

## Internal Memo

**TO:** David Paine  
**FROM:** Jeff Garry  
**DATE:** 13th February 2011  
**SUBJECT:** 386, 1/386, 2/386 King Street & 509 Hunter Street, Newcastle West  
DA 11/0617  
Flood and Stormwater Management Assessment

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David,

### Assessment Scope

- *Flooding and Stormwater Referral from myself dated 1<sup>st</sup> February 2012*
- *Preliminary Flood Investigation and Preliminary Stormwater Drainage Design by Barker Harle dated 6 February 2012.*

### Comments

In my previous referral I advised the following;

*The proposed development cannot be supported until a satisfactory Water Management Plan is submitted to support the application as required by Element 4.5 Water Management (Clause 4.5.9) of Newcastle DCP 2005.*

The submitted preliminary Drainage Design goes some way to satisfying the requirement to provide a satisfactory Water Management Plan for the development however does not in my opinion provide enough detail for a development application assessment. The main areas I believe it is lacking is in the provision on detail on;

1. Required orifice size for the overflow out of the retention tanks.
2. Connection of overflow pipe to the Hunter Street drainage works

However in the interest of progressing this application and acknowledging a suitable design could be provided I am willing to support the proposal subject to a more detailed stormwater plan being provided at Construction Certificate stage. I have made assumptions as to the connection to Council's stormwater drainage system which if they are not happy with will either have to provide alternate details now prior to determination of the application or go through a S96 process later at Construction Certificate Stage.

### Recommendation

The proposed development can be supported subject to the following conditions of consent being included within the approval.

## 2 CONDITIONS REQUIRING PAYMENT OF A MONETARY CONTRIBUTION / DEDICATION OF LAND / CARRYING OUT OF OFF SITE WORKS

2.14 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 The Developer designing and constructing the following works within Hunter Street adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification, such works to be implemented prior to occupation of the premises:

- a) Extension of the existing stormwater drainage pipe in Hunter Street to the site frontage including provision of a kerb inlet pit at the end of the pipeline.

**Note:** Full construction details regarding the required works are to be submitted to Council for approval prior to commencement.

**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.

## 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

### Stormwater and Flood Control

3.86 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.

3.98 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures to be designed in accordance with the requirement of the Office of Environment &



Heritage. Full details to be included in the documentation for a Construction Certificate application **via an Erosion and Sediment Control Plan.**

**Reason:** To control soil erosion and prevent sedimentation of surrounding lands both private and public.

- 3.107 Roof water from the proposed new work being directed to the proposed water tanks with a total minimum volume of 86.5 m<sup>3</sup> 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.

- 3.108 Overflows from the stormwater discharge controls being directed to Council's drainage system by means of an inter-allotment drainage line or underground pipe directly to **a new kerb inlet pit to be located in Hunter Street directly in front of the site. The maximum discharge through the overflow pipe is to be 1.73 L/s**, full details and calculations 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.

- 3.110 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 Councils requirements for water management are complied with in the interest of water conservation and principles of sustainability.

## GENERAL CONDITIONS

### Utility Services

- 5.190 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.

## General

5.191 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.

### NON STANDARD CONDITIONS

A1. 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.

A2. The proposed development being carried out strictly in accordance with the details set out in the **Preliminary Flooding Investigation and Preliminary Stormwater Drainage Design prepared by Barker Harle Pty Ltd dated February 6, 2012**, except as otherwise provided by the conditions of this consent.

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

A3. No work within the public road (**extension of stormwater drainage in Hunter Street**) being commenced until Council's separate written approval has been obtained.

**Note:** 1) A separate road works application under S138 of the Roads Act 1993 is required for the works to be undertaken in the public road.  
2) Engineering design plans and specifications for the works being undertaken in the public road reserve are required to be submitted to Council for approval with the Road Works application.  
3) An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. In this regard the developer is advised to confer with Council's Development & Environment Section in order to confirm this fee.

