



URBAN DESIGN CONSULTATIVE GROUP MEETING

ITEM No. 2

Date of Panel Assessment:	20 August 2014
Address of Project:	1 King Street Newcastle
Name of Project (if applicable):	Arena
DA Number of Pre-DA?	DA 2014/0847
No. of Buildings:	One
No. of Units:	77 in floors Ground to 6 inclusive
Declaration of Conflict of Interest:	Nil
Attendees:	Keith Stronach – Kred Pty Ltd Richard Anderson – Kred Pty Ltd David Rose – DWP Suters (architect)

This report is based on the ten Design Quality Principles set out in State Environmental Planning Policy No.65 which must be addressed in considering residential flat development in NSW. It is also an appropriate format for applications which do not include residential flats.

Generally

The application seeks to substitute 77 apartments and a ground floor and a lower ground floor commercial space, for the section of the northern building (Stage B) which was previously approved by the JRPP on 4 December 2013 as a 100 room hotel.

1. Context

The site was previously occupied by the Royal Newcastle Hospital, and was subsequently partially developed largely in accordance with an approved master plan as Stages 1A and 1B by Mirvac. These stages include ground floor retail and a small bar, a four storey hotel, and residential apartments above. Following acquisition of the remaining development site by Kred Pty Ltd, Stage 1C has included the major refurbishment of the former David Madison medical research building as office space, which represented a departure from the master plan that anticipated high-rise commercial and residential development on the DMB site. The Group strongly supported the retention of the DMB, which is considered to be an excellent building of its era, which contributes positively to the urban form of Watt and King Streets.

The residential and commercial project which formed the December 2013 JRPP approval, and the proposed changes to that approval identified in this application, form the completion of the overall project.

The context is considered suitable for the proposed residential and commercial use.

2. Scale

No change is proposed to the previously approved building envelope.

3. Built Form

The proposed change of use from hotel rooms to apartments has brought with it the addition of balconies that will enjoy very attractive south easterly views over a forecourt area to Newcastle Beach. The addition of balconies offers the opportunity of providing more dynamic interest to the lower 7 storeys of the building façade, and it is anticipated that they will be well used by residents whenever weather conditions permit.

The provision of some degree of privacy for residents using the balconies and an associated degree of screening of the view from the forecourt and the street beyond, was discussed at length. The adjacent approved "Building South" includes operable screens which protect privacy and views into balconies. The proposed use of full clear glass balustrades, with no screening at all to the balconies, was questioned although it was acknowledged that the subject block is more removed from the road than "Building South" is. The applicant noted an expressed desire on behalf of potential purchasers for a maximized view from the apartments across the balconies, which was also acknowledged.

On balance, while the Group agreed that it was not necessary or desirable to continue the extensive degree of screening applied to the balconies of "Building South" apartments to the subject development, a moderate degree of screening would be most useful both for residents' comfort and for the external appearance of the building. This need not detract from the attractive views available from the apartment interiors. This moderate screening could readily be achieved by including a low upstand to the edge of the balconies, with clear glass balustrade above. This solid upstand could be reduced in its height on higher floors if desired, as privacy considerations are reduced. The need also to provide screening to reduce overlooking between apartment balconies was also identified, and the applicant undertook to address this concern.

4. Density

No issues were raised in respect to density.

5. Resource, Energy and Water Efficiency

No information was supplied to the Group in respect to any implications in respect to these criteria which might arise from the proposed changes to the current DA.

6. Landscape

The forecourt area to the east of the buildings was not proposed to be changed significantly from the approved design. In the previously approved form, the area had been necessary to provide a vehicular drop-off to the hotel reception in the forecourt, and six parking spaces on this open area are retained in the current scheme for use by the small commercial area on the southern end of the ground floor level. The Group questioned whether these car parks might be more appropriately provided in the basement area with the remainder of the provided parking, which would allow a more extensive landscaping of the forecourt. It would also provide much greater capacity to manage parking for the commercial operator.

