

Development Application Committee Meeting



DATE: Tuesday 21 May 2024

TIME: 6.00pm

VENUE: Council Chambers
Level 1, City Administration Centre
12 Stewart Avenue
Newcastle West NSW 2302

14 May 2024

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Agenda

- 1. ATTENDANCE**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. PRAYER**
- 4. APOLOGIES / LEAVE OF ABSENCE / REQUEST TO ATTEND BY AUDIO VISUAL LINK**
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6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 16 APRIL 2024

RECOMMENDATION

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

ATTACHMENTS

Attachment A: Public Minutes Development Applications Committee 16 April 2024

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

Minutes

Development Application Committee Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 16 April 2024 at 7:26pm.

1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church, D Clausen, C Duncan, C McCabe, C Pull, K Wark, P Winney-Baartz and M Wood.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), P Emmett (Interim Executive Manager Planning and Development), L Barnao (Councillor Services/Minutes/Meeting Support), A Paule-Font (AV Support) and A Clarke (Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

Read at previous Committee meeting on night.

3. PRAYER

Read at previous Committee meeting on night.

4. APOLOGIES / LEAVE OF ABSENCE / REQUEST TO ATTEND BY AUDIO VISUAL LINK

MOTION

Moved by Cr Pull, seconded by Cr Barrie

The requests submitted by Councillor Winney-Baartz and Wood to attend by audio visual link be received and granted.

Carried

MOTION

Moved by Cr Adamczyk, seconded by Cr Wark

The apologies submitted on behalf of Councillors Mackenzie and Richardson be received and leave of absence granted.

Carried

5. DISCLOSURES OF INTEREST

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 20 FEBRUARY 2024

MOTION

Moved by Cr McCabe, seconded by Cr Pull

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

Carried unanimously

7. DEVELOPMENT APPLICATIONS

7.1. 7 FENTON AVENUE BAR BEACH - DWELLING HOUSE - DA2023/00919

MOTION

Moved by Cr Barrie, seconded by Cr McCabe

- A. That the Development Applications Committee (DAC) note 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 and to be consistent with the objectives of Clause 4.3 and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out; and
- B. That application DA2023/00919 for the dwelling house, including ancillary development (pool) and demolition of existing structures at 7 Fenton Avenue Bar Beach be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at Attachment B; and
- C. That those persons who made submissions be advised of CN's determination.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, McCabe, Pull, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried unanimously

7.2. 15 ZAARA STREET NEWCASTLE EAST - DWELLING HOUSE ALTERATIONS AND ADDITIONS - DA2023/01194

At this stage of the meeting, Councillor Clausen declared a non-significant, non-pecuniary interest in Item 7.2 - 15 Zaara Street, Newcastle East - Dwelling House Alterations and Additions - DA2023/01194, as he believed the applicant was a solicitor he had engagement with who had previously represented former Councillor Robinson.

MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk

- A. That the DAC note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and consistent with the objectives of Clause 4.4 and the objectives for development within the R3 Medium Density Residential in which the development is proposed to be carried out; and
- B. That DA2023/01194 for dwelling house alterations and additions at 15 Zaara Street Newcastle East be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at Attachment B.

For the Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Duncan, McCabe, Pull, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

The meeting concluded at 7.35pm

7. DEVELOPMENT APPLICATIONS

7.1. DAC 21/05/24 - 9 WILTON STREET MEREWETHER - DWELLING HOUSE, INCLUDES DEMOLITION - DA2023/01050

APPLICANT: PIPER PLANNING PTY LTD
OWNER: C J SMITH
REPORT BY: PLANNING & ENVIRONMENT
CONTACT: EXECUTIVE DIRECTOR PLANNING & ENVIRONMENT /
INTERIM EXECUTIVE MANAGER PLANNING &
DEVELOPMENT

PART I

PURPOSE

An application (DA2023/01050) has been received seeking consent for the demolition of the existing structures and construction of a dwelling house at 9 Wilton Street Merewether.

The submitted application was assigned to Development Officer, Fiona Dowler, for assessment.

The application is referred to the Development Applications Committee (DAC) for determination, due to the proposed variation to the floor space ratio

(FSR) development standard of the Newcastle Local Environmental Plan 2012 (NLEP 2012) being more than a 10% variation.

