

ITEM-33: DAC 18/08/20 – DA2019/01146 – 106 – 108 GOSFORD ROAD, ADAMSTOWN – MULTI DWELLING HOUSING – DEMOLITION OF EXISTING DWELLINGS, ERECTION OF TEN DWELLINGS AND STRATA SUBDIVISION

APPLICANT: GAP INVESTMENTS (AUST) PTY LTD
OWNER: GAP INVESTMENTS (AUST) PTY LTD
REPORT BY: GOVERNANCE
CONTACT: DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT

PART I

PURPOSE

An application has been received seeking consent for multi dwelling housing and strata subdivision at 106 - 108 Gosford Road, Adamstown. The amended application comprises the demolition of the existing dwellings on site, erection of 10, two storey townhouses, tree removal and strata subdivision.

The submitted application was assigned to Principal Development Officer, William Toose for assessment.



Subject Land: 106-108 Gosford Road Adamstown

The application is referred to the Development Applications Committee (DAC) for determination, due to the application being called in by Councillor Rufo, Councillor Elliott and Councillor Dunn.

The original application initially sought consent for 12, three storey dwellings townhouses, tree removal and strata subdivision.

The application was publicly notified in accordance with City of Newcastle's (CN) Public Participation Policy, with 17 submissions being received. The objectors' concerns include building height, character, density, overdevelopment visual impact, privacy, overshadowing, private open space, stormwater, flooding, landscaping, tree removal and the creation of an isolated lot and loss of trees.

The proposed development (Revision 1) was considered at a Public Voice Committee Meeting held on 17 March 2020.

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Following the Public Voice Committee Meeting and subsequent consultation with CN, the proposal was amended on 25 March 2020 (Revision 2) in order to reduce the impacts to adjacent properties in terms of privacy, overlooking, and overshadowing. The proposed amendments involved reducing the number of three-storey dwellings in order to reduce bulk and scale and improve amenity for neighbours; the provision of privacy screens to all windows of habitable rooms facing towards neighbouring properties and an increase in the landscaped area.

The proposal was amended further on 17 April 2020 (Revision 2B). The proposed amendments also included the retention of a large tree along the rear boundary of the site, at the request of an adjoining neighbour. The amended plans (Revision 2B) were not re-notified as it was determined that the amended proposal resulted in reduced impacts to neighbouring residents. The amended plans however were made publicly viewable on CN's website.

The application was referred to the DAC on 21 May 2020 for determination. The decision was deferred pending re-notification of the amended plans.

Following the DAC meeting, the applicant made further amendments to the plans (Revision 3) to address previous concerns raised. The proposed amendments involved reducing the height of the front dwellings facing the street, from three-storey to two-storey to be more compatible with the existing streetscape and local character. The roof-form of the upper levels was amended to slope away from the side boundaries to reduce visual impact to neighbours. The rear setback and landscaped area were increased to comply with CN's controls.

The amended plans (Revision 3) were publicly re-notified between 27 May 2020 and 16 June 2020, with 60 submissions being received. The submissions received expressed continued concerns regarding the proposal. Concerns raised in these further submissions are consistent with original concerns.

The amended plans (Revision 3) were considered at a Public Voice Committee Meeting held on 21 July 2020.

Following the Public Voice Committee Meeting, the applicant made further amendments to the proposal on 7 August 2020 (Revision 4). The amendments resulted in a decrease in the overall number of dwellings from 12 to 10, with all dwellings being reduced to two storey. Therefore, no three storey dwellings are now proposed as part of the application. The amended plans were not re-notified, however were made publicly viewable on CN's website.

On 10 August 2020, CN staff held a meeting with the applicant and the two speakers from the Public Voice Committee Meeting held on 21 July 2020. The speakers raised concerns regarding building setbacks, traffic, parking and waste management.

CN staff contacted the adjoining owner at 110 Gosford Road (southern side), by telephone and email, advising of the latest set of amended plans and requesting they provide any further comments or concerns, if necessary. The adjoining neighbour acknowledged the reduction in size and scale of the amended proposal. The neighbour did not raise any concerns specific to the amended proposal, however, was of the opinion that the amended plans should be re-notified. As above noted, the amended plans (Revision 4) have not been re-notified as it was determined that the amended proposal results in reduced impacts to neighbouring residents. The amended plans however have been made publicly viewable on CN's website.

A copy of the amended plans (Revision 4) for the proposed development is appended at **Attachment A**.

Issues

- 1) Matters raised in submissions including local character, over development, streetscape, visual impact, setbacks, privacy, overshadowing, carparking, traffic generation and tree removal.

Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is considered to be acceptable subject to compliance with appropriate conditions.

RECOMMENDATION

Vote by division

- A. That DA2019/01146 for multi dwelling housing comprising the demolition of existing dwellings, erection of 10, two storey dwellings and strata subdivision at 106 - 108 Gosford Road, Adamstown be approved and consent granted, subject to compliance with the conditions set out in the draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of CN's determination.

