

**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 19/10/21 - DAC 19/10/21 - 16 Parkway Avenue Bar Beach -  
DA2021/00294 - Dwelling house - alterations and additions**

<b>PAGE 3</b>	<b>ITEM - 21</b>	<b>Attachment A:</b>	Submitted Plans
<b>PAGE 30</b>	<b>ITEM - 21</b>	<b>Attachment B:</b>	Applicant's Clause 4.6 request to vary the height of building Development Standard
<b>PAGE 60</b>	<b>ITEM - 21</b>	<b>Attachment C:</b>	Draft Schedule of Conditions
<b>PAGE 70</b>	<b>ITEM - 21</b>	<b>Attachment D:</b>	Processing Chronology

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**DAC 19/10/21 - DAC 19/10/21 - 16 Parkway Avenue Bar Beach -  
DA2021/00294 - Dwelling house - alterations and additions**

**ITEM - 21      Attachment A:      Submitted Plans**

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# RESIDENTIAL RENOVATIONS AND EXTENSIONS

16 PARKWAY AVE, BAR BEACH, NSW 2300

## DA ISSUE

### ARCHITECTURAL DRAWING SCHEDULE

A00	COVER SHEET	A18	SCHEDULE OF MATERIALS
A01	SITE PLAN	A19	DOOR & WINDOW SCHEDULE 1
A02	SITE ANALYSIS PLAN	A20	DOOR & WINDOW SCHEDULE 2
A03	EROSION & SEDIMENT CONTROL PLAN	A21	NOTIFICATION PLAN
A04	EXISTING GROUND FLOOR PLAN	A22	NOTIFICATION NORTH SOUTH ELEVATION
A05	EXISTING FIRST FLOOR PLAN	A23	NOTIFICATION EAST WEST ELEVATION
A06	EXISTING ROOF PLAN		
A07	PROPOSED GROUND FLOOR		
A08	PROPOSED FIRST FLOOR		
A09	PROPOSED SECOND FLOOR		
A10	PROPOSED ROOF PLAN 1		
A11	PROPOSED ROOF PLAN 2		
A12	EXISTING ELEVATIONS		
A13	PROPOSED NORTH SOUTH ELEVATIONS		
A14	PROPOSED EAST WEST ELEVATIONS		
A15	SECTION A-A & B-B		
A16	SHADOW DIAGRAMS		
A17	3D PERSPECTIVES		

**EJE ARCHITECTURE**

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**ABBREVIATIONS**

AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION
ACP	ALUMINIUM COMPOSITE PANEL
AS	SOLID SURFACE
ADJ	ADJUSTABLE SHELF
AHJ	AUSTRALIAN HEIGHT DATUM
AL	ALUMINIUM LOUVER
ALB	ALUMINIUM BATTEN
AP	VERTICAL ALUMINIUM SCREEN
AP	ACCESS PANEL
AR	ARCHITRAVE
AS	AUSTRALIAN STANDARD
BA	BARRE BOARD
BAL	BALUSTRADE
BC	BEACH BOARD
BT	BENCHTOP
BF	BIFOLD DOOR
BG	BOX GUTTER

BH	BULKHEAD
BN	GARAGE BIN
BLK	CONCRETE BLOCKWORK
BRK	BRICKWORK
BOL	BOLLARD
BS	BENCH SEAT
BT	BOTTLE TRAP
BTH	BATHTUB
CP	CAPPING
CB	PREFINISHED STEEL
CBG	COLORBACKED GLASS
CFC	COMPRESSED FIBRE CEMENT
CH	COAT HOOK
CJ	CONSTRUCTION / CONTROL JOINT
CL	CENTRE LINE
CLD	CLADDING
CLS	CLOTHESLINE

COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION
CON	CONCRETE
COS	CONTRAST ON SITE
CPC	COLORBOND PARAPET CAPPING
CPD	CUPBOARD
CRB	CARPET
CR	CEMENT RENDER
CRN	CORNICE
CRT	CURTAIN
CRR	CURTAIN RAIL
CS	CLEANERS SINK
CVC	COVERED SKIRTING
CW	COLD WATER
DP	DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION
DR	DOOR
DS	DOOR STOP
EDB	ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION

EF	EXHAUST FAN
EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION
EJ	EXPANSION JOINT
ELP	ELECTRICAL PLATE
ENS	ENSULTE
EP	EPOXY FLOORING
EPS	EXPANDED POLYSTYRENE CLADDING SYSTEM
EQ	EQUAL SPACING
FAB	FABRIC UPHOLSTERY
FAN	CEILING FAN
FB	FACE BRICK
FC	FIBRE CEMENT SHEETING
FE	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FG	FIBRE GLASS
FH	FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION
FHR	FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION

FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS
FL	FLASHING
FLM	FLY FILM
FR	FIRE RESISTANCE
FRP	FIREPLACE
FS	FIXED SHELF
FT	FLOOR TILES
FW	FLOOR WASTE
G	GLASS
GA	GREASE ARRESTOR
GC	GARAGE CHUTE
GD	GRADED DRAIN
GL	GLASS LOUVER
GR	GRASS RAIL
GRD	GARAGE DOOR
GRV	GRAVEL
GP	GRADED PIT - REFER TO HYDRAULIC DOCUMENTATION

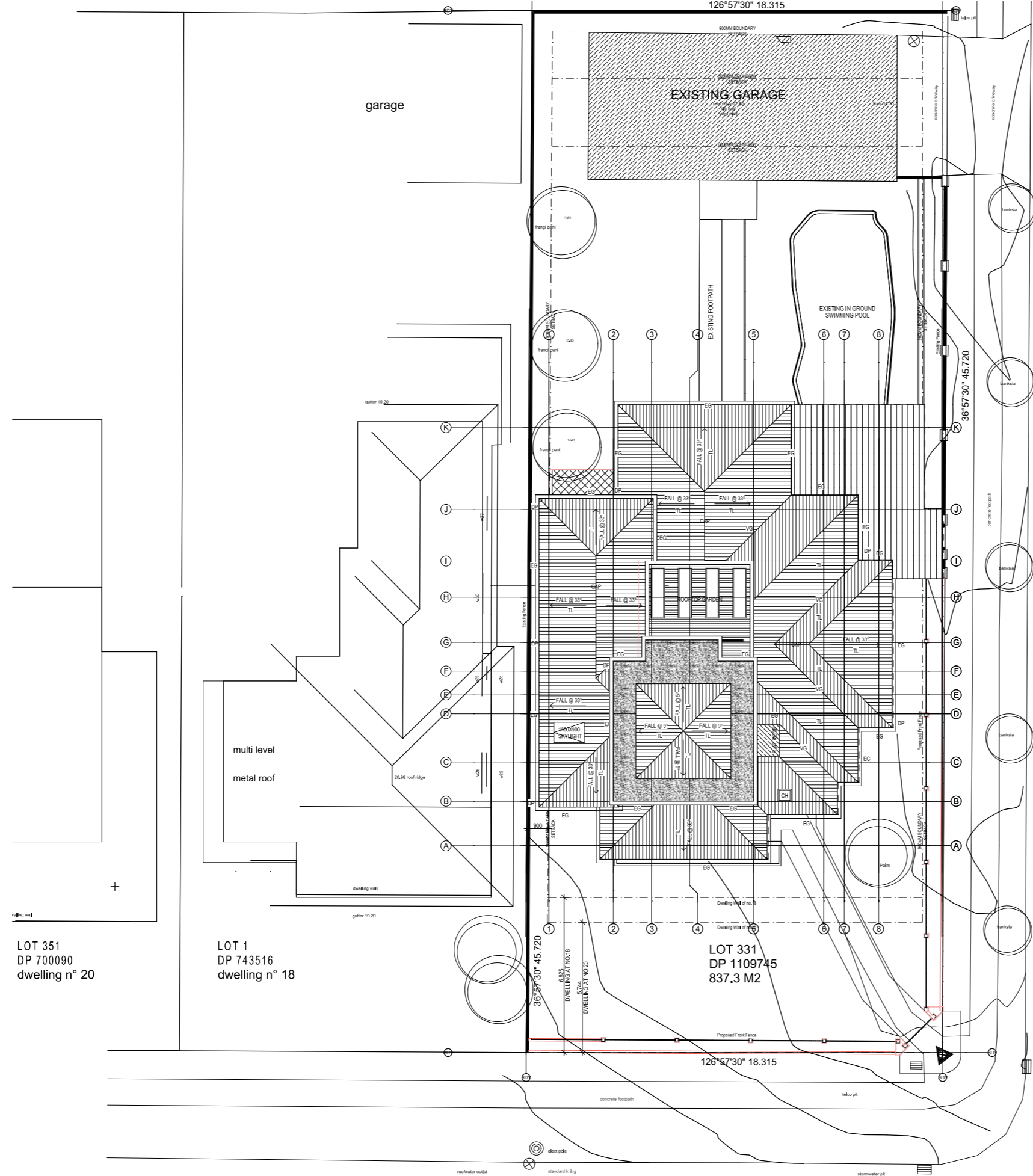
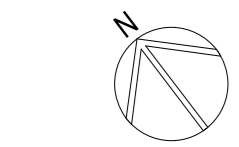
GT	GUTTER TRANSOM
GW	GLASS WINDOW
HA	HOME AUTOMATION CONTROL BOARD
HB	HAND BASIN
HD	HINGED DOOR
HDR	HAND DRYER
HP	HIGH POINT
HR	HANDRAIL
HRL	HANGING RAIL
HT	HOSE TAP
HTR	HEATER
HWS	HOT WATER SYSTEM
HYD	HYDRAULIC
J	JOINERY
JK	HOOK
LB	LINING BOARDS
LD	ACCESS LADDER

LDL	DOWNLIGHT
LDY	LAUNDRY
LS	LOCKER SYSTEM
LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
LPN	PENDANT LIGHT
LPL	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
LST	LED STRIP LIGHT
LTB	LETTERBOX
LVS	LOUVER
LWL	WALL LIGHT
MC	METAL CLADDING
MDB	MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION
MECH	MECHANICAL
MEL	MELAMINE
M	MIRROR
MRS	METAL ROOF SHEETING
MV	MATWELL

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**OVERALL FLOOR AREA SCHEDULE**

PROPOSED GROUND FLOOR GFL	183 M2
PROPOSED FIRST FLOOR GFL	91 M2
PROPOSED SECOND FLOOR GFL	34 M2
PROPOSED TOTAL GFL	308 M2
SITE	837.3 M2
FSR / CLAUSE 4.4 NLEP	0.75 : 1
FSR PROPOSED RESIDENCE	0.36 : 1

PROJECT: 16 PARKWAY AVENUE  
RESIDENTIAL RENOVATIONS  
AND EXTENSION

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
16 PARKWAY AVE, NEWCASTLE  
NSW, 2300

SITE: 16 PARKWAY AVENUE,  
BAR BEACH, NEWCASTLE  
2300

DRAWING: SITE PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 13208-ND-20210706.dwg

DRAWN: TN DATE: 14/07/2021 SCALES @A1: 1:100

PROJECT No: 13208 PHASE: DA DRAWING No: A01 REV: B



**ABBREVIATIONS**

AC AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION  
 ACP ALUMINIUM COMPOSITE PANEL  
 ACS SOLID SURFACE  
 ADJ ADJUSTABLE SHELF  
 AHD AUSTRALIAN HEIGHT DATUM  
 AL ALUMINIUM LOUVER  
 ALB ALUMINIUM BATTEN  
 AP ACCESS PANEL  
 AR ARCHITRAVE  
 AS AUSTRALIAN STANDARD  
 BA BARS BOARD  
 BAL BALUSTRADE  
 BC BABY CHANGE TABLE  
 BCT BENCHTOP  
 BF BI-FOLD DOOR  
 BG BOX GUTTER

BH BULKHEAD  
 BIN GARBAGE BIN  
 BLK CONCRETE BLOCKWORK  
 BRK BRICKWORK  
 BOL BOLLARD  
 BS BENCH SEAT  
 BT BOTTLE TRAP  
 BTH BATHTUB  
 CAP CAPPING  
 CB PREFINISHED STEEL  
 CBG COLOURBACKED GLASS  
 CFC COMPRESSED FIBRE CEMENT  
 CH COAT HOOK  
 DP DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION  
 CL CENTRE LINE  
 CLD CLADDING  
 CLS CLOTHESLINE

COL COLUMN - REFER TO STRUCTURAL DOCUMENTATION  
 CONC CONCRETE  
 COS CONFORM ON SITE  
 CPC COLORBOND PARAPET CAPPING  
 CPD CURBBOARD  
 CRB CARPET  
 CR CEMENT RENDER  
 CRN CORNICE  
 CRT CURTAIN  
 CRR CURTAIN RAIL  
 CS CLEANERS SINK  
 CVC COVERED SKIRTING  
 CW COLD WATER  
 DP DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION  
 DR DOOR  
 DS DOOR STOP  
 EDB ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION

EF EXHAUST FAN  
 EG EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION  
 EJ EXPANSION JOINT  
 ELP ELECTRICAL PLATE  
 ENS ENSULTE  
 EP EPOXY FLOORING  
 EPS EXPANDED POLYSTYRENE CLADDING SYSTEM  
 EQ EQUAL SPACING  
 FAB FABRIC UPHOLSTERY  
 FAN CEILING FAN  
 FB FACE BRICK  
 FC FIBRE CEMENT SHEETING  
 FE FIRE EXTINGUISHER  
 FFL FINISHED FLOOR LEVEL  
 FG FIXED GLASS  
 FH FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION  
 FHR FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION

FP FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS  
 FL FLASHING  
 FLM FLAME  
 FR FIRE RESISTANCE  
 FRP FIREPLACE  
 FS FIXED SHELF  
 FT FLOOR TILES  
 FW FLOOR WASTE  
 G GLASS  
 GA GREASE ARRESTOR  
 GC GARBAGE CHUTE  
 GD GRATED DRAIN  
 GL GLASS LOUVRES  
 GR GRAB RAIL  
 GDD GARAGE DOOR  
 GRV GRAVEL  
 GP GRATED PIT - REFER TO HYDRAULIC DOCUMENTATION

GT GUTTER TRANSOM  
 GW GLASS WINDOW  
 HA HOME AUTOMATION CUPBOARD  
 HB HAND BASIN  
 HD HINGED DOOR  
 HCR HAND DRYER  
 HP HIGH POINT  
 HR HANDRAIL  
 HRL HANGING RAIL  
 HT HOSE TAP  
 HTR HEATER  
 HWS HOT WATER SYSTEM  
 HYD HYDRAULIC  
 J JOINERY  
 KK KNOCK  
 LB LINING BOARDS  
 LD ACCESS LADDER

LDL DOWNLIGHT  
 LDY LAUNDRY  
 LKS LOCKER SYSTEM  
 LP LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT  
 LPN PENDANT LIGHT  
 LPL LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION  
 LST LED STRIP LIGHT  
 LTB LETTERBOX  
 LVS LOUVER  
 LWL WALL LIGHT  
 MC METAL CLADDING  
 MIB MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION  
 MECH MECHANICAL  
 MEL MELAMINE  
 MIRROR MIRROR  
 MRS METAL ROOF SHEETING  
 MW MATWELL

**LEGEND**

EXISTING PREMISES  
 NEW LANDSCAPED AREAS  
 NEW ASPHALT

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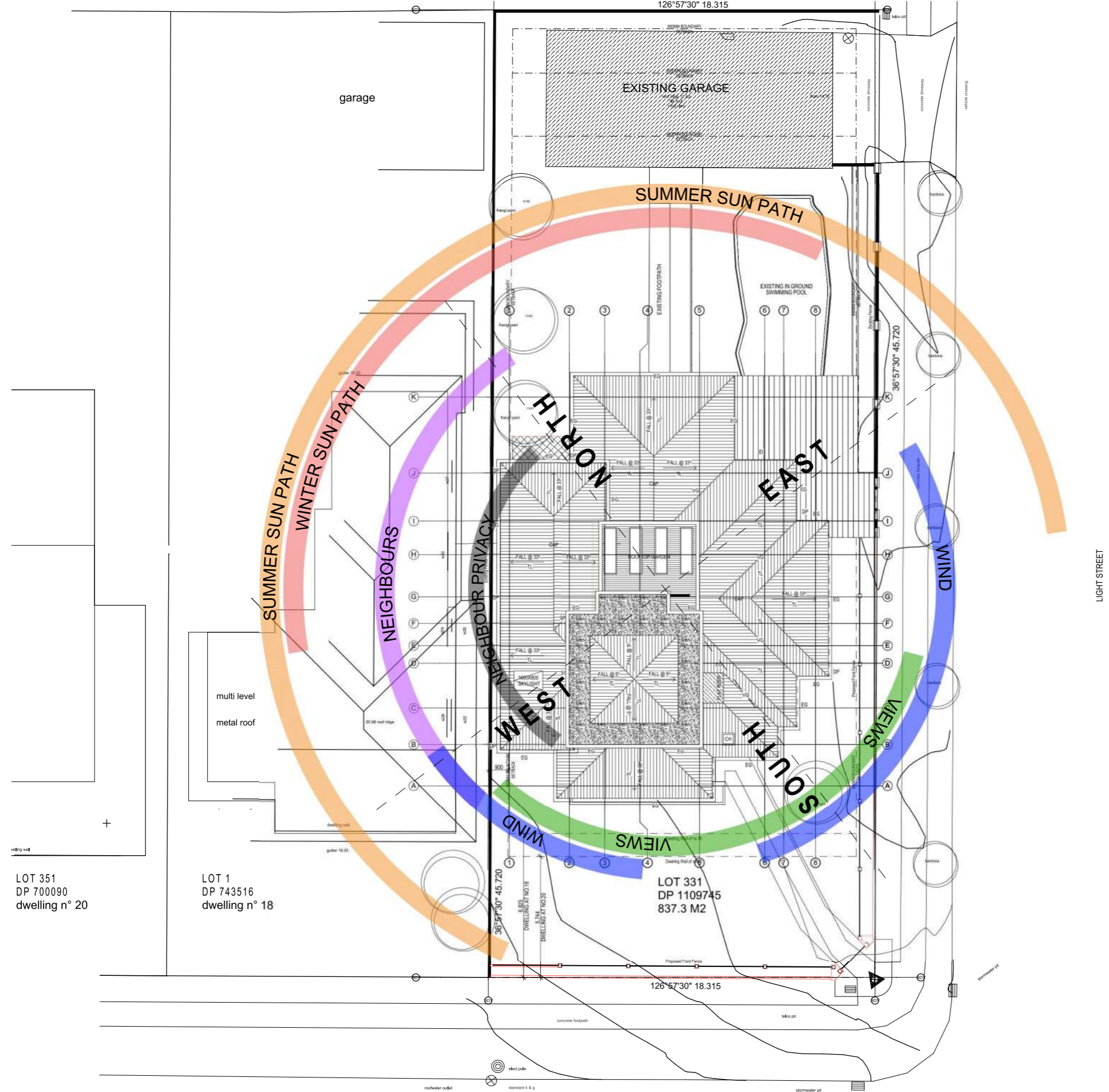
REV | DATE | COMMENTS  
 A | 2/02/2021 | ISSUE FOR DEVELOPMENT APPLICATION  
 B | 14/07/2021 | ISSUE FOR DEVELOPMENT APPLICATION

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO 16 PARKWAY AVE, NEWCASTLE NSW, 2300  
 SITE: 16 PARKWAY AVENUE, BAR BEACH, NEWCASTLE 2300  
 DRAWING: SITE ANALYSIS PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 13208-HD-20210706.dwg  
 DRAWN: TN DATE: 14/07/2021 SCALES @A1:  
**1:100, 1:500**

PROJECT No: 13208 PHASE: DA DRAWING No: A02 REV: B



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 DP 700090  
 dwelling n° 20

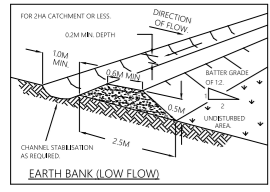
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 DP 743516  
 dwelling n° 18

LOT 331  
 DP 1109745  
 837.3 M2



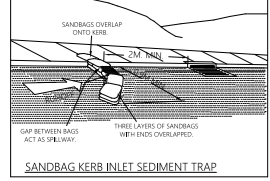
ABBREVIATIONS

Table of abbreviations for construction materials and fixtures, such as AC (AIR CONDITIONING), BK (BRICK), EX (EXHAUST FAN), and LD (ACCESS LADDER).



