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 16 August 2016
TIME: 5.30pm
VENUE: Council Chambers
2nd Floor
City Hall
290 King Street
Newcastle NSW 2300

Frank Cordingley
General Manager

City Administration Centre
282 King Street
NEWCASTLE NSW 2300

5 August 2016

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**NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER**
CONFIRMATION OF PREVIOUS MINUTES

MINUTES OF DEVELOPMENT APPLICATIONS COMMITTEE HELD 19 JULY 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 1160719 Development Applications Committee Minutes

Note: The attached minutes are a record of the decisions made by Council at the meeting and are draft until adopted by Council. They may be viewed at www.newcastle.nsw.gov.au
CITY OF NEWCASTLE

Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 19 July 2016 at 6.28pm.

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

IN ATTENDANCE
F Cordingley (Interim Chief Executive Officer), G Cousins (Director Corporate Services), K Liddell (Acting Director Infrastructure), M Blackburn-Smith (Manager Development and Building Services), F Giordano (Manager Legal and Governance), P Moore (Manager Facilities and Recreation), B Johnson (Media Officer), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Webcasting).

APOLOGIES

MOTION
Moved by Cr Luke, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Rufo and Tierney 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.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES OF DEVELOPMENT APPLICATIONS COMMITTEE 21 JUNE 2016

MOTION
Moved by Cr Osborne, seconded by Cr Luke

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

Carried
DEVELOPMENT APPLICATIONS

ITEM-7 DA 2015/0759.01 - 121 CAMERON STREET, WALLSEND - ERECTION OF A TWO-STOREY DWELLING (DUAL OCCUPANCY), ASSOCIATED SITE WORKS AND ONE LOT INTO TWO LOT SUBDIVISION

MOTION
Moved by Cr Compton, seconded by Cr Waterhouse

That the application for the construction of a detached two-storey dwelling in the rear yard of existing residential premises (proposed dual occupancy), associated site works and one lot into two lot subdivision be approved and consent granted subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to Attachment C).

For the Motion: The Lord Mayor, Cr Nelmes, Councillors Clausen, Compton, Crakanthorp, Doyle, Dunn, Luke, Osborne, Posniak, Robinson and Waterhouse.

Against the Motion: Nil.

Carried

The meeting concluded at 6.33pm.
DEVELOPMENT APPLICATIONS

ITEM-8 DA2015/10005 - 77 MAITLAND ROAD, MAYFIELD - DEMOLITION OF DWELLINGS AND OUTBUILDINGS, SUBDIVISION OF LAND (29 INTO 5 LOTS), CONSTRUCTION OF A TWO STOREY RETAILS COMPLEX, ASSOCIATED CAR PARKING, SITE WORKS AND SIGNAGE

APPLICANT: EJE ARCHITECTURE
OWNER: COLES GROUP PROPERTY DEVELOPMENTS
REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING

PART I

PURPOSE

An application has been received seeking consent for the demolition of existing dwellings, re-subdivision of the land into 5 allotments and the construction of a two - storey retail complex comprising a supermarket with specialty retail and associated parking for 249 cars.

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

The proposal was notified to neighbouring properties for 14 days in accordance with the provisions of Newcastle DCP 2012 from 20 October - 4 November 2015. The notification period was extended to 11 November 2015. Twenty-six (26) public submissions were received objecting to the proposal including one (1) Public Voice request.

Generally, objectors raised concerns with regards to traffic / parking impacts and amenity impacts to surrounding properties.

Details of the submissions received are summarised at Section 3.0 of Part II of this report and the concerns raised are addressed as part of the Environmental Planning Assessment at Section 4.0.
The application will now be referred to Council's Development Application Committee for determination under their delegations due to the value of the development which is $15,614,558 and the total number of objections received, being twenty-six (26).

Issues

- Whether the proposed development has unreasonable impacts in terms of traffic, parking and loss of on-street car parking.
- Whether the proposed design is acceptable in terms of the streetscape and has sufficient street activation along the Maitland Road frontage.
- Viability of the residential and commercial residue lots to be created (Lots 3 and 4) and the ability for future development to achieve a reasonable development outcome consistent with the zone provision and objectives for these sites.
- Whether the proposal is acceptable having regard to amenity 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 (as amended) NSW 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

The application for the demolition of existing dwellings, re-subdivision of the land into 5 allotments and the construction of a two - storey retail complex comprising a supermarket with specialty retail and associated parking for 249 cars be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to Attachment B).

Political Donation / Gift Declaration

Under Section 147 of the Environmental Planning and Assessment Act 1979, the applicant, and any person related to this Development Application must report any political donation and/or gift to a Councillor and/or any gift to a Council employee within a two year period before the date of this application.

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

1.0 THE SUBJECT SITE

The site for Coles “Mayfield East Village” comprises multiple allotments and occupies most of the street block bounded by Maitland Road, Havelock and Thomas Streets (refer Figure 1 below).

- The site comprises the consolidation of the following properties:

  Maitland Road properties
  - Nos. 61 Maitland Road; 77 Maitland Road and 83 Maitland Road.

  Havelock Street properties
  - Nos. 2 Havelock Street; 4 Havelock Street; 6 Havelock Street; 8 Havelock Street; 10 Havelock Street; 12 Havelock Street and 14 Havelock Street.

  Hewson Street properties
  - Nos. 1 Hewson Street; 3 Hewson Street; 5 Hewson Street; 7 Hewson Street
  - Nos. 2 Hewson Street; 4 Hewson Street; 6 Hewson Street; 8 Hewson Street; 10 Hewson Street and 12 Hewson Street

  Thomas Street properties
  - Nos. 1 Thomas Street and 3 Thomas Street

The site also includes:

- Part of an un-named laneway at the rear of 61 Maitland Road;
- Hewson Street road reserve; and
- Part of the un-named laneway at the rear of Nos. 1 and 3 Thomas Street.

The subject site had contained a variety of buildings including existing dwellings and several larger commercial buildings that were approved to be demolished under a previous development application (DA2012/811).

A number of other commercial premises are located on Maitland Road including Woolworths, McDonalds, a number of specialty stores and services such as Australia Post and Centrelink. Development to the north and east of the site, across Thomas and Havelock Streets, is residential, primarily consisting of single dwellings but with some higher density development.
Figure 1: Plan with development site shaded yellow.

2.0 THE PROPOSAL

The proposed scope of works associated with the current proposal comprises:

- Demolition of dwellings at Nos. 2-14 Havelock Street, Nos. 1, 2 and 4 Hewson Street;
- Demolition of outbuilding at rear of No. 1 Thomas Street;
- Removal of trees;
- Re-subdivision of the land to create 5 new allotments;
- Retention of existing dwellings at Nos. 1 and 3 Thomas Street (on proposed Lots 1 and 2);
- Proposed Lots 3 (for residential development) and Lot 4 (for commercial development) are to remain vacant until developed in the future.

A two-storey retail complex on proposed Lot 5 comprising:

- Specialty retail premises at ground floor;
• A Coles supermarket and retail liquor outlet at first floor;

• 242 customer parking spaces accommodated within a 2 level parking area with access from both Maitland Road and Havelock Street; and

• A separate service area at the western edge of the site, accessed only from Maitland Road, providing 7 staff parking spaces and loading docks.

Associated ancillary works comprising:

• Stormwater infrastructure;

• Site landscaping;

• Embellishment of public domain to Maitland Road; and

• Signage.

This application seeks approval for the first use of supermarket tenancy, the operating details of which are provided below:

Store trading hours: 6.00am - 12 midnight, Mondays to Saturdays; and 7.00am - 10.00pm Sundays.

Servicing: Semi-trailer deliveries: 7.00am - 10.00pm, daily.
Small vehicles: 6.00am - 10.00pm, daily
Compactor: 7.00am - 10.00pm, daily

Staff numbers: 110 staff (of which only 15-25 would be on site at any one time).

Separate development applications will be submitted to establish the first use of the specialty retail tenancy on the ground floor.

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).

BACKGROUND

The subject site has been focus of a number of previous development proposals, including:

DA 2009/1229 (approved 20 December 2010) - Demolition of existing structures, earthworks, re-subdivision of 27 lots into 2 lots. New retail centre with underground car parking, including Coles and Aldi supermarkets, 24 specialty shops and five kiosks. A two storey residential building including twenty x 2-bedroom apartments with basement car park. The approved development has not proceeded.
DA 2012/811 (approved 8 February 2013) - Demolition of existing buildings, remediation of the site and site preparation works.

DA2012/1002 (approved 9 January 2014) - Supermarket, liquor shop, 16 specialty shops, kiosk, parking and associated lot consolidation / boundary adjustment. The approved development has not proceeded.

3.0 PUBLIC NOTIFICATION

The application was publicly notified for a period of fourteen (14) days in accordance with Council's Public Notification Policy from 20 October - 4 November 2015. The notification period was extended to 11 November 2015. Twenty six (26) public submissions were received objecting to the proposal including one (1) Public Voice request.

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

**Loss of on-street parking** - Concern regarding the loss of on-street parking for businesses on Maitland Road and the resultant impact on those businesses. The proposed development will increase demand for on street parking in Havelock Street, affecting resident's use of these spaces (addressed within Section 4.2.3(a) of this report).

**Amenity** - Concern that the development will have unreasonable noise impacts due to proposed delivery times (between 7am - 10pm for semi trailers and 6.00am – 10.00pm for small vehicles, daily) and the operation of the compactor (7.00am – 10.00am, daily). There may also be potential odours associated with grease arrestor located in loading dock (addressed within Section 4.2.3(d) of this report).

**Traffic generation** - The proposal will result in traffic congestion to Havelock Street and increased traffic to Corona and Myola Street. The proximity of the Havelock Street Entry point to the Maitland Road intersection will create a bottleneck on Havelock Street (addressed within Section 4.2.3(a) of this report).

**Traffic safety** - Vehicle movements into and out of Havelock Street entry will create safety issues for cars reversing out of driveways opposite the carpark entry. The Havelock Street Entry is too close to the lane between Havelock and Fawcett Streets and will create unsafe conditions (addressed within Section 4.2.3(a) of this report).

**Pedestrian safety** - Increased traffic will create potentially dangerous conditions for pedestrians (addressed within Section 4.2.3(a) of this report).

**Anti-Social Behaviour** – The proposed carpark will increase opportunities for anti-social behaviour such as graffiti (addressed within Section 4.2.2 of this report).

**Economic impacts** – The Coles development will reduce trade to small businesses in the area and devalue neighbouring properties (addressed within Section 4.2.4 of this report).
The objector's concerns are addressed under the relevant matters for consideration in the following section of this report.

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)]

Clause 2.7 - Demolition

The application seeks consent for the demolition of the dwellings at 2-14 Havelock Street.

Clause 4.1 - Minimum subdivision lot size

No minimum lot size for subdivision is prescribed for the sites under LEP 2012.

The development site comprises 28 allotments. The application proposes to re-subdivide the land into 5 new allotments as shown below:

<table>
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<th>Lot</th>
<th>Area</th>
<th>Land use</th>
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<tr>
<td>1</td>
<td>312m²</td>
<td>Retain existing dwelling (No. 1 Thomas Street)</td>
</tr>
<tr>
<td>2</td>
<td>342m²</td>
<td>Retain existing dwelling (No. 3 Thomas Street)</td>
</tr>
<tr>
<td>3</td>
<td>1,005m²</td>
<td>To remain vacant for future residential development)</td>
</tr>
<tr>
<td>4</td>
<td>583m²</td>
<td>To remain vacant for future commercial development)</td>
</tr>
<tr>
<td>5</td>
<td>11,748m²</td>
<td>Proposed Coles Supermarket</td>
</tr>
</tbody>
</table>

Clause 4.3 - Height of Buildings

No. 77 and 83 Maitland Road have a height control of 17m. The part of the building located within this portion of the site has a maximum height of 12.3m measured to the parapet, and 13.8m to the rooftop mechanical plant deck, which complies with this requirement.

No. 61 Maitland Road, Nos. 2, 4, 6, 8, 10, 12 and 14 Havelock Street, Nos. 1, 3, 5, 7, 2, 4, 6, 8, 10 and 12 Hewson Street have a height control of 14m. This portion of the site comprises a car park which has a maximum height of 9.7m measured from the top of the awning, which complies with this requirement.
Clause 4.4 - Floor Space Ratio

This clause prescribes a maximum floor space ratio (FSR) of 1.5:1 for the site. The proposed development has a FSR 0.47:1 and complies with this requirement.

Clause 5.3 – Development near zone boundaries

The development site involves dual zones. The majority of the site is zoned "B2 Local Centre, excepting Nos. 2 - 14 Havelock Street which are zoned "R4 High Density Residential". Whilst the proposed commercial development is permissible in the B4 zone, the proposed car parking and associated access encroaches into the "R4 High Density Residential" land by a maximum of 17m, along Havelock Street whereby the commercial use is prohibited.

The application proposes to resolve this issue by relying on Clause 5.3, which provides some flexibility subject to demonstrating consistency with the objectives in both zones.

The proposed ‘retail’ development is permissible within B2 Local Centre and meets the objectives for this zone.

The proposed development is consistent with that part of the site subject zoned "R4 High Density Residential". Proposed Lot 3 (Havelock Street) has an area of 1,005m² and a street frontage of 74.5m. The depth of the allotment has been increased slightly to 13.5m, following previous advice from Council’s Urban Design Consultative Group (UDCG). It is noted that Council has previously approved a similar lot size / depth under DA20019/1229.

The flexible zone boundary will not prevent or unreasonably restrict the proposed lot from being developed in the future as high-density housing. In order to demonstrate the capacity of the proposed Lot to be reasonably developed for the purpose of high density residential in the future, the application was supported by a concept scheme for a 2 storey residential flat building, comprising 14 x 2 bedroom apartments over basement parking. Future high density housing on this proposed lot is also considered suitable being located in close proximity to the town centre precinct of the Mayfield Renewal Corridor.

Until future re-development of this land occurs a suitable landscape treatment is proposed to ensure this vacant lot provides a positive contribution / interface to the streetscape and public domain.

Proposed Lot 4 (Maitland Road) has an area of 583m² and street frontage of 24.9m. The application was supported by a concept scheme demonstrating the future capacity for a 2-storey retail/commercial building with ground level parking with access from the rear lane. Until future re-development of this land occurs, a suitable landscape treatment is proposed to ensure this vacant lot makes a positive contribution / interface to the streetscape and public domain.
Heritage Conservation – Clause 5.10

The proposal has been assessed having regard to the following two items considered to be within close proximity of the proposed development:

- The Coliseum - 116-122 Maitland Road Mayfield, local significance,
- Beauford Hotel – 39 Maitland Road Mayfield, local significance.

The proposed development does not have a direct line of sight to the Beauford Hotel, on the north side of Maitland Road and has a separation of at least 90 metres. In this context it is considered that the streetscape relationship between this item and the proposed development is satisfactory in heritage terms and its impact is minimal.

It is also considered that the proposed development has minimal impact on the Coliseum having regard to the combination of the amended design and separation distance proposed. The overall integrated design and streetscape proposed by the development is at least equal to, if not significantly better than, the combination of the existing buildings/streetscape presented by the previous development on the site.

Acid Sulfate Soils – Clause 6.1

The subject site is listed as Class 4 under the Acid Sulfate Soils Map. This current application was preceded by a separate application (DA 12/811 – approved 8 February 2013), which approved demolition of the existing buildings, excavation of the site and preparatory site and engineering works, and as such, this current proposal is unlikely to result in any further issues.

Earthworks – Clause 6.2

As indicated above consent has previously been granted for excavation of the site to achieve the intended basement car parking and foundations for the current development.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is affected by Clause 101 - Development with frontage to a classified road and Clause 104 – Traffic-generating development of the SEPP and has been assessed by the Road & Maritime Services (RMS). The RMS has supported the proposal subject to the provision of dedicated right turn lanes in Maitland Road for entry into Corona and Havelock Streets in the interests of traffic safety and maintaining overall road network efficiency. Appropriate conditions, including the developer entering into a Works Authorisation Deed (WAD) with the RMS, are included at Attachment B.

The proposed changes to the road design and traffic conditions require a separate assessment by the Newcastle City Traffic Committee and the elected Council in accordance with the Roads Act, (Part 8, Division 2) 1993.
State Environmental Planning Policy 55 – Remediation of Land (‘SEPP 55’)

The subject site is affected by land contamination.

DA 12/811 involved the demolition of structures and remediation of the site together with retaining wall works to stabilise the site. Approval of this application will be conditioned such that the remediation works proposed as part of DA2012/811 must be completed prior to works commencing.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

The broader strategic policies, including the Newcastle Urban Strategy and the Lower Hunter Regional Strategy (LHRS) identify the site as a District level commercial centre. Mayfield is also one of five nominated renewal corridors under the LHRS (addressed via the Newcastle DCP 2012 - Mayfield Renewal Corridor – Section 6.05 which is discussed below in Section 4.2.2.

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

Subdivision – Section 3.01

The development site comprises 28 allotments and part of a private lane and the application proposes to re-subdivide the land into 5 new allotments. It is considered the re-subdivision and lot consolidation is acceptable having regard to this section and will be addressed by appropriate conditions recommended at Attachment B.

Commercial Uses – Section 3.10

The subject site is located within the Mayfield Renewal Corridor. In this regard, Section 6.05 below outlines the majority of development controls for the proposal. Notwithstanding this, the controls under this section reflect similar controls including street activation and streetscape. The proposal has been considered by Council’s Urban Design Consultative Group (UDCG) and the design has been amended to address concerns raised and, as a result, is now considered to be acceptable.

Safety & Security – Section 4.04

The applicant has prepared a Crime Prevention Through Environmental Design (CPTED) report to identify and address potential safety and security issues. It is considered that the proposal sufficiently addresses the requirements of this section.

Social Impact – Section 4.05

It is considered that the redevelopment of the site to an active retail/commercial use is better than the use of the land in recent times, which had declined significantly before the site was initially brought for redevelopment.
It is noted that there are several dwellings along Hewson Street that will be not be replaced as a result of this proposal. A combination of the ‘renewal corridor’ and ‘substantial’ density precincts which surround Mayfield under the Newcastle DCP 2012 are likely to provide for sufficient replacement housing stock into the future.

It is considered that the positive use of the site and new employment generation are sufficient to consider the proposal acceptable in terms of social impacts. Construction impacts are considered amenity impacts and are addressed separately.

**Land Contamination – Section 5.02**

The subject site is affected by land contamination as discussed above under SEPP 55 (see Section 4.1 of this report).

**Mayfield Renewal Corridor – Section 6.05**

This section of the Newcastle DCP 2012, in combination with the NLEP 2012, contains the majority of controls relating to the proposed development.

The subject site is within Precinct 3 - Mayfield Town Centre under the corridor controls. The development is solely for a retail development and does not propose any residential dwellings. The proposal meets the intent of Precinct 3 encouraging a range of retail uses.

**6.05.01 Land use & Development**

Activation of street frontages

Section 6.05 Mayfield Renewal Corridor of the DCP 2012 requires that the proposal provide active streetscapes. Specifically the DCP requires:

i) ‘Provide ground floor retail uses that provide multiple pedestrian accesses along Maitland Road; and

ii) ‘Provide a visual connection into uses at ground level and avoid the use of solid walls or covered glassing for lengths greater than 3m.’

An activated ground level is achieved to Maitland Road. Visual connection is achieved through extensive glazing of approximately 75% of the street frontage. The overall design has improved the street activation and streetscape appearance when compared with previous approvals to an extent which is considered to be acceptable having regard to this section of the Newcastle DCP 2012.
6.05.02 Building Form & 6.05.03 Public Domain

Floor Space Ratio & Height

As previously discussed within this report the development complies with the required flood space ratio and height limits under the NLEP 2012.

Setbacks

The development is built to the front property boundary to reinforce a consistent streetscape edge. The building also provides a built edge to the common boundary of the proposed residential lot on Havelock Street (Lot 3). A concept plan for the future residential development of this residual lot demonstrates an appropriate treatment and interface between the two sites without significant impacts.

The built form and scale will not result in overshadowing or restrict solar access to adjoining land. The overall built form and presentation of the building is supported by Council's Urban Design Consultative Group (UDCG).

Building Design

It is considered that the proposal is acceptable having regard to its architectural appearance and its interface with the street. The development, as discussed above, is considered to provide an adequate mixture of materials and finishes with the design incorporating an awning and visual interest along the active street frontage.

