Minutes
Development Applications Committee Meeting
17 February 2015
MINUTES OF THE DEVELOPMENT APPLICATIONS COMMITTEE
TUESDAY 17 FEBRUARY 2015 AT 7.05pm

PRESENT:
The Lord Mayor (Councillor Nuatali Nelmes)
Councillor David Compton
Councillor Tim Crakanthorp
Councillor Therese Doyle
Councillor Michael Osborne
Councillor Stephanie Posniak
Councillor Allan Robinson
Councillor Andrea Rufo
Councillor Lisa Tierney

IN ATTENDANCE:
General Manager Ken Gouldthorp
Director Corporate Services Glen Cousins
Director Infrastructure Frank Cordingley
Director Planning and Regulatory Peter Chrystal
Manager Development and Building Murray Blackburn-Smith
Manager Council and Legal Services Frank Giordano

MINUTES:
Meetings Secretary Kerry Sullivan

WEBCASTING:
Meetings Secretary Amy Leach

Chair, 21 April 2014
# MINUTES OF THE DEVELOPMENT APPLICATIONS COMMITTEE

**TUESDAY 17 FEBRUARY 2015 AT 7.05PM**

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5. CONFIRMATION OF PREVIOUS MINUTES
1 OPENING OF MEETING

1.1 The meeting was opened at 7.05pm.

2 APOLOGIES

2.1 MOTION

Moved by Cr Compton, seconded by Cr Posniak

The apologies submitted on behalf of Councillors Dunn, Luke and Waterhouse be received and leave of absence granted.

Carried

3 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

3.1 Nil
4 DEVELOPMENT APPLICATIONS

ITEM-1 DA 2014/0522 - 15C WRIGHTSON AVENUE, BAR BEACH - DEMOLISH POOL HOUSE AND ERECT A TWO STOREY DWELLING, POOL AND CABANA

APPLICANT: B T MCFARLANE
OWNER: B T MCFARLANE AND S E FLETCHER
NOTE BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING SERVICES

PART I

PURPOSE

An application has been received seeking consent to demolish a pool house building and erect a two storey dwelling, pool and cabana upon the subject land.

A copy of the latest amended plans for the proposed development is attached at Attachment A.

The proposed development has been notified in accordance with Council’s Public Notification policy and 24 submissions have been received in response.

The objector’s concerns include privacy impacts, traffic and parking, bulk and scale, density, social impact, overdevelopment of site, noise impacts, stormwater runoff, visual impact of monolithic building design on immediate neighbourhood, view impacts, non-compliance with landscaping controls, adverse impacts for building occupants in respect of the applicants proposed open space design, adverse solar access impacts for building occupants in respect of the applicants proposed dwelling design, overshadowing impacts on adjoining properties, impacts regarding potential overflows from proposed swimming pool, loss of amenity due to excessive height, lack of harmony with surrounding dwellings due to atypical orientation of the proposed dwelling (north / south) amongst all of the east / west facing neighbours, relevance of original ground level or current ground level (block has been built up) to the assessment of the application, proposed development not harmonious with the streetscape and built environment, the lot was created amid much protest with regard to loss of amenity due to future development, void in Council policy for development on battle-axe allotments, potential inaccuracies of submitted documentation including sun...
shadow diagrams, construction impacts on adjacent properties, request that hours of work be limited, request that construction vehicles adhere to driveway speed limits, request that construction vehicles not utilise visitors car park at 15A Wrightson Avenue, request that particular types of construction vehicles not to be driven on 15A Wrightson Avenue driveway and impact on airflow and sea breezes

Details of the submissions received are summarised at Section 3.0 of Part II of this report and the concerns raised are addressed as part of the Environmental Planning Assessment at Section 4.0.

The application has been referred to Council’s Development Applications Committee for determination for the following reason:

1. The application has been called in by two Councillors in accordance with the instrument of delegation to the Development Applications Committee.

Issues

1. Whether the variation to the landscaping controls nominated in Section 3.02.07 (Landscaping) of the Newcastle Development Control Plan 2012 is acceptable.

2. Whether the proposed development is suitable for the subject property.

Conclusion

The proposed development 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. Accordingly, it is recommended that the application be approved on the basis of the amended plans, subject to the nominated conditions of consent.

RECOMMENDATION

The application to demolish the existing pool house building and erect a two storey dwelling, pool and cabana at 15C Wrightson Avenue, Bar Beach be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to 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 political 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 property comprises Lot 22 DP1195074, known as 15C Wrightson Avenue, Bar Beach. The property is a ‘battle-axe’ style allotment located mid-block between Wrightson Avenue to the west and Memorial Drive to the east. It is an elongated, wedge-shaped lot with a total area of 872m² (approximately 567.4m² excluding access handle). An access handle 2.035m wide to the subject site runs off Wrightson Avenue, turning 90° in a southerly direction, for a total length of approximately 148.5m.

Vehicular access is by means of a shared driveway which sits partially over the access handle and partly within the adjoining properties’ access handle Lot 21 DP1195074, 15B Wrightson Avenue and SP11544, 15A Wrightson Avenue. The driveway is subject to a reciprocal right of carriageway.

The subject property is burdened by an easement to drain water 1m wide and an easement to drain sewage 1m wide which are located adjacent to the northern and north-eastern boundaries and benefits 15B Wrightson Avenue. The site also has the benefit of an easement to drain water 1m wide which burdens the adjoining allotment to the south, lot 23 DP 1195074, 98 Memorial Drive.

The site is devoid of significant vegetation and has a moderate fall of approximately 3.13m from the northern access handle to the south western boundary. The site is currently occupied by a single-storey ‘pool house’. A concrete block and timber retaining wall and fence runs along part of the western boundary (approximately 28m in length).

