



THE CITY OF NEWCASTLE

Development Applications Committee

Councillors,

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

DATE: Tuesday 1 December 2015

TIME: Following the Briefing Committee

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

F Cordingley
Interim Chief Executive Officer

**City Administration Centre
282 King Street
NEWCASTLE NSW 2300**

20 November 2015

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**DEVELOPMENT APPLICATIONS COMMITTEE
01 December 2015**

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CONFIRMATION OF PREVIOUS MINUTES

**MINUTES OF DEVELOPMENT APPLICATIONS COMMITTEE HELD 20
OCTOBER 2015**

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 152010 Development Applications Committee Minutes

Note: The attached extract of the minutes are the decisions made by Council at the meeting. The full minutes incorporate the business paper reports previously provided and subsequent decisions. They may be viewed at www.newcastle.nsw.gov.au

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Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 20 October 2015 at 6.10pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors D Clausen D Compton, T Doyle, J Dunn, B Luke, M Osborne, S Posniak, A Robinson, A Rufo, L Tierney and S Waterhouse.

IN ATTENDANCE

K Gouldthorp (General Manager), G Cousins (Director Corporate Services), F Cordingley (Director Infrastructure), F Giordano (Manager Development and Building) and K Sullivan (Council Services/Minutes/Webcasting).

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Posniak

The apology submitted on behalf of Councillor Crakanthorp be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Compton

Councillor Compton declared a non-pecuniary less than significant interest in the Development Applications process generally. He indicated that his company was a selective tenderer for architectural firms that operated in the Newcastle Local Government area that could be selected to undertake building projects from time to time.

Councillor Posniak

Councillor Posniak declared a non-pecuniary significant interest in relation to Item 7 - Section 96 Modification - DA 2014/0214 - 24 Ocean Street, Merewether - Alterations and Additions to Dwelling and Garage, Erection of Front Fence and Associated Retaining Walls. Councillor Posniak advised that the residents were personally known to her and she would retire from the Chamber for the determination of the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 28 APRIL 2015

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 21 JULY 2015

MOTION

Moved by Cr Luke, seconded by Cr Waterhouse

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

Carried

DEVELOPMENT APPLICATIONS

ITEM 7 SECTION 96 MODIFICATION - DA 2014/0214 - 24 OCEAN ST, MEREWETHER - ALTERATIONS AND ADDITIONS TO DWELLING AND GARAGE, ERECTION OF FRONT FENCE AND ASSOCIATED RETAINING WALLS

Councillor Posniak retired from the Chamber for discussion on this item.

MOTION

Moved by Cr Luke, seconded by Cr Waterhouse

A The proposed development has been assessed, having regard to the relevant heads of consideration under Section 96 of the *Environmental Planning and Assessment Act 1979*, and is considered to be acceptable subject to compliance with appropriate conditions.

Council has considered the written request from the applicant seeking to justify the contravention of the development standard relating to building height, pursuant to Clause 4.3 of the Newcastle Local Environmental Plan 2012. It is considered the applicant has demonstrated that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and has provided sufficient planning grounds to justify the proposed variation to the principal development standard.

Suitable justification has also been provided from the applicant in respect of the proposed building envelope variations and the encroachments are considered to be acceptable.

Accordingly, it is recommended that the application be approved on the basis of the submitted plans, subject to the imposition of the nominated conditions of consent.

B The application to modify the consent granted for alterations and additions to dwelling and garage, erection of front fence and associated retaining walls at 24 Ocean Street, Merewether be approved, subject to compliance with the conditions set out in the Draft Schedule of Conditions (**Attachment B**).

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For the Motion: The Lord Mayor, Councillors Clausen, Compton, Doyle, Dunn, Luke, Osborne, Posniak, Robinson, Rufo, Tierney and Waterhouse

Against the Motion: Nil.

Carried

Councillor Posniak returned to meeting at the conclusion of Item 7 - Section 96 modification - DA 2014/0214 - 24 Ocean Street, Merewether - alterations and additions to dwelling and garage, erection of front fence and associated retaining walls.

ITEM 8 DA 2015/0837 - 89 PARK AVENUE, KOTARA - ALTERATIONS AND ADDITIONS TO WESTFIELD KOTARA, INCLUDING ADDITIONAL RETAIL SPACE AND REDUCTION IN CAR PARKING

MOTION

Moved by Cr Waterhouse, seconded by Cr Tierney

The application for alterations and additions to Westfield Kotara be approved subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**).

PROCEDURAL MOTION

Moved by Cr Doyle, seconded by Cr Osborne

The item lay on the table until the residents group, chaired by Mr Terry Musgrave, has been notified and the matter to come back to Council in one month's time once consultation has occurred.

For the Motion: The Lord Mayor, Councillors Clausen, Compton, Dunn, Luke, Posniak, Robinson, Rufo, Tierney and Waterhouse.

Against the Motion: Councillors Doyle and Osborne.

Defeated

The motion moved by Councillors Waterhouse and Tierney was put to the meeting.

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For the Motion:

The Lord Mayor, Councillors Compton, Dunn, Posniak, Robinson, Rufo, Tierney and Waterhouse.

Against the Motion:

Councillors Clausen, Luke, Doyle and Osborne.

Carried

The meeting concluded at 6.30pm.

DEVELOPMENT APPLICATIONS

ITEM-9 **DA 2014/1441 - 52 MAITLAND ROAD, MAYFIELD -
DEMOLITION OF THE EXISTING BUILDINGS ON THE SITE
AND ERECTION OF A 5/6 STOREY MIXED DEVELOPMENT
WITH TWO GROUND FLOOR COMMERCIAL UNITS, 41
RESIDENTIAL UNITS AND 46 ASSOCIATED PARKING
SPACES**

APPLICANT: **PIPER PLANNING**
OWNER: **RATE OF RETURN PTY LIMITED**
REPORT BY: **PLANNING AND REGULATORY**
CONTACT: **DIRECTOR PLANNING AND REGULATORY / MANAGER
DEVELOPMENT AND BUILDING SERVICES**

PART I

PURPOSE

An application has been received seeking consent for the demolition of the existing buildings on the site and erection of a 5/6 storey mixed development with two ground floor commercial units, 41 residential units and 46 associated parking spaces.



The application has also been the subject of considerable discussions during the assessment process and has resulted substantial amendments being undertaken to be original plans. These amendments addressed issues including heights, scale, setbacks and urban design consideration. The final amended development appended at **Attachment A**.

The original and latest amended proposal were both notified for 14 days in accordance with the provisions of Newcastle DCP 2012 and no public submissions have been received.

The application is to be determined by the Development Applications Committee due to the extent of height variation proposed under Clause 4.6 of the Newcastle Local Environmental Plan 2012.

Issues

- Whether the proposed height variation proposed is reasonable having regard to the character of the area and urban design outcomes proposed.
- Whether the proposed design is acceptable in terms of the height, bulk and streetscape.
- Whether the proposal is acceptable having regard to amenity impacts.
- Whether the proposal is acceptable having regard to traffic and parking impacts.

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 of consent.

Accordingly, it is recommended that the application be approved on the basis of the amended plans, subject to the nominated conditions of consent (refer to **Attachment B**).

