
residential densities in accordance with Council policy without having adverse impacts on adjoining/adjacent premises or on other external factors such as vehicular access.

The subject land is suited to the intended use as set out within existing and emerging policies and as demonstrated by the proposal.

5.6 Submissions

In accordance with the provisions of the Environmental Planning & Assessment Act, 1979 (and associated Regulations) Newcastle City Council will be required to undertake public exhibition of the proposed development in accordance with Council's Development Control Plan provisions. Such submissions must be taken into consideration during assessment and determination of the proposed development.

5.7 Public Interest

The proposed development is consistent with adopted and emerging policy, including objectives to increase residential densities, provide a range of housing types and maximise the efficiency of services and transport infrastructure to be provided by the emerging Adamstown Renewal Corridor.

The proposal will achieve the objectives of not only over-arching strategic policy, but the objectives of the specific design requirements applicable to the site. In this respect the public interest would best be serviced by approval of the application.

6.0 AREAS OF NON-COMPLIANCE

There are a number of very minor areas where the proposed development does not comply completely with numerical standards given within Council's Development Control Plan or other policies. In all instances these non-compliances are exceptionally minor and are justified when viewed in the context of the overall development form.

For ease of assessing officers, the following section provides details as to the areas of minor non-compliance to strict numerical standards and the justifications for each.

6.1 Building Height

6.1.1 Building Height Requirements from LEP

Clause 4.3(2) of the Draft Newcastle Local Environmental Plan, 2011 states, in relation to maximum building height:

'The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.'

An extract of the building heights map is included in **Figure 22** below, highlighting that the maximum building height for the subject land is 20 metres.

