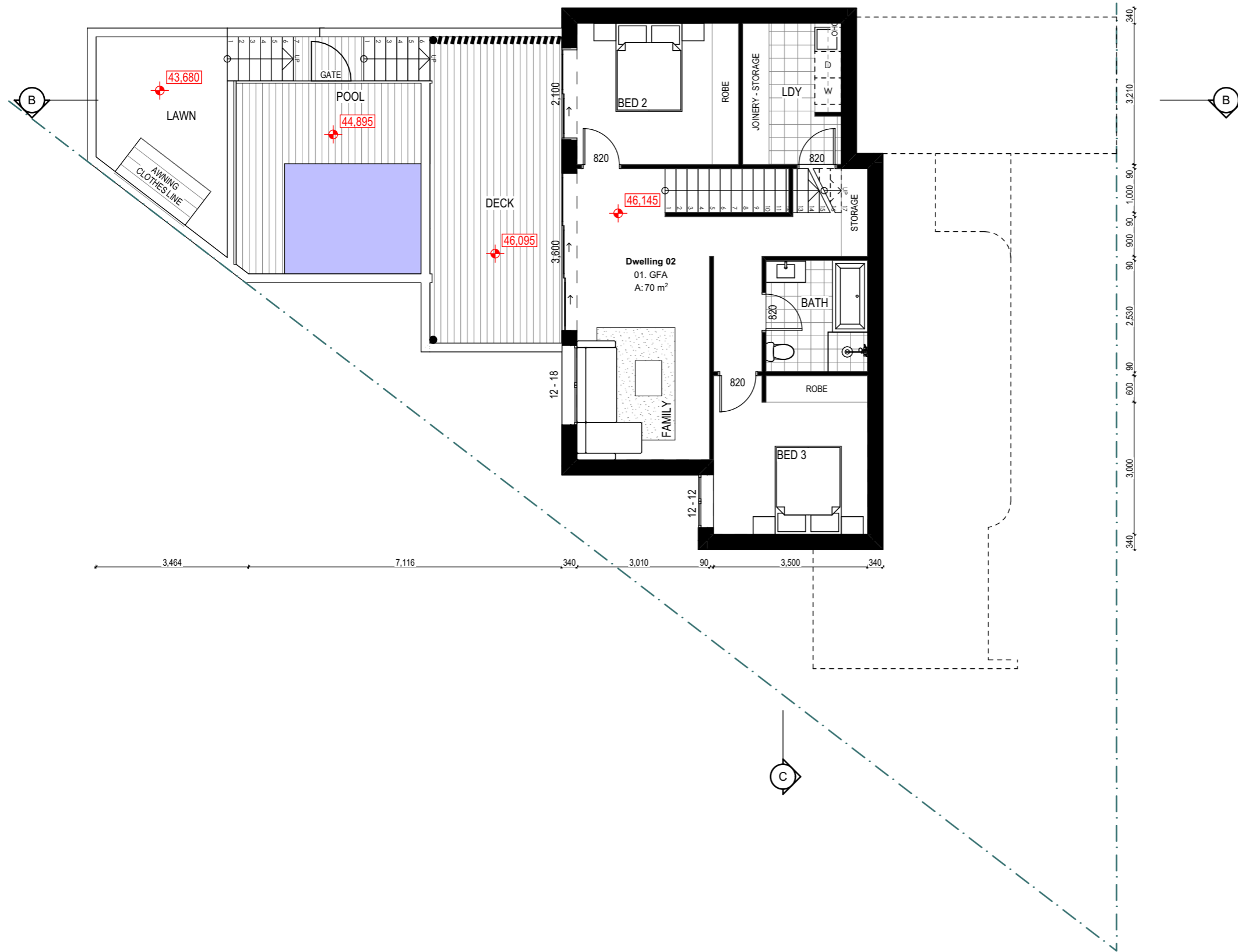
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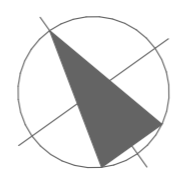


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1:100	Dwelling Two - Lower Floor Plan
-------	---------------------------------

Project
Woodward Street
Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Dwelling Two Plans

Drawing No.
 DA-102

Project Number
 2168

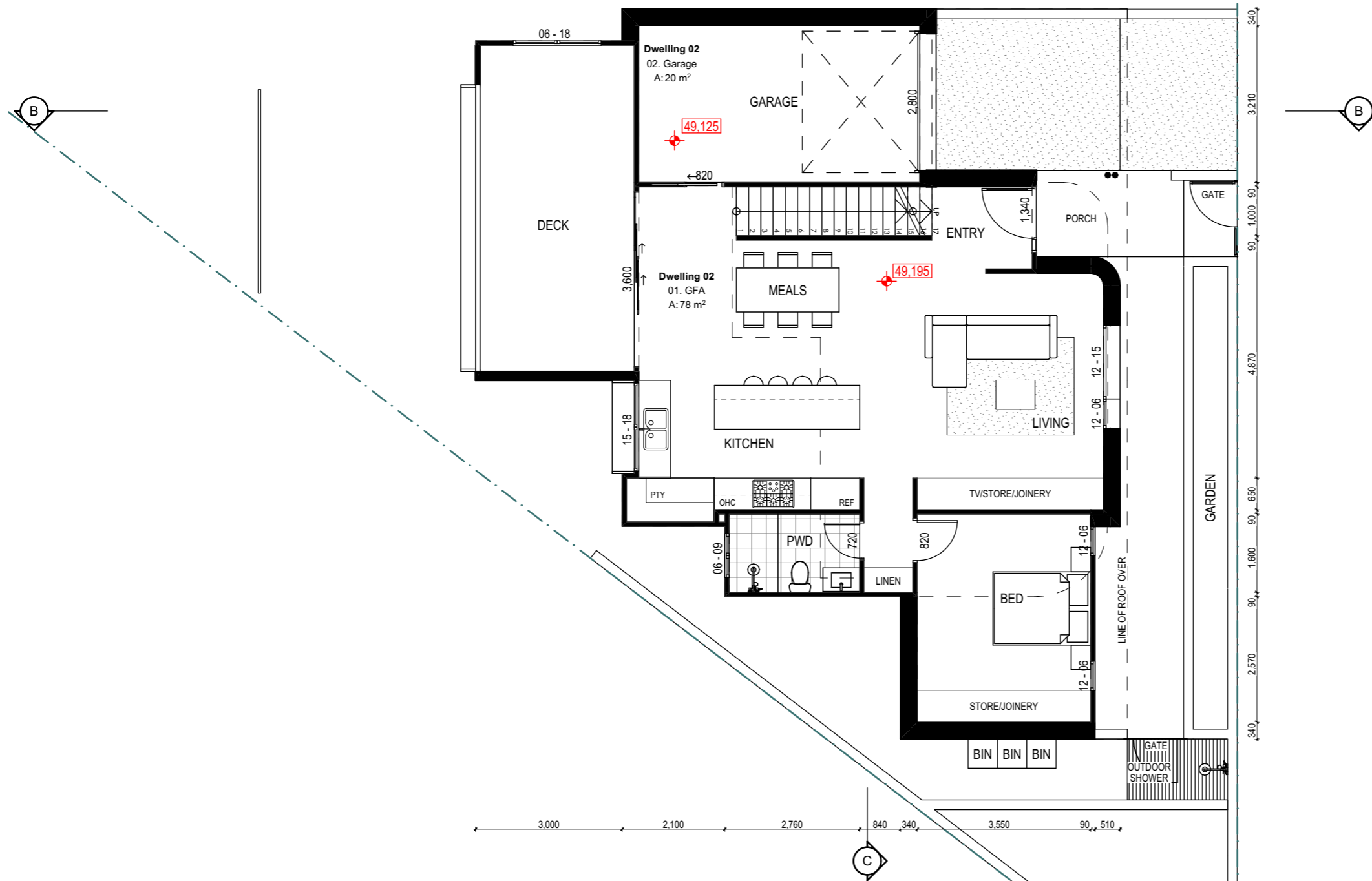
Scale
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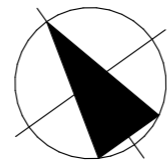


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1:100	Dwelling Two - Ground Floor Plan
-------	----------------------------------

Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Dwelling Two Plans

Drawing No.
 DA-103

Project Number
 2168

Scale
 As Shown @ A3

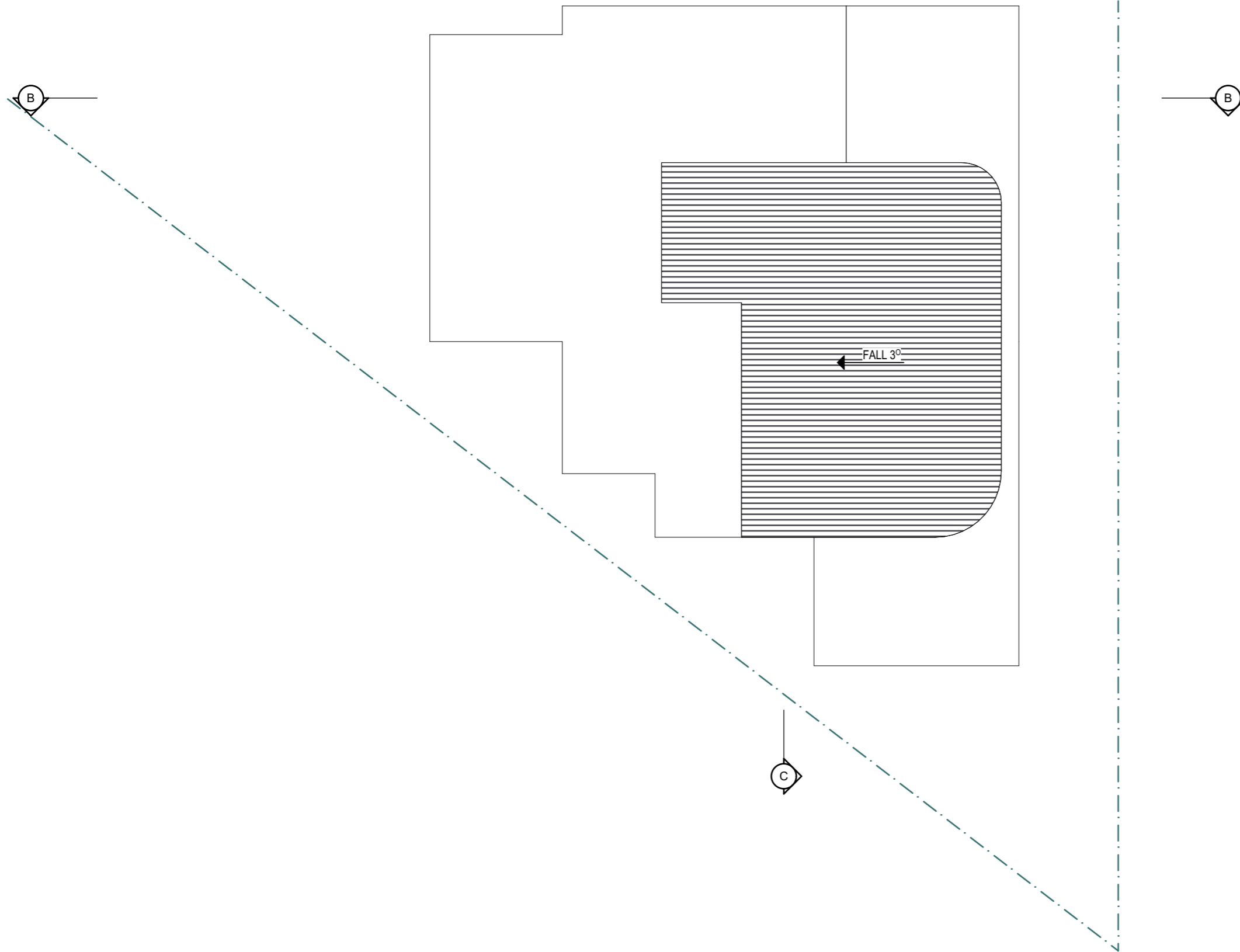
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1:100	Dwelling Two - Roof Plan
-------	--------------------------

Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Dwelling Two Plans

Drawing No.
 DA-105

Project Number
 2168

Scale
 As Shown @ A3






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LEGEND

-  SELECTED COLORBOND CUSTOM ORB METAL ROOF SHEETING
-  SELECTED APPLIED FINISH
-  SELECTED FACE BRICKWORK
-  SELECTED HORIZONTAL WALL CLADDING
-  SELECTED LIGHTWEIGHT VERTICAL WALL CLADDING

NOTES

VERTICAL CONTROL JOINTS INDICATIVE ONLY LOCATED IN ALL EXTERNAL WALLS 5000-6000mm CTS MAX AS PER ENGINEERS SPECIFICATIONS (BUILDER TO CONFIRM LOCATIONS)

DOWNPIPE POSITIONS ARE INDICATIVE ONLY. POSITION OF DOWNPIPES TO BE CONFIRMED BY BUILDER.



E-01 SOUTH EAST ELEVATION
1:100

CONFIRM BUILDING DIMENSIONS PRIOR TO & DURING CONSTRUCTION

- NOTES:**
- BUILDER TO CONFIRM LEVELS AND DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ANY DISCREPANCIES ARE TO BE REPORTED TO THE BUILDING DESIGNER BEFORE CONSTRUCTION.
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Project
Woodward Street
Dual Occupancy
26 Woodward Street Merewether 2291
Client
Nicole & Stephen



Drawing
Elevations

Drawing No.
DA-300

Project Number
2168

Scale
As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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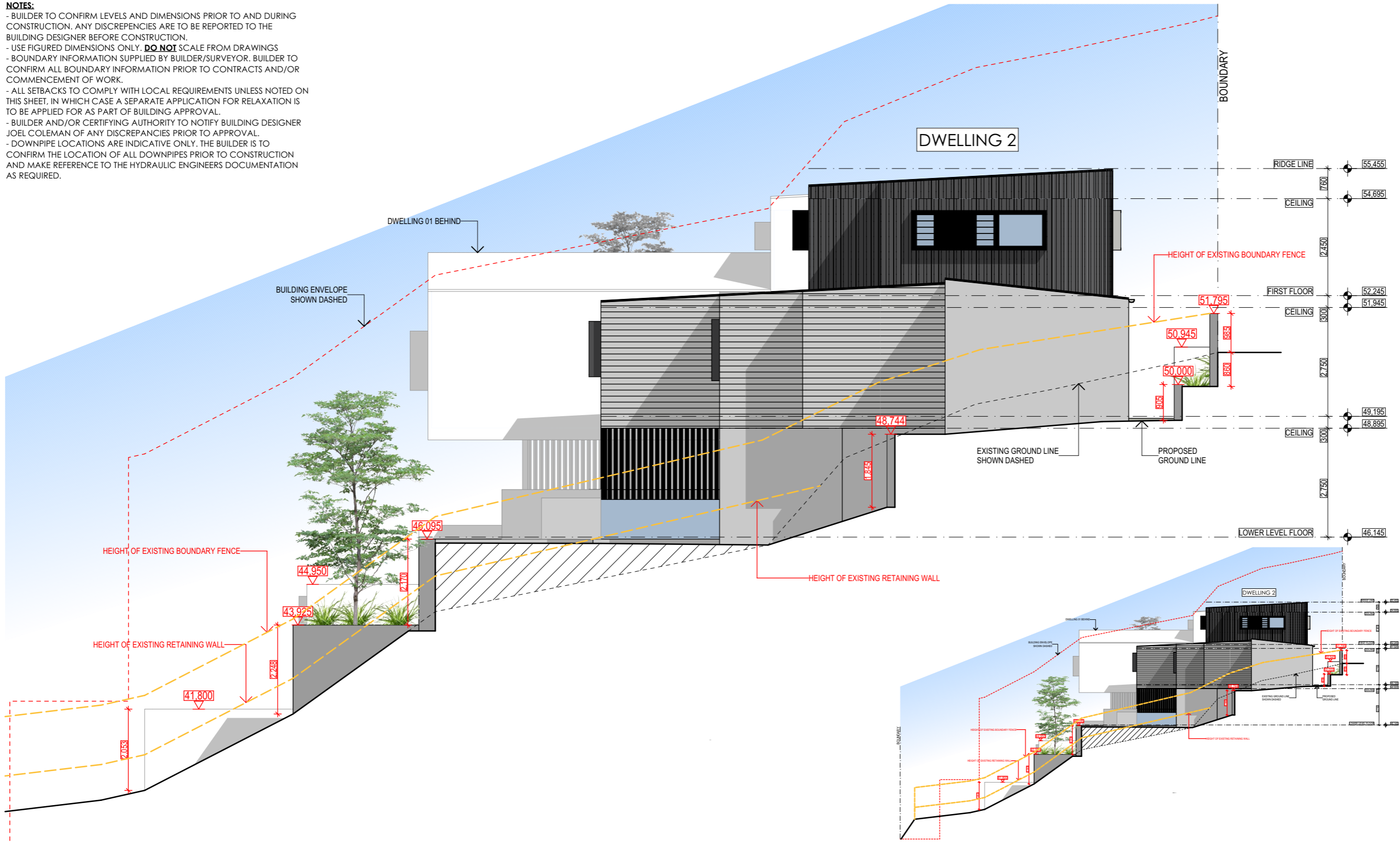
e : joel@shadedesign.net.au
m : 0412 879 643

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E-02 SOUTH WEST ELEVATION
1:100

E-02 OVERALL SOUTH WEST ELEVATION
1:300

LEGEND

- [Pattern] SELECTED COLORBOND CUSTOM ORB METAL ROOF SHEETING
- [Pattern] SELECTED APPLIED FINISH
- [Pattern] SELECTED FACE BRICKWORK
- [Pattern] SELECTED HORIZONTAL WALL CLADDING
- [Pattern] SELECTED LIGHTWEIGHT VERTICAL WALL CLADDING

NOTES

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Project
Woodward Street
Dual Occupancy
26 Woodward Street Merewether 2291
Client
Nicole & Stephen



Drawing
Elevations

Drawing No.
DA-301

Project Number
2168

Scale
As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22






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CONFIRM BUILDING DIMENSIONS PRIOR TO & DURING CONSTRUCTION

LEGEND

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-  SELECTED FACE BRICKWORK
-  SELECTED HORIZONTAL WALL CLADDING
-  SELECTED LIGHTWEIGHT VERTICAL WALL CLADDING