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



Jeff Garry  
Consultant Development Engineer



## NEWCASTLE CITY COUNCIL

### Future City

**MEMO TO:** DAVID PAINE

**FROM:** JEFF GARRY

**DATE:** 30<sup>TH</sup> JANUARY 2012

**SUBJECT:** DA NO. 11/0617 - TRAFFIC ASSESSMENT – 509 & 386 HUNTER STREET, NEWCASTLE.

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Steve,

A traffic assessment of this application has been completed and the following advice is provided for your attention.

#### **Assessment Scope**

- Plans by Kevin Snell Architects Pty Ltd Project No. 500 Drawing No.'s DA1101, DA1201, DA1202, DA 1203, DA1301 - DA 1317 & DA1401 as amended and dated 25/01/12.
- Response to Issues by RPS dated 19<sup>th</sup> January 2012.
- Revised Traffic Impact Assessment by URaP - TTW.
- Council advice dated 20/10/11.

#### **Proposal**

The proposal is for a mixed use development comprising 247 units (72 studios, 115 one bed, 48 two bed and 12 three bed) as well as 694 m2 of commercial/retail space. Parking is spread over five levels including a basement car parking area. Access to the car park is provided from King Street on the third level of the parking area.

#### **Comment**

In a previous referral carried out by James Cross on 4<sup>th</sup> October 2011 in which the following advice was provided;

*The development should also provide the following information for further assessment*

- 1. Car parking is 45 spaces short, provide an additional 45 spaces.*
- 2. Provide details of the amount of traffic and peak traffic volumes that are likely to enter the Cooks Hill area and details of any measures available to reduce movements through the residential streets.*

3. *Is the bicycle parking in security cages/ storage boxes or is it locked to a rack (if rack there maybe some scope to reduce the area used for bicycles).*
4. *How do bicycles and disability scooters get out to the street.*
5. *Provide clarification on the number of units and car spaces.*
6. *Number each car space.*
7. *Provide dimensions of each space and aisle widths.*
8. *Provide details of Column locations within the car park.*
9. *Provide headroom details for the car parking. It would be expected that the right of way has at least 4.5m head room.*

The proposed development has reduced unit numbers and increased parking numbers to meet Council's DCP requirements.

### **On-site car parking**

The proposal by providing 247 units (72 studios, 115 one bed, 48 two bed and 12 three bed) as well as 694 m<sup>2</sup> of commercial/retail space generates an on site parking requirement of 234 car spaces as correctly calculated in the revised traffic study submitted with this application. A review of the submitted plans indicates provision of 247 on-site car spaces has been provided in the amended application. This exceeds the current requirements of Element 4.1 of the Newcastle DCP 2005.

The DCP also requires provision of bicycle and motorcycle parking with bicycle parking required at 1 space per dwelling (residents) plus 1 space per 10 dwellings (visitors) and motorcycle parking required at 1 space per 20 car spaces. Therefore to comply with the DCP requirements this development needs to provide a total of 272 bicycle storage spaces and 12 motorcycle spaces. A review of the submitted plans indicates the provision of 262 bicycle spaces and 24 motorcycle spaces. This indicates a slight shortfall in bicycle storage spaces against the DCP requirement. However it is considered that the proposal can still be supported despite the shortfall in bicycle parking for the following reasons;

- Excess on site car parking is now being provided;
- Excess motorcycle parking is being provided;
- By providing parking and charging areas for motorised wheel chairs the development is catering for mobility disadvantaged residents therefore the development is likely to be attractive to this market. This market would not normally generate any bicycle traffic demand and thus the bicycle parking demand for this development is not likely to be as high as the DCP requirement. i.e. the provision of motorised wheelchair parking is considered to outweigh the small deficiency in bicycle parking on the site as required by the Newcastle 2005 DCP.