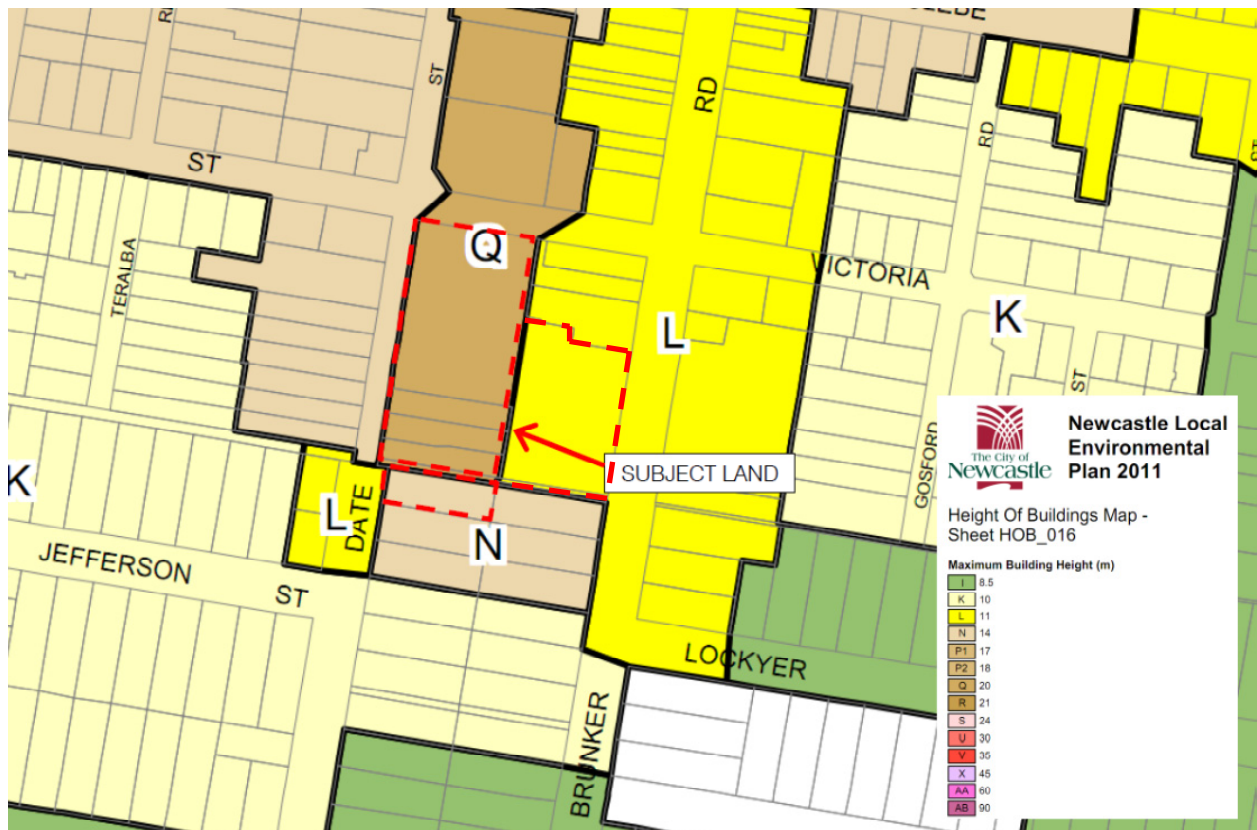


Figure 22: Maximum Building Heights map extract from the Draft Newcastle Local Environmental Plan 2011 (Source: Newcastle City Council)

6.1.2 Building Heights as Shown on Plans

Drawing No. DA 201 shows the extent of the required building height (and setbacks) as set out within Council's LEP and DCP. It is noted that there is a minor non-compliance in terms of the 20 metre height (by a distance of approximately 500mm). It is noted that the required variation to the height standard is exceptionally minor. It is also noted that strict compliance with the stated standards would not alter the appearance of the building, as the roof structure at the gutter-line complies with the height requirement – it is a small section centrally on the site where the roof exceeds the height requirement, primarily as a result of the existing topography of the site.

6.1.3 Building Height under the Newcastle DCP

It is noted that there are specific comments on building heights within Council's DCP Element 6.13.

The DCP states, at Section 6.13.3:

'Building heights within the renewal corridor, where adjoining areas outside the corridor, should be not more than 4 metres above the envisaged maximum height of these adjoining areas'.

A copy of the Adamstown Renewal Corridor map is included below and it is noted that the subject land adjoins areas outside of the renewal corridor on both its southern and western boundaries. (Please note that the glossary to the DCP uses the term 'adjoining' to deal with land which is 'abutting' the subject parcel. For this reason an argument could be made that the subject land only 'adjoins' only the land to the south, as land to the west of the subject site is located on the opposite side of Date Street and could best be described as 'adjacent' rather than 'adjoining').