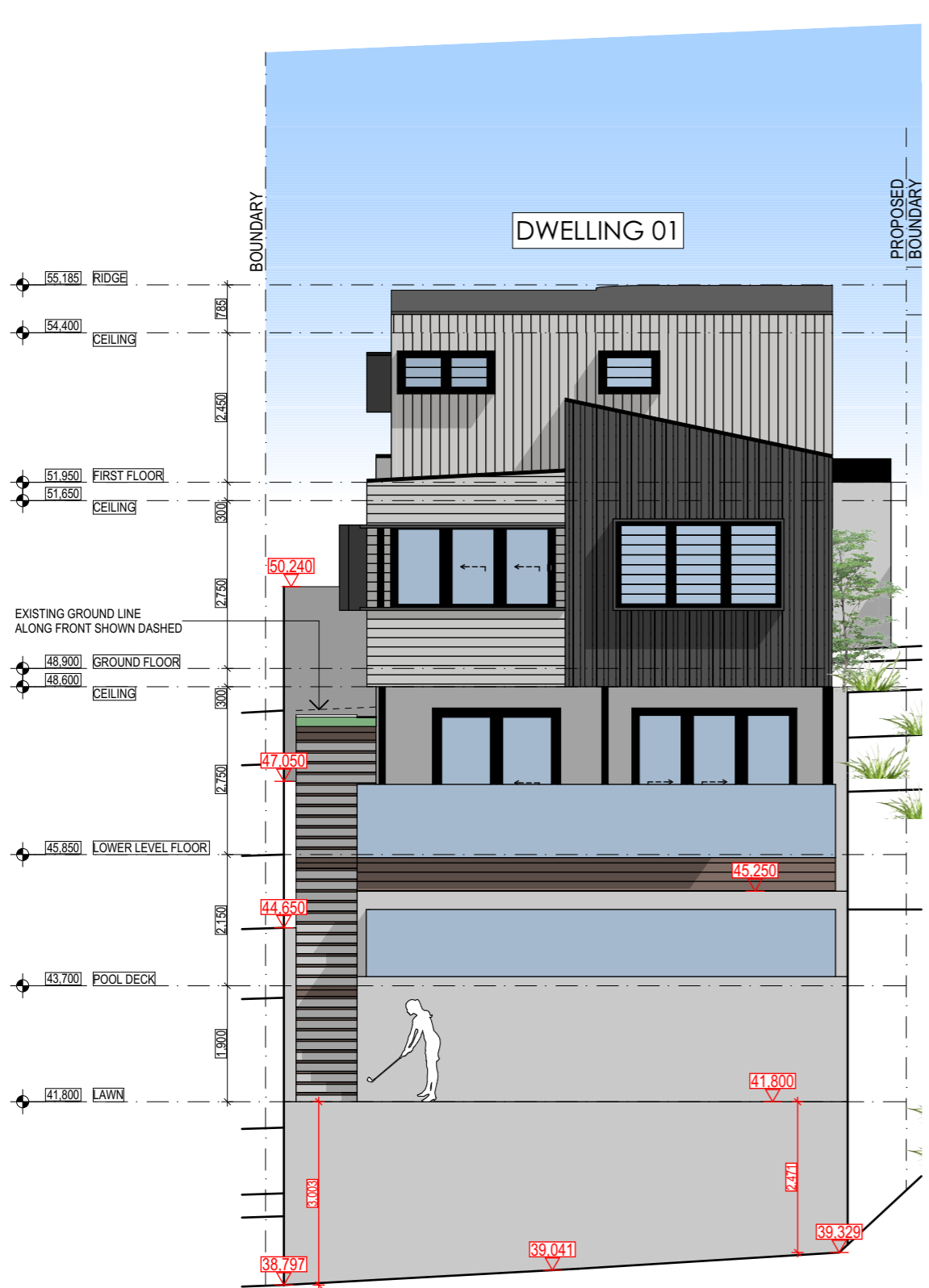
NOTES

VERTICAL CONTROL JOINTS INDICATIVE ONLY LOCATED IN ALL EXTERNAL WALLS 5000-6000mm CTS MAX AS PER ENGINEERS SPECIFICATIONS (BUILDER TO CONFIRM LOCATIONS)

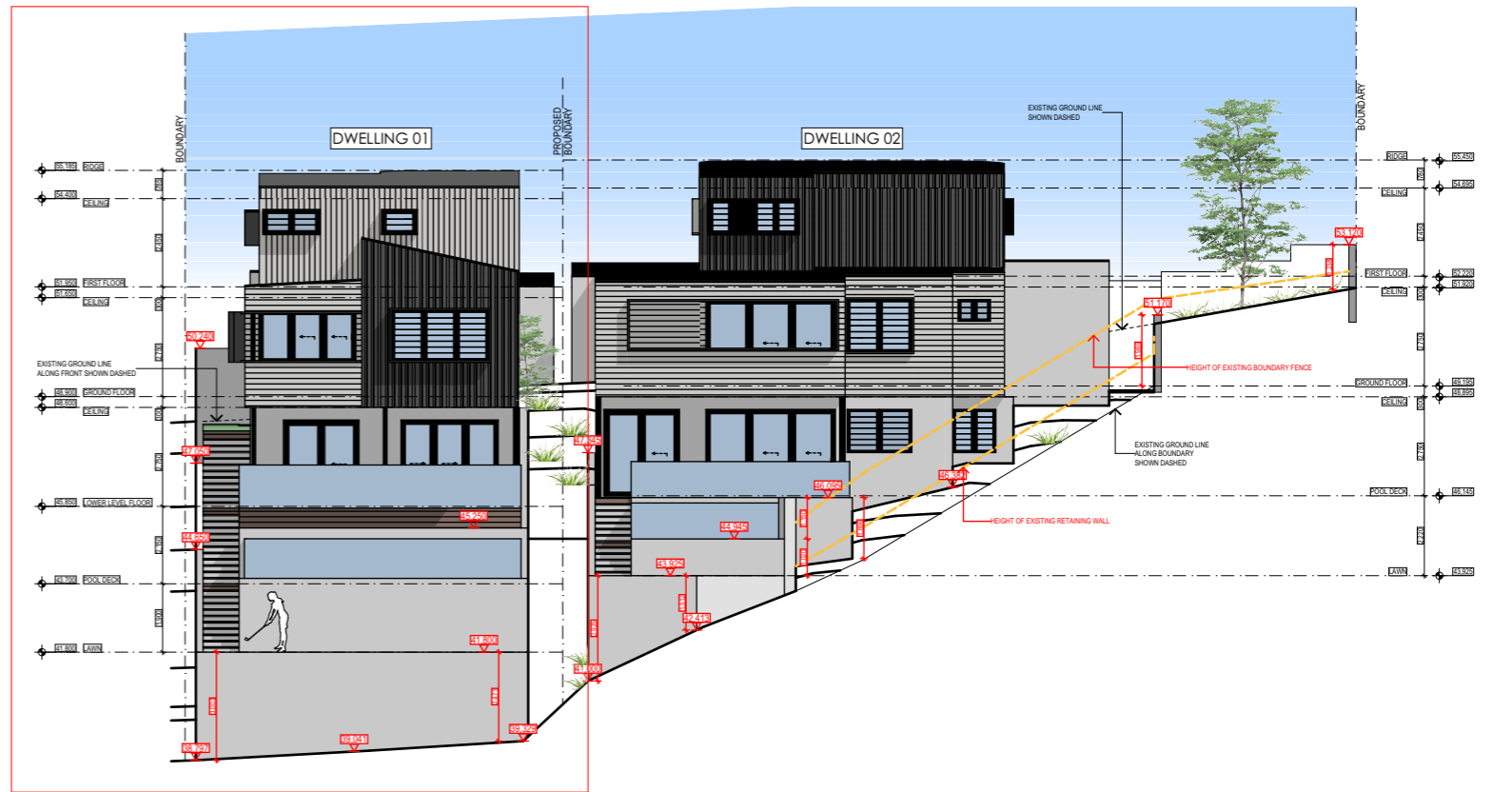
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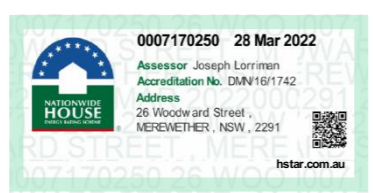
DRAWING CONTINUED ON DA 3-303 ELEVATIONS



E-03 NORTH WEST ELEVATION
1:100

E-03 OVERALL NORTH WEST ELEVATION
1:200

Project
Woodward Street
Dual Occupancy
26 Woodward Street Merewether 2291
Client
Nicole & Stephen



Drawing
Elevations

Drawing No.
DA-302

Project Number
2168

Scale
As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

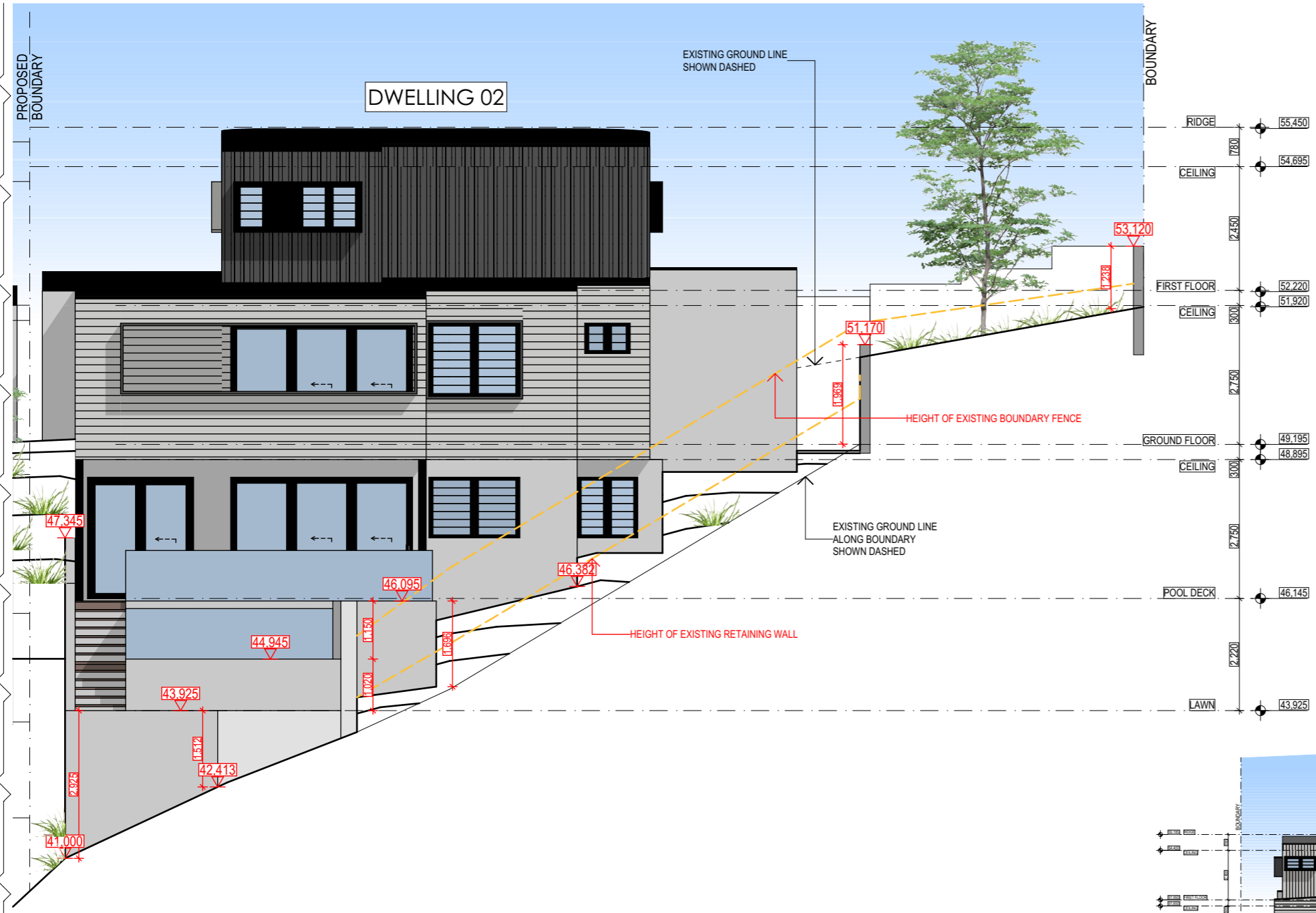
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m: 0412 879 643

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DRAWING CONTINUED ON DA 3-302 ELEVATIONS



E-03	NORTH WEST ELEVATION
1:100	

CONFIRM BUILDING DIMENSIONS PRIOR TO & DURING CONSTRUCTION

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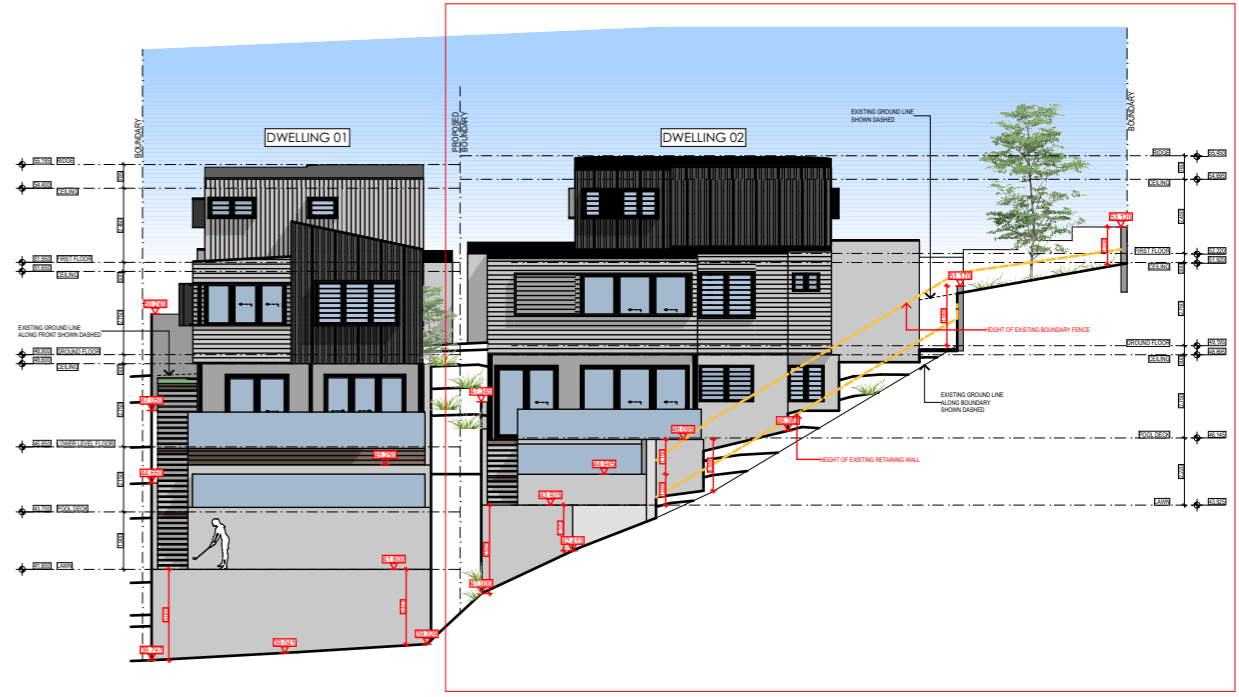
LEGEND

- SELECTED COLORBOND CUSTOM ORB METAL ROOF SHEETTING
- SELECTED APPLIED FINISH
- SELECTED FACE BRICKWORK
- SELECTED HORIZONTAL WALL CLADDING
- SELECTED LIGHTWEIGHT VERTICAL WALL CLADDING

NOTES

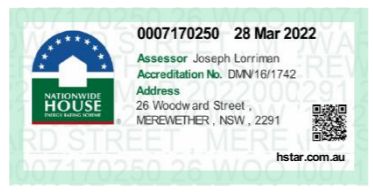
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E-03	OVERALL NORTH WEST ELEVATION
1:250	

Project
Woodward Street Dual Occupancy
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Elevations
 Drawing No.
 DA-303

Project Number
 2168
 Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22






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CONFIRM BUILDING DIMENSIONS PRIOR TO & DURING CONSTRUCTION

LEGEND

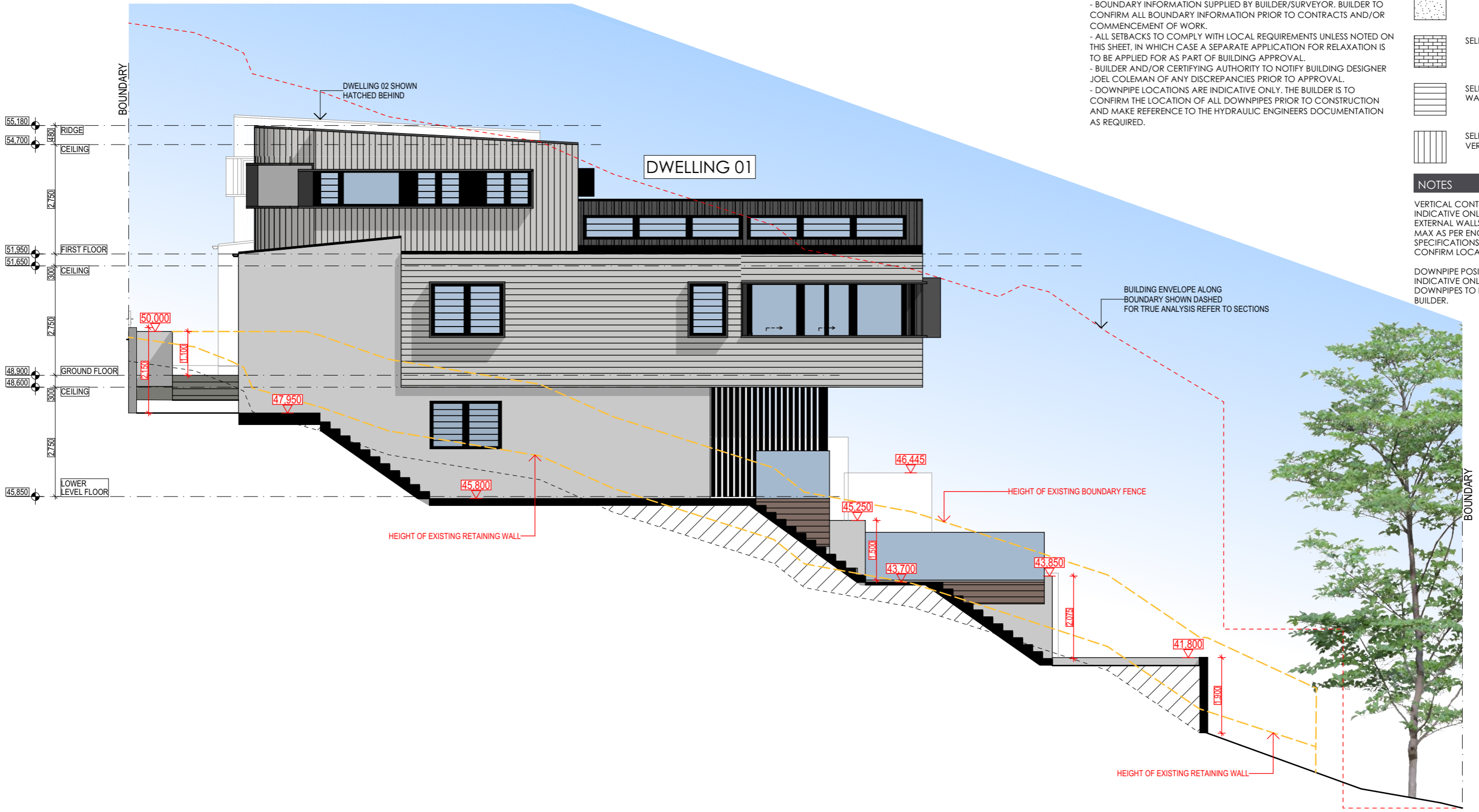
-  SELECTED COLORBOND CUSTOM ORB METAL ROOF SHEETING
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E-04	NORTH EAST ELEVATION
1:100	

Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Elevations

Drawing No.
 DA-304

Project Number
 2168

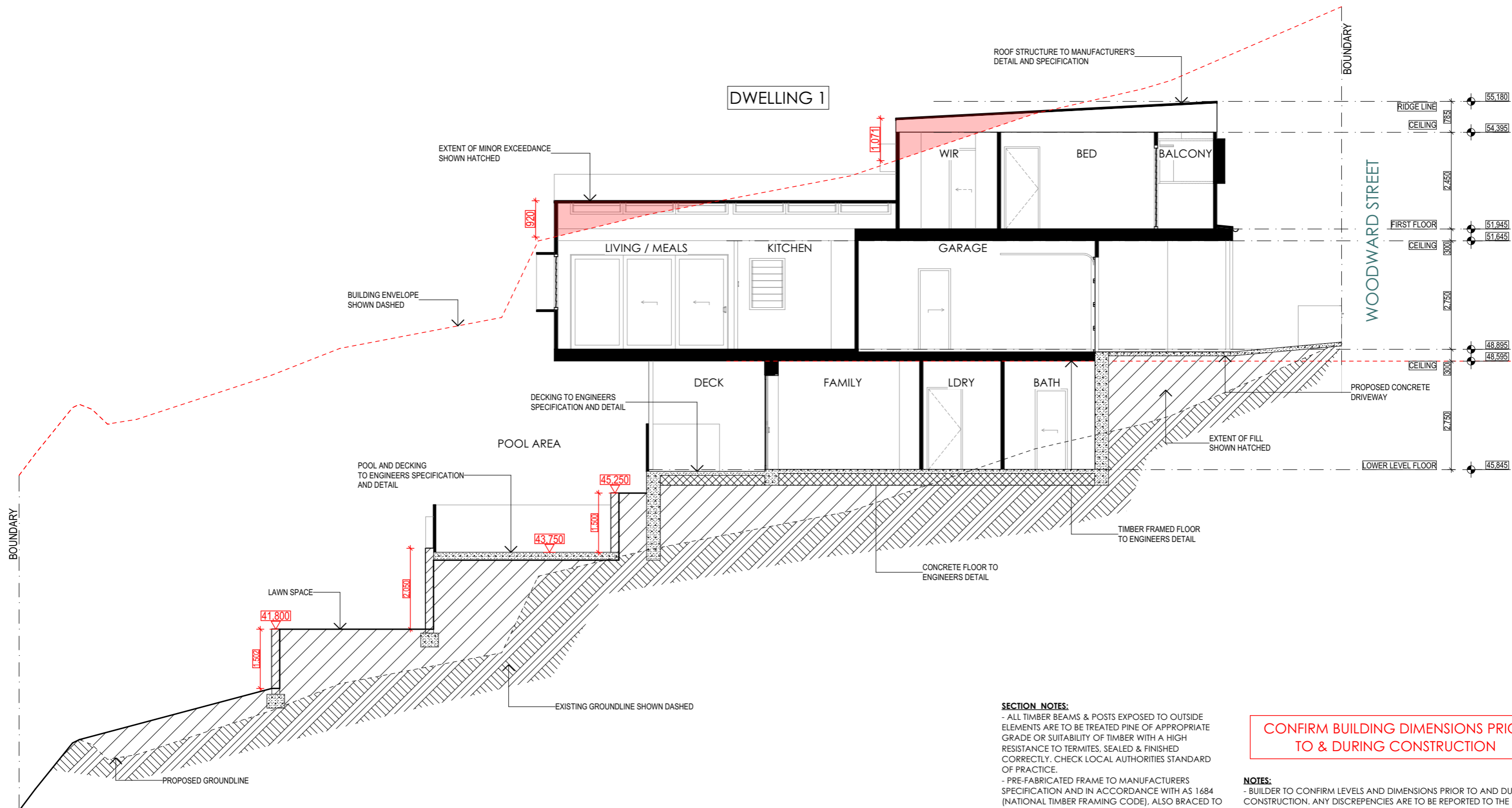
Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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SECTION NOTES:

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- PRE-FABRICATED FRAME TO MANUFACTURERS SPECIFICATION AND IN ACCORDANCE WITH AS 1684 (NATIONAL TIMBER FRAMING CODE). ALSO BRACED TO CORRECT WIND RATING IN ACCORDANCE WITH AS 4055 (WIND LOADS FOR HOUSING). BUILDER TO DETERMINE WIND RATING.
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- ALL TREATMENT IN ACCORDANCE WITH AS 3660.1 NEW BUILDING WORK.
- ALL BEAMS TO PITCHING POINTS e.g BULKHEADS TO FRAMING MANUFACTURERS SPECIFICATION.

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A	SECTION A-A
1:100	

Project
Woodward Street
Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 Sections

Drawing No.
 DA-400

Project Number
 2168

Scale
 As Shown @ A3

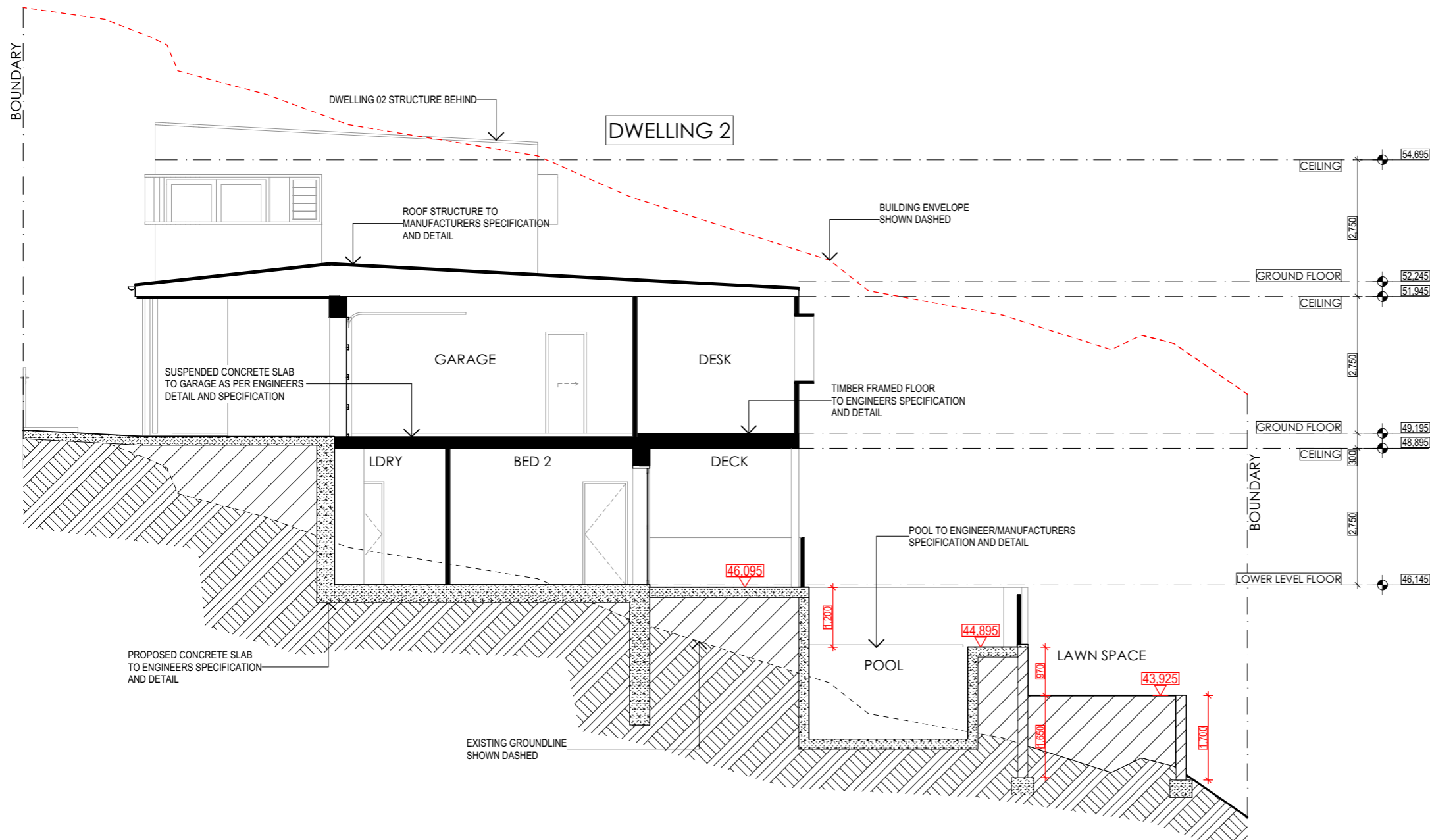
Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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 m: 0412 879 643

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B	SECTION B-B
1:100	

SECTION NOTES:

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Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Sections
 Drawing No.
 DA-401

Project Number
 2168
 Scale
 As Shown @ A3

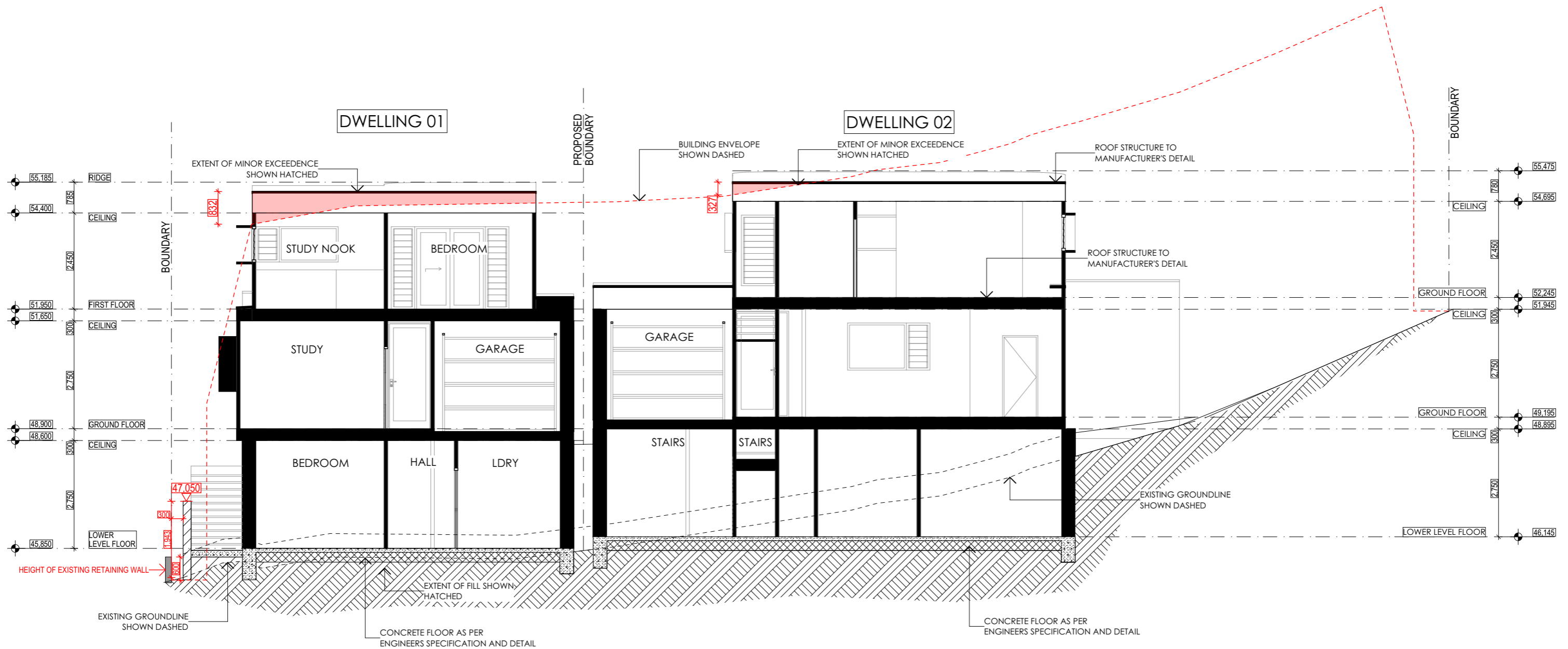
Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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 m : 0412 879 643

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C	SECTION C-C
1:100	

SECTION NOTES:

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Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Sections
 Drawing No.
 DA-402

Project Number
 2168
 Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

FOR AUTHORITY APPROVAL ONLY (NOT FOR CONSTRUCTION)

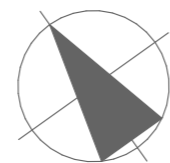


e : joel@shadedesign.net.au
 m : 0412 879 643

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Project
Woodward Street
Dual Occupancy
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Shadow Diagrams - JUN 21st
 Drawing No.
 DA-500

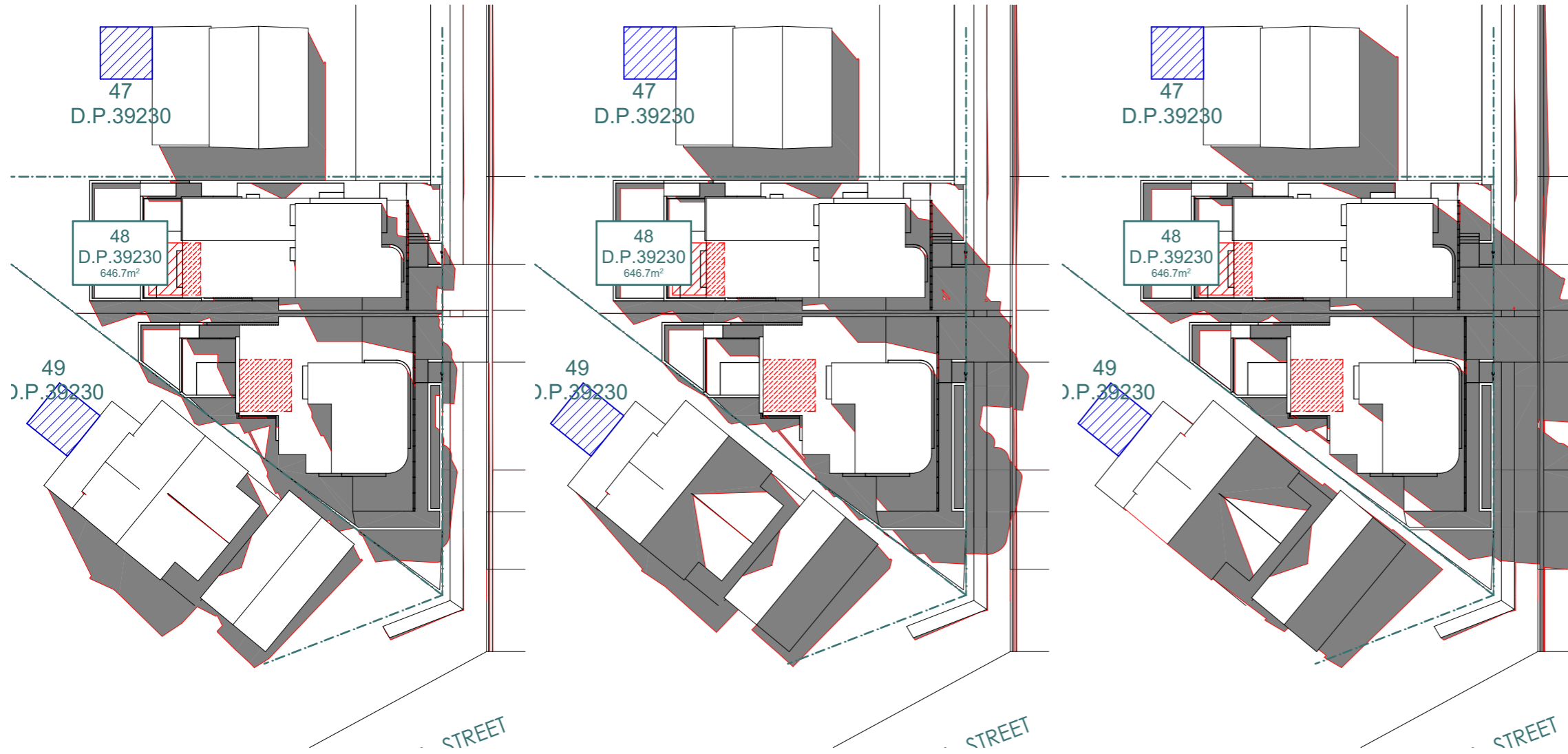
Project Number
 2168
 Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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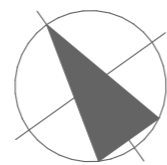


05	21 JUN at 1300h
1:400	

06	21 JUN at 1400h
1:400	

07	21 JUN at 1500h
1:400	

Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Shadow Diagrams - JUN 21st
 Drawing No.
 DA-501

Project Number
 2168
 Scale
 As Shown @ A3

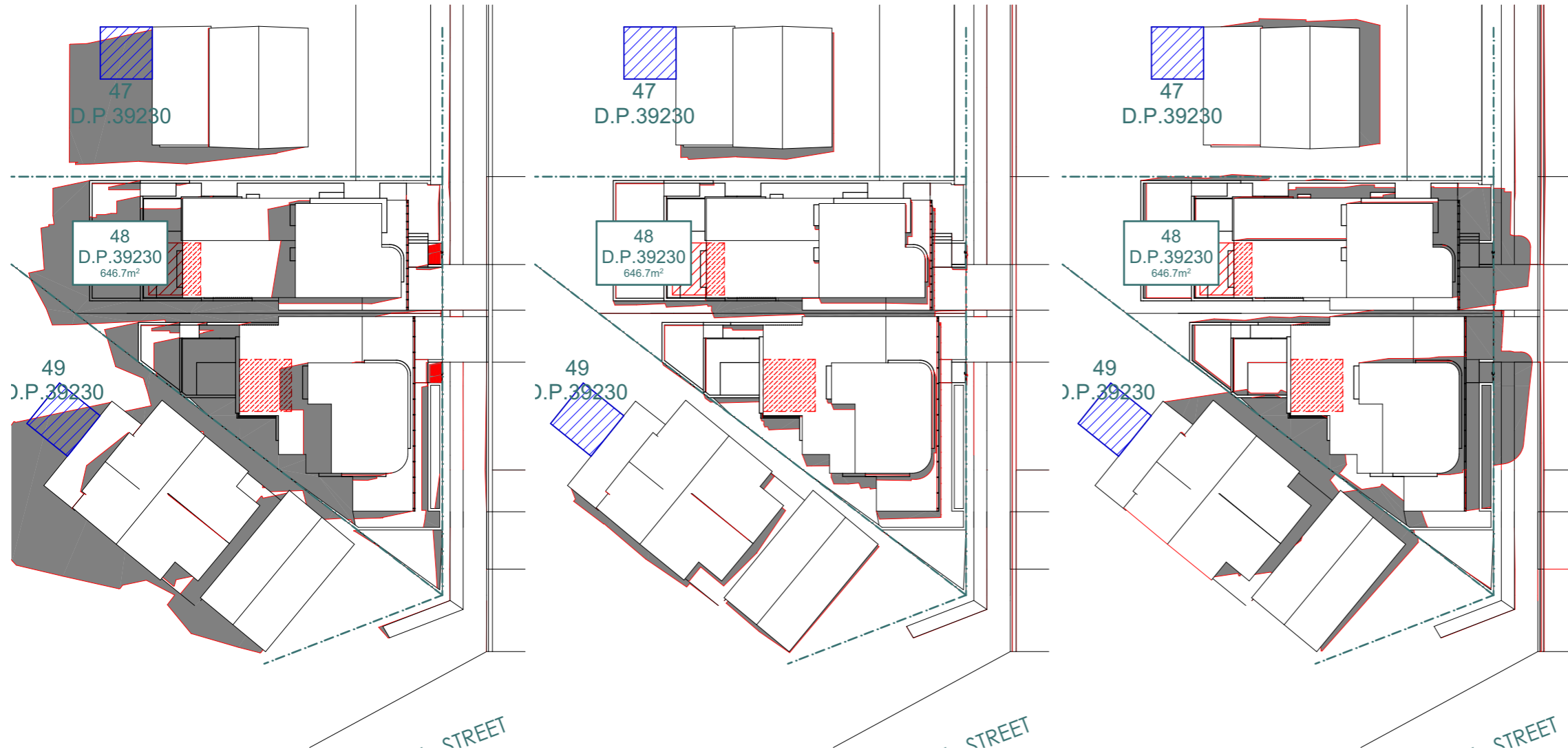
Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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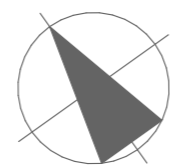


08	21 DEC 9am
1:400	

09	21 DEC 12pm
1:400	

10	21 DEC 3pm
1:400	

Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Shadow Diagrams - DEC 21st
 Drawing No.
 DA-502

