

# JOINT REGIONAL PLANNING PANEL

## Hunter and Central Coast

JRPP No	<b>2013HCC021</b>
DA Number	<b>DA/1774/2013</b>
Local Government Area	<b>Lake Macquarie</b>
Proposed Development	<b>Mixed Use Development, Residential Flat Buildings, Small Lot Housing, Stormwater Management Facility, Roads and Subdivision</b>
Street Address	<b>142, 144 and 146 Dudley Road Whitebridge and 2, 2A and 4 Kopa Street Whitebridge</b>
Applicant	<b>SNL Building Constructions Pty Ltd</b>
Owner	<b>SIMHIL Living Pty Ltd</b>
Number of Submissions	<b>406 submissions were received to the initial notification period, 177 submissions to the second notification period and 164 submissions (at the time of writing) to the third notification period</b>
Regional Development Criteria	<b>General development that has a capital investment value of more than \$20 million.</b>
List all documents submitted with this report	<b>Attachment A: Recommended draft conditions of consent Attachment B: Plans of development Attachment C: Summary of submissions Attachment D: SEPP 1 concurrence from DoP</b>
Recommendation	<b>Approval subject to conditions</b>
Report by	<b>Elizabeth J Lambert, Senior Development Planner, Lake Macquarie City Council</b>
Report Date	<b>7 July 2015</b>

## **Executive Summary**

**Date Lodged:** Original Plans: 21 November 2013  
Amended Plans: 22 August 2014  
Amended Plans: 23 February 2015

**Submission Period:** First Notification: 29 November 2013 to 12 February 2014  
Second Notification: 28 August 2014 to 26 September 2014  
Third Notification: 11 March 2015 to 10 April 2015

**Zoning:** 2(2) Residential (Urban Living)  
3(1) Urban Centre (Core)  
7(2) Conservation (Secondary)

**Approval Bodies:** Mine Subsidence Board  
NSW Rural Fire Service

**Concurrence Body:** Department of Planning and Environment (SEPP 1)

**Referral Agencies:** Roads and Maritime Services  
NSW Police  
Hunter Water Corporation  
Ausgrid

**CIV:** \$23 million

## Location:

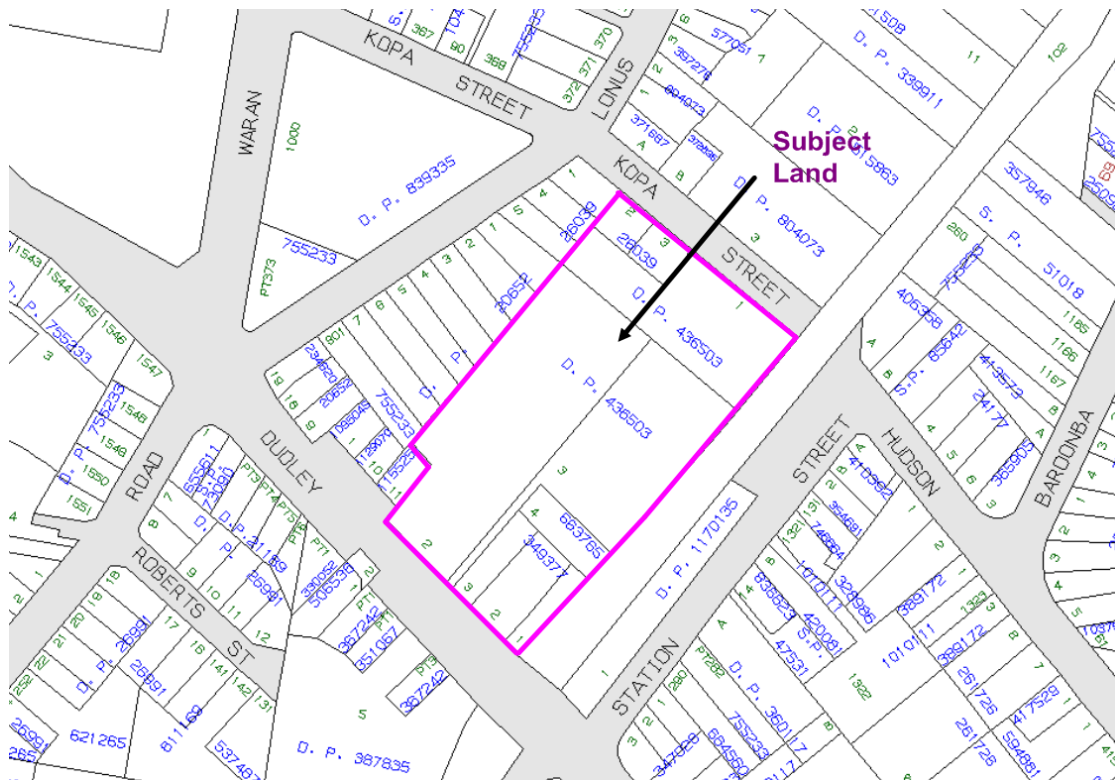
The site is located at Whitebridge in the north eastern area of Lake Macquarie.

Whitebridge is located approximately 2km to the south east of Charlestown Regional Centre. The amalgamated site has an area of approximately 24,390m<sup>2</sup> with 83m frontage to Dudley Road and 118m frontage to Kopa Street. Fernleigh Track, a pedestrian / cycle path adjoins the site to the east. To the west of the site exists a strip of older style dwellings fronting Lonus Avenue. Whitebridge local shopping strip is located immediately to the west of the site.

The Fernleigh Track is the former Belmont – Adamstown Train line, a heritage item listed in the Lake Macquarie Local Environmental Plan 2004 with local significance. The development application does not propose any works to the Fernleigh Track. Primary vehicular access to the development is proposed from Kopa Street via formal extension to the road, with pedestrian access off Kopa Street and Dudley Road. 29 carparking spaces are accessed off Dudley Road.

The site is relatively cleared aside from some vegetation in the eastern corner of the site and along the south eastern boundary shared with the Fernleigh Track.

The site was formally owned by Roads and Maritime Services and was sold with the abandonment of the eastern Charlestown bypass and rezoning of the land.



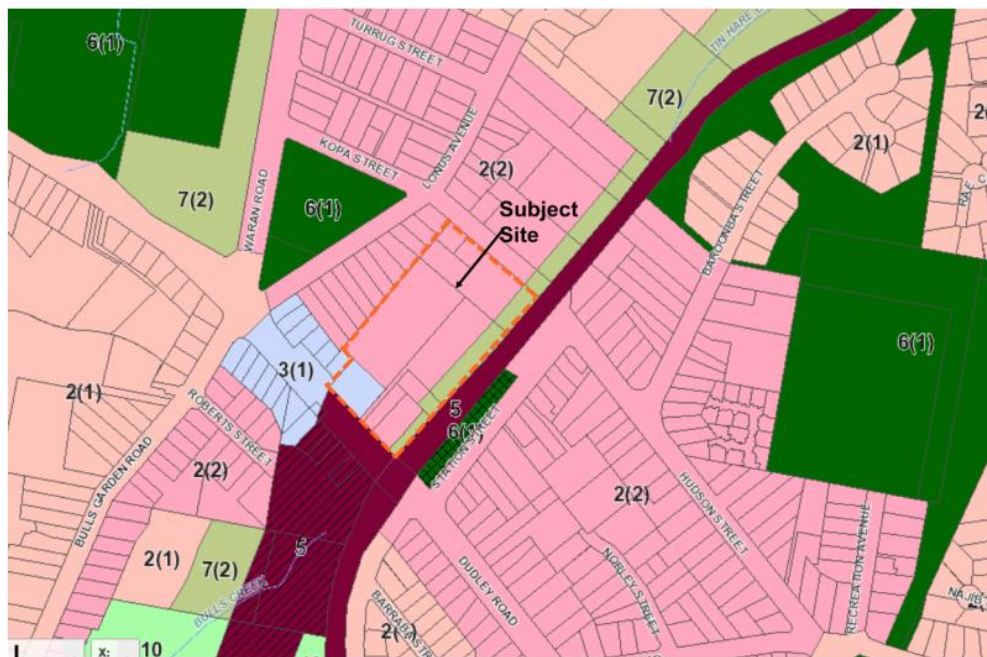
**Figure 1:** Location map

## Zoning History:

The site was rezoned in 2011 under Amendment 53 to Lake Macquarie Local Environmental Plan (LMLEP 2004), from 5 Infrastructure to 3(1) Urban Centre (Core), 2(2) Residential (Urban Living) and 7(2) Conservation (Secondary) as shown in Figure 3.



**Figure 2:** 2012 aerial photograph of development site and surrounds



**Figure 3:** Zoning map of site and surrounds dated 2013



NSW Roads and Maritime Services (former Roads and Traffic Authority) previously owned the land for the purpose of a future road corridor known as the East Charlestown bypass. In 2006, the East Charlestown Bypass was abandoned as the corridor was no longer required for arterial road purposes. The RTA then requested Council to prepare a Local Environmental Plan (LEP) amendment to rezone the land, to reflect that the corridor was no longer required for infrastructure. An outline of the rezoning process is provided below.

20 September 2006	Roads and Traffic Authority (RTA) write to inform Council that the Minister for Roads has decided to abandon the Belmont and East Charlestown Bypass (B&EC Bypass), a proposal that was first identified in the 1950s.
15 January 2007	RTA writes to formally ask Council to rezone the former B&EC Bypass Corridor land so that it is no longer identified as a proposed road corridor in LMLEP 2004.
1 December 2008	Council resolves to rezone Stage 1 of the former corridor, from Dudley Road, Whitebridge to, the Newcastle City Council boundary, and from Oakdale Road to Belmont. The rezoning of the corridor was divided into two stages to allow Urban Growth NSW, who owns substantial holdings along the alignment of the former corridor between Dudley Road and Oakdale Road to undertake detailed investigation on the land's potential for urban development, while avoiding delays and uncertainty for owners of land in Stage 1.
12 October 2010	Section 65 Certificate to exhibit the draft Local Environmental Plan (LEP) amendment is received. Detailed investigations for the 9km long Stage 1 section were completed in September 2010. The land use zoned proposed were based on adjoining zones, the strategic direction outlined in Lifestyle 2020 Strategy and an assessment of the characteristics and capability of the land. Council staff request a s65 certificate from the Department of Planning to allow exhibition of the draft LEP amendment. Council staff had delegation to seek the certificate without proceeding back to Council for a resolution.
20 October 2010 to 30 November 2010	<p>Draft LEP amendment publically exhibited in accordance with the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>State and Federal MP's were notified according to standard procedure of the exhibition of the rezoning. The only letters from State and Federal MP's came from Jill Hall (Member for Shortland) and Matthew Morris (Member for Charlestown) on behalf of Mr S Abrahams about the proposed conservation zone of his property at 42 Lonus Avenue Whitebridge.</p> <p>Council received three submissions from the public.</p> <p>One submission objected to the proposed 3(1) zone at Whitebridge because the proposed commercial area is too large and will lead to parking and traffic issues.</p> <p>One submission objected to the proposed 2(2) zone at Whitebridge because it would be disadvantageous to the community and requested a conservation zone instead.</p>

	The last submission objected to the proposed conservation zone on 42 and 50 Lonus Avenue and requested a residential zone instead.
14 March 2011	Due to changes to the Environmental Planning and Assessment Act 1979, a Planning Proposal is prepared for Amendment No. 53 following public exhibition.  Council resolves to endorse the Planning Proposal after public exhibition and after consideration of submissions.
18 April 2011	Gateway Determination issued for Planning Proposal.
2 September 2011	Amendment No. 53 to Lake Macquarie Local Environmental Plan 2004 made in accordance with the Planning Proposal.

The RTA sold the land after the rezoning was completed. No development concept for this section of the abandoned East Charlestown bypass corridor existed at the time of rezoning. At rezoning stage, a yield estimate is provided either, based on a development outcome / concept a landowner or proponent is seeking or, based upon an already published guide.

Due to changes to the Environmental Planning and Assessment Act 1979, Amendment 53 was converted to a Planning Proposal following public exhibition. An estimated yield of 50 dwellings was provided in the Planning Proposal based on 12 dwellings per hectare, a figure published in the Lower Hunter Regional Strategy, which was the best available published guide at the time. The zones for the corridor were recommended before the Planning Proposal was prepared and before an estimated yield was provided. The Planning Proposal was prepared after the exhibition of the LEP amendment. A maximum density figure or target was not provided in the gazetted LEP Amendment or within the DCP controls.

The total area of the development site at 142 - 146 Dudley Road and 2 – 4 Kopa Street Whitebridge is approximately 24,390m<sup>2</sup>, which is broken down per zone as follows:

- Land zoned 2(2) Residential (Urban Living) is approximately 18,600m<sup>2</sup>
- Land zoned 3(1) Urban Centre (Core) is approximately 1,800m<sup>2</sup>
- Land zoned 7(2) Conservation (Secondary) is approximately 3,900m<sup>2</sup>.

With 22 dwellings proposed on the land, zoned 3(1) Urban Centre (Core) the site density is equal to 122 dwellings per hectare. For the 69 dwellings on the land zoned 2(2) Residential (Urban Living) the site density is equal to 36 dwellings per hectare. The density having regard to the total site area is 37 dwellings per hectare. This final figure is consistent with the guide of 30 to 40 dwellings per hectare provided in Council's Lifestyle 2030 Strategy regarding medium density housing.

LMLEP 2004 has included in its zone objectives for the land zoned 2(2), objectives that encourage medium to high density housing and good quality design, that has good access to a range of urban services and facilities. Additionally, the zone objectives for land zoned 3(1) include aims to provide land for commercial, retail, recreational and housing uses in a central location, creation of urban centres for safe and vibrant social, cultural and community activity. It is considered the density of the development meets these zone objectives, accepting the proposal achieves the outcome of a good quality design in achieving medium density housing. The 7(2) zoned land is being used for stated purposes of drainage, roads and landscaping.

The Parliamentary Inquiry final report on the Planning Process in Newcastle and the Broader Hunter Region issued on 3 March 2015 considers this development at Whitebridge. Chapter 4 of the final report deals with Whitebridge, and notes at 4.40, *“the development application remains under assessment by the council and the Hunter Central Coast Joint Regional Planning Panel. We encourage both bodies to be rigorous in their assessment of the proposed development, and to give serious consideration to only approving developments that align with the 2004 LEP (particularly Amendment No.53).”*

This assessment report, prepared in accordance with Section 79C of the Environmental Planning and Assessment Act, provides assessment of the development application under the appropriate legislation.

Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) was gazetted on 12 September 2014 and came into effect on 10 October 2014. Clause 1.8A - *Savings provisions relating to development applications*, states any development application lodged, but not finally determined before the commencement, of the Plan must be determined as if the Plan had not been made. In this regard, the development application is required to be assessed and determined under LMLEP 2004.

### **Overview of Development:**

Development proposes construction of a mixed use development, residential flat buildings, small lot housing, construction of stormwater management facilities and Torrens title subdivision. The development is proposed to be constructed in six stages, as per the following extracts from the application.

The development includes the following:

#### **Lot 1:**

- Four to five storey mixed use development fronting Dudley Road;
- 34 dwellings are included in this building as traditional apartments within a residential flat building as well as maisonette apartments;
- The maisonette apartments front the new public road accessed from Kopa Street;
- The maisonette apartments are two storey and present individually to the new public road;
- A private communal outdoor open space area is provided between the commercial area and the rear of the maisonette apartments;
- There are a mix of one, two and three bedroom units;
- Nine accessible units and associated parking spaces are included;
- Parking for 38 cars for the residential component is provided within the basement parking including parking for nine accessible spaces and a wash bay;
- 325m<sup>2</sup> of commercial / retail floor space;
- The commercial tenancies on Dudley Road are proposed to be serviced via a communal loading bay within the public parking area on the south side of Dudley Road;
- A loading bay is also provided at the western end of the proposed new parking area;
- Carparking for the commercial / retail component is proposed within a new car parking area aligning with the current parking arrangement on the north side of Dudley Road, providing 11 parking spaces, including two accessible spaces;
- Construction of 18 parking spaces, at the eastern end of the parking area on Dudley Road (east of the Whitebridge Square), and

- Construction of Whitebridge Square, proposed as a public space along Dudley Road frontage that links the existing shopping strip to shared pedestrian / cycle path to the Fernleigh Track.

