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 17 May 2016

**TIME:** To follow the Briefing Committee

**VENUE:** Council Chambers

2nd Floor

City Hall

290 King Street

Newcastle NSW 2300

Frank Cordingley

Interim Chief Executive Officer

City Administration Centre

282 King Street

NEWCASTLE NSW 2300

Friday 6 May 2016

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

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 19 APRIL 2016

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 160419 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
Attachment A
Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 19 April 2016 at 6.07pm.

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

IN ATTENDANCE
P Chrystal (Acting 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), N Baker (Chief of Staff to the Lord Mayor), K Sullivan (Council Services/Webcasting) and A Leach (Council Services/Minutes).

MESSAGE OF ACKNOWLEDGEMENT
The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

PRAYER
The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

APOLOGIES

MOTION
Moved by Cr Posniak, seconded by Cr Osborne

The apologies submitted on behalf of Councillors Dunn, Luke, Tierney and Waterhouse be received and leaves of absence granted. Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Rufo
Councillor Rufo declared a non-pecuniary significant interest in Item 3 15 Tinonee Road, Waratah and said that in his role as President of the Ethnic Community Centre he was an acquaintance of the development application applicant and would remove himself from the Chamber when the item was discussed.

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 MEETING 16 FEBRUARY 2016

MOTION
Moved by Cr Osborne, seconded by Cr Clausen

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

DEVELOPMENT APPLICATIONS

ITEM-2 DAC - DA 2013-1236 - 317 WHARF ROAD, NEWCASTLE - DEMOLITION OF BUILDINGS ERECTION EIGHT STORY HOTEL AND CONFERENCE CENTRE.docx

PROCEDURAL MOTION
Moved by Cr Doyle, seconded by Cr Osborne

The Development Application lay on the table and to come back to Council once the original objectors from the 2014 development application have been notified and allowed to comment.

The Acting Interim Chief Executive Officer advised Council that laying the item on the table would be deemed as a refusal and the applicant would then have the opportunity to take the matter to the Land and Environment Court.

For the Procedural Motion: Councillors Doyle and Osborne

Against the Procedural Motion: Lord Mayor, Councillor Nelmes and Councillors Compton, Crakanthorp, Posniak, Robinson and Rufo. Defeated
MOTION
Moved by Cr Clausen, seconded by Cr Compton

The Development Application 2013/1236 for the demolition of the existing buildings on-site and the subsequent construction of a Hotel and Conference Centre (8 storey), conference facilities, commercial space, restaurant/bar and on-site car parking (113 spaces) be approved with consent granted, subject to compliance with the Draft Schedule of Conditions (refer to Attachment C) and the following additional conditions be included:

i) That all balconies adjoining 335 Wharf Road on the western elevation have suitable screening to protect the amenity on the neighbouring properties;
ii) "Restrict the operational hours of the loading bay to Monday to Friday 7.00am to 5.00pm and Saturday between 8.00am and 12.00pm"; and
iii) Inclusion of a bicycle rack for 10 bicycles.

And that Council staff determine the appropriate positioning of the three additional conditions in the Draft Schedule of Conditions.

Councillor Compton requested that the conditions include tour buses be requested to arrange that disembarking and embarking times at a respectable time. The Acting Interim Chief Executive Officer advised that the suggested condition was suitably covered through the consent conditions already proposed by Council staff.

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Compton, Clausen, Crakanthorp, Doyle, Osborne, Posniak, Robinson and Rufo.

Against the Motion: Nil.

Carried
Councillor Rufo retired from the Chamber at 6.42pm.

**MOTION**
Moved by Cr Crakanthorp, seconded by Cr Doyle

That DA 2015/10094 for the demolition of buildings, erection of two storey aged care facility (seventy two rooms) plus basement parking and associated site works be approved subject to compliance with the conditions set out in the Draft Schedule of Conditions (refer to **Attachment B**)

**For the Motion:**
The Lord Mayor, Councillor Nelmes and Councillors Compton, Clausen, Crakanthorp, Doyle, Osborne, Posniak and Robinson.

**Against the Motion:**
Nil.

**Carried**

The meeting concluded at 6.48pm
PART I

PURPOSE

An application has been received seeking consent for the construction of a three-storey serviced apartment development (plus basement level) comprising 11 apartments and strata subdivision.

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 sixty-four (64) public submissions were received objecting to the proposal including four (4) Public Voice requests and one (1) submission for mediation.
The proposal has been subsequently amended by increasing the side setback of the basement level from the adjoining residence; adopting a mansard style rooftop situated behind the parapet; further setting the rooftop parapet back from Glovers Lane; removing the steel column to the corner of the building and suitably changing the façade materials in response to concerns raised by Council's Urban Design Consultative Group (UDCG), Council officers and in response to the previous public submissions.

The amended application was publicly re-notified and a total of thirty-four (34) submissions were received in response.

The current amended scheme was presented to Council in Public Voice on the 19th April 2016.

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

i) Whether the proposed development is reasonable having regard to the character of the Conservation Area and urban design outcomes.

ii) Whether the proposed design is acceptable in terms of the height, bulk and streetscape.

iii) Whether the proposal is acceptable having regard to amenity impacts.

iv) Whether the proposal is acceptable having regard to traffic and parking impacts.

Conclusion

The proposed development will provide a positive contribution to the streetscape and the locality. The appearance of the building is sympathetic to the surrounding heritage items and is appropriate having regard to the character of the Conservation Area. The development is compatible with the scale and pattern of development in the area and maximises internal amenity for occupants. The proposal is also consistent with the objectives of the medium density zoning of the land and relevant planning provisions, for these reasons the approval of the development is considered to be in the public interest.

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, including conditions that require the developer to construct a number of public domain upgrades within Laman Street.
and Glovers Lane adjacent to the site. These works have been agreed to be undertaken by the developer at no cost to Council.

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

**RECOMMENDATION**

That the application for the construction of a three-four storey serviced apartment development (including basement level parking for 13 vehicles) and strata subdivision 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, which consists of two properties is located on the south side of Laman Street and is triangular in shape with a steep fall of approximately 4 metres from its Laman Street frontage to its rear aspect of Glover's Lane.

The site faces north and is at the very edge of Newcastle's Civic / Cultural Precinct with its Council Administration Buildings, Art Gallery, Library, Conservatorium of Music, two major churches and University House (formerly Nesca House). Civic Park lies at the centre of the precinct and provides a significant formal landscape feature of the city.

To the west Laman Street contains large one and two storey terrace house lots with steep pitched roofs. To the south Glover's Lane provides rear access to properties facing Dawson Street and front access to some residential housing on its western side.

The property is within the Heritage Conservation Area and is located opposite 'local' listed heritage items.
2.0 BACKGROUND

The site was originally occupied by two weatherboard dwellings until the 1970’s when a fire caused damage to the dwellings, which resulted in their subsequent removal. The site has was owned and managed by Council in the intervening years since the removal of the dwellings until its sale in 2013. The site has been classified as operational land, not community land (within the meaning of the Local Government Act) since commencement of that legislation and has maintained appropriate land use zoning under the current and former planning instruments for residential purposes.

The original application for the site (DA2014/326) proposed a four - five storey (including basement parking) boarding house development comprising 26 rooms, with a large common room facing Glovers Lane. This application was withdrawn in May 2015, in response to concerns from Council Officers and objections of the local community.

Overall, the current serviced apartment development is considered a less intensive, and a more appropriate use for the area given the new university development located nearby. An additional floor (as previously proposed) has been removed which improves the development’s relationship with the height of the neighbouring residence. The current proposal is better in terms of car parking numbers which is now compliant with the DCP.

3.0 THE PROPOSAL

The subject application seeks consent for the construction and strata subdivision of a three - four storey (including basement level parking) serviced apartment development including:

i) Basement level parking for 13 vehicles, including a parking space for persons with a disability; bicycle storage; allocated and general storage spaces; garbage storage room; stairs and lift access. Vehicular and secondary pedestrian access to the basement level will be via Glover's Lane.

ii) Ground floor level accommodating the primary pedestrian access to the building from Laman Street and four (4) serviced apartments (3 x 2 bedroom and 1 x 1 bedroom).

iii) First floor level accommodating four (4) serviced apartments (4 x 2 bedroom).

iv) Second floor level accommodating three (3) serviced apartments (1 x 3 bedroom and 2 x 2 bedroom).

The proposed development has been subsequently amended in response to concerns raised by Council's Urban Design Consultative Group (UDCG) and Council officers.

A copy of the current amended plans is appended at Attachment A.
4.0 PUBLIC NOTIFICATION

The application was originally publicly notified for a period of fourteen (14) days in accordance with Council’s Public Notification Policy. A total of sixty-four (64) public submissions were received objecting to the proposal including four (4) Public Voice requests and one (1) submission for mediation.

The proposal has been subsequently amended in response to concerns raised by Council’s Urban Design Consultative Group (UDCG), Council officers and in response to the previous public submissions.

The amended application was publicly re-notified and a total of thirty-four (34) submissions were received in response. The applicant formerly declined the request for mediation as they were of the opinion that they had appropriately responded to public comments following private consultation meetings held by the applicant prior to lodgement of the current application.

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

Design and Aesthetic Issues:

i) Height, Bulk and scale - building height, bulk and scale together with a lack of landscaping.

ii) Setbacks - No setback to the north and south-east boundaries with minimal setback to the west boundary.

iii) Open space - minimal open space and landscaping at ground level resulting in open space being provided by upper floor balconies with overlooking of neighbouring properties.

iv) Density - overdevelopment of a sensitive site in Cooks Hill.

v) Heritage impacts - building does not respect the heritage significance and character of the Cooks Hill Conservation Area.

vi) Landscaping - A number of trees are to be removed resulting in a loss of residential amenity and loss of habitat for local fauna.
Amenity Issues:

i) **Overshadowing** - height, bulk, scale and minimal setbacks resulting in overshadowing to neighbouring properties.

ii) **Privacy** - several properties in Glovers Lane will be overlooked due to the orientation of a number of apartments.

iii) **View loss** - the proposal will block views from neighbouring properties.

iv) **Noise** - likelihood of increased noise and activity given the increased density for the site and proximity to neighbouring residential sites.

v) **Landscaping** - lack of setbacks to the side and rear boundaries results in minimal landscaping for the site.

vi) **Safety and security**. Potential for anti-social behaviour.

