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

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| --- | --- | --- | --- | --- |
| 1. **Site location & details** | | | | |
| **Statement prepared by:** | |  | | |
| **Date prepared:** | |  | | |
| **Property address:** | |  | | |
| **Zone:** | |  | | |
| **Lot size:** | |  | | |
| **Existing Structures/Use:** | |  | | |
|  | |  | | |
| **1.1 Site photos** | | | | |
| *Please include site photos below*    **Figure 1.1.1**    **Figure 1.1.2**    **Figure 1.1.3**    **Figure 1.1.4**    **Figure 1.1.5**    **Figure 1.1.6** | | | | |
| **1.2 Table of submitted documents** | | | | |
| *Please list the supporting plans and documents submitted with the application.* | | | | |
| **Table 1.2 - Submitted documents** | | | | |
| **Supporting Document** | **Drawing No / Page No / Version / Reference No** | | **Prepared by** | **Dated** |
| *Site Plan* |  | |  |  |
| *Floor Plan* |  | |  |  |
| *Elevation Plan* |  | |  |  |
| *Section Plan* |  | |  |  |
| *Stormwater Management Plan* |  | |  |  |
| *Waste Management Plan* |  | |  |  |
| *Bushfire Report* |  | |  |  |
| *Arborist Report* |  | |  |  |
| *Other* |  | |  |  |
|  | | | | |
| **2.0 Proposed Development** | | | | |
| This section describes the proposed development, and is include details on (but not limited to):   * Any proposed subdivision and lot sizes * Any proposed retaining walls * Any demolition proposed * Any proposed tree removal * Any proposed changes to vehicle access * Volume in litres of any proposed swimming pool | | | | |

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| **3.0 Statutory & policy compliance** | |
| **3.1 State Environmental Planning Policies (SEPP)** | |
| Outline compliance with any relevant SEPP's (including but not limited to) in **Table 3.1** below: | |
| **Table 3.1 - State Environmental Planning Policies (SEPP)** | |
| **SEPP Clause** | **Comment** |
| [State Environmental Planning Policy (Sustainable Buildings) 2022](https://www.legislation.nsw.gov.au/#/view/EPI/2004/396)  Chapter 2 - Standards for residential development-BASIX | A BASIX certificate has been submitted with the application which lists the commitments to achieve appropriate building sustainability.  OR  The proposed development is not a BASIX affected development. |
| [State Environmental Planning Policy (Biodiversity and Conservation) 2021](https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722)  Chapter 2 - Vegetation in non-rural areas | The subject site is clear of any native trees or vegetation. The applicant does not propose the removal of any significant vegetation to facilitate the proposed development. The provisions of this SEPP do not apply. The proposal is acceptable having regard to this policy.  OR  The proposed development proposes the removal of Click or tap here to enter text. trees. In accordance with the SEPP, an assessment has been completed in accordance with the Newcastle Development Control Plan 2023 and the development meets the objectives of Section C3 (Vegetation preservation and care). |
| [State Environmental Planning Policy (Transport and Infrastructure) 2021](https://legislation.nsw.gov.au/view/pdf/asmade/epi-2021-732) | The proposed development site is not adjacent to a rail corridor  AND  The proposed development site is not impacted by an electricity tower, electricity easement or substation.  AND  The proposed development does not have frontage to a classified road. |
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| **4.0 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 4.0** below. | |
| **Table 4.0 - Newcastle Local Environmental Plan 2012 (NLEP)** | |
| **NLEP 2012 Clause** | **Comment** |
| **Clause 2.3 - Zone Objectives and Land Use Table** | The site is zoned       **(zone)**. The development is defined as       **(proposed development)** which is a permissible use in the zone and considered to be consistent with the objectives of the zone. |
| **Clause 2.5 - Subdivision Requirements** | No subdivision is proposed under this application.  OR  The development proposal includes Strata residential subdivision.  OR  The development proposal includes      lot Torrens Title residential subdivision is proposed. |
| **Clause 2.7 - Demolition** | No demolition is proposed.  OR  Outline any proposed demolition. |
| **Clause 4.1 - Minimum subdivision lot size** | No subdivision is proposed under this application.  OR  The proposal seeks Strata residential subdivision and is therefore considered satisfactory with this clause.  OR  The lots resulting from the proposed       into       lot Torrens Title subdivision comply with the minimum lot size.  OR  The lots resulting from the proposed       lot Torrens Title subdivision do not comply with the minimum lot size prescribed under the NLEP2012. However, an exception to the minimum lot size is sought under clause 4.1A. |
| **Clause 4.1A - Exceptions to minimum lot sizes for certain residential development** | This clause does not apply to the proposed development.  OR  The applicant proposes a       into       lot subdivision of the site, resulting in the following lot areas:   * Proposed lot       –       m2 * Proposed lot       –       m2   The proposal meets the requirements of this clause as there will be a dwelling house built on each lot resulting from the subdivision of the land and the proposed lots will be over 200m2. |
