

JRPP No:	2009HCC010
DA No:	DA 09/1229
PROPOSED DEVELOPMENT:	DEMOLITION OF EXISTING STRUCTURES ON SITE AND CARRYING OUT EARTHWORKS, SUBDIVISION OF 27 LOTS INTO TWO LOTS. NEW RETAIL CENTRE WITH UNDERGROUND CAR PARKING INCORPORATING COLES & ALDI SUPERMARKETS, 24 SPECIALTY SHOPS AND FIVE KIOSKS, AND RESIDENTIAL COMPONENT COMPRISING A TWO-STOREY BUILDING WITH BASEMENT CAR PARK CONTAINING TWENTY TWO-BEDROOM APARTMENTS, MAITLAND RD, THOMAS STREET, HAVELOCK AND HEWSON STREET, MAYFIELD
APPLICANT:	MCMULLIN GROUP
REPORT BY:	FUTURE CITY

Assessment Report and Recommendation

PURPOSE

An application has been received seeking consent to demolish the existing structures on site and erect a new retail centre with underground car parking including a Coles and Aldi supermarkets, 24 speciality shops and five kiosks. The application also incorporates a two storey building along Havelock Street proposing twenty two-bedroom dwellings with basement parking. The proposal involves the re-subdivision of the existing 27 lots into two lots. The development involves a large number of sites on Maitland Road, Thomas, Hewson and Havelock Streets, Mayfield. A copy of the amended plans for the proposed development is appended at **Attachment A**.



Subject Land: Map 297 - A9 as Gregory's Street Directory, 27th Edition

The original and amended applications have been publicly notified in accordance with Council's Public Notification policy. Finally, a revised road concept plan (ie modifying traffic conditions in the streets near the development) was publicly notified in accordance with Council's Public Notification policy. It is confirmed that a total of thirteen individual submissions have been received in response to public notification of the application during the original public notification period.

The amended and additional information was also publicly notified and five individual submissions and a petition containing 25 signatories were received.

The notification of the revised road concept plan received 47 individual submissions and nine petitions containing 29, 84, 10, 11, 18, 9, 70, 15 and 53 signatories respectively.

The objectors concerns include zoning, residential amenity impacts, traffic, lack of on-site parking, loss of on-street parking, resident's vehicular access, loss of resident parking, bicycle parking and access, character/visual impact, urban design, overshadowing, privacy, loading dock, traffic and pedestrian safety, stormwater/flooding, economic impacts, housing demolition, construction impacts, property values and loss of income and impact of Thomas/Church Street realignment.

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

Issues

- Whether the proposed development would unreasonably impact on the amenity of the neighbouring dwellings.
- Whether the proposed development would have unreasonable traffic and parking impacts.

Conclusion

The amended proposal has been assessed having regard to the relevant heads of consideration under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* (the Act) and is considered to be satisfactory in terms of the Newcastle Local Environmental Plan 2003 (NLEP) and the Newcastle Development Control 2005 (DCP).

RECOMMENDATION

The amended application seeking consent to demolish the existing structures on site and erect a new retail centre with underground car parking including a Coles and Aldi supermarkets, 24 speciality shops and 5 kiosks plus twenty 2-bedroom dwellings with basement parking being approved on a deferred commencement basis subject to approval being obtained from the Land and Property Management Authority (LPMA) for the road closure and transfer of Hewson Street to the applicant and the neighbours consent being obtained for the proposed acoustic fencing and the conditions appended at **Attachment B**.

PART II

1.0 THE SUBJECT SITE

The subject site includes a large number of parcels listed below. The application also involves the road closure of Hewson Street and portion of a private lane (Estate of James Roe) which extends from Havelock Street, Mayfield (ie along the rear of properties that front Maitland Road). The application relies on the construction of acoustic fencing on Lot: 1 DP: 797455, 1 Church Street and Lot: 3 DP: 37351, 2 Thomas Street, Mayfield. These lots do not form part of the current application, as lodged, but conditions have been imposed regarding the obtaining of owners consent and construction of the fencing.

Subject Lots

Commercial

- Lot 1-5 Section G DP 3628 known as 61 Maitland Road, Mayfield
- Lot 10 DP 1010126 known as 77 Maitland Road, Mayfield
- Lot 5 DP 625925 known as 83 Maitland Road, Mayfield

Residential

- Lot 2 DP 37351 known as 1 Thomas Street, Mayfield
- Lot 1 DP 37351 known as 3 Thomas Street, Mayfield
- Lot 1 DP 197017 known as 2 Havelock Street, Mayfield
- Lot 1 DP 783265 known as 4 Havelock Street, Mayfield
- Lot 177 Section L DP 975643 known as 6 Havelock Street, Mayfield
- Lot 176 Section L DP 975643 known as 8 Havelock Street, Mayfield
- Lot 6 Section F DP 3626 known as 10 Havelock Street, Mayfield
- Lot 5 Section F DP 3626 known as 12 Havelock Street, Mayfield
- Lot 4 Section F DP 3626 known as 14 Havelock Street, Mayfield
- Lot 175 Section L DP 975643 known as 1 Hewson Street, Mayfield
- Lot 174 DP 731657 known as 3 Hewson Street, Mayfield
- Lot 173 Section L DP 975643 known as 5 Hewson Street, Mayfield
- Lot 3 DP 161861 known as 7 Hewson Street, Mayfield
- Lot 11 Section F DP 3626 known as 2 Hewson Street, Mayfield
- Lot 12 Section F DP 3626 known as 4 Hewson Street, Mayfield
- Lot 13 Section F DP 3626 known as 6 Hewson Street, Mayfield
- Lot 14 Section F DP 3626 known as 8 Hewson Street, Mayfield
- Lot 165 DP 975643 known as 10 Hewson Street, Mayfield
- Lot 164 Section L DP 975643 known as 12 Hewson Street, Mayfield

The development site has an irregular shape with frontages to Maitland Road, Thomas, and Hewson and Havelock Streets, Mayfield. It is noted that the application proposes to fully close Hewson Street (ceasing to be a public road) and this frontage being absorbed into the development site. The applicants indicate that the total area of the site is 13,967 m² (which excludes the residential lots for the acoustic fencing at Lot: 1 DP: 797455, 1 Church Street

and Lot: 3 DP: 37351, 2 Thomas Street, Mayfield). The applicants further indicate that the site '*...has a south-western frontage of approximately 175 metres to Maitland Road, and a north-eastern frontage of approximately 115 metres to Havelock Street.*'

The site has a gentle fall from east to west towards Church Street. The subject site contains a variety of buildings including 19 existing dwellings and several larger commercial buildings which are all to be demolished. The larger commercial building sites have no significant vegetation consisting of predominately hardstand areas. The majority of the dwelling sites have little significant vegetation (the dwellings and out buildings covering the larger portions of the sites). Several larger trees will be removed as part of the application between the northern side of Hewson Street and the unnamed lane (mostly between 8 and 10 Hewson Street).

Existing development on the adjoining properties to north, east and west mostly comprise single-storey and two storey detached dwellings. The land along Maitland Road is a mixture of various commercial businesses.

2.0 THE PROPOSAL

The development application as originally submitted proposed:

- Demolition of existing structures on site.
- Earthworks.
- Subdivision of 27 lots into 2 lots.
- Construction of a new retail centre with underground car parking incorporating Coles Supermarket, Aldi Supermarket, 22 specialty shops and three kiosks plus associated road works and traffic management.
- An overall centre having 11935m² gross floor area with a nett leasable area of 8836m² including Coles (4300m²) and Aldi (1438m²).
- An underground car park containing 363 spaces.
- Construction of residential development incorporating 12 apartments (1 one bedroom and 11 two-bedroom) and 6 townhouses (each 2 bedroom).

An amended design was submitted on 23 July 2010 which made several modifications including:

- Internal changes of the proposed floor space resulting in 24 speciality shops and 5 kiosks being proposed. The use of several proposed shops being nominated including Coles supermarket (4350m²), Aldi store (1465m²) a pharmacy, Coles Liquor and a dental surgery. The remaining shops are proposed on a speculative basis and would each require a separate application to commence use.
- The alteration of the proposed dwellings to twenty two-bedroom double storey dwelling with associated basement parking.

The proposed hours of operation as indicated within the submitted Statement of Environmental Effects are:

'Hours of Operation

The following hours of operation are proposed for Coles:

- *Monday to Saturday: 7:00 am to midnight.*
- *Sunday and Public Holidays; 7:00 am to 10:00 pm.*

The following hours of operation are proposed for Aldi:

- *Friday to Wednesday and Public Holidays: 9:00 am to 6:00 pm.*
- *Thursday: 9:00 am to 9:00 pm.*

The specialty shops within the centre will have the following opening hours:

- *Monday to Wednesday and Friday: 9:00 am to 5:30 pm.*
- *Thursday: 9:00 am to 9:00 am.*
- *Saturday: 9:00 am to 5:00 pm.*
- *Sunday: 10:00 am to 4:00 pm.'*

The application involves a road closure of Hewson Street which required separate approval from Council and the Land and Property Management Authority. The report and recommendation for this road closure was adopted by Council on 6 April 2010. The use of the land (excavation and building upon Hewson Street) cannot occur until the Department of Lands have given their approval and, as such, would normally be addressed within a deferred commencement consent if the application was to be supported.

A copy of the current amended architectural plans, elevations and sections is appended at **Attachment A**.

3.0 PUBLIC NOTIFICATION

The original and amended applications have been publicly notified in accordance with Council's Public Notification policy. A total of thirteen individual submissions have been received in response to public notification of the application during the original public notification period 9 October to 23 October 2009. The amended and additional information was also publicly notified and 5 individual submissions and a petition containing 25 signatories were received. It is further noted that two letters of support were received.

The revised road concept design was publicly notified in October/November 2010 and 47 individual submissions were received. Nine petitions objecting to the proposal containing 29, 84, 10, 11, 18, 9, 70, 15 and 53 signatories respectively have also been received (the petitions being from business owners along the southern side of Maitland Road).

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

1. **Zoning/Amenity Impacts** – *'Too close to residential areas, although this area has recently been rezoned – is the whole proposed development in compliance with the zoning?'*
2. **Amenity Impacts** – Concern raised regarding the amenity impacts generated by the proposal in terms of operational and construction noise, hours of operation, loss of sleep, pollution and traffic. Concern that the required concrete islands along Maitland Road will *'...literally cut the street in half and will offer nothing in regards to Mainstreet amenity..'*
3. **Traffic** – Concern regarding traffic congestion/conflict impacts, particularly in terms of Church and Thomas Streets due to the proposed loading dock, underground car park access and width of the streets. To address the traffic impacts in Thomas Street, it is suggested that the street be closed adjacent to No 2 Thomas and the proposed loading dock (i.e. this would be instead of the proposed traffic calming devices). Concern that the proposed changes within Maitland Road and Church Street *'..will make it even more hazardous than it is now for cycling.'* Concerns that the proposed traffic changes will affect the access and visibility for vehicles intending to enter the new 7-Eleven (ie *'..affecting sales for the business.'*) and the lack of availability of parking for other surrounding businesses. *'We request that consideration is given to the provision of a dedicated right turning bay on Maitland Road to the 7-Eleven development for traffic travelling south east along Maitland Road, in a similar format to the right turning bay provided to the McDonald's Restaurant at 107 Maitland Road.'* Maitland Road should be a *'...40kph speed zone from Ingall to Hanbury...'* streets. The construction of proposed median within Maitland Road will effectively result in a continuous restriction preventing right hand turns to the south (eg 7-Eleven) and we *'..request for traffic travelling south east along Maitland Road (in a similar format to the right turning bay provided to the McDonald's...).'* Two letters of support was received in relation to the intended changes which will result in the midblock closure of Thomas Street. One letter raising concerns with the closure due to lost of on street parking.
4. **Parking** – Concern that the proposed development does not have sufficient on site parking.
5. **Loss of on-street parking** – The loss of on street parking for businesses, including Centrelink, along the southern side of Maitland Road would be unreasonable as they have a need for access to reasonable parking. They *'..rely on the provision of parking for it's staff, customers and deliveries. This means we need parking on street. Without this...'* the business, *'...will not be able to continue,..'* resulting in a potential loss of *'..137 full and part-time staff...'* compared to the new *'...134 equivalent full-time jobs that will be created by the application.'* The loss/closure of these existing businesses may have a negative effect on the existing urban streetscape both in terms of economic vitality and building maintenance. Many of these businesses *'...are highly specialised and all rely on, not only the convenience provided by street-side parking for their customers and clients but also the exposure and low rent the building stock and location offer.'*

Concern regarding the loss of residential and disabled access parking on Maitland Road and Nile Street especially *'...outside one of the busiest Centrelinks in the Newcastle LGA in the suburb with the highest number of people who are disabled.'*

Concern that the development will have a significant economic and social impact in the area and alternative traffic solutions be investigated to avoid these impacts such as Maitland Road being converted to single lane in each direction.

6. **Bicycle Access/Parking** – Concern that insufficient bicycle parking facilities have been provided. Concern that the development will prevent adequate cycle access on Maitland Road.
7. **Resident Access to Properties** – Concern that the proposal will restrict access for residents whose garages access Thomas Street between the loading dock and Church Street.
8. **Resident Parking** – The proposal will result in loss of kerbside parking within Thomas Street used by residents.
9. **Character/Visual Impact** – *'Appearance of the proposed development (in particular the 3 storey townhouses) in Havelock Street is bulky and inconsistent with street character of individual single storey houses.'* *'The proposed development would need to include adequate landscaping to disguise the development and beautify the area.'* *'The heavily increased number of residents will create increased noise, pollution and present a danger for our children.'*
10. **Urban Design** – Concern that the speciality shops adjacent Maitland Road will not have direct access creating an *'..impersonal façade making this particular strip uninviting to pedestrian traffic.'*
11. **Overshadowing**- Concern that the proposal will result in overshadowing impacts on houses within Havelock Street.
12. **Privacy** – Concern that the proposed development, specifically the proposed three storey townhouses, could result in privacy impacts.
13. **Loading Dock** – Concerns generally regarding the operation of the loading dock in terms of vehicle movements and amenity impacts. *'..we suggested (to the applicants) that all trucks could enter/exit via Maitland Road only and the developers advised that they would take our concerns into consideration.'*
14. **Traffic/Pedestrian Safety** – Concern that the proposed development will result in unacceptable pedestrian safety impacts. Concern that the proposal will negatively impact on existing footpaths. The underground car park entrance and loading dock in Thomas Street should be removed and access only be via Maitland Road. The construction of a pedestrian fence will further impact on businesses on the southern side of Maitland Road. Suggestion that the proposed footpath in Thomas Street be located so that it transitions from the southern side of Thomas Street east of the cul-de-sac to the northern side west of the cul-de-sac to avoid conflict with the loading dock and driveway to basement car park.
15. **Stormwater/Flooding** – Concern that the proposed development will exacerbate existing stormwater/flooding impacts.
16. **Economic Impacts** – Concern regarding the impact of the proposal on the existing businesses and potential negative economic impacts on existing businesses. *'No need for further such development – already a*

Woolworth and Franklins shops within short distance which seems to cater sufficiently for the area.' '..how many shops are likely to close or relocate, turning the existing shopping strip into a row of empty shops?'

