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| NOTE: Please complete all sections identified in red text. The below comments are a guide only – please amend text as applicable to the proposed development. |

# SITE LOCATION AND DETAILS

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| --- | --- |
| **Statement prepared by:** | *Insert details* |
| **Date prepared:** | *Insert details* |
| **Property address:** | *Insert details* |
| **Zone:** | *Insert details* |
| **Lot size:** | *Insert details* |
| **Existing Structures/Use:** | *Insert details* |

***Note:*** *Please include any site photos here.*

# PROPOSED DEVELOPMENT

*This section outlines the proposed development, and is to include details on (but not limited to):*

* *proposed new works*
* *demolition*
* *existing and proposed parking and vehicle access*
* *adjoining uses/structures*
* *removal of / or impact on any vegetation of the subject or within 5m of the proposed works on adjacent sites.*

*If the proposal involves alterations and addition and demolition, provide a clear detailed description here including building height, site coverage, setbacks, minimum floor levels etc.*

# STATUTORY AND POLICY COMPLIANCE

* 1. **STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)**

***Outline compliance with any relevant SEPP's (including but not limited to):***

[State Environmental Planning Policy (Housing) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#statusinformation)

Chapter 3 – Diverse housing

*Outline how the proposed development complies with the Housing SEPP Division 2 Clause 52 Development, for example:*

* *the development will not result in any dwelling other than the principal dwelling and the secondary dwelling;*
* *the proposed FSR for the site complies with NLEP 2012 and the total floor area of the secondary dwelling is no more than 60m2 or 20% of the total floor area of the principal dwelling;*
* *a consent authority must not refuse consent to development on the following grounds:*
  + *the secondary dwelling is located within, or attached to, the principal dwelling, or,*
  + *if the site area is at least 450m2.*
  + *If no additional parking is to be provided on the site.*

*The proposed development is satisfactory with regards to the provision of this SEPP.*

[State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004](https://www.legislation.nsw.gov.au/#/view/EPI/2004/396)

[State Environmental Planning Policy (Transport and Infrastructure) 2021](https://legislation.nsw.gov.au/view/pdf/asmade/epi-2021-732)

[State Environmental Planning Policy (Industry and Employment) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723#ch.3-pt.3.3)

# NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 (NLEP)

The proposed development is considered to satisfactorily address the relevant Clauses of NLEP 2012 as outlined in the Table below:

| **NLEP 2012 Clause** | **Comment** |
| --- | --- |
| **Clause 2.3 - Zone Objectives and Land Use Table** | The site is zoned***insert zone****.* The development is defined***as insert proposed development***which is a permissible use in the zone and considered to be consistent with the objectives of the zone. |
| **Clause 2.7 - Demolition** | Outline any proposed demolition. |
| **Clause 4.3 - Height of Buildings** | The height of the development is ***insert proposed HOB***and does not exceed the development standard of ***insert maximum HOB*m**. maximum in the LEP.  *OR*  As the allotment is located in a heritage conservation area, no building height development standard applies. |
| **Clause 4.4 - Floor Space Ratio** | The floor space ratio of the proposed buildings on the site is ***insert proposed*** FSR and does not exceed the development standard of 0.***insert maximum FSR***:1 maximum in the LEP.  *OR*  As the allotment is located in a heritage conservation area, no floor space ratio development standard applies. |
| **Clause 5.10 - Heritage Conservation** | *Outline any impacts on heritage conservation if applicable.* |
| **Clause 5.21 Flood planning** | *Outline any flooding impacts – note for flood prone land all new works are to be in accordance with nominated flood planning levels. A flood information certificate should be obtained to determine appropriate floor levels for new works.* |
| **Clause 6.1 -**  **Acid sulfate soils** | *Nominate the Acid suflate soil level and any impacts on the proposed development, e.g.*  *The site is identified as having Class 5 Acid Sulfate Soils. Given the nature of the site and scale of the proposed works the development is not likely to result in disturbance of ASS nor the lowering of the water table on adjacent ASS class land and as such submission of an Acid Sulfate Soils Management plan is not required for the development works.* |
| **Clause 6.2 -**  **Earthworks** | *Nominate any earthworks for the proposed development, e.g.*  *Earthworks proposed to facilitate the development are considered to be acceptable having regard to this clause.* |

# NEWCASTLE DEVELOPMENT CONTROL PLAN 2023

The proposed development is considered to satisfactorily address the relevant Sections of the NDCP as outlined in the Table below: *(Note: provide a* ***detailed description*** *of how the proposed development complies with relevant Sections of the NDCP as listed below)*