**NOTE:** A maisonette apartment is described as a self-contained apartment occupying two or more floors of a larger building having its own entrance from outside.

**Lot 2:**

- Accessed via the new road off Kopa Street;
- The development is a residential flat building that accommodates 8 units as townhouse style apartments;
- Each of the townhouse apartments present to the street and are two to three storey with basement parking;
- All units are three bedroom;
- All units have ground level open space in the form of a rear yard and include a balcony on the first floor level, and
- 15 basement parking spaces for residents are provided.

**Lot 3:**

- Lot 3 units overlook the proposed open space area within the centre of the site;
- Accessed via the new road off Kopa Street;
- The development is a residential flat building that accommodates 10 units as townhouse style apartments;
- Each of the townhouse apartments present to the open space area and are two to three storey with basement parking;
- One townhouse apartment presents directly to the new internal street adjacent to the driveway to the basement;
- All units are two or three bedroom;
- All units have ground level open space in the form of a rear yard, some include a balcony on the first floor level, and
- 21 parking spaces for residents are provided within the basement.

**Lot 4:**

- Lot 4 fronts Kopa Street with units presenting to Kopa Street and to the new internal public road;
- The development is a residential flat building that accommodates 18 units as townhouse style apartments;
- The townhouse apartments are two storey plus basement parking;
- All units are three bedroom;
- Each unit has ground level open space in the form of a rear yard, and
- 36 parking spaces for residents are provided within the basement.

**Lot 5 – 13**

- Lots 5 – 13 are small lot housing;
- The lots front the new public road and back onto the existing properties on Lonus Avenue;
- The lots are between 209m<sup>2</sup> and 287m<sup>2</sup>;
- Dwellings are a mix of attached and detached;
- Each dwelling is single storey at the rear with a two storey component at the street frontage;
- The dwellings are setback a minimum of 4m from the existing properties at the rear;
- Each dwelling is provided a double garage, and
- There are a mix of 3 and 4 bedroom dwellings.



#### **Lot 14 – 20**

- Lots 14 – 20 are small lot housing;
- The lots front the new public road and are located centrally in the development;
- The lots are between 257m<sup>2</sup> and 284m<sup>2</sup>;
- Dwellings are mostly attached dwellings in pairs;
- Each dwelling is two storey with three bedrooms, and
- Each dwelling is provided a single garage with a stack parking space provided in front of the garage within the property boundary.

#### **Lot 21 – 24**

- Lots 21 – 23 are small lot housing;
- The lots are located in the north eastern corner of the development near the existing entry / exit to the Fernleigh Track;
- The lots are between 227m<sup>2</sup> and 243m<sup>2</sup>;
- One lot will be required to be accessed via the extension of Kopa Street;
- The other three lots are accessed from the new public road;
- Dwellings are attached to each other and are two storey with three bedrooms, and
- Each dwelling is provided a double garage, some area for stack parking is available.

#### **Lot 25**

- Approximately 1000m<sup>2</sup> of open space located in the centre area of the development;
- The plans show the area would accommodate play equipment, pathways including a pathway fronting the townhouse apartments on Lot 3 and an electricity kiosk, and associated easement in favour of the utility provider, and
- This area would be in private ownership owned under the strata to Lot 3.

#### **Lot 26**

- Approximately 3300m<sup>2</sup> of land located adjacent to the Fernleigh Track;
- This land is zoned 7(2) Conservation (secondary);
- The proposal includes construction of a shared pathway that provides alternate access from the Fernleigh Track to the Whitebridge Town Square and shopping strip;
- The development proposes stormwater detention on this part of the land;
- The development proposes further embellishment of this land with landscaping and revegetation, and
- The application proposes this land to be dedicated to Council as drainage reserve, at no cost to Council.

The dedication at no cost to Council of Lot 26 as drainage reserve has been expressly requested as part of the application.

A further refinement of information provided above is outlined in the context of the proposed staging plan.

The development is proposed to be constructed in six stages, as follows:

#### **Stage 1:**

- Demolition of existing structures on site, being existing dwellings and associated buildings on Kopa Street;
- construction of erosion and sediment controls;
- establishment of site services;
- construction of road network;
- construction of stormwater infrastructure;

- construction of parking spaces on site at Dudley Road frontage;
- construction of additional parking spaces within the road reserve on Dudley Road as shown on the approved plans;
- replacement of fencing on common boundary with properties fronting Lonus Avenue;
- construction of residential flat building on proposed Lot 4 fronting Kopa Street and internal road, including 36 basement parking spaces for residents;
- construction of four small lot housing dwellings on proposed Lots 21 – 24;
- subdivision of the lots; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

#### Stage 2:

- Construction of 13 small lot housing dwellings on proposed Lots 5 – 17;
- subdivision of the lots; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

#### Stage 3:

- Construction of mixed use building on proposed Lot 1;
- construction of residential flat building on proposed Lot 1, including 38 basement parking spaces for residents;
- construction of parking area on Dudley Road as an extension to the existing Whitebridge Shopping strip parking area;
- construction of Whitebridge Square;
- embellishment of the Dudley Road parking area;
- subdivision of this lot; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

#### Stage 4:

- Construction of residential flat building on proposed Lot 2, including 15 basement parking spaces for residents;
- construction of three small lot housing dwellings on proposed Lots 18 – 20;
- subdivision of the lots; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

#### Stage 5:

- Construction of residential flat building on proposed Lot 3, including 21 basement parking spaces for residents;
- construction and embellishment of open space on proposed Lot 25;
- subdivision of this lot; and
- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development.

#### Stage 6:

- Finalisation of stormwater devices;
- embellishment of drainage reserve;
- construction of shared path through proposed Lot 26;

- construction and establishment of all landscaping on the lot and public domain works along the road frontages of this stage of development; and
- dedication of this land to Council as a drainage reserve.



**Figure 1: Overall layout of development**



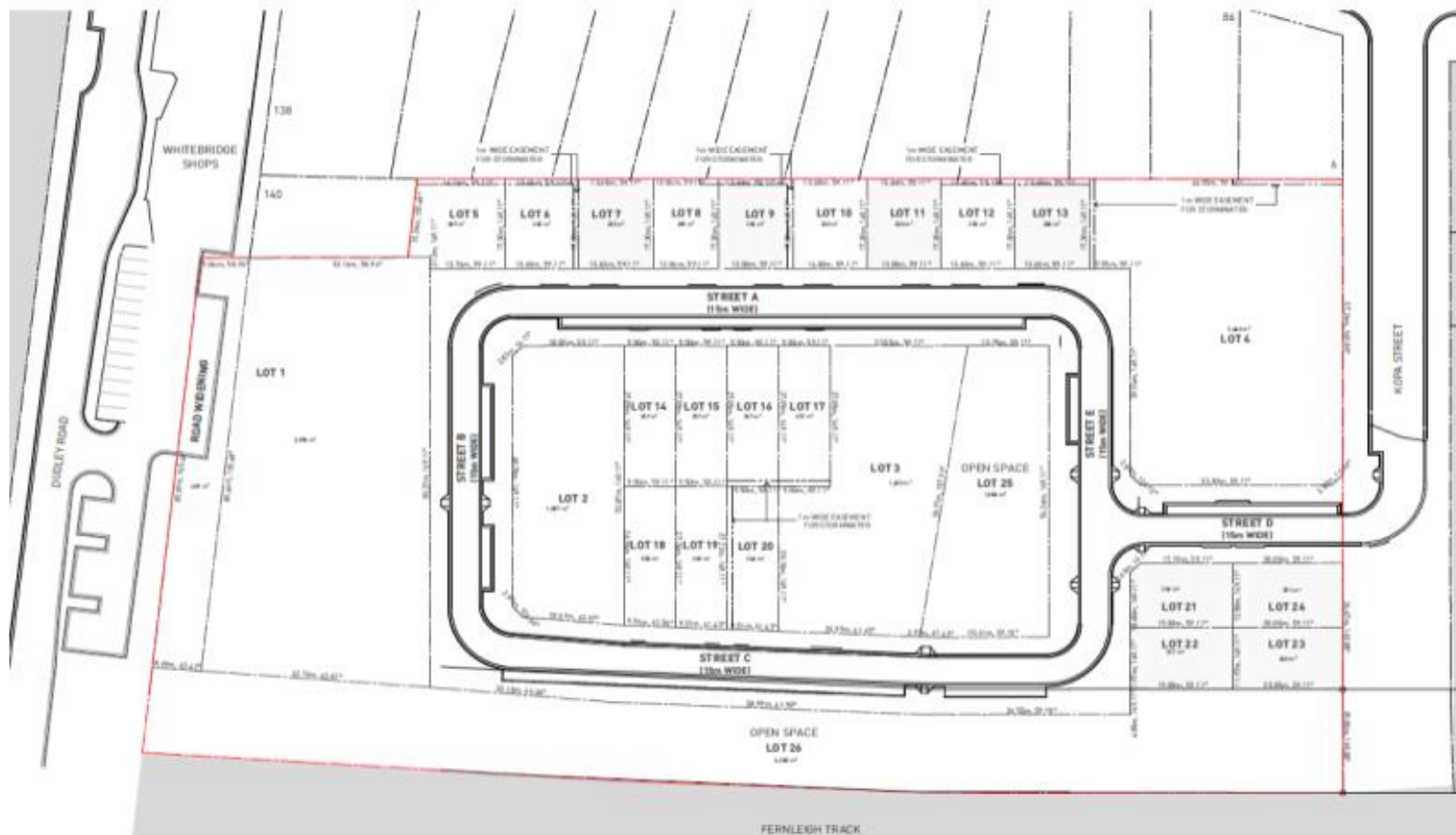


Figure 2: Subdivision Plan

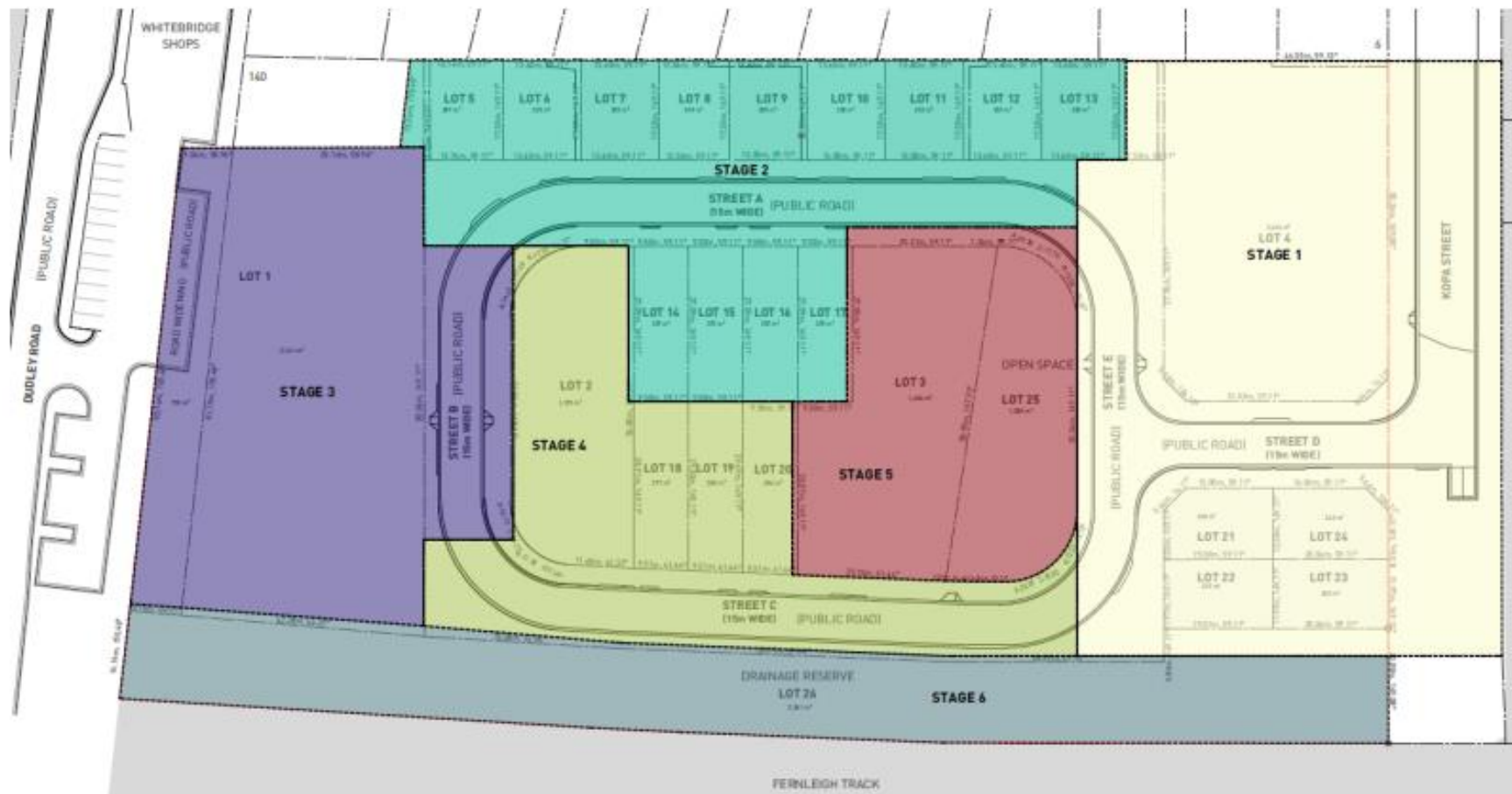


Figure 3: Staging Plan

## THE ASSESSMENT

This report provides an assessment of the justification presented in the application against all relevant State and Local planning legislation and policy.

### SECTION 79C: POTENTIAL MATTERS FOR CONSIDERATION

#### 79C(1)(a)(i) the provisions of any Environmental Planning Instrument (EPI)

##### State Environmental Planning Policy 1 - Development Standards (SEPP 1)

The development proposes the creation of a generally consolidated but undersized lot zoned 7(2) Conservation (Secondary) now E2 Environmental Conservation under LMLEP 2014. Clause 24 of LMLEP 2004 requires a minimum lot size of 40 hectares for land zoned 7(2) Conservation. The 7(2) zoned land has an area of approximately 3,361m<sup>2</sup>. An objection under SEPP 1 is required for the creation of a separate lot (lot 26) containing most of the land zoned 7(2). The remainder of the 7(2) zoned land would be contained within the lot containing the road reserve.

NSW Department of Planning and Environment, on 17 April 2015, provided their concurrence due to the unique circumstances of the case. The Department of Planning and Environment note that their concurrence is not to be seen as a precedent for variation of the 40 hectare development standard throughout the local government area generally. A copy of their advice is provided at Attachment D.

##### State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)

Changes to SEPP 65 commenced 17 July 2015. Savings provisions within SEPP 65 state applications lodged prior to 19 June 2015 are not determined under the amendments to SEPP 65. This application was lodged prior to 19 June 2015.

Council's SEPP 65 Panel has reviewed the application. The SEPP 65 Panel have considered the development in terms of the 10 design principles set out in SEPP 65; being, context, scale, built form, density, resources, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics.

The Panel considers the development appropriate with regard to its context. The Panel specifically reviewed the height of the development and advised the design response is a reasonable response. The density is supported given the improved relationship with the Fernleigh Track, the provision of an internal parkland and the provision of basement parking. Generally having regard to the extent of landscape space, breaks between building forms and the scale of building, the Panel is of the view the density of the development is consistent with Council's policy framework for a small commercial centre surrounded by medium density zoned land and is appropriate for the site.

The Panel noted the development provides a mix and a variety of housing that has potential to appeal to a range of age groups.

Council's SEPP 65 Panel stated, *"The panel recognises this development would result in a different form, scale and density of development from existing as one of the first major redevelopments to occur in the area."*

*The panel acknowledges that the scale and density of the development is consistent with Council's policy and framework direction.*

*Having viewed the proposal on three occasions the panel now considers the final iteration of the proposal to be high standard architectural design.”*

### **State Environmental Planning Policy (BASIX) 2004**

BASIX certificates for the development have been provided.

### **State Environmental Planning Policy (Infrastructure) 2007**

Ausgrid provided comment under clause 45(2) of SEPP Infrastructure 2004, as follows:

*“Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid’s infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.”*

A condition of consent is recommended requiring compliance with Ausgrid requirements.

### **Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004)**

#### Clause 15 General Controls for Land within Zones

The land is zoned 2(2) Residential (Urban Living), 3(1) Urban Centre (Core) and 7(2) Conservation (Secondary) and is depicted in Figure 3.