17. **Housing Demolition** – Concern regarding the loss of existing housing while there are '*..empty shops in Mayfield*'. Concern that the proposal results in the loss of the existing '*neighbourhood*'. '*We are extremely concerned that the demolition of the existing structures and houses will create a toxic dust, especially asbestos, and that there will be no monitoring of this very insidious problem.*'
18. **Construction Impacts** – Concern that the proposed construction works, particularly the excavation required, will result in damage to neighbouring properties.
19. **Property Values/Loss of Income** – Concern that the proposal will negatively impact surrounding property values. '*My property..is an investment property, I suspect that during demolition, excavation and construction phases of this project it will be very difficult to lease the dwelling.*'
20. **Thomas/Church Realignment** – Concern that the Thomas/Church Street corner realignment to allow for articulated vehicles could cause structural damage to the existing building.

The objectors' concerns are addressed under the relevant matters for consideration in the following section of this report.

4.0 ENVIRONMENTAL PLANNING ASSESSMENT

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

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

a) Newcastle Local Environmental Plan 2003

The subject property is included within the 3(b) District Centre Zone under the provisions of the Newcastle Local Environmental Plan (NLEP), 2003, within which zone the proposed development is permissible with Council's consent. The proposed development is also consistent with the zone objectives.

It is noted that the residential parts of the site were rezoned from 2(b) Urban Core to 3(b) District Centre (gazetted 20 November 2009) under a separate rezoning application by the applicants to allow the current proposal to be permissible.

The (NLEP) 2003, under Clause 33, requires that the consent authority shall assess the impact of the proposed development on the heritage significance of the heritage item. The proposal has been assessed by Council's Heritage Advisor, their assessment is included below:

- *'The Coliseum - 116-122 Maitland Road Mayfield, local significance*

Heads of consideration arising from NLEP 2003

Clause 33

Council is required to make an assessment of the impact of a development on the heritage significance of items in the vicinity of development (Clause 33, NLEP 2003). Owing to the relationship of the development to the Coliseum on the opposite corner the application has been assessed for its degree of impact on this heritage item. The intersection of Havelock Street and Maitland Road is also of interest to this assessment as the buildings located on each side of the Havelock/Maitland Road intersection are a positive visual presence in the streetscape. These commercial buildings have the potential to have heritage significance but are not listed at the present time in Schedule 6 of the NCCLEP 2003.

With regards to Clause 33 of the NLEP 2003, it is noted that the development is located on the north side of Maitland Road and is not in a direct line of sight to the heritage item. Although the proposed development is in close proximity to the Coliseum, the view corridor to the heritage item from both the east and west approach is not affected.

The commercial premises at the corner of Havelock Street and Maitland Road is not included within this development proposal and for the foreseeable future will continue to separate the commercial and residential aspects of the development from Maitland Road. This will provide a physical buffer between the south east extent of the retail complex and the intersection of Maitland Road and Havelock Street.

Recommendation

Outdoor advertising and business identification should be managed through consent conditions to ensure there is no impact posed by inappropriately designed signage and the heritage item at 116-122 Maitland Rd Mayfield.'

Appropriate conditions have been recommended within **Attachment B**.

b) Draft Newcastle Environmental Plan 2011

It is advised that Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act, 1979*, requires that any draft environmental planning instrument (EPI) which '*..is or has been the subject of public consultation..*' is a relevant matter for consideration in the assessment of a development application.

The draft Newcastle Local Environmental Plan 2011 (NLEP 2011) has been placed on exhibition between 5 October and 21 December 2010. The subject land is predominately zoned B2 Local Centre under this draft zoning and the use is permissible as a *retail premises*. It is noted that 1 and 3 Thomas Streets

are zoned R4 High Density Residential under the draft which prohibits *retail premises* (the proposed northern loading dock intended in this area).

Where a draft EPI will prohibit a use proposed within a submitted application currently under assessment the general planning principles which apply are twofold.

Firstly, the degree to which the gazettal of the draft EPI is imminent and certain (eg are the final steps for gazettal within the Department of Planning about to be completed). The exhibition of the draft LEP 2011 is very recent and, as such, there is no certainty regarding the final form or timing of its actual gazettal.

Secondly, the impact on the *public interest* if the application was approved. Is the *public interest* unreasonably impacted into the future considering the use would otherwise be prohibited? In this respect it is noted, as outlined above, that this land had recently been rezoned to 3(b) District Centre under the current NLEP 2003 including the area now proposed to be zoned R4 High Density Residential under the draft NLEP 2011. In this respect it is likely that the change in zoning is inadvertent and should be modified prior to the draft LEP 2011 being finalised. The current application was developed based on the land being rezoned to its current 3(b) District Business zoning and the development has been publicly notified twice on the basis that the development is permissible.

Finally, it is noted that the draft LEP 2011 includes a saving provision, as outlined below, allowing a prohibited use to be considered, if lodged before the gazettal of the draft LEP 2011, notwithstanding the prohibition. It is noted that the terms of the saving provision requires that the assessment of applications is to be made on the basis that the prohibition has been exhibited.

'1.8A Savings provision relating to pending development approvals [local]

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before the commencement, the application is to be determined as if this Plan had been exhibited but not commenced.'

c) State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

An assessment of the application has concluded that the proposal does not constitute a residential flat building under the provisions of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development as the residential elements do not fall within the definition below:

residential flat building means a building that comprises or includes:

- (a) *3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) *4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.*

d) State Environmental Planning Policy No 55—Remediation of Land

The proposal has been assessed in detail having regard to land contamination issues as outlined in Section 4.2.3 (e) of this report and it is considered that the proposal is acceptable having regard to the provisions of State Environmental Planning Policy No 55—Remediation of Land.

e) State Environmental Planning Policy (Infrastructure) 2007

The proposal has been assessed having regard to the provisions of Clause 104 Traffic-generating development and was considered to be acceptable by the Hunter Regional Development Committee. Refer to the letter appended at **Attachment D**.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

There are no other relevant Strategic Policies other than those discussed in this report.

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

a) Car Parking Element 4.1

The proposal has been assessed by Council's Senior Development Officer (Engineering) in terms of traffic and parking and is considered to be acceptable subject to appropriate conditions of consent. This aspect is addressed in greater detail at Section 4.2.3 (c) of this report.

b) Flood Management & Water Management - Elements 4.3 & 4.5

A Concept Drainage Plan for the management of stormwater runoff from the site has been submitted in support of the proposed development. The Plan has been assessed by Council's Senior Development Officer (Engineering) who advises that the design is satisfactory in terms of the guidelines set out in Elements 4.3 and 4.5. These aspects are addressed in greater detail at Section 4.2.3 (d) of this report.

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

c) Landscaping - Element 4.4 & Tree Management - Element 4.10

The application has been assessed by Council's Landscape Architects and is considered to be generally satisfactory subject to recommended conditions to be addressed in a comprehensive landscape plan.

d) Commercial Development Element 6.1

The proposal generally complies with the provisions of this Element. Outside of the Newcastle City Centre this element within the DCP does not have many urban design requirements for commercial developments of the type proposed.

e) Mayfield Renewal Corridor Element 6.10

The Mayfield Renewal Corridor Element was adopted by Council on the 7 September and became effective on the 18 October 2010.

The proposed development falls within Precinct 3 (Mayfield Town Centre) under the provisions of the Element.

The desired outcomes for Precinct 3 are outlined below and it is considered that the current proposal generally meets these objectives.

'The commercial component of Mayfield town centre will be reinforced through adequate supply of retail, commercial and residential floor space to meet the employment and services functions. The centre will provide shopping and business centre for the district including health and professional services mixed with higher density residential.'

The proposed development provides for street front activity and access with ten shops along Maitland Road having direct pedestrian access and presentation to Maitland Road (seven of these shops only have pedestrian access to Maitland Road).

The Element includes height and floor space ratio (FSR) provisions which vary across the site. The height requirements are between 14 and 17 metres to which the development complies. The site is affected by three different FSR's being 2.0:1 along Havelock Street, 4.0:1 through the middle portion of the site and 3.0:1 at the western end of the site. The development meets these FSR's having an approximate FSR of 0.73:1.

The Element requires under Clause 6.10.2 (a) Land Use that the following provisions from the Urban Housing Element 5.2 also apply to any urban housing aspect within a development under Element 6.10:

- a) usable open space;
- b) views and privacy;
- c) solar access and other energy impacts; and
- d) landscape design, security, services and site facilities.

In terms of open space, the submitted development provides for open space areas (ie courtyards/balconies) of approximately 10 m² for the majority of dwellings (ie the southern proposed dwellings 1 and 11 have approximately 24.5m². Notwithstanding that Element 5.2 has also been recently amended (20 February 2010), the subject development does not comply with the open space area requirements (ie 25m² or 35m² of open space per dwelling depending which version of the Element 5.2 is applied). While the courtyards are of smaller size, each is designed as an extension of the living area of the proposed dwelling and enjoys an easterly aspect to Havelock Street for the use and enjoyment of future residents.

It is advised that the Urban Design Consultative Group, in considering the proposal, did not object to the design of the open space. It is considered that, while the open space area is relatively small the design of the units allow for an acceptable level of amenity for future occupants. Furthermore, it is noted that the provision of the proposed residential interface along Havelock Street provides a suitable transition between residential land uses and the retail/commercial proposal.

It is considered that the development does not adversely affect views of neighbouring residents. The outlook of surrounding residents will change as a result of the proposed development but no specific view or outlook is lost. Furthermore, the scale of the proposed residential element of the development facing Havelock Street is considerably lower than the permissible 14 metres that has been adopted under Element 6.10, the proposed height being between 6.0 and 7.6 metres.

The commercial/retail aspects of the proposal are considered to be acceptable in terms of privacy impacts as the majority these components do not face residential properties. The loading dock/vehicular access in Thomas Street is designed and positioned such that it is not considered to have an unreasonable impact in terms of the privacy of neighbouring residential properties.

The majority of the residential component of the development looks onto Havelock Street. The relative height and separation (ie over 20 metres) of the proposed dwellings from the existing dwellings on the eastern side of Havelock Street is such that the proposed development would not have unreasonable privacy impacts.

The northern portion of the proposed development (ie dwellings 10 and 20) are designed such that they have living room and open space areas which outlook to the north. It will be necessary that modifications are incorporated into the proposed design to minimise any potential privacy impacts. Conditions of consent have been recommended in this regard addressing window design and privacy screening appended at **Attachment B**.

Proposed dwelling 11 has an upper balcony which faces towards the south. Its position and separation, relative to neighbouring properties, is such that it is considered to be acceptable.

Overall, it is considered that the development is acceptable in terms of views and privacy.

The proposed development is considered to be adequate in terms of solar access and energy impacts. The development provides for an easterly orientation for the living areas of all dwellings. The design also includes the introduction of light wells to the rear of proposed dwellings 2-10 and 12-20 to facilitate light and ventilation. Finally, it is advised that the proposed dwellings have been certified as being acceptable in terms of Basix's sustainability criteria.

The submitted plans indicate that smaller sized landscaping would be proposed within the nominated courtyard/balcony areas. It is considered that this could only be very limited in scale and type having regard to the area available, orientation of the courtyard/balconies and construction materials to be used. The development proposes to provide landscape plantings along the footway in both Maitland Road and Havelock Street. Notwithstanding that the residential development component has limited landscaping, it is considered, on balance, and given the context of the development site that the overall development is acceptable in terms of landscaping.

The proposed development meets the required height limits under Element 6.10 Mayfield Renewal Corridor. The design meets the setback requirements along Maitland Road (which allows for zero alignment for commercial development of this height).

Element 6.10 requires a setback along Havelock Street of 6 metres where the application proposes a setback of zero metres. Notwithstanding this non-compliance, it is considered that the development is acceptable in terms of setback for the following reasons:

- The existing dwellings along this side of Havelock Street only have setbacks of 2-4 metres.
- The application was assessed by the Urban Design Consultative Group who did not object to the setback (although the three storey dwellings proposed at the northern end of the proposal were recommended to become two-storey only which has been altered within the amended design).
- The proposed setback forms an extension of the zero setback alignment at the corner of Havelock Street and Maitland Road and is considered to be reasonable. The zero metre setback ends at the unnamed lane behind Thomas Street which is a suitable point of transition with the neighbouring residential properties to the north.
- The residential component, even proposing a zero setback, provides a suitable transition between the existing residential land uses and the retail/commercial proposal.

The Element intends under *Open Space & Landscaping (6.10.4 (d) Figure 8* an urban design outcome which is different from the proposed development. It is noted that the current proposal was lodged prior to the initial public exhibition of the Draft Element 6.10. It is further noted that Element 6.10 only become

operational on the 18 October 2010 approximately five weeks before the determination of the Joint Regional Planning Panel.

The current proposal is considered to be acceptable having regard to the intent of the Element, in that it achieves the main outcome of providing transition of residential development along Havelock Street from the main commercial development. While the proposal does not provide for residential development facing the smaller unnamed lane as outlined in Element 6.10 it is considered that the design is reasonable. The provision of an additional public road access from Maitland Road to Thomas Street could only be achieved if Council was to acquire a portion of the land which is currently within the subject site (ie affecting the loading dock and basement access in Thomas Street) and this is not proposed.

The proposal is considered to be acceptable in terms of security, services and site facilities.

The development has been assessed by Council's Engineers (as discussed below in the report) and is considered to be acceptable in term of traffic parking and access.

It is considered, on balance, that the proposal is acceptable having regard to the provisions of Element 6.10.

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

a) Density, Character, Streetscape, External Appearance, Height, Bulk & Scale

The proposal, as discussed above, complies with the density and height requirements under the Mayfield Renewal Corridor Element 6.10.

The proposal was considered by the Urban Design Consultative Group (UDCG) and their final advice is included below:

'This application was previously considered at the meeting of the UDCG on 18th March 2009. In response the applicants have introduced a range of detailed changes, as well as a very significant amendment deleting roof-top parking. The amendments have resulted in worthwhile improvements and generally the proposal is considered to be reasonable and acceptable.'

1. Context

The site location fronting Maitland Road and the interface with low-density residential dwellings to both east and north pose a range of challenges.

2. Scale

Satisfactory with exception of the northernmost of the residential units in Havelock Street. Because of the interface with the Residential (a) zone on the immediately opposite side of the Lane the height of at least the first two units should be no greater than two stories.

3. Built Form

Satisfactory subject to addressing the issue raised above under 'Scale'.

4. Density

Satisfactory

5. Resource, Energy and Water Efficiency

Subject to BASIX compliance. The large roof area of the retail tenancies offers opportunities for environmental initiatives, -in particular solar power generation and rainwater collection and recycling, -both of which should be implemented if possible.

6. Landscape

The Landscape proposals by 'Terras' are supported. The Lane bounding the site to the north also offers opportunities for planting by way of ground cover, some slender native planting and/or 'green wall' planting. See also 'Aesthetics' below.

7. Amenity

Various amendments in response to the Group's earlier reports are welcomed, including introduction of controlled roof-lighting to the shopping mall, and the continuous awning cover to retail frontages on Maitland Road. The latter could potentially be a little wider without compromising the street-tree planting, given its southern exposure.

In the residential units top-lighting and ventilation to service rooms, and through-ventilation to bedrooms should be included, taking advantage of the roof forms.

The ground-level parking to the upper range of residential units, accessed directly from Havelock Street is not ideal. Access to the rear of the units from the lane should be investigated for these six units, potentially improving safety for vehicular movements and improving their address to the street.