RECOMMENDATION

1. Council notes the objection under clause 4.6 Exceptions to Development Standards of Newcastle Local Environmental Plan 2012, against the development standard at clause 4.3 Height of Buildings, and Council considers the objection to be justified in the circumstances and consistent with the aims of the relevant LEP clause;
2. Council notes the variation to Section 6.04 Islington Renewal Corridor of Newcastle Development Control Plan 2012 and Council considers the variation to be justified in the circumstances; and
3. That the application for the demolition of the existing buildings on the site and erection of a 5/6 storey mixed development with two ground floor commercial units, 41 residential units and 46 associated parking spaces 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 with 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 with a two year period before the date of this application?*

PART II

1.0 THE SUBJECT SITE

The subject site includes a single allotment with frontages to both Maitland Road (north eastern) and Fern Street (south western).

The overall development site is an irregular shape with frontage to Maitland Road of 25.4 metres and Fern Street of 28.16 metres. The development site has a total area of approximately 1,752m².

The subject site is predominantly flat and contains several interconnected buildings and associated parking/yard area. There are a small group of shrubs facing the Fern Street frontage of the site and three existing street trees along Maitland Road frontage.

Existing development on the adjoining properties is varied ranging from single dwellings, to retail and commercial buildings one to three storeys in height. To the south-west is the Hamilton train station and rail land.

2.0 THE PROPOSAL

The proposed development involves the demolition of the existing buildings on the site and erection of a 5 and part 6 storey mixed development with two (2) ground floor commercial units, forty-one (41) residential units and forty-six (46) associated parking spaces.

The ground floor of the proposed building contains two commercial units (40m² and 43m² in area respectively). The ground floor area also proposes the 46 parking spaces, as well as seven (7) motorbike parking spaces, bicycle parking, garbage storage and the services areas for the development.

The access to site is via two separated driveways along the Fern Street frontage.

The proposal involves two residential towers above the ground floor level encompassing a total of 41 dwellings (including 9 x one-bedroom units, 30 x two-bedroom units, 2 x three -bedroom dwellings). The proposed Maitland Road tower is 5 storeys in height (16.2m approximately) and the proposed Fern Street tower is 6 storeys in height (19.35m approximately inclusive of the lift overrun).

A communal landscape garden area is proposed at the first floor level between the two towers including a pergola.

A copy of the development plans are 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 original and latest amended proposal were notified for 14 days in accordance with the provisions of Newcastle DCP 2012 and no public submissions were received.

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)]

4.1.1 State Environmental Planning Policies

a) State Environmental Planning Policy No 65 — Design Quality of Residential Flat Development (SEPP 65)

The proposed development has been designed having regard to the ten design principles of SEPP 65. The application was supported by a design verification report in accordance with SEPP 65.

The proposed development and design verification report have been reviewed by the Urban Design Consultative Group (UDCG). The UDCG has recommended that, subject to various amendments being addressed '*..and Council being satisfied regarding non-compliance with the height control, the amended design is supported.*' The UDCG report is appended at **Attachment D**.

The recommended amendments are considered to be minor and did not require the proposal to be re-considered by the UDCG. The applicant has in the latest amendments to the proposal incorporated the majority of the design changes recommended by the UDCG. The only matters remaining being:

- Inclusion of ventilated skylights to top floor apartments of the Fern Street tower; and
- Natural ventilation of the proposed car park via light slot from communal landscape area above.

The remaining matters are addressed via conditions of consent as recommended.

It is considered that the proposal is acceptable in regard to the SEPP 65 requirements.

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

The proposal has been the subject of land contamination investigations by the applicants consultants including a detailed contamination assessment and Remediation Action Plan (RAP).

The proposal, and these submitted reports, have been assessed by Council's Senior Environment Protection Officer and the development is considered acceptable in terms of SEPP 55 subject to the conditions recommended.

A detailed discussion of the land contamination assessment is included within Section 4.2.3 c) of this report.

4.1.2 Local Environmental Plan

a) Newcastle Local Environmental Plan 2012 (NLEP 2012)

The subject site is zoned B4 Mixed Use under the NLEP 2012. The uses proposed are permissible as '*commercial premises*' and '*residential flat buildings*' (mixed use development).

The proposal is considered to be acceptable having regard to the zone objectives as addressed below:

- *'To provide a mixture of compatible land uses.'*

It is considered that the submitted application provides for an appropriate mix of compatible uses. The size of the proposed two commercial units is such that it is unlikely that their future use would have an unreasonable impact on the proposed residential dwellings above or other uses within the area.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposal is located on a prime public transport route with buses servicing Maitland Road and Beaumont Street, and the site is within walking distance to Hamilton train station. It is further noted that the proposal is within walking and cycling distance of the commercial precincts along Maitland Road, Islington and Beaumont Street Hamilton.

- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.'*

The development is proposed under the provisions of the Section 6.04 Islington Renewal Corridor which are developed to encourage the redevelopment of these commercial centres via increased mixed use developments. It is considered that the proposal meets the intent of the DCP provisions.

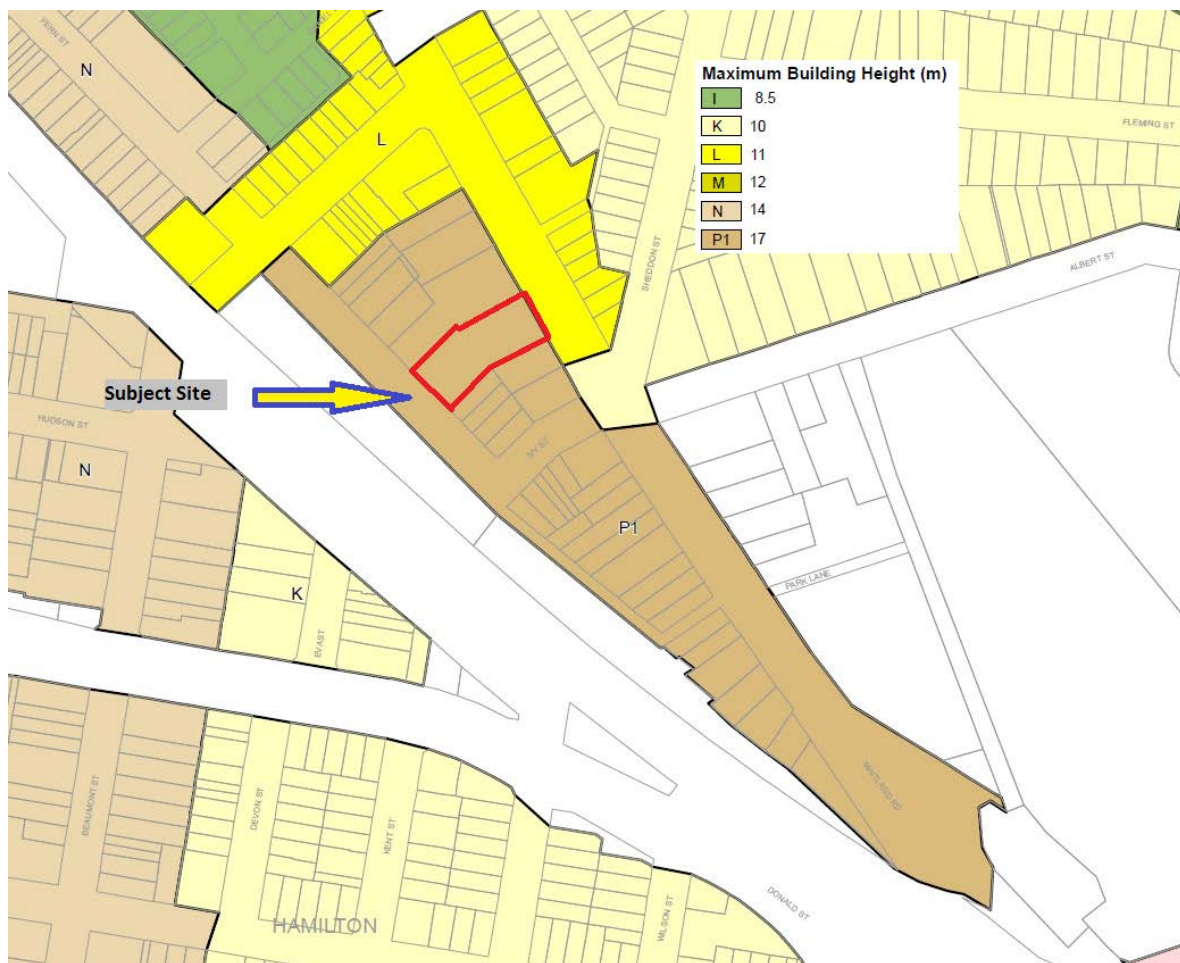
Correspondingly, it is also considered that the proposal meets the zone objectives regarding the support for the existing commercial centres by maintaining a commercial street activation to Maitland Road. Furthermore, the introduction of additional residents within the area will be a positive impact on the on the viability of these centres due to increased demand for services and facilities.

