

## Department of Planning and Environment

Our ref: SUB23/94566

Jeremy Bath  
Chief Executive Officer  
City of Newcastle  
PO Box 489  
Newcastle NSW 2300

30 May 2023

### NOTICE OF PROPOSED RESIDENTIAL HOUSING

#### Attention: Duty Planner

I am writing to advise you of the revised development proposal at 25-29 Prospero Street, Maryland. These revisions are intended to address feedback received by members of the community and council during consultation in August 2022. We now invite Council's written comments on the revised development proposal:

**Property:** 25-29 Prospero Street, Maryland NSW 2287  
Lots 395, 396 and 397 DP702896

**Proposal:** Demolition of three (3) dwellings and construction of a multi-dwelling housing development containing nine (9) dwellings, comprising 3 x 3-bedroom, 5 x 2-bedroom townhouses and 1 x 1-bedroom unit, parking for six (6) vehicles, associated site works and landscaping, and consolidation of three (3) lots into a single lot.

The proposal is considered 'development without consent' under the State Environmental Planning Policy (Housing) 2021. LAHC is seeking feedback from Council and neighbours for consideration before deciding whether the development should proceed.

The following plans and documents are available at this [dropbox link](#) for Council's review and comments. Please acknowledge receipt of this letter and download the documents within 14 days.

- |                              |                                     |
|------------------------------|-------------------------------------|
| • Survey plan                | • Erosion and sediment control plan |
| • Site analysis plan         | • BASIX & NatHERS Certificate       |
| • Architectural plans        | • Building Code of Australia Report |
| • Demolition plan            | • Access Report                     |
| • Block analysis plan        | • Arborist Report                   |
| • Landscape plan             | • Geotechnical Report               |
| • Stormwater plan            | • Traffic Report                    |
| • Bushfire Assessment Report | • Waste Management Plan             |

Please email Council's comments to Frances Beasley, Planner, LAHC at [Frances.Beasley@facns.nsw.gov.au](mailto:Frances.Beasley@facns.nsw.gov.au) by **23 June 2023**. Should you wish to discuss the proposal, please contact LAHC by emailing [communityengagement@facns.nsw.gov.au](mailto:communityengagement@facns.nsw.gov.au) or calling 1800 738 718.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Cotterill'.

Carmen Cotterill  
**a/Manager, Community Engagement**  
**NSW Land and Housing Corporation**

20 September 2022

Ben Grogan  
Director Community Engagement  
NSW Land and Housing Corporation  
Locked Bag 5112  
**PARRAMATTA NSW 2150**

Response by email: [Carolyn.Howell@facs.nsw.gov.au](mailto:Carolyn.Howell@facs.nsw.gov.au)

Dear Ben Grogan

## **PROPOSED RESIDENTIAL DEVELOPMENT 25-29 PROSPERO STREET MARYLAND**

I refer to the Land and Housing Corporation's (L&HC) letter received on 23 August 2022 advising of a proposed residential project on the above properties under the 'development without consent' provisions of State Environmental Planning Policy (Housing) 2021 and inviting City of Newcastle ('CN') to comment.

The submitted documentation and plans have been reviewed by CN officers and the following advice is provided for your consideration:

### **1. Design considerations**

Concern is raised regarding the following aspects of the design of the development. It is recommended that design changes are made to address the following:

#### Front setback

As indicated in the Development Data table on the Site Plan the required front building setback under the Newcastle Development Control Plan (NDCP) 2012 based on the average front building setback of buildings within 40m either side of the subject site is approximately seven metres (m). The minimum front setback of the proposal is 4.5m.

The design of the development has tried to keep the rhythm of the three proposed two storey buildings across the site *'to mimic the pattern'* of the existing buildings. However, these buildings are single storey. It is acknowledged that State Environmental Planning Policy (Housing) 2021 encourages a reduced front setback to enable an increased rear setback for amenity on and off site; however, consideration should be given to maintaining a setback of at least 5.5m and increased articulation of the front building facades to further reduce the dominance of the development in the streetscape and on surrounding properties.

