



City of
Newcastle



CITY OF NEWCASTLE

Development Applications Committee

Councillors,

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

DATE: Tuesday 19 November 2019

TIME: Following the Public Voice Committee Meeting

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

J Bath
Chief Executive Officer

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

Tuesday 12 November 2019

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DEVELOPMENT APPLICATIONS COMMITTEE
19 November 2019

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NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER

CONFIRMATION OF PREVIOUS MINUTES

**MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE MEETING
8 OCTOBER 2019**

RECOMMENDATION

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

ATTACHMENTS

Attachment A: 101008 Development Applications Committee Meeting 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

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Attachment A

CITY OF NEWCASTLE

Minutes of the Development Applications Committee Meeting held in the Council Chambers, 2nd Floor City Hall, 290 King Street, Newcastle on 8 October 2019 at 6.53pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, J Church, D Clausen, K Elliott, B Luke, J Mackenzie, A Robinson, A Rufo, E White and P Winney-Baartz.

IN ATTENDANCE

J Bath (Chief Executive Officer), D Clarke (Director Governance), B Smith (Director Strategy and Engagement), F Leatham (Director People and Culture), K Liddell (Director Infrastructure and Property), A Jones (Interim Director City Wide Services), D Guest (Acting Manager Legal), M Bisson (Manager Regulatory, Planning and Assessment), J Vescio (Executive Officer, Chief Executive Office), M Murray (Policy Officer, Lord Mayor's Office), A Knowles (Council Services/Minutes) and K Sullivan (Council Services/Webcasting).

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Winney-Baartz

The apologies submitted on behalf of Councillors Duncan and Dunn be received and leave of absence granted.

Carried

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Clausen

Councillor Clausen declared a less than significant non pecuniary interest in Item 15 – DA2019/00058 – 131 Marshall Street Kotara. Subsequent to the Public Voice meeting held on 17 September 2019 he was aware that one of the presenters was a colleague at Hunter Water, and as there is was no direct managerial relationship with the presenter he would remain in the Chamber for discussion on the item.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES - DEVELOPMENT APPLICATIONS COMMITTEE 17 SEPTEMBER 2019

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

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

Carried

DEVELOPMENT APPLICATIONS

ITEM-15 DAC 08/10/19 - DA2019/00058 - 131 MARSHALL STREET, KOTARA - DEMOLITION OF DWELLING, ERECTION OF NINE X TWO STOREY DWELLINGS AND STRATA SUBDIVISION

MOTION

Moved by Cr Mackenzie, seconded by Cr Clausen

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of the Newcastle Local Environmental Plan 2012 (NLEP 2012), against the development standard at Clause 4.3 Height of Buildings, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.3 and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out; and
- B. That DA2019/00058 for demolition of a dwelling house and associated structures, construction of nine x two-storey townhouses, landscaping, lot consolidation and strata subdivision be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- C. That those persons who made submissions be advised of CN's determination.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion:

Nil.

**Carried
unanimously**

ITEM-16 DAC 08/10/19 - DA2019/00331 - 164 HUNTER STREET, NEWCASTLE - ALTERATIONS AND ADDITIONS TO EXISTING BUILDING FOR ADAPTIVE RE-USE TO FIVE STOREY (PLUS BASEMENT) LEVEL MIXED-USE (COMMERCIAL, RETAIL & RESIDENTIAL DEVELOPMENT)

MOTION

Moved by Cr Luke, seconded by Cr Mackenzie

- A. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of NLEP 2012, against the development standard at Clause 4.3 Height of Buildings, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.3 and the objectives for development within the B4 Mixed Use zone in which the development is proposed to be carried out; and

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- B. That the Development Applications Committee note the objection under Clause 4.6 Exceptions to Development Standards of NLEP 2012, against the development standard at Clause 4.4 Floor Space Ratio, and considers the objection to be justified in the circumstances and to be consistent with the objectives of Clause 4.4 and the objectives for development within the B4 Mixed Use zone in which the development is proposed to be carried out; and
- C. That DA2019/00331 for a mixed-use development, involving alterations and additions to a heritage listed building, including two additional storeys and a rooftop terrace, at 164 Hunter Street Newcastle, be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- D. That those persons who made submissions be advised of CN's determination.

For the Motion:

Lord Mayor, Cr Nelmes and Councillors Byrne, Church, Elliott, Luke, Mackenzie, Robinson, Rufo, White and Winney-Baartz.

Against the Motion:

Nil.

**Carried
unanimously**

The meeting concluded at 7.00pm.

DEVELOPMENT APPLICATIONS

ITEM-17 **DAC 19/11/19 - DA2018/00693 - 90-92 BRUNKER ROAD BROADMEADOW - DEMOLITION OF EXISTING DWELLINGS AND OUTBUILDINGS, ERECTION OF FOUR STOREY MIXED USE DEVELOPMENT AND SIXTEEN LOT STRATA SUBDIVISION**

APPLICANT: **LAURANGEL PTY LTD**
OWNER: **LAURANGEL PTY LTD**
NOTE BY: **GOVERNANCE**
CONTACT: **DIRECTOR GOVERNANCE / MANAGER REGULATORY, PLANNING AND ASSESSMENT**

PART I**BACKGROUND**

An application has been received seeking consent for the demolition of two dwellings and outbuildings, erection of a four-storey mixed use development and a 16 lot strata subdivision.

The submitted application was assigned to Senior Development Officer, Damian Jaeger, for assessment.

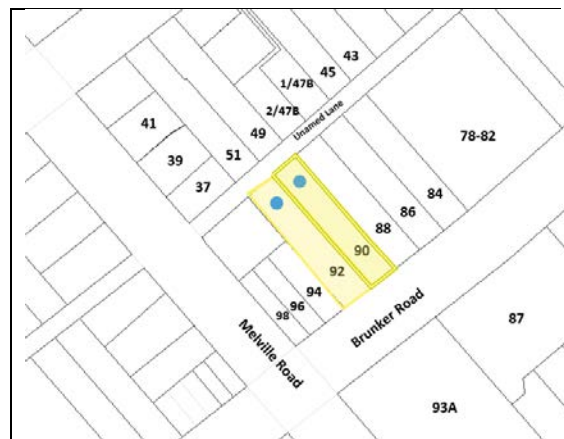
The application is referred to the Development Applications Committee for determination, due to the application being called in by Councillors, Cr Elliott and Cr Rufo.

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

The proposed development was publicly notified in accordance with City of Newcastle's (CN) public participation policy and four submissions have been received in response. Three of the submissions objected to the proposal and one is in support of the proposal.

The objectors' concerns included:

- i) Character / Visual Appearance
- ii) Overdevelopment
- iii) Building Setbacks



Subject Land: 90-92 Brunker Road Broadmeadow NSW 2292

- iv) Overshadowing Impacts
- v) Privacy Impacts
- vi) Acoustic Impacts
- vii) Parking
- viii) Traffic Impacts
- ix) Drainage Impacts
- x) Waste Management
- xi) Thermal Impacts

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

The proposal was considered at a meeting of the Public Voice Committee on 8 October 2019.

The Public Voice Committee heard from two objectors raising their concerns regarding solar access, breezes, traffic, impact on the laneway, construction / demolition impacts, amenity impacts (ie. acoustic and privacy), height, bulk and scale. The applicant also presented a response to the issues raised.

The concerns discussed at the Public Voice Committee are addressed as part of the Planning Assessment at **Section 5.0**.

Issues

- 1) Whether the height, bulk, scale and setbacks are reasonable.
- 2) Whether the impacts on neighbouring properties in terms of overshadowing, privacy, traffic and parking are acceptable.

Conclusion

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

RECOMMENDATION

- A. That DA2018/00693 for the demolition of dwellings and outbuildings, erection of a four-storey mixed use development and 16 lot strata subdivision at 90-92 Brunner Road Broadmeadow be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions at **Attachment B**; and
- B. That those persons who made submissions be advised of CN's determination.

Political Donation / Gift Declaration

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

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

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

PART II

1.0 THE SITE

The subject property comprises of Lots A and B DP 368412, 90-92 Bruncker Road Broadmeadow and is rectangular in shape with a combined area of 964m². The site is located on the north-western side of Bruncker Road, near the intersection with Melville Road.

The consolidated site has a frontage of 20.1m to Bruncker Road and 20.08m to the unnamed lane at the rear.

The site is relatively flat, with a slight fall toward Bruncker Road, and contains several small shrubs / trees. There is a single storey dwelling and associated outbuildings on each of the lots within the subject site.

Existing development on adjoining sites comprises of single storey dwellings. Opposite the subject site is a multi-dwelling housing site and Arthur Park, on the corner of Bruncker Road and Melville Road.

The general form of development in the area consists of a broad mix of uses between single dwellings (single story and two-storey) and more recent mixed use apartment complexes similar to the current proposal. The newer mixed use apartments vary in size, typically being three to five storeys in height. There are also various commercial uses such as the building to the north-east, on the corner of Coolah Road and Bruncker Road.

2.0 THE PROPOSAL

The applicant seeks consent for the demolition of dwellings and outbuildings, the erection of a four-storey mixed use development and a 16 lot strata subdivision. The

ground floor consists of a commercial unit (50m²) at the Bruncker Road frontage to be used as *'business premises'* and car parking, involving 16 resident spaces, 3 visitor spaces and one commercial parking space. The 16 dwellings consist of four x one-bedroom and 12 x two-bedroom apartments, each with balconies. The proposed design involves two apartment towers (ie. levels 1-3), with one built towards Bruncker Road and the other towards the rear lane and with a landscaped podium being proposed between the two towers at level one.