| **Clause 4.3 - Height of Buildings** | The height of the development is       (***proposed HOB)***and does not exceed the development standard of       ***(maximum HOB)***. maximum in the LEP.  OR  *The proposed development results in a maximum building height of* *(****height)****. The height of the proposal exceeds the maximum height limit as per NLEP 2012 by no more than 5%. The proposed height exceedance is* ***(percentage)*** *being* ***(exceedance in mm)****. With respect to an exception to the development standard that is being sought, the application includes a formal written request to vary Clause 4.3 of the LEP demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention of the development standard (refer clause 4.6 of Newcastle Local Environmental Plan 2012).* |
| **Clause 4.4 - Floor Space Ratio** | The floor space ratio of the proposed buildings on the site is       **(proposed FSR)** and does not exceed the development standard of 0.**(maximum FSR:1)** maximum in the LEP.  OR  *The proposed development results in a maximum FSR of*  ***(FSR)****. The FSR of the proposal exceeds the maximum FSR as per NLEP 2012 by no more than 5%. The proposed FSR exceedance is* ***(percentage)*** *being* ***(exceedance in m2)****.*   *With respect to an exception to the development standard that is being sought, the application includes a formal written request to vary Clause 4.4 of the LEP demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention of the development standard (refer clause 4.6 of Newcastle Local Environmental Plan 2012).* |
| **Clause 5.10 - Heritage Conservation** | The proposed development will have no impacts on the significance of any conservation area and/or heritage items. |
| **Clause 5.21 Flood planning** | The proposed development is not situated on flood prone land.  OR  The proposed development is situated on flood prone land. All new works are in accordance with nominated flood planning levels. A flood information certificate has been obtained and submitted with the application. **State the proposed minimum floor levels of the development.** |
| **Clause 6.1 -**  **Acid sulfate soils** | Nominate the Acid sulfate 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** | No earthworks are proposed to facilitate the development.  OR  Earthworks required for the proposed development are considered to meet the requirements of this clause and are further discussed under DCP 5.01 Soil management |
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| **5.0 Newcastle Development Control Plan (DCP) 2023** | |
| The proposed development is considered to satisfactorily address the relevant Sections of the NDCP 2023 as outlined in the **Table 5.0** below: *(Note: provide a detailed description of how the proposed development complies with relevant Sections of the NDCP as listed below)* | |
| **Table 5.0 - Newcastle Development Control Plan (DCP) 2023** | |
| **Part B - Site planning controls** | |
| **Control** | **Comment** |
| **B1(a) & B1(b) Flood management** | 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** |
| **C1 Traffic parking and access** | The proposed development satisfactorily addresses the relevant objectives or controls of this Section. **At a minimum address C1.11.0 - Electric car parking and C1.13.0 - Design and layout of parking and access.**  All proposed off street carparking spaces comply with AS2890 Parking Facilities  A driveway section (drawn to a scale of 1:100) diagram demonstrating compliance with AS2890 Parking Facilities has been submitted with the application. |
| **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 Report has been submitted 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** | 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.  **(Note: Stormwater discharge to a laneway frontage is unlikely to be supported).** |
| **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.  **(Note: Waste collection from a laneway frontage is unlikely to be supported).** |
| **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 & 13.0 Open space and landscaping (All other residential 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.** |
| **Part D - Development controls by land use** | |
| **Section D1 - Subdivision & lot consolidation** | |
| **Control** | **Comment** |
| **D1.8.0 Lot layout, size and dimension - residential** | Not applicable, no subdivision is proposed under this application.  OR  The proposed development includes a Strata Title subdivision. **Detail reasons why the application demonstrates that the proposed lots will achieve appropriate amenity in accordance with the relevant objectives of this section.**  OR  The proposed development includes a       into       lot Torrens Title subdivision. **Detail reasons why the application demonstrates that the proposed lots will achieve appropriate amenity in accordance with the relevant objectives of this section.** |
| **D1.10.0 Solar access and orientation** | Not applicable, no subdivision is proposed under this application.  OR  **Detail how the proposed lots achieve acceptable levels of solar access and are of a suitable size and configuration.** |
| **D1.12.0 Services** | Not applicable, no subdivision is proposed under this application.  OR  **Demonstrate that the proposed lots provide for adequate services.** |
| **Section D3 - Residential accommodation** | |
| **Control** | **Comment** |
| **D3.8.0 Frontage widths** | The proposed development achieves the minimum frontage width of **12m (R2 zones) or 15m (R3, R4, E1 or MU1 zones)** for a dual-occupancy development. |
