Planning and Regulatory

The City of Newcastle

Internal Memo

TO: David Paine

CC:

FROM: Daniel O'Brien

DATE: 16 May 2016

SUBJECT: Environmental Services comments - DA2015/10299 - 28 Bolton Street.

David

Summary
Environmental services has assessed the further information submitted by the applicant to address contamination.

Following the recommendations of the preliminary contamination assessment a Remedial Action Plan has been provided to outline how the identified contamination issues are proposed to be managed as part of the redevelopment of the site.

Environmental Services is satisfied that sufficient information has been provided by the applicant to address contamination and other environmental aspects of the proposed development. A number of recommended environmental conditions are provided below.

Documents reviewed

- Report: DLA Environmental Services Pty Ltd (August 2015) Stage 1 Environmental Site Assessment
- Report: DLA Environmental Services Pty Ltd (November 2015) Stage 1 Environmental Site Assessment - Sampling Addendum
- Report: DLA Environmental Services Pty Ltd (November 2015) Acid Sulfate Soils Management Plan
- Report: DLA Environmental Services Pty Ltd (February 2016) Remediation Action Plan

Discussion

The primary environmental factors considered by Environmental Services are outlined below:

Contamination

A contamination investigation has identified the site as being suitable for the proposed development however areas of the site required further investigation, remediation and validation b following demolition. A historic fuel tank, potential ACM in fill and coal tar impacted asphalt were among the identified contamination concerns. A remedial action plan has been submitted which outlines these required works in order to ensure the land is made suitable for the proposed landuse. It is noted that a substantial amount of existing soil is proposed to be removed for carpark construction and there will be limited access to existing soil. It is considered that there would be very limited access to soil for future residents.

Acoustics

Noise is not considered to be a significant issue in relation to this development. Building design has incorporated habitable spaces have being separated from plant, service and mechanical equipment. The location of the building's roof top plant room is not considered to be likely to generate offensive noise to nearby residents.

Acid Silfate soils

The site is located on class 5 land and approximately 12ms or more above AHD and as such acid sulfate soils are not considered to be likely to be encountered during redevelopment of the site. The applicant has engaged a consultant to provide an acid sulfate soils management plan in-case acid sulfate soils are encountered during excavation.

Standard Conditions

- **2 Approved Documentation (include: Report:**

    1. DLA Environmental Services Pty Ltd (February 2016) Remediation Action Plan
    2. Report: DLA Environmental Services Pty Ltd (November 2015) Acid Sulfate Soils Management Plan

- **B002 Demolition standard**
- **B003 Hazardous substances plan req'd**
- **B004 Demolition requirements**
- **B012 Waste management plan**
- **B016 Site signage**
- **B062 Construction/demolition noise**
- **B064 Prevent pollution sign**
- **B065 Removing excavated material**
- **B066 Fill – quality**
- **B067 Fill – resource recovery exemption**
- **B068 Sediment control – simple**
- **B070 All weather access**
- **B072 Dust control**
- **B093 Acid Sulfate Soil (comply with Mgt Plan)**

Non-Standard Conditions

- Prior to the issue of a Construction Certificate, the proponent is to prepare and submit to the PCA and Council an Environmental Management Plan (EMP) for construction/demolition works on the site, which is 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. A site management strategy, identifying and addressing issues such as environmental health and safety, site security, and traffic management.

b. 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.

c. 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

d. A soil management strategy, detailing measures to be implemented to manage the identification and control and disposal of any acid sulphate soils or soil contamination identified during site works.

e. A noise and vibration management program detailing measures to minimise the impact of the construction phase on the amenity of the locality in accordance with Australian Standard AS *2436.* 2010 (*Guide to Noise and Vibration control on Construction, Demolition and Maintenance Sites*).

f. A waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.

g. 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.

- A Community Liaison Officer is to be appointed prior to construction works commencing to act as a point of contact for adjacent occupiers throughout the construction phase of the development. The Community Liaison Officer is to be engaged until construction works are completed. Contact details of the Community Liaison Officer are to be provided to Council and adjoining occupiers via a letterbox drop/community newsletter and signage at the site.

- The proposed remediation work being carried out in accordance with the requirements set out in the submitted Remedial Action Plan (RAP) prepared by DLA Environmental Services Pty Ltd dated February 2016.

- Prior to the issuing of an Occupation Certificate, a Validation Report is to be prepared by a suitably qualified person in accordance NSW Government endorsed contaminated land guidelines and submitted to Council and the PCA.

Please advise if you require any further information or clarification of the above advice.

Regards

Daniel O'Brien
SENIOR ENVIRONMENT PROTECTION OFFICER

Development & Building Services

Engineering Services Assessment

TO: DAVID PAINE

FROM: JEFF GARRY – CONTRACT DEVELOPMENT OFFICER (ENGINEERING)

DATE: 17/05/16

FILE NO: 2015/10299

SITE: 28 BOLTON STREET, NEWCASTLE

RECOMMENDATION SUPPORTABLE.

1.0 Assessment Scope

The following plans / details have been assessed:

- Development plans by Fender Katsalidis Architects Job No. 13032 Drawing No. DA101- DA109, DA301 - DA320 Rev 2 dated 30/03/2015.
- Statement of Environmental Effects by Hamptons Property Services dated 27 November 2015.
- Traffic Impact Assessment by Colston Budd Hunt & Kafes Pty Ltd dated August 2015.
- Stormwater Plan by MPC Consulting Engineers Job No. 16-297 Drawing C01 Issue 3 dated 16/11/2015.
- Request for Additional Information dated 4th April, 2016.