Political Donation / Gift Declaration

Section 10.4 of the *Environmental Planning and Assessment Act 1979* requires a person to disclose "*reportable political donations and gifts made by any person with a financial interest*" in the application within the period commencing two years before the application is made and ending when the application is determined. The following information is to be included on the statement:

- a) all reportable political donations made to any local Councillor of Council; and
- b) all gifts made to any local Councillor or employee of that Council.

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

PART II

1.0 THE SUBJECT SITE

The development site comprises 106 and 108 Gosford Road, Adamstown with a combined total area of 1,678.3m². The street frontage to Gosford Road is 31.5m and has a slope from the western corner to the eastern corner of approximately 2.3m. The site is not identified as being affected by flooding and is not located in a Mine Subsidence area.

The site is located within a Substantial Growth Precinct. CN's Local Planning Strategy describes a Substantial Growth District as follows:

"The Substantial Growth District provides for the greatest density of development (outside the renewal corridors) to facilitate and support the major local centres and Newcastle Urbanism. It is within this precinct that apartment buildings (ie. residential flat buildings up to 3-storeys) would be the expected form of development to most efficiently respond to the urban standards that apply."

2.0 THE PROPOSAL

The application, as amended, seeks consent for:

- i) Demolition of the existing dwellings and garages.
- ii) Construction of 10, two-storey dwellings. The application originally sought approval for 12, three-storey dwellings.
- iii) Compensatory landscaping, including retention of a large tree along the shared rear boundary and four new street trees.
- iv) Strata subdivision.

A copy of the current amended plans is appended at **Attachment A**.

The various steps in the processing of the application to date are outlined in the Processing Chronology (refer to **Attachment C**).

3.0 PUBLIC NOTIFICATION

The original application (Revision 1) was publicly notified in accordance with CN Public Participation Policy between 31 October 2019 - 18 November 2019. 17 submissions were received. The amended plans (Revision 3) were publicly re-notified between 27 May 2020 – 16 June 2020, with 60 submissions being received.

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

a) Statutory and Policy Issues

- i) Density excessive number of dwellings resulting in overdevelopment of the site.
- ii) Building height – excessive and inappropriate building height for the area.
- iii) Zoning objectives – proposal does not meet objectives of the R3 Medium Density Residential.

b) Amenity Issues

- i) Overshadowing of adjoining properties.
- ii) Loss of privacy and overlooking of neighbouring sites.
- iii) Loss of outlook to neighbouring properties.
- iv) Lack of open space and landscaping provided within the development.
- v) Loss of trees and limited opportunity for compensatory planting.
- vi) Poor internal amenity of proposed dwellings.

c) Design and Aesthetic Issues

- i) Bulk and scale - scale and massing, combined overall length of building is unsympathetic with the streetscape.
- ii) Design Excellence – the proposal does not exhibit “design excellence”.
- iii) Visual impact - visual dominance of development.
- iv) Character - not compatible with the residential context of the neighbourhood, which largely consists of one-storey and two-storey dwellings.
- v) Streetscape - impact on surrounding streetscapes.
- vi) Setbacks – minimal setback from side and rear boundaries.

d) Traffic and Parking Issues

- i) Excess parking – each dwelling has a double garage, in excess of the Newcastle Development Control Plan 2012 (NDCP 2012) rate of one parking space per dwelling.
- ii) Pedestrian and cyclist safety – a section of Gosford Road connects with a cycleway.

e) Miscellaneous

- i) Construction impacts - concern regarding the impacts on neighbours arising from the construction process.
- ii) Property value - the proposal will result in devaluation of surrounding properties.
- iii) Public interest - there is no public benefit afforded to the community.

- iv) Isolated lot – the proposed development will result in 110 Gosford Road being an isolated lot and unable to be developed to its potential.
- v) Stormwater management and potential for increased flooding.
- vi) Waste management and collection – number of bins placed on kerb.

Public Voice Committee meeting held on 17 March 2020

The proposed development (Revision 1) was considered at a Public Voice Committee Meeting held on 17 March 2020. Residents raised concerns regarding local character, over development of site, streetscape / visual impact, traffic generation, carparking and tree removal.

Following the Public Voice Committee Meeting and subsequent consultations with CN, the proposal was amended on 25 March 2020 (Revision 2) in order to reduce the impacts to adjacent properties in terms of privacy, overlooking, and overshadowing. The proposed amendments involved reducing the number of three-storey dwellings in order to reduce bulk and scale and improve amenity for neighbours; the provision of privacy screens to all windows of habitable rooms facing towards neighbouring properties and an increase in landscaped area.

