

Development Application Committee Meeting



DATE: Tuesday, 16 May 2023

TIME: Following the Briefing Committee

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

9 May 2023

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In participating in this Meeting, Councillors are reminded of their oath or affirmation of office made under section 233A of the Local Government Act 1993, and of their obligations under City of Newcastle's Code of Conduct for Councillors to disclose and appropriately manage conflicts of interest.

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Agenda

1. ATTENDANCE
2. ACKNOWLEDGEMENT OF COUNTRY
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[For documents marked 'Distributed under Separate Cover' refer to Council's website at http://www.newcastle.nsw.gov.au/](http://www.newcastle.nsw.gov.au/)

Note: Items may not necessarily be dealt with in numerical order

6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 26 APRIL 2023

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 230426 Development Applications Committee Minutes

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

Minutes



Development Application Committee Meeting

Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Wednesday, 26 April 2023 at 7.01pm.

1. ATTENDANCE

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

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services), L Duffy (Acting Executive Director Community and Creative Services), J Rigby (Executive Director City Infrastructure), M Bisson (Interim Executive Director Planning and Environment), B Harvey (Acting Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance), P Emmett (Development Assessment Section Manager), R Dudgeon (Executive Manager Project Management Office), N Kaiser (Interim Executive Manager Media Engagement Economy & Corporate Affairs), M Murray (Chief of Staff), K Sullivan (Councillor Services/Meetings Support), L Barnao (Councillor Services/Meetings Support), C Urquhart (AV/Information Technology Support), W Haddock (AV/Information Technology Support) and Daniel Silcock (AV/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 AUDIOVISUAL LINK

Nil apologies.

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

The request to attend by audio visual link submitted on behalf of Councillor Richardson be received and granted.

Carried unanimously

5. DISCLOSURES OF INTEREST

Nil.

6. CONFIRMATION OF PREVIOUS MINUTES

6.1. MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 21 MARCH 2023

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

The draft minutes be taken as read and confirmed.

Carried

7. DEVELOPMENT APPLICATIONS

7.1. 30 VILLA ROAD, WARATAH WEST - DA2022/01085 - DWELLING HOUSE - ALTERATIONS, ADDITIONS AND ANCILLARY DEVELOPMENT (CAR PORT, GARAGE AND RETAINING WALLS) INCLUDING DEMOLITION

MOTION

Moved by Cr McCabe, seconded by Cr Mackenzie

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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 zone in which the development is proposed to be carried out; and
2. That DA2022/01085 for alterations and additions to the existing dwelling house at 30 Villa Road, Waratah West be approved, and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

PROCEDURAL MOTION

Moved by Cr Adamczyk , seconded by Cr Wark

The item lay on the table notwithstanding the numerical non-compliance with the height of building but noting the non-compliance of the car port and garage and retaining wall that is being constructed underneath, and the inconsistencies stated within the planner's report regarding compliance/non-compliance of setbacks. The applicant has requested a variation for this non-compliance. Clarification is sought on this issue.

For the Procedural Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Richardson, Wark, Winney-Baartz and Wood.

Against the Procedural Motion: Councillors Barrie, Church and Pull.

Carried

7.2. 38 POWER STREET ISLINGTON - DA2022/01239 - SEMI-DETACHED DWELLINGS - INCLUDING DEMOLITION OF EXISTING DWELLING AND BOUNDARY ADJUSTMENT

MOTION

Moved by Cr Mackenzie, seconded by Cr Barrie

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (NLEP 2012), against the development standard at Clause 4.1 Minimum Subdivision Lot Size, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.1 and the objectives for development within the R3 Medium Density Residential Zone in which the development is proposed to be carried out; and
2. That DA2022/01239 for the construction of two semi-detached dwellings and two-into-two lot (boundary alteration) subdivision at 38 Power Street, Islington, be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

PROCEDURAL MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

The item lay on the table notwithstanding the boundary adjustment that seems reasonable to seek clarification on inconsistencies regarding proposed tree removal and vegetation management.

For the Procedural Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Clausen, Duncan, Mackenzie, McCabe, Richardson, Wark, Winney-Baartz and Wood.

Against the Procedural Motion: Councillors Barrie, Church and Pull.

Carried

7.3. 26 SCOTT STREET, NEWCASTLE EAST - DA2022/00809 - DWELLING HOUSE ALTERATIONS AND ADDITIONS

MOTION

Moved by Cr Adamczyk, seconded by Cr Duncan

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (NLEP 2012), against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the R3 Medium Density zone in which the development is proposed to be carried out; and
2. That DA2022/00809 for dwelling house – alterations and additions at 26 Scott 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**; and
3. 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, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

7.4. 14 SCOTT STREET NEWCASTLE EAST - DA2022/01049 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS

MOTION

Moved by Cr McCabe, seconded by Cr Barrie

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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 R3 Medium Density Zone in which the development is proposed to be carried out; and
2. 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 to be consistent with the objectives of Clause 4.4 and the objectives for development within the R3 Medium Density Zone in which the development is proposed to be carried out; and
3. That the development application for alterations and additions at 14 Scott St Newcastle East be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
4. 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, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Bartz and Wood.