Please note the existing and proposed front building setbacks shown on the Block Analysis Plan are incorrect, this appears to be a drafting error.

#### Building articulation and material finishes palette

Further refinement of building articulation along the public streetscape is encouraged, to add interest, reduce overall bulk and scale and built form dominance within the streetscape.

## 2. Accessibility

At the meeting of Council of 23 August 2022, a proposed Notice of Motion (NOM) relating to Housing Affordability was endorsed. The NOM will be included in CN's submission to the Local Government NSW (LGNSW) Annual Conference to be held in late October 2022.

The proposed NOM, in part, is seeking that LGNSW:

3. *Calls upon the State government to ensure that all new public, social and affordable housing at a minimum incorporates the new accessibility standards in the National Construction Code.*

The revised National Construction Code includes new minimum accessibility standards, based on 'Silver' Performance level Accessibility standards of Liveable Housing Australia (LHA).

According to the 'LHA Silver Checklist' dated 10 November 2021 prepared in support of the proposal, three of the proposed nine dwellings will achieve the silver standard. It is requested that L&HC provide leadership on this issue by having all the proposed dwellings comply with the silver standard.

## 4. Stormwater Management

This subject site is located within CN's Coastal Wetland catchment and all development in this catchment is subject the specific coastal wetland provisions in NDCP 2012. The following is recommended:

- (a) Section 7.06 Stormwater of NDCP2012 and more specifically Appendix 8 of CN's 'Stormwater and Water Efficiency for Development Technical Manual' states that for development in the coastal wetland catchment the following is required:
  - 100% of roof areas drain to a rainwater tank for reuse via irrigation, outdoor taps, toilets, washing machine taps and laundry taps. The stormwater plans show several downpipes bypassing the reuse system and not meeting this requirement of the NDCP.
  - Rainwater reuse tanks are to be fitted with a 5mm weep hole halfway up, draining to the stormwater system to slowly release the upper 50% of water from the tank into the public stormwater system. Reuse tanks are to be sized in accordance with Table 3 of the NDCP. The 600m<sup>2</sup> roof catchment on this development results in a required reuse tank volume of 24kL.
  - An onsite detention tank is to be included with a sand filter to meet CN's water quality requirements as well as slow down the release of water into the public system. The stormwater plans for this development show a detention tank; however, a sand filter is not included on the downstream side. A sand filter should be included, sized at 0.8m<sup>2</sup> surface area per 100m<sup>2</sup> of hardstand catchment.
- (b) An outlet pipe is proposed across the road reserve at an acute angle across the footway which is not supported. CN requires the construction of a new kerb inlet pit in the road reserve at the site frontage connecting to the existing stormwater system via a new 375mm class 4 rubber ring joint reinforced concrete pipe.

Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties as a result of the proposal.

## 5. Roof water

Roof water from the proposal is to be directed to a water reuse tank with a minimum capacity of 24,000 litres, designed in accordance with Appendix 8 of CN's Technical Manual

- Stormwater and Water Efficiency for Development, which supports relevant provisions of the NDCP 2012.

The lower 50% capacity or a minimum 4,000 litres, whichever is the greater, of the rainwater tank is to be reticulated into each of the following new uses:

- site irrigation systems
- external taps
- all toilets
- cold water washing machine taps and laundry basin taps

The upper remaining capacity of the rainwater tank is to drain from the tank by way of a 5mm weep hole connected to the main overflow pipe for the tank.

A mains water top-up system is to be installed to maintain a minimum water depth of 100mm within the tank. Alternatively, an electronically activated mechanical valve device is to be installed to switch to mains water when the water level in the tank falls below the minimum depth. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).

The water management measures as indicated on the submitted plans and supporting documentation are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate for the development.

## **6. Erosion and sediment control measures**

Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

## **7. Public domain works**

The works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.

