

building constructions

STATEMENT OF ENVIRONMENTAL EFFECTS

MIXED USE & RESIDENTIAL DEVELOPMENT

DUDLEY ROAD & KOPA STREET, WHITEBRIDGE

Wednesday, 20 August 2014

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Prepared for submission to:

Lake Macquarie City Council

Hunter and Central Coast Joint Regional Planning Panel

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Appendices:

1. Compliance Summary Table – State Environmental Planning Policies
2. Compliance Summary Table – Development Control Plan No. 1

Enclosures:

- Survey Plan (Land Development Solutions, Rev B, 27 June 2013)
- Architectural Plans (Smith & Tzannes, August 2014)
- BASIX Certificates
- SEPP 65 Design Report (Smith & Tzannes, August 2014)
- Stormwater Concept Plan (Forum Consulting Engineers, 1 August 2014)
- Erosion and Sediment Control Plans (Forum Consulting Engineers, 4 August 2014)
- Statement of Compliance - Erosion and Sediment Control Plan (Forum Consulting Engineers, 15 August 2014)
- Landscape Master Plan (Mansfield Urban, August 2014)
- Bushfire Threat Assessment (RPS, 19 November 2013)
- Addendum to Bushfire Threat Assessment (RPS, 15 August 2014)
- Ecological Advice (RPS, November 2013)
- Addendum to Ecological Advice (RPS, 24 July 2014)
- Geotechnical and Phase 1 Site Contamination Assessment & Covering Letter Dated 12 August 2014 (Regional Geotech Solutions)
- Mine Subsidence Desktop Study (Regional Geotech Solutions, 9 October 2013)
- Mine Subsidence Report (Ditton Geotechnical Services, 15 July 2014)

- Preliminary Arborist Report (Treeology Pty Ltd, 5 August 2013)
- Statement of Heritage Impact (John Carr Heritage Design, 15 August 2014)
- Traffic Impact Assessment (Better Transport Solutions, 17 July 2013)
- Addendum to Traffic Study (SECA Solution, 27 June 2014)
- Crime Risk Assessment Report (SNL Building Pty Ltd, 14 August 2014)
- Social Impact Assessment (SNL Building Pty Ltd, 14 August 2014)
- Waste Management Plan (SNL Building)
- SEPP1 Objection (SNL Building, 14 August 2014)

1. INTRODUCTION

1.1. Overview

This Statement of Environmental Effects (SOEE) has been prepared by SNL Building Constructions Pty Ltd to accompany a development application (application) seeking consent for a mixed use and residential development, including subdivision of land, at 142-146 Dudley Rd and 2-4 Kopa St, Whitebridge (the site). The development involves demolition of existing structures, site preparation and earthworks, construction of the proposed development and associated infrastructure, services, landscaping works, subdivision of land and the dedication of public roads.

This SOEE assesses the proposal against the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* (EPA Act). The scope is to:

- Describe the land to which the development application relates including the surrounding character and setting;
- Describe the proposed development and potential environmental impacts;
- Define the statutory framework in which the DA is to be assessed and determined; and
- Assess the proposal against necessary planning provisions.

The drawings and documents that form part of this application and underpin the SOEE are included in the appendices and enclosures detailed in the foreword.

1.2. Background

The site, formerly owned by the Roads and Maritime Service (RMS), was historically identified as part of an east Charlestown road bypass corridor. The Minister for Roads officially abandoned the bypass on 20 September 2006. Removal of road reservation and acquisition status for land in the corridor facilitated a resolution of Lake Macquarie City Council (“the Council”) on 8 December 2008 to rezone land in the corridor. Following environmental investigations, consultation, consideration by Council and the NSW State Government, the site was rezoned. Lake Macquarie LEP 2004 (Amendment No. 53) was notified on 2 September 2011.

Use of the site for urban development was re-affirmed through the Council’s review of its Lifestyle 2020 Strategy and subsequent adoption of Lifestyle 2030. Zoning, height controls and detailed development controls were reviewed and re-affirmed during Council’s preparation of a Standard Instrument compliant LEP that was in draft at the time the application was lodged.

The land was sold via public tender in 2013. SNL Building Constructions Pty Ltd, on behalf of the owner, lodged an application on 28 November 2013. Following preliminary assessment and public notification, the proposal has been amended to respond to matters raised with the initial design. This SOEE and accompanying documentation are submitted for further assessment and determination.

1.3. Consultation

Preparation of both the initial and now amended design has involved communication with a range of stakeholders including:

- Written briefings to Councillors and the former State Member for Charlestown;
- Formal pre-lodgement meetings with Council in July and September 2013;
- Meetings, communication and site inspections with Council staff;
- Liaison with local public educational establishments regarding capacity;
- A community information program involving a letterbox drop and information sessions both prior to and after lodgement;
- Conversations with adjoining business owners;
- Discussions with the former State Member for Charlestown;
- Enquiries / applications to Hunter Water Corporation, Ausgrid and the Mines Subsidence Board;
- Liaison with the real estate sector regarding market demand and pricing;
- Attendance and participation in community organised meetings;
- Review of referral responses and public submissions; and
- Referral to two SEPP65 Design Review Panel meetings.

Feedback from these communications informed the design. Although the wishes and desires of all parties are not reflected in the revised design, amendments occurred where necessary, appropriate, and consistent with statutory controls. These amendments were made to ensure the environmental outcomes are refined, and that potential impacts mitigated and appropriate for the site.

The application will undergo further referral and public notification prior to assessment and reporting by Council staff with a determination to be made by the Joint Regional Planning Panel - Hunter and Central Coast.

2. SITE DETAILS

2.1. General

2.1.1. Description: The site comprises the following land:

Lot	D.P.
1 - 3	436503
1 - 3	349377
4	663765
2 - 3	26039

2.1.2. Area

- 24,390m² (Approx.)

2.1.3. Frontage

- 83m – Dudley Rd; and
- 118m – Kopa Street.

2.1.4. Zoning

- 2(2) Residential (Urban Living) – 19,725 m²;
- 3(1) Urban Centre - 1,820m²; and
- 7(2) Conservation (Secondary) – 3,980 m².

2.2. Site Context

2.2.1. General setting

Whitebridge is east of the Pacific Highway in the north-east corner of Lake Macquarie Local Government Area (LGA) as depicted on the locality plan below.



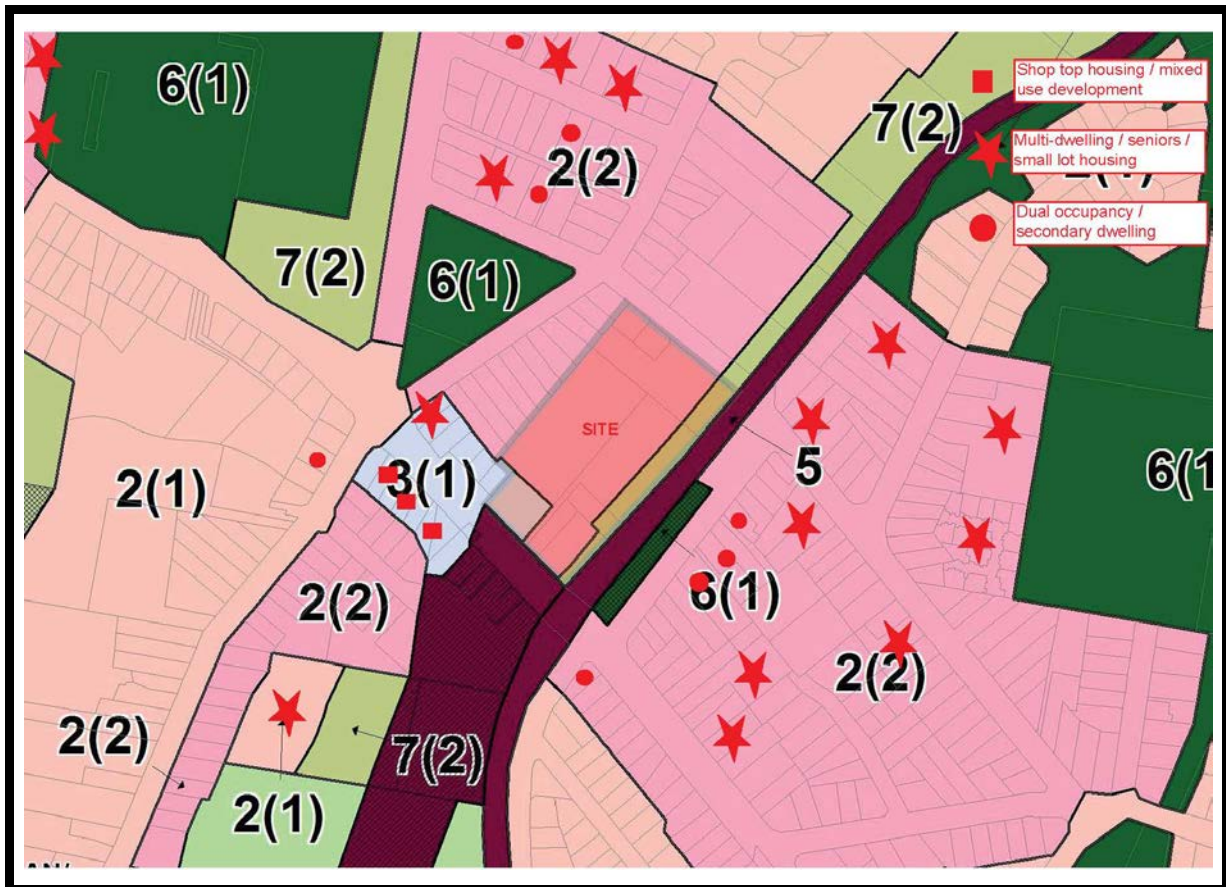
It adjoins Dudley, Kahibah, Charlestown and Gateshead. The locality is characterised by historically low density residential development with an evolving transition toward increased residential density. Increased density is particularly established toward Kahibah and Charlestown and is increasing in Whitebridge and adjoining suburbs. The broader setting is in the aerial image below.



More recent developments in the immediate vicinity (DA 2254/2010 & DA 1877/2012) are depicted below.



The zone plan below depicts land in the immediate vicinity where increased density has occurred or is approved. It shows the emerging pattern of increased density consistent with zoning of surrounding land.



The surrounding area contains native bushland, including Glenrock State Recreation Area, Awabakal Nature Reserve, and remnant bushland south of Dudley Rd, bounded by Oakdale Rd. Charlestown regional centre is approximately 3 kilometres west.

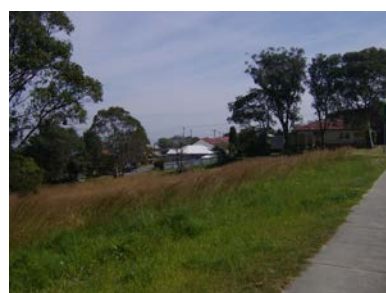
The site is in close proximity to a number of open space and recreation facilities. The following are some facilities identified within a 3km radius:

- HW Knight Park (playground)
- Whitebridge tennis courts (2 courts)
- Kahibah Oval (cricket)
- Andy Bird Field (soccer)
- St John Field (rugby league)
- Charlestown Tennis Courts (2 courts)
- Glenrock State Recreation Area
- Riawenna Park (junior cricket oval)
- Heywood Wilkinson Park (playground)
- Lisle Carr Oval (soccer)
- Reay Park – Dudley (junior cricket / little athletics)
- Fernleigh Track
- Burwood Bowling Club
- Kahibah Bowling Club

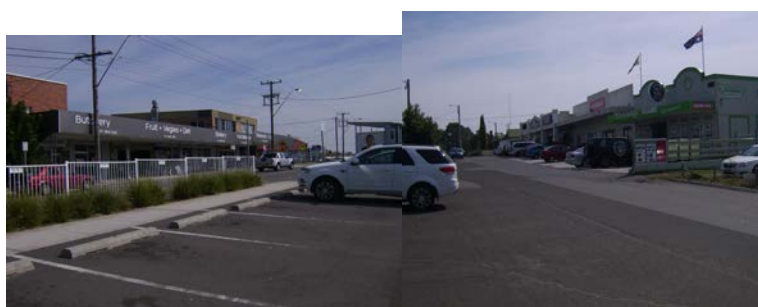
2.2.2. Character

Land immediately north on the opposite side of Kopa St is a combination of residential fronting Lonus Ave, and conservation adjoining the Fernleigh Track. This is an extension of conservation land on the eastern boundary of the site.

The opposite side of Dudley Rd is land formerly part of the east Charlestown bypass. Council has indicated in its draft LEP 2013, an intention to zone this land conservation. Dudley Rd, west of the site is the urban centre with a small supermarket, pharmacy, newsagency and businesses including food and retail premises. A public car park is on the northern side of Dudley Rd, while there is on street parking and a small car park at the rear of the food and retail premises.



**Former bypass land – south side
Dudley Rd**



Existing urban centre

The western boundary adjoins residential land containing detached housing on Lonus Ave. Opposite these is a child care centre, playground, junior cricket oval and tennis courts. East of the site is the Fernleigh Track recreational pathway, beyond which is residential development fronting Station St and Hudson St.

2.3. Site Conditions

2.3.1. Topography

The site is grassland with no understorey or remnant vegetation. There is a small stand of trees in the north-west corner and a camphor laurel on the Dudley Rd boundary but no other significant trees. Dwellings and associated outbuildings are on two lots fronting Kopa St, while the remainder of the site is vacant. A concrete path crosses the north-west corner between the Fernleigh Track and Kopa St. The site is partly fenced with:

- a chain wire fence separating it from the Fernleigh Track;
- low, wire rope and bollard fence fronting the public car park on Dudley Rd; and
- fencing of various form and material on the boundary with Lonus Ave dwellings.