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| **Part B - Site Planning Controls** | |
| **Control** | **Comment** |
| **B1(a) Flood management - pre 2019 flood studies** | The proposed development is not located on flood prone land.  Or  A Flood Information Certificate has been submitted with the application and the proposed development has been designed in accordance with the flood planning levels nominated. |
| **B1(b) Flood management - post 2019 flood studies** | The proposed development is not located on flood prone land.  Or  A Flood Information Certificate has been submitted with the application and the proposed development has been designed in accordance with the flood planning levels nominated. |
| **B2 Bushfire protection** | The proposed development is not located on land identified as bushfire prone.  Or  A Bushfire Assessment Report prepared by a person who is recognised by the NSW RFS as a qualified consultant in bushfire risk assessment has been submitted with the application. **State the recommended BAL level(s)** |
| **B3 Mines subsidence** | The proposed development is not on land identified as mine subsidence affected.  Or  The proposed development is on land identified as mine subsidence affected. The proposal meets the Subsidence Advisory NSW "Exempt Development" criteria. **Detail how proposal meets exemption criteria.**  Or  A copy of Subsidence Advisory NSW stamped plans has been submitted with the application. |
| **B4 Aboriginal cultural heritage** | The site is not an item of aboriginal heritage and is not known to contain an aboriginal object. Reference to the Aboriginal Heritage Information Management System (AHIMS) search has confirmed that there is no known Aboriginal cultural heritage in or within the vicinity of the allotment. |
| **B7 Land contamination** | The proposed development is not located on contaminated land. |

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| **Part C - General Development Controls** | |
| **Control** | **Comment** |
| **C3 Vegetation preservation and care** | The proposed development footprint is not within 5m of trees on adjoining properties and does not require the removal of any trees on the subject property that are further than 3m from the footprint of the proposal.  Or  The proposed development seeks approval to remove trees on the subject property that are further than 3m from the footprint of the proposal. An arborist's report addressing the rationale for tree removal and addressing any potential impacts on trees on adjoining properties that are within 5m of the proposed works has been submitted with the application. |
| **C4 Stormwater** | The proposed development does not include any additional roof area and therefore does not generate any additional stormwater discharge.  Or  Provide details of proposed method of stormwater management such as discharge to street gutter, drainage easement or onsite dispersion trench. If connection to an existing system is proposed provide detail of that system's method of discharge. Note that dwelling additions larger than 50m2 require onsite discharge controls and all roofs greater than 10m2 in Coastal Wetlands catchments must drain to a rainwater tank. |
| **C5 Soil management** | The proposed development requires minimal or no excavation.  Or  To facilitate the proposed development, it will be necessary for earthworks to be undertaken which will alter the existing surface levels of the land*.* **Provide height and depth of proposed cut and fill and the height of any proposed retaining walls.**  Adequate sedimentation and erosion management will remain in place for the construction period. |
| **C6 Waste management** | Provide details of proposed construction and/or demolition waste management. |
| **C11 Development adjoining laneways** | The proposed development does not adjoin a laneway.  Or  The proposed development adjoins a laneway. **Provide details of the setback from the boundary with the laneway** |
| **C12.12 Open space and landscaping (single dwellings and ancillary development)** | The development provides adequate landscaped area, deep soil areas and tree provision in accordance with the controls. **Provide the following detail - Lot size, landscaped area size and landscaped area as a percentage of lot size (identifying percentage of deep soil areas) and existing/proposed trees on site.**  Or  The landscaped areas provided meet the objectives of this section. **Detail reasons why the controls cannot be achieved.** |