The impact of noise and truck movements on the residents at the intersection in Thomas Street due to the Aldi service access remains of concern, particularly in relation to the adjoining property and the dwelling on the corner opposite. The siting of 'tandem spaces' immediately outside the front of the latter cottage does seem very unsympathetic. Details of acoustic wall design, protection of these properties and truck manoeuvring will require close attention.

8. Safety and Security

Satisfactory generally. The large vehicle gates to the Maitland Road service area should have some set-back from the street boundary for reasons of both safety and appearance.

9. Social Dimensions

Satisfactory

10. Aesthetics

The proposed patterning and/or the suggested public art on the northern wall to the Lane are questioned as to their appropriateness in this location. A more satisfactory outcome could potentially be achieved by planting as suggested above, in combination with discrete permanent finishes for this wall.

Recommendation: *The Application as amended is supported, subject to the matters raised above under Principles 2, 5, 7, and 10 being addressed to the satisfaction of Council.'*

The applicant subsequently modified the proposal addressing the design matters raised by the UDCG. In this regard, the scale of the dwellings at the northern end of Havelock Street was redesigned such that all dwellings are now two storey in scale (the northern dwellings now being proposed in an apartment style).

In addition the landscape design of the proposal incorporates plantings along the northern elevation of the proposed development. The proposal also includes hardy vine and groundcover planting on a galvanised steel frame.

The proposed development complies with the Basix certification and the use of light wells provides for ventilation and additional lighting.

The proposed northern dwellings, in being modified, also changed the access and parking arrangements so that all the parking is now via the basement car park with no parking being directly accessed via Havelock Street.

The noise aspects of the proposal have been addressed within Section 4.2.3(e).

It is considered that the amended proposal is acceptable having regard to its character, streetscape, external appearance, height, bulk and scale.

b) Amenity Impacts (Overshadowing, Privacy, Views and Noise)

- **Overshadowing**

The applicants have submitted a shadow diagram illustrating the development's impact on the neighbouring sites.

The shadows cast are considered to be reasonable as the winter shadows (21 June 2010) predominately fall onto Havelock Street and Maitland Road (ie during 9, 12 and 3pm). The morning shadows will fall onto the neighbouring commercial property to the west of the site (85 Maitland Road) but this is not considered to be unreasonable.

The shadow impact within Havelock Street falls solely within the roadway and does not impact on any dwellings (at 9am, 12 and 3pm).

It is considered that the development is acceptable having regard to its likely overshadowing impacts.

- Privacy

The privacy aspects of the proposal were discussed within Section 4.2.2 (e). It is considered that the proposal is acceptable subject to conditions of consent recommended within **Attachment B**.

- Views

The proposal will not have unreasonable impacts on views or outlook. While the proposed development will replace the existing commercial and residential dwellings, it does not obstruct a significant view or outlook. In terms of the existing commercial buildings being replaced, the subject proposal is considered to be an improvement to the streetscape within Maitland Road.

The proposed residential dwellings within Havelock Street will be of a greater scale than the existing dwellings but this is a outcome of urban renewal in the area. It is further noted that the scale of these dwellings is lower than that allowed under Element 6.10 of the DCP.

c) Traffic, Parking & Access

The traffic, parking and access of the proposal have been assessed by Council's Senior Development Officer (Engineering) and the NSW Roads and Traffic Authority (RTA) and Hunter Regional Development Committee (HRDC).

The officer's final assessment is as follows:

Overall it is now concluded that the proposal can be supported as:

- 1. 'Subject to modifications to the Maitland Road / Church Street traffic signals the local road network has sufficient spare capacity to cater for the likely additional traffic generated by the development as demonstrated within the traffic impact assessment and revisions submitted for the application. The required modifications are to be generally in accordance with the plan by Cardno Grogan Richards Job No. CG 109171 Sheet 6 Issue P14 but subject to detailed design approval by the RTA under a works authorisation deed (WAD).*
- 2. The proposal provides sufficient on site car parking to meet the expected peak parking demand generated by the development. In this regard the applicant has via a simple parking survey demonstrated that the proposal provides comparable on-site parking supply to other local shopping centres in the area which appear to provide enough on site parking to cater for the peak parking demand generated by the development. On this basis it is considered that a variation to Council's current on site parking requirements within Element 4.1 of NDCP 2005 is justified due to the size and type of development. The survey was however not comprehensive or rigid enough to conclude that the proposal provides a 30 % excess of on-site parking. i.e. the parking survey would have needed to be carried out over at least a weeklong period and accounted for seasonal impacts for any significant conclusions to be drawn. A small*

variation to Council's on-site parking requirement for residential development (1 visitor space) is also supported for the proposal on the basis of the additional on street parking provided by the development on Havelock Street because of the removal of existing residential access crossings off setting the 1 space deficiency within the residential component of the development.

- 3. The proposal provides suitable on site loading and unloading facilities that separate light and heavy vehicle traffic on the site and allow forward entry and exit from the site. To facilitate this movement some changes to Thomas Street is required through closure of through traffic in Thomas Street and the provision of a suitable turning head as well as some widening at the Church Street intersection. These changes will require separate approval by Council under S138 of the Roads Act and the works will need to be completed prior to occupation. The Maitland Road loading bay is to be a left in and left out only movement.*
- 4. The loss of on-street parking in Maitland Road as a result of the intersection works at Church Street and Maitland Road is unlikely to result in a significant increase in on street parking in the residential areas adjacent to the site and thus a loss of residential amenity for these residents.*
- 5. The RTA has raised no objection to the proposal subject to the matters raised in their correspondence of 9 November 2010 being included in the consent.'*

It is advised that the Roads and Traffic Authority (RTA) and the Hunter Regional Development Committee (HRDC) have no objections to the proposal subject to various matters being addressed as conditions of consent. The NSW RTA's and HRDC's advice is appended at **Attachment C** and **D**.

The RTA also reviewed, following public submissions, the likely affect of converting Maitland Road to single lanes in each direction, raised in a specific submission, which could allow for kerb-side parking to be maintained. The following scenarios were considered:

- 'The existing configuration and phasing (ie filtered right turns).*
- The existing configuration with fully controlled right turns.*
- Single through lane and exclusive right turn bay, both with filtered right turns and fully controlled right turns.'*

The RTA advice in regard to these scenarios is included below:

'The analysis of the above options indicate the intersection will perform poorly. Queue lengths and delays range considerably but are generally very large. The majority of movements perform at Level of Service F and overall it is Level of Service F. Basically the intersection operates acceptably now, but the proposed development represents a significant increase in demand for this intersection which has generated the need for additional capacity which must come in the form of additional lanes (ie additional turn right lane).'

It is advised that the RTA outline within the *Guide to Traffic Generating Developments* criteria regarding *levels of service* for the road network (ie both intersections and roadways generally). Generally *levels of service* A-C are considered to be acceptable at an intersection (ie 'A' being good operation to 'C' being satisfactory). *Levels of service* below C become increasingly significant; 'D' being near capacity, 'E' being at capacity and 'F' is basically beyond capacity.

It is considered that the modification of Maitland Road to single lane in each direction would be, if possible, dependant on changes beyond the scope of this application and most likely need overall changes to traffic management along the majority of Maitland Road to be implemented.

The proposal as amended, results in loss of approximately 17 on-street spaces, and a large number of submissions from businesses and residents were received in relation to this issue (see Section 3.0) raising concerns regarding the social and economic impact of this loss of parking. It is important to note that many of properties affected by the loss of on-street parking do not have their own on-site parking. Furthermore, there is a rear lane which allows several businesses on the southern side of Maitland Road on-site vehicular access but this is limited due to the width of the lane and associated allotments (generally used only by staff where possible). Finally, it is noted that there is no entitlement to kerbside parking even where it has been historically relied upon.

The traffic, access and parking aspects of the proposal, including the loss of on-street spaces within area, have been assessed by the RTA and Councils Senior Development Officer (Engineering) and are considered to be acceptable, as discussed above.

The traffic network will generally experience growth of 1-2% per year in the volume of traffic, with the greatest impact being at intersections and, as a result of these volumes, road widening and/or the creation of kerbside lanes may be required to address this growth with the resultant loss of on-street parking. It is noted, notwithstanding the current development, that Council's 'Renewal Corridor Elements' (eg Element 6.10) are likely to increase the density of development with an associated increase in traffic.

Concerns have also been raised in submissions regarding the impact of the proposal on businesses along Maitland Road, particularly those along the southern side which would lose the on-street parking. It is accepted that there will be an impact in this regard but it is noted that there is alternative parking available in the vicinity as discussed above and that there is no entitlement to the on-street parking proposed to be removed as part of this development. This negative impact is not sufficient on these individual businesses, having regard to the overall benefits of the proposal to the wider community, to justify the refusal of the application.

Appropriate conditions of consent have been recommended within **Attachment B**.

d) Flooding & Stormwater

The flooding and stormwater aspects have been assessed by Council's Senior Development Officer (Engineering) and are considered satisfactory as detailed below.

The officer's detailed assessment is as follows:

'Flooding

The subject property is not flood prone for the 100 year ARI flood event however the PMF flood event reaches the extent of the development. However Flood and Life Hazards are low and no minimum floor level or on-site refuge is required. The only issue for the development from a flooding perspective is to ensure the entrances to the basement car parking areas are kept above the PMF flood level of RL 5.0 m AHD. The submitted plans indicate this is achieved and no objection is raised to the proposal on flooding grounds. However a condition of consent regarding the level of the entrances to the basement car park should be included on the consent conditions to reinforce the importance of this requirement.

Stormwater

The proposal involves demolition of existing structures and construction of a shopping centre. On completion the site will be 100 % developed and 100 % impervious. I have reviewed the stormwater management plan submitted with the application. I believe it complies with the requirements of Element 4.5 of NDCP 2005 and is supported subject to detailed design at Construction Certificate stage. In this regard any drainage contained within the road reserve will need approval by Council.'

Appropriate conditions of consent have been recommended within **Attachment B**.

e) Environmental

The likely environmental impact of the proposal has been assessed by a Senior Environmental Protection Officer of Council and is considered satisfactory subject to the recommended conditions of consent.

The officer's detailed assessment is as follows:

1. Contamination

Preliminary Contamination Assessments have been conducted by Douglas Partners Pty Ltd, dated December 2007, and GHD, dated May 2008. These assessments have undertaken a search of the historical uses of the buildings contained within the proposed development footprint to identify any potentially contaminating uses. Potentially contaminating uses were found for the following current sites:

- 61 Maitland Road, Mayfield – previously used as a motor vehicle dealership, tyre fitting and servicing store and marine supplies shop.
- 77 Maitland Road, Mayfield – previously used as a motor showroom, service station and motor vehicle repair workshop. Evidence of underground storage tanks (USTs), vehicle inspection pits and a former washbay were identified on-site.
- 83 Maitland Road, Mayfield – previously used as a pest control office

A historical search was also undertaken for a number of existing residential dwellings located within the proposed development footprint. The historical searches revealed the properties were residential prior to 1950 and have remained residential to the current date.

The Preliminary Contamination Assessment prepared by Douglas Partners dated December 2007 undertook some limited soil sampling around the USTs identified at 77 Maitland Road. Soil sampling revealed elevated levels of Total Recoverable Hydrocarbons (TRH) near the UST on-site. The Preliminary Contamination Assessment prepared by Douglas Partners dated December 2007 recommended additional sampling be undertaken to appropriately assess the extent of potential contamination within the proposed development footprint.

The Stage 2 Contamination Assessment prepared by Douglas Partners Pty Ltd dated February 2009 undertook soil sampling from across the proposed development footprint, including within the existing residential properties. Sampling revealed elevated levels of TRH, Benzo(a)pyrene (B(a)P), Polycyclic Aromatic Hydrocarbons (PAH) and lead associated with the USTs and fuel lines within 77 Maitland Road. Elevated levels of B(A)P were found within the asphaltic road material in Hewson Street. Asbestos fibres were also found in soil within the residential property at 2 Hewson Street. Council requested additional sampling within the building located at 77 Maitland Road to identify potential contamination associated with internal USTs beneath the existing slab. The Assessment of Underground Fuel Storage Tanks Report prepared by Douglas Partners Pty Ltd dated 23 July 2010 identified two USTs within the building and a filled void beneath the former washbay. Sampling of these areas revealed elevated levels of TRH, PAH and the presence of asbestos fibres within the void fill material. Due to the presence of elevated concentrations of various contaminants and identification of asbestos fibres in soil, remediation is required prior to development.

The Remediation Action Plan (RAP) prepared by Douglas Partners Pty Ltd dated July 2010 outlines the preferred remediation strategy for the proposed development. The preferred remediation strategy includes the removal of near surface contaminants, removal and decommissioning of USTs and associated infrastructure and appropriate disposal of excavated materials to a licensed waste management facility. The preferred remediation strategy also includes undertaking 'landfarming' of hydrocarbon-impacted soil on-site. 'Landfarming' activities include removal of hydrocarbons from soil via volatilisation and re-use of the material on-site. The proposed remediation strategy will ensure the development area

is appropriate, from a contamination perspective, for the development, which includes both commercial and residential uses, in accordance with criteria outlined in the Department of Environment and Climate Change's (DECC) 'Guidelines for Consultants Reporting on Contaminated Sites' and 'Guidelines for Assessing Service Station Sites'. Council considers the proposed remediation strategy is appropriate and the proposed development area is suitable for the proposed development, pursuant to remediation activities being undertaken. Therefore, remediation of the development area should be undertaken in accordance with the RAP prepared by Douglas Partners Pty Ltd dated July 2010. The requirement for remediation to be undertaken may be addressed by an appropriate condition of consent.

The RAP prepared by Douglas Partners Pty Ltd dated July 2010 notes a validation report should be prepared at the completion of remediation to document the works undertaken and to ensure the activities render the development area suitable for the proposed landuse(s). The validation report should be completed and submitted to the Principal Certifying Authority and Council prior to issue of the Occupation Certificate. The requirement for submission of a validation report may be addressed by an appropriate condition of consent.

Council raised concern regarding 'landfarming' activities generating potential odour impacts for surrounding commercial and residential receivers. The Environmental Management Plan prepared by Douglas Partners Pty Ltd dated 17 September 2010 provides management measures to suppress odour from 'landfarming' activities. These management measures include the use of odour suppressants such as biosolve. Council accepts the management measures for odour are appropriate and will require implementation of the Environmental Management Plan prepared by Douglas Partners Pty Ltd dated 17 September 2010. This requirement may be addressed by an appropriate condition of consent.

2. Noise

The Revised Acoustic Assessment prepared by GHD dated September 2010 has undertaken an analysis of the potential noise impacts from the proposed development on surrounding residential receivers. Potential noise impacts from the proposed development may be generated from various sources.

a) Mechanical plant

The Revised Acoustic Assessment prepared by GHD dated September 2010 has modelled the cumulative noise impact of over twenty items of mechanical plant associated with the proposed development. The modelling has demonstrated noise from the mechanical plant items is compliant with the project specific noise criteria for all periods at surrounding residential receivers in accordance with DECC's 'Industrial Noise Policy'. Noise impact modelling was also conducted with

consideration to the proposed residential units and townhouses on Havelock Street. Compliance with the project specific noise criteria was demonstrated at these proposed residential dwellings also.

