

JRPP No.	2010HCC016
DA No.	DA 09/1205
Proposed Development	22 MILFORD ST ISLINGTON – DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF 3 AND 4 STOREY BUILDING CONTAINING 24 TWO BEDROOM DWELLINGS
Applicant	NEWCASTLE COMMERCIAL DEVELOPMENTS PTY LTD
Author	DREW BULMER / MELISSA THOMAS

OWNER: NEWCASTLE COMMERCIAL DEVELOPMENTS PTY LTD
REPORT BY: FUTURE CITY

PURPOSE

An application has been received seeking consent to erect a three and four storey building containing 24 two bedroom dwellings and demolish the existing warehouse at 22 Milford Street Islington.

*Three separate blocks are proposed connected at ground level and first floor level by terraced gardens. The proposal includes an undercroft carpark containing 43 car spaces. A copy of the submitted plans for the proposed development is appended at **Attachment A**.*



Subject Land: Map 297 – F15 as Gregory's Street Directory, 24th Edition

The proposed development is an amendment to the originally submitted design. The original application proposed a higher density and smaller setbacks. The application has been amended in response to issues raised by Council officers and objectors in relation to excessive bulk and scale.

The original proposal was publicly notified and eight submissions were received, expressing concern in relation to the proposed development. The amended proposal was also publicly notified and six submissions were received.

The objectors' concerns include height, density and privacy. 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.

The proposed development represents a departure from the density standards prescribed by the Newcastle Urban Strategy (NUS) and the height provisions under the Newcastle Development Control Plan 2005 (DCP). The proposal was lodged prior to the recent amendments to the DCP which came into force on the 20 February 2010.

Issues

- *Whether the proposed development would unreasonably impact on the existing dwellings to the west of the site.*
- *Whether the design of the proposed building is satisfactory having regard to the urban design principles under State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings.*
- *Whether the dwelling density proposed is acceptable having regard to the Newcastle Urban Strategy and Council's urban consolidation objectives.*

Conclusion

The proposed development has been assessed having regard to the relevant heads of consideration under Section 79C(1) of the Environmental Planning & Assessment Act, 1979 (as amended) NSW and is considered to be acceptable subject to compliance with appropriate conditions.

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

RECOMMENDATION

*The application to demolish the existing warehouse and erect a three and four-storey building containing 24 two bedroom dwellings, be approved and consent granted, subject to compliance with the conditions set out in the Draft Schedule of Conditions appended at **Attachment B**.*

PART II

1.0 THE SUBJECT SITE

The subject property comprises Lot 21 DP 1052503 and is a large rectangular allotment located on the corner of The Avenue and Milford Street Islington. It has frontages of 37m and 58m, respectively, to The Avenue and Milford Street and a total area of 2460m². The site is devoid of vegetation and is relatively flat, with an existing warehouse style building, formerly used as a specialist wool store. The use has ceased and the building is currently vacant.

A development consent has previously been issued for the site in August 2006 (DA No 05/1076). The existing development approval included demolition of existing warehouse and erection of two storey and three storey residential flat buildings, containing 20 two bedroom and

2 three bedroom apartments, 31 secured car spaces, 2 visitor car spaces and a condition to provide a further 5 secured car spaces.

Existing development on adjoining sites comprises a mixture of single-storey, older style detached dwellings, warehouses, former woolstores and other industrial type land uses.

To the south of the site, a part 1-storey and part 3-storey warehouse building that has redeveloped as a 96 unit residential flat building exists (14 Milford Street). To the north and west of the site, single and double storey older style residential properties occur.

Directly across Milford Street to the east, at 57 Annie Street, there is a development approval for the conversion of an existing 4 storey former woolstore building into a commercial/residential building. This approval includes 95 residential units with associated parking facilities, the erection of 6x 2-storey attached dwellings and the erection of a five storey residential flat building containing 32 dwellings.

2.0 THE PROPOSAL

The applicant seeks consent to demolish the existing warehouse structure and erect a new residential flat building with associated car parking.