Traffic and Infrastructure Issues:

i) **Traffic** - increased traffic movements in Glovers Lane being a narrow lane which services a small number of vehicles.

ii) **Parking** - not enough parking has been provided for the development. Overflow parking will increase demand for on-street parking in the area.

iii) **Storm water and sewerage** - increased demands on local infrastructure.

iv) **Garbage and servicing** - rubbish collection will result in increased use of Glovers Lane or increased demands on surrounding streets.

v) **Demolition and construction** - Construction traffic and noise.

5.0 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.

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

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

The proposed development has been designed having regard to the 9 design principles of SEPP 65 and is supported by a design verification report.

The proposed development and design verification report have been reviewed by the Urban Design Consultative Group (UDCG) and the proposal was amended during
the assessment process in response to issues raised in previous UDCG meetings, as discussed below:

i) The basement level of the building has been setback from the western boundary and adjoining dwelling; this area will provide deep soil for tree planting and screening with no apartment access to this area.

ii) The roof level has been modified to include a mansard style roof that is setback behind the parapet wall; this has the effect of reducing the visible height and overshadowing to adjoining properties.

iii) The steel tower column at the eastern end of the building has been removed and a curved building form reintroduced.

iv) The entry at ground level has been modified to include an arched entry reflecting the adjoining arched screening in the adjacent residence.

v) Basement wall to Glovers Lane finished in contrasting brick.

vi) Internal foyer area and entry corridor increased in width to accommodate seating.

vii) Green walls and planters on Laman Street increased in depth to provide appropriate levels of planting.

viii) Photovoltaic panels will be positioned flush with the roof.

ix) The rooftop parapet has been setback by 1m from the Glovers Lane edge thereby reducing overshadowing.

x) The south-east and west elevations have adopted the same face brick materials used on the Laman Street elevation resulting in a more aesthetically cohesive building. The colour of the external masonry walls is changed to a lighter brick to contrast with the darker roof material.

The amended application is supported by the group in terms of addressing the sensitive nature of the precinct and the scale of adjacent residential dwellings in the Cooks Hill Conservation Area. The Group considers the mansard style upper floor of benefit to the overall design and the provision of a deep soil planting zone to the western side of the site to have considerably improved the development.

A high level of amenity is provided to the occupants of the development with the development providing generous apartment sizes, practical room dimensions, storage space, outdoor space and access for all age groups and degrees of mobility.
b) State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

Council records do not identify the site as potentially contaminated land.

The site has been historically used as part of a coal railway line and more recently for residential purposes (two dwellings were previously located on the site but were demolished in the early 1970s). No known contaminating activities have been carried out on the site. As such, there is not considered to be any risk of contamination on the site and the site is considered suitable for the intended use.

A detailed discussion of the land contamination assessment is included within Section 5.2.3 (c) of this report.

5.1.2 Local Environmental Plan

a) Newcastle Local Environmental Plan 2012 (NLEP 2012)

The subject site is zoned R3 Medium Density Residential under the provisions of the Newcastle Local Environmental Plan 2012.

The proposed development is defined as ‘tourist and visitor accommodation’ (serviced apartments), which is permitted with consent in the R3 Medium Density Residential zone.

The proposed development is consistent with the objectives of the R3 zone, in particular:

i) The proposal will contribute to more diverse housing options and provide for the short term housing needs of the community. The proposed development is ideally located to support the development of the University of Newcastle campus and facilities in Hunter Street and King Street and provides additional accommodation options for visiting academic staff.

ii) The proposal will support the continued development of the city centre and maintains a scale and height compatible with the local character (University facilities, Conservatorium of Music, Art Gallery and St. Andrews Church) whilst still appropriate for the medium density residential neighbourhood.

iii) The proposal will support an increased population of people living in Cooks Hill and the city centre, which in turn will help support the commercial viability and revitalisation of the area. The site is within close proximity of the cultural precinct of Darby Street, Market Town shopping centre and various recreational activities. The site is located nearby Civic Park, which offers a prime inner city green space that may be utilised by the occupants.

4.3 Height of Buildings

The subject site is not identified on the Newcastle LEP 2012 'Maximum Building Height Map' as having a prescribed maximum building height. It is a development...
site that must be judged on its merit. The building has a maximum height of 10 metres (Laman Street frontage) to 13.6 metres (Glovers Lane at the rear) given the sloping nature of the site.

The building is consistent with the height of the adjoining dwelling to the west (no. 33 Laman Street) and surrounding non-residential buildings within the locality.

4.4 Floor space ratio

The subject site is not identified on the Newcastle LEP 2012 'Floor Space Ratio Map' as having a prescribed floor space ratio. It is a development site that must be judged on its merit. The proposed development has been designed having regard to the zoning of the land, built form character of the area, overshadowing and privacy impacts and amenity.

The proposed building has an FSR of 1.63:1, which is considered acceptable in this location and in the context of the R3 Medium Density Zone.

5.10 Heritage conservation

The site does not contain any listed heritage items. There are, however several listed heritage items within close proximity of the site including:

- Former railway Overpass
- Newcastle War Memorial Cultural centre
- Former Signal’s Cottage
- St Andrews Presbyterian Church
- Baptist tabernacle
- Civic Park

The site is located within the Cooks Hill Heritage Conservation Area. It is considered that the proposed development will not have a significant impact on these heritage items or the Conservation Area.

The height, bulk and scale resulting from the proposal are consistent with the intended character of the area and the overall impacts of the proposal are considered to be acceptable in relation to streetscape and overshadowing. The proposed external finishes; textures and materials compliment the predominant building materials evident in the locality.

The stone retaining wall and brick abutments associated with the former railway overbridge are not be disturbed. These elements will remain intact and retained in situ as historic features.

It is considered that the proposed building represents a considered and sensitive design response to its surroundings, giving due respect to significance of the area and its neighbours.
6.1 Acid sulfate soils

The site has been identified on the Newcastle LEP 2012 Acid Sulfate Soils map as containing class 4 Acid Sulfate Soils. The proposal does not involve works more than 3 metres (excavation to a depth of between 2 and 2.5 metres will be required) below natural ground level. As such, the proposal is unlikely to lower the watertable more than 2 metres below natural ground surface and is not affected by this clause.

6.2 Earthworks

The basement level will be excavated into the slope of the land, with the ground floor level being at the same level as Laman Street and is considered acceptable.

6.3 Serviced apartments

The proposed development has been designed having regard to the nine design principles of SEPP 65 and is supported by a design verification report.

5.2 Merit Considerations

5.2.1 Relevant Strategic Policies

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

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

Section 3.09 Tourist and Visitor Accommodation

There are no specific controls in this section. This section makes reference to other sections of the DCP for applicable controls.

Section 4.01 - Flood Management

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

Section 4.03 - Mine Subsidence

The site is located within a proclaimed Mine Subsidence District and the Mine Subsidence Board has granted their conditional approval for the proposed development.

Section 4.04 - Safety & Security

The proposal is not considered a high-risk development that requires extensive safety and security measures to be incorporated into its design. The safety and security of the public domain is enhanced by increased activity on the site and the casual surveillance of Laman Street and Glovers Lane from the apartments within
the development. A secure residential lobby is proposed and appropriate lighting will ensure that all areas are well lit throughout the building.

Section 4.05 - Social Impact

The proposed serviced apartment development is consistent with the zone objectives and is appropriate to the area. It is considered that the proposal is acceptable in terms of its social impacts.

Section 5.02 - Land Contamination

The proposal and the submitted reports have been assessed by Council's Senior Environment Protection Officer and development is considered acceptable. A detailed discussion of the land contamination assessment is included within Section 5.2.3 c) of this report.

Section 5.03 - Tree Management

A number of trees are located within the proposed building footprint will require to be removed. These trees have been assessed as having either moderate or low retention value. Existing trees at the end of Glovers Lane will be retained and protected during excavation and construction.

Section 5.07 - Heritage Conservation Areas

The site is located within the Cooks Hill Heritage Conservation Area. It is considered that the proposed development will not have a significant impact on the Conservation Area. It is considered that the proposed building presents a considered and sensitive design response to its surroundings, giving due respect to the significance of the area and its neighbours. A detailed discussion of the heritage assessment has been included in Section 5.1.2(a) in the report above.

Section 7.01 - Building Design Criteria

The local area is characterised by terrace houses, single detached dwellings and much larger public buildings including St. Andrews Church, Conservatorium Concert Hall, Baptist Tabernacle, War Memorial Cultural Centre and Art Gallery. The development effectively forms an 'end-stop' to the existing residential character of Laman Street at the point of transition to the Civic Cultural precinct and reinforces the existing built form at the intersection of Laman Street and Auckland Street.

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

7.01.03 Minimum street frontage

The amalgamated site has a frontage to Laman Street in excess of 15 metres complying with this control.
7.01.04 Streetscape and front setbacks

The proposed development is built to the Laman Street boundary to match the existing established character of a number of other buildings in Laman Street are built to the street boundary.

Balconies on Levels 1 and 2 are recessed to provide privacy, articulation of the front façade and visual interest. Green walls are proposed in the landscaped recessed areas facing Laman St, which when combined will produce a vertical softening and small front garden effect similar to many properties in Laman Street.

A clearly defined pedestrian entry and lobby is provided on Laman Street. Vehicular entry to basement carpark is via Glovers Lane at the rear, thereby not detracting from the Laman Street frontage of the development.

The roof level has been modified to include a mansard style zinc clad roof, which is setback behind the parapet wall. The position of the roof has the effect of reducing the visible height of the roof level. This roof design provides a step down in height to the adjoining residence.

The composition of the front façade of the proposed building maintains, reinterprets and references key features of surrounding buildings such as street wall height and the use of high quality materials to provide a building which is sympathetic to the locality.