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

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

3.0 PUBLIC NOTIFICATION

The original application was publicly notified in accordance with CN's public participation policy. Four submissions were received in response, with three of the submissions objecting to the proposal and one being in support. The concerns raised by the objectors in respect of the proposed development are summarised as follows:

- i) **Character / visual appearance** – The proposal is inconsistent with the existing character of the area. The large proposal at four storeys will have a significant visual impact.
- ii) **Overdevelopment** – The proposal is considered to be an overdevelopment of the site and will result in likely 32 residents plus a commercial tenancy, generating infrastructure and traffic impacts. The height and number of dwellings proposed should be reduced.
- iii) **Building setbacks** – The proposal does not meet the setbacks under the Newcastle Development Control Plan 2012 (NDCP 2012) – Section 6.08.
- iv) **Solar Access / Overshadowing impacts** – Concern that the proposal will result in unreasonable overshadowing impacts. The neighbouring dwelling and associated open space will each not receive two hours of solar access between 9am and 3pm on 21 June.
- v) **Amenity Impacts (Privacy)** – The position of the walkway within the development will result in unreasonable privacy impacts.
- vi) **Amenity Impacts (Acoustic)** – The relative position of the proposal to the neighbouring dwellings will result in unacceptable acoustic impacts from residents entering / exiting, use of intercom speakers and reflective traffic / rail noise.
- vii) **Parking** – Concern that the proposal does not have sufficient parking and will result in overflow on-street parking, which is already overcrowded. The existing dwellings at 94, 96 and 98 Bruncker Road, adjacent the site, already do not have any off-street parking.

- viii) **Traffic impacts** – The proposal will further exacerbate traffic impacts in the area, especially in terms of the existing lane which is already increasingly busy. The laneway needs to be repaired and / or upgraded.
- ix) **Drainage Impacts** – The development will result in increased drainage impacts on neighbouring properties.
- x) **Waste Management** – Concern that waste collection for the site will cause problems.
- xi) **Thermal impacts** – The proposal will have an unreasonable impact as breezes to neighbouring properties will be restricted by the large scale of the proposal. Additionally, the large walls of the proposal will result in thermal mass heat loads unreasonably impacting neighbouring properties.
- xii) **Construction / Demolition Impacts** – Concern is raised how the proposed development will be constructed, having zero side setbacks, without impacting and damaging neighbouring properties, plus posing a safety concern for residents.

4.0 INTEGRATED DEVELOPMENT

The proposal is not '*integrated development*' pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

5.0 PLANNING ASSESSMENT

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, as detailed hereunder.

5.1 Provisions of any environmental planning instrument

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

This policy applies to the proposed development and contains planning controls for the remediation of contaminated land.

SEPP 55 provides that prior to granting consent to the carrying out of any development on land the consent authority is required to give consideration as to whether the land is contaminated and, if the land is contaminated, whether the land is suitable for the purpose of the development or whether remediation is required.

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

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

This policy facilitates the effective delivery of infrastructure across the State.

A referral to Ausgrid, as required by the ISEPP, generated no major concerns in respect of the application. The Ausgrid advice has been forwarded to the applicant for their information and future action.

It is noted that the assessment of the application includes the assessment of an acoustic report regarding traffic noise (see Section 5.3 of this report), but the proposal does not trigger ISEPP provisions that relate to such issues.

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

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

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

This policy applies to the development of new residential flat buildings and aims to improve the quality of residential flat development. SEPP 65 requires the consent authority to take into consideration the advice of a Design Review Panel and the design quality of the development when evaluated in accordance with the design quality principles and the Apartment Design Guide (ADG). An assessment of the development under the design principles is provided below.

A statement has been submitted with the application, addressing the design quality principles. CN's Urban Design Consultative Group (UDCG) has considered the proposal on three occasions (ie. including twice at pre-lodgement stage), with their assessment of the proposal summarised in the following table:

Design Quality Principles	Assessment
<p>Principle 1: Context and Neighbourhood Character</p> <p><u>UDCG comments:</u></p> <p>18 October 2017 <i>The site is located in a R4 Residential zoning and is just to the north-east of Melville Road. This area of Bruncker Road is currently predominated by single dwellings, combined with the occasional town house development and existing small businesses and warehouses. The</i></p>	<p><u>Applicant's submission:</u></p> <ul style="list-style-type: none"> • <i>Building reduced from 5 storeys to 4 with a 32 degree setback to 'southern boundary'. Noted that this has not been a requirement of nearby recent approvals of identical orientation and lot size.</i> • <i>Front façade now set back behind a line drawn between the two neighbours.</i> • <i>Front setback allows 3-4m deep soil landscaping. Rear deep soil area</i>

<p><i>rezoning of the area as a growth corridor in recent years has led to a number of applications for proposed residential or mixed commercial and residential developments, a number of which have gained approval. These developments are very different to the single storey residential existing development in the area, that is likely to remain part of the character of the area for some time in the future. Thus, any interface between the higher density development and existing residential needs to be carefully considered.</i></p> <p><i>Opposite the site across Bruncker Road is an attractive small park.</i></p> <p><i>20 March 2018</i> <i>The Architect advised how each of the previous concerns of the Panel had been addressed. The building has been reduced from 5 to 4 storeys with the front setback now being in line with the adjacent neighbours and allowing for deep soil planting to be located on both street frontages.</i></p> <p><i>17 April 2019</i> <i>No further comment.</i></p>	<p><i>retained.</i></p> <p><u>Officer's Comments:</u></p> <p>Noted.</p>
<p>Principle 2: Built Form and Scale</p> <p><u>UDCG comments:</u></p> <p><i>18 October 2017</i> <i>The proposal is for a five-storey building that runs almost the full depth of the site to the laneway at the rear. The Pre-DA submission did not include any site analysis, or consideration of the proposal in its context. Minimal information is provided in respect to site context. The two lots that are proposed for site amalgamation provide a site width of only 20.085m, which presents multiple challenges for a residential proposal of this substantial scale.</i></p>	<p><u>Applicant's submission:</u></p> <p><i>The two building forms proposed allow light and breeze to the neighbour's rear yard. This approach has been retained and is thought to be of major importance in consideration of neighbours to the SW.</i></p> <p><i>Separation of 12m is achieved between the two proposed building forms allowing breeze and solar gain to neighbours as well as north orientation for the units facing Bruncker Road. The central garden courtyard provides a pleasant transition space to the first floor. Units 2,3,8,9 and 14 can have N-NW facing balconies.</i></p> <p><i>The alternative would be a linear form</i></p>

No street setback is proposed to the balconies of the two levels of residential units above the very small commercial space at ground level. This commercial space is setback between approximately 0.5m and 1m from the street boundary and allows no space for landscaping in the front of the development. The first three floors of the building are therefore situated at a nil setback to its two side boundaries over most of their length, and at virtually no setback to the street. Above this, the fourth storey is principally set in only 2.5m from the side boundaries, with the fire stair and lift core extending as close as approximately 1m of the southern boundary over 5 levels. The fifth floor sets back just under 6m from the side boundaries, with the exception of a balcony only 2.5m from the northern boundary and relies on a privacy screen that appears to obscure most of its northern sunlight. The ADG recommends a 9m setback at this level.

The units share what is described as a courtyard at first floor level, that provides access to the dwellings. It is largely surrounded by fire stairs on both its "open" sides, which is coupled with the lift core on the south. The need to maintain fire egress from the dwellings and access to the front doors of the apartments means that most of the courtyard is taken up with access ways. This courtyard area is heavily shaded by access ways and the fire stairs on the third level above, and to a lesser extent the two levels above that. In various locations private courtyards and shared walkways permit overlooking of adjacent properties at significantly less setback from the boundaries than suggested by the ADG. While it might be possible to visually screen most of this overlooking, it would not address acoustic privacy conflicts, and it would exacerbate the already poor solar access and aspect issues already that are in any case

with central units facing side boundaries with a required 6m setback, and units on Bruncker Road having SE orientation.

This approach has also given consideration to any future development on land to the SW as demonstrated in Figure 6 in Land Development Solutions report. The central podium level can be extended south to provide solar amenity to future development.

The location of the fire stair and lift have been amended on all levels. The fire stair has been rotated 90 degrees and the lift moved away from unit entry doors. The lift now directly addresses the Ground Floor entry doors and stair orientation allows more sunlight and breeze to the southern neighbour.

The redesign of units 1,7 and 13 allows more waiting area to the lift away from unit entry doors.

- Building footprint reduced to allow 3-4m of street landscaping. Noted that this has not been a requirement of nearby recent approvals.
- Four storey height requires 12m separation under the Apartment Design Guide which is achieved.
- Side elevations are three storeys for approximately half their length. Front and rear open carpark walls and voids, assist impact on the neighbouring properties.
- Access ways have been reduced with the reduction in height and revised egress requirements. There is now an open stair to the north, greatly reducing shading to this area.
- There are now no walkways to the north of the open courtyard. Egress to units has been redesigned to eliminate the need for a northern fire

problematic. Setback distances are substantially below those nominated in the Apartment Design Guide.

The Group expressed concern as to how the development would present in its context, and how it relates to its likely future context. The long lengths of walls to three storeys in height set at nil setback from side boundaries with neighbouring properties were suggestive of a design response more suited to higher density inner city areas where a street wall height is used to define a podium, above which a tower element is well set back. The Group suggested that careful consideration be given to how the proposal sits in relation to its neighbouring sites, and how they might be equitably developed, with good amenity, open spaces and aspect. The latter needs to be demonstrated in support of any revised site planning approach.