Landscaping

The proposed landscape concept is considered adequate having regard to the nature of the proposal. As discussed in the above report, suitable landscaping is proposed on lots 3 and 4 to ensure these residual lots provide a positive landscaped contribution to the streetscape and public domain until future development occurs on these sites.

Building Design Criteria – Section 7.01

It is considered that the proposal is acceptable having regard to the requirements of this section. It is noted that these requirements overlap with criteria elsewhere within the Newcastle DCP 2012.

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

The proposal has been considered by the Roads & Maritime Service and Council’s Senior Development Officer (Engineering) and is considered to be acceptable subject to the conditions at Attachment B. Details of the traffic and parking assessment are outlined within Section 4.2.3(b) of this report.
Energy Efficiency – Section 7.05

The proposal has been designed to meet a minimum 4 Star Green Star Rating in the Green Building Council of Australia rating system and, as such, is considered to be acceptable having regard to this section of the DCP.

Storm water – Section 7.06, Flood Management – Section 4.01 & Water Efficiency – Section 7.07

The proposal has been considered by Council’s Senior Development Officer and is considered to be acceptable subject to conditions at Attachment B. Details of the storm water and flooding assessment are outlined within Section 4.2.3(c) of this report.

Waste Management – Section 7.08

The applicant has submitted a waste management plan in accordance with the NDCP 2012 and it is considered to be acceptable.

Outdoor advertising and Signage – Section 7.09

The signage proposal consists mainly of under awning and flush wall signs with two larger projecting wall signs. The proposed signage is generally acceptable having regard to the requirements of the DCP, with the exception of the horizontally projecting wall sign measuring 8.03m (L) x 3.3m (H) located on the western wall above the open staff car park. This sign was considered ‘over scaled’ and ‘redundant’ by the Urban Design Consultative Group (UDCG) and is not supported in this regard.

A condition of consent is included requiring this sign to be deleted so as not to form part of this overall approval. The hours of illumination will also be limited to the approved trading hours for the supermarket.

Street awnings and Balconies – Section 7.10

The overall design of the awning is acceptable in providing appropriate level of amenity and protection for pedestrians and an acceptable level of articulation and visual interest to the streetscape.

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 Urban Design Consultative Group (UDCG) and the final amended plans are considered to adequately address the comments of the UDCG. Overall it is considered that the amended design is
appropriate having regard to its character, streetscape, appearance, height bulk and scale.

b) Traffic, Access & Parking

The proposal has been assessed by Council’s Senior Development Officer (Traffic) and is considered to be acceptable, subject to conditions appended at Attachment B.

In reaching this recommendation Council’s Senior Development Officer (Traffic) provided the following comments:

Traffic Generation

‘The proposed development has been estimated to generate in the order of up to 710 vehicle trips during the Thursday evening and Saturday morning peak hours. In this regard it is to be noted that a conservative approach has been adopted at the direction of RMS and no reduction in vehicle trips due to passing trade has been applied to intersection modelling. A SIDRA analysis has been undertaken on the intersection of Maitland Road and Havelock/Corona Street pre and post development. This analysis has confirmed that the intersection with appropriate intersection continues to operate at acceptable levels of service although increased queue lengths can be expected in Havelock Street for vehicles exiting the site onto Maitland Road.’

Road Network

‘Considering the additional traffic generated by this development and in the interests of traffic safety and maintaining road network efficiency appropriate intersection improvement works have been recommended for the intersection of Maitland Road and Havelock / Corona Streets principally in accordance with RMS letter dated 27 November 2015. However, the proposed intersection improvement works will result in the removal of a number of kerbside parking spaces. This matter will require separate assessment by the Newcastle City Traffic Committee and the elected Council pursuant to Part 8 Div 2 Roads Act 1993.’

Traffic Safety

‘In the interests of traffic safety the RMS have recommended dedicated right turn lanes for entry to the site at the intersection of Maitland Road for entry into Corona and Havelock Streets. In response to safety concerns raised by the Newcastle City Traffic Committee in relation to right turn movements for vehicles in Maitland Road flexible pavement markers have been recommended for installation at the proposed driveway accesses.’

Parking

‘Under Council’s DCP 2012 the parking rate for a ‘Shopping Centre’ is based on an aggregation of retail floor area at 6.1 spaces per 100m2 of GLFA resulting in a parking requirement of 304 spaces.'
A more reflective rate is outlined under the RMS’s ‘Guide to Traffic Generating Developments’ having regard to different floor area types. A supermarket of 4,380m$^2$ in size has a parking rate of 42 spaces per 1,000m$^2$ of GLFA and specialty shops of 600m$^2$ 45 spaces per 1,000m$^2$ of GLFA. Applying these parking rates results in a parking requirement of 211 spaces. The development proposes a total of 249 car spaces and upon review is considered to be adequate in this case.

Car park layout

'The car park layout has been reviewed for compliance with AS 2890.1, 2 and 6 and reinforced with an appropriate condition of consent.'

Public Transport

'The site is well serviced by public transport with bus stops located on both sides of Maitland Road within 400m of the site. While the relocation of these bus stops is required as part of the proposed road alterations they will remain within close proximity of the site. An appropriate condition has been recommended for this application requiring the developer to provide bus shelters for these bus stops.'

Site Access

'Access driveways have been reviewed for compliance with AS 2890.1 and are considered acceptable. An appropriate condition has been assigned to application requiring the maintenance of driver sight lines to pedestrians for vehicles exiting the site and a minimum 6.0m storage onsite for vehicles entering the site to any roller shutter door / boom gate facility.'

Servicing

'A formal loading dock facility has been provided off Maitland Road for the service of this development. This facility has been designed in accordance with AS 2890.2 and caters for a maximum 19.0m articulated vehicle with forward in forward out from Maitland Road.'

Awnings

'An awning is proposed along the Maitland Road frontage of the site. A separate condition has been recommended for this application requiring the separate approval of Council pursuant to S138 Roads Act 1993.'

Public Submissions (Traffic)

'It is noted that a number of traffic related submissions were received in relation to this development proposal raising concerns in relation to the loss of kerb side parking resulting from proposed road alterations. It is considered that this issue will be addressed through a separate process pursuant to Part 8 Div 2 Roads Act 1993.'
This process requires public notification of the proposed road alterations, referral to the Newcastle City Traffic Committee and approval of the elected Council.'

c) Stormwater and Flooding

The proposal has been assessed by Council’s Senior Development Officer (Engineering) and is considered to be acceptable, subject to conditions appended at Attachment B.

In reaching this recommendation Council’s Senior Development Officer (Engineering) provided the following comments:

Stormwater Management

'The stormwater quantity modelling has been done using the DRAINS software to stimulate the runoff from the catchment for both the pre and post development. Rainfall from the roof areas will be directed to the custom-built reuse/detention storage tanks. Stormwater from the tanks will be used for toilet flushing, washing and landscaped areas.

The submitted concept stormwater management strategy has been reviewed in conjunction with the concept plans. Generally, the concept has demonstrated that the development can be sustained without putting additional burden on the existing drainage network around the site. MUSIC Model has been requested and been provided to Council. The modelling has been reviewed. There are no major water sensitive devices and the provision of two new detention tanks (Tank 1 with capacity of 35KL and Tank 2 with capacity of 180KL).

Stormwater reuse will be done within the site via Tank 2. Both the detention tanks have sand filter chambers, which create additional storage and provides for stormwater treatment prior to discharge to the Council drainage system. The MUSIC Model confirms that the development achieves the water quality targets set in the Council Stormwater DCP.'

Stormwater Quality Assessment

'Stormwater quality assessment has been undertaken by Northrop in order to determine the impact on the ecology of the downstream watercourse. The performance of the stormwater strategy was assessed against the MUSIC software targets set in the Council's Technical Manual and the MUSIC Link and create a Water Sensitive Design for the development. The following features are noted in the design:

- Rainwater reuse/detention tanks have been provided for the catchment area.
- Litter baskets (Spel Stormsack or equivalent) have been included in the kerb inlet pits forming the primary treatment measure to remove gross pollutants.
- On Site Detention (OSD) tanks / reuse tanks which will collect roof stormwater run-off.
- A sand filter treatment method has been proposed which will treat stormwater prior to discharge to the Council drainage system.'
**Maintenance & Monitoring and Safety**

'The proposed stormwater structures will require regular monitoring and maintenance to ensure the system is functional. A detailed monitoring and maintenance plan will need to be provided as part of the development.'

**Future Developments Lots 3 and 4)**

'The existing dwellings and future commercial lots will have to provide additional drainage controls as per the Council DCP.'

**d) Environmental**

The proposal has been assessed by Council’s Senior Environment Protection Officer and is considered to be acceptable, subject to conditions appended at Attachment B.

In reaching this recommendation Council’s Senior Environment Protection Officer provided the following comments:

**Noise**

'The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 provides an overview of the potential noise impacts from the proposed development. However, the Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 does not meet the requirements of the NSW Environment Protection Authority's (EPA) 'Industrial Noise Policy'. Significant deviation from the assessment methodology outlined in the NSW EPA's 'Industrial Noise Policy' includes the appropriate determination of project specific noise levels and the use of short-term monitoring results rather than long-term monitoring results to determine appropriate background noise levels at residential receivers. Concern is also raised by the RSU regarding the unattended noise measurement location due to exposure of the noise meter to traffic noise levels in comparison to previous noise studies undertaken at the proposed development site for similar retail centre developments. The submitted acoustic information does not provide sufficient information to appropriately assess the potential noise impacts associated with the proposed development in accordance with relevant guidelines and the RSU considers further information is required to address the issues previously raised and provided to the applicant.

Based on the information currently provided an assessment of the potential noise sources associated with the proposed development are detailed in each subsection below:'

**Loading dock**

'The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 has undertaken an analysis of potential noise impacts from the loading dock area on residential receivers to the north (Thomas Street). The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 provides a series of noise sources
within the loading dock, but does not define the noise modelling scenario i.e extent of time of each noise source etc, or the residential receiver used for the assessment. While the analysis of potential noise impacts from the loading dock area are considered by Acoustic Logic to not result in adverse noise impacts for residential receivers the absence of the inputs into the acoustic model and appropriate project specific noise criteria raises concern regarding the assessment methodology.

In the event the application is approved the RSU considers the recommendation of a 3.5m high acoustic fence along the loading dock as outlined in Figure 3 of the Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 may potentially provide appropriate mitigation from noise impacts from the loading dock. A similar acoustic fence was recommended in the Acoustic Assessment prepared by GHD Pty Ltd dated September 2010 which formed part of the consent conditions for a similar development at the proposed development site (Development Application No: 09/1229). The loading dock area in the previous application was in a similar location to the loading dock area proposed in the current application. The installation of the acoustic fence may potentially be addressed by an appropriate condition of consent.

Due to the above concerns raised with the submitted noise impact assessment the RSU recommends that deliveries and waste collection within the loading dock area be restricted to the day period (7:00am to 6:00pm) to minimise potential short duration noise impacts from these vehicles. The restriction of the delivery hours and waste collection are consistent with previous consent conditions for similar types of retail centre developments at the proposed development site (Development Application No: 09/1229 and 2012/1002). These restrictions may potentially be addressed by appropriate conditions of consent.

Carpark

'The First Floor Plan prepared by EJE Architecture shows a one hundred and thirty two space carparking area including an up ramp adjoining residential dwelling along Thomas Street. The proposed open air carparking area has the potential to generate adverse noise impacts for the existing residential dwellings along Thomas Street. The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 provides some noise sources within the carparking area, but provides minimal detail regarding the acoustic model used to determine received noise levels at residential receivers from the carpark area. Furthermore, the Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 provides no assessment against any defined project specific noise criteria or provides an analysis of the potential impacts. The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 provides some recommendations regarding acoustic mitigation, but no reasoning or justification for the recommended measures are included within the report. While an overarching statement is made that the carpark area will not result in adverse noise impacts for the existing residential receivers adequate justification for the statement is not provided.

The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 recommends the installation of a 1.2m high solid wall along the northern perimeter of the first floor carparking area. However, the First Floor Plan prepared by EJE Architecture and Statement of Environmental Effects (SEE) prepared by City Plan
Services dated September 2015 note a 2.1m high fence/barrier along the northern perimeter of the carpark area. Due to the deficiencies outlined above in the submitted acoustic report the RSU recommends, in the event the application is approved, that a 2.1m high barrier/fence be installed to aid in mitigating potential noise impacts from the carparking area. The installation of the acoustic barrier/fence may potentially be addressed by an appropriate condition of consent.'

**Mechanical plant**

'The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 has provided no analysis or noise assessment against appropriate criteria for mechanical plant associated with the proposed development. Rather, the Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 has provided a statement that noise from mechanical plant can be mitigated, but detailed design of any mitigation measures is requested to be delayed to a later stage. The RSU has previously requested an overall noise level be defined for the mechanical plant to ensure the plant does not generate adverse noise impacts for residential receivers. However, the requested overall noise level has not been provided by the applicant. In the absence of a specified noise level a previous noise assessment conducted for a similar type of retail development at the proposed development site (Noise Impact Assessment prepared by Marshall Day Acoustics dated 13 June 2013 prepared for Development Application No: 2012/1002) has been considered. The previous noise assessment specified a design level of 31dB(A) at residential receivers for all mechanical plant. This design level formed part of the consent conditions for Development Application No: 2012/1002 and the RSU considers the design level remains appropriate with consideration of the similar nature of the two developments. Therefore, in the event the application is approved the above design level should be included within the conditions of consent.'

**Traffic noise**

'The proposed retail centre includes two accessways, off Maitland Road and Havelock Street. While the Maitland Road access is unlikely to generate adverse noise impacts due to the road being an arterial road the Havelock Street entrance/exit is located opposite residential receivers and traffic noise has the potential to generate adverse noise impacts for these dwellings. The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 includes criteria for assessment of potential traffic noise impacts on Havelock Street. However, the criteria appears to have been derived from attended noise monitoring, which includes short-term monitoring (1.5 hours during each period) conducted during peak traffic periods. The use of short-term monitoring to determine the existing background traffic noise levels does not meet the requirements for noise monitoring procedures outlined in the NSW EPA's 'NSW Road Noise Policy'. Due to the use of non-standard monitoring methods to determine the background noise levels the RSU cannot be confident the assessment of potential traffic noise impacts associated with the proposed development have been appropriately assessed.'
Construction

'The Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 requests an assessment of construction noise impacts be conducted prior to the issue of a construction certificate. Council notes this assessment in accordance with the NSW EPA's 'Interim Construction Noise Guidelines' may be conducted as part of a construction environmental management plan (EMP). The requirement for preparation of a construction noise and vibration assessment within a construction EMP may be addressed by an appropriate condition of consent.

Assessments submitted for a similar previous development application (Development Application No: 09/1229) noted pile driving would potentially result in adverse noise and vibration impacts for residential receivers. A restriction regarding pile driving at the proposed development site is appropriate to prevent adverse noise or vibration impacts. Restriction of the use of pile driving may be addressed by an appropriate condition of consent.

Construction activities will be limited to the daytime period only, 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. These hours of construction are in accordance with the NSW EPA's 'Interim Construction Noise Guidelines'. The restriction of the hours of construction may be addressed by an appropriate condition of consent.

Community notification of the proposed construction should be undertaken prior to commencement of works to ensure surrounding properties are aware of the upcoming works. The community notification should identify forthcoming works that are likely to produce noise impacts and provide contact details for the purpose of receiving any complaints from members of the public in relation to activities conducted on-site. The community notification strategy should be documented in the construction EMP and undertaken prior to works commencing. The requirement for preparation of a community notification strategy may be addressed by an appropriate condition of consent."

'A vibration assessment submitted for a similar previous development application (Development Application No: 09/1229) showed vibration from certain construction activities have the potential to exceed the structural damage criteria and exposure levels. Due to the potential vibration impacts a comprehensive vibration management strategy, including vibration monitoring during construction activities should be prepared. The requirement for preparation of a vibration management strategy may be addressed by an appropriate condition of consent.

Council recommends dilapidation surveys of surrounding premises that may potentially be impacted by vibration should be undertaken prior to construction. The requirement for dilapidation surveys of surrounding premises to be undertaken may be addressed by an appropriate condition of consent.'

Contamination

'The remediation of the proposed development site was approved by Council under Development Application No: 2012/811. The letter prepared by Douglas Partners Pty
"L.M. Ltd dated 31 August 2015 notes the remediation activities have commenced at the site, but are not completed. Condition 64 of Development Application No: 2012/811 requires a validation report for the remediation activities to be completed to ensure the land is suitable for future development, including uses that are the subject of the development application under assessment. Therefore, the suitability of the site for the proposed development relies on the completion of the remediation activity under Development Application No: 2012/811. A previous approval (Development Application No: 2012/1002) at the proposed development site for a similar proposal to the development currently under consideration included a condition that all remediation activities under Development Application No: 2012/811 were to be completed prior to commencement of any construction works. A similar type of condition will be included within this application to address the requirement for remediation works to be completed prior to construction works. The condition will also include the requirement for the remediation validation report to be submitted to Council.'

Trolley management

'The proposed retail centre will supply trolleys for customer convenience. However, the issue of trolley abandonment within surrounding streets and areas such as waterways requires consideration. The Code of Practice for the Management of Shopping Trolleys agreed by the Local Government Association of NSW and the Australian Retailers Association NSW states, as a general principle, it is preferable that trolleys remain on the premises which own them. The Trolley Management Plan prepared by Coles dated December 2015 has committed to the installation of the Cart-tronics trolley wheel lock system to retain trolleys at the proposed retail centre. The installation of the trolley wheel lock system will be addressed by an appropriate condition of consent.'

e) Amenity (Overshadowing, Views & Privacy)

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

The proposed development will not result in any unreasonable privacy impacts on neighbouring properties and does not involve any real opportunities for overlooking via the northern, eastern or western elevations.

The majority of the overshadowing falls onto commercial properties within the subject site or onto Maitland Road. It is considered that the extent of overshadowing is reasonable in this instance.

The proposal will involve a large redevelopment of the existing mixture of individual commercial and residential properties and, as such, involves a notable change to the existing outlook to neighbouring properties. Overall, it is considered that there is no loss of views and the impacts on outlook by the site redevelopment are considered to be acceptable.
It is considered that the potential lighting and headlight glare impacts are not unreasonable in this instance.

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

It is considered that the proposal does not result in, unreasonable social impacts. The proposal includes sufficient measures to address potential crime and safety issues as discussed within Section 4.2.2 of this report.

The applicant has submitted an economic impact assessment (EIA) which indicates that the overall impact of the proposal is positive in economic terms. The EIA addresses the potential impacts on other retail centres advising that these impacts are acceptable. It is further noted that the proposal redevelops underutilised sites and has the potential to act as ‘a catalyst for development of other sites on Maitland Road.’

It is considered that the proposed development would have a positive social and economic impact in the locality. While there is a loss of on street parking that is likely to have some effect on a limited number of businesses within the vicinity it is considered, on balance, that the broader economic benefits and redevelopment of this site is notable.

Property devaluation is not a valid planning consideration.

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

The site is not within a Mine Subsidence District or affected by Bushfire Prone Lands. The site is partially affected at the south western corner of 83 Maitland Road by a Probable Maximum Flood level (PMF) but this has no impact on the development as proposed.

The site is affected by land contamination but this is being satisfactorily addressed under the separate application (DA2012/811).

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. Overall, it is assessed that the proposed development will have minimal adverse impact upon the surrounding natural and built environment. Approval of the application is considered to be in the public interest.