## **8. Vehicular access**

It is recommended the proposal is designed in accordance with Section 7.03 Traffic, Parking and Access of NDCP2012 and Australian Standard AS/NZS2890.1:2004 - 'Off Street Car Parking'. In this regard, the width of the access driveway be increased to 5.5m in the road reserve and extending six metres into the property to enable entering and exiting vehicles to pass each other and avoid conflict.

## **9. Public domain works**

The L&HC designing and constructing the following works in connection with the proposal within the Prospero Street public road reserve, adjacent to the site, at no cost to CN and in accordance with CN's guidelines and design specifications:

- (a) A new driveway crossing in accordance with CN's Standard Drawing A1300.
- (b) A new kerb inlet pit (lintel nominal size 1200mm) to CN's Standard Drawing A2200 at the site frontage, connecting to an existing public pit via a new 375mm RRJ class 4 RCP pipe for discharge of stormwater from the development.
- (c) Connection of site drainage to new stormwater pit.
- (d) Removal of redundant driveways in the road reserve and restoration of kerb.

It is acknowledged Clause 5 of Schedule 2 of the savings, transitional and other provisions of the *Roads Act 1993* provides that a Public Authority, such as the L+HC, does not require consent from CN, to exercise its functions in respect of an unclassified road that is not a Crown Road. Accordingly, it is requested that prior to the commencement of construction CN is provided with a copy of plans for the crossing and layback together with the payment of any CN inspection fees.

## **10. Vehicular crossing**

A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- (a) Constructed in accordance with CN's A1300 – Driveway Crossings Standard Design Details.
- (b) The driveway crossing, within the road reserve, shall be a maximum of 5.5 metres wide.
- (c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metres by 2.5 metre splay within the property boundary each side of the driveway entrance.
- (d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve.
- (e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.
- (f) Any redundant existing vehicular crossing is to be removed at no cost to CN. The road reserve and kerb being restored to, CN's satisfaction, to match the existing infrastructure.

The works are to be completed prior to the issuing of an Occupation Certificate for the proposed development.

## **11. Car parking**

The car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

All proposed driveways, parking bays, and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained.

## **12. Consolidation of lots**

The whole of the subject site comprising Lot 395, 396 and 397 of DP 702896, is to be consolidated into a single title lodged for registration of a survey plan of consolidation with the NSW Land Registry Services.

## **13. Waste Management**

The proposal is supported by a Waste Management Plan (WMP) prepared by Dickens Solutions. There are several inconsistencies in the WMP.

According to CN's Waste and Commercial Collection Manager, based on the proposal comprising 3 x 3-bedroom dwellings and 6 x 2-bedroom dwellings in a multi-unit dwelling using communal bins, the estimated waste generation is as follows (using the EPA's Better Practice Guide for Resource Recovery in Residential Developments - 2019 Revision as a reference):

- General Waste: 960 litres per week. An option to consider could be 4 x 240 litre bins, emptied weekly from the kerbside.

- Comingled Recycling: 1,920 litres per fortnight. An option to consider could be 6 x 360 litre bins, emptied fortnightly from the kerbside.
- Green Waste: It is suggested provision is made in the communal bin storage area for at least 3 x 240 litre bins, emptied fortnightly from the kerbside.

The optimum available kerbside required for 4 x 240 litre general waste bins and 6 x 360 litre comingled recycling bins is 12.5 metres of unfettered kerbside.

If each dwelling is separately-residentially rated, the residential services would be provided as part of the Domestic Waste Management Service Charge (by CN), with any commercial component paid for additionally (can be provided by CN or another commercial waste management contractor).

#### **14. House numbering**

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

The minimum numeral heights are to be:

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

A schedule of the street addresses for the proposal prepared in accordance with CN's 'House Numbering Policy' and the *Surveying and Spatial Regulation 2017* is attached.

If you have questions in relation to the various matters raised in this letter, please contact Geof Mansfield, Principal Development Officer (Planning) on 4974 2767.