2.3.2. Vegetation and Ecology

The site contains no remnant vegetation and no significant flora and fauna were identified during site inspections and investigations. It contains no identified or obvious habitat value.

Conservation zoned land on the eastern boundary is identified as a vegetation corridor on the Lake Macquarie Native Vegetation and Corridor mapping. The lack of vegetation compromises its effectiveness as a safe or effective corridor.



From Fernleigh Track looking southwest



From Dudley Rd looking north

2.3.3. Access and parking

No formal vehicle access or parking exists to the vacant land. Informal access can be obtained via Kopa St, which is constructed for part of the frontage, or from Dudley Rd via the public car park.

Dwelling houses have garaging accessed from Kopa St via constructed crossovers.

There is a vehicle gate for access to the Fernleigh Track in the north-east corner, as depicted in the preceding image.



Kopa St frontage



Footpath on Lonus Ave

2.3.4. Public Transport

Dudley Rd is serviced by Newcastle City Buses, route 322. It operates 7 days a week with regular services between Belmont and Newcastle, via Redhead and Charlestown.

Bus stops (as depicted) are located in the urban centre approximately 50 metres west of the Dudley Rd frontage. The eastbound stop is a formal shelter while westbound is a sign fronting the former/vacant service station.

The area is serviced by taxis. A taxi stand is in the public car park on Dudley Rd.



Westbound bus stop



Eastbound bus shelter

2.3.5. Stormwater

The site contains no formal drainage. It receives directed and overland flow from adjoining properties and the local street network, including Kopa St and an outlet in the Council car park (pictured). The site drains via overland flow to catch drains along the Fernleigh Track. These discharge to natural watercourses and, via Flaggy Creek and Glenrock Lagoon, to the Pacific Ocean.



Kopa St – no end of street drainage



Dudley Rd stormwater outlet

The site has no perennial watercourses or significant natural gullies.

2.3.6. Flooding

The site is not flood affected or subject to sea level rise restrictions.

There is no evidence of significant stormwater inundation or pooling of stormwater.

2.3.7. Bushfire

The site is identified as part bushfire prone land. The primary source of bushfire risk is remnant vegetation north of Kopa St and south of Dudley Rd.

2.3.8. Geotech

The site is identified on Council's website as T2, T3 and T5 geotechnical classification. An internal Council referral also identified it as containing T4 classification. It generally comprises topsoil of clay and silt overlying residual soils

of clay and gravelly clay. There are isolated areas of shallow fill. Detailed conditions are contained in the geotechnical report.

2.3.9. Contamination

There is no land use history to indicate potential contamination. The site is vacant land previously sterilised for a road bypass. A preliminary site assessment found no contaminant in concentrations that exceed guideline criteria.

The site is not identified on any contamination registers and no notices have been issued under the *Environmentally Hazardous Chemicals Act (1985)* or the *Contaminated Land Management Act (1997)*.

2.3.10. Acid Soils

The site is not identified as containing acid sulfate soils. No potential ASS was encountered during geotechnical investigations.

2.3.11. Mines Subsidence

The site is within a mines subsidence district.

2.3.12. Heritage

European: The site contains no item of heritage significance in the State Heritage Register or Schedule 4 of the Lake Macquarie LEP 2004. It does adjoin the LEP listed former Adamstown to Belmont rail corridor (RT-04 L Belmont Railway).

Natural. The site contains no item of heritage significance in Schedule 5 of the LMLEP 2004.

Aboriginal: The site contains no items on the AHIMS. It is not expected to contain any items of significance given its location, topography and land use history.

2.3.13. Easements or restrictions

There are no easements or restrictions registered on title.

The survey plan identifies trunk sewer traversing part of the site.

2.3.14. Utilities

Utility services are available including:

- Water and sewer,
- Power,
- Natural gas; and
- Telecommunications.

The location of these is generally depicted on the survey plan or was obtained through Dial Before You Dig enquiries.

3. PROPOSED DEVELOPMENT

The development application is for dwellings, commercial space and the subdivision of land comprising:

- small lot housing;
- residential flat buildings;
- mixed use development;
- stormwater management facilities;
- open space;
- roads; and
- consolidation and re-subdivision of land creating 26 lots being
 - 20 residential small lots;
 - 4 development lots; and
 - 2 residual lots containing the conservation land and the park.

3.1. Physical Works

The extent of works includes:

- Demolition of two dwelling houses and associated outbuildings on Kopa St;
- Construction of 20 x 2-3 storey dwellings as small lot housing;
- Construction of 6 x 3-4 storey residential flat buildings containing 49 dwellings;
- Construction of a 4-5 storey mixed use development containing 22 dwellings and 325m² commercial space;
- Construction and dedication of roads, including parking, paths and drainage;
- Creation of park with play equipment;
- Landscaping and revegetation; and
- Associated earthworks, access, infrastructure and utility services.

3.2. Staging

The development will be staged. Full assessment and determination is sought in this DA and staging of works is intended to be managed through the issuing of construction and subdivision certificates.

A preliminary, indicative staging plan is enclosed with the application. The timing and sequence of stages will be subject to factors including availability of utility services and infrastructure, market demand, and finance but it is generally expected to proceed from the Kopa St end toward Dudley Rd with the mixed use development being the final stage.

3.3. Utility Services

3.3.1. Water

Potable water will be provided through Hunter Water Corporation's network. Connections are available from Dudley Rd and Kopa St.

3.3.2. Waste Water

The development will connect to Hunter Water Corporation sewer infrastructure. Given topography it may be possible to gravity feed to the network. Alternatively a pump station may be required to convey pressurised flows. The location of any pump station, if required, will be subject to design and approval but if required will most likely be positioned adjoining Lot 22, being one of the lower points of the site.

3.3.3. Electricity

Ausgrid have advised the development is likely to require an onsite kiosk sub-station. Further work is required to establish the final power demand and size of any sub-station. An onsite kiosk typically requires a 3 x 4 metres area, with associated easements for access and servicing. Several locations are available for positioning a substation including adjacent and to the east of Lot 1; adjacent to Lots 22 and 23; or the driveway adjacent to Lot 13.

Overhead electricity assets are adjacent to the site.

3.3.4. Gas

Natural gas is in Dudley Rd. Application can be made to connect if required.

3.4. Easement and Restrictions

3.4.1. Public access

Lot 1 will require an easement to allow public access between the internal street network and Dudley Rd and from Dudley Rd to the conservation corridor, as nominated in the application documents. Terms will need to include any restrictions or obligations such as any time limitations, maintenance responsibilities, insurance and public indemnity etc.

3.4.2. Stormwater

The following Lots are proposed to have inter-allotment drainage (IAD) easements to manage overland flow from properties fronting Lonus Ave: 4-6, 8-9, 12-13.

Lots 16-17 and 20 have IAD to benefit lots/dwellings proposed as part of the development.

These easements are depicted on the architectural plans.

3.5. Operation and Management

The site will be a combination of strata and Torrens title. Operational matters (eg: use and management of facilities, coordination of maintenance contracts, etc) will be managed through individual body corporates for the strata development. Strata subdivision of the residential flat and mixed use buildings will be done separate to this application. Management procedures and by-laws etc will be detailed as part of future subdivision and establishment of the body corporate.

No immediate uses are proposed for the commercial tenancies. Fit-out, occupation and use of these will require separate assessment and determination.

4. REVIEW OF ENVIRONMENTAL IMPACTS

4.1. Physical Impacts

Impacts of the development are summarised below. Mitigation or management measures are, where relevant, contained in technical reports or this SOEE.

4.1.1. Vegetation and Ecology

The development will not have a significant or unacceptable detrimental impact on vegetation and ecology. The site is highly disturbed and lacking remnant vegetation or significant trees. Landscaping will establish vegetation that improves ecological benefits and amenity. Planting in the conservation land will promote its role as a vegetation corridor and improve the link between remnant vegetation in the area. Street trees and urban landscaping, in the public and private domain, will improve habitat and foraging opportunities. Deep soil zones will introduce mature trees to improve amenity, introduce canopy cover, and integrate with the surrounding landscape setting. These works improve the overall ecological value of the site and contribute to the biodiversity of the City.

The stormwater system will seek to maintain the hydrological regime, minimising downstream impacts on any water dependent systems. A combination of source controls and conveyance measures will manage volumes and quality. These are outlined in the stormwater documentation prepared by Forum Consulting.

An ecological assessment was undertaken by RPS. It concluded that impacts of the development on native vegetation and ecology are minimal. Landscaping and revegetation are likely to improve the quality of vegetation and ecological values.

4.1.2. Earthworks, Slope Stability and Soils

The development requires regrading and excavation as part of the development. The extent of work is not excessive and where possible, extensive cut and fill is contained in building footprints, especially basement parking. Where external retaining is required it has been minimised and generally incorporated into landscaping.

A geotechnical assessment has been completed. No impediments to development were identified with regard to slope stability and soil conditions. The assessment identified a low risk of land slip provided the recommendations of the report are followed during detailed design and construction.

4.1.3. Erosion and Sediment

The development will be staged. This will minimise soil exposure at any one time. Erosion and sediment measures are to be provided for the duration of the works to manage water quality impacts. These measures are detailed in the plan by Forum Consulting. These measures can be confirmed in construction documentation.

4.1.4. Stormwater

Stormwater is to be managed in accordance with relevant standards and controls. A temporary stormwater and erosion and sediment control facility will operate during construction to maintain water quality and flow regimes. The permanent system provides stormwater harvesting for all dwellings. The small lots have individual tanks while the RFBs and mixed use will use central harvesting for reuse

and detention. Stormwater conveyed by public roads and drainage will be treated in a swale and rain gardens in the eastern corridor.

The proposed stormwater management system mitigates potential impacts and protects the downstream environment. Treated water from the site is to be discharged to the table drain adjacent to the Fernleigh Track. Stormwater measures, as contained in the plans by Forum Consulting, are considered to be appropriate and acceptable.

4.1.5. Bushfire

A bushfire threat assessment has been prepared by RPS. Appropriate separation and defensible space is provided between the development and potential fire sources. Suitable access is provided from Kopa St, with new roads designed to comply with *Planning for Bushfire Protection 2006*. Hydrants are available on both street frontages and will be extended as required. The bushfire risk is considered acceptable and the development can manage any future risk to life and property.

The development has previously been subject to assessment and determination by the NSW Rural Fire Service. The modified design will be forwarded for further assessment in accordance with Section 100B of the *Rural Fires Act* and any General Terms of Approval will form part of the assessment and determination.

4.1.6. Vehicle Access

Vehicle access is off Kopa St only. The dual access arrangement was reconfigured to improve urban design and amenity by entering central to the public park. It also reduces potential conflict with the new Fernleigh Track access on Kopa St being delivered by Council. A link with Dudley Rd, being a classified road, continues to be discounted as it:

- is inconsistent with the provisions of SEPP Infrastructure which requires that for land with frontage to a classified road, where practicable, vehicular access is provided by a road other than the classified road;
- would increase congestion and create additional conflict with traffic from the public car park and Dudley Rd; and
- would encourage traffic through the site and impact on the amenity of residents, increase pedestrian safety risks, and potentially increase traffic volumes and peaks on Kopa St.

Discussions with Council staff confirmed that further investigation of vehicle access off Dudley Rd was not required. Feedback from the RMS further confirmed that access from Kopa St only was satisfactory.

Proposed roads are to be dedicated as public. This negates the need for a turning head on Kopa St and provides frontage to development lot. Roads will be 6m constructed carriageway with additional parking areas as identified on the plans. This is within a 15 metre road reserve allowing appropriate width verges for footpaths, services and street trees. Roads are designed to allow access for a medium rigid vehicle - removal trucks, garbage collection vehicles, fire fighting vehicles etc. No provision has been made for internal bus movements, and it is not considered necessary as buses operate on Dudley Rd and Lonus Ave.

Construction traffic will primarily utilise Kopa St to minimise impacts on Dudley Rd and the car park.

4.1.7. Traffic

A traffic impact assessment is provided. It has been updated with an addendum report by SECA Solution. The addendum was prepared to:

- respond to concern over PM traffic counts from the school previously being affected by a sports afternoon;
- record traffic and model operation of the Lonus Ave / Kopa St intersection; and
- consider impacts from the retail / commercial space.

The addendum reaffirms findings of the original report, being that traffic impacts associated with the development will be within environmental capacity of the surrounding road network. In particular:

- the key intersection of Dudley Rd / Bullsgarden Rd / Warran Rd / Lonus Ave will continue to operate with level of service - A and B;
- Lonus Ave will continue to operate within design capacity; and
- the intersection of Lonus Ave and Kopa St will function at level of service – A.

A traffic management plan will be required with construction documentation. This will consider the approved form and staging. It will identify measures to mitigate impacts on peak school traffic using Lonus Ave.

4.1.8. Parking

Small lot housing requires an undercover and single file space. Lots 5-13 and 21-24 have double garages. Lots 14-20 have an undercover and single file space. No visitor parking is required as there will be on street public parking available.

For the residential flat buildings parking allocation is per the following tables.

