

**ORDINARY COUNCIL MEETING
25 OCTOBER 2016**

**CCL 25/10/16
LAND BOUNDED BY MOSBRI CRESCENT AND KITCHENER PARADE
THE HILL - ENDORSEMENT OF AMENDMENT TO NEWCASTLE LOCAL
ENVIRONMENTAL PLAN 2012 AND DEVELOPMENT CONTROL PLAN 2012**

Attachment B: Draft Section 6.14 - 11 Mosbri Crescent, The Hill to the
Newcastle Development Control Plan 2012

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6.14 11 Mosbri Crescent, The Hill

Draft

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	__/__/20__	__/__/20__	New

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to land identified in **Map 1 – 11 Mosbri Crescent, The Hill**:

Map 1 – 11 Mosbri Crescent, The Hill



Development (type/s) to which this section applies

This section applies to all development consisting:

- new buildings or structures

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy No 71 – Coastal Protection.

In the event of any inconsistency between this section and the above listed environmental planning instruments, the environmental planning instruments will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 3.00 Any applicable landuse specific provision under Part 3.00

Note: Any inconsistency between the locality specific provision and a provision in the following sections, the locality specific provision will prevail to the extent of the inconsistency.

- 4.02 Bush Fire Protection – within mapped bush fire area/zone
- 4.03 Mine Subsidence – within mine subsidence area
- 4.04 Safety and Security
- 7.01 Building Design Criteria
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management.

The following sections of this DCP **may** also apply to development to which this section applies:

- 4.05 Social Impact – where required under 'Social Impact Assessment Policy for Development Applications', 1999
- 5.01 Soil Management – works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination – land on register/where risk from previous use
- 5.03 Tree Management – trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage – known/likely Aboriginal Heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items – known heritage item or in proximity to a heritage item
- 5.06 Archaeological Management – known/likely archaeological site or potential soil disturbance
- 5.07 Heritage Conservation Areas – known conservation area
- 7.04 Movement Networks – where new roads, pedestrian or cycle paths are required.

Associated technical manual/s

- Nil

Additional information

- Urban Design Study - 11 Mosbri Crescent, The Hill (SJB Architects, 2016)

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary of this plan.

- **Human scale streetscape** - means a streetscape that is scaled for the pedestrian.
- **RFB** - Residential Flat Building

Strategic Overview

The site is situated on the western edge of a hill, the summit of which is the heritage listed Obelisk in King Edward Park. The topography across the site drops sharply from Arcadia Park and Kitchener Parade on the eastern and northern boundaries into a relatively flat basin in the central and eastern sections of the site where the current NBN studio buildings are located fronting Mosbri Crescent. Moving west of the site, topography continues to slope down towards Darby Street.

Future development on the site should provide for a range of housing typologies which is consistent with Council's Local Planning Strategy. The residential flat buildings are to be located on the northern and central section of the site and orientated on a north-south axis to maximise their sunlight, whilst also minimising overshadowing and impacts on the existing and proposed residential amenity. Residential terraces are to be located along the southern boundary of the site.

Future development on the site should be designed taking into account the significant changes in topography on the site to enable buildings to fit in with, and respect, the surrounding topography (including ridgelines), streetscapes, built form and heritage context.

Aims of this Section

1. To provide responsive and sustainable redevelopment of the site.
2. To ensure new development incorporates best practice principles and achieves a quality urban renewal outcome.
3. To ensure building orientation and footprints are designed to maximise solar access and allow for natural ventilation.
4. To allow for a sensitive transition of building height which responds to the surrounding built form, heritage and topography, including protection of ridgelines.
5. To provide a variety of housing typologies to provide interest to the site and to respond to topography.

6. To strengthen and reinforce the streetscapes of Mosbri Crescent and Kitchener Parade through human scaled streetscapes and well-defined landscape.
7. To increase the opportunity for pedestrian connections to local amenity beyond the site boundary including Arcadia Park, Mosbri Crescent Park and connections to services and transport.
8. To protect important views through building design and location.
9. To provide amenity and social inclusion through the provision of shared communal open space.
10. To incorporate the existing landscape to act as a buffer between the site and neighbouring sites.
11. To provide high amenity private open space in the form of balconies for apartments and rear gardens, courtyard spaces and upper level balconies for terrace houses.