The proposal was amended again on 17 April 2020 (Revision 2B), which included the retention of a large tree along the rear boundary of the site, at the request of an adjoining neighbour. The amended plans (Revision 2B) were not re-notified as it was determined that the amended proposal resulted in reduced impacts to neighbouring residents. The amended plans however were made publicly viewable on CN's website.

The application was referred to the DAC meeting held on 21 May 2020 for determination. The decision was deferred pending re-notification of the amended plans.

Following the DAC meeting, the applicant made further amendments to the plans (Revision 3) to address previous concerns raised. The proposed amendments involved reducing the height of the front dwellings facing the street, from three-storey to two-storey. The roof-form of the upper levels was amended to slope away from the side boundaries to reduce visual impact to neighbours. The rear setback and landscaped area were increased to comply with CN's controls.

The amended plans (Revision 3) were publicly re-notified between 27 May 2020 – 16 June 2020, with 60 submissions being received. The submissions received expressed continued concerns regarding the proposal consistent with original concerns.

Public Voice Committee meeting held on 21 July 2020

The amended plans (Revision 3) were considered at a Public Voice Committee Meeting held on 21 July 2020.

Following the Public Voice Committee Meeting, the applicant made further amendments to the proposal on 7 August 2020 (Revision 4). The amendments resulted in a decrease in the overall number of dwellings from 12 to 10, with all dwellings being reduced to two storey. Therefore, no three storey dwellings are proposed as part of the application. The amended plans were not re-notified however were made publicly viewable on CN's website.

On 10 August 2020, CN staff held a meeting with the applicant and the two speakers from the previous Public Voice Committee Meeting.

It should be noted that CN staff has contacted the adjoining owner at 110 Gosford Road (southern side), advising of the latest set of amended plans and requesting any further comments or concerns, if necessary.

The adjoining neighbour acknowledged the reduction in size and scale of the amended proposal. The neighbour did not raise any concerns specific to the amended proposal, however, was of the opinion that the amended plans should be re-notified. As noted above, the amended plans (Revision 4) have not been re-notified as it is determined that the amended proposal results in reduced impacts to neighbouring residents. The amended plans however have been made publicly viewable on CN's website.

Details of the submissions received are summarised at Section 3.0 of Part II of this report and the concerns raised are addressed as part of the Planning Assessment at Section 5.0.

4.0 INTEGRATED DEVELOPMENT

The proposal is not '*integrated development*' pursuant to section 4.46 of the EP&A Act.

5.0 PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of section 4.15(1) of the EP&A Act as detailed hereunder.

5.1 Provisions of any environmental planning instrument

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

The subject land is currently being used for residential purposes and CN's records do not identify any past contaminating activities on the site. The proposal is considered to be acceptable having regard to this policy.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

The Vegetation SEPP is one of a suite of Land Management and Biodiversity Conservation reforms that commenced in New South Wales on 25 August 2017.

The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW. Part 3 of the Vegetation SEPP contains provisions similar to those previously contained in clause 5.9 of the Newcastle Local Environmental Plan 2012 (NLEP 2012) (clause now repealed) and provides that the NDCP 2012 can make declarations with regard to certain matters, and further that CN may issue a permit for tree removal.

The proposal has been assessed in accordance with the NDCP 2012 and is considered to be satisfactory.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was lodged with the application, demonstrating that the development can achieve the required water and energy reduction targets. A condition of consent has been recommended, requiring that the development be carried out in accordance with the BASIX Certificate.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

The following summarises an assessment of the proposal against the provisions of the NLEP 2012 that are primarily relevant to the proposed development:

Clause 2.1 - Land Use Zones

The subject property is included within the R3 Medium Density Residential zone under the provisions of the NLEP 2012. The development is permissible with development consent as 'multi dwelling housing', which is a form of residential accommodation.

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone, as follows:

- i) *To provide for the housing needs of the community within a medium density residential environment*

The proposed development is of medium density residential scale which allows for increased population levels with due regard to the future desired character of the locality.

- i) *To provide a variety of housing types within a medium density residential environment*

The provision of modern, two storey attached dwellings, provides variety on the site, as well as contributing to housing variety within the surrounding area.

- i) To allow some diversity of activities and densities if:*
- ii) The scale and height of proposed buildings is compatible with the character of the locality, and*

The proposed development is of medium density residential scale that allows for increased population levels with due regard to the future desired character of the locality.

- i) There will be no significant adverse impact on the amenity of any existing nearby development*

The proposed development has had regard to the desired future character of residential streets and does not significantly detract from the amenity of any existing nearby development.

- i) To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development*

The proposed development represents an infill development that will contribute to housing supply within a medium density environment. The proposed development provides medium density housing in close proximity to the Adamstown Renewal Corridor and is within walking distance of the Adamstown town centre. The development is located within close proximity to open space and community facilities, including schools and churches.

Clause 2.7 - Demolition Requires Development Consent

The proposal includes the demolition of the structures on the site. Conditions are recommended to require that demolition works, and the disposal of material is managed appropriately and in accordance with relevant standards.