Project Number
 2168
 Scale
 As Shown @ A3

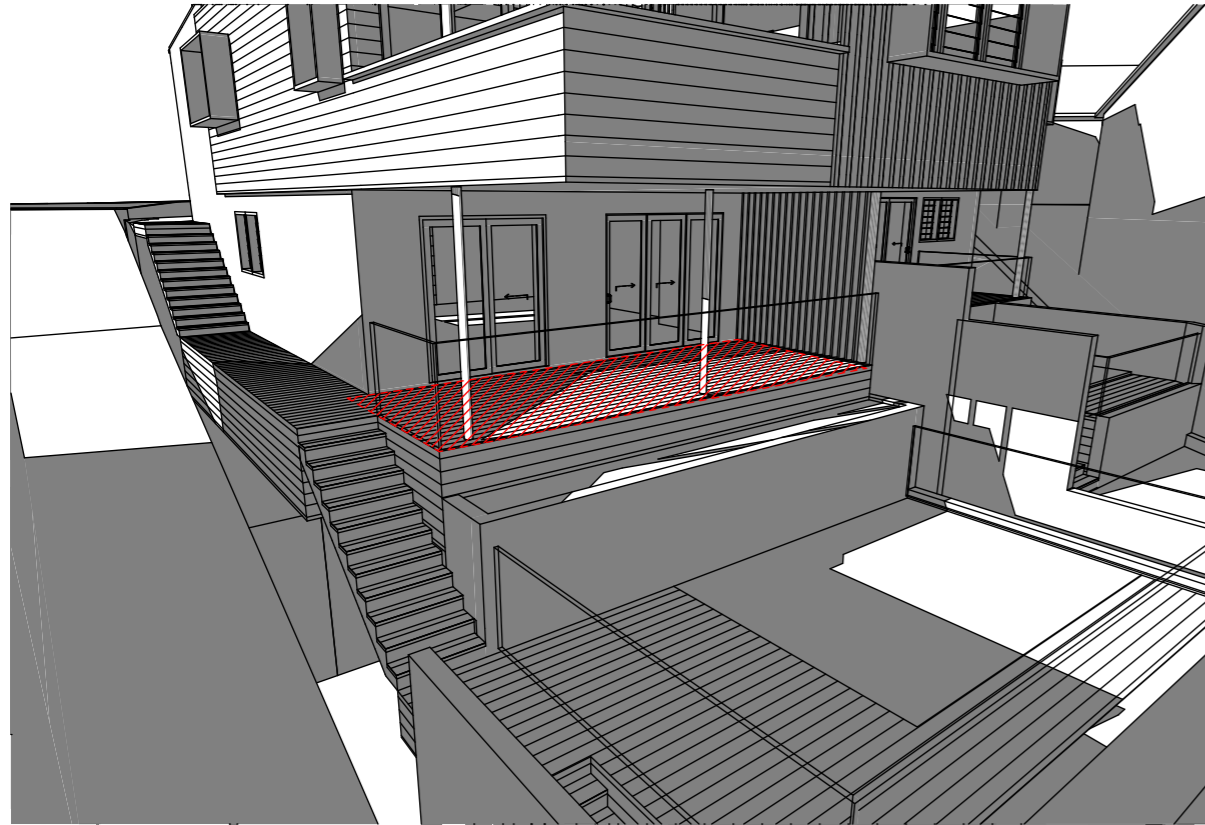
Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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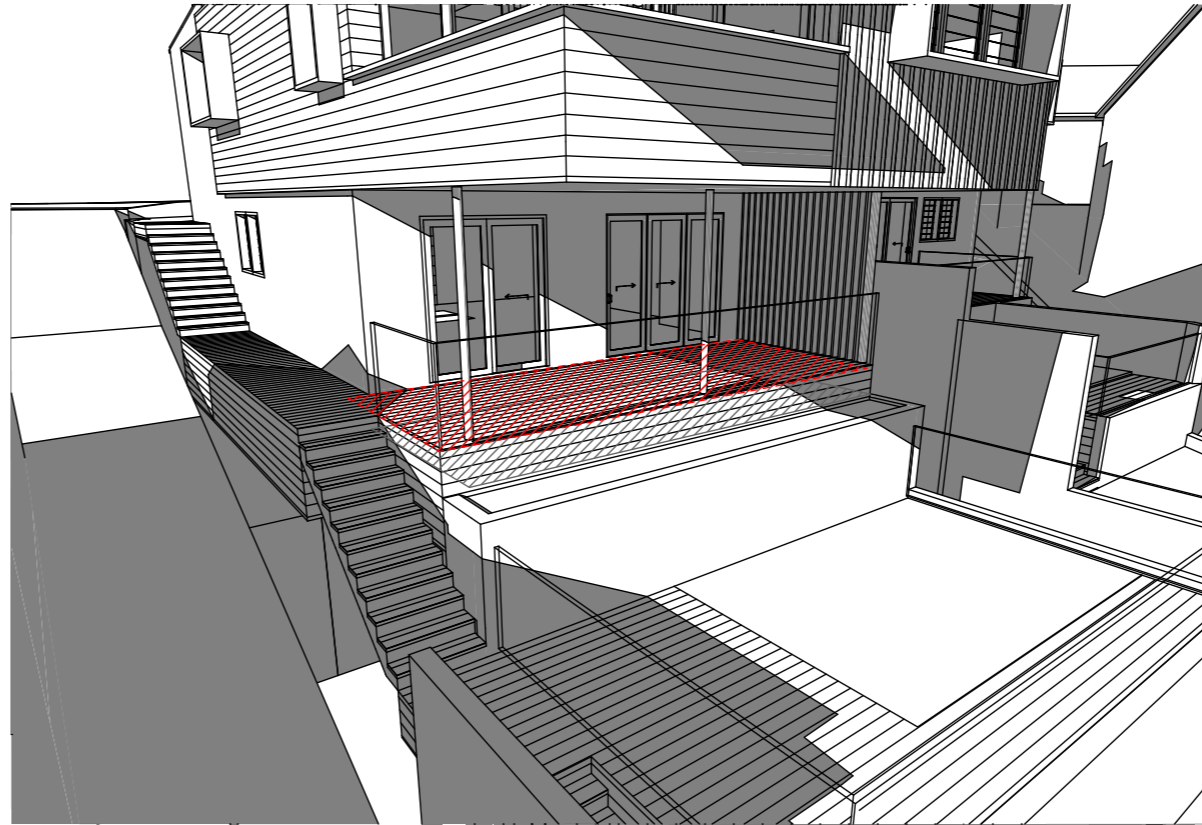


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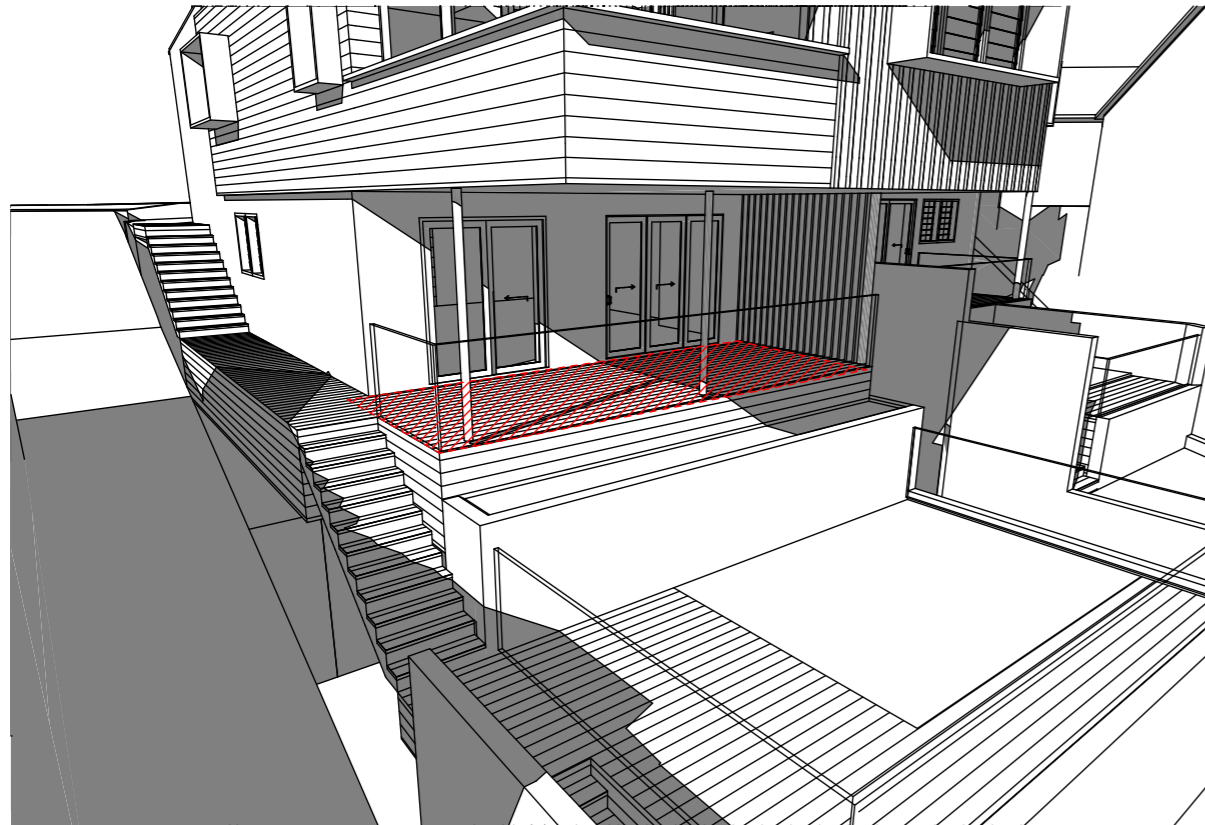
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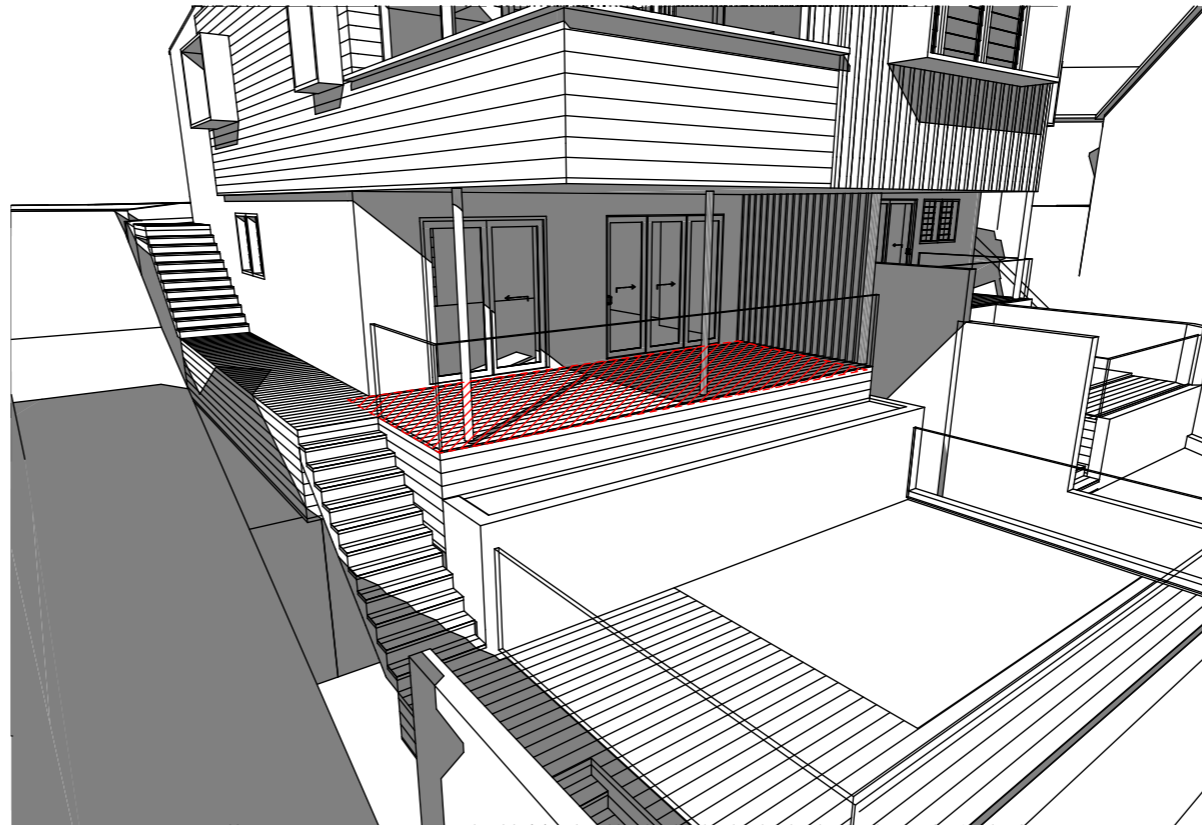
11	21 JUN at 0900
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12	21 JUN at 1000
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13	21 JUN at 1100
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14	21 JUN at 1200
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Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Perspective Shadow Diagrams
 Drawing No.
 DA-503

Project Number
 2168
 Scale
 As Shown @ A3

Revision	Description
A	Council Submission
B	Council RFI

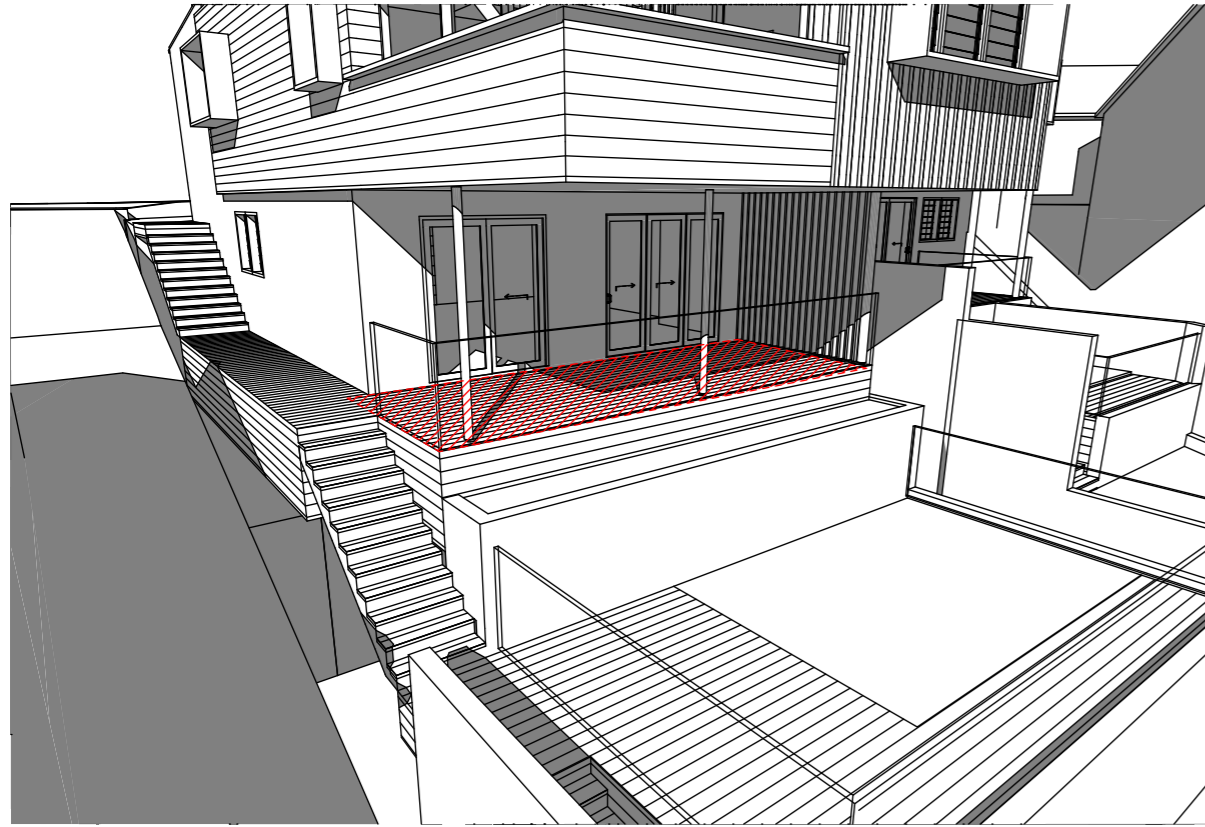
Date
28.03.22
26.10.22

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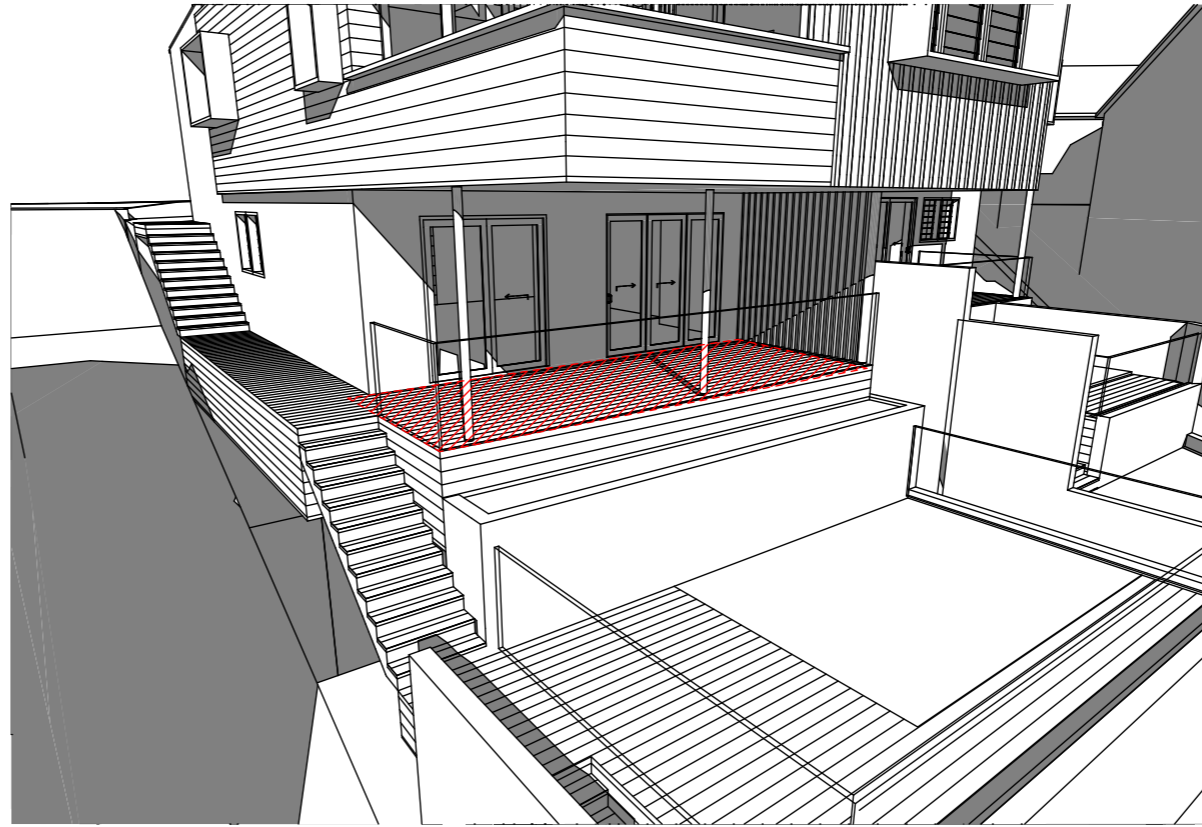