6.14.01 Land use and development

Objectives

1. To ensure site layout and building typology supports the aims of this section.

Controls

General controls applying to all development to which this section applies

1. The preferred development layout and building typology for the Site is shown in **Map 2 – Preferred site layout plan and building typology**.

Map 2 – Preferred Site layout plan and building typology



6.14.02 Building form

A. Floor Space Ratios

Objectives

1. To provide an appropriate density of development consistent with the established centres hierarchy.
2. Ensure building density, bulk and scale makes a positive contribution towards the desired built form of the locality as identified by the Local Planning Strategy, including the established centres hierarchy.
3. Encourage built form and massing of development that contributes to increased residential density and reflects the intended building typologies.

Controls

General controls applying to all development to which this section applies

1. Refer to Newcastle Local Environmental Plan 2012 for floor space ratio controls.

B. Height

Objectives

1. Ensure the scale of development enhances and makes a positive contribution towards the desired built form by reinforcing the established centres hierarchy.
2. Allow reasonable daylight access to all developments and the public domain.
3. Ensure building, bulk and scale makes a positive contribution towards the desired built form of the locality as identified by the Local Planning Strategy, including the established centres hierarchy.
4. Encourage built form and massing of development that contributes to increased residential density and reflects the intended building typologies.
5. Encourage a built form that reflects and responds to the site's topography, including protection of ridge lines.
6. Provide sympathetic built forms that reflect a transition in building height from Kitchener Parade to Mosbri Crescent.
7. Respect the low scale character of adjacent residential precincts and heritage precincts by providing human scaled streetscape edges.

Controls

General controls applying to all development to which this section applies

1. Refer to the Newcastle Local Environmental Plan 2012 for building height controls.

2. Taller buildings are located and designed to maintain views from the Obelisk in King Edward Park.

Note: Refer also to Clause 5.6 Architectural roof features of the Newcastle Local Environmental Plan 2012.

C. Building Setbacks

Objectives

1. To ensure setbacks are compatible with the streetscape and define the street edge.
2. Street wall heights retain the human scaled streetscape of Kitchener Parade and Mosbri Crescent.
3. Improve pedestrian amenity and circulation through and around the site.
4. Enable the retention of significant trees and provide the opportunity for street tree planting and public domain improvements.
5. Ensure rooftop communal areas are integrated into building form.

Controls

General controls applying to all development to which this section applies

1. Building setbacks are consistent with those shown on **Map 3** – Building setbacks and **Figures 1 - 5** – Building Cross sections.
2. Rooftop access is provided to the rooftop communal open space for Buildings A and B (as indicated on **Map 4** - Landscape concept plan). This habitable space is limited in area to 20% of the roof plane of the floor below, is contained within the maximum height limit and is integrated with any rooftop architectural features.

Note 1: Building depths also respond to Apartment Design Guidelines (Department of Planning & Environment, 2015).

Note 2: Height limits have been set to enable habitable rooftop access for Buildings A and B. If this is not provided, then heights to roof planes are observed as per Figures 1 to 5.

Note 3: Refer to Clause 5.6 Architectural roof features of the Newcastle Local Environmental Plan 2012.