Clause 4.3 - Height of Buildings

Under the NLEP 2012 the site has a height of buildings development standard of 10m.

The proposed development (as amended) has a maximum height of 6.6m and complies with the height of buildings requirement.

Clause 4.4 Floor Space Ratio (FSR)

Under the NLEP 2012 the site has an FSR development standard of 1.5:1. The proposed has been reduced in built form and scale and has an FSR 0.80:1, including additional car parking provided on site.

The proposed development complies with this requirement with a FSR significantly below what is permitted.

Clause 5.10 - Heritage Conservation

The site does not contain any items of heritage significance and is not located in a Heritage Conservation Area.

Clause 6.1 – Acid Sulfate Soils

The site is affected by Class 5 acid sulphate soils and the proposed development is considered satisfactory in this regard.

Clause 6.2 - Earthworks

The level of earthworks proposed to facilitate the development is considered to be acceptable having regard to this clause. The design suitably minimises the extent of proposed earthworks, having regard to the existing topography.

5.2 Any draft environmental planning instrument that is or has been placed on public exhibition

There is no exhibited draft environmental planning instrument relevant to the application.

5.3 Any development control plan

Newcastle Development Control Plan (NDCP 2012)

The main planning requirements of relevance in the NDCP 2012 are discussed below.

Residential Development - Section 3.03

The objective of this section of the NDCP 2012 is to improve the quality of residential development. This can be achieved through a design that has a positive impact on the streetscape through its built form, maximising the amenity and safety on the site and creating a vibrant place for people to live in a compact and sustainable urban form.

The following comments are made concerning the proposed development and the relevant provisions of section 3.03.

Principal controls (3.03.01)

Frontage widths

The minimum frontage width for Multi Dwelling Housing (row housing) in a R3 zone is 15m. The site frontage width of the subject site is 31.57m, which complies with this requirement.

Front setbacks

The proposed front setback to the buildings varies from 3.75m on the northern side boundary and 3.45m on the southern side building. The proposed buildings are set back further than the existing dwellings currently on site.

No garage doors face the street frontage and thereby do not dominate the streetscape.

The proposed setbacks are in keeping with the existing street setbacks and meet the requirements of this section of the NDCP 2012.

Side and rear setbacks

The proposed side and rear setbacks now comply and are acceptable from a separation and building envelope perspective.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Landscaped Area

The NDCP 2012 requires that 25% of the site area is to be landscaped. The original application included 312.3m² of landscaping, equivalent to 18.6% of the site area.

The amended application now includes 421m² of landscaping which is equivalent to 25% of site area and complies.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Siting the development (3.03.02) A Local character and context

The proposed development is of a medium density residential scale that is consistent with the local character and context of the area. The scale and height of proposed buildings is compatible with the built form found throughout the area and does not significantly impact on the amenity of any nearby development.

The proposed development is considered to achieve the objectives and controls within this section of the NDCP 2012 and is acceptable.

B. Public domain Interface

The proposed development achieves the controls within this section of the NDCP 2012 and is acceptable.

Pedestrian and vehicle access

An internal driveway is provided through the centre of the site, providing access to all units and visitor parking with adequate space for vehicle maneuvering. The driveway is overlooked by windows from living rooms of each proposed dwelling, however all bedrooms are directed away from this area.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Orientation and siting

The submitted overshadowing analysis indicates that neighbouring properties will continue to receive solar access to living room windows and private open space, in excess of the minimum requirements of the NDCP 2012. The amenity to neighbours has also been further improved as a result of the reduced bulk and scale of the amended proposal.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Building Separation

The development proposes three separate built forms with either 6, 4 or 2 dwellings per building. There is approximately 6m separation between buildings onsite allowing for access to daylight, ventilation, pedestrian movement and landscaping.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Amenity (3.03.03)

Solar and daylight access

The proposed development provides north facing living room windows to all dwellings. All dwellings receive a minimum of two hours direct sunlight to internal living areas, while 6 of the 10 dwellings receive a minimum of two hours direct sunlight to private open space areas. It is also noted that the affected private open space areas do achieve some access to direct sunlight, outside the hours of 9am - 3pm.

Natural ventilation

Each habitable room has an operable window of more than 5% of the room area and can therefore be ventilated naturally. All dwellings achieve cross ventilation. The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Ceiling heights

The proposed development has the primary living areas located on either the ground floor or first floor, and floors have ceiling heights of 2.7m. The second floor contains bedrooms only and has a proposed ceiling height of 2.4m. This complies with the criteria of the NDCP 2012.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Dwelling size and layout

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Private Open Space

Each proposed dwelling has more than the minimum 12m² or 16m² requirement of private open space. Private open space areas have minimum dimensions of 3m for courtyards and 2m or greater for deck areas. Open space areas are located directly off the primary living areas as either a deck or courtyard.

