

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-283 - PAN-412933 - DA2024/00151
PROPOSAL	Affordable housing residential flat building - including ancillary community facility (gallery) and demolition of existing structures
ADDRESS	Lot 1885 DP 666968 Lot 1892 DP 755247 Lot 1892 DP 755247 190 Brunker Road 139 Teralba Road, Adamstown
APPLICANT	New South Wales Land and Housing Corporation
OWNER	New South Wales Land and Housing Corporation
DA LODGEMENT DATE	13/03/2024
APPLICATION TYPE	CROWN DA
REGIONALLY SIGNIFICANT CRITERIA	s. 2.19(1) and Clause 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.
EDC	\$13,577,000.00 (including GST)
CLAUSE 4.6 REQUESTS	N/A (No Clause 4.6 required for variation to Maximum building Height under Clause 4.3 of the NLEP 2012. Variation acceptable as provided by clause of SEPP (Housing) 2021)
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>

	<ul style="list-style-type: none"> • <i>Newcastle Local Environmental Plan (NLEP) 2012;</i> • <i>Newcastle Development Control plan 2023.</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Eight unique submissions of objection received during the Public Notification period from
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Appendix A - Conditions of Consent</p> <p>Appendix B - Architectural Drawings</p> <p>Appendix C - Approval from the Crown (applicant) for imposition of Conditions</p> <p>Appendix D - Urban Design Review Panel (UDRP) comments and endorsement.</p> <p>Appendix E - External Referral Comments (Ausgrid)</p> <p>Appendix F - Newcastle City Traffic Committee (NCTC) - In principle support.</p> <p>Appendix G - Submitters List</p> <p>Appendix H - Landscape Plans</p> <p>Appendix I - Gallery Plan of Management</p> <p>Appendix J - Overshadowing Plans</p> <p>Appendix K - Remediation Action Plan</p> <p>Appendix L - Design Verification Statement</p>
PROVISION OF REGIONAL INFRASTRUCTURE (S7.24)	Application is Exempt from the Housing and Productivity Contributions as it provided by NSW Homes for the benefit the Land and Housing Corporation
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	11 March 2025
PLAN VERSION	19 December 2024 Version E
PREPARED BY	Iain Watt - Senior Development Officer (Planning)
DATE OF REPORT	4 March 2025

EXECUTIVE SUMMARY

The Development Application (DA2024/00151) was lodged on 13 March 2024 and seeks consent for demolition of existing improvements, tree removal, lot consolidation and construction of a four-storey residential flat building (RFB) as two detached buildings and includes an ancillary Community Facility (Gallery), pursuant to State Environmental Planning Policy (Housing) 2021 (Housing SEPP), comprising 25 affordable housing units with basement car parking for 12 vehicles and associated landscaping.

The application has an Estimated Development Cost of \$13,577,000.00 (including GST) and is to be carried out by the Crown. Therefore, the application is referred to the Hunter Central Coast Regional Planning Panel (HCCRPP) for determination as it qualifies as Regional Development under clause 2.19(1) and clause 4 in Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021.

The application proposes to use all residential units as 'affordable housing' as defined by SEPP (Housing) 2021. In accordance with Council's Community Participation Plan the application was notified twice during the assessment, initially between 22 March 2024 and 5 April 2024 and amended plans between 27 November 2024 and 11 December 2024. In response eight unique submissions were received. These are addressed in this report.

The development site consists of three allotments known as 190 Bruncker Road and 139-141 Teralba Road, Adamstown, with a total area of 1403.8m². It is mostly rectangular, with frontages to Bruncker Road and Teralba Road, and a 5m fall from southeast to northwest. It is occupied by a single-storey multi-dwelling housing development and includes 17 trees. The property is well-connected, located 270 meters from a Local Centre and 640 meters from Adamstown Station, with nearby commercial services.

The site is close to two thoroughfares, Bruncker and Teralba Roads, the latter also serving as a cycleway. It is mapped as contaminated land and will require remediation, however is not mapped as being subject to mine subsidence or flooding risks.

The site is part R3 Medium Density and part R4 High Density under the *Newcastle Local Environmental Plan 2012* (NLEP 2012), with a RFB permitted with consent in both zones. The area is identified under the Newcastle Development Control Plan 2023 (NDCP 2023) as a renewal corridor and is an area in transition. It is also in proximity to a local heritage item.

The principal planning controls relevant to the proposal include the *Housing SEPP*, the NLEP 2012 and the NDCP 2023. The proposal complies with relevant planning controls including:

- The RFB is permitted with consent under NLEP 2012
- The non-discretionary standards established by chapter 2 of the Housing SEPP
- The design provisions of chapter 4 of the Housing SEPP Housing
- The proposal is considered consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for orderly and economic development of land, and is in the public interest as it provides affordable housing where there is a need
- Under s. 4.15(1) of the EP&A Act in relation to potential adverse impacts to the surrounding area

The application is not integrated development pursuant to s.4.46 of the EP&A Act.

A referral to Ausgrid under s.2.48 *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') was made and Ausgrid provided concurrence.

Jurisdictional prerequisites to grant consent imposed by the following controls have been satisfied including:

- s.4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* for consideration of whether the land is contaminated. Conditions requiring site remediation are recommended.
- s.2.48 of the Transport and Infrastructure SEPP regarding Ausgrid and ensuring that assessment and evaluation of environmental impacts for a new development consent

(or where a development consent is modified) is undertaken under with s. 4.13 of the EP&A Act. Ausgrid consents to the development subject to the recommended conditions of consent listed in Ausgrid letter dated 23 January 2025.

Key issues discussed at a briefing with HCCRPP on 19 November 2024 include site suitability, urban design, waste collection, overshadowing, privacy, vehicular access and Ausgrid provisions.

The key issues were resolved via the submission of additional information and collaborative design changes supported through recommended conditions where required. A short summary of adjustments made is contained below:

1. Site suitability - Land contamination to be suitably treated enabling the site to be fit for purpose.
2. Urban Design - Multiple consultations with CN's UDRP improved the design to ensure compliance with ADG and Architectural design principles.
3. Waste collection - Has been relocated through the design refinement to enable efficient servicing of the site.
4. Overshadowing - Design changes to level 4 and roof have ensured sufficient solar access to neighbours is provided.
5. Privacy - Design changes and further information on levels provided to ensure privacy between both building and neighbouring property is achieved.
6. Ausgrid provisions - Concerns for required substation and infrastructure impacts have been resolved via direct consultation with the infrastructure provider Ausgrid.

The proposal is supported following consideration of the matters under s. 4.15(1) of the EP&A Act, provisions of the relevant State environmental planning policies, in particular the Housing SEPP.

Pursuant to s.4.16(1)(a) of the EP&A Act, DA2024/00151 is recommended for approval subject to the reasons and conditions contained at **Appendix A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site comprises 3 allotments: Lot 1892 DP 755247 known as 190 Brunner Road, and Lot 1885 DP 666968 and Lot 1 DP 318448 known as 139-141 Teralba Road, Adamstown. It is mostly rectangular (refer to **Figure 1**). The site has frontages to Brunner Road and Teralba Road (approx. 20.2m) and a site area of 1403.8m². It falls 5m over 68m from the southeast of the lot (Brunner Road) to the Northwest (Teralba Road). It requires remediation for contamination. It is not identified to be affected by mine subsidence risks, nor flooding impacts.

It includes a single-storey multi-dwelling housing development consisting of Two Five bedroom group homes, with 17 trees located on the property. The site is a midblock connection between Brunner Road (Classified Road) and Teralba Road (local road) (refer to **Figures 1-3**). Teralba Road also serves as a cycle way and has traffic calming devices facilitating (refer to **Figure 3**).

The site is within walking distance to the Adamstown Local Centre and the Adamstown railway station. It adjoins commercial and residential land uses.

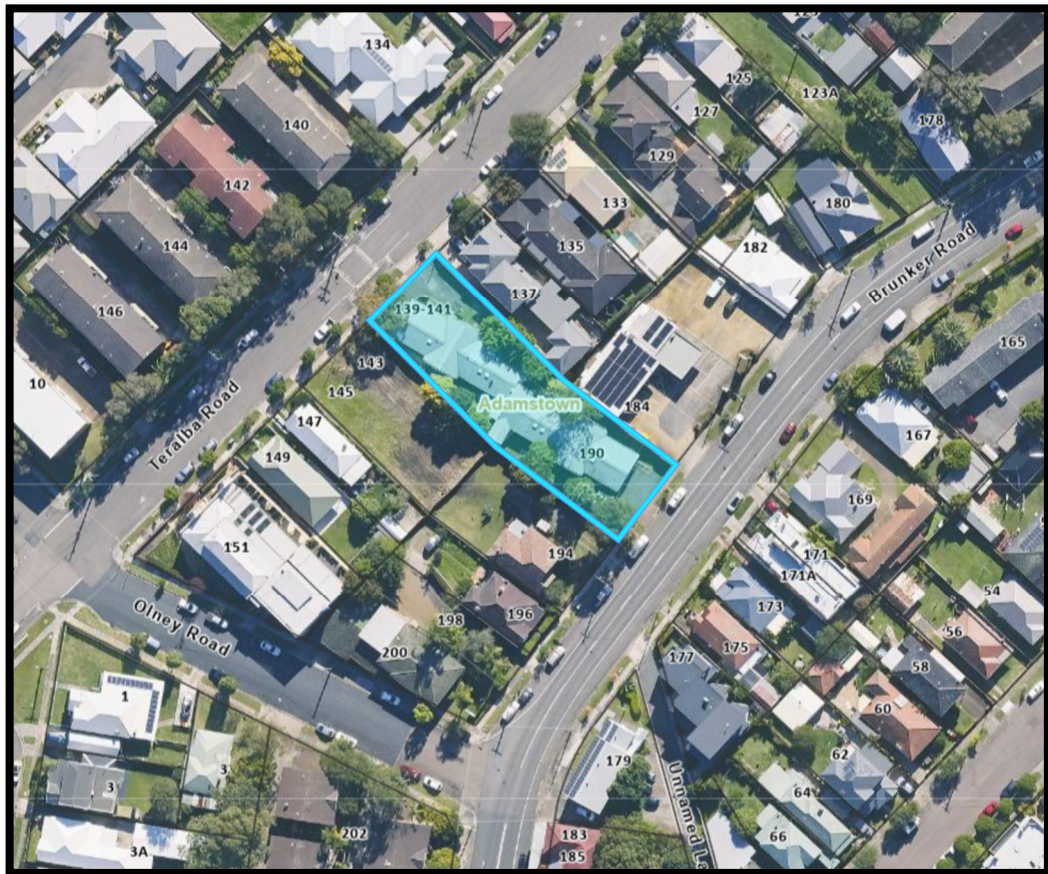


Figure 1: location map



Figure 2: Brunker Road Frontage



Figure 3: Teralba Road Frontage

1.2 The Locality

The Adamstown railway station is within walking distance, 640 meters from the site and the Adamstown Local Centre 270 meters from it with community and retail facilities. The Masonic Hall, a listed local heritage item is close by. The site has good road and rail connection to services and public transport to the other areas of the city.