The on-site car parking needs to meet the requirements of AS2890.1-2004 in terms of module and circulating traffic design. Whilst the limited dimensioning on the submitted plans does not allow for a full audit of the parking areas it does appear from observation that compliance with AS2890.1-2004 can be achieved whilst still providing the required number of car parks. Column positioning which again is not shown on the plans may require some amendments to the car parking at Construction Certificate stage however as the parking is mainly long term resident parking and noting the standards allows provision of some designated small car



spaces I am of the opinion that the car parking yield shown in the plans could be achieved whilst showing compliance with AS2890.1-2004.

The on-site manoeuvring areas within the car park appear to comply with the width requirements of AS2890.1-2004. Whilst circulating routes through the car park are a little complicated by the shape of the car parking areas as low turnover resident parking this will not have a major impact on traffic flow through the site. I am satisfied that the proposed parking areas are convenient enough to use such that dangerous vehicle manoeuvres are unlikely to occur and forward entry and exit from the site can be achieved.

Overall it is concluded that sufficient and suitable on-site car, bicycle and motorcycle parking is provided within the development.

### **Traffic Generation**

The revised traffic study submitted with the amended application has calculated that traffic volumes generated by the development has the potential to be in the order of 67 vph during peak hours. Being less than 10 % of existing peak hour traffic on King Street, on its own the additional traffic from this development will not have a noticeably impact on road network efficiency or safety. This traffic assessment also does not take into account traffic generation concessions from previous uses of the site nor the likely reduction in traffic generation through the changes to transport modal usage promoted by the development and sought by Council within its own DCP.

The revised traffic study shows that changes to turning movements at intersections are small and will not change the overall levels of service at adjacent intersections.

Overall it is concluded the additional traffic generated by the development will not adversely impact on the local road network.

### **Access**

It is proposed to access the site via a single combined entry / exit driveway off King Street. This is supported as it is consistent with existing adjoining developments and has the least impact on pedestrians when compared to other access options e.g. Hunter Street, separate entry and exit driveways.

To comply with AS2890.1-2004 at least a class 2 access facility needs to be provided to access the car parking area. A class 2 facility is a combined entry exit driveway between 6 metres and 9 metres wide. The proposed access being a combined entry exit approximately 6.7 m wide therefore complies with AS 2890.1-2004.

Subject to the access being constructed to Council requirements it is considered that a safe and appropriate access is provided to the car park area.

### **Other Issues**



The other issue relating to the site access is the existing right of carriageway over the site to other properties fronting Hunter Street. This right of carriageway needs to be maintained and it appears the applicant has maintained the right of carriageway within the site design. It is noted headway clearance along the right of carriageway is approximately 5 metres high therefore most legal vehicles would be able to use it. However the existing right of carriageway only covers the new entry lane into the site therefore vehicles exiting the adjoining Hunter Street properties would be legally required to use the entry lane even though physically they could use the exit lane. This could be a dangerous situation should the legal rights of the right of carriageway be enforced. Therefore I do not believe the application can be supported unless the existing right of carriageway is widened to cover both lanes of the proposed new access.

As changes to the existing right of carriageway both the new height restriction and the new width of carriageway would need the approval of the property owners currently benefiting from the right of carriageway.

### **Submissions**

The submissions received on this application have identified the main traffic issues as increased traffic in Auckland Street and Laman Street and insufficient on site parking.

The amended proposal now provides on-site parking in excess of Council's DCP requirements therefore is considered to provide satisfactory on site parking. I do not agree that the proposed development will increase traffic in Laman Street to unacceptable levels. Whilst some increase in traffic may be expected I believe the volumes will be as stated in the revised Traffic Study submitted with the amended application less than 10 vehicles per hour during peak periods. Traffic routes along Hunter Street and Darby Street are expected to be more attractive. A traffic increase of less than 10 vph in peak periods in Laman Street is not considered an unreasonable impact on the local road network.

### **Recommendation**

Subject to the adjoining landowners agreeing to the proposed changes to the existing right of carriageway across the site the proposal can be supported as it is considered the development will not adversely impact on the local road network. The following traffic conditions should be included in the consent.