EARTH BANK (LOW FLOW)

- CONSTRUCTION NOTES: 1. CONSTRUCT WITH GRADIENT OF 1:1.5 CENT TO 3 PER CENT. 2. AVOID EXPOSED TRENDS AND SHARP CORNERS...

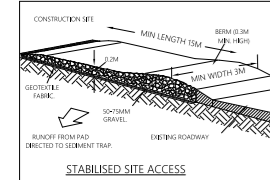


SANDBAG KERB INLET SEDIMENT TRAP

- CONSTRUCTION NOTES: 1. FABRICATE A SLEEVE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE KERB EYE...

SEDIMENT CONTROL NOTES

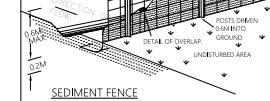
- 1. ALL DRAINAGE AND SEDIMENT CONTROL MEASURES INCLUDING VEGETATION AND STORAGE OF SOIL AND TOPSOIL...



STABILISED SITE ACCESS

CONSTRUCTION NOTES

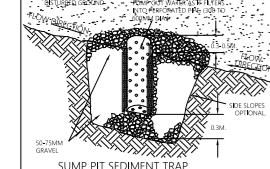
- 1. STRIP TOPSOIL AND LEVEL SITE. 2. COMPACT SUBGRADE. 3. COVER AREA WITH MEDIUM-DRAINED GEOTEXTILE...



SEDIMENT FENCE

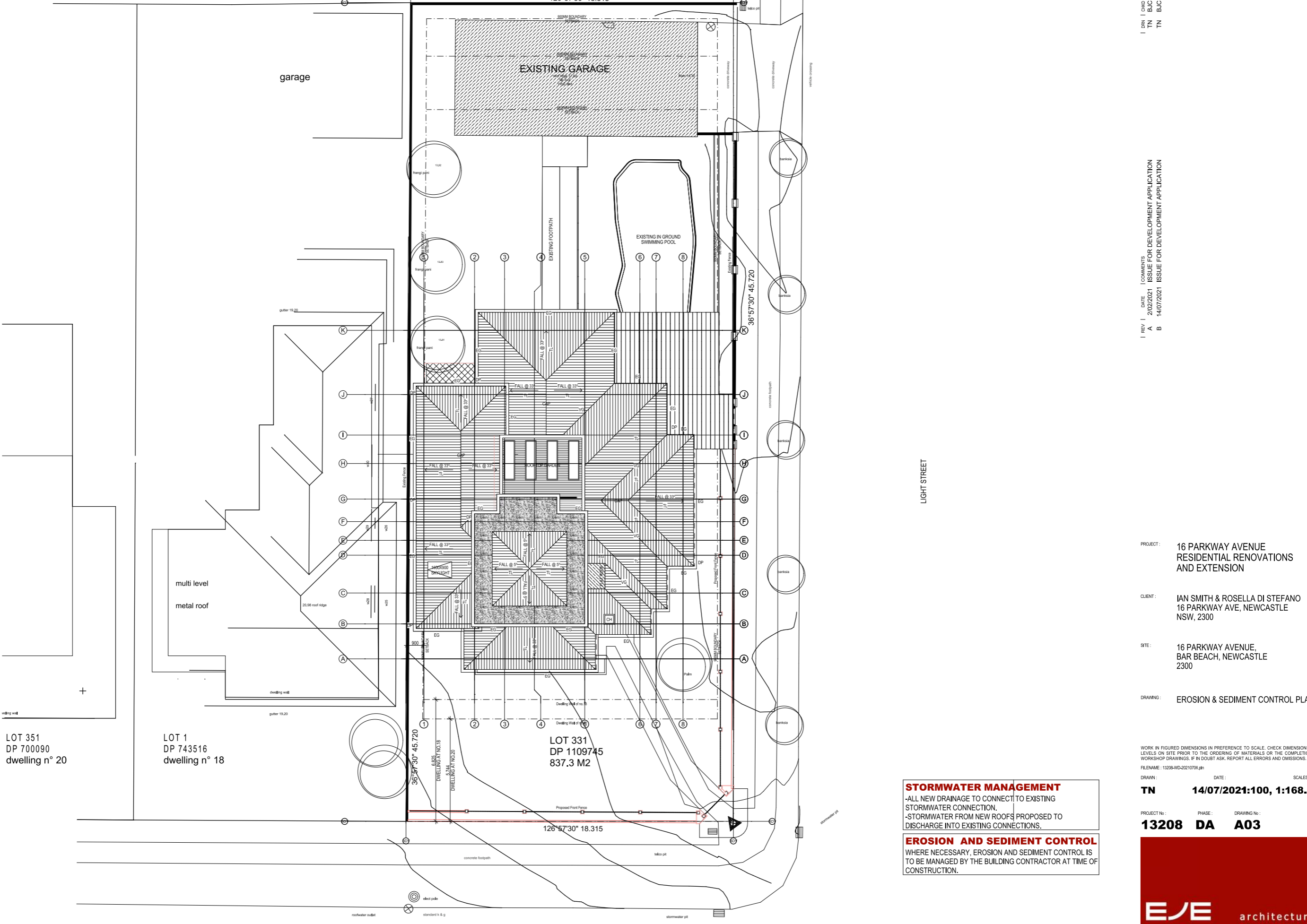
CONSTRUCTION NOTES

- 1. CONSTRUCT THE BENT PILE FENCE AS CLOSE AS POSSIBLE TO PARALLEL TO THE CONTOUR OF THE SITE...



SUMP PIT SEDIMENT TRAP

NOTE: REFER SPA BLUE BOOK FOR ALL DETAILS AND NOTES (TYP)



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REVISIONS: 1 REV | DATE | COMMENTS
2/02/2021 | ISSUE FOR DEVELOPMENT APPLICATION
14/07/2021 | ISSUE FOR DEVELOPMENT APPLICATION

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION

CLIENT: IAN SMITH & ROSELLA DI STEFANO
16 PARKWAY AVE, NEWCASTLE NSW, 2300

SITE: 16 PARKWAY AVENUE, BAR BEACH, NEWCASTLE 2300

DRAWING: EROSION & SEDIMENT CONTROL PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS...

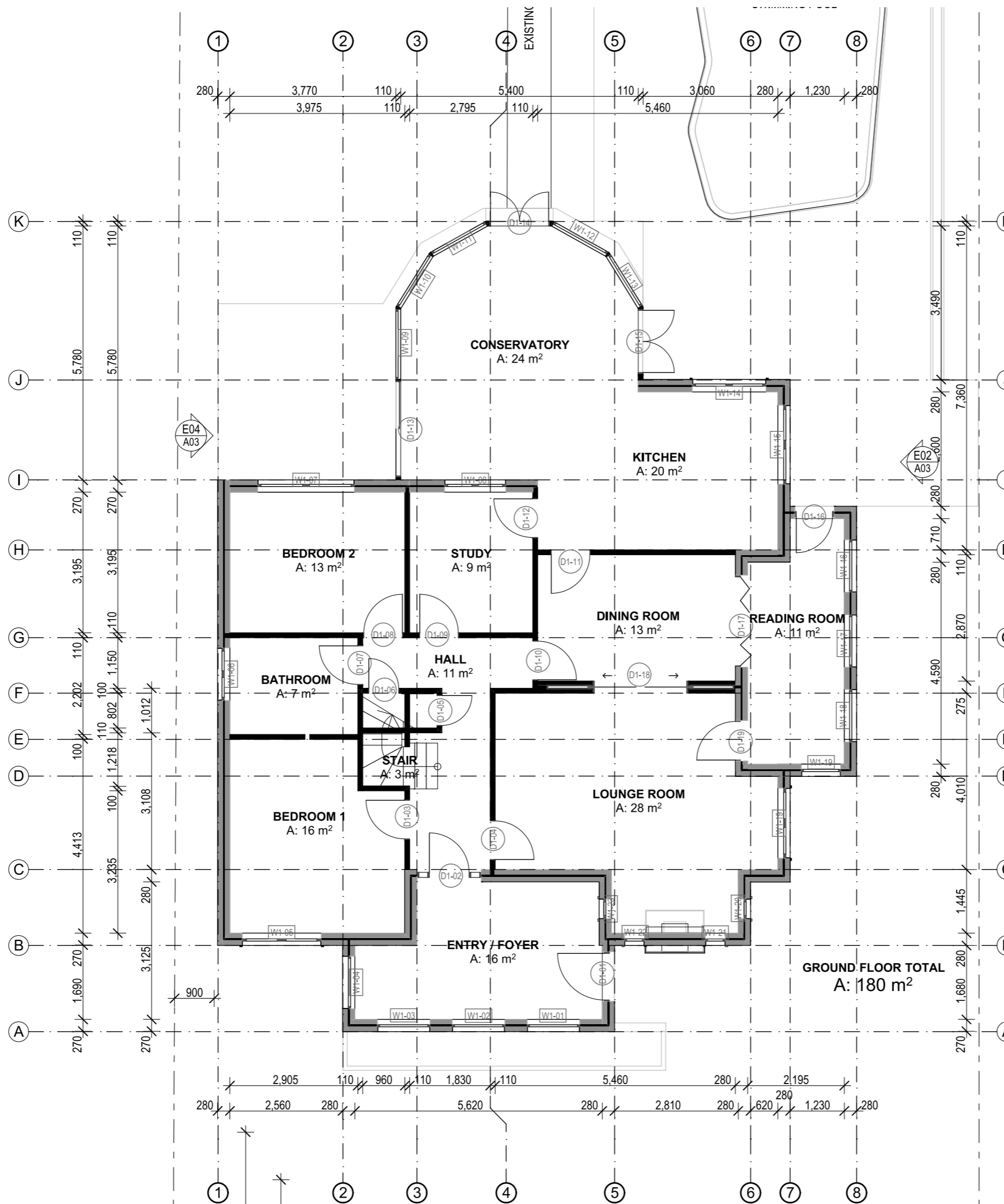
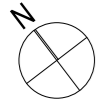
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DRAWN: TN DATE: 14/07/2021:100, 1:168.87

PROJECT No: 13208 DA A03 REV: B

STORMWATER MANAGEMENT
-ALL NEW DRAINAGE TO CONNECT TO EXISTING STORMWATER CONNECTION.
-STORMWATER FROM NEW ROOFS PROPOSED TO DISCHARGE INTO EXISTING CONNECTIONS.

EROSION AND SEDIMENT CONTROL
WHERE NECESSARY, EROSION AND SEDIMENT CONTROL IS TO BE MANAGED BY THE BUILDING CONTRACTOR AT TIME OF CONSTRUCTION.





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REV | CHG | VRD  
 TN B/C  
 TN B/C

COMMENTS  
 ISSUE FOR DEVELOPMENT APPLICATION  
 DATE 2/02/2021  
 REV A  
 DATE 14/07/2021  
 REV B

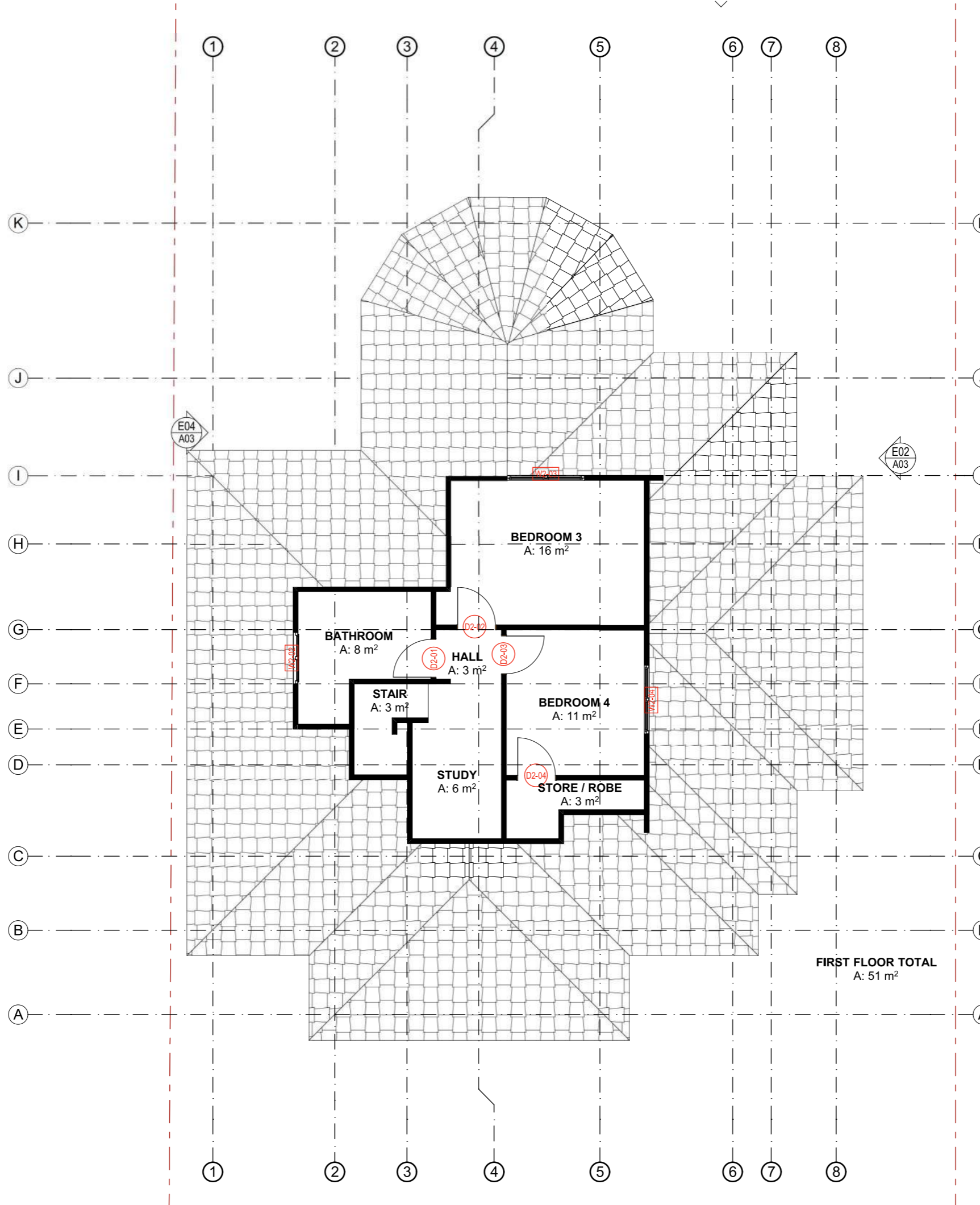
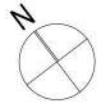
PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
 SITE: 412 KING STREET, NEWCASTLE, NSW 2300  
 DRAWING: EXISTING GROUND FLOOR PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.  
 FILENAME: 13208-HD-20210706.pht

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:100

PROJECT No: 13208 PHASE: DA DRAWING No: A04 REV: B





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REV | CHD | VRD  
 TN | B/C  
 TN | B/C

COMMENTS  
 ISSUE FOR DEVELOPMENT APPLICATION  
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 DATE | 2/02/2021  
 DATE | 14/07/2021  
 REV | A  
 REV | B

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
 SITE: 412 KING STREET, NEWCASTLE, NSW 2300  
 DRAWING: EXISTING FIRST FLOOR PLAN

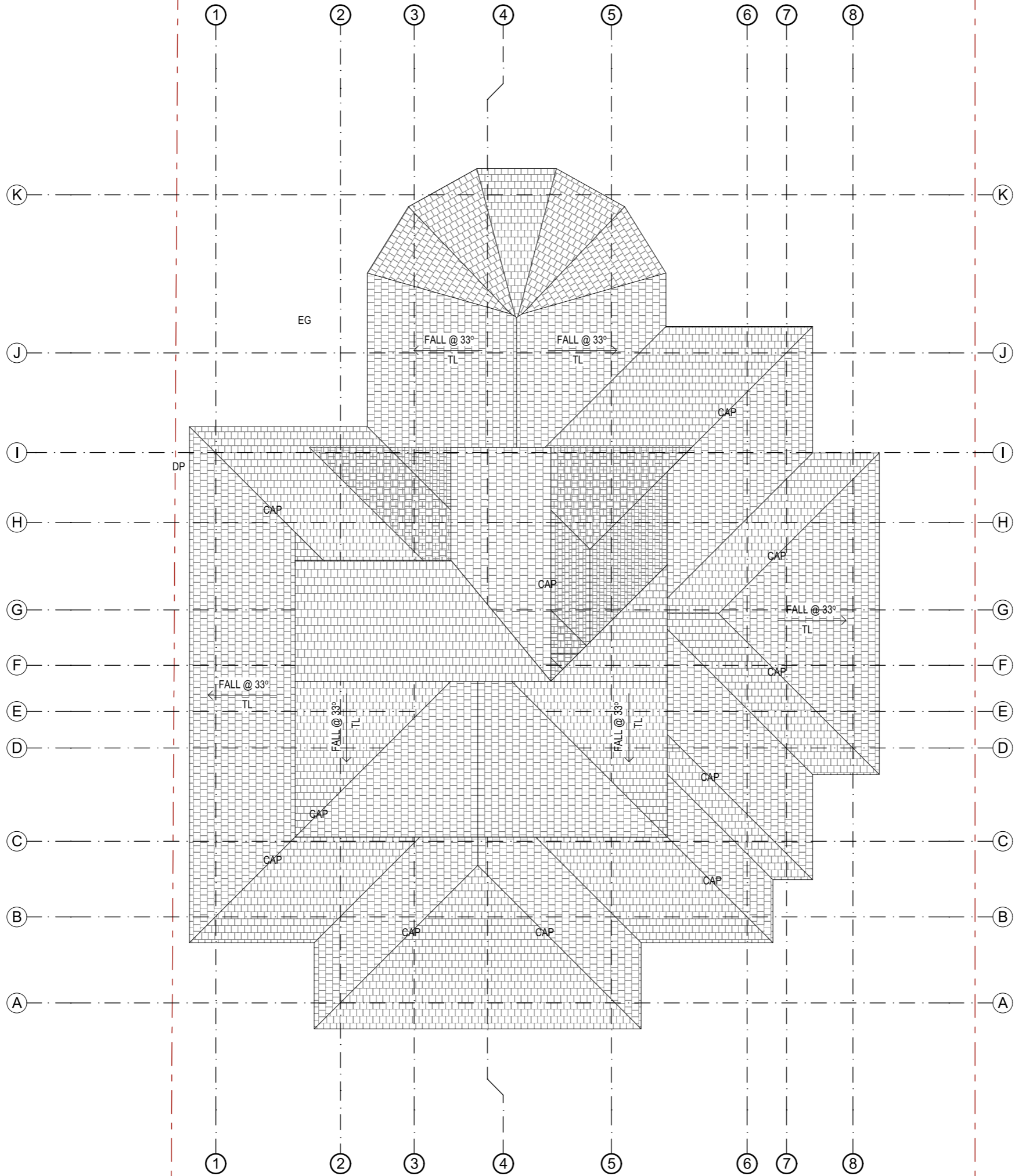
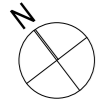
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PROJECT No: 13208 PHASE: DA DRAWING No: A05 REV: B







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11  
 | CHD | VRD  
 | CMC | B/C  
 | TN | B/C  
 | TN | TN

COMMENTS:  
 ISSUE FOR DEVELOPMENT APPLICATION  
 DATE: 2/02/2021  
 REV: A  
 14/07/2021  
 B

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
 SITE: 412 KING STREET, NEWCASTLE, NSW 2300  
 DRAWING: EXISTING ROOF PLAN