Clause 4.3 - Height of buildings & Clause 4.6 - Exceptions to Development Standards

Clause 4.3 Height

This clause prescribes a maximum height limit for the subject land of 17m as shown in Figure 1 below. The proposed development consists of two towers and the maximum height of the Fern Street tower is 19.35 metres which exceeds the height standard under this clause of the NLEP 2012 (the Maitland tower being 16.2m approximately complies with the height standard).

Figure 1 - Clause 4.3 - Height Standard - NLEP 2012.



Clause 4.6 Variation

The development proposes a 13% variation (approximately) to the height standard. The proposed development is 19.35m inclusive of the lift over-run and 19.205m to the roofline.

The applicants have presented three reasons to justify why strict compliance with the development standard would be unreasonable or unnecessary in this instance:

Firstly;

'...the site has very limited presentation in its immediate context, with viewing opportunities either as a result of undeveloped adjoining lots or filtered from the south through the rail corridor. The elevated portion of the development will only be readily visible from distances beyond 2km to the south, around Glebe Road Hamilton South.'

It was not accepted that the additional height as originally proposed would only be visible at distances beyond 2km to the south and further amendments to the proposed development were undertaken to address the impacts in the immediate to medium distance range.

The final plans resulted in changes to the top most floor of the Fern Street tower so that it has increased setbacks from Fern Street (6.0m) and the side boundaries (5.0m) to lessen its visibility in the immediate area and reduce its overall bulk and scale at a medium distance. Additionally the final plans include planter boxes with associated landscaping to further lessen the impact of the proposal.

It is considered that final amended proposal when viewed at long distances (2.0 kilometres or more as suggested by the applicants) will be reasonable notwithstanding the height exceedance. The overall proposal will be visible at these longer distances due to the relatively flat topography and the limited number of buildings at this height in the area. However, it is further advised that at these longer distances, and due to the fore-mentioned reasons, the development would be likely notable whether it was proposed at the current 19.235m or complied with the 17.0m height standard.

The amended proposal at medium distances, such as viewed from Donald Street across the rail line or along Maitland Road, is considered to be acceptable in terms of visual and streetscape impacts. The current development is the first building proposed within the 'street block' of Maitland Road, Beaumont, Fern and Ivy Streets and, as such, would be notable at either the 17.0m height standard or the 19.235 metres proposed.

Similarly, the abovementioned design amendments to the proposal are most effective in context of lessening the visual and streetscape impacts in terms of the immediate and short distance impacts. The 5-6 metre setbacks to the Fern Street, and the side boundaries, recesses the topmost floor in manner which significantly limits the ability to see this floor from the street - it is 'hidden' from view.

The amendments made to the proposed top floor (sixth floor) of the Fern Street tower (involving the 5-6 metre setbacks and additional landscape screening via large 'planter boxes') will assist in lessening any visual impact of this floor which exceeds the height standard.

The landscape planter boxes, while likely to be visible, are considered to be an appropriate positive element which further lessens the visual and streetscape impacts. It is further noted that the recessing of the top most floor reduces the extent of the overshadowing impacts generated by the proposal.

Secondly;

'We submit that the development standard is unreasonable due to the requirement for the building to be elevated in response to the lot form/shape and the restrictions this places on development massing across the allotment.'
'The development remains well under the prescribed capacity in terms of FSR and we submit that capacity directly reflects the Council's strategic intent for the locality.'

It is not considered that there is merit in this justification. The site, while somewhat irregular in shape, is not a justification for varying the height standard but a pre-existing site constraint to be addressed within any submitted design. It is not considered that the site shape is particularly irregular such that it would contribute to a height variation being requested. Similarly, meeting the FSR standard is not a justification for varying the height standard.

Thirdly;

'The spatial separation between the area of height exceedance and the rear southern boundary is such that the increased elevation will not constrain solar access opportunities to adjoining lands'

It is accepted that the amended design, with the increased Fern Street and side boundary setbacks, will be reasonable in terms of overshadowing having regard to the topmost floor (sixth floor) proposed for the Fern Street tower and the submitted height variation.

It is further noted that the proposed height variation does not result in any privacy or view impacts. The recessing of the topmost floor (sixth floor) in combination with the proposed landscape planter boxes restricts any possible privacy impacts.

The proposal, having regard to its relatively flat location, does not impact on any specific views and will only have an impact on the general outlook of surrounding development in the area. The 17 meter height standard which applies in the area would already result in the loss of this general outlook and, as such, it is considered that the additional height variation proposed would have negligible additional effect in terms of the extent to which general outlook is lost and is considered to be acceptable.

It is further advised that the position of Fern Street relative to the subject site means that the majority of shadowing from the proposed development largely falls on the roadway. Any development on the subject site, even when complying with the height standard, would result in a degree of shadowing on neighbouring commercially zoned properties and is considered to be acceptable.

Concluding matters;

In assessing whether the proposed height development standard is unnecessary, consideration needs to be given to the:

- The Objectives of the zone (B4 Mixed Use) and the applicable standard (Clause 4.3 - Height of Buildings); and
- Interacting controls and issues which would arise from the standard. The variation to the height standard proposed by a development can have broad impacts such as overshadowing, privacy, views, visual and streetscape impacts.

The detailed assessment of the controls and issues arising from the standard are addressed above and generally within this report and is considered to be acceptable.

Overall the proposal is considered to be acceptable in terms of the zone objectives as addressed above within Section 4.1.2 a) of the report.