### **STANDARD CONDITIONS**

#### **1 CONDITIONS RESTRICTING THE TERMS OF CONSENT**

- 1.3 Deliveries and waste collection being carried out only within the designated loading dock area.

**Reason:** To confirm the terms of the consent and to ensure that noise generating activity is confined to an enclosed area.



- 1.4 The use of the loading dock area being restricted to between 7am and 9pm, Monday to Saturday, and between 9am and 8pm, Sundays and Public Holidays.

**Reason:** To confirm the terms of the consent and to ensure that noise generating activity is confined to reasonable hours.

- 1.5 Cleaning activities within the car parks being restricted to between 7am and 10pm, Monday to Saturday, and between 8am and 10pm, Sundays and Public Holidays.

**Reason:** To confirm the terms of the consent and to ensure that noise generating activity is confined to reasonable hours.

## **2 CONDITIONS REQUIRING PAYMENT OF A MONETARY CONTRIBUTION / DEDICATION OF LAND / CARRYING OUT OF OFF SITE WORKS**

- 2.7 A **Commercial** type vehicular crossing being constructed across the public footway at the proposed driveway entrance/exits at no cost to Council and in accordance with Council's A017 Series (Concrete Vehicular Crossings) design specifications and such crossing being properly maintained.

**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.

- 2.9 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.

**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.

- 2.12 Application being made to and approved by Council for the erection of a hoarding or part closure of the footway prior to construction being commenced. Such overhead structure or protective fence shall comply with the Construction Safety Act 1912 and Regulation 1950. Notice of intention of commencement must be given to WorkCover New South Wales.

**Reason:** To maintain pedestrian passage and public safety.

- 2.14 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.

2.17 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.

2.22 The Developer constructing / reconstructing, at no cost to Council and to Council's requirements, the following public footway works in King Street and Hunter Street adjacent to the site, such works to be implemented prior to the occupation of the premise:

- a) Reconstruction of the footway along the full site frontage in accordance with Council requirements.

- Note:**
1. It will be necessary for the Developer to notify water, telecommunications, and gas and electricity authorities of the proposed footway works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.
  2. Consultation will be required with Council's Landscape Officer in order to confirm the type of footway required and landscaping requirements.
  3. The Developer is advised to confer with Council's Development & Building Services Section in order to confirm Council's design requirements and construction standards prior to the commencement of the civil works within the public road.

**Reason:** To provide for an appropriate standard of pedestrian amenity and to protect the heritage values and enhance the overall environmental quality of the public road.

2.23 Prior to commencement of any works the developer submitting to the Newcastle City Council Traffic Section for approval a Construction Traffic Management Plan for the proposed management of construction traffic and associated controls within the public road.

(Note: The required plan is to detail traffic control measures to be utilised during each construction phase ensuring the provision for safe, continuous movement of traffic and pedestrians within the adjacent public roads. The plan is to be prepared in accordance with Australian Standard 1742.3 – 2002.)

**Reason:** To ensure that vehicular and pedestrian traffic movement is properly controlled and managed during the construction phase of the proposed development in the interest of traffic safety.

### **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**

#### **Vehicular Access, Driveway, Parking and Loading Arrangements**

- 3.15 Clear openings between car park columns for single parking spaces being a minimum of 2.7 m and for double parking spaces of 5.0 m. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that all parking spaces are conveniently accessible and to thereby encourage use of on-site parking facilities and minimise overflow parking in adjacent streets.

- 3.16 The minimum height between the car park floor surface and the lowest overhead obstruction being 2.2 m.

**Reason:** To ensure safe and convenient use of the car park by the public, including persons driving vans and recreational vehicles and to thereby encourage its use and to minimise overflow parking in adjacent streets.

- 3.17 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.

- 3.18 Appropriate lighting being provided to the carpark and connecting pathways in accordance with AS 1158 Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to occupation of the premise.