Against the Motion: Nil.

Carried

7.5. 35 ADDISON STREET BERESFIELD - DA2022/01100 - DEMOLITION OF STRUCTURES AND ERECTION OF NEW FROZEN FOOD STORAGE BUILDING

MOTION

Moved by Cr Clausen, seconded by Cr Adamczyk

1. That the Development Applications Committee (DAC) notes under Schedule 3, Clause 48 Alterations and Additions to Existing or Approved Development of the *Environmental Planning and Assessment Regulations 2021*, that the proposed development does not significantly increase the environmental impacts of the existing development and that the current proposal does not constitute designated development; and
2. That DA2022/01100 for the demolition of existing structures and alterations and additions to an existing livestock processing industry - construction of frozen food storage building at 35 Addison Street Beresfield be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
3. 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, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Bartz and Wood.

Against the Motion: Nil.

Carried

7.6. 111 DAWSON STREET COOKS HILL - DA2022/00936 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS INCLUDING DEMOLITION

MOTION

Moved by Cr Duncan, seconded by Cr Winney-Bartz

1. That DA2022/00936 for alterations and additions at 111 Dawson Street, Cooks Hill be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B** and additional conditions as follows:

- a) The Schedule of Materials is to be amended to delete the use of the Red and Terrain Colorbond and seam zinc, which are to be located on the first-floor addition in proximity of bedroom three.
- b) An alternate colour is to be selected which is more subdued and lighter in tone that reflects the existing northern elevation. Details of the materials and finishes are to be submitted to Councils Heritage Planner for approval prior to the issue of the Construction Certificate.
- c) Noting correspondence from the Hunter Region National Trust re the colour of what is called Bedroom 3, and that a lighter colour would be acceptable given the visibility of this component from the street.

2. 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, Richardson, Wark, Winney-Bartz and Wood.

Against the Motion: Councillor Mackenzie

Carried

7.7. 182 HUNTER STREET NEWCASTLE - DA2021/01505 - MIXED-USE DEVELOPMENT (COMMERCIAL AND SHOP TOP HOUSING) - INVOLVING ALTERATIONS AND ADDITIONS TO LOCALLY LISTED HERITAGE BUILDING

MOTION

Moved by Cr Church, seconded by Cr Barrie

1. That the Development Applications Committee (DAC) note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (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 B4 Mixed Use Zone in which the development is proposed to be carried out; and
2. 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 to be consistent with the objectives of Clause 4.4 and the objectives for development within the B4 Mixed Use Zone in which the development is proposed to be carried out; and
3. That DA2021/01505 for alterations and additions to a heritage listed building to facilitate a mixed use development (commercial and shop top housing) at 182 Hunter Street Newcastle be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and

4. That those persons who made submissions be advised of CN's determination.

PROCEDURAL MOTION

Moved by Cr McCabe, seconded by Cr Wark

The item lay on the table and that Councillors be briefed on the development application noting in particular height exceedances, external design, heritage, carparking and adaptive reuse.

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

Against the Procedural Motion: Councillors Church and Pull.

Carried

7.8. 4 TIGHE STREET NEWCASTLE WEST - RE2023/00001 - COMMERCIAL CAR PARK AND RETAIL PREMISES

MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

1. 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 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the B3 Commercial Core zone in which the development is proposed to be carried out; and
2. That RE2023/00001 for demolition of the existing building and erection of a seven-storey car park and retail premises at 4 Tighe Street, Newcastle West be approved, and a deferred commencement consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**.

PROCEDURAL MOTION

Moved by Cr McCabe, seconded by Cr Adamczyk

The matter lay on the table pending a decision from the NSW Government regarding the light rail corridor preservation.

For the Procedural Motion: Lord Mayor, Cr Nelmes and Councillors Adamczyk, Barrie, Clausen, Duncan, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

Against the Procedural Motion: Councillors Church, Pull and Wark.

Carried

The meeting concluded at 7.11pm.

7. DEVELOPMENT APPLICATIONS

7.1. 53 STEVENSON PLACE NEWCASTLE EAST - DA2022/01127 - DWELLING HOUSE - ALTERATIONS AND ADDITIONS

APPLICANT: SARAH BLATCHFORD
OWNER: R C FARADAY-BENSLEY & S T M DYRTING
REPORT BY: PLANNING & ENVIRONMENT
CONTACT: INTERIM EXECUTIVE DIRECTOR PLANNING & ENVIRONMENT / ACTING EXECUTIVE MANAGER, PLANNING, TRANSPORT & REGULATION

PART I

PURPOSE

A development application (DA2022/01127) has been received seeking consent for alterations and additions to an existing dwelling house at 53 Stevenson Place, Newcastle East.