**ATTACHMENTS**

**Attachment A:** Plans and elevations of proposed development - 77 Maitland Road, Mayfield (DA2015/10005)

**Attachment B:** Draft Schedule of Conditions - 77 Maitland Road, Mayfield (DA2015/10005)

**Attachment B:** Processing Chronology - 77 Maitland Road, Mayfield (DA2015/10005)
Attachment A: Plans and elevations of proposed development - 77 Maitland Road, Mayfield (DA2015/10005)
BOUNDARY LINE

RL 16.340

PARAPET

MPF - 3m HIGH

CARPARK PAVING

RL 18.340

GROUND LINE - SHOWN DASHED

APPROXIMATE EXISTING

MAYFIELD EAST VILLAGE

SECTION - SHEET 1

SECTIONS - SHEET 1

Maitland Rd, Mayfield NSW

PROJECT No: 10774
DRAWING No: A07
REVISION: C
DATE: MAY 2015
SCALES: 1:200

SCALE 1:200

1 2 3 4 5 6 7 8 9 10

1 2 3 4 5 6 7 8 9

1 2 3 4 5 6 7 8 9

LEGEND

AFG ALUMINIUM FRAMED GLAZING
AL ALUMINIUM LOUVRES
MC METAL CLADDING
MPF METAL PALISADE FENCE
MRSMETAL ROOF SHEET
PBC PAINTED BLOCKWORK/ CONCRETE
PP PAINTED PANELS / PRECAST / FIBRE CEMENT
SF STONE FACING
EXISTING PARKING PLAN FOR MAITLAND ROAD

MAYFIELD EAST VILLAGE

Maitland Rd, Mayfield NSW
MAYFIELD EAST VILLAGE

Maitland Rd, Mayfield NSW

PROPOSED PARKING PLAN FOR MAITLAND ROAD
WITH TURNING LANES TO MAITLAND RD/HAVELOCK STREET

VEHICLE ENTRY/EXIT POINT

NEW NO STOPPING ZONES

RELOCATED BUS ZONES

NEW OR ALTERED ON-STREET PARKING

NOTE: POWER/LIGHT POLES LOCATED WITHIN VEHICLE CLEAR ZONES MAY NEED TO BE RELOCATED SUBJECT TO DETAIL/FURTHER ASSESSMENT
MAITLAND ROAD VIEW FROM SOUTH EAST

MAYFIELD EAST VILLAGE
development application
coles - mayfield
site analysis

coles - mayfield

September 2015

trees proposed to be removed:
17 trees are earmarked for removal,
10 of these trees are street trees located
on maitland road, 7 of which are juvenile.

localised views from
neighbouring backyards.

views from neighbouring
residences and passing motorists.

views to site from retailers across
maitland road and by passing motorists.

site details:
maitland road mayfield
client:
coles group
property developments
date:
september 2015
job number:
107/4.5
scale:
nts @ a3
drawn:
sgk
rev. number:
c

terras
landscape architects
1. General Description

The following landscape design report has been prepared in accordance with the requirements of Development Control Plan 2012 (including associated guidelines), having regard to a Category 3 development by virtue of the proposal being a “Commercial development >2ha”.

2. The Site

The site is located along the northern side of Maitland Road, Mayfield between Havelock Street to the east and Church Street to the west. The site has a gentle slope falling from north to south. The site mainly consists of demolished commercial buildings with concrete slabs remaining. A number of residential buildings are also located within the site. Residential buildings are generally single storey, of weatherboard and iron construction. The majority of the site is currently unoccupied, and of a degraded condition.

3. The Soils

The native soils of the area have been classified as Hamilton. The soil type consists of deep Quaternary sands over stiff estuarine clay. However, given the past commercial use of the site, it is presumed that soil types would be highly modified, therefore it is proposed to either ameliorate the site soil to support the proposed soft landscape works or import organic soil blends.

4. Vegetation

There is no remnant vegetation onsite. However, there are council street plantings to the front of the subject site, along Maitland Road. These consist primarily of Pyrus sp with the occasional Murraya sp. Other vegetation contained within the envelope of the proposed development is primarily made up of garden ornamentals contained within residential gardens.

5. Existing Landscape Character

Landscape character of southern portion of the site is of mixed commercial and retail premises. Landscaping is more formalised and attractive on the southern side of Maitland Road with street tree plantings combined with large terracotta pots, tree guards and paver banding treatment to the footpath. The landscaping along the northern side of Maitland Road in front of the subject site is less formalised with street tree planting and tree guards being the only concession to an otherwise unattractive section of Maitland Road.

The landscape character to the rear of the development behind the Maitland Road frontage becomes one of a suburban nature with planting to the front of the residential blocks with occasional trees planted in yards or on turf verges.

6. Visual Amenity

The current visual amenity of the subject site when viewed from Maitland Road is currently very low, being made up of bitumen forecourts and predominantly vacant commercial buildings with little or no architectural merit. Given that Maitland Road is the busy main street of Mayfield the level of visual access is high. Passing motorists and shoppers have clear views into the site.

The visual amenity to the rear and southeastern side of the subject site is of a more moderately appealing nature with turf verges, planting to the front of dwellings, occasional trees, cottages of similar dimensions, setbacks and construction materials. The visual access of these areas is quite low and very localised as only local traffic and residents can view the subject site.

7. Proposed Development

The proposed development consists of Commercial retail space including a Coles supermarket and underground and at grade open car parking.

It is proposed that existing buildings within the subject site will be demolished. It is anticipated that the proposed development will significantly improve the visual amenity of the subject site when viewed from Maitland Road.

8. Proposed Landscape Treatments

The main objectives of the proposed landscape works is to develop an identity for the proposed shopping centre and to minimise any potential visual impacts that it may incur.

Maitland Road Street Frontage:
- Continuation and embellishment of the current street planting, street furniture and pavement
- Themes for Mayfield in consultation with Newcastle City Council
- Seating and building entry points
- Provide safe and identifiable crossing points at carpark and delivery entries through contrasting paving treatments and tactile indicators

Open Car Park
- Tree planting to the eastern boundary supplemented by taller varieties of Syzygium to provide screening.
- Smaller columnar trees such as Elaeocarpus eumundi to the entry area.
- Native shrubs, grasses and groundcovers to the entry area and under proposed trees.

Surplus Land
- Planting of short-lived trees (Acacia decurrens) to provide screening and visual amenity when viewed from Maitland Road.
- Low groundcovers and accent plants adjacent to entry locations with CPTED principles in mind to further temporarily enhance surplus land.

Northern Boundary
- Screen planting of Syzygium species to the open car parks northern boundary.

Pyrus ‘Chanticleer’ (Ornamental Pear)
100 litre stock proposed for the Maitland Road frontage.

Lophospermum confertum (Brussels)
100 litre stock proposed for the open car park area.

Elaeocarpus eumundi (Quandong)
100 litre stock proposed for the open car park area.
SCREENING HEDGE OF SYZYGIUM SPECIES (LULYLLY PILL) TO WESTERN ELEVATION

SOIL VAULTS TO FOOTPATH WITH PERMEABLE PAVEMENT, SUGGESTED SPECIES - PYRUS "CHANTICLEER" (ORNAMENTAL PEAR)

TEMPORARY GARDEN OF LOW GROUNDCOVERS AND ACCENT PLANTS TO ENTRY ON SURPLUS LAND.

LOW MASS PLANTING TO ENTRY

CAR PARK PLANTING, SUGGESTED SPECIES - LOPHOSTEMON CONVERTUS (BRUSHBOX)

SLOW GROWING TREES (ACACIA DECURRENS) AS A TEMPORARY LANDSCAPE TREATMENT TO SURPLUS LAND

SCREENING HEDGE OF SYZYGIUM SPECIES (LULYLLY PILL) TO EASTERN BOUNDARY

TEMPORARY GARDEN OF LOW GROUNDCOVERS AND ACCENT PLANTS TO ENTRY ON SURPLUS LAND.

site details:
MALT LAND ROAD, MAYFIELD
client:
COLES GROUP
PROPERTY DEVELOPMENTS
date:
SEPTEMBER 2015
job number:
07045
scale:
1:500 @ A3
drawn:
SGR
rev. number:
C

terras
landscape architects
THESE DRAWINGS AND DIMENSIONS ARE FOR DESIGN INTENT AND ARE NOT FOR PRODUCTION. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.

ALL SIGNAGE TO BE MANUFACTURED AS PER LATEST COLES EXTERNAL SIGNAGE MANUAL
THESE DRAWINGS AND DIMENSIONS ARE FOR DESIGN INTENT AND ARE NOT FOR PRODUCTION. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.
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STORE #: STORE NAME:
MAYFIELD EAST VILLAGE

STORE ADDRESS:
MAYFIELD ROAD
MAYFIELD NSW 2304

REF #: MAP
DRAWN BY: FOREFRONT - KO
SIGN #: 02
ISSUE DATE: 17 09 15

SIGN A: COLES / LL ILLUMINATED FLEXFACE LIGHTBOX. 8038mm x 3300mm

SIGN G: PARKING DIRECTIONAL ILLUMINATED LIGHTBOX. 1500mm x 1500mm

SIGN H: RED VINYL WINDOW GRAPHICS. Approx. 10,073mm x 2657mm

SIGN C: COLES & LL SUSPENDED ILLUMINATED SIGNS. COLES: FABRICATED LETTERS ON A STAGING PANEL. 5480mm x 1500mm, ‘C’ 1250 h. LL: FABRICATED ACM BOX WITH INTRA-CUT LETTERS. 5480mm x 750mm, ‘L’ 462 h

SIGN B: SIDE 1: COLES / LL ILLUMINATED FLEXFACE LIGHTBOX. 4383mm x 1800mm. SIDE 2: PARKING DIRECTIONAL ILLUMINATED FLEXFACE LIGHTBOX. 1960mm x 1800mm

SIGN F: PARKING ILLUMINATED LIGHTBOX, FIXED TO FASCIA ABOVE GATRY. 5370mm x 1150mm

SIGN D: COLES SUSPENDED ILLUMINATED FABRICATED LETTERS ON A STAGING PANEL. 5480mm x 1500mm, ‘C’ 1250 h

SIGN E: LL FABRICATED ACM BOX WITH ILLUMINATED INTRA-CUT LETTERS. 2560mm x 500mm, ‘L’ 308 h

SIGN 2.4: DOUBLE SIDED 6m Pylon Sign.

SIGN 2.5: DOUBLE SIDED DIRECTIONAL Pylon Sign. 1100mm x 2100mm
THESE DRAWINGS AND DIMENSIONS ARE FOR DESIGN INTENT AND ARE NOT FOR PRODUCTION. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.
SIGN A:
INSTALL NEW COLES / LIQUORLAND ILLUMINATED FLEXFACE LIGHTBOX WITH TRANSLUCENT VINYL GRAPHICS.
SIGN WILL EXTEND PAST BUILDING, ENGINEERING REQUIRED.
NOTE: PART OF REVERSE OF SIGN WILL BE VISIBLE, TO BE RED.
4383mm x 3300mm

SIGN B - SIDE 1:
INSTALL NEW COLES / LIQUORLAND ILLUMINATED FLEXFACE LIGHTBOX WITH TRANSLUCENT VINYL GRAPHICS.
SIGN WILL EXTEND PAST BUILDING, ENGINEERING REQUIRED.
4383mm x 1800mm

SIGN B - SIDE 2:
INSTALL NEW ILLUMINATED FLEXFACE LIGHTBOX WITH TRANSLUCENT VINYL GRAPHICS.
THIS SIGN WILL BE BACK TO BACK WITH COLES / LIQUORLAND LIGHTBOX (SEE SIGN B - SIDE 1).
SIGN WILL EXTEND PAST BUILDING, ENGINEERING REQUIRED.
1960mm x 1800mm

REFERENCE:
Coles signage guidelines (CUSTOM DESIGN)
**SIGN C:**
INSTALL NEW COLES SET OF SUSPENDED HALO ILLUMINATED FABRICATED ACRYLIC LETTERS. 
OPAL ACRYLIC FACE ILLUMINATED WITH WHITE LED’S. WHITE BLOCK OUT RETURNS. 
HALO ILLUMINATED USING RED LED’S. LETTERS FIXED TO A RED ACM STAGING PANEL. 
SIGN SUSPENDED USING A SILVER ALUMINIUM FRAME. 
5480mm x 1500mm staging panel, ‘C’ height 1250mm

INSTALL NEW LIQUORLAND 3D SIGN. ACM FABRICATED BOX TO MATCH PMS 485. 
ILLUMINATED ACRYLIC INTRA-CUT LETTERING, TRANSLUCENT VINYL TO FACE OF LETTERS. 
RETURNS PAINTED BLOCK OUT BLACK. SIGN SUSPENDED USING A SILVER ALUMINIUM FRAME. 
5480mm x 750mm staging panel, ‘L’ height 462mm

A5.0  Reference within Coles signage guidelines

**SIGN D:**
INSTALL NEW COLES SET OF SUSPENDED HALO ILLUMINATED FABRICATED ACRYLIC LETTERS. 
OPAL ACRYLIC FACE ILLUMINATED WITH WHITE LED’S. WHITE BLOCK OUT RETURNS. 
HALO ILLUMINATED USING RED LED’S. LETTERS FIXED TO A RED ACM STAGING PANEL. 
SIGN SUSPENDED USING A SILVER ALUMINIUM FRAME. 
5480mm x 1500mm staging panel, ‘C’ height 1250mm

A5.0  Reference within Coles signage guidelines
SIGN E: INSTALL NEW LIQUORLAND 3D SIGN. ACM FABRICATED BOX TO MATCH PMS 485. ILLUMINATED ACRYLIC INTRA-CUT LETTERING, TRANSLUCENT VINYL TO FACE OF LETTERS. RETURNS PAINTED BLOCK OUT BLACK. 2560mm x 500mm staging panel, ‘L’ height 308mm.

SIGN F: INSTALL NEW ILLUMINATED LIGHTBOX WITH TRANSLUCENT VINYL GRAPHICS FIXED TO FASCIA ABOVE CARPARK ENTRY. 5370mm x 1150mm

SIGN G: INSTALL NEW ILLUMINATED LIGHTBOX WITH TRANSLUCENT VINYL GRAPHICS. 1500mm x 1500mm

SIGN H: INSTALL NEW RED VINYL GRAPHICS TO GLAZING. Approx. 10,073mm x 2657mm

G1.1 Reference within Coles signage guidelines
**SIGN DESCRIPTION:** Pylon Sign

**EXISTING CONDITIONS:** The signage illustrated is NEW.

**PROPOSED SIGN DETAILS:**
- Install new double-sided face pylon.
- Coles lightbox: 2400mm x 850mm
- Liquorland lightbox: 2400mm x 590mm
- Parking lightbox: 2400mm x 590mm
- Trading hours non-illuminated ACM panels: 1800mm x 1100mm

**EXISTING POWER SUPPLY:** N/A

**POWER SUPPLY DETAILS:** N/A

**ACCESS REQUIREMENTS:** N/A

**TRAFFIC MANAGEMENT REQUIRED:** N/A

**KNOWN HAZARDS (POWERLINES ETC):** N/A

**NOTES:**
- Reference within Coles signage guidelines

**STORE #:** MAYFIELD EAST VILLAGE

**STORE NAME:** MAYFIELD EAST VILLAGE

**ADDRESS:** 125 MAITLAND ROAD

**COUNCIL APPROVED:** Y

**ISSUE DATE:** 17/09/15

**DATE:** 28/09/15

**REF #:** 2.4

**SIGN #:** 2.4

**DRAWN BY:** COLES/FOREFRONT - KO

**ISSUE #:** 03

**SECTION:** A0.3 Reference within Coles signage guidelines

**NOTICE:** This document contains confidential and/or proprietary information and should be treated as confidential. The recipient may only disclose the information to persons who are authorized to receive it. The recipient’s responsibilities include keeping the document and all copies thereof confidential at all times. Any unauthorized use or disclosure of the information contained herein may result in legal action.
**Sign Description:** DIRECTIONAL PYLON SIGN

**Existing Conditions:** The signage illustrated is new.

**Proposed Sign Details:** Install new double-sided fabricated ACM box with illuminated intra-cut opal acrylic graphics. Translucent vinyl to face of Liquorland letters. ACM painted to match blue (PMS 300) and red (PMS 485) as shown. Illuminated using LEDs. Stainless steel skirting. 1100mm wide x 2100mm high x 160mm deep.
**Sign Description:** Welcome / Thanks signage - Ground Floor.

**Existing Conditions:** The signage illustrated is new.

**Proposed Sign Details:**
- Install new double sided freestanding sign.
- ACM panels with rounded corners and laminated digital prints applied.
- Fixed to 2 new poles.
- 2 x 1200mm x 1900mm x 900mm

**Traffic Management Required:**
- N/A

**Known Hazards (Powerlines etc.):**
- N/A

**Notes:**
- Reference within Coles signage guidelines

**Store Address:**
- Maitland Road
- Mayfield NSW 2304

---

**Front:**
- Welcome to Coles
- Maitland East Village

**Reverse:**
-Thanks for shopping at Coles

---

**Dimensions:**
- Width: 1200 mm
- Height: 900 mm
**Welcome to Coles**

Mayfield East Village

**Front**

**Reverse**

---

**First Floor Carparking** 133 Spaces

---

**Existing Conditions:**

- **Welcome/Thanks Signage - First Floor:**

**Proposed Sign Details:**

- Install new double-sided freestanding sign
- ACM panels with rounded corners and laminated digital prints applied
- Fixed to 2 x new poles
- 2 of (1 of each) 1200mm x 900mm

**Traffic Management Required:**

N/A

**Known Hazards (Powerlines etc.):**

N/A

**Notes:**

N/A

---

**References within Coles Signage Guidelines**

---

**Coles**
THESE DRAWINGS AND DIMENSIONS ARE FOR DESIGN INTENT AND ARE NOT FOR PRODUCTION. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.

EXISTING CONDITIONS:
DISABLED PARKING SIGNAGE - GROUND FLOOR.

PROPOSED SIGN DETAILS:
INSTALL NEW ACM PANELS WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINTS APPLIED.
2 of 300mm x 400mm
2 of 1200mm x 1200mm
PAINT STENCILS ON THE GROUND OF PARKING BAYS.

EXISTING POWER SUPPLY:
N/A

POWER SUPPLY DETAILS:
N/A

ACCESS REQUIREMENTS:
N/A

TRAFFIC MANAGEMENT REQUIRED:
N/A

KNOWN HAZARDS (POWERLINES ETC):
N/A

NOTES:
N/A

C1.6 Reference within Coles signage guidelines

C1.18
THESE DRAWINGS AND DIMENSIONS ARE FOR DESIGN INTENT AND ARE NOT FOR PRODUCTION. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.

EXISTING CONDITIONS:
DISABLED PARKING SIGNAGE - FIRST FLOOR.

THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS:
INSTALL NEW ACM PANELS WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINTS APPLIED FIXED TO NEW POLES.
2 of 300mm x 400mm (type A)
1 of 300mm x 500mm (type B)
PAINSTENCILS ON THE GROUND OF PARKING BAYS.
4 of 1200mm x 1200mm

NOTES:
N/A
SIGN DESCRIPTION: Pram Parking Signage - Ground Floor.

EXISTING CONDITIONS: The signage illustrated is new.

PROPOSED SIGN DETAILS: Install new ACM panel with rounded corners and laminated digital print applied. Fixed to new pole. 1 of 300mm x 500mm Paint stencils on the ground of parking bays. 2 of 1200mm x 1200mm.

EXISTING POWER SUPPLY: N/A

POWER SUPPLY DETAILS: N/A

ACCESS REQUIREMENTS: N/A

TRAFFIC MANAGEMENT REQUIRED: N/A

KNOWN HAZARDS (POWERLINES ETC): N/A

NOTES: N/A

COUNCIL APPROVED: Yes

LESSOR APPROVED: Yes

STORE #: 109

STORE Name: MAYFIELD EAST VILLAGE

STORE ADDRESS: MAITLAND ROAD

MAITLAND EAST VILLAGE

REFERENCE: C1.18 Reference within Coles signage guidelines

CARPARK SIGNS

FOREFRONT - KO

03 17 09 15

MAYFIELD NSW 2304

C1.8 Reference within Coles signage guidelines

ISSUE DATE: 17 09 15

REVISION: 3.3a
EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS: INSTALL NEW ACM PANEL WITH Rounded CORNERS AND LAMINATED DIGITAL PRINT APPLIED.

FIXED TO NEW POLE.

1 of 300mm x 500mm

PAINT STENCILS ON THE GROUND OF PARKING BAYS.

2 of 1200mm x 1200mm

CARPARK SIGNS

FOREFRONT - KO

03

17 09 15

MAITLAND ROAD

MAYFIELD NSW 2304

C1.8 Reference within Coles signage guidelines
SENORS PARKING SIGNAGE - GROUND FLOOR

EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS: INSTALL NEW ACM PANEL WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINT APPLIED. FIXED TO NEW POLE.
1 of 300mm x 400mm
1 of 1200mm x 1200mm
PAINT STENCIL ON THE GROUND OF PARKING BAY.