The application is referred to the Development Applications Committee (DAC) for determination, due to the proposed variation to the floor space ratio (FSR) development standard of the Newcastle Local Environmental Plan 2012 (NLEP 2012) being more than a 10% variation.

Issues

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

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

- 1) Floor Space Ratio (FSR) – The proposed development has a maximum FSR of 0.71:1 and does not comply with the FSR development standard of



Subject Land: 9 Wilton Street Merewether

0.6:1 as prescribed under Clause 4.4 of the NLEP2012. The variation equates to an exceedance of 32m² or 17.78%.

Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is acceptable subject to compliance with appropriate conditions.

RECOMMENDATION

- a) That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the NLEP 2012, relating to the Clause 4.4 Floor Space Ratio, and considers that the objection be justified in the circumstances and to be consistent with the objectives of Clause 4.4 Floor space ratio, and the objectives of the R2 Low Density Residential zone; and
- b) That DA2023/01050 for demolition of the existing structures and construction of a dwelling house be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

Political Donation / Gift Declaration

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

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

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

PART II

1.0 THE SUBJECT SITE

The subject site consists of a single allotment Lot 1 DP998807, known as 9 Wilton Street Merewether. The site has a 15.37m frontage to Wilton Street, is rectangular

with an approximate area of 300m² and is smaller in size than surrounding lots. The topography of the site is predominantly flat.

The subject site is occupied by a single-storey masonry rendered building positioned closely to the primary street frontage, with an ancillary structure (garage) to the rear yard. Vegetation is scattered throughout the yard and there is an existing concrete driveway.

The general form of development in the immediate area predominantly consists of a mixture of older type dwellings and renovated single dwellings of various architectural styles from different eras, ranging from one to two storeys in height.

2.0 THE PROPOSAL

The applicant seeks consent for the demolition of an existing building and the erection of a two-storey dwelling house. The proposed works include:

- i) Demolition of existing structures
- ii) Construction of a two-storey dwelling

A copy of the current amended plans is at **Attachment A**.

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

3.0 PUBLIC NOTIFICATION

The original application was publicly notified for a period of 14 days in accordance with CN's Community Participation Plan (CPP). No submissions were received as a result of the notification process.

4.0 INTEGRATED DEVELOPMENT

The proposal is not '*integrated development*' pursuant to Section 4.46 of the EP&A Act.

5.0 PLANNING ASSESSMENT

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

5.1 Provisions of any environmental planning instrument

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of land

Chapter 4 of the SEPP provides that before granting consent to the carrying out of any development on land the consent authority is required to consider whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the development or whether remediation is required.

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

State Environmental Planning Policy (Sustainability Buildings) 2022

A BASIX Certificate was lodged with the application, demonstrating that the development can achieve the required water and energy reduction targets. A condition of consent has been recommended, requiring that the development be carried out in accordance with the BASIX Certificate.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

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

Clause 2.1 - Land Use Zones

The subject property is included within the R2 Low Density Residential zone under the provisions of NLEP 2012, within which zone the proposed development is permissible with consent.

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

To provide for the housing needs of the community within a low density residential environment.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

The proposed dwelling is consistent with the mixture of existing residential development in Merewether. The proposed modern building form responds to the prevailing low density residential character of the area. The bulk and scale of the development is consistent with adjoining development.

Clause 2.7 - Demolition Requires Development Consent

The proposal includes the demolition of the structures on the site. Conditions are recommended to require that demolition works, and the disposal of material is managed appropriately and in accordance with relevant standards.

Clause 4.3 - Height of Buildings

Under the NLEP 2012 the site has a maximum height of 8.5m. The submitted height is 7.41m and complies with this requirement.

Clause 4.4 - Floor Space Ratio

The proposed development will result in a total FSR of 0.71:1, equating to an exceedance of 32m² or 17.78% above the prescribed maximum FSR for the subject land.

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

Clause 4.6 - Exceptions to Development Standards

The proposal seeks consent to vary Clause 4.4 Floor Space Ratio (FSR) of the NLEP 2012. The Floor Space Ratio Map of the NLEP 2012 provides for a maximum FSR of 0.6:1 on the subject site. The proposed development will result in a maximum FSR of 0.71:1, which exceeds the maximum FSR for the site by 17.78% or 32m².