The submitted application was assigned to Development Officer, Bianca Fyvie, for assessment.

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



Subject Land: 53 Stevenson Place Newcastle East

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

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

Issues

- 1) Floor Space Ratio (FSR) – The proposed development has a maximum FSR of 1.39:1 and does not comply with the maximum FSR development standard of 1:1 as prescribed under Clause 4.4 of Newcastle Local Environmental Plan 2012 (NLEP 2012). The variation equates to an exceedance of 43.7m² or 39%. It is noted that the existing GFA of the property is approximately 145m² or 1.3:1 having

a historical exceedance of the prescribed maximum FSR by approximately 33.4m² or 30%.

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 considered to be 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, against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the R3 Medium Density Zone in which the development is proposed to be carried out; and
- B. That the development application for alterations and additions at 53 Stevenson St Newcastle East 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 site is a single allotment known as 53 Stevenson Place Newcastle East and has a legal description of Lot 2 in Deposited Plan 9520. The site is rectangular in shape and has a total site area of 111sqm. The site is a listed heritage item, being part of 'Stevenson Place Precinct' (Item 490) and is located within the Newcastle East Heritage Conservation Area. The site is relatively flat with no declared vegetation.

The site is occupied by an existing two-level terrace with no car parking. The dwelling is one of eight terraces in a row along Stevenson Place. The surrounding area consists of a variety of residential land uses including single dwelling houses, terrace houses, multi-dwelling developments and residential flat buildings.

2.0 THE PROPOSAL

The applicant seeks consent for alterations and additions to an existing terrace house which include:

- i) Demolition of part of the existing dwelling, including the ground floor single storey corridor, window and partial wall at the upper level.
- ii) Extension of the ground floor study.
- iii) Upper storey addition – rearrange bathroom entry and create a bedroom, installation of external window and sky light, and new external doorway.
- iv) Installation of operable louvre pergola to the ear yard.
- v) New back wall and entry gate.

Amended plans were requested from the applicant on 18 April 2023 to delete the upper floor rear balcony due to adverse privacy and heritage impacts. Amended plans were received from the applicant on 19 April deleting the upper floor rear balcony. Due to the nature of the proposed amendment and the reduction in impacts, the amended plans did not require notification. The amended plans form the basis of the following assessment.

A copy of the submitted 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 application was publicly notified in accordance with CN's Community Participation Plan (CPP). No submissions were received in response.

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 (R&H SEPP)

Chapter 2 - Coastal Management

Chapter 2 of SEPP R&H seeks to balance social, economic, and environmental interests by promoting a coordinated approach to coastal management, consistent with the objectives of the *Coastal Management Act 2016* (the Act). The 'coastal zone' is defined in the Act as comprising four coastal management areas: coastal wetlands and littoral rainforest, coastal environment, coastal use and coastal vulnerability.

The R&H SEPP applies to the development as the site is identified as a Coastal Environment Area. Clause 2.10 and 2.11 requires the consent authority to consider the surrounding coastal, natural, and built environment.

The bulk, scale and size of the proposed development has been considered in the assessment of the application. It has been satisfactorily demonstrated that the development has been designed, sited, and will be managed to avoid, minimise, or mitigate any adverse impacts on the Coastal Environment Area and Coastal Use Area.

Having regard to the relevant aims of the policy, the proposed development will not detrimentally impact the environmental assets of the Coastal Environment Area and Coastal Use Area. The proposal is acceptable having regard to this policy.

Chapter 4 - Remediation of land.

Chapter 4 of the R&H SEPP provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

The site has been subdivided and prepared for residential development. Additionally, the site is not listed on City of Newcastle's land contamination register. The site is considered suitable for the proposed development and contaminated land investigation is not warranted in this instance. The proposal is acceptable having regard to this policy.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)

Chapter 2 - Vegetation in non-rural areas

In accordance with the requirements of the B&C SEPP the application has been assessed in accordance with Section 5.03 (Tree Management) of the Newcastle Development Control Plan (NDCP 2012).

The applicant does not propose the removal of any significant vegetation in order to facilitate the development and therefore the proposed development is not inconsistent with the requirements of the B&C SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

The proposed development is located within 5m of an exposed overhead electricity power line. In accordance with Clause 2.48 (Determination of development applications – other development) of the T&I SEPP, the proposal was referred to Ausgrid. The referral to Ausgrid raised no objection in respect of the application. The Ausgrid advice has been provided to the applicant for their information and future action.