The proposal is considered to be consistent with the objectives of Clause 4.3 - Height of buildings as follows:

'4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) *to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,*
- (b) *to allow reasonable daylight access to all developments and the public domain.'*

It is considered that the proposal is consistent with the intended future urban form within the area having regard to the combination of controls under the Newcastle LEP 2012 and Newcastle DCP 2012 (specifically Section 6.04 - Islington Renewal Corridor). It is further advised that the Urban Design Consultative Group (UDCG) consider the proposal generally acceptable.

It is advised that the current height standard of 17.0 metres will result in a relatively significant change to the existing urban streetscape considering that the largest existing buildings in the area are 1-3 storeys in height. Notwithstanding this, the adopted 17.0 metre standard applies along the southern Maitland Road from the railway bridge to 74 Maitland Road (almost to Beaumont Street) and through to Fern Street (as shown in Figure 1) allowing for a significant future change in the urban form of the area.

It is considered that the amended proposal, having regard to the proposed variation to the height standard of between 2.05 to 2.35m is acceptable as outlined in the above assessment and it is considered that strict compliance with the 17.0m height standard is not necessary in this instance and should be supported.

It is recommended that the proposed height variation under the Clause 4.6 of the Newcastle LEP 2012 be supported by Council.

Clause 4.4 - Floor space ratio

Clause 4.4 prescribes a maximum floor space ratio (FSR) of 2.0:1 for the site. The FSR proposed for this development of the site is approximately 1.69:1 and complies with the clause under the Newcastle LEP 2012.

Clause 5.10 - Heritage Conservation

The subject site does not contain any Heritage Items and is not within a Heritage conservation area.

The subject site is in the vicinity of two heritage items as follows:

<i>'Former Regent Picture Theatre</i>	<i>80 Maitland Road</i>	<i>Lot 1, DP 88359</i>	<i>Local</i>
<i>Station buildings and signal box</i>	<i>1A Beaumont Street</i>	<i>Railway land</i>	<i>State'</i>

It is considered that the proposed development will not have any unreasonable impact on these heritage items.

The height, bulk and scale resulting from the proposal is consistent with the intended future character of the area and the overall impacts of the proposal are considered to be acceptable including in relation to streetscape and overshadowing.

The proposal has been amended to ensure that the streetscape impacts in context of the former Regent Picture Theatre have been satisfactorily addressed (as discussed within Section 4.2.2 of report in terms of the Newcastle DCP Section 6.04 Islington Renewal Corridor).

Clause 6.1 - Acid Sulfate Soils

The subject site is listed as Class 4 under the Acid Sulfate Soils Map. The proposed excavations are approximately 0.5m and are unlikely to encounter acid sulfate soils on this site.

Clause 6.2 - Earthworks

The proposal involves minimal earthworks (ie 0.5m excavation) and is considered to be acceptable.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

The proposal is considered to be acceptable having regard to the Newcastle Urban Strategy.

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

Section 4.01 - Flood Management

The development has been assessed by Council's Senior Development Officer (Engineering) and is considered to be acceptable subject to conditions recommended at **Attachment B**.

Section 4.04 - Safety & Security

The majority of the design as originally submitted was considered to be adequate in terms of Crime Prevention Through Environmental Design (CPTED) principles.

The two proposed commercial units have individual street entries separate from the residential entry foyer on Maitland Road which is considered to be acceptable in terms of the CPTED principles.

The Fern Street frontage does involve the vehicle entry doors being recessed from the street which is not ideal in terms of CPTED principles in that it creates alcove areas to lurk within, but this must be balanced against the servicing and vehicle access requirements of the proposal. As such it is generally considered to be acceptable in the circumstances. Furthermore, this arrangement ensures that the proposal achieved adequate secured access for vehicles associated with the site.

It is further advised proposed Fern Street tower also has a separate entry foyer accessed from the street.

It is considered that the proposal sufficiently addresses the CPTED principles.

Section 4.05 - Social Impact

It is considered that the proposed development, being a combination of commercial units and residential dwellings above, is consistent with the zone objectives and is appropriate to the area. It is considered that the proposal is acceptable in terms of its social impacts.

Section 5.02 - Land Contamination

The proposal has been the subject of land contamination investigations by the applicants consultants including a detailed contamination assessment and Remediation Action Plan (RAP).

The proposal and these submitted reports have been assessed by Council's Senior Environment Protection Officer and development is considered acceptable.

A detailed discussion of the land contamination assessment is included within Section 4.2.3 c) of this report.

Section 5.03 - Tree Management

The existing street trees at the Maitland Road frontage are to be retained and the awning proposed as part of the development is designed with openings adjacent these trees. It is considered that the proposal is acceptable having regard to this section of the DCP.

Section 5.05 - Heritage Items

The assessment of the impact on the heritage items within the vicinity of the proposed development has been completed within section 4.1.2 (a) of this report and the proposal is considered to be acceptable under Section 5.05 of the Newcastle DCP 2012.

Section 6.04 - Islington Renewal Corridor

The proposal has been assessed in regard to this section of the DCP and is considered to be acceptable.

The proposal is within precinct two of the Islington Renewal Corridor.

The inclusion of the two commercial units facing Maitland Road ensures that the development can maintain suitable a street activation as required by Section 6.04.

The following provisions apply to the subject site under Section 6.04:

*'New development fronting Beaumont Street and Maitland Road does not appear to exceed a height of two storeys along the street edge and relates to existing parapets in order to complement the existing character and scale of the former Regent Theatre (see **Figure 3**) and the Hamilton Station Hotel to the south.'*

'Upper floors for buildings above two storeys are set back 6m from the street edge along Maitland Road, with the exception of Precinct 1 and potential landmark sites at the intersections of Maitland Road as follows:

- *Ivy Street*
- *Beaumont Street*
- *May Street*
- *Coal Street*
- *Hubbard Street*
- *Sheddon Street*
- *Mary Street*
- *George Street.'*

The proposed development was the subject of several design revisions in relation to these provisions. The UDCG, when initially considering the proposal, queried the two storey limitation within the DCP advising that the relevant parapet height for the former Regent Theatre (corner of Maitland Road & Beaumont Street) appeared to be closer to three storeys in height and recommended that the applicant further investigate, and confirm by survey, this parapet height. The proposal also did not comply with the building height envelopes for the Maitland Road and Fern Street frontages when considered by the UDCG at this stage.

The applicants were able to confirm by survey that the parapet height of the theatre is 17.48m Australian Height Datum (AHD), which was closer to three storeys in height. The final amended proposal reflects the design that has been accepted by the UDCG as satisfactorily considering the combination of the Maitland Road building height envelope combined with the parapet height setback required in regard to the former Regent theatre.

It is further advised that the UDCG considered that the overall proposal acceptable including the variation to the Fern Street building height envelope, subject to Council accepting the height variation. It is considered that strict compliance with the envelope in this instance, having regard to the site surrounds, is not reasonable and would not result in an improved urban design outcome on balance.

Section 7.01 - Building Design Criteria

It is considered that the proposal is acceptable having regard to the requirements of this section. It is noted that the proposal has been assessed by the UDCG and is considered to be acceptable having regard to the provisions of SEPP 65 and the Apartment Design Guide which generally prevail in terms of the design criteria.