Proposal is for demolition of part of the existing buildings and replacement with a 8 storey mixed use development plus renovation of an existing commercial building on the site providing 120 (29 x 1 bedroom, 81 x 2 bedroom & 10 x 3 bedroom) units and a number of commercial tenancies (1,097 m^2 GFA). Car parking is provided within 3 levels being at ground floor and 2 basement levels with a total of 161 car spaces provided split as 131 residential spaces and 30 shared commercial and visitor spaces including 3 accessible spaces.

2.0 Comment.

When previously reviewing this application in December 2015 I recommended;

Whilst I believe the proposal can eventually be supported the following additional information is required to be submitted to Council prior to determination;

1. *Movement Summary tables for the SIDRA modelling undertaken in the traffic assessment are to be provided for Council review.*
2. *Some of the on-site car parking excess is to be converted to provide 7 to 8 motorbike parks to comply with the DCP requirements.*
3. *A minimum of 8 visitor car parks are to be delineated within the ground level on-site car park and shown on the plans.*

The required changes and additional information have been provided as requested.

IT is noted that the apartment numbers have reduce by 1 and the make-up of the apartments have changed.

The new minimum parking supply requirements are;

1. Residential parking - 105 spaces
2. Visitor car spaces - 25
3. Commercial spaces - 19 spaces

Total spaces = 149 spaces. Therefore an excess of parking (12 spaces) still exists.

3.0 Submissions

The submissions received have identified the following relevant concerns;

Traffic Congestion

The traffic study supporting the application has been undertaken in accordance with NSW RMS' RTA's Guide to Traffic Generating Developments. In reviewing the TIA it was noted that;

- Appropriate traffic generation rates were used. In fact more recent RMS survey data indicates a lower traffic generation rate could have been justified.
- Trip distribution was appropriate.
- Existing traffic volumes were consistent with other recent traffic studies carried out in the area (GPT).
- SIDRA Modelling undertaken showed similar results to other recent traffic studies in the area (GPT).

In summary whilst a certain level of traffic congestion occurs in the area the acceptable capacity for the road network is not yet reached and this development will not cause the road network to reach capacity. Council is also seeking to encourage a modal shift for trip movements in this area from vehicles to public transport and traffic congestion in the area is seen as a way of encouraging this modal shift.

Availability of On-street Car Parking

Again the traffic study has identified that the development provides on-site car parking in excess of Council's DCP requirements and as such Council cannot ask for more on-site car parking. As Council cannot control parking behavior in the area it cannot be guaranteed that the proposal will not increase the on-street parking demand however by providing on-site car parking in excess of the DCP requirement it does minimize the likely future on-street parking demand generated by the development. On-street parking in the area is typified by time limited parking during business hours when the on-street car parking demand in the area is at its peak. Suitably enforced this ensures good turnover of parking in the area during this time whereby all developments in the area compete for the available on-street car parking. This is considered fair and reasonable.

Further limiting the availability of on-street parking is also seen as another way of encouraging the modal shift in trip making towards public transport use Council is seeking in the CBD area.

Stormwater Drainage

The proposed development will result in improved drainage conditions in the area as rather than there be significant overland flows from the site as currently occurs drainage will now be captured, retained and re-used in the development before being discharged into Council's drainage pipe system. Therefore not only will there be a reduced stormwater flow off the site but it is now being discharged in a pipe system rather than as overland flow significantly improving drainage problems for properties downstream of the site.

4.0 Recommendation

The proposed development can be supported with the following conditions;

A- CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE	
A007 - Number/layout car spaces	On-site parking accommodation is to be provided for a minimum of 161 cars and 8 motor cycles. A minimum of 19 spaces including a designated service vehicle space is to be allocated and delineated for the commercial premises and a minimum of 8 spaces is to be allocated and delineated as visitor car parking. This parking is to be set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Council's adopted Newcastle Development Control Plan 2012 **and the plans submitted with the development application**. Full details are to be included in documentation for a Construction Certificate application.
A009 – carpark design	The car park is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS 2890.6:2009 - Parking facilities - Off-street parking for people with disabilities. Full details are to be included in documentation for a Construction Certificate application.

A013 - Basecourse for driveways –	All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. The driveways are to be constructed in accordance with AS2890 – (Off street parking) design specifications. Full details are to be included in documentation for a Construction Certificate application.
A010 – traffic flow	Opposing traffic flows on car park ramps are to be separated by the provision of an appropriate kerb and/or safety barrier. Full details are to be included in documentation for a Construction Certificate application.
A018 Roof water to tank Modified	Roof water from the proposed new work is to be directed to the proposed water tank (minimum size 60 m^3) and being reticulated there from to any new toilet cisterns and cold water washing machine taps, with a mains water top up being installed to maintain between 10% and 15% of the tank capacity. Alternatively, an electronically activated mechanical valve device is to be installed to switch any new toilet cisterns and laundry taps to mains water when the tank falls below 10% capacity. The water tank and plumbing is to be installed in accordance with Australian Standard AS 3500, the relevant plumbing regulations and the requirements of the Hunter Water Corporation. Full details are to be provided with the Construction Certificate application.
New Condition Signage for Detention Devices	All onsite stormwater detention or water quality treatment systems are to be individually identified and sign posted in accordance with Council's Stormwater and Water Efficiency for Development Technical Manual (Updated 2013). Full details are to be included in documentation for a Construction Certificate application.
A019 Tank overflow – street gutter	Overflows from the roof water tank and any additional discharge controls (if required) are to be directed to Council's drainage system by means of an inter allotment drainage line or underground pipe directly to the street gutter. Full details are to be provided with the Construction Certificate application.
A021 Drainage – concept plan	All stormwater runoff from the proposed development being managed in accordance with the requirements of Element 7.06 'Stormwater' of Newcastle Development Control Plan 2012, the associated Technical Manual and the latest issue of AS 3500.3 as applicable, as indicated on the stormwater management concept plan prepared by MPC Consulting Engineers Job No. 16-297 Drawing C01 Issue 3 dated 16/11/2015. Full details are to be included in documentation for a Construction Certificate application.
A022 Drainage – impervious surfaces	All new impervious surfaces, including driveways and paved areas are to be drained to the nominated discharge controls, full details are to be included in documentation for a Construction Certificate application.
	The developer is to design and construct the following works within the Bolton Street, King Street and Newcomen Street frontages adjacent to the site at no cost to Council and in accordance with Council's guidelines and design specification: a) Public Domain Works i. Reconstruct footpath to Council specifications. Detailed public domain plan including longitudinal and cross sections is to be provided to Council for review and approval as part of the S138 Road Act Type 2 application. Such works are to be implemented prior to the issuing of an Occupation Certificate for the proposed development.