Yours faithfully



**Priscilla Emmett**  
**DEVELOPMENT ASSESSMENT SECTION MANAGER**

Att

## Attachment: House numbering

ADDRESS SCHEDULE				
Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
Proposed Unit 1	8/27	Prospero	Street	Maryland
Proposed Unit 2	9/27	Prospero	Street	Maryland
Proposed Unit 3	1/25	Prospero	Street	Maryland
Proposed Unit 4	2/25	Prospero	Street	Maryland
Proposed Unit 5	3/25	Prospero	Street	Maryland
Proposed Unit 6	4/25	Prospero	Street	Maryland
Proposed Unit 7	5/27	Prospero	Street	Maryland
Proposed Unit 8	6/27	Prospero	Street	Maryland
Proposed Unit 9	7/27	Prospero	Street	Maryland



28 June 2023

Carmen Cotterill  
A/Manager, Community Engagement  
NSW Land and Housing Corporation  
Locked Bag 5112  
**PARRAMATTA NSW 2150**

Response by email: [Frances.Beasley@fac.nsw.gov.au](mailto:Frances.Beasley@fac.nsw.gov.au)

Dear Carmen Cotterill

## **PROPOSED RESIDENTIAL PROPOSAL 25-29 PROSPERO STREET MARYLAND**

I refer to the Land and Housing Corporation's (LAHC) letter received on 30 May 2023 advising of a revised residential proposal on the above properties under the 'development without consent' provisions of State Environmental Planning Policy (Housing) 2021 and inviting City of Newcastle ('CN') to comment.

The submitted documentation and plans have been reviewed by CN officers and the following advice is provided for your consideration:

### **1. Design considerations**

Concern is raised regarding the following aspects of the design of the development. It is recommended that design changes are made to address the following:

#### Building articulation and material finishes

The presentations of the three proposed residential buildings to the street frontage incorporates a mix of face brickwork and vertical metal wall cladding. The scale and colour of the latter cladding and the encroachment of the enclosed porches of Units 8 and 9 forward of the front building line will detract from the overall appearance of the development and the streetscape in general. It is recommended a more subtle design approach is considered. Furthermore, the enclosed porches accessed by steep stairways raises concerns from both accessibility and crime prevention perspectives.

#### Communal bin storage areas

It is noted the bin storage area located at the rear of the site on the original proposal has been split into two areas located well forward on the front building setback. While it is acknowledged this change eliminates tenants having to traverse stairs and significantly reduces the distance required to take their bins to the kerbside for collection, Section 3.03.05 of the Newcastle Development Control Plan (NDCP) 2012 requires that communal bin storage areas are located behind the building line of the street frontage and appropriately screened from public places and adjoining properties.

### **2. Accessibility**

An acceptable solution of Section 3.03.04 Configuration of the NDCP 2012 is that all dwelling in a multi-dwelling housing proposal include the *Liveable Housing Design*

*Guidelines* Silver Level universal design features. Three of the nine dwellings, as originally proposed, would have achieved the silver level.

As indicated in CN's previous submission, at the meeting of Council of 23 August 2022, a proposed Notice of Motion (NOM) relating to Housing Affordability was endorsed. The NOM will be included in CN's submission to the Local Government NSW (LGNSW) Annual Conference to be held in late October 2022.

The proposed NOM, in part, is sought that LGNSW:

3. *Calls upon the State government to ensure that all new public, social and affordable housing at a minimum incorporates the new accessibility standards in the National Construction Code.*

The revised National Construction Code includes new minimum accessibility standards, based on 'Silver' Performance level Accessibility standards of Liveable Housing Australia (LHA).

It was requested by CN that LAHC provide leadership on this issue by having all the proposed dwellings comply with the silver standard. Conversely, the access report prepared in support of the revised proposal, does not consider the guidelines and includes a statement '*Adaptable housing assessment not required for this development at the request of LAHC.*' This is a disappointing outcome.

#### **4. Stormwater Management**

Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties as a result of the proposal.

#### **5. Roof water**

All roof water from the proposal is to be directed to a water reuse tank with a minimum capacity of 24,000 litres, designed in accordance with Appendix 8 of CN's Technical Manual - Stormwater and Water Efficiency for Development, which supports relevant provisions of the NDCP 2012.