Development on that part of the land zoned 2(2) includes:

- small lot housing; defined as, *a single dwelling on an allotment of land with an area of not less than 200m<sup>2</sup> but not more than 450m<sup>2</sup> in Zone 2(2);*
- residential flat buildings; and
- roads.

All uses are permissible on land zoned 2(2).

Mixed use development, consisting of commercial and retail spaces and residential accommodation, is proposed on the land zoned 3(1). Mixed use development is permissible on land zoned 3(1).

Development on that part of the land zoned 7(2) includes:

- stormwater management facilities, and
- roads.

Both uses are permissible on land zoned 7(2).

#### Clause 16 Development Consent – matters for consideration

##### *(a) Lifestyle 2020 Vision, Values and Aims*

In considering this application, the consent authority must have regard to the following vision, values and aims of the Lifestyle 2020 Strategy as expressed in Part 2 of the LMLEP2004 as follows:

#### **Vision**

*The vision for land to which this strategy applies is:*

- *a place where the environment is protected and enhanced.*
- *a place where the scenic, ecological, recreational and commercial values and opportunities of the Lake and coastline are promoted and protected.*



- *a place with a prosperous economy and a supportive attitude to balanced economic growth, managed in a way to enhance quality of life and satisfy the employment and environmental aims of the community.*
- *a place that recognises encourages and develops its diverse cultural life and talents and protects and promotes its heritage.*
- *a place that encourages community spirit, promotes a fulfilling lifestyle, enhances health and social wellbeing, encourages lifestyle choices and has opportunities to encourage participation in sport and recreation.*
- *a place that promotes equal access to all services and facilities and enables all citizens to contribute to and participate in the City's economic and social development.*

## **Values**

*The four core values of the strategy are sustainability, equity, efficiency and liveability.*

## **Aims**

*The aims of the strategy are to:*

- provide the community with realistic expectations about the future development patterns for land in Lake Macquarie City, while retaining flexibility for land use decision making in the longer term, and*
- reinforce and strengthen centres so that a wide range of commercial and community services may be provided in a timely and accessible manner, and*
- provide local employment opportunities for residents and promote economic development consistent with the City's natural, locational and community resources, and*
- guide the development of urban communities that are compact, distinct and diverse and include a range of housing types and activities, and*
- achieve a strong sense of positive community identity, through the development of local communities that are safe and liveable and offer a diversity of uses, economic opportunities and ready access to services, and*
- develop an attractive urban setting for the City which reflects its physical and natural environment, and visual character, and*
- manage the City's natural environment so that its ecological functions and biological diversity are conserved and enhanced, and contribute to the City's overall well-being, and*
- manage the City's heritage and economic resources in a way that protects the value of these resources and enhances the City's character, and*
- integrate land use with the efficient provision of public and private movement systems.*

The proposal has addressed and satisfied the vision, values and aims of the Strategy in this development through the provision of a variety of housing options within close proximity to local services, including, but not limited to, open space; transport; community facilities; schools; and urban centre opportunities.

The proposal provides and infill development with a range of compact housing typologies, which exist in the broader locality, but is in limited supply in general. The proposal is characterised by a mix of medium density housing forms including residential flat buildings, terraced apartment buildings and small lot housing featuring attached and detached housing styles. The array of housing options provided will appeal to a range of people, therefore providing a social mix. The density of housing provided within close proximity to the urban centre of Whitebridge supports in reinforcing and strengthening the Whitebridge commercial and retail precinct, whilst providing local employment opportunities within the area.

The layout of the development maximises the use of the land whilst maintaining and reinforcing ecological corridors within and around the site. The development provides an attractive urban setting reflective of the ecological attributes of the site and surrounds.

As a result, the development, will be visible from public places, but will not adversely detract from the visual setting nor unreasonably affect the amenity of surrounding landowners.

*(b) Objectives of Zone*

The land is zoned 2(2) Residential (Urban Living), 3(1) Urban Centre (Core) and 7(2) Conservation (Secondary). The objectives of each of the zones are addressed below:

The 2(2) zone objectives are to:

- (a) provide for medium and high density housing, and*

Planning Comment:

The proposal comprises a medium density development consisting of residential flat buildings and small lot housing. The development is of an appropriate residential form and density. The development will provide residents the opportunity to enjoy the vistas afforded external to the site. The siting of the buildings within an extensively landscaped setting consisting of existing mature vegetation, supports the proposed integration of the proposed development into the existing neighbourhood.

- (b) encourage development of good quality design within the zone, and*

Planning Comment:

The proposal is considered compatible with the zone. The development is of good quality design that has been reviewed by Council's SEPP 65 Design Review Panel. The development has had regard to the site constraints. The design is sympathetic to its location and will be further enhanced through the implementation of a detailed landscape design.

- (c) provide an environment where people can live and work in home businesses and professional service whilst maintaining the residential amenity of the surrounding area, and*

Planning Comment:

The development will provide opportunities for people to live in close proximity to a commercial centre with potential work opportunities. Work from home opportunities are not excluded from the development, which will expand on existing home businesses and professional services offered within the locality. The provision of medium density housing within close proximity to public transport, close to and within a commercial precinct enables residents access to the facilities provided within this area of Whitebridge and further afield.

- (d) provide residents with good access to a range of urban services and facilities, and*

Planning Comment:

The site is centrally located to Charlestown CBD, and is located adjoining the Whitebridge commercial centre. Charlestown commercial / retail centre area provides access to a broader range of urban services and facilities as well as associated infrastructure, therefore the site is well located to take advantage of easy access to these centres.

- (e) encourage amalgamation of existing lots to facilitate well designed medium to high density development, and*

Planning Comment:

The development is over a substantial land holding of amalgamated parcels totalling an area greater than 24,000m<sup>2</sup>. Further consolidation of lots is not required to accommodate a better designed medium to high density development. Sufficient area exists within the development site to accommodate a well designed development.

(f) *provide for sustainable water cycle management.*

Planning Comment:

The development supports sustainable water cycle management consisting of re-use opportunities within the site through the collection of runoff from new roof areas. Torrens title units will provide storage capacity in accordance with BASIX requirements. Strata Title unit blocks will collect rainwater in basement tanks; the water in the tanks will be available for reuse.

The objectives of the 3(1) zone are to:

(a) *provide land for commercial, retail, recreational and housing uses in a central location, and*

Planning Comment:

The development is a mixed use development that provides commercial, retail, recreational and housing opportunities central to the Whitebridge commercial precinct.

(b) *generate viable employment and economic activity, and*

Planning Comment:

The proposal supports commercial and retail activities, supporting the viability of the commercial precinct. The development of the land with additional residential uses will reinforce the viability of Whitebridge's centre with likely increases in employment and economic activity.

(c) *create urban centres for safe and vibrant social, cultural and community activity, and*

Planning Comment:

The continuation of the existing shopping strip on the north side of Dudley Road provides additional opportunities for commercial and retail activity. The proposal will assist in providing for a compact centre with links to the Fernleigh Track and surrounding pedestrian pathways leading to the Whitebridge shopping area. The inclusion of the Whitebridge Square and the proposed infrastructure reinforces the centre as a destination for broad community activity, and social and cultural experiences to be enjoyed.

(d) *create public spaces that are accessible, welcome all people and area central focus for the community, and*

Planning Comment:

The development provides for accessible commercial and retail spaces that will be accessible to the broader community.

(e) *provide for sustainable water cycle management.*

Planning Comment:

The development supports sustainable water cycle management as determined in the assessment report. Note objective (f) above.

The objectives of the 7(2) zone are to:

(a) *protect, conserve and enhance land that is environmentally important, and*

The development adequately responds to this objective with the incorporation of landscaping within the 7(2) zone to strengthen the existing vegetation corridor adjoining the site.

- (b) *protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and*

The embellishment of the existing corridor will assist in enhancing the corridor to facilitate species movement, dispersal and interchange of genetic material.

- (c) *enable development where it can be demonstrated that the development will not compromise the ecological, hydrological, scenic or scientific attributes of the land or adjacent land in Zone 7 (1), and*

Whilst part of the land will be used for stormwater management and roads / pedestrian path, that part of the land proposed to be used for infrastructure will take place on that part of the land which is currently cleared of significant vegetation. The remainder of the land zoned 7(2) will be embellished with species appropriate for the strengthening of the corridor, adding to its ecological value.

- (d) *ensure that development proposals result in rehabilitation and conservation of environmentally important land, and*

The development incorporates rehabilitation and conservation of part of the 7(2) zoned land, albeit in a modified state that will reinforce its conservation value in excess to the value that currently exists.

- (e) *provide for sustainable water cycle management.*

Planning Comment:

The development supports sustainable water cycle management as determined in the assessment report.

#### Clause 17 - Provision of essential infrastructure

The site has available essential infrastructure to service the development.

#### Clause 18 – 20

Not applicable.

#### Clause 21 - Development the subject of SEPP 1 application

An objection under SEPP 1 accompanies the application. The development standard to which the SEPP 1 relates is clause 24 – Subdivision Standards of LMLEP 2004.

The written objection made pursuant to SEPP 1 has considered the underlying objectives of the development standard as well as the following; to the extent, they are relevant to the development. In the circumstances of this application the standard to be varied is the 40 hectare minimum lot size for land zoned 7(2). It is acknowledged the area of land zoned 7(2) within the development site does not presently contain 40 hectares.

Neighbourhood and local context: Whitebridge and surrounding suburbs contain urban development intersected with remnant bushland, conservation areas and corridors linking such. The containment of the 7(2) zoned land within the road reserve and a separate lot provides potential for the area zoned 7(2) to act as a link and potential corridor.

Topography: The subdivision of the land will not alter the topography of the site.

Solar Orientation: Solar orientation is not specifically relevant to the variation of this development standard.



Neighbourhood amenity and character: The subdivision of this land will enable the area to be better conserved and provide for opportunities to revegetate the 7(2) zoned land providing better neighbourhood amenity and continuing the character of the Whitebridge area.

Privacy: Privacy to adjoining development, particularly to the east of the site will be further enhanced as this area is used as a buffer to development on the east.

Overshadowing: The subdivision of the land will not create any overshadowing. Revegetation of the 7(2) zoned lands will overtime create overshadowing due to tree species proposed to be planted. The overshadowing by vegetation is considered acceptable given the objectives of the zone.

Security, safety and access: Subdivision of the land will not affect security, safety or access. The development will provide a formal pedestrian access over this land linking the Fernleigh Track to the Whitebridge shopping area.

Local infrastructure: Subdivision of the 7(2) land will not adversely affect local infrastructure. The subdivision of the land will create public roads, drainage infrastructure and shared pathways that will create linkages within the development.

Landscape design: Subdivision of the land will not affect the landscape design. The development is supported by a landscape plan that proposed further embellishment of the subdivided area to assist in achieving the objectives of the 7(2) zone.

Waste disposal: Subdivision of the land will not affect waste management or waste disposal.

#### Clause 22 – 23

Not applicable.

#### Clause 24 - Subdivision

The development proposes subdivision of the land. The development proposes the following lot sizes in their respective zones:

<b>Lot Number</b>	<b>Zone</b>	<b>Lot size*</b>	<b>Compliance with LEP</b>
<b>1</b>	2(2) Residential and 3(1) Urban Centre**	3141m <sup>2</sup> - irregular lot	Yes
<b>2</b>	2(2) Residential	1135m <sup>2</sup> - irregular lot	Yes
<b>3</b>	2(2) Residential	1486m <sup>2</sup> - irregular lot	Yes
<b>4</b>	2(2) Residential	2426m <sup>2</sup> - corner lot	Yes
<b>5 - 13</b>	2(2) Residential	Small Lot Housing - lots vary between 209m <sup>2</sup> and 287m <sup>2</sup>	Yes
<b>14 - 20</b>	2(2) Residential	Small Lot Housing - lots vary between 257m <sup>2</sup> and 284m <sup>2</sup>	Yes
<b>21 - 24</b>	2(2) Residential	Small Lot Housing - lots vary between 227m <sup>2</sup> and 243m <sup>2</sup>	Yes
<b>25</b>	2(2) Residential	1000m <sup>2</sup> - irregular lot	Yes

26	7(2) Conservation	3361m <sup>2</sup>	No
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**\*Note:** The above figures are based upon the subdivision plan prepared by Smith and Tzannes, submitted with the application (14\_026 DA-A-011)

**\*\*Note:** There is no numerical subdivision standard for land zoned 3(1).

The lots comply with clause 24 of LMLEP 2004 aside from proposed Lot 26 which is an under sized parcel of 7(2) zoned land. An objection under SEPP 1 has been submitted with regard the undersized lot zoned 7(2).

#### Clause 25

The development seeks consent for the demolition of existing structures on the site.

#### Clause 26

Not applicable.

#### Clause 27 - Dwelling houses, small lot housing and dual occupancies in Zone 1(2), 2(1), 2(2) or 7(5)

Consent must not be granted for the erection or creation of small lot housing on land zoned 2(2) on a battle-axe lot or a lot less than 1000m<sup>2</sup> in area. The development proposes three areas of small lot housing which will be undertaken in two different stages of the development. Stage 2 contains development for small lot housing of nine lots on a parent lot that is not a battle-axe lot and is greater than 1000m<sup>2</sup>.

Stage 4 contains development for small lot housing of seven lots on a parent lot that is not a battle-axe lot and is greater than 1000m<sup>2</sup>.

The proposed development, relative to small lot housing, complies with this clause.

#### Clause 28

Not applicable.

#### Clause 28A –Residential flat buildings and multiple dwelling housing in Zone 2(2)

Subdivision of each stage of the development will not occur until after the development for each respective stage is at lock up. In this regard, the erection of the residential flat buildings will occur on a parent lot that will exceed 1500m<sup>2</sup> and will have a width of greater than 30m. The lot containing the residential flat building will then be excised from the parent lot.

#### Clause 29 Building heights

The buildings will exceed eight metres in height from natural ground level.

The development seeks consent for the erection of buildings greater than eight metres in height. In this regard, the consent authority must take into consideration whether the height is compatible with the heights of other buildings in the immediate vicinity or locality and is compatible with:

- (a) the site attributes, and existing or proposed uses of the land to which the application relates; and
- (b) the other requirements of this plan and the provisions of any relevant development control plan.

The land to be developed with a building height greater than eight metres is zoned 3(1) and 2(2), which, under DCP 1, has a height limit of 10 metres. The site is located in an area under transition. Existing development within the area is predominantly single or two-storey

development. The highest point of the development is located on the Dudley Road frontage; nevertheless, development through the site has proposed heights greater than eight metres.

The application proposes to use the slope of the site to establish a stepped transition of building heights from Dudley Road down the site toward Kopa Street. This matter is addressed in detail within the DCP section of this report.

The height is considered compatible with the Whitebridge area and the applicable zones.

The site is not within proximity to an airport and therefore the Obstacle Limitation Surface does not apply.

#### Clause 30 - Control of pollution

All reasonable and practicable control measures will be implemented to minimise pollution likely to arise from carrying out the development. This matter is addressed in further detail throughout this assessment report and conditions of consent are recommended where relevant.

#### Clause 31 - Erosion and sediment control

The area of soil surface exposure is greater than 2500m<sup>2</sup>, which generates the need for an erosion and sediment control plan. Council's Erosion and Sediment Control officer has reviewed the application and considered the submitted plans appropriate for the development. The plans comply with the construction guidelines adopted by Council. In addition, conditions of consent are proposed to prevent and minimise the effects of erosion and sediment.

#### Clause 32 - Flood prone land

The land is not flood prone land.

#### Clause 33 - Bush fire considerations

The land is zoned bush fire prone.

The development is integrated development in terms of the Rural Fires Act. NSW Rural Fire Service (RFS) have provided comment and general terms of approval; these are included as a condition of consent in the recommended conditions in Appendix A.

#### Clause 34 Trees and native vegetation

Consent is sought for the removal of some vegetation. An Arboricultural Impact Assessment and Tree Protection Plan has been reviewed by Council's Tree Assessment officer. The report specifically reviews each tree on the site and those trees off the site that have the potential to be impacted by the development. The report states that assessment has been undertaken having regard to the plans submitted and onsite inspection to determine final levels and impact on vegetation. The report nominates trees to be removed and provides tree protection measures required under the supervision of a project arborist, which are in accord with best practice stated within AS 4970-2009. Conditions of consent requiring compliance with the Arboricultural Impact Assessment and Tree Protection Plan are proposed.

