ADW JOHNSON PTY LIMITED
ABN 62 129 445 398

planning

working beyond expectations

Statement of Environmental Effects

Proposed Mixed Use Development
(Residential Flat Building & Commercial Premises)

Property:
69 – 79 Railway Lane, Wickham
Lot 110 DP 1018454 & Lot 11 DP 1106378

Applicant:
Blake Organisation

Date:
April 2016

Document Control

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A	17/03/2016	Lucinda Warner	Craig Marler
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ADW Johnson Pty Limited
ABN 62 129 445 398

hunter region
7/335 hillsborough road
warners bay nsw 2282
ph. 02 4978 5100
fax. 02 4978 5199
email. hunter@adwjohnson.com.au

central coast
po box 3717
tuggerah nsw 2259
ph. 02 4305 4300
fax. 02 4305 4399
coast@adwjohnson.com.au

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1.0 Introduction

1.1 INTRODUCTION

ADW Johnson Pty Ltd has been commissioned by Blake Organisation to prepare a Development Application (DA) and accompanying Statement of Environmental Effects (SOEE) for a proposed mixed use development (residential flat building and commercial premises) at 69 – 79 Railway Lane, Wickham. The estimated cost of the proposed development is $68,045,000.00.

1.2 DEVELOPMEMT APPLICATION DETAILS

Statement of Environmental Effects Prepared by	
Name:	ADW Johnson Pty Ltd Unit 7, 335 Hillsborough Road WARNERS BAY NSW 2282
Contact:	Kristy Sibanda Town Planner Ph: (02) 4978 5100 Fax: (02) 4978 5199 Email: kristys@adwjohnson.com.au Website: www.adwjohnson.com.au
Development Application	
Applicant Name:	Blake Organisation
Applicant Address:	Blake Organisation C/O – ADW Johnson Pty Ltd 7/335 Hillsborough Road Warners Bay NSW 2285
Property Description:	Lot 110 DP 1018454 & Lot 11 DP 1106378
Project Description:	Proposed Mixed Use Development (Residential Flat Building and Commercial Premises)

1.3 BRIEF OVERVIEW OF THE PROPOSAL

The proposal is for demolition of the existing industrial building on the site and construction of a 15 storey mixed use development comprising a four (4) storey central podium with two (2) x 11 storey residential towers above, and two (2) levels of basement car parking. The ground floor comprises two (2) commercial tenancies fronting Railway Lane, with four (4) residential apartments located behind. Levels 1-15 comprise only residential apartments. Overall the proposal includes 206 residential apartments and 960m^2 of commercial premises.

The subject site is described as Lot 110 DP 1018454 and Lot 11 DP 1106378, with a street address of 69-79 Railway Lane, Wickham. The site has an area of 4,556m^2 with frontage to Railway Lane of approximately 102m.

The site is zoned B4 Mixed Use Zone under the Newcastle Local Environmental Plan 2012. Mixed use development, residential flat building and commercial premises are all permissible development within the B4 Zone, with the consent of Council.

The proposed development will provide a substantial contribution to an increased supply of housing stock within the Newcastle City Centre, whilst integrating appropriate commercial space to support the mixed use objectives of the zone and as consistent with the character of the area.

The central location of the site and the nature of the proposal will place people in the city centre day and night and contribute towards the overall revitalisation of Wickham and the Newcastle city centre.

The proposal has a main building height of 48m, which exceeds the prescribed maximum building height of 24m under Clause 4.3 of the NLEP 2012. For Council to approve the Development Application, a variation to the development standard is required. Variations to development standards can be considered under Clause 4.6 – Exceptions to Development Standards, of the NLEP 2012. In accordance with the requirements of Clause 4.6 a written request to vary the development standard imposed by Clause 4.3 is included as **Appendix D** of this report.

The proposal is ideally located to accommodate the proposed additional height being within the city centre and within 200m from the new Wickham Transport Interchange. Despite the non compliance the proposed development still achieves the objectives of the height control and the objectives of the B4 zone.

The following map shows the site location within the local context:

Figure 1: Locality Plan of Subject Site.

1.4 PURPOSE OF THE REPORT

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 78A(9) of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- Describe the proposed development;
- Identify and summarise the relevant controls which guide assessment of the proposal;
- Provide information on the site and its context; and
- Review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development controls.

2.0 Proposed Development

2.1 OBJECTIVES OF THE PROPOSAL

The proposal will facilitate a modern architecturally designed mixed use development, centrally located within the city centre. The site is currently underperforming in a land use sense and the proposal will contribute positively to the strategic outcomes desired to ensure the future of the City Centre. The proposal will replace ageing single storey industrial / warehouse buildings with a mixed use development comprising residential and commercial uses that will significantly improve the amenity of the site, provide additional housing stock and contribute to the activation of urban renewal of Wickham, all consistent with strategic planning objectives.

2.2 PROPOSED DEVELOPMENT

The proposal is for demolition of the existing industrial building on the site and construction of a 15 storey mixed use development comprising a four (4) storey central podium with two (2) x 11 storey residential towers on top, and two (2) levels of basement car parking. The ground floor comprises two (2) commercial tenancies fronting Railway Lane, with four (4) residential apartments located behind. Levels 1-15 comprise only residential apartments. Overall the proposal includes 206 residential apartments and 960m^2 commercial premises.

Architectural design plans and a SEPP 65 Architectural Design Statement have been prepared by EJE Architecture and are included as **Appendix B** and **Appendix C** of this report, respectively.

The proposal includes two (2) basement levels of secure car parking (230 spaces including eight (8) accessible car spaces). Vehicle access to the proposed car park is provided via new entry/exit driveway onto Railway Lane near the eastern boundary. An additional nine (9) car spaces are also located at street level in front of the development including two (2) accessible car spaces.

A detailed description of the proposal by floor level is provided in **Table 1** below:

Table 1: Schedule of Proposed Development

Floor Level	Apartment Type	GFA
Ground Floor	Commercial Tenancy 1	387m^2
	Commercial Tenancy 2	573m^2
	1 x 1 bedroom apartment	58m^2
	1 x 1 bedroom apartment	55m^2
	2 x 2 bedroom apartment	75m^2

Floor Level	Apartment Type	GFA
Level 1	1 x studio apartment	39m²
	1x 1 bedroom apartments	58m²
	2 x 1 bedroom apartment	55m²
	1 x 2 bedroom apartment	72m²
	1 x 2 bedroom apartment	73m²
	1 x 2 bedroom apartment	74m²
	2 x 2 bedroom apartment	75m²
	11 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	79m²
Level 2	1 x studio apartment	39m²
	1x 1 bedroom apartments	58m²
	2 x 1 bedroom apartment	55m²
	1 x 2 bedroom apartment	72m²
	1 x 2 bedroom apartment	73m²
	1 x 2 bedroom apartment	74m²
	2 x 2 bedroom apartment	75m²
	11 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	79m²
Level 3	1 x studio apartment	39m²
	1x 1 bedroom apartments	58m²
	2 x 1 bedroom apartment	55m²
	1 x 2 bedroom apartment	72m²
	1 x 2 bedroom apartment	73m²
	1 x 2 bedroom apartment	74m²
	2 x 2 bedroom apartment	75m²
	11 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	79m²
Level 4	1 x studio apartment	39m²
	1 x studio apartment	42m²
	1 x 1 bedroom apartment	55m²
	1 x 2 bedroom apartment	73m²
	9 x 2 bedroom apartment	76m²
	1 x community room	55m²
Level 5	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	1 x 2 bedroom apartment	73m²
	9 x 2 bedroom apartment	76m²

Floor Level	Apartment Type	GFA
Level 6	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	1 x 2 bedroom apartment	73m²
	9 x 2 bedroom apartment	76m²
Level 7	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	1 x 2 bedroom apartment	73m²
	9 x 2 bedroom apartment	76m²
Level 8	1 x studio apartment	34m²
	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	4 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	82m²
	2 x 2 bedroom apartment	83m²
Level 9	1 x studio apartment	34m²
	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	4 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	82m²
	2 x 2 bedroom apartment	83m²
Level 10	1 x studio apartment	34m²
	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	4 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	82m²
	2 x 2 bedroom apartment	83m²
Level 11	1 x studio apartment	34m²
	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	4 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	82m²
	2 x 2 bedroom apartment	83m²

Floor Level	Apartment Type	GFA
Level 12	1 x studio apartment	34m²
	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	4 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	82m²
	2 x 2 bedroom apartment	83m²
Level 13	1 x studio apartment	34m²
	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	4 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	82m²
	2 x 2 bedroom apartment	83m²
Level 14	1 x studio apartment	34m²
	1 x studio apartment	39m²
	1 x studio apartment	42m²
	2 x 1 bedroom apartment	55m²
	4 x 2 bedroom apartment	76m²
	1 x 2 bedroom apartment	82m²
	2 x 2 bedroom apartment	83m²
Total	**206 Apartments**	**18,150m²**

The development has two (2) separate entrances for the above ground residential components, each with its own foyer, two (2) lifts, garbage room and fire exit. An electrical substation, and plant room is also located adjacent the western residential foyer fronting Railway Lane; and a fire booster is located adjacent the eastern residential foyer fronting Railway Lane.

Each commercial tenancy has its own entry fronting Railway Lane, with separate garbage rooms at the rear.

A central courtyard (open air) is located between the two (2) commercial tenancies and provides access via two (2) rear foyers to the ground floor residential apartments.

An additional four (4) sets of fire stairs are located around the site. Along with an additional electrical substation at the south eastern corner of the site.

Each apartment is provided with individual balcony areas, with some apartments located on the ground floor and Level 4 also provided with generous private garden areas. A community garden (218m²) is located adjacent the community room on Level 4, and

each two (2) includes a roof top terrace (218m^2 for the western tower and 208m^2 for the eastern tower).

2.3 DOCUMENTATION

The following documentation has been provided to support the proposed development and includes the following:

- Certificates of Title and Deposited Plan – **Appendix A.**
- Architectural Design Plans (EJE Architecture) – **Appendix B.**
- SEPP 65 Architectural Design Verification Statement and Urban Design Analysis (EJE Architecture) – **Appendix C.**
- Clause 4.6 Report (ADW Johnson) – **Appendix D.**
- Landscape Design Plans (Terras) – **Appendix E.**
- Civils, Stormwater Management Plans (Northrop Consulting Engineers), Flooding and NCC Flood Certificate – **Appendix F.**
- Phase 1 Environmental Site Assessment (RCA Australia) – **Appendix G.**
- Traffic Assessment Report (BJ Bradley and Associates) – **Appendix H.**
- Rail Traffic Noise Assessment (RCA Australia) – **Appendix I.**
- Consultation with NSW Trains (RCA Australia) – **Appendix J.**
- Mines Assessment (Northrop) – **Appendix K.**
- Waste Management Plan (pro forma) – **Appendix L.**
- BASIX Certificates – **Appendix M.**

3.0 Project Context

3.1 SITE

The subject site is described as Lot 110 DP 1018454 and Lot 11 DP 1106378, with a street address of 69-79 Railway Lane, Wickham. The site has an area of 4,556m^2 with frontage to Railway Lane of approximately 102m. The owner of the land is Wickham Lands Pty Ltd. A copy of the Certificate of Titles is included in **Appendix A** of this report.