Section 7.02 - Landscape, Open Space & Visual Amenity

It is considered that the proposal is acceptable having regard to the provisions of this section of the Newcastle DCP 2012 considering the application of the provisions of SEPP 65 and the Apartment Design Guide which generally prevail in terms of the design criteria.

The provision of landscaping within the first floor communal area is considered to be a reasonable approach subject to the various design amendments recommended by the UDCG.

Section 7.03 & Section 7.04 - Traffic, Parking & Access and Movement Networks

The proposal has been considered by Council's Senior Development Officer (Engineering) and is considered to be acceptable subject to the conditions as recommended. Details of the traffic and parking assessment are outlined within Section 4.2.3(b) of this report.

Section 7.05 - Energy Efficiency

The original proposal has submitted a BASIX report and demonstrated in meeting the requirements for water and energy efficiency and thermal comfort and is considered to be acceptable having regard to this section of the DCP. A revised Basix certification for the final amended proposal is recommended as a condition of consent within **Attachment B**.

Section 7.06 - Storm water & Section 7.07 - Water Efficiency

The development has been assessed by Council's Senior Development Officer (Engineering) and is considered to be acceptable subject to conditions as recommended.

Section 7.08 - Waste Management

The waste bins for the development will be reliant on private contractors for the collection of waste from the development. The proposal includes a central garage storage area at the Fern Street side of site.

It is considered that the proposal is acceptable in terms of the Newcastle DCP 2012.

Section 7.09 - Outdoor Advertising & Signage

Signage is not being approved as part of this current application and would be subject to separate approvals where required.

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

a) Character, Streetscape, External Appearance, Urban Design, Height, Bulk & Scale

The application was considered by Council's UDCG on several occasions and it is considered that the amended plans are acceptable subject to the changes recommended by the UDCG.

The final amended plans are considered to be acceptable having regard to the height, external appearance, character of the area, height, bulk and scale.

The proposal, while of a greater height than and a differing character to the majority of the buildings in the existing area (these being predominately 1-3 storeys in height compared to the proposed 5-6 storeys), is considered to be consistent with the future character envisioned by Council's adopted planning controls.

b) Traffic, Access & Parking

The proposal has been assessed by and is considered to be acceptable, subject to conditions as recommended.

The final amendment has revised the layout of the proposed floorspace/dwellings and associated car parking. Significant improvements were made to the car parking layout resulting in the current amendment no longer having a parking deficiency and improved vehicular access being achieved.

The proposed development complies with Section 7.03 - Parking, Traffic & Access in terms of parking as follows:

- 35 resident spaces
- 9 visitor spaces
- 2 commercial spaces

It is considered that the proposal does not raise any significant traffic or access issues.

Conditions are recommended to address:

- Internal access and associated crossings to be one way; and
- Limitations on the movement of any heavy vehicles (including waste contractors) to ensure no reversing movements are proposed.

c) Environmental

The proposal has been assessed by Council's Regulatory Services Section in regard to noise and land contamination considered to be acceptable, subject to conditions as recommended. In reaching this recommendation Council's Regulatory Services Section provided the following comments:

Contamination

The Preliminary Contamination Assessment prepared by JM Environments dated 18 May 2015 has undertaken a search of the history of the site at 52 Maitland Road, Islington. The site of the proposed development previously operated as a motor showroom (Development Application No: 67/241), an electrical engineering workshop and was approved as a mechanical engineering workshop (Development Application No: 97/505). The site inspection undertaken as part of the Preliminary Contamination Assessment prepared by JM Environments dated 18 May 2015 revealed the site was currently operating as a workshop with the presence of a grease/oil separator noted and heavy staining in the outdoor area from storage of waste oil drums. The Contamination Assessment prepared by JM Environments dated 17 June 2015 has undertaken soil sampling from across the proposed development site. Soil sampling revealed elevated concentrations of organochlorine pesticides (OCP), lead and benzo(A)pyrene. However, the elevated concentrations were limited to two soil samples and are not considered widespread. The Contamination Assessment prepared by JM Environments dated 17 June 2015 concluded remedial action would be required to ensure the suitability of the site for the proposed development.

The Remediation Action Plan (RAP) prepared by ESP dated July 2015 has compared the previously recorded soil sample results to ecological investigation levels (EILs) and ecological screening levels (ESLs) outlined in the National Environment Protection (Assessment of Site Contamination) Measures 1999 (Amended 2013). However, comparison to the EILs and ESLs is not required as the site is not within proximity to ecological receptors or any sensitive ecological environment. However, the preferred remediation strategy of excavating and disposing of any contaminated material is valid and implementation of the RAP prepared by ESP dated July 2015 will ensure the site can be made suitable for the proposed development. The RAP prepared by ESP dated July 2015 meets the objectives of Section 5.02 of the Newcastle Development Control Plan (DCP) 2005 and implementation of the RAP will be addressed by an appropriate condition of consent.

The RAP prepared by ESP dated July 2015 notes a validation report for the proposed remediation method is required to be prepared at the conclusion of works in accordance with the Environment Protection Authority's (EPA) 'Guidelines for Consultants Reporting on Contaminated Sites' and 'Guidelines for the NSW Site Auditor Scheme'. The validation report will be required to be submitted to the Principal Certifying Authority (PCA) and Council prior to the issue of an Occupation Certificate. The requirement for submission of a validation report will be addressed by an appropriate condition of consent.

Noise

The eastern facade of the proposed residential units is located adjacent to a sub-arterial road, Maitland Road, and traffic noise may potentially affect the amenity of future occupants. To protect the amenity of future residents compliance with internal noise levels outlined in the Department of Planning's 'Development near rail corridors and busy roads – Interim Guideline' and Australian Standard 'AS 2107 – 2000 Acoustics – Recommended design sound levels and reverberation times for building interiors' is required. The Noise Assessment prepared by Spectrum Acoustics dated 24 May 2015 has calculated the noise impact from the sub-arterial road at the external eastern façade of the proposed development. Due to the calculated received noise level the Noise Assessment prepared by Spectrum Acoustics dated 24 May 2015 determined acoustic measures will be required to ensure compliance with the recommended internal levels. The Noise Assessment prepared by Spectrum Acoustics dated 24 May 2015 has utilised the methodology outlined in the Department of Planning's 'Development near rail corridors and busy roads - Interim Guideline' to determine the recommended acoustic treatment of external walls, ceilings and windows to ensure internal noise levels are satisfactory. The recommended acoustic measures are required to be incorporated into the design of the proposed development and a sign-off from the acoustical consultant is needed. The implementation of the acoustic measures will be addressed by an appropriate condition of consent.

The Noise Assessment prepared by Spectrum Acoustics dated 24 May 2015 is limited to an assessment of impacts from road traffic noise from Maitland Road on the proposed development. However, the western/south-western facade of the proposed development is located in proximity of the railway and Hamilton train station resulting in potential noise impacts for future occupants. Utilising the results obtained from a noise assessment conducted at 26 Maitland Road, Islington for Development Application No: 2014/286 the Additional Noise Information Letter prepared by Spectrum Acoustics dated 24 August 2015 has calculated the noise level received at the western facade of the proposed development. The noise level was recalculated in comparison to the previous noise assessment to account for change in train movements in the area. The Additional Noise Information Letter prepared by Spectrum Acoustics dated 24 August 2015 has recommended no acoustic treatment outside of standard 4mm glazing is required for the western façade of the proposed development.

d) Amenity (Privacy, Overshadowing & Views)

The proposal is considered to be acceptable in terms of privacy, views and overshadowing.