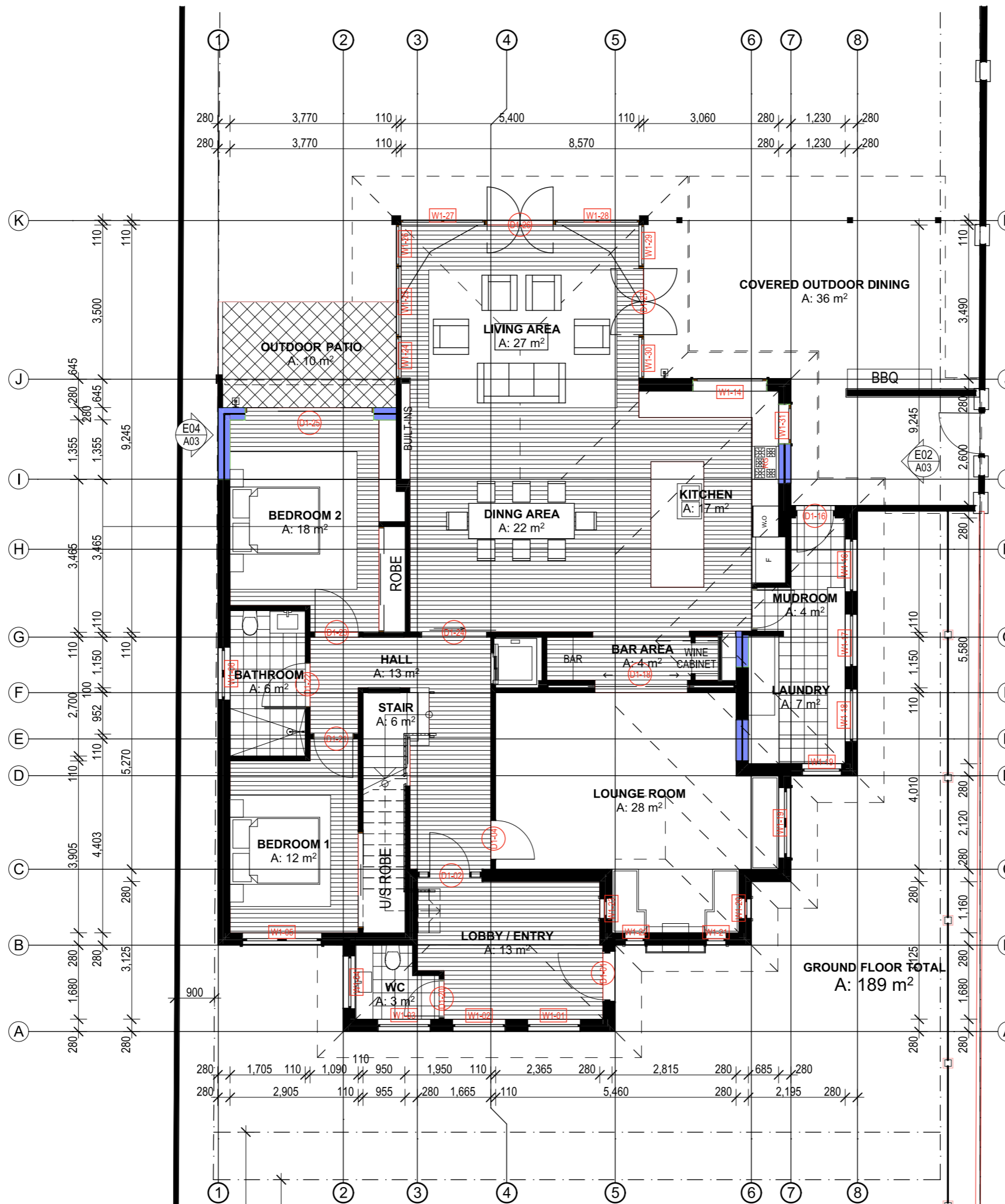
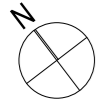
WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 13208-HD-20210706.pht

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:100

PROJECT No: 13208 PHASE: DA DRAWING No: A06 REV: B





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12  
 I CHD | WFD  
 I CHD | B/C  
 I CHD | B/C  
 I CHD | TN  
 I CHD | TN

COMMENTS:  
 ISSUE FOR DEVELOPMENT APPLICATION  
 ISSUE FOR DEVELOPMENT APPLICATION  
 DATE: 14/07/2021  
 REV: A  
 REV: B

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
 SITE: 412 KING STREET, NEWCASTLE, NSW 2300  
 DRAWING: PROPOSED GROUND FLOOR

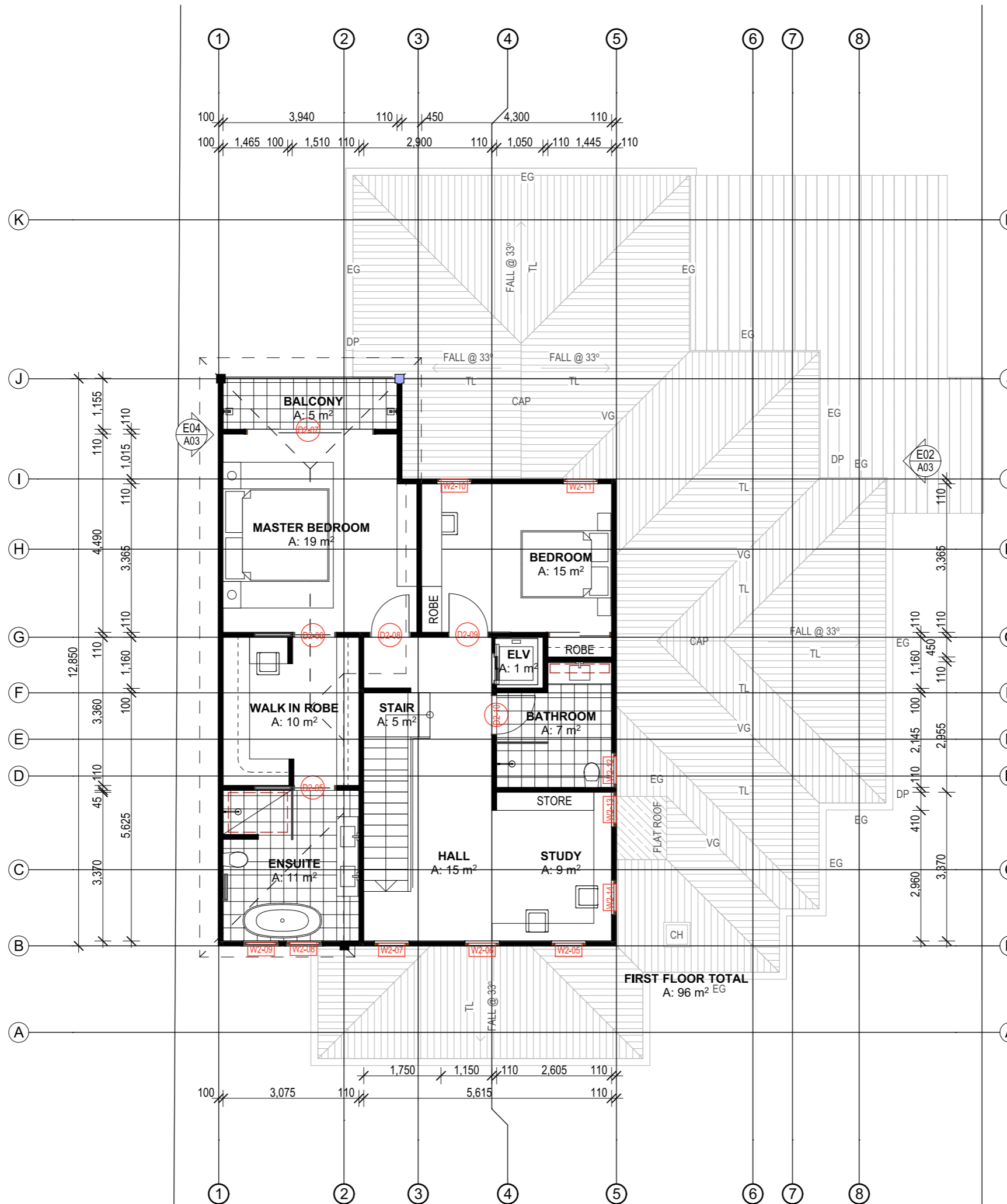
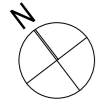
WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.  
 FILENAME: 13208-HD-20210706.dwg

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:100

PROJECT No: 13208 PHASE: DA DRAWING No: A07 REV: B







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REV	DATE	COMMENTS
A	2/02/2021	ISSUE FOR DEVELOPMENT APPLICATION
B	14/07/2021	ISSUE FOR DEVELOPMENT APPLICATION

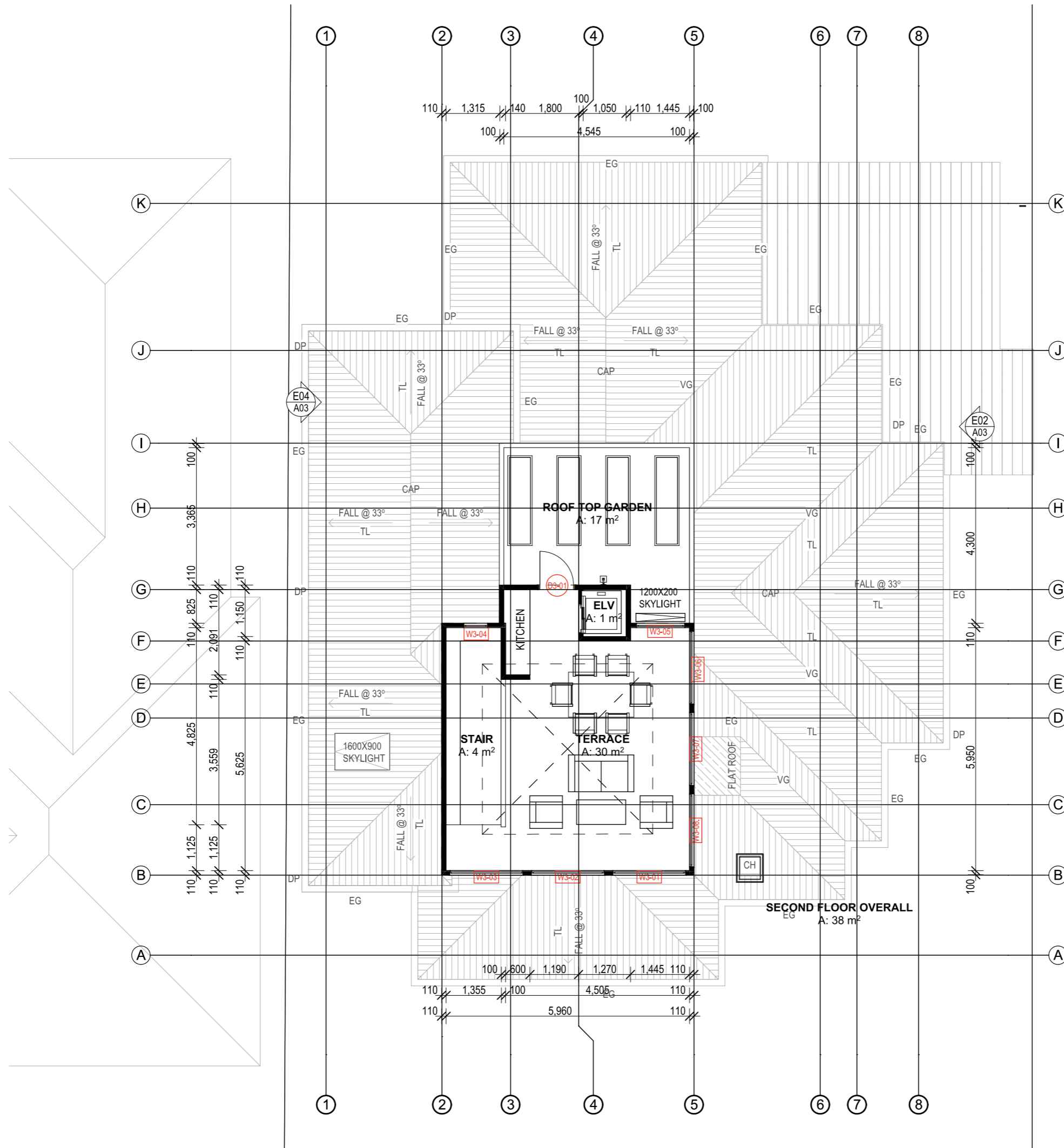
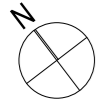
PROJECT	16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION
CLIENT	IAN SMITH & ROSELLA DI STEFANO 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300
SITE	412 KING STREET, NEWCASTLE, NSW 2300
DRAWING	PROPOSED FIRST FLOOR

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.  
 FILENAME: 13208-HD-20210706.dwg

DRAWN	DATE	SCALES @A:
<b>TN</b>	<b>14/07/2021</b>	<b>1:100</b>

PROJECT No:	PHASE:	DRAWING No:	REV:
<b>13208</b>	<b>DA</b>	<b>A08</b>	<b>B</b>





COMPLETION OF THE QUALITY ASSURANCE CHECKS IS VERIFICATION THAT THE DOCUMENT CONFORMS WITH THE REQUIREMENTS OF THE QUALITY PROJECT PLAN, WHERE THE QUALITY ASSURANCE CHECK IS INCOMPLETE THE DOCUMENT IS PRELIMINARY FOR INFORMATION PURPOSES ONLY. ON SUCH PURPOSES AS STATED IN THE REVISION COLUMN.  
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14  
 I CHD | VFD  
 I B/C | B/C  
 I TN | TN

COMMENTS:  
 A ISSUE FOR DEVELOPMENT APPLICATION  
 B ISSUE FOR DEVELOPMENT APPLICATION  
 DATE:  
 A 2/02/2021  
 B 14/07/2021

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

DRAWING: PROPOSED SECOND FLOOR

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 13208-HD-20210706.dwg

DRAWN: TN DATE: 14/07/2021 SCALES @A: 1:100

PROJECT No: 13208 PHASE: DA DRAWING No: A09 REV: B

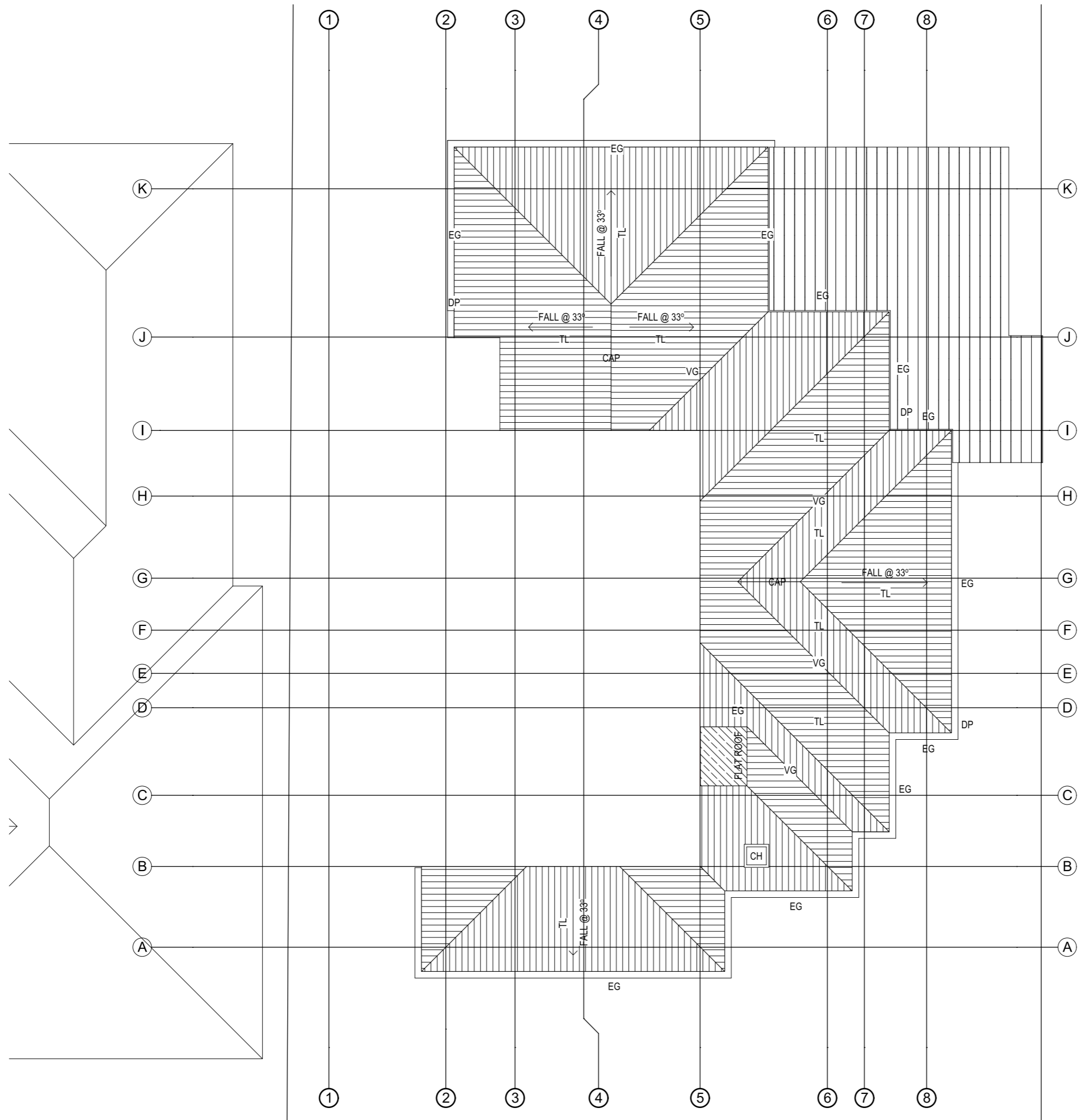


COMPLETION OF THE QUALITY ASSURANCE CHECKS IS VERIFICATION THAT THE DOCUMENT CONFORMS WITH THE REQUIREMENTS OF THE QUALITY PROJECT PLAN, WHERE THE QUALITY ASSURANCE CHECK IS INCOMPLETE THE DOCUMENT IS PRELIMINARY FOR INFORMATION PURPOSES ONLY. ON SUCH PURPOSES AS STATED IN THE REVISION COLUMN.