3.2 LOCALITY

The subject site is located in Wickham, close to Newcastle's CBD, south of Maryville, east of Hamilton, and north-northwest of The Junction and Cooks Hill. The site is within walking distance to Newcastle Harbour and associated foreshore areas.

Figure 2: Locality map of the subject site within the broader context of Newcastle.

The following plan shows the location of the subject site within the local context of Wickham.

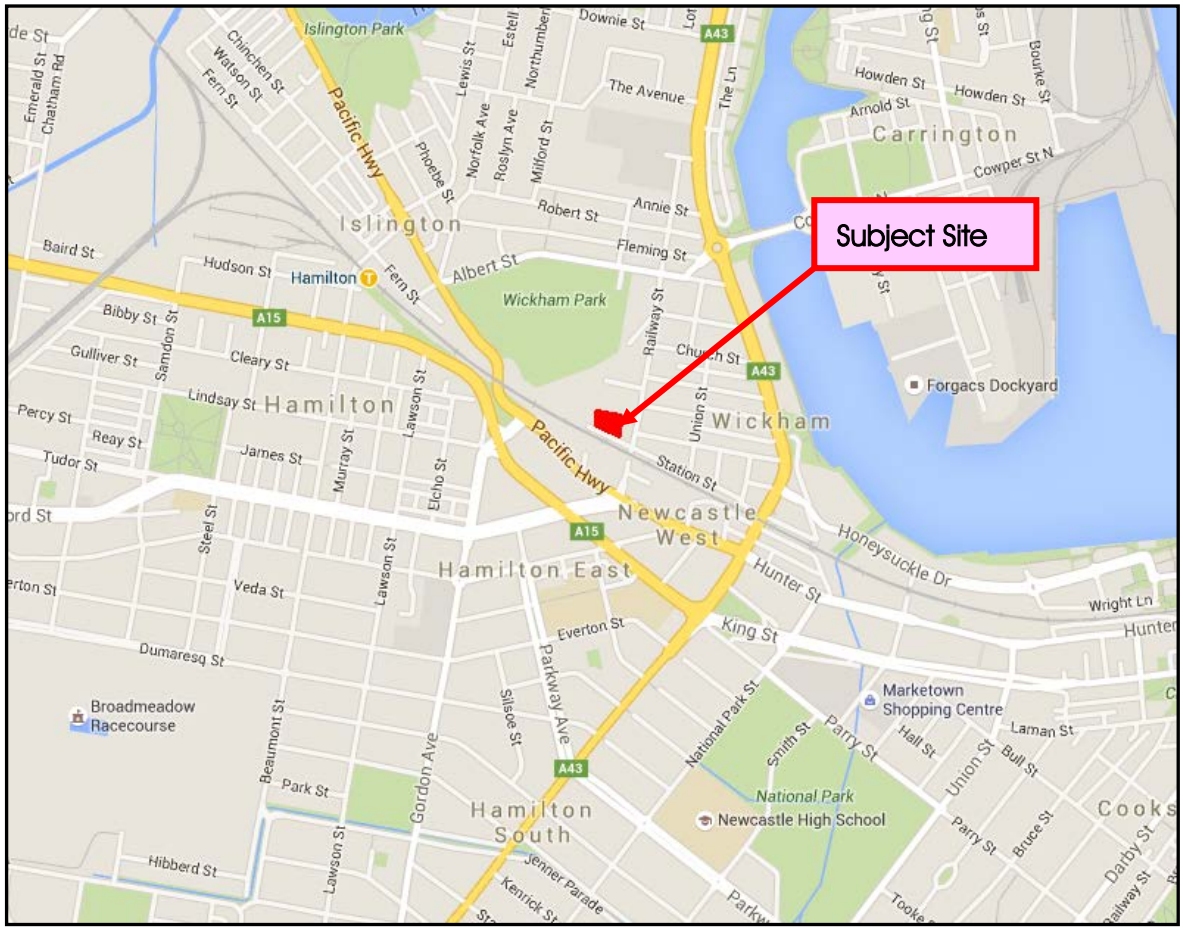

Figure 3: Locality map of the subject site within the local context of Wickham.

The location of the site relative to the inner city recreation, shops and services provides for a high level of amenity. Wickham, whist traditionally an industrial area servicing the CBD, has more recently become a mix of land uses with an increase demand for inner city village housing.

3.3 LANDUSES LOCALLY, AS WELL AS CURRENT AND PREVIOUS USES ON THE SITE

The site is currently occupied by a large industrial building & associated yard, which is used for the servicing and detailing of cars.

Railway Lane adjoins the site to the south, with the railway corridor located on the southern side of Railway Lane opposite the subject site (approximately 8.5m south of the lot boundary).

The Lass O'Gowrie Hotel adjoins the site to the west, being located on the corner of Railway Lane and Railway Street, and backing onto the site. A series of smaller dwellings

are located on Croft Street with a 2 storey duplex adjoining the site to the east fronting Croft Street.

Fuchs Lubricants operations adjoins the site to the north (which we understand is for sale). A temporary site compound (sheds & demountable offices) for the railway truncation works are located on the vacant land adjoining the site to the west.

Residential development is located to the east of the site on the opposite side of Railway Street.

The aerial photograph below provides an indication of the current built form and pattern of development in the area.

Figure 4: Aerial photograph showing the site and adjoining development.

3.4 TOPOGRAPHY, DRAINAGE AND FLOODING

The site slopes gently to the east with existing levels of RL 2.7 at the south western end of the site sloping down to RL 2.1 at the south eastern end of the site.

The site currently drains to the existing stormwater system located in Railway Lane.

Council's flood certificate indicates the site is subject to flooding. The 1% AEP event is 2.2m AHD, the critical flood level in the PMF is 3.4m AHD.

3.5 VEGETATION

The site is void of any significant vegetation, with the exception of grass and weed cover in the yard areas.

3.6 MINE SUBSIDENCE

The subject site is located in a mine subsidence district and as such will require referral to the Mine Subsidence Board.

3.7 ACID SULPHATE SOILS

The subject site is identified on the Newcastle LEP 2012 Acid Sulphate Soils map as containing classes 3 & 4 Acid Sulphate Soils (ASS), refer **Figure 5** below.

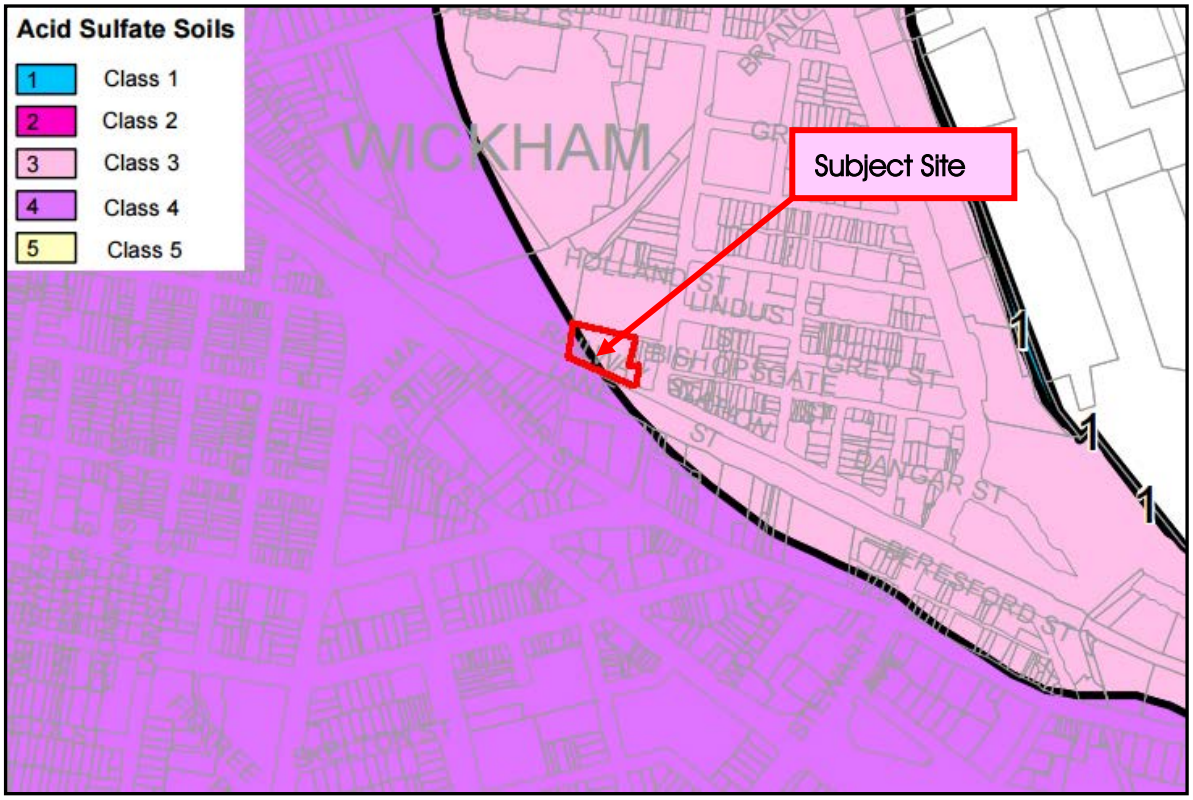

Figure 5: Acid Sulfate Soils map extract from NLEP 2012.

3.8 BUSHFIRE

The subject site is not identified on the Newcastle LEP 2012 Bushfire Hazard Map as being bushfire prone land and the proposed development does not need to be referred to the Rural Fire Service.

3.9 EUROPEAN HERITAGE

The subject site is not identified as a heritage item, nor is it identified as being located within a heritage conservation area.

The site adjoins the Lass O'Gowrie Hotel, which is identified as an item of local heritage in the Newcastle LEP 2012 and the Newcastle City Centre Heritage Conservation Area is located south of the site (refer **Figure 6** below).