Privacy

The proposed development will not result in any unreasonable privacy impacts on neighbouring properties. The development does not pose any privacy issues as there are effectively no windows or balconies which are at, or near the boundaries. All the windows and balconies are either screened by walls or are in excess of the separation distances given under the Apartment Design Guide.

Overshadowing

The applicants have submitted shadow diagrams depicting the shadow cast as at the 21 June at 9am, 12 noon and 3pm. The shadow diagrams show that between 10am and 1pm the shadowing to the neighbouring sites is generally acceptable. It is noted that the allowable height standard of 17m is such that there will be greater shadowing allowed affecting the adjoining commercially zoned land.

Views

The development does not result in any unreasonable impact on views or outlook. There are no significant views that will be impacted in this location. The impact on general outlook is considered reasonable having regard to the allowable height and scale for development under Council's adopted controls. This aspect has been further discussed with Section 4.1.2(a) under Clause 4.3 & 4.6.

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

The proposal does not result in unreasonable social or economic impacts. The proposal includes sufficient measures to address potential crime and safety issues.

Overall it is considered that the proposal will have positive economic benefits in area as the increased number of residents supports the demand for local services and facilities.

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

The site has been assessed by Council's Senior Development Engineer and is considered to be acceptable in terms of flooding, subject to the conditions as recommended.

The proposal has been considered by Council's Senior Environmental Protection Officer in terms of the land contamination issues and acoustic impacts on the future residential dwellings and it is considered that the proposal is acceptable.

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)]

This report has addressed the various concerns raised in the submissions received in response to the public notification and referral procedures under the Act and Regulation.

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

- **Sustainability**

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

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:** Copy of amended plans - 52 Maitland Road Islington (DA 2014/1441)
- Attachment B:** Draft Schedule of Conditions – DA 2014/1441
- Attachment C:** Processing Chronology - DA 2014/1441
- Attachment D:** Urban Design Consultative Group Minutes - DA 2014/1441

Attachment B

DA 2014/1441 - 52 MAITLAND ROAD, MAYFIELD

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.

Plan No / Supporting Document	Reference/ Version	Prepared by	Dated
Site Plan	Proj No 0466 Dwg No DA-05, 08, 09, 10, 11, 12, 13 & 14 Iss E	ELK	7/10/15
Elevation/Section Plan	Proj No 0466 Dwg No DA-06, 07, 15, 16, 17, 18, 19 & 20 Iss E	ELK	7/10/15
Landscape Plan	US 41152.LP1FD sheet 1 of 5 Rev D	Forum Urban Sanctum	17/9/15
Statement of Environmental Effects		Piper Planning	

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. A total monetary contribution of \$86,748.00 is to be paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note:

- a) This condition is imposed in accordance with the provisions of *The City of Newcastle S94A Development Contributions Plan 2009* (updated version operational from 15 March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- b) The City of Newcastle S94A Development Contributions Plan 2009 permits deferred or periodic payment of levies in certain circumstances. A formal modification of this condition will be required to enter into a deferred or periodic payment arrangement. Refer to the s94A Development Contributions Plan 2009.

- c) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

- 4. The building is to be provided with adequate means of access for persons with disabilities, to the extent necessary to comply with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010. Full details are to be included in documentation for a Construction Certificate application.

- 5. On-site parking accommodation is to be provided for a minimum of 46 vehicles and such be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.

6. The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.
7. All proposed driveways, parking bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.
8. Letterboxes, landscaping and any other obstructions to visibility are to be kept clear of or limited in height to 1.2m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. Full details are to be included in documentation for a Construction Certificate application.
9. Roof water from the new building to be directed to the proposed water reuse tanks and being reticulated to any new toilet cisterns and cold water washing machine taps. 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 provided with the Construction Certificate application.
10. 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 Plan prepared by MPC Consulting Engineers (Job No. 15-092, Drg. No. C01, Issue 1, dated 15/05/15). Full details are to be included in documentation for a Construction Certificate application.
11. All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent are required to be detailed on a comprehensive landscape design plan and specification. The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Newcastle Development Control Plan 2012 and is to include details of the following:
 - a) cross sections through the site where appropriate
 - b) proposed contours or spot levels
 - c) botanical names
 - d) quantities and container size of all proposed trees
 - e) shrubs and ground cover
 - f) details of proposed soil preparation
 - g) mulching and staking
 - h) treatment of external surfaces and retaining walls where proposed
 - i) drainage, location of taps and
 - j) appropriate maintenance periods.

The plan is to be prepared by a qualified landscape designer and be included in documentation for a Construction Certificate application.

12. The applicant is to comply with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's compliance certificate (refer s50 *Hunter Water Act 1991*) is to be included in documentation for a Construction Certificate application.
13. Adequate facilities are to be provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. The required garbage facility is to be suitable for the accommodation of Council approved wheel type bins or bulk waste containers. Full details are to be included in documentation for a Construction Certificate application.
14. A group type mailbox is to be provided at the street frontage in accordance with the requirements of Australia Post, clearly displaying individual unit numbers and the required house number. Full details are to be included in the documentation for a Construction Certificate application.
15. The proposed floodlighting of the premises is to be designed, positioned, and installed, including appropriate shielding and orientation of the lighting fixture, as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard 4282:1997 - Control of the obtrusive effects of outdoor lighting. Full details are to be included in the documentation for a Construction Certificate application.
16. Two residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:
 - a) Constructed in accordance with Council's A1300 - Driveway Crossings Standard Design Details.
 - b) The driveway crossings, within the road reserve, shall be a maximum of 4.5 metres wide.
 - c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance.
 - d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
 - e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.

These works are not approved until consent under Section 138 of the *Roads Act 1993 (NSW)* has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

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

18. Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Council an Environmental Management Plan (EMP) for construction works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:
 - a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
 - b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
 - c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
 - d) A noise management and vibration strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with Australian Standard AS 2436. 1981 (Guide to Noise control on Construction, Maintenance and Demolition Sites
19. The proposal being modified to include ventilated skylights to top floor apartments of the proposed Fern Street tower. Full details are to be included in the documentation for a Construction Certificate application.
20. The proposal being modified to include natural ventilation of the proposed car park via light slots from communal landscape area above. Full details are to be included in the documentation for a Construction Certificate application.
21. A revised BASIX certificate for the development being prepared demonstrating that the amended design meets the requirements for water and energy efficiency and thermal comfort. Full details are to be included in the documentation for a Construction Certificate application.

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

22. 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)*.

23. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.
24. 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.
25. 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.
26. 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.
27. 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.

28. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.
29. 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.
30. Waste management shall be implemented in accordance with the provisions of the Newcastle DCP 2012. At a minimum, the following measures shall be implemented during the construction phase:
 - 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 windblown 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).