| **D3.9.0 Front setbacks** | **Primary Road Frontage**  The proposed front setbacks are:   |  |  | | --- | --- | | **Unit/dwelling** | **Front setback(s)** | |  |  | |  |  |   The proposed development maintains the primary road setback the average distance of buildings within 40m either side of the lot on the same primary road.  OR  If there is no established building line, the proposed development provides a minimum front setback of 4.5m.  OR  The proposed development exceeds the controls but meets the objectives.  **Describe how development meets objectives with respect to the following - consistency with streetscape, integration of garages and carports, façade articulation, landscaped front yard, amenity and privacy impacts resulting from non-compliance and pedestrian and vehicles sight line safety.** |
| **Corner Lot (secondary road frontage)**  The site is not a corner lot.  OR  The secondary street minimum setback meets the required 2m minimum.  OR  The secondary street setback does not achieve the minimum 2m. However, the development is considered to:   * positively address the secondary street * demonstrate a good level of amenity * maintain sight lines for the safety of pedestrians and vehicles. |
| **Articulation Zone**  The proposed development does not include any building elements within the articulation zone.  OR  **If elements are proposed within the articulation zone provide a description as to how the objectives or controls have been met.** |
| **D3.10.0 Side and rear setbacks - R2 Low Density Residential zone** | The proposed side and rear setbacks are:   |  |  |  | | --- | --- | --- | | **Unit/dwelling** | **Side setback(s)** | **Rear setback(s)** | |  |  |  | |  |  |  |   The proposed setbacks therefore meet the required minimums.  OR  The proposed development exceeds the controls but meets the objectives.  **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.** |
| **D3.11.0 Side and rear setbacks - R3 Medium Density Residential, R4 High Density Residential, E1 Local Centre and MU1 Mixed Zones** | The proposed side and rear setbacks are:   |  |  |  | | --- | --- | --- | | **Unit/dwelling** | **Side setback(s)** | **Rear setback(s)** | |  |  |  | |  |  |  |   The proposed setbacks therefore meet the required minimums.  OR  The proposed development exceeds the controls but meets the objectives.  **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.** |
| **D3.12.0 Siting the development - public domain interface** | The proposed development meets the controls of this section, in so far as:   1. Private open space is located behind the building line. 2. Windows and balconies overlook the public domain, where practical. 3. Direct visibility is provided from the public dpmain along pathways and driveways. 4. Site services do not comprise more than 5m or 10% of the street frontage, whichever is lesser and are suitably located, screened or landscaped. 5. Retaining walls and fences have been suitably minimised to meet their respective requirements. 6. Mailbox structures meet the AS. 7. Direct visibility has been achieved from the public domain to front door footpaths and driveways.   OR  **Provide detail on how the development meets the objectives of this section.** |
| **D3.13.0 Sitting the development - pedestrian and vehicle access** | The proposed driveways, parking spaces and circulation comply with Australian Standard 2890, and landscape planting has been incorporated into the driveway and setbacks. |
| **D3.14.0 Siting the development - orientation and siting** | The proposed development meets the controls of this section, in so far as:  **Provide details of how the proposed development satisfactorily addresses controls C-1 to C-4 & C6 - C9.**  OR  **Provide detail on how the development meets the objectives of this section.** |
| **D3.15.0 Siting the development - building separation** | The proposed dwellings include a building separation of      m, which serves to limit the massing of the development and provide access along the side boundaries.  OR  The proposed development is an attached dual occupancy and is delineated by a fire-rated separating wall. |
| **D3.16.0 Amenity - solar, outlook and daylight 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 an overshadowing diagram (as well as Hourly Overshadowing Plans and/or 3D Elevational Plan if necessary) has been submitted demonstrating maintenance of solar access to adjoining properties in accordance with the controls.  Where adjoining property windows and principal private open space currently experience significant overshadowing, please detail how the proposed development will not unreasonably increase overshadowing to living room windows and principal private open space  .  AND  **Provide details of how the proposed development satisfactorily addresses controls C-3 to C-10.** |
| **D3.17.0 Amenity - natural ventilation** | The development provides natural ventilation and cross ventilation to all habitable rooms. |
| **D3.18.0 Amenity - ceiling heights** | The development has provided minimum ceiling heights as per control C-2  OR  The development has provided 2.4m minimum ceiling heights (for habitable rooms) in accordance with the National Construction Code. |
| **D3.19.0 Amenity - dwelling size and layout** | **Provide details of how the proposed development satisfactorily addresses control C-1 of this section.**  OR  The development has provided sufficiently sized and functional rooms with high standards of amenity for the future occupants. **Detail how the objectives are met**. |
| **D3.20.0 Amenity - private open space** | The development is provided with a principal area of private open space of minimum size 16m2. Provide details of how the proposed development satisfactorily **addresses C-2 of this section.**  OR  The development is provided with adequate private open space which is usable and meets the needs of the occupants in accordance with the objectives. **Detail how the objectives are met**. |