The proposal consists of 24x2 bedroom units and an undercroft carpark containing 43 car spaces. Three separate blocks are proposed connected at ground level and at first floor level by terraced gardens. The three buildings are described as follows:

- Block A is proposed as four levels: a single level of parking and three levels of residential units.
- Block B is proposed as three levels: a single level of parking and two levels of residential units.
- Block C is proposed as three levels of residential units.

The proposed development is an amendment to the originally submitted design. In response to concerns raised by Council officers, the Urban Design Consultative Group and objectors, the original proposal was amended by reducing the total number of units from 26 to 24, increasing the side setback on the western boundary from nil to 4.5 metres, increasing the size of the landscaped areas and increasing the setback to the Milford Street boundary for Block B.

The Statement of Environmental Effects provides the following design rationale for the proposal:

West of the site is a continuation of existing residential cottages facing Roslyn Avenue. The proposal engages with the back boundary of five properties. Currently the existing building presents as a 'saw tooth' elevation, up to 8.0m in height and continuous for the length of the boundary. The proposal seeks to demolish the existing wall and construct three separate structures to the boundary; the most southerly being 14.0m max height and the two most northerly being max 11.0m in height. These three buildings read as separate on the boundary and are a minimum of 9.0m apart.

The proposal seeks to acknowledge the industrial character and scale of the existing building on the site and the existing residential building it abuts to the south. However reducing in scale and changing character to more recognizable residential character towards the north and the street character of The Avenue.

Elevations to Milford / east and west combine metal sheeting and face brickwork, an extension of the neighbouring developments materials and textures. The building repeats southlight skillion roofs and the east west axis of the precinct.

A copy of the current amended plans is appended at **Attachment A**. A copy of the approved plans relating to the development consent that has previously been issued for the site on 24/08/2006 (DA No 05/1076) is appended at **Attachment E**.

The various steps in the processing of the application to date are outlined in the Processing Chronology appended at **Attachment C**.

3.0 PUBLIC NOTIFICATION

The original application was publicly notified in accordance with Council's Public Notification policy for a period of 14 days and eight submissions were received in response. The current amended plans have also been publicly notified and 6 submissions were received expressing continued concerns regarding the proposal.

The concerns raised by the objectors in relation to the revised plans are summarised as follows:

- a) Height and number of storeys
- b) Density
- c) Setbacks, privacy and amenity impacts to western boundary
- d) Fencing to western boundary – should be 2.1 metre solid masonry to reduce impacts of carparking area
- e) Car parking
- f) Plans do not reflect correct existing ground levels

In terms of the initial notification period, concerns not raised by the second notification period are summarised below:

- a) Higher densities being developed without additional public space/amenities
- b) Driveway noise impacting properties on western boundary
- c) Streetscape, front setback and appearance to pedestrian level
- d) Solar access to proposed units
- e) Overshadowing to adjoining property on western boundary

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

An application for mediation was received from an objector, however the applicant selected not to participate in this process.

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)]

4.1.1 State Environmental Planning Policies (SEPP)

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

Clause 30 of SEPP 65 requires that the consent authority take into consideration the design quality of the residential flat development when evaluated in accordance with 10 design quality principles.

In this regard, SEPP 65 also requires the consent authority to consider the advice of the relevant design review panel concerning the design quality of the residential flat development. The Urban Design Consultative Group (UDCG) have reviewed the proposed development against the ten design quality principles. The UDCG were generally supportive of the proposal and noted that it would result in a significantly better development than the current approval (DA 05/1076). The UDCG provided the following comment:

1. Context

The Group noted the particular context of this site with an existing industrial building on the South boundary and the favourable North orientation creates a unique setting which contributes significantly to the amenity and the density achieved. The other significant considerations are the existing, free-standing houses along the Western boundary of the site. The Group has previously raised concerns regarding an appropriate setback to these properties. The revised drawings have addressed these concerns with an increased setback of 4.5m to the West boundary.

2. Scale

The Group is satisfied with the relationship of this development to the large, existing industrial building on the South boundary. The height of this existing building enables this proposal to achieve a height which may otherwise have been problematical. As noted above, to address the previous concerns of the Group regarding the interface with the adjoining residential properties to the West, the setback has been increased to 4.5m. The Group also suggested that the fence along the common West boundary be of sufficient height and of acoustic performance to minimise any adverse impacts from vehicle noise, etc. for the adjoining residence.