7.01.05 Side and rear setbacks

The building is set back 2.5 metres from the western side boundary and adjoining dwellings to provide separation and deep soil for landscaping and screen planting. No apartment access is provided to this area. The western setback breaches the minimum side setback control of 4m for walls over 6m in height, with the third storey having a side setback of 2.5 metres, rather than the required 4 metres. This variation to the setback control is considered minor and acceptable in this instance given its immediate context in which many buildings along Laman Street are also built boundary to boundary. By having a reduced side setback in this location, the proposed development does not result in any further significant impacts to the adjoining residence in terms of privacy, overshadowing or bulk and scale, than if the building was to necessarily comply with the control.

7.01.06 Open space

Each apartment has a balcony that is directly accessible from the main living area and which provides access to natural sunlight and ventilation as well as a visual connection to the streetscape.
7.01.07 Building design and appearance

The building has been designed to respond to the height of the adjoining dwelling to the west (No. 33 Laman Street) and is of a bulk and scale consistent with other existing medium sized non-residential buildings along Laman Street.

The amended development appropriately responds to and contributes to its context. Consideration has been given to the setbacks, form and scale of the proposed development to ensure a high quality outcome will be achieved which is consistent with the character of the area and sympathetic to the significant features of surrounding heritage items. The development is of a high quality and will make a positive contribution to the locality.

7.01.08 – Solar access

Each of the apartments having a north / north-east facing balcony off of a north or north-east facing living rooms. The amended design maximises solar access to the apartments of the proposed building whilst minimising potential solar access and privacy impacts to adjoining and surrounding properties.

The applicants have provided shadow diagrams showing the shadow cast at hourly intervals from 9am to 3pm on 21 June. The following solar access assessment for the following neighbouring properties based on the submitted shadow diagrams:

<table>
<thead>
<tr>
<th>Time</th>
<th>33 Laman Street</th>
<th>Glovers Lane properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00am</td>
<td>The site will be overshadowed by proposed development. This site is currently overshadowed by existing trees on its site and the adjoining site.</td>
<td>No overshadowing from the proposal.</td>
</tr>
<tr>
<td>10.00am</td>
<td>The site will be overshadowed by the proposed development and is also currently overshadowed by existing trees.</td>
<td>No overshadowing from the proposal.</td>
</tr>
<tr>
<td>11.00am</td>
<td>The site is currently overshadowed by existing dwelling (i.e. self-shadowed) on site and existing trees. A level of sunlight remains available to the rear yard of this site.</td>
<td>No overshadowing from the proposal.</td>
</tr>
<tr>
<td>12.00pm</td>
<td>Some sun is maintained to the existing east-facing windows and rear yard of this site. The site is mainly overshadowed by existing dwelling on site (i.e. self-shadowed).</td>
<td>Minimal overshadowing of rear yards.</td>
</tr>
<tr>
<td>1.00pm</td>
<td>No overshadowing to the site by the proposal. There is full sun available to the side passageway between the proposed development and 33 Laman Street.</td>
<td>Overshadowing of rear yards increases progressively.</td>
</tr>
<tr>
<td>2.00pm</td>
<td>No overshadowing to the site by the proposal.</td>
<td>Overshadowing of rear yards and...</td>
</tr>
</tbody>
</table>
The above assessment demonstrates that the proposed development is not considered to result in unreasonable overshadowing impacts to neighbouring properties or the public domain.

7.01.09 Views and privacy

The majority of apartments have north facing living rooms and balconies overlooking Laman Street. Apartments 2 and 6 have their kitchens and balconies overlooking Glovers Lane. These balconies are provided with privacy screens to reduce potential overlooking across Glovers Lane into the rear yards of the residences.

Narrow west-facing balconies off bedrooms in Apartments 2 and 6 are provided with privacy screens and screen planting (via an irrigated planter box) to reduce potential overlooking into the neighbouring dwelling and its private open space.

The design ensures a high level of privacy for both the occupants of the building and surrounding properties. The proposal does not unreasonably impact on any views enjoyed by surrounding development.

Section 7.02 - Landscape, Open Space & Visual Amenity

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

Increased landscaping along the western side boundary, together with planter boxes on balconies and vertical green walls in various locations will assist in softening the built form and provide amenity and privacy for residents and neighbours.

Appropriate species have been selected to suit the type of landscaping proposed, with native species chosen where appropriate.

Existing mature trees at the east end of Glovers Lane will be retained and protected during construction.

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

The proposal has been considered by Council’s Senior Development Officer (Engineering) and is considered to be acceptable subject to the conditions as recommended. Details of the traffic and parking assessment are outlined within Section 4.2.3(b) of this report.
Section 7.06 - Storm water & Section 7.07 - Water Efficiency

The stormwater design allows for a combined Retention tank and Water tank for reuse for landscaped areas and commercial buildings. The required On-site Detention (OSD) storage and water reuse is generally in accordance with Council requirements. The stormwater from the site is proposed to be connected to the existing drainage pit on Glovers Lane.

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

Section 7.08 - Waste Management

The waste bins for the development will be reliant on private contractors for the collection of waste from the development. Adequate conditions of consent have been recommended to be incorporated into any consent that may be granted.

7.03 Traffic, Parking and Access

A Traffic Assessment report accompanied the application. 1 car space per unit and 1 car space per staff is required. There are 11 units proposed, and it is expected that there will be a site manager and a maintenance contractor/cleaner. As such, a total of 13 spaces are required. The proposal provides for 13 spaces, which complies and is considered to be acceptable for this use and this location. A detailed discussion in regard to Traffic, parking and Access included in Section 5.2.3(b) below.

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

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

The amended plans have responded to the concerns of Councils UDCG insofar as providing a setback to the adjoining residence, increasing the opportunity for landscaped area and changes to the design to reduce the overall bulk and scale and respond more appropriately to the heritage character of the area.

The scale of the building appropriately relates to the medium sized buildings directly opposite (namely St Andrews Church and the Conservatorium of Music) and also the smaller residential buildings surrounding the site. The Glover's Lane elevation has been specifically broken to provide two distinct blocks sitting on the basement podium.

The modulation and massing of the building is sympathetic to the locality and a high standard of architectural design is achieved. The final amended plans are considered to be acceptable having regard to the height, external appearance, character of the area, height, bulk and scale.
b) Traffic, Access & Parking

As discussed above, a total of 13 parking spaces are proposed to be provided. The proposal has been assessed by Council’s Engineers having regard to traffic, access and parking and is considered to be acceptable, subject to conditions as recommended. In reaching this recommendation Council’s Engineering Section provided the following comments:

Off street parking

The number of off-street parking and bicycle parking is adequate for the development and complies with Council DCP. There are additional storage areas for secured bicycle parking and space for future provision for bike parking if required.

Garbage Servicing and Loading Area for Development

Garbage pick-up will be serviced by a private contractor via smaller trucks. The pick-up will be done from the laneway. The use of smaller trucks will assist in maneuvering within the laneway (given that the laneway is to be upgraded by the developer). The vehicle size for the laneway is recommended to be restricted to be small rigid vehicle up to 6.40m long.

The majority of the loading and deliveries will be done from Glovers Lane. There is ample space within the property to accommodate short term stay of service vehicles within turning bay areas.

Traffic generation

The submitted traffic report considered the issues with regard to traffic generation on Glovers Lane and concluded that it will not be significantly affected by the proposed development.

There are a number of garage accesses along Glovers Lane, which make use of the laneway and the proposal will near double the number of vehicles within the laneway. This is considered acceptable given access is limited to existing dwelling users and the proposed development parking will be used by patrons who book the accommodation and by service providers. Therefore it is considered that the laneway will be able to adequately service the development.

Access

There may be some pedestrian access from the laneway, however the majority of the pedestrian access will be via Laman Street. The footpath fronting the property along Laman Street will need to be upgraded to allow for the development to service the pedestrian movement in/out of the site.
It has also been noted that the condition of Glovers Lane along the proposed development frontage needs to be formally upgraded. A section of the roadway opposite the proposed basement door is over grown with bamboo and encroaches over the laneway. These sections of the roadway will need to be removed of the weed and the roadway constructed to allow for access to the proposed development.

There are no kerb and gutter along the laneway. To ensure that bins can be securely placed on the laneway, a formal roadway will need to be constructed.

There is also no formal turning head at the end of the Glovers Lane or closure to the laneway at the end of the property.

Security

There is an issue of safety and pedestrian access along the laneway and additional safety features such as surveillance cameras will add to the security of the area. Therefore, at least two security cameras are required to be installed at either sides of the building.

Construction Traffic Management

Laman Street is a major roadway and has a lot of pedestrian and vehicular traffic. Access to the laneway is limited for smaller vehicles and small trucks (including weight limitations).

It is recommended that the applicant provides a Traffic management Plan to Council for assessment and approval. The construction traffic management plan (CTMP) will need to be implemented throughout the construction phase. This is addressed by the imposition of condition of consent.

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

c) Environmental

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

The site was once occupied by two weatherboard dwellings until the 1970’s when a fire caused damage to the dwellings, which resulted in their subsequent removal. The site has been owned and managed by Council in the intervening years since the removal of the dwellings. The Statement of Heritage Impact notes Glovers Lane was formerly the location of a railway line and the area of the former rail underpass below Laman Street had been filled with unknown material. However, bore logs from a Geotechnical Investigation show the presence of primarily sand material on the site and the absence of any deleterious materials that may have contributed to potential contamination. Furthermore, the proposed development will require the excavation of approximately 2.5m of material to facilitate the basement carparking and storage area. Therefore, the site is considered suitable in accordance with the objectives of State Environment Planning Policy 55 - Remediation of Land. Any excavated material will be required to be classified and transported in accordance with the Environment Protection Authority's 'Waste Classification Guidelines Part 1: Classifying waste'. This requirement will be addressed by an appropriate condition of consent.

Noise

Concern was raised regarding potential noise impacts from mechanical plant items associated with the car stacker, elevator and air conditioning. It is noted that all mechanical plant will be located within the basement level. The only external opening to the basement level is the roller door access to the car parking area. The enclosure of the basement level will significantly reduce potential noise impacts from the proposed car stacker and mechanical plant items. The operation of these items within the basement level is unlikely to result in adverse noise impacts for neighbouring residential dwellings. In the event of future noise complaints a condition of consent will require the submission of a noise impact assessment to assist Council in regulating any noise impacts from the proposed development.