Map 3 – Building Setbacks

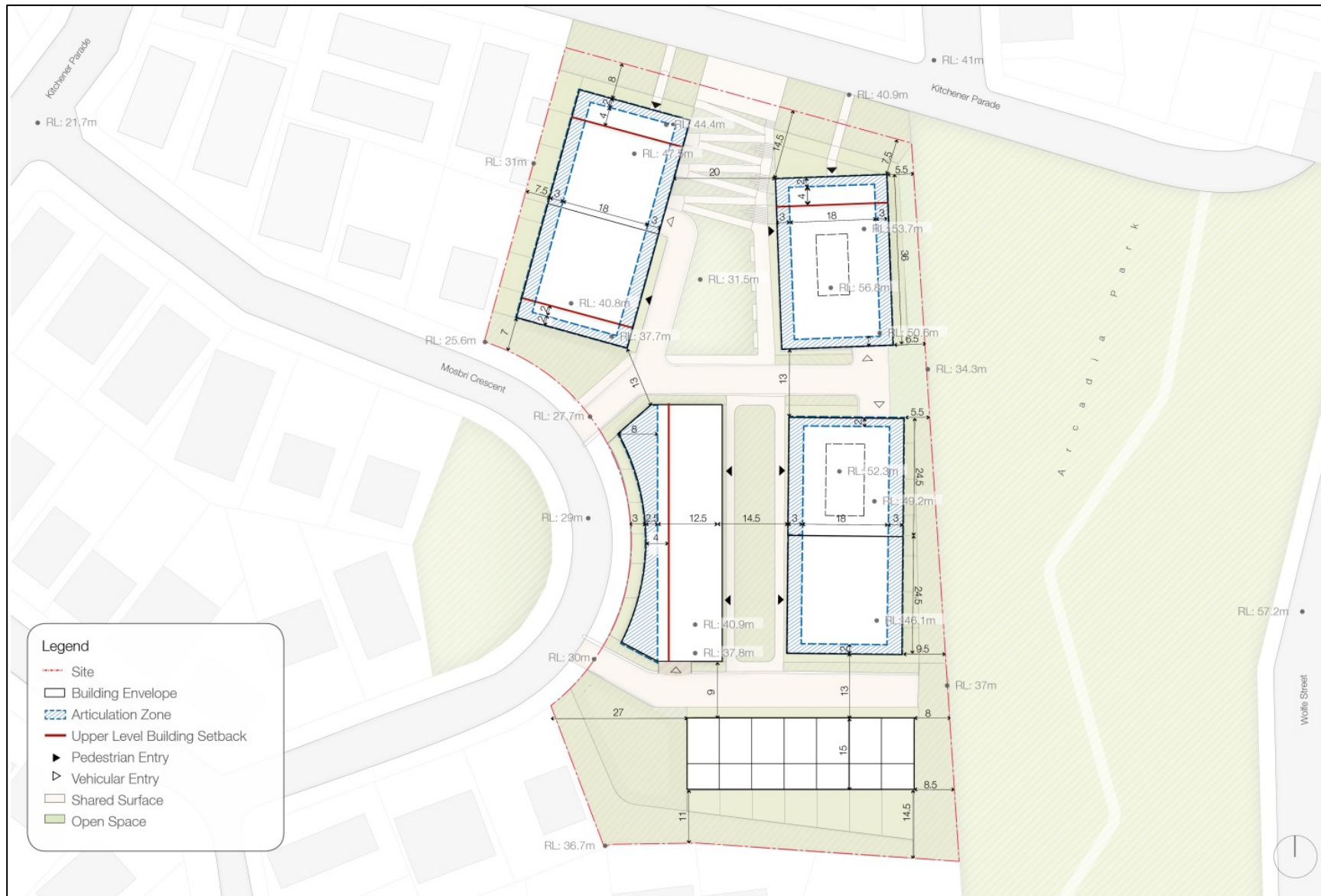


Figure 1 – Building A Kitchener