3. Built-Form

This proposal maintains the 3 individual blocks of units running East/West, with courtyards between to provide satisfactory amenity. These arrangements also satisfy the Residential Flat Code in relation to solar access. Two residential units have been deleted from the previous scheme to both reduce density and to provide the suggested setbacks to the West boundary. The articulation of the three blocks has been refined with the addition of windows to the Milford Street facade and the inclusion of primary colours to differentiate the entry to each individual block. The applicant provided a colour elevation drawing which showed the overall pallet of materials and colours. The Group considered the treatment proposed generally satisfactory.

4. Density

The Group has previously expressed strong reservations regarding the density proposed. The current Approval exceeded the density controls by 30% (based on Council's briefing notes). The Group has been advised that the amended proposal exceeds the density controls by 37%. The applicants have advised that the number of units previously proposed was 26, the amended proposal contains 24 units. This results in a reduction in

the number of bedrooms from the 52 originally proposed to 48 within the amended proposal. Due to the fact that the amended proposal contains only two more bedrooms than the current Approval for the site, and also due to the higher level of amenity obtained under the proposal, the Group considers this density satisfactory.

It should be noted that this non-compliance with the density controls would not normally be considered. In this particular instance, Council's approval of the current Approval which exceeds the density controls and the unique context of the site mentioned previously, are mitigating factors. The applicant argued that generally the State Government is seeking to provide more affordable dwellings by increasing density, subject to amenity measures being met. The applicant also noted that the current scheme would be marketed in the lower to medium end of the residential market.

5. Resource, Energy and Water Efficiency

Subject to BASIX compliance.

6. Landscape

The applicant has amended the parking layout on the ground floor in accordance with suggestions discussed at the last meeting with the Group. These changes correspond with the increased setbacks along the West boundary. Together, these measures provide increased opportunity for planting along the Western side of the site. The Group noted that there would appear to be opportunities for further areas of planting along the West side of the property. The applicant agreed with this suggestion and stated that their landscape consultant would be instructed to maximise the planting opportunities in this area. Further, the Group suggested that there were opportunities for additional planter landscaping on some of the large deck areas, and the applicant indicated that the landscape architect would investigate additional above ground planting. It was noted that planting has been proposed between the property boundary and the street footpath along Milford Street and The Avenue. This planting is subject to approval by Council.

7. Amenity

The Group repeated its view that this proposal provided superior amenity to the current Approval. The amended proposal presented to the meeting made further adjustments to common areas, courtyards and balconies generally in accordance with comments made by the Group.

The amenity of the neighbouring properties to the West has been improved by the incorporation of a 4.5m setback to the shared West boundary. The increased planting proposed will also be of benefit to the adjoining residents.

8. Safety and Security

The amended proposal includes a greater number of windows along the Milford Street elevation as suggested by the Group. These windows will improve passive surveillance along this street. The living areas for Units 7 and 16 have been relocated to the Milford Street frontage. The living spaces of these units now have solar access to the North and bay windows overlooking Milford Street. The combination of these measures within the amended proposal has satisfied the concerns of the Group regarding surveillance.

9. Social Dimension.

Satisfactory.

10. Aesthetics

The amended proposal adds further refinement to the design approach previously presented to the Group. The applicant advised that the face brickwork shown on the drawings would be selected to match as closely as possible the bricks used in the existing, industrial building to the South. On the coloured elevations, the lightweight cladding on the South side of each block has been shown in strong contrasting black and white panels. While there were some reservations regarding the strength of this contrast, it is assumed that final colours will be submitted to Council for approval. Council may wish to refer final colour and materials selections to the Group for comment.

The applicant has amended the proposal as suggested by the Group by relocating the living/dining spaces for Units 7 and 16 as previously noted to the Milford Street elevation. Bay windows to these units provides further articulation and variety to this streetscape.