The basement level includes storage of waste bins. The use of Glovers Lane by waste collection vehicles has the potential to generate adverse noise impacts for residential dwellings. However, to minimise potential noise impacts waste collection at the proposed development will be restricted to 7:00am to 6:00pm daily. This restriction on waste collection will be addressed by an appropriate condition of consent.

Noise generated by the serviced apartments is expected to be similar to noise generation levels of surrounding residential development and considered to be acceptable within a medium density residential zone. There will be some noise impacts during construction of the building, however these will be controlled by standard construction hours to minimise any potential acoustic impacts.
d) Amenity (privacy, Overshadowing and Views)

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

Privacy

The proposed development will not result in any unreasonable overlooking / privacy impacts on neighbouring properties. This has been further discussed under Section 5.2.2 in the body of the above report.

Overshadowing

The amended design maximises solar access to the apartments of the proposed building whilst minimising potential solar access and privacy impacts to adjoining and surrounding properties. The building steps down the slope and has setbacks to both western and southern boundaries so as to provide adequate solar access and privacy to adjoining dwellings. Setting back the rooftop parapet 1m from the Grovers Lane edge has further reduced overshadowing from the rooftop.

Overall, the proposed development is not considered to result in unreasonable overshadowing impacts to neighbouring properties, surrounding sites or the public domain impacts. A detailed discussion of the solar access impacts has been included in Section 5.2.2 in the above report.

Views

The development does not result in any unreasonable impact on views or outlook from surrounding properties nor will it significantly impact view corridors from the public domain.

The impact on general outlook is considered acceptable.

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

The proposed development will have a positive economic impact on the locality in that it will provide additional affordable housing options to the existing housing stock in the locality, close to educational facilities, employment opportunities, public transport, local business centres and the Newcastle CBD.

The proposal will comply with the BCA access requirements. An accessible car space is provided in the basement car park to cater for the needs of disabled persons. Lift access is available between the basement, ground floor and upper floors of the building. Several apartments have been designed as accessible dwellings to accommodate wheel chair access.

The proposal includes sufficient measures to address potential crime and safety issues.
5.2.5 Suitability of the Site for the Development [Section 79C(1)(c)]

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

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

The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

5.2.6 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.

5.2.7 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 propose development does not raise any significant general public interest issues beyond matters already addressed in this report

**ATTACHMENTS**

**Attachment A:** Copy of amended plans - 29-31 Laman Street, Cooks Hill (DA 2015/0876)

**Attachment B:** Draft Schedule of Conditions – 29-31 Laman Street, Cooks Hill (DA 2015/0876)

**Attachment C:** Processing Chronology - 29-31 Laman Street, Cooks Hill (DA 2015/0876)
Proposed Serviced Apartments
29-31 Laman Street Cooks Hill NSW 2300
ATTACHMENT B – DRAFT SCHEDULE OF CONDITIONS
DA 2015/0876 - 29 & 31 LAMAN STREET, COOKS HILL

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>
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<tbody>
<tr>
<td>Site Location Plan</td>
<td>A0.01 - D</td>
<td>OCEANIA CLARKE</td>
<td>04.01.2016</td>
</tr>
<tr>
<td>Site Analysis Plan</td>
<td>A0.02 - D</td>
<td>OCEANIA CLARKE</td>
<td>04.01.2016</td>
</tr>
<tr>
<td>Basement Floor Plan</td>
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<td>04.01.2016</td>
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<tr>
<td>Ground Floor Plan</td>
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<td>04.01.2016</td>
</tr>
<tr>
<td>Level 1 Floor Plan</td>
<td>A1.03 - D</td>
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<td>Level 2 Floor Plan</td>
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<tr>
<td>Roof Plan</td>
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<td>LP-01</td>
<td>OCEANIA CLARKE</td>
<td>22.12.2015</td>
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<tr>
<td>Traffic Assessment Report</td>
<td>-</td>
<td>BJ Bradley &amp; Associates</td>
<td>05.08.2015</td>
</tr>
<tr>
<td>Arborist Report</td>
<td>Revision B</td>
<td>Terras Landscape Architects</td>
<td>13.07.2015</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 The recommendations of the Heritage Report prepared by EJE Heritage Ref No. 10059-SOH1-001 Issue C and as revised by Oceania Clarke are to be implemented as part of the Public Domain Submission for Glovers Lane Works. Heritage interpretation design and details as recommended in the Heritage Report are to be submitted to Council for review and approval prior to the issue of any construction certificate and heritage interpretation works to be completed prior to any occupation certificate.

4 A total monetary contribution of $24,880.38 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>
</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.
The developer is to design and construct the following works within Glovers Lane and Laman Street frontage adjacent to the site at no cost to Council and in accordance with Council’s guidelines, design specification and City Centre Public Domain Technical Manual:

a) Public Domain Works (Laman Street frontage)

i. New footpath, retain/install stone kerb and gutter. The scope of footpath works to extend 5m beyond the property boundary at either side of the property.
ii. Ensure adequate means to protect existing stone kerb and gutter (both on the street and along the property boundary retaining wall) are provided during demolition/construction of building works.
iii. Install new street trees in accordance with Council requirements (as necessary) and adjust service pit levels to match new footpath.
iv. Upgrade/install street lighting within 10m-20m of the vicinity of the development to Ausgrid requirements and P2 lighting category as per City Centre Public Domain Technical Manual.
v. Remove all redundant driveways, install new kerb and gutter and repair any road works.
vi. Install any required parking and mandatory signage.
vii. Repair any damages caused during construction and ensure the survey mark is protected at all times.

b) Public Domain Works (Glovers Lane frontage)

i. New road pavement (design for life of 50 years), new kerb and gutter on either side of the laneway, drainage and associated streetscape. Ensure that adjoining property driveways and proposed new driveway design is included.
ii. End treatment including turning are at the end of the laneway.
iii. The extent of works on the south is to extend to the southern boundary of 1 Glovers Lane & 14 Dawson St property.
iv. Install new street trees in accordance with Council requirements (as necessary) and adjust service pit levels to match new footpath/roadway.
v. Upgrade/install street lighting within 20m of the vicinity of the development to Ausgrid requirements and P4 lighting category as per City Centre Public Domain Technical Manual.
vi. Remove all redundant driveways, install new kerb and gutter and repair any road works.
vii. Install any required parking and mandatory signage.
viii. Repair any damages caused during construction and ensure the survey mark is protected at all times.

Detailed public domain plan including civil design & details, survey, cross sections and longitudinal are to be submitted to Council for review and approval as part of the S138 Road Act Type 2 application prior to the issue of any Construction Certificate.
6 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.

7 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.

8 On-site parking accommodation is to be provided for a minimum of 13 vehicles and 6 Bicycle space 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.

9 The proposed garage door openings are to be a minimum width of 5.50m clear. Full details are to be included in documentation for a Construction Certificate application.

10 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.

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 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.

13 Roof water from the proposed new work is to be directed to the rainwater tank (minimum size 5m³) and retention tank (minimum size 15m³) and being reticulated there from 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 included in documentation for a Construction Certificate application.
14 Overflows from the On Site Retention/Detention, WSUD structures 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 Council's Drainage System. Full details are to be provided with the Construction Certificate application.

15 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).

16 A structural engineer is to determine the location and depth of the proposed underground tank 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.

17 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.

18 Overflows from the On Site Retention/Detention, WSUD structures 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 Council's Drainage System. Full details are to be provided with the Construction Certificate application.

19 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. 14-094 Dwg. No. C04 Issue 3 dated 30/07/2015 and Architectural Plan Dwg No. A1.01-D dated 04/01/2016 indicating the 5000L rainwater tank. Full details are to be included in documentation for a Construction Certificate application.

20 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.
21 The floor level of all proposed buildings or building additions is to be not below 6.20m Australian Height Datum and being indicated on plans for a Construction Certificate application. The finished floor levels are to be certified by a registered Surveyor prior to the placement of the floor material and a copy of the Surveyor’s Certificate is to be forwarded to the Principal Certifying Authority.

22 The whole of the proposed structure below known flood level (ie reduced level 6.20m Australian Height Datum) is to be constructed in materials and finishes that are resistant to damage from floodwaters/tidal waters. Any new machinery or equipment, electrical circuitry or fitting, storage unit or similar items likely to be damaged by floodwaters/tidal waters being installed above the said height or alternatively being of materials and functional capability resistant to the effects of floodwaters/tidal waters. Full details are to be included in documentation for a Construction Certificate application.

23 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.

24 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.

25 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.

26 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.

27 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.

28 The proposed lighting including car park lighting 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 AS 4282: 1997 Control of the obtrusive effects of outdoor lighting. At least 2 security cameras are to be installed along Glovers Lane for security and surveillance purposes. Full details are to be included in the documentation for a Construction Certificate application.

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

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

30 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.

31 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.

32 Commercial type vehicular crossings 6m wide respectively are to be constructed across the public footway at each of the proposed driveway entrance/exits at no cost to Council and in accordance with Council’s A1000 Series design specifications and City Centre Public Domain Manual and such crossing being properly maintained. Detailed design is to be submitted with the Public Domain Plan submission prior to the issue of any construction certificate.

   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.

33 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.

34 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.
35  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.

36  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.

37  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.

38  All parking bays are to be permanently marked out on the pavement surface.

39  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.

40  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’.

41  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.

42  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.

43  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.
44 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

45 A Green Travel Plan with Public Transport Routes and Bicycle Network is to be prepared and made available to the new residents and commercial premises tenants. The Public Transport and Bicycle Network Plans are to be installed in common areas prior to any Occupation Certificate. Use of alternative modes of transport is to be encouraged.

46 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.

47 The Public Domain works referenced in condition no. 5 are to be implemented and construction works are to be completed to Council satisfaction prior to the issue of any Occupation Certificate.

48 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, prior to any construction certificate. 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.

Note: 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.

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

50 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.

51 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.

52 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.

53 A clear warning notice is to be erected and maintained at all points of entry to the site advising that the premises is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall, being installed prior to issue of an Occupation Certificate. Such notice is to also provide advice regarding the availability of further detail in respect of possible flooding, including an appropriate telephone number.