The site is zoned part R3 Medium Density Residential and part R4 High Density Residential under the NLEP 2012. It is within the 'Active Residential' character typology

in the Adamstown Renewal Corridor (s.E8 of NDCP 2023). The desired character is to cater for a variety of uses with active frontages and non-residential ground floor uses.

The locality is transitioning to a higher density area with recently constructed RFBs and shop top housing along Brunner Road. Teralba Road is predominantly detached single and 2 storey dwellings, with some 3 storey apartment buildings and Multi dwelling housing, including adjacent to this site.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the demolition of existing improvements and the construction of a RFB consisting of two 4-storey buildings for affordable housing under the Housing SEPP, with street activation via a ground floor level indoor gallery to Brunner Road. The proposed RFB includes 25 self-contained dwellings consisting of 12 x one-bedroom dwellings and 13 x two-bedroom dwellings, with car parking for 12 vehicles and landscaping (refer to **Figures 4, 5 & 6**).

Specifically, the proposed development includes:

1. Demolition of an existing single-storey Multi-dwelling housing development and associated structures, including pathways and a vehicular access driveway at each of the Teralba Road and Brunner Road frontages.
2. Removal of 16 trees from the site.
3. Construction of a RFB consisting of two detached four-storey buildings containing 25 self-contained dwellings (12 one-bedroom and 13 two-bedroom units). Building 1 fronting Teralba Road will contain 9 dwellings (4 one-bedroom and 5 two-bedroom units), with Building 2 fronting Brunner Road which will contain 16 dwellings (8 one-bedroom and 8 two-bedroom units).
4. An indoor community facility (gallery) on the ground floor of Building 2 fronting Brunner Road.
5. Private open space areas for each dwelling, including courtyards or balconies directly accessible from living areas.
6. Basement parking for 12 vehicles (including two accessible spaces), 28 bicycle parking spaces, and provision for electric vehicle charging.
7. New vehicular access to the site from Teralba Road.
8. Consolidation of three allotments into one.
9. Pedestrian access points to Teralba Road and Brunner Road.
10. Waste storage for recycling, general waste, and green waste bins.
11. Improved civil works, including an underground stormwater detention tank, a rainwater tank for landscaping, sewer relocation, and provision of fire hydrants.
12. Landscaping incorporating 19 advanced trees, 349 shrubs, and 1,593 groundcover and grass plantings.

Refer to **Appendix B** for a copy of the floor plans and elevations of the proposal. The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Zoning	R3 - Medium Density Residential (frontage to Teralba Road) and R4 - High Density (frontage to Bruncker Road)
Site area	1403.8m ²
GFA	1850.41m ²
FSR	1.32:1 <i>(maximum permitted is 1.5:1)</i>
Clause 4.6 Requests	None requested or required with the proposal as it complies with the development standards
No of apartments	25 apartments (12 one-bedroom & 13 two-bedroom units)
Max Height	15.3m to a RL31.85 for lift over run <i>(maximum permitted height is 18.2m consisting of 14m + 30% with cl. 18 of the Housing SEPP)</i>
Landscaped area	492.7m ² or (35.09%) with 156.4m ² or (11.14%) as deep soil landscaping <i>(30% is the non-discretionary standard under the Housing SEPP)</i>
Car Parking spaces	12 vehicles (including 2 accessible spaces), 28 bicycle parking spaces/ racks <i>(minimum 11.3 under the Housing SEPP)</i>
Setbacks	4m from Teralba Road frontage and zero to the Bruncker Road frontage, 3m from southwestern side boundary and 6m from Northeastern side boundary
Affordable Housing	100% of units



Figure 4 - 3D Views. Source: mode 19/12/2024

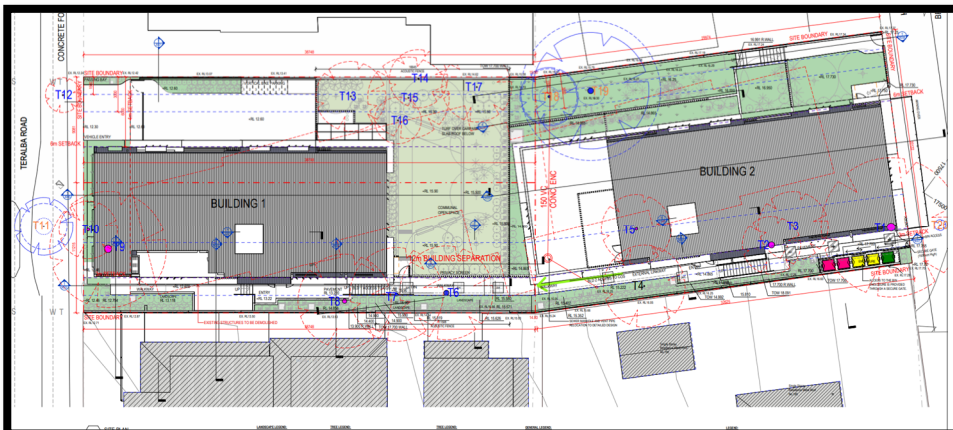


Figure 5 - Site plan. Source: mode 19/12/2024



Figure 6 - Level 1 General Arrangement. Source: mode 19/12/2024

2.2 Background

A pre-lodgement meeting was held on 11 May 2023. A summary of the key issues and how the proposal addresses these is outlined below:

- Urban Design (streetscape presentation, massing, amenity, and safety & security) - design changes informed through consultation with CN's UDRP in the development of this project;
- Land Contamination - appropriate site investigations including Remedial Action Plan (RAP) submitted with the application for evaluation of the site suitability;
- Waste Collection - relocation of waste for collection to Brunker Road, confirmed as suitable with NCTC in principle support.

The development application was lodged on 13 March 2024. A chronology of the application is outlined below in **Table 2** including the HCCRPP's involvement (briefings, deferrals, etc):

Table 2: Chronology of the DA

Date	Event
13 March 2024	DA lodged
19 March 2024	Exhibition of the application
21 March 2024	DA referred to external agencies
24 April 2024	Assessment by CN's UDRP
29 May 2024	Kick off meeting with HCCRPP
16 August 2024	Request for Information from Council to applicant
19 November 2024	Update HCCRPP briefing
19 November 2024	Amended plans lodged
27 November 2024	Re-notification of the application
20 December 2024	Amended plans from applicant
6 February 2025	UDRP is satisfied with design

2.3 Site History

The existing Multi dwelling housing development consists of Two Five-bedroom group homes and was constructed under DA1985/0066. The existing building is a single-storey structure that runs the length of the site (though steps mid-block due to the level change) with a building address to each of Brunker Road and Teralba Road. The improvements include a driveway with associated parking and letter boxes at each frontage, with bin storage also provided at Brunker Road frontage. The building is constructed in brick with a metal roof and incorporates concrete pathways, brick retaining walls and metal balustrades (refer to **Figures 1-3**), and mature landscaping.

Prior to the construction of the multi dwelling housing development, the site contained three dwellings. Two were constructed prior to 1897, with the third constructed between 1897 and 1954. Historical aerial photographs identify various ancillary buildings were constructed in association with the dwellings.

3. STATUTORY CONSIDERATIONS

The consent authority has considered the matters outlined in s.4.15(1) of the EP&A Act. Matters of relevance under s.4.15(1) are considered below.

The proposal is a Crown DA and under s.4.33 of the EP&A Act the applicant's approval to the schedule of conditions must be obtained. Discussions with the applicant occurred before the determination of this proposal and the applicant was provided with a copy of draft conditions of consent on 3 March 2025. The applicant's acceptance of conditions was not received at the completion of this report.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following environmental planning instruments are relevant to this application

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Newcastle Local Environmental Plan 2012;*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas <ul style="list-style-type: none"> • The application seeks consent for the removal of 16 trees. 	Y
State Environmental Planning Policy	No compliance issues identified subject to recommended conditions.	Y

(Sustainable Buildings) 2022		
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> s. 2.19(1) declares the proposal regionally significant development pursuant to Clause 4 of Schedule 6 as the proposed development to be carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the EP&A Act) with a capital investment value over \$5 million. 	Y
State Environmental Planning Policy (Housing) 2021	Chapter 2: Affordable Housing <ul style="list-style-type: none"> The development for infill affordable housing provided by Homes NSW for the Land and Housing Corporation. 	Y
State Environmental Planning Policy (Housing) 2021	Chapter 4: Design or residential apartment development <ul style="list-style-type: none"> Design Quality Principles - The proposal achieves the design quality principles and is consistent with the Apartment Design Guide (ADG) requirements for orientation, solar access, building separation, etc. The proposal is satisfactory with this policy, subject to recommended conditions. 	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> s. 4.6 - Contamination and remediation have been considered with the submission of Contamination Reports including a RAP and the proposal is satisfactory subject to recommended conditions. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> s. 2.48(2) (Determination of development applications - other development) - electricity transmission - Ausgrid provided advice the proposal is satisfactory. 	Y
Proposed Instruments	There are no draft instruments of relevance to the proposed development.	Y
NLEP 2012	<ul style="list-style-type: none"> Clause 1.2 - Aims of Plan Clause 2.3 - Permissibility and zone objectives Clause 4.3 - Height of Building Clause 4.4 - Floor Space Ratio Clause 5.10 - Heritage conservation Clause 6.1- Acid Sulfate Soils - Class 5 soils Clause 6.2 - Earthworks 	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This policy aims to protect the biodiversity values of trees and other vegetation and to preserve the amenity of non-rural areas of the State through preserving trees and other vegetation.