No. bdrms	No. units	Vehicle space / unit	Spaces required	Spaces provided
Lot 2				
1bdm or <75sqm	0	0.75	0	0
2bdm or 75 – 100sqm	0	1.0	0	0
3bdm or >100sqm	8	1.5	12	16
visitor	(8)	0.5	4	0
		Total	16	16
Lot 3				
1bdm or <75sqm	0	0.75	0	0
2bdm or 75 – 100sqm	1	1.0	1	1
3bdm or >100sqm	9	1.5	13.5	18
visitor	(10)	0.5	5	2
		Total	19.5	21
Lot 4				
1bdm or <75sqm	0	0.75	0	0
2bdm or 75 – 100sqm	0	1.0	0	0
3bdm or >100sqm	18	1.5	27	36
visitor	(18)	0.5	9	0
		Total	36	36
			71.5	73

For the mixed use development:

Lot 1				
No. bdrms	No. units	Vehicle space / unit	No. spaces required	No. spaces provided
1bdrm or <75sqm	2	0.5	1	2
2bdrm or 75 – 100sqm	29	0.75	21.75	32
3bdrm or >100sqm	4	1.0	4	4
visitor	(35)	0.25	8.75	0
		Total	35.5 (36)	38*

*One space is provided as a wash bay.

Commercial area is 325sqm GFA. Parking depends on the approved use.

- 'Commercial' uses require 1 per 40m² = 8 spaces
- 'Shops' require 1 per 25m² = 13 spaces

11 spaces, including 2 accessible spaces, are proposed. This allows for a combination of uses, but occupation will be assessed for parking demand on individual merit when applications are made.

Public parking. In addition to allocated parking, 32 on street, parallel, public parking spaces are to be constructed. There is also scope to formalise 10 public spaces fronting Dudley Rd that would be an extension to the existing public car park.

Parking provision for the commercial space complies with the identified rates in DCP No.1. For the residential development the total number of spaces is per the identified rates but the spaces have been allocated differently to optimise private safety, security and amenity and to maximise the benefits of additional public parking. This is considered appropriate for the following reasons:

- restricting access to basement areas of RFBs improves resident safety;
- controlled access may discourage visitors who are likely to utilise street parking, particularly given the direct street frontage to the dwellings; and
- reducing dwelling allocation will force resident vehicles onto the street, which will have a detrimental impact on the availability of public parking on a more permanent basis than if visitors utilised the public parking.

Parking can be reallocated from dwellings to visitor spaces to conform to DCP rates and allocation but this is considered sub-optimal and counterproductive for the abovementioned reasons.

The proposed arrangements meet total parking numbers per the DCP and should be maintained to maximise the benefit of public parking. They are considered appropriate for the development and consistent with the intent of Council controls.

4.1.9. Pedestrian Access

Site permeability is improved by public connections through the site. Paths on the road connect Dudley Rd with Kopa St and the Fernleigh Track. This provides resident access to the local movement network, to Whitebridge urban centre; to bus infrastructure, and the taxi rank. An appropriate easement will be required for Lot 1 to facilitate public access across this private land but the link provides an alternate path of travel between the Fernleigh Track and the urban centre. A safe, direct connection between Dudley Rd and the Fernleigh Track is also proposed adjacent to the swale in the eastern corridor.

All paths will be lit in accordance with Australian Standards. Landscaping has been designed to limit opportunities for concealment and will be maintained to retain sight lines. Dwelling plans facilitate passive surveillance for a safe, efficient network.

In addition to the development, Council is doing the following:

- constructing a new shared path from Kopa St to the Fernleigh Track;
- relocating a pedestrian crossing at Station St / Dudley Rd intersection to the western side of Station St to allow safer pedestrian connectivity to the centre;
- installing kerb extensions on Dudley Rd near Station St to reduce the speed of traffic entering this area of high pedestrian activity; and
- recommending the RMS reduce the speed limit to 40km/h in the urban centre.

4.1.10. Height

The height of development, with the exception of the Dudley Rd frontage, is generally consistent with the 10m guide in the DCP. The mixed use and residential buildings fronting Dudley Rd exceed 10m. This variation is considered appropriate for the reasons following.

Dudley Rd and the adjoining public car park create an approximately 35m wide road reserve along the frontage. Built form on the southern side terminates at the commercial zone boundary, meaning the majority of the Dudley Rd frontage faces open space and remnant bush. The wide reserve and undeveloped land limit the level of enclosure created by the proposed buildings. As a guide, a ratio of wall to street height of 1:2 promotes a good sense of enclosure that retains visible sky from the pedestrian level. The 35m road reserve allows 17m built form without generating undue levels of enclosure. Proposed building heights maintain this ratio.

As discussed in the visual impact and scenic quality sections of this report, the development has appropriate visual impact. It will not breach prominent ridgelines or vegetation and is not clearly distinguishable from significant public viewing areas. The development will sit appropriately in the urban landscape and proposed heights do not create adverse visual impact.

The buildings on Dudley Rd are considered acceptable as the impacts from height, bulk and scale are mitigated through appropriate design. They are articulated and transition in height along Dudley Rd, radiating to lower levels on Kopa St. The character of the area is maintained by separating the street level façade into narrow frontages with solid vertical building elements. Street entrances are clearly defined and can be further delineated with pavement treatment. The buildings have continuous canopy and the upper storeys are set back from the streetscape to reduce bulk and scale. The façade is articulated with setbacks, recessed

balconies, and protruding architectural features. Windows and doors are punched into the façade. The designation of materials and finishes will further mitigate the visual impact of building heights.

The proposed heights are considered appropriate for the site context and having regard to the abovementioned measures to mitigate potentially adverse impacts.

4.1.11. Overshadowing

The architectural plans provide overshadowing diagrams. Spatial allocation, separation of buildings, and allocation of height limit the impacts of overshadowing. Adjoining private properties will not be significantly affected and retain appropriate solar access in accordance with required controls.

Impacts on the Fernleigh Track are mitigated by setting back of the development from this boundary. It is noted that the narrow cutting of the Track adjoining the site limits solar access to sections of the Track anyway and the development will not exacerbate this.

Dwellings have private open space and living areas with appropriate solar access.

4.1.12. Privacy

Dwellings have appropriate separation or allocation of space to ensure visual and acoustic privacy. Habitable rooms are not adjacent to external parking and POS areas are not unreasonably overlooked by living areas or habitable rooms of adjoining dwellings.

External impacts are mitigated by separation. Primary living areas of dwellings on the north-western are at ground level. The change in level, landscaping and fencing will restrict potential for overlooking between these dwellings themselves, and with dwellings on Lonus Ave. Upper level windows are primarily bedrooms, bathrooms and stairwells. Where necessary, privacy can be enhanced by high sills, screening or opaque glazing of these windows, but these measures are not considered necessary given the proposed setbacks and design.

4.1.13. Acoustics

Residential development will not generate significant, adverse noise. Dwellings are designed so that garages, living areas and POS do not abut bedrooms of adjoining dwellings. Visitor parking is on the street or in basement levels, where it will not adversely impact on acoustic privacy.

The mixed use building will be BCA compliant to mitigate noise transfer. Windows facing Dudley Rd will be treated to reduce road noise. Recessed balconies and street awnings assist in reducing noise transfer from street level.

Occupation of commercial tenancies has not been confirmed, so acoustic impacts are not known. Commercial operations do not typically generate significant adverse acoustic impact, but future impacts will be subject to assessment when approval is sought to occupy these spaces. Servicing areas are on the Dudley Rd street frontage and mitigate impacts on dwellings above. The waste area is at street level, accessed from Dudley Rd, and enclosed.

There are no unique or unusual construction issues to generate excessive noise. If piling etc is required, noise and vibration will need to be monitored to ensure guideline levels are not exceeded. Construction noise can be managed through

conditions of consent relating to hours of operation, noise generation, types of machinery, monitoring and reporting etc.

An acoustic impact assessment can be completed with construction documentation to detail specific measures to ensure appropriate mitigation of acoustic impacts.

4.1.14. Waste Management

The management of demolition and construction waste is detailed in the waste minimisation plans accompanying the application.

Operational waste for the small lot housing will be an owner responsibility. Individual bins will be stored on site, wither in garaging or at the rear of dwellings and presented to the street for kerbside collection service separated by Council. These will utilise the 240l three bin system – general domestic waste; recyclable materials, and green waste.

Residential flat buildings will utilise Council kerbside collection. Storage areas are identified in the basements. Allocation and collection has been determined in accordance with Council's waste packages for strata properties as follows:

LOT 2	
'Shared standard' package: 8 units x 0.5 bins (1 bin between 2 units), once weekly collection	5 x Red 240L bins 5 x Yellow 240L bins 5 x green 240L bins
LOT 3	
'Shared standard' package: 10 units x 0.5 bins (1 bin between 2 units), once weekly collection	5 x Red 240L bins 5 x Yellow 240L bins 5 x green 240L bins
LOT 4	
'Shared standard' package: 18 units x 0.5 bins (1 bin between 2 units), once weekly collection	2 x Red 1100L bins OR 9 x 240L bins 9 x Yellow 240L bins 9 x green 240L bins

Lot 1, being the mixed use development, was determined as:

LOT 2	
'Shared standard' package: 35 units x 0.5 bins (1 bin between 2 units), once weekly collection	18 x Red 240L bins OR 4x1100L bins 18 x Yellow 240L bins 18 x green 240L bins

The designs do not all provide storage for total allocation of a three bin system. Alternate solutions will be required, for the mixed use building as a minimum, to ensure appropriate waste disposal. Increased frequency of collection or larger centralised bins could service the strata development, with appropriate arrangements with Council or a private contractor. Other options include replacement of green waste services with additional general and recycle bins for these buildings. Green waste will be minimal due to the lack of lawn areas or large gardens. Communal landscaping would be the source of most green waste. This could be collected and disposed of by contractors engaged for site management services, or smaller amounts put in with general waste for collection.

The development is provided with adequate street frontage for the presentation of bins for collection if Council kerbside services were used. Private collection would be more tailored to the individual needs and would not require presentation of bins on the public streets for collection. The exact disposal arrangements can be confirmed following discussions with Council and / or private waste contractors.

Waste from commercial operations will need to be determined and confirmed when these areas are occupied. A storage area has been allocated with direct access to Dudley Rd. A small loading area is nominated that would be a suitable collection area for waste vehicles.

Appropriate provisions can be made for the storage and collection of bins. Collection services for the strata developments will be confirmed as part of construction, registration and operation of these buildings.

4.1.15. Visual Impact

The site is in an urban landscape. Whitebridge's urban footprint is well established and the surrounding area transforming, with new development including medium density housing on Dudley Rd; a residential subdivision on Lonus Ave; and, modernisation and extension of existing dwellings.



Dudley Rd development



Lonus Ave subdivision

Multi-storey development at Charlestown is clearly visible against the skyline from several public vantage points such as Hudson St and Dudley Rd. The development will not introduce new landscape elements but will add to the built form landscape. Locally it will introduce higher form, but this is considered to be compatible with the existing character and consistent with the desired future character of Whitebridge

In *Project Venture Development vs Pittwater Council [2005] NSWLEC 191* the NSW Land and Environment Court established a planning principle around compatibility. It identified that buildings do not have to be the same height to be compatible, but should have regard to existing and projected form and character of an area. It is established through this application that Whitebridge is an area in transition from traditional low density, detached housing, to an area of urban intensification. It has been identified to accommodate greater density, increased building heights, and a well serviced population.

The development has appropriate height, setbacks, and design. It also proposes extensive landscaping to embrace the green character of surrounding open space and bushland. Buildings are articulated and incorporate variety of form, roof pitch,

materials and finishes to provide visual interest. Landscaping and topography mitigate impacts and provide visual interest at a local scale, helping the development sit within the broader landscape setting. Physical impacts (overshadowing, privacy, noise etc) are discussed elsewhere but the proposal is considered to be appropriate for the site. It is noted the Urban Design Review Panel supported the form, scale and height of the development.

Visual impacts, measured against Council's scenic guidelines, are discussed further elsewhere in this report.

4.1.16. Social Impacts

As discussed in the social impact assessment ("SIA") the development should not have any significant adverse social impact. Impacts that are identified are either mitigated through design or can be managed through implementation of government policies that forecast and manage growth.

There is adequate variety in dwelling type, size and form. Open space is incorporated – park, urban space, movement network – that will facilitate social interaction.

Retail and commercial facilities in the immediate and broader vicinity are adequate to accommodate growth. An increase in commercial floor space provides opportunity for new and / or expanded services.

Public educational establishments indicated an ability to respond to growth and it is likely there is capacity in the private system as well.

The site is part of Council's strategic planning to accommodate growth. It is part of the LS2030 East Lake Intensification Precinct and the Council has forecast and will manage growth. Strategic plans will have incorporated increased demand for community infrastructure and services and the contributions and rates from the development will be expended to help meet ongoing demand. Staging also allows the timely provision or expansion of services and infrastructure to meet demand.

4.1.17. Economic Impacts

Construction will maintain industry related employment. Multiplier effects include:

- retail expenditure in Whitebridge and the surrounding area;
- broader expenditure in the local trades and construction sector;
- employment for real estate agents, solicitors and property conveyance through sales and management of property;
- business for removalists and hire companies associated with people relocating to the site; and,
- retail expenditure associated with occupation and furnishing of new dwellings and commercial spaces.

Longer term, an increased population will improve the viability of businesses by providing a broader client base. Commercial space provides the opportunity for new or expanded businesses with associated employment opportunities.

Public finances will benefit from an injection of development contributions. Ongoing rates will help fund the delivery of services and infrastructure.

Public services may benefit if increased residential density and population improve patronage of facilities and services such as swim centres, public transport etc.