54 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.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

55 A Waste Management Plan is to be prepared in accordance with Newcastle DCP 2012. At a minimum, the following measures shall be implemented during the construction phase:

a) A waste container of at least one cubic metre capacity shall be provided, maintained and regularly serviced from the commencement of operations until the completion of the building for the reception and storage of waste generated by the construction of the building and associated waste

b) The waste container is to be, at minimum, constructed with a 'star' picket (corners) and weed control mat (sides), or equivalent. The matting is to be securely tied to the pickets

c) Appropriate provision is to be made to prevent windblown rubbish leaving the site and

d) Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

Note: Fines may be issued for pollution/littering offences under the Protection of the Environment Operations Act 1997 (NSW).

56 Waste Collection from the proposed development is restricted to between
7:00am and 6:00pm daily.

57 The waste collection from the site is to be serviced only by private waste contractors.

58 A Maintenance Manual for all water quality devices is to 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.

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

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

61 On-site car parking accommodation is to be provided for a minimum of 13 vehicles and 6 Bicycle spaces 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.

62 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.

63 Any vehicle or plant owned or operated by the occupants of the premises in connection with the conduct of their business is to be parked within the confines of the site in spaces designated on the submitted plans, or otherwise provided in accordance with the conditions of this consent.

64 The development is to be serviced by vans or small fixed-wheelbase delivery vehicles capable of being turned on-site.

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

66 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.

67 Any washing, degreasing or steam cleaning of vehicles, plant, engines, mechanical equipment or parts is to be carried out within a wash bay or dedicated cleaning unit connected to the sewers of the Hunter Water
Corporation in accordance with an approved Trade Waste Agreement or to a waste collection system for disposal by a licensed waste transport contractor in accordance with the Department of Environment and Climate Change ‘Waste Classification Guidelines Part 1: Classifying Waste’. Under no circumstances are such activities to be carried out elsewhere on site.

68 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.

**ADVISORY MATTERS**

69 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.

70 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.

71 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.

72 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.

73 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.

74 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).

75 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.

76 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
### PROCESSING CHRONOLOGY
**DA2015/0876 - 29 - 31 LAMAN STREET, COOKS HILL**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 August 2015</td>
<td>Application lodged at Council.</td>
</tr>
<tr>
<td>19 August 2015 -</td>
<td>Application notified to public.</td>
</tr>
<tr>
<td>4 September 2015</td>
<td>Application for PV (Linda Evans)</td>
</tr>
<tr>
<td>03 September 2015</td>
<td>Application for PV (Rebecca Robinson)</td>
</tr>
<tr>
<td>04 September 2015</td>
<td>Application for PV (Glen Burgess)</td>
</tr>
<tr>
<td>04 September 2015</td>
<td>Application for PV (Michele Knight)</td>
</tr>
<tr>
<td>07 September 2015</td>
<td>Application for mediation (Rhonda Aitken)</td>
</tr>
<tr>
<td>21 October 2015</td>
<td>Application presented to Urban Design Consultative Group.</td>
</tr>
<tr>
<td>24 November 2015</td>
<td>Amended plans received.</td>
</tr>
<tr>
<td>16 December 2016</td>
<td>Amended plans presented to Urban Design Consultative Group.</td>
</tr>
<tr>
<td>07 January 2016</td>
<td>Amended plans received.</td>
</tr>
<tr>
<td>29 February - 14</td>
<td>Amended application re-notified to public.</td>
</tr>
<tr>
<td>14 March 2016</td>
<td>Application presented at Public Voice meeting.</td>
</tr>
<tr>
<td>19 April 2016</td>
<td>Application presented at Public Voice meeting.</td>
</tr>
</tbody>
</table>
An application has been received seeking consent to construct 50 aged care dwellings and an associated administration / community building; and upgrade to the entry road and car parking at the Shortland Golf Club site, 90 Vale Street, Shortland.

A copy of the submitted plans for the proposed development (refer to Attachment A).

The application is an integrated development as required under S100B of the Rural Fires Act.

This application is for Stage 1 (of 5) following concept approval for a Seniors Housing development at the golf course and associated works (DA2012/0419) approved on 11th March 2014. The approval included provision for 189 one (1) and two (2) storey villas, 3 x apartment buildings (with a total of 56 apartments) and a 127 bedroom 'high-care' residential care facility.

The demolition and re-building of the Golf Course clubhouse is the subject of a separate development application (DA2015/10277) and an application for stockpiling of soil for levelling and fill at the Lorna Street site for Golf course replacement works (DA2016/00136). Both applications are pending determination. A separate application for the remediation works to the Lorna Street site is anticipated within the next few weeks.

The proposed development has been notified in accordance with Council’s Public Notification policy and one (1) submission has been received in regard to impacts of proposed construction traffic.
Details of the submission is 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 proposal is consistent with the concept approval.

Whether the proposal is acceptable in terms of its design and layout.

**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 subject to the nominated conditions of consent (refer to Attachment B).

**RECOMMENDATION**

That Development Application DA 2015/10112 for the erection of fifty (50) aged care dwellings; an associated administration /community facility building; and an upgrade to the existing entry road and car parking (Phase One) on Lot 103, DP 881682 and Lot 1 DP, 1188100 be approved 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 property of 90 Vale Street comprises Lot 103 DP 881682 & Lot 1 DP 1188100 which has been subject to recent Torrens Tile subdivision into 2 lots (DA2015/1011).

The site sits on a hill with a fall of 6m south-west to north-east. There are flood affected areas 150m to the north-west and south-east. The site is impacted by bushfire to the north-west and south-east. The site has an irregular shape distinguished by a new access handle to the north of the existing access, and divided into a smaller and larger section separated by the easement for the Chichester Gravity Trunk Main running through the site in a north-west to south-east direction. The Senior's Development site comprises two fairways of the golf course bounded by substantial tree cover.

The surrounding site contains the 18 hole Shortland Waters golf course, which includes a Clubhouse and pro-shop, ancillary structures, dams, wetlands, natural vegetation and landscaping and car-parking areas to the south, west and east of the club house. The Golf Club was originally constructed in 1935 and has been in continuous use since that time.

To the north-east, the site is bounded by the Great Northern rail line, SEPP 14 wetlands and various industrial and warehouse units. To the north-west the site is adjoins a SEPP14 wetlands (including the Newcastle Wetlands Reserve), low density residential development and the Jesmond Bypass Road. To the west the site is bounded by the Jesmond Bypass Road interchange. To the south, lies the Newcastle Institute for Energy Research Complex (NIER) and the University of Newcastle. To the east, the site is adjoins the Great Northern rail line and Warabrook Pond.

The site is accessed from a private road through University Drive connected to Vale Street by a bridge over the Jesmond Bypass Road. A formal pedestrian path provides connections from Vale Street through the site and south through and into the University.

2.0 THE PROPOSAL

The applicant seeks development consent to construct a mix of single and two storey 2 x bedroom seniors' self-care dwellings. This includes 42 single storey semi-detached town house villas with 2 bedrooms, kitchen, 2 bathrooms and single living / dining areas. All villas are provided with double garages or a single garage with front hardstand, a "buggy" space for a golf cart / mobility scooter, alfresco outdoor dining and front and rear landscaping. There are 8 apartments that are also proposed within the same facilities. All units have hipped roof or gable ended metal roofs and painted rendered walls. Building heights vary from 4 - 6.8m responding to site topography.
The Administration and Community facilities building vary in height from 7-10.2m also depending on the topography. The building is constructed of grey render, a light green metal roof and extensive glazing to all elevations. The building encompasses a community room, library, multi-purpose area, kitchen, staff amenities, deck, outdoor dining area and storage on the ground floor. On the first floor the building contains an IT business centre, sales unit, hairdressers and wellness spa, office foyer and seating exhibitions area. On the second floor, there is a bar, billiards room, two terraces and a multi-purpose space.

Given the change in levels, the building can be accessed via the pedestrian ground floor access to the buildings south. The main entrance is to the building's north and includes a vehicle drop-off zone with a porte cochere. The building has extensive hard landscaping to provide for a plaza and amphitheatre to the west and south, abutted by extensive soft landscaping with pedestrian pathway to the golf club (to the west) and seniors living units (to the east). There is also a child's play area for visitors to the west of the building within a short walking distance. Seven buggy spaces are located adjacent to this pathway and it is anticipated these may be used for mobility scooters or golf buggies. Seventeen (17) visitor and staff parking spaces are provided which includes 2 disabled spaces.

A new access road is proposed which extends for approximately 650m west, and then south to the roundabout opposite the bridge over State Highway 23 to Vale Street and it has a landscaped pedestrian path alongside. From the clubhouse to the roundabout this utilises the existing pedestrian path.

The proposal includes the re-configuration of the existing car-parking area of University of Newcastle (UoN) to accommodate 164 spaces. A new entry road is also proposed to the north of the existing road which involves the demolition of the existing clubhouse. The works represent an increase of 7 car parking spaces for the Golf Club and the reduction of 1 car parking space for the UoN.

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

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

3.0 PUBLIC NOTIFICATION

The application was publicly notified in accordance with Council's Public Notification policy for a period of 14 days and one (1) submission was received in response.

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

i) No objection to the proposed development
ii) Increase in construction traffic utilising the bridge and single access will be hazardous
iii) Utilising a secondary construction access will be preferable
The objectors' 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)]

4.1.1 State Environmental Planning Policy Seniors Housing (SEPP SH)

The development is proposed under the provisions of the SEPP SH. The proposed development is permissible under the provisions of the SEPP SH on land zoned primarily for urban purposes which allows dwelling-houses, residential flat buildings, hospitals and special uses. It is noted that the development is not proposed on land which would require a site compatibility certificate under Clause 24 of the SEPP SH. However, a site compatibility certificate was previously obtained when the land was subject to a different zoning.

Clause 10 of the SEPP SH allows for several types of housing for seniors including the proposed residential care facilities. 'Residential care facilities' is defined in Clause 11 of the SEPP as:

’reidential accommodation for seniors or people with a disability that includes:
(a) meals and cleaning services, and
(b) personal care or nursing care, or both, and
(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.