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15  
 I REV | CHD | VRD  
 A B/C  
 TN B/C  
 TN B/C

COMMENTS:  
 ISSUE FOR DEVELOPMENT APPLICATION  
 DATE: 2/02/2021  
 REV: A  
 DATE: 14/07/2021  
 REV: B



01 ROOF 1  
 1:100

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
 SITE: 412 KING STREET, NEWCASTLE, NSW 2300  
 DRAWING: PROPOSED ROOF PLAN 1

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 13208-HD-20210706.pht

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:100

PROJECT No: 13208 PHASE: DA DRAWING No: A10 REV: B



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16  
 I REV | CHD | VRFD  
 A B/C B/C  
 TN TN

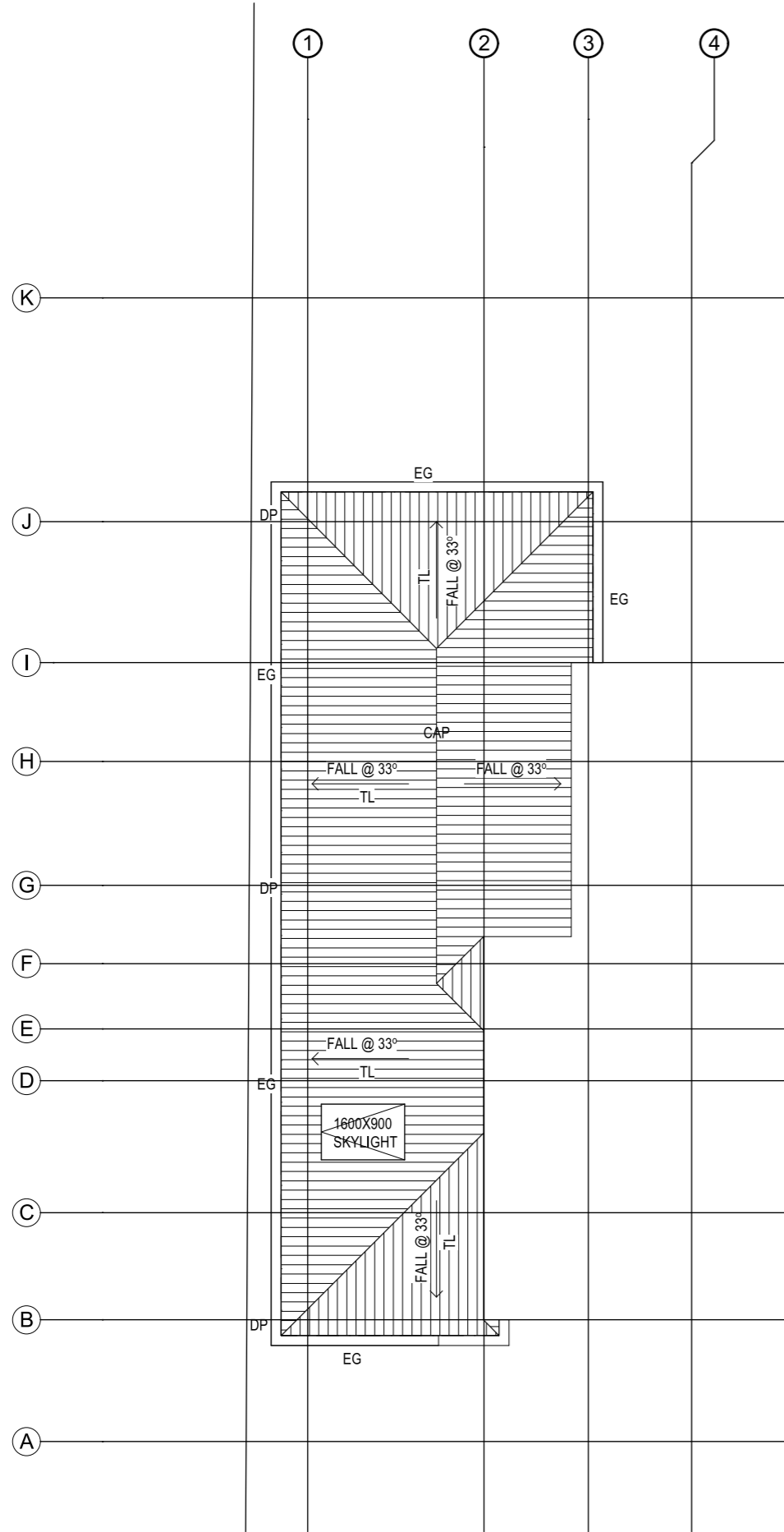
COMMENTS:  
 ISSUE FOR DEVELOPMENT APPLICATION  
 ISSUE FOR DEVELOPMENT APPLICATION  
 DATE: 2/02/2021  
 DATE: 14/07/2021  
 REV: A B

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
 SITE: 412 KING STREET, NEWCASTLE, NSW 2300  
 DRAWING: PROPOSED ROOF PLAN 2

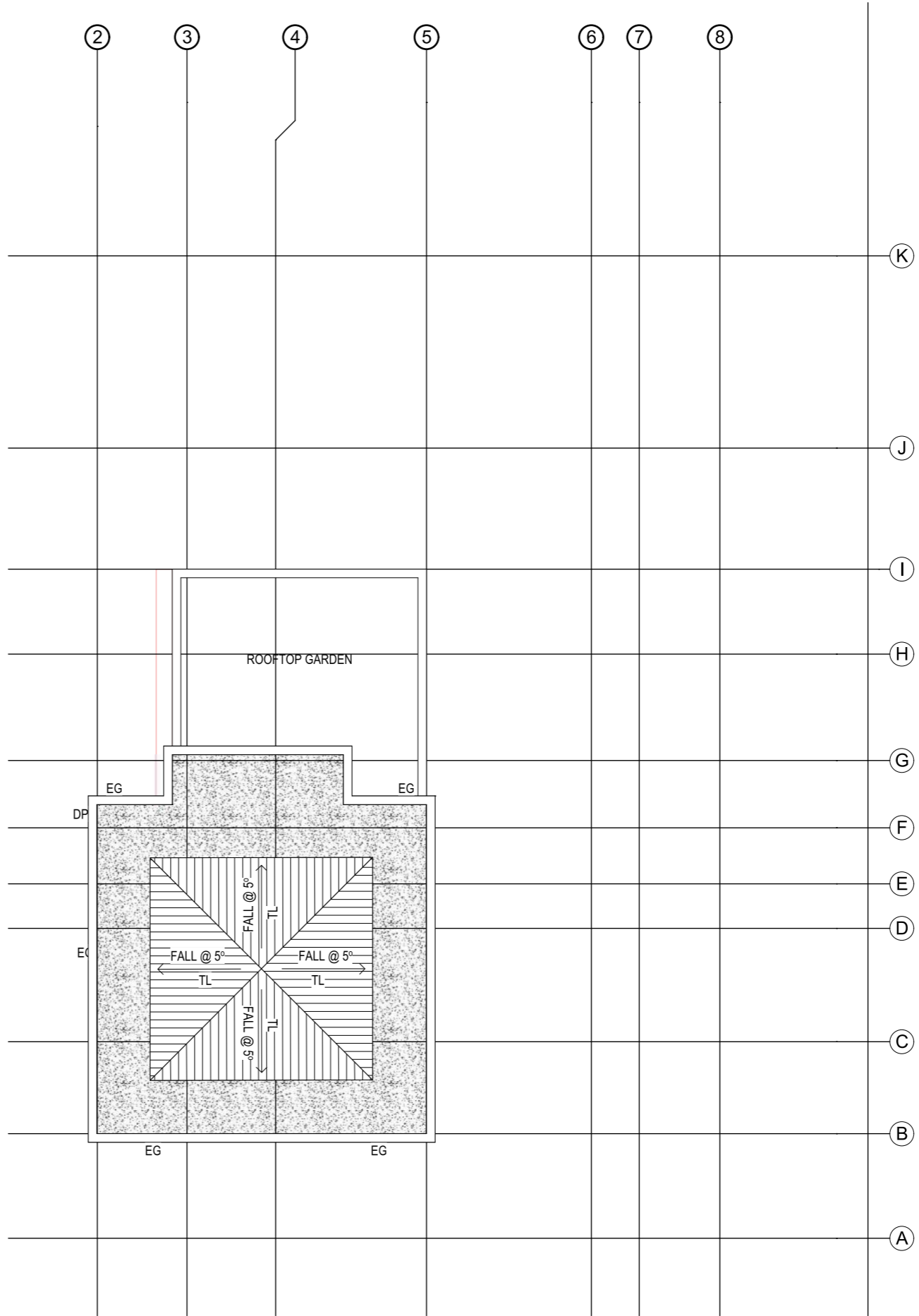
WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.  
 FILENAME: 13208-HD-20210706.dwg

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:100

PROJECT No: 13208 PHASE: DA DRAWING No: A11 REV: B



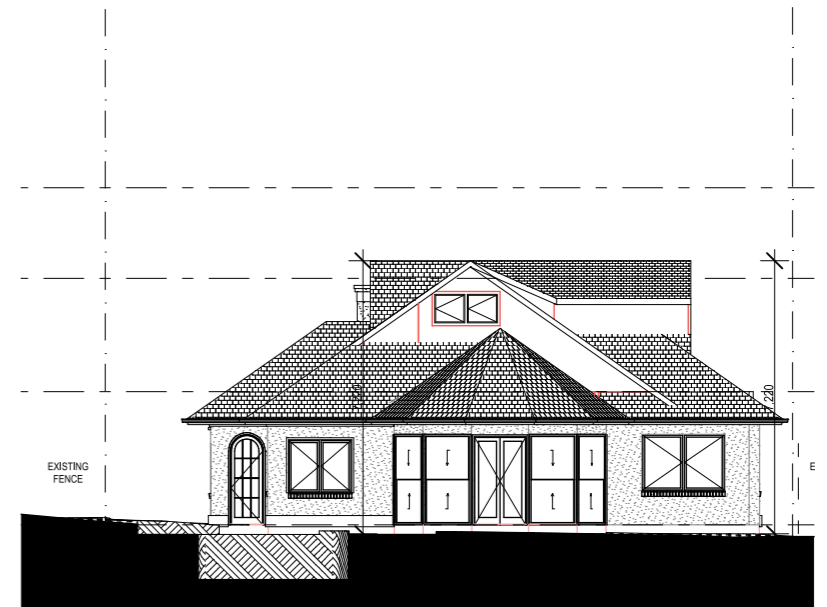
01 ROOF 2  
1:100



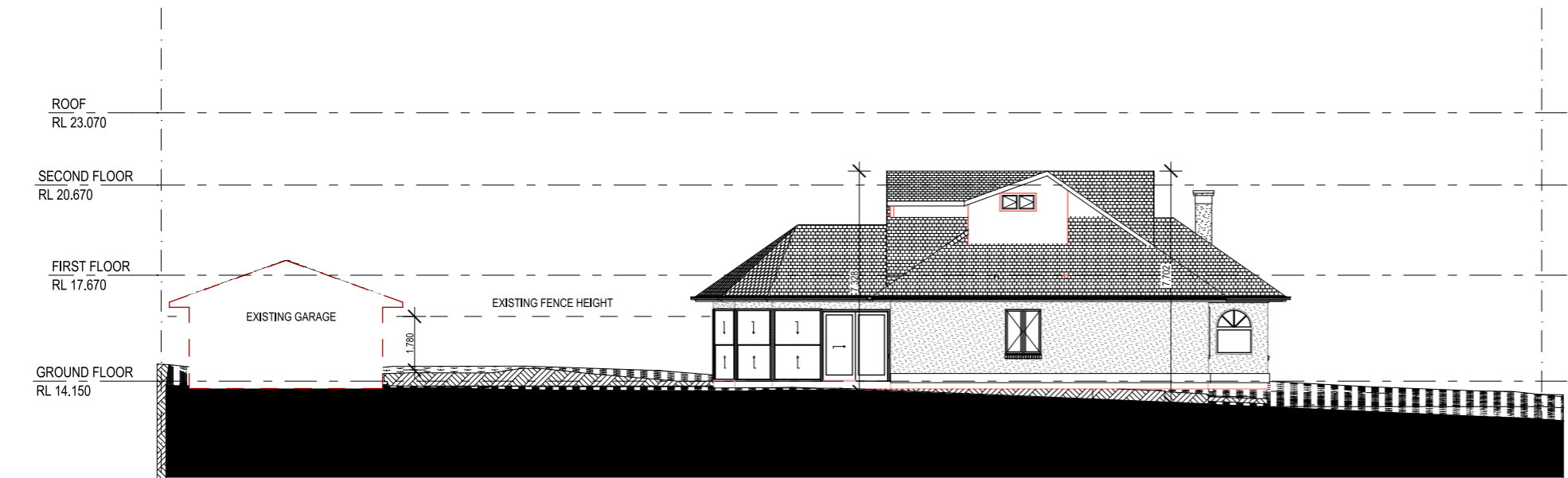
02 ROOF 3  
1:100



01 EAST ELEVATION - EXISTING  
1:200



02 NORTH ELEVATION - EXISTING  
1:200

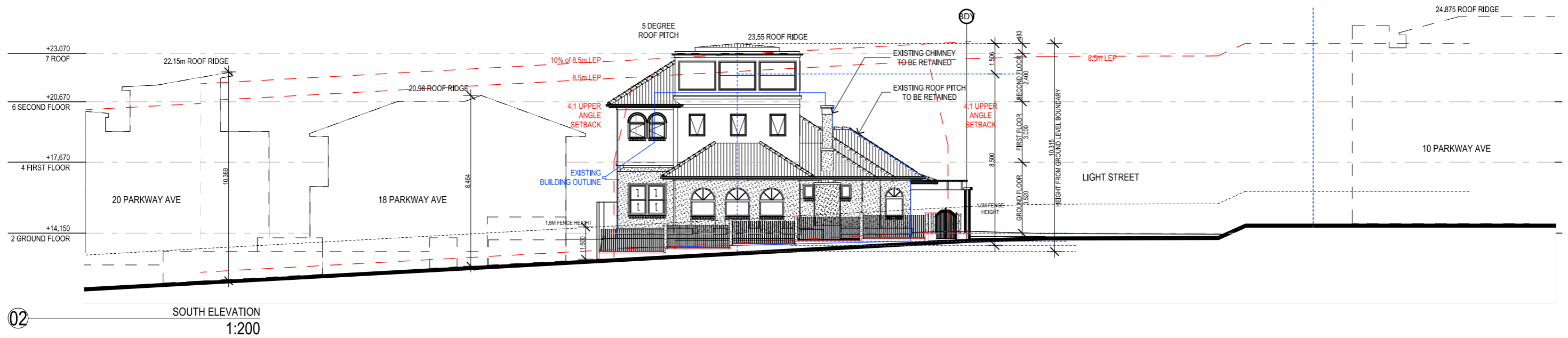
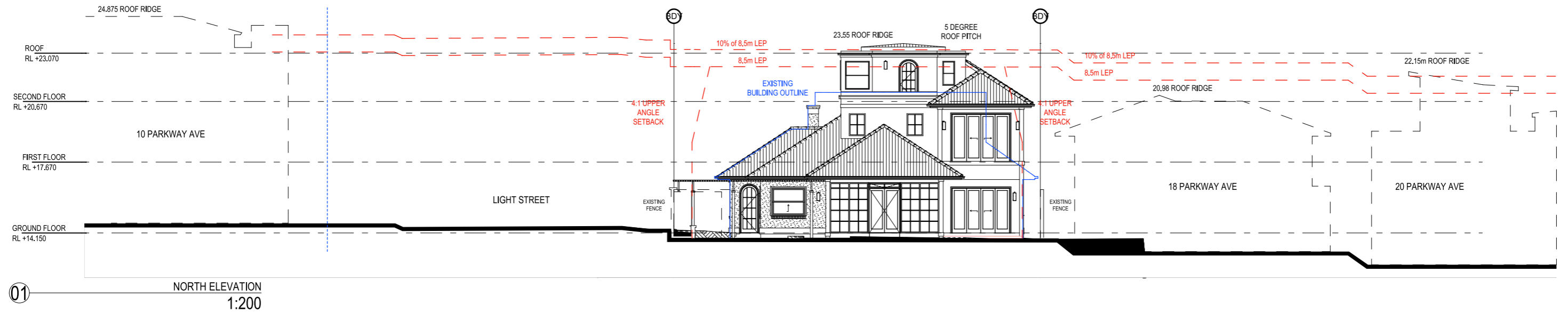


03 WEST ELEVATION - EXISTING  
1:200



04 SOUTH ELEVATION - EXISTING  
1:200





**EJE ARCHITECTURE**  
 ACN 002 912 843 | ABN 62 844 849 849  
 Nominated Architect - Bennett Collins  
 NSW Architects Registration No. 4438  
 A 412 KING STREET, NEWCASTLE NSW 2300  
 P +61 2 4928 2352 | F +61 2 4928 3366 | E msa@eje.com.au | W www.eje.com.au

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REV	DATE	COMMENTS
A	2/02/2021	ISSUE FOR DEVELOPMENT APPLICATION
B	14/07/2021	ISSUE FOR DEVELOPMENT APPLICATION

DRN	CHKD	VRFD	PROJECT
TN	BJC		16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION
TN	BJC		

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

DRAWING: PROPOSED NORTH SOUTH ELEVATIONS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.

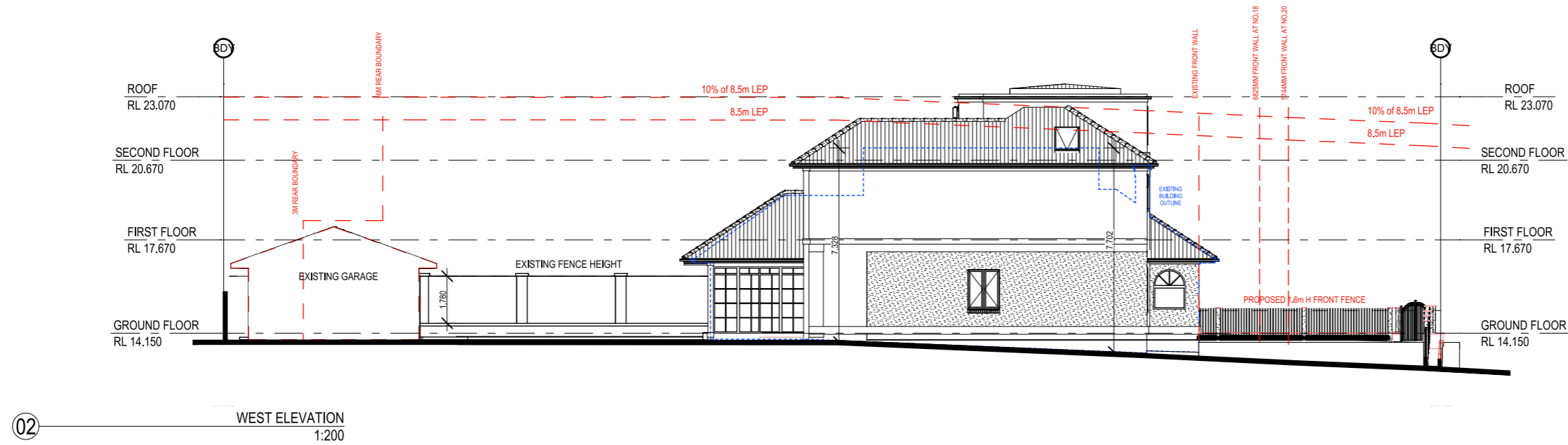
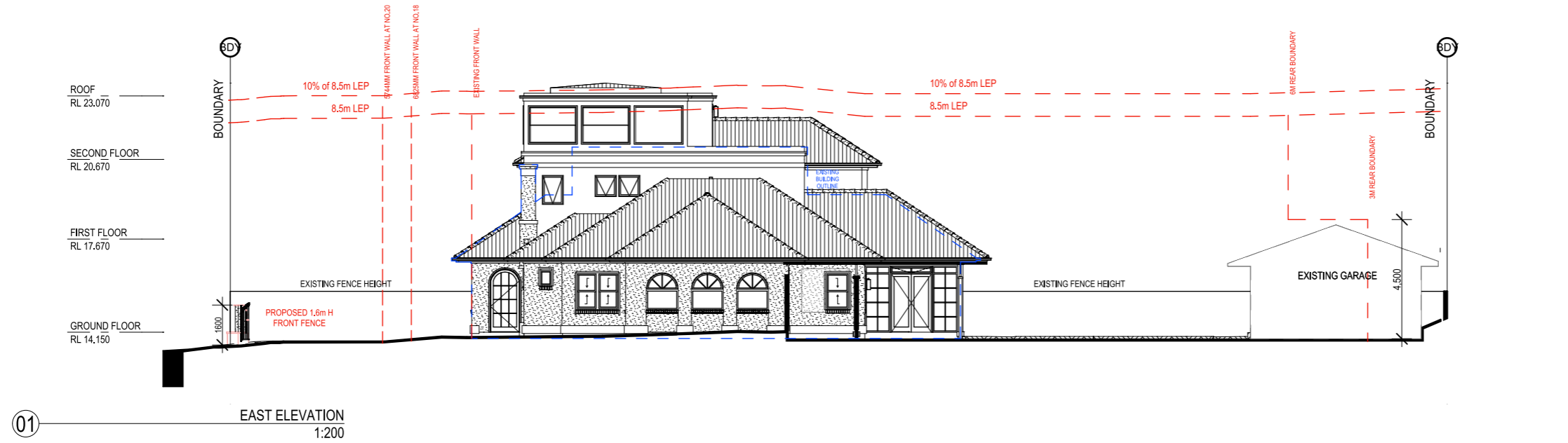
FILENAME: 13208-WD-20210706.ph

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:200

PROJECT No: 13208 DA PHASE: DA DRAWING No: A13 REV: B



0 10mm 100mm ON ORIGINAL A3



REV	DATE	COMMENTS
A	2/02/2021	ISSUE FOR DEVELOPMENT APPLICATION
B	14/07/2021	ISSUE FOR DEVELOPMENT APPLICATION

DRN	CHKD	VRFD	PROJECT
TN	BJC		16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION
TN	BJC		