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

A BASIX Certificate was lodged with the application, demonstrating that the development can achieve the required water and energy reduction targets. 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 R3 Medium Density Residential Zone under the provisions of NLEP 2012. The proposed development is defined as a 'dwelling house' which is permissible with CN's consent.

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone, which are:

- i) To provide for the housing needs of the community within a medium density residential environment.*
- ii) To provide a variety of housing types within a medium density residential environment.*
- iii) To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- iv) To allow some diversity of activities and densities if—*

- a) *the scale and height of proposed buildings is compatible with the character of the locality, and*
 - b) *there will be no significant adverse impact on the amenity of any existing nearby development.*
- v) *To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development—*
- a) *has regard to the desired future character of residential streets, and*
 - b) *does not significantly detract from the amenity of any existing nearby development.*

The proposed alterations and additions to an existing two-level terrace house maximises residential amenity by reconfiguring the lower and upper floor levels to extend the existing study at the lower floor and expand the upper floor level providing a bedroom and bathroom with an additional window to improve solar access.

The alterations and additions include upgrading the materials and finishes at the rear of the building and outdoor area, by providing an operable pergola to increase the useability of the outdoor space during all weather conditions.

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone by accommodating the housing needs of the resident within a constrained site while respecting the amenity and character of surrounding 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 10m. The submitted height is approximately 6.4m and complies with this requirement.

Clause 4.4 - Floor Space Ratio

Under the NLEP 2012 the site has a FSR development standard of 1:1. The proposed development will result in a total FSR of 1.39:1, equating to an exceedance of 43.7m² or 39% above the prescribed maximum FSR for the subject land. It is noted that the existing gross floor area is approximately 145m², equating to an FSR of 1.3:1 or a 30% variation. Therefore, the new additions equate to an additional 9% variation to the existing exceedance.

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

Clause 4.6 - Exceptions to Development Standards

The proposed development seeks a variation to the maximum floor space ratio development standard. The development application is accompanied by a written Clause 4.6 variation request. The objectives of Clause 4.6 'Exceptions to development standards', are (subclause (1) and outlined below:

- (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.

An assessment of the Applicant's Clause 4.6 Variation Request to the maximum floor space ratio development standard is provided 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 Variation Request - Floor Space Ratio (Clause 4.4 NLEP 2012)

The proposal seeks consent to vary the FSR development standard (Clause 4.4) in accordance with Clause 4.6 of the NLEP 2012. The applicable maximum FSR development standard is 1:1.

The existing site area is 111.3m² and the total allowable gross floor area (GFA) under the 1:1 FSR control is 111.3m². The existing GFA of the property is approximately 145m² or 1.3:1 having a historical exceedance of the prescribed maximum FSR by approximately 33.4m² or 30%.

The proposed development will result in a GFA of 154m² and a total FSR of 1:39:1. This equates to an exceedance of approximately 43.7m² or 39% above the prescribed maximum FSR for the subject land.

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)(a) – has the applicant submitted a written request that seeks to justify contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The submitted 'Clause 4.6 Variation to Floor Space Ratio', prepared by deWitt Consulting dated 19 January 2023 constitutes a written request for the purposes of Clause 4.6(3) (**Attachment D**).

The Applicants 'Clause 4.6 Variation to Floor Space Ratio' written response provides justification for the non-compliance and adequately demonstrates that compliance with the development standard is unreasonable stating that strict compliance would compromise the objectives of the development standard.

A summary of the justification provided within the applicant's written request is provided below:

- i) *The surrounding locality – the East End – is located within the “Newcastle City Centre” Commercial Centres Hierarchy pursuant to the Local Strategic Planning Statement (LSPS). This Strategic Centre services the Hunter region with higher order administration, education, health services, cultural and recreational facilities with high density commercial and residential uses (LSPS, 2040). True to this, the surrounding area supports a variety of high density residential, commercial and recreational land uses. The proposal is entirely consistent with the existing density of the site, being only an additional 10m² of GFA from that which has existed for an extended period of time. The proposed works do not alter the density of the site in terms of unreasonable intensification – the building will remain as a single dwelling. Therefore, as the proposal represents minor alterations and additions to an existing, historic building, and does not seek to intensify the existing land use albeit for an additional small bedroom, the development provides for the continued appropriate density of residential use that is compatible and consistent with the established centers hierarchy.*
- ii) *As above, the existing circa 1900 building already has an FSR of 1.3:1, a historical variation to the current LEP development standards. The existing historic building which is part of a consistent streetscape of two and three storey terrace housing dating from the mid-19th through to the early 20th centuries, whilst being a historically and aesthetically important building in Newcastle East, particularly to the north along Stevenson Place, does require updating to meet the needs and achieve a suitable amenity for a contemporary household.*
- iii) *As proposed as part of these works, largely internal works are proposed, with the addition of external elements, which have been strategically limited to the southern side of the building, only viewable from the adjoining laneway. As is, the existing laneway presentation provides little to no articulation or connection, with high, solid blank walls, which is just as a poor safety outcome in terms of passive surveillance as it is a visual detriment.*