The proposed development achieves the private open space and siting requirements within this section of the NDCP 2012 for all dwellings and is acceptable.

Storage

The proposed development achieves the storage requirements within this section of the NDCP 2012 and is acceptable. All dwellings propose more than 10m³ of internal storage, not including the potential storage in the laundry.

Car and bicycle parking

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable. Car and bicycle parking provision is further assessed within the NDCP 2012 section entitled *Traffic, Parking and Access - Section 7.03*.

Visual privacy

The dwellings have been designed so as to maintain privacy both to and from the neighbouring dwellings. The proposal has been amended by providing privacy screens to all windows of habitable rooms facing towards neighbouring properties. First floor deck areas to the units have vertical slat privacy screens to part of their area to provide privacy to the deck and living area behind.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Acoustic privacy

No bedrooms are located within 3m of the garage door or driveway. The proposed development achieves the objectives and controls within this section of the NDCP 2012 and the development is acceptable.

Noise and pollution

The subject site is not located near a rail line or a major road. The proposed development will result in domestic levels of noise only and is acceptable.

Configuration (3.03.04) Universal design

All units are capable of compliance with the Liveable Housing Design Guidelines Silver Level and is acceptable.

Communal area and open space

Communal spaces proposed as part of the development are limited to shared access areas and associated garden / landscaped areas.

Architectural design and roof form

The design of the dwellings includes various forms of building articulation and design elements. The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Visual appearance and articulation

The design of the dwellings includes various forms of building articulation and building elements. The proposed development establishes a scale and built form appropriate for its location.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Pools and ancillary development

The plans do not include pools or spas, detached studio or outbuildings therefore these controls do not apply.

Environment (3.03.05) Energy efficiency

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Water management and conservation

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable. Stormwater treatment and disposal has been provided in accordance with section 7.06 of the NDCP 2012.

Waste management

The proposal provides for adequate bin storage within the garage of each dwelling. Each dwelling will be provided with 3 x 240 litre bins, with waste collection proposed from the kerbside. The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Waste management and servicing is further discussed within the NDCP 2012 section entitled *Section 7.08 Waste Management*.

Conclusion: The proposed development is considered acceptable in relation to the abovementioned NDCP 2012 section and achieves relevant acceptable solutions and performance criteria for building form, building separation and residential amenity. The development establishes a scale and built form appropriate for its location.

Safety and Security - Section 4.04

The proposed development allows increased casual surveillance of the surrounding area. The front dwellings provide surveillance to Gosford Road with numerous windows from habitable rooms that are orientated towards the street and the common driveway.

The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Social Impact - Section 4.05

The development proposes residential dwellings within a residential area. It is considered unlikely that a development of this nature would result in increased anti-social behaviour.

The development provides for increased housing choice in the locality, which is considered to be a positive social outcome.

Soil Management - Section 5.01

Earthworks are proposed as part of the development. Details of sediment control have been provided by the applicant and are considered to be acceptable. The proposed development achieves the objectives and controls within this section of the NDCP 2012.

Land Contamination - Section 5.02

Land contamination has been considered in this assessment report, in accordance with SEPP 55.

Vegetation Management - Section 5.03

An arborist report has been prepared for twelve trees within the footprint of development and within 5m of the site.

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The arborist report recommended replacement of two existing trees with a moderate retention value, with 8 new native trees. The landscape plan prepared for the development includes implementation of 10 new native species trees on site, and 4 new street trees.

The amenity of the area will not be significantly impacted in respect of the local character and appearance. Compensatory planting is proposed, and appropriate conditions have been included to ensure all recommendations of the arborist's report are complied with prior to, and during construction.

The submitted report has been prepared in accordance with CN's tree assessment requirements and it is considered that the proposed tree removal is acceptable.

The identified existing tree to the rear of the site is proposed to remain and will be conditioned accordingly.

Aboriginal Heritage - Section 5.04

Reference to the Aboriginal Heritage Information Management System confirmed that there are no sites of Aboriginal significance recorded on the site.

Archaeological Management - Section 5.06

The site is not specifically listed in the Newcastle Archaeological Management Plan 1997 or the NLEP 2012 as an '*Archaeological Site*'.

Landscape Open Space and Visual Amenity - Section 7.02

Sufficient compensatory planting is proposed relative to the type of the development, and the amenity of the area will not be significantly impacted. The proposed development achieves the objectives and controls within this section of the NDCP 2012 and is acceptable.

Traffic, Parking and Access - Section 7.03

The proposed development requires 1 space per dwelling and 3 visitor spaces. Therefore 15 spaces in total are required.

The development is proposing 20 car spaces, including 8 double garages, 2 single garages and 2 visitor car spaces in optimal locations. This results in additional car parking being provided on site than required to reduce the need for on-street parking. Car parking access has been assessed by CN's Development Officer (Traffic) and is considered acceptable subject to relevant conditions.