20 March 2018

With a reduced scale going from 5 storeys to 4 storeys and increased front setbacks the scale of the proposed development has been reduced. The setbacks for the upper level are still less than the ADG recommendations but with the side walls being largely blank, the outcome has no significant impact, though care needs to be taken with the two proposed windows to ensure no overlooking of private open space.

The central courtyard still has some areas of concern with overhead walkways potentially impacting on the privacy of adjacent courtyards. In particular the upper walkway to Unit 9 potentially impacts on the private courtyard of Units 8, 2 and 3. Screening to the walkway is necessary which increases its bulk and overshadowing. The Panel is still of the opinion that the courtyard and its vertical circulation

stair and northern elevated walkways.

- *A curvilinear central court landscape area and free form void to the carpark eliminates the previous rigid form. The void to the southern portion improves amenity for the southern neighbour.*
- *The opening to the carpark has been deleted on advice and in consideration to acoustic issues to the SW neighbours. A landscaped podium has replaced the opening to restrict pedestrian access to the edge of the podium to minimise overlooking to neighbours.*
- *The southern stair has been moved closer to the street to open up the courtyard and reduce the entry corridor.*
- *Individual units have been redesigned to bring Living/Dining areas to the north. Balconies are realigned to face north and allow oblique screening where required for privacy.*

Officer's Comments:

The proposed design changes have addressed the majority of the issues raised by the UDCG.

There are several side windows on the upper most floor which were questioned by the UDCG. Two of the windows are to proposed living areas and the other two are a bedroom and bathroom. It has been recommended that the living room windows be conditioned to be 'highlight' windows (ie. those having a minimum window sill of 1500mm from finished floor) to minimise privacy impacts by limiting the angle of view. It is not considered necessary to require highlight windows for bedroom or bathroom windows as these are acceptable in terms of privacy impacts.

The privacy impacts from the landscaped

<p><i>strategy is problematic and perhaps other better solutions exist.</i></p> <p><i>17 April 2019</i> <i>While the Panel still questions this concept as being the best outcome for the site, efforts have been made to overcome the concerns listed above. The scale is acceptable along with the distances between units within the development. The location of the fire stair and lift are creating problems for the adjacent units and some reconfiguration is warranted in this area.</i></p>	<p>podium and the upper walkways have been addressed via the landscape design and opaque glazing respectively.</p> <p>The fire stair adjustments in the design have been made in the latest amended design.</p> <p>The proposal complies with the allowable setbacks under the Section 6.08 Adamstown Renewal Corridor of NDCP 2012 and the ADG.</p> <p>The overshadowing impacts of the proposal are discussed in Section 5.3 of this report - <i>Siting the development (3.03.02)</i>.</p>
<p>Principle 3: Density</p> <p><u>UDCG comments:</u></p> <p><i>18 October 2017</i> <i>The proposal has an FSR somewhat in excess of the maximum for the site. Given the site's constraints, it is possible that a density less than the maximum permitted will be achieved.</i></p> <p><i>20 March 2018</i> <i>Reducing the design from 5 storeys to 4 and reducing the footprint has brought the density to below the allowable GFA.</i></p> <p><i>17 April 2019</i> <i>There are no issues with the density proposed.</i></p>	<p><u>Applicant's submission:</u></p> <ul style="list-style-type: none"> • <i>The allowable GFA is 1477m² with a FSR of 1.5:1.</i> • <i>Building GFA is now 1229m² with the reduced footprint.</i> <p><u>Officer's Comments:</u></p> <p>The amended proposal now has a floor space ratio of 1.27:1 and complies with the allowable FSR of 1.5:1</p>
<p>Principle 4: Sustainability</p> <p><u>UDCG comments:</u></p> <p><i>18 October 2017</i> <i>The proposal is at an early stage of planning. No specific sustainability aspects were discussed, however, it was noted that several site planning issues, such as overshadowing and limited</i></p>	<p><u>Applicant's submission:</u></p> <p><i>The site analysis plan now demonstrates how the two three-storey structures allow light and breeze to the neighbour's rear yard.</i></p> <p><i>Further consideration has been given to this by providing a void to part of the southern courtyard, reducing the visual</i></p>

<p>winter sun to the subject proposed dwellings and probable severe overshadowing of the properties to the south-west had impacts for overall sustainability of the proposal.</p> <p>20 March 2018 The overshadowing of the neighbour's property has been considered; however, this then compromised the amenity for the proposed development and created potential acoustic issues for the neighbour. The tightness of fitting 6 units per floor compromise the residents' access to sun and breezes by the inclusion of numerous screens to maintain visual privacy.</p> <p>17 April 2019 The proponent has shown how the sites to the south could be redeveloped with a central courtyard opening up these sites to the potential for good sunlight. The design has been modified reducing the need for some screens, however, the tightness of fitting 6 units per floor still compromises the resident's access to sun and breezes. The panel recommended the redesign of the units directly adjacent to the lift in the south eastern corner of the site to improve the sunlight and amenity in these units.</p>	<p>impact of the proposed structure.</p> <p>Units have been redesigned as follows:</p> <ul style="list-style-type: none"> • Units 1 and 7 are now 1 bedroom units with a study. • Unit 13 has been reversed moving the entry door away from the lift and allowing external windows to the bathroom. • Additional skylights are now shown to all bathrooms and kitchens to units 7, 9, 13 and 14. <p><u>Officer's Comments:</u></p> <p>The amended proposal has addressed the UDCG concerns.</p> <p>The overshadowing impacts of the proposal are discussed in Section 5.3 of this report - <i>Siting the development</i> (3.03.02).</p>
<p>Principle 5: Landscape</p> <p><u>UDCG comments:</u></p> <p>18 October 2017 No landscaping at all is possible near the front of the development due to minimal street setbacks. Similarly, no landscape softening to the high, blank walls of the development is possible due to the nil side boundary setbacks on each side. A small setback is provided at the rear lane, which includes visitor and commercial parking and two small areas of deep soil planting. While the latter is welcome, it is considered very insufficient</p>	<p><u>Applicant's submission:</u></p> <ul style="list-style-type: none"> • Landscaping is now possible at the front of the development with an increased setback. • The courtyard area has been redesigned with a curvilinear form and increased soil depth using floor set downs to the carpark. • Landscape area provided is approximately 260m² which is above the required 194m². • The area to the west of the lift at first floor level is now planting instead of paving. This area is now larger with

<p><i>for the context.</i></p> <p><i>Landscaping of the raised courtyard is limited to narrow raised planters on structure. These high planters will create a walled, narrow series of access ways and provide minimal opportunity for any useful, pleasant landscaping.</i></p> <p><i>20 March 2018</i> <i>The revised design overcomes many of the previous concerns. The setbacks provide the opportunity for deep soil planting at both Bruncker Road and on the Lane. The central courtyard has the potential to be an attractive space though it is still significantly compromised by the upper level walkways. The species selection for the central courtyard will be critical as to its success.</i></p>	<p><i>the rotation of the fire stair.</i></p> <p><u>Officer's Comments:</u></p> <p>The amended proposal has addressed the UDCG concerns.</p> <p>The proposal complies with the allowable setbacks under Section 6.08 Adamstown Renewal Corridor of NDCP 2012 and the ADG.</p>
<p>Principle 6: Amenity</p> <p><u>UDCG comments:</u></p> <p><i>18 October 2017</i> <i>The ADG advises the following:</i></p> <ul style="list-style-type: none"> • <i>ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings</i> • <i>assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook</i> • <i>provide suitable areas for communal open spaces, deep soil zones and landscaping.</i> <p><i>The site planning strategy raises concerns in respect to amenity for both residents of the proposed development and particularly for those nearby. The site's best solar aspect, the north east, is largely blank because development is located close to or at the boundary (depending on level). Aspect from the street-front apartments was to the busy road at no setback. Private open spaces for these dwellings are north-west facing</i></p>	<p><u>Applicant's submission:</u></p> <p><i>The general amenity of the proposal has increased as a result of the following design considerations:</i></p> <ul style="list-style-type: none"> • <i>Two separate building forms connected by a podium courtyard has been retained in consideration of neighbouring amenity.</i> • <i>The north-western structure is now set into the ground to improve building envelope compliance and solar gain to the courtyard.</i> • <i>Reduction in height from five to four storeys. 18 two-bed units reduced to 14 two-bed and two one-bed units.</i> • <i>12m separation for a four-storey proposal is satisfied.</i> • <i>Overshadowing to the central courtyard greatly reduced with decreased requirements for egress and an open stair on the NE side. This is further improved with the removal of elevated walkways to the northern area of the courtyard and removal of the northern fire isolated stair.</i>

but are heavily shaded by elevated walkways and fire-stairs.

The long entry foyer was considered not to be ideal, although access to the adjacent stair was considered to be a positive inclusion.

20 March 2018

While there has been considerable improvements, many of these issues remain in the revised scheme. The proponent has considered the adjacent neighbour to the south west in the design maintaining sunlight into their back yard by maintaining the central courtyard and not building up to the boundary for the courtyard area. Unfortunately, this will expose the neighbour's private open space to noise and fumes from the adjacent carpark. The Panel recommends putting a roof over the carpark to overcome this but restrict access to this area by planting it out and disallowing pedestrian access so no overlooking issues are created. While some sunlight will be lost into the neighbour's back yard in doing this, it was considered to be a better overall outcome.

The reduction in levels from 5 to 4 increased setbacks, maintaining the 12m separation for a 4-storey building, reduced overshadowing, some redesign of units to improve amenity and the moving of the entry foyer were all considered to be improvements to the amenity of the building.