Clause 4.6 of the NLEP 2012 enables consent to be granted to a development even though the development would contravene a development standard. The objectives of Clause 4.6 'Exceptions to development standards', are (subclause (1):

- 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.'*

The application is supported by a formal request to vary the development standard under Clause 4.6, titled 'Revised Request for exception to floor space ratio standard' (the 'written request'), prepared by Piper Planning, dated 4 April 2024. This document constitutes a written request for the purposes of Clause 35B of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regs).

An assessment of the variation request has been undertaken below, in undertaking the assessment consideration has been given to both the provisions of Clause 4.6 and the relevant Land and Environment Court judgements including *Four2Five Pty Ltd v Ashfield Council [2015]* NSWLEC 1009 (and appeal at NSWLEC 90)(*Four2Five*), *Initial Action Pty Ltd v Woollahra Municipal Council [2018]* NSWLEC 118 ('Initial Action'), and *Wehbe v Pittwater Council [2007]* NSWLEC 827 (*Wehbe*), namely that the objection is well founded, that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(2) – is the provision to be varied a development standard? And is the development standard excluded from the operation of the Clause?

The FSR development standard in NLEP 2012 is a development standard in that it is consistent with the definition of development standards under Section 1.4 of the EP&A Act. The FSR development standard is not expressly excluded from the operation of Clause 4.6.

Clause 4.6 (3) – has the applicant demonstrated that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances?**

There are five circumstances, or tests, established by the case *Wehbe v Pittwater Council* [2007] NSWLEC 827 in which it could be reasonably argued that the strict application of a development standard would be unreasonable or unnecessary.

Should an application meet any of the tests detailed in *Wehbe* then compliance with a development standard may be considered unreasonable or unnecessary with regards to Clause 4.6(3)(a).

The applicant's written request seeks to rely on the first of the five 'tests' by showing that the objectives of the development standard are achieved notwithstanding noncompliance with the development standard.

The objectives of Clause 4.4 -Floor Space Ratio development standard are:

- a) to provide an appropriate density of development consistent with the established centres hierarchy,*
- b) to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy.'*

In considering this clause the following extracts from the written request are relevant:

'The development exists within a diverse built form context. Surrounding buildings consist of original cottages, substantial single dwelling houses and residential flat building forms. Buildings are placed towards the street frontage, with limited setbacks. Whilst some original cottages exist, those are observably being replaced by more substantially massed buildings, commensurate to the inherent value of the land. The streetscape is therefore one of evolving, substantially scaled buildings, placed in close proximity to the carriageway.

'The proposal seeks consent for a highly considered outcome. The style of the building adheres to modern living requirements, with a high level of privacy, amenity and a striking architectural design. Developments of this style and scale are readily evident throughout the Merewether area and this contributes to the character and consolidated value of the location.'...

...We therefore submit that the proposal is both contextually appropriate and a considered approach to development.'

'It is our view that development consistent to the character of the locality enables the objectives underpinning the LEP 2012 floor space ratio development standard to be satisfied. The building does not read as something substantially different from its surrounds.'

'The non-compliance does not impact the architectural merits of the development.'

'As demonstrated the objectives of the standard have been achieved and application of the standard would be unnecessary.'

CN Officer Comment

The proposed development provides for a modern dwelling in a low-density form which is complementary to the existing and future desired character of the locality and streetscape. The proposal retains the existing housing type and predominant built form and is considered consistent with both the low-density planning objectives of the land and the objectives of the FSR development standard.

The proposed variation to the development standard does not result in any undue adverse environmental impacts, including impacts on adjacent properties in terms of bulk, scale, overshadowing or privacy, indicating the proposed development is suitable for the site.

The applicant's written request is considered to satisfy the requirements of clause 4.6(3)(a) in demonstrating that compliance with the development standard is unnecessary in the circumstances of the case, as the objectives of both the R2 zone and the development standard are achieved notwithstanding the non-compliance.

b) There are sufficient environmental planning grounds to justify contravening the development standard?

The applicant's written request provides the following specific environmental planning grounds to justify the breach of the standard:

'The proposed variation to the development standard is 32m². Notwithstanding the variation, the proposed works represent a considered development that addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal enables a considered architectural outcome, appropriate to its context. It consolidates capital investment to the locality and does so with limited impact to its surrounding context. On this basis, it is considered beneficial.'