A068 – Driveways for commercial, industrial and multi residential dwellings.	A commercial vehicular crossing is to be constructed across the road reserve in King Street, in accordance with the following criteria: a) Constructed in accordance with Council's A1300 – Driveway Crossings Standard Design Details. b) The driveway crossing, within the road reserve, shall be a maximum of 6 metres wide. c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance. d) The proposed driveway shall be a minimum of 3 metres clear of the trunk of any tree within the public reserve. e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit. These works are not approved until consent under Section 138 of the Roads Act 1993 (NSW) has been granted by Council. An application under Section 138 must be applied for and approved before the issue of a Construction Certificate.
A069 - For use commercial, industrial and multi residential dwellings.	A separate application must be lodged and consent obtained from Council for all works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW), before the issue of a Construction Certificate.
B - CONDITIONS TO BE SATISIFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE	
B038	Prior to commencement of site works the developer is to submit to Council for approval a Construction Traffic Management Plan addressing traffic control measures to be utilised in the public road reserve during the construction phase.
B039	The Construction Traffic Management Plan is to be prepared by a Roads & Maritime Services accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with Australian Standard 1742.3:2009 - Manual of uniform traffic devices – traffic control for works on roads. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve. If on-site car parking cannot be provided for construction employees the construction traffic management plan should identify a suitable location outside the Newcastle CBD area for construction employee parking and provide for the operation of a shuttle bus or similar to transport construction employees to and from the site and the designated construction employee parking area.
B040 Stormwater – surface levels	Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.
B058 Parking – marking of bays	All parking bays are to be permanently marked out on the pavement surface. Visitor and Commercial parking bays are to be suitably delineated.
B061 Driveways – markings/ signs	The vehicular entrance and exit driveways and the direction of traffic movement within the site are to be clearly indicated by means of reflectorised signs and pavement markings.
B068 Sediment control – simple	Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the "Blue Book") published by Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

B078 - Survey monuments	Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).
C - CONDITIONS TO BE SATISIFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE, A SUBDIVISION CERTIFICATE OR A STRATA CERTIFICATE	
C002 Repair of footpath damage	All public footways, footpaving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to Council's satisfaction prior to the completion of demolition work or prior to the issue of any occupation certificate in respect of development involving building work.
C003 –	All works within the road reserve required by this consent are to be completed prior to the issue of a Final Occupation Certificate.
C004 – redundant crossing	Any redundant existing vehicular crossing is to be removed at no cost to Council. The road reserve and kerb being restored to, Council's satisfaction, to match the existing infrastructure. Works are to be completed prior to the issuing of a Final Occupation Certificate for the proposed development.
C010- Stormwater– WAE	A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Principal Certifying Authority and to Newcastle City Council prior to the issue of an Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.
C011 - Water management measures	The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.
	All adjustments to and/or relocation of existing regulatory signage on Bolton Street, King Street and Newcomen Street necessary as part of this development, shall be at no cost to Council and in accordance with Council requirements with such works being implemented prior to the occupation of the premises. Note: The provision of additional regulatory signage and alterations to existing regulatory signage will need to be referred to the Newcastle City Traffic Committee for approval prior to installation. A separate application to the committee will be required.
D- CONDITIONS TO BE SATISIFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT	
D017 - Driveway	The driveway crossing, parking areas and stormwater management system are to be properly maintained for the life of the development.
D022-Vehicles – forward movement	All vehicular movement to and from the site is to be in a forward direction.
D023-Vehicles – unobstructed use	Proposed parking areas, vehicle bays, driveways and turning areas are to be maintained clear of obstruction and be used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.
E - ADVISORY MATTERS	
E007 Public utilities	Any necessary alterations to public utility installations are to be at the developer/demolisher's expense and to the requirements of both Council and any other relevant authorities. Council and other service authorities should be contacted for specific requirements prior to the commencement of any works. Full restoration of the damage is to be carried out to Council's satisfaction prior to the issue of any occupation certificate in respect of the development.

Regards,

Jeff Garry
CONTRACT DEVELOPMENT OFFICER (ENGINEERING)

Development & Building Services

Engineering Services Assessment

TO: DAVID PAINE

FROM: JEFF GARRY – CONTRACT DEVELOPMENT OFFICER (ENGINEERING)

DATE: 14/12/15

FILE NO: 2015/10299

SITE: 28 BOLTON STREET, NEWCASTLE

RECOMMENDATION MINOR PLAN AMENDMENTS REQUIRED.