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| **Part D - Development Controls by Land Use** | |
| **D2 Single dwelling and ancillary development** | |
| **Control** | **Comment** |
| **D2.8.0 Street frontage appearance** | **Not applicable - Refer to D2.20.0 Ancillary Development - secondary dwellings controls for street frontage appearance**  **Section D2, Control 20.0 Ancillary Development - secondary dwellings - C-1.a** |
| **D2.9.0 Side/rear setbacks (building envelope) - lots with a width less than 10.5m** | The lot width is 10.5m or greater.    Or    The proposed development maintains the existing side and rear boundary setbacks.    Or    The proposed development is in accordance with the controls. **Provide the following detail - Lot width at building line, side boundary setbacks, height of walls facing side boundaries, length of any proposed boundary walls in metres and as a percentage of the lot depth, rear boundary setbacks for any part of a building up to 4.5m in height and for any part of a building higher than 4.5m.**    Or    The proposed development exceeds the controls but meets the objectives. **Detail how the objectives are met.** |
| **D2.10.0 Side/rear setbacks (building envelope) - lots with a width 10.5m or greater** | The lot width is less than 10.5m.    Or    The proposed development maintains the existing side and rear boundary setbacks.    Or    The proposed development is in accordance with the controls. **Provide the following detail - Lot width at building line, side boundary setbacks, height of walls facing side boundaries, length of any proposed boundary walls in metres and as a percentage of the lot depth, rear boundary setbacks for any part of a building up to 4.5m in height and for any part of a building higher than 4.5m.**    Or    The proposed development exceeds the controls but meets the objectives. **Detail how the objectives are met** |
| **D2.11.0 Building design and layout** | **Provide details of how the proposed development satisfactorily addresses the controls.** |
| **D2.12.0 Private open space** | **Not applicable - Refer to D2.20.0 Ancillary Development - secondary dwellings controls for private open space. Section D2, Control 20.0 Ancillary Development - secondary dwellings - C-1.b** |
| **D2.13.0 Visual and acoustic privacy** | The proposed development does not create direct views into adjoining properties and is not impacted by outside noise levels in any proposed living rooms or bedrooms.    Or    The proposed development meets the controls. **Comment on views into adjoining properties from any proposed living area windows or new raised outdoor spaces and comment on any external noise sources impacting upon any proposed habitable areas. Describe any proposed privacy screening and/or any proposed noise attenuation methods.** |
| **D2.14.0 Solar access** | The proposed development does not exceed 4.5m in height and maintains solar access to adjoining properties in accordance with the controls.    Or    The proposed development exceeds 4.5m in height and a shadow diagram has been submitted demonstrating that maintenance of solar access to adjoining properties in accordance with the controls.    **And**    **Provide details of how the proposed development satisfactorily addresses controls C-1, C-2 and C-4.** |
| **D2.15.0 View sharing** | The proposed development does not obscure views or vistas to water, city skyline or iconic views.    Or    The submitted plans identify existing views and demonstrate how view sharing is achieved. |
| **D2.16.0 Carparking and vehicular access** | **Not applicable - Refer to D2.20.0 Ancillary Development - secondary dwellings controls for Carparking. Section D2, Control 20.0 Ancillary Development - secondary dwellings - C-1.c** |
| **D2.17.0 Ancillary Development - carports and garages** | The proposed development does not include a detached garage or carport.    Or    Where a detached studio is proposed **state the proposed use, the floor area, maximum height, side and rear boundary setbacks.** |
| **D2.18.0 Ancillary Development - detached studios** | The proposed development does not include a detached studio.    Or    Where a detached studio is proposed **state the proposed use, the floor area, maximum height, side and rear boundary setbacks.** |
| **D2.19.0 Ancillary Development - fences** | Where fencing is proposed **provide details of how the proposed development satisfactorily addresses the controls**. |
| **D2.20.0 Ancillary Development - secondary dwellings** | The proposed development complies with the controls as outlined in detail below:  C-1  a. Street frontage appearance - *provide details*  b. Private Open Space - *provide details*  c. Carparking *- provide details*  C-2 - The existing development onsite will not be compromised by the proposed development. *Provide details*  *C-3 - The proposed secondary dwelling is single storey.*  OR  C3 - The secondary dwelling is proposed above a garage adjacent to a lane. *Provide details on setbacks and design to demonstrate development does not present as two-storey to the lane and is integrated into the desired character of the area.* |
| **D2.21.0 Ancillary Development - swimming pools** | The proposed development does not include a swimming pool.    Or    Where a swimming pool is proposed **state the maximum height of any decking around the pool and the height and width of any coping around the pool.** |

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| **Part E - Place and Precincts Controls** | |
| **Control** | **Comment** |
| **E1 Built and landscape heritage** | There are no heritage items located within the vicinity of the proposed development. |
| **E2 Heritage Conservation Areas** | The proposed development is not within a Heritage Conservation Area. |
| **E3 Tighes Hill local character** | The proposed development is not within the Tighes Hill local character area.  Or  **Provide details of how the proposed development satisfactorily addresses the controls.** |
| **E4 Kotara local character** | The proposed development is not within the Kotara local character area.  Or  **Provide details of how the proposed development satisfactorily addresses the controls.** |