EXISTING POWER SUPPLY: N/A
POWER SUPPLY DETAILS: N/A
ACCESS REQUIREMENTS: N/A
TRAFFIC MANAGEMENT REQUIRED: N/A
KNOWN HAZARDS (POWERLINES ETC): N/A
NOTES: N/A

SIGN DESCRIPTION: SENORS PARKING SIGNAGE - GROUND FLOOR
EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.
PROPOSED SIGN DETAILS: INSTALL NEW ACM PANEL WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINT APPLIED. FIXED TO NEW POLE.
1 of 300mm x 400mm
1 of 1200mm x 1200mm
PAINT STENCIL ON THE GROUND OF PARKING BAY.

EXISTING POWER SUPPLY: N/A
POWER SUPPLY DETAILS: N/A
ACCESS REQUIREMENTS: N/A
TRAFFIC MANAGEMENT REQUIRED: N/A
KNOWN HAZARDS (POWERLINES ETC): N/A
NOTES: N/A

SIGN DESCRIPTION: SENORS PARKING SIGNAGE - GROUND FLOOR
EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.
PROPOSED SIGN DETAILS: INSTALL NEW ACM PANEL WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINT APPLIED. FIXED TO NEW POLE.
1 of 300mm x 400mm
1 of 1200mm x 1200mm
PAINT STENCIL ON THE GROUND OF PARKING BAY.

EXISTING POWER SUPPLY: N/A
POWER SUPPLY DETAILS: N/A
ACCESS REQUIREMENTS: N/A
TRAFFIC MANAGEMENT REQUIRED: N/A
KNOWN HAZARDS (POWERLINES ETC): N/A
NOTES: N/A

SIGN DESCRIPTION: SENORS PARKING SIGNAGE - GROUND FLOOR
EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.
PROPOSED SIGN DETAILS: INSTALL NEW ACM PANEL WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINT APPLIED. FIXED TO NEW POLE.
1 of 300mm x 400mm
1 of 1200mm x 1200mm
PAINT STENCIL ON THE GROUND OF PARKING BAY.

EXISTING POWER SUPPLY: N/A
POWER SUPPLY DETAILS: N/A
ACCESS REQUIREMENTS: N/A
TRAFFIC MANAGEMENT REQUIRED: N/A
KNOWN HAZARDS (POWERLINES ETC): N/A
NOTES: N/A
SENORS PARKING SIGNAGE - FIRST FLOOR.

EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS:
- INSTALL NEW ACM PANEL WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINT APPLIED.
  - FIXED TO NEW POLE.
  - 1 at 300mm x 500mm
  - 2 at 1200mm x 1200mm
- PAINT STENCILS ON THE GROUND OF PARKING BAYS.

EXISTING POWER SUPPLY: N/A

POWER SUPPLY DETAILS: N/A

ACCESS REQUIREMENTS: N/A

TRAFFIC MANAGEMENT REQUIRED: N/A

KNOWN HAZARDS (POWERLINES ETC): N/A

NOTES: N/A

SIGN DESCRIPTION: SENORS PARKING SIGNAGE - FIRST FLOOR.

EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS:
- INSTALL NEW ACM PANEL WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINT APPLIED.
  - FIXED TO NEW POLE.
  - 1 at 300mm x 500mm
  - 2 at 1200mm x 1200mm
- PAINT STENCILS ON THE GROUND OF PARKING BAYS.

EXISTING POWER SUPPLY: N/A

POWER SUPPLY DETAILS: N/A

ACCESS REQUIREMENTS: N/A

TRAFFIC MANAGEMENT REQUIRED: N/A

KNOWN HAZARDS (POWERLINES ETC): N/A

NOTES: N/A

Reference within Coles signage guidelines

C1.3 C1.18
**SIGN DESCRIPTION:** Trolley signage - ground floor

**EXISTING CONDITION:** The signage illustrated is new.

**PROPOSED SIGN DETAILS:** Install new ACM panels with rounded corners and laminated digital prints applied. Fixed to trolley bay railing. 7 of 1200mm x 1400mm

---

**REFERENCE:**

- Reference within Coles signage guidelines

---

**NOTES:**

- Confirm on site

---

**STORE #:** MAYFIELD EAST VILLAGE

**STORE NAME:**

**STORE ADDRESS:**

- MAITLAND ROAD
- MAITLAND ROAD

**D/S:**

- N/A

---

**COUNCIL APPROVED:**

Y

**LEASER APPROVED:**

N

---

**EXISTING POWER SUPPLY:**

- N/A

---

**POWER SUPPLY DETAILS:**

- N/A

---

**ACCESS REQUIREMENTS:**

- N/A

---

**TRAFFIC MANAGEMENT REQUIRED:**

- N/A

---

**KNOWN HAZARDS (POWERLINES ETC.):**

- N/A

---

**EXISTING CONDITIONS:**

- Trolleys

---

**EXISTING SIGNAGE:**

- Trolley signage - ground floor

---

**PROPOSED SIGN DETAILS:**

- Install new ACM panels with rounded corners and laminated digital prints applied. Fixed to trolley bay railing. 7 of 1200mm x 1400mm

---

**CON/FIRM ON SITE:**

- Confirm on site

---

**NOTE:**

- Reference within Coles signage guidelines
EXISTING CONDITIONS: The signage illustrated is new.

PROPOSED SIGN DETAILS: Install new ACM panels with rounded corners and laminated digital prints applied fixed to trolley bay railing. 6 of 1200mm x 1400mm

NOTES: N/A

COUNCIL APPROVED: N/A

LEASER APPROVED: N/A

STORE #: MAYFIELD EAST VILLAGE
STORE NAME: MAYFIELD NSW 2304
STORE ADDRESS: MAITLAND ROAD

EXISTING POWER SUPPLY: N/A
POWER SUPPLY DETAILS: N/A
ACCESS REQUIREMENTS: N/A
TRAFFIC MANAGEMENT REQUIRED: N/A

KNOWN HAZARDS (POWERLINES ETC): N/A

EXISTING CONDITIONS:
TROLLEY SIGNAGE - FIRST FLOOR.

THE SIGNAGE ILLUSTRATED IS NEW.

INSTALL NEW ACM PANELS WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINTS APPLIED FIXED TO TROLLEY BAY RAILING
6 of 1200mm x 1400mm

NOTE: Reference within Coles signage guidelines

REFERENCE WITHIN COLES SIGNAGE GUIDELINES

CAR PARK SIGNS

FOREFRONT - KO

ISSUE DATE: 17 09 15

CONFIRM ON SITE

MAYFIELD EAST VILLAGE

C1.7 Reference within Coles signage guidelines
These drawings and dimensions are for design intent and are not for production. The sign fabricator shall verify and be responsible for all fabrication/build/print specific requirements, printer proofs and shopfitter supplied construction drawings where required. These must be approved by Coles signage team prior to fabrication commencing.

**SIGN DESCRIPTION:** REceiving Sign

**EXISTING CONDITIONS:** The signage illustrated is new.

**PROPOSED SIGN DETAILS:** Install new ACM panel with laminated digital print applied. 3600mm x 600mm size to be confirmed before production.

**SIGNAGE ILLUSTRATED:** New.

**EXISTING CONDITIONS:** The signage illustrated is new.

**EXISTING CONDITIONS:** The signage illustrated is new.

**NOTES:**

1. Reference within Coles signage guidelines.

2. Details of power supply and traffic management are required as per Coles guidelines. These details shall be confirmed by the Coles signage team prior to commencement.
THESE DRAWINGS AND DIMENSIONS ARE FOR DESIGN INTENT AND ARE NOT FOR PRODUCTION. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.

EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS:
INSTALL NEW ACM PANELS WITH LAMINATED DIGITAL PRINTS APPLIED.
SUSPENDED FROM CEILING.
4 of 1800mm x 350mm (Signs A - D)
1 of 1600mm x 350mm (Sign E)
SIZES TO BE CONFIRMED BEFORE PRODUCTION

NOTE: THIS DRAWING IS FOR INFORMATION AND REFERENCE PURPOSES ONLY AND IS NOT FOR PRODUCTION. THIS DRAWING IS FOR USE AND CONSIDERATION ONLY. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.

SIGN DESCRIPTION: WAYFINDING SIGNAGE - GROUND FLOOR

EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS:
INSTALL NEW ACM PANELS WITH LAMINATED DIGITAL PRINTS APPLIED.
SUSPENDED FROM CEILING.
4 of 1800mm x 350mm (Signs A - D)
1 of 1600mm x 350mm (Sign E)
SIZES TO BE CONFIRMED BEFORE PRODUCTION

SIGN DESCRIPTION: WAYFINDING SIGNAGE - GROUND FLOOR

EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS:
INSTALL NEW ACM PANELS WITH LAMINATED DIGITAL PRINTS APPLIED.
SUSPENDED FROM CEILING.
4 of 1800mm x 350mm (Signs A - D)
1 of 1600mm x 350mm (Sign E)
SIZES TO BE CONFIRMED BEFORE PRODUCTION

NOTE: THIS DRAWING IS FOR INFORMATION AND REFERENCE PURPOSES ONLY AND IS NOT FOR PRODUCTION. THIS DRAWING IS FOR USE AND CONSIDERATION ONLY. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.

NOTE: THIS DRAWING IS FOR INFORMATION AND REFERENCE PURPOSES ONLY AND IS NOT FOR PRODUCTION. THIS DRAWING IS FOR USE AND CONSIDERATION ONLY. THE SIGN FABRICATOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL FABRICATION/BUILD/PRINT SPECIFIC REQUIREMENTS, PRINTERS PROOFS AND SHOPFITTER SUPPLIED CONSTRUCTION DRAWINGS WHERE REQUIRED. THESE MUST BE APPROVED BY COLES SIGNAGE TEAM PRIOR TO FABRICATION COMMENCING.
EXISTING CONDITIONS: THE SIGNAGE ILLUSTRATED IS NEW.

PROPOSED SIGN DETAILS: INSTALL NEW ACM PANELS WITH ROUNDED CORNERS AND LAMINATED DIGITAL PRINTS APPLIED. EACH SIGN FIXED TO 2 x NEW POLES, 2 of 1200mm x 900mm (1 of each).

NOTE: N/A

STORE ADDRESS: MAITLAND ROAD

COUNCIL APPROVED: MAYFIELD NSW 2304

NOTES: N/A

EXISTING POWER SUPPLY: N/A

POWER SUPPLY DETAILS: N/A

ABILITY REQUIREMENTS: N/A

TRAFFIC MANAGEMENT REQUIRED: N/A

KNOWN HAZARDS (POWERLINES ETC): N/A

EACH SIGN FIXED TO 2 x NEW POLES.

2 of 1200mm x 900mm (1 of each)
**SIGN DESCRIPTION:** LEASELINE SIGNAGE

**EXISTING CONDITIONS:** The signage illustrated is new.

**PROPOSED SIGN DETAILS:**
- Paint building to match PMS 485.
- Install new set of Halogen illuminated fabricated acrylic letters.
- Opal acrylic face illuminated with white LEDs. White block out returns.
- Halogen illuminated discovery LEDS.
- 4974mm x 1347mm overall letter size, "C" height 1193mm
- Size to be confirmed before production

**EXISTING POWER SUPPLY:** N/A

**POWER SUPPLY DETAILS:** N/A

**ACCESS REQUIREMENTS:** 4.5m

**TRAFFIC MANAGEMENT REQUIRED:** N/A

**KNOWN HAZARDS (POWERLINES ETC.):** N/A

**NOTES:**

**STORE #:** MAYFIELD EAST VILLAGE

**STORE ADDRESS:** MAITLAND ROAD

**STORE NAME:** MAYFIELD NSW 2304

**LEASELINE SIGNS**

**FOREFRONT - KO**

**REVISION:** 02

**ISSUE DATE:** 170915

---

Reference within Coles signage guidelines
Attachment B: Draft Schedule of Conditions - 77 Maitland Road, Mayfield
ATTACHMENT B - DRAFT SCHEDULE OF CONDITIONS
DA 2015/10005 - 77 MAITLAND ROAD, MAYFIELD

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979* (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>A02 - Site Plan</td>
<td>C</td>
<td>EJE</td>
<td>22 May 2015</td>
</tr>
<tr>
<td>A03 - Ground Floor Plan</td>
<td>D</td>
<td>EJE</td>
<td>May 2015</td>
</tr>
<tr>
<td>A04 - First Floor Plan</td>
<td>E</td>
<td>EJE</td>
<td>May 2015</td>
</tr>
<tr>
<td>A05 - Roof Plan</td>
<td>C</td>
<td>EJE</td>
<td>May 2015</td>
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<tr>
<td>A06 - Elevations</td>
<td>C</td>
<td>EJE</td>
<td>May 2015</td>
</tr>
<tr>
<td>A07 - Sections</td>
<td>C</td>
<td>EJE</td>
<td>May 2015</td>
</tr>
<tr>
<td>Materials and Colours Schedule</td>
<td>A</td>
<td>EJE</td>
<td>May 2015</td>
</tr>
<tr>
<td>B131 SUB - Subdivision Plan</td>
<td>E</td>
<td>PARKER SCANLON</td>
<td>02 March 2016</td>
</tr>
<tr>
<td>Landscape Design Report</td>
<td>C</td>
<td>TERRAS</td>
<td>September 2015</td>
</tr>
<tr>
<td>Landscape Plan</td>
<td>C</td>
<td>TERRAS</td>
<td>September 2015</td>
</tr>
<tr>
<td>Concept Design - Maitland Road / Havelock Street / Corona Street 15S1585000-01-01-P4</td>
<td></td>
<td>GTA</td>
<td>26 May 2016</td>
</tr>
<tr>
<td>C01DA - Concept Sediment and Erosion Control Plan</td>
<td>B</td>
<td>NORTHRP</td>
<td>16 June 2016</td>
</tr>
<tr>
<td>C02DA - Concept Stormwater Management Plan - Ground Floor Part 1</td>
<td>B</td>
<td>NORTHRP</td>
<td>16 June 2016</td>
</tr>
</tbody>
</table>
In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

3. No approval is given to Sign 'A' located on the western wall above the staff car park. This sign is to be deleted from the plans so as not to form part of this consent.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

4. A total monetary contribution of $171,760.00 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:
<table>
<thead>
<tr>
<th>Indexation quarters</th>
<th>Approx release date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>Late October</td>
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<tr>
<td>December</td>
<td>Late January</td>
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<tr>
<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
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</tbody>
</table>

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.

5. On-site parking accommodation is to be provided for a minimum of 249 vehicles including 3 disabled car spaces 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. Wheelstops being provided along the front of all parking spaces abutting pedestrian pathways in accordance with AS 2890 Parking. Full details are to be included in documentation for a Construction Certificate application.

7. The proposed disabled parking bays being clearly indicated by means of signs and/or pavement markings. Full details are to be included in documentation submitted with the application for a Construction Certificate.

8. All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – Design for Access and Mobility. Full details are to be included in documentation submitted with the application for a Construction Certificate.

9. 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.

10. Opposing traffic flows on car park ramps are to be separated by the provision of an appropriate kerb and/or safety barrier. Full details are to be included in documentation for a Construction Certificate application.

11. All proposed driveways, parking bays, loading 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.

12. 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 proposed driveway entrances 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.

13. Roof water from the proposed new works is to be directed to the stormwater storage tanks (Tank 1 with capacity of 35KL and Tank 2 with capacity of 180KL) and being reticulated to the building to new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be provided with
14. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. capped relief access points at the lowest level of stormwater drainage).

15. A structural engineer is to determine the location and depth of the proposed stormwater tanks and On Site Detention and certify that it will not adversely affect any building foundation footings or slabs when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and Newcastle City Council’s Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a construction certificate.

16. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council’s Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.

17. Overflows from the rainwater tanks, on-site detention and any additional discharge controls (if required) are to be directed to Council’s drainage system by means of an interallotment drainage line or underground pipe directly to the street gutter. Full details are to be provided with the Construction Certificate application.

18. 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, as indicated on the stormwater management concept plans and stormwater management report prepared by Northrop Consulting Engineers Job No. NL150210 Drawing numbers C01DA, C02DA, C04DA & C05DA Revision B dated 16/06/2016. Full details are to be included in documentation for a Construction Certificate application.

19. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

20. The proposed development is not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events. This is to be verified by the provision of stormwater control details included in documentation for a Construction Certificate application.

21. A minimum 3.0m wide drainage overland flow path located between the public laneway and Thomas Street is to be provided, as outlined in the engineering details and calculations submitted in support of the Development Application, sufficient to allow floodwaters to pass freely through from the laneway to Thomas Street. Plans indicating full details of the required drainage overland flowpath and the design of such are to be included in documentation for any Construction Certificate application.

22. Suitable floodways are to be provided within the site, as outlined in the engineering details and calculations submitted in support of the Development Application, sufficient to allow floodwaters to pass freely through the site. Plans indicating full details of the required floodways and the design of such are to be included in documentation for a Construction Certificate application.
23. Any fencing proposed across the required floodway or overland flowpath is to be of an open mesh or rod style. Full details are to be included in documentation for a Construction Certificate application.

24. Any landscaping within the proposed 3.0m (minimum) wide drainage overland flowpath located between the public laneway and Thomas Street is to be designed and positioned in such a manner as to ensure that the designated floodways and overland flowpath are not obstructed. Full details are to be included in documentation for any Construction Certificate application.

25. The development being provided with appropriate noise attenuation measures to adequately address potential road traffic noise impacts from the operation of Maitland Road in accordance with the Environmental Protection Authority's 'Environmental Criteria for Road Traffic Noise'. Full details to be included in documentation for a Construction Certificate application and implemented prior to the issue of any occupation certificate.

26. Any proposed roller shutter door or boom gate facility being located a minimum of 15.0m for the road property frontage at the proposed Havelock Street driveway entry/exit. Full details to be included in the documentation for a Construction Certificate application.

27. Any proposed roller shutter door or boom gate facility being located a minimum of 6.0m for the road property frontage at the proposed Maitland Road driveway entry/exits. Full details to be included in the documentation for a Construction Certificate application.

28. 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.

29. 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.

30. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

31. 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.

32. A commercial 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 at the entrances to the customer car parking areas shall be a maximum of 8.0m metres wide, while the driveway crossing at the entrance to the loading dock area is to be 10.0m 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.

33. 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.

34. 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 including an assessment of construction noise in accordance with the Office of Environment and Heritage’s (OEH) ‘**Interim Construction Noise Guidelines**’. The noise management and vibration strategy shall detail 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 and the OEH’s ‘**Interim Construction Noise Guidelines**’. Noise and vibration monitoring during the construction phase should be incorporated into the program.

(e) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.

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

35. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
36. All excavation and remediation works required under the terms of the Development Consent granted to Development Application No: 2012/811 are to be completed prior to the commencement of any works under this consent. The Validation Report required under Condition 64 of the Development Consent granted to Development Application No: 2012/811 is to be submitted to Council prior to the commencement of any works under this consent.

37. The Developer obtaining the separate approval of Council pursuant to Part 8 Division 2 of the Roads Act 1993 for the proposed road improvement works in Maitland Road, Mayfield and such being obtained prior to the commencement of any site works.

38. Comprehensive engineering design plans and specifications for the works to be undertaken in the public road reserve being submitted for approval with the required application under Part 9, Division 3, Section 138 of the Roads Act, 1993, such to be accompanied by the following documentation and additional details:

- **Road Design Plans**
  
  Engineering Plans to comply with the following requirements:
  
  a) Plans to be accompanied by a pavement design report prepared and certified by a practising geotechnical engineer;
  
  b) Plans to be accompanied by a design report prepared and certified by a practising road design engineer, such report to include a risk assessment reviewing the location of power poles relative to the edge of kerbside travel lanes in accordance with the RTA’s Road Design Guide;
  
  c) Footways to be generally high level and at 2% grade toward the kerb;
  
  d) A separate linemarking and signposting plan (approved by the Newcastle City Traffic Committee to be included with the design plans.

- **Land Management Plan**
  
  The Land Management Plan to nominate existing and proposed surface levels and provide full details of proposed erosion and sediment control measures to be implemented prior to, during and after construction. The required Plan to be prepared in accordance with the Department of Housing’s Guidelines – *Managing Urban Stormwater: Soils and Construction*.