- iv) *The reworked southern facade significantly reduces the presence of bulk and dominance as viewed from the laneway. By replacing the aforementioned domineering blank wall expanse with additional windows, openings and a small balcony, the proposal has created visual interest and an articulated façade with less massing. Furthermore, the introduction of windows, openings and a small balcony provide opportunity for much needed natural and passive surveillance of the laneway, which is not currently available.*
- v) *The additional 10m² of floor area (from the existing) does not result in an increased bulk or scale, with the new building have a significantly decreased perceived bulk and scale and a more positive impact on the laneway, as well as improving amenity and safety outcomes for residents.*

CN Officer Comment

The proposed development provides for alterations and additions to an existing terrace house increasing the gross floor area by approximately 10m² to expand the internal spaces and improve amenity of the dwelling within a constrained site.

The proposed gross floor area of the dwelling is not considered to be excessive given the site constraints, existing non-compliant FSR and bulk and scale of surrounding development. The proposed variation to the development standard will not result in any unreasonable impacts to the amenity of adjoining properties in terms of bulk and scale, overshadowing, privacy, or view loss subject to conditions of consent.

Furthermore, the non-compliance does not result in any additional unreasonable impacts compared to a compliant design as the proposal is generally compliant with all other relevant planning controls within the NLEP 2012 and NDCP 2012. As such, 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 unreasonable in the circumstances of the case.

Clause 4.6(3)(b) – that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's response to Clause 4.6(3)(b) is addressed, and provides the following environmental planning grounds to justify the breach of the standard:

- i) *Standards achieved notwithstanding: The proposed development meets the R3 zone objectives by continuing to provide low density residential accommodation which is compatible with the existing development on site and surrounding forms. The proposed development also meets the FSR objectives, as above.*
- ii) *Other planning controls: The exceedance is not a direct result of any breach of other DCP planning controls for the site (such as view and vistas, landscaping, heritage, privacy, shadows, and setbacks). In this regard, it does not result in any adverse environmental impacts.*

- iii) *Existing state of the site: The variation is attributed to an existing building with an existing historic variation. The proposed development will provide a significant improvement to the building and provide a better use of the space / property.*
- iv) *Compatibility with surrounding area: The proposed works ensure the building remains compatible with the existing development including the adjoining 19th and 20th century terrace housing along Stevenson Place.*
- v) *Visual impact: The proposed GFA will not result in unreasonable visual impacts resulting from density, bulk or scale with the existing overall vertical and horizontal footprint being generally maintained. Through the addition of a small amount of floor space on the southern side (additional bedroom), additional windows and a balcony, the building actually has a reduced perception of bulk and scale achieved by replacing massing and solid elements (i.e., the solid blank rear wall). Further, passive surveillance of the laneway is also improved in this regard, which is a worthy crime and safety consideration.*
- vi) *Privacy: The proposed GFA does not increase opportunities for overlooking. There are no other new windows to side boundaries proposed.*
- vii) *Solar access: Solar access is generally maintained as existing, with surrounding properties areas of private open space (to the east and west) still achieving in excess of 2 hours as shown by the shadow diagrams.*
- viii) *Views: The proposed GFA will not impact on view sharing. The additional floor space has not increased the bulk and scale or height of the development (being well below the maximum height) and results in the best outcome for the allocation of new floor space on site.*

CN Officer Comment

The written request outlines environmental planning grounds which adequately justify the contravention. In particular, the additional FSR will not negatively impact the streetscape, privacy, view sharing or solar access of adjoining properties and is a similar bulk and scale of surrounding development.

The reasons outlined above are considered to provide sufficient justification to contravene the development standard.

Clause 4.6(4)(a)(i) – Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3).

As outlined above the applicant’s written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of NLEP 2012. It follows that the test of Clause 4.6(a)(i) is satisfied.

Clause 4.6(4)(a)(ii) –Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objects for development within the zone in which the development is proposed to be carried out.

The applicant's response to the satisfaction of the objectives of the FSR standard was considered under the Clause 4.6(3)(a) discussion above. However, this provision does not require consideration of whether the objectives have been adequately addressed, rather that, 'the proposed development will be in the public interest because it is consistent', with the relevant objectives.

Objectives of Clause 4.4 'Floor space ratio'

The development is consistent with the objectives of Clause 4.4 'Floor Space Ratio' as the proposed development is of an appropriate density which is consistent with the established centres hierarchy.