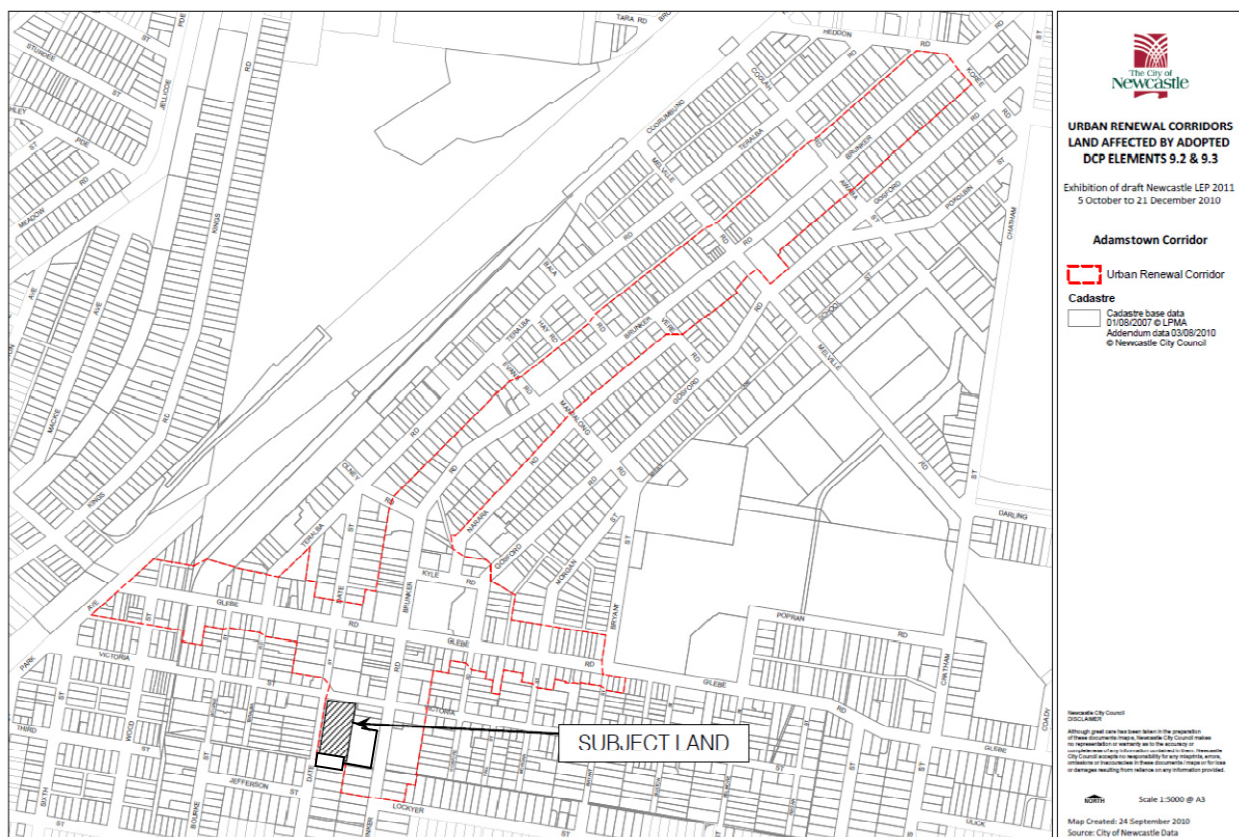


Figure 23: Identification of the Adamstown Urban renewal Corridor as identified under the Draft Newcastle Local Environmental Plan

The land to the south of the subject site has a maximum height of 14 metres, which would reduce the maximum height requirements on the subject land to 18 metres if strict adherence to the DCP is maintained.

It is assumed that this additional height requirement from the DCP is incorporated so as to minimise impacts on adjacent lands and to provide a transition to the renewal corridor. It is our view that these objectives can (and have) been achieved in the design without the need for strict adherence to the reduced height requirement across the entire site.

In our view, strict adherence to the strict numerical standard from the DCP is unnecessary and unreasonable in this instance for the following reasons:

- It is assumed that the height maps have been prepared by Council with careful consideration of the building design. For this reason, it appears unusual to have a separate Clause within the DCP to reduce that height. Surely in allocating a 20 metre height requirements Council considered that this height was the most suitable for the site?;
- Having a blanket height restriction across an entire development is perhaps not the best way of achieving a transition (in terms of height) to buildings situated outside the renewal corridor. In this respect, a very large site would be subject to the same restrictions across the entire site, regardless of the distance from the adjoining area outside the renewal corridor. What is perhaps better for the Council to consider is some way of encouraging developments to make an appropriate transition between those areas outside the renewal corridor and those areas within the renewal corridor. This is the philosophy that has been used for this particular development (ie focussing on achieving the appropriate transition);
- There is a relatively small boundary which adjoins the land to the south (which is less than 17% of the entire site boundary) at the southern end of the site. It would be unnecessary to impose a reduced height requirement on the entire site based on such a minor boundary length. The design takes this into account by having a reduced height requirement adjacent to the southern boundary without compromising the maximum height for the remainder of the site (see comments below);
- The building, at this southern boundary, is set back 7.8 metres from the southern boundary. There is a further 3 metre access/drainage easement beyond the southern property boundary. As such, this provides a 10.8 metre setback to the boundary of the adjoining property to the south. Further, the existing development on the adjoining lot to the south is setback 4 metres from the boundary – providing a separation of 14.8 metres between the edge of the proposed building and the existing building on the land to the south.
- The proposed development provides that development at the southern end of the site has a maximum height of less than 15 metres. Any component of the building with a height of more than 15 metres is setback not less than 16 metres from the southern boundary (which relates to 19 metres from the boundary of the adjoining land, 23 metres to the existing building on the adjoining land)

We are of the view that the objective of the reduced height requirement from the DCP can be achieved without compromising the maximum height of development across the entire site. In this respect, the proposed building has been provided with an increased setback from the southern boundary, with the elements of the building at the southern end of the site having a height which is reduced from that which is permitted across the remainder of the site. In our view, this provides the appropriate transition from the taller components of the development (and the Adamstown Renewal Corridor) without compromising the development of the entire site.