Due to its mid-block location, the subject site adjoins numerous properties (10 excluding access handle, 18 inclusive of access handle). The properties to the east, west and south contain detached dwellings, both single and double storeys of various ages and architectural styles. The nearby battle-axe property to the north (SP11544 15A Wrightson Avenue) contains eight attached two-storey brick and tile townhouses.

2.0 THE PROPOSAL

The applicant seeks consent to demolish the pool house building and erect a two storey dwelling, pool and cabana upon the subject land.

During the processing of the application and as a result of feedback from the Public Voice process, amended plans and details were submitted to better address Council’s Development Control Plan. The amended plans include provision for a reduction in the overall height of the proposed dwelling, as further discussed in this report.

A copy of the latest submitted plans is appended at Attachment A.
The various steps in the processing of the application to date are outlined in the Processing Chronology appended at Attachment C.

3.0 PUBLIC NOTIFICATION

The application was publicly notified for a period of 14 days in accordance with Council's Public Notification Policy. 24 submissions have been received. Of the submissions lodged, two submissions advise of no objection to the proposal subject to any consent addressing various issues. The remaining 22 submissions are by way of objection to the proposal.

The concerns raised by the objectors in respect of the proposed development are summarised as follows:

- privacy impacts
- traffic and parking
- bulk and scale
- density
- social impact
- overdevelopment of site
- noise impacts
- stormwater runoff
- visual impact of monolithic building design on immediate neighbourhood
- view impacts
- non-compliance with landscaping controls
- adverse impacts for building occupants in respect of the applicants proposed open space design
- adverse solar access impacts for building occupants in respect of the applicants proposed dwelling design
- overshadowing impacts on adjoining properties
- impacts regarding potential overflows from proposed swimming pool
- loss of amenity due to excessive height
- lack of harmony with surrounding dwellings due to atypical orientation of the proposed dwelling (north / south) amongst all of the east / west facing neighbours
- relevance of original ground level or current ground level (block has been built up) to the assessment of the application
- proposed development not harmonious with the streetscape and built environment
- the lot was created amid much protest with regard to loss of amenity due to future development
- void in Council policy for development on battle-axe allotments
- potential inaccuracies of submitted documentation including sun shadow diagrams
- construction impacts on adjacent properties
- request that hours of work be limited
- request that construction vehicles adhere to driveway speed limits
• request that construction vehicles not utilise visitors car park at 15A Wrightson Avenue
• request that particular types of construction vehicles not to be driven on 15A Wrightson Avenue driveway
• impact on airflow and sea breeze

The objector's concerns are addressed under the relevant matters for consideration in the following section of this report.

One application for mediation was received within the public notification period. The applicant agreed to be involved with this process under the auspices of the community Justice Centre and mediation took place 1 September 2014. A verbal agreement was reached with both parties.

Two public voice applications were also received, with the proposal being subject of the Public Voice Committee session held 16 September 2014.

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)]

The site is zoned R2 Low Density Residential under the provisions of the Newcastle Local Environmental Plan 2012 (NLEP 2012). Dwelling Houses are permissible in the zone and the proposed development is considered to be consistent with the zone objectives.

4.1.2 State Environmental Planning Policies

The proposed development is not contrary to the provisions of any relevant State Environmental Planning Policy.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

Proposal is satisfactory.

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

The proposed development has been assessed against the provisions of Newcastle Development Control Plan 2012 (DCP), particularly Sections 3.02 (Single Dwellings), 5.01 (Soil Management), Section 7.03 (Traffic, Parking and Access), 7.06 (Stormwater), 7.07 (Water Efficiency) and 7.08 (Waste Management).
The proposed development generally complies with all relevant provisions of the DCP.

Section 3.02 – Single Dwellings

Advisory Note – This proposal has been assessed against all relevant Objectives and Controls within this Section as in force at the time of lodgement of this application (Version 2 of Section 3.02 of the DCP).

Section 3.02 of Council’s DCP has now been amended (Version 3), with the new provisions commencing 10 November 2014. Consideration of relevant Performance Criteria under the current DCP has also been undertaken.

Landscaping and existing vegetation (Section 3.02.07- Version 2)

The proposed development seeks to vary the nominated Controls for landscaping.

Relevant Objectives and Controls from this Section are enclosed beneath:

Objectives

1. Improve the amenity of developments through the retention and/or planting of large and medium size trees where appropriate.
2. Provide habitat for native plants and animals.
3. Improve stormwater quality and reduce quantity.
4. Improve the microclimate and solar performance within the development.
5. Improve urban air quality.
6. Contribute to biodiversity.
7. Allow for landscaping to provide screening between buildings.
8. Ensure that landscaped areas are consolidated and maintainable spaces that contribute to the open space structure of the area.
9. Ensure adequate area of deep soil on site to allow for mature tree growth.
10. Ensure landscaped areas are of a usable size and proportion.

Controls

1. A minimum 15% of the site area at ground level is landscaped area. Landscaped area can include any private open space area (as required under Section 3.02.09) in excess of the principal area of private open space*, provided it satisfies other landscape requirements under the DCP.
   *The principal area of private open space is a 4m x 4m level area of private open space directly accessible from the main living area of the dwelling.
2. Landscaped areas have a minimum dimension of 2m. Areas less than 2m in width are excluded from the landscape area calculation.
3. A minimum of 15% of the landscaped area is deep soil zone; more is desirable. The extent of deep soil zones beyond the site boundary is optimised by locating them contiguous with the deep soil zone of adjacent properties. Note – Exceptions may be made in dense urban areas where sites are built out and there is no capacity for water infiltration. In these circumstances, stormwater retention measures are integrated with the design of the building.
6. A minimum 2m wide strip of landscaping is located along at least one boundary

The amount of minimum landscaping required to meet Control 1 for the subject site equates to 85.11m².