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

- 3.50 On-site parking accommodation being provided for a minimum of 234 cars as well as 262 bicycle spaces (security level 3) and 12 motor cycle spaces. Such



facilities being set out generally in accordance with the minimum parking layout standards indicated in **Australian Standard AS 2890.1-2004 "Parking facilities – off street car parking and Element 4.1 of Council's Newcastle DCP 2005**. 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.

- 3.64 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 are 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.

- 4.14 Any proposed work within the public road, including pipe or vehicular crossings, being the subject of the separate approval of Council prior to commencement.

**Note:** The required approval can be obtained by telephoning Council's Depot on 4974 6000 to request a Road Opening Approval. A fee will be payable in this regard

**Reason:** To ensure that works within the public road are suitably authorised and constructed to appropriate standards.

## GENERAL CONDITIONS

### Vehicular Access Driveway Parking and Loading Arrangements

- 5.56 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.

- 5.59 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.

5.65 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.

5.17 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.

5.18 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.

5.19 Adequate facilities being provided in an appropriately screened location within the premises for the separate storage of recyclable and non-recyclable material, and arrangements being made for regular removal and disposal of same.

**Reason:** To prevent environmental pollution and reduce the amount of waste being disposed to landfill.

5.29 Vehicles being loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

**Reason:** To ensure that the proposed development does not give rise to street loading or unloading operations or obstruction of internal driveways with consequent accident potential and reduction in road and driveway efficiency.

## **Stormwater and Flood Control**

3.98 The Developer instituting appropriate erosion protection and soil stabilisation measures in association with the proposed site works. Such measures are to be designed in accordance with the requirement of the Department of Water



and Energy. Full details are to be included in the documentation for a Construction Certificate application.

**Reason:** To control soil erosion and prevent sedimentation of surrounding lands both private and public.

### Utility Services

5.190 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.

### General

5.191 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.

## ADVISORY CONDITIONS

### NON STANDARD CONDITIONS

A1. 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.

A6. The developer being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage as part of this development at no cost to Council and in accordance with

Council requirements, such works to be implemented prior to the occupation of the premises.

**Note:** Alterations to regulatory signage 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.

- A7. 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. 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.

- A8. 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.

- A9 The maximum size vehicle that shall access the development is to be a heavy rigid vehicle (HRV) 12 metres in length 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 site.

**Reason:** To control vehicular activity associated with this development in the interest of public safety and amenity.

- A10. Wheel stops being provided along the front of parking spaces 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.

The existing right of way of over the development property is to be widened to cover the full width of the proposed access driveway. The necessary survey plan and accompanying instrument under Section 88B of the Conveyancing Act being registered with the Land Titles Office prior to occupation of the premises, it being noted



that the instrument is to provide that the right-of-way is unable to be relinquished, varied or modified without the concurrence of the Newcastle City Council.

**Reason:** To ensure that adequate vehicular access arrangements are secured in respect of the adjoining properties benefited by the existing right of carriageway over the property and that such may only be modified at a future date with the concurrence of Council.

Jeff Garry  
**CONSULTANT ENGINEER**

**TO:** DAVID PAINE  
**FROM:** LANDSCAPE ARCHITECTURAL SERVICES  
**DATE:** 17/11/11  
**DA NO:** 11/0617  
**SUBJECT:** HUNTER VILLAGE RESIDENTIAL MIXED USE  
DEVELOPMENT STREET SCAPE ELEMENTS

Detailed Landscape plans and specifications undertaken by a qualified Landscape Architect, (as required under Newcastle Development Control Plan 2011), are to be submitted to Councils Landscape Architect prior to the issue of the construction certificate. These documents will include details on planting method, installation of structural soil vaults, and the proposed maintenance/establishment program.