- **Stormwater Drainage Plan**
  
  The Stormwater Drainage Plan to incorporate a 1:10 year recurrence interval piped stormwater drainage system, with overland flow up to a 1:100 year recurrence interval event contained within road reserves and/or drainage reserves, and to comply with the following requirements:
  
  a) Sub-soil drainage to be located under kerb and gutter and extend at least 500mm below bottom of pavement;
  
  b) Pits to be located upstream of kerb ramps and kerb returns;
  
  c) All stormwater pipes in the public road to be rubber ring jointed reinforced concrete; and
  
  d) The proposed development not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events.
- **Utilities Layout Plan**

The Utilities Layout Plan to indicate the location of existing mains, associated installations and service conduits, together with any proposed utility alterations and installations in particular street lighting. Any required electricity substations, pumping stations or similar installations are to be located in public reserves and/or private land and are not to be located within road reserves.

- **Set-out Layout Plan**

The Set-out Layout Plan to indicate survey co-ordinates for set out points for kerbs, medians and lane lines.

39. No work within the public road being commenced, including pipe or vehicular crossings, until Council’s separate written approval has been obtained pursuant to Part 9 Division 3 Section 138 of the Roads Act 1993.

Note:  
   i) A separate application is required for the works to be undertaken in the public road.  
   ii) Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be submitted to Council for approval with the application.  
   iii) An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council’s Development & Building Services Section in order to confirm this fee.)

40. The applicant being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage in public roads as part of the development at no cost to Council and in accordance with Council requirements. Full details are to be included in documentation submitted with the application under Part 9, Division 3, Section 138 of the Roads Act, 1993.

Note: The provision of additional regulatory signage and alterations to existing regulatory signage will need to be referred to the Newcastle City Traffic Committee for approval prior to installation.

41. Prior to commencement of any site works the developer entering into an appropriate Works Authorisation Deed Agreement with the Roads & Traffic Authority pursuant to the Roads Act 1993.

42. Any private structure on or over the public road reserve, including balconies and awnings, being the subject of a separate consent from Council, under Section 138 of the Roads Act 1993, prior to commencement.

Note: A separate approval from Council must be obtained for all private structures within the public road reserve pursuant to Section 138 of the Roads Act 1993. A fee will be payable in this regard.

43. Certification is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority on completion of the retaining wall construction located along the Laneway adjacent to the overland flowpath, confirming that the location and the finished level of the wall/walls is consistent with the approved plans and location.

44. The Applicant shall establish a Community Liaison Committee as an ongoing means of addressing community concerns during the construction phase of the development. The Applicant is to advise adjoining businesses, residents and Council of the name and telephone number of the contact person for this Committee. The contact person shall be available during nominated working hours.
A register of community concerns/complaints relating to the on-site operations and the action taken in response is to be kept and made available to Council officers upon request.

45. 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.

46. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

47. 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.

48. All roof and surface waters are to be conveyed to the street drainage system by way of a sealed pipe system, extending through the footway to Council requirements, in accordance with Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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’.

55. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill

56. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to Council officers or the Principal Certifying Authority on request.

57. 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.

58. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

   a) Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the ‘Blue Book’) published by Landcom, 2004.

59. 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).

60. Continuous monitoring of peak vibration levels being conducted at properties considered to be potentially impacted by vibration due to site works as determined by a suitably qualified consultant. The results of vibration monitoring are to be provided to Authorised Council Officers upon request.

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

61. 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.

62. 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 the issue of any occupation certificate:

   a) Road shoulder pavement
   b) Kerb and gutter replacement
   c) Footpaving
d) Footway formation

e) Associated drainage works

f) Street tree planting in gap-graded structural soil vaults and Council’s standard tree guard.

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement. Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

63. The Developer designing and constructing the following works within Thomas and Havelock Streets 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 the issue of any occupation certificate:

a) Road shoulder pavement

b) Kerb and gutter

c) Footpaving

d) Footway formation

In this regard the separate approval from Council must be obtained for all works within the public road reserve, pursuant to Section 138 of the Roads Act 1993, prior to commencement. Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval with the Section 138 application.

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

65. The developer being responsible for the relocation of existing power poles / light poles, removal of existing street trees and adjustments to awnings in Maitland Road in association with the proposed road improvement works to maintain adequate vehicle clear zones in accordance with Council requirements and RMS Road Design Guidelines, such works to be implemented prior to the issue of any occupation certificate.

Note: 1. The removal of street trees will require the approval of Council’s Urban Tree Management Officer.

2. Relocation of power poles/ light poles will require the approval of Energy Australia.

66. The proposed road improvement works, as approved by Council pursuant to Part 8 Division 2 of the Roads Act 1993, the Roads and Maritime Services under letter dated 27 November 2015 and detailed on the concept design plan by GTA Consultants Drg No. 15S1585000-01-01-P4 dated 26 May 2016, being designed and constructed in accordance with Council requirements. Such works are to be completed prior to any occupation of the premises.

Note: i) The road works will necessitate further Council approval pursuant to Part 9 Division 3 Section 138 of the Roads Act 1993 prior to commencement of construction.

   ii) The road works are inclusive of signposting, linemarking, street lighting and utility adjustments and will require Newcastle City Traffic Committee approval.
iii) The Developer is advised to confer with Council’s Development & Building Services Section to ascertain Council’s detailed requirements in this regard.

iv) It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed footway works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

67. Appropriate lighting being provided for the carparks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such to be installed prior to occupation of the premises.

68. A road safety audit of the project being undertaken by an accredited auditor and a report prepared and submitted, for concurrence, to the Roads and Traffic Authority and Council at the completion of road construction works. Any additional or rectification works resulting from the audit, or as required by the RTA or Council, are to be completed prior to any occupation of the premise.

69. Tree plantings within Maitland Road fronting the site being 8 x Pyrus Callyrana Capital, with the selected trees being advanced specimens in a minimum 300 litre pot size. The required plantings are to be undertaken in consultation with Council, with the trees certified by the supplier to comply with the current NATSPEC guideline with respect to root development, height, trunk diameter, branch structure and balance (refer to Specifying Trees, Construction Information Systems Australia PL, Clark, R 2003). All associated costs are to be borne by the developer. To be completed prior to issue of any occupation certificate.

70. The planting vaults proposed within the road carriageway of Maitland Road being linearly connected by tree pits to maximise soil volume (structural soil) and allow for drainage, soil moisture and root control barriers. The design and construction of the planting vaults are to be undertaken at no cost to Council and under Council’s direction, such being completed prior to the issue of any occupation certificate.

71. Street lighting being upgraded across the Havelock Street frontage of the site at no cost to Council (other than annual maintenance) to Standard V3 in accordance with AS 1158.1.1 – Road Lighting Avenue. The lighting upgrade works being completed prior to the issue of any occupation certificate.

Note: The developer is to liaise with Energy Australia in relation to the design and construction of the street lighting.

72. The existing bus stops located on the northern and southern sides of Maitland Road between Church and Havelock Streets being relocated at no cost to Council and in accordance with the approved road improvement works plan, as approved by Council pursuant to Part 8 Division 2 of the Roads Act 1993, such works complying with Council’s standard A1500 and incorporating a transport shelter with completion prior to the issue of any occupation certificate.

Note: The relocation of the bus stop will need the concurrence of the State Transit Authority and the approval of the Newcastle City Traffic Committee.

73. 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.

74. The whole of the land occupied by the proposed building is to be consolidated into a single title and documentary evidence of the lodgement for registration of a survey
plan of consolidation with NSW Government Land & Property Information being submitted to Council prior to the issuing of an Occupation Certificate for the proposed development.

75. The appropriate notation is to be made on a survey plan and accompanying instrument under Section 88B of the *Conveyancing Act 1919* (NSW) setting out the terms of the required 3.0m wide drainage easement located between the public laneway and Thomas Street and the right of carriageway for the 583m² commercial lot across the proposed Havelock Street vehicle entry/exit, such being lodged with Council for certification by the General Manager and being registered with NSW Government Land & Property Information prior to the issuing of any Occupation Certificate for the proposed development. It being noted that the instrument is to provide that the drainage easement and right of carriageway is unable to be released, varied or modified without the concurrence of The City of Newcastle.

76. A copy of the stormwater drainage design plans for the proposed roadworks as part of Section 138 approved with the Construction Certificate with 'work as executed' levels indicated, CCTV footage, structural certification for the drainage construction shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans and related documents shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

77. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

78. A post construction dilapidation report prepared by a suitability qualified person shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate, to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The reports shall be forwarded to Council and will be made available in any private dispute between neighbours regarding damage arising from construction works.

79. An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the *Conveyancing Act 1919* (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

80. A trolley locking perimeter system being installed in accordance with the Mayfield Trolley Management Plan prepared by Coles dated December 2015. Full details of the trolley locking perimeter system are to be included in documentation for a Construction Certificate application and the system being installed prior to the release of the Occupation Certificate.

81. An acoustic fence being constructed along the boundary of the proposed loading dock area as outlined in Figure 3 of the Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016. The fence is to be constructed of lapped and capped timber, or of a material with similar acoustic properties, to a height of 3500mm and maintained such that no significant gaps exist in the fence. Written final certification confirming the recommended acoustic fence has been implemented in accordance with the requirements of the Noise Impact Assessment prepared by Acoustic Logic dated 2 March 2016 is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

82. An acoustic fence being constructed along the northern boundary of the first floor carparking area. The fence is to be a lapped and capped timber fence, or materials with similar or greater acoustic properties, to a height of 2100mm, and maintained...
such that no significant gaps exist in the fence. Written final certification from an appropriately qualified acoustical consultant confirming the acoustic fence has been implemented with the outlined requirements is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

83. Prior to selection and installation of mechanical plant, including air conditioning systems, exhausts and refrigeration condensers, noise emission data for mechanical plant items are to be reviewed by an appropriately qualified acoustical professional to ensure Sound Pressure Levels do not exceed 31dB(A) at any residential receiver. Certification of the appropriateness of the plant items and installation location by an appropriately qualified acoustical professional is to be prepared and submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate.

84. A Maintenance Manual for all water quality devices is be prepared in accordance with Council’s Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

85. The hours of trading of the Coles Supermarket being not more than from:

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

86. The hours of trading of the liquor store being not more than from:

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<th>DAY</th>
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<tr>
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unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

87. 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.

88. Use of the public carpark areas by any vehicle, being restricted by the installation of suitable traffic management devices which are required to be locked between the hours of 12:00am midnight and 6:00am. Full details are to be included in documentation for a Construction Certificate application and the devices being installed prior to the release of the Occupation Certificate or occupation of the premises.

Note: The traffic management device may consist of gates, bollards, chains or combination thereof.

89. No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature is to be installed or displayed on the exterior of the premises.

90. The hours of illumination for signage are to be limited in accordance with the approved hours of operation for the development.

91. No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.

92. Shopfronts are to comprise clear glazing so as not to obstruct visibility and reduce active street frontages.

93. The driveway crossings, parking areas, drainage easements and overland flowpath and stormwater management system are to be properly maintained for the life of the development.

94. Vehicles are to be loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

95. All vehicular movement to and from the site is to be in a forward direction.

96. 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.

97. Any liquid wastes from the premises, other than stormwater are to be either discharged to the sewers of the Hunter Water Corporation in accordance with an approved Trade Waste Agreement or collected and disposed of by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change ‘Waste Classification Guidelines Part 1: Classifying Waste’.

98. All deliveries to the loading dock area of the proposed retail centre being conducted between 7:00am and 6:00pm daily.

99. All waste collection activities at the proposed retail centre being conducted between 7:00am and 6:00pm daily.
100. The use of the loading dock cardboard compactor being conducted between 7:00am and 10:00pm daily.

ADVISORY MATTERS

101. 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.

102. 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.

103. 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.

104. 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.

105. 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).

106. 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.

107. 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.

**END OF CONDITIONS**
Attachment C: Processing Chronology - 77 Maitland Road, Mayfield
(DA2015/10005)
## PROCESSING CHRONOLOGY

**DA 2015/10005 - 77 MAITLAND ROAD, MAYFIELD**

<table>
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<th>Date</th>
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<tr>
<td>22 July 2015</td>
<td>Application presented to Urban Design Consultative Group (Pre DA)</td>
</tr>
<tr>
<td>12 October 2015</td>
<td>Development Application lodged at Council</td>
</tr>
<tr>
<td>20 October - 11 November 2015</td>
<td>Application notified to public</td>
</tr>
<tr>
<td>27 October 2015</td>
<td>Application for Public Voice George Webb</td>
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ITEM-9  DA 2015/10011 - 4 ULLICK STREET, MEREWETHER - DEMOLITION OF DWELLING, OUTBUILDINGS, SWIMMING POOL, ERECTION OF SIX TWO STOREY ATTACHED DWELLINGS, ASSOCIATED RETAINING WALLS, SITE WORKS AND TWO LOT INTO TWO LOT SUBDIVISON (BOUNDARY ADJUSTMENT)

APPLICANT:  TONER DESIGN P/L
OWNER:  ELUABI PLC / COLIN GORDON
REPORT BY:  PLANNING AND REGULATORY
CONTACT:  DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING
TELEPHONE:  4974 2709 / 4974 2793

PART I

PURPOSE

An application has been received seeking consent for the demolition of dwelling, outbuildings and swimming pool, erection of six two-storey attached dwellings, associated retaining walls, site works and two lot into two lot subdivision (boundary adjustment).

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

The original proposal was notified to neighbouring properties for 14 days in accordance with the provisions of Newcastle DCP 2012 and 20 public submissions and a petition (with 38 names and addresses) were received objecting to the proposal, including a Public Voice request.
The submissions raise concerns regarding:

- overdevelopment of the site and incompatibility with the site's R2 Low Density Residential zoning
- height and massing of the proposed development
- landscaping and tree loss
- impact upon residential amenity (privacy, noise, overshadowing, social, crime impacts)
- parking and traffic impacts
- stormwater impacts sustainability

The proposal has been amended and re-notified. Council received 30 submissions in response to the re-notification of the proposal.

The main categories of objection include:

- lack of compliance with statutory and policy requirements
- amenity issues
- design and aesthetics
- traffic and Infrastructure
- social and community issues

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

The application has been referred to Council’s Development Applications Committee for determination given the number of objections received.

**Issues**

- Character, Design and Streetscape
- Privacy / Noise and Disturbance
- Waste Disposal
- Trees and Landscaping

**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 the imposition of the nominated conditions of consent.

**RECOMMENDATION**

The application for demolition of dwelling, outbuildings & swimming pool, erection of six two-storey attached dwellings, associated retaining walls, site works and two lot into two lot subdivision (boundary adjustment) be approved and consent granted, subject to compliance with the conditions set out in the draft Schedule of Conditions (refer to Attachment B).
**Political Donation / Gift Declaration**

Under Section 147 of the Environmental Planning and Assessment Act 1979, the applicant, and any person related to this Development Application must report any political donation and/or gift to a Councillor and/or any gift to a Council employee within a two year period before the date of this application.

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

**PART II**

**1.0 THE SUBJECT SITE**

The subject site comprises 4 Ulick Street and part of 381 Glebe Road. The lots have a rectangular shape, located on the north side of Ulick Street. The site has a frontage of 15.24 metres, a depth of 78 metres and a total area of 1188m². The site is bounded by residential premises to the north, east and west and on the opposite (south side) of Ulick Street. The site has a 6.5m downward slope from front to rear and there are a total of 11 trees on the development site. The land constraints at the site include potential mine subsidence and acid sulphate soil within 3811 Glebe Road.

The property 4 Ulick St presently contains a single dwelling with an attached garage. The property appears to be unoccupied and in poor condition. The site to be developed at 381 Glebe Road contains a rear garage / outbuilding and a swimming pool with the existing dwelling and front garage proposed to remain.

**2.0 THE PROPOSAL**

The applicant seeks consent for:

- demolition of a dwelling, outbuildings, trees and swimming pool
- erection of six two-storey dwellings, associated retaining walls
- two lot into two lot subdivision (boundary adjustment)

The proposal includes the demolition of the 1950's era bungalow and 1970's era rear extension and garage. A large portion of the rear garden of 381 Glebe Road is incorporated into the site which includes the demolition of a large garage/ granny flat and swimming pool. All 11 trees on the site are to be removed including a Brush Box, Norfolk Pine and Swamp Oak of a moderate to high landscape significance rating.

All units have their private open space orientated towards the neighbouring properties at no.6 Ulick Street and 381 Glebe Road and car-parking and access oriented towards 2 Ulick Street and 379 Glebe Road. All units are two storey semi-detached with windows orientated east-west. All incorporate a combined lounge /
kitchen and attached garage, combined with a laundry on the ground floor, 3 bedrooms, 2 bathrooms and a small study area on the first floor.

The proposal includes parking for six resident vehicles with garages and two visitor vehicles located between Units 4 and 5. There is proposed landscaping scheme with 9 medium and 16 small trees and communal landscaped areas are located at the sites frontage, rear boundary and at the point of the existing lot boundary.

Retaining walls are proposed along the eastern boundary between 0 to 920mm in height.

The development results in 381 Glebe Road being reduced in lot size from 829m² to 442². This dwelling is able to retain its garage and private open space.

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

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 proposal was notified to neighbouring properties for 14 days in accordance with the provisions of Newcastle DCP 2012, with 20 submissions and a petition (with 38 names and addresses) being received objecting to the proposal. A request for Public Voice was also received. A proposal for meditation was also submitted.

The proposal has been subsequently amended in response to concerns raised by Council officers and issues raised in public submissions.

The amended application was re-notified for 14 days and 30 submissions were received objecting to the proposal, a proposal for meditation and Public Voice was also submitted. Subsequent to the application for mediation the Council discontinued this service.

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

- Statutory and Policy Issues
- Amenity Issues
- Design and Aesthetic Issues
- Traffic and Infrastructure Issues
- Social impact
- Financial impact

The objectors' concerns are addressed in detail under the relevant matters for consideration in the following section of this report.
4.0 ENVIRONMENTAL PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979, as detailed hereunder.

4.1 Statutory Considerations [Section 79C(1)(a)(i) and (ii)]

The subject property is included within the R2 zone under the provisions of the Newcastle Local Environmental Plan, 2012, within which the proposed development is permissible with Council's consent. The proposed development is also consistent with the zone objectives.

The proposal is not contrary to the provisions of the Hunter Regional Environmental Plan or any relevant State Environmental Planning Policy.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

Clause 2.1 Land Use Zones
The subject property is included within a "R2 "zone under the provisions of the NLEP 2012.

Clause 4.1 Minimum subdivision lot size
The minimum sub-division size is 400m² and both lots meet his requirement.

Clause 4.3 Heights of Buildings
The proposal complies with the 8.5 metre height standard.

Clause 4.4 Floor Space Ratio
The proposal complies with the 0.6:1 floor space ratio (FSR) having a FSR of 0.48:1.

Clause 5.9 Preservation of Trees and Vegetation
The proposal includes the removal of x 11 on site trees with no on-site trees are proposed to be retained and 27 new compensatory trees are to be planted. The landscaping scheme is of high quality, an enhancement to the site and the proposal complies with this provision.

Clause 5.10 Heritage Conservation
The proposal does not impact adversely upon buildings or sites of heritage value and complies with this provision.

Clause 6.1 Acid Sulphate Soil
The site is impacted by Class 4 and 5 Acid Sulphate Soils. Within the northern lot (381 Glebe Road) the site is impacted by Class 4 ASS where works 2m below
ground level would be subject to an ASS Management Plan and a condition is required for safe disposal should ASS be encountered.

Clause 6.2 Earthworks
To facilitate the development, the proposal includes the construction of retaining walls to neighbouring properties with consequent changes to site levels. The Council's Engineer has advised the building is acceptable subject to conditions and the proposal complies with this provision.

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

3.01 Subdivision
The proposed subdivision results in a more efficient use of the land. The remaining property at 381 Glebe Road, although much reduced in size still has a viable size for of 442m² consistent with the NLEP.

3.04 Attached Dwellings and Multi Dwelling Housing
Generally, the development introduces a compact urban form but also provides a high level of amenity for residents. The development represents a more rational use of these larger plots and provides much needed family homes for Newcastle residents.

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

7.01 Building Design Criteria

7.01.01 Height of Building
The proposal complies with the height envelope of 8m.

7.01.02 Density - Floor Space Ratio
The proposal complies with the 0.6:1 floor space ratio (FSR) having a FSR of 0.48:1

7.01.04 Streetscape and Front setbacks
The proposal has a front wall setback of 5m from the street which is consistent with neighbouring properties at 2 and 6 Ulick Street.