Applying the calculation methodology within the Controls (i.e separation of principal area of private open space, 2m strip along at least one boundary and the like), the proposal provides for approximately 33.74m² (or 5.95% of the site area, excluding the access handle) of landscaping, representing a shortfall of 51.36m².

The applicant has provided the following justification for the proposed variation to the Controls:

*Given the elongated, irregular and battle-axe shape of the allotment the provision of landscaped areas with a minimum dimension of 2m is not readily achieved. However the dwelling design incorporates appropriate articulation of the elevations to create pockets of landscaping to soften the external appearance and provide outlooks from the dwelling including:*

- Landscaped area adjacent to the dining room on the north-western side,
- Provision of a semi-enclosed landscaped terrace adjacent to the sunroom/theatre and front entry,
- Provision of a mass planting strip adjacent to the swimming pool and north-western boundary,
- Incorporation of a landscaped terrace over the double garage.

The applicant was also requested to submit a comprehensive landscaping plan which has been provided. The detailed landscape plan allows for the following:

- Approximately 57 landscaping shrubs (with mature heights of up to 2-3m) in various locations around the subject site;
- Approximately 31 landscaping ground covers / climbers / grasses in various locations around the subject site;
- Approximately 26.6m² of turf area, plus approximately 36.64m² of planting bed space at ground level. This equates to approximately 63.14m² of ground level landscaping available, or approximately 11.12% of site area;
- Approximately 8.73m² of upper terrace external planting bed space at upper floor level. This equates to approximately 71.87m² of overall landscaping available, or approximately 12.66% of site area;
- The proposed in ground stormwater retention / re-use tank within the turfed yard area will also incorporate approximately 300mm of top soil and turf planting over.

The proposed overall site landscaping areas are considered usable for the occupants and the individual landscaping components are all considered to contribute to the open space structure of the site.

The proposed landscaping is also seen to provide relief from the building lines of the proposed dwelling structure, and allows for selective visual screening between the subject site and a number of adjoining properties.
Suitable conditions of consent are also proposed to ensure compliance with the submitted landscaping plan is achieved for the development.

Accordingly, given the design constraints of the battle-axe allotment and the number of adjoining properties abutting the site, the overall landscaping design has been assessed as satisfactory with respect to the relevant Objectives of Section 3.02.07 of the DCP.

Public Participation

The proposed development has been notified in accordance with this Section of the DCP, with 24 submissions received in response. Previous and following sections of this report address the issues raised within the public submissions.

The concerns raised by the objectors in respect of the proposed development are summarised as follows:

- Privacy impacts

Comment – The proposal incorporates the main principal living spaces on the ground floor of the dwelling. 1.8m high privacy screens have been provided to both sides (south east and north west) of the ground floor BBQ / deck area.

The upper floor has been designed to contain bedrooms, bathrooms, voids and stair access which are generally acceptable outcomes in terms of privacy impacts. Also proposed as part of the upper floor dwelling layout is an elevated deck to the south west of bedroom 1 and a roof terrace to the north of bedrooms 4 and 5.

The proposed swimming pool area in the rear south west corner of the property incorporates substantial privacy treatments by way of solid walls, fencing and vegetative screen plantings.

Some concern was raised regarding potential privacy impacts in relation to the proposed elevated deck to the south west of bedroom 1 and the roof terrace to the north of bedrooms 4 and 5.

Amended plans have now incorporated the following additional features, aimed at mitigating privacy and overlooking impacts:

- 1.8m high privacy screens have been provided to the sides (south east and north west) of the south west elevated deck;
- Additional privacy screening has been provided to the north east and south east sides of the north east roof terrace up to a height of 1.8m, along with a reduction in sizing of the terrace area;
- Obscure glazing to upper floor ensuite and walk in wardrobe windows (south east elevation)

It is considered that the revised design is satisfactory with respect to privacy impacts.

- Traffic and parking
Comment – The proposal provides for at least two off street car parking spaces and is considered satisfactory.

- Bulk and scale

Building Height – The site is mapped for a maximum of 8.5m Building Height. The revised design is compliant with Council’s allowable Building Heights for the site. The proposal will be:

- approximately 4.48m from existing ground to top of privacy screening to north east roof terrace;
- approximately 5.9m from existing ground to ridge at the north east end of dwelling;
- approximately 7.2m from existing ground to ridge at the south west end of dwelling.

The overall building height is significantly lower than the prescribed 8.5m maximum permitted for the site.

Building Envelope – Given the sensitive location (battle axe allotment with numerous adjoining neighbours) and community concerns regarding the impact of the original proposal, the applicant was requested to revise the building design to comply with the DCP Building Envelope Controls in force at the time of lodgement of this application. The revised design incorporates a number of changes including:

- a reduction in overall building height of 800mm at the north eastern end of the proposed dwelling;
- a reduction in overall building height of 500mm at the south western end of the proposed dwelling;
- increased western wall side setback of upper floor bed 1 and deck a further 500mm;
- reduced roof pitch of 1.5 degrees;
- removal of roof cover from upper floor south west deck.

Assessment of the revised plans indicate compliance with the identified Controls.

When assessed against the current DCP Version 3 Building Envelope Controls as depicted on Drawing DA05, (see Attachment A), the proposal is fully compliant with these Controls.

Accordingly, it has been assessed that the proposal is satisfactory with respect to the relevant Objectives of Section 3.02.04 of the DCP.

There are numerous two storey dwellings in close proximity to the subject site that are similar in height or substantially higher than the proposed dwelling.