The development is satisfactory regarding clause 2.10(1) of this policy with an assessment conducted against Council's DCP, refer to the DCP2023 section of this report. Should consent be granted, the consent will act as a permit for the removal of 16 trees under this policy (subject to any conditions of the approval).

State Environmental Planning Policy (Sustainable Buildings) 2022

The objectives of this Policy are to ensure the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No. BSX-27943M_04 prepared by Building Services Engineers dated 30 October 2024. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the Sustainable Buildings SEPP. The proposal is consistent with this policy subject to recommended conditions.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

This is a Crown DA with a capital investment value of more than \$5 million. It is *regionally significant development* under s.2.19 (1) of the policy as it satisfies the criteria in Clause 4 of Schedule 6. HCCRPP is the consent authority for the application.

State Environmental Planning Policy (Housing) 2021

Chapter 2 - Infill affordable Housing

Clause 19 of the Housing SEPP details various non-discretionary development standards which if met, cannot be used as grounds to refuse an application for in-fill affordable housing. Where a development does not meet a standard, the proposal can still be supported by a consent authority under subclause 4.15(3) of the EP&A Act.

Standards that cannot be used to refuse consent are assessed below in **Table 4**:

Table 4: Consideration of non-discretionary development standards

Development Standard	Proposal	Comply
(a) a minimum site area of 450m ²	Site area 1403.8m ²	Yes
(b) a minimum landscaped area that is the lesser of - (i) 35m ² per dwelling, or (ii) 30% of the site area	492.7m ² or (35.09%)	Yes

<i>(c) a deep soil zone of at least 15% of the site area, where - (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site</i>	N/A - Chapter 4 of this policy applies to the development	N/A
<i>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter</i>	N/A - Chapter 4 of this policy applies to the development	N/A
<i>(e) the following number of parking spaces for dwellings used for affordable housing - (i) for each dwelling containing 1 bedroom - at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms - at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms - at least 1 parking space</i>	12 Spaces	Yes
<i>(f) the following number of parking spaces for dwellings not used for affordable housing - (i) for each dwelling containing 1 bedroom - at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms - at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms - at least 1.5 parking spaces</i>	All proposed dwellings are for affordable housing	Yes
<i>(g) The minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i> ADG guidelines (minimum): 50m ² for 1 bedroom 70m ² for 2 bedroom	1 Bedroom units range from 50m ² - 53m ² 2 bedroom units range from 57m ² - 72m ²	No

Chapter 4 - Design of residential apartment development

Chapter 4 of the Housing SEPP establishes a consistent approach to the design and assessment of new apartment development across the State to improve the design quality of residential apartment development.

Section 144 - Application of chapter

The Housing SEPP lists an RFB as development that Chapter 4 applies, in s.144 of the policy. In s.149 it states that where this policy applies the ADG prevails over development control plans.

Section 145 - Referral to design review panel for development applications

S. 145 of the Housing SEPP requires the consent authority to refer a development application to which Chapter 4 applies to the relevant design review panel for advice on the quality of the design of the development prior to determination. The UDRP reviewed the development application and endorsed the design (refer to **Appendix D**).

Section 147 - Determination of development applications and modification applications for residential apartment development

Section 147 requires the consent authority to take into consideration:

- (a) the quality of the design of the development, evaluated in accordance with the design principles set out in Schedule 9 of the Housing SEPP;
- (b) the ADG; and
- (c) any advice received from a design review panel, when determining a development application to which Chapter 4 of the Housing SEPP applies.

CN's UDRP reviewed the proposal prior to lodgement on 28 June 2023 and two further times during its assessment, on 24 April and 20 December 2024. Advice from the UDRP meeting of 24 April 2024, recommended several design quality refinements and written advice on design quality principles set out in Schedule 9 of the Housing SEPP.

CN raised assessment matters including UDRP advice with the applicant. This resulted in amendments to the application during its assessment. Amended plans were submitted to the UDRP on 20 December 2024. A summary of the changes is provided below.

- **Overshadowing:** amendments made to the roof plan of Building One to reduce overshadowing impacts; additional overshadowing details provided (refer to **Appendix J**).
- **Landscaping:** amended landscape drawings with additional deep soil, better consideration of levels and access for maintenance (landscape areas that contribute to the amenity of the development are not the responsibility of individual apartment owners). Level 01 slab stepped down where above rear carparking spaces and storage areas below to facilitate larger soil depths for on-structure landscaping.
- **'UNIT 01' amenity:** limited amendments have been made to 'UNIT 01' bedroom windows, however the amended landscape design now provides mass planting as a landscape buffer to the eastern edge of the communal open space adjacent to improve the outlook from these windows.
- **Brunker Road streetscape:** glass street awning replaced with shallow projection (approx. 1.8m) awning to be constructed of compressed fibre cement. Deletion of proposed substation (Ausgrid confirmed no new substation required), improving the

Brunker Road streetscape and allowing for a secure maintenance path along the northern boundary. In response to CN suggestion that a ramp would be more suitable for maintenance access, the applicant advised a ramp was considered but rejected due to the site's slope which required an excessively long ramp that reduced the landscaped and deep soil areas. Instead, 300mm deep steps were provided to enhance functionality without compromising landscaping. Tiered landscaped levels were also introduced to facilitate efficient maintenance by contractors.

- **Teralba Road streetscape:** Teralba Road setback is unchanged, but streetscape presentation is improved at entry lobby for Building One (achievable with relocation of waste storage area to Brunker Road frontage). Teralba Road vehicle entry secured with a sliding entry gate.
- **Waste management:** waste enclosure relocated from ground level of Building One (Teralba Road frontage) to ground level of Building Two (Brunker Road frontage) to meet CN's waste servicing requirements.
- **Circulation:** the access stairs and ramps along the southern boundary have been rationalised, with accessible lifts added to reduce the extent of ramps and improve sightlines.
- **Solar:** Screening added to northern elevation windows

The proposal was referred to UDRP for confirmation. UDRP advised on 06 February 2025:

'... the UDRP is satisfied that its principal issues have been satisfactorily addressed, and the proposal has the Panel's (UDRP) support.'

The development application addressed the UDRP recommendations during the assessment process and is considered to have had an appropriate design response consistent with the design quality principles set out in Schedule 9 of the Housing SEPP (refer to **Appendix D**).

A Housing SEPP Design Verification Statement (refer to **Appendix L**) was submitted in support of the amended proposal verifying the designer under s.29(2) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Reg 2021).

Table 5 below, addresses compliance with the objective and design criteria of the required topic under s.149(1) of the Housing SEPP. Where an ADG topic area is not specified as a design criteria, or where it is not possible for the development to satisfy the design criteria, the assessment comments in **Table 5** consider the design guidance relevant to that topic area. The amended proposal was assessed against the ADG. The residential apartment component of the proposal is considered to demonstrate good design and planning practice.

Table 5: Compliance with required topic areas of ADG

3B Orientation	
Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development	
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter	
Comment:	Compliance:
Proposed buildings are sited to clearly address the street while maximising solar access to apartments.	Complies

<p>The scale and bulk of the built form is broken down into two detached buildings, 'Building One' and 'Building Two', fronting Teralba Road and Brunner Road, respectively. A direct pedestrian connection from Teralba Road to Brunner Road links the two street frontages along the southern boundary (this is for residents and not a public thoroughfare).</p> <p>Solar access to living rooms, private open spaces and communal open space of neighbouring properties were considered (see solar study drawings AR-8103 to AR-8104, dated 15/11/2024).</p> <p>Due to the orientation of the site, with the long axis oriented predominantly on the east/west alignment, any development on the subject site is likely to create additional overshadowing impact on the southern adjacent property (143 Teralba Road, and 194 Brunner Road).</p> <p>Several amendments to the proposal were made during the assessment process, to reduce overshadowing neighbouring properties' living areas and private open space.</p> <p>The proposal gives suitable regard to orientation and aspect, and adequately responds to the natural landform of the site. The overshadowing impacts to adjoining building are minimised to an acceptable level within the context.</p>		
3D Communal and public open space		
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping		
Design Criteria:	Comment:	Compliance:
1. Communal open space has a minimum area equal to 25% of the site.	<p>The total site area equals 1403.8m²</p> <p>25% of the total site area equals 350.95m²</p> <p>The current amended proposal has two areas of communal open space:</p> <ul style="list-style-type: none"> • Level 01 landscaped podium (principal useable part) = 190sqm • Ground level deep soil landscape (north boundary setback adjacent Building Two) = 125sqm <p>The total communal open space provided is 315sqm, or 22.5% of the total site area.</p> <p>This results in a relatively minor non-compliance (2.5%) with the communal open space requirements described in this part of the ADG.</p> <p>A variation to the requirement is considered acceptable in this instance due to the following:</p> <ul style="list-style-type: none"> • The communal open space provides good amenity, with future residents of both Building One and Building Two having access to the central communal area. • Each apartment receives a high level of amenity in terms of solar access, as all 	Satisfactory (Merit based assessment)

	apartments have either a northeast or northwest aspect, eliminating the need to rely on communal open space for northern sunlight during mid-winter. <ul style="list-style-type: none"> • Common indoor space is available (a 'gallery space' on the Ground Floor of Building Two fronting Brunner Road); and. • Additional soft landscaped areas within the side and front boundary setbacks contribute approximately 130sqm of supporting soft landscaped open space 	
Design Criteria:	Comment:	Compliance:
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	The communal open space has a north-east aspect and achieves direct sunlight from 9am until 1pm in mid-winter to at least 50% of the area. (see submitted solar analysis drawings AR-8200 to AR-8202, dated 11/11/2024, for details)	Complies
Objective 3D-2 Communal open space is design to allow for a range of activities, respond to site conditions and be attractive and inviting Objective 3D-3 Communal open space is design to maximise safety Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood		
Comment:		Compliance:
The communal areas, including the landscaped podium and deep soil landscaping, are co-located into a well-designed, easily recognisable, and functional space centrally located in the site. Overlooked by the development, this area provides a welcoming environment for residents and their visiting family and friends to enjoy year-round. Facilities are provided in the communal open spaces compatible with the scale and use of the development, including seating for individuals and groups, and a lawn area for passive gathering surrounded by planting (see landscape plan drawing LD-10000, dated 19/12/2024, for details). Communal open space is readily visible from habitable rooms and private open space areas within the development while maintaining visual privacy. Public open space is not provided.		Complies
3E Deep soil zones		
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.		
Design Criteria:	Comment:	Compliance:

<p>1. Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="204 353 630 595"> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> <tr> <td>650m² - 1500m²</td><td>3m</td><td>7%</td></tr> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	650m ² - 1500m ²	3m	7%	<p>The total site area equals 1403.8sqm 7% of the total site area equals 98.3sqm</p> <p>The current amended proposal has two areas of deep soil with minimum dimensions of 3m;</p> <ul style="list-style-type: none"> • Teralba Road front setback = 30sqm • North boundary setback adjacent Building Two = 125sqm <p>The total communal open space provided is 155sqm, or 11% of the total site area.</p>	<p>Complies</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)						
650m ² - 1500m ²	3m	7%						

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

Design Criteria:	Comment:	Compliance:												
<p>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="204 1290 647 1646"> <tr> <th>Building height</th><th>Habitable rooms & balconies</th><th>Non-habitable rooms</th></tr> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </table>	Building height	Habitable rooms & balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>The site is irregular in shape, with two street frontages; Teralba Road (west boundary) and Brunner Road (east boundary).</p> <p>As such, the site has two 'side boundaries' – north and south boundaries – for which the minimum separation distances described in this part of the ADG are applicable and are discussed below.</p> <p>Note: the design has responded to the site's slope, with the proposed buildings stepped accordingly. As a result, the buildings are only ever four storeys above ground level. Therefore, all apartment habitable windows and balconies require a minimum setback of 6m, while all non-habitable windows require a minimum setback of 3m.</p>	<p>Complies</p>
Building height	Habitable rooms & balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												
<p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2 of the ADG).</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation</p>	<p>Separation distance to north boundary</p> <p>The Ground Level of Building One has a blank wall along the north boundary. No separation is required between blank walls, as such the proposed blank wall to the side boundaries</p>	<p>Complies</p>												

distances between neighbouring properties.	<p>comply with the minimum separation distances described in this part of the ADG.</p> <p>Above the Ground Level of Building One, both buildings are setback 6m from the north boundary. This complies with the minimum separation distance required from side boundaries for buildings up to 4 storeys.</p>	
	<p>Separation distance to south boundary</p>	
	<p>Both buildings are setback 3m from the south boundary.</p> <p>Generally, the apartments have been designed with non-habitable windows in the south facades, resulting in compliant separation distance to this boundary.</p> <p>However, south-facing habitable windows and a southwest corner balcony are proposed which result in instances of numerical non-compliance.</p> <p>Details of the technical non-compliances are listed below: <u>'UNIT 01', 'UNIT 03', 'UNIT 04', 'UNIT 09', 'UNIT 11', 'UNIT 12', 'UNIT 15', 'UNIT 18', 'UNIT 19', 'UNIT 22', and 'UNIT 25'.</u></p> <p>A 3m setback is provided from the south boundary to the south facing bedroom window of these apartments. This does not comply with the 6m minimum separation distance required for habitable windows up to four storeys.</p> <p><u>'UNIT 16'</u></p> <p>A 3m setback is provided from the south boundary to the south edge of the apartment balcony for 'UNIT 16'. This does not comply with the 6m minimum separation distance required for an apartment balcony up to four storeys</p> <p>To address privacy concerns arising from the reduced separation, alternative design measures have been incorporated into the façade</p>	<p>Satisfactory (Merit based assessment)</p>

	<p>design. Notably, all south-facing windows are highlight type windows (window with a sill height of 1.5m or greater) to mitigate overlooking. The non-compliant apartment balcony to 'UNIT 16' is a corner balcony with a primary orientation to the Teralba Road boundary. A combination of solid balustrade with vertical privacy screening above has been employed along the south edge of the balcony.</p> <p>These measures are considered to effectively manage privacy impacts, and the technical non-compliances are able to be accepted on a balanced view.</p>	
	<p>Separation distance between Building 1 and Building 2</p> <p>Generally, a 12m separation distance is provided between Building One and Building Two complying with separation distance requirements between buildings on the same site for buildings up to four storeys.</p> <p>A small portion of the northwest corner apartment balconies result in instances of numerical non-compliance.</p> <p>Details of the technical non-compliances are listed below:</p> <p><u>'UNIT 06', 'UNIT 12', and 'UNIT 19'</u></p> <p>A small portion of the northwest corner of these apartment balconies encroach into the minimum 12m separation distance required between balconies on the same site up to four storeys (6m + 6m). This is due to the irregular alignment of the site boundaries which has directly informed the site arrangement and building orientation.</p>  <p>Extract of apartment 'UNIT 12', separation distance between</p>	<p>Satisfactory (Merit based assessment)</p>

	<p>northwest corner balcony in Building Two and the north-east corner apartment in Building ONE shown in blue. 'non-compliant' area highlighted yellow.</p> <p>(source: 'GENERAL ARRANGEMENT PLAN - LEVEL 02', drawing AR-1003, revision E, dated 19/12/2024)</p> <p>It is satisfied the technical non-compliance is minor (relates to an area of approximately 1sqm per apartment) and alternative design measures have been incorporated into the façade design. Notably, the provision of fixed screening to the northeast corner balconies and windows of Building One which are angled to direct views away from the apartments of Building Two have ensured suitable visual privacy is still achieved.</p> <p>The apartments and their balconies have been configured to avoid direct overlooking between dwellings. On balance, the building separation and articulation are considered to achieve suitable visual privacy within the development and is considered acceptable in this regard.</p>	
Objective 3F-2		
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		
Comment:		Compliance:
Generally, communal open space, common areas and access paths are separated from private open space and windows to apartments.		Complies
A combination of substantial landscape planting, vertical fencing, and changes in level between private open space and common access paths, have been utilised at the ground plane to separate the private open space and windows of apartments from adjacent communal open space, common areas and public domain.		
A4 Solar and daylight access		
Objective 4A-1		
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		
Design Criteria:	Comment:	Compliance:
1. Living rooms and private open spaces of at least 70% of	Analysis of the submitted architectural drawings found 25 out of the total 25 apartments	Complies

apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	proposed, or 100% , will achieve a minimum of 2 hrs solar access between 9am and 3pm at mid-winter to BOTH the living room and private open space. (see submitted solar study drawings AR-8103 to AR-8104, dated 11/11/2024, for details)	
Design Criteria:	Comment:	Compliance:
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.	N/A	N/A
Design Criteria:	Comment:	Compliance:
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	N/A (all apartments receive direct sunlight between 9 am and 3 pm at mid-winter).	N/A
Objective 4A-2 Daylight access is maximised where sunlight is limited.		
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.		
Comment:		Compliance:
All apartments benefit from either a north-east or north-west aspect, maximising both sunlight and daylight access. Courtyard and skylights as primary light sources are not proposed. All apartments within the development will have access to all areas of communal open space, maximising daylight access for future residents by providing additional options to access northern sun no matter the time of day. The design incorporates shading devises such as eaves, external screening, and recessed balconies, to shade summer sun but allow winter sun to penetrate living areas.		Complies
4B Natural ventilation		
Objective 4B-1 All habitable rooms are naturally ventilated		
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation		
Comment:		Compliance:

<p>All habitable rooms are naturally ventilated via adjustable windows, located in external walls, with suitable effective operable areas.</p> <p>For the single aspect apartments, apartment depths have been minimised and frontages maximised to increase ventilation and airflow.</p>		Complies
<p>Objective 4B-3</p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p>		
Design Criteria:	Comment:	Compliance:
<p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	<p>The submitted design statement indicates at least 60% of the proposed apartments are cross ventilated, but no further information is provided to understand the applicant's calculations in this regard.</p> <p>The submitted floor plans do include a blue arrow graphic which is taken to be how the applicant is demonstrating which apartments are cross ventilated - 15 out of the total 25 apartments proposed, or 60%, have the blue arrow graphic.</p> <p>However, analysis of the submitted architectural drawings found a total of 14 out of the 25 apartments proposed, or 56%, are naturally cross ventilated.</p> <p>Details of the discrepancies between the applicant's calculations and CN's assessment are listed below:</p> <p><u>'UNIT 02'</u></p> <p>The submitted floor plans show the blue arrow graphic on 'UNIT 02' which is taken to indicate the applicant's position the apartment is cross ventilated.</p> <p>However, 'UNIT 02' is a single aspect apartment located in the middle of the floor plate of Building Two and as such is not considered to achieve cross ventilation for the purposes of satisfying this part of the ADG.</p> <p>Nevertheless, assessment is satisfied this numerical non-compliance of the overall development is minimal and a number of strategies have been employed to bring sufficient volumes of fresh air through the apartments to create a comfortable indoor environment (apartment depths have been minimised; multiple windows capable of providing large effective openable areas are distributed across the apartment's exterior wall; internal layout of apartments have minimised</p>	<p>Satisfactory (Merit based assessment)</p>

	<p>the number of corners, doors and rooms that might obstruct airflow; appropriate ceiling heights are provided).</p> <p>Furthermore, it is noted the development proposal was referred to CN's UDRP during the assessment process. The UDRP did not take issue with the natural ventilation design of the apartments support the proposal.</p> <p>All habitable rooms are naturally ventilated via adjustable windows with suitable effective operable areas.</p> <p>The non-compliance is accepted on a balanced view.</p>							
Design Criteria:	Comment:	Compliance:						
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	N/A	N/A						
4C Ceiling heights								
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access.								
Design Criteria:	Comment:	Compliance:						
<p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr></table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	<p>All storeys containing apartments have a floor-to-floor height of at least 3.2m. As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all apartments.</p> <p>No two storey apartments or attic spaces are proposed.</p> <p>The development proposal is on land in Zone R3 Medium Density Residential. As such the minimum ceiling heights described in this part for development located in mixed use areas is not applicable</p>	Complies
Minimum ceiling height for apartment and mixed use buildings								
Habitable rooms	2.7m							
Non-habitable	2.4m							
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides well proportioned rooms.								
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.								