'The proposal provides for a better environmental planning outcome as the development responds to the site setting, whilst achieving a quality architectural outcome within the built form context. The variation is contextually appropriate, and a compliant outcome would potentially result in an outcome inconsistent to the established setting and as such, the objectives of the established centres hierarchy.'

In this case, we submit that the proposal displays sufficient environmental planning grounds to warrant variation to the development standard. It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.'

CN Officer Comment

The written request outlines environmental planning grounds that adequately justify the contravention. The proposed FSR exceedance is generally consistent with the combination of relevant controls under NLEP 2012 and NDCP 2012. It provides an acceptable environmental planning outcome concerning bulk and scale, streetscape, and established character.

The proposed development provides for the orderly and economic use of the land and will not detract from the existing amenity provided to adjacent development. The written request provides sufficient justification to contravene the development standard.

Conclusion

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

- a) It adequately addresses the matters required to be demonstrated by clause 4.6(3) of the NLEP 2012.
- b) The proposed FSR exceedance is considered to have minimal impact on neighbouring properties in terms of privacy, overshadowing, view loss, bulk and scale.

It is considered that the exceedance proposed is an acceptable planning outcome and strict compliance with the FSR development standard is unreasonable in this case.

The proposal facilitates housing within a residential zone, continuing to provide for the housing needs of the community within a low-density residential environment whilst suitably respecting the amenity, and character of surrounding development and the quality of the environment, in accordance with relevant R2 Zone objectives.

It is considered the clause 4.6 variation request is well founded and should be supported.

Clause 6.1 – Acid Sulfate Soils

The site is affected by Class 5 acid sulfate soils and the proposed development is considered satisfactory in this regard.

Clause 6.2 - Earthworks

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

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

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

5.3 Any development control plan

Newcastle Development Control Plan 2023

The Newcastle Development Control Plan 2023 (DCP) provides updated guidelines and development controls for new development in the Newcastle Local Government Area. The DCP was finalised and formally adopted by Council on 1 March 2024. The DCP requires consideration in accordance with Section 4.15(1)(a)(ii) of the EP&A Act 1979.

Section 11 of Part A – Introduction of the DCP nominates savings and transitional arrangements as follows:

'DCP 2023 does not apply to any development application lodged but not finally determined before its commencement. Any development application lodged before its commencement will be assessed in accordance with any previous development control plan (DCP).'

The savings and transitional provisions apply to this application. The proposed development therefore remains subject to the provisions of the Newcastle Development Control Plan 2012.

Newcastle Development Control Plan 2012 (NDCP 2012)

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

Single Dwellings and Ancillary Development - Section 3.02

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

Street frontage appearance (3.02.03)

The proposed dwelling has a setback of 3.235m to the front boundary and is compatible with the existing streetscape. The proposed garage has a setback of less than 5.5m from the front boundary however the garage is suitably integrated into the

development facade and the reduced setback is not inconsistent with existing development in the street.

Side / rear setbacks (building envelope) (3.02.04)

The dwelling has a minimum side setback of 0.937m (east) and 0.310m (west) and the setback from the rear is 3.571m (north). The dwelling sits predominantly within the permissible building envelope apart from a portion of the garage at ground level, and a minor portion at first-floor level. The proposed built form however is consistent with the prevailing built form in the local area.



Figure 1 - Depicted building envelope (hatched line)

Landscaping (3.02.05)

A minimum of 10% of the site is required as landscaped area. The development includes a landscaped area of 72m² which equates to 24% of the site area. Sufficient area exists on site to facilitate the required deep soil planting.

Private open space (3.02.06)

The proposed dwelling has been provided with an area of private open space measuring 3m x 4m which is considered usable and will meet the needs of future occupants.

Privacy (3.02.07)

The development includes a first-floor rumpus room. It has been demonstrated that the proposed development will not impact upon the privacy to living room windows and principal areas of private open space of adjoining dwellings within the 12m privacy sensitive zone.

Solar access (3.02.08)

The submitted sun shadow diagrams demonstrate the development will not significantly overshadow the north-facing living area windows and principal areas of private open space of the subject site or of the adjoining properties.

View sharing (3.02.09)

The proposed dwelling will not encroach into the existing view corridors of adjoining and nearby properties.