The proposed dwelling incorporates a series of low pitch skillion roof forms that mitigate the overall height and bulk. The building also incorporates stepping of external walls, articulation of elevations and provision of variable setbacks particularly on the upper level such that the dwelling does not present an obvious “backside” or rear elevation when viewed from adjoining properties.
To add architectural interest, a range of contrasting external materials and finishes are proposed, including:

- rendered painted brickwork;
- weatherboard cladding;
- vertically orientated expressed jointed fibrous cement sheeting.

It is considered that the revised design is satisfactory in terms of bulk and scale.

- **Density**

  Comment - Floor Space Ratio (FSR) - The site is mapped for a maximum 0.6:1 FSR. The revised design is compliant with Council’s allowable Floor Space Ratio for the site, at approximately 0.585:1 (inclusive of external upper floor deck and terrace areas).

- **Social impact**

  Comment – The proposed development is not likely to have any significant social or economic impacts in the locality.

- **Overdevelopment of site**

  Comment – The proposed development is considered to not be an overdevelopment of the site.

- **Noise impacts**

  Comment – Any construction noise emanating from the subject site can be mitigated with the imposition of relevant conditions of development consent.

  A suitable condition regarding sound absorbing enclosures for pool plant and equipment is also proposed.

  In terms of noise from air conditioners, no additional conditions are considered applicable in this regard as any new air conditioners will be required to comply with mandated noise limits.

  It is considered that the proposed is satisfactory in terms of acoustic privacy.
• Stormwater runoff

Comment – The applicant has provided amended stormwater management plans and design certification verifying that the proposed stormwater management plan complies with Council’s DCP and associated Stormwater Technical Manual.

Roof catchments are to be captured and diverted to a 7500 litre capacity underground water tank in the rear yard of the property. Hardstand areas are drained to grated pits and all overflows are to be piped to an existing 150mm diameter stormwater drainage easement in the south west of the property, created under the previous subdivision approval.

It is considered that the revised design is satisfactory in terms of stormwater runoff.

• Visual impact of monolithic building design on immediate neighbourhood

Comment – While the proposal is considered to be contemporary in design, the locality of Wrightson Avenue and Memorial Drive is quite varied in terms of streetscape and building architectural design.

There are examples of contemporary and traditional building forms and the visual impact of the proposed design is considered to not be detrimental to the neighbourhood.

• View impacts

Comment – The revised design has incorporated a reduction in overall height and increased setbacks to better address compliance with Building Envelope Controls, reduce bulk, scale and view impacts on adjoining neighbours.

When compared to the original plans, the following reductions have been incorporated into the overall building height of the proposal:

- north east roof terrace – approximate reduction of 0.3m;
- north east end of dwelling - approximate reduction of 0.8m;
- south west end of dwelling - approximate reduction of 0.5m.

In terms of view loss, the main affected properties are situated to the south east of the subject lot fronting Memorial Drive. Currently these properties are afforded views across the subject site towards to city vistas to the north west.

In addition to the cityscape views afforded towards the north west, the affected Memorial Drive properties also have access to existing cityscape views to the south west and substantial uninterrupted iconic ocean views towards the north east, east and south east.

A site inspection of the adjoining property at Number 92 Memorial Drive by Council’s assessing officer was carried out as part of the development assessment process to consider view loss impacts. The current unimpeded field of view from the centre of the rear elevated deck to the north west and south west is in the order of a 110 degree arc.
The applicant has provided survey details of adjoining properties relative to the subject site to aid in demonstrating the potential impact of the proposal. From the survey levels provided it is clear that there will still be an acceptable level of view sharing from the adjacent Memorial Drive properties over the subject site towards the north west.

As a comparison, the northern end of the proposed dwelling will have a maximum roof ridge level of approximately 33.1m AHD. When compared to the ridge level of the A-frame dwelling sited at Number 31 Wrightson Avenue (34.11m AHD), this equates to roof form approximately 1.01m lower than the highest roof in this direction in close proximity to the subject site. From a standing position on the rear deck of the neighbour’s property at Number 92 Memorial Drive, a substantial portion of the overall cityscape view towards the north west will be preserved, including the area where the distant ground / tree level meets the sky / horizon over the subject property.

Following the Public Voice meeting on 16 September 2014, the applicant agreed to commission the preparation of a view study, using the reference point of the neighbouring dwellings’ (Number 92 Memorial Drive) upper floor internal and external living zones. The neighbour’s surveyor was also present at the time of the survey to verify reference points utilised for the study preparation.

The view study was prepared by the applicant and submitted to Council 27 November 2014. A copy of the photographic view montages that illustrate view impacts of the proposed development are attached to this report as part of Attachment A.

When assessing the impact of views as a result of the proposed development the four step process as established by Tenacity Consulting v Warringah [2004] NSWLEC 140 was applied:

1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

   Comment – The impacted views are land views that are not considered to be iconic.

2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

   Comment – The impacted views are considered to be views over rear and side boundaries. It is not considered reasonable to require preservation of views across the subject lot at the existing lower levels of Memorial Drive premises.
The view study montages demonstrate that sitting views will not be significantly affected when compared to the existing balustrading arrangement in place for the neighbours’ (Number 92 Memorial Drive) upper floor rear deck.

3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment – Although objectors have concerns that the view loss is considered to be severe, when applying the extent of the impact from the whole of the property and the remaining views still available, the impact is considered to be minor to moderate.

4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment – The revised design is generally considered to be compliant with the majority of the numerical Controls within the DCP. Where not compliant with Controls, it is considered that the relevant Objectives of the DCP have been achieved.

The proposed variation to the Landscaping Controls as discussed in Part 4.2.2 of this report do not generate view impacts.

The applicant has advised that the selection of a higher pitched roof form, which would not have been out of character with neighbouring dwellings, was deliberately avoided to minimise the bulk of the dwelling and mitigate impacts on adjacent properties.

The proposed dwelling is at least is up to 1.3m lower than the maximum 8.5m building height permitted for the site (approximately 7.2m at highest point).