The noise modelling for mechanical plant was conducted with noise mitigation measures implemented. The Revised Acoustic Assessment prepared by GHD dated September 2010 lists a number of mechanical plant items that will require noise reduction measures eg) Coles chicken hood requires 3dB(A) reduction. The Revised Acoustic Assessment prepared by GHD dated September 2010 has provided a series of options to reduce noise from the various mechanical plant items to ensure compliance with the project specific noise criteria. The Revised Acoustic Assessment prepared by GHD dated September 2010 suggests the detailed design of these acoustic mitigation measures are best devised during the construction phase, due to the size of the proposed development and mitigating factors associated with mechanical ventilation design. Council agrees with this method, but requires a sign-off from a suitably qualified acoustical consultant to ensure the mechanical plant items and acoustic mitigation measures meet the performance requirements outlined in the Revised Acoustic Assessment prepared by GHD dated September 2010. The requirement for acoustic certification from a suitably qualified acoustical consultant may be addressed by an appropriate condition of consent.

It should be noted that any additional mechanical plant items proposed for installation as part of the occupation of tenancies, which are not the subject of this application, will be required to demonstrate the items are compliant with the project specific noise criteria outlined in the Revised Acoustic Assessment prepared by GHD dated September 2010.

b. Aldi loading dock and Thomas Street vehicle access

The loading dock to the Aldi tenancy in the north-west part of the proposed development, off Thomas Street, and vehicle accessway located on Thomas Street, opposite 2 Thomas Street, have been identified as two potential sources of noise impact for nearby dwellings. An analysis of the cumulative impact of these two noise sources has been conducted as three separate noise scenarios, which are listed below:

- Scenario 1: loading dock gates open with semi-trailer entering/leaving. No unloading in the dock area. Cars entering the accessway on Thomas Street.*
- Scenario 2: loading dock gates closed with semi-trailer reversing into position. Unloading taking place in the dock area. Cars entering the accessway on Thomas Street.*
- Scenario 3: Peak traffic volumes entering and exiting the accessway on Thomas Street. No activity within the loading dock area.*

Noise modelling has demonstrated noise from the three scenarios is compliant with the daytime project specific noise criteria at surrounding residential receivers, with the exception of Receiver 2 (2 Thomas Street).

Noise received at 2 Thomas Street does not meet the daytime project specific noise criteria, with exceedances of up to 4db(A), for any of the three operating scenarios. The greatest exceedance occurs during times of peak traffic volumes entering and exiting the accessway on Thomas Street.

The three operating scenarios were assessed with extensive noise mitigation measures incorporated into the model. Noise mitigation measures included:

- A roof located over the Aldi loading dock area with a sound reduction index of R_w30 . The roof would extend twelve metres from the building façade.
- A five metre high acoustic fence located on the eastern boundary of the loading dock area. The acoustic fence would meet the proposed roof for a distance of twelve metres from the building façade. The acoustic fence would be located on the common boundary with the residential dwelling located at 5 Thomas Street.
- A three metre high acoustic fence located on the eastern boundary of the loading dock area (joins the above fence), extending to the Thomas Street property boundary.
- A 2.5 metre high acoustic fence located around the perimeter of the remaining loading dock area.
- An acoustic gate to a height of 2.5 metres located at the entrance to the loading dock area.

The recommended acoustic fences and gate are proposed to be constructed of materials possessing surface mass exceeding 15kg/m^2 , such as lapped and capped timber. However, no further design details have been provided including plans, elevations or materials to demonstrate the feasibility of constructing the proposed noise mitigation measures. Although extensive acoustic mitigation measures are proposed at the source, the loading dock area, exceedances of the project specific noise criteria may potentially occur at nearby residential dwellings. Options for further reducing noise impacts from the proposed development at the receiver's property(s) will be discussed in the traffic noise section.

The assessment of the operating scenarios involving the use of the Aldi loading dock is limited to the daytime period only. The Revised Acoustic Assessment prepared by GHD dated September 2010 has recommended the use of the Aldi loading dock be limited to the day period only, 7:00am to 6:00pm, to reduce potential amenity impacts. Council agrees with the proposed restriction on the use of the Aldi loading dock. The restriction of the use of the proposed Aldi loading dock to 7:00am to 6:00pm may be addressed by an appropriate condition of consent.

c. Coles loading dock

The proposed Coles loading dock is located in the south-east part of the proposed development, off Maitland Road. Noise modelling has been conducted for an operational scenario within the Coles loading dock area

incorporating noise sources such as a semi-trailer manoeuvring in the dock area, unloading, vehicles entering/exiting the Maitland Road accessway and use of a compactor. The nearest residential receivers to the Coles loading dock area are the proposed residential units located on Havelock Street. Noise modelling has demonstrated noise from the Coles loading dock area will not exceed the project specific noise criteria for the daytime period in accordance with the DECC's 'Industrial Noise Policy'. Noise mitigation measures have been included in the noise model and include a roof being constructed over the loading dock area. The assessment of the operating scenario within the Coles loading dock is limited to the daytime period only. The Revised Acoustic Assessment prepared by GHD dated September 2010 has recommended the use of the Coles loading dock be limited to the day period only. The restriction of the use of the proposed Coles loading dock to 7:00am to 6:00pm may be addressed by an appropriate condition of consent.

d. Waste collection

The restriction of the use of the loading dock areas for deliveries to the daytime period will also extend to other activities which have the potential to generate adverse noise impacts, such as waste collection. The restriction of times for collection of waste may be addressed by an appropriate condition of consent.

e. Traffic

The Revised Acoustic Assessment prepared by GHD dated September 2010 has undertaken an analysis of potential traffic noise impacts on the surrounding neighbourhood. The traffic noise analysis has assessed the local road network and considers both local roads (Thomas, Church and Havelock Streets) and an arterial road (Maitland Road). The noise model has demonstrated that traffic noise associated with the proposed development will not exceed the road traffic noise criteria for residential areas in accordance with the DECC's 'Environmental Criteria for Road Traffic Noise'. However, road traffic noise will exceed the criteria at Receiver 2 (2 Thomas Street) by up to 6dB(A).

Due to the proposed accessway to the commercial centre being located directly across the street from 2 Thomas Street and limited options for on-site acoustic mitigation measures, the Revised Acoustic Assessment prepared by GHD dated September 2010 has recommended the existing fence on the residential property boundary be replaced with a 1.8 metre high acoustic fence. The replacement of the residential fence will reduce traffic noise received at the residential property to the guideline criteria. The Revised Acoustic Assessment prepared by GHD dated September 2010 notes the existing residential fence should be replaced at 2 Thomas Street, but states the fence should extend to Church Street. The proposed extension of the acoustic fence to Church Street would include the adjoining property to the west of 2 Thomas Street (1 Church Street). Therefore, the proposed replacement of fencing would span two residential properties. Whilst the proposed replacement of the existing

residential fences may reduce traffic noise to criteria levels ...design details regarding construction of the fence, including access arrangements for the residential properties, have not been submitted for assessment.

Council has concern regarding the use of the Thomas Street accessway by vehicles during the night period, or after the stated hours of operation, and the associated potential noise impacts for residential dwellings. Due to the underground carpark being the only area available for parking on-site the Thomas Street accessway may be used after hours by employees of the various tenancies and maintenance staff. No details have been provided regarding how the use of the Thomas Street accessway is proposed to be regulated during the night period or after hours to prevent potential noise impacts associated with vehicles utilising this entry/exit.

f. Proposed dwelling

The proposed development includes the construction of residential buildings on Havelock Street, adjoining the commercial centre. The proposed residential properties include twenty two-storey dwellings, each two bedroom. Due to the proximity of the proposed residential properties to an arterial road, Maitland Road, and increased traffic along the surrounding road network from the proposed commercial development the residential amenity of these dwellings may be adversely affected. To protect the amenity of future residents compliance with internal noise levels outlined in Australian Standard 'AS 2107 – 2000 Acoustics – Recommended design sound levels and reverberation times for building interiors' is required. The Revised Acoustic Assessment prepared by GHD dated September 2010 has calculated the noise impact of traffic on the external facades of the proposed residential buildings and determined acoustic measures will be required to ensure compliance with the recommended internal levels. The Revised Acoustic Assessment prepared by GHD dated September 2010 has utilised the methodology outlined in Australian Standard 'AS 3671 -1989 Acoustics – Road Traffic noise intrusion – Building siting and construction' to determine the Weighted Sound Reduction Index (Rw) for the proposed development. The Rw values have determined the acoustic recommendations for treatment of the roof, external walls and windows to ensure internal noise levels are satisfactory. The recommended acoustic treatments require incorporation into the design of the proposed residential development and a sign-off from a suitably qualified acoustical consultant is required. The implementation of the acoustic measures for the proposed residential buildings may be addressed by an appropriate consent condition.

g. Construction

The Revised Acoustic Assessment prepared by GHD dated September 2010 notes the construction period for the proposed development will be approximately twenty-four months. Noise from construction activities has the potential to generate adverse noise impacts for surrounding residential dwellings. The Revised Acoustic Assessment prepared by GHD dated September 2010 has undertaken a quantitative assessment of

construction noise and identified concrete sawing and rock breaking as the two principal sources of potential noise. Measures will be undertaken to reduce noise from construction activities in accordance with the DECC's 'Interim Construction Noise Guidelines'. These measures should be outlined in a noise management strategy within an overall construction environmental management plan (EMP). The requirement for preparation of a noise management strategy within a construction EMP may be addressed by an appropriate condition of consent.

The Revised Acoustic Assessment prepared by GHD dated September 2010 notes pile driving will not be required as part of the construction of the proposed development. A restriction regarding pile driving at the proposed development site is appropriate to prevent adverse noise or vibration impacts. Restriction of the use of pile driving may be addressed by an appropriate condition of consent.

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

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

h. Vibration

The Revised Acoustic Assessment prepared by GHD dated September 2010 has undertaken an analysis of potential vibration impacts from construction activities on surrounding residential dwellings. The assessment has been carried out with consideration of vibration exposure levels in the DECC's 'Assessing Vibration: a technical guideline' and structural damage criteria outlined in the, commonly used, German Standard DIN 4150 – 3: 1999 Structural Vibration – Part 3: Effects of vibration on structures. Modelling has shown that vibration from certain construction activities have the potential to exceed the structural damage criteria and exposure levels. Due to the potential vibration impacts the Revised Acoustic Assessment prepared by GHD dated September 2010 has recommended a comprehensive vibration management strategy, including vibration monitoring during construction activities, be prepared. The requirement for preparation of vibration management strategy may be addressed by an appropriate condition of consent.

Due to vibration modelling showing exceedances of the structural damage criteria, dilapidation surveys of surrounding premises that may potentially be impacted should be undertaken prior to construction. The requirement for dilapidation surveys of surrounding premises to be undertaken may be addressed by an appropriate condition of consent.

i. Demolition

The Hazardous Materials Survey prepared by GHD dated September 2008 identified asbestos containing materials within a number of buildings proposed for demolition. The removal of asbestos from the building is required to be undertaken in accordance with the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC: 2002 (2005)] and Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]. The requirement for removal of asbestos containing materials to be conducted in accordance with the above requirements may be addressed by appropriate conditions of consent.'

Overall the proposed development is considered to be satisfactory subject to conditions of consent which address the various issues raised by the Compliance Services Unit. The proposal has been recommended for approval on the basis of a deferred commencement consent, one of the criteria being that owners consent for each of the two properties affected by the acoustic fencing (ie 1 Church Street and 2 Thomas Street) has been obtained. The option of a deferred commencement consent for this issue was raised in a legal advice submitted by the applicants. Council obtained independent legal advice which confirmed that in this case it was open to Council to impose conditions on a deferred commencement basis.

f) Crime Prevention Through Environmental Design

The application has been assessed by the NSW Police Force in relation to security and crime prevention and is considered to be acceptable subject to conditions of consent.

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

a) Economic Impact

Economic advice was provided by Council's Tourism and Economic Development Manager and is included in the extracts and summaries below:

- ***Economic Comment***

'The proposal is for specialty retail, commercial and residential development that will consolidate a number of lots into two lots over 13,967m². The retail development will occupy the majority of the site fronting Maitland Road, with the residential development occupying 1122m² to the north east of the site along Havelock Street.

Most of the forecasts are conservative and adequately justified, though sales are a little bullish given low population growth.'

- **Employment generation**

'The proposed development forecasts an additional 212 full time equivalent jobs and 134 indirect FTE. Young unemployed will be primary beneficiaries, which will be of great benefit (though retail is not renowned for creating well paid full time positions or career-based long-term employment). I believe that the employment forecasts of 10-15% are optimistic, given:

- *employment was calculated from floor space, which may have been overestimated following bullish sales forecasts*
- *any loss of current market share by local competitors will force businesses to rebalance costs against revenue, reducing staff hours and employment.'*

Economic income

The forecasts, while generally acceptable, are by a small degree overestimating the economic income that will be generated.

Existing and future businesses

'One of the strong benefits of the proposed development is the high proportion of sales (51%) claimed from trapping spending that is currently escaping the catchment area. The claimed 7% of sales from increased expenditure from beyond the catchment is bullish. I therefore believe that the impact on existing catchment retails is likely to be half of total sales... (\$50M, an additional \$5M negative impact on existing retailers).'

'The proposed development is claiming a primary catchment of 2km radius and a further 15km to the north and 6km to the west. On this basis, loss in market share of up to \$50M is likely to be most experienced by the existing Woolworths and Franklins stores on the Mayfield strip, as well as some of the existing small businesses that do not move into the shopping centre and continue to trade without the benefits that a complex offers customers. Speciality / boutique strips such as Lambton and Hamilton are unlikely to encounter significant loss, providing they maintain specialty stores. Other existing major shopping centres beyond but nearby to the catchment area are unlikely to encounter a loss in market share from the proposed development.

I do not see an existing relationship between this proposed development and the CBD that justifies assessing potential economic impact on the CBD.

Net result

I do not have any significant objections to the proposed development. Mayfield Place will have a positive economic impact on the Newcastle economy and community. At the local level, there will be a net economic benefit, with the local economic stimulus generated by more convenient

retail offering outweighing some negative impacts upon adjacent local businesses that lose market share.'