It has been assessed that overall the development will provide a positive economic impact for the local and broader regional community.

4.2. Statutory Controls

4.2.1. Acts

The development is classified as development requiring consent under the *EPA Act*. It has been nominated as integrated development. General terms of approval or relevant authorisations are being sought under Section 15 of the *Mines Subsidence Compensation Act 1961* and Section 100B of the *Rural Fires Act 1997*.

The development does remove of vegetation subject to provisions of the *Native Vegetation Act* or require approval under the *Threatened Species Conservation Act* or *Environment Protection and Biodiversity Conservation Act 1999*.

4.2.2. State Environmental Planning Policies

A summary assessment of SEPPs is appended. Detailed discussion of the most applicable and relevant SEPPs is contained below.

SEPP 32: This policy aims for redevelopment of urban land, no longer required for its current purpose, to be available for multi-unit housing where it is well serviced, accessible, and reduces the rate of development at the urban fringe. The consent authority must have regard to these objectives in considering the development application.

The process of urban consolidation commenced with rezoning. This application furthers the aims of SEPP 32 by proposing multi-unit housing that will:

- be delivered in a timely manner;
- increase the availability of housing at Whitebridge;
- improve the variety of housing in the locality by increasing medium density housing to complement the existing predominately low density, detached housing stock; and
- reduce development pressure at the urban fringe of Lake Macquarie by increasing density in an existing urban area.

The development is consistent with the aims and objectives of SEPP 32.

SEPP 65: The mixed use and residential flat buildings constitute residential flats, as defined under SEPP 65. The consent authority must process the application accordingly, including consideration by the Lake Macquarie Design Review Panel. The application has twice been considered by the Design Review Panel and appropriate amendments have been made to reflect feedback received through this process. A response the design principles was submitted by the architect to demonstrate consistency with SEPP 65 and design statements accompany the application.

SEPP Infrastructure: In accordance with clause 101, the consent authority must consider the impact of development that fronts a classified road, on the operation of the classified road and have appropriate regard to opportunities for alternate access. Dudley Rd is a regional classified road.

The development provides access via Kopa St only, being a road other than the classified road. This outcome is consistent with clause 101.

The development was referred to the RMS under clause 104 as it provides direct pedestrian access to Dudley Rd. The consent authority must take any comments received from the RMS into consideration in determining the impacts of the development. It is noted that no matters of significant concern were raised by the RMS in their previous response.

The development is consistent with the provisions of the I-SEPP.

4.2.3. Lower Hunter Regional Strategy

The LHRS is a strategic level land use planning document that guides local planning and informs decisions regarding delivery and funding of infrastructure and services. It establishes the framework and delivery targets for local planning controls. The proposed development is consistent with the LHRS in that it will:

- contribute to infill development targets and reduce pressure for greenfield release areas;
- utilise existing infrastructure and services; and
- consolidate population growth in close proximity to regional and sub-regional centres that provide jobs, services, and sustainable transport.

Compliance with the LHRS is further demonstrated through consistency with local planning provisions that are the delivery mechanism for the LHRS.

4.2.4. Lake Macquarie Lifestyle 2020/30

These planning strategies are Council's documents for managing population and employment growth and guiding the preparation of local development plans, regulations and guidelines. Lifestyle 2020 was only recently reviewed, with performance analysis against prescribed aims and objectives. This process included extensive community engagement and resulted in redrafting of Council's strategy. Lifestyle 2030 was adopted by Council on 11 March 2013. LS2030 provides a clear direction for development of the site that was confirmed through its rezoning for commercial and residential purposes. Although Lifestyle 2030 supersedes Lifestyle 2020, it is noted that the LMLEP2004 still references the latter. As LS2030 is an evolution of LS2020 consideration of LS2030 is considered to address the requirements and intent of both documents. The strategies are outlined in the following general structure:

- City vision,
- Core values,
- Aims,
- Strategy directions and intent statements,
- Outcome statements, and
- Strategy Maps.

The development is consistent with the City vision of promoting environmental, economic and social outcomes consistent with LS2030. Specifically it will contribute to the following key outcomes:

- Protection of the environment through enhancing a degraded corridor and maintaining water quality; and
- Promoting affordable housing through efficient use of land and existing services.

It delivers on key aims of the LS2030 Strategy including:

- Reinforcing and strengthening Whitebridge as an urban centre in the City's commercial hierarchy;
- Contributing to the growth of Whitebridge as a compact and distinct community that will, particularly with this development, have greater variety of housing;
- Deliver a safe and accessible development with ready access to services and infrastructure to reduce motor vehicle dependency and integrate with existing movement systems; and
- Deliver a development that respects and responds to the natural and heritage values of the context in which it is set by buffering to adjoining conservation and heritage areas and integrating built form and materials that transition between the urban centre to the Fernleigh Track and further afield to Glenrock State Conservation Area.

The development is consistent with the following strategic directions and outcomes:

- Delivers more development in the City's centres through mixed use development and multi-unit housing (Strategic Direction 3.2);
- Contributes to a medium density housing target of 30% by 2030 with an approximate yield nearing 30-40 dwellings per hectare (Strategic Direction 3.3);
- Is more intensive and contributes to a gradation of density radiating from the Whitebridge centre (Strategic Direction 3.12);
- Provides a diversity of housing to accommodate different needs (Strategic Direction 3.19);
- Promotes use of the Fernleigh Track with opportunities for increased commuter cycling (Strategic Direction 4.10);
- Delivers additional commercial development in Whitebridge centre (Strategic Direction 5.4);
- Incorporates and contributes to a greater range of dwelling types, sizes and configuration (Strategic Direction 6.5);
- Provides adaptable housing is to meet community needs (Strategic Direction 6.7); and
- The proposal has been developed in consultation with Council and will be determined in a transparent and efficient manner that includes wider community consultation (Strategic Directions 7.1 & 7.7).

The Urban Structure Map builds on the structure of the Lake Macquarie LGA. It focuses growth and change around centres, such as Whitebridge, to reduce development pressure on the urban fringe and reduce car dependency. Key tenets of this approach include:

- Focussing urban development on the existing hierarchy of urban centres;
- Encouraging mixed use development in centres;

- Having a gradation of development intensity radiating away from centres;
- Increasing medium density housing to achieve 30-40 dwellings per hectare in areas with good access to centres, bus stops, public transport nodes, and areas of high amenity.

Whitebridge is within the East Lake Intensification Corridor on the Urban Structure Map and the Urban Change & Urban Investigation Map as a Core Commercial and Living Urban Area. The development reinforces Whitebridge centre; incorporates mixed use development; provides a gradation of intensity around the centre; and delivers outcomes identified in LS2030 with respect to access, servicing and amenity. The height and density are higher within and immediately adjoining the centre. They radiate outward to the lower density and height at the fringes.

LS2030 does not specify the type of density (site, net gross etc) prescribed in its target. As typical site densities would exceed the nominated target it is assumed to be gross residential density, as defined in the Landcom Residential Density Guide. On this basis the density has been calculated using the site area and half of the adjoining road frontages. This equates to $24,390 + (118 \times 10) + (83 \times 15) = 26,815\text{m}^2$ or 2.68ha. At 91 dwellings the gross residential density of the development is 34 dwellings per hectare. This is within the target range of LS2030. While net and site densities will be higher, given the extensive open space and bushland in the immediate vicinity it is anticipated Whitebridge would have a significantly lower urban residential density. The proposed development is considered to be consistent on the basis of these calculations. This is confirmed by the fact Council's Integrated Planning Department confirmed the proposal was consistent with the intent of LS2030.

The development delivers biodiversity, scenic amenity and liveability by regenerating a degraded corridor on Council's Native Vegetation and Corridor map and provided an integrated landscape outcome. It establishes and maintains a link between remnant vegetation north and south of Dudley Rd that is part of the broader network of green space incorporating Glenrock and Awabakal conservation areas and the Jewells Wetland System.

Lake Macquarie City Council's LS2030 Strategy was formulated through consultation with the Lake Macquarie community and reflects community expectations for growth. The development is consistent with this policy.

4.2.5. Lake Macquarie Cycling Strategy 2021

The Lake Macquarie Cycling Strategy ("Cycling Strategy") targets behavioural and infrastructure improvements to strengthen the cycling culture of the City. The site adjoins the Fernleigh Track and provides a valuable opportunity to increase participation in recreational and commuter cycling. Access to the Track is facilitated through public roads and a pathway to the Track.

While the Cycling Strategy depicts a future off-road cycleway traversing the site, it states that alignments are '*conceptual until detailed investigations are undertaken*' and that '*[a]ny proposed bicycle facilities recommended ... on lands not directly controlled by Lake Macquarie City Council, must first meet approval of the appropriate managing authority.*' Being privately owned land, and having regard to existing, alternate routes via Station St and Kopa St, the development does not incorporate a dedicated off road cycleway. It does contain public roads and a path through the corridor that promote access to the Track.

Dwellings have adequate bicycle storage to promote bicycle ownership and use.

Increasing residential density adjoining the Fernleigh Track should improve the cycling culture of the City. This development will not interfere with Council's implementation of the Cycling Strategy and the Fernleigh Track provides a valuable resource that will enhance the amenity of residents.

4.2.6. Lake Macquarie LEP 2004

In accordance with the provisions of Lake Macquarie LEP 2004 the proposed uses are permissible within the relevant zones.

Residential flat buildings, roads, and small lot housing are permissible with consent in the 2(2) Residential (Urban Living) zone. Dwellings, being a subset of mixed use development, are also permissible in the 2(2) zone. The objectives of the zone are:

- (a) provide for medium and high density housing, and*
- (b) encourage development of good quality design within the zone, and*
- (c) provide an environment where people can live and work in home businesses and professional services whilst maintaining the residential amenity of the surrounding area, and*
- (d) provide residents with good access to a range of urban services and facilities, and*
- (e) encourage amalgamation of existing lots to facilitate well designed medium and high density development, and*
- (f) provide for sustainable water cycle management.*

The proposed development is consistent with the objectives of the zone in that it:

- Provides medium density housing.
- Represents good quality design in terms of layout, dwelling design, streetscape and landscape outcomes that have been prepared in consultation with Council and with advice from the Urban Design review Panel.
- Allows for home business and professional services, which can complement the adjoining urban centre.
- Directly adjoins an urban centre with services and facilities that cater for the daily needs of residents and workers.
- Is in close proximity and has good public transport connectivity to higher order services at Charlestown (regional centre).
- Comprises an amalgamation of lots to deliver land of size and configuration appropriate for design and density of development consistent with relevant planning controls.
- Accommodates sustainable water cycle management.

Mixed use development, in this case incorporating commercial/retail space and dwellings, is permissible in the 3(1) Urban Centre zone, the objectives of which are:

- (a) provide land for commercial, retail, recreational and housing uses in a central location, and*
- (b) generate viable employment and economic activity, and*
- (c) create urban centres for safe and vibrant social, cultural and community activity, and*

- (d) create public spaces that are accessible, welcome all people and are a central focus for the community, and*
- (e) provide for sustainable water cycle management.*

The development is consistent with these objectives in that:

- It consolidates the urban centre at Whitebridge, which appears to be evolving as an important centre within the east Charlestown catchment.
- It will generate construction employment, opportunity for establishment of new businesses, and increase the client base for existing businesses.
- The design promotes activity, with designated spaces for community recreation and interaction that are safe and have good surveillance.
- The urban space on Dudley Rd is accessible to the centre and is on a primary access through the site to promote activity and engagement.
- Sustainable water cycle management has been incorporated consistent with Council controls.

Roads and stormwater management facilities are permissible with consent in the 7(2) Conservation (Secondary) zone, the objectives of which are:

- (a) protect, conserve and enhance land that is environmentally important, and*
- (b) protect, manage and enhance corridors to facilitate species movement, dispersal and interchange of genetic material, and*
- (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*
- (d) ensure that development proposals result in rehabilitation and conservation of environmentally important land, and*
- (e) provide for sustainable water cycle management.*

The proposal is consistent with these objectives in that it:

- Retains land as a buffer between built form and the heritage rail corridor.
- Restores a degraded corridor, significantly improving its environmental function and value.
- Provides sustainable water cycle management through provision of stormwater management facilities to control the quantity and quality of water from public roads and spaces.

The proposed development is permissible with consent and consistent with the objectives of relevant zones. It is consistent with remaining provisions of the LMLEP 2004 that may be considered applicable and relevant in that:

- 16 Development consent - matters for consideration. Consideration against Lifestyle 2020 and the zone objectives have been discussed.
- 17 Provision of essential infrastructure. The land is in an existing urban environment. It has access to all necessary and relevant services. Preliminary enquiries have been made with service providers. A Section 50 Notice of Requirements has been issued by Hunter Water, and preliminary advice from Ausgrid has been received with respect to the provision of power.

Conditions of consent can be incorporated, as required, to ensure essential is provided to the development.

- 24 Subdivision. The proposed subdivision is permissible with consent and forms part of this application. The provisions of Schedule 2 Subdivision standards have been met for the urban and residential land, while the subdivision of the conservation land is subject to a SEPP1 Objection that accompanies the application. Subject to the SEPP1 Objection the proposal is consistent with this provision.
- 25 Demolition. Consent for demolition work is sought under this application.
- 28A Residential flat buildings and multiple dwelling housing in Zone 2(2). The site complies with the minimum standards prescribed in this clause.
- 29 Building heights. The proposed development exceeds 8 metres in height and is subject to consideration under this clause. As detailed in this elsewhere in this report it is considered compatible with development in the immediate vicinity and broader locality in that:
 - The surrounding environment contains a mix of one and two storey development, particularly in the urban centre.
 - It is compatible with the height of adjoining buildings in the context of site conditions, type of development, and governing controls.
 - The site generally falls from Dudley Rd to Kopa St and the Fernleigh Track, producing natural variation in heights.
 - Two to five storey buildings with basement parking are a common and accepted form for mixed use and medium density residential development both in and adjoining an urban centre.
 - Height is appropriately distributed with the higher portions in the commercial zone and lower heights at the fringes, while the impacts have been described in this SoEE and mitigated through the design.
 - Building heights are generally consistent with the 10m control nominated in DCP No.1 with the variations justified in this report.