Comment		Compliance:										
<p>Ceiling heights that increased the sense of space within the apartment and provide well-proportioned rooms can be achieved within the proposed floor-to-floor heights.</p> <p>The development proposal is located in an established residential area, on land zoned for medium density residential, and not located within a 'centre'.</p> <p>As such Objective 4C-3, and the design guidance provided, which encourages greater than minimum ceiling heights for lower level apartments in centres for the purpose of allowing flexibility and conversion to non-residential uses, is not applicable.</p>		Complies										
4D Apartment size and layout												
Objective 4D-1												
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.												
Design Criteria:	Comment:	Compliance:										
<p>1. Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>All 25 apartments proposed are provided the minimum internal areas required. Specifically, the following internal floor areas are provided:</p> <ul style="list-style-type: none">'UNIT 01', 'UNIT 02', 'UNIT 03', 'UNIT 04', 'UNIT 06', 'UNIT 09', 'UNIT 10', 'UNIT 12', 'UNIT 15', 'UNIT 17', 'UNIT 19', 'UNIT 22', and 'UNIT 25' (2bed + 1bath apartments) = 70sqm'UNIT 07', 'UNIT 08', 'UNIT 13', 'UNIT 14', 'UNIT 20', 'UNIT 21', 'UNIT 23' and 'UNIT 24' (1bed + 1bath apartments) = 50sqm'UNIT 05' (1bed + 1bath apartments) = 52sqm'UNIT 11', 'UNIT 18' (1bed + 1bath apartments) = 53sqm'UNIT 16' (1bed + 1bath apartments) = 57sqm <p>Note: the apartment sqm measurements labelled on the submitted floors plans are incorrect. Assessment has been undertaken by scaling the submitted plans which confirmed the apartment internal floor areas detailed above.</p>	Complies
Apartment type	Minimum internal area											
studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											
Design Criteria:	Comment:	Compliance:										
<p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be</p>	<p>All habitable rooms within the apartments are provided with a window within an external wall.</p>	Complies										

borrowed from other rooms.		
Objective 4D-2		
Environmental performance of the apartment is maximised.		
Design Criteria:	Comment:	Compliance:
1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	N/A (all apartments are provided a combined living/ dining/ kitchen area)	N/A
Design Criteria:	Comment:	Compliance:
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All 25 apartments proposed have a maximum habitable room depth of less than 8m from a window for open plan living, dining and kitchen area.	Complies
Objective 4D-3		
Apartment layouts are designed to accommodate a variety of household activities and needs.		
Design Criteria:	Comment:	Compliance:
1. Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	All master bedrooms have a minimum area of 10sqm and all other bedrooms have a minimum area of 9sqm (excluding wardrobe space).	Complies
Design Criteria:	Comment:	Compliance:
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Complies
Design Criteria:	Comment:	Compliance:
3. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments. • 4m for 2 and 3 bedroom apartments. 	All 25 apartments proposed achieve the minimum required widths for living or combined living/dining rooms based on the number of bedrooms provided.	Complies
Design Criteria:	Comment:	Compliance:
4. The width of cross-over or cross-through apartments are at least 4m internally to avoid	N/A (cross-over or cross-through apartments are not proposed)	N/A

deep narrow apartment layouts.																	
4E Private open space and balconies																	
Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity.																	
Design Criteria: 1. All apartments are required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Min. area</th><th>Min. depth</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Dwelling type	Min. area	Min. depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	Comment: All 25 apartments proposed have primary balconies that achieve the minimum area and depths required based on the number of bedrooms provided.	Compliance: Complies
Dwelling type	Min. area	Min. depth															
Studio	4m ²	-															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
Design Criteria: 2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Comment: 3 out of the 25 apartments proposed are located at ground level or on a podium (or similar structure). Details of these are apartments are listed below: <ul style="list-style-type: none"> • Ground Floor: 2 apartments ('UNIT 01', and 'UNIT 02') • Level 01: 1 apartment ('UNIT 05') • Level 02 to Level 04: nil These 3 apartments have been provided private open space, instead of a balcony, with a minimum area of 15sqm and a minimum depth of 3m. The submitted floor plans use a red dashed square measuring 3m by 3m to illustrate the private open space satisfy the area and width requirements described in this part of the ADG. (see submitted floor plan drawings AR-1001.2 to AR-1002, dated 19/12/2024, for details)	Compliance: Complies															
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents.																	

Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.		
Objective 4E-4 Private open space and balcony design maximises safety.		
Comments:	Compliance:	
Private open space and balconies have been orientated with the longer side facing outwards to optimise daylight access into adjacent rooms. All private open spaces and balconies face either north-east or north-west. Single aspect south facing apartments are not proposed. Private open space and balconies have been designed as an extension of the main living area by being located adjacent to the living area, dining room or kitchen. A combination of solid, and partially solid balustrades have been selected to respond to the location. They have been designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. No glass balustrades have been included in the design. The balconies are completely integrated and form part of the façade design. Projecting balconies are not proposed. Vertical screens are integrated into the external façade to control sunlight and direct sightlines. Storage is not located on balconies, and where clothes drying and air conditioning units are located on balconies they are positioned behind screening which is integrated into the building design to mitigate potential visual and acoustic impacts. The design and detailing of private open space and balconies have avoided opportunities for climbing and falls. Horizontal screening has not been proposed.	Complies	
4F Common circulation and spaces		
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.		
Design Criteria:	Comment:	Compliance:
1. The maximum number of apartments off a circulation core on a single level is eight.	The apartments are divided across two buildings: <ul style="list-style-type: none"> 'Building One' (addressing Teralba Road) contains a single circulation core with one lift which services a maximum three apartments on a single level. 'Building Two' (addressing Brunner Road) contains a single circulation core with one lift which services a maximum four apartments on a single level. 	Complies
Design Criteria:	Comment:	Compliance:

2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A								
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents.										
Comments: Internal corridors have been designed to provide clear and well-defined circulation paths. Direct and legible access has been provided between the vertical circulation points (lifts) and apartment entries by giving straight, clear sight lines.	Compliance: Complies									
4G Storage										
Objective 4G-1 Adequate, well designed storage is provided in each apartment.										
Design Criteria: 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3+ bedroom</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	Comment: Storage located within the apartments In addition to storage in kitchen, bathrooms and bedrooms, all apartments are provided with storage located, and accessed from, within the apartment. 24 out of the 25 apartments proposed are provided with storage located and access from within the apartment equal to at least 50% of the storage volume required in accordance with the number of bedrooms. The submitted floor plans indicate the dedicated storage areas within each apartment (in addition to storage in kitchen, bathrooms and bedrooms) with a grey coloured fill and labelled with an 'S' and the storage volume nominated. (see submitted floor plan drawings AR-1001.2 to AR-1005, dated 19/12/2024, for details) Details of the non-complying apartment are listed below: <u>'UNIT 16'</u> 'UNIT 16' has 2m ³ of storage located within the apartment. A total of 6m ³ is required for 1 bedroom apartments, with at least 3m ³ (50%) required to be located within the apartment. The technical non-compliance is relatively minor (1m ³) and can be accepted on a balanced view regarding storage provided both internal and external to the apartments.	Compliance: Satisfactory (Merit based assessment)
Dwelling type	Storage size volume									
1 bedroom	6m ³									
2 bedroom	8m ³									
3+ bedroom	10m ³									

	<p>Storage located external to the apartments</p> <p>Where the total storage volume requirements are not satisfied by the storage located, and access from, within the apartment, storage volume located, and access from, common areas (being individual storage cages accessed from the carparking area on Ground Level of Building One) are proposed to achieve the total storage volume required.</p> <p>All 25 apartments will require a designated storage cage to meet the minimum storage requirements as outlined in this part of the ADG.</p> <p>A total of 22 individual storage cages are shown access from the carparking area on the Ground Floor of Building One, which is three short of the number of apartments requiring storage external to the apartment.</p> <p>However, the assessment has identified there is sufficient space available within the development to accommodate the total storage volumes required via a combination of:</p> <p>(1) increasing the storage provided within some apartments; and</p> <p>(2) reconfiguring the storage cages to provide for the correct number of apartments requiring additional storage volume external to the apartment.</p> <p>A condition has been recommended to amend the development to ensure each apartment is allocated a storage cage of adequate size to meet the total minimum storage volume described under this part of the ADG.</p>	<p>Complies (subject to conditions)</p>
<p>Objective 4G-2</p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments.</p>		
<p>Comments:</p> <p>In addition to the storage volume located within apartments, storage volume for individual apartments accessed from common areas (individual storage cages located in car parking areas) is proposed to achieve the total storage volume required.</p> <p>The individual storage cages, capable of storing larger and less frequently access items, are located in the car parking areas, are secure, and are capable of being clearly allocated to specific apartments.</p>		<p>Compliance:</p> <p>Complies</p>

Chapter 4: Remediation of Land

The provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. S. 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. To consider this, a Preliminary Site Investigation ('PSI'), Detailed Site Investigation ('DSI') and a RAP (refer to **Appendix K**) have been prepared for the site.

The proposal has been assessed by CN's Senior Environment Protection Officer and is acceptable subject to recommended conditions (refer to **Appendix A**).

