

JRPP No.	2015HCC021
DA No.	DA 2015/0701
Local Government Area	Newcastle
Proposal	Staged Development Comprising Erection of 145 dwellings in the Form of Residential Flat Buildings and Multi Dwelling Housing in Six (6) Stages and Consolidation of Two Lots.
Property	Lot 40 DP 216171 and Lot 5 DP 259126, No. 83 University Drive, North Lambton
Applicant	SNL Building Constructions Pty Ltd
Report By	TCG Planning on behalf of the City of Newcastle Council
Recommendation	Approval

1. Background

The Joint Regional Planning Panel (JRPP) considered the proposed development on 23 June 2016 and resolved to defer determination of Development Application 2015/0701 pending the submission of further information to address the following matters:

- a) Preparation and submission of a revised clause 4.6 variation request;
- b) Building A being set back a minimum of 4.6m from the edge of the road;
- c) A detailed survey of the access road off Stannett Street being provided;
- d) Liaison with the adjoining landholder/developer to ascertain conforming engineering requirements and cost sharing arrangements for the provision of engineering works;
- e) Advice regarding compliance with Australian Standards for the laneway upgrading and turning circle.

This addendum report provides a description and an assessment of the amended plans and documents which have been submitted following the panel's resolution of 23 June 2016.

2. Additional Information Submitted

The applicant provided responses to these issues in the following documents:

- **Appendix A** - Correspondence from SNL Building Constructions dated 4.7.16.
- **Appendix B** - Clause 4.6 Excepts to Development Standards dated 8 July 2016.
- **Appendix C** - Design Report prepared by Smith and Tzannes Rev C dated 29 June 2016.
- **Appendix D** - Site Plans (Smith & Tzannes; Job No. 14_086)
 - DA-A-010 - Site Plan, Rev H dated 4.7.16;
 - DA-A-020 - Site Plan Extended, Rev B dated 30.6.16;
 - DA-A-011 - Site Plan East, Rev B dated 30.6.16.
- **Appendix E** - Building A Plans (Smith & Tzannes; Job No. 14_086)
 - DA-A-A100 - Building A Basement Carpark Level, Rev G dated 30.6.16;
 - DA-A-A101 - Building A Level 0, Rev F dated 30.6.16;
 - DA-A-A102 - Building A Level 1, Rev E dated 30.6.16;
 - DA-A-A103 - Building A Level Roof, Rev E dated 30.6.16;
 - DA-A-A200 - Building A Elevations 1, Rev E dated 30.6.16;
 - DA-A-A201 - Building A Elevations 2, Rev E dated 30.6.16.
- **Appendix F** - Landscape Concept Plan - Building A prepared by Mansfield Urban Project No. 1505 Drawing No. DA-LP-04 Rev C dated 1.7.16.
- **Appendix G** - East and West Elevations - Building A prepared by Mansfield Urban Project No. 1505 Drawing No. DA-LP-E02 Rev C dated 1.7.16.
- **Appendix H** - Deposited plan 259126.

- **Appendix I** - Detail Survey of Stannett Street prepared by Delfs Lascelles Project No. 16430 Drawing No. 1 Rev 1 dated 24.6.16.
- **Appendix J** - Vehicle Turning Paths
 - Vehicle Turning Path (8.8m Service vehicles at 5km/h) prepared by Northrop, Job No. NL150001, Drawing No. SK04, Rev A dated 1.7.16;
 - Vehicle Turning Path (B99 and 8.8 Service Vehicle at 5km/h) prepared by Northrop, Job No. NL150001, Drawing No. SK07, Rev A dated 1.7.16.
- **Appendix K** - Civil Plans prepared by Northrop Job No. 150001
 - Drawing No C00DA Rev B dated 7.7.16;
 - Drawing No C01DA Rev D dated 7.7.16;
 - Drawing No C02DA Rev C dated 5.4.16;
 - Drawing No C03DA Rev C dated 7.7.16;
 - Drawing No C04DA Rev B dated 5.4.16;
 - Drawing No C05DA Rev B dated 5.4.16;
 - Drawing No C10DA Rev B dated 5.4.16;
 - Drawing No C11DA Rev B dated 5.4.16.

Amended recommended conditions of consent are contained in **Appendix L**.