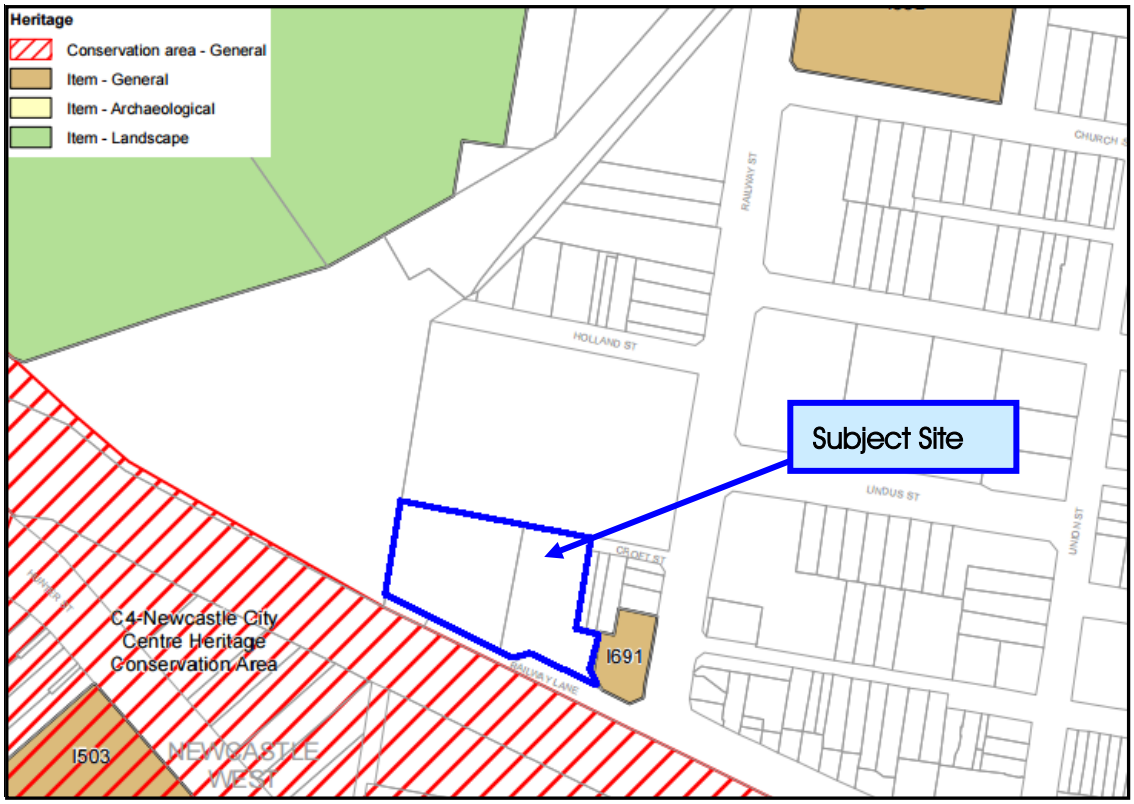

Figure 6: Heritage planning extract from NLEP 2012.

3.10 TRAFFIC, ACCESS AND ROAD NETWORK

Railway Lane is a no through road, ending to the west of the site and connecting to Station Street and Railway Street at a T intersection to the east of the site.

The proposal includes two (2) levels of basement car parking beneath the building.

The subject site is located approximately 200m west of the proposed Wickham Transport Interchange providing excellent access to public transport services.

Traffic, access and parking are discussed further in **Section 5** of this report.

A Traffic Assessment Report has been prepared by BJ Bradley & Associates and is included as **Appendix H** of this report.

3.11 COASTAL ZONE

The subject site is identified on the Department of Planning and Infrastructure's Greater Metropolitan Region Map as being located within the prescribed coastal zone (refer **Figure 7** below). Coastal protection matters are addressed in Part 4 of this report.

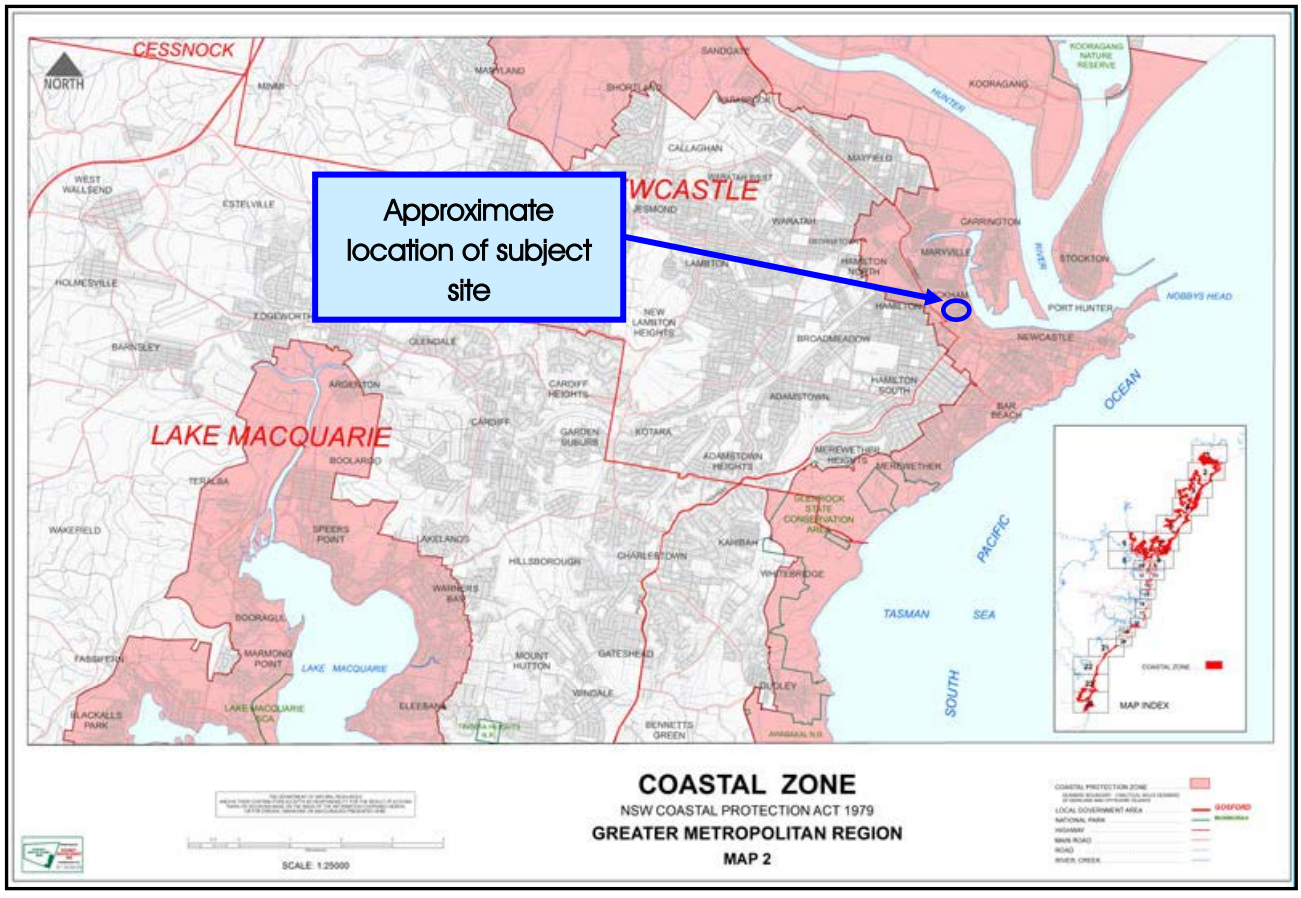

Figure 7: NSW Department of Planning and Infrastructure Coastal Zone map.

3.12 UTILITY SERVICES

Public utility services including reticulated water and sewer, electricity, gas and telecommunications are available to the site.

3.13 OBSERVATIONS FROM THE SITE CHARACTERISTICS AND LOCALITY

The subject site is located within an established inner city area of Newcastle, undergoing change from its traditional industrial past to a mixed use village. The location of the site relative to recreation, shops and services offers a high level of amenity to future occupants.

The site which is currently occupied by industrial development is underutilised relative to Council's Strategic Planning Objectives. The site exhibits few constraints and these can be managed as part of the design process and during construction.

The site offers an excellent opportunity to provide high density residential development close to the CBD and the proposed Wickham Transport Interchange.

4.0 Planning Controls

4.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 & REGULATION 2000

The EP&A Act 1979 and the EP&A Regulation 2000 constitute the principle planning legislation in NSW and provide the statutory framework for the assessment of the proposed retirement village.

Consideration has been given to the objectives of the EP & A Act 1979 and these are addressed below:

(a) To encourage:

(i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) The promotion and co-ordination of the orderly and economic use and development of land,

(iii) The protection, provision and co-ordination of communication and utility services,

(iv) The provision of land for public purposes,

(v) The provision and co-ordination of community services and facilities, and

(vi) The protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) Ecologically sustainable development, and

(viii) The provision and maintenance of affordable housing, and

(b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposed development is consistent with the objectives of the EP & A Act 1979, in particular objectives (a)(i) and (a)(ii), in that the proposed development represents an orderly and economic infill development of an existing site within the city centre. The proposal represents a higher density use of the site, incorporating both commercial and

residential uses. The proposed development provides additional housing resources in a central location to promote and support the growth and development of Newcastle as a regional city. The increased use of the site also contributes to the vibrancy and viability of the city centre, promoting and supporting the social and economic welfare of the community.

Schedule 4A – Development for which regional panels may be authorised to exercise approval authority functions of councils

The proposed development has a capital investment value of $68,045,000.00 incl GST being more than the $20 million threshold that classifies development over this amount as regional development. As such The Joint Regional Planning Panel (JRPP) is the relevant approval authority.

4.2 WATER MANAGEMENT ACT 2000

Clause 91 of the Act confirms that an aquifer interference approval is required to carry out one or more aquifer interference activities at a specified location.

Given that the proposal will require excavation to a depth of 7m, construction will require dewatering works, and as such an Aquifer Interference Approval will be required.

The requirement for an Aquifer Interference Licence is an integrated referral under Section 91 of the EP&A Act 1979 and requires that the application be referred to the NSW Office of Water for assessment for the purpose of the Aquifer Interference Approval.

4.3 STATE PLANNING CONTROLS

4.3.1 SEPP 55 - Remediation of Land

SEPP No. 55 aims to promote the remediation of land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

A Phase 1 Environmental Site Assessment (ESA) of subject site has been undertaken by RCA Australia and is included as **Appendix G** of this report. The Phase 1 ESA confirms the probability of contaminants on the site as a result of current and previous landuses, construction materials and surrounding development. The report recommends that further investigations are undertaken to conclusively determine extent of contamination and probable remedial actions. These works would be undertaken post consent, as part of the detailed design phase.

Contamination is discussed further in **Section 5** of this report.

4.3.2 SEPP 65 Design Quality of Residential Apartment Development

This SEPP raises the design quality of residential apartment development across the state through the application of a series of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.

A SEPP 65 Architectural Design Verification Statement and Urban Design Analysis has been prepared by EJE Architects and is included at **Appendix C** of this report.

4.3.3 SEPP 71 Coastal Protection

Clause 1.9 of Newcastle Local Environmental Plan 2012 (N LEP 2012), specifically excludes the application of this SEPP to land identified as being located within the Newcastle City Centre under the Newcastle LEP 2012.

Matters of coastal protection are addressed through the application of the Newcastle LEP 2012, which is discussed in more detail later in this section.

4.3.4 SEPP (Building Sustainable Index: BASIX) 2004

The general aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

The proposed development has been designed to meet BASIX requirements and a copy of the relevant certificates is included at **Appendix M**.