A PSI prepared by Douglas Partners dated May 2024 identified the site was originally developed with residential dwellings constructed prior to 1897. In 1984 Housing Commission of New South Wales acquired the site, then between 1985 and 1987 the residential dwellings and structures were demolished, and a new building was constructed. This building has remained on the site until present with no significant changes identified.

The PSI indicates the potential for gross contamination at the site is low to moderate, with the main risk considered to be potential asbestos at the site. Assessment of subsurface soil and groundwater, including an assessment of the extent of asbestos impacts across the site, was recommended prior to development to determine site suitability.

A DSI was therefore prepared by Douglas Partners dated May 2024 and submitted where 8 boreholes were advanced across the accessible areas of the site. The DSI assessed potential contaminants within soil, soil vapor and groundwater samples.

Analysis of the soil vapour collected indicated concentrations were below the site assessment criteria for residential land use.

Analysis of groundwater samples indicated groundwater concentrations were generally below the site assessment criteria for residential land use except for minor metals and per/polyfluorinated substances (PFAS). Douglas Partners concluded levels detected in the area are considered likely to be attributed to the background concentrations, typical of an urban area. Given the groundwater assessment had not identified significant impacts to groundwater from on-site or off-site activities groundwater remediation is not considered warranted.

Soil samples collected for the assessment indicated concentrations were generally below the site assessment criteria for residential land use except for concentrations of lead and detections of asbestos (bonded and friable), concluding remediation of the site under a site-specific RAP would be required to address the identified contamination in soil/fill to render the site suitable for the proposed residential development.

A RAP prepared by Douglas Partners dated December 2024 was submitted with the proposal. proposed to address any potential contamination at the site with further sampling once the site has been cleared. Section 8 details the additional investigation required to fully characterise the site, as access to all sampling points was restricted due to the presence of existing buildings.

The RAP proposes to address any potential contaminated soils on site by excavating the contaminated affected areas and disposing the material to a licenced facility that can lawfully accept this waste. Following remediation works being carried out, the site will be validated, and the report submitted to Council and the Principal Certifying Authority.

Overall, subject to the recommended conditions at **Appendix A**, including additional testing and remediation, it is considered that s. 4.6 of Resilience and Hazards SEPP has been satisfied as the land can be made suitable from its contaminated state, with its required remediation, for the purposes for which the development is proposed to be carried out.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

The proposal was referred to Ausgrid as the submitted development falls within s. 2.48(2) of SEPP (T&I) Ausgrid – electricity transmission. Ausgrid's response (**Appendix E**) dated 21/03/2024 was conducted in accordance with the EP&A Act, focusing on risks such as electrocution, fire hazards, electric and magnetic fields (EMFs), noise, and visual impact. Ausgrid reviewed the electrical clearance report and confirmed the development's clearances comply with Ausgrid's standard NS220. The proposed development's clearances are accepted, with the caveat that any changes to the eastern elevation will require a new report. Additionally, the onsite kiosk from the initial plan is no longer needed.

Ausgrid has no objections to issuing the development consent for the amended proposal.

Consideration of the relevant LEP is outlined below:

Newcastle Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the NLEP 2012.

The aims of the NLEP 2012 are listed at clause 1.2. The proposal is consistent with these aims as it facilitates the orderly development providing increased housing choice. The development is for the purpose of affordable housing which is an important planning and housing outcome within the inner city of Newcastle. The proposal is within proximity of public transport which will encourage use of public transport, walking and cycling. The proposal will contribute to increased housing density in the area which will support the nearby commercial area.

Zoning and Permissibility (Part 2)

The site is part zoned as R3 and part zoned R4 being Medium Density Residential and High Density Residential respectively pursuant to Clause 2.2 of the NLEP 2012 (refer to **Figure 7**).

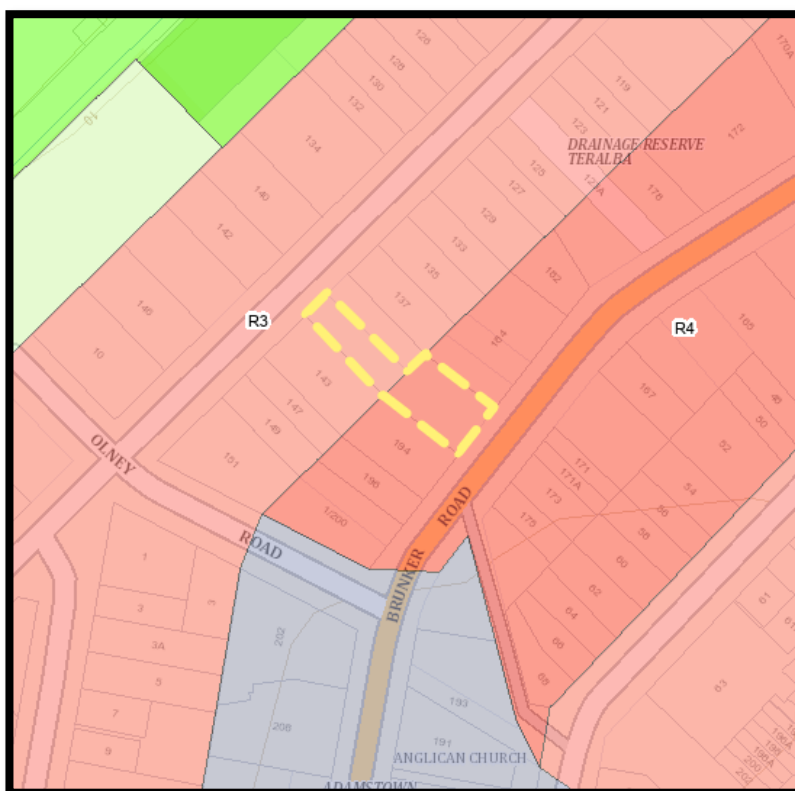


Figure 7 - Zoning Map. Source: NSW Planning Portal Spatial Viewer (3/01/2024)

The proposal satisfies the definition of RFB (contained in the Dictionary) which also is a type of Residential Accommodation, being permissible uses with consent in the Land Use Table in Clause 2.3.

The R3 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow some diversity of activities and densities if—*
 - (i) the scale and height of proposed buildings is compatible with the character of the locality, and*
 - (ii) there will be no significant adverse impact on the amenity of any existing nearby development.*
- *To encourage increased population levels in locations that will support the commercial viability of centres provided that the associated new development—*
 - (i) has regard to the desired future character of residential streets, and*
 - (ii) does not significantly detract from the amenity of any existing nearby development.*

The R4 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- To promote a denser urban form along transport corridors while respecting the residential character of adjoining streets.
- To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.
- To provide for commercial development that contributes to the vitality of the street where provided within a mixed use development.
- To promote a balance of residential accommodation within a mixed use development.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- it provides for the housing needs of the community.
- it provides a variety of housing types and specifically as affordable housing which remains in short supply.
- the scale and height of proposed buildings is compatible with the existing and desired future character.
- The design is such to ensure no significant adverse impact on the amenity of any existing nearby development.

General Controls and Development Standards (Parts 2, 4, 5 and 6)

The NLEP 2012 also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 6** below.

Table 6: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Demolition requires development consent (CI2.7)	Requires demolition impacts to be considered as part of the planning assessment.	The proposal involves the demolition of all structures which is acceptable, subject to standard conditions.	Yes
Minimum subdivision Lot size (CI 4.1)	400m ²	1403.8m ²	Yes
Height of buildings (CI 4.3(2))	18.2 metres subject to additional height provisions of Clause 18 Housing SEPP	15.3m	Yes
FSR (CI 4.4(2))	1.5:1 (2105.7m ²)	1.32:1 (1850.41m ²)	Yes
Heritage (CI 5.10)	The proposal is considered against this clause as the site is within the vicinity (48m) of a local heritage item. The subject property:	The proposed development will not detrimentally affect the heritage significance of the local heritage item that is within the vicinity of the site.	Yes

	<ul style="list-style-type: none"> • is not listed as a heritage item under the LEP, • is not located within a Heritage Conservation Area, • is unlikely to be affected by any items of Aboriginal heritage or archaeological items due to the disturbed nature of the site and AHIMS search results. 	<p>The high quality design is consistent with the desired area character and will not impact the streetscape presentation of the item.</p> <p>The proposed development is considered satisfactory in this regard.</p>	
Acid sulphate soils (CI 6.1)	<p>Class 5 Soils</p> <p>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	No excavation within 500m of class 4 for below soils. No further consideration is required.	Yes
Earthworks (CI 6.2)	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the</p>	The extent of proposed earthworks is commensurate with that required to construct the proposed development. It is considered the proposal is acceptable in terms of its earthworks impacts.	Yes

	<p>destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
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The proposal is considered to be consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

A number of draft State environmental planning policies or updates have been exhibited and are/or under consideration by the Department of Planning, Housing and Infrastructure, however, they are not relevant to the application.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Newcastle Development Control Plan 2023 ('the DCP') is relevant to this application:

Table: Consideration of the DCP Sections

Newcastle Development Control Plan 2023	Comply
Part B - Site Planning controls	
Section B1(b) Flood Management - Site is not flood prone land	N/A
Section B2 – Bushfire Protection - The Site is not within an identified bushfire risk area.	N/A
Section B3 - Mine Subsidence - Site is located outside of identified risk area	N/A
Section B4 - Aboriginal Heritage - AHIMS Search completed with no known areas at the site or within 200m.	Yes
Section B5 - Historical Archaeology - The site is not located within Newcastle Archaeological Management Plan area.	Yes

