Councillors,

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

DATE: Tuesday 21 November 2017

TIME: Following the Public Voice Committee Meeting

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

J Bath
Interim Chief Executive Officer

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

10 November 2017

Please note:
The City of Newcastle Council meetings are webcast. Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the meeting. Opinions expressed or statements made by participants or third parties during the webcast, or included in any presentation, are the opinions or statements of those individuals and do not imply any form of endorsement by the City of Newcastle. Confidential meetings of Council will not be webcast.

The electronic transmission is protected by copyright and owned by the City of Newcastle. No part may be copied or recorded or made available to others without the prior written consent of the City of Newcastle. This transmission is not, and shall not, be taken to be an official record of the City of Newcastle or of any meeting or discussion depicted therein.

Council meetings are recorded for the purposes of verifying the accuracy of minutes taken. Only the official minutes may be relied upon as an official record of the meeting. Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.
## CONTENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Business</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>APOLOGIES/LEAVE OF ABSENCE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DECLARATIONS OF PECUNIARY / NON PECUNIARY INTEREST</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONFIRMATION OF PREVIOUS MINUTES</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MEETING HELD 17 OCTOBER 2017</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>DEVELOPMENT APPLICATIONS</td>
<td>8</td>
</tr>
<tr>
<td>ITEM-16</td>
<td>DAC 21/11/17 - DA2017/00587 - 35 ROBERTSON STREET CARRINGTON - ONE INTO TWO LOT SUBDIVISION</td>
<td>8</td>
</tr>
</tbody>
</table>

**NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER**
CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MEETING HELD 17 OCTOBER 2017

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 171017 Development Application Committee Meeting 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 of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street on 17 October 2017 at 5.33pm.

PRESENT
The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE
J Bath (Interim Chief Executive Officer), K Liddell (Interim Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Manager Legal and Governance), P Nelson (Manager Property Services), A Baxter (Manager Regulatory Services),

K Baartz (Acting Manager Communications and Engagement), M Murray (Policy Officer) and A Knowles (Council Services/Minutes and Webcasting)

MESSAGE OF ACKNOWLEDGEMENT
The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

PRAYER
The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

APOLOGIES

MOTION
Moved by Cr Church, seconded by Cr Rufo.

The apologies submitted on behalf of Councillor Luke be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS
The Lord Mayor called for declarations of pecuniary and non-pecuniary interests.

Lord Mayor Councillor Nelmes
Lord Mayor Councillor Nelmes declared a non-pecuniary, less than significant, interest in that she is Councils representative on the Newcastle Urban Transformation Steering Group and at times work in a strategic way with the Hunter Development Corporation and Urban Growth and is not in any way to do with this Development Application.
Councillor Elliott
Councillor Elliott declared a non-pecuniary interest as she works for an organisation who is on the panel for Communication Services to Urban Growth NSW.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 15 AUGUST 2017

MOTION
Moved by Cr Clausen, seconded by Cr Dunn

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

DEVELOPMENT APPLICATIONS

ITEM-15 DAC 17/10/2017 - DA2017/00299 - 150 Scott Street Newcastle - Adaptive reuse of signal box for commercial use and associated building and landscaping works, including the creation of a plaza associated with the signal box to be used for markets

MOTION
Moved by Cr Rufo, seconded by Cr Mackenzie

A. That development application DA2017/00299 for adaptive reuse of a railway Signal Box for commercial use and associated building and landscaping works, including the creation of a plaza associated with the Signal Box to be used as a recreation area and for markets, at 150 Scott Street Newcastle, be approved and consent granted, subject to conditions of consent being resolved with the applicant (the Crown), generally as set out in the draft schedule of conditions (refer to Attachment B); and

B. That those persons who made submissions be advised of Council’s determination.

For the Motion: Lord Mayor Councillor N Nelmes, Councillors M Byrne, J Church, D Clausen, C Duncan, J Dunn, K Elliott, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

Against the Motion: Nil Carried

The meeting concluded at 5.41pm
DEVELOPMENT APPLICATIONS

ITEM-16 DAC 21/11/17 - DA2017/00587 - 35 ROBERTSON STREET CARRINGTON - ONE INTO TWO LOT SUBDIVISION

APPLICANT: POSITIVE SURVEY SOLUTIONS
OWNER: J V PAYNE & J F PAYNE
REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING

PART I

PURPOSE

An application has been received seeking consent for a one lot into two lot Torrens Title subdivision at 35 Robertson Street Carrington. The application is before the Development Applications Committee due to the proposed variation to the minimum lot size of the Newcastle Local Environmental Plan 2012 (NLEP 2012).