1.0 Assessment Scope

The following plans / details have been assessed:

- Development plans by Fender Katsalidis Architects Job No. 13032 Drawing No. DA101- DA109, DA301 - DA320 Rev 1 dated 20/11/2015.
- Statement of Environmental Effects by Hamptons Property Services dated 27 November 2015.
- Traffic Impact Assessment by Colston Budd Hunt & Kafes Pty Ltd dated August 2015.
- Stormwater Plan by MPC Consulting Engineers Job No. 16-297 Drawing C01 Issue 3 dated 16/11/2015.

Proposal is for demolition of part of the existing buildings and replacement with a 8 storey mixed use development plus renovation of an existing commercial building on the site providing 121 (24 x 1 bedroom, 89 x 2 bedroom & 8 x 3 bedroom) units and a number of commercial tenancies (1,106 m^2 GFA). Car parking is provided within 3 levels being at ground floor and 2 basement levels with a total of 161 car spaces provided split as 131 residential spaces and 30 shared commercial and visitor spaces including 3 accessible spaces.

2.0 Vehicular access, driveway design and crossing location.

The site currently has vehicular access via both Newcomen Street and Bolton Street. Therefore the proposal to only access the site via King Street is supported as it reduces the number of accesses to the road network and increases the adjacent available on-street car parking by 1 space. Whilst Newcomen Street is the minor road access and normally preferred for access it is also quite steep making vehicular access to properties difficult from a grade perspective. Therefore as an existing access to King Street exists and access via King Street is by far easier than Newcomen Street the proposed access arrangement is supported.

The proposed access is similar to the existing access being a combined entry / exit 6 metres wide (Category 2) which is satisfactory for a car park with 25 to 300 spaces fronting a local road.

The existing access to Newcomen Street is to be removed and the kerb and footpath reinstated at the access. This is a major project due to the steepness of Newcomen Street at the location and will require detailed plans to be submitted when a S138 approval is sought for the work. Given the impact on the footpath of the driveway removal the footpath will need to be reconstructed along the frontage. Similarly the existing footpaths along the frontages of King Street and Bolton Street are in poor condition and will need to be upgraded / reconstructed with the development.

Overall given the constraints of the site the proposed site access conditions are satisfactory and no additional information required.

3.0 Traffic Generation

The intensification of development on the site has the potential to generate additional traffic however the location of the site within the CBD area, the type of development, its access to public transport and the connectivity to other precincts in the city will reduce the traffic generation to and from the site. The traffic report has identified a peak hour traffic generation of around 30 to 45 trips per hour in the PM peak. It is disappointing the report did not use Sidra to demonstrate the development has no impact on nearby intersections given these intersections were modeled for existing conditions. I am not too concerned that the project will adversely impact on the road network though a Sidra analysis would have provided suitably proof. The report should at least have provided the Sidra summary movement tables for the modeling carried out for the development.

The Movement Summary Tables for the SIDRA modeling carried out for the proposal are to be provided for Council's review.

4.0 Parking Demand

The additional parking demand generated by the development is the major traffic issue with this development. In the city centre area all on-site parking supply rates within the DCP is 1 space per 60 m^2 except for residential development where 0.6 spaces per 1 bedroom unit, 0.9 spaces per 2 bedroom unit and 1.4 spaces per 3 bedroom unit with 1 space per 5 visitor spaces after 1 for the first 3 units is required. This is designed to restrict parking opportunity in the CBD and encourage Public Transport use.

Noting the proposal is for 1,106 m^2 GFA commercial, 24 x 1 bedroom units, 89 x 2 bedroom units and 8 x 3 bedroom, the parking requirement under the DCP for the development is;

Parking Demand = 1,106 / 60 + 24 x 0.6 + 89 x 0.9 + 8 x 1.4 + 24.6 visitor spaces = 18.4 + 14.4 + 80.1 + 11.2 + 24.6 = 148.7 say 149 spaces.

The proposal provides for a total 30 shared commercial and visitor spaces (43 required) + 131 residential spaces (106 required). Therefore overall an excess of parking in the order of 12 spaces is provided however the proposal represents a deficiency in visitor car parking during the operational hours of the commercial businesses.

I am willing to support this deficiency however because the peak period for visitor parking to the residential component will be outside the commercial property business hours. During the operating hours of the commercial business there will still be 8 to 10 spaces for visitor parking (once motorbike parking is provided) which is considered enough. These parks should however be suitable delineated and shown on the plans.

Suitable bicycle storage and parking has been provided however no motorcycle parks are shown on the plans. It is recommended that some of the on-site car parking excess be converted to provide 7 to 8 motorbike parks to comply with the DCP requirements.

5.0 Stormwater

The stormwater plan submitted by MPC is deemed to comply with Council's DCP and is encouraged because of the re-use of rainwater. The connection to Council's system in Newcomen Street is supported and with the available grade in Newcomen Street and the provision of an additional 60 to 70 m^3 of detention, no capacity issues would be expected. No additional information required.

6.0 Flooding

The subject site is not flood prone. No additional information to be provided.

7.0 Recommendation

Whilst I believe the proposal can eventually be supported the following additional information is required to be submitted to Council prior to determination;

1. Movement Summary tables for the SIDRA modelling undertaken in the traffic assessment are to be provided for Council review.
2. Some of the on-site car parking excess is to be converted to provide 7 to 8 motorbike parks to comply with the DCP requirements.
3. A minimum of 8 visitor car parks are to be delineated within the ground level on-site car park and shown on the plans.