While it was acknowledged that the site is extremely exposed to salt-laden southerly winds, with a consequent difficulty in obtaining any substantial tree or large shrub growth, there is an opportunity to use low screens and salt-resistant low shrubs and ground covers to soften the appearance of this forecourt area. This more extensive use of vegetation would also be cooler in summer when extensive hard pavement in the area would otherwise absorb and reflect heat into the apartments. It would provide a more attractive foreground to the otherwise desirable beach and ocean views available to the residents.

7. Amenity

While winter solar access is limited to some of the apartments because of the ESE orientation of the living spaces, this is largely unavoidable because of the site and its previous master planning decisions. The very pleasant outlook of the dwellings will provide occupants with good aspect, and the design generally is considered to provide quite a high level of amenity to residents.

8. Safety and Security

As mentioned under Landscape above, the parking for the small commercial area would be more efficiently managed if located with the remainder of the car parking in the secure basement.

Pedestrian access to the Lower Floor Commercial area is very close to the driveway, and the Group recommends further design resolution to make this entry safer and more visually appealing.

9. Social Dimensions

There is some opportunity to design for greater informal social interaction between residents in the development. While it may not be possible at this stage to provide a common room and landscaped area at roof level, provision should be made for residents to casually meet in the foyer and possibly in the commercial space if this is fitted out as a café in the future. It was also suggested that any proposed outdoor seating associated with the commercial use be clearly defined, and egress ways from fire stairs protected from potential obstruction by furniture and diners.

Provision of seating for residents in the foyer and in the forecourt, should also be provided with the view to enhancing resident interaction.

10. Aesthetics

The aesthetics of the proposal were generally considered to be quite acceptable, subject to resolution of matters identified above – including some limited visual screening of balconies, and the softening of the forecourt with the removal of parked vehicles and the more extensive use of low shrubs and groundcovers.

The render colour to the rectangular frame defining the balcony edges, which appears white in some renderings, should be similar to the tone depicted in item "F" in the colour palette provided.

Recommendation: Subject to the satisfactory addressing of the issues identified above, the proposal is supported by the Panel

Melissa Thomas

Subject: DA 2014/847 Arena Apartments - Sidra Files email 1 of 2

From: David Ryner
Sent: Wednesday, 12 November 2014 9:39 AM
To: Melissa Thomas
Subject: RE: DA 2014/847 Arena Apartments - Sidra Files email 1 of 2

Melissa

I have reviewed the sidra data and I am satisfied that this data supports the findings of the Colston Budd Hunt & Kafes Pty Ltd amended report dated 30 October 2014.

The application is therefore supported on traffic grounds with the inclusion of appropriate conditions of consent.

Regards

David Ryner | Senior Development Officer
Development And Building Services | Planning And Regulatory
The City of Newcastle
Phone: +61 2 4974 2633 | Fax: +61 2 4974 2701 | Mobile: +61 409 300 674
Email: dryner@ncc.nsw.gov.au
Web: www.newcastle.nsw.gov.au
Our Corporate Values: Cooperation | Respect | Excellence | Wellbeing

Melissa Thomas

Subject: DA2014-847 - 1 King Street

From: David Ryner
Sent: Monday, 10 November 2014 3:15 PM
To: Melissa Thomas
Subject: RE: DA2014-847 - 1 King Street

Melissa

I have reviewed the documentation supplied and while I am satisfied that the traffic generation impacts will be comparable with that of the approved development it is requested that the consultant supply the sidra printouts to support the findings of the Colston Budd Hunt & Kafes Pty Ltd amended report dated 30 October 2014.

The rates of 0.3 trips per residential unit and 0.52/057 trips per commercial space in the AM/PM peak period are considered acceptable having regard for the availability of public transport services and Council's reduced parking provision of 1 per 60M2 for the Newcastle CBD respectively.

Utilising these rates the following aspects of the report are of particular note:

1. The proposed development will generate around 17/21 vehicles less than the approved development
2. Access to King Street will be restricted to the residential component of the development together with service vehicle activity with a similar level of traffic generation to the approved development due to minor changes in traffic flows at each access and an increase in parking spaces from 19 to 24 on the lower parking level.
3. Existing intersections will continue to operate at acceptable levels of service post development during both AM/PM peak periods
4. Queue lengths in King Street on eastern approach to the intersection of Watt Street are comparable with the approved development at approximately 3 vehicles

Note:

While the submitted traffic reports have not identified the installation of an additional marked foot crossing in King Street on the western approach to the intersection with Watt Street, this should not result in an increase in queue lengths for the King Street eastern approach to this intersection.