The proposed landscape treatment is acceptable with the following conditions:

1. The trees species *Platanus orientalis* 'Autumn Glory'– (Plane Tree) are to be planted along Hunter Street and *Pyrus calleryana* 'Bradford' along King Street frontages of the proposed Hunter Village residential Mixed use development and are acceptable with the following conditions
2. A total of 8 (eight) street trees are to be planted, 2 (two) on Hunter Street and 6 (six) on King Street.
3. All street trees are to be size index 330 - 427 at pot size 400L.
4. 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 is to be in the form of a report and or checklist and include photos.
5. Written evidence from the Proponents Landscape Architect confirming the correct variety is to be submitted to Council prior to delivery to site.
6. A site meeting is to be arranged (48 hours notice) prior to tree installation with Councils Landscape Architect (49742674) to physically inspect the NATSPEC compliance of the street trees
7. Trees are to be installed in gap-graded (structural) soil vaults. 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.



8. Trees are to be installed in gap-graded (structural) soil vaults. Volumes should be based on the formula:  $CP \times 0.6m^3$ , CP = the crown projection ( $m^2$ ) of a mature tree ( $3.14 \times r^2$ )
9. A site meeting is to be arranged (48 hours notice) prior to the installation of the gap-graded (structural) soil vaults with Councils Landscape Architect (49742674).
10. Full width reconstruction of the footway along the extent of the site frontage to Hunter Street and King Street. The concrete pavement to be Flagstone pattern and constructed to Councils specification No. PLE/S009 – "Specification for the construction of Footway paving in Plain or patterned concrete". (Any proposed variation to this detail is to be discussed with Councils Landscape Architect 49742674 for determination)
11. Tree planting pits are to be irrigated.
12. Any street awnings are to be half width, to ensure maximum available room for street tree planting.
13. Permeable paving to be installed to the base of each tree, dimensions 1800mm L x 1200mm W, with a sturdy steel tree guard.
14. Trees are to be maintained for a period of 104 weeks.
15. Street furniture such as 6 Stainless Steel bench seats with Australian hardwood slats and 3 Fire retardant rubbish bins are to be installed. Details and locations are to be confirmed with Councils Landscape Architect (49742674)

Stephen Manton  
Coordinator Landscape Architectural Services.

## Internal Memo

**TO:** David Paine  
**FROM:** Daniel O'Brien  
**DATE:** Tuesday 26 July 2011  
**SUBJECT:** CSU COMMENTS - DA 11/0617. DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF A MIXED USE DEVELOPMENT WITH GROUND FLOOR RETAIL PLUS 17 LEVELS RESIDENTIAL UNITS AND BASEMENT PARKING

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### Recommendation

This unit has no objection to the proposed development being approved provided appropriate controls are implemented in accordance with the submitted documentation and the conditions recommended below.

### Scope of Review

- Statement of Environmental Effects –Hunter Village Residential Mixed Use Development Hunter & King Streets, Newcastle. Prepared by RPS for Hunter King Developments Pty Ltd. V1 June 2011.
- Noise Impact Assessment Hunter Village Mixed-Use Development 505-513 Hunter Street and 386 King Street Newcastle West NSW. Prepared by Reverb Acoustics dated June 2011.
- Acid Sulphate Soil Management Plan: Proposed Multi-Storey Building. Hunter Village Site. 505-513 Hunter Street and 386 King Street, Newcastle. Prepared by Douglas Partners Pty Ltd, June 2011.
- Plans prepared by Snell Architects – Drawing No.s DA1101, DA1201, DA1202, DA1301-DA1317.
- Site Analysis & Context Plan prepared by RPS Pty Ltd dated 22 June 2011.

### Discussion

The proposal involves the demolition of the existing buildings on the site and the construction of a 18 storey and 11 storey mixed use building containing residential units, commercial and retail uses and associated car parking.

The submitted information generally addresses the potential environmental impacts associated with the development and use of the building. Conditions have been included below to address any outstanding issues. It is noted that the proposed uses for the commercial and retail portions of the proposed building have not been determined at this stage. In this respect a condition has been included below requiring the submission of development applications for the initial use of these areas to ensure that any potential impacts can be adequately addressed.