6.2 Setback to Date Street

6.2.1 Setback Requirements

Element 6.13.4 of the DCP provides specific setback requirements for the Date Street frontage which are:

- 4.5m for non-residential uses;
- For residential uses at ground floor – 8 metres to the edge of balconies (or 10 metres to the building façade)

This aspect of the DCP aims to provide for a *'sufficient landscape buffer and individual front gardens per dwelling'*.

6.2.2 Development as Proposed

The terrace-style residences fronting Date Street have a setback of 6 metres, with 3 metres to the edge of the courtyard/open space areas. We recognise that this is a departure from those standards set out within the DCP, although we are of the view that there is a suitable justification for the current design.

The following comments are made in this respect:

- Despite the non-compliance with the stated numerical standards, the design of the building has been established along this frontage to compliment the adjacent residential developments. In this respect, existing adjacent development is provided in a federation style, with minimal setbacks, small front gardens and direct access to the street.

The residential scale of the terrace-style dwellings provide a two-storey element which is reflective of the character and style of existing developments in the locality.

- Above the two-storey terrace-style development which fronts Date Street, the main component of the 'apartment style' dwellings are setback a minimum 12 metres (to the balconies).
- This setback arrangement provides a suitable residential scale to the street, whilst providing for a significant setback to upper floors.
- Individual terrace style gardens are provided for dwellings fronting Date Street, in accordance with the requirements of the DCP

Note that the southern and northern elements of the building have reduced setbacks, so as to 'anchor' the building and provide a suitable end point to the development. We note that at the Victoria and Date Street intersection this is consistent with Element 6.13.3 (c) of the DCP which aims to 'emphasise street corners' through use of maximum permitted heights and the like.

6.3 Bicycle Parking Spaces

(Not longer relevant as bicycle parking now complies)

6.4 Storage

Council's DCP requires that an enclosed space of 6 cubic metres per unit to be set aside for storage. Based on 93 units this is a total requirement of 570 cubic metres.

A total storage area (external to units) is provided in parking areas, with combined volume of 255 cubic metres.

Whilst it is recognised that this falls short of the requirements as set out within the DCP, it should also be noted that:

- Separate storage areas are provided for bicycle parking, including lockable rooms and cages for resident use;
- Dedicated garbage and recycling storage areas are provided with appropriate access to service locations.
- Appropriate storage/area is dedicated and set aside for required infrastructure, including electrical, gas, telecommunications areas and lift plant rooms.
- Each of the units incorporates internal storage spaces, including linen cupboards and other similar storage spaces.

6.5 Landscaping

6.5.1 Landscaping Requirements

Council's DCP provides that landscaped areas of suitable size and proportions must be provided, including:

- 25% of site at ground level to be landscaped.
- Landscape areas must have dimensions of greater than 3 metres
- Minimum 25% of landscaped area to be deep soil zone.
- Minimum 3 metre wide strip along one boundary.

6.5.2 Proposed Landscaping

Landscaping is to be provided as per the enclosed landscape plan. This includes 1329m² of total landscaped area (33.4% of total site)

With a deep soil planting zone of some 598m² (45% of landscaped areas is deep soil zone)

Landscaping will include 'street trees' along both Date and Victoria Street frontages as well as medium scale trees and shrubs to provide extensive groundcover, grasses and feature plants. The inclusion of a 'green wall' in selected locations will assist in softening the base of the building and will also provide a 'graffiti-proof' finish in selected locations.

Landscaping will 'wrap' the building at its base along the Date and Victoria Street frontage as well as for the first 28 metres of the eastern façade (adjacent to the service lane) as measured from the property boundary.

The extensive (1329m²) landscaped area has been maximised with 45% set aside for deep soil planting and extensive planting along the street frontages resulting in 33.4% of the site area as landscape.