The proposal’s compliance with the requirements of the SEPP SH are summarised in the below table;

<table>
<thead>
<tr>
<th>Applicable Clause</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 26 Location and access to facilities</td>
<td>The clause states that:</td>
</tr>
<tr>
<td></td>
<td>‘(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</td>
</tr>
<tr>
<td></td>
<td>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</td>
</tr>
<tr>
<td></td>
<td>(b) community services and recreation facilities, and</td>
</tr>
<tr>
<td></td>
<td>(c) the practice of a general medical practitioner.’</td>
</tr>
<tr>
<td></td>
<td>Some limited information has been provided to assess the</td>
</tr>
</tbody>
</table>
Stage 1 of the development is for a 'low care' facility and residents will have access to vehicles. However, some services are provided within the Administration and Community Building in the form of hairdressers, wellness spa, café, retail shop and social facilities. The site is located in close proximity to the Shortland Waters Golf Club, a short walk / buggy ride away.

Shops services and eating / drinking venues, educational facilities and the University Forum Sports and Aquatic Centre are located adjacent to the site and there is informal pedestrian access to this area in additional to the formal pedestrian path.

It is the developer's intention to provide a mini bus service to the nearest medical practices at Waratah and surrounding areas. Hunter Valley private hospital is located 1km from the site and the John Hunter Hospital is located 7km away.

Given these factors and the high level of mobility of most users, the proposal is consistent with this clause.

<table>
<thead>
<tr>
<th>Clause 27 Bush fire prone land</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site is within bushfire prone land and the RFS have provided conditions that are necessary to ensure safe living facilities in the event of fire. There is an Inner Protection Area for bushfire protection 70m from the southern elevation of any building. This has been satisfied due to the presence of the fairway to the south-west and south of the site.</td>
</tr>
<tr>
<td>All buildings on the site need to have a BAL rating of 12.5; and water electricity and gas main and internal access roads need to comply with 'Planning for Bushfire Protection 2006'. An Emergency Evacuation Plan has been submitted which indicates access from the north-east corner of the site to the inner city bypass via an all-weather track secured by gates.</td>
</tr>
<tr>
<td>All these measures are secured by condition.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 28 Water and sewer</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposal can be adequately serviced with water and sewer. Both elements have been secured with Hunter Water.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>This clause requires the consent authority to consider whether the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</td>
</tr>
<tr>
<td>'(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development'</td>
</tr>
<tr>
<td>The Ecological Assessment includes a strategy for the removal of trees having the least impact upon existing flora and fauna and the installation of a number of nest boxes to compensate for the loss of x3 hollow bearing trees. It also includes the earlier Flora and Fauna</td>
</tr>
</tbody>
</table>
Assessment submitted as part of the concept approval in 2012. This earlier assessment involved a 7 Part test of Threatened Species comprising flora and fauna communities which concluded that the concept proposal would not result in a significant impact upon threatened communities provided the recommended mitigation measures were undertaken.

The most significant of these measures relate to tree felling procedures and the installation of additional nest boxes to replace the loss of the hollow bearing trees. In addition, a weed management plan is required to be implemented and an Environmental Management Plan be submitted for construction works at the site to prevent environmental damage beyond the site perimeter.

The Council's Ecologist has advised this report is still relevant and the recommendations within the Ecological Assessment be instituted by conditions.

(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,

(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development

In terms of consideration (i) the site is classified as urban land and suitable for 'Seniors Housing' under this SEPP.

Services and infrastructure appear adequate to satisfy clause (iii). There is an informal pathway to the University near the sites boundary with the Chichester Pipeline and a formal pathway from the alongside the access road which follows the golf club.

There are no formal height restrictions for buildings. However, the buildings have been designed to be inconspicuous from the users of the golf club by utilising existing and new landscape screening to fairways. All the proposed residential units are either single storey bungalows or have a two storey elements responding to the site topography.

The Administration and Community building extends 2 / 3 stories responding to site topography. The roof has a low profile and the building is set back from the northern boundary from the golf club by 90m. Its impact is further mitigated by substantial landscaping, including trees, in and around the building.

The bulk, form scale and use of materials of the development have a minimal impact of surrounding users and comply with clause (iv).
### Clause 30 Site analysis

The applicant prepared a site analysis in accordance with sub clause (iv) and accordingly would be consistent.

### Clause 33 Neighbourhood amenity and streetscape

This clause specifies:

*The proposed development should:

(a) recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area*

The existing site consists of golf course fairways and adjacent established bush. The development has been designed to nestle between fairways and includes retention of existing trees which largely screen the development from view.

Existing tree cover is thinner to the northern elevation so additional trees are proposed. Properties have 5m setbacks to the boundary and incorporate additional vegetation screening to residential gardens. All these measures will help hide the properties from view.

As recreational (RE2) zoned land, the property has neither building height, FSR nor setback controls. Notwithstanding, there is a proposed FSR of 0.22:1. By way of comparison, the permitted FSR for adjacent residential properties on the opposite side of the highway is 0.6:1. The proposed FSR is low and this is considered appropriate and sympathetic to the spacious character of the Golf Course.

The proposed setback to the northern boundary is 5m which is generous and allows for additional landscaping (see above). Properties bound the Chichester Pipeline easement to the west which has an opens aspect. To the south the property is bounded by a dense area of trees which will help screen the trees to the fairway. To the east the property is bounded by fairways and tree cover which forms the boundary to further phases of the development.

The applicant has highlighted the increased demand for "low-care" facilities. Later phases of the development will include "high-care" facilities which will enable an ‘aging in place’ provision for residents.

Given the buildings low profiles, substantial setbacks and low FSR, the development is considered consistent with this sub clause.

*‘(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan’*

There are no heritage implications for the development. However, there is a separate development application for the demolition of 1930’s era Golf Club to make way for the access road.

*‘(c) maintain reasonable neighbourhood amenity and appropriate*
residential character by:

(i) providing building setbacks to reduce bulk and overshadowing, and

(ii) using building form and siting that relates to the site’s land form, and

(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and

(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line’

Condition M3 of the concept approval (DA2012/0419.02) specified that the development must demonstrate design excellence and not result in repetitive streetscapes. In addition, care must be given to providing a variety of roof forms and design solutions utilising high quality materials, textures and colour schemes.

The proposal includes a range of semi-detached and attached single storey / split storey developments. The residential units provide a mix of hipped and gable roofs which all have a low profile. There is significant variety in built form and articulation of units which is reinforced by the varied road layout which add character to the development.

There is some uniformity in the use of materials and colour within the scheme. However, as long as variety in colouration and texture is introduced in later phases, this is acceptable.

The development appears of high quality and the proposed scale and character of the buildings are appropriate and sympathetic to the character and appearance of its area.

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

(f) retain, wherever reasonable, major existing trees

Given the extensive nature of the development site, the applicant has submitted an Ecological Assessment in lieu of an Arborist Report, which has identified the removal of 60 trees, the retention of 121 trees and the enhancement planting of 299 additional trees. Of this number, 145 of the trees are >8m in height and the vast majority of trees (95%) are native species.

There are extensive hard and soft landscaped areas indicated with the scheme. Of the 982 proposed shrubs, 40% are native species.

The extent of landscaping and tree coverage is considered sufficient
| Clause 34 Visual and acoustic privacy | The development is situated within the golf course and bounded by fairways to the north and south. To the west and east the site is heavily screened and has a minimal visual impact. Similarly, given its location the residents are likely to enjoy a high level of acoustic privacy from adjoining users. |
| Clause 35 Solar access and design for climate | The majority of the building are oriented north-south and enjoy a satisfactory level of solar access to rear gardens and living areas. The scheme extensive provision for rainwater collection and re-use from roofs |
| Clause 36 Stormwater | Council's Stormwater Engineer has reviewed the proposal and it is considered to be satisfactory subject to suitable conditions. |
| Clause 37 Crime prevention | Given the site relatively secluded location, the instances for opportunistic crime are likely to be low. The proposed layout of the units provides for a high level of causal surveillance. In particular, there is an absence of fencing within the landscaping scheme which reinforces the community element of the Senior's Development. |
| Clause 38 Accessibility | The proposal includes a Design Review of Accessibility and DDA compliance. The report concludes the design is mostly supportable with some minor design alterations within buildings. The scheme is considered to meet this clause subject to compliance with the recommendations within the report which are included in the draft conditions of consent. |
| Clause 39 Waste management | A waste management plan and strategy has been submitted by the applicant. It is envisaged that garbage will be collected via private contractor. The Council's Engineer confirms that there are no issues with the proposed strategy. |
| Clause 40 Development standards - minimum sizes and building height | This clause specifies development standards, as discussed below:  
  - Site size - The site provides the minimum requirement of 1,000 square metres.  
  - Site frontage - The site provides the minimum site frontage of 20 metres wide, when measured at the building line.  
  - Height in zones where residential flat buildings are not permitted - This sub-clause is not relevant. |
| Clause 48 Standards that cannot be used to refuse development consent for residential care facilities | This clause specifies that a consent authority must not refuse consent on specific grounds, which are discussed below:  
'(a) building height: if all proposed buildings are eight metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to two storeys)'
The majority of proposed residential units are under 8m in height and where not, these relate to site topography being partially sunken below existing ground level.

The merits of the built form including height have been explored under Clauses 29 and 33 above and found to be acceptable.

'(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less'

The application proposes an FSR of 0.2:1. Accordingly, the consent authority is not able to refuse this development on the basis of FSR.

'(c) landscaped area: if:
if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,

The proposal is for low-care facilities and consists of individual 2 bedroom dwellings. Each unit is provided with at least 36m² landscaping per dwelling and overall the scheme provides 36% landscaping throughout the site.

(d) parking for residents and visitors: if at least the following is provided:

(i) 1 parking space for each 10 beds in the residential care facility (or 1 x parking space for each 15 beds if the facility provides care only for persons with dementia), and
(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
(iii) 1 parking space suitable for an ambulance.

The proposal provides for 2 car parking spaces per residential unit and an additional buggy space for golf carts / mobility scooters.

The Administration and Community block provides for 17 car parking spaces including 2 disabled spaces and 7 buggy spaces.

Adequate parking has been proposed for the development and complies with this requirement.

Adequate information has been provided by the applicant in order to adequately assess whether the development would satisfy the requirements of the SEPP SH.