31. If construction / demolition work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the need to enclose a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
32. An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the *Work Health and Safety Act 2011* (NSW), *Work Health and Safety Regulation 2011* (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.
33. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
34. 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.

- 35. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 36. 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.
- 37. 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.
- 38. A Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries, is to be submitted to the Principal Certifying Authority before construction is commenced.
- 39. The developer is to comply with all requirements of Ausgrid regarding the existing overhead powerlines adjacent to the site at full cost to the developer. No works are to commence and/or the issue of any Construction Certificate occur until Ausgrid's requirements are met and evidence of their written agreement is provided.
- 40. Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
- 41. Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
- 42. Provision is to be made on the site for the installation of a 'kiosk' type electricity substation should such be required by the electricity authority and any such 'kiosk' being located in accordance with that authority's requirements.
- 43. All parking bays are to be permanently marked out on the pavement surface.
- 44. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.
- 45. All parking and loading bays are to be permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs.

46. The proposed customer/staff parking bays are to be permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.
47. A one way traffic system to be provided between Bays 1 to 25 due to restricted width. The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
48. 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.

49. 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.

50. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
51. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* (NSW) and the *Protection of the Environment (Waste) Regulation 2005* (NSW).
52. Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.
53. 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 Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
54. Prior to the commencement of work, a 3m wide all weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all-weather vehicle access.

55. All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:
- a) Restricting topsoil removal
 - b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion
 - c) Alter or cease construction work during periods of high wind and
 - d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.
56. 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).
57. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.
58. All public trees that are required to be retained must be physically protected in accordance with the City of Newcastle Urban Forest Technical Manual 'Section 8.0 Protection Measures'.
- The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.
59. The proposed remediation works being carried out in accordance with the requirements set out in the submitted Remediation Action Plan prepared by ESP dated July 2015.

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

60. 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.
61. All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
62. Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.

63. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to The City of Newcastle prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
64. 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 comprehensive landscape design plan and specifications that were required to be included in documentation for a Construction Certificate application and is to verify that an effective maintenance program has been commenced.
65. Appropriate acoustic treatment is to be implemented in accordance with the recommendations set out in the report prepared by Spectrum Acoustics dated 24 May 2015 and the additional noise information letters prepared by Spectrum Acoustics dated 18 August 2015 and 24 August 2015. Written final certification confirming the recommended acoustic treatment has been implemented in accordance with the requirements of the above report is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

Note: The acoustic consultant may need to be involved during the construction process in order to ensure final certification is achieved.

66. The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.

The minimum numeral heights shall be:

- a) Exterior of the building = 75mm and
- b) Group mailbox - street number = 150mm
- house number = 50mm

67. The Developer designing and constructing the following works within Maitland Road adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification, such works to be implemented prior to occupation of the premises:

The footway across the frontage of the site requires reconstruction incorporating full width concrete paving, removal of redundant driveway crossings and restoration of kerb & gutter:

- a) Footway formation
- b) Footpaving
- c) Kerb and gutter

These works are not approved until consent under Section 138 of the *Roads Act 1993 (NSW)* has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

68. The Developer designing and constructing the following works within Fern Street adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification, such works to be implemented prior to occupation of the premises:

The footway across the frontage of the site requires reconstruction of concrete path incorporating the removal of redundant driveway crossings and restoration of kerb & gutter:

- a) Footway formation
- b) Footpaving
- c) Kerb and gutter

These works are not approved until consent under Section 138 of the *Roads Act 1993 (NSW)* has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.

69. A Validation Report prepared by an appropriately qualified environmental consultant in accordance with the NSW Environment Protection Authority's (EPA) '*Guidelines for Consultants Reporting on Contaminated Sites*' and '*Guidelines for the NSW Site Auditor Scheme*' being submitted to the Principal Certifying Authority (PCA) and Council prior to the issue of the Occupation Certificate.
70. All commitments listed in the revised 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.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

71. The hours of operation or trading of the commercial premises are to be not more than from:

DAY	START	FINISH
Monday	8am	6pm
Tuesday	8am	6pm
Wednesday	8am	6pm
Thursday	8am	6pm
Friday	8am	6pm
Saturday	8am	6pm
Sunday	8am	6pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

72. The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council consider offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council prior to the expiration of the nominated period.

73. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), that interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and such measures being implemented within a nominated time period. Furthermore, written certification from the suitably qualified consultant will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors before the expiration of the nominated period.

74. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
75. All vehicular movement to and from the site is to be in a forward direction.
76. Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

CITY OF NEWCASTLE

77. The premises are allocated the following street addresses in accordance with *Council's House Numbering Policy* and the *Surveying and Spatial Regulation*.

Council allocated street address/es					
Unit/ dwelling number on plan	Unit	Street number	Street name	Street type	Suburb
Commercial Unit 1	101	54	Maitland	Road	Islington
Commercial Unit 2	102	54	Maitland	Road	Islington
101	103	54	Maitland	Road	Islington
102	104	54	Maitland	Road	Islington
103	101	11	Maitland	Road	Islington
104	102	11	Maitland	Road	Islington
105	103	11	Fern	Street	Islington
106	104	11	Fern	Street	Islington
107	105	11	Fern	Street	Islington
108	106	11	Fern	Street	Islington
109	201	54	Fern	Street	Islington
110	202	54	Fern	Street	Islington
201	203	54	Maitland	Road	Islington
202	204	54	Maitland	Road	Islington
203	201	11	Maitland	Road	Islington
204	202	11	Maitland	Road	Islington
205	203	11	Fern	Street	Islington
206	204	11	Fern	Street	Islington
207	205	11	Fern	Street	Islington
208	206	11	Fern	Street	Islington
209	301	54	Fern	Street	Islington
210	302	54	Fern	Street	Islington
301	303	54	Maitland	Road	Islington
302	304	54	Maitland	Road	Islington
303	301	11	Maitland	Road	Islington
304	302	11	Maitland	Road	Islington
305	303	11	Fern	Street	Islington
306	302	11	Fern	Street	Islington
307	303	11	Fern	Street	Islington
308	304	11	Fern	Street	Islington
309	305	11	Fern	Street	Islington
310	306	11	Fern	Street	Islington
401	401	54	Maitland	Street	Islington
402	402	54	Maitland	Road	Islington
403	401	11	Fern	Road	Islington
404	402	11	Fern	Street	Islington
405	403	11	Fern	Street	Islington
406	404	11	Fern	Street	Islington
407	405	11	Fern	Street	Islington
408	406	11	Fern	Street	Islington
501	501	11	Fern	Street	Islington
502	502	11	Fern	Street	Islington
503	503	11	Fern	Street	Islington
306	302	11	Fern	Street	Islington
307	303	11	Fern	Street	Islington
308	304	11	Fern	Street	Islington

78. All deliveries and waste collection being conducted in such a manner, that at no time are any vehicles required to undertake any reversing movements.
79. Waste collection from the proposed development being restricted to 7:00am and 6:00pm daily.
80. The waste collection from the site being serviced only by private waste contractors.