Parade cross section

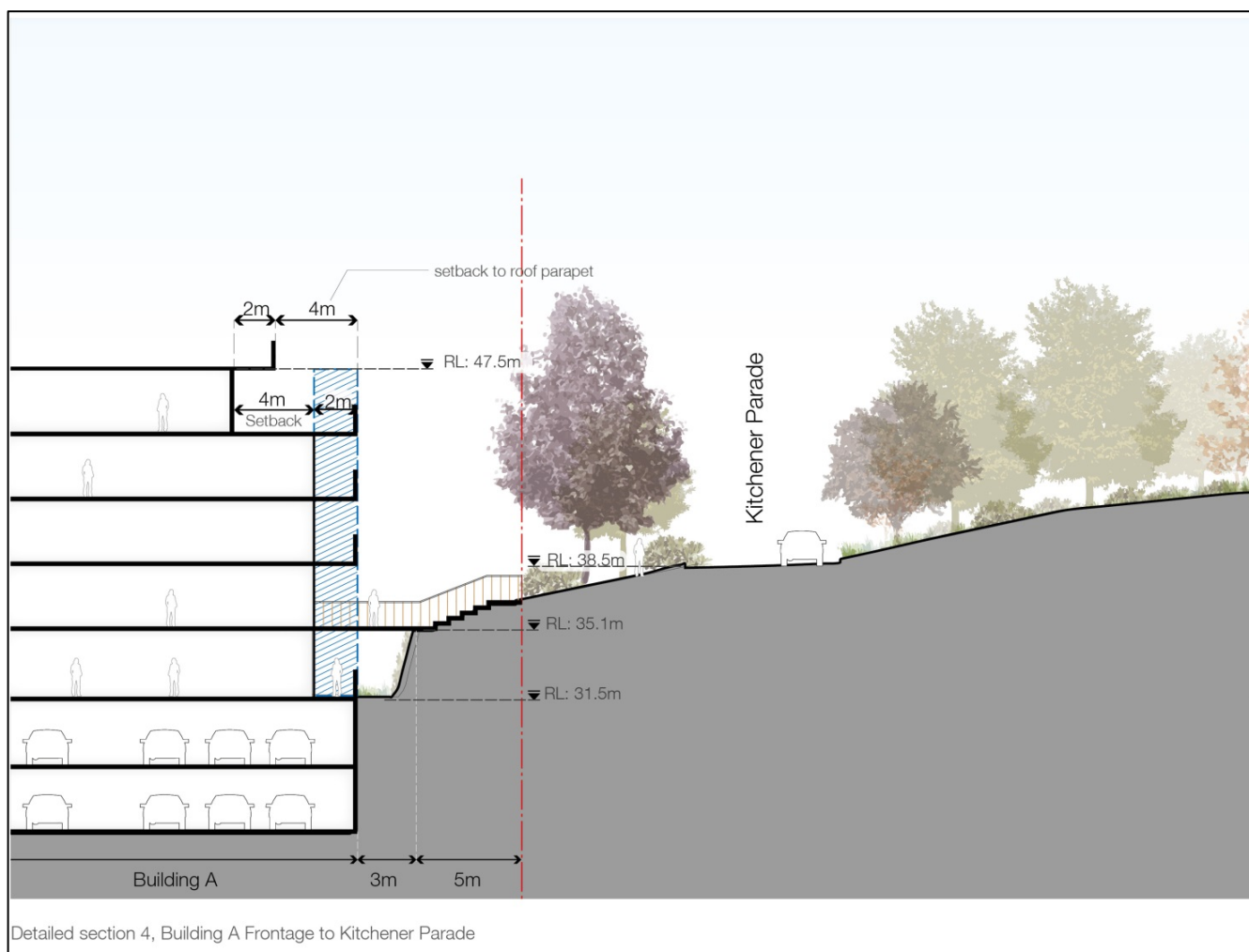


Figure 2 – Building B Kitchener