The applicants, in response to concerns raised in public submissions, submitted further details addressing the potential parking impacts and economic ramifications as include below:

'On the basis of the enclosed work by NTPE (ie Northern Transport Planning and Engineering) and Deep End as well as other factors, we believe that Mayfield Place will provide a substantial trading benefit to other businesses on Maitland Road despite the removal of some of the existing on street parking. Several key elements of the enclosed and design details of our development support this belief, including:

- 1. The NTPE car park survey shows that there are 510 existing car park spaces. The peak occupancy of these spaces was surveyed as 321 of them being used. This is peak occupancy of 63% or some 189 spaces vacant. After allowing for the removal of the spaces in accordance with the RTA requirements there is still significant car parking available as either on street or near street (Woolworths and Franklins) parking.*
- 2. The area in front of our proposed development shows peak occupancy of just over 50%, or 28 spaces being used. Our development will provide for 360 spaces which is at a ratio some 30% higher than comparable centres in Newcastle as demonstrated by the survey of Marketown & Junction Fair car park we previously submitted to you (copy enclosed in appendix 4). On a comparable basis to these two centres we are providing about 90 more car spaces than what we required and hence are more than adequately catering for any loss of on street parking.*
- 3. The design of our proposal provides for an active street front that will bring people using our car park out of the centre and onto Maitland Road. We have placed the top of the travelators (moving walkways) that bring people up from the basement just inside our main entrance on Maitland Road and that will encourage people to spill out onto the street front. We note that it is in our interest that this does occur as we have seven tenancies that only have access available from Maitland Road with no possible access to them from inside the mall. For our development to work we need to get people out onto Maitland Road. The design of the centre is not 'offset from the street' as claimed by the Maitland Road Mainstreet Committee in their email to me on the 29th of October – in fact, we are right on the street.*
- 4. Deep End services note in the attached and their original report that the opening of our development will result in the creation of 212 FTE (Full time effective) jobs. The spending of those new retail workers who get these jobs will go to create 134 FTE indirect jobs, a portion of which will be created in the local area, in local businesses and service providers.*

5. *Again we note from the Deep End Services letter enclosed the forecast pedestrian/shopper numbers that will be attracted to the east end of Maitland Road, an area which is currently devoid of any real activity on the street. We are looking at attracting close 600,000 people per annum to the centre (based on forecast sales of \$58.6 million per annum and customers spending an average of \$100 per visit) Again all traders on the Maitland Road will benefit from this. If only half of those customers leave the front door of the centre that will still bring some 800 or so people per day out onto the east end of Maitland Road, an area that is near devoid of any activity at the moment. The benefits of having 800 or so people each day on Maitland Road for the businesses either opposite or adjacent us is obvious.*
6. *Deep End Services in both the enclosed and their original report note the 'escape expenditure' from the local area is a massive \$481.6 million per annum – that is money generated by the local catchment area that is spent in other areas as the full range of retail and business services is not available in Mayfield. They forecast Mayfield Place will bring back some \$30.1 million per annum of local money into Mayfield. This alone will assist all traders on Maitland Road. Again using an average spend of \$100 per visit the reduction of this escape expenditure will bring some 300,000 additional customers to Maitland Road each year – that is people who are currently choosing not to shop there. This is about an extra 800 people per day drawn to Mayfield & Maitland Road who will no longer shop elsewhere that all traders & businesses in the local area have the opportunity to benefit from.*
7. *We point out that much of Maitland Road, particularly to our west is already no stopping and there are many pedestrians/shoppers on the street front here on a daily basis.*
8. *Our proposed tenants include Coles & Aldi that will result in residents and local workers being able to benefit from the greatest possible combination of competition in terms of food retailers given Woolworths and Franklins are just up the road from us.*
9. *As noted in the attached letter from Probuild Constructions, they expect a peak on site workforce of 120 construction workers. This daily workforce will spend money in existing Maitland Road businesses such as the hardware shop across the road from us as well as food, drink and clothing outlets.*
10. *Finally we again point out that virtually all of the areas of street parking that will be affected are to accord with the requirements of the RTA as part of the assessment process. '*

It is considered on balance that the overall development is acceptable having regard to its economic impact .

b) Social Impact

The development is located within the Mayfield-Islington Maitland Road corridor which is identified in the *Lower Hunter Regional Strategy 2006* (LHRS) as one of five renewal corridors. The development assist the LHRS objectives in providing for economic and housing renewal although at a scale lesser than that allowable under the recently adopted Element 6.10.

The application has been assessed by Council's Senior Strategist (Social) and is generally considered to be acceptable.

It is considered that the proposal is, on balance, acceptable having regard to the overall economic and social impacts. Furthermore, it is considered that the proposal meets the objectives and intention of the Mayfield Renewal Corridor Element 6.10 of the Newcastle DCP 2005.

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

The application has been assessed by the Hunter Water Corporation and is considered to be acceptable subject to conditions of consent.

Land Contamination risk has been assessed by Council's Senior Environmental Protection Officer and is considered to be acceptable subject to conditions recommended within **Attachment B**.

The flooding risk has been assessed within Section 4.2.3(d) of the report, and is considered to be acceptable.

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

4.2.6 Submissions made in accordance with the Act or Regulations [Section 79C(1)(d)]

This report has addressed the various concerns raised in the submissions received in response to the Public Notification with the exception of:

- *'The construction of a pedestrian fence will further impact on businesses on the southern side of Maitland Road.'*

Comment: No pedestrian fencing along Maitland Road is proposed within this application.

- *'Concern that the proposal will negatively impact surrounding property values.'*

Comment: No evidence has been submitted to substantiate this claim.

4.2.7 Public Interest [Section 79C(1)(e)]

- **Sustainability**

The proposed development is considered to be satisfactory having regard to the principles of ecologically sustainable development.

The proposed development would not result in the disturbance of any endangered flora or fauna habitat or otherwise adversely impact on the natural environment.

- **General**

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

ATTACHMENTS

Attachment A: Copy of current amended plans for the proposed development – (DA 09/1229)

Attachment B: Draft Schedule of Conditions - DA 09/1229

Attachment C: Roads and Traffic Authority letter - DA 09/1229

Attachment D: Hunter Regional Development Committee letter - DA 09/1229

Attachment A

**DRAFT SCHEDULE OF CONDITIONS CONDITIONS (DEFERRED
COMMENCEMENT)**

**DA 09/1299 - MAITLAND RD, THOMAS STREET, HAVELOCK
AND HEWSON STREET, MAYFIELD**

Note: The deferred commencement consent would, if approved, include the requirements below within the formal 'Notice of Determination'.

*The Development Application has been determined by granting of **DEFERRED COMMENCEMENT CONSENT** in accordance with the provisions of Section 80(3), subject to the matters in **Schedule 1** attached hereto being addressed prior to the consent becoming operative. A maximum period of two years from the date of this notice is granted to comply with this requirement. Upon resolution of these matters to Council's satisfaction the consent will become operative subject to the conditions specified in **Schedule 2**.*

- (Note: * Council will formally advise in writing when all matters outlined in **Schedule 1** have been adequately addressed and will advise of a date from which the consent operates.
- * This consent lapses 5 years after the date from which the consent and **Schedule 2** conditions operate, unless the use and/or works approved herein are commenced.)

SCHEDULE 1

1. The road improvement and intersection works proposed within Maitland Road, Thomas Street, Church Street and Nile Street, Mayfield being approved under Part 8 Division 2 of the Roads Act, 1993.

Reason: To ensure that the approval of the required traffic works are undertaken prior to the operation of Schedule 2 of the consent and in accordance with the Roads Act, 1993.

2. The closure of Hewson Street, Mayfield as a public road and its sale to the party with the benefit of this consent (applicant) being finalised and satisfactory evidence of the sale transfer being submitted prior to Council providing their written confirmation that the condition has been met;

Reason: To ensure that the development does not proceed until the public road has been legally extinguished and transferred to private ownership.

3. The owners consent of 1 Church Street and 2 Thomas Street Mayfield being submitted to Council demonstrating their written acceptance of the required acoustic fencing as recommended in the Acoustic Assessment by GHD report dated September 2010 and the creation of an easement and associated instrument under Section 88B of the Conveyancing Act to allow for the construction and ongoing maintenance of the required acoustic fencing prior to Council providing their written confirmation that the condition has been met;

Reason: To ensure that appropriate measures are in place to allow for the required acoustic fencing to be erected.

SCHEDULE 2

1 Conditions Restricting the Terms of Consent

- 1.1 The proposed development being carried out strictly in accordance with the details set out on the amended plans by Clarke Hopkins Clarke received 16 November 2010 (Proj No 0818 Dwg No TP01N, TP04Q, TP05Q, TP06Q, TP07N, TP08Q, TP09Q, TP10Q, TP11I, TP12N, TP13Q, TP18O, TP19A, TP20A, TP21A, TP22A and TP23A), in the amended plans by Terra Landscape Architects received 16 November 2010 (Proj No 8076.5 Dwg No L01 Rev D, L02 Rev D and L03 Rev D), in the amended plans by Cardno Grogan Richards received 16 November 2010 (Dwg No CG109171SK16, CG109171SK17, CG109171SK18, CG109171SK19, CG109171SK20, CG109171SK16, 'Coles Loading Dock – 19m Vehicle Swept Path Analysis', 'Coles Loading Dock – 12.5m Vehicle Swept Path Analysis', CG109171/06/P14, CG109171/07/P3, CG109171/08/P3, CG109171/09/P3 and CG109171/10/P3), on the amended plans by Parker Scanlon Clarke received 16 November 2010 (Dwg No L:\B131\B131-TENT-B), in the Statement of Environmental Effects and on the Application form, except as otherwise provided by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

Reason: To confirm and clarify the terms of Council's approval.

2 Conditions Requiring Payment of a Monetary Contribution/Dedication of Land / Carrying Out of Off Site Works

- 2.1 The intersection of Maitland Road, Church Street and Nile Street shall be upgraded in accordance with the RTA's Road design Guide, as approved by Council pursuant to Part 8 Division 2 of the Roads Act 1993, relevant to Australian Standards and Austroads guidelines to the following requirements, all works being completed prior to the issue of any Occupation Certificate or occupation of the premises:
- A right turn storage bay shall be provided on the eastern leg (Maitland Road) with a length of 110 metres, excluding taper.
 - A right turn storage bay shall be provided on the western leg (Maitland Road) with a length of 30 metres, excluding taper.
 - The kerbside lane in each direction on Maitland Road shall be a minimum of 3.8 metres wide.
 - A signalised pedestrian crossing shall be provided on the western leg of the intersection.
 - The lane configuration of the northern leg (Church Street) shall be reconfigured to allow for right turn movements only from the right lane and all movements from the left lane.

- Cyclists shall be provided for through the intersection
- Pedestrian protection shall be provided along the Maitland Road kerb between Nile Street and the eastern pedestrian crossing. The RTA is concerned with the path of southbound vehicles travelling from Church Street to Nile Street and the potential for errant vehicles to cross onto the Maitland Road footpath.
- The whole intersection shall be upgraded to LED lanterns, including the necessary cabling, pavement, signal hardware and associated civil works.
- All works shall be designed and constructed to RTA and Council satisfaction.

Note: The RTA reserves the right to modify the traffic signal arrangements to maintain traffic efficiency and safety on the road network. This may impact on access to / from the subject site.

Reason: To ensure that appropriate road upgrades are constructed to maintain acceptable traffic standards.

2.2 The Developer designing and constructing the following works associated with the modifications to Church Street and Thomas Street adjacent to the site, as approved by Council pursuant to Part 8 Division 2 of the Roads Act 1993, generally in accordance with that shown on Cardno Grogan Richards Plan No. CG109171 sheet 6 Issue P14 dated 03/11/10, at no cost to Council and in accordance with Council's guidelines and design specification, all works being completed prior to the issue of any Occupation Certificate or occupation of the premises:

- a) Road pavement;
- b) Kerb and gutter;
- c) Footway formation;
- d) Footpaving (minimum 1.2 m wide reinforced concrete);
- e) Associated linemarking and signposting;
- f) Associated drainage works; and
- g) Associated street lighting.

- Note:
- i) Full construction details regarding the required works are to be submitted to the RTA and Council for approval, under Section 138 of the Roads Act 1993, prior to commencement.
 - ii) Construction plans are to be accompanied by two copies of a pavement design report prepared and certified by a practising geotechnical engineer.
 - iii) The Developer is advised to confer with Council's Senior Development Officer (Engineering) on telephone number (02) 4974 2637 to ascertain Council's detailed requirements in this regard.

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement likely to be generated by the proposed development.

- 2.3 Commercial type vehicular crossings being constructed across the public footway at each of the proposed driveway entrance/exits at no cost to Council and in accordance with Council's A17 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

The light vehicle access on Maitland Road is to be restricted to left in / left out movements only. The right in / right out movements shall be prohibited through appropriate signage and a splayed raised island within the driveway. The driveway should also be realigned to a minimum of 70 degrees from the kerb line along Maitland Road to reduce the width of footpath impacted by the driveway.

The heavy vehicle access on Maitland Road is to be restricted to left in / left out only through appropriate signage and be enforced by a Truck Management Plan to be prepared by the applicant, to RTA and Council satisfaction prior all works being completed and all the works being completed prior to the issue of any Occupation Certificate or occupation of the premises: prior to the issue of any Occupation Certificate or occupation of the premises:

- Note:
- i) A separate approval from the Road Authority (Council) must be obtained for all works within the public road reserve pursuant to Section 138 of the Roads Act 1993.
 - ii) The Developer is advised to confer with Council's Senior Development Officer (Engineering) on telephone number (02) 4974 2637 to ascertain Council's detailed requirements in this regard prior to a Construction Certificate being issued for any on site works.

Reason: To ensure the provision of adequate clearly defined and properly constructed means of all-weather vehicular access to the site in order to encourage the use of on-site parking facilities and in the interest of maximising vehicular and pedestrian safety and convenience.

- 2.4 Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure, all works being completed prior to the issue of any Occupation Certificate or occupation of the premises:

Reason: To clarify site access arrangements in the interest of traffic and pedestrian safety, as well as road efficiency, to maximise kerbside parking opportunity and to ensure that reinstatement work is undertaken to an appropriate standard.

- 2.5 Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

Reason: To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

- 2.6 A temporary protective crossing being provided over the footway for vehicular traffic before building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

Reason: To ensure public safety and protection of public assets.

2.7 Section 94A Levy

A total monetary contribution of \$314,332.00 being paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of a Construction Certificate in respect of the proposed development.

Note: i) This condition is imposed in accordance with the provisions of the *Newcastle City Council S94A Development Contributions Plan 2009* operational from 23 November 2009. A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.

- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

Indexation quarters	Approx release date
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

Reason: To assist Council in the provision of public facilities within the local government area in response to the additional demand likely to result from the proposed development.

3 Conditions Requiring Inclusion of Details in Documentation for a Construction Certificate Application / Matters to be Resolved Prior to Certification of Survey Plans / Matters to be Resolved Prior to Occupation of the Premises

- 3.1 Appropriate acoustic treatment being implemented in accordance with the recommendations set out in the report prepared by GHD dated September 2010, full details to be included within the required Construction Certificate.

Note: Written certification from the said consultant confirming that the recommended acoustic treatment has been implemented in accordance with the requirements is to be submitted to the Principal Certifying Authority prior to the commencement of any noise generating activity within the premises.

Reason: To ensure that appropriate noise control measures are implemented.

- 3.2 An acoustic fence being constructed along the full length of the southern boundaries of Lot 1 DP 797455 known as 1 Church Street, Mayfield and Lot 3 DP 37351 known as 2 Thomas Street, Mayfield. The fence is to be a lapped and capped timber fence or materials with similar or greater acoustic properties, to a height of 1800mm, and maintained such that no significant gaps exist in the fence and being constructed before the issue of the Construction Certificate for the proposed retail development.

Reason: To ensure appropriate noise control measures are implemented and amenity of the area is protected.

- 3.3 An easement and associated instrument under Section 88B of the Conveyancing Act, to allow for the construction and ongoing maintenance of the required acoustic fencing, as recommended in the Acoustic Assessment by GHD report dated September 2010, being created over full length of the southern boundaries of Lot 1 DP 797455 known as 1 Church Street, Mayfield and Lot 3 DP 37351 known as 2 Thomas Street, Mayfield prior to the release of the Construction Certificate for the retail development;

Reason: To ensure that appropriate measures are in place to allow for the required acoustic fencing to be erected.

- 3.4 The appropriate notation being placed on a plan of subdivision and an instrument under Section 88B of the Conveyancing Act being submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements, full details to be included within the required Construction Certificate.

Reason: To ensure that the required easements are properly registered against the title of the land and is only released, varied or modified at a future date with the concurrence of Council.