The prevailing street-scape in Ulick Street is of 1950's single storey dwellings with most of the higher density development located in Glebe Road or at the western end of Ulick Street at its junction with James Street. However, there are newly built two storey properties at 1 Ulick and 14 June Street. As buildings in the street are replaced, and in response to market forces this part of Merewether will likely transition to a higher density.

Units 1 & 2 will primarily be visible from the street as the site slopes steeply away to the north. Units 1 - 4 have a modern appearance incorporating a steep single pitched roof to maximise thermal performance. This style contrasts with the prevailing low profile roof-scape of 1950's gable and hipped roofs within the street.

The pedestrian entrance to Unit 1 is orientated to the street and the frontage includes the planting of 3 semi-mature native "Lilly Pillies" (mature height of 8m),
which will help soften the buildings impact. In addition, there is a street tree directly outside the site on the verge. Whereas this is presently at an immature stage, this will provide additional screening.

Units 5 - 6 have a more traditional hipped roof design. This lends these units the appearance of a separate development, respecting the existing lot boundary and relating to the adjacent properties at 379 and 381 Glebe Road when read from the street.

The proposed design is of high quality, incorporating a variety of modern building materials. The materials palette indicate the proposed roofs are light or dark grey tiles or colorbond, dark grey or red brickwork and white to dark-grey colorbond render. The use of neutral colours would generally be complimentary. However, it is considered the dark material palette would be more acceptable and help the building integrate into the streetscape. This will be secured by condition.

**Summary**

The development has a modern appearance of high quality. The extensive use of trees and other planting and the variety of styles and materials contributes to a varied streetscape.

7.01.05 Side and Rear Setbacks

The proposal complies with the side setbacks as the dwellings are centrally located within the site. There is a minor eaves encroachment to the northern (rear elevation) of Unit 6. This does not have a significant impact and is considered acceptable.

7.01.06 Open Space

Calculations demonstrate sufficient private open space has been provided for all units consisting of lawn areas with some additional garden tree planting for Units 1, 2, 3 and 6. Units 2, 3 and 4 have separate access into the rear garden for servicing which is welcome and all units appear to have access to the gardens from the garages. This is more likely to result in the retention of private open space as lawns.

Additional tree planting is required within the garden areas of Units 4 and 5 consistent with the other units. This will help soften the building appearance to residential neighbours to no. 6 Ulick St. This will be secured by condition.

7.01.08 Solar Access

The dwellings are orientated east - west and provide good sufficient solar access for users. Mid-winter shadowing diagrams indicate some impact to residential rear gardens at 2 and 6 Ulick Street and 383 Glebe Road. However, the extent of shadowing impacts is modest and considered acceptable.

The development will also impact upon side and rear windows at no. 2 and 6 Ulick Street in mid - winter afternoons. Given the scale of the development some impact is to be expected and the extent of shadowing impact is not considered deleterious. There is also a proposed 1.8m high timber lapped fence along the common boundary, which in some locations, is topped trellising up to 0.6m high to provide mutual privacy.
7.01.09 Views, Privacy and Noise

Visual impact
The dwellings have been centrally located orientated east - west with significant setbacks to the eastern and western boundaries. All dwellings are semi-detached with visual breaks helping to break up the visual massing of the buildings. Dwellings have been articulated with garages and part of the first floor set back from the laneway 2 - 3m and there is also variety in roof-scape. The buildings impact is further softened by the presence of existing trees in neighbouring gardens and additional tree planting to the proposed front and rear gardens.

With the revised landscaping plan, bamboo is proposed along the mutual boundary with no. 2 Ulick Street. This will be conditioned to be maintained to no higher than the fence / trellis.

Privacy
Privacy impacts to neighbours from proposed ground floor windows are mitigated by the boundary fencing and planting and there is no serious impact.

The development results in privacy implications for neighbouring occupiers at 2 and 6 Ulick Street with first windows facing east and west over gardens. Amended plans have been received re-orientating the bedroom windows of Unit 4 and 6 to the north, and stair and bathroom windows will be opaque / obscure glazed up to 1.5m finished floor level.

Noise and Pollution
It is acknowledged that the development represents a significant change in intensity of use, and this must be balanced against the benefits of providing an additional 5 family homes.

There is likely to be some increase in noise and disturbance as a consequence of use of the driveway and the use of residential rear gardens abutting neighbouring gardens. However, careful planting and fencing along east, west and northern boundaries will significantly mitigate impact. Additional conditions are still necessary to ensure noise, air or light pollution do not adversely impact neighbouring occupiers.

7.01.10 Fencing and Walls
Amended plans now include the provision of 1.8m high timber lapped fencing along the western, eastern and southern boundaries which is more characteristic of the existing of existing timber fencing in the area. The fencing is taped up from a height of 1.5m to 1.8m on the western boundary starting from the southern face of Unit 1, and is tapered up from a height of 1.2m to 1.8m on the eastern boundary starting from the southern face of Unit 1. As mentioned (above), there is some additional trellising of up to 0.6m in height along the common boundary with 2 Ulick Street.

7.01.11 Utilities and Services
Waste bins are proposed to be stored within the rear gardens and the Waste Management Strategy indicates a preference to utilise Councils waste management
services. Unit 6 is located 60m from the street front and there is a 6.5m south to north. It is considered unrealistic for residents to pull bins this distance to the street. The submitted plans indicated the location of bins on the grass verge. However, this verge has a steep slope and is an impractical location.

There are no on-street parking restrictions within Ulick Street. If cars were parked outside the property on collection days, this would prevent kerbside collection and could result in environmental problems through the accumulation of rubbish at the site. In addition, the placing of up to 12 bins on the street would be detrimental to the areas character and appearance.

As a solution, it is recommended that private collection is required. A waste vehicle will reverse into the drive and a "runner" would collect bin from outside resident's homes for loading. Given the infrequency of collection, and short bin loading times, this is not likely to result in significant conflict between users. Bulk collections would also be secured from the site itself as placing collection on the street would result in similar issues. This solution will be secured by condition.

Amended plans have been received indicating storage in the loft. The units appear of sufficient size to accommodate this provision and storage will be secured by condition.

7.02 Landscape, Open Space and Visual Amenity

There is a requirement to provide 25% landscaping as a proportion of lot area with 15 % deep soil. Calculations demonstrate that 23.46% landscaping with 16.3% deep soil has been provided. There is additional buffer planting at the boundary of the dwelling and the driveway. Due to its width, this is not included within the landscaping calculations, but is still a welcome addition.

All 11 trees on the site are to be removed including a Brush Box, Norfolk Pine and Swamp Oak of a moderate to high landscape significance rating. The provision of new trees (25) includes x 2 Pistachio (exotic species - mature height 8 metres), x 16 Ornamental Pear (exotic species - mature height 6m) and x 7 Weeping Lilly Pilli's (native - mature height 8m) compensates for the loss of the 11 on- site trees and maintains the sites leafy character.

There is a significant area of landscaping adjacent to visitor parking between Units 4 and 5 straddling the existing lot boundary. This planting includes provision of x 2 native "Weeping Lilly Pillies" which maintains the lot boundary character.

There is a requirement to provide an additional mature tree within the rear gardens of both Units 4 and 5. This will provide additional screening and contribute to the site character.

Despite the modest numerical shortfall in landscaping, it is configured in a logical way and of high quality and extent of new tree coverage adequately compensates for the loss of existing.

7.03 Traffic, Access and Parking

There are no on street parking restrictions in Ulick Street and around the corner in June Street, whereas there are no restrictions, there is a school zone along June
Street for the Merewether Public School. Aerial photos from 2011 - 2015 (consecutive) indicate there is ample on-street parking at least during the day.

The proposal provides for the minimum 1 off street car parking space per dwelling and 2 visitor spaces. Bicycle provision has not been indicated, although there appears space within the garages to provide bicycle parking so a formal request to indicate on the plans is not required.

The Council's Traffic Officers supports the provision of parking and although considers there is a risk of the development generating additional on street parking, does not consider that additional off-street parking can be justified.

The garages include the provision of an inclusive laundry. From the back of the sink to the garage doors is a distance of 5.5m which is the minimum required for car parking. A condition is considered necessary to ensure that the garages are not converted into a habitable room a later date displacing car-parking for residents.

8.0 Public Participation

The proposal was notified in accordance with the requirements of this section. Thirty submissions during the second notification with the following issues;

i) Statutory and Policy Issues:

Scale, character and massing - Development is incompatible with this Low Density Residential Zone and Limited Growth Precinct (LGP), of single dwellings on large blocks. Other developments in the LGP are dual occupancies.

Principle - Multi-dwelling housing is provided elsewhere in Merewether to meet Council targets. It is not required in this area.

Response - The designation "low density residential development" is part of the Standard Instrument (SI) naming convention imposed by the Department of Planning. Subject to controls (merits discussed above) the Councils DCP and LEP policies allows for higher density residential development within the zone.

Visual privacy - Any two storey building behind the current building line will create visual privacy problems for adjacent properties.

Response - The assessment report (detailed above) identifies that amended plans have mitigated privacy issues through the provision of additional fencing, trees and changes to windows and their retention will be secured by condition.

Parking - Development will lead to parking overspill onto surrounding streets and conflict with blocking of driveways, particularly for some elderly residents and parents.

Response - The assessment report confirms traffic and parking impacts are satisfactory (see above).

Height - The building envelope height is exceeded in several areas. The eastern elevation of Units 4 and 6 and the western elevation of Units 2, 4 and 6 protrude above the building envelope.
Response - The drawings indicate that the development keeps within prescribed height envelopes.

Garbage and servicing - The frontage is insufficient for bin storage in accordance to Council's policy. Bins will overspill onto the neighbour's frontage.  
Response - The assessment report identifies the impact of waste bins to the kerbside (see above) and an alternative solution is recommended.

Landscaping - The development does not meet the minimum requirements of the DCP for landscaping 30% of the site area.  
Response - The assessment report identifies that whereas this is a small numerical shortfall, sufficient landscaping is provided (detailed above).

Storage space - Whereas space is provided underneath the stairs, this does not appear to meet the minimum standards of the DCP of 6 cubic metres.  
Response - Amended plans have been received indicating storage in the loft area. The provision of adequate storage will be secured by condition.

ii) Amenity Issues:

Noise - Increase in noise due to higher density, particularly from garage doors and vehicles.

Pollution - Fumes from vehicle exhausts will impact on quality of life.  
Response - The assessment report identifies the amenity impact (detailed above).

Solar access - Development overshadows adjoining residents, leading to reduction in natural warmth and light.  
Response - The assessment report identifies the solar impact (detailed above).

View and tree loss - Mature trees should be retained to retain green leafy feel and retain suburban outlook. Skyline will be dominated by buildings.  
Response - The assessment report identifies the developments visual impact and the impact of tree loss (detailed above).

iii) Design and Aesthetic Issues:

Design and materials - design of particularly poor quality resulting in a mish-mash of different cladding styles, unnecessary flying gables and upper walls.  
Response - The assessment report identifies the developments design and materials (detailed above).

iv) Traffic and Infrastructure Issues:

Traffic - increase in traffic will create a hazard for pedestrians. Development is very close to the vehicular school zone of Merewether Public School.
Garages - The garage space appears too small to accommodate a family sized sedan or larger, to adequately turn in and out, which will result in an increase of on-street parking. The garages have a dual purpose as laundries which will also lead to an increased displacement of parking to the street.

Response - It is acknowledged that the garage provides a depth of minimum size as it includes laundry / work bench. However, theoretically the garage could be altered to accommodate a larger vehicle with machines moved elsewhere. The use of the garage will be conditioned to ensure that it is not converted into a habitable room a later date displacing car parking.

Storm water and sewage - Due to an increase in extreme weather events the reduced retention capacity will lead to increased run-off and potential for flooding of neighbouring properties and Glebe Road.

Response - The Councils Engineer has not identified a specific risk of flooding. There is a requirement for all stormwater flow to Glebe Road via a 0.9m wide easement.

v) Miscellaneous

Social impact - The development will set an undesirable precedent leading to an increase in the number of dwellings which is unsustainable.

Changing demographics - The area is dominated by owner occupiers. The development comprises a significant threat to the lifestyle of residents who have invested in the area.

Response - The assessment report identifies the social impacts of the development (detailed above).

Financial impact - Increased costs of heating due to the loss of solar access. Development will lead to a devaluing of property values.

Response - The assessment report identifies the solar impact (detailed above).

Statement of Environmental Effects - this is inaccurate. There are no nearby developments of this scale within the LGP.

Response - The assessment report identifies that the majority of higher density residential development is located in Glebe Road although there are some exceptions (see above).

A further submission was lodged by representatives of the Ulick Street area at Public Voice raising the following issues;

i) No community support

Response - It is acknowledged that the Council received 30 objections for nearby residents to the proposed development.
ii) Not compatible with the low growth precinct

iii) Not compatible with the existing scale, character and massing of development in the immediate area

iv) Development exceeds height and boundary restrictions

v) Development does not meet the minimum landscaping criteria

Applicants response - The landscaping calculations have been amended to exclude the PPOS, which brings the total down to slightly under the required provision. This is the result of Council wanting to see three detached dwellings as opposed to the two detached dwellings that were originally proposed and in turn the proposed development is seeking a minor variation to the landscaping requirements of the DCP on the basis that this shortfall is less than the 51sqm shortfall that was considered satisfactory in McFarlane v Newcastle City Council [2015] NSWLEC 1165 and the approach supported by the NSW Land & Environment Court.

Furthermore, it must be continually reinforced that Development Control Plan (DCP) provisions must not prevent or unreasonably restrict development that complies with the development standards. Stockland Development Pty Ltd v Manly Council [2004] NSWLEC 472 reinforced that while a DCP is to be a focal point, it is a guideline document only, and although it is a relevant consideration under the Environmental Planning & Assessment Act 1979 (S79c) (NSW), a provision in a DCP should not be given determinative weight in circumstances where the proposed development complies with the objectives of the relevant DCP provisions. This approach is consistent with Section 2.00 of the DCP, stating:

‘The controls within each section ensure the aims and objectives are achieved by proposed development. Where development proposes to vary from a control, the onus is on the applicant to demonstrate by documentation and plans, within the Statement of Environmental Effects, how the objectives of the subject section are still achievable by such variation.

The proposed landscaping is usable and will add value and quality of life for residents. It is therefore considered to be consistent with the objectives listed under 7.02.03 of the DCP

vi) Views and privacy

vii) Overshadowing and Solar Access

viii) Car - parking

iv) Waste collection congestion
    Response - These issues have been addressed (above).

x) Sterilisation of 381 Glebe Road for any future development
Response - Whilst acknowledging that the existing property fronting 381 Glebe Road is unlikely to be developed further, the remainder of 381 Glebe Road is being developed.

xi) Development will set a precedent in the area
Response - The application has been determined on its merits as will any subsequent application.

xii) Unacceptability of the original DA
Response - The original scheme was not supported and the application was advised to withdraw the application. However following further discussions with Council Officers, the scheme was amended and could be supported.

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

4.04 Safety and Security
The proposed design includes the orientation of the entrance to Unit 1 to the street which will provide natural surveillance. Ground floor living rooms and first floor bedrooms look out onto the common access road providing additional surveillance. The side access between Units 2 and 3 enables direct access to the rear garden but does provide the potential for anti-social activity / crime risk and there is a requirement for an additional shared access gate to be provided. There is also a requirement for the entire scheme to be consistent with CPTED standards.

4.05 Social Impact
The increased intensity of the use and character, amenity and other impacts is balanced against the provision additional family accommodation.

The concern raised by an objector/s regarding a possible reduction in property values in the vicinity of the site, regrettably, cannot be taken into consideration.

Concerns are also raised by objectors as to the potential change in demographics to "renters" where people are not likely to be investing in their homes. Notwithstanding this may be true, there is limited limited scope for further additions or extensions to the properties, even if in owner occupation. It would be the responsibility of the strata body to provide the upkeep of landscaping and to ensure that residents properly manage waste disposal.

The scheme is of high quality and many of the negative consequences of the development have been mitigated through revisions to the design.

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

The site is within a Mine Subsidence District and conditional approval for the proposed development has been granted by the Mine Subsidence Board. The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.
4.2.6 **Submissions made in accordance with the Act or Regulations [Section 79C(1)(d)]**

This report has addressed the various concerns raised in the submissions received in response to the Public Notification 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. In particular, as a consequence of the development an additional 27 trees will be planted to replace the 11 trees removed.

The proposal is consistent with Council’s urban consolidation objectives, making more efficient use of the established public infrastructure and services. The development will utilise the existing stormwater pipe at 381 Glebe Road accessed via an easement.

A NatHERS assessment has been undertaken in respect of the proposed dwelling/s, each of which exceeds the required minimum 3.5 Star energy rating.

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 existing property is a 1950’s timber board dwelling with a red tiled roof, which will be demolished along with a 1970’s build rear extension and garage. The garage is in a particularly dilapidated condition. Although contributing to the character of the street, the dwelling has no heritage value although and its loss is offset by the gain of 6 additional dwellings.

- **General**

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report.

**ATTACHMENTS**

**Attachment A:** Submitted Plans - 4 Ulick Street, Merewether - DA2015/10011

**Attachment B:** Draft Schedule of Conditions - 4 Ulick Street, Merewether - DA2015/10011

**Attachment C:** Processing Chronology - 4 Ulick Street, Merewether - DA2015/10011
Attachment A: Submitted Plans - 4 Ulick Street, Merewether - DA2015/10011
Attachment B: Draft Schedule of Conditions - 4 Ulick Street, Merewether - DA2015/10011
ATTACHMENT B - DRAFT SCHEDULE OF CONDITIONS
DA 2015/10011 - 4 Ulick Street, Merewether

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevations and Building Height Envelopes DA_06</td>
<td>D</td>
<td>Toner Design</td>
<td>26.07.2016</td>
</tr>
<tr>
<td>Site Analysis Plan 1 of 3</td>
<td></td>
<td>Toner Design</td>
<td>17.03.2016</td>
</tr>
<tr>
<td>Landscape Plan 2 of 3</td>
<td></td>
<td>Toner Design</td>
<td>Received 26.07.2016</td>
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<tr>
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<td>17.03.2016</td>
</tr>
<tr>
<td>Stormwater Management Plan Drawing 1</td>
<td>B</td>
<td>Land Development Solutions</td>
<td>18.03.2016</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td></td>
<td>Toner Design</td>
<td>Received 28.08.2015</td>
</tr>
<tr>
<td>Arborist Report</td>
<td></td>
<td>Joseph Pidutti</td>
<td>29.09.2015</td>
</tr>
<tr>
<td>BASIX Certificate</td>
<td></td>
<td>Urban Living Solutions</td>
<td>21.09.2015</td>
</tr>
<tr>
<td>Waste Management Plan</td>
<td></td>
<td>Toner Design</td>
<td>21.09.2015</td>
</tr>
<tr>
<td>Cost Report</td>
<td></td>
<td>RPS</td>
<td>10.09.2015</td>
</tr>
<tr>
<td>Detail Survey</td>
<td>A</td>
<td>Land</td>
<td>25.06.2015</td>
</tr>
</tbody>
</table>
In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

3. A total monetary contribution of $12,620.65 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:

<table>
<thead>
<tr>
<th>Indexation quarters</th>
<th>Approximate release date</th>
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</thead>
<tbody>
<tr>
<td>September</td>
<td>Late October</td>
</tr>
<tr>
<td>December</td>
<td>Late January</td>
</tr>
<tr>
<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
</tr>
</tbody>
</table>
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 8 vehicles including 2 visitor car parks 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, loading bays and vehicular turning areas are to be constructed with a base-course of adequate depth to suit design traffic, being sealed with bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890 - (Off street parking) design specifications. Full details are to be included in documentation for a Construction Certificate application.

8. The visitor parking bays are to be constructed in paving bricks or in a suitable alternative visually unobtrusive paving material which contrasts in colour and texture with that used in the construction of the driveway. Full details are to be included in documentation for a Construction Certificate application.

9. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

10. 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.

11. Roof water from the proposed new work is to be directed to the proposed water tanks (minimum size 4,000 L per dwelling) and being reticulated there to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be provided with the Construction Certificate application.

12. Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to the on-site retention tank and then to Council’s drainage system by means of an inter allotment drainage line or underground pipe directly to the street gutter. Full details are to be provided with the Construction Certificate application.
13. All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by Land Development Solutions Job No. 5147 Drawing 5147-HYDRO Sheets 1 & 2 Edition B dated 18/03/16. Full details are to be included in documentation for a Construction Certificate application.

14. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

15. Any landscaping within the proposed development is to be designed and positioned in such a manner as to ensure that the designated floodways, on overland flowpaths, are not obstructed. Full details are to be included in documentation for a Construction Certificate application.

16. 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.

17. The landscape proposal for the site is to be modified to provide for total of two additional trees of at least 8m mature height, within each rear garden of Units 4 and 5. The specimen trees within lawn areas are be protected with an appropriate edge treatment. Full details are to be included in documentation for a Construction Certificate application.

18. All existing trees on the site outside the envelope of the proposed building are to be preserved where practicable and all such trees being indicated on the required comprehensive landscape design plan and being adequately protected against damage during the building construction period. Full details are to be included in documentation for a Construction Certificate application.

19. Fences are to be constructed in a high quality presentation style of attractive appearance and of sufficient height to afford adequate privacy to residents in accordance with the performance criteria and provisions of Newcastle Development Control Plan 2012. Full details are to be included in the documentation for a Construction Certificate application.
20. Any required clothes drying lines are to be screened from the street. Full details are to be included in the documentation for a Construction Certificate application.

21. 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.

22. Adequate facilities are to be provided within the proposed individual private courtyards, or in another adequately screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

23. 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.

24. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

25. 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.

26. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.

Note: The Board advises that it will be necessary for the working drawings to be certified by a qualified Structural Engineer to the effect that the proposed building works will be safe, serviceable and repairable having regard to the following mine subsidence parameters:

a) Design pot hole of nominal diameter 5000 mm

b) Work as executed drawing to be submitted to the Board, certified by a qualified Structural Engineer that all improvements have been constructed in compliance with the plans approved by the Board

c) No cavity or internal brick walls

d) Absolute maximum height of foundation brickwork not to exceed 1.5 metres

e) For brick veneer construction, the design to incorporate special features into the building (panellised brickwork and/or control joints etc) and

f) No raft or infill slabs.

27. A 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 crossing, within the road reserve, shall be a maximum of 3 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 across the road reserve, in accordance with the following criteria:

28. 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.

29. Colour Schedule 1 and 2 (Maud Construction - received on 27.07.2016) and Colour Schedule (Elevation Notations (Sheet 1, 2 and 3 received on 27.07.2016)) shall be used for the exterior materials palate.

30. 2m high secure gate shall be erected at the eastern entrance to the rear accessway between Units 2 and 3. Full details are to be included in the documentation for a Construction Certificate application.

31. The development should demonstrate compliance with Crime Prevention through Environmental Design Principles. Details are to be provided to the Private Certifying Authority prior to the issue of the Construction Certificate.

32. All first floor east and west facing windows shall be completed in opaque / obscure glazing to be fixed with sills at least 1.5m above finished floor level or be opaque / obscure glazed or highlight windows with sills at least 1.5m above finished floor level. Full details are to be provided in the documentation for a Construction Certificate application.

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

33. 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).

34. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

35. 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.

36. 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.

37. 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.

38. 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.

39. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

40. 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.

41. Waste management shall be implemented in accordance with the approved Waste Management Plan. 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).

42. 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.

43. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

44. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:

a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and

b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and

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

d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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.

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

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

47. 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.

48. If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:

a) Protect and support the adjoining premises from possible damage from the excavation, and

b) Where necessary, underpin the adjoining premises to prevent any such damage.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the requirements not applying.
49. If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided and adequate provision must be made for drainage.

50. 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.

51. 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.

52. A survey certificate prepared by a Registered Surveyor is to be submitted to the Principal Certifying Authority upon completion of the floor slab formwork, before concrete is poured, to ensure that the siting of the building in relation to adjacent boundaries is in accordance with the development consent.

53. Certification is to be prepared by a Registered Surveyor and submitted to the Principal Certifying Authority at the stages of construction indicated:
   a) On completion of ground floor construction, confirming that the floor levels are in accordance with the approved levels.
   b) On completion of each subsequent floor level, confirming that the floor levels are in accordance with the approved levels.

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

54. Foot-paving, including kerb ramps are to be provided in accordance with Element 3.01 'Subdivision' of the Newcastle Development Control Plan 2012.

55. The existing overhead powerlines adjacent to the site are to be repositioned underground or alternatively being modified by the installation of bundled conductors, all at full cost to the developer and in accordance with the requirements of the electricity authority.

56. The developer is to comply with all requirements of the telecommunications authority regarding the connection of telephone services, including the payment of any required cash contribution towards the provision of underground or aerial reticulation cabling or internal block cabling.

57. 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.

58. 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.

59. The proposed development is to comply with all requirements of the WorkCover Authority of NSW.

60. The removal of any asbestos material during the demolition phase of the development is to be in accordance with the requirements of the WorkCover Authority of NSW.

61. The proposed visitor parking bays are to be clearly indicated by means of signs and/or pavement markings.
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.

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.

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’.

Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment (Waste) Regulation 2014.

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.

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.

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 shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

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).

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.
71 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.

72 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.

73 During construction works, an assessment of acid sulfate soil potential is to be undertaken in the area of excavation. If acid sulfate soils are found to be present, soils are to be treated in accordance with the New South Wales Acid Sulfate Soil Management Advisory Committee’s ‘Acid Sulfate Soil Manual’.

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

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

75 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.

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

77 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.

78 An easement to drain water 0.9 m wide over the proposed stormwater pipeline within the downstream property (381 Glebe Road, Merewether) is to be created. Such easement is to be in favour of 4 Ulick Street, Merewether and created prior to the issue of an Occupation Certificate for the proposed development.

79 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.

80 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
81 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.

82 An appropriate notation is to be placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act 1919 (NSW) being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements.

83 Written evidence of arrangements being made with the Hunter Water Corporation for the provision of water supply and sewerage and with the electricity authority for the provision of overhead or underground electricity supply is to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

84 Written evidence of arrangements being made with the telecommunications authority for the provision of underground telephone services to the lots is to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

85 Written evidence of approval by the Mine Subsidence Board is to be obtained and submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

86 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.

87 All existing garden and lawn areas on the site are to be kept free of parked vehicles, garbage, trade waste or other extraneous material and being permanently maintained.

88 The waste collection for the development being undertaken by a private contractor within a revised Waste Management Plan. The private waste collection service must include:

- The residents present their bins in front of their garages.
- A two person waste collection service (driver and runner).
- The runner is to enter the site and collect the bins from in front of the garages.
- The runner is to supervise the waste collection and then return the bins to front of each respective garage.
- A private waste collection servicing both standard and recycling waste.
- Green waste service is to be separately handled as part of the landscape management of the site.

Full details are to be submitted with an application for a Construction Certificate.

89 No garbage / recycling bins or other waste for private collection are to be placed within the front setback, public footpath, verge or street.

90 The landscaped areas are to be kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.

91 Landscape Establishment Report is to be submitted to Council following completion of a three month maintenance period, verifying that satisfactory maintenance of the landscape works has been undertaken and any necessary rectification measures have been carried out to a high professional standard; copy of report format attached.

92 The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

93 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.

94 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

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

DA 2015/10011 - 4 Ulick Street & 381 Glebe Road, Merewether

House Numbering Allocation - Boundary adjustment and six units

<table>
<thead>
<tr>
<th>Dwelling/ Unit Number on plan</th>
<th>Council Allocated Street Address(es)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>House Number</td>
</tr>
<tr>
<td>Existing Dwelling 381</td>
<td>381</td>
</tr>
<tr>
<td>Unit 1 1/4</td>
<td>Ulick</td>
</tr>
<tr>
<td>Unit 2 2/4</td>
<td>Ulick</td>
</tr>
<tr>
<td>Unit 3 3/4</td>
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<td>Ulick</td>
</tr>
<tr>
<td>Unit 5 5/4</td>
<td>Ulick</td>
</tr>
<tr>
<td>Unit 6 6/4</td>
<td>Ulick</td>
</tr>
</tbody>
</table>

96 The approved garages shall be used for the parking of motor-vehicles and / or bicycles, storage of household waste or ancillary household storage only.
97 The 2m high secure gate to the eastern entrance to the rear accessway between Units 2 and 3 shall be retained and maintained in good condition.

98 The first floor east and west facing windows completed in opaque / obscure glazing and fixed with sills at least 1.5m above finished floor level or obscure / opaque glazed, shall be retained and maintained for the life of the development.

99 The 600mm and 300mm privacy slats detailed on drawing DA 07 Rev D (prepared by Toner Design dated 26.06.2016) along the western boundary, shall be timber trellising affixed to the fence and shall be maintained and retained in good condition for the life of the development.

100 The bamboo planting detailed on Landscaping Plan 2 (prepared by Toner Design received on 25.07.2016) along the western boundary, shall not project higher than fence / trellis adjacent to where it is located, and shall be maintained and retained in good condition for the life of the development.

ADVISORY MATTERS

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

102 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.

103 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.

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

105 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.

106 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.

107 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).

108 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.

109 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.

110 The Mine Subsidence Board advises that it has granted its approval for this subdivision subject to:

a) The number, size and boundaries of lots being substantially as shown on the approved plans and

b) Notification being made to the Board of any changes to lot numbering and of the registered Deposited Plan number.

END OF CONDITIONS
Attachment C:  Processing Chronology - 4 Ulick Street, Merewether - DA2015/10011
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 September 2015</td>
<td>Development application lodged with Council.</td>
</tr>
<tr>
<td>02 October 2015</td>
<td>Public exhibition (14 days).</td>
</tr>
<tr>
<td>11 November 2015</td>
<td>Applicant advised to withdraw application</td>
</tr>
<tr>
<td>04 December 2015</td>
<td>Following applicant's request, meeting at Council</td>
</tr>
<tr>
<td>05 December 2015</td>
<td>Concept plan received</td>
</tr>
<tr>
<td>12 February 2016</td>
<td>Revised drawings requested</td>
</tr>
<tr>
<td>24 February 2016</td>
<td>Revised drawings received</td>
</tr>
<tr>
<td>04 March 2016</td>
<td>Revised drawings received</td>
</tr>
<tr>
<td>20 March 2016</td>
<td>Revised landscaping and stormwater plans received</td>
</tr>
<tr>
<td>06 April 2015</td>
<td>Public exhibition (14 days)</td>
</tr>
<tr>
<td>19 June 2016</td>
<td>Public Voice Meeting</td>
</tr>
<tr>
<td>20 June 2016</td>
<td>Request for Further Information</td>
</tr>
</tbody>
</table>
ITEM-10 DA 2015/1007 - 18 AND 20 FLORIDA AVENUE DEMOLITION OF DWELLING AND ERECTION OF EIGHT TWO-STOREY ATTACHED DWELLINGS, ASSOCIATED RETAINING WALLS, SITE WORKS, TWO LOT INTO TWO LOT SUBDIVISION (BOUNDARY ADJUSTMENT) AND EIGHT LOT STRAT SUBDIVISION.

APPLICANT: JASON TOPIC
OWNER: JOY LIVING PTY LTD
REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER DEVELOPMENT AND BUILDING
TELEPHONE: 4974 2709 / 4974 2793

PART I

PURPOSE

An application has been received seeking consent to demolish the existing dwelling on lot 12 and erect eight x two storey, three bedroom dwellings, associated retaining walls, two lot subdivision (boundary adjustment) and an eight lot strata subdivision.

A copy of the submitted plans for the proposed development is appended to this report (refer to Attachment A).

The application has been notified to neighbouring properties in accordance with Council's Public Notification Policy.

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

Issues

- Whether the proposed development is acceptable in relation to the relevant provisions of the Newcastle Local Environmental Plan 2012 and Newcastle Development Control Plan 2012.
- Whether the proposed density and character of the development is acceptable in the context of the surrounding area.
- Whether the development will unreasonably impact upon privacy and visual amenity.
• Whether the proposed development will have a significant impact on the existing road network for local traffic.

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 (as amended) NSW and is considered to be acceptable subject to compliance with appropriate conditions.

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

RECOMMENDATION

The application for alterations to dwelling, demolition of dwelling located on lot 12, erection of eight attached two storey dwellings retaining walls, associated landscaping and two lot into two lot subdivision and eight lot strata subdivision at 18 and 20 Florida Avenue, Lambton be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to Attachment C).

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 Councillor or Council employee with a two year period before the date of this application.

PART II

1.0 THE SUBJECT SITE

The subject property comprises of Lots 11 and 12 DP 28759 and is known as 18 and 20 Florida Avenue, Lambton. The site is located on the north-western side of Florida Avenue. The land slopes towards the street and is elongated and irregular in shape.

Existing development on adjoining properties comprises of mainly detached single dwellings.

The site area comprises of 1,133m² for 18 Florida Avenue and 785.8m² for 20 Florida Avenue. The total site area is 1,918.8m²

2.0 THE PROPOSAL

The proposal is seeking consent for the demolition of an existing dwelling located on lot 12 and the construction of eight x two-storey, three bedroom dwellings. The proposal also includes strata subdivision and the creation of a new lot, via the boundary adjustment, for the existing dwelling (No 18 Florida Avenue). Vehicular
access to the site is via a central driveway. Each dwelling is provided with a garage and two visitor car parking spaces are provided on the site.

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 D).

3.0 PUBLIC NOTIFICATION

The application has been notified to neighbouring properties in accordance with Council’s Public Notification Policy. Eleven objections were received in response to the notification.

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

i. **Character/density/streetscape** - Proposal is not in character with single storey nature of the area. The proposal would change the character of the area, is a gross overdevelopment and is not consistent with the R2 Low Density zoning of Council’s Local Environmental Plan 2012 (refer to Section 4.1 and 4.2.3 a).

ii. **Parking** - Inadequate car parking and resulting on-street parking congestion (refer to Section 4.2.2 e) and 4.2.3 b).

iii. **Traffic** – The street and nearby intersections are already experiencing problems (refer to Section 4.2.2 e) and 4.2.3 b).

iv. **Pedestrian Safety** – Especially for children and the elderly (refer to Section 4.2.3 c).

v. **Privacy and view impacts** – The windows overlook surrounding properties (refer to Section 4.2.2 c).

vi. **Stormwater** – Concerns about increased stormwater runoff (refer to Section 4.2.2 g).

vii. **Landscaping and loss of trees** – The open space/landscaping on-site is inadequate and loss of native vegetation unacceptable (refer to Section 4.2.2 d and f).

viii. **Social impacts** – Concerns that the proposed development would have a detrimental social impact in terms of noise on the surrounding neighborhood (refer to Section 4.2.4).

ix. **Property values** – The proposal would have a detrimental impact on surrounding property prices (refer to Section 4.2.3 d).

x. **Services** - Concern over the state and capacity of the existing sewer and water supply system to cater for the additional dwellings (refer to Section 4.2.3 e).

xi. **Health Risk / lighting** – Concerns about the potential impacts of additional lighting and the potential health impacts associated increase vehicles (refer to Section 4.2.3 f).
4.0 ENVIRONMENTAL PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979, as detailed hereunder.

4.1 Statutory Considerations [Section 79C(1)(a)(i) and (ii)]

The subject property is zoned R2 Low Density Residential zone under the provisions of the Newcastle Local Environmental Plan, 2012. The multi dwelling housing proposal is permissible with Council's consent. The proposed development is also consistent with the zone objectives.

The principal development standards under the LEP are:

- Height – The maximum height limit for the site is 8.5m. All units comply with the 8.5 metre height restriction.
- Floor Space Ratio (FSR) – The maximum FSR for the site is 0.6:1. The plans indicate an FSR of 0.52:1.
- Minimum Lot Size - The application included a two lot Torren title subdivision along with a strata subdivision of the eight units.

There are no minimum standards for strata subdivision.

The proposal is not contrary to any relevant State Environmental Planning Policy.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

The proposal is considered to be consistent with the principles of the Newcastle Urban Strategy in that it supports urban consolidation at appropriate densities.

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

a) Attached dwellings and multiple-dwelling housing – Section 3.04

The proposed development is considered to be consistent with the aims of this section, including:

- to encourage redevelopment that allows for more compact and sustainable urban form.
- to support the efficient use of residential land and expand the variety of housing options.
There are no specific controls under this section. The section otherwise identifies relevant sections of the DCP that need to be addressed and are discussed below.

b) **Mine Subsidence – Section 4.03**
- The site is within a Proclaimed Mine Subsidence District. The Mine Subsidence Board has assessed the proposal and has issued their General Terms of Approval subject to conditions of consent.

c) **Building Design Criteria – Section 7.01**
- **Height** – The DCP refers to the height controls under the Newcastle LEP 2012. The proposed development has a maximum height of 7.75m which complies with the 8.5m height limit.
- **FSR** – The DCP refers to the FSR controls under the Newcastle LEP 2012 – The proposal has an FSR of 0.52:1, well under the maximum FSR of 0.6:1.
- **Streetscape and front setbacks** – The development provides for a 5.2m minimum setback for Unit No 1 which fronts Florida Avenue. The building appropriately addresses the street, with windows overlooking the public domain. The design is considered acceptable from a streetscape perspective and is compatible with the character of the area (refer to perspective plans Appendix A).
- **Side and rear setbacks** – Most of the dwellings comply with Council specification for site and rear setback with the exception of Unit No 1. The proposed setback to this boundary is considered acceptable and will not result in increased overshadowing or have privacy implications for adjoining residents.
- **Open space** - The DCP requires that each dwelling has a minimum of 35m$^2$ private open space located behind the building line. All dwellings have at least 35m$^2$ of private open space, with a principal area of 4m x 4m located off living areas and located behind the 5m building line.
- **Building design and appearance** - The DCP states: *Within the R2 Low Density Residential zone new development is compatible with the existing scale, character and massing of development in the immediate area.*

The proposal incorporates two-storey dwellings that are consistent with the scale, character and massing of development in the area. The appearance of the development is considered to be compatible with the character of the area.

- **Solar access** – The DCP states: *Dwellings are orientated with the main indoor and outdoor livings spaces and major window areas facing towards the north and east.*
The dwellings are generally orientated with courtyards and living areas to the north and north east.

Overshadowing of adjoining properties would be minimal given the setback from site boundaries and orientation of the block.

- **Views and privacy** - The proposal does not have a significant impact upon views and the two-storey dwellings are separated from adjoining properties, thereby maintaining acceptable levels of privacy. Main living areas for the units are located on ground floors. The first floor contains bedrooms and bathrooms which are not expected to have any privacy implications given the limited use of these rooms. In addition, most of the upper level windows to the bedrooms are generally high windows (1.5m high sill) to minimise overlooking of neighbouring properties.

- **Fences and walls** – The proposal includes 1.8 metre boundary fence along the side boundaries and a 1.2 masonry fence along Florida Avenue. The area will be landscaped and will provide adequate privacy for the unit fronting Florida Avenue.

- **Utilities and services** – The development provides for adequate general storage within garages and has adequate storage for waste bins within the private courtyards. The development also provides for letterboxes at the street front.

d) **Landscaping, Open Space and Visual Amenity – Section 7.02**

The landscape plan is considered acceptable for a Category 3 development as required under the DCP.

- **Residential Development** - The proposal incorporates 25% on site landscaping, compliant with the minimum 25% as required under the DCP.

  The DCP requires a minimum 3m strip of landscaping along one boundary. The landscaped front setback on the street boundary provides a number of medium size trees and is considered to satisfy this requirement.

  The DCP requires that 25% of the site be deep soil zone. Essentially all landscaped area (i.e. 25%) is deep soil zone and therefore complies.

  A copy of the current amended landscape plan is appended at Appendix B.

e) **Traffic, Parking and Access – Section 7.03**

- **Dwelling parking** – The DCP requires that each dwelling have one parking space per dwelling. The proposal is providing a single garage for each dwelling and two visitor spaces on site.

- **Bicycle parking** – It is considered that each dwelling has sufficient bicycle storage in garage and courtyards for bicycle parking and satisfies the DCP.

- **Visitor parking** - The proposal complies with the DCP in terms of visitor parking spaces.
• **Access** – Additional plans have been provided to demonstrate that the off-Street parking spaces and manoeuvring comply with Australian Standards AS 2890.1. Maneuvering circle drawings have been provided demonstrating that the vehicles from all the units and visitor spaces can enter and exit in a forward direction.