4.3.5 SEPP (Infrastructure) 2007

This SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The subject site is located adjacent the Newcastle Railway Line to the south of Railway Lane, and as such Clauses 85, 86 and 87 of the SEPP, and the Interim Guideline for Development Near Rail Corridors and Busy Roads, have been considered.

- ***Clause 85 Development immediately adjacent to rail corridors***

  The proposed development will not have any adverse effects on rail safety, does not involve the placing of a metal finish on a structure, and does not involve the use of a crane in air space above the rail corridor.

- ***Clause 86 Excavation in, above or adjacent to rail corridors***

  This clause applies to development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m of a rail corridor.

  The proposed development will include works beyond 2m below ground within 25m of the rail corridor, and as such it is understood that the application will be referred to NSW Trains.

  Accordingly Northrop Consulting Engineers have addressed this matter in report attached at **Appendix J**.

- ***Clause 87 Impact of rail noise or vibration on non-rail development***

  Clause 87 relates to the impact of rail noise or vibration on non-rail development.

  A Rail Traffic Noise Assessment has been prepared by RCA Australia and is included as **Appendix I** of this report. The Rail Traffic Noise Assessment confirms that with the implementation of the specific construction recommendations, that the proposal will achieve the required 35dB(A) in any bedroom of the building between 10pm and 7am; and 40dB(A) for everywhere else in the building at any time, consistent with the requirements of the SEPP.

  Rail Traffic Noise is discussed further in **Section 5** of this report.

- ***Clause 104 Traffic Generating Development***

  The proposed development is identified as traffic generating development under Clause 104 of the SEPP, in accordance with the triggers outlined in Schedule 3 of the SEPP, given that the proposed development will provide car parking for more than 200 vehicles (the proposal provides 229 car spaces onsite).

  In accordance with the requirements of Clause 104, the application will be referred to the RMS for consideration.

4.3.6 SEPP (State and Regional Development)

This SEPP relates to development that is deemed to be State and Regional development. The purpose of the SEPP is to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure; and to confer the functions on joint Regional Planning Panels to determine development applications.

As previously identified the proposed development is Regional development and as such the Joint Regional Planning Panel will determine accordance with the requirements of Part 4 of the SEPP.

4.4 REGIONAL PLANNING CONTROLS

4.4.1 Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy was adopted in October 2006, in summary the purpose of the strategy is to provide broad guidance to future planning of the Lower Hunter with the following general aims:

- Provide for a forecast housing demand of up to 115 000 new dwellings by 2031;
- Identify new release areas;
- Ensure an adequate supply of employment land in appropriate locations, close to existing centres;
- Focus a higher proportion of new housing in centres which will reduce pressure on existing established suburbs; and
- Ensure the protection of biodiversity through a Regional Conservation Plan.

The proposed development is considered to be consistent with the aims and objectives of the Lower Hunter Regional Strategy, particularly in providing new housing stock and choice in a city central location, within close proximity to employment, education facilities, public transport facilities as well as other essential services and facilities.

The Strategy establishes a Centres Hierarchy and the site is located in Newcastle which is identified in the Strategy as being a regional centre (refer **Figure 8** below); with its key functions being:

'Services the Region with higher order administration, education, health services, cultural and recreational facilities, higher density commercial and residential.

Commercial centre focus with large retail and commercial floor area, including department stores.'

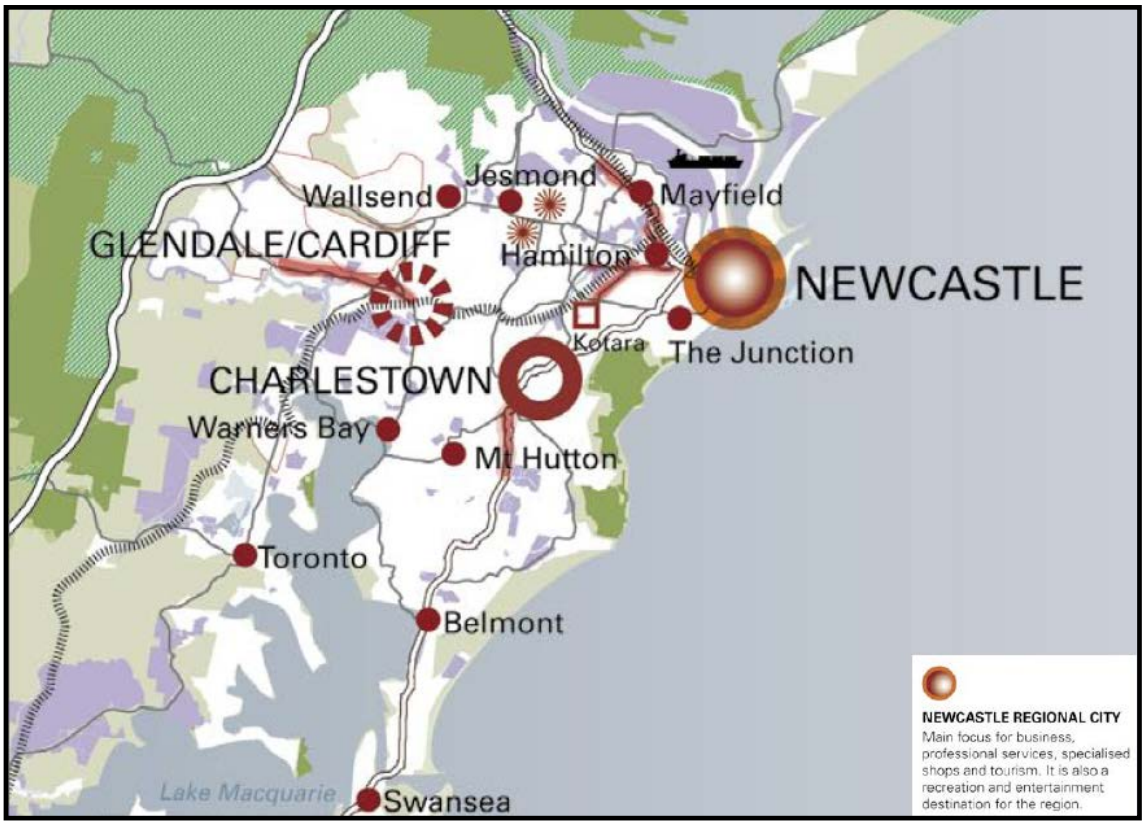

Figure 8: Extract from the Lower Hunter Regional Strategy.

The proposed development supports the key functions of Newcastle as a regional centre in that the proposal will contribute to the provision of higher density residential development and commercial premises in a locality that supports the city as a regional centre and its future development and growth, without impeding or undermining existing commercial, retail or employment lands.

The LHRS outlines current challenges and trends affecting housing provision, availability and affordability in the region, this includes:

- The growing population and changing housing demands that are driving a need for a greater range of housing options;

- The current pattern of low density settlement on the fringe of existing areas is also difficult and expensive to provide with new services and infrastructure, including viable and effective public transport driving a demand for more compact settlement in and around established centres;

- Need to achieve a sustainable balance between new release and infill development by providing greater opportunities for housing to be provided within existing urban areas;

- Compact settlement in and around existing urban areas has many benefits including better use of existing infrastructure, and reduced travel by placing people, jobs, education and services closer together;

- The LHRS identifies that the best opportunities to achieve higher density housing are within and adjacent to major centres are in Newcastle and Lake Macquarie LGAs; and

- Higher density housing within Newcastle will contribute to the revitalisation and renewal of the City centre.

The proposed development is consistent with the objectives of the LHRS with specific reference to the provision of housing, contributing to an increase in higher density housing that supports the revitalisation and renewal of the City centre, and the gentrification of Wickham.

4.4.2 Draft Hunter Regional Plan

The NSW Government has developed the Draft Hunter Regional Plan as an overarching framework to guide development and investment in the Hunter region to 2036.

The plan consolidates strategic planning considerations for land use and infrastructure for Cessnock, Dungog, Gloucester, Great Lakes, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter.

The draft Plan also recognises that growth and change will occur differently across the region and identifies four distinct landscape subregions, responding to the local landscape and providing a focus to address opportunities and challenges, including Hunter City, Western Hunter, Northern Tops, and Hunter's North East Coast. The proposed development is located within the Hunter City landscape subregion.

Once finalised the draft Plan will replace the current strategies / plans applying to the abovementioned local government areas, including the Lower Hunter Regional Strategy, the Mid North Coast Regional Strategy, and the Upper Hunter Strategic Regional Land Use Plan.

The vision of the Plan is:

> *"The Hunter region will capitalise on its diversity and connectivity to capture growth, using its natural resources and amenity, economic strengths, and its communities, to actively manage change and attract investment. It will offer an array of quality lifestyles within sustainable and healthy environments".*

To achieve this vision, the NSW government has set four goals:

1. Grow Australia's next major city.

2. Grow the largest regional economy in Australia.

3. Protect and connect natural environments.

4. Support robust regional communities.

The proposed development is consistent with the above goals identified to achieve the vision of the Plan. In particular, the proposed development contributes to supporting a robust regional community, by promoting housing growth within Hunter City. The proposed development provides an infill development on established urban land, within a central location within the city centre that comprises existing infrastructure and service networks. The proposed development will contribute to an increase in people living within an existing centre, ensuring existing services and facilities remain viable.

4.4.3 Draft Plan for Growing Hunter City

The Draft Plan for Growing Hunter City has been developed as a companion to the Draft Hunter Regional Plan to reflect the City's importance to the Hunter and the State.

This Plan identifies additional directions and actions to guide strategic planning for land use and infrastructure within the Hunter's metropolitan area, to support the Hunter region's broader strategic planning framework from 2016 to 2036.

Hunter City is the urban gateway to the Hunter region, and the largest regional economy in NSW. For the first time the City is defined as the metropolitan area extending from Toronto and Swansea in the south to Raymond Terrace in the north and from Newcastle harbour in the east to Lochinvar in the west.

The Hunter City's metropolitan area is made up of five (5) distinct and diverse districts including Maitland-New England Highway Corridor District, Northern Gateways District, Inner West District, Inner Newcastle District, and Northern Lake Macquarie District. The proposed development is located within the Inner Newcastle District.

The proposed development is consistent with the directions contained within the Plan, and particularly those directions relating to the Inner Newcastle District. More specifically the proposed development will replace a former industrial use with a higher density use providing for an increased supply of housing stock and commercial floor space, and a greater mix of housing types to meet changing demand, within an established urban locality. The proposal represents an effective

infill development with excellent proximity to existing infrastructure, providing easy access to services, jobs and public transport for residents. The proposal will contribute to the gentrification of Wickham and ultimately to improved liveability and productivity of Hunter City.

4.5 LOCAL PLANNING CONTROLS

4.5.1 Newcastle Local Environmental Plan 2012

The proposed development is subject to the provisions of Newcastle Local Environmental Plan 2012 (NLEP 2012).