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

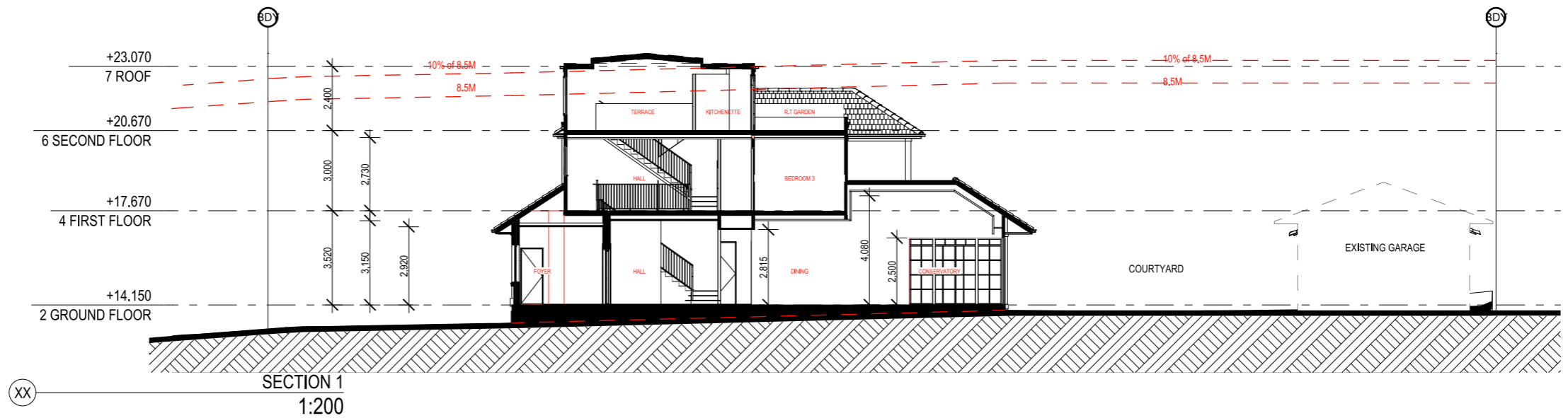
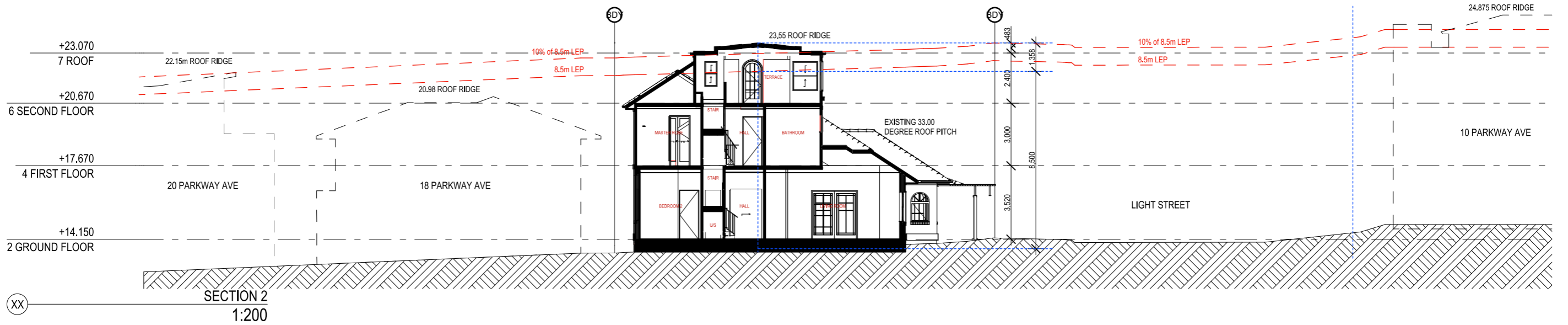
CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

DRAWING: PROPOSED EAST WEST ELEVATIONS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.  
 FILENAME: 13208-WD-20210706.ph

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:200

PROJECT No: 13208 DA PHASE: DA DRAWING No: A14 REV: B



REV	DATE	COMMENTS
A	2/02/2021	ISSUE FOR DEVELOPMENT APPLICATION
B	14/07/2021	ISSUE FOR DEVELOPMENT APPLICATION

DRN	CHKD	VRFD	PROJECT
TN	BJC		16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION
TN	BJC		

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

DRAWING: SECTION A-A & B-B

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.

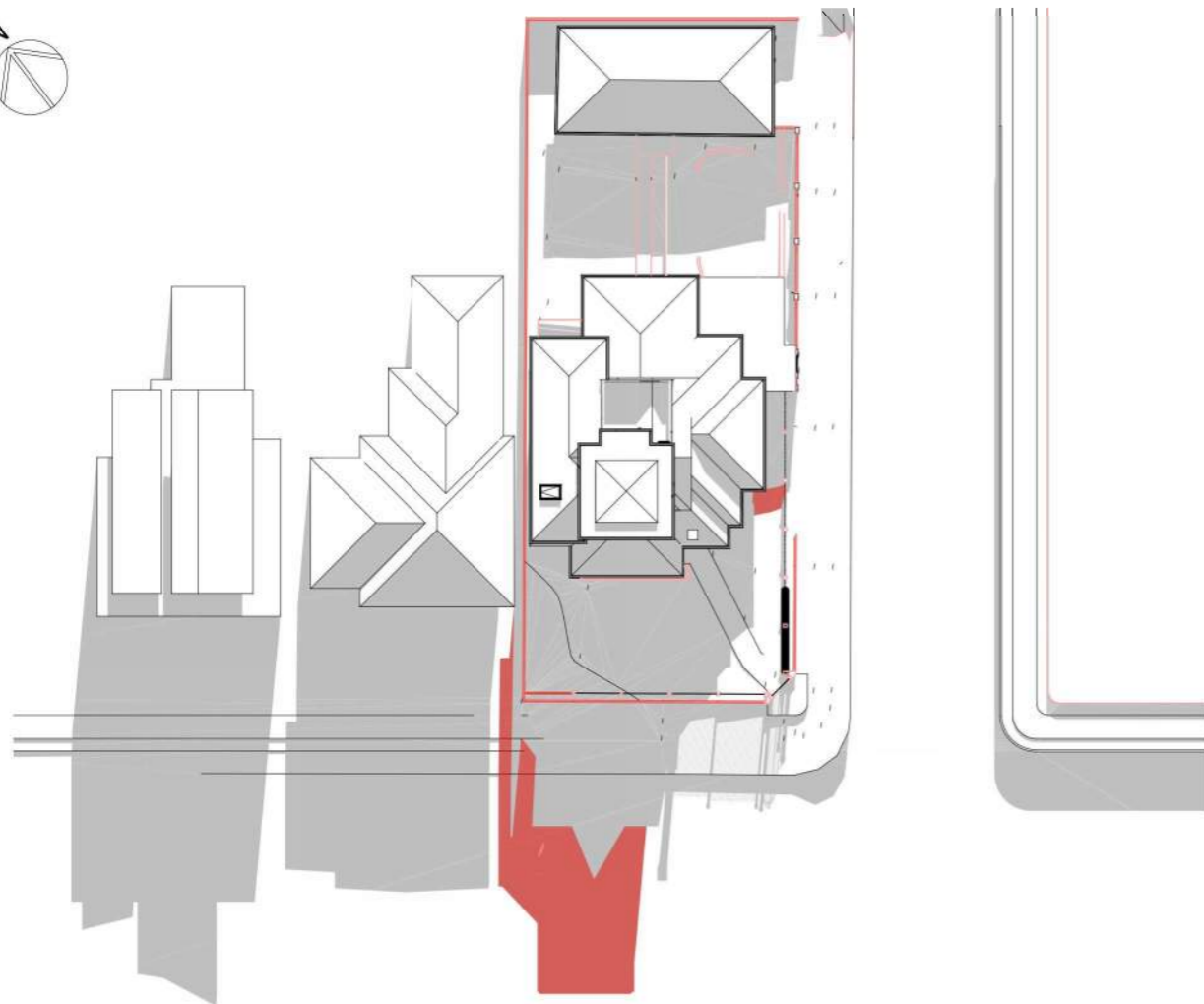
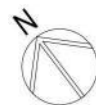
FILENAME: 13208-WD-20210706.ph  
 DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:200

PROJECT No: 13208 DA PHASE: DA DRAWING No: A15 REV: B

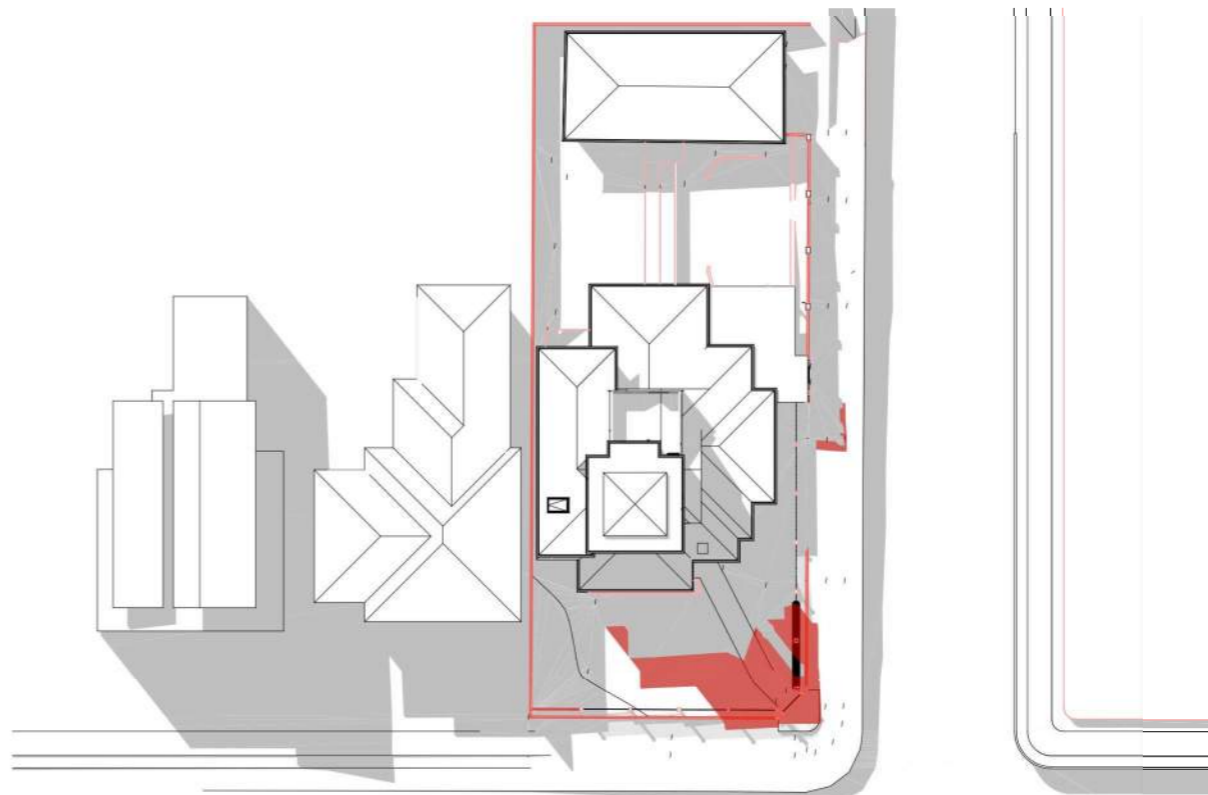


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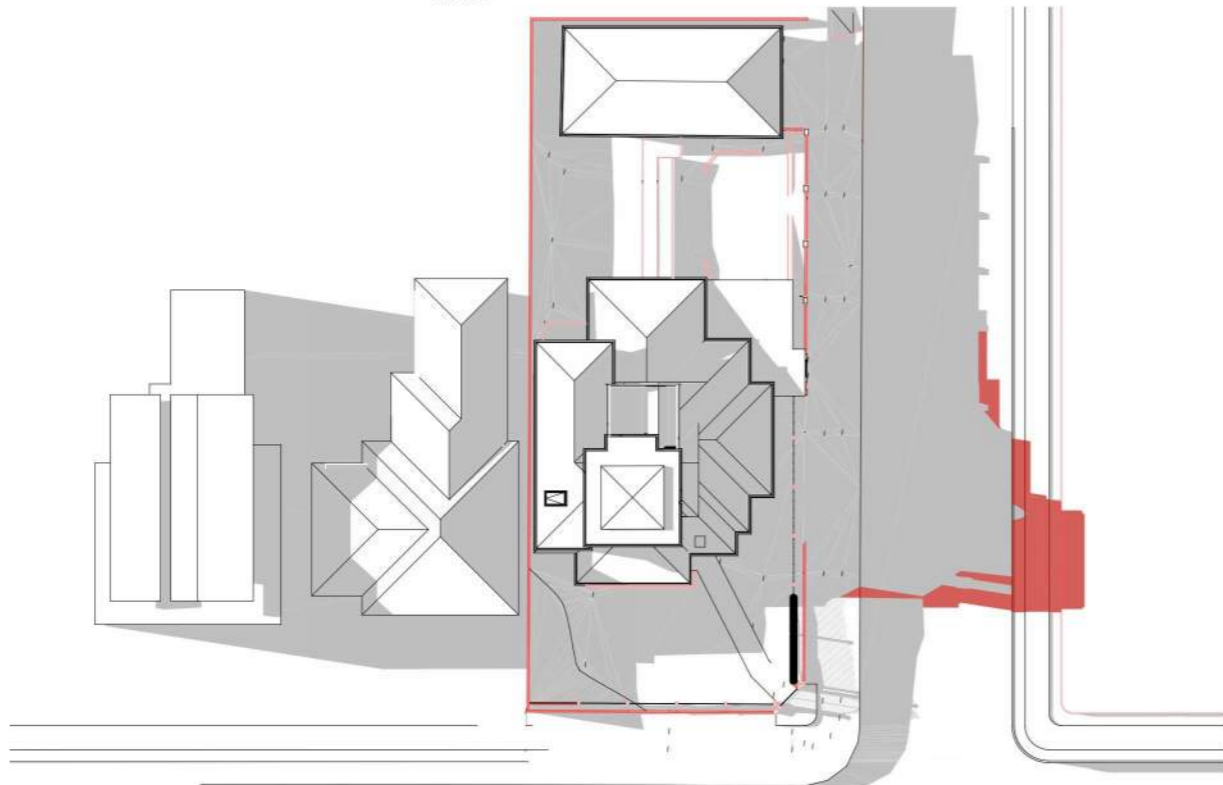




01 Jun-21-9am  
1:500



02 Jun-21-12pm  
1:500



03 Jun-21-3pm  
1:500

**LEGEND**

EXISTING SHADOW 

NEW SHADOW 

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ISSUE FOR DEVELOPMENT APPLICATION  
ISSUE FOR DEVELOPMENT APPLICATION  
ISSUE FOR DEVELOPMENT APPLICATION

REV | DATE | COMMENTS  
A | 2/02/2021 | ISSUE FOR DEVELOPMENT APPLICATION  
B | 14/07/2021 | ISSUE FOR DEVELOPMENT APPLICATION

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

DRAWING: SHADOW DIAGRAMS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 13208-HD-20210706.dwg

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:500

PROJECT No: 13208 PHASE: DA DRAWING No: A16 REV: B





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INFO | VISO  
 CHD | B/C  
 B/C  
 TN | TN

COMMENTS | ISSUE FOR DEVELOPMENT APPLICATION  
 DATE | 2/02/2021  
 REV | A  
 14/07/2021  
 B



Corner of Parkway Ave & Light Street Perspective



Backyard Perspective



Light Street Perspective



Aerial Perspective

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

DRAWING: 3D PERSPECTIVES

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 13208-HD-20210706.dwg

DRAWN: TN DATE: 14/07/2021 SCALES @A3:

PROJECT No: 13208 PHASE: DA DRAWING No: A17 REV: B



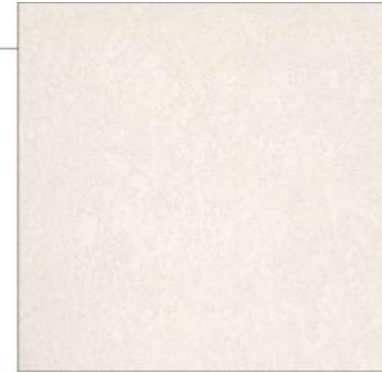


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ISSUE FOR DEVELOPMENT APPLICATION  
 TN TN  
 B/C B/C

ISSUE FOR DEVELOPMENT APPLICATION  
 TN TN  
 B/C B/C



WINDOW TRIM & LEDGES



TIMBER WINDOW AND SOFIT FINISH TBC



RENDERED WALL TEXTURE TO MATCH EXISTING



TERRACOTTA TILES AS SCHEDULED

MATERIALS AND FINISHES

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
 CLIENT: IAN SMITH & ROSELLA DI STEFANO 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
 SITE: 412 KING STREET, NEWCASTLE, NSW 2300  
 DRAWING: SCHEDULE OF MATERIALS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.  
 FILENAME: 13208-HD-20210706.dwg

DRAWN: TN DATE: 14/07/2021 SCALES @A3: 1:2.66

PROJECT No: 13208 PHASE: DA DRAWING No: A18 REV: B



COMPLETION OF THE QUALITY ASSURANCE CHECKS IS VERIFICATION THAT THE DOCUMENT CONFORMS WITH THE REQUIREMENTS OF THE QUALITY PROJECT PLAN, WHERE THE QUALITY ASSURANCE CHECK IS INCOMPLETE THE DOCUMENT IS PRELIMINARY FOR INFORMATION PURPOSES ONLY. ON SUCH PURPOSES AS STATED IN THE REVISION COLUMN.

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REV | CHD | WFD  
 TN | B/C  
 TN | B/C

Element ID	D1-01	D1-02	D1-03	D1-04	D1-05	D1-06	D1-07	D1-08	D1-08	D1-09	D1-10	D1-11	D1-12	D1-13	D1-14	D1-15	D1-16	D1-17
Renovation Status	Existing	Existing	To Be Demolished	Existing	To Be Demolished	To Be Demolished	To Be Demolished	New	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	Existing	To Be Demolished

**01** DOOR SCHEDULE  
1:2

Element ID	D1-18	D1-19	D1-20	D1-21	D1-22	D1-23	D1-24	D1-25	D1-26	D1-27	D2-01	D2-02	D2-03	D2-04	D2-05	D2-06
Renovation Status	Existing	To Be Demolished	New	New	New	New	New	New	New	New	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	New	New

**02** DOOR SCHEDULE  
1:2

Element ID	D2-07	D2-08	D2-09	D2-10	D3-01
Renovation Status	New	New	New	New	New

**03** DOOR SCHEDULE  
1:2

COMMENTS:  
 ISSUE FOR DEVELOPMENT APPLICATION  
 DATE: 2/02/2021  
 REV: A  
 14/07/2021  
 B

PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

DRAWING: DOOR & WINDOW SCHEDULE 1

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DRAWN: TN DATE: 14/07/2021 SCALES @A3:

**TN 14/07/2021 1:2**

PROJECT No: **13208** PHASE: **DA** DRAWING No: **A19** REV: **B**



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Door Schedule																	
Element ID	W1-01	W1-02	W1-03	W1-04	W1-05	W1-06	W1-07	W1-08	W1-09	W1-10	W1-11	W1-12	W1-13	W1-14	W1-15	W1-16	W1-17
Renovation Status	Existing	Existing	Existing	Existing	Existing	Existing	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	To Be Demolished	Existing	Existing

01 WINDOW

Element ID	W1-18	W1-19	W1-19	W1-20	W1-21	W1-22	W1-23	W1-24	W1-25	W1-26	W1-27	W1-28	W1-29	W1-30	W1-31	W2-01	W2-02	W2-03
Renovation Status	Existing	Existing	Existing	Existing	Existing	Existing	Existing	New	New	New	New	New	New	New	New	To Be Demolished	To Be Demolished	To Be Demolished

02 WINDOW

Element ID	W1-18	W1-19	W1-19	W1-20	W1-21	W1-22	W1-23	W1-24	W1-25	W1-26	W1-27	W1-28	W1-29	W1-30	W1-31	W2-01	W2-02	W2-03
Renovation Status	Existing	Existing	Existing	Existing	Existing	Existing	Existing	New	New	New	New	New	New	New	New	To Be Demolished	To Be Demolished	To Be Demolished

03 WINDOW

Element ID	W2-04	W2-05	W2-06	W2-07	W2-08	W2-09	W2-10	W2-11	W2-12	W2-13	W2-14	W3-01	W3-02	W3-03	W3-04	W3-05	W3-06	W3-07
Renovation Status	To Be Demolished	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New	New

04 WINDOW

Element ID	W3-08	W-04
Renovation Status	New	New

05 WINDOW

REV | DATE | COMMENTS  
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PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