The development for alterations and additions to the existing terrace house is of a low-density bulk and scale and is consistent with the built form as identified by the centres hierarchy.

Objectives of the R3 Medium Density Zone

The development is consistent with the objectives of the R3 zone as the proposed development maximises residential amenity in an appropriate dwelling form complementary to the medium-density residential environment. Further, the development is a type of land use permitted with consent within the above land zone.

Based on the above, the proposed development is in the public interest because it is consistent with the objectives of the relevant standard and the objectives for development within the R3 zone. The proposal is satisfactory in terms of Clause 4.6(4)(a)(ii) of NLEP 2012.

Clause 4.6(4)(b) – Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the concurrence of the Planning Secretary has been obtained.

The Secretary's (i.e..of the Department of Planning, Industry and Environment) concurrence to the exception to the FSR development standard as required by Clause 4.6(4)(b) of NLEP 2012, is assumed, as per Department of Planning Circular PS20-00 of 5 May 2020.

Conclusion

The requirements of Clause 4.6 of the NLEP 2012 have been achieved and there is power to grant development consent to the proposed development notwithstanding the variation to the floor space ratio development standard.

The Clause 4.6 variation request has demonstrated that the proposed FSR is acceptable and therefore strict compliance with the prescribed floor space ratio development standard would be unreasonable in this instance. In this regard, the Clause 4.6 variation request is supported.

Clause 5.10 - Heritage Conservation

The site is a listed heritage item – part of 'Stevenson Place Precinct' (Item 490). It is also located in the Newcastle East Heritage Conservation Area (HCA). The proposed development involves altering the exterior of an existing terrace dwelling; therefore, consideration must be given to the effect of the proposed development on the heritage significance of the heritage conservation area.

A detailed heritage assessment of the site has been undertaken and is provided under section 6.02 of this report. It has been assessed that the proposed development will not detrimentally affect the heritage significance of the subject heritage item, Heritage Conservation Area and surrounding heritage items that are within the vicinity of the proposed development.

Conditions relating to materials and finishes and retention of the chimney to preserve the original character of the terrace house have been included within the recommended conditions of consent at **Attachment B**. Subject to conditions of consent, the proposed alterations and additions are considered to meet the objectives of Clause 5.10 of the NLEP 2012.

Clause 6.1 – Acid Sulfate Soils

The site is affected by Class 5 acid sulphate soils, as the proposed development does not comprise significant earthworks and is therefore unlikely to expose or drain potential acid sulfate soils within the site. Accordingly, an Acid Sulfate Soils Management Plan (ASSMP) is not necessary, and the proposed development is considered satisfactory regarding Acid Sulfate Soils.

Clause 6.2 - Earthworks

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

Part 7 Additional Local Provisions—Newcastle City Centre

The site is located within the Newcastle City Centre. There are several requirements and objectives for development within the City Centre, which includes promoting the

economic revitalisation of the City Centre, facilitating design excellence and protecting the natural and cultural heritage of Newcastle. The proposal is consistent with the objectives of Part 7 of the NLEP 2012.

Clause 7.10A - Floor Space Ratio for Certain Other Development

The proposed development has a site area of less than 1,500m². Accordingly, the provisions of this clause apply to the proposal. This clause specifies that the maximum FSR of a building is whichever is the lesser of the FSR identified on the FSR map or 3:1. In this case the applicable FSR is that identified on the map and discussed in detail in this report.

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

A number of draft State Environmental Planning Policies or updates have been exhibited and are/or under consideration by the Department of Planning and Environment. The following is considered relevant to the subject application.

Review of Clause 4.6 of the Standard Instrument LEP: Explanation of Intended Effect (EIE)

The review of Clause 4.6 seeks to ensure that applications to vary development standards have a greater focus on the planning outcomes of the proposed development and are consistent with the strategic context of the site. The EIE was exhibited from the 31 March to 12 May 2021 and outlines those amendments to Clause 4.6 will include new criteria for consideration.

The proposed change would require applicants to demonstrate that a variation to a development standard “is consistent with the objectives of the relevant development standard and land use zone and the contravention will result in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened.”

For the purposes of CN’s assessment, the public interest, environmental outcomes, social outcomes, or economic outcomes would need to be considered when assessing the improved planning outcome. The proposed development includes a Clause 4.6 variation request and is not inconsistent with the proposed changes to Clause 4.6 of the Standard Instrument and the NLEP 2012.

5.3 Any development control plan

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 setback of the proposed development to the street frontage boundary remains unchanged under this application.

Side / rear setbacks (building envelope) (3.02.04)

The building envelopes in Part 3 of the Newcastle Development Control Plan 2012 do not apply in heritage conservation areas. The building envelope has been assessed under 6.02 of this report.