Recommendation

The Group generally supports the amended proposal and notes that it would result in a significantly better development than the current development approval. The Group is now more comfortable with the non-compliance with the density standard which is now quite minor in comparison to the current development approval. The increased setbacks along the Western boundary have also resulted in a significant improvement to the scheme. This context has resulted in a unique proposal which can be recommended for approval by Council.

The comments from the UDCG have been considered as part of this assessment, and as detailed in this assessment, the UDCG comments in relation to the variation to the density standard is consistent with Council's assessment.

b) State Environmental Planning Policy No 71 – Coastal Protection

Having regard to the matters for consideration contained in this policy, the proposal is considered to be acceptable. It is not considered that the proposal is likely to have any significant or detrimental impacts to the Coastal Zone.

c) State Environmental Planning Policy (Major Development) 2005

In accordance with Clause 13C, the proposal is considered to be 'Regional Development', on the basis that the development is greater than 13 metres in height in the Coastal Zone. Accordingly, the relevant consent authority would be the Joint Regional Planning Panel.

d) Other State Environmental Planning Policies

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

4.1.2 Local Environmental Plan (LEP)

- Clause 16 - Zonings

The subject property is included within the 2(b) Urban Core zone under the provisions of the Newcastle Local Environmental Plan 2003 (LEP), within which zone the proposed development

is permissible with Council's consent. The proposed development is also considered to be consistent with the zone objectives, which are:

- a) *To provide for a diversity of housing types that respect the amenity, heritage and character of surrounding development and the quality of the environment.*
- b) *To accommodate a mix of home-based employment-generating activities that are compatible in scale and character with a predominantly residential environment.*
- c) *To accommodate a limited range of non-residential development of a scale and intensity compatible with a predominantly residential environment which does not unreasonably detract from the amenity or character of the neighbourhood or the quality of the environment.*
- d) *To require the retention of existing housing stock where appropriate, having regard to ESD principles.*

- **Clause 25 - Acid Sulfate Soils**

The subject site is identified as being Class 3, as identified on the Acid Sulfate Soils mapping. Accordingly, this clause requires consideration of any works below 1 metre below the natural ground level on this site. The submitted plans do not demonstrate that works will be occurring below this depth.

- **Part 4 - Environmental Heritage Conservation**

There are no heritage items located on the site, nor is the site within a heritage conservation area. However, the site is located in proximity to the three storey Winchcombe Carson Warehouse at 13 Roslyn Street and the four storey Elders Warehouse at 57 Annie Street, both of which are listed as items of local heritage significance under the LEP. Clause 33 of the LEP requires an assessment of the impact of the proposed development on the heritage significance of these items.

In this regard, it is noted that a previous development application to demolish the building was granted in August 2006, and that as detailed in the UDCG, in terms of design, this proposal is a significantly better development than the current development approval. In this regard, the proposal is considered satisfactory in relation to heritage.

4.2 Merit Considerations

4.2.1 Relevant Strategic Policies

The subject site is located within a District Centre under the Newcastle Urban Strategy (NUS). The strategy nominates low rise residential flat buildings (three storeys) as one of the preferred dwelling types within this precinct. It is noted that proposed Block A is proposed to be four storeys. Consideration of this additional storey is discussed in this assessment.

In relation to the proposed dwelling density, it is noted that the proposal does not comply with the NUS. The NUS allows 18 x 2 bedroom dwellings, however 24 x 2 bedroom dwellings are proposed. However, the application of a dwelling density standard as nominated under the NUS, in respect of the subject site is considered inappropriate, given the context the surrounding area which is currently undergoing transition. Adjoining development applications have involved the conversion of large redundant industrial buildings into residential apartments, greatly increasing residential density in the vicinity.

In determining the appropriate overall dwelling density for the site, it is considered reasonable to apply a similar dwelling density to that accepted by Council for the residential conversion of the former 'Winchcombe Carson' woolstore building located directly adjacent to the site. In relation to the subject site, the 24 dwellings proposed in total on the 2460m² available site area equates to an overall residential density of a little over 102m² per dwelling. While this is significantly higher than the maximum density allowable in the District Centre precinct (i.e. one dwelling per 140m²), it is less significant when comparable to the residential density for the 96 dwelling units approved by Council within the 'Winchcombe Carson' woolstore site (area of 7,500m²) which is equivalent to about one dwelling per 78m² of site area.