DRAWING: DOOR & WINDOW SCHEDULE 2

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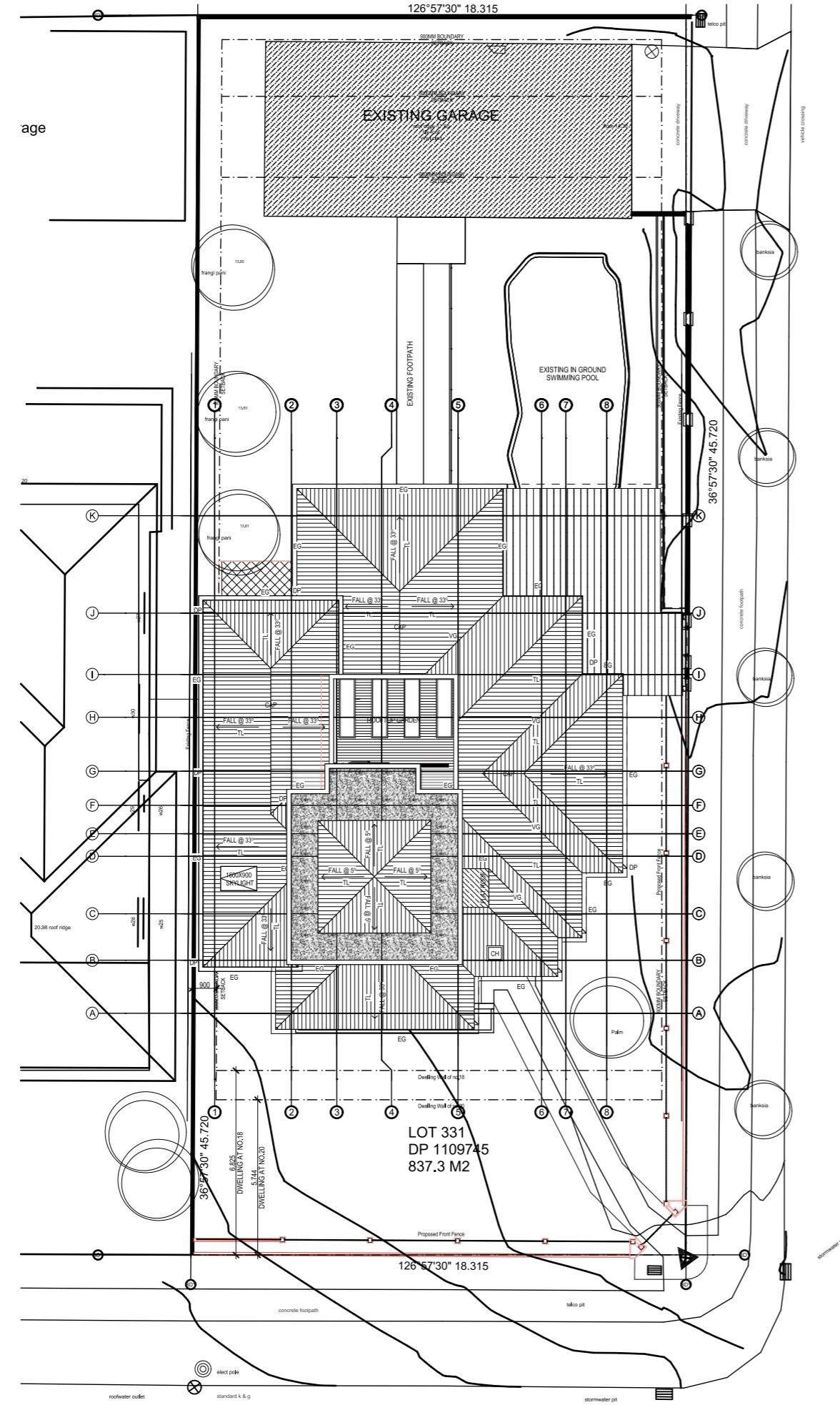
COMMENTS |  
 DATE | 2/02/2021  
 REV | A  
 ISSUE FOR DEVELOPMENT APPLICATION  
 DATE | 14/07/2021  
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PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
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 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300  
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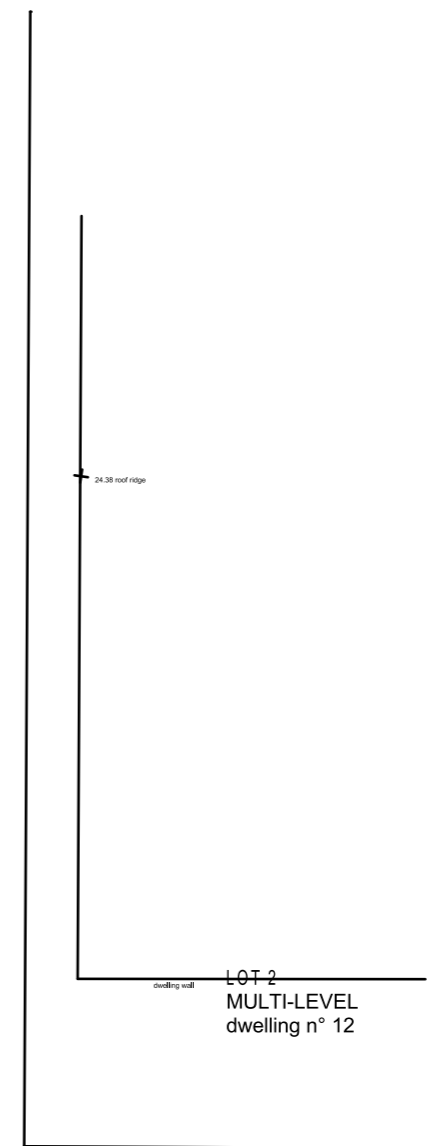
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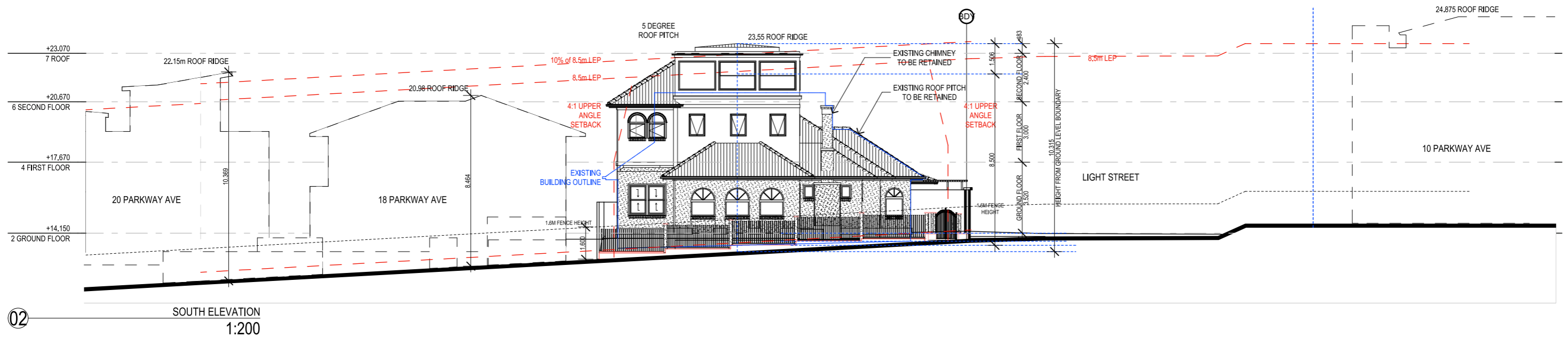
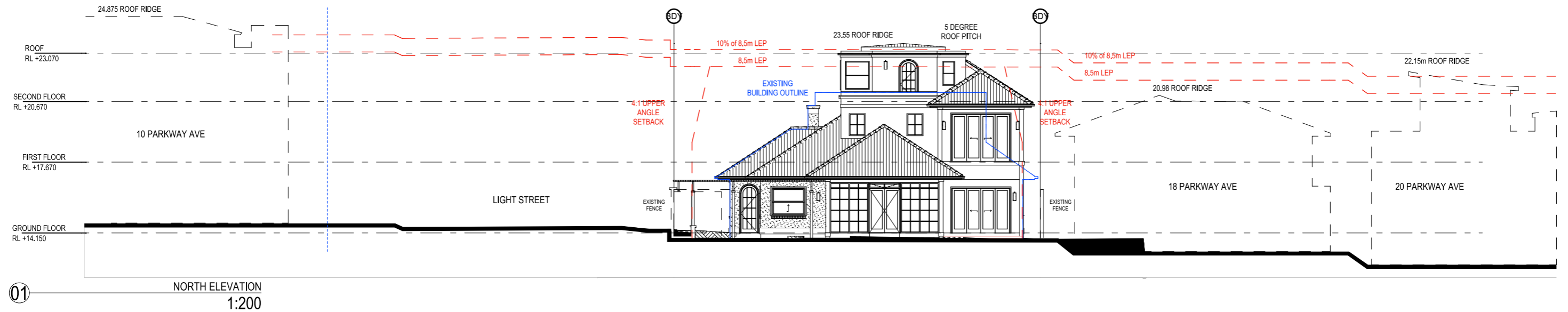
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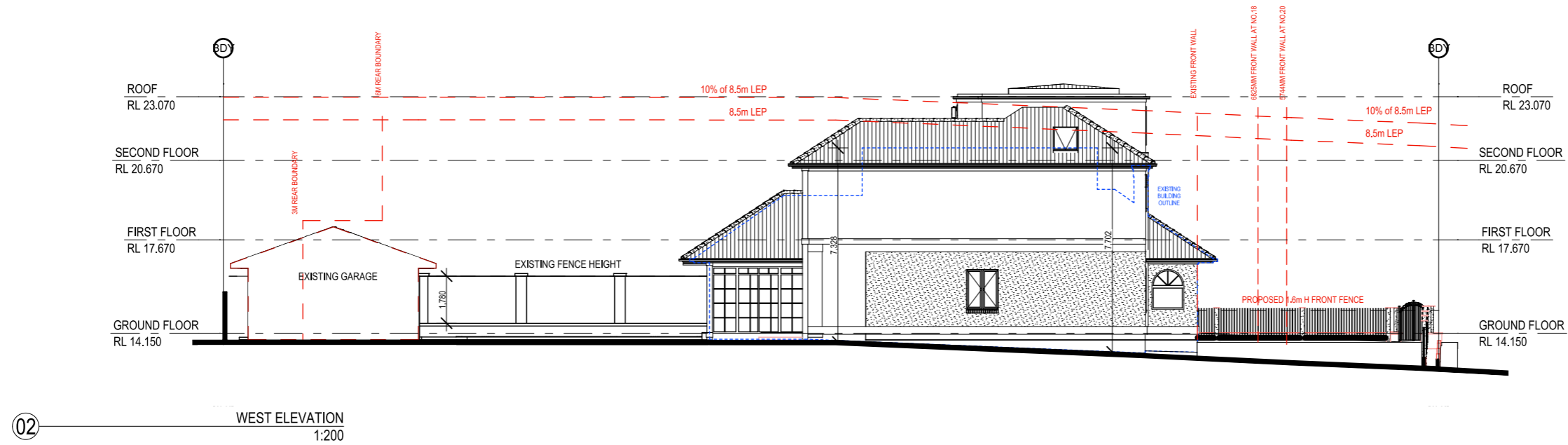
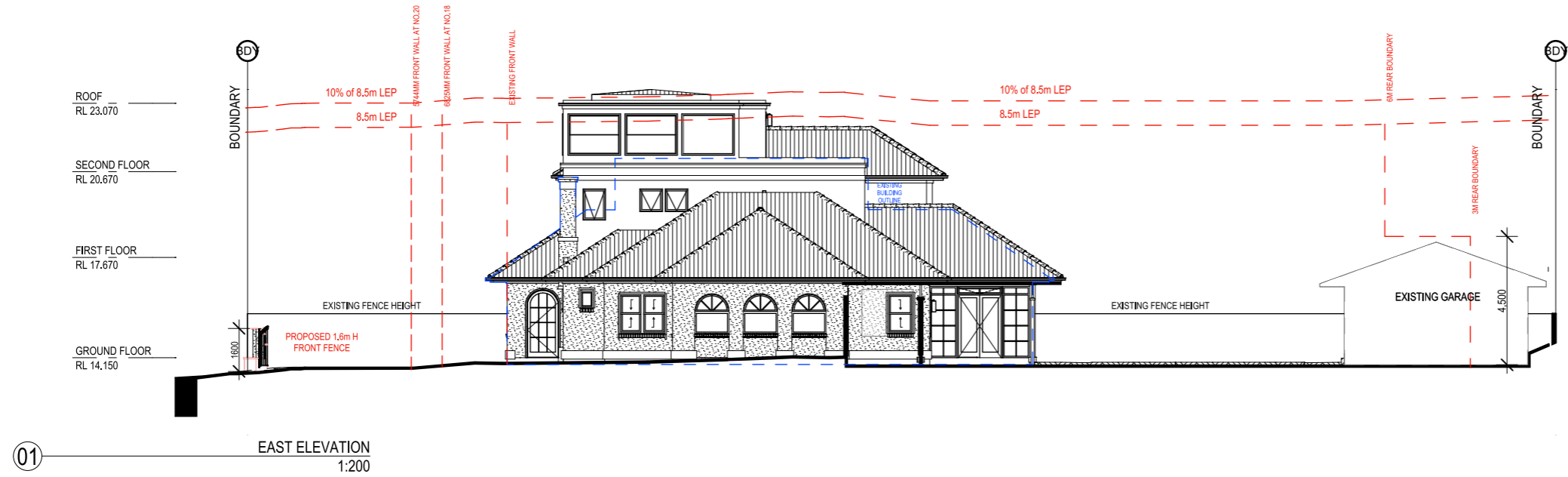


LIGHT STREET



1:100





REV	DATE	COMMENTS
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B	14/07/2021	ISSUE FOR DEVELOPMENT APPLICATION

DRN	CHKD	VRFD	PROJECT
TN	BJC		16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION
TN	BJC		

SITE: 412 KING STREET, NEWCASTLE, NSW 2300

CLIENT: IAN SMITH & ROSELLA DI STEFANO  
 16 PARKWAY AVENUE, NEWCASTLE NSW, 2300

DRAWING: NOTIFICATION EAST WEST ELEVATION

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Corner of Parkway Ave & Light Street Perspective

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PROJECT: 16 PARKWAY AVENUE RESIDENTIAL RENOVATIONS AND EXTENSION  
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**DAC 19/10/21 - DAC 19/10/21 - 16 Parkway Avenue Bar Beach -  
DA2021/00294 - Dwelling house - alterations and additions**

**ITEM - 21      Attachment B:**      Applicant's Clause 4.6 request to vary the  
height of building Development Standard

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## **Clause 4.6 Variation Request**



Clause 4.3 Height of  
Buildings, Newcastle LEP  
2012

**No. 16 Parkway Ave, Bar Beach**

Submitted to the City of Newcastle  
On Behalf of Ian Smith

AUGUST 2021

## REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	25/2/2021	Draft issue for client review	
		<b>Prepared by</b>	<b>Verified by</b>
		Belinda Barrie <i>Associate</i>	Garry Fielding <i>Director Major Projects</i>
02	04/03/2021	Final	
		<b>Prepared by</b>	<b>Verified by</b>
		Belinda Barrie <i>Associate</i>	
			Garry Fielding <i>Director Major Projects</i>
03	10/08/2021	Updated with amended plans	
		<b>Prepared by</b>	<b>Verified by</b>
		Belinda Barrie <i>Associate</i>	
			Mark Schofield <i>Director</i>

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## TABLE OF CONTENTS

<b>1. Executive Summary .....</b>	<b>4</b>
<b>2. Introduction .....</b>	<b>5</b>
<b>3. Standard to be Varied .....</b>	<b>6</b>
<b>4. Extent of Variation.....</b>	<b>7</b>
<b>5. Unreasonable or Unnecessary .....</b>	<b>9</b>
5.1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.....	9
5.2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;.....	12
5.3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. ....	12
5.4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; or.....	12
5.5. The zoning of the land is unreasonable or inappropriate.....	12
<b>6. Sufficient Environmental Planning Grounds .....</b>	<b>13</b>
<b>7. Public Interest.....</b>	<b>25</b>
<b>8. State or Regional Environmental Planning .....</b>	<b>26</b>
<b>9. Conclusion.....</b>	<b>27</b>

## FIGURES

Figure 1: Extract of HOB map (Source: NSW Property Portal).....	6
Figure 2 North and South Elevation of the dwelling .....	8
Figure 3: East and West Elevation of the dwelling.....	8
Figure 4: East elevation of existing dwelling showing current height.....	13
Figure 5: North elevation of existing dwelling showing current height .....	14
Figure 6: West elevation of existing dwelling showing current height.....	14
Figure 7: South elevation of existing dwelling showing current height.....	15
Figure 8: Extract of subdivision pattern from 1924 - subject land is Lot 33 .....	16
Figure 9: Streetscape photo of No's 16, 18 and 20 Parkway Avenue (Source EJE Architecture).....	16
Figure 10: Photomontage showing existing and proposed dwelling house at 16 Parkway Avenue and impact on streetscape .....	18

## TABLES

Table 1: Achievement of Objectives of Clause 4.3 of NLEP. ....	9
Table 2: Consistency with Zone Objectives. ....	25

## APPENDICES

Appendix No	Document Title	Prepared by
1	Architectural Plans	EJE Architecture
2	Statement of Heritage Impact	EJE Heritage

## **1. EXECUTIVE SUMMARY**

This Clause 4.6 variation request is provided to justify the contravention of Clause 4.3 (Height of Buildings) of *Newcastle Local Environmental Plan 2012* (NLEP) proposed in the development application submitted to the City of Newcastle for alterations and additions to an existing dwelling house at 16 Parkway Avenue, Bar Beach (the site). The site is located on the north-western corner of Parkway Avenue and Light Street.

Under Clause 4.3 of NLEP, the maximum building height applying to the subject site is 8.5m. The existing dwelling reaches a maximum height of 8.12m as measured from ground level (existing) on the southern elevation. The pitched roof of the proposed level 2 addition at its highest point reaches a height of 10.315 metres from the ground level of the south boundary line, exceeding the control by 1.815m.

The proposed alterations and additions to the dwelling house are sympathetic to the existing 'Spanish mission' heritage character of the dwelling house, a character that would be compromised through alternative lower or flat roof forms.

The site is located on a corner with the opportunity to provide a landmark dwelling on a prominent street corner in Bar Beach. The provision of a prominent building on such a street corner is consistent with the 'Garden Suburb' subdivision pattern and the design principles espoused under the Garden Suburb' movement.

It is noted that the non-compliance with the standard is limited to the south-east corner of the site, thereby minimising its impact on neighbouring properties.

It is also noted that the overall floor space ratio of the proposed development will be well below the LEP's maximum prescribed development standard applying to the site. Accordingly, the proposal cannot be regarded as an over development of the site.

The variation is consistent with the objectives of Clause 4.3 as well as the R2 Low Density zone and will not cause adverse environmental impacts in the form of overshadowing, privacy and visual impacts.

The variation to the standard is demonstrated to not have any adverse environmental or amenity impacts on the surrounding locality. It is also consistent with other developments which have been approved with a similar variation to height such as the new dwelling at 10 Parkway Avenue, Bar Beach.

In this regard, there are sufficient environmental planning grounds to justify the variation.



## 2. INTRODUCTION

This formal request has been prepared in accordance with Clause 4.6 of the *Newcastle Local Environmental Plan 2012* to justify a variation to the Height of Buildings development standard proposed in a Development Application for alterations and additions to an existing part one / part two storey dwelling house at the site.

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

As the following request demonstrates, a better planning outcome would be achieved by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application. In particular, it is submitted that there are strong heritage and urban design grounds to support the overall proposed building height and roof form.

The proposed roof terrace is considered an important architectural feature within the overall design of the proposal in providing additional outdoor recreational space without adversely impacting neighbouring amenity. It is considered that the proposed alterations and additions respond appropriately to surrounding built form and meet the relevant objectives of the site's R2 zoning.

This request has been prepared having regard to the Department of Planning and Environment's *Guidelines to Varying Development Standards* (August 2011) and various relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal.

Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard (see *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; [2018] NSWCA 245) at [23] and *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61 at [76]-[80] and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31]. These 3 matters are:

1. That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case [clause 4.6(3)(a)];
2. That the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard [clause 4.6(3)(b)];
3. That 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 [clause 4.6(4)]

This request also addresses the requirement for the concurrence of the Secretary as required by clause 4.6(4)(b).