Parade cross section

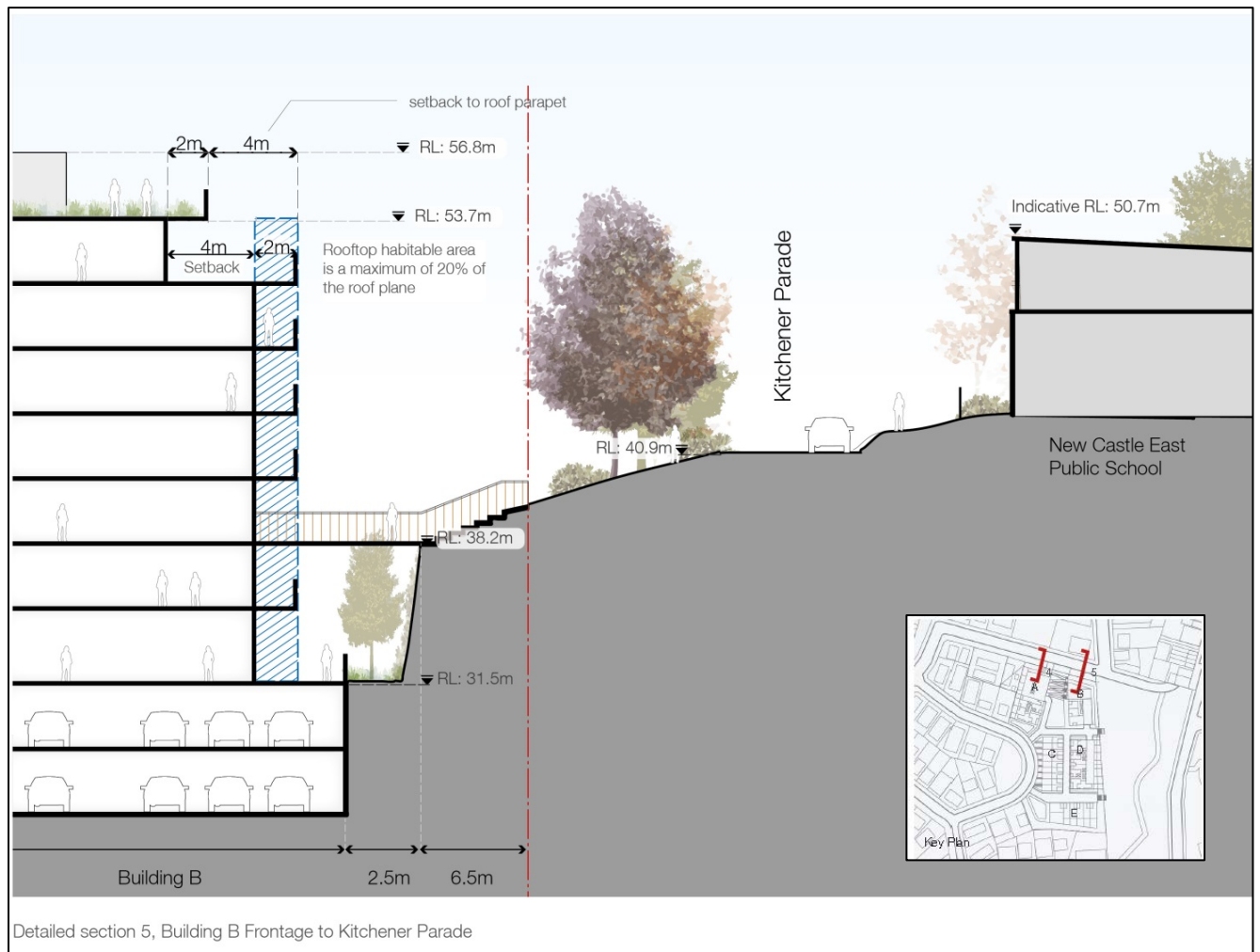


Figure 3 – Building B Arcadia