- 3.5. The northern kitchen and living room windows of proposed dwellings 10 and 20 being modified to provide highlight windows with a minimum effective sill height 1500mm, full details to be submitted with the required Construction Certificate;

Reason: To ensure that adequate privacy is being maintained to neighbouring dwellings.

- 3.6 A minimum nine street trees, species *Pyrus calleryana* 'Chanticleer' – Glens form Pear tree, being planted along Maitland Road frontage of the proposed retail development, full details to be incorporated into the required Comprehensive Landscape Plan and approved prior to the issue of the Construction Certificate. All street trees being planted and established prior to the issue of any Occupation Certificate or occupation of the premises.

Note: All street trees are to be size index 194 - 251 at pot size 200L.

Reason: To ensure that appropriate street trees are planted.

- 3.7 A minimum nine street trees, trees species *Tristanopsis laurina* – Watergum, being planted along Havelock Street frontage of the proposed residential development, full details to be incorporated into the required Comprehensive Landscape Plan and approved prior to the issue of the Construction Certificate. All street trees being planted and established prior to the issue of any Occupation Certificate or occupation of the premises.

Note: All street trees are to be size index 194 - 251 at pot size 200L.

Reason: To ensure that appropriate street trees are planted.

- 3.8 Trees are to be installed in gap-graded (structural) soil vaults or equivalent (Rootcells). Vaults are to be the full extent of the pathway where planting occurs. Vaults are to be as wide as the footpath and as long as required to plant all the trees proposed to the development street frontage. Gap-graded soil to be provided to allow adequate rooting volume for the required trees. full details to be incorporated into the required Comprehensive Landscape Plan and approved prior to the issue of the Construction Certificate:

Note: 1) Volumes for tree vaults should be based on the formula: $CP \times 0.6m^3$, CP = the crown projection (m^2) of a mature tree ($3.14 \times r^2$).

2) Tree planting pits are to be irrigated.

Reason: To ensure that street trees are planted to an appropriate standard.

- 3.9 The minimum vault size per specified street trees *Pyrus calleryana* being based on AS 4700-2009 Protection of Trees on Development Sites Section 3.3.5 Structural Root Zone (SRZ), Figure 1 Structural Root Zone Calculation with the calculation of the volume of being based on a stem diameter of 0.5 metres, full details to be included within the required Comprehensive Landscape Plan submitted prior to the determination of the Construction Certificate.

Reason: To ensure that the street trees are planted under appropriate planting conditions.

- 3.10 The proposed pathway and granite bollard treatment to the Maitland road entry to the development being deleted within amended plans and replaced with street furniture in the form of seating, minimum four (4) and bins, minimum two (2) being provided, full details to be submitted with the required Construction Certificate;

Reason: To improve the amenity of the area and ensure that the design and detail of the proposed street furniture reflects the existing style of furniture used throughout the Mayfield retail district.

- 3.11 The full width reconstruction of the footway along the full length of the site frontage to Maitland Road and Havelock Street being undertaken with the pavement pattern incorporating permeable paving to a minimum width of 1200mm parallel to the kerbline in accordance with Council's requirements, full details to be submitted with the required Construction Certificate;

Note: 1) The permeable paving will provide stormwater capture and increase oxygen and water availability to the tree.
2) The remaining pathway is to be constructed in a Flagstone pattern, material concrete, and constructed to Council's specification No. PLE/S009 – 'Specification for the construction of Footway paving in Plain or patterned concrete'.
3) Colour to be 'Golden Bronze' as supplied by CCS. The consultant is to provide full plans and details of the pavement design and layout.

Reason: To ensure that appropriate street paving is constructed to Council's standards.

- 3.12 All street awnings being half width, to ensure maximum available room for street tree planting, full details to be submitted with the Construction Certificate:

Reason: To ensure that required street tree plantings are to appropriate standards.

- 3.13 On-site parking accommodation being provided for a minimum of 382 cars inclusive of 7 disabled spaces as well as 45 bicycles and 19 motor cycles.

Such being set out generally in accordance with the minimum parking layout standards indicated within Element 4.1 of Council's Newcastle 2005 DCP and Australian Standards AS2890.1-2004 'Parking Facilities – Part 1 off street car parking'. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.

- 3.14 All proposed driveways, parking bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

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

Reason: To assist in confining vehicular movement to constructed driveways and parking areas and protect site landscaping works against vehicular damage.

- 3.16 Landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 m in the 2.5 metre by 2 metre splay within the property boundary each side of the driveway entrance; full details to be included in documentation for a Construction Certificate application.

Reason: To ensure adequate sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footway.

- 3.17 Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties.

Reason: To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

- 3.18 Roof water from the proposed new work being directed to the proposed water tanks and being reticulated therefrom to any new toilet cisterns and cold water laundry and washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with AS 3500, the relevant plumbing regulations

and the requirements of the Hunter Water Corporation, full details to be provided with the Construction Certificate application.

Reason: To help ensure minimal water consumption in the interest of water conservation and principles of sustainability.

- 3.19 Overflows from the roof water tanks and any additional discharge controls (if required) being directed to Council's drainage system by means of an inter-allotment drainage line or underground pipe directly to the street gutter, full details to be provided with the Construction Certificate application.

Reason: To ensure stormwater overflow is appropriately controlled and does not cause public nuisance or nuisance to neighbouring properties.

- 3.20 The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or modified under the terms of this consent being implemented and the nominated fixtures and appliances being installed and operational prior to issue of an Occupation Certificate, full details to be provided with the Construction Certificate application.

Reason: To ensure Council's requirements for water management are complied with in the interest of water conservation and principles of sustainability.

- 3.21 All new impervious surfaces, including driveways and paved areas being drained to the nominated discharge controls, full details to be provided with the Construction Certificate application.

Reason: To ensure that surface water from impervious areas is appropriately managed in accordance with Council's requirements for stormwater management.

- 3.22 All proposed planting and landscape elements indicated on the submitted landscape concept plan or otherwise required under the conditions of this consent being implemented and a comprehensive landscape design plan and specification in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application.

Note: i) The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Council's adopted Newcastle Development Control Plan, 2005 and is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover, details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods. Refer to attached checklist.

- ii) A Landscape Practical Completion Report is required to be submitted to the Principal Certifying Authority by the consultant responsible for the landscape design plan prior to occupation of the premises or any portion of the premises that is the subject of this consent. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.

Reason: To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.

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

Reason: To confirm and clarify the terms of Council's consent and to ensure that existing trees are retained to protect the landscape and scenic quality of the locality.

- 3.24 Any required clothes drying lines being screened from the street. Full details are to be included in the documentation for a Construction Certificate application.

Reason: To ensure any such facilities do not unreasonably detract from the external appearance of the development.

- 3.25 Any garbage storage facility being screened from the street. Full details are to be included in the documentation for a Construction Certificate application.

Reason: To ensure any such facilities do not unreasonably detract from the external appearance of the development.

- 3.26 A Landscape Practical Completion Report is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate;

Reason: To ensure that landscape works are carried out in accordance with the approval.

- 3.27 The applicant complying with all requirements of the Hunter Water Corporation Ltd regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's

certificate of compliance is to be included in documentation for a Construction Certificate application.

Reason: To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

- 3.28 The proposed retail development being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the Disability Discrimination Act 1992.

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor* with the application for a Construction Certificate.

Note: i) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.

ii) * A qualified Access Advisor is a current member of -
Association of Consultants in Access Aust Inc
326 Autumn Street, HERNE HILL, VIC. 3218.
Ph (03) 5221 2820
www.access.asn.au

iii) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

Reason: To ensure compliance with the provision of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

- 3.29 All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an adequate mechanical ventilation system complying with Australian Standard 1668, Parts 1 and 2 'The use of mechanical ventilation and air conditioning in buildings'. Full details are to be included in the documentation for a Construction Certificate application.

Reason: To ensure the provision of adequate ventilation in the interest of public health and safety.

- 3.30 All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – Design for Access and Mobility. Kerb ramps are to be provided adjacent to disabled parking bays allowing access to these pathways. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure appropriate disabled persons access is provided for this development in accordance with the appropriate standards.

- 3.31 Wheel stops being provided along the front of parking spaces adjacent to pedestrian pathways in accordance with AS 2890.1 Parking. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure safe and convenient use of on-site parking and to minimise vehicular and pedestrian conflict.

- 3.32 A pavement design report for the construction of the internal access driveway and carpark is to be prepared and certified by a practising geotechnical engineer, and such being included in documentation for a Construction Certificate application.

Reason: To ensure the future integrity of the internal road network and carpark of the development.

- 3.33 Appropriate arrangements being made for the on-site collection of waste (recyclable and non-recyclable) from the development and such arrangements being in place prior to the occupation of the premises the subject of this development application. In this regard a refuse storage area is to be incorporated into the development with full details to be provided prior to issue of a Construction Certificate.

Reason: To ensure suitable garbage removal arrangements are provided in association with the proposed development in the interest of public safety.

- 3.35 Speed humps being constructed in the car park areas in accordance with AS 2890 – Parking Facilities incorporating appropriate delineation in the form of signage and/or linemarking. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure the vehicular speed controls proposed in association with this development application are installed in accordance with the appropriate standards.

- 3.36 Any proposed retaining walls, inclusive of footings, drainage and pedestrian or vehicle barriers being wholly contained within private property and not within existing or proposed public road reserves. Full details are to be included in documentation for a Construction Certificate application.

Reason: To ensure that maintenance of the proposed retaining walls and associated infrastructure is undertaken without demands on resources of the Roads Authority.

4 Conditions Requiring the Submission of Future Applications to Council or The Approval of Other Authorities

- 4.1 Compliance with the requirements of the Hunter Water Corporation in respect of any building or structure proposed to be erected over any services or stormwater drain under the Corporation's control.

Reason: To protect the Corporation's infrastructure from site development works.

- 4.2 A separate Development Application being submitted for Council's consideration in respect of Shops 1-3, 6-23 and all the Kiosks for any specific proposed use of the premises or portion of the premises prior to occupation.

Reason: To confirm the necessity for submission of a separate Development Application for occupation of premises proposed on a speculative basis in order to ensure compliance with the relevant planning instrument

- 4.3 No work within the public road reserve being commenced until Council's separate approval under Section 138 of the Roads Act 1993 has been obtained.

Note: The public road reserve includes both the carriageway and the footway.

Reason: To ensure that any work within the public road reserve is carried out in accordance with Council's requirements and under Council supervision.

- 4.4. Any proposed road work within the Maitland Road road reserve will require the separate approval of the RTA. In this regard the developer will be required to enter into a Works Authorisation Deed with the RTA. The developer will be required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to the state road network for the RTA's assessment and final decision concerning the work. The developer is advised that the conditions of consent set by Council do not guarantee the RTA's final consent to the specific road work, traffic control facilities and other structure works on the classified road network. The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any work.

The Works Authorisation Deed is to be executed prior to the issue of a Construction Certificate and all works shall be completed prior to occupation (interim or final).

Reason: To ensure that works within the classified road network are suitably authorised.

5 General Conditions

- 5.1 All street trees are to comply with the NATSPEC criteria, especially with regard to tree balance, root and stem structure, written evidence of compliance to NATSPEC to be submitted to Council prior to delivery to

site. This may be in the form of a report and or checklist and should include photos.

Reason: To ensure that street trees will be planted at an appropriate standard.

- 5.2 Written evidence from the plant supplier confirming the correct variety of street trees is to be submitted to Council prior to delivery to site.

Note: Contact Landscape Architectural Services, Phone No: 49 742690

Reason: To ensure that appropriate street trees will be planted.

- 5.3 An independent audit of the above measures for heavy vehicle movements on Maitland Road and Church Street shall be undertaken at the applicant's expense within the first three months of operation. This audit shall be submitted to the RTA and Council for review. Any non compliance identified from the audit shall be rectified by the developer as soon as practicable at full cost to the developer.

Reason: To clarify the terms of the RTA approval.

- 5.4. All works shall be completed at full cost to the developer and at no cost to the RTA or Council.

Reason: To clarify the terms of the RTA approval.

- 5.5 Certified works-as-executed (WAE) plans and documentation for the works associated with Maitland Road and Thomas Street being lodged with the Road Authority on completion of the road works. The required WAE plans are to be provided on a full copy of the approved Road Opening Permit drawings and are to include:

- a) Details of any alterations made to the approved plans;
- b) The location and type of service conduits;
- c) Details of all kerbs and gutters, pathways, pits and pipelines; and
- d) Linemarking and signposting.

Where the WAE plans indicate variations between the works as installed and the approved plans, the Road Authority is to determine whether the works are acceptable, require reconstruction, or require the submission of a Section 96 application.

Reason: To ensure compliance with approved plans and to provide a public record of the as-built civil infrastructure.

- 5.6 Prior to any site works commencing, the Developer preparing a Construction Management Plan (CMP) such to be designed and implemented to manage all environmental aspects associated with the construction works, including off site impacts such as transport to and from the site. Two copies of the CMP are to be provided to both the Principal

Certifying Authority and the Road Authority and the CMP is to be maintained on site during all site works and be made available to Authorised Officers upon request. The CMP is to include but not be limited to:

- a) A traffic and access management strategy addressing and managing all traffic impacts associated with the works and is to address the impact of the works on the safety and traffic function of Maitland Road. The plan shall include a Vehicle Movement Plan and Traffic Control Plan with the intent of causing minimal impact to the operation of the road network during construction. These plans shall be submitted to the RTA and Council for review and approval prior to site works commencing.
- b) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- c) A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- d) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- e) A waste minimisation strategy that aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- f) A community relations plan that aims to inform local residents and other local stakeholders of the proposed nature and timeframes for construction activities together with contact details for site management.
- g) A noise management strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality, in accordance with Australian Standard AS 2436, 1981 *'Guide to Noise control on Construction, Maintenance and Demolition Sites'*. Noise monitoring during the construction phase should be incorporated into the program.

Reason: To prevent environmental pollution and to ensure compliance with relevant provisions of the Protection of the Environment Operations Act 1997.

- 5.7 A defect liability applying in respect of the construction works associated with Maitland Road and Thomas Street for a six month period prior to the Road Authority (Council) accepting maintenance responsibility for the constructed road works. The required defect liability period is to commence at the date of practical completion of the work.

In this regard, a cash bond or bank guarantee in an amount equivalent to 5.0% of the construction value of the road construction works, or an alternative lesser amount as may be agreed to by the Road Authority, together with an endorsed Defects Liability Agreement form (available from Council), is to be submitted to the Road Authority prior to registration of the survey plan.

- Note:
- i) A further inspection of the subdivision infrastructure will be undertaken by the Road Authority at the cessation of the Defect Liability period.
 - ii) Any defects identified by the Road Authority are to be rectified by the developer prior to the Road Authority's acceptance of maintenance responsibility and the release of the bond.
 - iii) In the event that the developer fails to rectify defects notified by the Road Authority within one month of notification, the Road Authority may elect to call on the bond to cover the cost of the required rectification.

Reason: To ensure all proposed civil works within the public road are satisfactorily completed without cost to public sector resources.

- 5.8 The portion of the site required for road widening to facilitate the works associated with the development being dedicated as Public Road. A suitable survey plan providing for the dedication is to be submitted to, and approved by, the Road Authority prior to lodgement for registration with the Department of Lands, with such plan being registered prior to the issue of an Occupation Certificate.