While it is acknowledged that there will be an impact on current views, it is considered that the revised proposal has been adequately designed to create a living space to meet the aspirations of the building occupants whilst still allowing for a level of continued view sharing afforded to neighbours.
• Non-compliance with landscaping controls

Comment – See previous comments regarding landscaping in this report. Landscaping is considered to be satisfactory.

• Adverse impacts for building occupants in respect of the applicants proposed open space design

Comment – The proposed development is provided with a generous sized deck of approximately 25m² opening directly from the main ground floor living areas of the dwelling. Adjacent to the main deck area, the pool area and adjacent landscaped turf area are also available to meet the open space needs of building occupants. In addition, another ground floor courtyard opening from the sunroom / theatre provides further ground floor open space opportunities. Open space design is considered to be satisfactory.

• Adverse solar access impacts for building occupants in respect of the applicants proposed dwelling design

Comment – Suitable glazing has been incorporated into external walls of ground floor sunroom / theatre, dining and living rooms to permit solar access. The building has also been designed to afford solar access to rear open space and upper floor bedrooms and terrace area in accordance with Section 3.02.11 of the DCP. Solar access for building occupants of the proposed dwelling is considered to be satisfactory.

• Overshadowing impacts on adjoining properties

Comment – Proposed development does not significantly overshadow living rooms and private open spaces of adjoining dwellings in accordance with Section 3.02.11 of the DCP and is considered to be satisfactory.

• Impacts regarding potential overflows from proposed swimming pool

Comment – Any consent would be issued with a suitable condition regarding management of swimming pool waste / overflows.

• Loss of amenity due to excessive height

Comment – Amended proposal considered to not be of excessive height. See previous comments regarding bulk and scale, views and overshading in this report.

• Lack of harmony with surrounding dwellings due to atypical orientation of the proposed dwelling (north / south) amongst all of the east / west facing neighbours

Comment – It is acknowledged that the existing subdivision pattern results in the majority of adjoining properties and dwellings in Wrightson Avenue and Memorial Drive being orientated in an east / west facing direction.
Notwithstanding the above, there are also existing internal properties that are orientated in a more north / south facing direction due to the battle axe nature of the lots. In addition to the subject property at Number 15C, the single storey dwelling at Number 15B and the eight attached two storey townhouses at 15A Wrightson Avenue are similarly orientated.

The applicant has also provided survey details of the row of attached townhouses relative to the subject site to aid in comparing the bulk and scale of the existing building forms relative to the proposed development. The height of the southern unit relative to finished ground level is approximately 6.8m (ridge 33.92m AHD), with the units towards northern end of the complex approximately 6.99m (ridge 34.4m AHD). The units run north / south for a distance of approximately 65m.

In comparison, the proposed development has a north / south run of approximately 34m in total with the following roof form heights:

- approximately 4.48m from existing ground to top of privacy screening to north east roof terrace (top of terrace screening 31.8m AHD);
- approximately 5.9m from existing ground to ridge at the north east end of dwelling (33.1m AHD);
- approximately 7.2m from existing ground to ridge at the south west end of dwelling (32.7m AHD).

It is considered that the proposed development adequately harmonises with the surrounding neighbourhood.

- Relevance of original ground level or current ground level (block has been built up) to the assessment of the application.

Comment – The proposal has been assessed based on the existing ground levels in place at the time of lodgement of the application.

The original plans and Statement of Environmental Effects for the proposal indicated that the proposal as depicted complied with Council’s Building Envelope Controls, however this was incorrect due to an error in adopting the correct reference point from which to commence the measurement of existing ground levels along the north west boundary of the subject property.

The revised plans demonstrate compliance with Councils Building Envelope Controls based on the existing levels of the site and are considered to be satisfactory in this regard.

- Proposed development not harmonious with the streetscape and built environment

Comment - See previous comments in this Report. Considered to be satisfactory.

- The lot was created amid much protest with regard to loss of amenity due to future development
Comment – There are no additional restrictions of the subject property due to its battle-axe nature. The allotment is appropriately zoned R2 Low Density Residential and the proposal complies with relevant zoning Objectives.

The proposal has been assessed on its merits giving consideration to all relevant Environmental Planning Instruments and DCP guidelines.

- Void in Council policy for development on battle-axe allotments

Comment – Council does not currently have any additional planning considerations for developments on battle-axe allotments. Development proposals for battle-axe allotments are assessed on their merits giving consideration to all relevant Environmental Planning Instruments and DCP guidelines.

- Potential inaccuracies of submitted documentation including sun shadow diagrams

Comment - The applicant has indicated that the submitted sun shadow diagrams have been prepared using professional Building Information Modelling Software and registered surveyors information based on conditions for June 21 for the location. The amended proposal has also reduced the overall heights of the building which also lessens shadowing impacts.

See previous comments in this Report for discussion regarding solar access and levels.

- Construction impacts on adjacent properties

Comment – Some concerns were raised regarding potential impacts due to construction process and the need for dilapidation surveys. A specific condition regarding dilapidation surveys is considered to be not necessary in this instance.

- Request that hours of work be limited

Comment – Any consent would be issued with a suitable condition regarding construction hours limitations.

- Request that construction vehicles adhere to driveway speed limits

Comment – The management of vehicular driveway speeds for a private shared driveway is not a matter enforceable by Council. Considered to be a civil matter between common users of driveway.

- Request that construction vehicles not utilise visitors car park at 15A Wrightson Avenue

Comment – The management of vehicular parking within private property is not a matter enforceable by Council. Considered to be a civil matter between common users of driveway.
• Request that particular types of construction vehicles not to be driven on 15A Wrightson Avenue driveway

Comment – The management of vehicular types for a private shared driveway is not a matter enforceable by Council. Considered to be a civil matter between common users of driveway.