Section 7.05 - Energy efficiency

The proposal is acceptable having regard to this section.

Stormwater- Section 7.06 and Water Efficiency - Section 7.07

The proposed stormwater management plan is in accordance with the relevant aims and objectives of the NDCP 2012. CN's Senior Development Officer (Engineering) has provided the following comments in relation to the proposal:

“The development is not flood prone. The site falls towards the street. Each unit proposes a 4,000L rainwater tank, which will provide 48KL of storage for the roof area.

The driveway provides 9m³ of detention and 4m² for rain gardening. The total discharge control available is 45m³. This complies with the 70% impervious area requirement of 21m³ and would even still comply if the site was 100% impervious.”

Accordingly, the proposal is acceptable in relation to water management. The proposed stormwater management plan is in accordance with the relevant aims and objectives of the NDCP 2012.

Waste Management - Section 7.08

The applicant has submitted a waste management plan that addresses waste minimisation and litter management strategies. Demolition and waste management will be subject to conditions recommended to be included in any development consent to be issued.

The site frontage is 31.5m, which includes 5m driveway and approximately 26m available frontage for waste collection, which is considered satisfactory for waste collection.

There is adequate room to support storage of residential waste bins within the garages of individual dwellings and sufficient space along the site frontage to adequately store the bins on collection day. CN's Waste Collection Manager has confirmed that the site is able to be serviced and the number / size of bins is acceptable.

Waste collection vehicles will be able to stop along the site frontage for pick-up at the driveway location without impacting traffic. It is a recommendation of this report that a condition of consent be included to ensure bins are returned to garage areas on the same day after collection.

Based on the submitted information, the proposal is considered to be acceptable.

Public Participation - Section 8.0

The proposal was notified to neighbouring properties for 14 days in accordance with the NDCP 2012. A total of 17 submissions were received during the first notification period and 60 submissions during the second notification period objecting to the proposal.

Comments are provided in section 5.8 below.

Development Contributions

The EP&A Act enables CN to levy contributions for public amenities and services. The proposed development would attract a development contribution to CN, as detailed in CN's Development Contributions Plans.

A condition requiring this contribution to be paid has been included in the draft Schedule of Conditions (refer to **Attachment B**).

5.4 Planning agreements

No planning agreements are relevant to the proposal.

5.5 The regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the EP&A Act and the *Environmental Planning and Assessment Regulation 2000*. In addition, a requirement to comply with AS2601 – Demolition of Structures will be included in the conditions of consent for any demolition works.

No Coastal Management Plan applies to the site or the proposed development.

5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Impacts upon the natural and built environment have been discussed in this report in the context of relevant policy, including the NLEP 2012 and the NDCP 2012 considerations. In addition, the following impacts are considered relevant:

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

The proposed development is acceptable having regard to the proposed height, external appearance, character, bulk and scale.

b) Traffic, Access and Parking

The proposal has been assessed by CN's Senior Development Officer (Traffic) and found to be acceptable, subject to draft conditions included in **Attachment B**. CN's Senior Development Officer (Traffic) provided the following comments:

Vehicular Access, Driveway Design and Crossing Location

The development will require a new layback and removal of 2 existing laybacks. The grades of the driveway, garage door widths, aisle widths and parking geometry comply with AS2890.1.

Parking Demand

“The development requires 1 space per dwelling and 3 visitor spaces. Fifteen spaces are required in total.

The development is proposing twenty-five car spaces, including 10 double garages, 2 single garages and 3 visitor car spaces. The development provides adequate carparking. The amended development is proposing twenty car spaces, including 8 double garages, 2 single garages and 2 visitor car spaces.

All garages are slightly bigger than the minimum required size and will provide adequate bicycle provision for the dwellings. The development requires 2 visitor bicycle spaces and motorcycle space. Visitor bikes can be stored outside the entry to each dwelling.

There appears adequate provision within the layout for a motorbike space on either paths, wider driveway area or in the extra car spaces provided.

On-street carparking will be gained by the reduction of one access.”

Traffic Generation

“Gosford Road has adequate provision to cater for the traffic generated from the development.”

Public Domain

“Construction of a new pedestrian footpath across the site frontage and provision of new street trees will be subject to separate approval under section 138 of the Roads Act.”

Officer’s comment: It is considered that the traffic, parking and access aspects of the proposed development exceed requirements and are acceptable.

c) Amenity (Privacy, Overshadowing and Views)

Privacy

It is considered that the buildings have been designed to suitably limit privacy impacts on adjacent premises and within the development site itself.

Overshadowing

Due to the orientation of the site and siting of the proposed dwellings, overshadowing analysis is relevant to the properties to the south only.

The overshadowing of adjoining buildings and the surrounding area is considered to meet CN’s controls and is acceptable in this regard.