3. Description of Amended Proposal

The subject development application continues to seek approval for the consolidation of two lots into one and the construction of a residential development comprising a total of 145 dwellings, to be constructed in six (6) stages. The dwellings will be contained in a total of nine (9) buildings on the site, with four (4) of the buildings (Buildings A, B, C and E) containing forty two (42) dwellings in the form of multi unit housing, while the remaining one hundred and three (103) dwellings will be sited within five (5) residential flat buildings (Building D, F, G, I, J).

The main changes arising from the submission of amended plans are:

- A 4.6m setback is now proposed to the eastern facade of Building A from the unnamed laneway off Stannett Street. This has been achieved by moving the building westwards, closer to the central accessway and also by reducing the size of Unit 15;
- Building A now contains 15 x 2 bedroom units, altered from 14 x 2 bedroom and 1 x 3 bedroom units. The total of number of units within the development is unchanged at 145.

4. Assessment of Issues

A. Building Height

The applicant has submitted a revised Clause 4.6 Exceptions to Development Standards report (dated 8 July 2016) in response to inconsistencies in height as referenced in the previously submitted documentation. A revised Design Report (dated 29 June 2016) has also been prepared by Smith and Tzannes to reflect the correct heights.

Table 1 provides a comparison of heights from that contained in the documentation considered by the JRPP at its meeting of 23 June 2016, to that which is now contained in the amended documentation.

Table 1: Maximum Building Heights

	Maximum Overall Heights (m) Considered at JRPP of 23 June 2016		Maximum Overall Heights (m) as Advised by Applicant July 2016		
(1) Building	(2) As Referenced in Clause 4.6 dated 29 June 2015	(3) As Referenced in Design Report Rev B dated 17 Dec.15	(4) As Referenced in Clause 4.6 dated 29 June 2015	(5) As Referenced in Design Report Rev C dated 29 June 16	(6) Exceedence (m)
Multi-dwelling Housing					
Building A	Compliant	8.5	7.351	Compliant	Complies
Building B		8.45	8.45		
Building C		6.28	6.28		
Building E		8.215	8.215		
Residential Flat Buildings					
Building D	12.27	11.695	11.695	11.695	3.195
Building F	9.25	10.00	10.00	10.00	1.5
Building G	12.2	12.25	12.25	12.25	3.75
Building I	9.05	8.755	8.755	8.755	0.255
Building J	11.95	9.9	11.885	11.885	3.385

As noted in Columns (2) and (3) of Table 1, Building F was referenced in the documentation considered by the JRPP as being a maximum height of 10.0m, whilst the original Clause 4.6 report referenced this building as having a maximum height of 9.25m. The revised Clause 4.6 report has now been amended to reflect this anomaly. This increase had occurred due the increased setbacks to University Drive requested by the Urban Design Consultative Group, which had altered the ground levels and hence overall height of this building. This height variation is considered to be minor and will not impact on streetscape integration nor visual amenity.

The revised Clause 4.6 report also clarifies the height of Building J as being 11.885m. The applicant had incorrectly referenced this building in documentation submitted in December 2015 as having a maximum overall height of 9.9m. However, the DRP had previously considered this building based on a maximum height of 11.95m, as referenced in the Clause 4.6 report submitted in June 2015. Accordingly, this corrected height does not alter the assessment of the application.

The revised Clause 4.6 Report (dated 8 July 2016) and Design Report (dated 29 June 2016) also confirm that the height of Building A has reduced from 8.5m to 7.351m, following amendment to incorporate the 4.6m eastern setback.

It is considered that the request to vary the allowable 8.5m building height is supportable and that the provisions of Clause 4.6 'Exceptions to Development Standards' are satisfied, as elaborated in the report to the JRPP of 23 June 2016.

B. Increased Setback to Unnamed Laneway

A 4.6m setback is now proposed from the eastern face of Building A to the kerb of the north/south link of the unnamed laneway off Stannett Street. The applicant has provided a revised Landscape Concept Plan for Building A which shows 3.4m of landscaping in this setback area, either side of the 1.2m pathway. The East and West Elevations - Building A prepared by Mansfield Urban, which accompany the amended documentation, show the eastern elevation of the building and the proposed landscaping, when viewed from the unnamed laneway.