#### Clauses 35

Not applicable.

#### Clause 36 – Mixed use development

Consent must not be granted for mixed use development unless the consent authority is satisfied that:

- (a) The gross floor area to be used for commercial, retail or recreation facilities will not be less than 20% of the total gross floor area within the site area to which the development relates, and
- (b) The gross floor areas that will be used for dwelling and any accommodation for tourists will not be less than 50% of that total.

The consent authority may grant consent for mixed use development even though the gross floor area for commercial / retail uses is less than 20% of the total floor area if it is satisfied the proposed gross floor area is justified on economic grounds and that the proposed development will provide an active street front.

The mixed use development fronting Dudley Road provides less than 20% of the total gross floor area for commercial or retail uses. The development provides a floor space of approximately 16% for the commercial / retail component and approximately 84% for the residential component on the land zoned 3(1). Justification is provided under the economic and active streetscape section of this clause.

Whitebridge is a commercial centre that accommodates small scale retail and commercial premises that support the daily needs of the immediate and adjoining communities. The development does not propose to replicate floor spaces for retail and commercial activities that would not be supported by the local communities. Large scale commercial and retail floor spaces are available within Charlestown. There appears to be a weak demand for commercial / retail floor spaces in Whitebridge with a commercial / retail floor space remaining vacant for some time. However, allowance for the proposed outdoor trading area adjacent the "Whitebridge Square", should be considered. The space is adjacent to the entry and egress point for the Fernleigh Track, and the café across Dudley Road is a busy destination for cyclists. It is reasonable to anticipate the proposed outdoor trading area will be an important space that support street activity and the economic growth of the centre.

Should demand for commercial / retail floor space increase, an opportunity exists for the ground floor dwelling (A001) as shown in Figures 4 to 7 below, to be converted to commercial / retail premises. This would provide an additional 88m<sup>2</sup> of commercial / retail space through a change of use. The percentage of commercial / retail floor space would be increased to 19.4%, thus achieving closer to the 20% floor area for commercial / retail uses.



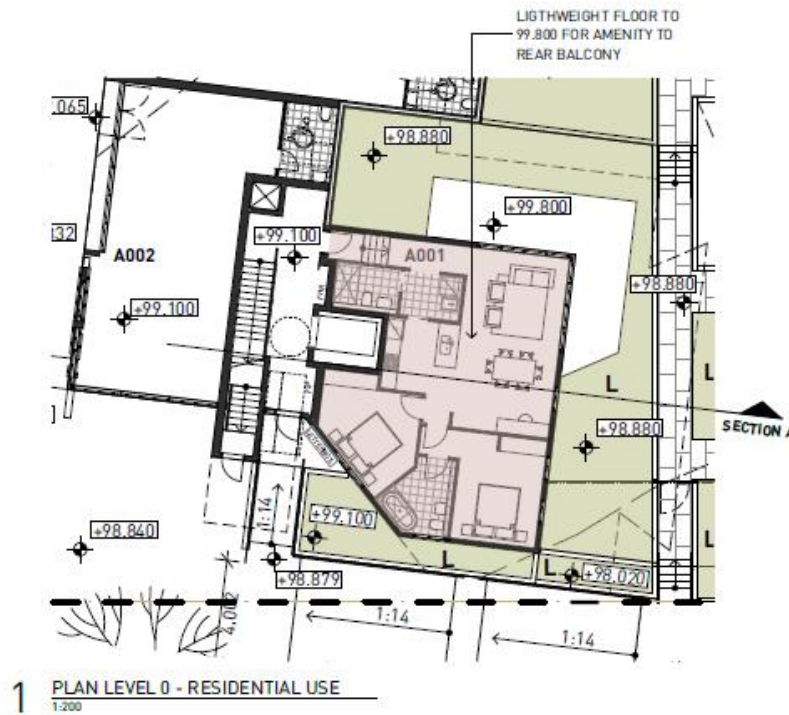


Figure 4: Residential Layout of Unit

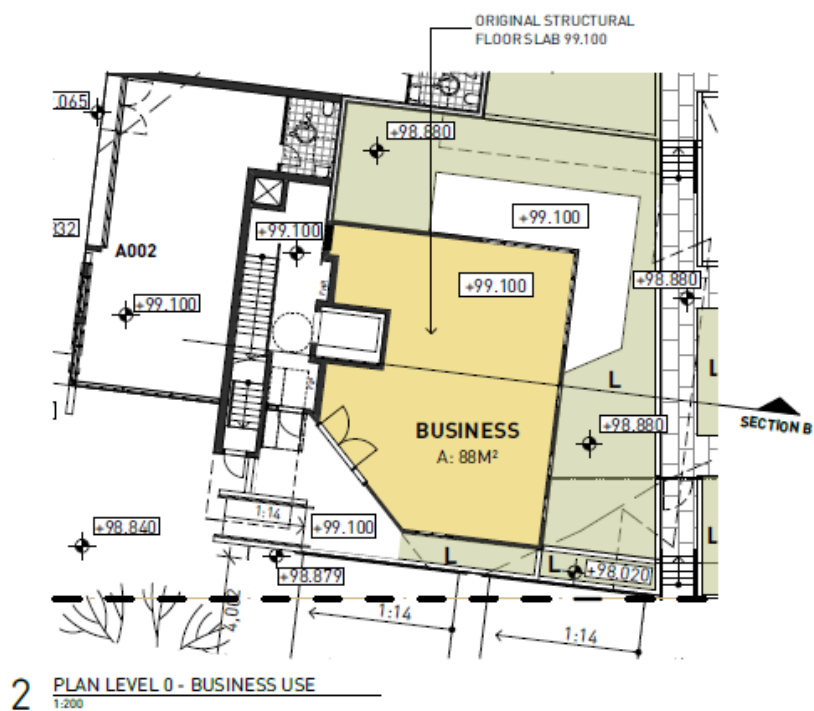
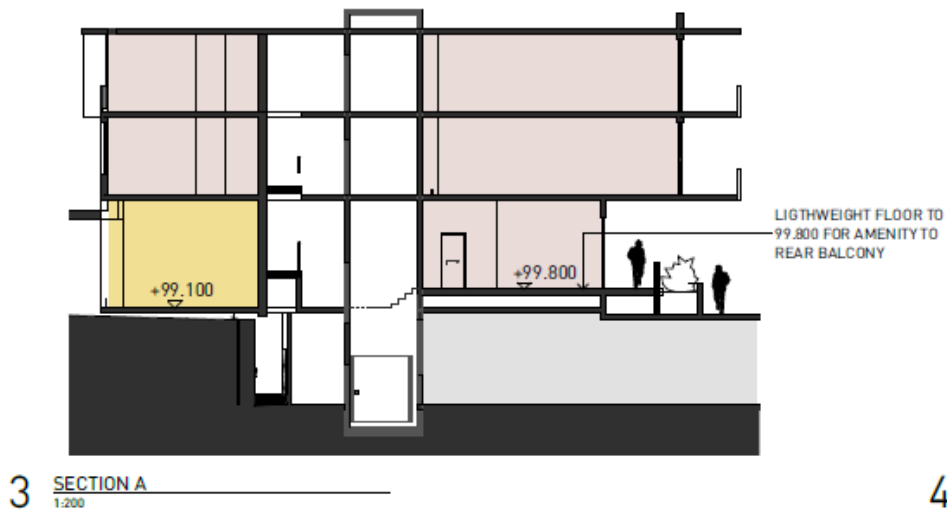
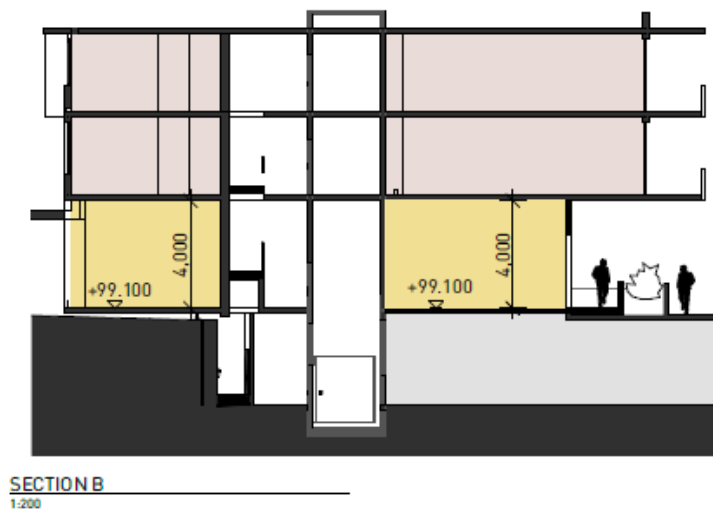


Figure 5: Business / Commercial Layout of Unit



**Figure 6: Floor to Ceiling Heights for Residential Use**



**Figure 7: Floor to Ceiling Heights for Business / Commercial Use**

Additionally, over 2000m<sup>2</sup> of urban centre zoned land located within Whitebridge is also undeveloped for commercial / retail purposes.

Having considered all provisions under Clause 21, it is considered most relevant to Clause 36 variation in this instance are neighbourhood and local context; neighbourhood amenity and character; security, safety and access; and local infrastructure. In this regard, the provision of 16% floor space for commercial / retail operations is considered not to impact in a negative manner the provisions under Clause 21. The economic grounds stated above support the reduced floor space dedicated to commercial and retail activities. The neighbourhood and local context will not be detrimentally affected nor will the neighbourhood amenity or character

or local infrastructure. The development will provide good safety and access to the commercial and retail spaces despite being less than 20% floor space allocated to these uses.

The design of the commercial / retail premises is based on extending and improving the existing commercial space on the south side of Dudley Road. The design provides an active street frontage for the width of the commercial zone, including extensive glazing to promote direct visual connection between the street and interior of the building. Clearly defined entrances, with windows and shop fronts being dominant features from the pedestrian area directly fronting the development are provided. A continuous awning along the commercial frontage adds to the pedestrian comfort experience in this area. The façade treatment contributes to an active street frontage.

The development provides for greater than 50% of the total gross floor area of the mixed use building for dwellings, in compliance with this clause.

#### Clause 37

Not applicable.

#### Clause - 38 Advertising Structures and Signs

Development consent is sought for signage panel areas proposed as part of this development with regard the commercial and retail areas.

#### Clauses 39 – 42B

Not applicable.

#### Part 6 Heritage Provisions

There are no listed items of heritage significance located on the site and the site is not located within a heritage conservation area.

The former Belmont Railway is located along the eastern boundary of the site. The Belmont Railway is listed as a heritage item with local significance under LMLEP 2004. A Statement of Heritage Impact prepared by John Carr Heritage Design has been prepared for the development. Importantly, the Fernleigh Track, pedestrian and cycle path has been constructed over the permanent way of the former Belmont Railway.

Clause 52 states, development consent *may not be granted for development in the vicinity of a heritage item unless the consent authority has considered a heritage impact statement that includes recommendations for the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works, and for any modification that will reduce the impact of the proposed development on the heritage significance of the heritage item.*

Access to the Fernleigh Track is accommodated with the design layout. The proposed development is effectively an infill site adjacent to the Track. Most residential development along the Track was in existence prior to the Track being constructed and therefore has no managed screen planting. The built form of the development is setback a minimum of 10m from the edge of the Fernleigh Track corridor, with suitable landscaping and rehabilitated corridors within this setback area. The corridor of the former Belmont Railway will not be directly impacted by the development. The proposed development will have minimal indirect impact on the corridor and will not impact the heritage significance of the item itself. The Belmont Railway retains its existing corridor width, which is maintained as a native landscaped reserve as part of a community cycle and walkway. Additionally, heritage interpretation will be provided within the development.

Council's Heritage Planner has reviewed the application, including the Statement of Heritage Impact, and does not object to the development, subject to recommended conditions of consent.

Clause 55 – 59

Not applicable.

Clause 60 – Development on land adjoining Zones 5, 7(1), 7(4) and 8

The site adjoins land zoned 5. The land zoned 5 is part of the Fernleigh Track which follows the former Belmont Railway (New Redhead Estate and Coal Company Railway). The Fernleigh Track is a popular shared pathway extending from Adamstown to Belmont and adjoins the development site along the south eastern boundary. Council officers are satisfied that the proposed development will be consistent with the efficient operation of the existing infrastructure within the 5 zoned land. The development provides a shared pathway leading from the existing exit on the western side of the Track, through the 7(2) zoned land on the subject site, leading to the Whitebridge shopping area.

Clause 61 - 156

Not applicable.

**79C(1)(a)(ii) the provisions of any draft EPI**

Draft Lake Macquarie Local Environmental Plan 2012 (dLMLEP 2012) was on public exhibition until 24 December 2012 and is now adopted as Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014). LMLEP 2014 zones the land R3 – Medium Density Residential, B1 Neighbourhood Centre and E2 – Environmental Conservation. The proposed development is consistent with land uses permitted under LMLEP 2014.

The building height map prescribes a building height of 10m; the proposed buildings do not comply with the 10m height limit. While the proposed building height conflicts with the Plan, the development will still be able to achieve the intent of the zone and provides for much needed urban consolidation within close proximity to services and facilities provided within Whitebridge and the wider community. The additional height proposed has been well considered in terms of its impacts both within the site and off site and is addressed throughout this report. The proposed exceedance in height does not warrant refusal of the application.

LMLEP 2014 was gazetted on 12 September 2014, and commenced 28 days after it was published on the NSW legislation website, making the commencement date of the Plan 10 October 2014.

Clause 1.8A – Savings provision relating to development applications, enables development applications made before the commencement of the Plan, which have not been finally determined before that commencement, must be determined as if this Plan had not commenced. This application was lodged prior to the commencement of LMLEP 2014 and is therefore determined under LMLEP 2004.

## **79C(1)(a)(iii) the provisions of any Development Control Plan (DCP)**

### *Development Control Plan No. 1 – Principles of Development*

#### **Section 1.8 – Development Notification Requirements**

As required by the EPA Regulation 2000, relevant government departments were notified, being:

Department of Planning and Environment;  
Mine Subsidence Board;  
NSW Rural Fire Service;  
NSW Police;  
Hunter Water Corporation;  
Ausgrid, and  
Roads and Maritime Services.

NSW Department of Planning and Infrastructure provided concurrence to the SEPP 1 on 17 April 2015 (see Attachment D).

Mine Subsidence Board provided General Terms of Approval with regard the subdivision of the land and the building works on 20 March 2015 and 19 June 2015.

NSW Rural Fire Service provided General Terms of Approval on 20 January 2015.

NSW Police provided comments dated 10 May 2015.

Hunter Water Corporation has not provided any comment on the development; however, endorsed the plans on 2 June 2015.

Ausgrid provided comments on 7 April 2015.

Roads and Maritime Services provided comments on 30 March 2015.

Notification to the current version of plans occurred in accordance with Development Control Plan No. 1 – Principles of Development, which required notification for a minimum 14 day period. The notification period was extended a further 14 days with the consent of the JRPP Secretariat.

Earlier periods of notification occurred in relation to earlier versions of the development plans occurred as follows:

First Notification: 29 November 2013 to 12 February 2014

Second Notification: 28 August 2014 to 26 September 2014

The submissions received during all three notification periods as well as any submission received outside the formal notification periods have all been considered.

The submissions are addressed throughout the report and within Attachment C to this report.



## Section 2.1 – Environmental Responsibility and Land Capability

### 2.1.1 – Ecological Values, 2.1.2 – Ecological Corridors and 2.1.4 – Tree Preservation

This development proposes the removal of some vegetation. The application has been assessed for compliance with ecological requirements / recommendations detailed in:

- LMLEP 2004; DCP 1;
- Threatened Species Conservation Act (amended 2004);
- Lake Macquarie Flora and Fauna Survey Guideline (2001);
- Lake Macquarie *Tetratheca juncea* Management Plan (Payne 2001);
- Lake Macquarie Wetlands Management Study;
- Lake Macquarie Coastal Management Plan, and
- Environment Protection Biodiversity Conservation Act 1999,

and is considered to satisfactorily comply with the legislation subject to conditions of consent.