Park cross section

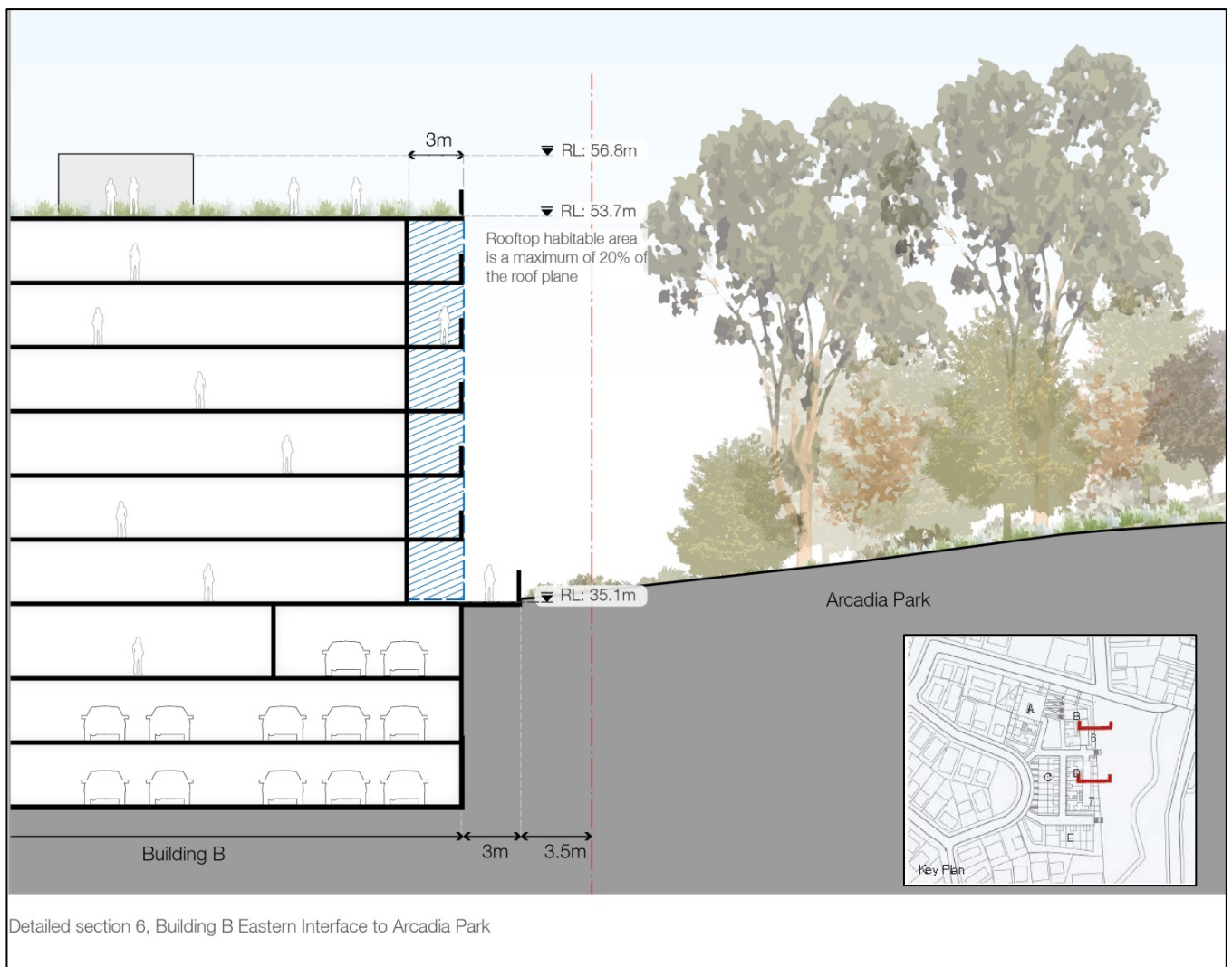


Figure 4 – Building D Arcadia Park cross section