The upper walkway and lengthy path to Unit 9 was considered a negative as was the enclosing of courtyards to maintain privacy. The Panel suggested redesigning some units to become two storeys may overcome these two issues.

- *Redesign of all units to improve solar orientation and privacy.*
- *Units 1, 7 and 13 reversed as private open space was compromised in the earlier scheme.*
- *13 of 16 units (81%) have north/ north west orientation satisfying solar requirements in mid-winter.*
- *Amenity improved for south-west neighbour by opening up the central courtyard.*
- *Entry foyer now closer to the street.*
- *Amenity to the southern neighbour is further improved by rotating the stairwell.*
- *Balustrades to the bridges are now 1500 translucent glass.*
- *Balustrades facing the lane clarified as opaque/translucent glass.*
- *Roof plan now provided showing additional roof lights to all bathroom and kitchen areas. Additional roof lights also shown to units 7 and 9.*
- *Unit 14 amended to allow a minimum 3m dimension to Bed 2.*
- *Units 1 and 7 have been redesigned to improve amenity and are now one-bedroom plus study.*

Officer's Comments:

The amended proposal has addressed the UDCG concerns.

While the location will dictate the potential financial return for the development, the amenity of several of the units is compromised by the tightness of the site. Reducing the number of units on each floor would significantly improve the amenity able to be achieved. Examples of this tightness in design are the walk past robe in Bed 2 of Unit 1 to get to the window and the extremely narrow kitchens to most units which will only be 1800mm wide. The drawings do not show the required storage as set out in the Apartment Design Guide and the available space within the apartments would be reduced further if it was shown.

The perforated metal panels on the Lane elevation should continue along the edge of the balconies to provide some privacy for this space with the use of clear glass balustrades being reduced particularly at the lower levels.

17 April 2019

The balustrade on the bridges should be a minimum of 1500mm tall and translucent glass to allow light down into the open spaces to the south.

The balustrades on balconies facing the lane should be solid or translucent glass to maintain privacy for both residents and neighbours.

Some roof lights are shown on the drawings, but no upper level roof plan was provided. Any bathrooms or kitchens at this level could be provided with roof lights/vents to improve amenity.

Unit 14 should be redesigned to ensure bedroom 2 has the minimum 3 metre width required under the Apartment Design Guide.

Units 1 and 7 could also be redesigned to improve amenity. Given its limited access to sunlight, consideration should

<p><i>be given to changing the unit to a 1 bedroom plus study unit.</i></p>	
<p>Principle 7: Safety</p> <p><u>UDCG comments:</u></p> <p><i>18 October 2017 Thee visitor parking spaces and a single commercial parking space are located outside the secure roller-shutter off the rear lane. It is not clear how visitors would gain access to either the dwellings or the commercial space.</i></p> <p><i>20 March 2018 These issues have been satisfactorily addressed by the revised scheme.</i></p> <p><i>17 April 2019 The Panel recommended a roller shutter to secure the carpark rather than a boom gate. Also, the visitor space and commercial car space adjacent to the building do not have the required 1 metre adjacent to allow them to reverse out and turn to leave the site in a forward direction. Moving the external car spaces north-west 1 metre should allow this.</i></p>	<p><u>Applicant's submission:</u></p> <ul style="list-style-type: none"> • <i>Intercom and keypad positions shown at the rear and entry foyer for visitors and the commercial carpark.</i> • <i>Passive surveillance is possible to Bruncker Road, the rear lane and within the central courtyard from various units.</i> • <i>A roller shutter door now replaces the boom gate to the carpark.</i> • <i>The carpark has been amended to allow 1m reversing bay to internal and commercial/visitor bays.</i> <p><u>Officer's Comments:</u></p> <p>The amended proposal has addressed the UDCG concerns.</p>
<p>Principle 8: Housing Diversity and Social Interaction</p> <p><u>UDCG comments:</u></p> <p><i>18 October 2017 The proposed mix of units was considered acceptable.</i></p> <p><i>Minimal useable communal space is currently proposed – either enclosed or landscaped. The courtyard area is of a nature that it offers very limited opportunity for community use and should be reconsidered. A small enclosed communal space, preferably in conjunction with a pleasant, landscaped area should be provided.</i></p>	<p><u>Applicant's submission:</u></p> <ul style="list-style-type: none"> • <i>Unit mix now stands at 14 two-bed and two one-bed units.</i> • <i>The central courtyard has been redesigned to be less rigid and more inviting to users. Planter beds are recessed to gain deeper soil and taller vegetation.</i> • <i>Less requirement for walkways and amendments to the stair locations and type has opened up the space.</i> • <i>In winter the space would receive sunlight.</i> • <i>A planted vertical wall is located in the NW of the courtyard to add a vertical visual element and part screen upper unit entries.</i>

Though permissible, the inclusion of a commercial space was questioned in this residential zone, particularly given its small floor area proposed, which would need to be further reduced to provide the necessary amenities, storage and garbage areas. Given the difficulty developers and property holders have experienced in the area in finding tenants, it is questionable whether this space is warranted, especially given its small available area. A residential setback with appropriate street-front landscaping would provide a more attractive and amenable outcome.

20 March 2018

The proposed mix of units is still acceptable, however, including some three-bedroom units would provide opportunities to overcome some of the amenity issues in the current scheme.

The central courtyard has been redesigned to be less rigid and more inviting to residents. There is no formal area however, the opportunity exists for some timber seats to be located either side of the central paving to encourage resident use.

The proponent disagreed with the potential of the small commercial tenancy to be let, advising of good occupation rates nearby for other similar commercial spaces.

17 April 2019

An accessible unit was considered to be a positive inclusion for diversity. The Panel advised that Unit 14 should be redesigned to ensure bedroom 2 had the minimum 3 metre width required under the Apartment Design Guide.

- *The commercial space is considered viable for this area with good occupation rates nearby.*
- *Unit 14 has been amended to allow a 3m minimum dimension to bedroom 2.*

Officer's Comments:

The amended proposal has addressed the UDCG concerns.

Principle 9: Aesthetics

UDCG comments:

18 October 2017

The proposal's street façade treatment was considered to be potentially quite attractive, but the lack of suitable setbacks and opportunities for landscaping in deep soil within the site preclude any meaningful visual softening of the development by appropriately scaled landscaping.

The very long side facades, set at no or minimal setback from boundaries, also have an adverse aesthetic impact.

20 March 2018

The building has now been set back 3-4m allowing deep soil landscaping to visually soften the development as requested. Also, the reduction of the building from five to four storeys has reduced the visual impact from Bruncker Road and the Lane. The rhythm created by balconies and windows on the Bruncker Road elevations work well. The Lane elevation would benefit from the lightweight perforated panels to be a different colour from the heavier ground floor base.

While the Panel support the need to improve the side elevations by breaking up the flat walls, the proposed scheme needs more development. The breakup of the wall into angled alternating dark and light panels at ground level then horizontal bands on the ends of the next two levels is disjointed and potentially visually intrusive to adjacent properties. Using a form liner to create a texture at the base level on the precast panels may create the desired differentiation of the ground floor podium from the apartments which are actually in the same plane.

Applicant's submission:

- *The street façade is now set back 3-4m allowing deep soil landscaping to allow visual softening of the development.*
- *The reduction from five storeys to four and required building envelope setbacks has reduced the visual impact from both Bruncker Road and the Lane.*
- *Framed balconies and horizontal panels to Bruncker Road assist visually to provide a uniform façade which can continue around the corner on side facades.*
- *Side elevations at ground level have been given separate treatment to visually reinforce a 'podium' level and reduce the impact of three-storey walls to adjacent properties. Front and rear setbacks together with a gap between the two structures will also assist.*
- *Three storey elevations facing neighbours occupy approximately half the length of the site.*
- *The side boundary walls now show more articulation to the building forms. The ground floor is more defined as a 'base' in dark grey brickwork with lighter grey horizontal panels to the mid walls and lighter colours to the recessed top level. This banding and sympathetic materials will visually assist the impact on neighbours to the north and south with more variety and texture.*

Officer's Comments:

The amended proposal has addressed the UDCG concerns. The lower levels of the proposal at the side boundaries have been further developed to provide more visual differentiation and relief.