View Loss

The development does not result in an unreasonable impact on views or outlook. There are no significant views that will be impacted in this location. The proposed development will alter the general outlook due to a change to the size and scale of buildings on the site, but this is considered to be acceptable.

5.7 The suitability of the site for the development

The site is located within an R3 Medium Density Residential zone and is suitable for the development. A high-quality level of housing will be created to offer a range of suitable housing options in an established suburb, close to suitable infrastructure and facilities.

The site is an appropriate size to accommodate the proposed development while protecting the natural and built environment. In addition, the proposed development (as amended) is considered to minimise the impact on the amenity of neighbouring properties.

The site is not affected by significant environmental constraints that would preclude development of the site.

The site is generally consistent with CN's controls.

5.8 Any submissions made in accordance with this Act or the regulations

The application was notified in accordance with CN's Public Participation Policy and 17 submissions were received during the first notification period.

The key issues raised within the submissions have been discussed previously in this report. The following table provides a further summary of the issues raised and a response to those issues.

| Issue | Comment |
|------------------------------------|--|
| Permissibility and zone objectives | <p>The proposed development comprises the erection of multi dwelling housing which is a form of '<i>residential accommodation</i>' as defined within the NLEP 2012. Residential accommodation is permitted with consent within the R3 land use zone.</p> <p>The building mass and density is a function of the R3 Medium Density zoning that is prescribed for this site. The proposal is consistent with the intended future urban form within the area.</p> <p>As such, the proposed development is permitted in the R3 zone and complies with the relevant zone objectives.</p> |
| Local character | There are a number of properties in Gosford Road and the surrounding area, including existing or approved medium |

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| | density residential development. |
| Building height, bulk and scale | <p>The proposed development is acceptable having regard to the proposed height, external appearance, character, bulk and scale.</p> <p>The proposal is consistent with the intended urban form within the area, having regard to the combination of controls under the NLEP 2012 and the NDCP 2012.</p> <p>A high-quality standard of housing will be created to offer a range of suitable housing options in an established suburb close to suitable infrastructure and facilities.</p> |
| Design excellence is required by the NLEP 2012 | This clause of the NLEP 2012 relates specifically to the Newcastle City Centre, and does not apply to Gosford Road, Adamstown. |
| Overdevelopment and density | <p>The proposed amended development has a FSR of 0.80:1 which is significantly below the development standard of 1.5:1.</p> <p>The building mass and density is a function of the R3 Medium Density zoning that is prescribed for this site. The proposal is consistent with the intended future urban form within the area.</p> |
| Creation of an isolated lot at 110 Gosford Road, Adamstown | <p>An isolated lot is created when adjacent development results in a site that does not have the capacity to meet minimum lot requirements for future development.</p> <p>In this instance, the property at 110 Gosford Road, shares a boundary with 7 adjoining sites, that have the capacity to be amalgamated, thereby creating a potential development site of approximately 3,000m².</p> |
| Landscaping | The landscaped area has been increased following the Public Voice Committee Meeting and now complies with the NDCP 2012. |
| Tree removal | The submitted arborist report concluded that there was a negligible loss of native vegetation and no impact on any threatened species. Compensatory planting is proposed, and the amenity of the area will not be significantly impacted. |
| Privacy and overlooking | The proposal achieves adequate visual and acoustic privacy for the proposed residential development and for the surrounding properties. Privacy screening is provided on upper level windows. |

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| Traffic generation | CN's Senior Engineer has assessed the proposal and concluded that Gosford Road and the surrounding street network can adequately cater for any traffic generated from the development. |
| Carparking | Additional car parking, beyond what is required has been provided. This is considered a positive outcome as it will reduce the need for on-street parking. Additional carparking has been included in the calculation of the FSR for the site. |
| Pedestrian and cyclist safety | The proposed development is not considered to adversely impact upon the functioning of any nearby cycleways, or impact cyclist safety. |
| Flooding | The site is not subject to flooding. The proposed stormwater management concept has been assessed by CN's Engineer and is considered acceptable subject to relevant conditions. |
| Loss of outlook | The development does not result in an unreasonable impact on views or outlook. There are no significant views that will be impacted in this location. |
| Building setbacks | Side and rear setbacks are considered acceptable from a separation and building envelope perspective. |
| Fencing | <p>The applicant has held discussions with the owners of 110 Gosford Road, located on the southern side of the development site.</p> <p>During the construction stage the neighbour wants to manage the integrity of the side boundary fencing to keep their yard secure as they have family pets.</p> <p>The applicant has agreed to re-establish the side boundary fencing and associated retaining wall along the common boundary at the start of the project, as soon as the preliminary clearing and site work has been undertaken to maintain the neighbour's security.</p> |
| Tree loss | Sufficient compensatory planting is proposed relative to the type of the development, and the amenity of the area will not be significantly impacted. |
| Impacts on property values | This concern is not a matter of consideration pursuant to section 4.15 of the EP&A Act. |
| Concerns over length and nature of notification process | The proposal was notified in accordance with CN's Public Participation Policy. |