It is further considered that the development would contribute positively to the residential amenity of the neighbourhood by the removal of a non-conforming use from the site in favour of a land use that is more in keeping with the desired future character of the area and is consistent with the zoning. On this basis, the dwelling density proposed is considered to be acceptable.

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

An assessment of the proposal's compliance with the DCP is detailed below.

a) Urban Housing – Element 5.2

(Note: Since the development application was lodged, a revision to Element 5.2 has come into effect. However, as specified by the transitional provisions, the revisions do not apply to this application.)

- 5.2.2.c Streetscape & Front Setbacks

The DCP requires that the scale and appearance of new development be compatible and sympathetic to existing development in the locality, and that front setbacks be generally consistent with those of adjoining development, though not necessarily identical.

It is noted that the existing building on site has a nil front setback to Milford Street and The Avenue. The adjoining building along the Milford Street frontage also has a nil setback, and the adjoining building on The Avenue is setback approximately 13 metres, with the next building along The Avenue being setback less than 1 metre.

The applicant states:

The proposal seeks to represent, fragment and reduce the impact on the street of both the existing building and the building nominated in the current development approval; for the site.

The proposal involves predominantly a nil setback to the ground level along Milford Street. A varied setback is proposed along The Avenue, with a nil to 2m setback to ground level terraces, and a minimum of 3 metres to walls. The setback of the upper level terraces increase to 2.5m - 4m.

Noting the existing built form on the site and adjoining properties, it is considered that the proposed front setbacks are acceptable.

- 5.2.2.d Useable Open Space:

Each dwelling has been provided with a suitably sized area of private open space, which is directly accessible from the living area. All units have adequate screening to ensure that privacy is provided to these areas.

- 5.2.3.a External Appearance

Reference is made to the UDCG with regard to the external appearance of the proposal. The proposal is considered satisfactory after considering the adjoining development.

- 5.2.3.b Building Height & Design

In relation to height, the applicant has provided the following justification:

The proposal seeks Council's support for Block A being a level higher than nominated in the Newcastle Urban Strategy for this site. In this case unique circumstances exist:

Milford Street is characterised by a continuous façade of four levels with repeated saw tooth skillion roofs. The proposal is to separate, break the proposed building in individual blocks, repeat the four levels at the point of abuttal with the existing building. Then continue to fragment and reduce to The Avenue.

The height requirement specified in the DCP is that buildings are to be a maximum of 7.2 metres from existing ground level to underside of the ceiling in uppermost habitable room. However, this provision can be varied in the following instances:

- height of proposed building equal or less than height of building on adjacent site
- variation is minor and satisfies objectives and performance criteria
- other requirements of DCP relating to streetscape, daylight, sunlight & privacy satisfied

It is noted that the building directly adjoining the site to the south is similar in height to the proposal. Further, as discussed in this assessment, it is considered that the design is acceptable in relation to side setbacks, overshadowing and privacy. Accordingly, it is considered that the proposal is acceptable in relation to height.

It is further noted that the approval at 57 Annie Street (DA03/3002) also involved building taller than the DCP control, where a five-storey component of the new building extended to an overall building parapet height of RL 17.5m AHD, with the apex of the rooftop skylight extending to a height of about RL 20.4m AHD. This is about 500mm below the overall height of the 'Elders' woolstore building at 57 Annie Street. It was considered that the scaling of these new residential buildings provided a satisfactory transition in building height and bulk from the former woolstore building to the lower scale residential buildings fronting The Avenue.

This building height scale and massing transition was supported by Council's Urban Design Consultative Group.

- 5.2.3.c Side & Rear Setbacks

It is noted that the existing building, which is over 5 metres in height, has a continuous wall with a minimal building setback along the western boundary. The current proposal has a first floor setback of over 4.5 metres, which is likely to increase visual amenity to adjoining properties on this boundary. On the ground level, only landscaping and carparking turning areas are within 1.5 metres of this boundary, with the building structures located over 4.5 metres from the boundary.