### 3. STANDARD TO BE VARIED

The standard that is proposed to be varied is the Height of Buildings development standard set out in Clause 4.3 of the of the *Newcastle Local Environmental Plan 2012* (NLEP) as follows:

*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.*

As shown in the extracted map below, the numerical value of the development standard applicable in this instance is 8.5m.

The development standard to be varied is not excluded from the operation of clause 4.6 of the LEP.



Figure 1: Extract of HOB map (Source: NSW Property Portal)

## 4. EXTENT OF VARIATION

The proposed development involves reconfiguration of the existing dwelling's ground floor (including a minor increase in floor area from 776.1 square metres to 813.3 square metres; demolition of level 1; and introduction of a new two-storey addition with roof terrace.

As discussed in the following sections, the proposed new addition has been sited and designed to respond to a number of key considerations and constraints including the existing dwelling's design and pitched roof form, the site's corner location and opportunity for ocean views, surrounding built form, the amenity of adjoining development, as well as the amenity of the site's existing dwelling. It has also been designed to complement the slope of the site which falls from the north-west to the south-east.

The new addition will adopt a pitched roof form, consistent with the pitch of the existing roof, and will be positioned above the central and western parts of the existing ground floor. It will include a floor to ceiling height of 2.7m at both levels, departing from the low raked ceilings of the existing level 1, to provide improved amenity and comfort. The new roof terrace will be partially enclosed with screen sliders to maintain a controlled space against both wind and rain.

The existing roof height has a ridge height of RL20.91m, reaching a maximum height of between 7.1m and 8.2m above existing ground level. The existing first floor has a floor area of 51 m<sup>2</sup>, occupying approximately 27% of the dwelling's existing ground floor area.

The proposed ridge heights of the new levels reach the following maximum heights as measured from ground level (existing):

- Proposed First Floor - 8.92 m (RL 23.07m), exceeding the prescribed maximum height by 0.42m.
- Proposed Second Floor - 10.315m (RL 23.55m), exceeding the prescribed maximum height by 1.815m.

The new addition has a floor area of 96m<sup>2</sup> at level 1 and 38m<sup>2</sup> at level 2 or approximately 30% and 12% of the proposed total floor area, respectively. Overall, the non-compliant building elements are limited to less than approximately 4.56% of the entire building's roof area.

The extent of the proposed variation, including the difference of height exceedance between the existing and proposed dwelling elements, is shown in **Figure 2** and **Figure 3**. As demonstrated below, the exceedances are limited to relatively minor / recessed elements of the overall built form. Most of proposed level 1 is below 8.5m, with only the southern extent of the proposed roofline extending above 8.5m due to the slope of site to the north-west. Most of the level 2 exceedance is limited to the pitched roof element and the roof terrace.

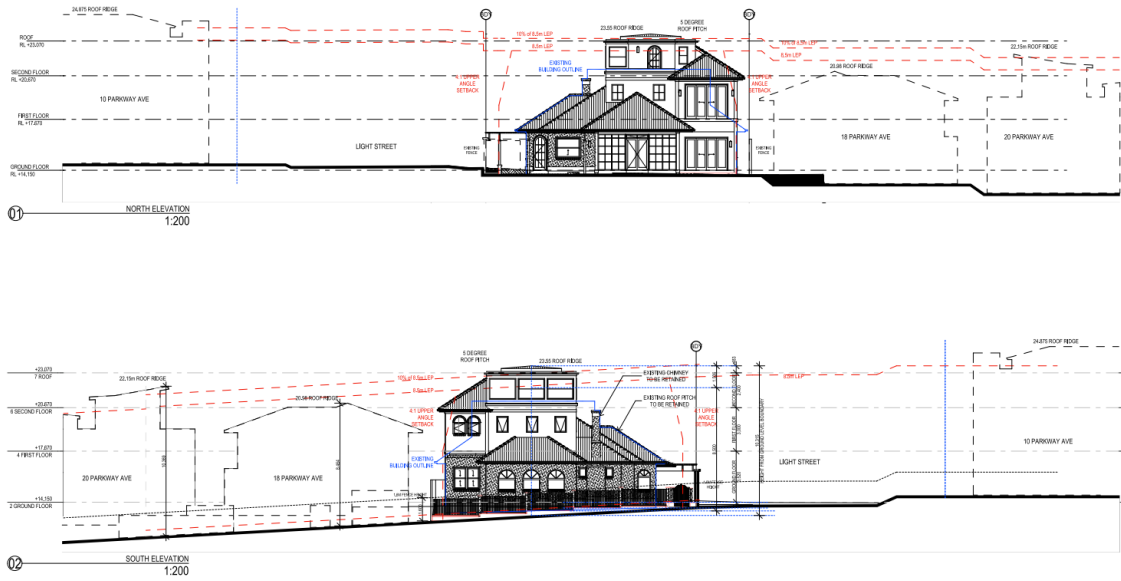


Figure 2 North and South Elevation of the dwelling

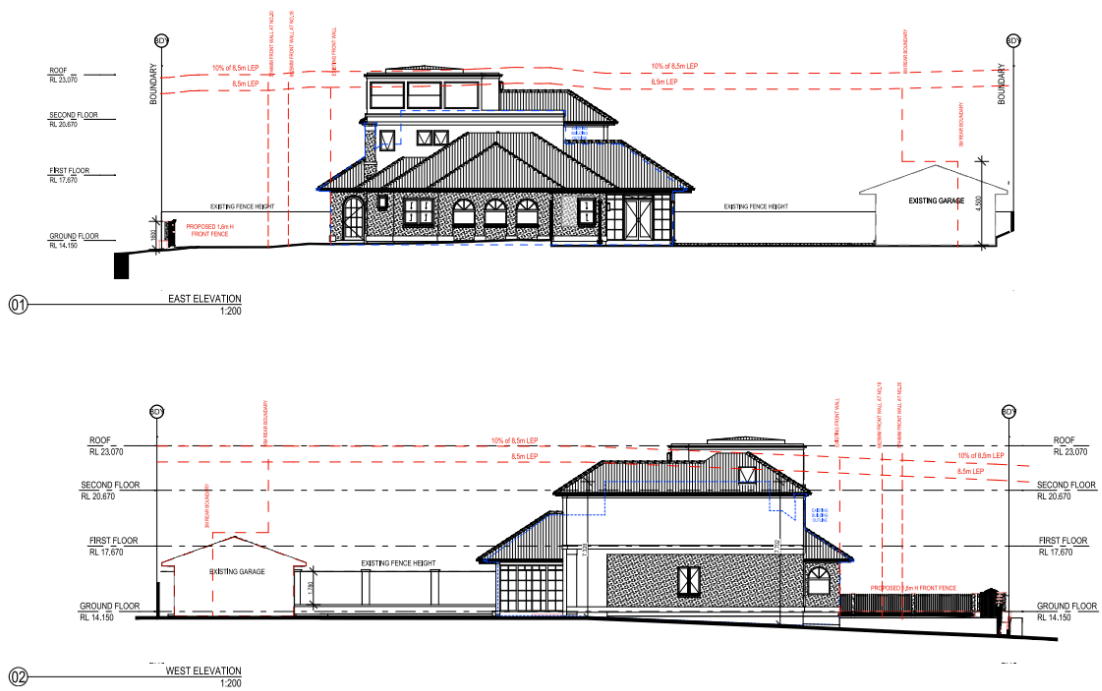


Figure 3: East and West Elevation of the dwelling

## 5. UNREASONABLE OR UNNECESSARY

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by clause 4.6(3)(a) of the LEP.

The Court has held that there are at least five different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary (see *Wehbe v Pittwater Council* [2007] NSWLEC 827).

The five ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
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 the standard is unreasonable and unnecessary; and
5. The zoning of the land is unreasonable or inappropriate

It is sufficient to demonstrate only one of these ways to satisfy clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]) and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31].

In this case, it is demonstrated below that Test 1 has been satisfied.

### 5.1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The following table considers whether the objectives of the development standard are achieved notwithstanding the proposed variation (Test 1 under *Wehbe*).

Table 1: Achievement of Objectives of Clause 4.3 of NLEP.

Objective	Discussion
(a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,	<p>The subject site is located near the eastern end of Parkway Avenue in a predominately residential/suburban setting.</p> <p>Parkway Avenue is one of the landmark streets within the Newcastle LGA and contains several significant dwellings scattered along its length.</p> <p>The existing character of the immediate area is an eclectic mix of architectural styles dating from the early 1920s to more modern present-day styles.</p> <p>The density of the area is also mixed with single dwellings sitting with medium density residential flat buildings of the same era.</p> <p>The mix of styles and developments also provides for a range of building heights in the locality.</p> <p>The NLEP2012 responds to the site's setting by providing an R2 Low Density Residential zone</p>

Objective	Discussion
	<p>over the subject site and surrounds to promote a diversity of housing forms to help meet the housing needs of the community that respects the amenity and character of surrounding development.</p> <p>Consistent with the objectives of the R2 zone, the application proposes a new double storey addition designed to reduce of bulk of an otherwise larger addition of a single floor only and to respect existing dwelling form and character. It is noted that the second storey is limited to a roof terrace only.</p> <p>As indicated above, the overall street character consists of buildings with a range of heights and densities.</p> <p>As such, there are already several neighbouring dwellings exceeding the height limit set for the area, including:</p> <ul style="list-style-type: none"> <li>▪ 10m roof terrace ridge height of adjoining dwelling at No.10 Parkway Ave</li> <li>▪ 8.9m ridge height of residential flat building at No. 55 Light St</li> </ul> <p>Although the second storey roof terrace exceeds the maximum height limit, the new addition sits unimposingly within the neighbouring context.</p> <p>Importantly, the subject site is located on the corner of Parkway Avenue and Light Street. This offers an opportunity to provide for a landmark structure in the context of the neighbourhood, consistent with the character and theme of the 'Garden Suburb'. This is expanded upon in <b>Section 6.2.1</b>.</p>
<p>(b) to allow reasonable daylight access to all developments and the public domain.</p>	<p>Shadow diagrams have been provided as part of the architectural set of plans submitted by EJE Architecture and provided with the DA.</p> <p><b>Figure 4</b> below has been extracted from the Architectural Plans.</p> <p>These shadow diagrams demonstrate that most of the shadowing occurs within the adjoining public roads. The proposed alterations and additions (including the second storey sought under this variation) have minimal impact on the amenity of the surrounding public domain (being Parkway Avenue and Light Street) and surrounding dwellings in the locality.</p> <p>There is some minor additional overshadowing upon the dwelling at 10 Parkway Avenue, Bar Beach. However, this additional overshadowing forms within the front yard of the dwelling and</p>

Objective	Discussion
	<p>does intrude or affect daylight access to private open space.</p> <p>It is also acknowledged that the existing Parkway Avenue dwellings cast a significant amount of shade onto the public street network and approval of this development and the variation would add only negligible amounts of shade in the overall area.</p>



Figure 4: Shadow diagrams of the proposed development, with the impacts of the new additions shown in red (Source: EJE Architecture)

As demonstrated in Table 1 above, the objectives of the height of buildings development standard are achieved notwithstanding the proposed variation.

Therefore, in accordance with the decisions in *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118, *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; [2018] NSWCA 245 and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 and *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112 at [31], compliance with the height of buildings development standard is demonstrated to be unreasonable or unnecessary in this instance and the requirements of clause 4.6(3)(a) have been met on this way alone.

For the sake of completeness, the other recognised ways are considered as follows.



**5.2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;**

The underlying objective or purpose is relevant to the development and therefore is not relied upon.

**5.3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.**

The objective would not be defeated or thwarted if compliance was required. This reason is not relied upon.

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

The standard has not been abandoned by Council's actions in this case and so this reason is not relied upon. It is noted that 10 Parkway Avenue, Bar Beach across the road has recently obtained approval for a height exceeding the current standard and sets a precedent as a corner site on Parkway Avenue.

**5.5. The zoning of the land is unreasonable or inappropriate.**

The zoning of the land is reasonable and appropriate and therefore is not relied upon.

## 6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

In this section we demonstrate that there are sufficient environmental planning grounds to justify contravening the height of buildings development standard, as required by Clause 4.6(3)(b) of the NLEP.

In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Pain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

As discussed in Section 4, the elements of the development which contravene the Height of Buildings development standard are the second storey roof terrace and part of the roof form for the first storey.

The environmental planning grounds to justify the departure of the development standard are as follows:

- The topography of the site
- Design and heritage considerations
- Adjoining development heights
- Amenity impacts
- Impact on nearby heritage items
- The provisions of Clause 5.6 of NLEP

They have been expanded on in detail below:

### 6.1. Topography of the site

The site slopes from the north west to the south east corner, producing a fall of approximately 1 metre. This is represented by the varying heights of the existing building, which range from 7.0-7.3 metres to 7.7-8.12 metres. This can be seen in the following figures:



Figure 5: East elevation of existing dwelling showing current height



Figure 6: North elevation of existing dwelling showing current height

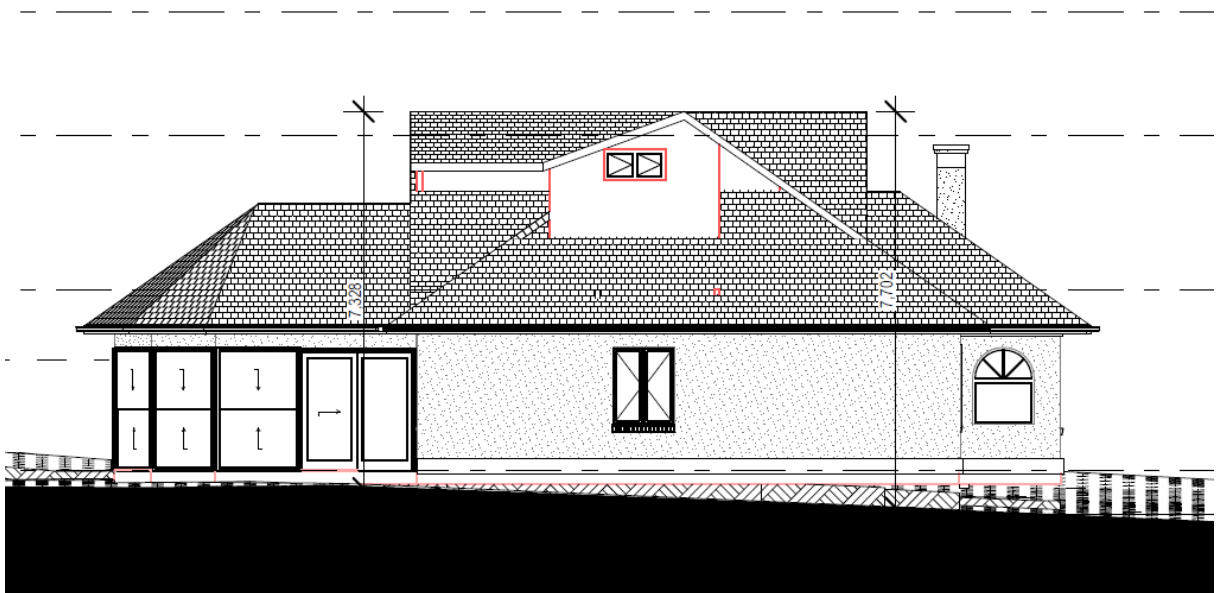


Figure 7: West elevation of existing dwelling showing current height



Figure 8: South elevation of existing dwelling showing current height, with the maximum height of 8.12m

The overall topographic fall of the site means that it is virtually impossible to provide for any further additions on site which are consistent with the development standard.

## 6.2. Design and heritage considerations

### 6.2.1. Suburb context

As identified within the SOHI, the area is characterised as an extension of the 'Garden Suburb' concept from Hamilton South.

In the Garden Suburb design style when subdividing land, corner allotments were given larger footprints and frontages. The intent of this was to emphasise a rhythmic streetscape with taller and larger buildings on the corners<sup>1</sup>. This is demonstrated in **Figure 9**, where Lot 33 (the subject land) demonstrates this feature.

<sup>1</sup> EJE Heritage, Statement of Heritage Impact (2021) Page 18



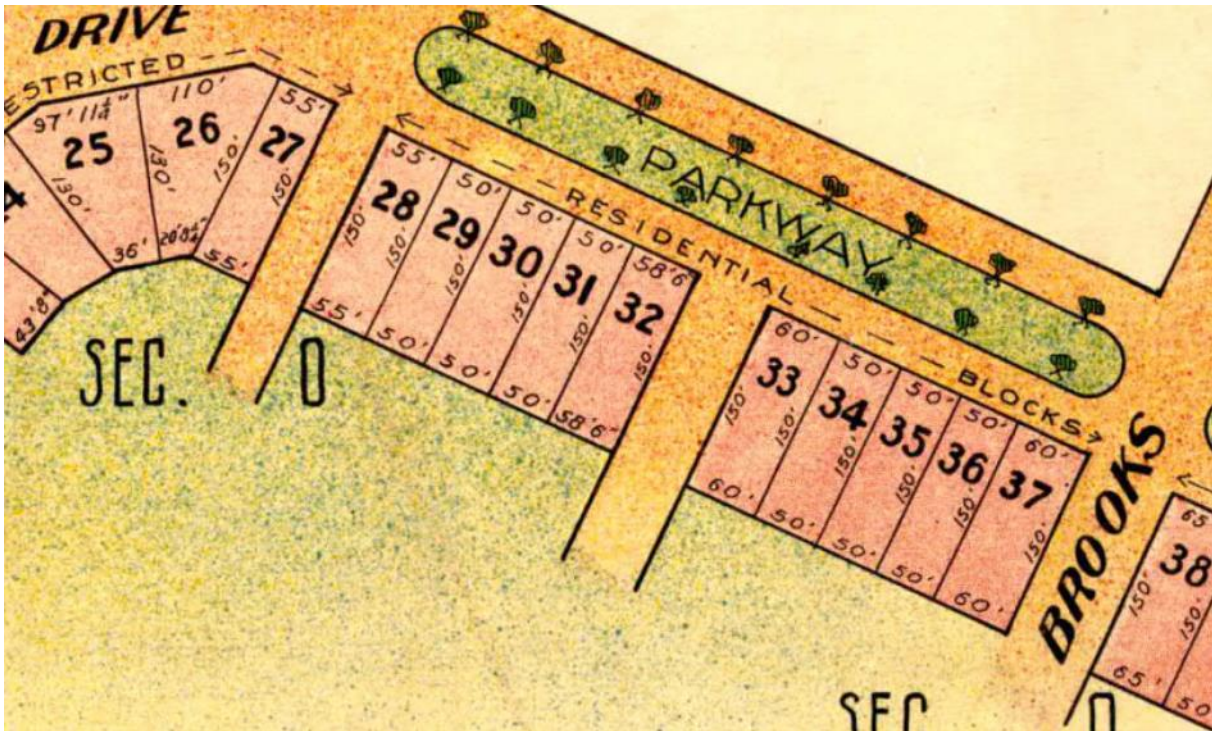


Figure 9: Extract of subdivision pattern from 1924 - subject land is Lot 33

Parkway Avenue in Bar Beach is recognised as having a prestigious streetscape, being '*spacious, well planned and maintained: a successful continuation of the "Garden Suburb" model adjacent in Hamilton.*<sup>2</sup>

As outlined in the SOHI, more modern developments in the immediate vicinity of 16 Parkway Avenue are more uniformly taller and bulkier than the dwelling the subject of this proposal.

As shown in **Figure 10**, the existing single storey form of No. 16 is eclipsed by larger developments at No. 18 and No. 20 Parkway Avenue, contrary to the pattern and ideal of the 'Garden Suburb' philosophy where corner sites were given prominence and were intended to form identifying "gateway" features at intersections in the streetscape.<sup>3</sup>



Figure 10: Streetscape photo of No's 16, 18 and 20 Parkway Avenue (Source EJE Architecture)

<sup>2</sup> EJE, Page 37  
<sup>3</sup> EJE, Page 38

As outlined in the SOHI, the following aspects of the proposal respect or enhance the heritage significance of the item or area for the following reasons:

*In the streetscape context, the proposed raised height of the building's roof forms a "gateway" of tall building structures either side of Light Street, along with the recently completed residence at 10 Parkway Ave. This urban design feature enhances the significance of the Parkway Ave streetscape as it reinforces a design principle of the Garden Suburb planning model, on which this area of Bar Beach was designed. Where contemporary buildings at Nos 18 and 20 Parkway Ave have grown to taller heights and bulkier forms than No 16 Parkway Ave, the proposed work rectifies the intended order of building forms in the Garden Suburb ideal, with taller buildings on larger lots demarcating the corners of intersections along the treelined avenue.<sup>4</sup>*

A comparison of the existing and proposed works at 16 Parkway Avenue, Bar Beach is shown in **Figure 11**.