No Obstacle Limitation Surface applies.

- 30 Control of pollution. The proposed land uses will not result in significant, adverse pollution. Urban consolidation is a strategic measure to minimise car dependency and the development contributes by increasing population density adjoining the Whitebridge centre. Any other potential impacts of noise, air and water pollution have been adequately addressed or will be managed through conditions of consent.
- 31 Erosion and sediment control. An erosion and sediment plan has been provided. Along with any conditions of consent imposed by Council the proposed measures will minimise erosion and sediment impacts during construction and occupation of the site.
- 33 Bush fire considerations. A bushfire threat assessment has been prepared addressing compliance with *Planning for Bushfire Protection*. The development incorporates appropriate measures to mitigate the threat from bushfire, including adequate separation from potential fire sources, access to

facilitate fire fighting vehicles, building construction standards, and appropriate fire control aids. No significant vegetation is being removed to provide these measures and impact on the environment has been mitigated.

- 34 Trees and native vegetation. The site has few trees or native vegetation. Tree removal is identified on the supporting documentation. Removal of trees, including those in Kopa St road reserve and on the property boundary, will: have no significant impact on soil stability or land degradation; do not affect water quality; are not important to scenic or environmental outcomes; and is not part of any significant vegetation species or community.

Tree removal is offset by landscaping that includes deep soil zones and street trees that introduces canopy species throughout the site.

- 36 Mixed use development. The land use allocation in the mixed use building complies with this provision.
- 52 Development in the vicinity of a heritage item. The site adjoins the heritage listed Adamstown to Belmont rail corridor. A Statement of Heritage Impact is enclosed with the application. The development will not:
 - impact on the setting of, or views to/from the item nor overshadow it;
 - undermine or otherwise cause any physical damage to the item; and
 - otherwise have an adverse impact on the values of the heritage listed rail corridor.

The development is consistent with relevant provisions of LMLEP 2004.

4.2.7. Draft Lake Macquarie LEP 2013

The draft LMLEP 2013 establishes planning controls consistent with the Standard Instrument Local Environmental Plan. It is a translation instrument that does not amend permissibility of the development nor significantly amend development standards or controls. The zoning of the site is proposed to be amended to:

- R3 Medium density residential;
- B1 Neighbourhood centre; and
- E2 Environmental conservation.

The development is partly permissible under these provisions as attached dwellings, commercial premises, environmental protections works, residential flat buildings, and roads. It is noted some small lot housing is in the form of semi-detached dwellings, which are not identified in the draft LEP 2013 as permissible in the R3 zone which prescribes attached housing. The development remains consistent with the objectives of the zone and it is unclear if this matter is to be amended in the final version of the draft LMLEP or any subsequent amendment. Notwithstanding, the proposal is consistent with intent of the zone and with the current provisions under which it is being assessed.

The mixed use development is consistent with Clause 7.9 Residential uses in Business zones, in that the ground floor facing the street is to be business or retail premises. The proposal varies from the development standard relating to height of buildings. Justification is provided elsewhere in this report, noting that the current control is in a DCP and not subject to the provisions of Clause 4.6.

There are no other provisions of the draft LMLEP 2013 that the development was identified as being inconsistent with.

4.2.8. Lake Macquarie Development Control Plan No.1

Assessment against relevant provisions of DCP No.1 is contained in the table appended to this SOEE.

4.2.9. Lake Macquarie Section 94 Contributions Plan No.1 – Charlestown Catchment

This policy levies for a level of infrastructure and services required to meet the need arising from new development. It is applicable to the proposed development. In particular it levies contributions for the following purposes:

- Open Space and Recreation Facilities
- Community Facilities:
- Roadworks, Traffic Management and Facilities;
- Drainage, Stormwater and Water Quality Control; and
- Management.

In accordance with the provisions of the s94 plan, and as permitted under the provision of the EPA Act, the development seeks to provide Material Public Benefit in lieu of monetary contributions payable under the plan. Those elements of the proposal considered to provide a material public benefit are:

- Public roads and pathways that provide public connectivity between the Fernleigh Track and Whitebridge urban centre on a desire line identified in Council's Cycling Strategy.
- Stormwater management facilities to improve water quality of public stormwater discharging into Flaggy Creek and Glenrock Lagoon.
- Landscaping of a native vegetation corridor adjacent to the Fernleigh Track that is on Council mapping and identified in the *Tree Preservation and Native Vegetation Management Guidelines* as fundamental to the long-term maintenance of the ecological resources of the City.
- Provision of a public path between the Fernleigh Track and Whitebridge centre through the conservation corridor.
- Public parking and associated works on Dudley Rd, in excess of the requirements of the development, adjacent to the existing public car park.
- Provision of a park and play equipment will alleviate demand on H.W Knight Park (Waran Rd) and provide a valuable new facility in close proximity to, and with direct, safe access from the Fernleigh Track.
- Creation of an urban space on Dudley Rd, including heritage interpretation that will be a focal point for community interaction.

These items of Material Public Benefit include dedication to Council of roads, park and conservation land that will contain landscaping, stormwater management facilities and a pathway connecting the Fernleigh Track and Whitebridge centre.

These works are all considered to provide a material public benefit and can be provided as part of the development in lieu of some or all monetary contributions otherwise payable under the s94 Plan.

4.2.10. Lake Macquarie Scenic Management Guidelines 2013

The site is in Scenic Management Zone – 7 (coastal edge, low settlement) and the Dudley Beach landscape setting. It is not in a critical coastal catchment or viewshed for this landscape, but instead sits on the southwestern border adjacent to the Gateshead Scenic Management Zone. The site is in an urban landscape setting broadly framed by remnant vegetation to the north, south, and lesser extent west.

The ridgeline and existing vegetation along Lonus Ave and Waran Rd obscure the site from public viewpoints to the west, including Dudley Rd and sporting fields off Bula St. From Kahibah Oval the middle ground is dominated by vegetation adjoining Waran Rd. The far ground contains vegetation intersected with urban development along Dudley Rd and Burwood Rd. The water and communication towers on Dudley Rd, east of Kahibah St provide a reference point on the skyline. The development sits lower in the landscape than Lonus Ave, will not introduce any new elements to the landscape setting, and will be screened by remnant vegetation on Waran Rd.



Viewed from the east, the development sits against the backdrop of Charlestown. As depicted below, the skyline contains prominent multi-storey development. More multi-storey development is both permissible and likely, and will further dominate this landscape setting. The multi-storey component of the development will fit within this setting. The lower scale buildings north of Dudley Rd are compatible

with both the existing and desired future character of Whitebridge. At street level the development continues the building line of shops fronting Dudley Rd. These are single level but have a raised parapet that increases the height and bulk at the street. Upper levels of the mixed use building are recessed from the street and will be obscured from street level by the street awning. The building design contains articulation and design elements to mitigate the visual impact of the building height. As discussed elsewhere in this report, the proposed heights deliver an appropriate level of street enclosure for the urban centre. The fall of the land to the north and east helps transition building height when viewed along Dudley Rd.



The Dudley Rd frontage continues the commercial streetscape. The northern streetscape façade is largely unbroken shops fronting the public car park. It has weak street enclosure. Current uses provide little interaction or activation, and several shops have opaque windows that limit surveillance. There is a consistent setback with the exception of the bottle shop that has a loading dock on its eastern edge. West of this, within the commercial zone, are dwelling houses including a two storey, brick building at the roundabout on Dudley Rd.

The south side of Dudley Rd contains a dwelling house and older buildings to the eastern end. These are set back from the road. The shops have a continuous awning that provides outdoor dining areas. There is street level shops and upper storey dwellings. The western end contains a former service station undergoing remediation or redevelopment, and further two storey mixed use buildings with street level commercial (real estate agent, medical centre) and residential at the rear and/or above. The streetscape is depicted in the following images.



Existing commercial centre

The bulk, scale and density of development in the residential zone are compatible with the emerging pattern. Although Whitebridge contains older, predominately single storey detached housing, it is undergoing transition. There is an increase in the density, bulk and scale of development with recent urban renewal and intensification. This includes medium density development and replacement or renovation of dwellings with larger, bulkier, and often higher built form. Examples of medium density include developments on Dudley Rd and Hudson St east of the site. Examples of new / replacement dwellings are shown below that demonstrate increasing size and scale compared to existing, historical housing stock.



Existing, older style housing

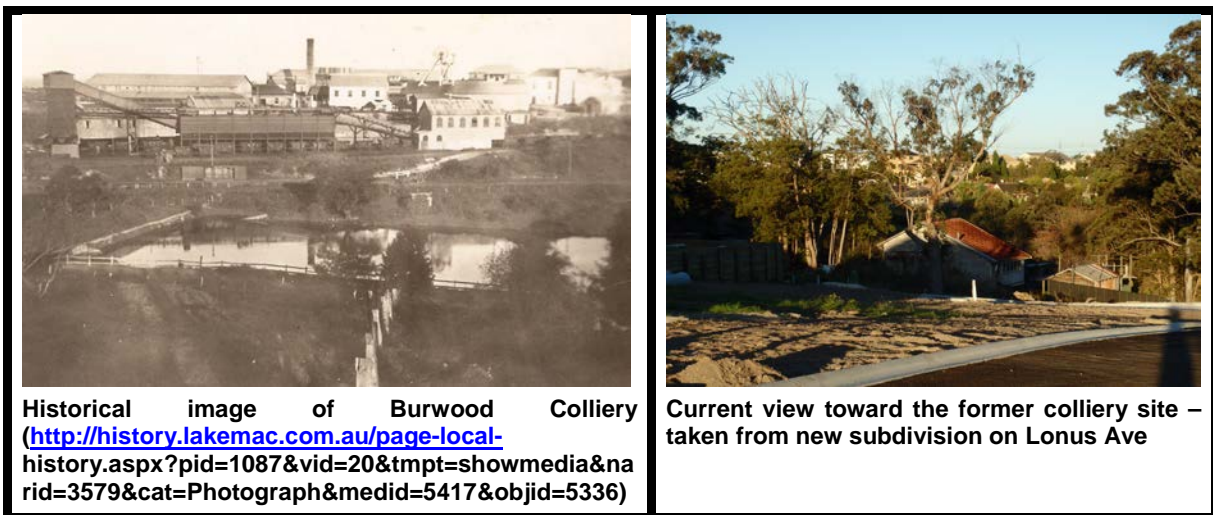


Recent medium density development – Dudley Rd and Hudson St



Recent dwelling houses – Dudley Rd and Lonus Ave

It is noted that historically the visual landscape was dominated by buildings and structures of the Burwood Colliery and operating railway. The former colliery contained a number and range of significant buildings that dominated the Fernleigh Track corridor and the ridgeline along Burwood Rd. While the buildings have been removed, the site has been developed as residential housing with typically large, two storey dwellings which retain an urban form in that landscape setting.



The development is consistent with the Scenic Management Zone objectives. Visual impacts are managed or appropriately mitigated by:

- maintaining distribution of the height and scale relative to topography and surrounding development;
- providing adequate building setbacks and buffers;
- applying recessive, neutral colours to integrate with the environment;
- adopting non-reflective surfaces and finishes; and
- landscaping to integrate and visually connect with surrounding remnant vegetation and to help screen and break up the built form.

The development integrates the existing and desired future character of Whitebridge. It is identified for urban intensification and is undergoing transition. Modern designs with larger floor plates and higher form are replacing ageing housing stock. Extensions and renovations are also occurring to expand and modernize homes. Higher densities are occurring on suitable sites that deliver housing consistent with prescribed government targets and development controls. The development continues this pattern, but on a large site that has allowed an integrated design. Vegetation will be returned to a highly degraded site with landscaping of the public and private domains. Street trees and landscaping will promote a green urban canopy and improve the landscape.

Development is considered to be consistent with the Lake Macquarie Scenic Management Guidelines. More specifically it is consistent with the local strategy, zone objectives, and development controls that have been developed to reinforce and deliver Council's scenic outcomes for the City.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

In determining the DA, the consent authority is required to consider relevant matters in Section 79C(1) of the *Environmental Planning and Assessment Act, 1979*. These are addressed below.

5.1. Section 79C(1)(a) – Statutory Planning Considerations

Section 79C(1)(a) requires the consent authority to take into consideration:

(a) the provisions of:

(i) any [environmental planning instrument](#), and

(ii) any draft [environmental planning instrument](#) that is or has been placed on public exhibition and details of which have been notified to the [consent authority](#) (unless the [Director-General](#) has notified the [consent authority](#) that the making of the draft instrument has been deferred indefinitely or has not been approved), and

(iii) any [development control plan](#), and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the [regulations](#) (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the [land](#) to which the [development application](#) relates

These matters (and others) are addressed in this report, and below. Division 8 of the *EPA Regulations* prescribes additional matters that must be considered, where relevant, for all DA's. In accordance with Clause 92(1)(b) any demolition work will be undertaken in accordance with Australian Standard 2601-1991.