Note: All associated survey and legal work to be undertaken by the applicant at their expense.

Reason: To facilitate the implementation of proposed road widening as a consequence of road improvement works required under the development.

- 5.9 Plans of any proposed traffic management devices, linemarking and signposting works on existing or proposed public roads being submitted to Council and approved by the Newcastle City Traffic Committee prior to those works being undertaken.

Reason: To ensure all regulatory traffic control measures are undertaken to the requirements of the Road Authority.

- 5.10 No compensation being payable by RTA / Council for or in respect of any land required to be dedicated as road widening or public road as a result of complying with any condition of this consent.

Reason: To indemnify Council against any claim for compensation in respect of any land required to be dedicated as road widening or public road as a result of this development.

- 5.11 All signage associated with the development is to comply with SEPP 64. Signage shall not have / use:

- Flashing lights
- Electronically changeable messages;
- Animated display, moving parts or simulated movement;
- Complex displays that hold a drivers attention beyond 'glance appreciation';
- Displays resembling traffic signals or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'; and
- A method of illumination that distracts or dazzles.

Reason: To ensure compliance with the relevant State Environmental Planning Policy.

- 5.12 Proposed parking areas, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Reason: To ensure the proposed/required parking, facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

- 5.13 Prior to the commencement of works, the developer providing written notification to the adjoining landowners of the intention to start works, advising details of the scheduling of works and nominating a contact person. A legible prominent sign stating the name of the developer and contractor and a 24 hour contact telephone number is to also be displayed on-site during the construction period.

Reason: To minimise inconvenience to neighbouring residents during construction activities.

- 5.14 The developer being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage necessary as part of this development in accordance with the Newcastle City Traffic Committee requirements, such works to be completed prior to the occupation of the buildings the subject of this development application.

(Note: Alterations to regulatory signage and kerbside parking will need to be referred to the Newcastle City Traffic Committee for approval).

Reason: To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic

movement and pedestrian activity likely to be generated by the proposed development.

5.15 Deliveries and servicing to the Thomas Street loading dock is to comply with the requirements of a Loading Dock Management Plan. The Loading Dock Management Plan is to be prepared to the satisfaction of Council and the RTA and implemented prior to occupation of the building and should include at least but not be limited to the following controls;

- The loading dock is to only operate between 7 am and 10.30 am.
- Egress from the basement car park to Thomas Street is to be prohibited (except in emergency) whilst the Thomas Street loading dock is in operation.
- Maximum size vehicle to use the Thomas Street loading dock is to be a 19 metre semi-trailer (19 m AV) as defined in Australian Standard AS 2890.2 – 2002 – 'Parking facilities – Off-street commercial vehicle facilities. Under no circumstances should any vehicle larger than this enter the loading dock.
- All vehicles with a wheel base longer than 9.8 metres accessing the Thomas Street loading dock must approach the site along Maitland Road from the east and turn right into Church Street.
- The maximum number of deliveries to the Thomas Street loading dock is to be 4 per day.
- Truck movements to and from the loading bay are to be restricted to right turn in and out at the intersection of Maitland Road and Church Street only.

The plan of management must identify the controls to be implemented to meet compliance and enforcement measures to be implemented as part of the plan.

Reason: To ensure servicing arrangements provided in association with the proposed development are provided in the interests of public safety and amenity.

5.17. Written certification from a Practising Geotechnical Engineer that the internal access driveway and carpark has been constructed in accordance with the geotechnical requirements is to be submitted to the Principal Certifying Authority prior to the occupation of the premise.

Reason: To ensure the future integrity of the internal access driveway and carpark of the development.

5.18 Appropriate lighting being provided for the car park and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to the occupation of the portion of the premise the subject of this application.

Reason: To ensure that adequate and appropriate lighting facilities are provided for the proposed development.

5.19 Street lighting shall be upgraded adjacent to the proposed development in accordance with the relevant Australian Standard and to RTA and Council requirements.

Reason: To ensure that adequate and appropriate street lighting facilities are provided for the proposed development.

5.20 Separate bins being provided within the proposed refuse storage areas to enable the on-site separation of recyclable and non-recyclable garbage, such arrangements being in place prior to the occupation of the premises the subject of this development application.

Reason: To ensure suitable garbage arrangements are provided in association with the proposed development in accordance with Council's Waste Minimisation Policy.

5.21 The proposed parking bays being clearly indicated by means of signs and/or pavement markings.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

5.22 The proposed disabled parking bays being clearly indicated by means of signs and/or pavement markings.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

5.23 The vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

Reason: To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces / facilities and driveway access and in the interest of traffic safety and convenience.

5.24 All vehicular movement to and from the site being in a forward direction.

Reason: To ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.

5.25 Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

Reason: To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

- 5.26 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the issue of any occupation certificate in respect of the development.

Reason: To ensure that safe conditions are maintained on the site during construction and that the required restoration is undertaken to acceptable standards, without demand on public sector resources.

- 5.27. Construction of the required site discharge control devices being supervised and certified upon completion by a Consultant Engineer or Registered Surveyor with respect to its compliance with the approved design plans. The certification is to be supported by a Works-as-Executed (WAE) plan of the property drainage and detention system, which is to be submitted to Council by the Principal Certifying Authority/Applicant prior to the issue of an Occupation Certificate or occupation of the premises.

Reason: To ensure that proposed drainage infrastructure is satisfactorily constructed.

- 5.28 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a surveyor registered under the Surveyor's Act.

Reason: To ensure that existing permanent survey marks which may be affected by the development are appropriately reinstated.

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

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- 5.30 A Registered Surveyor's Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.

Reason: To ensure that the building will be located as approved.

- 5.31 The owner/demolisher ensuring that all services (i.e. water, telecommunications, gas, electricity, sewerage etc, are disconnected in accordance with the relevant authority's requirements prior to demolition.

Reason: To prevent damage to reticulation systems and ensure maintenance of public health standards.

- 5.32 The premises being identified by the provision of house numbers on the building exterior and mailbox such that they are clearly visible from the road frontage.

The minimum numeral heights shall be -

- a) Exterior of the building and individual suites, flats or units = 75 mm.
- b) Group mailbox
 - house number = 150 mm
 - suite number = 50 mm.

Reason: To ensure that the property can be readily identified by visitors, motorists, emergency services and the community generally.

- 5.33 No goods or advertising signs being displayed or allowed to stand on the public footpath or street.

Reason: To avoid interference with pedestrian traffic flow and to protect the visual amenity of the neighbourhood.

- 5.34 Construction / demolition work noise that is audible at other premises is to be restricted to the following times:

- Monday to Friday, 7.00 am to 6.00 pm
- Saturday, 8.00 am to 1.00 pm

No construction/demolition work noise is permitted on Sundays or Public Holidays

Reason: To prevent 'offensive noise' from construction/demolition sites in accordance with the Environmental Protection Authority Guidelines.

- 5.35 No construction/demolition work being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday

Reason: To safeguard the amenity of the neighbourhood.

- 5.36 Council's 'PREVENT POLLUTION' sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

Note: Council's PREVENT POLLUTION sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle or at the Master Builders Association office.

Reason: To increase industry and community awareness of developer's obligations to prevent pollution and to assist in

ensuring compliance with the statutory provisions of the Protection of the Environment Operations Act 1997.

- 5.37 A Hazardous Substances Audit being carried out on the building/s or parts of the building proposed to be demolished, in accordance with Australian Standard AS2601: 2001 - *The Demolition of Structures*, and a copy of the Audit Report and any associated Hazardous Substances Management Plan being provided to Council and the licensed demolition contractor and/or principal contractor prior to commencement of work. The nature and location of each hazard identified and the proposed measures for controlling and/or removing the hazards are to be indicated in the Plan and such measures are to be implemented in accordance with the provisions of the Plan. The required Plan is to be kept on site and made available to authorised Council officers upon request.

Reason: To ensure that no work takes place involving the removal or handling of hazardous substances including asbestos material, other than in accordance with appropriate public health guidelines.

- 5.38 The licensed demolition contractor and/or principal contractor complying with the following specific requirements in respect of the proposed demolition works:

- a) Demolition work is not to be undertaken until:
 - ♦ Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - ♦ The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
- b) The removal, handling and disposal of any asbestos material is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos 2ND Edition [NOHSC: 2002 (2005)] and Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)];
- c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Department of Environment and Conservation;
- d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held

and licence numbers) of any asbestos removal contractor and demolition contractor;

- e) Seven working days notice in writing is to be given to owners and occupiers of all neighbouring premises prior to demolition, such notice to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor, Newcastle City Council's contact telephone number (49742000) and WorkCover NSW telephone number (49212900); and
- f) On sites where buildings to be demolished contain asbestos materials, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position to the satisfaction of Council prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

(Note: Demolition, in relation to a building, work, archaeological site, relic or place means the damaging, defacing, destruction, pulling down or removal of that building, work, archaeological site, relic or place in whole or in part.)

Reason: To ensure in the public interest that:

- ♦ No work takes place involving the removal or handling of hazardous substances including asbestos material, other than in accordance with appropriate public health guidelines;
- ♦ Council has all necessary information to effectively monitor demolition works and is aware of the contact details of the contractor should it need to follow up on complaints;
- ♦ Neighbouring residents are provided with adequate prior notice of proposed demolition work, as well as a convenient avenue for liaising with the demolition contractor and the appropriate regulatory authorities in the event of an incident occurring on site; and
- ♦ Appropriate warning signs are in place regarding the conduct of a hazardous operation on site.

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

Reason: To ensure that the landscape works are conserved and properly maintained in accordance with approved plans so as to improve the appearance of the premises and the visual quality of the locality.

- 5.40 Building demolition being planned and carried out in accordance with Australian Standard AS2601:1991 (The Demolition of Structures).

Reason: To minimise the risk of injury or damage to property as a result of the proposed demolition.

- 5.41 The owner/demolisher ensuring that all demolition material is kept clear of the public footway and carriageway as well as adjoining premises.

Reason: To ensure that the proposed demolition is undertaken in a manner that does not intrude upon adjacent public or private property.

- 5.42 Any demolition/waste building materials being disposed of at Council's Waste Disposal Depot or other approved site.

Reason: To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

- 5.43 The proposed remediation works being carried out in accordance with the requirements set out in the submitted Remediation Action Plan prepared by Douglas Partners Pty Ltd dated July 2010 and the conditions of this consent.

Reason: To ensure the site is suitable for the intended use and to comply with public health standards.

- 5.44 A Validation Report prepared by an appropriately qualified environmental consultant in accordance with the Department of Environment, Climate Change and Water's (DECCW) *'Guidelines for Consultants Reporting on Contaminated Sites'* and *'Guidelines for the NSW Site Auditor Scheme'* being submitted to the Principal Certifying Authority (PCA) and Council prior to the issue of the Occupation Certificate.

Reason: To ensure the site is suitable for the intended use and to comply with public health standards.

- 5.45 Appropriate environmental management measures being implemented prior to commencement of remediation works and maintained during the period of remediation in accordance with the submitted Remediation Action Plan prepared by Douglas Partners Pty Ltd dated July 2010 and Environmental Management Plan (EMP) prepared by Douglas Partners Pty Ltd dated 17 September 2010. The EMP shall be maintained on-site and made available to Council officers upon request

Reason: To ensure appropriate environmental control measures are implemented in order to protect the existing amenity of the area.

- 5.46 Any material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) '*Waste Classification Guidelines Part 1: Classifying Waste*'.

Reason: To prevent environmental pollution and to ensure observance of appropriate health standards.

- 5.47 Any fill material imported into the site being Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*.

Reason: To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

- 5.48 Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Council officers or the Principal Certifying Authority on request.

Reason: To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

- 5.49 The use of the loading dock area located in the north-west area of the proposed development being restricted to between 7:00am and 10:30am daily.

Reason: To confirm the terms of consent and protect the amenity of the neighbourhood.

- 5.50 The use of the loading dock area located in the south-east area of the proposed development being restricted to between 7:00am and 6:00pm daily.

Reason: To confirm the terms of consent and protect the amenity of the neighbourhood.

- 5.51 All waste collection activities at the proposed commercial retail centre being conducted between 7:00am and 6:00pm daily.

Reason: To confirm the terms of consent and protect the amenity of the neighbourhood.

- 5.52 Use of the accessway on Thomas Street by any vehicle being restricted by the installation of suitable traffic management devices which are required to be locked between the hours of 10.00pm to 7:00am Monday to Saturday and 9:00pm to 8:00am Sundays. Full details are to be included in documentation for a Construction Certificate application and the devices being installed prior to the release of the Occupation Certificate.

Reason: To prevent access to the site via Thomas Street during the night time period and protect the amenity of the neighbourhood.

5.53 Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the Principal Certifying Authority and Council an Environmental Management Plan (EMP) for construction works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:

- (a) A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- (b) A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- (c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- (d) A noise management and vibration strategy detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with Australian Standard AS 2436. 1981 *Guide to Noise control on Construction, Maintenance and Demolition Sites*. Noise and vibration monitoring during the construction phase should be incorporated into the program.
- (e) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Reason: To prevent environmental pollution and to ensure compliance with relevant provisions of the *Protection of the Environment Operations Act 1997*.

5.54 Under no circumstances is impact/hammer pile driving to be carried out on site.

Reason: To confirm the terms of consent and minimise the noise and vibration impacts on neighbouring premises.

5.55 A dilapidation survey being conducted by a suitably qualified consultant of surrounding buildings considered to be at risk of property damage from the proposed site works and located within, at minimum, fifty metres from the boundary of the site in accordance with the Revised Acoustic Assessment prepared by GHD dated September 2010. The dilapidation survey shall be conducted prior to and following the proposed construction works

Reason: To confirm the terms of consent and allow assessment of vibration impacts on neighbouring properties if required.

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

Reason: To confirm the terms of consent, allow assessment of vibration impacts on neighbouring properties and ensure compliance with the relevant assessment criteria.

- 5.57 Appropriate erosion protection and soil stabilisation measures being designed and implemented during site works in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1* (the 'Blue Book') published by Landcom, 2004.

Reason: To control soil erosion and prevent sedimentation of surrounding lands.

- 5.58 The rear laneway, to the north of the retail development, being provided with appropriate and CCTV coverage;

Reason: To ensure that adequate crime prevention measures are incorporated.

- 5.59 The loading docks, entry points and car parks being provided with appropriate CCTV coverage;

Reason: To ensure that adequate crime prevention measures are incorporated.

- 5.60 The access to the residential car park and dwellings being provided with security doors and gates;

Reason: To ensure that adequate crime prevention measures are incorporated.

- 5.61 A road safety audit of the project being undertaken by an accredited auditor and a report prepared and submitted for concurrence, to the Roads & Traffic Authority and Council at the completion of road construction works. The concurrence of the Authority and Council is to be obtained prior to the issue of any Occupation Certificate or occupation of the premises.

Reason: To ensure the proposed deceleration lane conforms to the appropriate design and construction standards.

- 5.62 All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to issue if an Occupation Certificate.

Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.

6 Advisory Matters

6.1 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

Reason: To advise of matters to be resolved prior to the commencement of work.

6.2 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building and/or on the land and include a separate list of any fire safety measures that already exist at the premises. The lists must describe the extent, capability and basis of design of each of the measures.

Reason: To advise of information that must accompany an application for a Construction Certificate for the project.

6.3 Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.