7.0 CONCLUSIONS

The proposed development involves the erection of a residential development and associated parking facilities on land located on the corner of Date and Victoria Streets, Adamstown.

The subject land incorporates:

- Lot 7 DP 668223 (53 Date Street);
- Lots A & B, DP 362716 (55 & 57 Date Street);
- Lot 1, DP 1002163 (282 Brunker Road); and
- Lot 38 Section A DP 10602 (59 Date Street).

The proposal consists of 93 residential units and associated parking facilities over six (6) levels (including two (2) basement parking levels which are arranged in 'split-level' design). A number of parking levels are set aside to provide parking for the exclusive use of the Adamstown RSL.

The residential units fronting Date Street have been arranged with two-storey 'terrace' style units facing the street with a roof scale which reflects the character of the locality. This arrangements will assist in transition between the existing residential areas to the west and the emerging character of the Adamstown Renewal Corridor.

The remainder of residential units have been arranged in a tower formation with an increased setback from Date Street to provide apartments with primarily north, east and west orientation.

The proposal results in residential apartment styles as follows:

Apartment Type	Floor Area	Number
Studio apartments	48m ² – 54m ²	15
One-bedroom	54m ² – 58m ²	41
Two-bedroom	65m ² – 100m ²	36
Three-Bedroom	89m ²	1
Total		93 Apartments

In keeping with the objectives of the *Lower Hunter Regional Strategy* and the *Newcastle Urban Strategy*, a number of key corridors have been identified to accommodate increased growth, including commercial and mixed use development supported by higher density residential opportunities.

It is specifically noted that planning policies have identified the areas around Brunker and Glebe Roads in Adamstown as forming part of an important renewal corridor. In this respect, the Adamstown Renewal Corridor is more specifically defined in:

- The emerging *Newcastle Draft Local Environmental Plan*; and
- *Newcastle City Council's Development Control Plan* (Element No. 6.13).

Both the existing *Newcastle Local Environmental Plan 2003* and the emerging *Draft Local Environmental Plan 2011* provide zonings which reflect the emerging nature of the locality:

- The subject land has a current zoning of *2(b) – ‘Urban Core’* under the provisions of the *Newcastle Local Environmental Plan, 2003*; and
- The subject land has a zoning of *R4 – ‘High Density Residential’* under the provisions of the *Draft Newcastle Local Environmental Plan, 2011*.

Both the existing and emerging zoning provide that a range of housing types should be provided in an area of increased residential density with appropriate height and floor space ratios reflecting the nature of desired development:

- A maximum height of 20 metres;
- A maximum floor space ratio of 2:1

The proposed development complies with the aims and objectives of Council's *Development Control Plan* aspects which apply to the proposed development, including of *Element 5.2 ‘Urban Housing’* and *Element 6.13* which applies specifically to the *‘Adamstown Renewal Corridor’*.

There are a number of minor non-compliances to Council's Development Control Plan (which have been dealt with specifically in *Section 6* of this Statement

Despite minor non-compliances, the proposed development is consistent with adopted and emerging policy, including objectives to increase residential densities, provide a range of housing types and maximise the efficiency of services and transport infrastructure to be provided by the emerging Adamstown Renewal Corridor.

For this reason we request that Council provide a favourable recommendation and that the Joint Regional Planning Panel make a positive determination of the matter.

ATTACHMENT 1

SEPP 65 Compliance Report

ATTACHMENT 2

Heritage Register Details
(unchanged from original submission)

ATTACHMENT 3

Waste Management Plan
(unchanged from original submission)

ATTACHMENT 4

Traffic Impact Assessment

ATTACHMENT 5

BASIX Report
(unchanged from original submission)

ATTACHMENT 6

Geotechnical Report
(unchanged from original submission)

ATTACHMENT 7

Social Impact Statement

ATTACHMENT 8

Crime Prevention Through Environmental Design

ATTACHMENT 9

Access Audit / Report

ATTACHMENT 10

Heritage Impact Assessment

ATTACHMENT 11

Acoustic Report

ATTACHMENT 12

Touchstone Property Solutions Response