| **D3.21.0 Amenity - storage** | Storage in addition to storage in kitchens, bathrooms and bedrooms has been provided in the form of 8m3 (per 1-bedroom dwelling) or 12m3 (per 2-bedroom dwelling) or 16m3 (per 3+ bedroom dwelling).  OR  Detail how the proposal achieves adequate, well designed storage in accordance with the objectives. |
| **D3.22.0 Amenity - car and bicycle parking** | Vehicular access and carparking areas comply with the provisions of AS2890 Parking Facilities and Council's Standard Drawing A1300. The proposed entries to garage/carport are setback at least 5.5m from the primary road frontage. **State the proposed dimensions of any carparking spaces, driveway widths and drive crossing widths.**  OR  Vehicles can enter and exit the site in a safe manner and carparking structures do not dominate the streetscape meeting the objectives. **Detail how the objectives are met.** |
| **D3.23.0 Amenity - visual privacy** | The proposed development does not create direct views into habitable rooms or principal private open space of adjoining properties.  OR  The proposed development meets the objectives of this section. **Comment on views into adjoining properties from any proposed living area windows or new raised outdoor spaces. Describe any proposed privacy screening or privacy mitigation measures implemented to reduce visual overlooking.** |
| **D3.24.0 Amenity - acoustic privacy** | The proposed development does not create excessive noise generation beyond reasonable residential levels. All noise generating equipment (i.e. AC Units, swimming pool filters etc) have been acoustically screened. |
| **D3.25.0 Amenity - noise pollution** | The proposed development is not within 100m of a road corridor with annual daily traffic volume of more than 40,000 vehicles or 80m from a rail corridor.  OR  The dwellings are within 100m of a road corridor with annual daily traffic volume of more than 40,000 vehicles (based on traffic volume data published on the website of Transport for NSW) or 80m from a rail corridor and will achieve LAeq measures not exceeding:   1. 35dB between 10pm - 7am for all bedrooms. 2. 40dB(A) anywhere else in the building (other than a kitchen, garage, bathroom or hallway) at any time   A full noise assessment prepared by a qualified acoustic engineer has been submitted with the application. |
| **D3.26.0 Amenity - indoor air quality** | Gas or solid fuel appliances are not proposed under this application.  OR  A gas or solid fuel appliance has been included under the subject application. **Detail how the objectives are met.** |
| **D3.29.0 Configuration - architectural design and visual appearance** | The roof design is integrated with the building form, which includes all ancillary elements (skylights, ventilation, shading devices and awnings). An articulation zone is provided forward of the building line, with suitable landscaped area, setbacks and a clearly defined building entry.  The façade design is consistent with the desired character of the area and the proposed development does not unreasonably impact on the amenity of adjoining dwellings.  OR  **Detail how the objectives are met with regard to how the visual appearance of the building is suitable for the street and reduces the bulk of the development.** |
| **D3.30.0 Configuration- pools and ancillary development** | The application does not propose any ancillary development.  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.**  OR  Where fencing is proposed **provide details of how the proposed development satisfactorily addresses the controls.**  **OR**  Where a detached studio is proposed **state the proposed use, the floor area, maximum height, side and rear boundary setbacks.**  OR  Where a garage or carport is proposed **state the floor area, maximum height, front, side and rear boundary setbacks and if facing a laneway the setback from the boundary of the property on the opposite side of the laneway.** |
| **Part E - Place and precinct 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  **(Please note: As per the Development Checklist, a Dual-Occupancy development within a Heritage Conservation Area is ineligible for an Accelerated Development Application).** |
| **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.** |
| **E5 Newcastle city centre** | The proposed development is not within the Newcastle city centre local character area.  OR  **Provide details of how the proposed development satisfactorily addresses the controls.** |
| **E7 Wickham** | The proposed development is not within the Wickham local character area.  OR  **Provide details of how the proposed development satisfactorily addresses the controls.** |
| **E8 Renewal corridors** | The proposed development is not within a Renewal corridor character area.  OR  **Provide details of how the proposed development satisfactorily addresses the controls.** |
| **E10 Minmi Extension, Village Centre and Link Road North Precinct** | The proposed development is not within the Minmi Extension, Village Centre or Link Road North Precinct areas.  OR  **Outline how the proposed development satisfactorily addresses the objectives or controls of this Section if applicable.** |
| **E11 Minmi East Precinct** | The proposed development is not within the Minmi East Precinct local character area.  OR  **Provide details of how the proposed development satisfactorily addresses the controls.** |
| **E13 Minmi** | The proposed development is not within the Minmi precinct area.  OR  **Provide details of how the proposed development satisfactorily addresses the controls.** |