Reason: To ensure compliance with Section 109M of the Environmental Planning and Assessment Act 1979, as amended.

6.4 A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

Reason: To ensure compliance with Clause 172 of the Environmental Planning and Assessment Regulations.

Mayfield Place Shopping Centre
Project Space Analysis

Site Area 13967m²

Commercial/ Retail

Ground Level Gross Floor Area (incl. amenities & circulation) 10324m²

Ground Level Net Lettable Area	Coles Store	4350m ²
	Atft Store	1465m ²
	Shop 01	92m ²
	Shop 02	93m ²
	Shop 03	194m ²
	Shop 04	500m ²
	Shop 05 (Coles Lrg)	150m ²
	Shop 06	84m ²
	Shop 07	84m ²
	Shop 08	87m ²
	Shop 09	56m ²
	Shop 10	92m ²
	Shop 11	68m ²
	Shop 12	106m ²
	Shop 13	90m ²
	Shop 14	103m ²
	Shop 15	89m ²
	Shop 16	64m ²
	Shop 17	58m ²
	Shop 18	132m ²
	Shop 19	60m ²
	Shop 20	114m ²
	Shop 21	80m ²
	Shop 22	80m ²
	Shop 23	80m ²
	Shop 24	80m ²
	Shop 25	159m ²
	Kiosk 1	24m ²
	Kiosk 2	32m ²
	Kiosk 3	24m ²
	Kiosk 4	24m ²

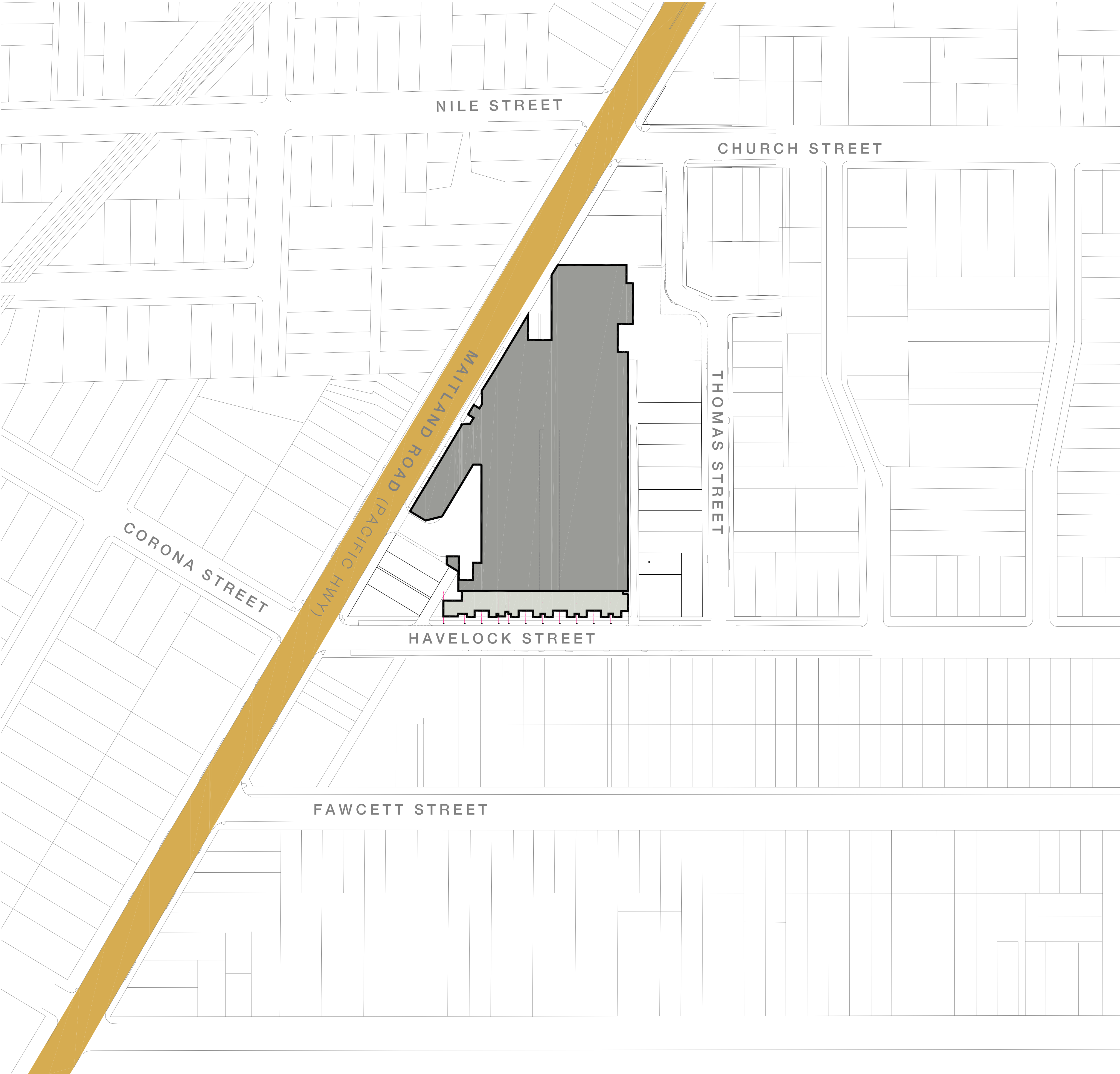
Total Net Lettable Area 8714m²

Car Parking Shopping Centre Basement 360 cars

Residential

Appartments

	No. 1/ 2 bed	76m ²
	No.2/ 2 bed	72m ²
	No.3/ 2 bed	85m ²
	No.4/ 2 bed	72m ²
	No.5/ 2 bed	72m ²
	No.6/ 2 bed	72m ²
	No.7/ 2 bed	72m ²
	No.8/ 2 bed	72m ²
	No.9/ 2 bed	72m ²
	No.10/ 2 bed	67m ²
	No.11/ 2 bed	84m ²
	No.12/ 2 bed	72m ²
	No.13/ 2 bed	72m ²
	No.14/ 2 bed	72m ²
	No.15/ 2 bed	72m ²
	No.16/ 2 bed	72m ²
	No.17/ 2 bed	72m ²
	No.18/ 2 bed	72m ²
	No.19/ 2 bed	72m ²
	No.20/ 2 bed	73m ²
		1465m ²
Car Parking	Appartments (visitor)	20 cars 2 cars 22 cars



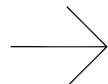
Mayfield Place Shopping Centre
Maitland Road Mayfield NSW

Clarke
Hopkins
Clarke

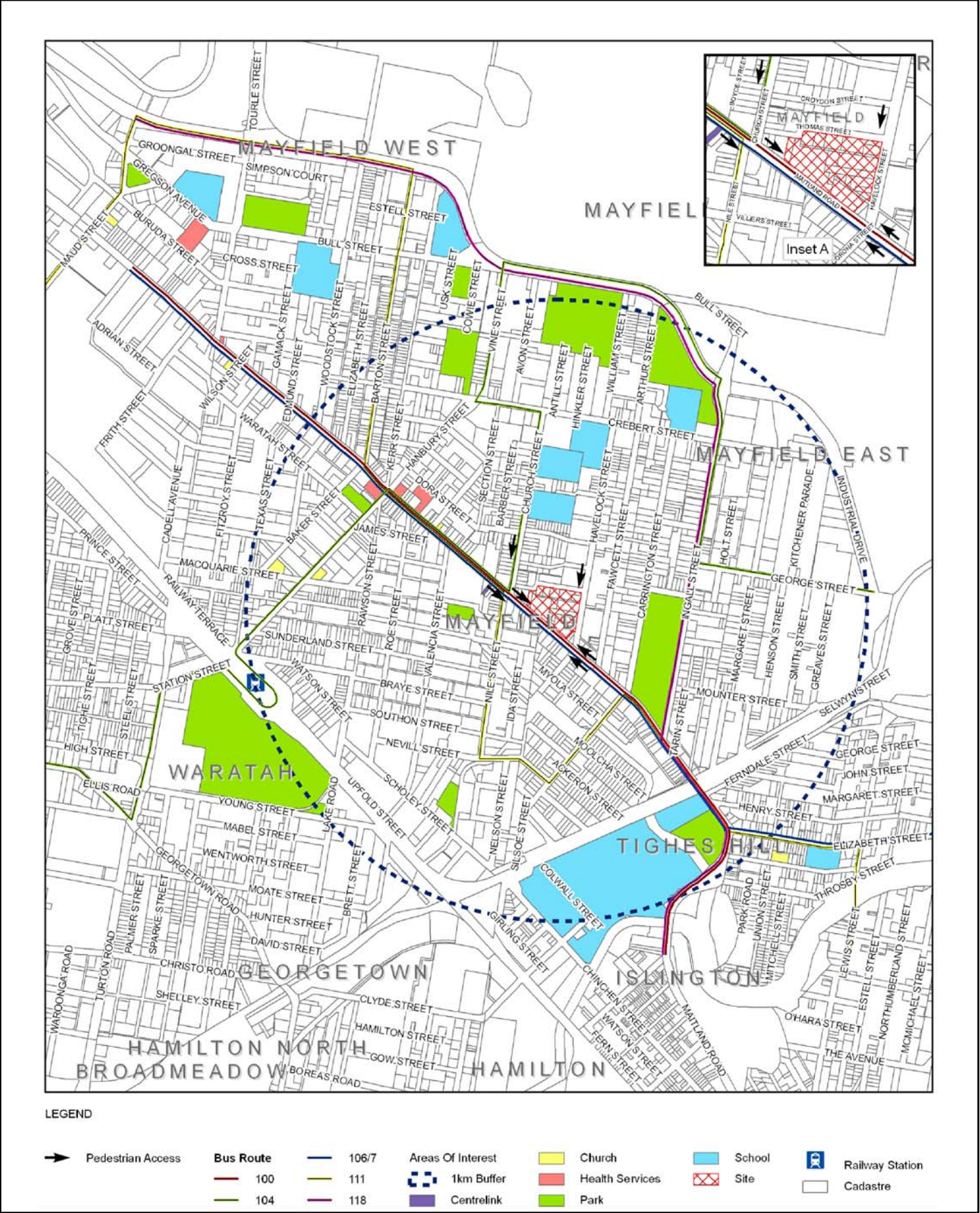
ClarkeHopkinsClarke
115 Sackville Street
Collingwood Victoria Australia 3066
Telephone (03) 9419 4340
Facsimile (03) 9419 4346
www.clarkehopkinsclarke.com.au

Location Plan

1:1000 (1:2000@A3)



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0818/TP01N



- SITE AND NEIGHBOURHOOD DESCRIPTION**
- Generally 2m high paling fences bordering laneway
- Existing Building
- Existing Building to be demolished
- Extent of Subject Site
- Site Boundary
- Extent of New Building Works
- Existing Crossover/Loading Bay /Access



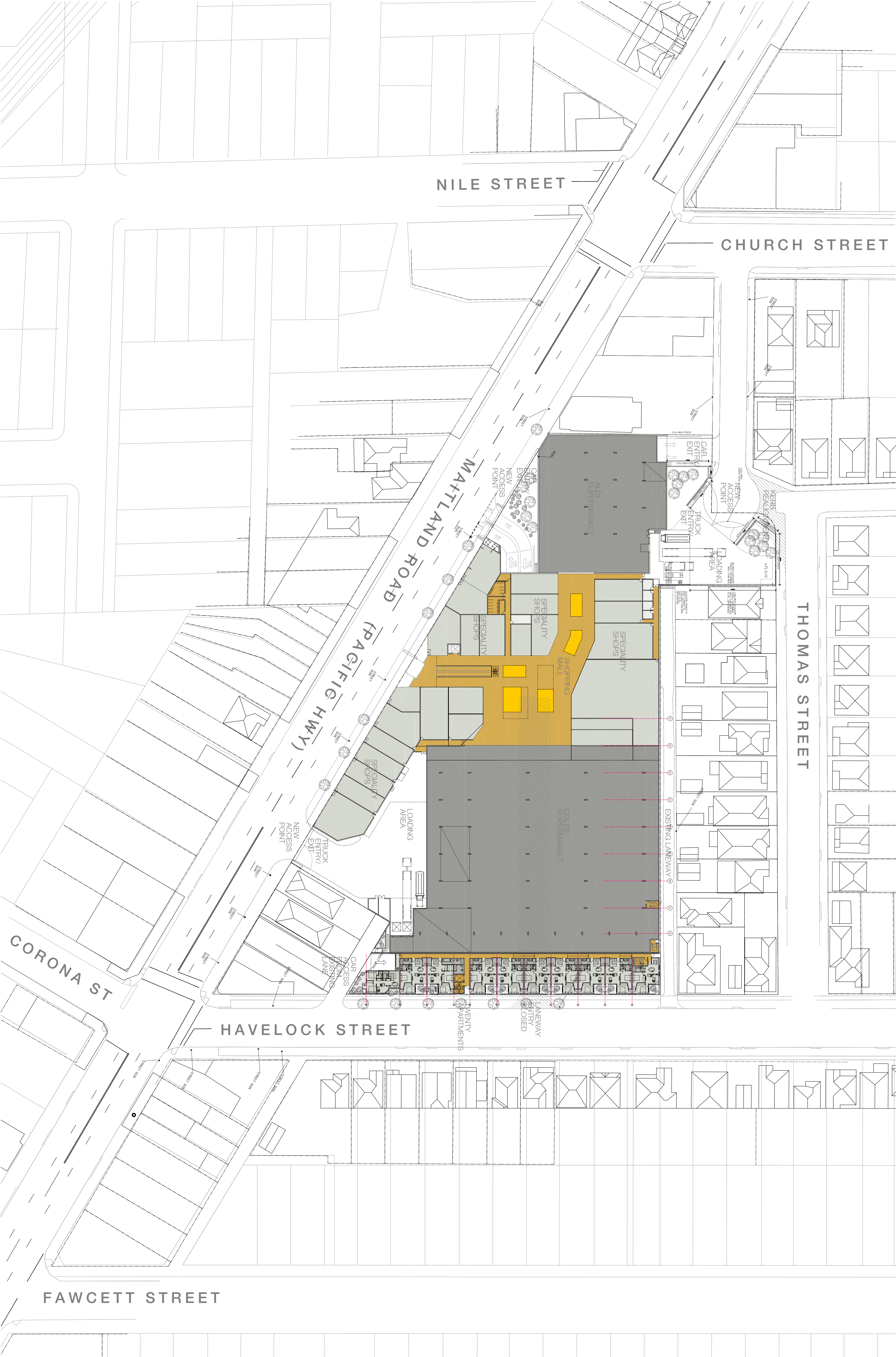
Mayfield Place Shopping Centre
Maitland Road Mayfield NSW

Clarke Hopkins Clarke
115 Sackville Street
Collingwood Victoria Australia 3006
Telephone (03) 9419 4340
Facsimile (03) 9419 4346
Email studio@chc.com.au

Site Analysis Plan

1:500 (1:1000@A3)

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0818/TP03N



CHURCH STREET

THOMAS STREET

NILE STREET

MATTLAND ROAD (PACIFIC HWY)

HAVELOCK STREET

FAWCETT STREET

CORONA ST

Mayfield Place Shopping Centre
Mattland Road Mayfield NSW

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115 Sackville Street
Collingwood Victoria Australia 3066
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Site/ Traffic Management Plan

1:500 (1:1000@A3)

29/10/2010 11:26:36 AM
0818/TP04Q

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