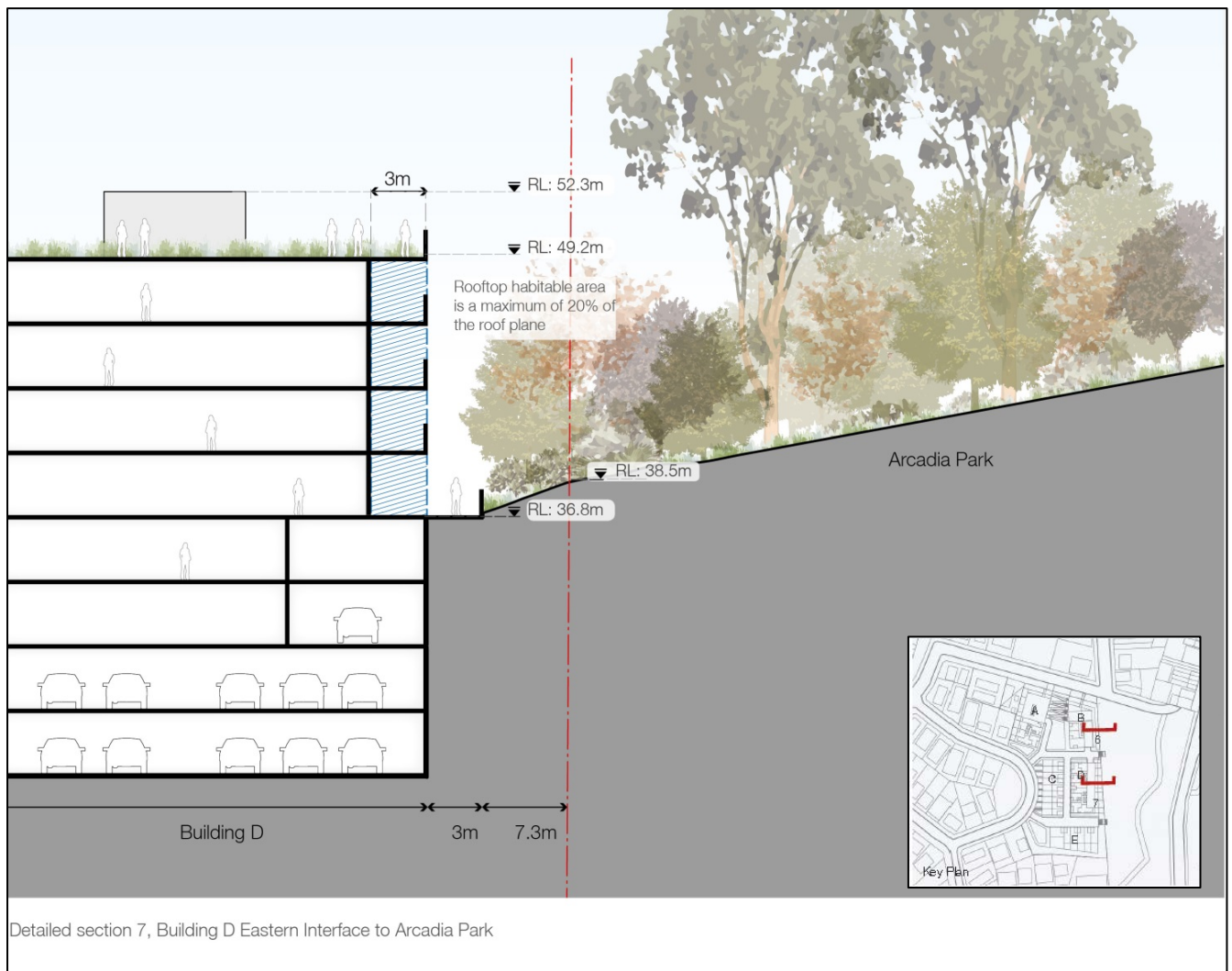
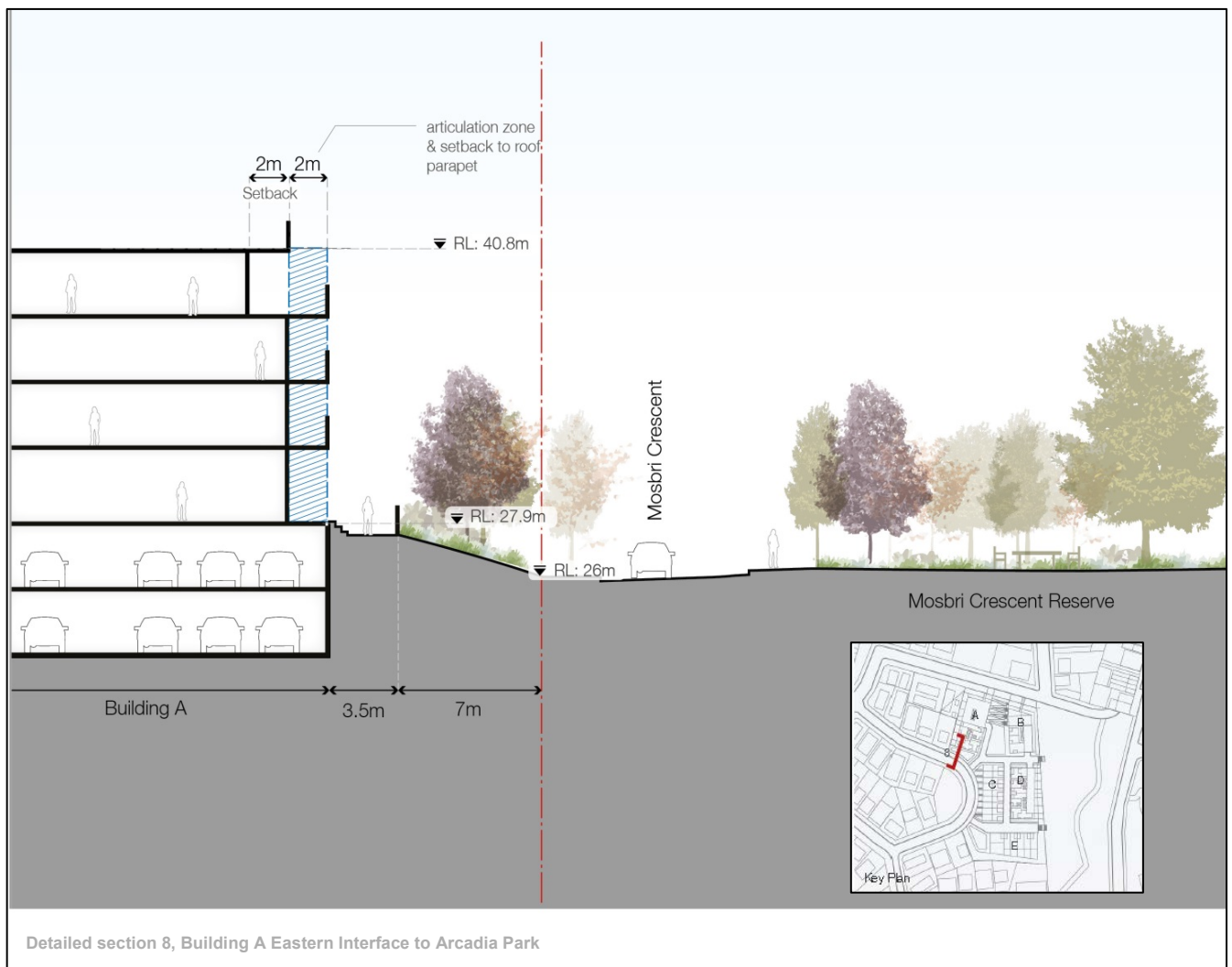