There is an existing dual occupancy residential development on the site, which was approved under DA2005/1890. The proposal is to subdivide the dual occupancy into two lots, as follows:

1) Lot 1 - 126 m²
2) Lot 2 - 129.5 m²

The minimum lot size for subdivision under Clause 4.1 of NLEP 2012 is 400 m². However, under clause 4.1A of NLEP 2012, lots are able to be created with a minimum size of 200 m² if a dwelling is located on each lot. The proposed lot sizes are significantly lower than the minimum lot size of 200 m². The applicant has submitted a clause 4.6 objection request to justify the variation to the minimum lot size identified in clause 4.1A.

A copy of the submitted plans for the proposed subdivision is included in Attachment A.
The proposed subdivision was not required to be publicly notified, in accordance with Council's Public Notification Policy.

Issues

1). Compliance with the minimum lot size development standard (Clause 4.1A) under NLEP 2012.

Conclusion

The proposed subdivision has been assessed having regard to the relevant heads of consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and is considered to be acceptable subject to compliance with appropriate conditions.

It is recommended that the application be approved on the basis of the submitted plans, subject to the recommended conditions of consent.

Recommendation

A. THAT Council, as the consent authority, note the objection under clause 4.6 (Exceptions to Development Standards) of Newcastle Local Environmental Plan 2012, against the Principal Development Standard at Clause 4.1A (Exceptions to Minimum Lot Sizes for Certain Residential Development), and Council considers the objection to be justified in the circumstances and to be consistent with the aims of the relevant clause of NLEP 2012; and

B. THAT DA2017/00587 for a one lot into two lot Torrens Title subdivision at 35 Robertson Street Carrington be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions appended at Attachment B.

Political Donation / Gift Declaration

Under Section 147 of the Environmental Planning and Assessment Act 1979, the applicant, and any person related to this Development Application must report any political donation and/or gift to a Councillor and/or any gift to a Council employee within a two year period before the date of this application.

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

1.0 THE SUBJECT SITE

The subject site is formally known as Lot 60 DP1102892 and has an area of 255.5m². The site has dual road frontages, with a primary frontage to Robertson Street and a secondary frontage to Rodgers Street. The site contains attached two-storey dual occupancy dwellings with associated garages. The existing development has a combined footprint of approximately 140m². The site is generally flat with both dwellings able to drain stormwater to the street. The surrounding development in the immediate area consists of a mix of single-storey and two-storey dwellings on small lots. Carrington Public School is located diagonally across from the site.

2.0 THE PROPOSAL

The applicant seeks consent for a one lot into two lot Torrens Title subdivision of an existing dual occupancy residential development. The proposed subdivision will result in:

   a). Lot 1 - 126m² in size with a frontage to Robertson St of 12.5m
   b). Lot 2 - 129.5m² with a frontage to Robertson St of 12.9m.

The existing location of the buildings reflects the proposed lot layout and suitable vehicular and pedestrian access is available to the proposed lots.

A copy of the submitted plans is included at Attachment A.

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

3.0 PUBLIC NOTIFICATION

The proposed subdivision was not required to be publicly notified, in accordance with Council's Public Notification policy.

4.0 ENVIRONMENTAL PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979, as detailed hereunder.

4.1 Statutory Considerations [Section 79C(1)(a)(i) and (ii)]

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

SEPP 55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.
The land is currently developed and the site is not listed as potentially contaminated on Council’s Contaminated Lands Register. The site does not have a history of potentially contaminating uses. Having regard for the requirements of SEPP 55 and the nature of the proposal, no further consideration is required.

**State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)**

The proposed development will maintain the visual amenity of the coastal area, will not impact on threatened species or water quality, will not impact on heritage or archaeological items and will not have a negative cumulative environmental impact. It is expected that the proposed development will not have an adverse impact on achieving the aims of the SEPP.