In relation to the southern boundary, it is considered that the proposed setbacks are appropriate considering the setback and height of the adjoining boundary.

It is noted that the upper levels do not strictly comply with the setback requirements to the western boundary, however, given that no windows are facing this boundary, that the proposal complies with the overshadowing requirements, and considering the impacts of the existing building, it is considered that the proposal is acceptable.

- *5.2.3.d Energy Conservation*

The overshadowing diagram demonstrates that the proposal complies with the requirements of the DCP in relation to solar access to the living areas of the proposed units and to principal ground level private open space of adjacent properties.

- *5.2.3.f Views & Privacy*

There are no significant views affected by the proposal.

In relation to views and privacy, the applicant has provided the following comments:

The proposal consists of three blocks, all north facing. Each block is made up of several storeys. The first floor terrace is designed for upper floors to look down to the community gardens however outdoor living areas still remain private for individual residents.

Although well separated from the western boundary, several privacy screens are located to maintain privacy to back gardens of dwellings facing Roslyn Street.

Special fence details ensure air flow, glimpses and privacy to private spaces at ground level for units facing The Avenue.

First floor balconies facing the western boundary, which are setback approximately 4.5 metres propose 1000mm high solid balustrades with 800mm privacy screen on top. The higher level balconies, which are setback at least 8 metres, include a 1000mm high solid balustrade. There are no elevated walkways within 13 metres of the western boundary.

Having regard to the design measures proposed, the development application is considered acceptable in relation to privacy.

- *5.2.3.g Fencing & Walls*

The fencing detailed on the plans is considered to be acceptable.

- *5.2.4.a Landscape Design*

The proposal was considered by Council's Landscape Architectural Services, and was considered to be satisfactory subject to conditions.

- *5.2.4.b Security, Site Facilities & Services*

The proposal involves a number of entries and accordingly complies with the requirement that a maximum of 12 dwellings be served by a shared entry.

Adequate provision for bin storage is detailed on the plans. The Statement of Environmental Effects details that two bins; one for garbage and one for recycling, will be provided and serviced by a private contractor. Residents will be required to bring their household garbage and recycling to this central point.

b) Carparking – Element 4.1

The proposal is generally considered to comply with this element.

In relation to carparking provision, the two bedroom units require one carparking space and 1 bicycle storage area per unit for residents, and 1 motorbike space per 20 car spaces. In relation to visitor parking, 1 space is required for the first three dwellings, plus 1 space for every 5 thereafter or part thereof, and 1 visitor bicycle storage area for per 10 dwellings.

Accordingly, the proposal requires the following:

- 24 resident carparking spaces and 6 visitor carparking spaces (total of 29 spaces)
- 24 resident bicycle storage areas and 3 visitor bicycle storage areas (total of 27 spaces)
- 2 motorbike spaces

The plans demonstrate 43 car spaces, and has a storage area for each unit which accommodates the residential bicycle storage areas.

The 3 visitor bicycle spaces and 2 motorbike spaces have not been specifically designated on the plans, however as the proposal provides 13 car spaces in excess of the DCP requirements, it is considered that this can be addressed by conditions of consent.

c) Flood Management – Element 4.3

The subject site is identified as flood prone land, and the proposal has been considered by Council's Development Engineer in relation to this constraint.

The following site specific information was considered:

- Flood Planning Level: 2.5m Australian Height Datum (AHD)
- 1% Annual Exceedance Probability (AEP) Level: 1.52m AHD for flash flooding & 2m AHD for ocean flooding
- Probable Maximum Flood (PMF) level: 3.14m AHD for flash flooding & 3.2m AHD for ocean flooding
- June 07 storm approx level: 1.64m AHD

In relation to categorisation of the site in accordance with the Council's Technical Manual, the following consideration was made:

- Life Hazard: L4
- Property Hazard: P1 flash flooding and P3 ocean event flooding

In the assessment it was noted that usually a garage would be required to be above the 1% flood level, which is 1.52m AHD for flash flooding and 2m AHD for ocean flooding. However, it was considered that given that the majority of carparking was above the 2m AHD, and that all spaces were above the flash flooding level, that the proposal could be supported.