Recommendation:

The application be approved on traffic grounds subject to the traffic consultant supplying the sidra printouts to support the findings of the Colston Budd Hunt & Kafes Pty Ltd amended report dated 30 October 2014.

Regards

David Ryner | Senior Development Officer
Development And Building Services | Planning And Regulatory
The City of Newcastle
Phone: +61 2 4974 2633 | Fax: +61 2 4974 2701 | Mobile: +61 409 300 674
Email: dryner@ncc.nsw.gov.au
Web: www.newcastle.nsw.gov.au
Our Corporate Values: Cooperation | Respect | Excellence | Wellbeing

Development & Building Services

Engineering Services Assessment



TO: DAVID PAINE
FROM: JEFF GARRY – CONTRACT DEVELOPMENT OFFICER (ENGINEERING)
DATE: 28/08/2014
FILE NO: DA 14/847
SITE: 1 KING STREET, NEWCASTLE
RECOMMENDATION SUPPORTABLE

1.0 Assessment Scope

The following report has been assessed:

- Statement of Environmental Effects by deWitt Consulting dated August 2014.
- Traffic Report by Colston Budd Hunt & Kafes Pty Ltd dated July 2014.
- Stormwater Management Plan by MPC Consulting Engineers dated July 2014.

2.0 Assessment

The proposal is to replace the approved Stage B (northern building) within the Arena Development (DA 2012/5490 on the site). The new building covers the same building envelope and is different from the approved building from the podium level up. The proposed 100 room hotel has been removed from the development and replaced with residential units. A total of 161 residential units will be in the new development. Other landscaping and façade treatments not relevant to this assessment also occur.

Flood management – The site is not flood prone.

Stormwater Management – The stormwater plan provided by the applicant is similar to the approved plan and considered compliant with Council's DCP requirements (Section 7.06).

Traffic Management / On-site Car Parking -

The amended development has been supported by a Traffic report prepared by Colston Budd Hunt & Kafes Pty Ltd, which has identified that because of the residential nature of the new development the traffic generation from the proposed amended development will in fact be slightly less than the already approved hotel development on the site (8 vph). This would suggest the proposed amendments would from a traffic perspective result in a slightly better outcome than the currently approved development.

However on review it is considered that the traffic generation rates used were not in accordance with latest RMS data which says for high density residential flat developments in regional areas the rates to be used are ;

1. 0.53 vtph per unit in the AM peak and 0.32 vtph in the PM peak. RMS Technical Direction TDT 2013/04.
2. Commercial spaces – 2 per 100 m² GFA

Use of the correct rates is likely to at least double the predicted traffic from the site and the traffic report should be amended appropriately. However the net result is not likely to change the intersections are currently operating with good levels of service and even doubling the traffic generation from the site would

not be expected to result in unacceptable LoS at the affected intersections based on the current operation of the intersections.

The report has also identified that parking supply for the development 215 car parking spaces and 18 motorcycle spaces would comply with Council's DCP requirements. In this regard it should be noted Council provides a concession on residential parking in this part of the CBD due to the proximity to and availability of public transport in close vicinity to the site which is not afforded to a hotel development.

has identified the new development will result in a slight increase in traffic flow however an assessment of the road network operations around the site has determined that the proposal will not result in any unacceptable impacts on the road network. The road network will continue to operate with delays and congestion within acceptable guidelines provided by the RMS. I concur with this finding and raise no objection to the proposal in regard to adverse traffic impacts.

Vehicular Access – There are no changes to the proposed access arrangements to the site from the approved development therefore no further assessment is required.

4.0 Recommendation

That the traffic report supporting the development be amended such that the following appropriate traffic generation rates are used in the assessment;

1. Residential Units - 0.53 vtpu per unit in the AM peak and 0.32 vtpu in the PM peak as per RMS Technical Direction TDT 2013/04.
2. Commercial floor area – 2 per 100 m² GFA as per RTA Guide to Traffic Generating Developments.