• Impact on airflow and sea breezes

Comment - The proposal incorporates acceptable side and rear setbacks for the dwelling. The roof form has also been designed as low pitched skillion rather than conventional pitched design. This is considered to be acceptable and proportional to the general locality.

4.2.3 Impacts on the Natural and Built Environment [Section 79C(1)(b)]

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

4.2.4 Social and Economic Impacts in the Locality [Section 79C(1)(b)]

The proposed development will not have any significant social or economic impacts 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 development has been granted by the Mine Subsidence Board. 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)]

It is considered that this report has addressed the various concerns raised in public submissions received in response to the Public Notification.
4.2.7 Public Interest [Section 79C(1)(e)]

- **Sustainability**

The proposed development is considered to be satisfactory with regard to the principles of ecologically sustainable development. The development application includes a BASIX certificate that shows that the proposed development has met the BASIX requirements for water, thermal comfort and energy. The proposed development 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.

**ATTACHMENTS**

- **Attachment A:** Plans and elevations of proposed development / as amended, including view study montages – 15C Wrightson Avenue, Bar Beach (DA 2014/0522)
- **Attachment B:** Draft Schedule of Conditions - 15C Wrightson Avenue, Bar Beach (DA 2014/0522)
- **Attachment C:** Processing Chronology -15C Wrightson Avenue, Bar Beach (DA 2014/0522)
Attachment A
Attachment B

DRAFT SCHEDULE OF CONDITIONS
DA 2014/0522 – 15C WRIGHTSON AVENUE, BAR BEACH

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>Site Information Plan,</td>
<td>Job Ref: McFAR</td>
<td>Victor Topic and Associates Pty Ltd</td>
<td>13/12/2013</td>
</tr>
<tr>
<td>Drawing Number DA01</td>
<td>01/13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Plan, Ground Floor Plan, Upper Floor Plan, Drawing Number DA02</td>
<td>Job Ref: McFAR 01/13, Rev C</td>
<td>Victor Topic and Associates Pty Ltd</td>
<td>7/11/2014</td>
</tr>
<tr>
<td>Elevations and Section, Basix Commitments, Drawing Number DA03</td>
<td>Job Ref: McFAR 01/13, Rev C</td>
<td>Victor Topic and Associates Pty Ltd</td>
<td>7/11/2014</td>
</tr>
<tr>
<td>Shadow Diagrams and Sedimentation Control Plan, Drawing Number DA04</td>
<td>Job Ref: McFAR 01/13, Rev A</td>
<td>Victor Topic and Associates Pty Ltd</td>
<td>3/2/2014</td>
</tr>
<tr>
<td>View and Height Study, Drawing Number DA05</td>
<td>Job Ref: McFAR 01/13, Rev D</td>
<td>Victor Topic and Associates Pty Ltd</td>
<td>3/2/2015</td>
</tr>
<tr>
<td>Photographic View Study 01, Drawing Number DA06</td>
<td>Job Ref: McFAR 01/13</td>
<td>Victor Topic and Associates Pty Ltd</td>
<td>25/11/2014</td>
</tr>
<tr>
<td>Photographic View Study 02, Drawing Number</td>
<td>Job Ref: McFAR</td>
<td>Victor Topic and Associates Pty Ltd</td>
<td>25/11/2014</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 CONSTRUCTION CERTIFICATE**

3 Roof water from the proposed new work is to be directed to the proposed water tank and being reticulated there from to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity.
The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be included in documentation for a Construction Certificate application.

4 Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council’s drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be included in documentation for a Construction Certificate application.

5 All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Forum Consulting Engineers, Drawing Number 31476-SWD-01, Revision B, dated 12/8/2014. Full details are to be included in documentation for a Construction Certificate application.

6 The construction or erection of appropriate swimming pool safety fences and gates and all associated work is to be carried out in accordance with the Swimming Pool Act 1992 (NSW) and Regulations. Full details are to be included in the documentation for a Construction Certificate application.

7 The swimming pool/spa water recirculation and filtration system installation shall comply with Australian Standard 1926.3:2010 - Swimming pool safety - Water recirculation systems. Full details are to be included in the documentation for a Construction Certificate application.

8 All proposed planting and landscape elements are to be completed in accordance with the approved Landscaping Plan, Drawing Number US 40618 LP, Pages 1-3 dated September 2014 by Forum Urban Sanctum Landscape Design. Full details are to be included in documentation for a Construction Certificate application.

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

9 Toilet facilities are to be available or provided at the work site before works begin and be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet is to:

a) be a standard flushing toilet connected to a public sewer, or

b) have an on-site effluent disposal system approved under the Local Government Act 1993 (NSW), or

c) be a temporary chemical closet approved under the Local Government Act 1993 (NSW).

10 A Hazardous Substances Management Plan is to be prepared by a competent person for the building(s) or parts of the building(s) proposed to be demolished in accordance with Australian Standard 2601:2001 - The Demolition of Structures. A copy of the Hazardous Substances Management Plan is to be provided to
Council (marked to Attention: Compliance Services) and the demolisher prior to commencement of work.

11 The demolition works are to be undertaken in accordance with Australian Standard 2601:2001 - The Demolition of Structures and the following requirements:

a) demolition works shall be conducted in accordance with the submitted Hazardous Substances Management Plan and a copy of the Hazardous Substances Management Plan shall be kept on-site for the duration of the proposed development

b) the removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by the WorkCover Authority of NSW

c) a copy of all waste disposal receipts are to be kept on-site for the duration of the proposed development and made available to authorised Council Officers upon request

d) seven working days notice in writing is to be given to Council and the owners/occupiers of neighbouring premises prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number(s) and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor. Notification to owners/occupiers of neighbouring premises shall also include Council’s contact telephone number (49742000) and the Workcover Authority of NSW telephone number (49212900) and

e) on sites where asbestos materials are to be removed, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ measuring not less than 400mm x 300mm is to be erected in a prominent position during asbestos removal works.