The development proposal was found to comply with the SEPP SH in regard to the impact the development will have to the character of the area, streetscape, waste management and servicing arrangements, its impact on traffic congestion and on street parking, accessibility to public transport and its impact upon existing and proposed trees and landscaping.
State Environmental Planning Policy No 55 — Remediation of Land
The proposal has been considered in accordance with the requirements of Clause 7 - Contamination and remediation to be considered in determining development applications.

A Phase 1 Environmental Site Investigation was submitted as part of the concept approval for the site. The assessment confirmed the potential for some areas for contamination arising from filling, petroleum storage, herbicide and pesticide use and the use of hazardous building materials. A further Environmental Site Assessment has been submitted which involved soil sampling from the proposed development footprint. The soil sampling revealed no elevated concentrations of contaminants and the Stage 1 site is considered suitable for seniors living. The Councils Environmental Health Officers concurs with these findings.

State Environmental Planning Policy No 71 - Coastal Protection
The site is located in a NSW coastal zone. The policy aims to ensure that the development is suitably located; there is a consistent and strategic framework to coastal planning and management and a clear development assessment framework for the coastal zone. Due to the development being within an established urban area and the distance of the site from the coastal foreshore, the proposed development would have a negligible impact upon the coastline.

State Environmental Planning Policy No 14 - Coastal Wetlands
The development site is located 1200m south from the wetlands subject to this clause and clauses under this SEPP are not applicable.

Other State Environmental Planning Policies
The proposal is not contrary to the provisions of any other relevant State Environmental Planning Policy.

4.1.2 Newcastle Local Environmental Plan 2012 Sec. 79(c)(1)(a)(i) & (a)(ii)

Clause 2.1 Land Use Zones

The subject property is included within a "RE2 "zone under the provisions of the NLEP 2012. Whereas, "seniors housing" is not permissible with consent, the SEPP SH prevails over the NLEP.

Clause 4.3 Heights of Buildings

There are no heights of building restrictions within an RE2 zone (merits explored above).

Clause 4.4 Floor Space Ratio

There are no FSR's controls within an RE2 zone. However, the proposed FRS is 0.2:1 (merits explored above).
Clause 5.9 Preservation of Trees and Vegetation

The proposal includes the removal of 60 existing trees as a consequence of the building work. As part of the proposed landscaping scheme 121 on-site trees are proposed to be retained and 299 new trees are to be planted. The landscaping scheme is of high quality and is considered 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 of heritage value and complies with this provision.

Clause 6.1 Acid Sulfate Soil

The site is impacted by Class 5 Acid Sulfate Soils. As the proposed building is not located within 500m of adjacent Class 1-4 land below 5m AHD, the site is not impacted by this clause.

Clause 6.2 Earthworks

The proposal includes the partial sinking of the two of the residential blocks and the Administration and Community Building to below the existing ground level of the site and the excavation of a modest basement area. The Council's Engineer has advised the building is acceptable subject to conditions and the proposal complies with this provision.

4.2 Merit Considerations

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

3.08 Seniors Housing

The section requires seniors housing to be developed in accordance with the requirements of the SEPP SH. The compliance has been considered in 4.1.1 above.

4.04 Safety and Security

The proposed development is within a self-contained managed site. The application is considered to be in accordance with this section.

4.05 Social Impact

The proposed development would have a positive social impact in that additional 'low-care' seniors housing care will be provided as a service to the population of the local community. Later stages within the scheme will enable 'aging in place' provisions for residents and the additional population on the site would further stimulate the local economy. The application is considered to be in accordance with this section.
5.01 Soil Management

The proposed development involves cut and fill and excavation to be undertaken on the site. The works are not likely to affect the drainage requirements, any cut and fill would be subject to Council’s standards controls. Reference is made to the previous comments in relation to SEPP55.

5.05 Heritage Items

The proposal does not involve impact on statutory heritage items.

7.01 Building Design Criteria

The two / three storey Administration and Community building responds to the site topography falling from north to south. There is a higher main level entrance for drop off of users with a porte cochere canopy over. At the lower (southern) entrance there access to the amphitheatre / outdoor dining area from the multi-purpose space. The building has an oblong shape with a low roof profile constructed of grey metal sheeting. The property is finished in painted render with a neutral light grey colouration. The building has a modern appearance incorporating large shading features and modern materials. Its low roof profile is designed to have a minimal visual impact.

The building has the two storey element facing north towards the golf course fairway and is setback approximately 90m from the northern site boundary. Its visual impact is mitigated by an existing stand of trees at the fairway boundary and given its neutral colouration; it is likely to have a minimal visual impact on users of the golf club.

The building would be visible from the Newcastle Institute of Renewable Energy complex to the south-west from across the access road. However, this visual impact is mitigated by existing and proposed trees around both the building and the access road. The building would also be partially visible to the seniors housing dwellings. However, the building is located approximately 80m distance from the nearest dwellings and there is a proposed stand of trees running north-south alongside the Chichester easement to further reduce and soften visual impact.

The proposed senior's dwellings consist of a mix of single and two storey 2 bedroom seniors’ self-care dwellings. All units have a mix of hipped and gable grey metal roofs, and painted neutral coloured rendered walls. Building heights vary from 4 - 6.8m responding to site topography. The setback to the northern boundary is 5m which is generous and allows for additional landscaping. Properties bound the Chichester Pipeline easement to the west which has an open aspect with additional trees along this boundary. To the south, the property is bounded by a dense area of trees which will help screen the fairway. To the east, the property is bounded by fairways and tree cover which forms the boundary to further stages of the development.

The units are unlikely to either generate or experience negative acoustic amenity given their spacious setting within the body of the Golf Course. The applicant has submitted an Acoustic Assessment which demonstrates an acceptable impact upon
future users of the site and adjoining residents. Remediation measures are considered likely with future stages of the scheme given some of the units are located in closer proximity to the Great Northern Railway and waste water pumping station.

Most units have their rear living rooms and gardens orientated to the north and the application confirms that 75% of the units are cross ventilated, and 70% receive adequate solar access which is consistent with this provision.

In conclusion, the bulk, scale, and character are consistent with the character of the site and surrounding area. In additions, the level of amenity for residents of the buildings is considered high.

7.01 Landscape, Open Space and Visual Amenity

In addition to the major landscaping elements outlined above, each of the housing units themselves includes provision for private open space of between 17.5 - 35.5m² in size and an additional 16m² communal open space has been provided per dwelling. The development provides for 36% deep soil and landscaping across the site which is compliant with this policy.

The units have been laid out with generous separation between blocks and private open space areas. There are no conflicts between users that would give rise to visual or acoustic amenity impacts.

The extent of hard and soft landscaping and tree coverage is considered sufficient to encourage native flora and fauna and to provide good visual screening and amenity to residents. This clause is met subject to conditions.

7.03 Traffic, Parking and Access

The application was supported by a traffic statement which concluded that the proposed development would have minimal impact on the surrounding road network and the internal workings of the site. Car parking provision has been calculated in accordance with the requirements of the SEPP SH. Each residential unit provides for 1 car parking space for residents, 1 visitor space and 1 buggy / mobility scooter place which is a generous provision.

Council’s engineers have reviewed this report in the context of the proposed development and are satisfied with the conclusions.

During construction, a Construction Management Plan is required to help ensure minimal impact upon adjoining users, particularly residential users at the Vale Street entrance.

7.05 Energy Efficiency

The application is not affected by the BASIX requirements. The Statement of Environmental Effects identifies that the development has been constructed to be energy efficient. The proposal generally complies with this section.
7.06 - 7.07 Storm water and Water Efficiency

The subject site is not affected by flooding.

The subject site is situated across the top of a gently sloping ridge.

The land currently benefits from a range of stormwater and discharge controls including off-site swales. At the request of the Golf Club, additional watering of the course is to be provided using collected stormwater.

7.08 Waste Management

A waste management plan has been provided. Waste will be removed by private contractor from individual dwellings. Waste collection will be focused to integrated waste collection points throughout the site. These collective points are located adjacent to roads for collection but away from proposed buildings and screened by 1.8m high close board timber fencing. These arrangements are considered acceptable.

8.0 Public Participation

The proposal was notified in accordance with the requirements of this section. One (1) submission was received with the following issues raised:

i) Increase in construction traffic utilising the bridge and single access will be hazardous; and
ii) Utilising a secondary construction access will be preferable

Response - The applicant confirms they have explored different options for construction access. However, each option presently insurmountable problems either of consent from landowners or costs. It is proposed to utilise existing access from Vale Street and then temporary construction access partially through University land which has been agreed. The Council's Traffic officer has advised that the proposed access arrangement is acceptable subject to suitable conditions.

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

The proposal is considered to have an acceptable impact on the natural and built environment as detailed above.

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

The proposed development would have significant social and environmental benefits through providing low care facilities for residents of Newcastle.

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

The site is not within a Mine Subsidence District. The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.
4.2.5 Submissions made in accordance with the Act or Regulations [Section 79C(1)(d)]

This report has addressed the various concerns raised in the submission received in response to the Public Notification and under the Act and Regulation.

4.2.6 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.

  The proposed development will not result in a significant disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment (detailed above).

- **General**

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

**ATTACHMENTS**

**Attachment A:** Plans, elevations and photo montages of the proposed development - 90 Vale Street, Shortland (DA 2015/10112)

**Attachment B:** Draft Schedule of Conditions - 90 Vale Street, Shortland (DA 2015/10112)

**Attachment C:** Processing Chronology - 90 Vale Street, Shortland (DA 2015/10112)

**Attachment A**
Overall Site Masterplan
**TYPE 1**

2 BEDROOMS

GBA:
132.4 sqm

GFA:
97.4 sqm

GARAGE:
23 sqm

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**TYPE 2**

2 BED

GBA:
145.9 sqm

GFA:
113.4 sqm

GARAGE:
21.4 sqm
TYPE 2SA. LOWER LEVEL
2 BEDROOMS

GBA:
130.0 sqm

GFA:
97.9 sqm

GARAGE:
20 sqm

TYPE 2SB. UPPER LEVEL
2 BEDROOMS

GBA:
129.6 sqm

GFA:
97.1 sqm

GARAGE:
20.2 sqm
Attachment B
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.