**DRAFT State Environmental Planning Policy - Coastal Management**

Draft State Environmental Planning Policy (Coastal Management) 2016 was exhibited between 11 November 2016 and 20 January 2017. If the draft SEPP is made it will supersede the coastal zone considerations of SEPP 71 and the Newcastle Local Environmental Plan 2012.

It is considered that the proposed development is satisfactory in respect of the provisions of Draft State Environmental Planning Policy (Coastal Management) 2016.

**Newcastle Local Environment Plan 2012 (NLEP 2012)**

The subject property is located within the R2 Medium Density Residential zone under the provisions of NLEP 2012. The proposed development is permissible in the zone and is consistent with the zone objectives.

The following summarises an assessment of the proposal against the Principal Development Standards within NLEP 2012:

**Clause 4.1 (Minimum subdivision lot size)**

The minimum subdivision lot size identified for this site is 400m$^2$. The proposed one lot into two lot Torrens Title subdivision does not meet the requirements of this development standard. However, Clause 4.1A applies to the proposal, which allows minimum lot sizes of 200m$^2$.

**Clause 4.1A (Exceptions to minimum lot sizes for certain residential zones)**

Under this clause the subdivision lot size is identified as 200m$^2$ if the following measures are met:

(3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:

(a) the subdivision of land into 2 or more lots,
(b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision that does not have an existing dwelling on it, if the size of each lot is equal to or greater than 200 square metres.

The proposed subdivision does not meet the 200m² requirement, with Lot 1 being 126m² and Lot 2 being 129.5m². The applicant has sought to vary the 200m² minimum lot size development standard, as per the provisions of Clause 4.6 of NLEP 2012 (see below).

Clause 4.4 - Floor Space Ratio (FSR)

The maximum FSR for this site is 0:6. The existing development on the site complies with the FSR requirements.

Clause 4.6 (Exceptions to Development Standards)

Clause 4.6 of NLEP 2012 enables consent to be granted to a development even though the development would contravene a development standard.

The Objectives of this clause are:

a) to provide an appropriate degree of flexibility in applying certain development standards to a particular development;
b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In assessing the proposal to vary minimum lot size against the provisions of clause 4.6, it is noted that:

1. Clause 4.1A is not expressly excluded from the operation of this clause; and
2. The applicant has prepared a written request requesting Council vary the development standard and demonstrating that:
   
   (a) Compliance with the development standard is unreasonable in the circumstances of the case, and
   
   (b) There are sufficient environmental planning grounds to justify contravening the development standard.

In support of the variation, the applicant has submitted a written request that seeks to vary the Principal Development Standard (Clause 4.1A) in accordance with Clause 4.6 of NLEP 2012. The applicant's submission in support of their request makes the following points:

1. Minimal impacts given existing development

   The proposed subdivision boundary will be based on the location of the existing 2 townhouses and their associated garages and courtyard areas. These
townhouses have been functioning successfully as separate entities for about 10 years. The size of the 2 proposed lots (126m² and 129.5m²) will be a variation of 37% and 35.25% respectively of the minimum lot size of 200m² that is specified in Clause 4.1A of N LEP 2012 but these lot sizes will reflect the general size of the Torrens Title lots in the surrounding residential area of Carrington as outlined below:

Existing Torrens Title lots to the north are approximately 170 m².

Existing Torrens Title lots to the west are approximately 180 m².

Existing Torrens Title lot to the east is approximately 255 m².

It is important to outline that there are at least 2 examples of similar Torrens Title subdivisions that are based upon the location of existing residences that have been approved by Newcastle City Council in the recent past. These are as follows:

a) 11 Victoria Street, Carrington. DA 2015/1004.
b) 82 Laman Street, Cooks Hill.

Both of these approved subdivisions have Torrens Title lots that are smaller than the size of the Torrens Title lots proposed under this Development Application.

The location of the proposed boundary is along the prolongation of existing walls between 2 townhouses that were approved by Newcastle City Council and constructed about 10 years ago. These lot sizes reflect the subdivision pattern in the immediate vicinity as well as in the general residential area of Carrington. The 2 resulting proposed lots will be rectangular in shape with good solar access.