Regards,

Jeff Garry
CONTRACT DEVELOPMENT OFFICER (ENGINEERING)

Planning and Regulatory

The City of Newcastle

Internal Memo

TO: David Paine

FROM: Manager Development & Building

DATE: 6 April 2016

SUBJECT: DA 2016/00019 - 28 Bolton Street Newcastle.

Heritage Referral - Local (Amended Comments)

David,

These amended comments should be read in conjunction with the previous referral response dated 11 January 2016. The amended comments are in reply to the proposed Disability Discrimination Act (DDA) Compliance Amendment as outlined in the *NBRS+Partners* correspondence dated 30 March 2016.

It is understood that the developer has undertaken modifications to the plans to address DDA access issues, and in particular universal access to the main foyer area of the building along the Bolton Street façade.

It is further understood that the proposed amendments encompass:

- Removal of a later addition window below existing lintel at the eastern end of the Bolton Street elevation. Enlarge opening vertically, removing a section of later addition sandstone wall;
- Construct an accessible entry within the opening with frameless auto sliding door;
- Provision of a new ramp within the interior;
- Modification of Ground Floor interior to one tenancy; and
- Retention of the existing entry to the building as the primary access to the ground floor tenancy.

These works are detailed on the following plans:

Newcastle Herald Façade	*SK-03*	*NTS*	*30/03/2016*
Basement 02	*DA303*	*1:300*	*30/03/2016*
Section CC	*DA315*	*1:300*	*30/03/2016*
Proposed Bolton Street Elevation	*DA319*	*1:300*	*30/03/2016*
Bolton Street South Perspective Proposed	*DA319*	*NTS*	*30/03/2016*

Accessibility is a problematical issue for many heritage listed buildings and cultural heritage sites. The DDA provides some limited exemptions; however these can only be reasonably supported in few circumstances. In terms of the current proposed amendments to provide the necessary universal access to the building, it is considered that the works are acceptable and will not unduly diminish the identified values of the building.

It is recommended that a full photographic inventory of the existing area be undertaken prior to any works commencing and this be appropriately archived for future reference.

Murray Blackburn-Smith
MANAGER DEVELOPMENT AND BUILDING

The City of Newcastle

URBAN DESIGN CONSULTATIVE GROUP MEETING

ITEM No. 3

Date of Panel Assessment:	17 February 2016
Address of Project:	28-42 Bolton Street Newcastle
Name of Project (if applicable):	N/A
DA Number or Pre-DA?	2015/10299
No. of Buildings:	Two
No. of Units:	121
Declaration of Conflict of Interest:	None
Attendees:	Michael Noonan GWH Development Manager Oliver Coakes GWH Construction Manager Rob Mirams – Fender Katsalidis Mirams Kristy Hodgkinson Georgia McIntosh Council David Paine Murray Blackburn- Smith

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 is for the construction of an eight level residential apartment building with 3 levels of basement carparking (two of which are above ground) in conjunction with refurbishment and adaptation of the existing Newcastle Herald Building on a site bounded by Newcomen, King and Bolton Streets Newcastle.

1. Context and Neighbourhood Character

The site located to the northern side of King Street is partly occupied by a vehicle parking area extending across the slope from Newcomen Street to the western wall of the Newcastle Herald building at the southern extent of the site. The later has dual frontages to King and Bolton Streets. The site abuts two smaller commercial buildings at the corner of King and Bolton Streets – No. 36 Bolton Street and No.32-34 Bolton Street. The site sits within the terraced streetscapes of Newcastle Hill rising from the water front to the high ground occupied by the Cathedral and adjacent prominent buildings including the Newcastle Club located diagonally to the southwest of the site. The City Extra Apartments, a large recent apartment complex is located to the lower southern boundary of the site with some apartments orientated towards the subject site.

2. Built Form and Scale

The proposed development comprises three levels of carparking partially set into the slope with two levels projecting above grade on the northern side opposite the City Extra apartment building. Above this eight levels of apartments extend east west across the terraced site, the lower four levels extending out to the King and Newcomen Street boundaries and the upper levels set back from the street frontages. The northern elevation opposite the City Extra apartment building is proposed as a shear rise of 8 storeys. The two upper floors of this façade intrude within the 12m setback from the northern boundary recommended by the ADG. The development abuts the rear of commercial sites facing Bolton Street including a retained portion of the Newcastle Herald Building located within the development site.

A series of staggered bays articulate the lower levels fronting King Street and stepping down Newcomen Street. The heavily modelled lower floors finished in rust red contrast dramatically with the largely glazed upper floors. The northern elevation rising without setback faces the City Extra Apartments across a landscaped roof over the exposed carpark.

The street frontages of the proposed development are considered generally responsive to the existing setting and structures with the scale of development commensurate with the existing pattern of construction on the upper slopes of Newcastle.

Restoration of the Frederick Menkens designed street facade to the Newcastle Herald Building would be a positive contribution to the conservation of Newcastle's historic streetscapes.

The Group questioned the interface of the City Extra Apartment Building and the proposed northern elevation of new apartments and car parking. Proposed landscaping and horizontal metal screening are considered unlikely to fully

alleviate the impact of acoustic and light spill upon south facing decks in the City Extra Apartments.