The proposal is permissible with consent and is generally consistent with the provisions and objectives of the Lifestyle 2020 and 2030 Strategies; Lake Macquarie LEP 2004; draft Lake Macquarie LEP 2013; and, Lake Macquarie Development Control Plan No. 1.

5.2. Section 79C(1)(b) – Environmental, Social and Economic Impacts

Section 79C(1)(b) requires the consent authority to consider:

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The relevant matters are addressed in the following paragraphs.

5.2.1. Impacts on the Natural Environment

The proposed development and its environmental impacts have been investigated and addressed as part of the application. They are described in this SOEE and supporting documentation. There will be minimal impact on the natural environment. The site is highly disturbed, contains no remnant vegetation, and has

only a few mature trees either on or adjoining the site. Where possible these trees have been identified for retention or will be replaced. Biodiversity will be improved through landscaping and the vegetation of the environmental corridor. Water quality management and erosion and sediment controls are incorporated in landscaping works to mitigate the volumes and quality of water discharged to receiving waters. This will improve water quality that is currently discharged, untreated, from the public roads and car park.

Impacts on the natural environment are appropriate and acceptable for the nature and scale of the proposed development.

5.2.2. Impacts on the Built Environment

The site is adjacent to Whitebridge urban centre and existing residential development. The two to five storey, mixed use and residential development is appropriate given identification of Whitebridge in the East Lake Intensification Corridor and its close proximity and good access to Charlestown regional centre. The development provides gradation of density radiating from the urban centre toward surrounding, lower density development. The form, scale and positioning of the built form manages overshadowing, privacy and visual impacts. Materials and finishes, combined with landscaping, deliver good streetscape and character that is compatible with the character of the area.

Impacts on the built environment are appropriate and acceptable for the nature, context and scale of the proposed development.

5.2.3. Social and Economic Impacts

The development will significantly increase the permanent residential population of Whitebridge. This growth is consistent with Council's strategic planning and can be appropriately managed. Staging of the construction will allow supporting social infrastructure and services to respond to increases in demand. Council will levy developer contributions to fund delivery and will also increase its rates base.

Dwellings are designed to accommodate a variety of household compositions. While the likely market is families looking for a low maintenance, affordable home in an area with high amenity, there are also smaller dwellings for people downsizing or looking for entry level opportunities.

The development is not expected to result in any significant or dramatic shift in the demographics of Whitebridge. Residents will integrate with the community through interaction at the local centre, surrounding open space, and involvement in local organisations such as schools, community and sporting groups. It is anticipated some people will locate here from within the area. The proximity and access to the urban centre, open space and recreation facilities will promote interaction.

Construction expenditure will support local businesses and the local economy. The proposal is a significant opportunity to grow the client base for local businesses. The commercial space will allow for establishment or relocation of services to Whitebridge.

Government finances will be bolstered by development contributions, a sustained increase in the rates base, and the potential for increased patronage and viability of user pays facilities such as Charlestown Swim Centre and public transport.

The development is considered to deliver positive social and economic benefits.

5.3. Section 79C(1)(c) – The Suitability of the Site

Section 79C(1)(c) requires the consent authority to consider:

(c) the suitability of the site for the development

The site is identified in Council's strategic planning for this type of development. It was rezoned to allow urban development. The strategic intent and zoning were confirmed in Council's recent review of its planning controls. All necessary environmental investigations have been undertaken and where necessary appropriate measures identified to ensure development mitigates adverse environmental impacts. The development responds to its physical characteristics, is compatible with surrounding development, and is a suitable use of the site.

5.4. Section 79C(1)(d) – Submissions

Section 79C(1)(d) requires the consent authority to consider:

(d) any submissions made in accordance with this Act or the regulation.

Preparation of this documentation involved consultation with Lake Macquarie City Council and relevant agencies including additional investigations for the Mines Subsidence Board and servicing enquiries with Hunter Water and Ausgrid.

An public information session on the revised plans was held and the proposal was referred to the Lake Macquarie Design Review Panel for comment.

Any representations and submissions received during the assessment and determination process will need to be considered by the consent authority.

5.5. Section 79C(1)(e) – Public Interest

Section 79C(1)(e) requires the consent authority to consider:

(e) the public interest.

Public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with prevailing controls. The development is permissible on the site and entirely consistent with strategic policies both specific to the site and those dealing more generally with land use and housing supply. The development will provide housing in an efficient and affordable manner. It will consolidate the Whitebridge urban centre and reduce the demand for residential development on the urban fringes. The combination of commercial, residential and environmental outcomes is an appropriate balance, delivered on this site with no significant adverse environmental impacts.

The proposal is considered to be entirely in the public interest.

6. CONCLUSION

Having regard to site characteristics, nature of the proposed development, and prevailing land uses in the area, the development will provide commercial, residential and environmental outcomes in a form and scale that contribute to the desired future character of Whitebridge, as detailed in Council's strategic planning document, LS2030. The form and scale is compatible with the pattern of recent development and the site is accessible to all necessary services and infrastructure.

Building works will be consistent with the BCA, Australian Standards, and Council's planning controls. As demonstrated through this application, these works can be delivered without any significant, adverse impact on the surrounding natural or built environment.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 79C(1) of the *Environmental Planning and Assessment Act, 1979*, and is worthy of favourable consideration.

Summary Compliance Table - State Environmental Planning Policies

	Applicable to the site	Relevant to the proposal	Consistent	Remarks
<u>State Environmental Planning Policy No 1—Development Standards</u>	Yes	Yes	Yes	An Objection has been made under the provisions of the SEPP for the subdivision of the Conservation land that, as a total area, is below the prescribed minimum lot size.
<u>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</u>	Yes	No	N/A	Operation of the SEPP will not be affected by the proposed development.
<u>State Environmental Planning Policy No 6—Number of Storeys in a Building</u>	Yes	No	N/A	Operation of the SEPP will not be affected by the proposed development.
<u>State Environmental Planning Policy No 14—Coastal Wetlands</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy No 15—Rural Landsharing Communities</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy No 19—Bushland in Urban Areas</u>	Yes	No	N/A	The site does not contain remnant bushland.
<u>State Environmental Planning Policy No 21—Caravan Parks</u>	Yes	No	N/A	Operation of the SEPP will not be affected by the proposed development.
<u>State Environmental Planning Policy No 22—Shops and Commercial Premises</u>	Yes	No	N/A	Operation of the SEPP will not be affected by the proposed development. Future use of the commercial premises will be subject to the provisions of the SEPP.
<u>State Environmental Planning Policy No 26—Littoral Rainforests</u>	No	N/A	N/A	Site is not within land to which the SEPP applies.
<u>State Environmental Planning Policy No 29—Western Sydney Recreation Area</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy No 30—Intensive Agriculture</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)</u>	Yes	Yes	Yes	The site was previously identified and zoned for the construction of a road bypass. Following removal of the intended bypass the land was rezoned residential with provisions to allow multi-unit housing consistent with the aims and objectives of the SEPP. The proposed development is consistent with the zoning and controls that have been applied to the land. In accordance with clause 7 of the SEPP the Council must, in considering the DA, implement the aims and objectives of the SEPP.
<u>State Environmental Planning Policy No 33—Hazardous and Offensive Development</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy No 36—Manufactured Home Estates</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy No 39—Spit Island Bird Habitat</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy No 44—Koala Habitat Protection</u>	Yes	No	N/A	Site does not contain potential koala habitat.
<u>State Environmental Planning Policy No 47—Moore Park Showground</u>	No	N/A	N/A	Site is not within land to which the SEPP applies.
<u>State Environmental Planning Policy No 50—Canal Estate Development</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas</u>	No	N/A	N/A	Site is not within land to which the SEPP applies.
<u>State Environmental Planning Policy No 55—Remediation of Land</u>	Yes	Yes	Yes	A preliminary investigation has been completed that concluded the land suitable for the proposed development.
<u>State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy No 60—Exempt and Complying Development</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy No 62—Sustainable Aquaculture</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy No 64—Advertising and Signage</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</u>	Yes	Yes	Yes	The development has been designed in accordance with SEPP 65. A design verification report has been provided. The application has been before the Lake Macquarie SEPP65 Design Review Panel.
<u>State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy No 71—Coastal Protection</u>	No	N/A	N/A	Site is not within land to which the SEPP applies.
<u>State Environmental Planning Policy (Affordable Rental Housing) 2009</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u>	Yes	Yes	Yes	BASIX certificates are to be provided for proposed dwellings.
<u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>	Yes	No	N/A	Operation of the SEPP will not be affected by the proposed development.
<u>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.

<u>State Environmental Planning Policy (Infrastructure) 2007</u>	Yes	Yes	Yes	The proposed development fronts a 'regional' classified road. The consent authority must have regard to the provisions of clause 101 and 104 when determining the application.
<u>State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007</u>	No	N/A	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy (Major Development) 2005</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</u>	Yes	No	N/A	The proposed development is not on land that is identified as containing significant resources.
<u>State Environmental Planning Policy (Penrith Lakes Scheme) 1989</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (Port Botany and Port Kembla) 2013</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (Rural Lands) 2008</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (State and Regional Development) 2011</u>	Yes	Yes	Yes	The proposed development is considered to be Regional Development to which Part 4 applies. In this regard the application is subject to determination by the JRRP.
<u>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007</u>	Yes	No	N/A	Proposal is not for development to which the SEPP applies.
<u>State Environmental Planning Policy (Urban Renewal) 2010</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (Western Sydney Employment Area) 2009</u>	No	N/A	N/A	Site is not land to which the SEPP applies.
<u>State Environmental Planning Policy (Western Sydney Parklands) 2009</u>	No	N/A	N/A	Site is not land to which the SEPP applies.

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
Section 2.1 - Environmental Responsibility and Land Capability		
2.1.1 Ecological Values	To conserve the biodiversity of the City and the Region.	<p>Yes. The site has no significant remnant native vegetation or bushland. The development is located outside the conservation land and there will be no detrimental impact on the biodiversity of the City.</p> <p>The conservation land will be revegetated including a landscaped stormwater system to improve water quality discharging to Flaggy Creek. It will then be dedicated to Council for consolidated management with the broader vegetation corridor along the alignment of the Fernleigh Track.</p> <p>These works and the long term ownership and management will improve biodiversity outcomes for the site and the City.</p> <p>As the site is cleared with minimal vegetation, detailed assessment is not necessary, but a flora and fauna statement is enclosed with the application (RPS).</p>
2.1.2 Ecological Corridors	To protect local ecological corridors, support their regional context and increase the connections between habitats.	<p>Yes. An ecological corridor is mapped along the site boundary. It is heavily degraded, contains no vegetation to facilitate species movement, and has had no restoration works or landscaping completed. The proposal will establish landscape this corridor to restore connectivity. The corridor will be dedicated to Council for consolidation with the Fernleigh Track corridor or the public road reserve. This removes fragmentation and improves surety of long term tenure. The landscaped swale and revegetation will improve connectivity between remnant vegetation either side of the site.</p>
2.1.3 Scenic Values	To protect and maintain scenic values of the City, whether being viewed by land or water.	<p>Yes. As detailed in the SoEE the site is in an urban landscape. The proposed development, while contributing to the landscape, will not cause an abrupt or significant change in the landscape character and setting. The outcomes are consistent with Council controls.</p>
2.1.4 Tree Preservation and Management	To maintain a 'green' City by protecting native and culturally significant vegetation, bushland and understory vegetation.	<p>Yes. There are few trees on the site and the development seeks to minimise the impact on trees.</p> <p>An arborist report has been prepared. Several trees will be removed as a result of earthworks and construction, as identified on the plans. In particular the extension of Kopa St requires the removal of trees 21-27, although most of these are identified as being in poor health and would present a safety risk for users of the adjoining access path. Two Cherry Trees (29-30) are also to be removed. While identified as healthy and suitable for retention, submissions from the adjoining landowner requested these be removed and they are also compromised by the design of adjoining basement parking and have been identified for removal. The majority of remaining trees on the western boundary are to be retained, particularly tree 35, a healthy smooth barked apple gum recommended for retention. Design in this location has avoided any significant earthworks of retaining that may have affected tree health.</p> <p>Extensive compensatory planting is proposed including street trees and vegetation in the conservation zone. These works provide a net improvement in the streetscape and character of the site, the suburb and the City.</p>
2.1.5 Bushfire Risk	To comply with <i>Planning For Bushfire Protection</i> where land is identified as being bushfire prone in accordance with the latest Bushfire Prone Land Map endorsed by the Commissioner of the NSW Rural Fire Service.	<p>Yes. Compliance with PFBP is addressed in the Bushfire Threat Assessment (RPS). Separation from potential fire sources has been assessed and setbacks provided by roads and associated infrastructure are considered satisfactory. Access is provided for fire fighting vehicles, defensible space is available, and evacuation, if required, can safely occur. It should be noted that in the event of bushfire, the emergency response may recommend people remain in place or withdraw to the commercial centre rather than leave the area. This would significantly reduce potential vehicle movements from the site.</p> <p>Landscaping will be established in accordance with <i>PFBP</i> to mitigate any bushfire threat. This includes appropriate species selection, discontinuous canopies, and fuel load management.</p>
2.1.6 Water Bodies, Waterways and Wetlands		N/A. Doesn't contain or adjoin any water bodies.
2.1.7 Flood management		N/A. The site and adjoining land is not flood affected.