The ecological assessment was undertaken in accordance with Council's Flora and Fauna Survey Guidelines for Altered and Disturbed Habitats. The Fernleigh Track (zoned RE1 under LMLEP 2014) on the sites south-eastern boundary is mapped as a corridor narrowed to less than 200m, and as a rehabilitation corridor on the sites north-east boundary, on Council's Native Vegetation and Corridors Map.

The building envelopes and associated asset protection zones (APZs) are contained within the site and do not encroach on the vegetation associated with the adjacent Fernleigh Track. The proposed APZs are within the 7(2) zone on the site, however this is justified as this area is generally cleared with some vegetation in the eastern corner of the site and will be landscaped with appropriate native species to complement and consolidate the existing Fernleigh Track corridor.

The revised plans show Trees 2-10 and Trees 12-15 along the south eastern site boundary (adjacent to the Fernleigh Track) being retained as recommended. The revised plans will protect native vegetation corridors as mapped by Council's Native Vegetation and Corridors Map (2012).

Council's Flora and Fauna planner has reviewed the vegetation removal in accordance with the relevant legislation and guidelines and accepts the addendum of ecological advice provided by RPS (2014), as follows:

- The site does not contain significant habitat attributes and no threatened species, populations or ecological communities listed under the Threatened Species Conservation Act or Environment Protection Biodiversity Conservation Act are likely to occur.
- The revised Landscape Master Plan will improve ecological function of the faunal movement corridor identified under Council's Native Vegetation and Corridors Mapping.
- The development is unlikely to have a significant impact on threatened species, populations or ecological communities listed under the TSC Act or EPBC Act.

The development adequately protects and retains existing vegetation where appropriate. Additional landscaping will be incorporated within the development to further embellish the natural landscape of the site. The development is supported subject to conditions of consent being applied to protect vegetation that is proposed to be retained within the application, and the further embellishment of vegetation on the site.

### 2.1.3 – Scenic Values

The site is within a Scenic Management Zone “C” area. Zone “C” is assigned to areas of moderate to low scenic quality and where the landscape values, while not making a significant contribution to the City’s image and attractiveness, do not detract significantly from that image or amenity.

A visual impact assessment (VIA) has been prepared for the development. The VIA, prepared by Envisage Consulting Pty Ltd, in accordance with Council’s Scenic Management Guidelines (2013).

The site has been vacant and in its present state for many years having previously been owned by the Roads and Maritime Services as part of the proposed (former) East Charlestown Bypass, which has been abandoned and the land subsequently sold. The site slopes away from Dudley Road toward Kopa Street and the Fernleigh Track. Some vegetation exists along the Fernleigh Track and in the north eastern area of the site and on the unformed area of Kopa Street.

Surrounding land, although zoned for medium to high density development, is dominated by low density residential development adjoining the Whitebridge shopping precinct. To the east of the site the Fernleigh Track corridor provides a vegetated buffer to the eastern area of Whitebridge, again dominated by low density development that is currently undergoing transformation with development of higher density development in line with the medium density zoning.

Dudley Road Development - Mixed Use and Residential Flat Building (Lot 1): The development fronting Dudley Road (Lot 1) has a height, above natural ground level, of approximately 14.97m. The Dudley Road development comprises two buildings, the first adjoining the existing shopping strip and the second closer to the Fernleigh Track, see Figure 8. The building adjacent to the existing shops on the west maintains the general alignment of the existing shops, which, at the frontage to Dudley Road maintain a single storey elevation with increased parapets. The proposed retail / commercial building at this elevation will extend to a height of four storeys, approximately 7.5m higher than the parapet of the adjoining shop. Whilst this height increase can be considered significant in its height difference, its compatibility in the context of future redevelopment opportunities and its gradation of building form across the whole site is considered acceptable. The Dudley Road development steps down the site with a break between the buildings providing pedestrian access through the development. The second building to the east of the site along Dudley Road is setback from the first building to distinguish between the commercial space and the residential form along Dudley Road in line with the zoning change.

The Dudley Road mixed use development is generally three storey with a smaller area on the fourth storey and a single level of basement parking. It accommodates retail and commercial floor spaces on the ground floor fronting Dudley Road and residential dwellings to the rear of the commercial / retail areas and on the upper levels. The fourth storey is setback from the Dudley Road frontage three to four metres. Similarly, the residential building on Dudley Road adjoining the Fernleigh Track has the upper most level setback from the main building façade and from the Fernleigh Track, see Figure 9.



**Figure 8: Elevation – Dudley Road Development**



**Figure 9: Eastern Elevation (to reserve area) of Residential Flat Building and Maisonette Apartments on Dudley Road**

This aspect of the development includes at grade parking, matching the alignment of existing parking along Dudley Road, an open space area that provides opportunities for outdoor dining and / or communal space.

Overall, the visual bulk and scale of the proposal is moderated by:

- The general setback behind the carpark;
- The general stepping with the topography; the visual break between the two buildings;
- Good building articulation and modulation;
- Setbacks to the uppermost levels of both buildings;
- A well co-ordinated palette of building materials and detailing, and
- Use of tree planting in the public domain.

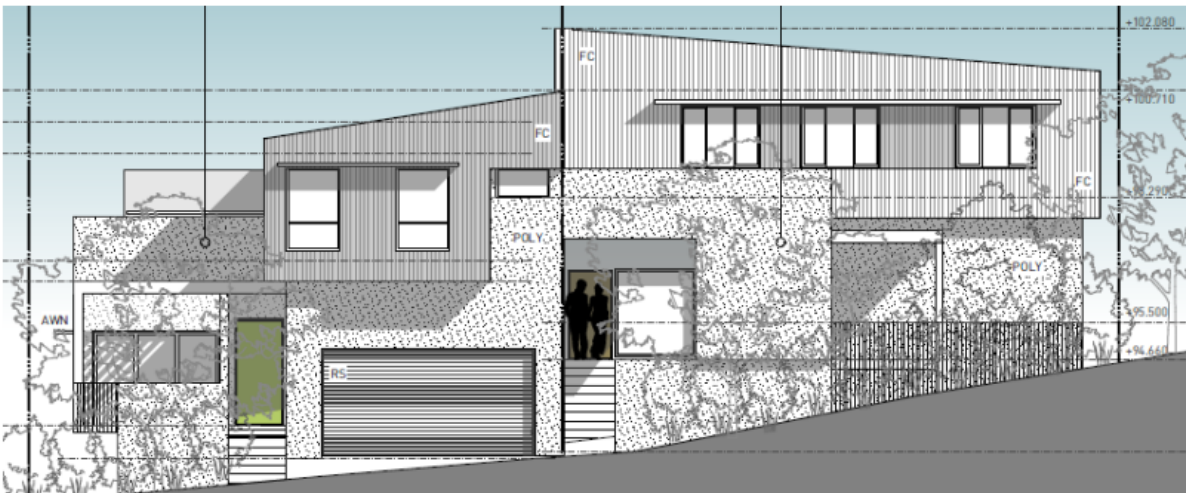
Kopa Street Frontage - Terrace Apartments (Lot 4): Development along Kopa Street requires the demolition of two existing dwellings fronting Kopa Street and construction of a residential flat building that comprises single level basement parking and two storey terrace apartments. Road entry to the development site will be provided from Kopa Street to the east of the terrace apartments on Lot 4. The highest point of this building is 9.4m and is located on the eastern edge of the building fronting the new public road. When viewed from Kopa Street the built form will be a row of nine two storey terrace houses on small frontages, see Figure 10. Garage and carport structures will not dominate the streetscape as carparking for the development is provided in double garages within the single access point basement of the

development. Street tree planting and low scale shrubs are proposed along the Kopa Street frontage for these units, in line with the residential amenity of the area.



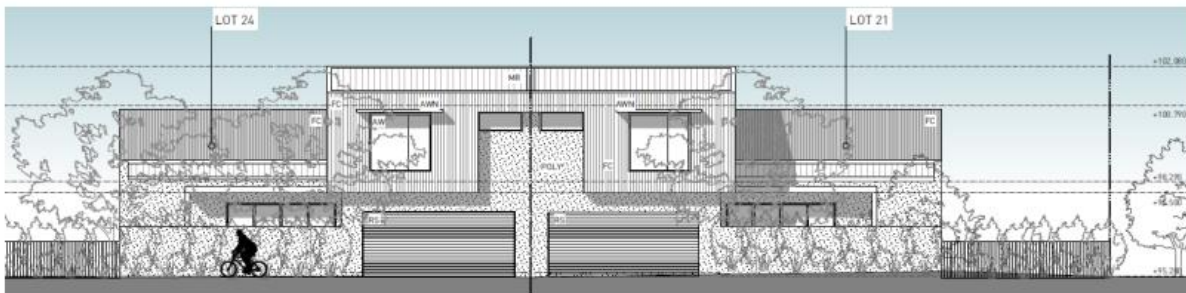
**Figure 10: Kopa Street Elevation of Terrace Apartments on Lot 4**

Kopa Street Frontage – Small Lot Housing (Lots 21 – 24): The small lot housing in this area of the development consists of four two storey dwellings that front the extension of Kopa Street and the proposed new public road within the development, see Figure 11 and 12. While development plans do not propose the extension of Kopa Street to front the two lots in this location, a requirement, as mentioned previously, of small lot housing is that it must front a public road or an access way established as part of a community scheme. The development will be required to provide the extension of Kopa Street as frontage to Lot 23.



**Figure 11: Kopa Street Elevation of Small Lot Housing on Lots 23 and 24**

The two storey dwellings provided in this area are well articulated with setbacks of over 5m to Kopa Street. The presentation to the Fernleigh Track for the dwellings proposed on Lot 22 and 23 is two storey. The ground floor is setback 21m from the boundary with Fernleigh Track with the wall of the first floor setback 24m. The conservation zoned land, located between Lots 22 and 23 and the Fernleigh Track is 20m wide and is proposed to be rehabilitated in line with the zone objectives and having regard to the NSW Rural Fire Service requirements for this asset protection zone, inclusive of mature trees and screen planting.

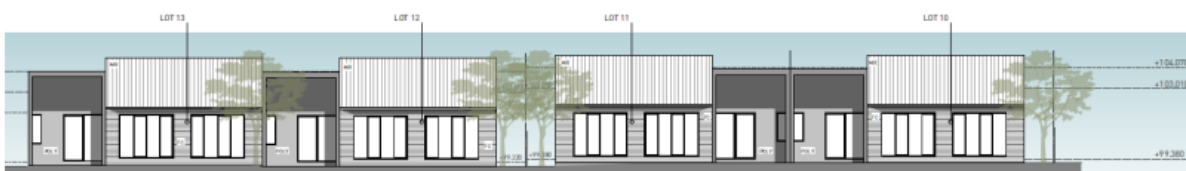


**Figure 12: Elevation of Small Lot Housing Presenting to New Entry Road**

Lonus Avenue Boundary – Small Lot Housing (Lots 5 – 13): Existing dwellings along Lonus Avenue backing onto the development site consist of single storey dwellings located toward the street, see Figure 13 and 14. The range of setbacks of the existing main dwelling houses to the rear boundary (the development site) is between approximately 50m to 10m, with outbuildings and associated structures located within the rear setback area of most lots.



**Figure 13: Presentation of Small Lot Housing to Rear of Properties on Lonus Avenue**

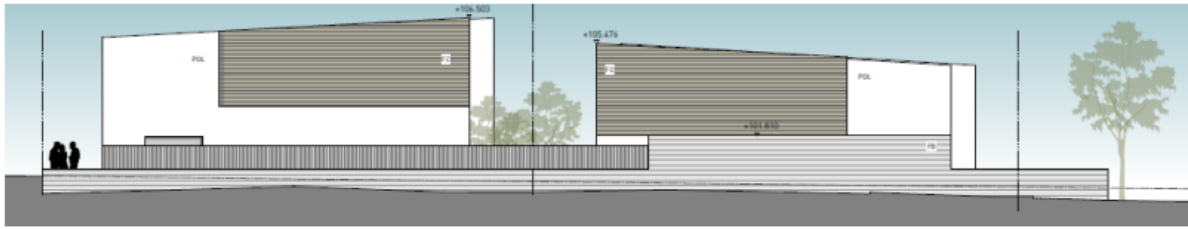


**Figure 14: Continuation of Presentation of Small Lot Housing to Rear of Properties on Lonus Avenue**

The rear wall of the dwellings is setback 4m from the shared rear common boundary of the properties on Lonus Avenue. The development proposes two storey split level small lot housing dwellings on the lots backing onto development on Lonus Avenue. Using the slope of the site the rear of the dwellings will present as single storey with the two storey component presenting to the new internal public road. The existing trees on the adjoining land will be retained, and supplemented on the subject site with additional planting of tree species appropriate for the development. The Arboricultural Assessment has provided detail on the ability of the trees to be retained taking into consideration the required excavation works. Landscaping along the rear boundary will consist of shrub and hedge planting and lawns.



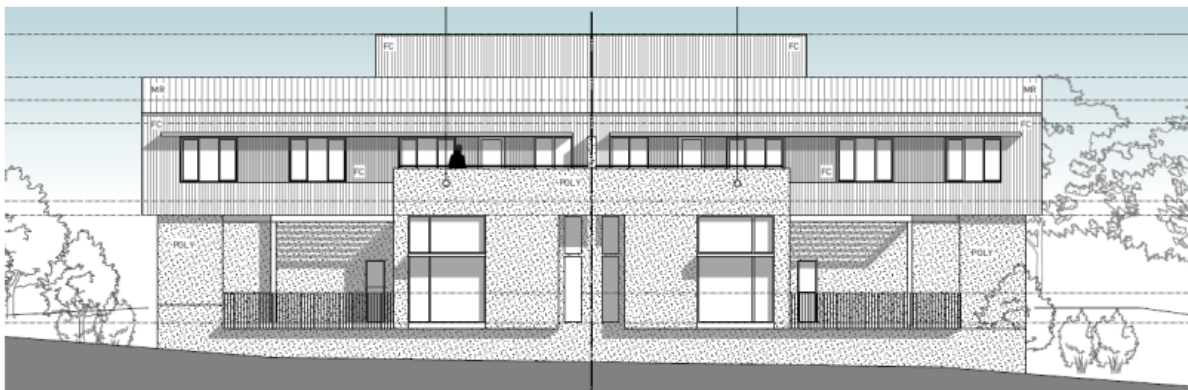
The side of the development on Lot 4 will present to the rear / side of the existing dwellings at 86 Lonus Avenue and 6 Kopa Street, see Figure 15. The development on Lot 4 is setback one metre from the side boundary and has a height of 6.75m above existing ground level.



**Figure 15: North Western Elevation of Lot 4**

Fernleigh Track Frontage (Lot 26): the area associated with vegetation and the Fernleigh Track corridor will be formally widened and embellished, having regard to bushfire requirements, to provide a more substantial and significant corridor of open space and vegetation. A new pedestrian / cycle path will be provided within this area to link Fernleigh Track to the development and to Whitebridge shopping strip. Users of this area will view directly into the development site with unfiltered views. Viewed from the eastern side of the Fernleigh Track will have vegetation, both existing and proposed new vegetation filtering views to the development. It is not the intent, nor should it be, to block views but rather to complement the development. The development site is partly zoned for commercial centre and medium to high density residential development, this type of development will be viewed external to the site.

The closest residential component of the development to the Fernleigh Track is the two storey small lot housing proposed for Lots 21 to 24, see Figure 16, located in the north eastern corner of the site and in the south eastern area of the site, the 4 – 5 storey residential flat building on Lot 1, see Figure 9. The small lot housing located on Lots 21 to 24 will be clearly seen from the Track. Fernleigh Track has numerous housing developments directly overlooking it and directly abutting it, so this development will be consistent with other residential development adjoining that exists already in areas along its length. The residential flat building on Lot 1 will not be easily seen from the Fernleigh Track and will be less visually prominent with closer proximity to the development.

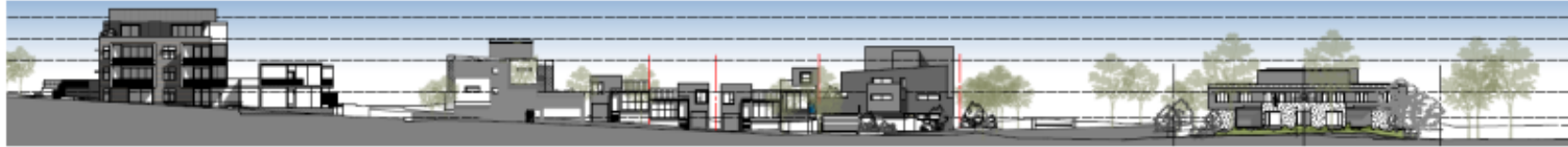


**Figure 16: Fernleigh Track Elevation of Small Lot Housing in Eastern Corner of Site**

Figures 17, 18 and 19 show long section elevations of the development viewed from the Fernleigh Track area.