### Noise/Vibration

Potential noise and vibration issues associated with this development include the impact of road and rail noise on the proposed development and the potential impact from demolition and construction and plant noise on the surrounding land uses.



The impact of road and rail noise on the proposed development has been considered in the Acoustic Assessment prepared by Reverb Acoustics. Glazing requirements have been recommended to particularly address road and rail traffic noise impacts. In order to enable acoustic criteria to be met with windows closed alternative ventilation will need to be provided to satisfy ventilation requirements while also being able to meet the acoustic criteria with windows closed. This may consist of air conditioning or other ventilation methods, however there are a number of reasons why air conditioning should not be considered as an adequate solution by itself, including:

- the potential noise impact on other current or future residential premises in close proximity to the air conditioning plant, particularly if it is being run through the night to provide ventilation.
- the potential for conflict with noise regulations which limit the hours of operation of air conditioners on residential premises to 10 pm if audible in another residence.
- the energy consumption requirement and associated cost to residents for the ongoing operation of air conditioners for ventilation purposes only.

In this regard, further assessment by a qualified acoustic consultant of the potential impact of the installation of air conditioning plant is recommended when more details are known and prior to any plant being installed. Alternative or additional ventilation options may include a range of ventilators that provide acoustic attenuation and low powered mechanical ventilation. In order to address both ventilation and acoustic requirements, without being specific about the particular product to be used, a condition has been recommended below.

### **Car Wash Facilities**

Given the high density nature of the proposed development, there is no area included for the washing of cars within the development. While the CSU recognises that private car wash businesses are available for washing of vehicles, in order to reduce the potential for washing of vehicles on the street with the potential for water pollution the CSU recommends a car wash bay be incorporated into the development. A condition to this effect is included below.

### **Construction and Demolition**

Demolition and construction works associated with the proposal have the potential to cause significant adverse environmental impacts on neighbouring residential and commercial premises.

Site works have the potential to generate significant noise and vibration, which may interfere with the surrounding land uses. In particular, the use of hammer piling has the potential to cause significant noise and vibration impacts. A condition is included below specifying that no hammer/impact piling is to be carried out on the site.

The impact of noise, vibration, dust and other factors during the construction and demolition phase of the development have not been addressed. Conditions are included below to address potential demolition/construction issues, including the preparation of an EMP, notification of works program to surrounding residents and businesses and appropriate planning and conduct of demolition works in accordance with Australian Standard AS2601: 2001.



A Hazardous Substances Audit and Management Plan will also be required for the site to identify any asbestos, lead based paint, PCB and synthetic mineral fibre materials that are likely to be present within the existing buildings on site. These issues have been addressed through the inclusion of appropriate conditions.

## **Conditions**

The following conditions are recommended to manage the issues identified above.

### **Standard Conditions**

- 1.2
- 5.107
- 5.136
- 5.139
- 5.139a
- 5.141

### **Non-Standard Conditions**

- A separate Development Application being submitted for Council's consideration in respect of the proposed use of commercial and retail tenancies prior to occupation.

**Reason:** To allow the assessment of any potential impacts as a result of the use of these areas and 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.

- A car wash bay being provided for the use of occupants of the building in one of the car park spaces on site and the floor of such bay being properly bunded, graded and drained to the sewers of the Hunter Water Corporation in accordance with that authority's requirements. Full details to be included in the documentation for a Construction Certificate application.

**Reason:** To ensure the provision of a suitable facility for washing of motor vehicles on site in a manner that prevents the discharge of pollutants into the stormwater system.

- The use and occupation of the premises including all plant and equipment installed thereon, not giving rise to any "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended. Should Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.



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

- Adequate ventilation being provided to the residential units in accordance with the requirements of the Building Code of Australia, whilst maintaining the required level of acoustic attenuation as detailed in the acoustic report prepared by Reverb Acoustics dated June 2011. Full details are to be included in the documentation for a Construction Certificate application. 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 issue of the Occupation Certificate for the premises.