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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 Stormwater management from the new development complying with the quantity and quality control requirements of the Council DCP (Element 7.06) as outlined in the Phase 1 Stormwater Management Strategy prepared by Northrop Engineers (dated 21/01/16, Ref. NL150017_B07). Full details to be provided in documentation for a Construction Certificate.

4 All on-site stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council's current Stormwater and Water Efficiency for Development Technical Manual. Full details are to be included in documentation for a Construction Certificate application.

5 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 Civil/Stormwater plans prepared by Northrop Engineers (Job Number NL150017, Drawing Numbers C01DA to C13DA, Revision B, dated 08/03/16). Full details are to be included in documentation for a Construction Certificate application.

6 The buildings are to be provided with adequate means of access for persons with disabilities in accordance with the recommendations set out in the report prepared by McKenzie Group dated 14.10.2015. Full details are to be included in documentation for a Construction Certificate application.

7 On-site parking accommodation is to be provided in accordance with the approved plans and 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.

8 The car parking area and internal access roads are 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.

9 Landscaping within the site shall comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection’. Full details are to be included in documentation for a Construction Certificate application.

10 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 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.

11 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.

12 Roof water from the proposed new buildings is to be directed to the proposed water tanks (minimum size 2,500L/dwelling) and being reticulated there from to any new toilet cisterns and cold water washing machine taps in the dwellings. 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 included in documentation for a Construction Certificate application.

13 All garbage and recycling waste shall be collected by a private waste contractor and be documented in a waste management plan. 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 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.

16 All existing trees on the site outside the envelope of the proposed building are to be preserved 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.

17 Any required clothes drying lines are to be located behind the dwelling in an inconspicuous location. Full details are to be included in the documentation for a Construction Certificate application.

18 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
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.

19 Adequate facilities are to be provided in a screened location within all seniors living units for the storage of waste in Council approved wheel type bins and arrangements being made for regular removal and disposal of such wastes. 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.

20 Adequate facilities are to be provided in a screened location within the Administration and Community Services building 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.

21 The design and construction of the proposed development is to be in accordance with the relevant requirements of Australian Standard 4674:2004 - Design, Construction and Fit-Out of Food Premises. Full details are to be included in the documentation for the Construction Certificate application.

22 The proposed floodlighting all units premises at the site are 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.

23 Water, electricity and gas installations are to comply with Section 4.1.3 of the NSW Rural Fire Service document ‘Planning for Bushfire Protection 2006’. Details are to be included in documentation for a Construction Certificate application.

24 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.

25 Prior to the issue of a Construction Certificate a nest box installation plan being submitted to the Principal Certifying Authority (PCA) and Council. The nest box installation plan shall include 6 nest boxes proposed for installation, location of nest boxes and monitoring of nest boxes. The installation, on-going maintenance and inspection of nest boxes being at the proponent’s expense.

26 Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority (PCA) and Council a weeds management plan detailing procedures and measures to remove weeds at the site and management of the site during and after construction to prevent growth of weeds. Full details are to be included in documentation for a Construction Certificate application.

27 Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority (PCA) 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.

28 The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'. Full details are to be included in documentation for a Construction Certificate application.

29 An emergency secondary access road shall be provided generally in accordance with the figure in 'Appendix C Route of Emergency Access Link' included in the letter prepared by Australian Bushfire Protection Planners Pty Ltd dated 29 February 2016 and referenced 'B152613. The emergency access road shall comply with the following requirements of section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'

a) The road shall have a minimum width of 4 metres with an additional 1 metre wide strip on each side clear of bushes and long grass.

b) The road shall have a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed.

c) A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches shall be provided.

d) The crossfall of the road shall not more than 10 degrees.

e) The road shall be accessible to fire fighters and maintained in a serviceable condition by the owner of the land.

f) Appropriate drainage and erosion controls shall be provided.

g) The road shall not traverse a wetlands or other land potentially subject to periodic inundation (other than a flood or storm surge).

h) The road shall be appropriately signposted.

i) Gates to the road shall be locked with a key/lock system authorised by the local NSW RFS.

30 The proposed internal access road shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'. Full details are to be included in documentation for a Construction Certificate application.

31 Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW Rural Fire Service document titled 'Guidelines for the Preparation of Emergency/Evacuation Plan'. Full details are to be included in documentation for a Construction Certificate application.

32 The proposed buildings shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'. Full details are to be included in 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 Work Cover 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 (i.e. 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 All demolition material incapable of being re-used in future redevelopment of the site is to be removed from the site and the site being cleared and levelled.

Note: Where reusable building materials are to be stored on site for use in future building works, such materials are to be neatly stacked at least 150 mm above the ground.

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

41 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.

42 Waste management shall be implemented in accordance with the approved Waste Management Plan prepared by Waste Audit dated September 2015. 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).

43 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.

44 An application is to be made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the Work Health and Safety Act 2011 (NSW), Work Health and Safety Regulation 2011 (NSW) and any relevant approved industry code of practice. Notice of intention of commencement must be given to WorkCover New South Wales.

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

46 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.

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

48 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.

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 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.

52 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.

53 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.

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

55 All parking and loading bays and visitor parking bays are to be permanently marked out on the pavement surface and signposted. Visitor parking bays are also to be clearly delineated.

56 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.

57 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.

58 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’.

59 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.

60 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.

61 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.

62 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.

63 All necessary measures are to be undertaken to control dust pollution from the site. These measures must include, but not are limited to:

   a) Restricting topsoil removal
   b) Regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion
   c) Alter or cease construction work during periods of high wind and
   d) Erect green or black shade cloth mesh or similar products 1.8m high around the perimeter of the site and around every level of the building under construction.

64 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).

65 The premises are to be constructed, including the installation of all equipment, fixtures and fittings, in accordance with the requirements of Australian Standard 4674:2004 - Design, construction and fit-out of food premises.

66 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.

67 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.

68 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.

69 At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and

70 Tree removal shall be undertaken in accordance with Section 6 of the Ecological Assessment prepared by Umwelt Pty Ltd dated October 2015.

71 The 6 nest boxes shall be installed during the construction phase in accordance with the approved details.

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

72 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.

73 All public footways, foot-paving, 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.

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

75 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.

76 The water management measures as indicated on the submitted plans and Stormwater Management Strategy and/or as modified under the terms of this consent are to be implemented and the nominated controls and appliances are to be installed and operational prior to issue of an Occupation Certificate.

77 A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate for the last dwelling as part of this consent. 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.

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 nest boxes are to be installed prior to the issue of an Occupation Certificate for the proposed development. The nest box installation plan shall include 6 nest boxes proposed for installation, location of nest boxes and monitoring of nest boxes to be undertaken by the proponent. The installation, on-going maintenance and inspection of nest boxes being at the proponent's expense.

80 A Maintenance Manual for all water quality devices is to be prepared in accordance with Council’s current Stormwater and Water Efficiency for Development Technical Manual. 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.

81 Appropriate easements to drain water being provided over the proposed Biofiltration swale and associated discharge weir located in the neighbouring property (currently golf course land) to allow for any future maintenance, repair or replacement to ensure it performs as designed and approved.

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 drainage easement and being registered with NSW Government Land & Property Information prior the issuing of any Occupation Certificate for the proposed development.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE THE DEVELOPMENT

82 The proposed seniors housing is to be occupied exclusively by ‘seniors or people who have a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provision of services’ as defined under Clause 18(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (NSW).

83 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.
84 No goods or advertising signs are to be displayed or allowed to stand on the public footpath or street.

85 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.

86 A 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.

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

88 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.

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

90 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.

91 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'.

92 Any hazardous substances or dangerous goods stored on or within the premises are to be stored, labelled and handled, with appropriate Material Safety Data Sheets maintained on site for each dangerous good or hazardous substance, in accordance with the requirements of WorkCover NSW.

93 A current hard copy register of all hazardous substances and dangerous goods, including appropriate individual Material Safety Data Sheets, is to be maintained on site in an appropriate secure area.

94 At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

95 The approved nest boxes shall be maintained in accordance with the terms of nest box installation plan. All nest boxes being maintained and monitored over a period of three (3) years by the proponent. Monitoring reports are to be prepared by a suitably qualified ecologist and submitted to Council on a 6-monthly basis for review and are to detail as a minimum:
a) Location of nesting boxes;
b) Utilisation by native animals;
c) Infestation by feral animals; and
d) Condition of box and any maintenance undertaken

96 At the completion of the three (3) year maintenance/monitoring period of the nesting boxes, a comprehensive ongoing management plan being submitted to Council. The ongoing nesting box management plan is to include, but not be limited to methodologies for ongoing maintenance and appropriate methods for monitoring. The management plan is to also have regard to continued ownership and maintenance obligations.

97 The stormwater management system to be maintained as per the Maintenance Manual for the life of the development.

ADVISORY MATTERS

98 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.

99 An application is to be submitted to Council for the removal or pruning of trees.

100 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.

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 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).

103 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.
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.

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).

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.

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.

The approved conditions within the concept approval (DA2012/10112) and any subsequent amendments to that approval are equally applicable to the terms and conditions of this consent. In the case of any inconsistency, the latter consent prevails.

**END OF CONDITIONS**
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 October 2015</td>
<td>Development application lodged with Council.</td>
</tr>
<tr>
<td>19 November 2015</td>
<td>Public exhibition (14 days).</td>
</tr>
<tr>
<td>11 January 2016</td>
<td>Revised stormwater plans requested.</td>
</tr>
<tr>
<td>02 February 2016</td>
<td>Revised bushfire details requested.</td>
</tr>
<tr>
<td>01 March 2016</td>
<td>Revised bushfire details received.</td>
</tr>
<tr>
<td>16 February 2016</td>
<td>Revised stormwater plans received.</td>
</tr>
<tr>
<td>08 April 2016</td>
<td>Revised car parking layout requested.</td>
</tr>
<tr>
<td>11 April 2016</td>
<td>Revised landscaping and tree schedule requested.</td>
</tr>
<tr>
<td>13 April 2016</td>
<td>Revised car parking layout received.</td>
</tr>
<tr>
<td>14 April 2016</td>
<td>Revised landscaping and tree schedule received.</td>
</tr>
</tbody>
</table>