It is not however expected that these changes to the traffic report will affect the conclusion of the current report in that the local road network will continue to operate with satisfactory LoS (within RMS and Austroad Guidelines) post development.

Regards,

Jeff Garry
CONTRACT DEVELOPMENT OFFICER (ENGINEERING)

Internal Memo

TO: David Paine
FROM: Mark Manning
DATE: Tuesday 30 September 2014
SUBJECT: DA 2014/0847
Construction of fifteen level mixed use development at 1 King Street, Newcastle

Recommendation

The Regulatory Services Unit (RSU) deems the proposal acceptable subject to the following conditions.

Proposal

The proposal submitted to Council and reviewed by the RSU seeks to construct a fifteen level mixed use development at 1 King Street, Newcastle. The proposed building includes five levels of basement carparking for two hundred and twenty-one vehicles, lower ground and ground floor commercial units and one hundred and sixty-one residential units across fifteen levels. The residential units will comprise twenty-four studio apartments, fifty-four two bedroom units, seventy-seven one bedroom units and one four bedroom unit.

Scope of Review

The RSU has reviewed the following documents

- Statement of Environmental Effects, deWitt Consulting, August 2014
- Site Plan, DWP Suters, 15 July 2014
- Basement Carpark Plan, DWP Suters, 15 July 2014
- Floor Plans, DWP Suters, 15 July 2014
- Elevations, DWP Suters, 15 July 2014
- Sections, DWP Suters, 15 July 2014
- Waste Classification Assessment, Douglas Partners Pty Ltd, 26 March 2014
- Report on Geotechnical Investigation, Douglas Partners Pty Ltd, April 2014
- Contamination Investigation, Douglas Partners Pty Ltd, April 2014
- Remediation Action Plan, Douglas Partners Pty Ltd, October 2012
- Noise Impact Assessment, Reverb Acoustics, September 2014

Discussion of Application

Contamination

A Preliminary Contamination Assessment prepared by Douglas Partners Pty Ltd dated May 2012 was completed as part of the previous Development Application for the site (Development Application No: 2012/0549). The Preliminary Contamination Assessment prepared by Douglas Partners Pty Ltd dated May 2012 identified imported fill material beneath existing pavements as a potential source of contamination at the site. The Remediation Action Plan (RAP) prepared by Douglas Partners Pty Ltd dated October 2012 noted potential contaminants would be removed from the site as part of the excavation for the basement carparking area of the previously approved development at the site. However, the RAP prepared by Douglas Partners Pty Ltd dated October 2012 recommended additional sampling would be required to determine the extent of contamination and for waste classification and validation purposes.

The Contamination Investigation prepared by Douglas Partners Pty Ltd dated April 2014 has undertaken additional sampling of soil and groundwater at the proposed development site. Soil sampling revealed the absence of gross contamination within the fill material, but elevated levels of Benzo(a)Pyrene (BaP) were identified in three samples. The elevated levels of BaP were associated with asphalt materials in the sample and all asphalt material will be removed from the site as part of the proposed excavation activities. Waste classification sampling has revealed the soil may be removed from the site as general solid waste and excavation of materials should be undertaken in accordance with the RAP prepared by Douglas Partners Pty Ltd dated October 2012. The Contamination Investigation prepared by Douglas Partners Pty Ltd dated April 2014 has also undertaken sampling of groundwater. Sampling revealed elevated levels of cadmium, copper and zinc in groundwater. However, the elevated levels of zinc appear to be consistent with natural background conditions while the levels of cadmium and copper are isolated levels. Due to the distance to receiving waters the levels of contaminants are likely to dissipate due to natural attenuation and will not result in adverse environmental impacts. Therefore, no further remediation of groundwater will be required to be undertaken.

Council is satisfied the development site can be made suitable for the proposed development provided the RAP prepared by Douglas Partners Pty Ltd dated October 2012 is implemented. The requirement for implementation of the RAP is addressed by an appropriate condition of consent. A validation report for the proposed remediation method is required to be prepared at the conclusion of works in accordance with the Environment Protection Authority's (EPA) *'Guidelines for Consultants Reporting on Contaminated Sites'* and *'Guidelines for the NSW Site Auditor Scheme'*. The validation report will be required to be submitted to the Principal Certifying Authority (PCA) and Council prior to the issue of an Occupation Certificate. The requirement for submission of a validation report will be addressed by an appropriate condition of consent.