Summary: Figure 20 shows approximate heights of buildings at boundary interfaces or the highest point of the building. The development steps building form around the site having regard to solar access, boundary interfaces and proximity to the commercial centre. Lower heights have been incorporated at the interface with adjoining development on Lonus Avenue and in the eastern corner with the interface of the Fernleigh Track.

The Fernleigh Track, Dudley Road, Kopa Street, Station Street and surrounding residential areas will all have views over the site and any new development over it. Given the size of the land, greater than 24,000m<sup>2</sup>, development over the site will initially have a significant impact. The development will merge, overtime, with surrounding development, as it occurs, and as landscaping within the development matures. Surrounding residential areas are zoned R3 Medium Density under LMLEP 2014. This zoning allows for increasing density, which will transform both existing vacant allotments and existing under developed land.



**Figure 17: Long Elevation from Fernleigh Track Area**



**Figure 18: Elevation from Fernleigh Track Area (southern end)**



**Figure 19: Elevation From Fernleigh Track Area (northern end)**



Figure 20: Overall site plan showing approximate building heights



The level of impact is considered acceptable considering the urban nature of the surrounding area and planned increased densities. The impact of the development will be mitigated by the change in levels across the site, articulated design, colour and materials proposed for the development and the landscaping proposed within the development. Overall, the proposal is considered appropriate for this changing urban landscape.

#### 2.1.5 - Bushfire Risk

The application has been considered by the NSW Rural Fire Service as integrated development under section 91 of the Act. General Terms of Approval provided by NSW RFS must be included as conditions of consent.

#### 2.1.6 - Water Bodies, Waterways & Wetlands

The proposed development is not located within the vicinity of any mapped natural water bodies. The proposed development has provided appropriate drainage measures; therefore, there will be no direct impacts on any downstream water bodies.

#### 2.1.7 – 2.1.8

Not applicable.

#### 2.1.9 - Sloping Land & Soils

The site has been identified as being within T2, T3 and T5 zones on Council's Geotechnical Maps, as such further geotechnical investigations are required prior to consent. The applicant has submitted a Geotechnical Report and associated addendums prepared by Regional Geotechnical Solutions that identifies the site is capable of development as proposed subject to compliance with Mine Subsidence Board requirements.

The application proposes cut and fill works to create basement areas for each of the residential flat buildings. From an engineering perspective, the proposed cut and fill and regrade works are satisfactory.

#### 2.1.10 Acid Sulfate Soils

The site was not identified as having potential acid sulfate soils.

#### 2.1.11 - Erosion Prevention & Sediment Control

The submitted Erosion and Sediment Control Plan prepared by Forum Consulting Engineers satisfactorily addresses Council's requirements for erosion and sediment control, conditions of consent to further regulate this are recommended.

#### 2.1.12 – Mine Subsidence

The Mine Subsidence Board has provided General Terms of Approval for the subdivision on 20 March 2015 and 19 June 2015 for the building works. The General Terms of Approval for the subdivision and building must be included on any consent.

#### 2.1.13 - Contaminated Land

A Phase 1 Contamination Assessment prepared by Regional Geotechnical Solutions dated October 2011 has been submitted with the application and states that no contaminant concentrations exceeding the adopted guideline criteria in any of the samples tested. On this basis the site is considered appropriate for the proposed development.



#### 2.1.14 Energy Efficiency

The development is supported by a BASIX certificate.

#### 2.1.15 Noise and Vibration

Council's Environmental Management Officer has provided comment on the development and advised the acoustic report prepared by Spectrum Acoustics dated December 2014, which assesses and determines the potential noise emissions generated by the development and the likely noise intrusion from external sources has addressed the relevant acoustic issues for the development.

Mechanical Plant and Equipment: project specific noise levels have been determined in accordance with the Industrial Noise Policy for receivers in Kopa Street and Dudley Road. The more stringent level in Kopa Street has been adopted to calculate the Project Specific Noise Levels (PSNL).

The final selection of plant will be determined by the sound power levels and shielding presented within the acoustic report, as calculated to comply with the PSNL at the worst affected receivers, both within the development and external receivers at residential and commercial premises.

Traffic Noise: the consultant has data logged road traffic noise and considered the NSW Environment Protection Authority (EPA) Road Noise Policy, which references the NSW Department of Planning guidelines for new development near busy roads. Calculations by Spectrum Acoustics have determined standard building construction and glazing will achieve the required internal comfort levels from external and internal traffic.

Projected traffic noise generated from the development on existing residential areas has been determined using the NSW EPA guidelines for intermittent traffic flow and has determined that traffic noise associated with the proposed development will comply with the noisiest one hour noise average or Laeq.

Construction Site Noise and Vibration: Council adopts the NSW EPA Interim Construction Noise Guideline when assessing new development, and generally adopts the standard construction hours; unless particular noise sources such as rock breaking or scabbling increases annoyance, in which case, more stringent hours are applied during those processes. Receivers within 30 to 40 metres will be more highly affected, although the use of a 30 tonne excavator will be limited to the early earthmoving construction stage within each stage of the development. The preparation of a construction site noise management plan (CNMP) will seek to minimise any significant impact to residents.

Spectrum Acoustics have evaluated any potential vibration impacts to the NSW EPA assessment guideline and concluded that both human comfort and building damage criteria will not be exceeded.

Conditions of consent are recommended with regard the preparation of a CNMP, as well as design certification and confirmation that the premises conform to the PSNL approved for the development.

#### 2.1.16 Air Quality and Odour

The application is not likely to significantly reduce air quality or odour.

### 2.1.17 Demolition and Construction Waste Management

The application involves the demolition of existing structures on the land, including two dwellings and ancillary buildings, as well as earthworks and construction of the development in several stages.

A waste management plan, as part of a Construction Environmental Management Plan, shall be prepared to manage construction waste; this is recommended as part of the conditions of consent. The plan shall identify:

- types and amounts of waste likely to be generated;
- waste storage issues;
- methods of transport and disposal of wastes to an approved facility;
- opportunities for waste reduction, re-use of materials and recycling; and
- requirements for compliance with the Waste Avoidance and Resource Recovery Act 2001.

## **Section 2.2 – Social Impact**

The increasing population within the Lake Macquarie Local Government area generates an increased need for appropriate housing options located close to urban centres, public transport, and services and facilities.

### Density

The Social Impact Assessment (SIA) dated 14 August 2014 identifies that in most instances there is adequate local community and recreation infrastructure to meet the expected increase in population arising from the proposed development. Where there is insufficient infrastructure, the SIA notes that Council is currently reviewing its Contribution Plans to levy for this additional infrastructure. Increased population from the development may provide opportunity to improve the viability of some community and recreation services, which is of significant social benefit.

The additional open and communal spaces identified in the amended design are welcomed. These spaces assist in encouraging residents of the development to interact with each other, building a sense of community and contributing to increased social capital, as well as providing spaces for the existing residents of Whitebridge and surrounds to utilise. This will assist with integrating the new residents into the community, and greatly reduce the likelihood of the new residents being alienated. As the future population is likely to mirror the demographics of the existing population, the proposed development is unlikely to significantly alter the social fabric of the suburb.

With the suburb predominately characterised by detached dwellings, it is possible that the visual and traffic impacts of the proposal may contribute to a loss of 'sense of place' for the existing residents. Whilst there will be visual change including along the Dudley Road frontage, the extension of the commercial strip is in keeping with the existing adjacent commercial /retail developments. The setbacks and increased open space and communal areas, will assist with the transitional integration of the proposed development.

### Open space, social interaction and linkages:

The increased open space and communal areas provided in the revised design are considered highly complementary. The 'Whitebridge Square' area, adjoining grassed area, as well as the

central open space and playground areas will encourage social interaction between the residents of the development. They will also provide spaces for the existing residents of Whitebridge and surrounds to use. These spaces will play a vital role in building a sense of community for the residents of the development, where residents will look out for one another, work together to resolve any issues, and contribute to building social capital in the community.

The connections between the Fernleigh Track and the commercial precinct as well as via Kopa Street are beneficial to the development and surrounding areas. These connections provide permeability through the site and maintain the existing travel routes used by the local community.

It is not considered the development will result in any negative social issues. However, in order to ensure the safety of the residents of the proposed development, as well as the wider community, the development will need to conform to crime prevention through environmental design (CPTED) principles.

### Section 2.3 –Economic Impact

The site is ideally located within the existing neighbourhood centre of Whitebridge, and is approximately two kilometres from the Regional Centre of Charlestown.

The proposed development is consistent with the economic principles identified within Council's Lifestyle 2030 Strategy. The site is within the immediate catchment of the Charlestown Regional Centre. The locality has been identified for further intensification and has recently commenced rejuvenation as evidenced in both the Census, and Council's approval and commencements data.

The additional population will have a significant positive impact on the existing retail and commercial tenancies within the Whitebridge retail centre. The additional employment generating floor space and associated areas has potential to increase patronage to the area, which will have further positive implications for the Whitebridge trading area.

### Section 2.4 – Heritage

#### 2.4.1 European Heritage Items

The site is located adjacent to the former Belmont Railway corridor. The heritage significance of Belmont Railway was for the transportation of coal and passengers between Newcastle and Belmont. This significance has been maintained by adapting the Fernleigh Track for use by pedestrians and cyclists and the maintenance of relics along the corridor. The development as proposed will not impact the significance of the corridor as a transportation corridor. The inclusion of heritage interpretation will assist in increasing community knowledge of the corridor and its function.



**Figure 21: Picture of Whitebridge Station (c.1930) looking south with the development site on the right**



**Figure 22: Photo of Fernleigh Track looking south with the development site on the right taken 2015**



The development ensures European heritage items are safeguarded and ensures development surrounding the former Belmont Railway corridor does not detract from its heritage value. The development retains the integrity of the heritage item and its curtilage.

#### 2.4.2 Catherine Hill Bay Heritage Conservation Area

The site is not located within the Catherine Hill Bay Heritage Conservation Area.

#### 2.4.3 Aboriginal Heritage Items and Sites

There are no known items of Aboriginal heritage significance on the site. The site has been modified with past development in the area, including construction of the former Belmont Railway. Conditions of consent would be appropriate in the event Aboriginal relics are found, to require works to stop and consultation with the Local Aboriginal Land Council and National Parks and Wildlife to be undertaken.

#### 2.4.4 Natural Heritage Items

The site is not known to contain any items of natural heritage significance.

### **Section 2.5 – Stormwater Management, Infrastructure and On-site Services**

#### 2.5.1 Essential Infrastructure

The site has available to it the required infrastructure necessary to support the development.

Ausgrid have provided comment regarding the development, this matter is addressed earlier in this report.

Hunter Water Corporation have endorsed the plans and advised a section 50 application will be required for the development.

#### 2.5.2 On-Site Wastewater Treatment

The development does not require an on-site wastewater treatment device, and will connect into Hunter Water infrastructure.

#### 2.5.3 Stormwater Management (Drainage System Design) and 2.5.4 On-Site Stormwater Harvesting (Source Controls)

A suitable Stormwater Management Plan by Forum Consulting Engineers, incorporating detention, water harvesting, water quality facilities and site discharge index requirements in accordance with DCP1 has been provided. The plan is adequate for development assessment purposes.

#### 2.5.5 Operational Waste Management

Waste generated during operation is likely to include:

- general household waste;
- green waste, and
- recyclables.

The facility will have general waste, green waste and recyclable bins, which will be serviced via Council's weekly kerbside collection. Adequate areas exist within the development for the storage of waste and for its servicing and removal.



### 2.6.1 Movement System

Using the Austroads and RMS guidelines:

Dudley Road is a sub-arterial road and carries less than 600 vehicles per peak hour in each direction, and in total around 10,000 vehicles per day. The road carriageway operates at a Level of Service (LoS) C. Council considers any upgrade necessary at LoS E, which is 1400 vehicles per hour per lane.

Waran Road is a collector road and carries less than 200 vehicles per hour per lane, it operates at a LoS A.

Bulls Garden Road is a Collector Road and carries around 300 vehicles per hour per lane, it operates at a LoS A.

Lonus Avenue is a local road and carries less than 200 vehicles per hour per lane, it operates at a LoS A.

The roads are all considered to be within the acceptable limit for the type of road.

A traffic report and addendums by SECA Solution have been provided to support the development. Council's Traffic and Transportation Engineer has reviewed the report which analyses the intersections of Dudley Road, Bulls Garden Road, Waran Road and Lonus Avenue (the roundabout) and the intersection of Lonus Avenue and Kopa Street.

Kopa Street Intersection: it is unlikely the projected peak vehicle trips generated from the development in the PM peak will decrease the Level of Service (LOS) of the Kopa Street intersection to an unacceptable level. The addendum Traffic Report indicates that there will be minimal delays as a result of the development. The report has used Sidra intersection modelling software, which is considered appropriate for the development.

Roundabout: This intersection has also been modelled using Sidra, it is considered that this intersection operates with acceptable delays and queue lengths currently, and for the next 10 years. The impact of the development on this intersection confirms minimal impact on queue delay. The intersection will maintain its acceptable LoS. Alterations to this roundabout are not recommended. The operation of this intersection will be reviewed every five years as part of Councils Developer Contributions Plans, and if alterations are required, it will be investigated as part of this plan.

Roads and Maritime Services (RMS) have provided comment on the application and advised they raise no objection or requirement for the development as it is considered there will not be a significant impact on the classified road network.

### 2.6.2 Traffic Generating Development

The application is not for development nominated as traffic generating development defined under SEPP (Infrastructure) 2007.

### 2.6.3 Road Design and 2.6.5 Public Transport

The amended plan details a 15m wide road reserve with an 8.0m pavement width. The proposed road width will provide two way travelling lanes and on-street parking. A minimum 3.5m wide verge is available along one side of the road with a slight reduction in some locations on the other side. It is considered that this road verge will be satisfactory provided the street light poles are located on the verge that does not contain the concrete footpath, conditions of consent will apply in this regard. A minimum 20 metre curve radius has been provided on the internal loop road, which is satisfactory for vehicle manoeuvring.

The latest plan has not provided for the extension of Kopa Street along the frontage of proposed Lots 23 and 24. Kopa Street is required to be extended at the existing pavement width to the end of the driveway that will service proposed Lot 23, a condition of consent will apply in this regard.

Public transport via buses is available along Dudley Road. A bus stop is positioned either side of Dudley Road within the commercial / retail precinct.

#### 2.6.4 Pedestrian and Cycle Paths

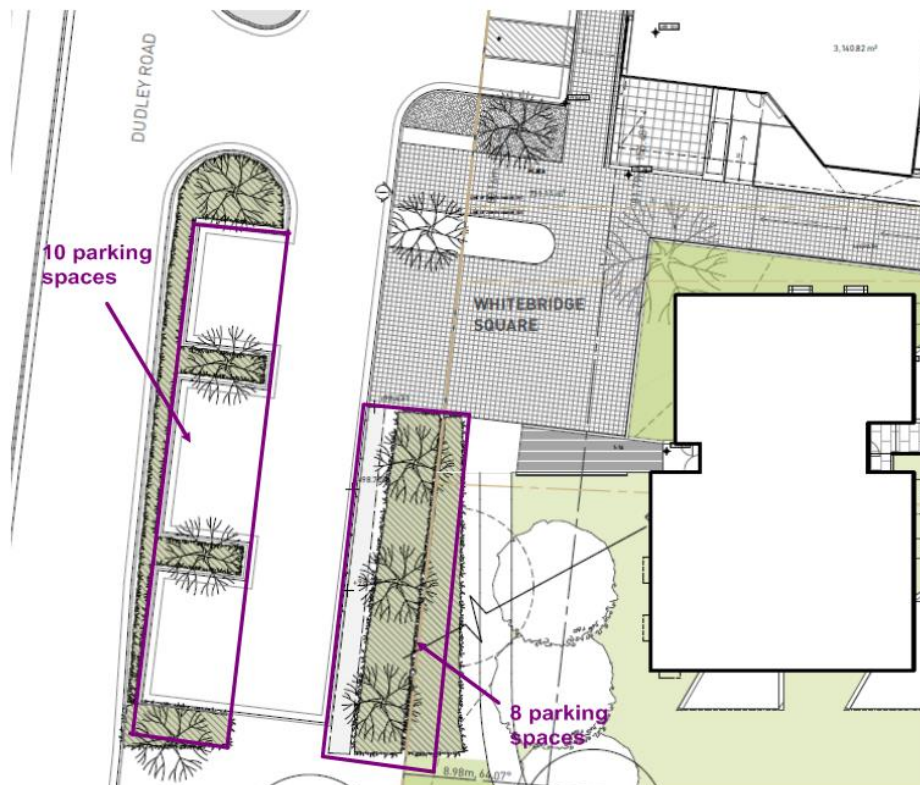
Pedestrian paths generally service this area of Whitebridge. The development proposes a pedestrian path network appropriate for the development. In addition, the Fernleigh Track is located to the east of the development site. The development proposes connectivity with the Fernleigh Track with the provision of a shared pedestrian / cycle path as shown on the plans. The width of the path to accommodate both cyclists and pedestrians will be required to be 2.5m wide.