This increased setback to the unnamed laneway has been achieved by moving Building A westward, closer to the central accessway within the site (Street A) and also by reducing the size of Unit A-15 and relocating the basement fire stair. Unit A-15, which was previously a 3 bedroom unit, with an area of 111m² has now been reduced in size to a 2 bedroom unit, with an area of 84m². This amendment will not alter the level of compliance of the development with the Design Criteria of the Apartment Design Guide relative to unit size, unit width, sunlight access, cross ventilation or private open space.

The setback of Building A to the internal accessway has reduced from approximately 3.5m to approximately 1.0m, whilst the setback of the southern section has increased marginally, due to the inclusion of a narrower unit (Unit A-15). This reduction in setback to the internal roadway (Street A) is considered acceptable due to the increased width of this road (which includes 2 x 3.5m carriageways), adjacent parallel parking and street tree planting, as demonstrated in the East and West Elevations - Building A prepared by Mansfield Urban.

It is considered that the changes which are proposed have demonstrated that an acceptable level of landscaping can be provided to the east of Building A, achieved through the incorporation of a 4.6m setback to the unnamed lane.

C. Laneway Construction and Width

The applicant has submitted a 'Detail Survey of Stannett Street' prepared by Delfs Lascelles (dated 24 June 2016) which confirms that the unnamed laneway off Stannett Street has a width of 6.095m, which is of sufficient width to allow for the construction of the 5.5m wide carriageway as required by recommended conditions B11 and C3.

Vehicle Turning Paths prepared by Northrop (dated 1 July 2016) have also been submitted to confirm that this laneway, and specifically the 90 degree bend, can accommodate 8.8m service vehicles. The applicant has considered the ability to provide a turning area adjacent to the unnamed laneway and has advised that *"Should a driver wish to undertake a change in direction"...."they can do so legally by utilising the drive access to Buildings A or F, or by making the manoeuvre within the loading bay adjacent to Building F. Alternatively, vehicles could turn at the intersection of street B and C, also using the drive access to 31A Stannett Street"*.

Council's Senior Development Officer has advised that a review of the submitted vehicle turning paths has confirmed that the laneway is accessible for an 8.8 m service vehicle. He is also satisfied that *"the required widening of the laneway at the 90 degree bend will permit this service vehicle to pass a light vehicle (car). While it is unlikely that a large rigid 12.8m vehicle (Council's standard garbage truck) will access this laneway this vehicle is able to negotiate the laneway commanding full width"*.

With respect to the issue of construction of the public laneway, it is noted that the report to the JRPP of 23 June 2016 recommended that a condition be applied to any consent issued for this development which required the construction of the laneway. This condition was also applied to Development Consent 2011/1556 which granted approval for a multi unit development at 41A Stannett Street (to the south-east of the subject site). It was considered reasonable to attach the same condition to each consent to ensure that laneway construction occurred, irrespective of whether both developments proceeded. Negotiations between the landowners would have to occur independently of the development application process if proportionate costs for laneway construction were to be agreed upon. The applicant has advised that *"having regard to the fact that this is a public road that will require approval by Council as the local roads authority, it is considered this matter can be dealt with through detailed design at the construction stage. It is further considered the civil plans for this DA provide acceptable design outcomes should the adjoining development not proceed"*

and this matter can be suitably determined with any conditions imposed as may be considered necessary for this matter".

Council's Senior Development Officer has reviewed this advice and has advised that *"a combined design approach will be required between both parties to ensure a smooth transition in levels and to resolve stormwater runoff. This issue can be managed through the S138 process."*

Council's Senior Development Officer has also reviewed the Civil Plans and has sought minor adjustment of proposed pits located on the laneway fronting Building A to ensure they are located with the private property as Council will not take ownership of the drainage system. This change has been incorporated into the revised drainage plans.

5. Conclusion

The amended documentation has been assessed, with specific reference to the outstanding matters raised by the JRPP at the meeting of 23 June 2016 and is satisfactory. Accordingly it is considered that the development application may be determined based on the submitted information and is recommended for approval subject to the nominated conditions of consent.

6. Recommendation

The Joint Regional Planning Panel grant consent to DA-2015/0701, subject to the conditions contained within **Appendix L**.