Noise

The proposed development is located adjacent to sub-arterial roads, Shortland Esplanade and Watt Street, and traffic noise may potentially affect the amenity of the residential and commercial units. The proposed development may also be affected by noise from other commercial activities in the area. To protect the amenity of future residents and commercial operators compliance with internal noise levels outlined in the Department of Planning's *'Development near rail corridors and busy roads – Interim Guideline'* and Australian Standard *'AS 2107 – 2000 Acoustics – Recommended design sound levels and reverberation times for building interiors'* is required. The Noise Impact Assessment prepared by Reverb Acoustics dated September 2014 has calculated the noise impact from the roadway at the external façade of the proposed residential and commercial receivers. The calculated noise level at the façade was 65dB(a) L_{eq} . Due to the calculated received noise level the Noise Impact Assessment prepared by Reverb Acoustics dated September 2014 determined acoustic measures will be required to ensure compliance with recommended internal levels. The Noise Impact Assessment prepared by Reverb Acoustics dated September 2014 has utilised the methodology outlined in Australian Standard *'AS 3671 -1989 Acoustics – Road Traffic noise intrusion – Building siting and construction'* to determine the recommended acoustic treatment of external walls, ceilings and windows to ensure internal noise levels are satisfactory. The recommended acoustic measures are required to be incorporated into the design of the proposed development and a sign-off from the acoustical consultant is needed. The implementation of the acoustic measures will be addressed by an appropriate condition of consent.

The Statement of Environmental Effects (SEE) prepared by deWitt Consulting Pty Ltd dated August 2014 notes rooftop mechanical plant will be required for the proposed development. The installation of mechanical plant has the potential to generate adverse noise impacts for the surrounding residential buildings. However, the potential adverse noise impacts may be mitigated by the installation of appropriate acoustic measures. The selection of equipment is to be conducted in consultation with an acoustical consultant and determination of appropriate measures to mitigate noise shall be implemented prior to the issue of an Occupation Certificate. This requirement will be addressed by an appropriate condition of consent.

Conditions of Consent

Standard Conditions

A062
B062
B064
B065

B066
B067
B068
B082
C014 > Reverb Acoustics dated September 2014
C016
D008

Additional Conditions

- The proposed development being carried out in accordance with the requirements set out in the submitted Remediation Action Plan prepared by Douglas Partners Pty Ltd dated October 2012.
- A Validation Report prepared by an appropriately qualified environmental consultant in accordance with the Environment Protection Authority's (EPA) *'Guidelines for Consultants Reporting on Contaminated Sites'* and *'Guidelines for the NSW Site Auditor Scheme'* being submitted to the Principal Certifying Authority (PCA) and Council prior to the issue of the Occupation Certificate.
- Prior to selection and installation of the rooftop mechanical plant, noise emission data for mechanical plant items are to be reviewed by an appropriately qualified acoustical professional to ensure the cumulative Sound Power Level from the mechanical plant items does not generate offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW). Certification of the appropriateness of the equipment and installation location by an appropriately qualified acoustical professional is to be prepared and submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate for the premises.
- Waste collection from the proposed development being restricted to 7:00am and 6:00pm daily.
- All deliveries to the proposed commercial units being restricted to 7:00am to 6:00pm daily.
- Prior to the issue of a Construction Certificate, the proponent preparing and submitting to the principal Certifying Authority (PCA) an Environmental Management Plan (EMP) for construction works on the site, such to be kept on site and made available to authorised Council officers upon request. The EMP is to include but not be limited to:
 - A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.
 - A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
 - A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. This strategy should be cross-referenced with the water management strategy
 - A road management strategy, detailing procedures to ensure that all roads adjacent to and within the proposed application area are kept free and clear from mud and sediment.
 - A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
 - A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
 - A community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Please advise the writer if it is necessary to expand on any of this information to contact Compliance Services. If you have any queries regarding the above or wish to discuss the matter please contact (02) 4974 2540.

Mark Manning
SENIOR ENVIRONMENT PROTECTION OFFICER