Figure 5 - Building A Mosbri Crescent Cross Section



D. Building Design Elements

Objectives

1. Encourage use of design elements and materials that reflect contemporary architectural styles but are sympathetic to adjoining heritage conservation areas.

Controls

General controls applying to all development to which this section applies

1. Building facades incorporate a range of balconies and fenestration for visual interest and improved amenity.
2. Utilise potential open space on upper levels by including roof gardens and terraces.
3. The selection of materials used for new development considers and respects the character of existing buildings in the surrounding streetscape.
4. Exterior colour schemes are co-ordinated and consistent with existing local character. Avoid bright extravagant colour schemes that do not contribute to an integrated streetscape and the local character.
5. Mechanical, service and telecommunication equipment are discreetly enclosed on roof tops so as not to diminish the aesthetic qualities of the precinct and the building.

Note: Refer also to Clause 5.6 Architectural roof features of the Newcastle Local Environmental Plan 2012.
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6.14.03 Public Domain

A. Traffic and transport

Objectives

1. Provide for the parking needs of residents and visitors without adverse impacts on building bulk or streetscapes.
2. Minimise the impact of driveways on pedestrian access and streetscapes.

Controls

General controls applying to all development to which this section applies

1. Vehicular access to the site should be provided from Mosbri Crescent in the general locations shown in **Map 2** – Preferred Site layout plan.
2. Car, motorcycle and bike parking is provided as per Section 7.03 Traffic, Parking and Access.

3. At grade car parking is only provided where:
 - (a) it is set back or sleeved behind other uses
 - (b) it is integrated into the built form and covered by upper levels of the development or upper level open space/landscape provision
 - (c) it is not within front building setbacks
 - (d) it is not impeding ability to meet minimum on-site landscape requirements.
4. New pedestrian footpaths are provided along street frontages.
5. New street tree planting is provided along Mosbri Crescent frontage and Kitchener Parade frontage.

Note: Existing street trees along Kitchener Parade may need to be removed to enable new footpath construction.
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B. Open space and landscaping

Objectives

1. Provide high amenity communal and private open space.
2. Incorporate the existing landscape to the edges of the site to act as a buffer between the site and neighbouring sites.
3. Soften the visual impact of development.

Controls

General controls applying to all development to which this section applies

1. Landscape elements are to be provided generally in accordance with **Map 4** – Landscape concept plan.
2. Deep soil areas to be located around the site's northern, eastern and southern boundaries, incorporating existing trees and new tree planting.
2. Private amenity space is to be provided at the ground floor of each building and accessed directly by the adjacent dwelling. In the case of terraces (Building E), it will include the front and rear gardens.
3. Green roofs/soft landscaping treatments are to be provided on the roof planes of key buildings to reduce the visual impact of the development from key vantage points, in particular the Obelisk in King Edward Park.
4. Site fencing adjacent to Arcadia Park should be permeable (eg. metal picket) to enable surveillance and avoid graffiti.
5. Key pedestrian access throughout the site is separated from vehicular driveways.

6. Public pedestrian access through the site is provided between Mosbri Crescent and Kitchener Parade (Refer **Map 1**). The access shall observe CPTED principles, including clear delineation from private open space areas.

Note: The public pedestrian access is to be covered by appropriate easements registered against the title of the land.

Map 4 – Landscape concept plan



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