ADVISORY MATTERS

81. Any proposed business identification sign or advertising sign should be designed in accordance with the provisions of Newcastle Development Control Plan 2012 and be the subject of a separate Development Application approved prior to erection or placement in position.
82. 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.
83. 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.
84. 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.
85. A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.
86. Development applications are not assessed against the provisions of the Building Code of Australia. A Section 96 modification under the *Environmental Planning and Assessment Act 1979* (NSW) will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.

87. 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).
88. A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
89. An annual Fire Safety Statement in the form described in Clause 175 of the *Environmental Planning and Assessment Regulation 2000* (NSW) is to be submitted to Council and a copy (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy of the Statement (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
90. 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.
91. 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.

Attachment C

PROCESSING CHRONOLOGY
DA 2014/1441 – 52 MAITLAND ROAD ISLINGTON

- 5 December 2014 - Application lodged.
- 16 December 2014 - Public Notification.
- 16 January 2015
- 4 February 2015 - Further information requested.
- 20 May 2015 - Additional information submitted
- 29 May 2015 - Additional information submitted
- 2 June 2015 - Additional information submitted.
- 6 July 2015 - Further information requested.
- 31 July 2015 - Additional information submitted.
- 4 August 2015 - Additional information submitted.
- 6 August 2015 - Further information requested.
- 18 August 2015 - Additional information submitted.
- 28 August 2015 - Additional information submitted.
- 18 September 2015 - Additional information submitted.
- 2 October 2015 - Further information requested.
- 7 October 2015 - Additional information submitted.
- 9 October 2015 - Public Notification of amended proposal.
- 26 October 2015

Attachment D

URBAN DESIGN CONSULTATIVE GROUP MINUTES
DA 2014/1441 - 52 MAITLAND ROAD, MAYFIELD

This report addresses the nine Design Quality Principles set out in the Apartment Design Guide (2015) under State Environmental Planning Policy No.65. It is also an appropriate format for applications which do not include residential flats.

BACKGROUND SUMMARY

The proposed development has previously been assessed by the panel with recommendations that the design of the central court and associated undercroft common area be amended to remove identified amenity issues. The design has now been amended to comprise 42 residential apartments of 9 x 1 Bed, 31 x 2 Bed and 2 x 3 bed configuration, located within two blocks rising four and five floors above a common podium. The later incorporates two commercial areas, carparking accessed from Fern Street to the rear of the site and two lobby entries to the apartments, one from each street frontage.

1. Context and Neighbourhood Character

It was previously noted that;

the retail and commercial development of this section of Maitland Road dates from the early part of the 20th Century. It has been undergoing gradual change in recent decades and, with more recent amendments to planning controls and population growth, it is likely to be substantially redeveloped to higher densities. The challenge is for new buildings to complement the positive elements of the character and scale of the streetscape.

A significant element in the immediate setting is the heritage listed former theatre at the corner of Maitland Road and Beaumont Street to the north west of the site.

The site extends through to Fern Street which, to the present, has been an uninviting back lane, albeit with several valuable surviving 19th Century residential buildings. With redevelopment of properties there will be opportunities for it to develop a more attractive character, given sympathetic attention to urban design and landscape issues.

2. Built Form and Scale

The proposed development, as a common podium with two apartment blocks above has been amended to address significant issues in the treatment of the central courtyard.

Amendment of floor levels and relocation of apartments to an additional upper level has provided an overall height 2.55m over the allowable 17m height limit. The applicant has noted this exceedence is balanced by setbacks of the upper floor level at front and back of the site and provision of an overall development that is under the maximum allowable density. The increase in the height of the building which exceeds the allowable height limit is supported by the group on the basis of enhanced amenity.

The removal of the attached wing projecting into the courtyard and the associated undercroft area has provided compliant [18.5m] separation distances between opposing apartments.

The group noted that previous recommendations for amendment of the carpark layout have been addressed with an increase of two parking spaces.

The revised central court includes a large centrally located pergola. The group considered this unnecessarily bulky and recommended that reduction in size together with relocation further to the side of the court would improve the overall amenity of the court. The group recommended provision of a privacy screen to the outer sides of the court.

3. Density

The amended design is compliant with the allowable FSR.

4. Sustainability

As previously noted:

Limited indication has been provided of environmental initiatives beyond BASIX requirements. Devices including grey water harvesting; storage of storm water on site for irrigation of the central court landscaping; and solar collection panels are recommended elements of environmental sustainability.

5. Landscape

Amendments to the central court design have included meeting the minimum SEPP65 provisions for deep soil planting and have provided some limited territorial division' [screening] from apartments. However, the limited use of trees, and the selection of relatively small, deciduous species, meant that the landscaping at maturity would remain under-scaled in comparison with the built form, and of very limited use for screening. An increase in the number and scale of large shrubs and trees was considered necessary for a satisfactory landscape outcome.

The group also recommended increased provision of larger shrubs and ground covers. This planting should be used to define the turfed and paved areas, and separate private open space from common space. The area of the courtyard abutting the eastern and western side boundaries, where future development was likely to adjoin the subject development, should include substantial planted, mounded beds.

In it was recommended that a reduction in the size of open paved and turfed areas be undertaken, in favour of denser, more extensive plantings, which would discourage very large gatherings and associated noisy activities. The group recommended inclusion of a children's sand pit or play area within the court.

The use of light shafts to the carpark in conjunction with deep soil planting continues to be encouraged.

6. Amenity

The group considered the relocation of apartments to an additional upper level and deletion of the undercroft common area to be significant improvements in the amenity of the overall development.

The extension of apartment decks outwards at the Maitland Road frontage was also considered an improvement to user amenity.

Internal bathrooms on the top floor of the southern block should be provided with natural ventilation and daylight by way of roof-lights.

It remains a recommendation that better access to stairways from both ground floor lobbies would improve use of the stairs for travel from the ground to first and second storeys thus relieving pressure on lifts.

7. Safety

The group made no specific recommendations in respect to security.

8. Housing Diversity and Social Interaction

The provision of discrete smaller areas in the central court and modification of both ground floor lobbies are considered to have improved opportunity for social interaction. Recommended changes to the central court will further enhance this aspect of the design.

9. Aesthetics

Following amendment of the Maitland Road elevation the group is generally supportive of the aesthetic resolution with the observation that the dark external finish shown to much of the building exterior should be altered to a lighter tone.

Amendments Required to Achieve Design Quality

In order to achieve design quality provisions within SEPP65, the following aspects of the proposal should be the subject of design development:-

- Relocation of the pergola in the central court to the west and reduction in its size.
- Modification of the central court landscaping including an increased extent of mounded garden beds to define smaller, more intimate paved and turfed areas. These shrubs and trees should also buffer private open space and the side boundaries - where future development is likely to adjoin. The inclusion of a children's sand pit or play area and provision of was recommended.
- Modification of dark finishes to the building exterior to a lighter tone.
- Modification of the fourth floor apartment layouts to the Maitland Road frontage including extension of pergolas over the deck and amendment of bathroom / bedroom planning.
- Inclusion of ventilated skylights to service rooms in top floor apartments.
- Provision of better access to stairways from both ground floor lobbies.
- Provision of natural ventilation to the carpark utilizing light slots from the court above.

Summary Recommendation

Subject to the above amendments being addressed and Council being satisfied regarding non-compliance with the height control, the amended design is supported,