e : joel@shadedesign.net.au
 m : 0412 879 643

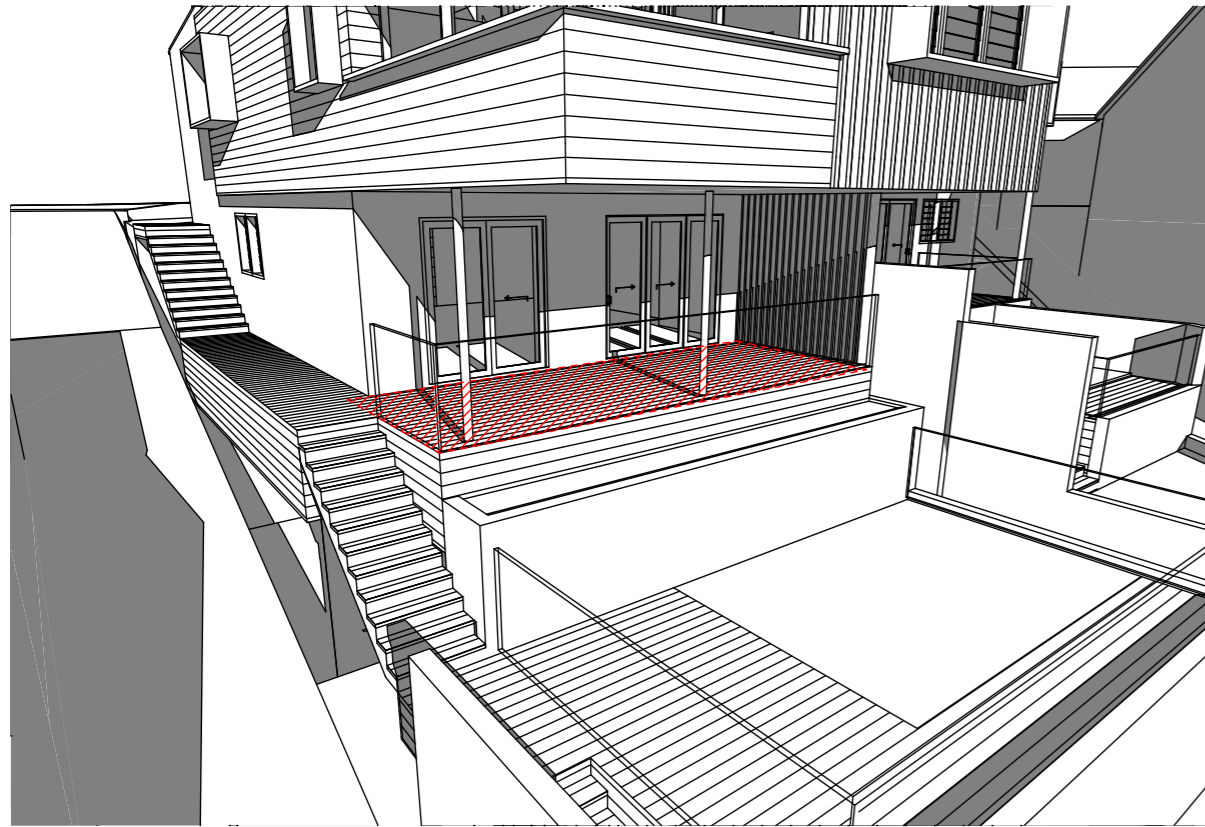
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15	21 JUN at 1300
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16	21 JUN at 1400
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17	21 JUN at 1500
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Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Perspective Shadow Diagrams
 Drawing No.
 DA-504

Project Number
 2168
 Scale
 As Shown @ A3

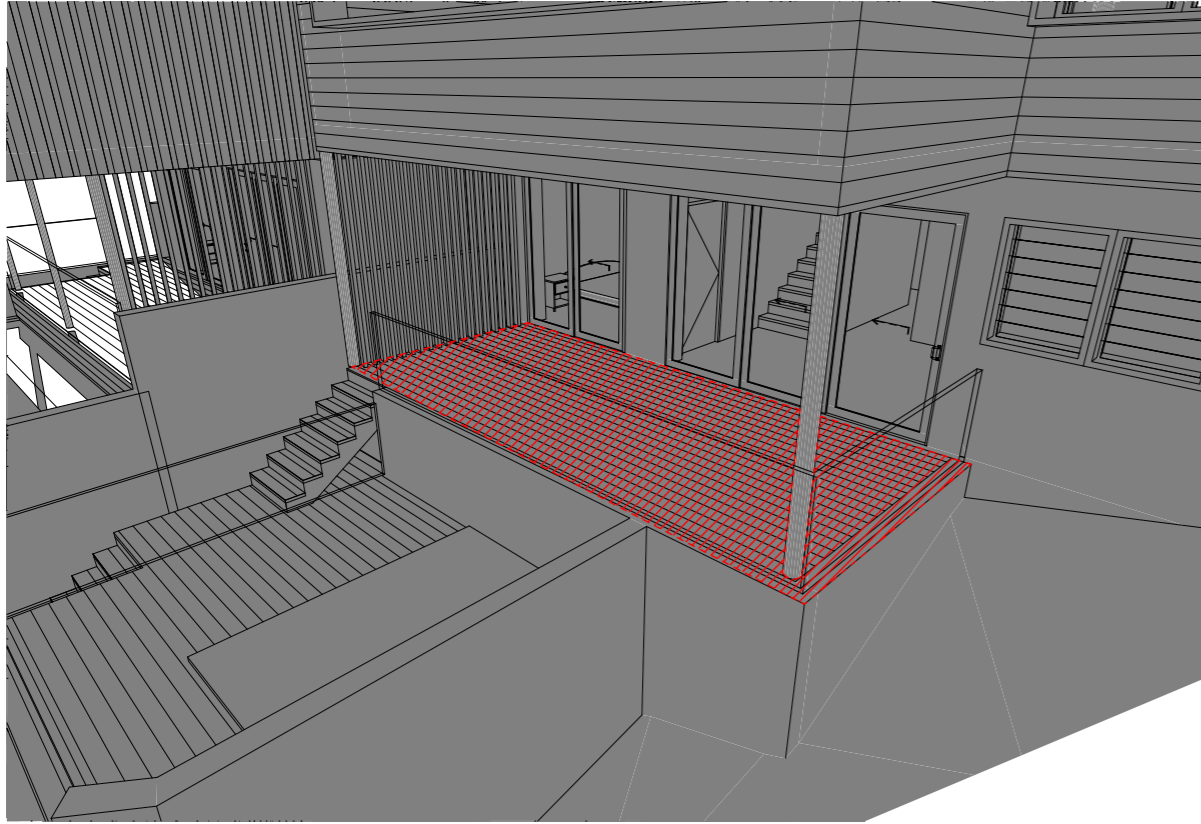
Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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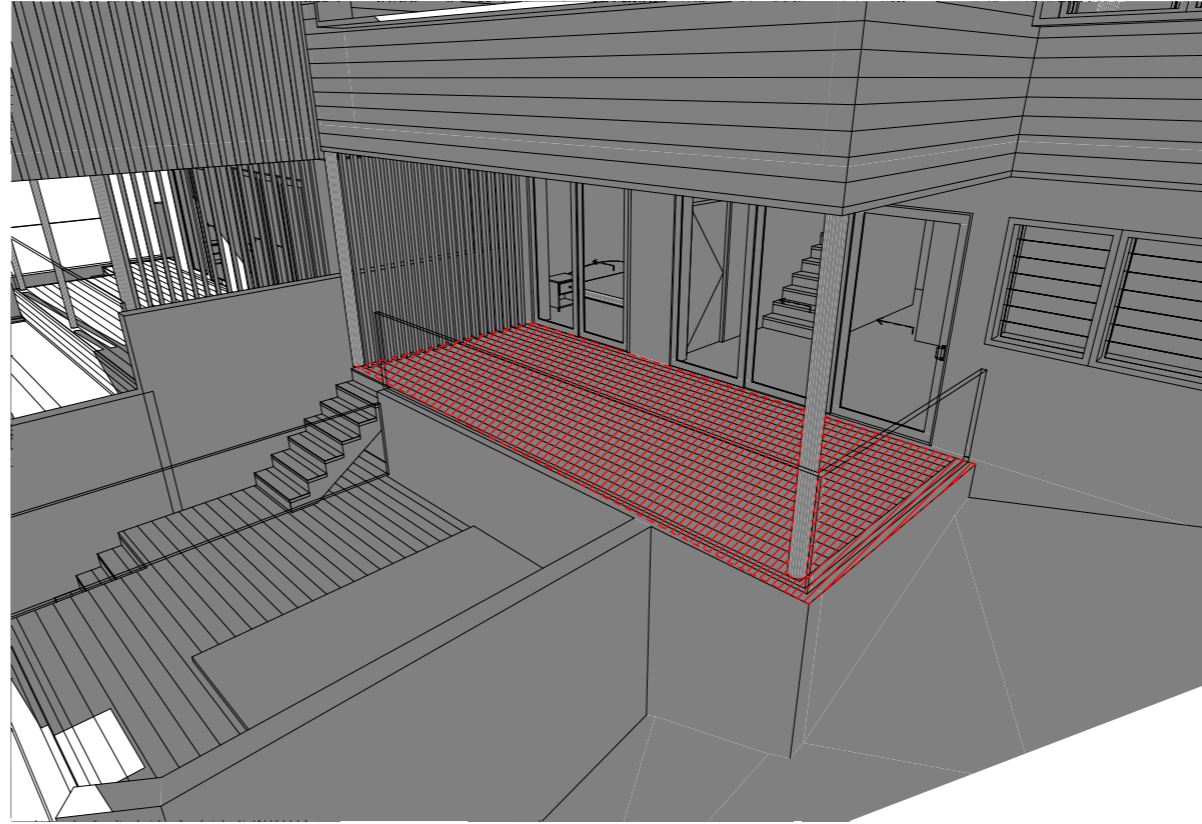


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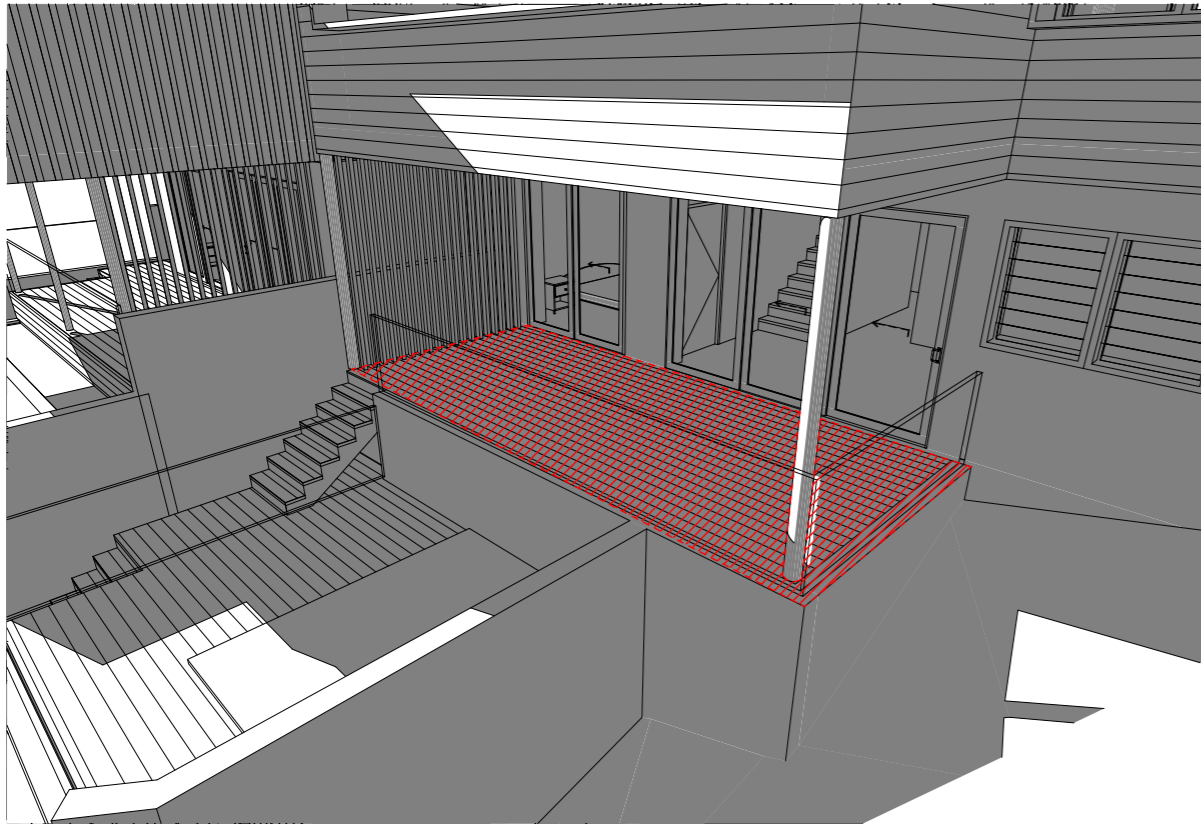
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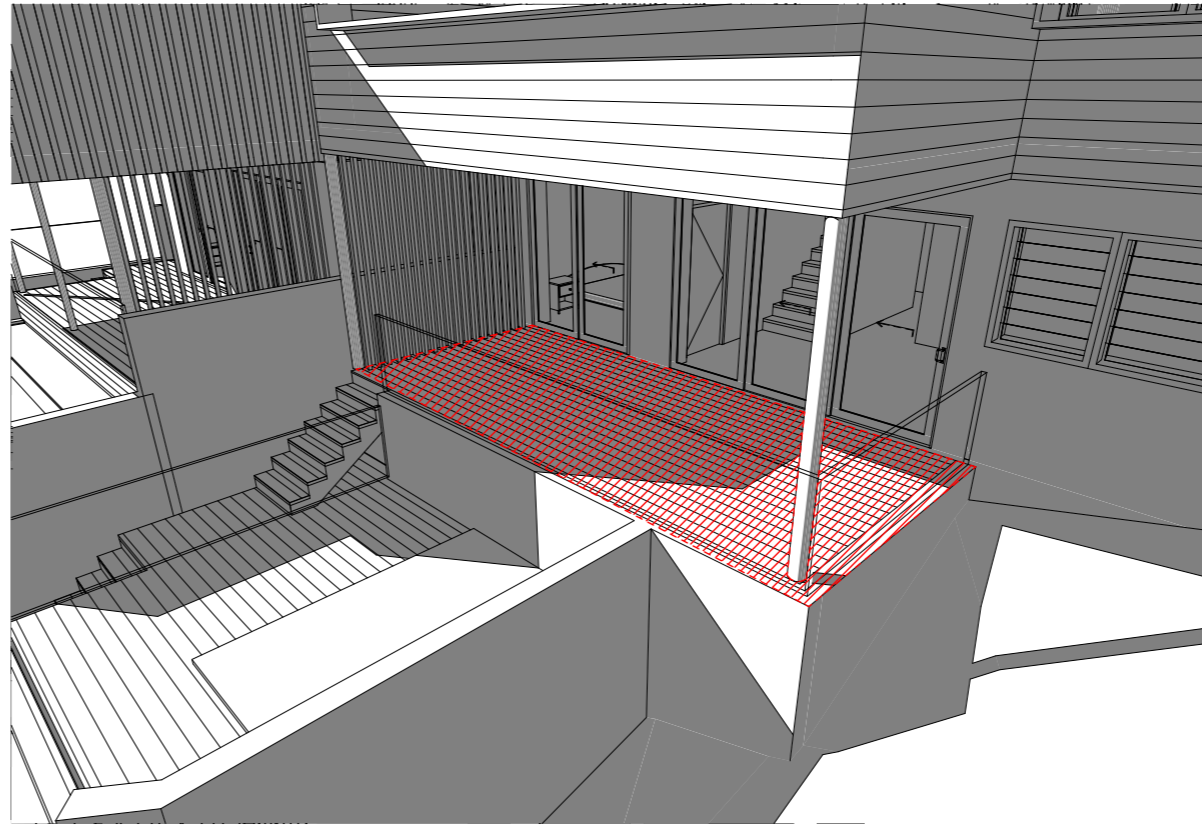
18	21 JUN at 0900
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19	21 JUN at 1000
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20	21 JUN at 1100
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21	21 JUN at 1200
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Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Perspective Shadow Diagrams
 Drawing No.
 DA-505

Project Number
 2168
 Scale
 As Shown @ A3

Revision	Description
A	Council Submission
B	Council RFI

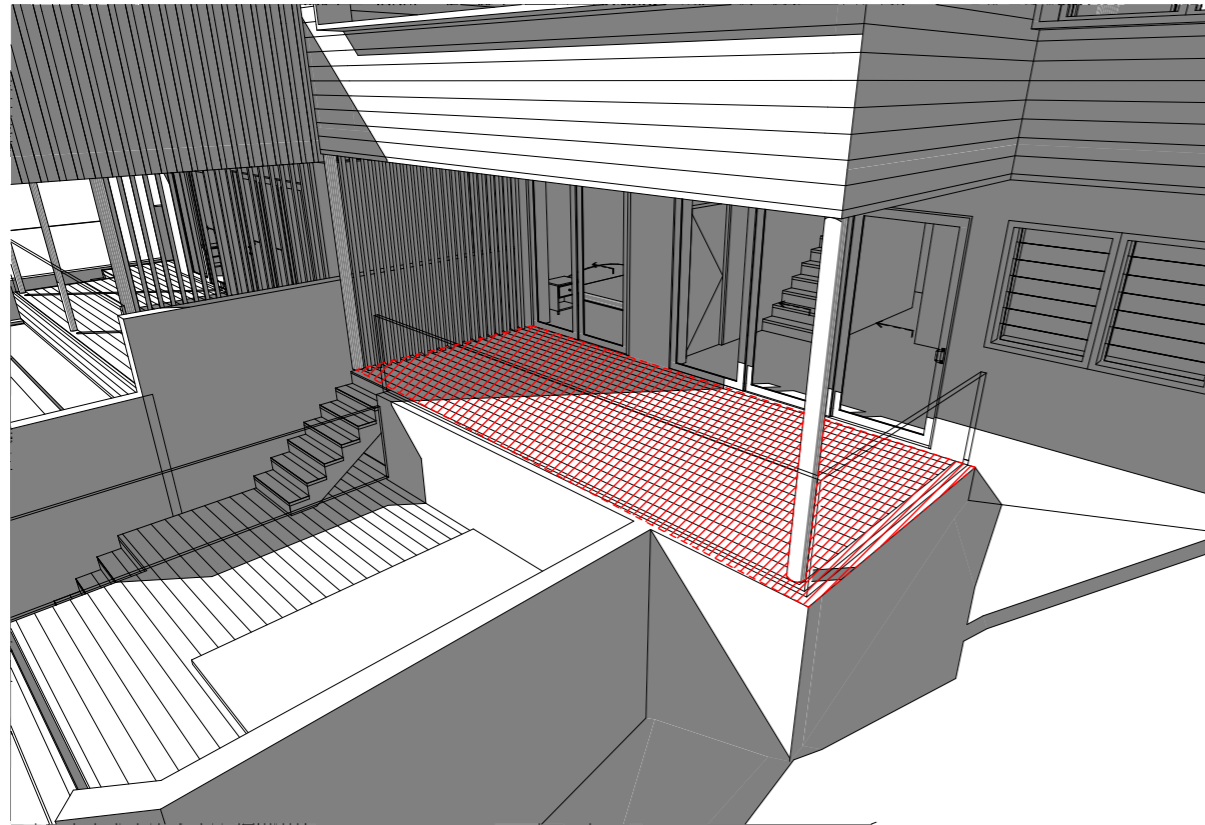
Date
28.03.22
26.10.22

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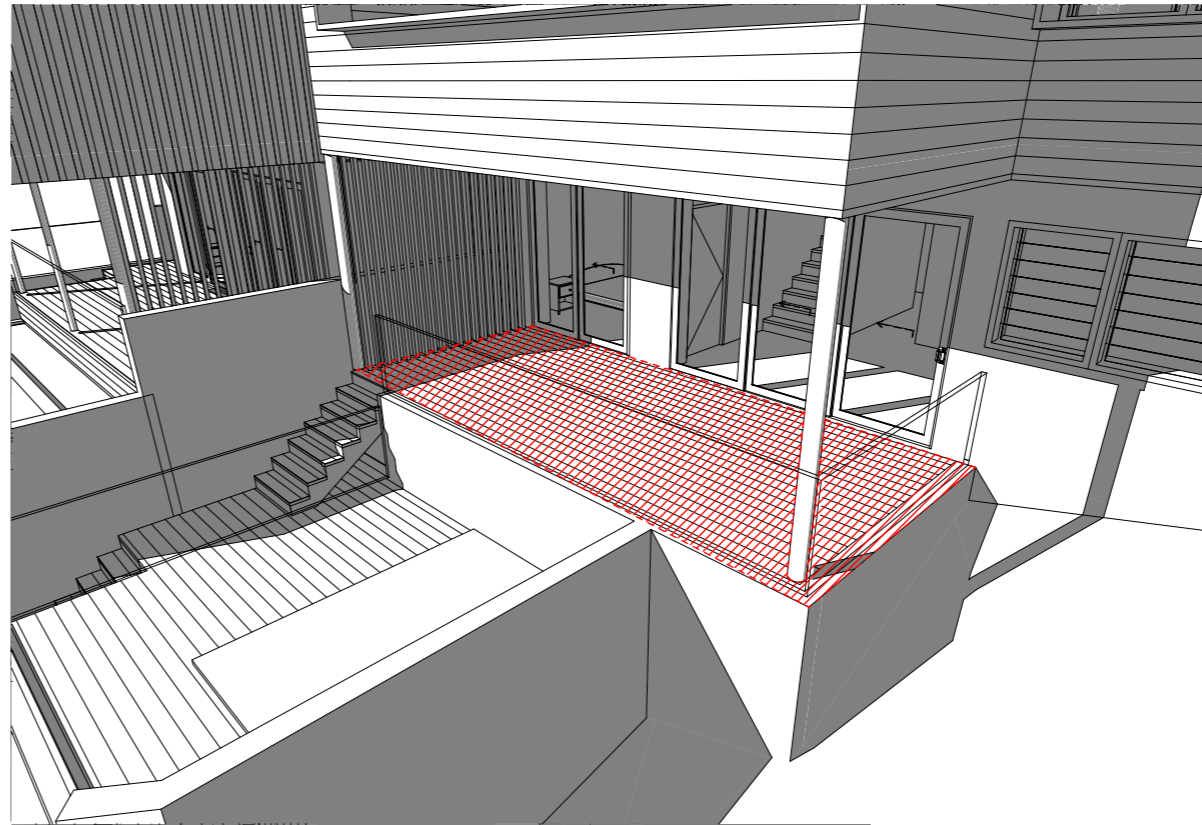