Landscaping (3.02.05)

The existing site does not comprise any landscaped area and no changes are proposed to the pavement at the rear. Given the constraints of the site, this is considered reasonable. The development is considered to meet the Performance Criteria of the NDCP 2012 with respect to landscaped area.

Private open space (3.02.06)

The development provides approximately 2.7m x 4.9m for private open space accessible from the kitchen/study area. Given that the existing living room is located at the front of the property, the proposed development is considered reasonable. The development is considered to meet the Performance Criteria of the NDCP 2012 with respect to private open space.

Privacy (3.02.07)

The proposed development will not unreasonably overlook the living room windows or the principal area of private open space of neighbouring dwellings. The development is considered to meet the acceptable solutions of the NDCP 2012 with respect to privacy.

Solar access (3.02.08)

The shadow diagrams provided by the applicant indicate that additional overshadowing will occur to the south of the site from 9am to 3pm during the winter solstice, however the increase is very minor, and the impact is considered negligible.

Further, it is noted that the private open space of the subject site and adjoining property at 55 Stevenson Place are almost entirely overshadowed by the existing built environment between 12pm and 3pm during the winter solstice. The proposed development will still allow adequate sunlight to north facing windows of adjoining properties. The development is considered to meet the Acceptable Solutions of the NDCP 2012 with respect to solar access.

View sharing (3.02.09)

The proposed development will not obscure any important views or vistas of adjoining properties. The development is considered to meet the Acceptable Solutions of the NDCP 2012 with respect to solar access.

Car parking and vehicular access (3.02.10)

There is no car parking existing on site and no changes are proposed. Given the limited site area and narrow width of the site, this is considered acceptable.

Ancillary development (3.02.12)

The proposed development will replace boundary fencing along the rear boundary. The rear boundary fence will match the height of the existing shed to a height of approximately 2.3m which is consistent with other development along the laneway. The development is considered to meet the Performance Criteria of the NDCP 2012.

Conclusion

The proposed development is considered acceptable in relation to the abovementioned DCP sections and achieves relevant acceptable solutions and performance criteria for building form, building separation and residential amenity. The development establishes a scale and built form that is appropriate for its location. The proposal provides good presentation to the street with good residential amenity, while maintaining privacy for adjoining neighbours.

Soil Management - Section 5.01

Cut and fill will be completed in accordance with the relevant objectives of this section. A condition will 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 on the development of the site.

Vegetation Management - Section 5.03

The proposal does not involve the removal of any trees. Accordingly, the proposal is acceptable in relation to vegetation management.

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.

Heritage Items - Section 5.05

The site is a listed heritage item – part of 'Stevenson Place Precinct' (Item 490) as outlined within the Clause 5.10 Heritage of NLEP 2012 above. A detailed assessment is provided at section 6.02 Heritage Conservation Areas of NDCP 2012.

Archaeological Management - Section 5.06

The site is not specifically listed in the Newcastle Archaeological Management Plan 1997 or NLEP 2012 as an '*Archaeological Site*'.

Heritage Conservation Areas - Section 5.07

Part 6.00 Locality Specific Provisions

Newcastle City Centre - Section 6.01

6.01.02 Character Areas

The proposed development will retain the front facade of the existing terrace dwelling which maintains the relationship between the group heritage item 490, the row of terraces facing north onto Stevenson Place. The proposed development will not result in any adverse impacts to heritage items or public spaces and will not obscure any views, vistas or places of historic and aesthetic importance. The development is considered to meet the principal objectives of the NDCP 2012 with respect to Character Areas.

F. East End

The proposed development will:

- 1) Maintain the historic character of the site by retaining the existing front facade.
- 2) Not obstruct any views or vistas of heritage buildings, streets or rivers.
- 3) Respond to the existing height and massing of the terrace house and row.

The development is considered to meet the principal objectives of the NDCP 2012 with respect to the East End.

Heritage Conservation Areas - Section 6.02

The proposed addition will not be visible from the principal elevation of the building. The height of the two-storey addition is significantly lower than the ridge height of the existing terrace. The roof over the proposed addition follows the roofline of the existing rear addition. The scale of the building will not be impacted from either Stevenson Place or from the rear pedestrian laneway. The special character of Stevenson Place will not be affected by the development due to the terraced nature of the site and its neighbours.

The simple and contemporary detailing distinguishes the extension as new work, consistent with Burra Charter principles, and also maintains the simplified character of built forms presenting to the lanescape compared to the more finely detailed character presenting to Stevenson Place. The rear addition will be visible from the pedestrian laneway at the rear of the site and from oblique angles on Telford Street. It is noted that similar first floor extensions have been carried out at nearby properties (51 Stevenson Place; 23 Alfred Street; 20 Scott Street; 35 Stevenson Place).