The 2 townhouses and associated garages and courtyards were designed to operate as separate entities and they have been operating as separate functional residences since construction.

Both proposed lots will have adequate private open space with separate direct access to Robertson Street, Carrington.

2. The objectives of NLEP 2012 Part 4 Clause 4.1A

a).to encourage housing diversity without adversely impacting on residential amenity.

The proposed 1 into 2 lot Torrens Title subdivision will encourage housing diversity by providing 2 residences on separate Torrens Title lots that will allow more opportunities for additional owners to purchase a Torrens Title property. The proposed boundary adjustment will not impact on residential amenity as the 2 townhouses have been effectively operating as separate residences for some time now.

Clause 4.1A (3) outlines that a subdivision of land into 2 or more lots can be undertaken with existing dwellings if each lot is equal to or greater than 200 m².
The proposed subdivision will subdivide the land into 2 lots, however the specified minimum lot size of 200 m² will not be met.

3. Advantages of Torrens title v Strata title

The only alternative to providing separate Titles is a Strata Title Subdivision of the 2 townhouses but a Strata Subdivision would be highly disadvantageous for this property as outlined below:

a). The property has no ‘common property’ and there is no need for any part of the subject property to be owned and managed by an ‘Owner’s Corporation’.

b). Each dwelling operates independently with separate road frontage and separate vehicle access.

c). Each dwelling has separate services.

d). Strata subdivision would require the operation and management of a ‘body corporate’ for the lifetime of the development which will constitute a significant waste of money and time, for no advantage.

e). Strata subdivision would be forced on the development with no advantage to the owners, the Council or the wider community.

f). If a strata subdivision was forced on the development it would be contrary to the existing layout, ownership pattern and neighbourhood character of the area.

4. There are sufficient environmental planning grounds to justify contravening the development standard.

The (Statement of Environmental Effects) SEE along with this accompanying Appendix demonstrate that there are no detrimental effects on any environmental planning grounds that this proposed development would cause to occur. The contravening of the development standard of the minimum lot size of 400 m² under Clause 4.1A of the LEP will also not cause any issues with any environmental planning considerations.

5. The contravention of the development standard is in the public interest

As outlined in the point above Clause 4.6 Exception to a Development Standard this proposed subdivision meets the objective of the development standard for the exception to minimum lot size. The proposed subdivision also meets the objectives of the R2 Zone since the proposed subdivision will provide a development which provides low density housing within the community and a scale of development that is fitting with the existing surrounding character of the site.
The proposed Torrens Title subdivision will reflect the general subdivision pattern of the area that already exists within the Robertson Street precinct and Carrington Area generally. This will respect the character and quality of the surrounding environment.

Conclusion

We consider that the departure from the minimum subdivision lot size area of 200 m² under Clause 4.1A of N LEP 2012 to 126 m² for Lot 1 and 129.5 m² for Lot 2 will reflect the general subdivision pattern of the area and the size of the lots in the neighbourhood. The proposed development meets all other planning requirements. The proposed boundary is positioned along the walls separating the 2 separately functioning residences and the alternative of a Strata Subdivision is unwarranted for this site. The creation of rectangular lots is a consistent objective in Council’s planning guidelines. There are no detrimental effects on the neighbourhood or environment from this variation to the development standard.

Officer's comments:

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

a) The request adequately addresses the matters required to be demonstrated by Clause 4.6(3) of NLEP 2012.

b) The proposed development will be in the public interest because it is consistent with the objectives of the Principal Development Standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

c) The Secretary's (i.e. of the Department of Planning & Environment) concurrence to the exception to the Minimum Lot Size Development Standard, as required by clause 4.6(4)(b) of NLEP 2012, is assumed, as per Department of Planning Circular PS 08-003 of 9 May 2008.

d) While the numerical variation appears significant as detailed in the discussion above, the variation to the minimum lot size in this case is considered to have minimal impact, given that it is consistent with the established building form on the site. The scale and nature of the proposed lot sizes are not inconsistent with the surrounding existing development within the Carrington area.

The proposed exception to the Minimum Lot Size Principal Development Standard of NLEP 2012 is considered to be an acceptable planning outcome and in this instance strict compliance is considered to be considered unreasonable.