The Group also raised issues with the interface between the proposed building and its neighbours to the east at No.36 and 32-34 Bolton Street. A study was tabled by the architect, “Corner Development Potential” which considered potential development on the sites should they be amalgamated, which the Group noted. While the potential development on the corner site illustrated in this perspective was considered to represent a reasonable approximation of likely future development, there is some potential for a moderately larger development on the corner sites, which may well incorporate rooftop communal landscaped space for residents. While a nil setback for the eastern boundary wall of the proposal abutting the corner sites at levels up to Level 2 or Level 3 is acceptable, the proposed openings in the floors above at minimal setback from the boundary would not satisfy ADG standards and are not supported by the Group. The best development outcome for the levels above Level 3 would be for an acceptable setback to be provided in the eastern façade of the proposed development, and openings set into this façade.

3.Density

The proposed redevelopment is fractionally under the allowable FSR of 4:1 and in itself is acceptable, but this may not necessarily be achievable if amenity issues are to be satisfactorily resolved.

4. Sustainability

Aspects of environmental sustainability were not discussed at length. The scale and form of the development is considered able to incorporate extensive energy saving provisions. Irrigation of proposed landscape screening to the carpark roof and planting to balconies, could largely be met by collecting and recycling rainwater on site.

The upper, glass-clad element of the development was without any external shading, and would therefore be potentially subject to additional heat loads on the fenestration. While the long faces of the building are orientated primarily north and south, the issue of heat loads on glazing should be carefully considered, rather than relying solely on heat reducing fenestration.

5. Landscaping

Landscaping is shown in conceptual form. Internal and street planting should be further developed.

It was recommended that the podium level roof area be treated primarily as an attractive roof garden that is looked into, with only very limited areas of paving, seating etc. The upper roof level would provide the primary communal areas for residents.

6. Amenity

The interface of decks and south facing windows with the adjacent City Extra apartments remains the key concern in relation to amenity. The proposed screen of trees and metal/timber members is considered to require substantial design development and possible amendment of design to provide a satisfactory interface with the opposing apartments. The car park should not be ventilated from the car park wall that is proximate to this boundary because of noise, light spill and air quality considerations.

The absence of natural light to some of the lift lobbies serving small numbers of apartments was considered acceptable on the basis of the limited size of these lobby areas. However at a minimum, corridors and lift lobbies serving six or more apartments should be provided with natural light and ventilation as per the ADG recommendations (which apply to any corridor).

The group noted the use of ventilation shafts serving internal bathrooms and recommended these be supplemented or replaced in top floor apartments by roof lights/vents.

The study of potential visual and acoustic impact on the nearby Newcastle Club was noted and the proposed response of localized screening and increased glazing thickness accepted.

7 Safety

The Group recommended improved security provisions for the carpark including increased passive surveillance.

8. Housing Diversity and Social Interaction.

The proposed ground floor lobby and mail area should function effectively as communal space and encourage social interaction. Similar consideration is recommended for a car wash area located at a point of common movement in the basement.

The Group recommended the communal area at the mid level of the design be replaced by a rooftop communal area preferably linking each of the lift cores and thus enabling cross over and descent to apartments in the event of individual lifts being out of service.

9. Aesthetics

Whilst the the treatment of base, podium and upper levels is supported there are reservations about the rusted steel colour of the base and it would be preferably toned back to a hue more cohesive with sandstone and face brick characteristic

of central Newcastle. More importantly, the dark grey glass curtain wall detailing of the upper levels is overly ‘heavy’ and visually intrusive. Materials that are lighter and more recessive, and with a much smaller proportion of glass, are recommended.

The specific colours and materials proposed should be provided by way of a sample board.

Amendments Required to Achieve Design Quality

The Group considered further resolution of the interface of proposed apartments and those to the south elevation of the City Extra Apartments is essential to the achievement of design quality.

Similarly provision of a viable common area on the roof is identified as a means of providing social interaction and improving amenity. It would have the additional practical benefit of providing alternative access to upper levels when individual lifts are out of service, -as they inevitably are over their lifetime. .

Summary Recommendation

The Group supported the overall approach subject to further resolution of the interface between new apartments and carparking and the existing City Extra Building to the north, and the smaller scaled existing buildings on the corner of Bolton and King Streets.

The façade expression of the entire development, in terms of materials, colours and textures, needs further resolution.

Other aspects of amenity, security and aesthetic resolution are detailed under the above headings.

The City of Newcastle

URBAN DESIGN CONSULTATIVE GROUP MEETING

ITEM No. 3

Date of Panel Assessment:	20 April 2016
Address of Project:	28-42 Bolton Street Newcastle
Name of Project (if applicable):	N/A
DA Number or Pre-DA?	DA 2015/10299
No. of Buildings:	Two
No. of Units:	120
Declaration of Conflict of Interest:	None
Attendees:	Oliver Coakes GWH Construction Manager Rob Mirams – Fender Katsalidis Mirams Georgia McIntosh Council David Paine

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

As noted at the 17/02/2016 UDCG: *The application is for the construction of an eight level residential apartment building with 3 levels of basement carparking (two of which are above ground) in conjunction with refurbishment and adaptation of the existing Newcastle Herald Building on a site bounded by Newcomen, King and Bolton Streets Newcastle.*

The proposal was considered by the Group at its meeting of 17 February, and a number of recommendations were made. The responses by the applicant to the recommendations are outlined below:

1. Context and Neighbourhood Character

As noted at the 17/02/2016 UDCG: *The site located to the northern side of King Street is partly occupied by a vehicle parking area extending across the slope from Newcomen Street to the western wall of the Newcastle Herald building at the southern extent of the site. The later has dual frontages to King and Bolton Streets. The site abuts two smaller commercial buildings at the corner of King and Bolton Streets – No. 36 Bolton Street and No.32-34 Bolton Street. The site sits within the terraced streetscapes of Newcastle Hill rising from the water front to the high ground occupied by the Cathedral and adjacent prominent buildings including the Newcastle Club located diagonally to the southwest of the site. The City Extra Apartments, a large recent apartment complex is located to the lower, northern boundary of the subject site, with some apartments orientated over the subject site.*

2. Built Form and Scale

As noted at the 17/02/2016 UDCG: *The proposed development comprises three levels of carparking partially set into the slope with two levels projecting above grade on the northern side opposite the "City Extra" Apartment Building. Above this eight levels of apartments extend east west across the terraced site, the lower four levels extending out to the King and Newcomen Street boundaries and the upper levels set back from the street frontages. The northern elevation opposing the City Extra Apartment Building is proposed as a shear rise of 8 storeys. The two upper floors of this façade intrude within the 12m setback from the northern boundary recommended by the ADG.*

A series of staggered bays articulate the lower levels fronting King Street and stepping down Newcomen Street. The heavily modelled lower floors finished in rust red contrast dramatically with the largely glazed upper floors. The northern elevation rising without setback faces the City Extra Apartments across a landscaped roof over the exposed carpark.

The street frontages of the proposed development are considered generally responsive to the existing setting and structures with the scale of development commensurate with the existing pattern of construction on the upper slopes of Newcastle.

Restoration of the Frederick Menkens designed street facade to the Newcastle Herald Building is noted as a positive contribution to the conservation of Newcastle's historic streetscapes.

The Group questioned the interface of the City Extra Apartment Building and the proposed northern elevation of new apartments and car parking. Proposed landscaping and horizontal metal screening are considered unlikely to fully

alleviate the impact of acoustic and light spill upon south facing decks in the City Extra Apartments.

The Group also raised issues with the interface between the proposed building and its neighbours to the east at No.36 and 32-34 Bolton Street.

The Group considered that the proposed screening element at the northern boundary of the subject site, coupled with substantial, larger scale planting in the landscaped area adjacent above the car park, will provide an acceptable level of screening to ameliorate the limited separation between the proposal and the adjacent City Extra apartments. It was noted that the primary shortfall in the separation between the two towers arises from the limited setback of the City Extra block from its southern boundary. While the upper two floors of the proposed development are not further set back, as suggested by the Apartment Design Guide (ADG), the Group considered that in this application no useful benefit would arise from a strict adherence to this ADG recommendation, due to the substantial elevation of the two upper floors of the proposal above the roof of the neighbouring building.

The minor intrusion of the overall height of the proposal above the height plane (which is at maximum approximately a 1.5m intrusion) was considered to be of low impact and was supported.

The interface of the proposal with the rear of the corner building at 36 Bolton Street and its neighbor at 32-34 Bolton Street is now better resolved in respect to privacy and overlooking. It was suggested that the landscape planter situated to the southern balcony of Apartment C404 should be extended to occupy all of the podium roof area between this apartment and its eastern boundary wall.

The Group retained strong reservations in respect to the appearance of the upper element of the proposal, as detailed for the southern and western facades above Level 4. This is discussed under Heading 9. Aesthetics below.

3.Density

The proposed redevelopment has been reduced by 1 dwelling, and has a revised FSR of 3.95:1 - remaining marginally under the allowable FSR of 4:1.

4. Sustainability

As noted at the 17/02/2016 UDCG: *Aspects of environmental sustainability were not discussed at length. The scale and form of the development is considered able to incorporate extensive energy saving provisions. The Group identified a demand for water likely to arise from proposed landscape screening to the carpark roof and planting to balconies, which could largely be met by collecting rainwater on site.*

The Group noted that the upper, glass clad element of the development was without any external shading, and would therefore be potentially subject to additional heat loads on the fenestration. While the long faces of the building are orientated primarily north and south, the issue of heat loads on glazing should be carefully considered, rather than relying solely on heat reducing fenestration.

The Group remained unconvinced that a curtain wall glazing system was the most appropriate means of cladding much of the upper floors of the proposal. While it would be possible to meet minimum BASIX performance requirements with the use of performance glass and the like, without an expensive design solution such as a double glazing system with ventilated cavity, heat loads on solar-exposed apartments would be quite considerable. This could be readily avoided by the use of external shading devices.

5. Landscaping

As noted at the 17/02/2016 UDCG: *Landscaping is shown in conceptual form. Internal and street planting should be further developed.*
It was recommended that the podium level roof area be treated primarily as an attractive roof garden that is looked into, with only very limited areas of paving, seating etc. The upper roof level would provide the primary communal areas for residents.

The landscape design remains somewhat schematic, and should be expanded both in physical area and detail.
At Ground floor level, the design for the proposed northern podium-top landscaping has been revised, but could go further to fulfil its primary functions as a green buffer to the adjacent City Extra apartment block to the north, and as an attractive area for the northern apartments in the subject complex to look down onto. The areas of communal paving should be further reduced in favour of more extensive deep soil landscaping. This should be further augmented by set downs in the slab in areas of the car park where this is practicable.

At Level 3 there is an opportunity to provide an extensive green roof and landscape area apartment A305. This should be maintained by the body corporate. The area could also permit a small north-facing deck for the private use of the occupants of apartment A305.

At Level 4, as noted above, the planter to the eastern side of apartment C404 should be continued along the entire eastern face of this apartment. This, and all other planter bed gardens visible from the street should be maintained by the body corporate.