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| Social impacts | The development provides for increased housing choice within a residential area, which is considered to be a positive social outcome. |
| Increased noise | It is considered that the proposed development is unlikely to generate an appreciable increase in noise. |
| Garbage and waste collection | The site's frontage measures 31.5m which allows for sufficient space on the kerb to cater for kerb-side collection of the required bins. CN's Waste Collection Manager has confirmed that the site is able to be serviced and the number / size of bins is acceptable. |

Public Voice Committee

The proposed development (Revision 1) was considered at a Public Voice Committee Meeting held on 17 March 2020. Residents raised concerns regarding local character, over development of site, streetscape / visual impact, traffic generation, carparking and tree removal.

Following the Public Voice Committee Meeting and subsequent consultation with CN, the proposal was amended on 25 March 2020 (Revision 2) and on 17 April 2020 (Revision 2B). The proposed amendments involved reducing the number of three storey dwellings and also included the retention of a large tree along the rear boundary of the site. The amended plans (Revision 2B) were not re-notified as it was determined that the amended proposal resulted in reduced impacts to neighbouring residents.

The application was referred to the DAC meeting on 21 May 2020 for determination. The decision was deferred pending re-notification of the amended plans.

Following the DAC meeting, the applicant made further amendments to the plans (Revision 3). The proposed amendments involved reducing the height of the front dwellings, the roof-form of the upper levels to slope away from the side boundaries to reduce visual impact to neighbours and the rear setback and landscaped area was increased to comply with CN's controls.

The amended plans (Revision 3) were publicly re-notified between 27 May 2020 – 16 June 2020, with 60 submissions being received. The submissions received expressed continued concerns regarding the proposal. The amended plans (Revision 3) were considered at a Public Voice Committee Meeting held on 21 July 2020.

Following the Public Voice Committee Meeting, the applicant made further amendments to the proposal on 7 August 2020 (Revision 4). The amendments involved a reduction in the overall number of dwellings from 12 to 10 with all dwellings now being two storey. The amended plans were not re-notified however were made publicly viewable on CN's website.

CN Meeting with Applicant and 2 PV Speakers on 10 August 2020

On 10 August 2020, CN staff held a meeting with the applicant and the two speakers from the previous Public Voice Committee Meeting. The speakers raised continued concerns regarding building setbacks, traffic, parking and waste management.

CN staff contacted the adjoining owner at 110 Gosford Road (southern side), by telephone and email, advising of the latest set of amended plans and requesting they provide any further comments or concerns, if necessary. The adjoining neighbour acknowledged the reduction in size and scale of the amended proposal. The neighbour did not raise any concerns specific to the amended proposal, however, was of the opinion that the amended plans should be re-notified. The amended plans (Revision 4) have not been re-notified as the amended proposal results in reduced impacts to neighbouring residents. The amended plans however have been made publicly viewable on CN's website.

It is considered that the issues and concerns raised in the submissions do not warrant the refusal of the application in its present form or require any further amendments.

The amended proposal is considered an acceptable form of development for the site as discussed within this report subject to compliance with the conditions set out in the draft Schedule of Conditions at **Attachment B**.

5.9 The public interest

This report has addressed the various concerns raised in the submissions received in response to the public notification and relevant referral procedures. The proposed development does not raise any other significant general public interest issues beyond matters already addressed in this report.

The application has demonstrated that there will be no significant adverse traffic impacts and it is considered that the development does not cause any significant overshadowing, privacy impacts or view loss for adjacent properties.

The proposed development provides for the orderly economic development of the site for purposes for which it is zoned and will not have any negative social or economic impacts.

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

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

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

The proposed development is in the public interest of developing land in a manner consistent with the desired future urban outcome identified in CN's planning controls for this area.

6.0 CONCLUSION

The proposal is consistent with the intended urban form within the R3 Medium Density Residential zone, having regard to the combination of controls under the NLEP 2012 and the NDCP 2012.

The proposal is of good quality design, with high architectural merit and varied external treatments. The proposal meets CN's controls with regard to carparking, waste management, stormwater management, solar access, heights, setbacks, solar access, privacy, site coverage and private open space areas.

The proposal is acceptable against the relevant heads of consideration under section 4.15(1) of the EP&A Act and is supported on the basis that the recommended conditions in **Attachment B** are included in any consent issued.

ATTACHMENTS

Item 33 Attachment A: Current Amended Plans – 106 - 108 Gosford Road, Adamstown

Item 33 Attachment B: Draft Schedule of Conditions – 106 - 108 Gosford Road, Adamstown

Item 33 Attachment C: Processing Chronology - 106 - 108 Gosford Road, Adamstown

Item 33 Attachments A – C distributed under separate cover