A flooding refuge is required for this development, and it was considered that this was adequately provided in the second storey.

The proposal was considered to be acceptable, subject to conditions including that the building be structurally certified to withstand flood forces up to the PMF level.

d) Water Management – Element 4.5

The proposal is considered to be generally consistent with the requirements of this element. In relation to stormwater, the proposed retention tank and basins were considered to be acceptable, and it was noted that the development will result in less impervious area than the existing building.

e) Street Awnings & Balconies over Public Roads – Element 4.8

Awnings extending 1.2 metres over the road reserve are proposed for the shared entries. These awnings are considered to be generally acceptable, subject to the approval of a Roads Act Application.

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

This report has addressed the various matters relating to impacts on the natural and built environment, with the exception of:

a) Character

The surrounding area is currently undergoing transition. Adjoining development applications have involved the conversion of very large redundant industrial buildings into residential apartments, greatly increasing residential density in the vicinity. It is considered that the design of the proposal has taken into consideration the buildings on adjoining properties, and is generally consistent with the character of the area.

It is further considered that the development would contribute positively to the residential amenity of the neighbourhood by the removal of a non-conforming use from the site in favour of a land use that is more in keeping with the desired future character of the area and is consistent with the zoning.

b) Traffic

The proposal was referred to Council's engineer and was considered to be acceptable in relation to traffic.

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

The proposed development would not be likely to have any significant social or economic impacts in the locality.

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

a) Land constraints

The site is not within a Mine Subsidence District.

The site is identified as being flood prone, and this has previously been discussed in the assessment.

The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development. The Statement of Environmental Effects advises that no apparent hazardous substance has been identified in the existing warehouse building.

b) Access to public transport

The subject site is located in close proximity to bus routes, and is within one kilometre of a train station. Accordingly, the proposal is considered to be comparably well serviced by public transport options.

c) Local Infrastructure and Services

The development site and surrounding area is well serviced in terms of infrastructure (ie. water and electricity supply, sewer, gas and telephone services).

Concern has been raised in the objections, regarding the adequacy of existing infrastructure, including open space, to cater for the increased number of dwellings proposed by the development and in the surrounding neighbourhood. However, it is considered that the proposal is consistent with Council's urban consolidation objectives, making more efficient use of established public infrastructure and services.

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 matters discussed below.

- a) Fencing to western boundary – should be 2.1 metre solid masonry to reduce impacts of carparking area

It is considered that this concern can be addressed through the conditions of consent.

- b) Plans do not reflect correct existing ground levels

This concern appears to relate to the conceptual existing ground levels shown on the elevation plans. However, as the proposal was supported with a Survey Plan, it is considered that sufficient information to assess the proposal has been provided.

- c) Higher densities being developed without additional public space/amenities

This concern is predominantly a strategic issue, and it is considered that this application, proposing an additional 24 units would not in itself warrant the provision of additional public amenities. It is noted however, that increasing density in existing areas does enable more efficient use of established facilities, and further that the proposal will be subject to a Section 94A contribution.

- d) Driveway noise impacting properties on western boundary

It is considered that the proposal will not have a significant impact, noting the provision of fencing along this boundary.

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 proposal is consistent with Council's urban consolidation objectives, making more efficient use of the established public infrastructure and services.

A BASIX certificate has been submitted for the proposed development.

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

- **General**

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

ATTACHMENTS

Attachment A: Plans and elevations of proposed development as amended – 22 Milford Street Islington

Attachment B: Draft Schedule of Conditions – 22 Milford Street Islington

Attachment C: Chronology of Development Assessment– 22 Milford Street Islington

Attachment D: Minutes of the meeting by the Urban Design Consultative Group on 17 February 2010 and 18 November 2009 regarding DA 09/1205 – 22 Milford Street, Islington.

Attachment E: Plans and elevations for previous development application approved – 22 Milford Street Islington DA 05/1076