The subject site is zoned B4 Mixed Use Zone under the Newcastle Local Environmental Plan 2012. The objectives of the B4 zone are to:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

The proposed development is consistent with the objectives of the B4 Mixed Use Zone, providing integrated high density residential and commercial development within a city central location. The subject site is well located with respect to public transport, and is within close proximity to the CBD, Hunter Street and Honeysuckle precinct to promote walking and cycling as alternative transport. The proposal will support the viability of the city centre (CBD, Hunter Street Mall, Honeysuckle precinct and Darby Street precinct) through an increase in population and patronage within the locality.

Figure 9 is an extract from Newcastle LEP 2012 zoning map and illustrates the zoning of the site in the context of the surrounding locality. Land adjoining immediately to the north, east, south and west of the site is also zoned B4 Mixed Use.

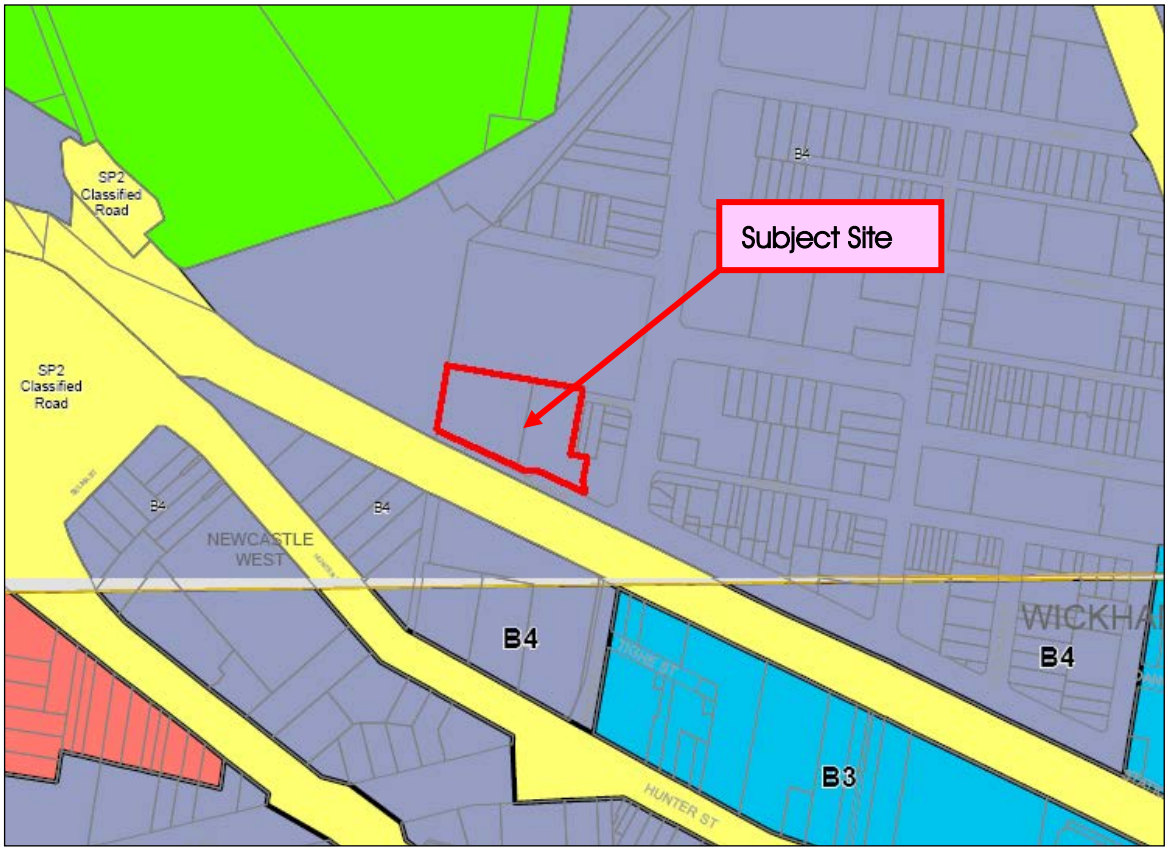

Figure 9: Extract from the Newcastle LEP 2012 Zone Map.

4.5.2 Land Use Definitions and Permissibility

The proposal is for the purpose of a mixed use development comprising residential apartments and ground level commercial space.

The applicable land use definitions for the proposed development, based on definitions from the Newcastle LEP 2012, is '*mixed use development'*, *'residential flat building',* and '*commercial premises'* which are defined as:

> ***mixed use development*** *means a building or place comprising 2 or more different land uses.*
>
> ***residential flat building*** *means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*
>
> ***commercial premises*** *means any of the following:*
>
> *(a) business premises,*
>
> *(b) office premises,*
>
> *(c) retail premises.*

Mixed use development, residential flat buildings and commercial premises are all permissible development in the B4 Zone, with the consent of Council.

4.5.3 Specific Newcastle LEP 2012 Clauses

- **Clause 2.7 – Demolition requires development approval**

This clause requires development approval to be obtained for demolition works.

The proposed development application seeks approval for demolition of the existing industrial / warehouse building on the site as part of the development.

- **Clause 4.3 – Height of Buildings**

This clause applies to development on land identified on the NLEP 2012 Building Heights map as having a prescribed maximum building height, and requires that development is not to exceed the maximum height shown for the land on the Height of buildings map.

The subject site is identified on the Newcastle LEP 2012 Maximum Building Height Map as having a prescribed maximum building height of 24m (refer **Figure 10** below).

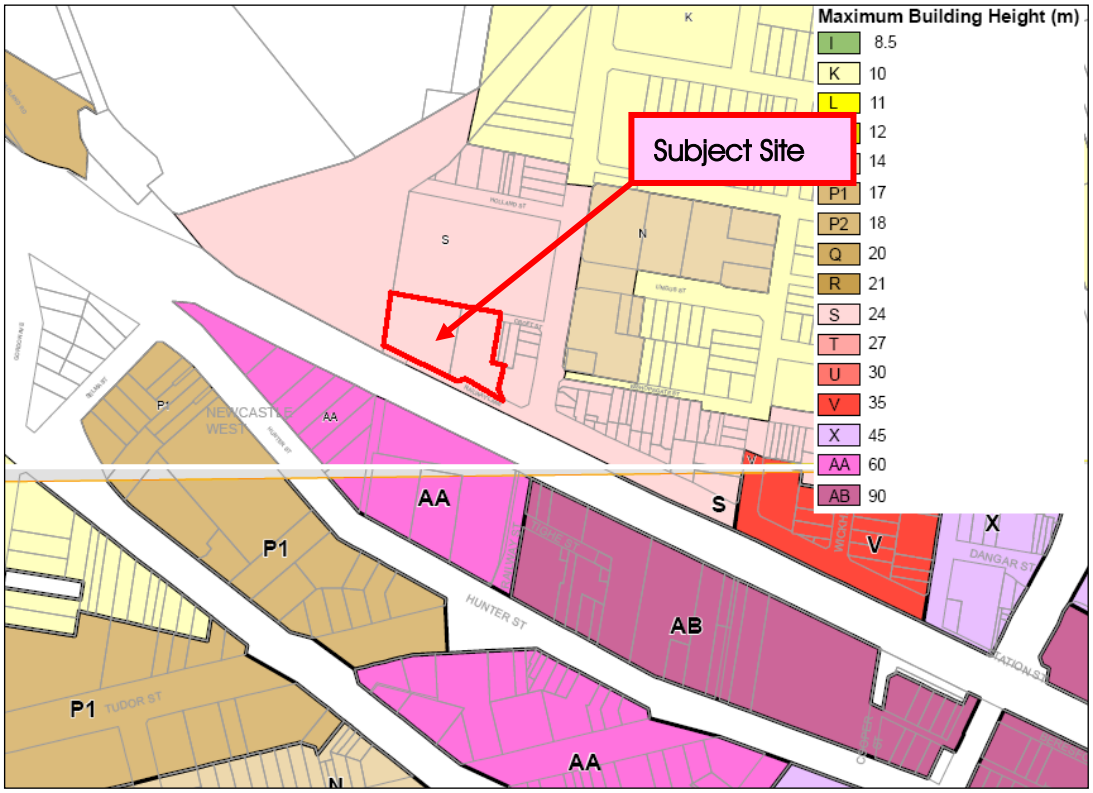

Figure 10: Extract from Newcastle LEP 2012 Maximum Building Height Map.

The proposed development has a predominate building height of 48m, as demonstrated on the elevation and section plans included at **Appendix B** of this report.

For the consent authority to approve the Development Application, a variation to the clause 4.3 development standard under NLEP 2012 is required. Accordingly a variation is sought under Clause 4.6 of the NLEP 2012 to allow a building height of 32m.

The written request to vary the development standard set by Clause 4.3 of the Newcastle LEP, has been prepared and is included as **Appendix D** of this report.

- **Clause 4.4 – Floor Space Ratio**

This clause applies to development on land identified on the NLEP 2012 Floor Space Ratio map as having a maximum floor space ratio, and requires that development is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio map.

The subject site is identified on the Newcastle LEP 2012 Floor Space Ratio Map as having a prescribed floor space ratio of 4:1 (refer **Figure 11** below).

The proposal will result in an FSR of 3.98:1, which is complies with the standard.

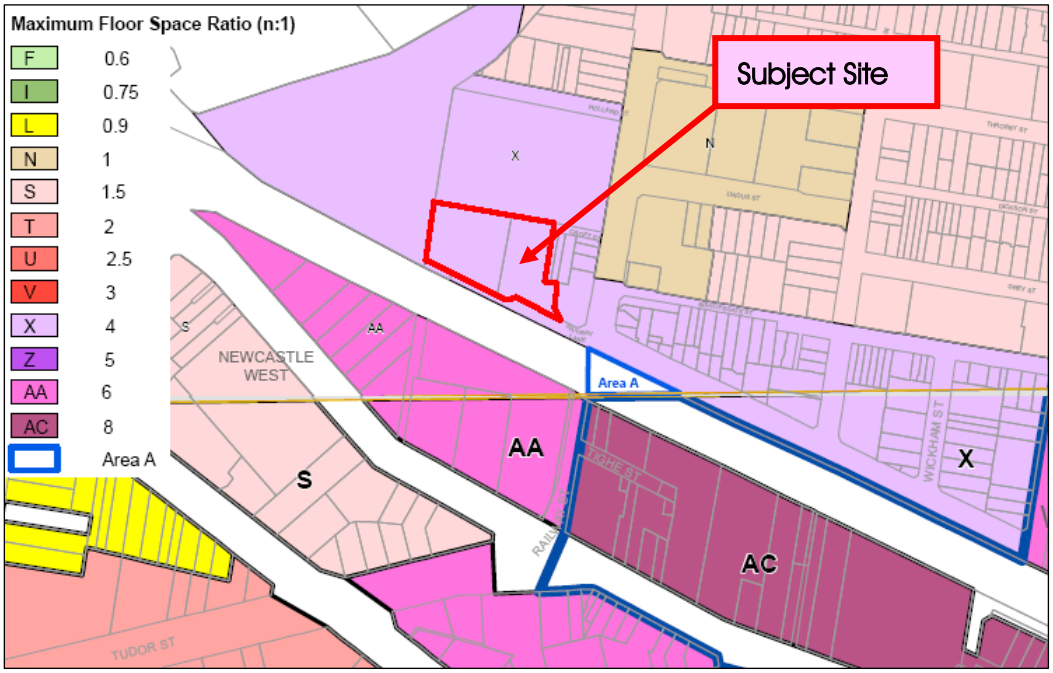

Figure 11: Extract from Newcastle LEP 2012 Floor Space Ratio Map.