#### 2.6.6 Vehicle Parking Provision

In accordance with the Vehicle Parking Table car parking has been calculated as follows:

##### **Retail / Commercial Development**

Carparking has been calculated at the higher rate of one space per 25m<sup>2</sup> of floor area. For the nominated floor area of 325m<sup>2</sup>, 13 carparking spaces are required. There are 11 parking spaces proposed fronting the site including two disabled spaces. There is the ability to provide 18 additional parking spaces in an extension to the Dudley Road parking area as indicated in the areas out lined purple and shown in Figure 23 below. The additional two parking spaces can be provided within the purple area shown in Figure 23.



**Figure 23: Plan of Dudley Road area showing 18 parking spaces**

## Residential Development

### Lot 1 – Land Zoned 3(1)

Dwellings	Vehicle Rate / Unit	Spaces Required	Spaces Provided	Complies
One bedroom x 1	0.5	0.5	1	Yes
Two bedroom x 20	0.75	15	20	Yes
Three bedroom x 1	1.0	1	2	Yes
Visitors x 22	0.25	5.5	0	No
	<b>TOTAL</b>	<b>22</b>	<b>23</b>	

### Lot 1 – Land Zoned 2(2)

Dwellings	Vehicle Rate / Unit	Spaces Required	Spaces Provided	Complies
One bedroom x 1	0.75	0.75	1	Yes
Two bedroom x 9	1.0	9.0	9	Yes
Three bedroom x 3	1.5	4.5	4	No
Visitors x 13	0.25	3.25	0	No
	<b>TOTAL</b>	<b>17.5</b>	<b>14</b>	

The basement for Lot 1 provides parking for 37 vehicles including nine disabled spaces, and one car wash bay making this basement compliant in residential car parking spaces. NOTE: all parking is specifically allocated to units. No separate visitor parking spaces are provided. There are 39.5 residential spaces required (including visitor spaces); this building is deficient 2.5 spaces. However, the basement does not provide any visitor parking spaces resulting in an overall deficiency of 8.75 spaces.

It is proposed to use some of the remaining 16 spaces shown in the area outlined in purple on Figure 23 above, to accommodate the 8.75 deficiency.

### Lot 2

Dwellings	Vehicle Rate / Unit	Spaces Required	Spaces Provided	Complies
Three bedroom x 8	1.5	12	15	Yes
Visitors x 8	0.25	2	0	No
	<b>TOTAL</b>	<b>14</b>	<b>15</b>	

Allocated resident parking for Lot 2 is in surplus by three spaces, however deficient in visitor parking spaces by two spaces, as all spaces within the basement are allocated to units.

### Lot 3

Dwellings	Vehicle Rate / Unit	Spaces Required	Spaces Provided	Complies
Two bedroom x 1	1.0	1	1	Yes
Three bedroom x 9	1.5	13.5	18	Yes
Visitors x 10	0.25	2.5	2	No
	<b>TOTAL</b>	<b>17</b>	<b>21</b>	

Allocated resident parking for Lot 3 is in surplus by four spaces. In order to provide greater security to the basements of the development, the allocated visitor parking spaces within Lot 3 shall be removed or allocated to a unit, providing a shortfall in visitor parking of 2.5 spaces and surplus of allocated resident parking of six spaces.

### Lot 4

Dwellings	Vehicle Rate / Unit	Spaces Required	Spaces Provided	Complies
Three bedroom x 18	1.5	27	36	Yes
Visitors x 18	0.25	4.5	0	No
	<b>TOTAL</b>	<b>31.5</b>	<b>36</b>	

Allocated resident parking for Lot 4 is in surplus with nine spaces, however deficient in visitor parking spaces by 4.5 spaces.

The development is surplus in parking spaces for the allocated resident component by 21 spaces; however, there is a shortfall in residential visitor parking of 17.75 spaces. To accommodate visitor parking for the residential component the development proposes the construction and dedication to Council of the parking area outlined in purple shown in Figure 23. 16 spaces remain in this area, leaving a shortfall in visitor parking for the overall development of 1.75 spaces.

Relevant to this proposal is the removal of two existing dwellings on Kopa Street will result in the removal of two driveway crossovers that will provide additional parking on Kopa Street that will support visitor parking.

### Lots 5 to 23

Small lot housing under DCP 1 requires a minimum of one undercover and one stacked parking space, however a double garage providing two undercover spaces per lot also meets this requirement. Lots 5 to 23 all provide the required number of parking spaces, in a number of arrangements, including double garaging and single garaging with stack parking.

No separate visitor parking is required under DCP 1 for small lot housing.

#### 2.6.7 Car Parking Areas and Structures / 2.6.8 Vehicle Access

Council's Principal Development Engineer and Traffic and Transport Engineer have advised that the car parking areas (including turning movements) and access for the development are adequate and comply with DCP 1 requirements and AS 2890.1 and AS 2890.6.

#### 2.6.9 Access to Bushfire Risk Areas

The General Terms of Approval provided by the NSW Rural Fire Service have addressed access to bushfire risk areas adequately.

#### 2.6.10 Servicing Areas

The development will be required to facilitate delivery vehicles, waste collection vehicles and other servicing vehicles as required.

Council's Principal Subdivision Engineer advises that the development has included adequate facilities for service vehicles.

#### 2.6.11 On-Site Bicycle Facilities

The development proposes bicycle storage facilities at the termination of the shared path on Dudley Road. Conditions of consent are proposed relative to the requirement of this facility, which would be provided for use by the wider community.

#### 2.6.12 Non-Discriminatory Access and Use

The development includes nine adaptable units. An Access Report prepared by BCA Access Solutions dated 5 December 2014 has been prepared for the development. Council's Aging and Disability Planner has advised that the disability access report provided for the development is adequate in describing the development and its ability to provide for non-discriminatory use. Additional detail, in accordance with the Access Report, is required at Construction Certificate stage. The following condition is recommended:

The following details shall be demonstrated on all construction certificate drawings and shall be implemented during construction of the development:

Compliance with AS2890.6 for all accessible parking spaces;

Compliance with AS1428.1 for all doorway widths in the adaptable dwellings;

Compliance with AS1428.1 for a continuous path of travel that links the adaptable dwellings to parking and the development;

Compliance with AS1428.4.1 for the placement of tactile ground surface indicators at stairs and ramps; and

Location and accessibility of letterboxes for wheelchair users for the nominated adaptable dwellings.

Overall the development adequately provides for non-discriminatory access and use within private and public areas.

## Section 2.7 – Streetscape and the Public Realm

### 2.7.1 Streetscape and Local Character

The site has an irregular shape and covers an area of approximately 24,000m<sup>2</sup>. The site is presently vacant aside from two dwellings and associated structures fronting Kopa Street, which will be demolished.

The site is located within a residential setting surrounded by residential, commercial and open space activities. Higher density residential development is gradually increasing within the local area, with higher density development occurring over some existing larger lots. Whitebridge strip shopping precinct is located immediately to the west of the site.

The proposed buildings will be of quality built form, which will contribute favourably to the context of the area. The Dudley Road street presentation is designed to allow a visual corridor into the site from Dudley Road in the form of an active pedestrian lane. The laneway provides human scale connection between the residential and commercial precincts.

The conservation zoned land will be upgraded and embellished to improve water quality and the ecological values of this section of the land that is predominantly cleared.

Kopa Street presentation will consist of townhouse style apartments and lower scale small lot housing, which will continue the residential nature of this street.

The development proposal includes areas of private and shared open space in a series of connected spaces, each with defined purposes and design character tailored to the needs of the residents and broader community.

The development provides for the construction of a new public road network from Kopa Street. The development is designed to provide strong residential presentation to the existing and new street network. The development responds to the site with the placement of entries to the basement parking at the lower parts of the site. By incorporating basement parking, resident parking is largely removed from the street, and the streetscape is not dominated by the presentation of garaging or parking areas.

While some sections of the development includes a fourth storey element above ground, the development has been appropriately sited having regard to the slope of the site with consideration being given to the setbacks from the boundaries such that it does not present with any strong four-storey element. The building has a maximum height of just less than 15m. The design generally presents as a two storey built form to the street and surrounding properties with the proposed modulation and articulation allowing the building to present as a mix of different building typologies. The additional height is provided toward the urban centre area of the site, with the top storeys of each building setback from the street frontages. The setbacks, construction materials and level of articulation and modulation as well as the high level of landscaping will assist in reducing and softening the visual appearance of the building.

Visual access to the site is exposed to motorists travelling along Dudley Road, Lonus Avenue, Kopa Street and the Fernleigh Track however; existing and proposed landscaping within and surrounding the site will provide adequate integration, which will result in the development being well presented and in keeping with the likely future higher density housing proposed in this area.

Overall, the development provides an appropriate transition between existing commercial and residential development within the area to achieve the higher density outcomes expected in the 2(2) zone. The development is an acceptable integration of a range of housing typologies, retail and commercial floor space.



### 2.7.2 Landscape

The landscape surrounding the site is broadly separated into two main character types; remnant bushland and sub-urban. The Fernleigh Track has a community of tall canopy Eucalypts with some understorey and grasses associated with the relevant vegetation community. The surrounding streets have typical mature sub-urban landscape typologies with a mix of natives and exotics in formalised settings.

A landscape plan and detailed landscaping design report have been provided as part of the development application. Council's Landscape Architect has provided comment on the landscaping and is satisfied that the development will be adequately landscaped to assist in mitigating potential impacts of the development. Overall, the landscape outcomes are considered to be acceptable and would achieve a Category 3 design outcome in accordance with DCP1.

The need to retain vegetation from a streetscape, visual impact outcome, as noted in the submitted VIA analysis is emphasised. Tree retention and replanting as proposed and recommended in the landscape and arboriculture documentation is supported.

Conditions of consent will be imposed to ensure compliance with the Category 3 design report.

### 2.7.3 Public Open Space

The development proposes dedication of proposed Lot 26 to Council for use as a drainage reserve. The use of this parcel of land for drainage purposes is supported accepting it provides a legible link from the Fernleigh Track to the Whitebridge shopping area. This lot would constitute a functional, well located and accessible public open space area that would assist in meeting user needs. Proposed Lot 26 provides for a range of recreational and environmental settings for the community that complement the spaces already provided within the Whitebridge area. Legal advice confirms the inclusion of the words "drainage reserve" on proposed lot 26 of the subdivision plan enables the lot being dedicated to Council free of cost at registration of the subdivision plan. In this regard there is no need for a voluntary planning agreement to be entered into as the source of power for such an outcome is founded in section 49 of the Local Government Act (LGA). Section 51 of the LGA further states land "*that is held by council for drainage purposes may be used for any other purpose that is not inconsistent with its use for drainage purposes, subject to the Environmental Planning and Assessment Act 1979 and any environmental Planning instrument applying to the land.*"

Proposed Lot 25 is proposed as open space, Council does not support the transfer of this lot to public ownership. The lot has an area of approximately 1000m<sup>2</sup>.

The land cannot be dedicated in lieu of section 94 contributions payable on this development, as the lands nominated are not contained within a section 94 plan for acquisition by Council. Section 94 contributions will be applicable to the development in addition to any dedication of land offered by the applicant. Section 94 contributions have been levied in accordance with the relevant plan for the site and conditions recommended.

### 2.7.4 Pedestrian Networks and Places

The development proposes appropriate internal pedestrian networks and places. The proposed pedestrian network links the development with existing facilities within the locality. Pedestrian networks have been designed to increase vitality, safety, security and amenity of streets and access ways within the development site. The development encourages the use of pedestrian and cyclist networks, being located adjacent to the Fernleigh Track and the strong connectivity with the street network with shared pathways being provided within the development. Additional street furnishing will be required within the development. The additional street furnishing will include seats and bicycle storage facilities at the Dudley Road

frontage. Lighting and paving of these areas will be required to comply with the relevant Australian Standard and will be subject to a separate construction certificate for the works.

The proposed pedestrian network is considered appropriate for the development.

#### 2.7.5 Light, Glare and Reflection

Light from the development and public lighting will not result in obtrusive light, glare, and / or reflection. As noted above lighting is to be installed in accordance with the relevant Australian Standard.

#### 2.7.7 Signs

The development does not include specific details of signage proposed within the development. Indicative signage is shown within the commercial area on the frontage of the proposed retail and commercial premises. The signage indicated on plans includes under awning signage and hamper signage for each of the tenancies. As details are not provided, a separate development application will be required for signage that is not exempt or complying development, conditions of consent will apply in this regard.

#### 2.7.8 Fences

Fencing is proposed as part of the development. Fencing is generally nominated and discussed within the landscape plans and Landscape Report prepared by Mansfield Urban. Fencing will complement the architectural finishes while providing strong ties to existing built form within the locality. Fencing proposed and required within the development will be conditioned as part of any development consent.

All fencing is proposed to be integrated with the landscaping for the site. The landscape plans provide cross sections of the proposed landscaping and fencing in various locations, showing the fencing integrating with the landscape design. The proposed fencing provides safety and security for residents and is complementary to the existing and proposed streetscape.

#### 2.7.9 Safety and Security

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space. CPTED employs four key strategies, access control, territorial re-enforcement and space/activity management. A CPTED report has been prepared for the development that addresses the main crime risks. The report also identifies a number of strategies to mitigate further risks and to ensure that the proposal is designed and constructed in accordance with CPTED principles.

NSW Police has provided a Safer by Design Evaluation on the development. NSW Police have commented and not raised any objection to the development subject to conditions of consent.

Additionally, Council's Crime and Safety officer has advised that the measures recommended in the CPTED report regarding surveillance, access control, territorial reinforcement, activity and space management, dwelling design, lighting (particularly relating to the ecological corridor, public spaces and pedestrian access ways), vehicular access, car parking, fencing, and landscaping be included as conditions of consent.

## Section 3.1

This section is not considered applicable to the development.

## Section 3.2 – Subdivision

### 3.2.1 Neighbourhood Design

The subdivision of the land will occur at lock-up stage of each stage of the development. The proposed subdivision pattern is not incompatible with surrounding development. The subdivision pattern is typical which supports predominately Torrens title subdivision. The existing pattern of subdivision appears to respond to the topography of the land with a broad range of allotment sizes.

The proposed subdivision of the site responds to the site constraints. The subdivision and built form provides a defined and positive streetscape character. The subdivision layout provides appropriate accessibility around the site and creates formal linkages through the site from the Fernleigh Track to the Whitebridge shopping area.

The subdivision layout creates communal spaces including open space that is provided with good casual surveillance.

### 3.2.2 Lot Size and Layout

The subdivision layout provides for a range of lot sizes to accommodate the development as proposed that will assist in meeting the current and future housing needs of the community. Detailed assessment of lot sizes has been addressed earlier in this report.

### 3.2.3 Subdivision in the Conservation, Environmental and Rural Zones

The development includes subdivision of land zoned 7(2). The 7(2) zoned land is located along the south eastern boundary adjoining the Fernleigh Track. Presently, the 7(2) zoned land within the site contains limited vegetation. The proposed development has considered this area and proposes the 7(2) zoned land be generally contained within one lot. The remainder of the 7(2) zoned land will be within the road reserve. The lot will contain stormwater, and pedestrian access facilities supporting the public road system for the development and broader area. Roads, stormwater and pedestrian facilities are permitted within land zoned 7(2).