The lower 50% capacity or a minimum 4,000 litres, whichever is the greater, of the rainwater tank is to be reticulated into each of the following new uses:

- site irrigation systems
- external taps
- all toilets
- cold water washing machine taps and laundry basin taps

The upper remaining capacity of the rainwater tank is to drain from the tank by way of a 5mm weep hole connected to the main overflow pipe for the tank.

A mains water top-up system is to be installed to maintain a minimum water depth of 100mm within the tank. Alternatively, an electronically activated mechanical valve device is to be installed to switch to mains water when the water level in the tank falls below the minimum depth. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).

The water management measures as indicated on the submitted plans and supporting documentation are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate for the development.

## **6. Erosion and sediment control measures**

Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1 (the 'Blue Book') published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

## **7. Street trees**

It is noted that a wall proposed to be constructed adjacent to the street frontage in the western corner of the site will encroach into the tree protection zone (TPZ) of the council street tree identified as 'PT1' on the Site & External Works Plan. It is also proposed to remove an existing crossover from within the TPZ.

The following requirements apply:

- The driveway crossover adjacent to council street tree PT1 must be removed using hand tools. No Machinery to be operated within the TPZ.
- The other four council street trees identified as PS1-PS4 on the above plan are to be retained and protected in accordance with the 'City of Newcastle Urban Forest Technical Manual Part B Public Trees', 'Section 8.0 Protection Measures'.
- The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment or machinery to be stored within the fenced area.

## **8. Public domain works**

The LAHC is to design and construct the following works in connection with the proposal within the Prospero Street public road reserve, adjacent to the site, at no cost to CN and in accordance with CN's guidelines and design specifications:

- (a) A new driveway crossing in accordance with CN's Standard Drawing A1300.
- (b) A new kerb inlet pit (lintel nominal size 1200mm) to CN's Standard Drawing A2200 at the site frontage, connecting to an existing public pit via a new 375mm RRJ class 4 RCP pipe for discharge of stormwater from the development.
- (c) Connection of site drainage to new stormwater pit.
- (d) Removal of redundant driveways in the road reserve and restoration of kerb.

The engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field.

It is acknowledged Clause 5 of Schedule 2 of the savings, transitional and other provisions of the *Roads Act 1993* provides that a Public Authority, such as the LAHC, does not require consent from CN, to exercise its functions in respect of an unclassified road that is not a Crown Road. Accordingly, it is requested that prior to the commencement of construction CN is provided with a copy of plans for the crossing and layback together with the payment of any CN inspection fees.

All required and proposed works in the public domain are to be completed prior to the occupation of the revised proposal.

## **9. Vehicular crossing**

A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- (a) Constructed in accordance with CN's A1300 – Driveway Crossings Standard Design Details.
- (b) The driveway crossing, within the road reserve, shall be a maximum of 5.5 metres wide.
- (c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metres by 2.5 metre splay within the property boundary each side of the driveway entrance.
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- (e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and one metre clear of any drainage pit.
- (f) Any redundant existing vehicular crossing is to be removed at no cost to CN. The road reserve and kerb being restored to CN's satisfaction, to match the existing infrastructure.

## **10. Car parking**

The car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. All proposed driveways, parking bays, and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained.

## **11. Consolidation of lots**

The whole of the subject site comprising Lot 395, 396 and 397 of DP 702896, is to be consolidated into a single title lodged for registration of a survey plan of consolidation with the NSW Land Registry Services.

## **12. House numbering**

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

The minimum numeral heights are to be:

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

A schedule of the street addresses for the revised proposal prepared in accordance with CN's 'House Numbering Policy' and the *Surveying and Spatial Regulation 2017* is attached.

If you have questions in relation to the various matters raised in this letter, please contact Geof Mansfield, Development Assessment Section Manager on 4974 2767.

Yours faithfully



**Amy Ryan**  
**CITY SIGNIFICANT & STRATEGIC PLANNING MANAGER**

At

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ADDRESS SCHEDULE				
Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
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