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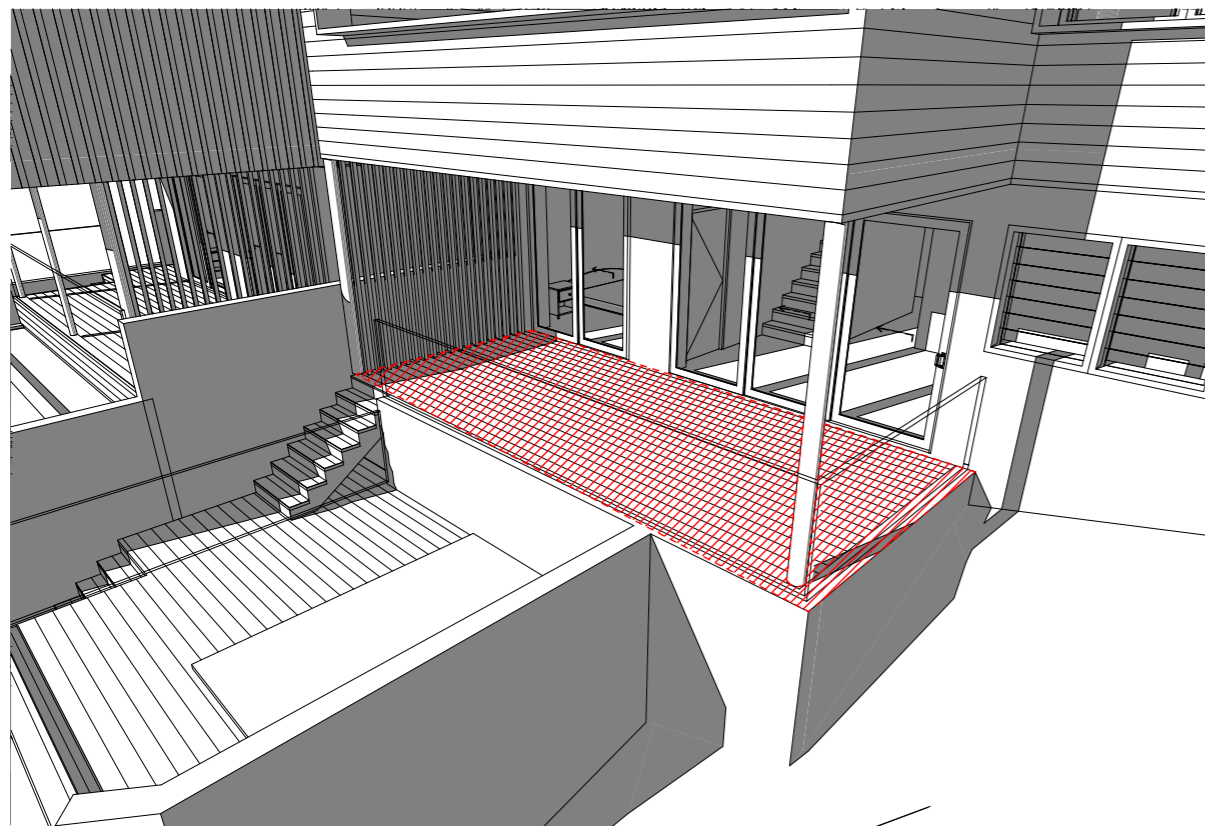
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22	21 JUN at 1300
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23	21 JUN at 1400
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24	21 JUN at 1500
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Project
**Woodward Street
 Dual Occupancy**
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Perspective Shadow Diagrams
 Drawing No.
 DA-506

Project Number
 2168
 Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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BASIX Notes

DMN Assessor #16/1742		28 th March 2022		Reference: 113/2022	
Evergreen Energy Consultants					
Email address: enquiries@evergreenec.com.au			Ph: 1300 584 010		
Important Note for Development Applicants:					
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If they vary from drawings or other specifications this Specification shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specification must be detailed below and / or clearly indicated on referenced documentation.					
Once the development is approved by the consent authority, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, the proposed construction varies to those detailed or need further information, please contact Evergreen Energy Consultants.					
This assessment has assumed that the BCA provisions for building sealing will be complied with at construction.					
Thermal Performance Specifications					
External Wall Construction		<i>Insulation</i>		<i>Colour (Solar Absorbance)</i>	
Brick Veneer		Anti-glare foil with bulk no gap R2.5		Light	
Fibro Cavity Panel Direct Fix		Anti-glare foil with bulk no gap R2.5		Light and Dark	
Concrete Block (Retaining walls)		Anti-glare foil with bulk no gap R2.5		Light	
230mm Brick		None		Medium	
				Garage Walls	
Internal Wall Construction		<i>Insulation</i>		<i>Detail</i>	
Cavity wall, direct fix plasterboard, single gap		None			
Cavity wall, direct fix plasterboard, single gap		Bulk insulation R2.5		Internal walls adjoining garages	
Ceiling Construction		<i>Insulation</i>		<i>Detail</i>	
Plasterboard with Timber		Bulk insulation R4.0		External ceilings	
Timber above Plasterboard		None		Internal ceilings	
Timber above Plasterboard		Bulk insulation R1.0		Garage ceilings	
Roof Construction		<i>Insulation</i>		<i>Colour (Solar Absorbance)</i>	
Colorbond		Bulk, reflective side down, no air gap above R1.3		Dark – Unit 1 Light – Unit 2	
Floor Construction		<i>Insulation</i>		<i>Covering</i>	
Concrete Slab on Ground		None		Carpet, Timber and Tiles	
Suspended Concrete		Bulk insulation in contact with floor R1.0		Timber	
Suspended Timber		Bulk insulation in contact with floor R1.0		Carpet	
Windows		<i>Glass and frame type</i>		<i>U Value</i>	
GJA-011-34 A Aluminium framed		638CP Fixed Windows Single Glazed		3.92	
GJA-050-11 A Aluminium framed		6EcAd Louvre Windows Single Glazed		4.47	
GJA-070-42 A Aluminium framed		638CP Sliding Doors Single Glazed		4.42	
GJA-082-34 A Aluminium framed		638CP Hinged Doors Single Glazed		4.62	
GJA-090-34 A Aluminium framed		638CP Bi-Folds Single Glazed		4.48	
U and SHGC values are according to NFRC. Alternate products may be used if the U value is lower and the SHGC is less than 5% higher or lower than the above figures.					
Fixed shading – Eaves		<i>Width includes guttering, offset is distance above windows</i>			
As drawn		Nominal only, refer to plan for detail			
Fixed shading – Other		<i>Verandah to certain units only</i>			
Shaded areas and shade devices as drawn, adjoining buildings and boundary fences					
For construction in NSW the BCA Vol 1 or 2 must be complied with, in particular the following:					
- Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1					
- Thermal breaks in accordance with Section J1.3(d) & 1.5(c) or Part 3.12.1.2(c) & 3.12.1.4(b)					
- Compensating for loss of ceiling insulation in accordance with Section J1.3(c) or Part 3.12.1.2(e)					
- Floor insulation in accordance with Section J1.6(c) & (d) or Part 3.12.1.5(a)(iii) or (c) & (d)					
- Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6.					

26 Woodward Street, Merewether					
SUMMARY OF BASIX COMMITMENTS					
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for Complete details.					
WATER COMMITMENTS					
Fixtures					
Alternative Water – Rainwater Tank Size 4,000(L) Tank/Unit Connected To:					
All Toilets	One Outdoor Tap	Laundry W/M Cold Tap	Tap within 10m of Pools		
Pools					
Not more than 27 & 12kL	Outdoors	Solar Heating Only	Pool Pump Timer		
Fixtures					
3 Star Shower Heads	3 Star Toilet	3 Star Kitchen Taps	3 Star Basin Taps		
THERMAL COMFORT COMMITMENTS – Refer to TPA Specification on plans					
ENERGY COMMITMENTS					
Hot Water	Gas instantaneous 6 star				
Cooling System	Living	1-phase air conditioning EER 2.5-3.0 (zoned)			
	Bedrooms	1-phase air conditioning EER 2.5-3.0 (zoned)			
Heating System	Living	1-phase air conditioning EER 2.5-3.0 (zoned)			
	Bedrooms	1-phase air conditioning EER 2.5-3.0 (zoned)			
Ventilation	Bathrooms	Fan ducted to roof/facade	Manual on/off		
	Kitchen	Fan ducted to roof/facade	Manual on/off		
	Laundry	Fan ducted to roof/facade	Manual on/off		
Natural Lighting	Window/Skylight in Kitchen		As Drawn		
	Window/Skylight in Bathrooms/Toilets		As Drawn		
Artificial Lighting (Primarily lit by fluoro or LED)	Number of bedrooms		All	Dedicated	Yes
	Number of Living/Dining rooms		All	Dedicated	Yes
	Kitchen		Yes	Dedicated	Yes
	All Bathrooms/Toilets		Yes	Dedicated	Yes
	Laundry		Yes	Dedicated	Yes
	All Hallways		Yes	Dedicated	Yes
OTHER COMMITMENTS					
Outdoor clothes line	Yes	Indoor or sheltered clothes drying line		No	
Stove/Oven	Gas cooktop, gas oven				
Other	Photovoltaic system to generate 1.8 peak kW of electricity – Unit 1 only Ceiling fans to be installed – Refer to NatHERS certificate for locations				



NOTES:
 -BUILDER TO CONFIRM WITH SELECTED WINDOW/DOOR MANUFACTURER ALL WINDOW/DOOR DIMENSIONS, OPENING DIRECTIONS & HINGE LOCATIONS
 - PLEASE REFER TO CURRENT BASIX REPORT FOR ENERGY PERFORMANCE REQUIREMENTS & SPECIFICATIONS
 - BUILDER TO CONFIRM LEVELS AND DIMENSIONS PRIOR TO AND DURING CONSTRUCTION. ANY DISCREPANCIES ARE TO BE REPORTED TO THE BUILDING DESIGNER BEFORE CONSTRUCTION.
 - USE FIGURED DIMENSIONS ONLY. **DO NOT SCALE FROM DRAWINGS**

Project
 Woodward Street
 Dual Occupancy
 26 Woodward Street Merewether 2291
Client
 Nicole & Stephen



Drawing
 BASIX

Drawing No.
 DA-700

Project Number
 2168

Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

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Area Schedule (m2)

Dwelling 01	
01. GFA	180
02. Garage	20
Dwelling 02	
01. GFA	191
02. Garage	20
Site Calculations	
01. Landscaping	263
Proposed Lot 1	341
Proposed Lot 2	304
Total Areas	
01. Dwelling 01	228
02. Dwelling 02	240

NOTE:
 AREAS SHOWN ARE APPROXIMATES ONLY AND SPECIFICALLY INTENDED FOR THE CALCULATION PURPOSES IN SUPPORT OF A DEVELOPMENT APPLICATION. TOTAL CONSTRUCTION AREAS CAN BE PROVIDED AT THE REQUEST OF THE CLIENT OR BUILDER AND ARE TO BE CONFIRMED AGAIN AT THE CONSTRUCTION CERTIFICATE STAGE.

NOT CONSTRUCTION AREAS

Project
Woodward Street
Dual Occupancy
 26 Woodward Street Merewether 2291
 Client
 Nicole & Stephen



Drawing
 Area Schedules
 Drawing No.
 DA-800

Project Number
 2168
 Scale
 As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
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Sediment and erosion control

All erosion and sediment control measures to be installed prior to site disturbance.

The project manager to inform all contractors and sub-contractors of their obligations under the erosion and sediment control plan.

Topsoil from all areas that will be disturbed to be stripped and stockpiled at the nominated site.

All sediment control structures to be inspected by site supervisor after each rainfall event for structural damage and all trapped sediment to be removed to a nominated stockpile site.

Sediment and erosion control shall be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the superintendent's satisfaction.

A single all weather access way will be provided at the front of the property consisting of 50-75 aggregate or similar material at a minimum thickness of 150 laid over needle-punched geotextile fabric and constructed prior to commencement of works.

The contractor shall ensure that no spoil or fill encroaches upon adjacent areas for the duration of works.

The contractor shall ensure that kerb inlets and drains receiving stormwater shall be protected at all times during development. Kerb inlet sediment traps shall be installed along the immediate vicinity along the street frontage.

Sediment fencing shall be secured by post (where metal star pickets are used plastic safety caps shall be used) at 3000 intervals with geotextile fabric embedded 200 in soil.

All topsoil stripped from the site and stockpiled does not interfere with drainage lines and stormwater inlets and will be suitably covered with an impervious membrane material and screened by sediment fencing.

Soil conservation

Prior to commencement of construction provide 'sediment fence,' 'sediment trap' and washout area to ensure the capture of water borne material generated from the site.

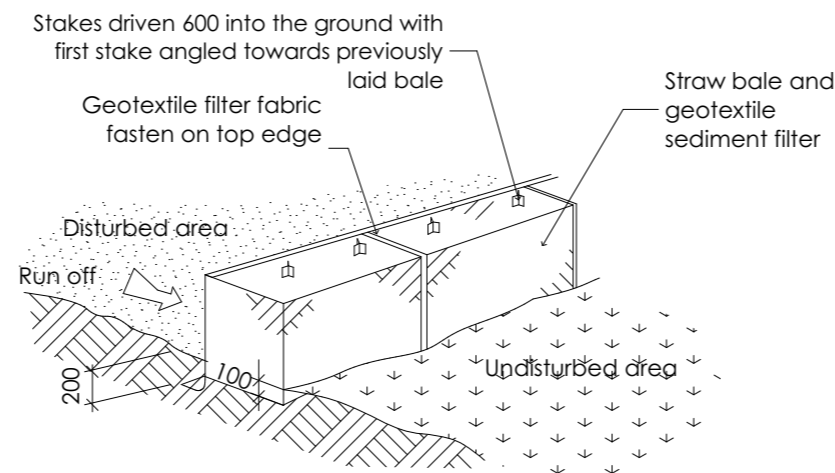
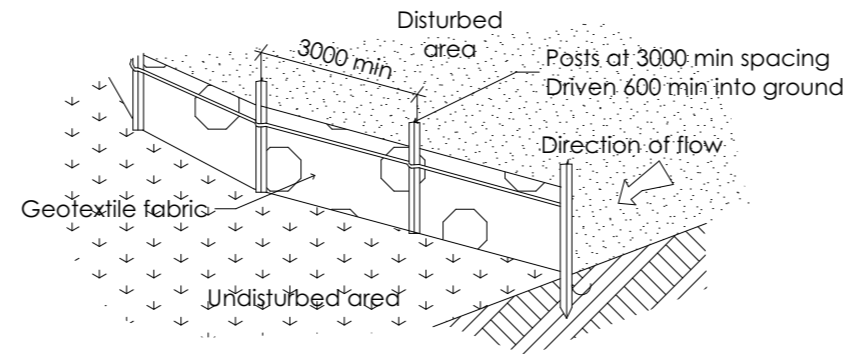
Maintain the above during the course of construction, and clear the 'sediment trap' after each storm.

Sediment trap

1000 x 1000 wide 500 deep pit, located at the lowest point to the trap sediment.

Sediment fence

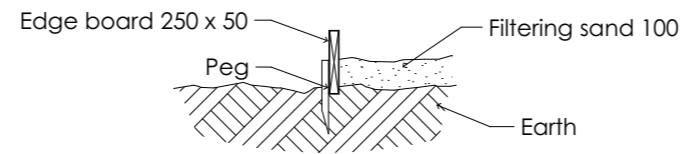
Provide sediment fence on down slope boundary as shown on plan. Fabric to be buried below ground at lower edge.



Drainage area 0.5 ha. max. slope gradient 1:2
max. slope length 50m.

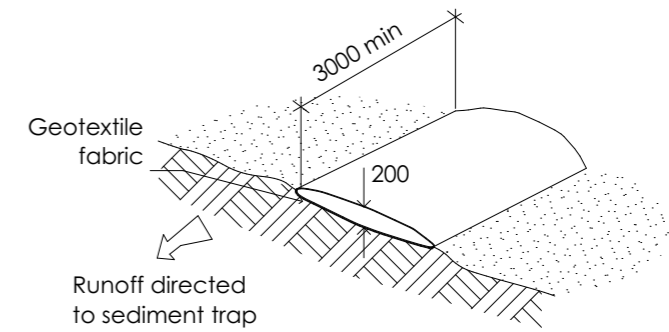
Washout area

to be 1800 x 1800 allocated for the washing of tool and equipment



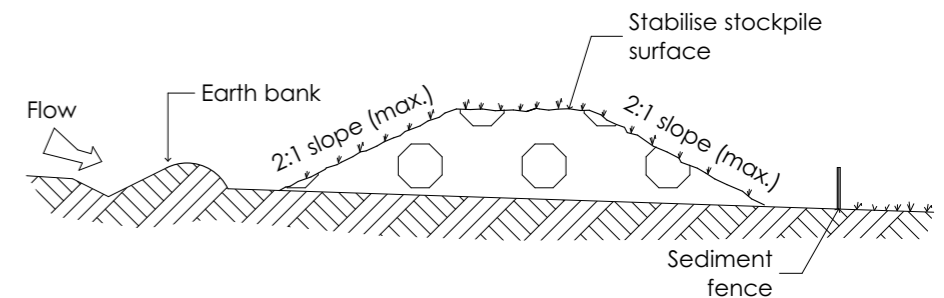
Vehicle access to site

Vehicle access to the building site should be restricted to a single point so as to reduce the amount of soil deposited on the street pavement.