<p>17 April 2019 <i>Little development of the side boundary elevations seems to have occurred. The walls are currently made up of large panels of precast concrete with no indication of any articulation or texture other than horizontal banding. The adjacent property to the north east would have a continuous wall of precast from front to back except for the setbacks, creating a very unattractive boundary wall. A large section of glass blocks breaks up the length of the south west wall, however, this would result in headlights lighting up the rear yard of the neighbour when residents return home at night time. The Panel recommends more effort be put into designing an attractive boundary wall, which is interesting and has a variety of colour and texture for the neighbours without causing amenity or maintenance issues.</i></p>	<p>At the ground level, the side boundaries have limited articulation, but this improves from the first proposed level and upward, due to the two tower arrangement proposed. The zero side setbacks proposed are consistent with the allowable provisions under the Section 6.08 Adamstown Renewal Corridor of NDCP 2012 and the ADG.</p>
<p>Amendments Required to Achieve Design Quality</p> <p><u>UDCG comments:</u></p> <p>18 October 2017 <i>The above points should be addressed, commencing with a well considered site analysis that examines not only the proposed site in isolation, but those around it. Both the impact on existing low-scale residences, and possible redevelopment patterns of the adjacent sites should be considered and documented.</i></p> <p><i>The Group considers the site to the south west to fall under the DCP definition of a site to the south of the subject site and, therefore, the building envelope angle of 32% would apply – not the 45 degrees shown. Building envelopes generally should be adhered to much more consistently than proposed, as should the ADG setbacks.</i></p>	<p><u>Applicant's submission:</u></p> <p><i>The location of the fire stair and lift have been amended on all levels. The fire stair has been rotated 90 degrees and the lift moved away from unit entry doors. The lift now directly addresses the Ground Floor entry doors and stair orientation allows more sunlight and breeze to the southern neighbour.</i></p> <p><i>The redesign of units 1, 7 and 13 allows more waiting area to the lift away from unit entry doors.</i></p> <p><i>The side boundary walls now show more articulation to the building forms. The ground floor is more defined as a 'base' in dark grey brickwork with lighter grey horizontal panels to the mid walls and lighter colours to the recessed top level. This banding and sympathetic materials will visually assist the impact on neighbours to the north and south with more variety and texture.</i></p>

<p><i>20 March 2018</i></p> <p><i>The Architect has shown the building envelopes on the sections which are acceptable while not fully complying. The 32degree setback line shows that the upper level setback does not increase the adverse impact on the site the south.</i></p> <p><i>Further design work is needed looking at the option of two-storey units to overcome the issues created by the vertical circulation strategy.</i></p> <p><i>Issues mentioned above need to be addressed, in particular issues of aesthetics and amenities.</i></p> <p><i>17 April 2019</i></p> <p><i>Many of the earlier concerns of the panel have been addressed, however, the impact on the adjacent neighbours still needs to be properly considered in order to create a satisfactory outcome. While it is acknowledged that the adjacent sites can be redeveloped in a similar manner to the development proposed, until they do so, the aesthetics of large blank boundary walls needs to be properly addressed.</i></p> <p><i>Amenity issues still remain around the units immediately adjacent to the lift.</i></p>	<p><u>Officer's Comments:</u></p> <p>The amended proposal has addressed the UDCG concerns in terms of the amenity interface with the lifts and the design/appearance of the elevations to the side boundaries.</p> <p>The overshadowing impacts of the proposal are discussed in Section 5.3 of this report - <i>Siting the development (3.03.02)</i>.</p>
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Apartment Design Guide (ADG) - Key "Rule of Thumb" Numerical Compliances

The ADG provides benchmarks and guidelines for the design and assessment of a residential apartment development. The following section contains an assessment of the development against key controls of the ADG.

2B Building Envelopes:

The proposal meets the setback requirements under Section 6.08 – Adamstown Renewal Corridor of NDCP 2012. It is noted that the setbacks identified for the corridor allow for side boundaries with zero setbacks where no openings are proposed and the intended future character under the corridor envisions this design approach being repeated along Bruncker Road. These setbacks are also allowable under the ADG. Examples of this are shown in the applicant’s future concept proposal for the allotments to the south west and recent approvals at 65 Bruncker Road and 79-83 Bruncker Road.

The overshadowing impacts of the proposal are discussed in Section 5.3 of this report - *Siting the development (3.03.02)*.

2C Building Height

Under NLEP 2012 the site has a maximum height of 17m. The submitted height is approximately 12.88m and complies with this standard.

2D Floor Space Ratio

Under NLEP 2012 the site has a maximum 1.5:1 floor space ratio. The submitted FSR is 1.27:1 and complies with this standard.

2E Building Depth

The proposed two tower design meets the requirements of the ADG in terms of depth of the dwelling floor plates, ensuring adequate natural ventilation and sunlight.

2F Building Separation

The two proposed towers meet the 12 metre separation internally. The zero setbacks for the blank side boundary elevations is acceptable in terms of the ADG. The topmost floor has four windows which do not meet the required setbacks. As discussed under Design Quality Principal 2 (Built Form and Scale) above, these windows are considered to be acceptable subject to two of the windows being modified to be highlight windows.

2G Street Setbacks

The proposal meets the setback requirements under Section 6.08 – Adamstown Renewal Corridor of NDCP 2012 and has addressed the concerns raised by the UDCG.

2H Side and Rear Setbacks

As discussed under *2B Building Envelopes*, the proposed zero setbacks are consistent with Section 6.08 – Adamstown Renewal Corridor of NDCP 2012 and the provisions of the ADG. The proposal meets the rear setback via the combination of the proposed rear setback and the additional separation provided by the width of the laneway.

The overshadowing impacts of the proposal are discussed in Section 5.3 of this report - *Siting the development (3.03.02)*.

3B Orientation

The orientation of the building and floor plans respond to the specific site conditions to allow for available views, optimising solar access to units and creating a high level of cross ventilation to all apartments.

The overshadowing impacts of the proposal are discussed in Section 5.3 of this report - *Siting the development (3.03.02)*.

3C Public Domain interface

Ground level access to the commercial unit is directly addressing the street. The proposal replaces two single-storey single dwellings each facing Bruncker Road. The proposed ground level commercial tenancy supports street activation along Bruncker Road, with multiple dwellings above ensuring a good interface to the public domain. It is further noted that the amended design has increased the setback to Bruncker Road, to provide a landscaped area to the street.

The recommended conditions of consent, at **Attachment B**, require that two street trees be planted as part of the proposal to further contribute to the public domain. It is unlikely that the three street trees proposed within the applicant's design would be practical within the available street front.

3D Communal and Public open space

The amended proposal provides communal open space at the podium level between the two proposed towers. This communal open space area is supported by generous landscaping which has been designed to offer a high-quality amenity to future residents. It is noted that the landscaping towards the south western side has been increased to provide separation and privacy to the adjoining neighbouring property (ie. 94 Bruncker Road).

The communal open space is designed to be accessible to all residents, with good passive surveillance.

3E Deep Soil Zones

The ADG acknowledges that deep soil zones may not be possible on some sites, due to their location, and the fact that there are non-residential uses at ground floor level. Both of these conditions are relevant to this site.

The proposal has limited deep soil zones towards the street front and rear boundary, which is considered acceptable in terms of the ADG in this instance.

Substantial landscaping has been provided on the podium level communal open space area. Additionally, a requirement to provide two street trees is included in the recommended conditions of consent at **Attachment B**.

3F Visual Privacy

The building orientation and apartment layout is such that there are limited opportunities for views into the neighbouring properties, having regard to the position of windows and the location of landscaping. The topmost floor has four windows that do not meet the required setbacks. As discussed under Design Quality

Principal 2 (Built Form and Scale) above, these windows are considered to be acceptable subject to two of the windows being modified to be highlight windows.

3G Pedestrian Access and Entries

The main building entry is accessed from Bruncker Road. A separate direct access is also provided to Bruncker Road for the proposed commercial unit.

The entry area is recessed approximately 2.4 metres from the street front of the building, with a solid fin wall on the common boundary adjacent the existing dwelling to the south west. It is considered that the position and orientation of the entry to the residential foyer/lobby is acceptable and is reasonable in terms of acoustic impacts.

3H Vehicle Access & 3J Bicycle and Car Parking

Vehicle access is solely from the rear lane as required under Section 6.08 – Adamstown Renewal Corridor of NDCP 2012. The proposal includes three visitor parking spaces and one commercial parking space, accessible directly from the lane and another 16 resident spaces that are accessed via a security roller door. This arrangement is considered to be preferable as it allows casual parking for visitors and secure parking for future residents.

Parking facilities have been provided at ground level to accommodate the number of apartments in the building, as well as the commercial tenancy. The visual impact of the parking has been minimised through the use of materials, screening and landscaping. Adequate off-street parking has been provided for each apartment.

4A Solar and Daylight Access

The proposal is designed to optimise sunlight to all units. Sliding doors to the living rooms optimise sun access in mid-winter, while balcony projections and screens in front of the glazing offer shading in the summer months.

Over 80% of the apartments receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter.

4B Natural Ventilation

100% of the apartments are naturally cross ventilated and do not exceed 18m in depth.

4C Ceiling Height

2.7m minimum floor to ceiling heights for habitable rooms and 2.4m minimum heights for non-habitable rooms has been achieved, while the floor plate depths allow for maximum penetration of natural light into the space.

4D Apartment Size and Layout

All apartment sizes meet the minimum identified in the ADG, providing an acceptable level of amenity for future residents.

4E Private Open Space and Balconies

All apartments have a balcony with a minimum depth of 2m or greater and meet the minimum area requirements. The configuration of balconies and apartments will provide a good level of surveillance to public and private areas.

4F Common Circulation and Spaces

The proposal meets the provisions of the ADG in respect to the layout and design of circulation spaces. The two tower design means that no more than three dwellings are accessed from a common point.

4H Acoustic Privacy & 4J Noise and Pollution

The building layout has been designed to achieve minimisation of noise transfer to and from apartments. Acoustic treatments to walls, floors and ceilings further reduce noise transfer. The applicant also prepared an acoustic report to address the impacts of traffic noise (ie. from Bruncker Road) on future residents of the proposed development (see Section 5.3 of this report).

SEPP 65 Concluding Comment

The proposal is considered to be acceptable having regard to the provisions of SEPP65, taking into consideration the design criteria in the ADG and comments received from the UDCG in respect of the design quality principles.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

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

Clause 2.1 Land Use Zones

The subject property is included within the R4 High Density Residential zone under the provisions of the NLEP 2012, within which zone the proposed mixed use development consisting of a combination of a *business premises and 16 apartments (ie residential flat building)* are permissible with CN's consent.