**Reason:** To ensure the provision of adequate ventilation in the interest of public health and safety and to permit the closure of doors and windows to achieve acoustic design goals.

- Appropriate acoustic treatment being implemented in accordance with the recommendations set out in the report prepared by Reverb Acoustics dated June 2011. 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 issue of the Occupation Certificate for the premises.

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

- Appropriate erosion protection and soil stabilisation measures being designed and implemented during demolition and construction works in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition - Vol. 1* (the "Blue Book") published by Landcom, 2004. Full details to be included in the documentation for a Construction Certificate application.

**Reason:** To control soil erosion and prevent sedimentation of surrounding lands both private and public.

- No impact/hammer piling being carried out on site.

**Note:** Advice should be sought from an appropriately qualified consultant regarding alternative methods of pile placement suitable for the site and such information being included in documentation submitted with a Construction Certificate application.

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

- Continuous monitoring of noise and/or peak vibration levels being conducted at properties considered to be significantly impacted by noise and/or vibration due to



site works as determined by a suitably qualified consultant or if directed by an authorised Council Officer following complaints from neighbouring properties.

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

- A dilapidation survey being conducted prior to the commencement of site works by a suitably qualified consultant at buildings considered to be at risk of property damage from site works as determined by said consultant.

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

- Any excavated 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.

- 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.

- The use and occupation of the premises not giving rise to the emission of any 'air impurity', as defined under the *Protection of the Environment Operations Act 1997*, that interfere unreasonably with the amenity of neighbouring premises and/or other sensitive receptors.

Should Council consider that unreasonable levels of air impurities are emitted from the premises, the owner/occupier will be required to implement such practical measures so as to control emissions of air impurities to an acceptable level. Written certification from a suitably qualified consultant must be submitted to Council confirming that emissions from the facility meet relevant guidelines.

**Reason:** To ensure that appropriate air pollution control measures are implemented in order to protect the existing amenity of the neighbourhood.

- Appropriate control measures being implemented during demolition and construction to minimise the generation and off-site transportation of dust,



including the use of water sprays and suspension of operations during periods of high winds.

**Reason:** To minimise air pollution impacts.

- Notwithstanding compliance with these conditions of consent, Actual or Potential Acid Sulphate Soils and groundwater encountered during excavation works are to be assessed, treated and disposed in accordance with the Acid Sulphate Soil Management Plan prepared by Douglas Partners Pty Ltd dated June 2011.

**Reason:** To ensure correct procedures are implemented to manage Acid Sulphate Soils and to prevent environmental pollution.

- The developer notifying neighbouring residents and businesses of the construction/demolition works program by way of neighbourhood letterbox drop at least seven (7) days prior to the commencement of construction/demolition works. Information to be included with the works program is to include telephone contact details for the developer for the purpose of receiving any complaints from members of the public in relation to activities conducted on site or by vehicle or mobile plant associated with site works. A log of complaints received and action taken in response must be kept on site and made available to authorised Council Officers upon request.

**Reason:** To ensure that environmental impacts or incidents arising from site operations are addressed promptly.

- Prior to the issuing of a construction certificate the proponent is to prepare a Project Specific Environmental Management Plan (EMP), such a plan being designed and implemented to manage all environmental aspects associated with the construction including off site impacts such as transport to and from the site. Such plan is to be kept on site and made available to authorised Council officers upon request.

The EMP shall 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 and process water.
- c) A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy.

- d) A road management strategy, detailing procedures to ensure that all roads adjacent to and within the proposed application area are kept free and clear from mud and sediment.
- e) A noise and vibration management strategy, detailing measures to minimise the impact of the construction works on commercial and residential amenity. Noise and vibration monitoring during construction should be incorporated into the program. Attention should also be given to minimising noise and vibration by exploring alternative modes of construction.
- f) A waste minimisation strategy which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- g) A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for 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.

Please do not hesitate to contact me if you have any further questions or comments regarding this memo.



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compliance services