- **Clause 4.5 - Calculation of floor space ratio and site areas**

The purpose of this clause is to define *'floor space ratio'* and provide the parameters for calculating floor space ratio.

Clause 4.5 defines floor space ratio as:

*The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.*

The proposed development has a GFA of 18,150m^2, while the site has an area of 4,557m^2 resulting in a FSR of 3.98:1.

This FSR has been calculated in accordance with Clause 4.5 of the Newcastle LEP 2012.

- **Clause 4.6 – Exceptions to Development Standards**

The objectives of this clause are:

a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

As previously outlined the proposed development will have a building height which exceeds the prescribed 24m height limit (development standard) for the site under Clause 4.3 of NLEP 2012.

For Council to approve the Development Application, a variation to a development standard under the Newcastle LEP 2012 is required.

In accordance with the requirements of Clause 4.6, a written request to vary the development standard imposed by Clause 4.3 of the Newcastle LEP, has been prepared and is included as **Appendix D** of this report.

- **Clause 5.5 - Development within the Coastal Zone**

As outlined in **Section 3**, the subject site is identified as being located in the coastal zone, and this Clause is applicable to the proposed development.

Subclause 2 outlines matters for consideration. Subclause 3 outlines matters that an application must satisfy prior to the granting of consent.

The following points address these matters in relation to the proposed development:

(2) Development approval must not be granted to development on land that is wholly or partly within the coastal zone unless the approval authority has considered:

(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
(i) maintaining existing public access and, where possible, improving that access, and
(ii) identifying opportunities for new public access, and

The proposed development will not adversely impact on existing public access to the Newcastle foreshore for pedestrians.

(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
(i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
(ii) the location, and
(iii) the bulk, scale, size and overall built form design of any building or work involved, and

The proposed mixed use development is suitable for the locality being consistent with the identified B4 mixed use zoning of the site, and contributing to the gentrification of the Wickham area. Given that the proposed development is consistent with the prescribed FSR for the site, and the height is considered to provide a superior outcome for the site within the city's context in terms of bulk, scale, size and overall built form of the proposed development; it is considered to be suitable within the site. The proposed development will not conflict with any water based coastal activities.

(c) the impact of the proposed development on the amenity of the coastal foreshore including:
(i) any significant overshadowing of the coastal foreshore, and
(ii) any loss of views from a public place to the coastal foreshore, and

The proposal is substantially removed from the nearest foreshore area (approximately 500m) and will have no impact on overshadowing of the foreshore. Given the relatively flat topography of the area generally, the proposed development will not result in the loss of any significant views from public places to the coastal foreshore.

(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and

The proposed development is necessary to provide an increase of available housing stock and commercial premises within the Newcastle City Centre. The proposed development will be visually consistent with the evolving character of

the locality, and. the proposal will not undermine the visual amenity or scenic qualities of the Newcastle Foreshore.

(e) how biodiversity and ecosystems, including:
(i) native coastal vegetation and existing wildlife corridors, and
(ii) rock platforms, and
(iii) water quality of coastal waterbodies, and
(iv) native fauna and native flora, and their habitats, can be conserved, and

The proposed development will have no adverse impacts on biodiversity or local ecosystems.

(f) the cumulative impacts of the proposed development and other development on the coastal catchment.

No significant cumulative effects have been identified or are likely.

(3) Development approval must not be granted to development on land that is wholly or partly within the coastal zone unless the approval authority is satisfied that:

(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

The proposed development will not result in any impediments to, or diminish, public access to or along the foreshore.

(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

The proposed development will be connected to a reticulated sewer system and as such will have no impact on the water quality of any nearby waterbody.

(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

The proposed development will not discharge untreated stormwater into any nearby waterbodies. Stormwater will connect into the existing street system.

(d) the proposed development will not:
(i) be significantly affected by coastal hazards, or
(ii) have a significant impact on coastal hazards, or
(iii) increase the risk of coastal hazards in relation to any other land.

The proposed development will not be impacted upon by coastal hazards nor will it have any significant impact on coastal hazards.

Overall the proposal is consistent with the LEP objectives, and considerations relating to matters of coastal protection.

- **Clause 6.1 - Acid Sulfate Soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

As outlined in **Section 3** the subject site is identified as containing Classes 3 and 4 potential acid sulfate soils.

Clause 6.1 defines works for Classes 3 and 4 potential Acid Sulfate Soils to be:

Class 3:

> *'Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.'*

Class 4:

> '*Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below natural ground surface.'*

A Phase 1 Environment Site Assessment (ESA) has been undertaken by RCA Australia and is included as **Appendix G** of this report. The ESA confirms the likely disturbance of potential acid sulphate soils as part of the excavation and dewatering processes proposed and that an Acid Sulfate Soils Management Plan will be required to form part of the Construction Certificate documentation.

- **Clause 6.2 - Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

In consideration of the reports accompanying this application, no significant impacts that cannot be mitigated have been identified.

- **Clause 7.4 – Building Separation**

This clause requires that any new building within the City Centre must be erected so that the distance from the building to any other building is not less than 24m at 45m or higher above ground level, and includes a separate tower or other raised part of the same building.

The proposed development will comply with this clause.

- **Clause 7.5 – Design Excellence**

The proposed development is considered to be consistent with this clause, resulting in a mixed use development that is of a high architectural standard.

The proposed development has been architecturally designed by EJE Architecture in accordance with SEPP 65 and the associated Apartment Design Guide. A SEPP 65 Architectural Design Verification Statement prepared by EJE Architecture is provided at **Appendix C** of this report.

Subclause 4(b) requires that a design excellence competition be held for development that will be higher than 48m.

The proposal has a main roof height of 48m. The proposal also includes blade walls that extend 1m above the main roof height. However, given the blade walls are an architectural roof feature and will have no further impact than a flag pole located on top of the building, which we note is excluded from the definition of building height, it is considered that the additional height of the blade walls should not trigger the requirement for a design excellence competition under Clause 7.5(4)(b) of the NLEP 2012.

4.5.4 Newcastle Development Control Plan 2012

Newcastle Development Control Plan 2012 (DCP 2012) applies to the proposed development. The purpose of the DCP 2012 is to provide detailed provisions relating to matters of environmental planning significance for Newcastle to be taken into consideration by Newcastle City Council when exercising its environmental assessment and planning functions under the Environmental Planning and Assessment Act 1979.

DCP 2012 has been reviewed and the following elements are relevant for consideration:

Section 3.05 Residential Flat Buildings

The aim of this Section is to improve the design quality of residential flat development.

The design of the proposal has been developed in accordance with the requirements of SEPP 65 and the provisions of the Apartment Design Guide, consistent with this section of the DCP 2012.

Building design is discussed further in **Section 5** of this report.

Section 3.10 Commercial Uses

The aims of this Section are:

- To enhance the economic viability of commercial centres; and
- To encourage commercial development that has a positive contribution to surrounding development.

The incorporation of the Ground Floor commercial premises within the development provides an active street frontage to Railway Lane, along with multiple building entries and glazing consistent with this section of the DCP.

Building design is discussed further in **Section 5** of this report.

Section 4.01 Flood Management

The aim of this section of the DCP is to guide the development of flood prone land, applying balanced strategies to economically, socially and environmentally manage risk to life and property.

A Stormwater and Flood Report has been prepared by Northrop Consulting Engineers and included as **Appendix F** of this report.

Flooding is discussed further in **Section 5** of this report.

Section 4.03 Mine Subsidence

The aim of this section of the DCP is to raise awareness to potential applicants and the development industry that mine subsidence is a significant issue for some sites.

As previously outlined the subject site is located in a mine subsidence district and as such this application will be referred to the Mine Subsidence Board.

A Mines Assessment has been undertaken by Northrop Consulting Engineers and is included as **Appendix K** of this report.

Mine Subsidence is addressed further in **Section 5** of this report.

Section 4.04 Safety and Security

The aims of this Section are:

- *To ensure safe and activated places that are used by people day and night; and*

- *To encourage a built environment that maintains and enhances our sense of identity.*

The proposed development is consistent with this section of the DCP 2012 and is addressed further in **Section 5** of this report.

Section 4.05 Social Impact

This section applies to any development as required under Council policy *Social Impact Assessment Policy for Development Applications*, 1999.

The aims of this Section are:

- *To provide clear guidelines as to the level of assessment required for a development application;*
- *To consider both positive and negative social impacts in achieving socially sustainable development through an evidence based approach;*
- *To ensure consultation is undertaken with the community, stakeholders and relevant groups to identify public values and concerns; and*
- *To consider how potential social impacts of change can be best managed and mitigated.*

The proposed development is consistent with this section of the NDCP 2012 and social impact is addressed further in **Section 5** of this report.

Section 5.01 Soil Management

The aims of this section of the DCP are:

- *To prevent export of sediments from the site during construction;*
- *To prevent litter, sediment, nutrients and oils from entering waterways; and*
- *To minimise potential for landslip on sloping sites.*

An Erosion and Sediment Control Plan has been prepared for the site by Northrop Consulting Engineers and forms part of the Stormwater and Flooding Report included as **Appendix F.**

Section 5.02 Land Contamination

The aims of this section of the DCP are:

- *To ensure that the likelihood of land contamination is considered as early as possible in the planning and development process;*
- *To ensure that planning and development decisions take into account available information relating to the likelihood of land contamination;*
- *To ensure that any development of contaminated land will not result in unacceptable levels of risk to human health or the environment;*
- *To ensure that site investigations and remediation work are carried out in a satisfactory manner, and where appropriate, are independently verified by site audits;*
- *To ensure that Council exercises its functions relating to the development of contaminated land with a reasonable standard of care and diligence;*
- *To facilitate the provision of consistent and reliable information to the public about land contamination;*
- *To ensure that ongoing responsibility for management and monitoring of contaminated land is clearly and legally assigned; and*
- *To ensure the community is not unduly disadvantaged by increased health and environmental risks or increased management costs when accepting the dedication of public assets.*

A Phase 1 Environmental Site Assessment has been undertaken by RCA Australia and is included as **Appendix G** of this report.

Contamination is addressed further in **Section 5** if this report.

Section 5.05 Heritage Items

This Section is applicable to the proposed development, given that the site is in the vicinity of a heritage item identified in the NLEP 2012.