• The internal access and driveway design has been reviewed. The consulting engineers and architects have reviewed the proposed access driveway grades and it has been confirmed that the proposed will not scrape and complies with Australian Standards AS 2890.1. The entry of the driveway and internal access has been widened to allow for a waiting area. The garage entry areas have been also nominated as waiting and passing bays. The driveway access will have adequate sightlines and therefore entry and exit to Florida Avenue and pedestrian rights over the footpath has been addressed through the design.

• A separated pedestrian pathway has been provided along Units 1-3 which provides access to the street.

f) **Tree Management – Section 5.03**

The application was supported by an Arborist Report which examined existing vegetation on the site in accordance with this section. The Arborist Report provided the following comments:

‘The sites contain 7 trees with 1 of these trees identified for retention. The remaining trees will be removed to facilitate the sites redevelopment. A number of other trees are located on the surrounding properties. These trees will be retained and protected during the construction processes’.

Concerns were raised with the applicant regarding the amount of trees to be removed, given current the number of trees identified on site. It is accepted that the trees on-site are not significant and could not realistically be retained to develop the site for medium density housing in a co-ordinated manner. The applicant submitted amended landscape plans which identified areas available for compensatory planting. The proposed development is considered acceptable in relation to the NDCP guidelines on tree management.

A copy of the Landscape Concept Plan, including the tree retention plan and compensatory planting, has been included in Appendix B.

g) **Stormwater – Section 7.06**

The application has been supported by a stormwater concept plan. Council’s Senior Stormwater Engineer has provided the following comments in terms of water management:

‘The stormwater is proposed to discharge to the street via kerb connection with 2 x 100mm x 50 x6m RHS. The permissible site discharge is 50L/s which comply with Council guidelines for discharge to the kerb. There are two outlets and therefore it is estimated that each outlet will discharge at 25L/s.'
It is recommended that an additional pit be provided within the site at the driveway entry which will connect the outlet pipe from the OSD. This additional pit will assist in reduction of the velocity of the stormwater before it reaches the kerb outlet (act as energy Dissipator). A strip drain is also recommended to be installed along the driveway within the property to capture any flows from the driveway.

**Overland Flows**

It is noted that the site has significant fall towards Florida Av from the north. The stormwater design has considered overland flow from the northern end (rear of the property) and drainage and overland flow provision has been made with proposed design’.

Conditions are recommended to ensure that the submitted Concept Drainage Plan is implemented as part of the site development works.

**h) Soil Management – Section 5.01**

The design minimises cut and fill and is considered acceptable.

**i) Energy Efficiency – Section 7.05**

The application has been supported by a BASIX certificate which is considered satisfactory.

**j) Safety and Security – Section 4.04**

The proposal is considered satisfactory in that communal and private areas are clearly delineated and the proposal provides for good passive surveillance of the street and internal driveways.

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

a) Character - Objection was raised to the proposed development on the grounds that it does not enhance the character of area, and specifically that there are no other such developments of this scale in the area. Concern was also raised that the proposal is an overdevelopment of the site.

Comment: As outlined in Section 4.2.1 of this report, the proposed development is permissible within the residential zone and the development is well within the density and height controls for the site. Accordingly, development of this nature could not reasonably be considered inappropriate provided the design responds to the characteristics of the streetscape. In this regard, the streetscape is characterised by single and double-storey detached dwellings addressing the street with a consistent 5m front landscaped setback. It is therefore considered that the design is compatible with the character of the area and would integrate well within the existing streetscape (refer to perspectives Appendix A).
b) Parking and Traffic

Comments: The proposal complies with the parking provisions contained within the DCP parking and access section. The proposal includes one car parking spaces per dwelling plus two visitor spaces. While Florida Avenue is a narrow street, the proposed development is not expected to have a significant impact on the existing road network. The increase in residential density is not expected to have a significant impact on pedestrian safety given the speed limit in and around the development site.

Council’s Senior Development Officer (Engineering) has considered the proposal to be acceptable and provided the following comments in terms of the local road network:

‘The RMS publication RTA’s Guide to Traffic Generating Developments identifies medium density housing to have a traffic generation rate of 0.5 - 0.65 vtph per unit. Therefore the development is likely to generate approximately 6 to 7 vtph of which approx.5 inbound and 2 outbound vtph could occur in the critical PM peak and 5 outbound and 2 inbound trips could occur in the AM peak.

It is noted that Florida Av is a local street and the proposed development will not alter existing levels of service or those entering and exiting the proposed development. It is therefore concluded the proposal will not adversely impact the local road network and no additional information is required’.

c) Pedestrian Safety – Concerns were raised about pedestrian safety.

Comments: The proposal enables all vehicles to enter and leave the site in a forward direction. The proposal includes pedestrian access from Florida Avenue. The development is not expected to have any significant impact on pedestrian safety given that it is likely to be a low speed environment.

Council’s Senior Development Officer (Engineering) has considered the proposal to be acceptable and provided the following comments in terms of traffic safety:

‘It is note that a number of public submissions have raised the issue of safety around the bend fronting 7 Florida Av. An inspection has been done by Council officers and it has been noted that there is an existing street tree in front of 7 Florida Av which may need to be removed to clear the sigh lines.

The removal of the tree will assist in improving the sight lines at the bend. A request has been done with Council’s Traffic Section who will need to consider the proposal’.

d) Property Values – Objection was raised by objectors regarding a possible reduction in property values.
Comment: This is not a valid planning issue. However, it is considered that the proposal will not adversely impact on the amenity of the adjoining premises or the neighbourhood generally and, accordingly, is not likely to detract from current market values.

e) Services - Objection was raised regarding potential problems with existing water and sewer services.
Comment: This is an issue for Hunter Water and was not considered as part of this application

f) Lighting and Health Issues
Comment: The external lighting and increase in the number of vehicles is not expected to have any significant adverse health impacts on the adjoining neighbours.

g) Construction Phase
Comment: Concerns have been raised that the proposal will impact on the nearby residents during the construction phase. It is acknowledged that there may be some short term noise impact and other disruption during the construction phase, this is unavoidable but manageable. A number of conditions have been placed on the consent to ensure that any potential impacts are minimised during construction phase.

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

Objection was raised to the proposed development on the grounds that there would be an increase in the likelihood of social issues associated with a development of this nature.

As stated, the development proposes residential dwellings within a residential area. It is considered unlikely that a residential development of this nature would result in increased anti social behaviour.

The development will clearly lead to an increase in noise levels compared to the current existing dwellings. However, the noise expected to be generated from residential use of the dwellings is not likely to adversely impact surrounding properties or be of a volume that could not expected to occur in a residential zone.

The development provides for increased housing choice within the area which is considered a positive social outcome.

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

The site is not subject to any 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/or 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 proposal is consistent with Council’s urban consolidation objectives, making more efficient use of the established public infrastructure and services.

A BASIX Certificate for the development has been submitted with the application and meets the statutory requirements of the SEPP in relation to mandatory water and energy reduction. Compliance with the submitted BASIX Certificate will be conditioned.

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.

Overall, it is assessed that the proposed development is likely to have minimal adverse impact upon the surrounding natural and built environment. Approval of this application is considered to be in the public interest.

**ATTACHMENTS**

**Attachment A:** Submitted Plans - 18 and 20 Florida Avenue, Lambton - DA 2015-1007

**Attachment B:** Draft Schedule of Conditions - 18 and 20 Florida Avenue, Lambton - DA 2015-1007

**Attachment C:** Processing Chronology - 18 and 20 Florida Avenue, Lambton - DA 2015-1007
Attachment A: Submitted Plans - 18 and 20 Florida Avenue, Lambton - DA 2015-1007
Attachment B: Draft Schedule of Conditions - 18 and 20 Florida Avenue, Lambton - DA 2015-1007
ATTACHMENT B - DRAFT SCHEDULE OF CONDITIONS
DA 2015/1007 - 18 & 20 FLORIDA AVENUE, LAMBTON

REASONS FOR CONDITIONS

1. The conditions of this consent have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 (NSW). The conditions relate to any matter referred to in Section 79C(1) of relevance to the development the subject of the consent and are imposed to ensure that the development is undertaken in an orderly manner, with acceptable impacts on the natural and built environment.

APPROVED DOCUMENTATION

2. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

<table>
<thead>
<tr>
<th>Plan No / Supporting Document</th>
<th>Reference / Version</th>
<th>Prepared by</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Analysis and Site Plan</td>
<td>DA-01 Ref: 1425</td>
<td>Jason Topic Architect</td>
<td>1/3/16</td>
</tr>
<tr>
<td>Lower Floor Plan</td>
<td>DA-02 Ref: 1425</td>
<td>Jason Topic Architect</td>
<td>1/3/16</td>
</tr>
<tr>
<td>Mid Floor Plans</td>
<td>DA-03 Ref: 1425</td>
<td>Jason Topic Architect</td>
<td>5/8/15</td>
</tr>
<tr>
<td>Upper Floor Plans</td>
<td>DA-04 Ref: 1425</td>
<td>Jason Topic Architect</td>
<td>5/8/15</td>
</tr>
<tr>
<td>Elevations 01</td>
<td>DA-05 Ref: 1425</td>
<td>Jason Topic Architect</td>
<td>5/8/15</td>
</tr>
<tr>
<td>Elevations 02 and Section Plan</td>
<td>DA-06 Ref: 1425</td>
<td>Jason Topic Architect</td>
<td>1/3/16</td>
</tr>
<tr>
<td>Statement of Environmental Effects</td>
<td>Ref: 411.610SEE.0 0</td>
<td>Jason Topic Architect</td>
<td>Aug 2015</td>
</tr>
<tr>
<td>Waste Management Plan</td>
<td></td>
<td>Jason Topic Architect</td>
<td></td>
</tr>
<tr>
<td>Review of site design for vehicle access</td>
<td>P0459 Florida Street Lambton Comments</td>
<td>SECA solutions</td>
<td>6/08/15</td>
</tr>
<tr>
<td>Landscape Plan</td>
<td>DA 01 Rev: D</td>
<td>Octopus Garden Design</td>
<td>April 2016</td>
</tr>
<tr>
<td>Engineering Plans including: Sedimentation and Erosion Plan, Stormwater Plan, Turning Paths and Entry and Exist Plan</td>
<td>Ref: 15-532 Drws C01 - C03 and T01 - T03 Rev: 2 and 3</td>
<td>MPC Consulting Engineers</td>
<td>7/03/16</td>
</tr>
<tr>
<td>Arborist Report</td>
<td></td>
<td>Advance Treescape Consulting</td>
<td>7/7/15</td>
</tr>
<tr>
<td>Geotechnical Engineers Report</td>
<td>Ref: 50487</td>
<td>Forum Consulting Engineers</td>
<td>29/05/15</td>
</tr>
<tr>
<td>Draft Strata Plan</td>
<td>Ref: 5048 SP</td>
<td>Jason Harman</td>
<td></td>
</tr>
<tr>
<td>Survey Plan</td>
<td>Ref: 5089 Rev: A</td>
<td>Land Development Solution</td>
<td>09/03/15</td>
</tr>
</tbody>
</table>
In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. A total monetary contribution of $18,000.00 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:

<table>
<thead>
<tr>
<th>Indexation quarters</th>
<th>Approximate release date</th>
</tr>
</thead>
<tbody>
<tr>
<td>September</td>
<td>Late October</td>
</tr>
<tr>
<td>December</td>
<td>Late January</td>
</tr>
<tr>
<td>March</td>
<td>Late April</td>
</tr>
<tr>
<td>June</td>
<td>Late July</td>
</tr>
</tbody>
</table>

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. On-site parking accommodation is to be provided for a minimum of 2 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.

5. The proposed garage door openings are to be a minimum width of 2.7 clear. 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, loading 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. The visitor parking bays are to be constructed in paving bricks or in a suitable alternative visually unobtrusive paving material which contrasts in colour and texture with that used in the construction of the driveway. Full details are to be included in documentation for a Construction Certificate application.

9. Kerbing or dwarf walls having a minimum height of 100mm are to be constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

10. 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.

11. Roof water from the proposed new works is to be directed to the rainwater tanks (minimum capacity 4000 litres per Unit) and being reticulated to the building to new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be provided with the Construction Certificate application.

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

13. All stormwater runoff from the proposed development being managed in accordance with the requirements of Section 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012, as indicated on the concept stormwater management plan prepared by MPC Consulting Engineers Job No. 15-352 Dwg. No's C03 Issue 2 dated 26/02/2016. An additional drainage pit and strip drain is to be constructed at the driveway entry within the site. The outlet from the on-site detention is to be connected to the drainage pit (act as an energy dissipater pit) and the RHS outlet pipe connected to the pit. The strip drain can be connected to the drainage pit. Full details are to be included in documentation for a Construction Certificate application.
14. All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.

15. The proposed development is not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events. This is to be verified by the provision of stormwater control details included in documentation for a Construction Certificate application.

16. 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.

17. All existing trees on the site outside the envelope of the proposed building are to be preserved where practicable and all such trees being indicated on the required comprehensive landscape design plan and being adequately protected against damage during the building construction period. Full details are to be included in documentation for a Construction Certificate application.

18. Fences are to be constructed in a high quality presentation style of attractive appearance and of sufficient height to afford adequate privacy to residents in accordance with the performance criteria and provisions of Newcastle Development Control Plan 2012. Full details are to be included in the documentation for a Construction Certificate application.

19. 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.
20. Adequate facilities are to be provided within the proposed individual private courtyards, or in another adequately screened location, for the storage of garbage. Full details are to be included in documentation for a Construction Certificate application.

21. 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.

22. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on an Erosion and Sediment Control Plan that is to be submitted for approval with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

23. 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.

24. A dilapidation report prepared by a suitability qualified person shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate. The dilapidation report shall document and photograph the current structural condition of the adjoining buildings, infrastructure and roads.

25. Working drawings and specifications of the proposed building are to be submitted to the NSW Mine Subsidence Board for approval prior to an application for a Construction Certificate and any requirements of the Board are to be included in the documentation for a Construction Certificate application.

26. 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.

27. A structural engineer is to determine the location and depth of the proposed underground tanks and On Site Detention and certify that it will not adversely affect any building foundation footings or slabs when the tank is empty. Stormwater Management Plan is to be designed in accordance with current NDCP Section 7.06 Stormwater Management and Newcastle City Council's Stormwater and Water Efficiency Technical Manual. Full details are to be included with documentation for a construction certificate.

28. Two replacement street trees are to be installed in accordance Council’s specifications to replace the existing trees proposed to be removed. An application is to be made to Council’s City Greening Coordinator requesting the planting of the required compensatory tree with the associated fee. Evidence that the application has been approved by the Greening Coordinator is to be submitted to the Accredited Certifier prior to the release of the Construction Certificate.
29. All onsite stormwater retention/detention and water quality treatment systems are to be individually identified and sign posted in accordance with Council’s Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.

30. The waste collection for the development (units 1 to 8) shall be undertaken by a private contractor. The private waste collection service must include:
   - The residents present their bins in front of their garages.
   - A two person waste collection service (driver and runner).
   - The runner is to enter the site and collect the bins from in front of the garages.
   - The runner is to supervise the waste collection and then return the bins to front of each respective garage.
   - A private waste collection servicing both standard and recycling waste.
   - Green waste service is to be separately handled as part of the landscape management of the site.

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

31. 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).
   c) Be a temporary chemical closet approved under the Local Government Act 1993 (NSW).

32. Building demolition is to be planned and carried out in accordance with Australian Standard 2601:2001 - The Demolition of Structures.

33. 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.

34. 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.

35. 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.

36. 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.

37. The demolisher is to ensure that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

38. 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.

39. Waste management shall be implemented in accordance with the approved Waste Management Plan. 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).
40. A rigid and durable sign is to be erected on any site on which building work, subdivision work or demolition work is being carried out, before the commencement of the work:
   a) showing the name, address and telephone number of the Principal Certifying Authority for building work and subdivision work, and
   b) showing the name, address and telephone number of the Principal Contractor for any building work and also including a telephone number on which the Principal Contractor may be contacted at any time for business purposes, and
   c) stating that unauthorised entry to the work site is prohibited, and
   d) being erected in a prominent position that can be read easily by anyone in any public road or other public place adjacent to the site.

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.

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

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

43. 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.

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

45. 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.

46. 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.

47. Vehicular crossings are to be constructed across the public footway at the proposed driveway entrance/exit at no cost to Council, as per the following:
   a) A dwelling type vehicular crossing shall be constructed across the public footway at the proposed driveway entrance/exit at no cost to Council and in accordance with Council’s Standard Drawing A1300 (Driveway Crossing Standard Design Details).
   b) The driveway crossing shall be 5.5 metres wide.
   c) Letterboxes, landscaping and any other obstructions to visibility should 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.
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.

f) The driveway design should enforce the rights of pedestrian path over the driveway and existing footpath levels are to be maintained to match existing levels.

Note: A separate approval from Council must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993. For further information contact Council’s Works Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard.

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

49. Any proposed paving works within the public footway are to be in accordance with the requirements of Council’s specifications and City Centre Public Domain Manual.

Note: It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

50. 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.

51. The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices - traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

52. 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.

53. All roof and surface waters are to be conveyed to the street drainage system by way of a sealed pipe system, extending through the footway to Council requirements, in accordance with Element 7.06 ‘Stormwater’ of Newcastle Development Control Plan 2012.

54. On-site car parking accommodation is to be provided for a minimum of 10 vehicles and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.

55. The proposed visitor parking bays and pedestrian paths are to be clearly indicated by means of signs and/or pavement markings and/or use of different materials/design
56. 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.

57. 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.

58. 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.

59. Erosion and sediment control measures are to be implemented prior to the commencement of works and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

   Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins and controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the ‘Blue Book’) published by Landcom, 2004.

60. 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.

61. 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 shadecloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

62. 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).
CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE

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

64. 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.

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

66. 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.

67. 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.

68. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

69. 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.

70. An application is to be made for a Subdivision Certificate. The application is to be supported by a survey plan of subdivision, five copies thereof and a Section 50 Certificate from the Hunter Water Corporation.

71. Written evidence of approval by the Mine Subsidence Board is to be obtained and submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

72. An application is to be made for a Strata Certificate in accordance with the requirements of Division 4 of the Strata Scheme (Freehold Development) Act 1973 (NSW).
73. 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

74. A Maintenance Manual for all water quality devices is be prepared in accordance with Council’s Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). The Maintenance Manual is to address maintenance issues concerning the water quality devices including routine monitoring and regular maintenance and be kept on site at all times. Establishment and maintenance of the water quality devices in accordance with the Maintenance Manual prepared by the applicant is to be completed prior to occupation of this site for the intended use.

75. A new street lighting is to be installed on the existing pole in front of 7 Florida Avenue. The street lighting is to comply with P4 lighting category and to be installed in accordance with Ausgrid requirements. Applicants/owners will need to contact Ausgrid to arrange for the installation of the street lighting. The street lighting is to be installed prior to the issue of any occupation certificate.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

76. The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.

77. 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.

78. 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

79. All downpipes discharging to the rainwater tanks are to have pre-storage insect, debris and vermin control (e.g. a rainwater head being leaf screened and vermin and insect proof) to minimise the contamination of captured roof water. A first flush device is to be provided for the inlet to the tank and a backflow prevention device is to be installed in the tank overflow outlet before connecting to the stormwater drainage system. If the roof downpipes are charged to the rainwater tank, all pipes are to be chemically welded and the stormwater system is to be designed such that the system is capable of being flushed in the event of pipe blockage (e.g. capped relief access points at the lowest level of stormwater drainage).
80. Retaining walls not clearly noted on the approved plans or outside of the parameters of ‘exempt development’ as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) are to be subject to a separate development application. An application in this regard is to be approved prior to any works relating to the retaining wall taking place.

81. An application is to be submitted to Council for the removal or pruning of any trees located more than three metres from the dwelling, wall measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas.

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

85. 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.

86. 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).

87. 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.
88. Failure to comply with the conditions of consent constitutes a breach of the *Environmental Planning and Assessment Act 1979* (NSW), which may be subject to a penalty infringement notice (‘on-the-spot fine’) or prosecution.

END OF CONDITIONS
Attachment C: Processing Chronology - 18 and 20 Florida Avenue, Lambton - DA 2015-1007
21 September 2015   - Development application lodged with Council.
24 September 2015   - Public exhibition (14 days).
7 December 2015     - Applicant advised of issues raised after technical assessment of the application and in public submissions.
7 December 2015     Following applicant's request, meeting at Council to discuss Council's concerns.
8 March 2016        - Response received from applicant.