Figure 11: Photomontage showing existing and proposed dwelling house at 16 Parkway Avenue and impact on streetscape

As shown in **Figure 11**, if approved and constructed, 16 Parkway Avenue will sit as a mirror element to the form of 10 Parkway Avenue and together these buildings will define a gateway to Light Street and reinforce the Garden Suburb model<sup>5</sup>.

### 6.2.2. Dwelling design context

In terms of the specific design of the site's existing dwelling house, the dwelling is considered a 'Spanish mission' style building. This style is unique to the Newcastle area and characteristic of architectural styles synonymous with the Garden Suburb philosophy and the Inter War period 6.

The Ecotecture 2005 Heritage report indicated that the development of this part of Parkway Avenue is similar to that in Hamilton South, which also contains good examples of the distinctive Spanish Mission style. 7

Key elements of the Spanish Mission style included (but are not limited to):

- Round headed arches, preferably grouped in three.
- Arches supported on piers or twisted Baroque columns.
- Cream painted stucco applied to brick walls.
- Half round roof tiles.
- If possible, a splash of colourful ceramic tile ornament.8

The front façade shows the distinctive elements of the Spanish Mission style, the arches and the half round roof tiles (see **Figure 12**).



Figure 12: South Elevation from Parkway Avenue showing the distinctive arched windows & half round roof tiles (Source: EJE)

As per the attached SOHI, this dwelling has local significance as an early part of the body of work of notable historical architect E.C. Sara (1899-1987). Sara's work in Newcastle between the 1920s and 1950s included residential, hospitality and civic buildings, many of which survive today

6 EJE Page 13

7 Ecotecture Newcastle LEP Report, 2005 Page B8, Source:

[https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Heritage%20publications/Heritage-Review-final\\_Ecotecture-2005.pdf](https://www.newcastle.nsw.gov.au/Newcastle/media/Documents/Heritage%20publications/Heritage-Review-final_Ecotecture-2005.pdf)

8 Apperley, Irving and Reynolds, A Pictorial Guide to Identifying Australian Architecture, 1989, Page 176-177



Key buildings of E.C. Sara were

- "Strathmore Court" flats
- 1923 (Wolfe Street, Newcastle)
- Awaba House (Booragul) - 1927
- The subject dwelling at 16 Parkway Avenue known as McMaugh House<sup>9</sup>

Its aesthetic and technical significance is at the local level due to its design. This house is made more significant when viewed in relation to Awaba House, also designed by Sara in 1927, where details such as the fluted rendering were further developed and explored. The building is somewhat unique in its styling particularly when considered with the agglomeration of varied housing types in Parkway Avenue<sup>10</sup>.

The SOHI explains the architectural style as follows:

*Clarrie Sara shows careful attention to classical detail and in this fine example of his craft he evokes a stripped Spanish Mission form with his distinctive fluted external stucco rendered decoration. The building exudes a robustness and addresses the significant corner block. In recent years the prominence of this corner site and building has been seriously diminished with the construction of large modern houses that do not have the same attention to detail as displayed by the subject residence. The architectural style has also suffered from the removal of original roof tiles and the unsympathetic in roof addition which compromises the external appearance and the internal quality of such a beautifully detailed architectural composition.*<sup>11</sup>

Spanish Mission houses are known to have medium pitch hipped or gabled roof, featuring half round terracotta tiles<sup>12</sup>. The existing dwelling has a mix of roof pitches and forms, with the SOHI noting it as 'a confused agglomeration of roof planes, hips, valleys and dormer windows on the first floor'.<sup>13</sup>

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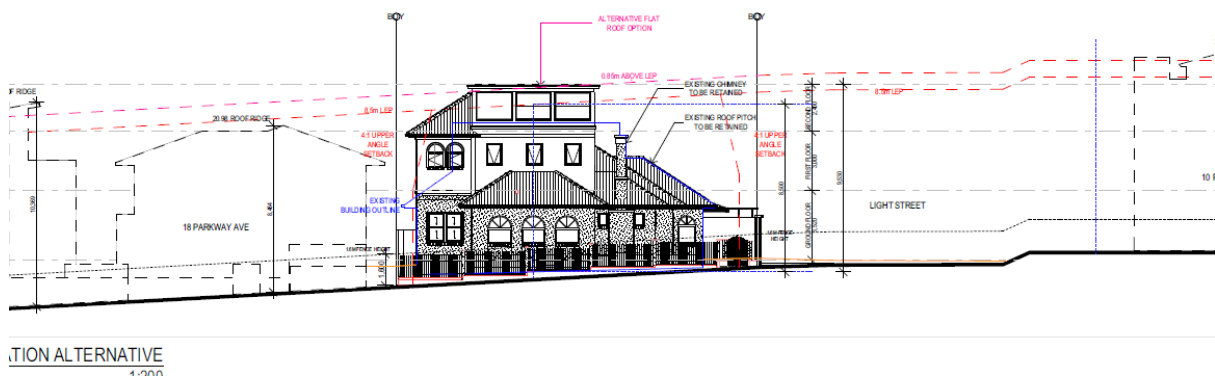
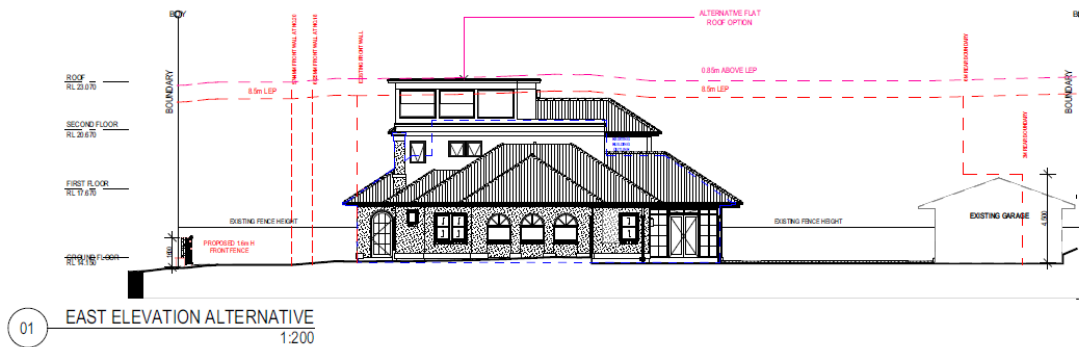
<sup>9</sup> EJE, Page 20  
<sup>10</sup> EJE, Page 41  
<sup>11</sup> EJE, Page 38  
<sup>12</sup> Apperley et al, Page 179  
<sup>13</sup> EJE, Page 26



*Figure 13: Aerial Perspective looking north. The many roof planes and angles present are visible (Source Nearmap by License and EJE)*

The proposed alterations and additions maintain the pitched roof form, consistent with both the existing dwelling and the Spanish Mission characteristics.

It is noted that while a fully flat roof would allow for a smaller variation to the development standard, it would not be in keeping with the heritage characteristics of such an architectural style and would present as a most jarring element within the building's form. This is shown in the elevations below.



In terms of bulk and scale, the floor space ratio of the proposed building is 0.36:1, compared to the 0.27:1 FSR of the existing dwelling. This is still substantially below the maximum 0.75:1 prescribed within the NLEP. Accordingly, while it is proposed to depart from the building height development standard, such a departure will not result in the building's bulk and scale being antithetical to the desired character of the area. Rather, the requested departure from the building height development standard will serve to re-establish and reinforce the desired dominant corner building form promoted by the 'Garden Suburb' movement and applicable to this area of Bar Beach.

### 6.3. Adjoining development heights

As demonstrated earlier in the report, the immediate locality has a range of density and building heights. From our analysis, the following non-compliances with building height are located in the following locations:

- 11.5m ridge height of nearby dwelling at No. 8 Parkway Avenue.
- 10.05m roof terrace ridge height of adjoining dwelling at No.10 Parkway Ave, which itself was approved by Council as a Clause 4.6 variation as part of the recent development application of the new dwelling.
- 8.9m ridge height of residential flat building at No. 55 Light St.

### 6.4. Amenity Impacts

The proposed alterations and additions provide for improved internal amenity for the existing residents. They offer better living areas and remove a study and dining room which did not have any external windows. It also provides for more bathrooms with modern features for the residents.

Importantly, the proposed additions do not present any significant impacts on the amenity of the neighbouring properties.

As outlined under in Table 1 of **Section 5.1** , the overshadowing impacts upon neighbouring properties is not significant. The minimal additional overshadowing is cast over the street with negligible impacts on neighbours. It is unlikely to affect any habitable rooms or outdoor private open space to 10 Parkway Avenue on the opposite side of Light Street.

In terms of overlooking, the roof terrace is designed to face towards the street network as it is designed to afford ocean views. This means that the extent of overlooking into neighbouring properties has been offset from the property boundary with No. 18 Parkway Avenue by at least 3 metres. There are also no significant windows overlooking No. 18 Parkway Avenue from the roof terrace, with any windows facing into the subject land's own backyard or towards the street.

The proposed second storey is also located towards the Parkway Avenue frontage of the dwelling. This, along with the provision of Light Street allows for sizable distances from adjoining and adjacent houses, thereby avoiding overlooking issues of concern.

Accordingly, privacy will not be negatively impacted through this proposal.

## 6.5. Impacts on neighbouring heritage items

As part of the pre-DA discussions, Council in its pre-DA response dated 13 November 2020 advised that consideration is to be given to the proposal's impact on two nearby listed heritage items (130- 17 Parkway Avenue Bar Beach and 131 - 23 Parkway Avenue Bar Beach) Both 17 Parkway Avenue and 23 Parkway Avenue are on the opposite side of the street from the subject land.

Clause 5.05.06 of the Newcastle DCP outlines provisions for development in the vicinity of a heritage item. Its objective is to ensure that development in the vicinity of heritage items is designed and located in such a way that the heritage significance of the item is conserved.

While the proposal does exceed the development standard, it is not considered to affect the significance of any of the heritage items in the locality as

- the distance between the items has not changed and are still separated by Parkway Avenue. Parkway Avenue is approximately 42 metres wide with a central median of 18 metres.
- while the two items are two storeys and ultimately lower than the subject house, there are other buildings in the neighbourhood which exceed their height.
- this proposal does not affect any existing view lines of the heritage items. Semi-mature Norfolk Island Pines obscure the view between the subject house and the heritage items.

As such it is considered that the proposed development will not have a negative impact on the listed heritage items.

## 6.6. Clause 5.6 of NLEP

Clause 5.6 of the NLEP relates to architectural roof features

Clause 5.6(3) indicates that *development consent must not be granted to any such development unless the consent authority is satisfied that -*

*(a) the architectural roof feature—*

- i) comprises a decorative element on the uppermost portion of a building, and*
- ii) is not an advertising structure, and*
- iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and*
- iv) will cause minimal overshadowing, and*



*(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.*

Having regard to these provisions:

- As indicated in **Section 6.2.2**, the proposed roof terrace has been sympathetically designed to complement the existing Spanish mission house. This is achieved by carrying through the roof pitch and proportions of the existing dwelling.
- The roof feature is not an advertising structure
- The proposal is for a roof terrace and does not form part of any of the floor space area for the dwelling. Its height and location will render this to be difficult.
- As indicated in **Section 6.4**, the proposed roof form will cause minimal overshadowing.
- The provisions of 5.6(3)(b) do not apply to this proposal

As such the proposal is considered to accord with the provisions of Clause 5.3 of the NLEP.

## 7. PUBLIC INTEREST

In this section we outline how 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. This is required by clause 4.6(4)(a)(ii) of the LEP.

In Section 5 it was demonstrated that the proposed development overall achieves the objectives of the development standard notwithstanding the requested variation of the development standard (see comments under "public interest" in Table 1).

The table below considers whether the proposal is also consistent with the objectives of the zone.

*Table 2: Consistency with Zone Objectives.*

Objectives of Zone R2 - Low Density Residential	Discussion
To provide for the housing needs of the community within a low-density residential environment	The proposal is considered consistent with the zone. The number of dwellings on site remains at one, consistent with housing in the low-density area
To enable other land uses that provide facilities or services to meet the day to day needs of residents	This objective is not relevant
To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment	As discussed in the report, the proposed alterations and additions respect the amenity of the surrounding area, the nearby heritage items and the character of the surrounding area. They have also been designed to complement the 'Spanish mission' style of the dwelling house.

As demonstrated in Table 2, the proposal is consistent with the objectives of the zone and in Section 5 it was demonstrated that the proposal is consistent with the objectives of the development standard. Accordingly, having regard to clause 4.6(4)(a)(ii), the proposal is in the public interest.

## **8. STATE OR REGIONAL ENVIRONMENTAL PLANNING**

This section considers whether contravention of the development standard raises any matter of significance for State or regional environmental planning, the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Secretary before granting concurrence required by clause 4.6(5).

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

As demonstrated already, the proposal is consistent with the objectives of the zone and the objectives of the development standard and, in our opinion, there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this application.

Finally, we are not aware of any other matters required to be taken into consideration by the Secretary before granting concurrence.

## 9. CONCLUSION

This submission requests a variation under Clause 4.6 of the Newcastle *Local Environmental Plan* 2012 to the height of buildings development standard and demonstrates that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this proposed development;
- The proposed development achieves the objectives of the development standard (Test 1 of *Wehbe*) and is consistent with the objectives of the R2 Low Density Residential zone.
- There are sufficient environmental planning grounds to justify the contravention;

With respect to the public interest, the Council as consent authority can be satisfied as required that the development achieves the objectives of the development standard and is consistent with the objectives of the R2 Low Density Residential notwithstanding non-compliance with the height of buildings standard.

The concurrence of the Secretary can be assumed in accordance with Planning Circular PS 18-003.

Having regard to the foregoing, it is considered appropriate for the Council as consent authority to exercise the flexibility provided by Clause 4.6 in the circumstances of this application and agree to vary the building height development standard as proposed.



**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 19/10/21 - DAC 19/10/21 - 16 Parkway Avenue Bar Beach -  
DA2021/00294 - Dwelling house - alterations and additions**

**ITEM - 21      Attachment C:      Draft Schedule of Conditions**

**DISTRIBUTED UNDER SEPARATE COVER**



<b>Application No:</b>	DA2021/00294
<b>Land:</b>	Lot 331 DP 1109745
<b>Property Address:</b>	16 Parkway Avenue Bar Beach NSW 2300
<b>Proposed Development:</b>	Dwelling house - alterations and additions

## SCHEDULE 1

### APPROVED DOCUMENTATION

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

Plan No / Supporting Document	Reference / Version	Prepared by	Dated
Site Plan	13208 (Rev. B)	EJE Architecture	14/07/2021
Existing Ground Floor Plan	13208 (Rev. B)	EJE Architecture	14/07/2021
Existing First Floor Plan	13208 (Rev. B)	EJE Architecture	14/07/2021
Existing Roof Plan	13208 (Rev. B)	EJE Architecture	14/07/2021
Proposed Ground Floor Plan	13208 (Rev. B)	EJE Architecture	14/07/2021
Proposed First Floor Plan	13208 (Rev. B)	EJE Architecture	14/07/2021
Proposed Second Floor Plan	13208 (Rev. B)	EJE Architecture	14/07/2021
Proposed Roof Plan 1	13208 (Rev. B)	EJE Architecture	14/07/2021
Proposed Roof Plan 2	13208 (Rev. B)	EJE Architecture	14/07/2021
Existing Elevations	13208 (Rev. B)	EJE Architecture	14/07/2021
Section A-A & B-B	13208 (Rev. B)	EJE Architecture	14/07/2021
Basix Certificate	A406415	Evergreen Energy Consultants Pty Ltd	25/02/2021

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

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

- Building demolition is to be planned and carried out in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*.
- A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with *Australian Standard 2601:2001 - The Demolition of Structures*. A copy of the Hazardous Substances Management Plan is to be provided to the City of Newcastle and to the demolisher prior to commencement of work.
- The demolisher is to ensure that all demolition material is kept clear of the public

footway and carriageway as well as adjoining premises.

5. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifier before construction is commenced.
6. 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 each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.
  - b) When the roof has been completed, confirming that the building does not exceed the approved levels.
7. 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.
8. Stormwater is to be conveyed to the existing property stormwater drains by way of a sealed pipe system. The existing drains are to be checked for adequacy and cleared of any obstructions.
9. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
  - 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 for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
  - 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.
10. All building work is to be carried out in accordance with the provisions of the National Construction Code.
11. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.
12. 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 City of Newcastle reserves, including the road reserve, is not permitted.
13. A separate application is to be lodged and consent obtained from the City of Newcastle for all works within the road reserve, pursuant to Section 138 of the *Roads Act 1993*, prior to the commencement of works.
14. 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.

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

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

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

17. All public trees that are required to be retained are to be protected in accordance with the City of Newcastle *Urban Forest Technical Manual, Part B Public Trees*.

The tree protection fencing is to remain in place and be maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

18. The following waste management measures are to be implemented during construction:

- a) waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste
- b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets
- c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and
- d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

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

19. 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 the City of Newcastle with Occupation Certificate documentation.

20. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
21. All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a condition that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to City of Newcastle's satisfaction prior to the completion of demolition work or prior to the issue of any Occupation Certificate in respect of development involving building work.
22. All works within the road reserve required by this consent are to be completed prior to the issue of a Occupation Certificate.

### ADVISORY MATTERS

- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the *Environmental Planning and Assessment Act 1979* will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.
- Retaining walls not clearly noted on the approved plans or outside of the parameters of 'exempt development', as specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to such a retaining wall taking place.
- It is recommended that, prior to commencement of work, the free national community service 'Dial before you Dig' be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.
- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of the City of Newcastle and any other relevant authorities. City of Newcastle and other service authorities should be contacted for specific requirements prior to the commencement of any works.
- Prior to commencing any building works, the following provisions of Part 6 of the *Environmental Planning and Assessment Act 1979* are to be complied with:
  - a) A Construction Certificate is to be obtained; and
  - b) A Principal Certifier is to be appointed for the building works and the City of Newcastle is to be notified of the appointment; and
  - c) The City of Newcastle is to be given at least two days notice of the date intended for commencement of building works.
- Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to a building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the proposed development. An application for an Occupation Certificate is to contain the information set out in Clause 149 of the *Environmental Planning and Assessment Regulation 2000*.

- 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.

**END OF CONDITIONS**

## SCHEDULE 2

### REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Newcastle Local Environmental Plan 2012* (NLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012 (NDCP).
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- City of Newcastle has considered the proposed variation to the Clause 4.3 building height development standard made under Clause 4.6 of the *Newcastle Local Environmental Plan 2012*. The proposed 21.35% building height variation is considered acceptable in the particular circumstances of this case as the variation will not significantly overshadow the neighbouring properties, obstruct significant view corridors or result in negative privacy issues. It is considered that the Clause 4.6 request is well founded and strict compliance with the development standard is unreasonable and unnecessary in this case.
- Any issues raised in submissions have been taken into account in the assessment report and where appropriate conditions of consent have been included in the determination.

### REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED

The following conditions are applied to:

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





**ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER**

**DAC 19/10/21 - DAC 19/10/21 - 16 Parkway Avenue Bar Beach -  
DA2021/00294 - Dwelling house - alterations and additions**

**ITEM- 21**      **Attachment D:**      Processing Chronology

**DISTRIBUTED UNDER SEPARATE COVER**



## PROCESSING CHRONOLOGY

### DA2021/00294 – 16 Parkway Avenue, Bar Beach

5 March 2021	Application lodged
16 March 2021 to 6 April 2021	Public Notification period
4 June 2021	Request for additional information
30 June 2021	Meeting with applicant and owner to discuss additional information request.
16 July 2021	Additional information received
29 July 2021	Request for additional information
16 August 2021	Additional information received
18 August 2021 to 6 September 2021	Public Notification period for amended proposal