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
2.1.9 Sloping Land and Soils	To limit soil disturbance and restrict development on sites where slope and soil conditions are a constraint.	Yes. A geotechnical report (Regional Geotech Solutions) has been provided that addresses soil classifications and slope stability. There were no significant constraints identified to development from slope instability of adverse soil conditions. Retaining is generally depicted on the plans and will be confirmed in detail as part of construction documentation. Regrading will occur during preliminary earthworks to establish road levels and building pads. Cut and fill is generally parallel and offset from site boundaries or accommodated in building footprints, particularly basement parking.
2.1.10 Acid Sulfate Soils	To safeguard against the disturbance of acid sulfate soils that will result in environmental and property damage.	N/A. The site is not identified on Council ASS mapping. No ASS or groundwater was identified during the geotechnical investigations.
2.1.11 Erosion and Sediment	To prevent erosion and run-off during site preparation, construction and the ongoing use of land.	Yes. An erosion and sediment plan has been prepared (Forum Consulting Engineers). It details measures to mitigate erosion and sediment impacts. Staging will limit the amount of soil exposed at any one time during construction and reduce the potential for adverse impacts.
2.1.12 Mine Subsidence	To ensure Mine Subsidence Board concurrence for proposals on affected sites.	Yes. A mines subsidence assessment report has been completed. It is with the MSB for assessment and determination.
2.1.13 Contaminated Land	To ensure there is no unacceptable risk to human health or the environment from land that may have been previously contaminated.	Yes. A preliminary contamination report (Regional Geotech Solutions) identified no issues. There are no land use history or site conditions that indicate potential for contamination. The site is considered suitable for the proposed development. Any asbestos identified in dwellings to be demolished will be removed and disposed of in accordance with relevant regulations.
2.1.14 Energy Efficiency	To reduce the use of non-renewable resources and greenhouse gas emissions.	Yes. Residential development has BASIX certification. Commercial development will comply with the BCA.
2.1.15 Noise and Vibration	To ensure that any noise and vibration source, now or in the future will not affect the surrounding population whether they be employees, workers or residents in adjoining or nearby buildings or passersby.	Yes. No operational issues are expected. The development is similar to the surrounding residential and commercial land uses. Dwellings fronting Dudley Rd are set back from the carriageway while fencing and landscaping will mitigate noise and vibration. The mixed use building has separated land uses with the commercial use fronting Dudley Rd only. The building will provide acoustic separation in accordance with the BCA. An acoustic report can be obtained prior to construction to confirm glazing or other requirements to ensure appropriate noise mitigation. Construction noise and vibration will be managed through conditions of consent and workplace practices. Monitoring can occur as required.
2.1.16 Air Quality	To protect the air quality of the City.	Yes. The development adjoins an urban centre serviced by a public bus route. Combined with access to the Fernleigh Track it should reduce vehicle dependency and emissions, improving air quality. Landscaping and vegetation will contribute to improved air quality by promoting a greener city.
2.1.17 Demolition and Construction Waste Management	To reduce the disposal of construction and demolition waste to landfill by promoting waste avoidance, reuse and recycling.	Yes. A waste minimisation plan has been prepared. It is enclosed with the application. Stockpile areas are identified on the erosion and sediment control plan. Waste storage and management will be detailed during construction documentation once the development and staging are confirmed.
Section 2.2 - Social Impact	To ensure that development will provide positive community benefits to the locality and the City.	Yes. A social impact assessment is enclosed with the application. It identifies the project will have a net positive social benefit, including: improved housing choice; broader price range and affordability; no significant change to social demographics; and, a forecast and manageable impact on demand for community infrastructure and services.

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
Section 2.3 - Economic Impact	To demonstrate that development will provide positive economic benefits to the locality and the City.	<p>Yes. The proposed development provides an increase in commercial floor space, consistent with the scale of Whitebridge centre. This should increase employment opportunities and maintain the Cities hierarchy of centres.</p> <p>Population increase will broaden the customer base and improve business viability. It may create opportunity for new businesses.</p> <p>Construction staff will provide potential trade for local retailers. Increased trade may be sustained long term by increased population.</p> <p>Construction will support the building, trade and supply industries. Occupation and management will support the real estate and retail sectors.</p>
Section 2.4 - Heritage		
2.4.1 European Heritage Items		<p>Yes. A Statement of Heritage Impact has been provided (John Carr Heritage Design). It concludes the development will have an acceptable impact on the adjacent heritage item – the Belmont Railway. Recommendations of the SOHI are incorporated in the design.</p> <p>Heritage interpretation elements have been identified for public and communal spaces.</p>
Section 2.5 - Stormwater Management, Infrastructure, and On-Site Services		
2.5.1 Essential Infrastructure	To ensure essential infrastructure is provided to all development in a manner that minimizes environmental impacts.	<p>Yes. Essential services are available and will be extended / augmented as required.</p> <p>Hunter Water has issued a Notice of Requirements for water and sewer services. The existing sewer near Kopa St, as identified on the survey, is likely to be relocated. A pump station / pressure main may be required if a gravity fed system cannot be provided. This will be subject to detailed design and discussions with Hunter Water.</p> <p>Preliminary advice from Ausgrid indicates a capacity upgrade requiring a kiosk sub-station, is likely. These typically require a max. 3m x 2m area, accessible for servicing and maintenance. No safety buffers are required. A number of potential sites are available. The need, size and location are subject to confirmation of final demand, staging and design. Connection is likely to be in underground trenching.</p> <p>Natural gas in Dudley Rd can be extended to the development as required.</p> <p>Hydrants are located on Kopa St and Dudley Rd. The entire site is within 90 metres of these. New hydrants can be provided as required.</p>
2.5.3 Stormwater Management (Drainage System Design)	To ensure stormwater systems manage and protect the quality and flow of drainage systems and the receiving waters.	<p>Yes. A stormwater management plan (Forum Consulting Engineers) forms part of the application. The collection and treatment system incorporates a temporary basin to manage erosion, sediment and stormwater impacts during construction. The permanent system incorporates pit and pipe street drainage discharging to a landscape swale and bio-retention basins. The design manages directed flows from adjacent development, from Kopa St, and the public car park on Dudley Rd. It includes capture and discharge to an existing pit on Dudley Rd.</p> <p>Drainage and dwelling designs mitigate the risk of local stormwater inundation.</p>
2.5.4 On-Site Stormwater Harvesting (Source Controls)	To ensure that stormwater harvesting (source controls) measures are implemented to maximise stormwater reuse and prevent increases to stormwater discharge that impact downstream environments.	<p>Yes. Stormwater harvesting uses common tanks for the strata dwellings and individual tanks for the Torrens dwellings. Refer to architectural and stormwater plans for detail.</p>
2.5.5 Operational Waste Management	To ensure that waste/recyclables are managed, collected, and disposed of, reused, or recycled, effectively and efficiently to provide a safe, healthy, and clean environment for the community, as well as maintaining the amenity of the City.	<p>Yes. <u>Residential</u>. Strata dwellings have common bin storage areas in the basements, while the Torrens dwellings can store bins in the garage or yard as identified on the plans. Waste and recyclable materials will be collected using Council kerbside services where possible, or through alternate arrangements with private contractors. Roads are designed to accommodate collection vehicles and there is adequate street frontage for the presentation of bins for collection.</p> <p><u>Commercial</u>. A servicing/waste area is provided off Dudley Rd. Bins will need to be presented to Dudley Rd for collection by Council or private collection services. Final arrangements depend on future use, but suitable storage and access for collection vehicles is available.</p>

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
Section 2.6 - Transport, Parking, Access, and Servicing		
2.6.1 Movement System	To provide for access generally by way of an interconnected network of streets that facilitate safe, efficient, and pleasant walking, cycling, and driving and that supports Council's adopted Hierarchy of Roads.	<p>Yes. The development links with and will extend the local road network via Kopa St. All lots and most dwellings have direct road frontage. All have vehicle access from a public road.</p> <p>Emergency services can access via Kopa St to the new road network.</p> <p>No provision is made for buses – these operate on Dudley Rd. All dwellings are within a walkable catchment of existing bus stops.</p> <p>Pedestrian access is includes a link to Dudley Rd through the mixed use development. This will require formal easements to be created for public access. There is a public pathway adjacent to dwellings fronting the park and another along the eastern boundary linking to the Fernleigh Track. Block widths and the distances between pedestrian path access points provide good permeability and ease of access.</p> <p>Pedestrian areas are delineated, will be landscaped and lit, and have passive surveillance to create a safe, legible system.</p>
2.6.2 Traffic Generating Development	To apply the Movement System provisions of this DCP to traffic generating development as defined by SEPP Infrastructure proposals.	Yes. A TIA has prepared (Better Transport Futures) and updated with an addendum report by SECA Solutions. Provisions of the DCP have been applied. Traffic will be within environmental capacity of the network. It will not have a significant, adverse, or unacceptable impact and existing levels of service are generally maintained.
2.6.3 Road – Design	To ensure road design reflects: <ul style="list-style-type: none"> Reinforces the function of the road, Enables roads and verges to perform their designated functions in the network; Meets the needs of all road users, Sound engineering practices, Includes a variety of modes of transport, Meets Australian Standards. 	<p>Yes. Kopa St will be extended with new public roads. As discussed in the SOEE, vehicle access is not provided to Dudley Rd. The arrangements have been discussed with Council and previously referred to the RMS. Further referral may occur with the amended design.</p> <p>The road network accommodates two way vehicle movements with a 6m wide carriageway, with upright kerb and gutter is to be provided in a 15m road reserve. On street parking is identified on the plans. Footpaths and a public path on the eastern boundary are proposed.</p> <p>Street trees are proposed (refer to landscaping documentation). .</p>
2.6.4 Pedestrian and Cycle Paths	To ensure the provision of an integrated pedestrian and cycle path network that is accessible, well designed and well located.	<p>Yes. Pedestrian and cycle access is provided. Links are established to the surrounding network at Dudley Rd, Kopa St and along the eastern boundary to the Fernleigh Track.</p> <p>Kopa St has access to Fernleigh Track which is being upgraded by Council.</p>
2.6.5 Public Transport	To maximise public transport usage.	Yes. The development is within a walkable catchment of Newcastle Buses route 322. It will increase residential density in an area with good pedestrian connectivity to bus infrastructure on Dudley Rd. It is hoped this will maximise public transport patronage.
2.6.6 Vehicle Parking Provision	To ensure that development is provided with adequate and well-designed on-site car parking or a suitable alternative.	<p>Yes. Refer to SoEE for detailed discussion.</p> <p><u>Residential</u>. Adequate numbers have been provided per the DCP. Allocation of spaces, as discussed in the SoEE, achieves the intent.</p> <p><u>Commercial</u>. Adequate spaces are provided on Dudley Rd as a continuation of existing parking in the urban centre.</p> <p>Public parking is provided with on street spaces (32) and proposed works for a Material Public Benefit on Dudley Rd (10).</p>
2.6.7 Car Parking Areas and Structures	To ensure car parking areas and/or structures are well sited and designed whilst supporting a reduction in car dependency.	<p>Yes. <u>Residential</u>. With the exception of the mixed use development, dwellings have integrated parking that provides secure, internal access to dwellings. The mixed use building has secure access from basement parking but it is not internal to the dwellings.</p> <p>Limited visitor parking is proposed due to the availability of public parking and the benefits of fully allocating secure basement parking to the dwellings. This is discussed in the SOEE.</p> <p>On street parking has passive surveillance from surrounding dwellings on public spaces. It is appropriately spread to allow ease of access to the park, public pathway, urban centre and dwellings.</p> <p><u>Commercial</u>. Allocated spaces directly adjoin commercial units on Dudley Rd. They are adjacent to the public car park and will be landscaped to provide shade and improved amenity. They have passive surveillance from the commercial area, Dudley Rd and dwellings.</p>

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
2.6.8 Vehicle Access	To provide safe access for vehicles between proposed developments and the Lake Macquarie Road Hierarchy.	<p>Yes. <u>Residential</u>. Access is from Kopa St, a short (70m) no through road servicing only four dwellings. Two of these dwellings are to be demolished. The street is constructed with upright kerb and sealed carriageway. It has no end drainage or turning head and terminates in an unsealed area, discharging stormwater onto the site and Fernleigh Track. It has low traffic volumes and likely experiences only low speeds.</p> <p>New roads and access to dwellings all provide safe access / egress. There should be minimal, if any, queuing at access / egress to the RFBs. Given the low traffic volumes and speeds, queuing will create minimal if any delays and present very little safety risk.</p> <p>Garages have good sight lines and minimise conflict with pedestrians/cyclists.</p> <p><u>Commercial</u>. Commercial units are accessed via the Dudley Rd public car park, which enters from the roundabout at Lonus Ave and exits onto Dudley Rd east of the centre.</p>
2.6.9 Access to Bushfire Risk Areas	To ensure suitable access is provided to areas of bushfire risk.	Yes. Access and defensible space are available on Kopa St and Dudley Rd. Per the bushfire assessment there is a low risk, roads will facilitate fire fighting vehicles, and access to mains water is available.
2.6.10 Servicing Areas	To provide appropriate facilities for service vehicles.	<p>Yes. Servicing for commercial units is from Dudley Rd car park. There is an existing loading area and a small loading / delivery area is proposed fronting the western edge of the commercial space. High delivery volumes or heavy vehicle servicing is not expected for any future use but this will need to be assessed during application for fit-out and occupation of these tenancies.</p> <p>The internal road network can accommodate service vehicles (eg: removalists; deliveries; garbage collection etc).</p>
2.6.11 On-Site Bicycle Facilities	To provide greater modal choice through the provision of on-site bicycle facilities within retail, commercial, community and industrial developments.	Yes. The proximity and access to the Fernleigh Track will promote cycling. It provides good access to employment areas such as Adamstown, Kotara, Belmont, and further afield to Newcastle. On road cycling is available via the local road network to Charlestown regional centre and further afield. Glenrock and Awabakal conservation areas provide off-road recreational cycling opportunities.
2.6.12 Non-Discriminatory Access and Use	To ensure equitable access for all members of the community.	Yes. Nine dwellings have been designed for non-discriminatory access in accordance with AS 1428.1 - 2009. Parking is provided in the basement of Lot 1 and a public space on Dudley Rd. A continuous path of travel is available from designated parking to the accessible units.