The proposed development is consistent with the objectives of the R4 High Density Residential zone, which are:

“Zone R4 High Density Residential

1 Objectives of zone

- i) To provide for the housing needs of the community within a high density residential environment.
- ii) To provide a variety of housing types within a high density residential environment.
- iii) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- iv) To promote a denser urban form along transport corridors while respecting the residential character of adjoining streets.
- v) To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.
- vi) To provide for commercial development that contributes to the vitality of the street where provided within a mixed use development.
- vii) To promote a balance of residential accommodation within a mixed use development.'

The proposal provides for increased housing and meets the need for alternative accommodation types. Additionally the development includes a *business premises* at the ground floor, which can contribute to providing “.. *facilities or services to meet the day to day needs or residents*”. Further, the proposal ‘..*contributes to the vitality of the street..*’ as a mixed use development, due to the combination of ground floor *business premises* and apartments above.

Clause 2.6 Subdivision—consent requirements

The proposal includes strata subdivision, which is considered to be acceptable and appropriate for this form of development.

Clause 2.7 Demolition Requires Development Consent

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

Clause 4.3 Height of Buildings

Under NLEP 2012 the site has a height of buildings development standard of 17m. The submitted height is 12.88m and complies with this standard.

Clause 4.4 Floor Space Ratio

Under NLEP 2012 the site has a floor space ratio development standard of 1.5:1. The submitted FSR is 1.27:1 and complies with this standard.

Clause 5.10 Heritage Conservation

The subject site is opposite Arthur Park, located on the corner of Melville Road and Brunner Road (ie. at 93A Brunner Road). Arthur Park is listed under NLEP 2012 as a heritage item (landscaping) of local significance.

The NSW Heritage Register describes the item as follows:

“This park is significant as it typifies the approach to local park and landscaping in the early decades of the 20th century and is representative of the 'municipal' style. The large Fig trees are an important townscape element within the neighbourhood. The park as a whole makes a significant contribution as a place of rest and reflection.”

“1910 map indicates area to have been a 'Clay hole'. It is assumed that it was granted to the Adamstown borough Council and developed as a park by the Council between 1910 and 1920.”

The impact of the proposal on heritage significance of the heritage item is required to be assessed as extracted below:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

It is considered that the proposal has minimal impact on the heritage significance of the heritage item, due to the relative position of the sites and the separation provided by Brunner Road. It is considered that the submission of a formal heritage management document, that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item, not required in this instance.

Clause 6.1 Acid Sulfate Soils

The site is affected by Class 4 acid sulphate soils and the proposed development is considered satisfactory in this regard. The proposal will not involve works more than 2m below natural ground surface or works by which the watertable is likely to be lowered more than 2m below the natural ground surface.

Clause 6.2 Earthworks

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

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

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

5.3 Any development control plan

Newcastle Development Control Plan (NDCP 2012)

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

Subdivision - Section 3.01

The proposal includes strata subdivision which is considered to be acceptable and appropriate for this form of development. The proposal is acceptable having regard to of this section of NDCP 2012.

Residential Development - Section 3.03

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

The following comments are made concerning the proposed development and the relevant provisions of Section 3.03:

Principal controls (3.03.01)

A. Frontage widths

The proposal is required to have a minimum frontage of 15m, being within the R4 High Density Residential Zone. The proposal complies, having a frontage of 20.115m for the combined subject site.

The proposal is considered to be acceptable having regard to the Land and Environment Court Planning Principles regarding redevelopment and isolated lots as detailed within the NDCP 2012. The applicants have submitted a concept design demonstrating that the remaining four allotments to the south west could be reasonably developed as a mixed use apartment complex in accordance with the intent of NLEP 2012 and the NDCP 2012. This concept plan is reliant on the remaining four allotments being consolidated, but the redevelopment of sites within the renewal corridors has typically needed multiple consolidated lots to achieve the design outcomes allowed under the planning controls.

B. Front setbacks and C. Side and rear setbacks

The controls under Section 6.08 Adamstown Renewal Corridor (NDCP 2012) and the Apartment Design Guideline (ADG – SEPP 65) prevail over these controls.

C. Landscaped Area

The controls under the Apartment Design Guideline (ADG – SEPP 65) prevail over these controls.

Siting the development (3.03.02)

D. Local character and context

The proposal is consistent with the intended planning outcomes envisaged under Section 6.08 Adamstown Renewal Corridor.

E. Public domain Interface

The interface proposed by the development is consistent with the provisions of the Section 6.08 Adamstown Renewal Corridor, allowing for a zero setback to the street where a commercial unit to proposed on the ground floor. In this instance the proposed development has a setback of 3m, with small landscape area at the street front.

F. Pedestrian and vehicle access

Vehicular access is from the unnamed lane at the rear, as required under Section 6.08 Adamstown Renewal Corridor. The pedestrian access is via a foyer at the Brunner Road street front, which is acceptable. It is noted that the unnamed lane at the rear does not currently have any pedestrian access and this is not proposed by the application.

G. Orientation and siting

The Newcastle NDCP 2012 details the following solar access provisions:

“The principal area of private open space and the window to a living room of an adjoining dwelling receives greater than 2 hours of solar access between 9am

and 3pm on the winter solstice. Where the window or principal area of private open space is already overshadowed, solar access is not reduced by more than 20%.”

The amended proposal does not achieve the 2 hours for both the living room windows and the principal private open space of the neighbouring dwelling to the south west (ie 94 Bruncker Road). The neighbouring dwelling would currently enjoy the 2 hours of solar access to the living room windows and the principal area of private open space and, as such, the 20% reduction provision does not apply in this instance. It is further noted that in the submitted shadow diagrams, the drawings do not show the large sliding door in the rear elevation of the neighbouring dwelling, which would be the prime source of solar access for the dwelling, as the combined living area is located at the rear of the house.

The applicants have prepared shadow diagrams showing the existing shadowing compared to the submitted amended proposal and a ‘model’ of a permissible complying development dwelling house on the subject site. It is notable that any application for complying development has no public notification/objection opportunities and the compliance requirements are much more prescriptive in nature compared to the NDCP 2012. It is further noted that the neighbouring site to the south-west (ie. 94 Bruncker Road) is a single-storey dwelling on an allotment of approximately 190m² in area and 6.7m wide.

The overshadowing currently resulting from the existing single-storey dwelling on the subject site is acceptable having regard to Section 3.03 provisions above.

A comparison of the proposed development and a possible complying development dwelling on the subject site shows that the impacts are very similar. The main difference between the two scenarios occurs in the 2.00pm and 3.00pm period (winter solstice), where solar access is achievable by the complying development dwelling to the rear portion of the dwelling (ie. into the living area window/sliding door and area of principle private open space / deck).

It is also noted that the proposed development has been split into two towers which partially lessens the amenity impacts in terms of shadowing and breezes.

In assessing the overshadowing impacts of the proposal, consideration has been given to the Land and Environment Court planning principle associated with sunlight (ie. The Benevolent Society v Waverly Council – ‘BenSoc’, paragraph 144) as extracted below. Assessment comments associated with each element are included within the extract.

“The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.”

Comment – The subject site and neighbouring properties to the south-west are all within the R4 High Density Residential zone under NLEP 2012 and in the Adamstown Renewal Corridor (Section 6.08 NDCP 2012). The land has a height of buildings development standard of 17 metres and a Floor Space Ratio development standard of 1.5:1 and, consequently, is considered to be a relatively high density area. The current proposal complies with these provisions plus the associated setbacks and envelopes under the Apartment Design Guide and Adamstown Renewal Corridor (Section 6.08 NDP 2012) and, as such, the level of shadow generated is an expected outcome of the allowable scale of development.

“The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.”

Comment – The neighbouring site loses the majority of solar access between 9am to 3pm on 21 June (ie a very small portion of the yard would receive sunlight at ground level). Solar access will not be achieved to the living room window/sliding door at the rear of the dwelling and the adjacent area of principle private open space, during these times.

“Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal’s design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.”

Comment – The overshadowing impacts in this instance are not the function of a poor design by the applicants. While the UDCG notes that other design approaches may have better urban design outcomes, it is unlikely that there would be significant improvements in terms of solar access to the neighbouring property (ie. 94 Brunner Road), without a substantial reduction in the northern tower of the proposal.

“For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.”

Comment – The extent of overshadowing generated by the proposal means that the prime points of solar access (ie the rear sliding door, living window and principle private open space) are fully affected and this element of the planning principle does not arise.

“For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity,

depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.”

Comment – The extent of overshadowing generated by the proposal means that the prime points of solar access (ie the rear sliding door, living window and principal private open space) are fully affected and this element of the planning principle does not arise. It is probable that there is a degree of reasonable sunlight from 2.30pm onwards to the neighbouring dwelling, which would be significant to the small area involved. It is additionally noted that the deck area at the rear (ie. principle private open space) is raised and, as such, is likely to enjoy slightly better solar access than otherwise would be expected.

“Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.”

Comment – The existing extent of overshadowing impact on the neighbouring property has been considered in comparison to the proposed development and in comparison to a model of potential complying development dwelling. The existing overshadowing is not overly significant and the neighbouring dwelling currently enjoys a reasonable level of solar access.

“In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.”

Comment – The subject site is within the Adamstown Renewal Corridor (Section 6.08 NDCP 2012) and the R4 High Density Residential zone of NLEP 2012 and the strategic direction of these controls envisages a significant change in the future character of the area. The applicants have submitted a concept design demonstrating that the remaining four allotments to the south west could be reasonably developed as a mixed use apartment complex in accordance with the intent of NLEP 2012 and the NDCP 2012. The shadowing impacts on this concept development are considered to be acceptable.