Clause 5.5 (Coastal Development)

The proposed development is considered satisfactory having regard to the relevant objectives for development within the coastal zone.
Clause 6.1 (Acid sulfate soils)

The site is mapped as containing Class 2 Acid Sulfate Soils. The proposed subdivision does not involve any works that have the potential to impact on acid sulfate soils. As such, the application is considered acceptable with regards to Clause 6.1 of NLEP 2012.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

Hunter Regional Plan

The proposal is considered to be consistent with the aim of providing greater housing choice in existing communities, close to jobs and services and well supported by public transport and walking and cycling options.

4.2.2 Newcastle Development Control Plan [Section 79C(1)(a)(iii)]

Section 3.01 Subdivision

The proposed subdivision of the site is unlikely to have any negative impacts on the existing site and surrounding developments within the immediate area. The residences are capable of being separately titled and will achieve an efficient use of the land. Each lot will be serviced in accordance with the requirements of the relevant Service Authorities.

3.01.01 Site Analysis

The existing dwellings on the site were approved and constructed approximately 10 years ago. The lots have separate and direct vehicle access to Robertson Street, Carrington. The proposed subdivision boundary reflects the existing built form on the site.

A site analysis has been undertaken in regards to the proposed subdivision and there are no constraints restricting the subdivision of the site.

3.01.02 Subdivision Design

a) Solar Access: Both dwellings have good solar orientation with courtyards and living areas facing north. The position of these two dwellings was approved by Council over 10 years ago (DA2005/1890). The dwellings were considered to comply with the relevant planning instruments that applied at the time.

b) Services: All services are available to the subject property.

3.01.03 Lot Layout, Sizes and Dimensions
The proposed lot sizes of 126m² and 129.5m² are typical of the area and are compatible with the adjoining Torrens Title lots. Most of the nearby residences are single dwellings located upon their own Torrens Title Lots, which are similar in size to the proposed lots.

The lot sizes are sufficient to meet user requirements and to facilitate energy efficiency in the built form. The proposal provides for adequate open space, vehicle access and parking as approved by Council for the original construction of the two dwellings. Both dwellings are considered to be consistent with section 3.02 of the DCP.

The proposed lots are rectangular in shape, use the land efficiently and provide direct access to Robertson Street. The proposed lots do not meet the required 15m frontage control, however, given the size and form of the proposed lots and the existing development pattern, the frontages of 12.9m and 12.5m are considered acceptable.

4.03 Mine Subsidence
The application has gained Subsidence Advisory NSW approval prior to lodgement at Council.

7.03 Traffic, Parking and Access

7.03.02 Parking Provision
Both dwellings have car parking available within an enclosed garage as well as a carpark between the front of the garage and the front boundary. These were approved with the design and construction of the dwellings.

7.03.04 Design and layout of parking and access
The parking facilities are an integral part of the design of the site and are positioned so as not to obstruct access to the premises by pedestrians and cyclists. The car parking arrangements do not detract from the overall street appearance of the development.

7.06 Stormwater
The existing dwellings are able to drain stormwater independently to Robertson Street.

4.2.3 Impacts on the Natural and Built Environment [Section 79C(1)(b)]
The proposed subdivision will have minimal impacts on the natural or built environment.

4.2.4 Social and Economic Impacts in the Locality [Section 79C(1)(b)]
The proposed development will have a positive social impact as it will allow additional housing opportunities in the locality.

4.2.5 **Suitability of the Site for the Development [Section 79C(1)(c)]**

The site is within a Mine Subsidence District and conditional approval for the proposed subdivision has been granted by Subsidence Advisory NSW. The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

4.2.6 **Submissions made in accordance with the Act or Regulations [Section 79C(1)(d)]**

No submissions were received in relation to the proposal, as the application was not required to be notified.

4.2.7 **Public Interest [Section 79C(1)(e)]**

**Sustainability**

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

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

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

**General**

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

5.0 **CONCLUSION**

The proposal is acceptable against the relevant heads of consideration under section 79C of the *Environmental Planning and Assessment Act 1979* and is supported on the basis that the recommended conditions in Attachment B are included in any consent that is to be issued.