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
Section 2.7 - Streetscape and the Public Realm		
2.7.1 Streetscape and Local Character	To ensure development responds and contributes to the existing or desired future streetscape character.	Yes. Whitebridge is transitioning from traditional low density to a more compact, medium density setting identified in Council's planning framework. The development is compatible with the existing character and entirely consistent with the desired future character. Further detail regarding streetscape and character are contained in the SoEE, landscape documentation and SEPP65 report.
2.7.2 Landscape	The provision of quality site landscaping appropriate to the nature and scale of the development that enhances city amenity and air quality in a practical manner.	Yes. Category 3 landscape documentation is provided. It was developed as part of an integrated design process to ensure a suitable response to heritage, bushfire, crime risk, stormwater and environmental matters.
2.7.3 Public Open Space	To ensure that development contributes to functional, well located, accessible public open spaces that meet user needs.	Yes. The site is in close proximity and has good access to a broad range of open space and recreation facilities including: Fernleigh Track; Glenrock Reserve; local park, tennis court and cricket field; netball courts; off-leash dog area; St John Field; and Kahibah oval. Further open space is proposed with a public park, urban space, and public pathway. These provide a material public benefit and are intended for dedication to Council. Development contributions will be levied, or material public benefit outcomes provided that contributes to meeting the infrastructure and servicing needs of the population. Ongoing rates provide a revenue base for Council to maintain community services and facilities.
2.7.4 Pedestrian Networks and Places	To provide quality pedestrian networks and places that increase the vitality, safety, security and amenity of streets, laneways, arcades and through site links for all.	Yes. The pedestrian network provides connectivity to key destinations including open space facilities; the Fernleigh Track; and the urban centre. It has good passive surveillance from dwellings and the surrounding streets. Appropriate building setbacks, site configuration and landscape design (including lighting) provide a safe, secure and efficient pedestrian environment. The urban space and park provide focal points for community activity.
2.7.5 Light, Glare and Reflection	To ensure that light from development and public lighting does not result in obtrusive light, glare or reflection.	Yes. Materials and finishes are depicted in the application. They should not result in excessive reflection or glare and will be softened by landscaping. Lighting will be provided in accordance with relevant standards that mitigate obtrusive effects. Details will be provided with construction documentation.
2.7.6 Views	To ensure that development does not unreasonable impact or intentionally obstruct views from areas of high public usage, or from existing or future private development.	Yes. No public or private views will be significantly or unreasonably affected by the development. Appropriate design and mitigation has occurred and is discussed in the SoEE.
2.7.7 Signs	To ensure that the location, size and configuration of signage positively contributes to the amenity of the building and streetscape.	Yes. No advertising or commercial signage is proposed, but future signage will be in the form of awning and/or hamper signs, as generally depicted on the plans. Future signage must comply with planning and building provisions and obtain any necessary approval. Real estate signs will be installed for marketing. Public signs such as street names, advisory signs etc will be required, but do not typically require consent.
2.7.8 Fences	To ensure that fencing is suitable to the development type, complements the existing streetscape and character of the area and promotes safety and security.	Yes. Fencing is detailed on the landscape plans. Open style fencing will be used adjacent to landscaped areas to improve amenity and facilitate species movement. Solid fencing will be used between private areas for acoustic and visual privacy.
2.7.9 Safety and Security	To reduce opportunities for crime, and increase the liveability, safety and security in all areas of the City.	Yes. CPTED principles have been incorporated during design. A crime risk assessment is included in the application. The development was determined as having has a low crime risk rating.
Section 3.1 - Lake, Waterway, and Coastline Development		N/A. This section does not apply to the land.

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
Section 3.2 - Subdivision		N/A. The proposal complies. Small lot housing is between 200 – 450m ² . Larger lots are provided for the residential flat buildings that will be subject to future strata subdivision.
Section 3.3 - Urban Centre Development		
3.3.1 Centre – Design of Buildings and Places	Quality urban design in the City's Centres, through well designed, site responsive buildings and public places that recognise and support the <u>hierarchy of centres</u> .	<p>Yes. The mixed use is consistent with existing development. It provides primary frontage to Dudley Rd. Setbacks provide a consistent building line along the centre. Contiguous awning cover will be provided to the frontage. Streetscape activation is achieved through glazing of frontages, clearly identified entrances, and creation of an urban space as a focal point for the community.</p> <p>The upper levels have verandas and balconies to articulate the façade to promote passive surveillance of the street.</p> <p>Architectural characteristics are described in the SEPP 65 design report and landscape documentation.</p>
3.3.2 Centre – Amenity and Performance	To ensure that development considers the ongoing operation and maintenance to safeguard the amenity of centres for a mix of uses including residential uses within and surrounding the Centre.	<p>Yes. Refuse areas are within the building and not exposed to the street.</p> <p>Parking is on the street frontage to allow contiguous, deconflicted pedestrian connectivity along the urban centre. CPTED principles have been applied to enhance passive surveillance and minimise opportunities for concealment.</p> <p>The mixed use development is sleeved with dwellings at the interface with the residential zone. This mitigates impacts such as noise, lighting, signage etc between these uses by avoiding 'back of house' commercial activities being at the interface with dwellings.</p>
3.3.3 Centre – Home Business Development	To promote mixed-use development within Centres that is specifically designed for home business activities.	Yes. The mixed use development provides opportunity to live and work in the same building. Easy, safe access is provided between dwellings and commercial units. The urban space provides a meeting point for people engaged in home business.
Section 3.4 - Housing: Building Siting, Form, and Design		
3.4.1 Building Siting and Bulk	To ensure all housing types contribute to an ecologically sustainable environment, a coherent streetscape, residential amenity and the existing or proposed residential character.	<p>Yes. Road alignment and dwelling orientation reflect the existing grid pattern, site dimensions and zoning.</p> <p>Buildings are set back from Dudley Rd and Kopa St, consistent with existing development. The road and landscaped corridor provide an appropriate buffer to the Fernleigh Track. Lonus Ave contains dwellings typically on elongated lots with dwellings set well back from the common boundary with this site. New development is approx. 5-6m from the boundary. It also sits lower in the landscape to maintain amenity between the sites. Internally, the development establishes a consistent, reduced setback to reinforce the urban character of the area.</p> <p>The bulk of residential development is 2-3 storey, including basement parking. Attached dwellings are located to allow view corridors between built elements. This improves amenity of the dwellings and also creates a greater sense of space and location at the pedestrian levels. Distribution of height and bulk provides a transition to adjoining, lower density residential development and the Fernleigh Track.</p>
3.4.2 Building Heights	To ensure that building height is compatible with surrounding development and the locality including its desired future character.	Yes. Proposed building heights are compatible with surrounding development and the locality. They make a positive contribution toward establishing the desired future character of Whitebridge as part of the East Lake Intensification Corridor. The proposed development is generally within the 10m height guideline with the main exception being encroachment on the Dudley Rd frontage. As discussed in the SOEE, proposed heights reflect the intent of development controls, contribute to the desired future character, and respond to site topography and characteristics. Height distribution manages potential environmental impacts such as shadowing, street enclosure, privacy etc.
3.4.3 Site Coverage and Unbuilt Areas	To achieve a quality living environment, promote on-site stormwater infiltration by restricting site coverage of buildings and hard surfaces and minimise resource and energy consumption.	<p>Yes. The development provides an appropriate balance of built and unbuilt surfaces. This contributes to residential amenity and stormwater infiltration. Unbuilt areas allow deep soil landscaping and promote solar access.</p> <p>The residential flat buildings achieve a minimum 30% unbuilt area. The small lot houses, with the exception of Lots 22-23, achieve minimum 40%. These lots are approximately 35% unbuilt area. They adjoin the landscaped reserve on the western boundary so infiltration will occur and amenity is maintained by the open landscape adjoining this boundary. The minor variation is considered acceptable as the development as a whole provides open space and deep soil landscape areas that provide an appropriate of built and unbuilt area.</p>

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
3.4.4 Solar Access	To achieve 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. Good orientation increases the energy efficiency of a home making it more comfortable to live in and cheaper to run.	<p>Yes. Dwellings maintain appropriate solar access through orientation and design. Where necessary, design elements such as pitched roofs, voids and open plan living spaces allow light to penetrate the internal spaces.</p> <p>The shadow diagrams demonstrate that private open space of most dwellings achieves minimum 3 hours sunlight to 50%.</p> <p>The development has no significant, adverse impact on the solar access of adjoining POS or land more generally. This is due to boundary setbacks, internal buildings separation, and appropriate height distribution.</p>
3.4.5 Privacy	To maximise visual and acoustic privacy for the occupants of new and existing housing.	<p>Yes. Dwellings have appropriate separation between living and non-living spaces. Where necessary complementary measures, such as dividing fins / walls, maintain privacy.</p> <p>Privacy of dwellings on Lonus Ave is maintained. These are elongated lots with dwellings and POS set toward Lonus Ave. Proposed dwellings adjacent to this boundary have POS / living areas at ground level. The natural level difference mitigates overlooking. Upstairs, only bedrooms or bathrooms have windows on the western elevation. Windows can be high set, screened, or opaque to improve privacy both ways.</p> <p>The design maintains acoustic privacy. Dwellings on Dudley Rd are set back, landscaped and mostly elevated. Appropriate construction methods such as window glazing, will mitigate potential impact from street noise.</p> <p>Garages or living areas of dwellings do not abut adjoining dwelling's bedrooms.</p> <p>Visual and acoustic privacy outcomes are considered acceptable.</p>
3.4.6 Private Outdoor Areas	To ensure occupants are provided with practical, useable and well located outdoor living environments.	<p>Yes. All dwellings are provided with practical, usable POS that adjoins living areas and achieves adequate solar access. These are at the rear of dwellings. At ground level the POS generally comprises alfresco areas around 15m² adjoining courtyards that are landscaped and fenced. Aboveground nominated POS comprises balconies with the long axis parallel to the building, and min areas of approx. 8m².</p>
3.4.7 Communications and Other Household Services	To minimise the visual impact of communications infrastructure and other ancillary service structures.	<p>Yes. Communications equipment will not be excessive in size or visually intrusive. The exact location of A/C units is to be determined during construction. They will be in side setbacks, on balconies/decks, in courtyards, or possibly concealed on the roof of the mixed use and RFB. Final locations will not affect existing properties or broader visual amenity.</p> <p>Bin storage is provided in basement areas, individual garages, or at the rear of dwellings. Collection will be Council kerbside service where possible, or otherwise by private contractor.</p> <p>Clothes drying areas are nominated on the plans.</p>
3.4.8 Garages, Sheds and Driveway	To ensure the 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.	<p>Yes. Access and parking will operate effectively without affecting the local street network. Access is via the extended public road network off Kopa St.</p> <p>Garaging is integrated into dwelling design with secure basement parking for mixed use and RFBs. Small lots have secure spaces with internal access.</p> <p>Streetscape impacts are mitigated with basement parking, file parking, and double garages only where they do not dominate the frontage. The street level garaging has been provided with built form above, or other structures such as carports to reduce visual dominance.</p>
3.4.9 Environmental Performance	To ensure that 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.	<p>Yes. The development is compact, medium density housing adjoining an urban centre. This should reduce car dependent trips and hence greenhouse gas emissions.</p> <p>Demolition and construction will identify opportunities for material re-use or recycling.</p> <p>The development will comply with BASIX and BCA targets for energy consumption.</p>
Section 3.5 - Housing: Specific Housing Types		
3.5.2 Small Lot Housing	To ensure that a quality living environment is achieved for Small Lot Housing.	Yes. Compliance with relevant provisions of DCP1 addressed under specific sections above.

LMCC DCP NO.1 – COMPLIANCE SUMMARY TABLE		
Principles of Development	Intent	Compliance
3.5.5 Residential Flat Buildings	To ensure that Residential Flat Buildings are well sited and achieve a quality living environment for the occupants and residents of surrounding development.	<p>Yes. Compliance with relevant provisions of DCP1 is addressed under specific sections. Design specific outcomes are further addressed in the SEPP 65 report.</p> <p>Basement parking minimises the impact of garaging on the streetscape and improves opportunities for on street parking and street trees. Dwelling frontages, pedestrian paths and landscaping dominate the streetscape while the use of verandas, recessed balconies, punched windows and doors, and material variation reduce building bulk.</p> <p>The RFBs off Kopa St are effectively terrace style small lot homes with ground level POS and direct street access. These are highly accessible to the proposed park. The Dudley Rd RFB contains a mix of ground and upper level dwellings. All have alfresco space or balconies off living areas of a usable configuration and with appropriate solar access. The building has an internal courtyard between the separate elements that provides passive space as well as access to some dwellings. It complements the urban space and park.</p> <p>Nine accessible dwellings provided in accordance with AS4299. These have continuous, unimpeded access between basement parking, dwellings, and Dudley Rd.</p>