At Level 5, the planter area for Apartment A501 should be increased in area generally, and in particular in the space adjacent to the common screen wall with Apartment A502.

Roof Level: The indicative landscape proposed for the Roof Level was considered to be inappropriate in its minimal scope, and given the magnificent views available from the area, a more appealing and extensive landscape

treatment was warranted. Patches of turf were considered to be an unnecessary maintenance item, and do not contribute to the ambience of the area.
It was recommended that the area for landscaping be increased substantially. Species selected should be wind-tolerant, and might include robust native plant species such as grasses and lomandra.

The Group recommended that access be provided from each of the lifts to its own small communal area, which should have some useful wind protection and a small shade structure, as well as extensive landscaping. It was further suggested that these three areas be linked by an open path or decking so as to allow residents on higher floors to utilize alternate lifts in combination with descending the fire stair, (only) in the inevitable event of a lift being out of service.

6. Amenity

As noted at the 17/02/2016 UDCG: *The interface of decks and south facing windows with the adjacent City Extra Apartments remains the key aspect of amenity identified by the Group. ... The car park should not be ventilated from the car park wall that is proximate to this boundary because of noise, light spill and air quality considerations.*

The absence of natural light to some of the lift lobbies serving small numbers of apartments was considered acceptable on the basis of the limited size of these lobby areas. However at a minimum, corridors and lift lobbies serving six or more apartments should be provided with natural light and ventilation as per the ADG recommendations (which apply to any corridor).

The amenity of the lift lobbies and access corridors to the apartments remains a concern, in respect to the Ground Floor level in particular. While on other levels lifts generally serve a relatively small number of apartments, and it may be acceptable to provide a reduced compliance with the ADG recommended natural light and ventilation provisions, the Ground Level corridor serves some 16 apartments, as well as being the only access to elevators serving all three lifts. Whilst the design of the main entrance lobby is very attractive, the narrow Ground level corridor would be very uninviting. It serves well in excess of the recommended 8 apartments maximum, and could only be considered acceptable if a substantial improvement in provision of access to natural light and ventilation can be provided, as well as some widening of the corridor. To this end, it was suggested that one option would be for a wide, glazed corridor to be opened from the area outside lift B through to the landscaped podium to the north. This would require re-planning of apartment G007.

7 Safety

As noted at the 17/02/2016 UDCG: *The Group recommended improved security provisions for the carpark including increased passive surveillance.*
The applicant indicated that this will be dealt with in detail as part of the Plan of Management.

8. Housing Diversity and Social Interaction.

As noted at the 17/02/2016 UDCG: *The proposed ground floor lobby and mail area are considered supportive of social interaction. Similar consideration is recommended for a car wash area located at a point of common movement in the basement.*

The Group recommended the deleted communal area at the mid level of the design be replaced by a rooftop communal area preferably linking each of the lift cores and thus enabling cross over and descent to apartments in the event of individual lifts being inoperable.

The Group commended the attractive lobby/entry space at Ground Level, but noted that it is important to also provide functional communal spaces: there is an obvious opportunity to create three small inviting spaces at the roof level - each served by an elevator - where residents can enjoy sunlight, attractive outlook and meet fellow-residents, as outlined under Heading 5. Landscaping above. There remain further opportunities of improving the usefulness of the landscaped roof area, and for increasing capacities for planting scale in the northern podium area by increasing the area of planter beds and their soil volume.

9. Aesthetics

As noted at the 17/02/2016 UDCG: *Whist the group is supportive of the treatment of base, podium and upper levels it was recommended that the proposed rusted steel colouring be toned back to a hue more cohesive with sandstone and face brick characteristic of central Newcastle. Furthermore, the dark grey glass curtain wall detailing of the upper levels of overly 'heavy' and intrusive. Materials that are lighter and more recessive, and with a much smaller proportion of glass, are recommended.*
The specific colours and materials proposed should be provided by way of a sample board.

The Group noted the materials and finishes board provided, and was of the view that the proposed matt rust finish for the lower floors was generally more appropriate than a ferric red - as had previously been proposed. The very dark tone of the proposed paint-backed curtain wall and dark tinted glazing for the southern, eastern and western upper facades remained of concern. A related issue is the very different treatment of the northern facade at the corresponding upper levels, which includes natural white and grey concrete projections and a variety of textures and finishes. These contrasting treatments between different faces of the building tend to detract from presenting the upper levels of the building as an integrated whole. It was suggested that if, for example, some elements of the white pre-cast concrete were incorporated as functional protrusions from the facades currently finished as curtain wall glazing, and the very dark tone of the glazing was substantially lightened, the upper levels of the building would better achieve the stated objective of being a visually "light" element.

Amendments Required to Achieve Design Quality

The Group considered the issues around the treatment of the upper floor southern, eastern and western facades as curtain wall glazing require further design development for both sustainability and aesthetic considerations.

Provision of viable, well landscaped common areas on the roof is identified as a means of providing social interaction, improved amenity and maintenance of alternative access where individual lifts become inoperable. Landscape design for the overall development in general needs further attention and design development.

The Ground Level corridor requires substantially greater access to natural light, given that it is the main entry to the three lifts, and the large number of apartments it serves.

Summary Recommendation

The Group again supported the overall approach, and noted very positive progress towards addressing many of the concerns identified in its previous report of 17 February.

The façade expression of the upper levels of the development, in terms of materials, colours and textures, needs further resolution.

Other aspects of amenity, landscaping and aesthetic resolution are detailed under the above headings.