Car parking and vehicular access (3.02.10)

The proposed vehicular access and car parking complies with the provisions of Australian Standard AS2890 Parking Facilities and CN's standard drawing A1300 Driveway Crossing Standard Design Details.

Flood Management - Section 4.01

A flood certificate (FL2018/00176) was previously completed for the site. Subject to compliance with the following recommended conditions of consent, the proposal is acceptable in relation to flooding:

- a) Floor levels of any occupiable rooms in a new development on this site shall not be lower than the flood planning level 11.8m Australian Height Datum (AHD). The design of the proposed development complies with this requirement.
- b) The proposed garage floor level is 11.17m (AHD) which is below the 1% Annual Exceedance Probability (AEP) flood level (11.3m AHD), therefore the garage is required to be flood proofed. The design of the proposed development is required to be amended prior to the issue of a construction certificate to comply with this requirement.
- c) On-site flood refuge is to be provided at or above the PMF level (11.8m AHD). This flood refuge shall cater for the number of people reasonably expected on the development site and be provided with emergency lighting. The design of the proposed development complies with this requirement.

Safety and Security - Section 4.04

The development is not considered to create an increased risk of crime to the area or an increased threat to public safety. The development provides ample opportunity for casual surveillance of the public domain and incorporates unimpeded sight lines from the public domain to the front door and garage.

Social Impact - Section 4.05

It is considered unlikely that a development of the nature proposed would result in increased anti-social behaviour.

Mine Subsidence - Section 4.03

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

Soil Management - Section 5.01

The earthworks proposed as part of this application are minimal and consistent with the requirements of the NDCP 2012. The proposed development is satisfactory with respect to the relevant soil management objectives subject to the standard recommended conditions of consent to ensure adequate sediment and erosion management will remain in place for the construction period.

Land Contamination - Section 5.02

Land contamination has been considered in this assessment report, in accordance with SEPP (Resilience and Hazards) 2021. The site is not considered to have any contamination constraints that will impact the development of the site. Accordingly, the proposal is acceptable in relation to land contamination.

Vegetation Management - Section 5.03

The proposal does not involve the removal of any significant trees from the site. The proposal is satisfactory.

Aboriginal Heritage - Section 5.04

Reference to the Aboriginal Heritage Information Management System confirmed that there are no sites of Aboriginal significance recorded on the site.

Landscape Open Space and Visual Amenity - Section 7.02

A landscape plan has been provided which demonstrates that suitable soft landscape and deep soil areas exist to permit the planting of medium-sized trees can be achieved.

Traffic, Parking and Access - Section 7.03

The development includes a double garage which satisfies the parking requirements of this section. A condition of consent is recommended requiring the development to provide electric circuitry to accommodate future electric vehicle charging points.

Stormwater - Section 7.06

The proposed stormwater management plan complies with the aims and objectives of the NDCP 2012. A condition of consent is recommended requiring provision of a minimum 4000-litre rainwater tank.

Waste Management - Section 7.08

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

5.4 Planning agreements

No planning agreements are relevant to the proposal.

5.5 The regulations (and other plans and policies)

The application has been considered under the provisions of the EP&A Act 1979 requirement to comply with AS2601 – Demolition of Structures will be included in the conditions of consent for any demolition works.

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

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

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

The proposed development will not have any undue adverse impact on the natural or built environment.

The development is compatible with the existing character, bulk, scale and massing of development in the immediate area.

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

5.7 The suitability of the site for the development

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

The constraints of the site have been considered in the proposed development, which includes flooding and acid sulfate soils.

The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

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

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

5.9 The public interest

The proposed development is satisfactory having regard to the principles of ecologically sustainable development.

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

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

Development Contributions

Under the provisions of CN's adopted development contributions plans development applications for a new single dwelling house do not attract a development contribution.

6.0 CONCLUSION

The proposal is acceptable against the relevant heads of consideration under section 4.15(1) of the EP&A Act and is supported on the basis that the recommended conditions in **Attachment B** are included in any consent issued.

ATTACHMENTS

Attachment A: Submitted plans - 9 Wilton Avenue Merewether

Attachment B: Draft Schedule of Conditions - 9 Wilton Avenue Merewether

Attachment C: Processing Chronology - 9 Wilton Avenue Merewether

Attachments A-C distributed under separate cover