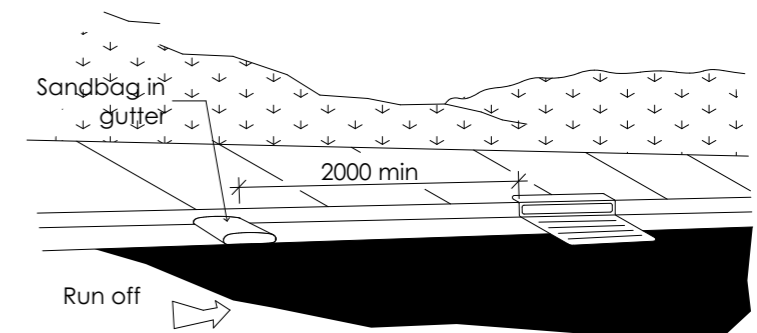
Building material stockpiles

All stockpiles of building material such as sand and soil must be protected to prevent scour and erosion. They should never be placed in the street gutter where they will wash away with the first rainstorm.



Sandbag kerb sediment trap

In certain circumstances extra sediment trapping may be needed in the street gutter.



Project
**Woodward Street
Dual Occupancy**
26 Woodward Street Merewether 2291
Client
Nicole & Stephen



Drawing
Sediment Control

Drawing No.
DA-900

Project Number
2168

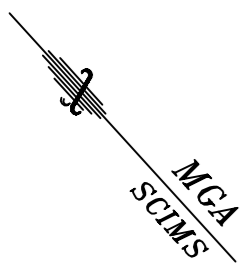
Scale
As Shown @ A3

Revision	Description	Date
A	Council Submission	28.03.22
B	Council RFI	26.10.22

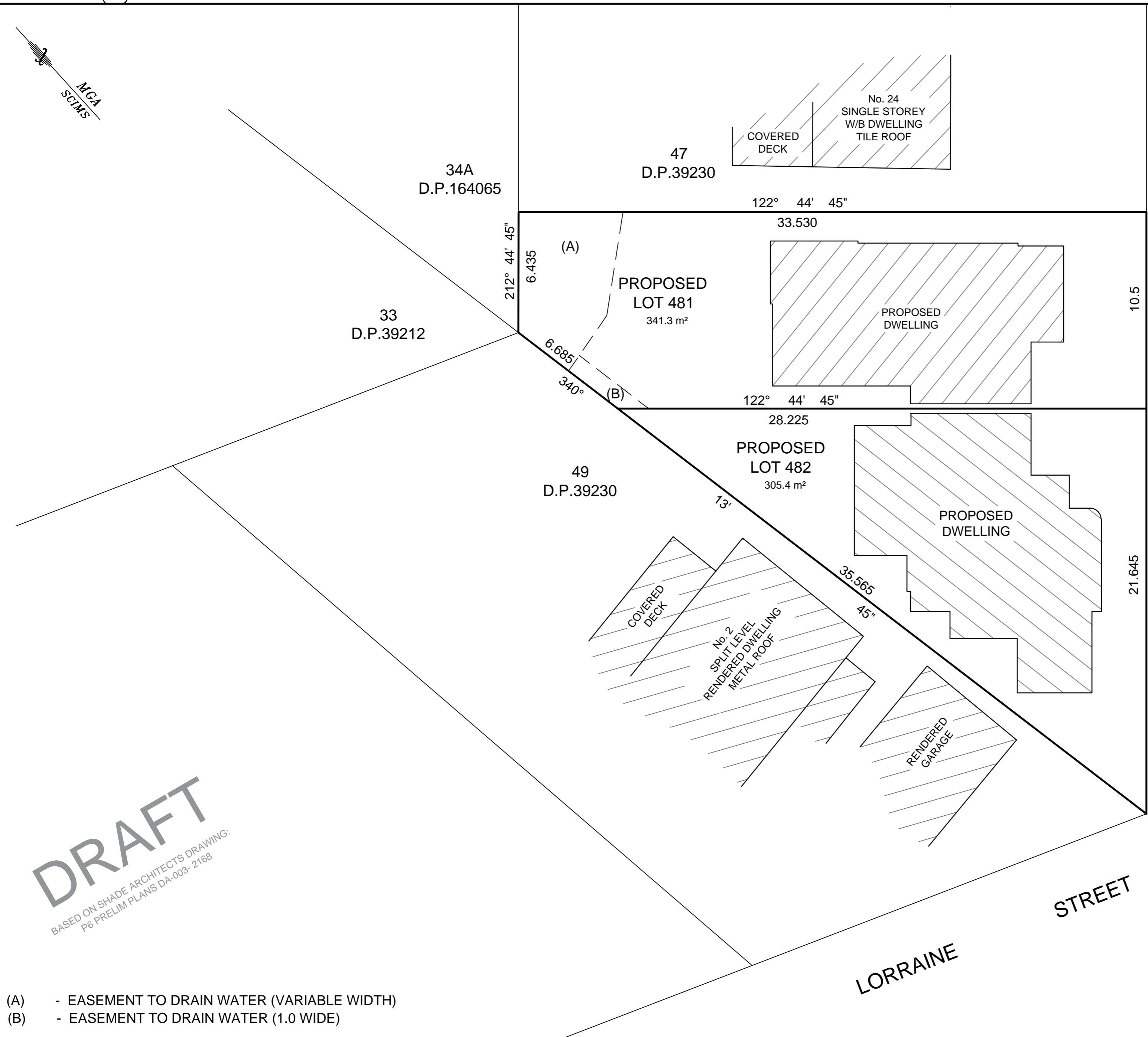
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NOTES
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DRAFT
BASED ON SHADE ARCHITECTS DRAWING:
P6 PRELIM PLANS DA-003-2168



DRAFT
BASED ON SHADE ARCHITECTS DRAWING:
P6 PRELIM PLANS DA-003-2168

- (A) - EASEMENT TO DRAIN WATER (VARIABLE WIDTH)
- (B) - EASEMENT TO DRAIN WATER (1.0 WIDE)

SURVEYOR Name: Jason Lee Harman Date: 2/03/2022 Reference: 6469-SUB-1	PLAN OF SUBDIVISION OF LOT 48, D.P.39230	LGA: NEWCASTLE Locality: MEREWETHER Reduction Ratio 1: 150 Lengths are in metres.	Registered:	
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<p>PLAN FORM 6 (2017)</p>	<p>DEPOSITED PLAN ADMINISTRATION SHEET</p>	<p>Sheet 2 of 3 sheet(s)</p>
<p style="text-align: right;">Office Use Only</p> <p>Registered:</p> <p>Title System:</p>		<p style="text-align: right;">Office Use Only</p>
<p>PLAN OF SUBDIVISION OF LOT 48 D.P. 39230</p>		<p>LGA: NEWCASTLE Locality: MURWETHER Parish: NEWCASTLE County: NORTHUMBERLAND</p>
<p style="text-align: center;">Survey Certificate</p> <p>I, <u>JASON LEE HARMAN</u> of, <u>LAND DEVELOPMENT SOLUTIONS PTY LTD</u> <u>P.O. BOX 853 THE JUNCTION, NSW 2291</u> a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on <u>XXth XXXXXX 20XX</u>, or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding ** ) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on,..... the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: <u>X - Y</u></p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous</p> <p>Signature: Dated: <u>XX/XX/2022</u></p> <p>Surveyor Identification No: <u>4221</u> Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>* Strike through if inapplicable. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>		<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>
<p>Plans used in the preparation of survey/compilation</p> <p>D.P. XXXXXX D.P. XXXXXX D.P. XXXXXX</p>		<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of section 6.15 <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>
<p>Surveyor's Reference: 6469-SUB-1</p>		<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p> <p style="text-align: center;">Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>

DRAFT

BASED ON STATE ARCHITECTS DRAWING:
POTPRELIM PLANS DA-003- 2168

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**PLAN OF SUBDIVISION OF
LOT 48 D.P. 39230**

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2017*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number:

Date of Endorsement:

- (A) - EASEMENT TO DRAIN WATER (VARIABLE WIDTH)
- (B) - EASEMENT TO DRAIN WATER (1.0 WIDE)

STREET ADDRESS SCHEDULE

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	26A	WOODWARD	STREET	MEREWETHER
2	26B	WOODWARD	STREET	MEREWETHER

Surveyor's Reference: 6469-SUB-1



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 26 WOODWARD STREET MEREWETHER –
DA2022/00382 AND DUAL OCCUPANCY – INCLUDES DEMOLITION
AND SUBDIVISION (2 LOTS) TORRENS TITLE**

ITEM-25 Attachment B: Draft Schedule of Conditions

DISTRIBUTED UNDER SEPARATE COVER



Application No: DA2022/00382

Land: Lot 48 DP 39230

Property Address: 26 Woodward Street Merewether NSW 2291

Proposed Development: Demolition and Construction of Dual Occupancy 2 x three-storey dwellings and Subdivision – Torrens Title (2 lots)

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
Architectural Plans Cover Page & Plan Set	Project No.2168, Rev B	Shade Design Newcastle	26/10/2022
Stormwater Drainage Plan	Job No.6469, Edition A, Dwg No.1	Land Development Solutions	10/03/2022
Subdivision Plan	Ref: 6469-SUB-1	Jason Harman	2/03/2022
Waste Management Plan	-	Shade Design Newcastle	Undated
BASIX Certificate	Certificate No.1291305M	Evergreen Energy Consultants Pty Ltd	28 March 2022
NatHERs Certificates No.0007170202 No. 0007170228 No. 0007170250		Evergreen Energy Consultants Pty Ltd	28 March 2002

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

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

- In accordance with the City of Newcastle Section 7.11 Development Contributions Plan 2021-2036 (the Plan), the following monetary contributions shall be paid to the City of Newcastle to cater for the increased demand for transport and social infrastructure resulting from the development:

Description	Contribution (\$)
Transport	\$3,079.30
Open Space and Recreation	\$13,232.41

Community Facilities	\$2,447.89
Plan Preparation and Administration	\$468.31
TOTAL	\$19,227.91

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment

The contributions shall be paid to the City of Newcastle:

- (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.
3. Roof water from the proposed new work is to be directed to the proposed water tank with a minimum capacity of 4,000 litres per dwelling and being reticulated to any new toilet cisterns and cold-water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3). Full details are to be included in documentation for a Construction Certificate application.
 4. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Newcastle City Council's drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Details are to be included in documentation for a Construction Certificate application.
 5. All stormwater runoff from the proposed development is to be managed in accordance with the requirements of Element 7.06 '*Stormwater*' of Newcastle Development Control Plan 2012, the associated Technical Manual and *AS/NZS 3500.3 Plumbing and drainage Part 3 Stormwater drainage*, as indicated on the stormwater drainage plan prepared by Land Development Solutions (Job No.6469 Drg. No. 1, Edition A, dated 10/03/2022). Details are to be included in documentation for a Construction Certificate application.
 6. All proposed courtyard, garden and lawn areas indicated on the submitted plan or otherwise required under the conditions of this consent, are to be comprehensively landscaped in accordance with the provisions of Newcastle Development Control Plan 2012. The required landscape works are to incorporate a minimum of one taller growing tree specimen in respect of each dwelling, such to be nominated on plans submitted with a Construction Certificate application.
 7. Fences are to be constructed of sufficient height to afford privacy to residents in accordance with the performance criteria and provisions of Newcastle Development Control Plan 2012. Full details are to be included in the documentation for a Construction Certificate application.
 8. The applicant is to comply with all of Hunter Water's requirements to provide your development with water supply and sewerage services. A copy of Hunter Water's compliance certificate (*Hunter Water Act 1991* - Section 50) must be submitted with your

Construction Certificate application.

9. Facilities are to be provided within the proposed individual private courtyards, or in another screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.
10. The construction or erection of swimming pool safety fences and gates and all associated work is to be carried out in accordance with the *Swimming Pools Act 1992* and Regulations. Full details are to be included in the documentation for a Construction Certificate application.
11. The swimming pool/spa water recirculation and filtration system installation is to comply with *Australian Standard 1926.3:2010 - Swimming pool safety - Water recirculation systems*. Full details are to be included in the documentation for a Construction Certificate application.
12. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
13. Prior to application for a Construction Certificate, working drawings and specifications of the proposed buildings are to be submitted to Subsidence Advisory NSW for approval and any requirements of Subsidence Advisory NSW are to be included in the documentation for a Construction Certificate application.

Note: Subsidence Advisory NSW have granted their approval of the development subject to conditions, dated 30 March 2022 and this accompanied lodgement of the subject development application.

14. A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
 - a) Constructed in accordance with City of Newcastle's A1300 - Driveway Crossings Standard Design Details.
 - b) The driveway crossings, within the road reserve, is to be a maximum of 3m wide.
 - c) Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m, in the 2.0m by 2.5m splay within the property boundary, each side of the driveway entrance.
 - d) The proposed driveway is to be a minimum of 3.0m clear of the trunk of any tree within the road reserve.
 - e) The proposed driveway is to be a minimum of 750mm clear of the centre of any pole or obstruction within the road reserve and 1.0m clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993* has been granted by the City of Newcastle.

15. A separate application is to be lodged and consent obtained from Newcastle City Council for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. The consent is to be obtained, or other satisfactory arrangements confirmed in writing from the Newcastle City Council, before the issue of a Construction Certificate.

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

16. 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*, or
 - c) Be a temporary chemical closet approved under the *Local Government Act 1993*.
17. Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
18. The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:
- a) prior to commencement of demolition works a competent person shall determine the presence of hazardous substances impacted by the proposed demolition works in accordance with Section 1.6.1 of AS2601:2001 and where required produce a Hazardous Substances Management Plan
 - b) demolition works shall be conducted in accordance with any required Hazardous Substances Management Plan. A copy of the Plan shall be kept on-site for the duration of the proposed development and a copy is to be held in the possession of the landowner
 - c) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW
 - d) a copy of all waste disposal receipts are to be kept in the possession of the landowner and made available to authorised Council Officers upon request
 - e) seven working days notice in writing is to be given to the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, and
 - f) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.
19. The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority's requirements prior to demolition.
20. Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, an application is to be made for the approval to position the container on the adjacent public road in accordance with the

Newcastle City Council's adopted Building Waste Container Policy.

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

22. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence is to be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
23. An application is to be made to and approved by Newcastle City Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence is to comply with the *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2011* and any relevant approved industry code of practice. Notice of intention of commencement is to be given to SafeWork NSW.
24. A rigid and durable sign is to be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
- a) showing the name, address and telephone number of the Principal Certifier for building work and subdivision work, and
 - b) showing the name, address and telephone number of the Principal Contractor, if any, for any building work and a telephone number on which the Principal Contractor may be contacted at any time for business purposes , and
 - c) stating that unauthorised entry to the work site is prohibited, and
 - d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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

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

25. Building work must be carried out in accordance with the requirements of the Building Code of Australia.
26. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
27. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information -
 - (a) In the case of work for which a principal contractor is required to be appointed -
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - (b) In the case of work to be carried out by an owner-builder -
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989 - the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Note: This does not apply in relation to Crown building work certified to comply with the Building Code of Australia under Part 6 of the Act.

27. All excavations and backfilling are to be executed safely and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
28. All building materials, plant and equipment is to be placed on the site of the development, to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council reserves, including the road reserve, is not permitted.
29. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier at the stages of construction indicated:
 - a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
 - b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
 - c) When the roof has been completed, confirming that the building does not exceed the approved levels.
30. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifier on completion of the retaining wall construction confirming that the location of the wall/walls is consistent with the approved location.
31. 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.

32. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool wastewater is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation.
33. Pool plant and equipment is to be sited or enclosed in a sound absorbing enclosure to prevent any offensive noise (as defined under the *Protection of the Environment Operations Act 1997*) impacts to adjoining neighbours.
34. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
 - Monday to Friday, 7:00 am to 6:00 pm and
 - Saturday, 8:00 am to 1:00 pm.

No noise from construction/demolition work is to be generated on Sundays or public holidays.

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

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

36. Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book')* published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
37. Prior to the commencement of work, a 3.0m wide all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand or soil is not to be stockpiled on the all-weather vehicle access.
38. All necessary measures are to be undertaken to control dust pollution from the site. These measures are to include, but are not limited to:
 - a) Restricting topsoil removal;
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
 - c) Alter or cease construction work during periods of high wind; and
 - d) Erect green or black shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
39. Where the proposed development involves the destruction or disturbance of any survey monuments, those monuments affected are to be relocated, at no cost to the Newcastle City Council, by a Surveyor registered under the *Surveying and Spatial Information Act 2002*.
40. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.

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

41. All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.
42. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Newcastle City Council'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.
43. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.
44. Any redundant existing vehicular crossing is to be removed at no cost to Newcastle City Council. The road reserve and kerb is to be restored to Newcastle City Council's satisfaction. Works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.
45. An easement to drain water as shown on the subdivision plan (Plan Ref: 6469-SUB-1), prepared by Jason Harman and dated 2/03/2022, over the existing stormwater pipeline within the subject property, is to be created. Such easement is to be in favour of the City of Newcastle and created prior to the issue of an Occupation Certificate for the proposed development.

Note: All associated survey and legal work is to be undertaken by the developer at the developer's expense.

46. An application is to be made for a Subdivision Certificate. The application is to be supported by a digital copy (pdf format) of the survey plan of subdivision, associated administration sheets and a Section 50 Certificate from the Hunter Water Corporation.
47. An instrument under Section 88B of the *Conveyancing Act 1919*, setting out the terms of easements as required by this consent, along with related notations on the plan of subdivision, are to be submitted to Newcastle City Council for certification. Newcastle City Council is to be identified as a party whose consent is required to release, vary or modify easements.
48. Written evidence of approval by Subsidence Advisory NSW is to be obtained and submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.
49. The approved dual occupancy (2 x three-storey dwellings) development on the site is to be completed to at least lock-up stage prior to the issue of the Subdivision Certificate.

Lock-up stage is taken to mean the stage at which a building's external wall cladding and roof covering is fixed, and external doors and windows are fixed (even if those doors and windows are only temporary).

50. Each dwelling is to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.

The minimum numeral height is to be 75mm.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

51. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997*.

Should Newcastle City Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant, verifying that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to Newcastle City Council prior to the expiration of the nominated period.

52. The development is allocated the following street address/es in accordance with Newcastle City Council's *House Numbering Policy* and the *Surveying and Spatial Regulation*.

Unit / Dwelling / Lot Number on plan	House Number	Street Name	Street Type	Suburb
Lot 481	26	Woodward	Street	Merewether
Lot 482	26A	Woodward	Street	Merewether

ADVISORY MATTERS

- Any proposed business identification sign or advertising sign is to be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application that is to be approved prior to the sign being erected or placed in position, except when such signage meets '*exempt development*' criteria.
- Retaining walls not clearly noted on the approved plans or outside of the parameters of '*exempt development*', as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a retaining wall taking place.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the City of Newcastle and any other relevant authorities. Newcastle City Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required from any adjoining owner under the provisions of the *Dividing Fences Act 1991*.

- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Section 37 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW).
- It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979*, which may be subject to a penalty infringement notice (ie 'on-the-spot fine') or prosecution.
- Subsidence Advisory NSW advises that it has granted approval for the subdivision subject to:
 - a) The number, size and boundaries of lots being substantially as shown on the approved plans; and
 - b) Notification being made to Subsidence Advisory NSW of any changes to lot numbering and of the registered Deposited Plan number.
- The owner of the premises on which a swimming pool/spa is situated is to ensure that the pool details are entered into the *State Swimming Pool Register*. The register is accessible at www.swimmingpoolregister.nsw.gov.au.
- A person who is aware or believes that he or she has discovered or located a relic not identified and considered in the supporting documents for this approval, in any circumstances (including where works are carried out in reliance on an exception under section 139(4)), excavation or disturbance must cease in the affected area(s) and the Heritage Council must be notified in accordance with section 146 of the *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area(s).

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

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

Note: Heritage NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.gov.au. An 'Aboriginal object' is any deposit,

object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. It is an offence under the provisions of the *National Parks and Wildlife Act 1974* (NPW Act) for a person to harm or desecrate an Aboriginal object, with defence from prosecution and certain activities exempt as prescribed under the NPW Act.

END OF CONDITIONS

SCHEDULE 2

REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposal is considered acceptable in relation to the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 4.3 Height of buildings and considers the objection to be justified in the circumstances consistent with the objectives of Clause 4.3 and the objectives of the R2 Low Density Residential zone under NLEP 2012.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.

REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 26 WOODWARD STREET MEREWETHER –
DA2022/00382 AND DUAL OCCUPANCY – INCLUDES DEMOLITION
AND SUBDIVISION (2 LOTS) TORRENS TITLE**

ITEM-25 **Attachment C:** Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER



PROCESSING CHRONOLOGY

DA2022/00382 – 26 Woodward Street Merewether

11 April 2022	-	Application lodged
13 April 2022 to 4 May 2022	-	Application notified in accordance with CN's Community Participation Plan (CPP)
26 October 2022	-	Request for additional information issued: additional heights / levels to be shown on retaining walls on plan
31 October 2022	-	Revised architectural Plans received



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 26 WOODWARD STREET MEREWETHER –
DA2022/00382 AND DUAL OCCUPANCY – INCLUDES DEMOLITION
AND SUBDIVISION (2 LOTS) TORRENS TITLE**

ITEM-25 **Attachment D:** Subsidence Advisory NSW approval

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Subsidence Advisory

117 Bull Street, Newcastle West, NSW, 2302 | T: (02) 4908 4300

99 Menangle Street, Picton, NSW, 2571 | T: (02) 4677 6500

24 Hour Emergency Service: 1800 248 083 (Free Call)

FNFN69-05818N0
TSUB22-00088

Land Development Solutions

Dear Land Development Solutions

RE PROPOSED ONE INTO TWO LOT TORRENS TITLE SUBDIVISION AT 26 WOODWARD STREET MEREWETHER; LOT 48 DP 39230; TSUB22-00088

NOTICE OF DETERMINATION

I refer to the application detailed above. Subsidence Advisory NSW has determined to grant approval under section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

Approval has been granted, subject to the conditions set out in the attached determination under Schedule 2. The stamped approved plans are attached.

Once relevant documentation to meet the conditions in Schedule 2 is available, please email through to subsidedevelopment@customerservice.nsw.gov.au quoting reference **TSUB22-00088**.

Should you have any questions about the determination, I can be contacted by phone on 02 4908 4300 or via email at subsidedevelopment@customerservice.nsw.gov.au.

Yours faithfully,

Melanie Fityus
Senior Risk Engineer

30 March 2022

DETERMINATION

Issued in accordance with section 22 of the *Coal Mine Subsidence Compensation Act 2017*

As delegate for Subsidence Advisory NSW under delegation executed 30 March 2022 approval is for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

Determination Date: 30 March 2022

Approval to Lapse on: 30 March 2027

The conditions of approval are imposed for the following reasons:

- a) To confirm and clarify the terms of Subsidence Advisory NSW approval.
- b) To minimise the risk of damage to surface development from mine subsidence.

Melanie Fityus
Senior Risk Engineer

30 March 2022

SCHEDULE 1

Application No: **TSUB22-00088**
Applicant: **LAND DEVELOPMENT SOLUTIONS**
Site Address: **26 WOODWARD STREET MEREWETHER**
Lot and DP: **LOT 48 DP 39230**
Proposal: **ONE INTO TWO LOT TORRENS TITLE SUBDIVISION**
Mine Subsidence District: **NEWCASTLE**

SCHEDULE 2
CONDITIONS OF APPROVAL

GENERAL	
Plans, Standards and Guidelines	
1.	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p>Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.</p>
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW must be notified of any changes to lot numbering and the registered DP number.
4.	Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.

Dispute Resolution

If you are dissatisfied with the determination of this application, an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.



ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

**DAC 06/12/22 – 26 WOODWARD STREET MEREWETHER –
DA2022/00382 AND DUAL OCCUPANCY – INCLUDES DEMOLITION
AND SUBDIVISION (2 LOTS) TORRENS TITLE**

ITEM-25 **Attachment E:** Clause 4.6 variation request

DISTRIBUTED UNDER SEPARATE COVER





LAND DEVELOPMENT SOLUTIONS

Clause 4.6 Exception to Development
Standard – Clause 4.3 – Height of Buildings
Newcastle LEP 2012

Demolition of existing dwelling &
associated structures, construction of
dual occupancy & Torrens Title
Subdivision

26 Woodward Street, Merewether
Lot 48 in DP 39230

Prepared: March 2022

Reference: 6469

Client: Nicole and Stephen Burns

Introduction

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

The development standard for which the variation is sought is Clause 4.3 (Height of Buildings) pursuant to the NLEP. The Height of Building Map prescribes a maximum HOB for the Site of 8.5m.

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

This request is made on the basis that:

- a) compliance with the development standard is unreasonable and unnecessary in the circumstances of the case,
- b) that there are sufficient environmental planning grounds to justify contravening the development standard,
- c) it is consistent with the objectives of the LEP, the particular standard and the zone in which the development is proposed to be carried out, and
- d) it is in the public interest to allow a departure from the numerical standard in this case.

An application is sort under Clause 4.6 Exceptions to development standards⁶⁶ of Newcastle LEP 2012

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (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.*
- (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 Secretary has been obtained.*

What is the zoning of the land and what are the objectives of the zone?

The subject site is zoned R2 Low Density Residential under Newcastle Local Environmental Plan 2012

Objectives of the zone:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.

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

Identify the Development Standard to which this Clause 4.6 variation applies?

Clause 4.3 Height of Buildings

Development Standard Being Varied?

The development standard being varied is the Height of Buildings standard.

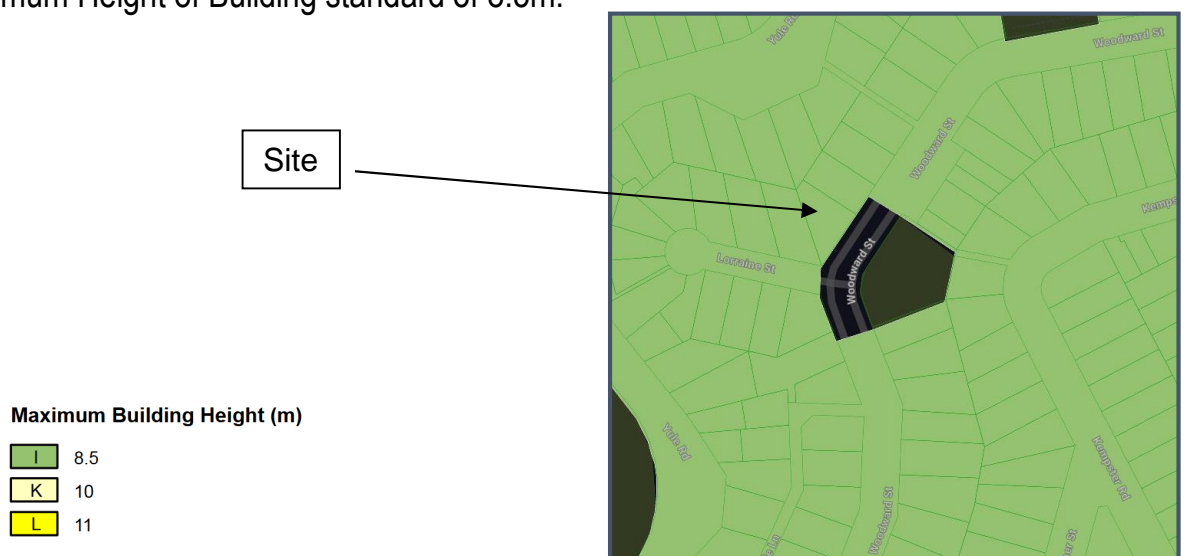
Under What Clause is the Development Standard listed in the EPI?

The development standard being varied is prescribed under Clause 4.3(2) of NLEP2012. An extract of the applicable relevant provision is set out below:

4.3 Height of Buildings

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height of Buildings map extract is shown below, noting that the site is prescribed with a maximum Height of Building standard of 8.5m.



What are the Objectives of the Development Standards?

Newcastle Local Environmental Plan 2012 Clause 4.3 Height of Buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,
 - (b) to allow reasonable daylight access to all developments and the public domain
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

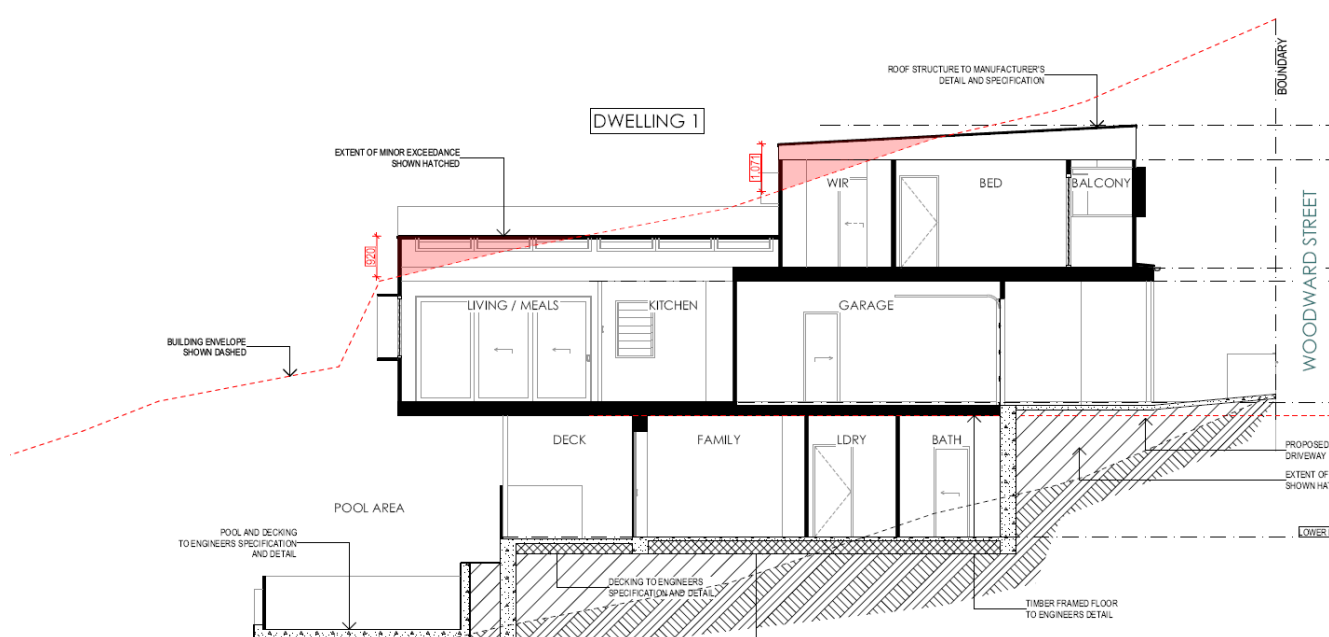
What is the numeric value of the development standard in the EPI?

The maximum Height of Building is 8.5m.

What is the proposed numeric value of the development standard, the percentage variation in your Development Application?

The development proposes a maximum Height of Building of 9.571m of proposed dwelling one, due to the existing slope of the site.

Height of Building			
Current Height of Building (m)	Maximum Height of Building (m)	Proposed Height of Building Size (m)	Percentage Variation (%)
n/a	8.5	9.57	12.6



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

The overall building mass of the dual occupancy dwelling is well within the LEP maximum height limit. The extent of the height non-compliance is limited centrally to the site and does not impose any overshadowing or privacy issues as demonstrated in the Statement of Environmental Effects. The height departure will not affect adjoining development or the development itself in terms of excessive bulk as the departure is minor in scale compared to the overall site. As viewed from Woodward street the proposed dwellings are meters under the LEP height limit

Under LEC ruling of *Wehbe v Pittwater Council [2007] NSW LEC 827*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the non-compliance.

Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6(3)(a).

The Five ways described in *Wehbe* are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;

The objectives of the standard have been outlined at the commencement of this report, a response to each of the objectives is provided below:

- (a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,

The proposed departure is central to the site and is not visible from Woodward Street. Due to the orientation the departure does not cause any additional solar impacts on adjoining dwellings.

- (b) to allow reasonable daylight access to all developments and the public domain

As displayed on the shadow diagrams included in the Architectural plans there is no additional impact on shadowing due to the departure.

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The departure is purely the roof form of proposed dwelling one consisting of an area of approx. 15m² within the 646.7m² site.

For the reasons set out above, the objectives of the standard are considered to be satisfied.⁷⁰

2. ***The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;***

The exception request does not rely on this consideration.

3. ***The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;***

Strict compliance to the HOB would hinder the functionality of the proposed dwelling one in that the overall development application proposes to provide an infill housing opportunity that creates two moderately sized detached dwelling on Torrens Title lots close to the city CBD. The objective of the residential zoning is to encourage greater inner-city density where possible without compromising the amenity and functionality to the dwellings or the surrounds. As these objectives are achieved within the proposal by allowing the slight departure to ensure amenity and functionality for proposed dwelling one is achieved whilst providing the desired density for the area.

4. ***The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence complying with the standard is unnecessary and unreasonable.***

The proposal is as a majority well within the 8.5 maximum height limited however the site is located within a steep area of Merewether where Council has taken the practical approach over the years to consider these minor departures in order to utilise steeper sloping sites to achieve the zoning density objectives desired by Council.

5. ***The compliance with the development standard is unreasonable or inappropriate due to existing use of the land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.***

The zoning of the land is appropriate for the site. This exception request does not rely on this consideration.

The site is strategically located close to the Newcastle CBD and the nature of the departure is minor and unobtrusive within its surrounds.

In addition to demonstrating that Wehbe "1" is satisfied, strict compliance with the standard is also considered to be unreasonable and unnecessary in the circumstances of this case for the following reasons:

- In *Moskovich v Waverley Council*, the LEC accepted that compliance with the standard (HOB in that case) was unreasonable and unnecessary because the

design achieved the objectives of the standard and the respective zone, in⁷¹a way that addressed the particular circumstances of the site and resulted in a better streetscape and internal and external amenity outcome than a complying development.

- The proposal for the subject site achieves a similar outcome in that it responds appropriately to surrounding & existing built form; provides an architectural design which strengthens the buildings presentation and appropriately promotes the desired future residential character.
- The development scheme has been designed with due consideration to existing site context and surrounding built form. In particular, the built form has been improved without increasing the buildings bulk and maintains a respectful interface with adjoining residences.
- Overall, the design approach to the subject site is consistent with those considerations in *Moskovich v Waverley Council*, and strict compliance with the HOB control over this site is considered unreasonable and unnecessary in this instance.

Accordingly, compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of the case.

Is the development standard a performance based control?

No

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

The subject site is a sloping site and the proposed dwellings will present to the street as a standard 2 storey dwelling standing around 6.28m at the highest point above the existing ground level and well within the 8.5m maximum height limit.



The proposed floor to ceiling heights are the minimum 2.75m and 2.45m and compliant to the DCP minimum floor to ceiling height requirements. The proposed roof is a low profile roof in keeping with the more modern roofing style of the area. All of these abovementioned design choices have been made in order to establish the least amount of departure to the LEP height limit. The departure is merely due to the slope of the site and resultant existing ground level. The dwellings are not an excessive in size with floor areas of 180m² and 191m² and is similar to the surrounding dwellings in floor area. It is clear that the departure is not a result of an excessively large dwelling, high ceilings or architectural featured roof and therefore any alterations to the proposed design to achieve a compliant building height would greatly impact on the owners amenity and the functionality of the dwelling. It would further reduce the size of the dwelling and possibly make it no longer a desirable family sized home. The proposed development is a considered approach with a mix of housing options being 3 & 4 bedroom dwellings. Both of which are desirable family sized homes offering the area a much needed variety of housing stock as opposed to smaller townhouse style new construction.

Are there sufficient environmental grounds to justify contravening the development standard?

Strict compliance would require the loss of residential density on a site that is centrally located and well serviced. This does not represent the proper management of resources or the orderly and economic use of land. The proposed residential housing will each have its own Torrens title lot and be within the character of the area

Further, it would be a poor planning outcome as it would place more pressure on peripheral locations to supply housing to meet the requirements of the city. As such, the proposed development is consistent with the provisions of orderly and economic development. A development that is in the public interest and demonstrates that it is consistent with the objectives of development standards within that zoning should be supported given that strict compliance would merely result in a built form that is inconsistent with its surrounds due to the resulting smaller compacted nature of the resultant design.

Given the minor nature of the non-compliance, there are no material impacts that result from the non-compliance, than a fully compliant development would present. In addition, there are no detrimental amenity impacts resulting from the development when considered in its entirety.

Is there a public benefit in maintaining the standard (cl4.6(5)(b))

Pursuant to case law in *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is '*whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development*'.

There is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the standard. Rather, the redevelopment of the site will facilitate additional housing opportunities within a well established residential area. If the maximum height were to be enforced the result would still be a 2 dwelling development but with a compromised design for both dwellings resulting in a smaller less desirable design. The proposal is providing family homes as opposed to smaller townhouse style developments and with a location close to shopping centers, schools and the inner city in a area that has a higher demand for family residences. As demonstrated in the Architectural plans the proposed height departure does not create any additional overshadowing impact or obstructs any views from adjoining lots. The design of the dwellings respect the surrounds and complements the emerging streetscape through good Architectural design, therefore the public benefits greatly outweighs any disadvantages in this instance

Is the variation well founded?

The proposal before Council provides for a well-considered development that responds to the context of the site and its surrounds and Councils planning principles. It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest. The proposed outcome is a sensitive, respectful, well considered and balanced proposal. The design relates sensibly & responsibly to the site context and existing conditions with particular regard to the amenity of the occupants and the surrounding neighbours. The proposal seeks to maximise the legitimate redevelopment opportunities of the site without denying or reducing the amenity of the area. It is considered that the departure from the LEP maximum height is of a relatively minor nature given the overall site massing proposed and the high Architectural aspect of the proposal. It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality residential development better suited to the site than the existing older style dwelling with detached garaging which as stated above meets the desired objectives of the standard and zone objectives.

It is not considered that the variation sought raises any matter of significance for state or regional environmental planning. The departure from the height of building control within the Newcastle LEP 2012 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

Conclusion

The relevant considerations of Clause 4.6 of the Newcastle LEP 2012 have been discussed above, and support contravention of the development standard for this instance. This report has systematically addressed the matters required to be demonstrated by sub clause (3), and satisfied the considerations required to be made by Council under Clause 4.6(4)(a)(i). The deviation from the prescribed Height of Building is consistent with the zone objectives and the objectives of the development standard in Clause 4.3 and Council may be satisfied that it is in the public interest pursuant to clause 4.6(4)(a)(ii).

Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the Newcastle LEP 2012 are satisfied as the departure from the controls does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance, and that the use of Clause 4.6 of the Newcastle LEP 2012 to vary this development controls is appropriate in this instance.

Based on the above assessment, it is reasonable to conclude that strict compliance with the Height of Building is not necessary and that a better planning outcome is achieved for this development by allowing flexibility in this instance.