Section B6 - Urban Heat - The design of the built form effectively addresses urban heat resilience by incorporating a variety of measures. The design is suitable with the objectives for Urban Heat.	Yes
Section B7 - Land Contamination - As discussed within the SEPP Resilience and Hazards elsewhere within this report, the site is considered satisfactory for the proposed use subject to compliance with proposed remediation action plan.	Yes
Part C - General development controls	
Section C1 - Traffic, parking and Access - The car park layout identified 12 spaces for which the design and layout is acceptable.	Yes
Section C2 - Movement Networks - no significant increase in traffic as a result of the development.	Yes
Section C3 - Vegetation preservation and care.	Yes
Section C4 - Stormwater - The provision of stormwater infrastructure is suitable for the proposed development.	Yes
Section C6- Waste Management - Suitable waste management provisions are provided for the development.	Yes
Section C7 - Safety and security - The design is consistent with safety and security objectives.	Yes
Section C8 - Social Impact - The development is strategically located in areas with access to essential services and facilities, ensuring that the locality's current and projected social needs are met.	Yes
Section C9 - Advertising and signage	N/A
Section C10 - Street Awnings and balconies - The proposed awning to Brunner Road will not impact public utilities and has been designed to complement the streetscape.	Yes
Section C11 - Development adjoining laneways	N/A
Section C12 - Open space and landscaping - Addressed with ADG compliance	Yes
Section C13 Liveable housing - All dwellings in the development have Silver Level universal design features - recommended conditions to apply.	Yes
Part D - Development controls by land Use	
Section D1 - Subdivision and lot consolidation - Consolidation of existing lots to enable the development and improve land use.	Yes
Section D3 - Residential Development - Design is suitable with reasonable levels of amenity impacts to adjoining neighbours and neighbourhood.	Yes
Part E - Place and precincts	
Adamstown renewal corridor - Development is generally consistent desired future character as established by this policy	Yes

Section B6 - Urban Heat

The design of the built form effectively addresses urban heat resilience by incorporating a variety of measures that reduce the impact of high to extreme heat stress days on residents, workers, and visitors. Through CN consultation, the design was amended to prioritise comfort and sustainability. Landscaping along the northern boundary plays a crucial role in providing shade and cooling, while fixed exterior shading and window hoods are strategically placed to minimize solar heat gain. Recessed balconies further contribute to this cooling effect creating private shaded outdoor spaces and further reducing heat load on windows. Additionally, the inclusion of canopy trees within the landscaping enhances the natural cooling process, offering both shade and improved air quality. These design elements, alongside the use of passive design and nature-based solutions, help mitigate urban heat, ensuring a more comfortable environment throughout the year, especially on hot days and during the summer period.

Section C1 - Traffic, parking and Access -

The car park layout has been reviewed and it has been identified that each of the 12 spaces have demonstrated entry and exit movements are possible for a B85 vehicle under AS2890.1. The design and layout of the parking is acceptable with the proposed development.

Car Parking

The development provides sufficient car parking in accordance with the requirements of Housing SEPP. As this is a higher order document the car parking rates in the NDCP2023, are not required to be met.

Bicycle Parking

Bicycle parking is required in accordance with the rates in the NDCP2023, which are 1 space per dwelling plus visitor parking of 1 space per 7 dwellings. Using these rates, a requirement for 28 bicycle parking spaces exists. Secure bicycle parking is shown on the ground floor of the site for 28 bicycles which meets this requirement.

Motorcycle Parking

Motorcycle parking is required in accordance with the rate in the NDCP2023, which is 1 space per 20 car spaces. As there are 12 car spaces, one motorcycle space is required. The proposed development makes provision for a total of 1 motorcycle space, thereby satisfying CN's motorcycle parking requirements.

Electric Vehicle Parking

In accordance with the NDCP2023, a minimum of 1 parking space is to have an electric vehicle charger installed and all other spaces shall be fitted with circuitry to allow future conversion. This will be included as a recommended condition.

Traffic Generation

The Traffic Impact Assessment (TIA) submitted with the development application states that there will be no significant increase in traffic as a result of the development. Whilst CN does not endorse the calculations provided in the TIA which state that AM traffic will increase by only 0.15 vehicle trips per hour (vtph) and PM traffic will decrease by 0.95 vtph as a result of this development, CN agrees in general the development is unlikely to have significant traffic flows and therefore does not warrant upgrades to the surrounding traffic network. Therefore, the development is acceptable on traffic grounds.

Section C3 Vegetation preservation and Care

An Arboricultural Impact Assessment (Arborist Report) has been prepared by Redgum Horticultural and supplied with the DA. The Arborist Report assessed 20 trees, 17 within the site and 3 on the adjacent road reserve.

Of the 20 trees assessed 4 trees are to be retained and 16 trees are to be removed to allow for the development. The trees to be removed are either a weed specimen (Tree 4), have a Low Retention Value and/or Low Significance Scale, or are located within the site in a position where they cannot be retained due to the proposed building footprint and associated infrastructure.

The landscape plans (refer to **Appendix H**) include the planting of 11 new trees of more appropriate species. The development will enable enhancement of the biodiversity and amenity value for vegetation within the site.

Section C4 - Stormwater

In accordance with this s., the following rainwater storage volumes are required:

- Reuse: 25m³ as required by BASIX.
- Detention: based on impervious area 850m² and site area 1420m², detention required is 12.5m³.

The development application includes a 25m³ reuse tank and 16.8m³ detention tank which meets CN's water quantity requirements and are acceptable.

In accordance this s., water quality treatment devices are to be included to manage the quality of runoff leaving the site. The applicant has included Stormfilter cartridges within a water quality chamber and presented MUSIC modelling which meets CN's targets.

Overflows from the rainwater tanks are shown on the plans to be directed to a 200x100mm RHS kerb outlet on Teralba Street which is acceptable.

Section C6 - Waste Management

The proposal is unable to support servicing by a HRV for waste collection. Alternative solutions were required to enable the efficient servicing of the site's waste. The proposal will utilise CN's collect and return service to allow waste bins to be collected from Brunner Road. This shall include new "No Parking" signage during bin collection times, and a rolled gutter to enable bins to be brought to the waste collection vehicle.

- *12.5m No Parking zone on Brunner Road restricted from 5am-9am Tuesdays.*

The NCTC provided in principle support for such a change (refer to **Appendix F**). As such the proposal is considered to provide suitable waste collection measures for the site's intensity.

Section C7 - Safety and security

The submitted design has enhanced both safety and security within the development and the surrounding public domain. It clearly defines both public and private spaces, and ensures that areas are fit for their intended purpose, offering a sense of ownership and accountability.

Well-planned passive surveillance opportunities are incorporated into the layout, particularly in public and communal spaces, which helps increase the likelihood of detection and challenges to potential offenders, thereby increasing the perception of risk for criminals.

Secure access points, alongside well-lit and visible areas, create a positive relationship between private and public spaces, making it harder for criminal activity to go unnoticed or unchecked. This design increases the effort required for crime. Additionally, the concealment of private storage cages and well-lit spaces that are easy to maintain, reduces the potential for criminal activity.

Finally, the clear design of spaces removes ambiguity about behavioural expectations, reinforcing a sense of safety and community that discourage illegal activity.

Section C8 - Social Impact

The development is strategically located in areas with access to essential services and facilities, ensuring that the locality's current and projected social needs are met. The design prioritises accessibility and universal design, ensuring all residents, regardless of ability, have equal access to housing and amenities.

Additionally, the development maximises the provision of existing affordable housing stock, ensuring that the supply is improved. Through these efforts, the development creates a sustainable and inclusive community that addresses both immediate and long-term housing needs. Developments like these are considered a benefit to the social environment with impacts mitigated by appropriate management via the (LHC).

Section C10 - Street Awnings and balconies

As the site is located within Adamstown renewal corridor, the development is subject to controls outlined in NCP2023 s. E8 Renewal Corridors. This includes provision for an awning along the street (see Figure E8.04 of the ADG). An awning is shown on the submitted architectural plans which is acceptable.

The awnings proposed as part of the development have been architecturally designed taking into consideration relevant design requirements, aesthetic presentation, functionality, structural integrity, and safety.

The proposed awnings will not impact on public utilities, traffic signs or signals, or vehicle or pedestrian circulation. The proposed awnings have also been designed to complement the streetscape and take into consideration the surrounding built environment.

Section D1 - Subdivision and lot consolidation -

The proposed development includes three into one lot Torrens titled lot consolidation. The application demonstrates the proposed lot achieves appropriate amenity and is considered satisfactory in terms of the development.

Section D3 - Residential Development -

This section applies to the submitted proposal. Notwithstanding this, the operation of the ADG (Chapter 4 of the Housing SEPP) and s. E8 Renewal corridors "Adamstown" below prevail over controls within s. D3 and are also more applicable to the type and scale of the development and its location.

Solar Access:

The solar access amenity requirement of the proposed development is discussed under Housing SEPP above. The development also has a responsibility to ensure that solar access is retained for neighbouring residential users whereby it provides the living room window and principal private open space receive at least two hours of direct sunlight between 9am and 3pm on the winter solstice for an adjoining dwelling.

The applicant submitted overshadowing diagrams at hourly intervals for June 21 which demonstrate the adjoining dwelling at 194 Brunner Road and the approved dwellings at 143 Teralba Road will receive at least 2 hours of solar access to both living room windows and private open space. This included a design change to the 4th level of Building 1 (reduced roof area) which has provides sufficient solar access for its own amenity and the amenity of adjoining properties. As such the development is considered acceptable with regards to solar access.

Section E8 - Renewal Corridors -

The site is in the 'Active-Residential' character typology of the Adamstown renewal corridor. This requires the activation of the streetscape through incorporating non-residential land uses.

The development proposes a gallery space in Building 2 at the Brunner road frontage, visible from the street through floor to ceiling glazing at the front property boundary. The gallery is not proposed to be an active use as it will not be publicly accessible however, is considered to provide visual interest to the street (the development is intended for management via the LHC who do not operate non-residential developments). The application has been submitted with a Plan of Management (PoM) for the gallery space which has been reviewed by CN's Art director and is considered appropriate for the function of a small art display space. Ongoing use of the space shall be conditioned to follow the submitted PoM.

A gallery is not the desired outcome of street activation measures within this section. However, given the limitations of the LHC and the benefits of additional affordable housing. The solution of a gallery is on balance a reasonable alternative in these circumstances.

Contributions Plans

The following contribution plan is relevant pursuant to s. 7.18 of the EP&A Act (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *S7.11 Development Contributions Plan 2022*

This Contributions Plan has been considered however the proposal is not entitled to any exemptions or reductions under s. 1.6 of the Plan and is liable for contributions. A condition for the Contribution is included with the recommended conditions.