However, the proposed balcony at the rear elevation would be highly visible from the lane and from Telford Street. The SOHI notes that the proposed balcony could potentially adversely impact the presentation of the building to the lane as the south wall defines the south end, scale and form of the residence and aligns with the adjoining properties, reinforcing it as part of the terrace group. First floor balconies projecting at the southern elevation are uncommon in this row of terraces. Furthermore, the balcony has the potential to create overlooking impacts to adjoining properties. For this reason, it was recommended that the balcony be removed from the proposal and the applicant submitted amended plans accordingly.

The proposed development will not be visible from Stevenson Place, and it is considered unlikely that the proposed development would result in adverse heritage impacts to the rear pedestrian laneway. The built form and mass of the proposed addition is consistent with recent approved developments to nearby terraces in the locality. The development will result in a positive outcome for the principal elevation of the dwelling, including rectification works to the front facade.

Traditional building elements associated with the architectural style of the building are required to be retained. The style of the addition is simple and references the characteristic materials of heritage buildings in the precinct (lightweight cladding, corrugated roof sheets). The simple and contemporary detailing distinguishes the extension as new work, consistent with Burra Charter principles, and maintains the simplified character of built forms presenting to the 'lanescape' compared to the more finely detailed character presenting to Stevenson Place. A condition of consent is recommended regarding the use of timber framed windows.

Subject to conditions of consent, the development is considered to meet the objectives of the NDCP 2012 with respect to heritage conservation areas.

Landscape Open Space and Visual Amenity - Section 7.02

The existing paved courtyard will be retained and considered appropriate given the limited area and narrow width of the site.

Section 7.05 - Energy Efficiency

The proposal is acceptable having regard to this section.

Stormwater- Section 7.06 and Water Efficiency - Section 7.07

The proposal results in less than 50sqm of additional roof area. The proposed development will discharge into the existing stormwater system. Standard conditions relating to stormwater details will be included in the consent to ensure the stormwater system complies with the relevant aims and objectives of the NDCP 2012.

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. Accordingly, the proposal is acceptable in relation to waste management.

Development Adjoining Laneways - Section 7.11

The proposed development will match existing setbacks of the terrace house reinforcing the function of the laneway as secondary function. The development is not expected to result in any negative impacts to the laneway. Accordingly, the proposal is acceptable in relation to development on adjoining laneways.

Development Contributions

The EP&A Act enables CN to levy contributions for public amenities and services. The proposal is exempt from incurring a levy, as detailed in CN's Development Contributions Plans.

5.4 Planning agreements

No planning agreements are relevant to the proposal.

5.5 The regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the EP&A Act requirement to comply with AS2601 – Demolition of Structures and a condition will be included in the 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 result in any undue adverse impact on the natural or built environment. The development is located within a site suitably zoned for residential development and of a size able to cater for such development.

The development is compatible with the existing character, bulk, scale and massing of the existing built form in the immediate area and broader locality. The proposal will not result in any negative social or economic impacts.

The development has been designed to generally satisfy the requirements of NDCP 2012 and as a result, the proposed development is unlikely to adversely impact upon the amenity of adjoining properties.

5.7 The suitability of the site for the development

The site is located within an R3 Medium Density Residential zone and the proposal is permissible with consent. The proposed alterations and additions to the existing terrace dwelling, is of a bulk and scale that is consistent with the existing and desired future character of the locality. Furthermore, the site is of a sufficient land size to enable the proposed development whilst minimising the impact to neighbouring properties.

The site is located within an established residential area with good connectivity to a range of services and facilities. The constraints of the site have been considered in the proposed development. The proposal is acceptable in regard to impact on the heritage conservation area and 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 consistent with the aims and design parameters contained in the NLEP 2012 and the NDCP 2012 and other relevant Environmental Planning Instruments discussed within this report. The development is consistent with the objectives of the R3 Medium Density Residential zone.

The proposed development will not have an adverse impact on the natural or built environments and will not result in any significant impacts on the amenity of adjacent properties or the streetscape. The proposed development is in the public interest as it provides for modernised low-impact residential accommodation within an established residential area.

The development is satisfactory having regard to the principles of ecologically sustainable development and will not result in any disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment.

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

6.0 CONCLUSION

The proposal is acceptable against the relevant heads of consideration under section 4.15(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 – 53 Stevenson Place, Newcastle East
Attachment B: Draft Schedule of Conditions - 53 Stevenson Place, Newcastle East
Attachment C: Processing Chronology - 53 Stevenson Place, Newcastle East
Attachment D: Clause 4.6 written exception to development standard – Floor Space Ratio – 53 Stevenson Place, Newcastle East

Attachments A - D distributed under separate cover