12 The demolisher is to ensure that all services (ie water, telecommunications, gas, electricity, sewerage etc), are disconnected in accordance with the relevant authority’s requirements prior to demolition.

13 Any waste containers used in association with the proposed demolition are to be located on the site where possible.

Note: Where this is not feasible, application must be made for Council’s approval to position the container on the adjacent public road in accordance with Council’s adopted Building Waste Container Policy.

14 The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
15 Any demolition/waste building materials that are not suitable for recycling are to be disposed of at Council’s Summerhill Waste Management Facility or other approved site.

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

a) a waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste

b) the waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets

c) appropriate provision is to be made to prevent wind blown rubbish leaving the site and

d) footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

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

17 A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

a) showing the name, address and telephone number of the principal certifying authority for the work

b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours and

c) stating that unauthorised entry to the work site is prohibited.

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

18 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

19 In the case of residential building work for which the *Home Building Act 1989* (NSW) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force before any building work authorised to be carried out by this consent commences.

20 All excavations and backfilling are to be executed safely in accordance with appropriate professional standards and excavations are to be properly guarded and protected to prevent them from being dangerous to life and property.
MINUTES OF THE DEVELOPMENT APPLICATIONS COMMITTEE MEETING OF THE CITY OF NEWCASTLE
TUESDAY 17 FEBRUARY 2015 AT 7.05PM

21 If the soil conditions require it, retaining walls associated with the erection or
demolition of a building or other approved methods of preventing movement of
the soil must be provided and adequate provision must be made for drainage.

22 All building materials, plant and equipment is to be placed on the site of the
development so as to ensure that pedestrian and vehicular access in public
places is not restricted and to prevent damage to the road reserve. The storage
of building materials on Council reserves including the road reserve is not
permitted.

23 A Registered Surveyor’s certificate detailing the setting out of the proposed
buildings and structures on the site, including the relationship of the set out
buildings and structures to property boundaries, is to be submitted to the Principal
Certifying Authority before construction is commenced.

24 A separate application must be lodged and consent obtained from Council for all
works within the road reserve pursuant to Section 138 Roads Act 1993 (NSW),
before the commencement of works.

25 Construction/demolition work that generates noise that is audible at residential
premises is to be restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm and
- Saturday, 8:00 am to 1:00 pm.

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

26 Council’s ‘PREVENT POLLUTION’ sign is to be erected and maintained in a
conspicuous location on or adjacent to the property boundary so it is clearly
visible to the public or at other locations on the site as otherwise directed by
Council for the duration of demolition and construction work.

Note: Council’s ‘PREVENT POLLUTION’ sign can be obtained by presenting
your development application receipt at Council’s Customer Enquiry
Counter at 282 King Street Newcastle.

27 Erosion and sediment control measures are to be implemented prior to the
commencement of works and maintained during the period of demolition and/or
construction in accordance with the requirements of Managing Urban
by Landcom, 2004. Controls are not to be removed until the site is stable with all
bare areas supporting an established vegetative cover.

28 Where the proposed development involves the destruction or disturbance of any
existing survey monuments, those monuments affected are to be relocated at no
cost to Council by a Surveyor registered under the Surveying and Spatial
Information Act 2002 (NSW).
29 The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto neighbouring properties. All backwash/pool waste water is to be piped/drained to the sewer of Hunter Water Corporation in accordance with the requirements of Hunter Water Corporation.

30 Pool plant and equipment is to be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the *Protection of the Environment Operations Act 1997* (NSW).

31 Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:

a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.

b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.

c) When the roof has been completed, confirming that the building does not exceed the approved levels.

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

32 All commitments listed in the relevant BASIX certificate for the development are to be satisfactorily completed prior to the issue of an Occupation Certificate. Should there be any changes to the specifications of the dwelling that have implications for compliance with the approved certificate, except where restricted or excluded by any other condition of consent, an amended BASIX Certificate can be relied upon as having complied with this condition. A copy of any amended BASIX Certificate is to be provided to Council within fourteen days of receipt.

33 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council’s satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.

34 All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.

35 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
36 The premises are to be identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.

The minimum numeral height shall be 75mm.

37 Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority upon completion of the project and prior to the issue of an Occupation Certificate, confirming that the location of as-constructed external walls, eaves and other structures are consistent with the approved locations.

38 A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan and specifications and is to verify that an effective maintenance program has been commenced.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

nil

ADVISORY MATTERS

39 Retaining walls not clearly noted on the approved plans or outside of the parameters of ‘exempt development’ as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

40 It is recommended that, prior to commencement of work, the free national community service ‘Dial before you Dig’ be contacted on 1100 or by fax on 1200 652 077 regarding the location of underground services in order to prevent injury, personal liability and even death. Inquiries should provide the property details and the nearest cross street/road.

41 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.

42 Any approval for fences on side boundaries, common to other private properties, is independent of any consent or agreement which may be required of any adjoining owner under the provisions of the Dividing Fences Act 1991 (NSW).

43 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (NSW) (the ‘Act’) are to be complied with:

a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act

b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act
and

c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

44 Prior to the occupation or use of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 149 of the Environmental Planning and Assessment Regulation 2000 (NSW).