- *S7.24 Housing and Productivity Contribution*

The Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 for contributions does not apply to this development as affordable housing provided for the LHC is exempt from the contribution consistent with schedule 2 of this order.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the EP&A Reg 2021 contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- If demolition of a building proposed - provisions of AS 2601;

These provisions of the EP&A Reg 2021 have been considered and are addressed in the recommended conditions.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The potential impacts of the development including social, environmental and economic have been considered in the assessment of the application. On balance, the proposed development is considered likely to result in minimal adverse impacts to the natural, built and social environment. The development is located upon a site suitably zoned for residential accommodation.

The development has been designed to generally satisfy applicable SEPP's and Council's NLEP 2012 and NDCP2023 requirements. Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality.

3.3 Section 4.15(1)(c) - Suitability of the site

The site is considered suitable for the proposed development subject to the recommended conditions included at **Appendix A** having had regard to the characteristics of the site and the locality within which it sits.

The site is not affected by known natural hazards and is a suitable location. The possible risk from land contamination has been considered and is capable of remediation to enable the proposed use.

The development takes advantage of a well-connected locality and has access to local services and facilities.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

The development is in the public interest and will allow for the orderly and economic development of the site. The development is consistent with the strategic direction adopted by CN for the Adamstown Renewal corridors (i.e. s. E8 Renewal corridors NDCP 2023). Additionally, the development provides for the additional affordable housing within Newcastle.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions.

Table 7: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			N/A
Referral/Consultation Agencies			
Electricity supply authority	s. 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Ausgrid has no further objections to the issuance of the construction certificate to the applicant.	Y
Urban Design Review Panel	CI 145 (2) – SEPP Housing 2021 Refer the application to the design review panel for the local government area	The advice of the UDRP has been considered in the proposal and is further discussed in the SEPP Housing Chapter 4 assessment.	Y
Integrated Development (S 4.46 of the EP&A Act)			N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	CN's Engineering Officer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions.	Y
Traffic	CN's Traffic Engineering Officer reviewed the proposal and advised no objections subject to conditions. The NCTC also granted in principle support for the timed loading zone to Brunner Road for the facilitation of waste pickup (refer to Appendix F).	Y
Health	CN's Health Officer reviewed the submitted land contamination documents and noise impacts from Brunner Road. Subject to recommended conditions the proposal is suitable with the site conditions.	Y
Social Planner	CN's social planner notes that the applicant has not identified a baseline in the application and has focused on the benefits of the application without a full investigation of the negative	N

	impacts. <u>Officers Comment:</u> The applicant has relied on the long history of the LAHC in provided affordable housing and standing management procedure, no further investigation was provided by applicant.	
Public Domain/ Assets	The awning over the foot path will be subject to a separate consent from CN under s. 138. This requirement is included in the recommended conditions.	Y
Art Gallery	The gallery space in Building 2 is only viewed from the exterior (street and shared spaces in the complex), and not able to be entered by anyone except when changing over displays. This space is for the enjoyment of tenants and passers-by, but not intended as an ongoing responsibility for the tenants, nor staffed daily. Some minor design and PoM changes were recommended, which have been adopted by the applicant under the amended plans and updated PoM. Refer to Appendix I for a copy of the PoM. The Gallery proposal is a welcome addition to development.	Y
Urban Design Review Panel (UDRP)	CN's UDRP considered the proposal on 20 January 2025 and determined it is satisfied its principal issues have been addressed, and the proposal is supported.	Y

The issues raised by CN officers are considered in section 5. Key Issues of this report.

4.3 Community Consultation

The proposal was notified in accordance with the CN's Community Participation Plan from 22 March 2024 until 5 April 2024 and again with amended plans from 27 November until 11 December 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (74).

The Council received a total of eight unique submissions to the proposal. The issues raised in these submissions are considered in **Table 9**, a submitters list is included in **Appendix G**.

Table 9: Community Submissions

Issue	No of submissions	Council Comments
Social issues with concentration of social housing.	5	The application proposes a permissible development type. The housing tenancy will continue to be managed by LHC as is the current. The intensification of the site is consistent with LHC's strategy and

Submissions raised concern over increased crime and behavioural issues.		<p>delivers housing to those in need during a housing crisis.</p> <p>Outcome: This issue has been considered and is considered acceptable for the application.</p>
<p>Parking</p> <p>Submissions have raised concern for the lack of onsite parking provided, in an area already devoid of enough parking.</p>	7	<p>Clause 19 of the Housing SEPP sets non-discretionary development standards for in-fill affordable housing. Included in these standards is parking rates. The development achieves compliance with the parking rate standard.</p> <p>Outcome: Parking is provided at the required rate and the consent authority is prevented from improvising any more onerous standards for parking.</p>
<p>Height of Building</p> <p>The submission raised concern for the height within the streetscape</p>	1	<p>The height of the building is consistent with development standards. Being below the maximum allowable height by 2.9m when measured at its highest point above natural ground level. As noted previously the area is identified for significant uplift as part of the Adamstown renewal corridor.</p> <p>Outcome: This issue has been considered and is considered acceptable for the application.</p>
<p>Solar Access</p> <p>Submissions have raised concern for the amount of sunlight retained and the usability of solar panels</p>	3	<p>The development will reduce the solar access afforded to neighbours. As noted previously in this report the development has enabled the retention of at least 2 hours of solar access for adjoining properties. This is consistent with the requirement for residential development and is considered reasonable in the circumstances.</p> <p>Outcome: The development is compliant.</p>
<p>Property Value</p> <p>Property values will be detrimentally impacted</p>	1	<p>The impact of development on property values is not a consideration under the EP&A Act.</p> <p>Outcome: While amenity for neighbouring and nearby properties has been considered, the direct impact on property value cannot be considered in the assessment of this application.</p>
<p>Streetscape</p> <p>Concern for a modern design and material palate being out of place.</p>	1	<p>The design is modern being consistent with an area in transition such as this. The design has been reviewed by the UDRP and is considered appropriate for the streetscape and location.</p> <p>Outcome: This issue has been considered and is considered acceptable for the application.</p>

Illegal Dumping The submission raised concern for increased illegal dumping with a higher density proposal.	1	The application is within the FSR development standard and so the intensification is considered suitable for the location. With regards to illegal activity this is not a matter for consideration under the EP&A Act. These actions are to be reported through the appropriate channels. Outcome: The development is supported.
Privacy The submission raised concern for the privacy of adjoining properties.	1	The development has been reviewed for impacts on privacy to adjoining properties. Privacy has been addressed by the design with significant building separation from properties to the northern boundaries and with high sill and privacy screening to the southern boundary. Outcome: This issue has been considered and is considered acceptable for the application.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

Crown DA

The application is classified as a Crown DA under s. 4.33 of the EP&A Act. As a Crown DA, the applicant's approval is required for the schedule of conditions before determination, this confirmation was sought 3 March 2025. The proposal is a regionally significant development due to its capital investment value exceeding \$5 million on Crown development, necessitating referral to the HCCRPP for determination.

Acceptance of the recommended conditions has not been received.

Variations to the ADG Controls

The proposal is subject to the ADG under the SEPP Housing. The UDRP reviewed the design and recommended refinements, including changes to landscaping, overshadowing and solar access. The amended plans addressed these concerns by modifying the roof plan of Building One, adjusting landscaping, and improving the Brunker Road streetscape. The amended plans are acceptable with ADG provisions.

Contamination

A PSI and DSI identified contamination issues, particularly asbestos and elevated lead levels. A RAP was submitted, proposing excavation and disposal of contaminated soils to a licensed facility.

Gallery

The proposal includes a ground-floor community facility (gallery) within Building Two, facing Brunker Road. The gallery is designed to enhance streetscape activation but is not intended as a publicly accessible facility. Instead, it will serve as a visual feature for passersby and

tenants. The applicant has submitted a PoM for the gallery, which will ensure the appropriate operation of the gallery. While not strictly street activation the galley is a reasonable option within the circumstances of this development.

Parking

The development includes 12 car parking spaces (including two accessible spaces), 28 bicycle parking spaces, and one motorcycle space. The parking provision complies with the Housing SEPP, which sets non-discretionary standards for affordable housing developments. While concerns were raised regarding limited parking availability in the area, the development meets statutory requirements, and additional parking cannot be mandated.

Overshadowing

The proposal was assessed for solar access and overshadowing impacts. The applicant provided hourly overshadowing diagrams, demonstrating that neighbouring properties would receive the required minimum of two hours of sunlight to living room windows and private open spaces on the winter solstice. Design modifications, such as reducing the roof area of Building One, were made to minimise overshadowing effects.

Submissions

Eight unique objections were received during the public notification period. Key concerns included increased social housing concentration, potential crime, parking shortages, and building height impacts. The assessment determined the proposal aligns with strategic housing policies and planning controls. The concerns about parking were addressed by confirming compliance with Housing SEPP standards, and no additional height variations were required.

6. CONCLUSION

This application has been considered in accordance with the requirements of the EP&A Act and the EP&A Reg 2021 as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered the application can be supported.

It is considered the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended conditions at **Appendix A**.

7. RECOMMENDATION

That Development Application DA20024/00151 for an Affordable housing residential flat building - including community facility (gallery) and demolition of existing structures at 190 Brunker Road and 139 Teralba Road, Adamstown be APPROVED pursuant to s. 4.16(1)(a) of the EP&A Act subject to recommended conditions attached to this report at **Appendix A**.

The following **Appendices** are provided:

Appendix A - Conditions of Consent

Appendix B - Architectural Drawings

Appendix C - Approval from the Crown (applicant) for imposition of Conditions

Appendix D - UDRP comments and endorsement.
Appendix E - External Referral Comments (Ausgrid)
Appendix F - NCTC - In principle support.
Appendix G - Submitters List
Appendix H - Landscape Plans
Appendix I - Gallery Plan of Management
Appendix J - Overshadowing Plans
Appendix K - Remediation Action Plan
Appendix L - Design Verification Statement