The aims of this Section are:

- *To provide controls based on best practice that support the adaptation, alteration and modification of structures and buildings that are listed as heritage items in Schedule 5 of Newcastle Local Environmental Plan 2012.*

- *To ensure that development has a positive effect on the heritage significance of each heritage item.*

- *To support development activity that is commensurate with the heritage significance of heritage items and produces good design and liveable streetscapes.*

- *To maximise the adaptive re-use of heritage items.*

The proposed development is consistent with the aims of this section of NDCP 2012, with the proposal being appropriately designed and sited to protect the heritage significance of the adjoining Lass O'Gowrie Hotel and having regard to the nearby Heritage Conservation Area.

Section 6.01.01 Newcastle City Centre – Introduction

This Section applies to land located in the City Centre, as identified by the NLEP 2012 City Centre map, and as such is applicable to this application.

The aims of this section are:

- *To implement the Newcastle Urban Renewal Strategy.*

- *To integrate planning for Newcastle East, Honeysuckle and Newcastle West.*

- *To provide a comprehensive set of planning and design guidelines based on the characteristic of distinct areas within the city centre.*

The proposal is consistent with this section of the DCP, as demonstrated in this report.

Section 6.01.02 Newcastle City Centre – Character Area

This section of the DCP divides the city centre into a number of areas with distinct characteristics and attributes, including topography, landscape, heritage, streetscape, land uses and built form.

The subject site is located within the 'West End' character area. The DCP describes the West End area as:

> *This area is the western gateway to Newcastle's city centre and is an area of unrealised potential. It currently has showroom and bulky goods facilities, retail, car dealerships and self storage. The predominance of larger consolidated land holdings and fewer environmental and heritage constraints make this precinct ideally suited to become the future CBD of Newcastle.*

This precinct has fewer public domain assets. Improvement of public open space is needed to ensure the precinct is well-served as it evolves into a commercial precinct. Public domain opportunities include improvements to Birdwood Park, the Cottage Creek corridor and connections to the river foreshore. Public domain improvements should be in accordance with any adopted public domain plan of Council.

The DCP outlines the following principles for development in the 'West End' area:

a) *New public spaces are created to meet the demands of the future CBD and existing public open spaces are improved, such as Birdwood Park and Cottage Creek. Opportunities for new publicly accessible spaces are identified.*

b) *Birdwood Park is recognised as an important element in the public domain network and as the western 'gateway' to the city centre.*

c) *New development fronting Birdwood Park addresses the park edge and promotes a sense of enclosure by being built to the street alignment. Any new development ensures adequate midwinter lunch time sun access to Birdwood Park.*

d) *Development along the rail corridor, Cottage Creek, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.*

e) *Building entries are inviting with activate frontages that allow visual permeability from the street to within the building.*

f) *Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed.*

g) *Heritage items and their setting are protected.*

The proposed development is considered to be consistent with the above principles, and in particular principles d), e) and g). The provision of higher density residential development within the central location of the subject site will result in increased activity, including pedestrian and cycleway movement within the area. The proposed development also provides an active frontage with Ground Floor commercial premises that incorporate inviting building entries with appropriate glazing to allow visual permeability.

Section 6.01.03 Newcastle City Centre – General Controls

This section describes development controls for built form and the public domain for development in the City Centre.

The following comments address these development controls:

- The proposed development provides an active street frontage and responsive, well-articulated setbacks to Railway Lane. The development presents a five (5) storey podium element at street level, strongly defining the street edge, and then stepping back to the two (2) tower elements. Street wall height, street setbacks and activation of street frontages is discussed in further detail within **Section 5** of the report;

- With the exception of nine (9) car spaces located at street level, car parking is provided beneath the building clear of street views and ensuring the building presents active frontages and an aesthetic presentation;

- The proposed development positively addresses the street providing an active frontage to Railway Lane, through the use of commercial ground level uses, glazed building frontages, multiples building entries and lobby areas and residential balconies above ground level that overlook the street;

- The proposed development incorporates appropriate side and rear boundary setbacks, and separation distances taking into consideration existing and future development on adjoining lands. Side and rear boundary setbacks and separation distances are also discussed in further detail within **Section 5** of the report;

- The proposed building depth and floor plates have been designed taking into considered the street edge, maximising cross ventilation and solar access, and maintaining an affordable floor plate layout. Floor plates and building depth are discussed in further detail within **Section 5** of the report;

- The proposed development provides good internal amenity with the majority of apartments and commercial spaces facing east or west, and including glazing, screening and open plan design that flow on to outdoor areas to maximise natural light, heating and cooling;

- The proposed building exterior has been designed using high quality materials that will complement the streetscape, contribute to the desired character of the area, and respect the heritage of the adjoining Lass O'Gowrie Hotel;

- The development has been designed to make reference to the form of the hotel in its setback, parapet height, materiality and articulation. The proposal in this way does not present such an abrupt contrast between the scales of the old and new buildings, and makes effort not to overwhelm the hotel by gradually stepping up its height as it moves back from the boundary;

- At ground level the proposal includes defined pedestrian walkways with awnings over for weather protection;

- The proposal provides adequate bike storage within the car park. Parking is discussed in more detail in **Section 5** of the report; and

- The proposed development will not impact on public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks including the Catholic Cathedral and the Newcastle foreshore.

Section 7.01 Building Design Criteria

This section applies to all new buildings greater than a single dwelling on residential and commercial zoned land under NLEP 2012, and as such is applicable to the proposed development.

The aims of this section are:

- *To create a built environment that builds on and enhances the local sense of identity;*
- *To establish the scale, dimensions and form of development appropriate for the context of the area;*
- *To ensure building bulk, scale, dimensions and form is appropriate to the setting; and*
- *To ensure dwelling separation is adequate to protect amenity, daylight penetration and privacy between adjoining developments.*

Height and FSR have been addressed above.

Streetscape and setbacks have also been addressed above and in **Section 5** in considering the DCP controls for the city centre.

The subject site is located within the city centre and as such is not included in a defined growth precinct. In terms of private open space, each apartment is provided with individual balconies with total areas consistent with the controls for private open space outlined in the SEPP 65 Apartment Design Guide, being at least 6m^2 for a studio apartment, 8m^2 for one (1) bedroom apartments, and 10m^2 for two (2) bedroom apartments.

The proposal has been architecturally designed to complement the city centre location and respect the heritage of the adjoining residence.

The proposal provides adequate solar access for the proposed apartment dwellings consistent with the DCP requirement of at least three (3) hours of sunlight to living areas between 9am and 3pm on June 21st.

The design has also made a conscious effort to setback the upper levels of the development consistent with DCP requirements to reduce overshadowing impacts on adjoining and nearby development.

Four (4) separate waste storage rooms are provided at ground level for the two (2) residential towers and two (2) commercial premises.

Mail boxes will be provided within each of the foyer areas for the respective towers.

Section 7.02 Landscape, Open Space and Visual Amenity

This section applies to all new buildings on land under NLEP 2012, and as such is applicable to the proposed development.

The aims of this section are:

- *To create public places that strengthen our social connections*
- *To ensure public places provide for diverse leisure opportunities;*
- *To ensure landscaping is integrated into the design of the development;*
- *To improve stormwater quality and reduce quantity;*
- *To provide habitat for native plants and animals;*
- *To improve the microclimate and solar performance within the development;*
- *To improve urban air quality;*
- *To plan and implement significant development with provision for open space, in scale with the development that can be linked to a local open space network;*
- *To encourage development that respects landscape opportunities, conserves significant and useful landscape elements and does not detract from the local environment; and*
- *To ensure buildings and structures do not detract from the character of rural areas.*

A Landscape Design Plan has been prepared by Terras and is included as **Appendix E** of this report.

Landscape is discussed further in Section 5 of this report.

Section 7.03 Traffic, Parking and Access

Aims of this section:

- *To ensure that parking and service provision is adequate relative to the likely demand;*

- *To encourage measures to reduce motor vehicle dependency and increase the use of public transport, walking and cycling;*

- *To ensure that the design of parking, access and servicing areas is in accordance with best practice standards; and*

- *To provide adequate and safe vehicle access to sites without compromising pedestrian access and streetscape qualities.*

The proposal includes the provision of 229 car spaces and 14 motorcycle spaces over the two (2) basement levels, as well as nine (9) car spaces at the front of the development (street level). This exceeds the minimum parking requirement under the DCP by 12 car spaces and two (2) motorcycle spaces (refer **Table 2** below).

Table 2: Car Parking Calculations

	Required no. of car spaces	Rationale
Commercial component	1 space per 50m^2	Commercial GFA 960m^2 960 / 50 = **19.2**
Residential component	Studio apartment: 0.6 spaces per dwelling	32 x Studio apartments 32 x 0.6 = **19.2**
	1 bedroom apartment: 0.6 spaces per dwelling	32 x 1 bedroom apartments 32 x 0.6 = **19.2**
	2 bedroom apartment: 0.9 spaces per dwelling	142 x 2 bedroom apartments 142 x 0.9 = **127.8**
	Visitor spaces: 1 space for the first 3 dwellings, plus 1 space for every 5 dwellings thereafter or part thereof for visitors.	206 dwellings **41.6**
	Total Car Parking Demand	**227**

Whilst the proposed development provides adequate car parking to meet the calculated demand for the development, the central location of the proposed residential apartments will also encourage a reduction in motor vehicle dependency for the occupants and an increased use of public transport, walking and cycling. The proposed development has responded to this principle with the provision of substantial bicycle storage for residents.

A Traffic Assessment Report has been prepared by BJ Bradley & Associates and is included as **Appendix H** of this report. Traffic, Access and Car Parking is discussed further in **Section 5** of this report.

Section 7.05 Energy Efficiency

This section applies to all development subject to the provisions of the NLEP 2012 and as such is applicable to the proposed development.

The aims of this section are:

- *To encourage sustainable development;*
- *To encourage the innovation of energy efficient technologies and processes;*
- *To encourage efficient use of resources and the use of recycled materials;*
- *To promote best practice energy use;*
- *To improve the efficiency of energy use and reduce the long term energy consumption for residential, business and industrial uses; and*
- *To restrict the reflection of sunlight from buildings onto surrounding areas and buildings.*

The development has been architecturally designed to meet the relevant energy efficiency criteria of SEPP 65, the accompanying Apartment Design Guide, and BASIX requirements.

Section 7.06 Stormwater

This section applies to all development in the Newcastle LGA and as such is applicable to the proposed development.

The aims of this section are:

- *To outline Council's requirement for stormwater management for development;*
- *To adopt a whole of water cycle approach to development; and*
- *To ensure an appropriate quality and quantity of water enters waterways.*

A Stormwater and Flooding Report has been prepared by Northrop Consulting Engineers and is included as **Appendix F** of this report.

Section 7.07 Water Efficiency

This section applies to all development subject to the provisions of the NLEP 2012 and as such is applicable to this application.