45 It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

46 Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

End of conditions

Fire Safety Schedule

nil
Attachment C

PROCESSING CHRONOLOGY
DA 2014/0522 – 15C WRIGHTSON AVENUE, BAR BEACH

13 May 2014  -  Application lodged with Council.
22 May 2014  -  Application is notified.
23 May 2014  -  Site inspection carried out.
5 June 2014  -  Notification period closed.
                24 submissions lodged.
5 June 2014  -  One application for mediation lodged
                (Robinson).
5-6 June 2014 -  Two Applications for Public Voice lodged.
17 June 2014 -  Application called in by two Councillors for determination
                by Development Applications Committee.
26 June 2014 -  Email sent to applicant advising of status of application,
                mediation, public voice applications. Applicant also
                advised that application would be subject of report to
                Development Applications Committee for determination.
26 June 2014 -  Applicant emailed Council confirming willingness to
                participate in mediation.
8 July 2014  -  Site visit at neighbour’s property 92 Memorial Drive, Bar
                Beach.
18 July 2014 -  Email sent to applicant requesting additional information
                to support the proposal.
30 July 2014 -  One additional application for mediation lodged.
4 August 2014 -  Additional further information letter sent to applicant,
                including details of all issues raised in the submissions
                process.
5 August 2014 -  Additional mediation request declined.
26 August 2014 -  Additional information submitted by applicant including
                revised plans depicting additional privacy treatments to
                upper floor external deck and terrace areas.
1 September 2014 -  Community Justice Centre mediation session Newcastle
                Court House, Church Street Newcastle. Both parties
                attended and verbal agreement reached.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 September 2014</td>
<td>Additional information and revised drawings submitted by applicant.</td>
</tr>
<tr>
<td>16 September 2014</td>
<td>Application subject of Public Voice Committee Session.</td>
</tr>
<tr>
<td>24 September 2014</td>
<td>Revised comprehensive landscaping plan submitted by applicant to support proposed landscaping arrangements for site.</td>
</tr>
<tr>
<td>17 October 2014</td>
<td>Email sent to applicant regarding status of application and request confirmation if interested in being involved with further voluntary mediation separate to Development Assessment process as a follow up to feedback from Public Voice.</td>
</tr>
<tr>
<td>19 October 2014</td>
<td>Email received from applicant declining request for further voluntary mediation and flagging delays in being able to gain permission for access to adjoining property at Number 92 Memorial Drive for the purpose of the view study agreed to at Public Voice.</td>
</tr>
<tr>
<td>28 October 2014</td>
<td>Email sent to applicant regarding status of application and requesting outstanding information as a follow up to previous requests and feedback from Public Voice.</td>
</tr>
<tr>
<td>7 November 2014</td>
<td>Revised plans submitted by applicant.</td>
</tr>
<tr>
<td>7 November 2014</td>
<td>Email sent to applicant regarding status of application and requesting outstanding information.</td>
</tr>
<tr>
<td>11 November 2014</td>
<td>Additional details submitted by applicant. Surveyors plans and levels provided to compare bulk and scale of nearby units at 15A Wrightson Avenue.</td>
</tr>
<tr>
<td>17 November 2014</td>
<td>Additional details submitted by applicant. Photographs from neighbours at Number 92 Memorial Drive taken by professional photographer to be used for view study preparation.</td>
</tr>
<tr>
<td>3 February 2015</td>
<td>Additional details submitted by applicant. View Envelope Study.</td>
</tr>
</tbody>
</table>
MOTION
Moved by Cr Compton, seconded by Cr Posniak

The application to demolish the existing pool house building and erect a two storey dwelling, pool and cabana at 15C Wrightson Avenue, Bar Beach be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to Attachment B).

Councillor Osborne foreshadowed a motion that the application be refused.

For the Motion: Councillors Compton and Posniak.

Against the Motion: The Lord Mayor, Councillors Crakanthorp, Doyle, Osborne, Robinson, Rufo and Tierney. Defeated

MOTION
Moved by Cr Osborne, seconded by Cr Tierney

A That DA 2014/0522 to demolish a pool house and erect a two storey dwelling, pool and cabana at 15C Wrightson Avenue, Bar Beach be refused for the following reasons:

1 The proposed development is not consistent with the provisions of Section 3.02 (Single Dwellings) of the Newcastle Development Control Plan 2012, with respect to the general aims and objectives (Section 79C(1)(a) Environmental Planning and Assessment Act 1979).

2 The proposed development does not comply with minimum landscaping requirements in Section 3.02 (Single Dwellings) of the Newcastle Development Control Plan 2012 (Section 79C(1)(a) Environmental Planning and Assessment Act 1979).

3 The proposal is considered an over development of the site due to its excessive bulk and scale (Section 79C(1)(b) Environmental Planning and Assessment Act 1979).

4 The proposed development will have an unreasonable overshadowing and privacy impacts on adjacent premises (Section 79C(1)(d) Environmental Planning and Assessment Act 1979).

5 The proposed development will have an unsatisfactory impact on the amenity of numerous adjoining premises and is not in the public interest (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).

B That those persons who made submissions be advised of Council’s determination.
For the Motion: The Lord Mayor, Councillors Crakanthorp, Doyle, Osborne, Robinson, Rufo and Tierney.

Against the Motion: Councillors Compton and Posniak

5 CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 18 NOVEMBER 2014
MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MINUTES 2 DECEMBER 2014

MOTION
Moved by Cr Osborne, seconded by Cr Tierney

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

Carried

MINUTES - ADJOURNED DEVELOPMENT APPLICATIONS COMMITTEE 2 DECEMBER 2014 (RECONVENED FROM 18/11/14)

PROCEDURAL MOTION
Moved by Cr Rufo, seconded by Cr Tierney

Adoption of the draft minutes be deferred to enable a review of the following statement in respect of Item 11 - DA 2014/0650 - 5 Turnbull Street, Merewether - Change of Use from Secondary Dwelling to Serviced Apartment:

The General Manager informed Council that Councillor Doyle had made an enquiry in respect of the status of the development application on 17 September 2014.

Carried

The meeting concluded at 7.35pm.