**ATTACHMENTS**

- **Attachment A**: Submitted Plans - Under separate cover - 35 Robertson Street Carrington
- **Attachment B**: Draft Schedule of Conditions - 35 Robertson Street Carrington
- **Attachment C**: Processing Chronology - 35 Robertson Street Carrington

**Attachment A - Distributed Under Separate Cover**
DRAFT SCHEDULE OF CONDITIONS

Application No: DA2017/00587
Land:
Lot 9 Sec 43 DP 758233
Lot 60 DP 1102692
Property Address: 35 Robertson Street Carrington NSW 2294
Proposed Development: One lot into two lot subdivision

SCHEDULE 1

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

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

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Subdivision Plan</td>
<td>Ref. 17077_SA_A, Job No. 17077, Amendment A</td>
<td>Positive Survey Solutions</td>
<td>20/12/2016</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td>Ref. 17077</td>
<td>Positive Survey Solutions</td>
<td>20/12/2016</td>
</tr>
</tbody>
</table>

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

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

3. An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, five copies thereof and a Section 50 Certificate from the Hunter Water Corporation.

4. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act 1919 (NSW) being submitted to Council setting out the terms of easements as shown on the approved plans. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.
5. Written evidence of arrangements being made with the Hunter Water Corporation for the provision of water supply and sewerage and with the electricity authority for the provision of overhead or underground electricity supply is to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

6. Evidence is to be provided prior to the issue of a Subdivision Certificate that the shared separating wall on the proposed boundary complies with the requirements of the Building Code of Australia.

ADVISORY MATTERS

- Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works.

- Subsidence Advisory NSW advises that it has granted its approval for this subdivision subject to:
  a) The number, size and boundaries of lots being substantially as shown on the approved plans and
  b) Notification being made to Subsidence Advisory NSW of any changes to lot numbering and of the registered Deposited Plan number.

- The proposed development will require the provision of street numbers for the delivery of services and goods. The allocated house numbers are:

<table>
<thead>
<tr>
<th>Unit/ Dwelling/ Lot Number on plan</th>
<th>Council Allocated Street Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Number</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Existing Dwelling (Lot 1)</td>
<td>35</td>
</tr>
<tr>
<td>Existing Dwelling (Lot 2)</td>
<td>35A</td>
</tr>
</tbody>
</table>

END OF CONDITIONS
### Processing Chronology

**DA 2017/00587 – 35 Robertson Street, Carrington**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 May 2017</td>
<td>Application lodged</td>
</tr>
<tr>
<td>27 June 2017</td>
<td>Additional Information Requested</td>
</tr>
<tr>
<td>25 July 2017</td>
<td>Additional Information Received</td>
</tr>
</tbody>
</table>
DEVELOPMENT APPLICATIONS COMMITTEE MEETING
21 NOVEMBER 2017

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS
Attachment A - Plans  DA2017/00587 - 35 Robertson Street Carrington
One lot into two lot subdivision

DISTRIBUTED UNDER SEPARATE COVER
LOT 5
SEC. 44
DP 300

LOT 7
SEC. 44
DP 300

LOT 2
129.5m²

LOT 1
126m²

SINGLE STOREY GARAGE

TWO STOREY RESIDENCE N° 37

TWO STOREY RESIDENCE N° 35

PROPOSED SINGLE STOREY GARAGE

PATIO

PATIO

12.65
12.75
12.5
10.06
12.9
0.9

(F)

(E)

NOTE:
- ALL DIMENSIONS, AREAS AND EASEMENTS ARE APPROXIMATE ONLY AND ARE SUBJECT TO APPROVAL, FINAL SURVEY AND REGISTRATION OF PLAN AT THE LAND AND PROPERTY INFORMATION OFFICE, NSW.

(E) - PROPOSED EASEMENT FOR OVERHANG 0.7 WIDE

(F) - DENOTES FACE OF WALL

SCALE 1 : 150 (A4)

TITLE: PLAN OF PROPOSED SUBDIVISION OF LOT 60 IN DEPOSITED PLAN 1102892 N° 35 & N° 37 ROBERTSON STREET, CARRINGTON

REF: 17077_SA_A.dwg

CLIENT: Janet & John Payne

JOB No: 17077