### 3.2.4 and 3.2.5

Not relevant to this application.

## Section 3.3 – Urban Centre Development

### 3.3.1 Centre – Design of Buildings and Places

That part of the land zoned 3(1) is located within the Whitebridge urban centre. Within DCP 1 Whitebridge commercial precinct is nominated as a local centre. The local centre provides a concentration of services and facilities for the surrounding community with the provision of medical, pharmaceutical, grocery and other services within a strip shopping area. There is no specific Area Plan for the Whitebridge area.

The building design contributes to the context of the centre, which is an eclectic mix of building types. The contemporary nature of the mixed use building provides an attractive streetscape to Dudley Road. The Whitebridge shopping area is to be supported with pedestrian access to the Fernleigh Track and surrounds. The ground level to Dudley Road is predominantly retail. Large windows are punctuated into the masonry façade. The divisions respect the smaller scale retail spaces typically found in a neighbourhood centre. A three metre wide awning is provided for protection for pedestrians and the shop frontages from the weather to the new footpath fronting the development. The mixed use building incorporates balconies and vertical and horizontal changes to the façade to provide visual interest.

A pedestrian link is provided at the edge of the 3(1) zone that links the development with Dudley Road, the link complies with the CPTED principles. On the ground floor of the south eastern corner of the mixed use building a larger open space area that enables outdoor dining opportunities is provided, reinforcing opportunities for public use of this space.

Landscaping within the commercial precinct will incorporate heritage interpretation with reference and strong links to the adjoining Fernleigh Track. Conditions of consent regarding heritage interpretation and use of way-finding signs are proposed. Whitebridge Square is proposed at the edge of the commercial section to encourage community gathering. The area is proposed to be embellished with urban furnishings to provide seating, drinking fountain, bike racks

The development provides a quality urban design extension to the existing Whitebridge centre, including attractive buildings, and accessible public places that recognise and support the existing centre.

### 3.3.2 Centre – Amenity and Performance

The development within the land zoned 3(1) has been designed to complement the existing Whitebridge shopping strip. The north side of Dudley Road in this area is dominated by 90° parking in front of the shops, a wide pedestrian footpath and strong shop frontages. The development identifies with the character of the precinct and continues the layout along the width of the 3(1) zoned land. The development maintains and enhances shopper amenity. In this regard, refuse areas are unobtrusive; the covered pedestrian access to the site is clear and freely accessible, and integrated parking is provided including disabled spaces.

The application has addressed the interface between the commercial and residential zones with the placement of maisonette apartments that front the new public road. These buildings will sleeve the commercial development and provide an appropriate interface between the commercial and residential zones. The commercial area and height of the mixed use building will not create overshadowing on the residential development located on the site to the north.

The application considers the ongoing operation and maintenance of the development to safeguard the amenity of the area and includes a mix of retail / commercial and residential uses.

### 3.3.3 Centre – Home Business Development

The layout of the dwellings does not prohibit work from home occupation opportunities.

## **Section 3.4 – Housing – Building Siting, Form and Design**

### 3.4.1 Building Site and Bulk

The buildings within the development have been sited to minimise earthworks and retaining walls. The development utilises the slope of the site to create basement level parking which

reduces the impact of parking / garaging on the streetscape. The development creates variable front setbacks appropriate for this infill development site. Varying the front setbacks provides visual interest to the street network.

The development proposes side and rear setbacks appropriate to the site and surrounding development. Proposed setbacks to existing residential development on Lonus Avenue for Lots 5 to 13 is consistent at approximately four metres, which is considered appropriate, the development on these lots is single storey at the rear and will not significantly impact the existing development for lots fronting Lonus Avenue. The proposed building on Lot 4 is setback approximately 900mm from the western boundary. The western elevation of this building is two storeys and does not present with any windows that will create privacy concerns to existing development (refer to Figure 15).

Within the development site, side and rear setbacks are variable and appropriate having regard to the adjoining development. The development proposes building to the boundary in several instances in the small lot housing development, where the development on the adjoining lot also abuts the boundary. The nominated side and rear setbacks maximise outdoor living opportunities, solar access and privacy.

The building form has regard to opportunities of view sharing. However, existing views across, the presently vacant land, to Fernleigh Track will not be maintained. The development has had regard to and considered view loss in terms of attempting to mitigate impacts through placement of single storey and split level development in close proximity to the properties on Lonus Avenue.

The siting and bulk of the development contributes to a positive streetscape, through the placement of higher density development closer to the commercial area and the integration of lower density development such as small lot housing through the development site. The use of basement parking reduces garaging presenting to the street and allows opportunities for on street parking. The building bulk is distributed to reduce impacts on neighbours, and is considered to transition satisfactorily.

The development contributes, to an ecologically sustainable environment, a coherent streetscape, maintenance of residential amenity, and reinforces the existing and proposed residential character.

### 3.4.2 Building Heights

Single and two storey dwellings dominate Whitebridge. The areas of the site that will have buildings constructed upon it are zoned 2(2) and 3(1). Building heights for the development on the land zoned 3(1) has been addressed earlier in this report. The height of buildings on land zoned 2(2) exceeds the 10m height nominated under this section of the DCP. The development will create building heights greater than the predominant existing heights. The development proposes a transition of building heights over the site with higher buildings located toward the commercial area. Sections of the proposed buildings on Lots 2, 3 and 4 will exceed 10 metres; this height supports a basement level within each building and a third storey above the basement. The taller part of the development in the southern area of the site limits overshadowing to acceptable levels. Figure 20 (page 35) provides an overview of approximate building heights within the development site. Building height has been considered having regard to the setbacks to the Fernleigh Track, provision of internal open space areas and to adjoining residential areas. As stated previously the development has resolved building heights having regard to site constraints, and contextual relationships.

Building heights are considered in detail in the “Scenic Values” section of this report.

The building height is compatible with the locality in terms of its desired future character.



Overall the height of the 3 – 4 storey mixed use buildings fronting the carpark and Dudley Road are acceptable in order to:

- meet LS2020 and LS2030 objectives to increase the proximity of dwelling to services;
- provide greater residential presence and natural surveillance in the centre;
- maximise use of infrastructure and services that are available at this site;
- demonstrate efficient use of the site and improved yields with basement level parking;
- define the edge of the wide corridor formed by the Dudley Road reserve and carpark;
- support delivery of a high amenity and quality building with good articulation, appropriate setbacks and a good palette of materials;
- allow increased floor to ceiling heights for high amenity ground level commercial areas, and
- locate height on the southern edge of the site where it does not cause overshadowing impacts.

### 3.4.3 Site Coverage and Unbuilt Areas

The maximum site coverage specified under this control for small lot housing is 60%. Of the 20 small lot housing sites 3 (15%) exceed the maximum site coverage. The maximum site coverage specified under this control for residential flat buildings is 70%. All of the four residential flat building sites exceed the 70% site coverage. Although, Lot 3, when amalgamated with Lot 25 has an overall site coverage of 47%, significantly lower than the 70% maximum.

The development provides a balance between built and unbuilt upon areas, with a site coverage for the overall development of approximately 65% (including only the lot areas and the footprint of works and excluding 7(2) zoned land and the road network).

The development provides for unbuilt upon areas that are not calculated in the site coverage nominated above. The site coverage above includes the areas excavated for basement parking areas and do not provide for the rear open space areas for the residential flat buildings on lots 2, 3 and 4, that will be artificially turfed and landscaped with raised garden beds that will provide a visual break to the building form and allow for clothes drying and the like at grade to the main living areas of the dwellings. Street trees will be provided within the road reserves around the development. Deep soil planting will be accommodated within the street setback to all lots (aside from Lot 1 on Dudley Road) and in the rear of the lots for the small lot housing on lots 5 – 20.

It is noted there are no site coverage controls under LMLEP 2004 or LMLEP 2014. Site coverage is considered under the DCP controls.

The development achieves a quality living environment, promotes on site stormwater infiltration by restricting site coverage of building and hard surfaces and minimises resource and energy consumption.

### 3.4.4 Solar Access

The development achieves a quality living environment by ensuring appropriate levels of solar access, good orientation, and energy efficiency for new housing and safeguarding solar access to adjoining housing.

### 3.4.5 Privacy

#### Small Lot Housing:

The development provides visual privacy between dwellings with careful placement of living areas on the lower levels of the dwellings such that these areas do not directly overlook the private open space areas of adjoining dwellings. Upper storey windows are primarily to

bedrooms and ancillary spaces that are unlikely to create significant concern regarding overlooking and loss of privacy. The development does not create second storey overlooking of existing residential development.

#### Residential Flat Buildings:

The development generally complies with the Residential Flat Design Code (RFDC) with regard to privacy.

The development maximises visual and acoustic privacy for the occupants within the development and residents external to the development. Overlooking is managed by the siting, separation and design treatment of buildings.

#### 3.4.6 Private Outdoor Areas

##### Small Lot Housing:

The development provides private open space (POS) for each of the small lot housing lots that is clearly defined for private use of the occupants and that is of a useable size and dimension, a suitable slope, directly accessible from a living area, capable of receiving sufficient sunlight and is generally located behind the street front setback. The area of POS allocated to each lot varies between approximately 35m<sup>2</sup> and 72m<sup>2</sup>, providing a variety of spaces to accommodate different residential needs. All private open space areas have slight to little slope that will enable them to be used for the intended purpose. Solar access to the open space areas also varies with only Lot 22 receiving limited solar access, however the amenity provided by the location of this lot within close proximity to the Fernleigh Track and the inclusion of an upper level deck provides the residents an appropriate outdoor living environment.

##### Residential Flat Buildings:

Private open space is provided within rear yard areas and balconies to the RFB's. The development generally complies with the RFDC with the provision of POS, particularly with regard the dimensions, orientation and location of the space.

The development ensures occupants are provided with practical, useable and well located outdoor living environments.

#### 3.4.7 Communications and Other Household Services

The development has not nominated at this stage the placement of communications infrastructure and all other ancillary structures such as air conditioning and the like. A condition of consent is recommended in this regard, to ensure the placement of this type of infrastructure is not visually offensive.

#### 3.4.8 Garages, Sheds and Driveway Access

The development ensures adequate provision of car parking that is well located and designed and minimises the visual impact of garages and driveways on the streetscape and local character. This is achieved using basement parking arrangements that reduce the number of vehicular access points to the development as well as using a mix of single and double garaging to the small lot housing lots. NSW Police support the use of basement parking subject to conditions regarding safety.

The setbacks of garaging for the small lot housing varies to enable stack parking in front of single garages and no stack parking for the double garages. Where double garages are used the main façade of the dwelling is focused away from the garage by incorporating balconies that cast shadow lines over the garage doors. All garaging is setback from the main façade of the dwellings or is recessed using more dominant elements on the building and landscape features.

Parking within the development is provided, and the availability of regular public transport services are located within 400m of the site.

#### 3.4.9 Environmental Performance

The development makes a positive contribution to the City's sustainability targets for reduced environmental footprints including reduced waste generation, water usage and greenhouse gas emissions. A waste management plan is recommended as a condition of consent to ensure demolition materials are reused. The use of this site as a medium density infill development assists in achieving environmental performance targets.

### Section 3.5 – Housing – Specific Housing Types

#### 3.5.2 Small Lot Housing

The intent of this clause is to ensure a quality living environment is achieved for small lot housing developments. The application has been assessed against the DCP provisions. It is considered the development provides satisfactory outcomes for the small lot housing lots within the development. The development of small lot housing within the development provides for housing choice within close proximity to an urban centre that is not apartment or townhouse living.

#### 3.5.5 Residential Flat Building

The development has been assessed against SEPP 65, as detailed earlier in this report.

The development provides for each of the RFBs to be orientated to the street and includes appropriate articulation and other design elements to reduce bulk and provide interest to the street.

The use of basement parking minimises the impact of vehicles and garaging within the individual sites of the RFBs. Vehicle parking within the basement of each RFB is considered safe and convenient for residents and visitors. The use of basement for vehicle parking minimises impacts on adjoining developments. Entries to the RFBs are clearly defined and well separated from vehicle and circulation areas.

Appropriate communal and private open space areas are provided within the development for the occupants of the RFBs. Additional communal open space is provided within the centre of Lot 1 for residents within this part of the development and within Lot 25, which provides for larger space recreation activities.

The residential flat buildings (RFBs) are well sited and achieve a quality living environment for the occupants and residents of surrounding development.

### Section 3.6

This section is not considered applicable to the development.

### Section 3.7 – Specific Land Uses

This section is not considered applicable to the development.

There are no area plans relevant to this site.

**79C(1)(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into**

There is no planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.

**79C(1)(a)(iv) any matters prescribed by the regulations**

The Regulation 2000 provides:

(1) *For the purposes of section 79C (1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

(a) *in the case of a development application for the carrying out of development:*

- (i) *in a local government area referred to in the Table to this clause, and*
- (ii) *on land to which the Government Coastal Policy applies,*  
*the provisions of that Policy,*

Planning Comment: The Government Coastal Policy does not apply.

(b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

Planning Comment: The development includes demolition, conditions of consent are proposed that require compliance with AS 2601.

**79C(1)(b) the likely impacts of the development**

The following matters were considered and, where applicable, have been addressed within this report.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Technological hazards
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design & internal design
Flora & fauna	Construction

### **79C(1)(c) the suitability of the site for development**

#### **Does the proposal fit the locality?**

The outcomes proposed will achieve a highly functional development compatible with the surrounding development.

#### **Are the site attributes conducive to development?**

The site attributes are conducive to development of this nature subject to conditions of consent.

### **79C(1)(d) any submissions made in accordance with this Act or the Regulations?**

#### **Public submissions:**

406 submissions were received to the initial notification period, 177 submissions to the second notification period and 164 submissions (at the time of writing) to the third notification period. The main matters raised in the submissions are noted below. Attachment C provides a detailed analysis of the submissions.

- Traffic;
- Parking;
- Density;
- Height;
- Environmental Impact;
- Site / Building Design;
- Lack of Infrastructure;
- Visual Impact;
- Impact on Fernleigh Track, and
- Statutory Planning Considerations.

Each submission has been considered and assessed against the relevant Council's controls and it is concluded that satisfactory design outcomes have been achieved and/or conditions of consent can be imposed to provide an appropriate development that has respected the surrounding land whilst providing a range of residential housing options.

#### **Submissions from public authorities:**

Submissions were received from NSW Rural Fire Service and Mine Subsidence Board and NSW as integrated referral submissions, details of which are provided earlier in this report.

NSW Department of Planning and Environment, Roads and Maritime Services, NSW Police and Ausgrid commented on the application, details of these submissions have been provided throughout this report.

No other submissions from public authorities were received.



### **79C(1)(e) the public interest**

It is considered the public interest issues have been adequately considered. The proposed development is considered to be in the greater public interest as the development meets the objects of the Act, primarily catering for:

- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment
- the promotion and co-ordination of the orderly and economic use and development of land,
- the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats;
- ecologically sustainable development, and
- the provision and maintenance of affordable housing.

### **INTEGRATED DEVELOPMENT**

The application is integrated development in accordance with clause 91 of the Act, for the purpose of:

- section 100B of the Rural Fires Act 1997, and
- section 15 of the Mine Subsidence Compensation Act 1961.

The general terms of approval from NSW Rural Fire Service and Mine Subsidence Board are included in the proposed conditions of consent for the development.

### **CONCLUSION**

Based on the above assessment, and having regard to the submissions received regarding the development, it is concluded that the design and operation of the proposed mixed use and residential development as an addition to Whitebridge, will result in an appropriate development, with no unreasonable environmental impacts.

Approval of the development, subject to conditions of consent, is recommended.

### **RECOMMENDATION**

It is recommended that the application be approved, subject to the conditions contained in Appendix A to this report.

## **ENDORSEMENT**

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application.

The staff responsible authorised to assess and review the application have no pecuniary interest to disclose in respect of the application. The report is enclosed and the recommendation therein adopted.

Elizabeth J Lambert  
**Senior Development Planner**  
**Lake Macquarie City Council**

I have reviewed this report and concur with the recommendation.

John Andrews  
**Chief Development Planner**  
**Development Assessment and Compliance**

**Attachment A: Draft Conditions of Consent**

**Attachment B: Plans of Development**

**Attachment C: Summary of Submissions**

**Attachment D: SEPP 1 Concurrence from DoP**