It is notable that the neighbouring site at 94 Brunner Road only enjoys its current level of solar access due to the low scale of the existing single storey dwelling next door. The applicant’s potential complying development dwelling model shows that a two-storey dwelling on the subject site would have a significant shadowing impact, having regard to the solar access provisions under Section 3.03.

It is further noted that the submitted development complies with the heights, envelopes and setbacks allowable under the combination of the Apartment Design Guide and Section 6.08 Adamstown Renewal Corridor of the NDCP 2012. Further, it is noted that the UDCG generally supported the proposal.

The shadowing impacts of the proposal are significant on the neighbouring site and these impacts would largely be unavoidable by both a potential two storey single dwelling and likely possible variations of mixed use apartment developments on the subject site that would be allowable under the provisions of NLEP 2012 and the NDCP 2012, without a substantial reduction in the size of the proposals. The level of shadowing impacts on 94 Bruncker Road are also partly the function of the allotment being very small (ie. approximately 190m² and 6.7m wide) and the existing dwelling having minimal setbacks to side boundaries.

It is expected, having regard to the combination of allowable heights, envelopes and setbacks, that alternative designs on the subject site would not result in significantly improved solar access to the neighbouring property without a substantial reduction in the overall proposed development. This reduction in development yield would have the effect of partially sterilising the subject site, which is considered to be unreasonable in this instance. Having regard to the intended strategic outcomes under NLEP 2012 and Section 6.08 Adamstown Renewal Corridor, it is considered to not be in the broader public interest to pursue such a reduction in the development based on the extent of shadowing impacts generated in this instance.

On balance, while the shadowing impacts are significant on the neighbouring property at 94 Bruncker Road, it is considered that the proposal and shadowing impacts are acceptable in this instance, being an outcome that results from a combination of the allowable controls, the size of the neighbouring site and the strategic intent for the future character of the area (ie. Section 6.08 Adamstown Renewal Corridor).

H. Building Separation

The controls under Section 6.08 Adamstown Renewal Corridor (NDCP 2012) and the Apartment Design Guideline (ADG – SEPP 65) prevail over these controls.

Amenity (3.03.03)

I. Solar and daylight access

The controls under the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal and the development is considered to be acceptable in this regard.

J. Natural ventilation

The controls under the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal and the development is considered to be acceptable in this regard.

K. Ceiling heights

The proposal meets or exceeds the floor to ceiling height of 2.7 metres under Section 3.03. It is noted that the proposed commercial unit has a ceiling height of 3.0 metres.

L. Dwelling size and layout

The controls under the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal and the development is considered to be acceptable in this regard.

M. Private Open Space

The controls under the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal and the development is considered to be acceptable in this regard.

N. Storage

The controls under the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal and the development is considered to be acceptable in this regard.

O. Car and bicycle parking

The controls under Section 6.08 Adamstown Renewal Corridor (NDCP 2012) and the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal.

The proposal has been assessed by the Senior Development Engineer as follows:

“Twenty onsite car parking spaces are proposed which satisfies CN’s NDCP 2012 requirements. The spaces include one commercial, three visitor and two disabled car parking spaces.”

The proposal is considered to be acceptable in this regard.

P. Visual privacy

The controls under Section 6.08 Adamstown Renewal Corridor (NDCP 2012) and the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal. The development is considered to be acceptable in terms of privacy impacts.

The majority of the proposed development does not have privacy impacts towards the side boundaries as there are only limited windows proposed in those locations. These windows involve kitchen, bathroom and bedroom

(Unit 13) and a living room (Unit 15). It is recommended, as per the conditions at **Attachment B**, that the living room windows be required to be highlight windows to minimise any potential privacy impacts. It is further noted that the walkways between the two towers are provided with opaque glazing to 1500mm in height, to prevent privacy impacts on neighbouring properties.

Q. *Acoustic privacy*

The proposal consists of predominately blank walls towards the side boundaries. The elevated walkways and landscape podium level is considered to be reasonable in terms of acoustic impacts. Similarly, the entry foyer is considered to not be a significant noise source and is considered to be reasonable in the context of the expected development within the Adamstown Renewal Corridor.

R. *Noise and pollution*

An acoustic report addressing the potential acoustic impacts of traffic noise on the proposed dwellings has been submitted. The acoustic report has been assessed by CN's Environmental Protection Officer and is considered to be acceptable subject to recommended conditions of consent as extracted below:

“As the development is positioned on a major road (Brunker Road), an assessment of traffic noise impacts on the development was undertaken in line with:

- i) NSW Road Noise Policy (2012).*
- ii) Infrastructure SEPP 2007 and supporting document Development near Rail Corridors and Busy Roads - Interim Guideline 2008.*

The above regulatory provisions require that the internal noise level criteria is 35 dB(A) in any bedroom between 10:00 pm and 7:00 am and 40 dB(A) at any time anywhere else in the building.

The Acoustic Assessment prepared by Spectrum Acoustics, 10 May 2017 determined that noise levels of the internal habitable areas were appropriate subject to the implementation of acoustic attenuation measures.

Noise will also be generated from construction activities, demolition and mechanical plant / equipment (such as air conditioning systems) associated with the development. This is addressed by the following conditions of consent.”

The proposal does not formally trigger the road noise provisions under the ISEPP, but the inclusion of acoustic measures to mitigate noise associated with traffic within the renewal corridors is appropriate.

Configuration (3.03.04)

S. Universal design

The proposal is considered to be acceptable in terms of the universal design provisions.

T. Communal area and open space

The controls under Section 6.08 Adamstown Renewal Corridor (NDCP 2012) and the Apartment Design Guideline (ADG – SEPP 65) apply to the proposal. The development is considered to be acceptable in terms of communal area and open space.

U. Architectural design and roof form and D. Visual appearance and articulation

The proposal has been assessed by the UDCG and is considered to be acceptable. At the UDCG's recommendation, the amended proposal has incorporated skylights to the roof top level.

The proposed development is considered to be acceptable in relation to the abovementioned NDCP 2012 section. The development establishes a scale and built form that is appropriate for its location. The proposed development provides good presentation to the street with good residential amenity, while maintaining reasonable privacy for adjoining neighbours.

Commercial Uses - Section 3.10

The development provides for a design that is acceptable having regard to the provisions of this section, in terms of appearance, streetscape and street activation.

Flood Management - Section 4.01

CN's Senior Development Officer (Engineering) has provided the following comments in relation to the proposal:

"A flood information certificate was issued by CN for this site in April 2017 (FL2017/00112). The calculated 1% Annual Exceedance Probability (AEP) flood level is 8.0m AHD at the rear of the property with a minimum floor level requirement of 8.5m AHD. A Probable Maximum Flood level of 9.1m AHD is predicted for this site.

A garage floor level of 7.7 to 8.4m AHD is proposed which is acceptable. A commercial floor level of 8.4m AHD is proposed which is lower than the minimum floor level. A condition has been proposed requiring the commercial floor level be raised to 8.5m AHD.

The rear of the site has been identified as a flood storage area for a PMF event but storage is available in the carpark area for large flood events.

Flood management has been satisfactorily addressed in the application.”

Accordingly, the proposal is acceptable in relation to flooding.

Safety and Security - Section 4.04

The development is considered to be adequate in terms of Crime Prevention Through Environmental Design principles:

- i. surveillance
- ii. access control
- iii. territorial reinforcement
- iv. space management

Social Impact - Section 4.05

It is considered that the proposed development is consistent with the zone objectives and is appropriate having regard to the strategic planning intent for the future of the area. It is considered that the proposal is acceptable in terms of its social impacts.

Soil Management - Section 5.01

It is considered that the proposal is acceptable subject to recommended conditions of consent regarding soil and sediment control.

Land Contamination - Section 5.02

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

Vegetation Management - Section 5.03

The proposal does not involve the removal of any significant trees.

Heritage Items - Section 5.05

This issue is discussed under Clause 5.10 Heritage of NLEP 2012.

Part 6.00 Locality Specific Provisions

Adamstown Renewal Corridor - Section 6.08

The proposal is located within Precinct 1 of the Adamstown Renewal Corridor.

The development includes a commercial unit at the ground floor with a street front to Brunner Road, meeting the street activation provisions under Section 6.08.

The upper setbacks of the proposal predominately meet the requirements of the Section 6.08.

The front set back on the upper level exceeds the setback by 0.75 metres in height. The rear set back on the upper level exceeds the setback by 0.5 metres in height. These variations are considered to be minor and acceptable and they have been reviewed by the UDCG.

The side upper setback exceeds the setback in height by 1.2 on the north-eastern side. This side of the proposal and the associated variation does not contribute to overshadowing impacts. These variations are considered to be acceptable and have been reviewed by the UDCG.

The vehicular access of the proposed development is via the rear unnamed lane in accordance with the provisions of Section 6.08.

Overall, the proposal is considered to be acceptable having regard to the provisions of Section 6.08.

Landscape Open Space and Visual Amenity - Section 7.02

The proposal is considered to be acceptable in terms of its landscaping outcomes and the provisions of the Apartment Design Guide.

Traffic, Parking and Access - Section 7.03

CN's Senior Development Officer (Engineering) has provided the following comments in relation to the proposal:

“Vehicular Access, Driveway Design and Crossing Location

Access to the site carpark is via the rear laneway which is approximately 6.25m wide. The laneway is considered to be in good condition. The carpark driveway is 5.5m wide and will need to be extended into the laneway to meet the edge of the existing pavement.

Parking Demand

Twenty onsite car parking spaces are proposed which satisfies CN's DCP requirements. The spaces include one commercial, three visitor and two disabled car spaces.

Traffic Generation

The traffic study submitted in support of the application demonstrates that the local road network has sufficient spare capacity to cater for the small increase in traffic generated by the development.

The development will be required to provide an upgraded driveway access to join with the laneway, but no other upgrade works would be required of the proposal.

It is noted that both ends of the unnamed laneway, as it joins with Melville Road and Coolah Road, have existing stop signs to control entering traffic. It is further noted that the drainage for the proposed development does not drain towards or connect to the lane.

The current proposal does not have sufficient nexus to warrant requiring the laneway to be made a one-way road or warrant the installation of no parking signs. This would be a separate matter, independent from the current development application.

Accordingly, the proposal is considered to be acceptable in relation to traffic, parking and access.

Stormwater- Section 7.06 and Water Efficiency - Section 7.07

CN's Senior Development Officer (Engineering) has provided the following comments in relation to the proposal:

"The applicant is proposing to collect roof water in an underground reuse tank (18m³ capacity) located in the carpark area. Collected roof water will be reused for toilet flushing and laundry usage in some of the units. Tank overflows will be piped to an existing pit in Bruncker Road via a new pipeline under the kerb line. This arrangement is acceptable."

The proposed stormwater management plan is in accordance with the relevant aims and objectives of the NDCP 2012.

Waste Management - Section 7.08

A Waste Management Plan (WMP) has been provided with the application. The proposal provides for bulk storage bins for both the residential and commercial aspects of the development. The ratio and size of bins proposed will be required to be increased as follows below and will require amendments to the ground floor layout:

- i) General Waste: two x 1,100 litre bins, collected weekly
- ii) Comingled Recycling: one x 1,100 bin and one x 660 litre bin, collected weekly

The WMP details that:

"The Strata Board will arrange for the green waste to be removed from the site by the gardener ..."

"The Strata will arrange for CN or a private contractor to have access to the bin storage room for pickup of the bins to be directed to and from the kerbside for collection"

Conditions has been recommended in these respects, at **Attachment B**.

Based on the submitted information, the proposal is considered to be acceptable, subject to conditions of consent.

Public Participation - Section 8.0

The proposal was notified to neighbouring properties in accordance with the provisions of NDCP 2012. A total of three submissions objecting to the proposal were received. One submission was in support of the proposal.

Comments are provided in Section 5.8 of this report.

Development Contributions

Section 7.12 of the Environmental Planning and Assessment Act 1979 enables CN to levy contributions for public amenities and services. The proposed development would attract a development contribution to CN, as detailed in CN's relevant development contributions plan.

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

5.4 Planning agreements

No planning agreements are relevant to the proposal.

5.5 The regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. In addition, compliance with AS2601 – Demolition of Structures will be included in the conditions of consent for any demolition works.

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

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

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

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

It is considered that the amended proposal is acceptable, having regard to the proposed height, external appearance, character, bulk and scale. The proposal has been assessed by CN's Urban Design Consultative Group and is considered to be

acceptable having regard to the provisions of SEPP 65 and the Apartment Design Guide.

Overshadowing, Privacy and Views

The privacy, height, bulk and scale aspects of the proposed development have been assessed under Section 5.1 of this report, in the context of SEPP 65 and NLEP 2012.

The overshadowing impacts of the proposal are discussed in Section 5.3 of this report - *Siting the development (3.03.02)*.

View Loss:

The proposal does not have an adverse impact on the adjoining properties in terms of views. There are no significant views to be affected in this instance. The development will alter the general outlook due to the proposed changes in the size and scale of development on the site, but this is considered to be reasonable and an expected outcome of the planning controls for the renewal corridors.

Traffic and Parking

As detailed above, under Section 5.3 of this report (*Traffic, Parking and Access - Section 7.03*), the proposal has been assessed by CN's Senior Development Officer (Engineering) and is considered to be acceptable.

Acoustic Impacts

As detailed above under Section 5.1 (SEPP 65) and Section 5.3 (*Amenity (3.03.03)*) of this report, the proposal is considered to be acceptable in terms of acoustic impacts.

5.7 The suitability of the site for the development

The constraints of the site have been considered in the proposed development, which includes flooding, acid sulfate soils and heritage.

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

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

The application was notified in accordance with CN's NDCP 2012 and four submissions were received in response, three of which contained objections and one being in support of the proposed development.

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

CITY OF NEWCASTLE

Issue	Comment
Character / visual appearance	As discussed within Sections 5.1 and 5.3 of this report, the proposal has been assessed by the UDCG and is considered to be acceptable.
Overdevelopment	The proposal complies with the 1.5:1 FSR development standard, having an FSR of 1.27:1. The proposal is consistent with the intended strategic outcomes envisaged by NLEP 2012 and the NDCP 2012 Section 6.08 – Adamstown Renewal Corridor.
Building setbacks	The proposal is consistent with allowable setbacks under the Apartment Design Guide and the NDCP 2012.
Solar Access / Overshadowing impacts / Thermal Impacts	The solar access / shadowing impacts of the proposal have been discussed above in Section 5.3 - <i>Siting the development (3.03.01)</i> of this report.
Amenity Impacts (Privacy)	As discussed within Sections 5.1 and 5.3 of this report, the proposal has been assessed by the UDCG and is considered to be acceptable.
Amenity Impacts (Acoustic)	As discussed within Sections 5.1 and 5.3 of this report, the proposal has been assessed by CN's Environment Protection Officer and is considered to be acceptable.
Parking	The proposal has been assessed by CN's Senior Development Officer (Engineering) and is considered to be acceptable, complying with the provisions of Section 7.03 of the NDCP 2012.
Traffic Impacts - Impacts in terms of the laneway	<p>The use of the CN owned lane for vehicular access to the proposed development was assessed by CN's Senior Development Officer (Engineering), having regard to the traffic study submitted with the application, and considered to be acceptable. An upgraded driveway access will be required to join with the laneway, but no other upgrade works would be required.</p> <p>It is noted that both ends of the unnamed laneway, as it joins with Melville Road and Coolah Road, have existing Stop signs to control entering traffic.</p> <p>It is further noted that the drainage for the proposal does not drain towards or connect to the lane.</p> <p>The current proposal does not have sufficient nexus to warrant requiring the laneway to be made a one-way road or warrant the installation of no parking signs. This</p>

	would be a separate matter, independent from the current development application.
Drainage Impacts	The proposal was assessed by CN's Senior Development Officer (Engineering) and is considered to be acceptable.
Waste Management	The proposal is considered to be acceptable subject to conditions as detailed within Section 5.3 (<i>Waste Management - Section 7.08</i>) of this report.
Construction / Demolition Impacts	Conditions are recommended to address the demolition and construction impacts of the proposed development, including a Construction Traffic Management Plan, hours of construction and compliance with Australian Standards in terms of Demolition (which addresses asbestos aspects).

The proposal was considered at a meeting of the Public Voice Committee on 8 October 2019.

The Public Voice Committee heard from two objectors about their concerns regarding the proposal. The following table provides a summary of the issues raised and a response to those issues.

Issue	Comment
Solar Access / Shadowing	See response to public notification above, in Section 5.3 of this report.
Breezes	It is considered that the proposal's impacts in terms of breezes are acceptable and an expected outcome of the allowable development within the renewal corridor. It is further noted that the current proposal is broken into two towers which will allow for greater penetration of breezes to neighbouring properties than a similar sized development presenting as a single building.
Traffic Impacts - Impacts in terms of the laneway, traffic measures, safety, parking and one way.	See response to public notification above.
Flooding	The proposal has been assessed by CN's Senior Development Officer (Engineering) and is considered to be acceptable as detailed in Section 5.3 (<i>Flood Management - Section 4.01</i>) of this report.
Construction / Demolition Impacts	See response to public notification above.

Amenity (Privacy)	Impacts	See response to public notification above.
Amenity (Acoustics)	Impacts	See response to public notification above.
Height, Bulk and Scale		The proposal complies with the height of buildings and FSR development standards. See the detailed assessment within Sections 5.1 and 5.3 of this report.
Site Consolidations / Amalgamations		<p>The proposal has been assessed having regard to the isolated lot principles and it is considered to be acceptable, with the applicant demonstrating that feasible development could occur on the remaining lots to the south-west (ie. 94-98 Brunker Road and 35 Melville Road).</p> <p>The applicant has advised that their clients consist of a syndicate of local investors with a relatively limited budget. They have indicated that there was an early investigation into the potential purchase of these additional sites, but that three of the four properties were not interested in selling. Further, while there was some discussion to purchase the property at 94 Brunker Road this was ultimately not economically viable and feasible, having regard to the nature of the project and the effectiveness of the land that would have been acquired.</p> <p>There was also an investigation of the land to the north-east but the applicant has advised that the owner did not want to sell.</p>

5.9 The public interest

The development is in the public interest and will allow for the orderly and economic development of the site. The development is consistent with the strategic direction adopted by CN for the Adamstown Renewal Corridor, that, within precinct 1, aims to provide “..a mixture of high density residential uses and other compatible uses.” “This precinct has a target of providing four hundred (400) additional dwellings.”

6.0 CONCLUSION

The proposal is acceptable against the relevant heads of consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is supported on

the basis that the recommended conditions in **Attachment B** are included in any consent issued.

ATTACHMENTS

Item 17 Attachment A: Submitted Plans - 90 and 92 Brunner Road Broadmeadow
– Under separate cover

Item 17 Attachment B: Draft Schedule of Conditions – 90 and 92 Brunner Road
Broadmeadow - Under separate cover

Item 17 Attachment C: Processing Chronology – 90 and 92 Brunner Road
Broadmeadow – Under separate cover