The aims of this section are:

- *To assist in efficient use of mains water;*
- *To encourage sustainable development;*
- *To utilise rainwater within developments; and*
- *To minimise the consumption of potable water and discharge of wastewater.*

The proposed development will be connected to reticulated water and sewer. The proposal will utilise water saving appliances and fixtures where possible.

Section 7.08 Waste Management

The aims of this section are:

- *To facilitate sustainable waste management within the local government area in a manner consistent with the principles of ESD;*
- *To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan;*
- *To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner; and*
- *To provide guidance in regards to space, storage, amenity and management of waste management facilities for new development.*

The proposed development is consistent with this Section of DCP 2012 and waste management is addressed further in **Section 5** of this report.

4.5.5 Other Relevant Policies, Strategies and Controls

Newcastle Local Planning Strategy

The Local Planning Strategy (LPS) is a comprehensive land use strategy to guide the future growth and development of Newcastle City Council. The Strategy implements the land use directions from Newcastle 2030 Community Strategic Plan (CSP), and underpins the Newcastle Local Environmental Plan 2012 providing a

land use planning platform to move towards a smarter, more liveable and sustainable Newcastle.

Wickham is located in the Newcastle City Centre which the Strategy identifies has the key function of servicing the Hunter region with higher order administration, education, health services, cultural and recreational facilities in addition to high density commercial and residential uses.

The Local Planning Strategy outlines the following principles for development and provision of housing and neighbourhoods:

> P1. *Land uses at appropriate densities will be located to support* ***effective and integrated public transport.***
>
> P7. *Development addresses public spaces and is scaled for the pedestrian to provide* ***vibrant and activated public places for diverse activity and to strengthen our social connections.***
>
> P9. *The urban form will encourage* ***safe and activated places that are used by people day and night.*** *Streets are the primary public spaces for access and exchange between people and should be made safe, friendly, attractive, and efficient.*
>
> P12. *The* ***built environment will maintain and enhanced the City's identify*** *by protecting and enhancing heritage buildings, streetscapes, views and key features as well as encouraging building innovation that respects the scale and bulk of the existing urban fabric.*
>
> P13. *The existing centres will be reinforced as* ***mixed-use urban centres supported by integrated transport networks.***
>
> P.14. ***A creative, culturally rich and vibrant community will be encouraged by providing a greater diversity of quality housing,*** *business and recreational opportunities within each suburb for* ***current and future community needs.***

The LPS also defines the current challenges in housing delivery including a mismatch between the housing stock currently provided (predominantly larger detailed dwellings) and the housing needed to accommodate the local population now and into the future. The LPS aims to deliver housing diversity; that is a range of dwelling types. More diversity means greater housing choice for a range of households, which can also create more affordable housing options.

The LPS also details the need for increasing the density of housing in existing urban areas to reduce costs due to savings in infrastructure, reduced lots sizes and greater choice in dwelling types. Importantly housing located close to work and

play will also reduce living costs such as transport and therefore promote more affordable living.

The proposed development is entirely consistent with the aims, objectives and principles of the LPS. The proposal will provide increased housing stock and choice at an appropriate density within the central location of the city centre. The development location capitalises on the proximity to the future Wickham Transport Interchange as well proximity to places of employment, essential community facilities and services, as well as the Newcastle foreshore and harbour areas. This will reduce reliance of future residents on car travel which is a better outcome for the environment as well reducing living costs.

The design focuses on street activation and high level contribution to the streetscape whilst providing a development with an appropriate bulk, scale and height that sympathetically responds to the adjoining heritage item.

Social Impact Assessment Policy

Newcastle City Council has adopted a Social Impact Assessment Policy to ensure that where relevant social considerations are an integral part of the development assessment system. In order to realise this objective the policy seeks to:

(a) Indicate which development applications should include comment regarding social impacts or a detailed social impact statement;

(b) Provide clear guidelines as to how social impact assessments should be conducted;

(c) Enhance consistency, certainty and transparency in Council's assessment of the social impact of development proposals;

(d) Ensure that the process of assessing social impact has statutory legitimacy; and

(e) Assist Council staff to improve their understanding and assessment of social issues relating to development applications.

Social impact is addressed further within **Section 5** of this report.

Crime Prevention

In 2001 the then Department of Urban Affairs and Planning produced a guideline titled "Crime prevention and the assessment of development applications". The purpose of the guidelines is to assist councils identify crime risk and minimise opportunities for crime through the appropriate assessment of development proposals. The guidelines advise that:

Crime prevention through environmental design seeks to influence the design of buildings and places by:

- *Increasing the perception of risk to criminals by increasing the possibility of detections, challenge and capture;*
- *Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended;*
- *Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'; and*
- *Removing conditions that create confusion about required norms of behaviour.*

The guideline provides four basic design principles. These are:

Surveillance

The attractiveness of crime target can be reduced by providing opportunities for effective surveillance, both natural and technical.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

Territorial Reinforcement

Community ownership of public space sends positive signals. People often feel comfortable in, and are most likely to visit places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals.

Space Management

Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.

These issues are addressed in detail in **Section 5** of this report.

Section 94A Development Contributions

The purpose of the plan is to identify the demand for facilities and services as a result of the development and to assess the contribution required to provide these

public services and facilities. The services and facilities included in the Plan are only those provided through local government and not those provided by other levels of government.

It is understood that S94A contributions will be applicable to the proposed development.

4.6 EXTERNAL REFERRALS

4.6.1 Section 91 of the EP&A Act 1979

The proposed development is integrated development under Section 91 of the EP& A Act for the purposes of:

- Mine Subsidence in accordance with s15 of the Mine Subsidence Compensation Act 1961, and will require referral to the Mine Subsidence Board; and

- Aquifer Interference Approval (for the extraction of ground water due to the depth of excavation required), in accordance with s91 of the Water Management Act 2000. It is understood that the application will require referral to the NSW Office of Water and an Aquifer Interference Licence.

4.6.2 Referrals required under SEPP (Infrastructure) 2007

As previously outlined the proposal will require two (2) referrals in accordance with the requirements of SEPP (Infrastructure) 2007, including:

- Referral to NSW Rail under the requirements of Clause 86 of the SEPP; and

- Referral to RMS under the requirements of Clause 104 of the SEPP.

5.0 Development Issues

5.1 ZONE OBJECTIVES, USE CHARACTERISATION & PERMISSIBILITY

As indicated in **Section 4** of this report, the subject site is zoned B4 Mixed Use Zone under the Newcastle LEP 2012 and *'mixed use development'*, *'commercial premises'* and *'residential flat buildings'* are all permissible land uses in the B4 Zone, with the consent of Council.

The proposed development is consistent with the objectives of the B4 Zone, providing integrated high density residential and commercial development within a city central location. The subject site is well located with respect to public transport, and is within close proximity to the CBD, Hunter Street and Honeysuckle precinct to promote walking and cycling as alternative transport. The proposal will support the viability of the city centre through an increase in population and patronage within the locality.

5.2 BUILDING DESIGN CONSIDERATIONS

5.2.1 Design Approach

The proposed development has been architecturally designed by EJE Architecture (please refer to the Architectural Design Plans in **Appendix B** and the SEPP 65 Design Verification Statement in **Appendix C** of this report). The Design represents a detailed and considered approach to development of the site.

The site is located within the inner city suburb of Wickham which is undergoing a process of revitalisation and renewal, in part through the development of the Wickham Transport Interchange. The proposed development aligns with Council's planning strategies for the locality which promote increased densities to improve the contribution Wickham makes to the functionality, vibrancy and liveability of Newcastle City. New mixed use developments are beginning to appear as this once industrial part of the city becomes an increasing desirable place to live and work. It is anticipated that this development will be a catalyst for future development in the area.

The design has focused on achieving the best outcome for the site, by balancing an appropriate distribution of the allowable floor space, against the principles and controls outlined in the SEPP 65 Apartment Design Guideline. The result is a superior outcome for the site with a central podium with two (2) residential towers above that appropriately addresses the city central location. The proposal promotes street activation, and will greatly improve the streetscape compared with the existing industrial environment. The design of a podium and two (2) slender towers in particular is considered to result in the best outcome compared to FSR delivered in a block form.

This development represents high quality modern design, providing a range of apartment types with exceptional views and high levels of amenity, also integrating supporting commercial premises that strongly support the street activation of the development.

5.2.2 Height of Buildings

The proposal has a main roof height of 48m, with blade walls extending 1m above the main roof height. The proposal exceeds the prescribed height limit shown on the building height map (24m) under Clause 4.3 of NLEP 2012. Accordingly a Clause 4.6 report requesting to vary the height standard has been prepared and is included as **Appendix D** of this report.

It is considered that the proposed height of 48m is appropriate in this instance for the following reasons:

- The site provides an excellent opportunity make a quality contribution to the desired future character of the area, and the revitalisation of Wickham. The objective of the development is to enable the site to function to its fullest potential in contributing to the revitalisation of the area, capitalising on the sites proximity to the proposed new Wickham Interchange (public transport infrastructure) and open space, and ensuring a design outcome that positively contributes to the evolving neighbourhood;

- There is a disconnect between the current height and FSR controls, where a fully compliant design would result in a poor quality design that does not make a positive contribution to the overall city scape. A compliant scheme would provide a built form of significant visual mass compared to that proposed; and

- Discussions with Newcastle City Council Strategic Planners indicates that they are supportive of additional height on the subject site, especially given the sites prime location, with respect to the new Wickham Transport Interchange, as well as the city centre.

5.2.3 Floor Space Ratio

The NLEP 2012 prescribes an FSR of up to 4:1 for the subject site. The subject site has an area of approximately 4,556m^2 and the proposed development has a total GFA of 18,150m^2, resulting in an FSR of 3.98:1, which complies with the LEP standard.

5.2.4 Street Presentation, Front Setbacks and Street Wall Heights

The proposed development provides an active frontage to Railway Lane. The development presents a five (5) storey podium element at street level, strongly defining the street edge, and then stepping back to the two (2) tower elements.

Commercial uses only front Railway Lane at street level with awnings above the commercial premises (created by the residential apartments above) and glazing to define the pedestrian edge and street activation. Entry locations are clearly defined from the street and are sufficient in size to provide interaction between occupants.

Car parking and landscaping are provided at the front of the development.

The DCP details a 3.5m primary building setback up to the street wall height of 16m on the site, and then a 6m setback beyond the 16m street wall height.

The five storey podium element of the building has a variable setback from the front boundary with a minimum distance of 4.6m. The podium element reinforces the street frontage, providing a strong base for the two (2) residential towers, consistent with the Apartment Design Guidelines. The podium incorporates appropriate articulation and materials to further contribute positively to, the streetscape, and activate and define the streetscape.

The podium has a uniform height of approximately 12.5m, providing a strong street edge, whilst not overwhelming the heritage hotel on the corner of Railway Lane and Railway Street.

Above the podium level the two (2) residential towers also provide variable and well-articulated setbacks from the street edge.

5.2.5 Side & Rear Setbacks and Building Separation

The proposal is setback 9m from the side boundaries, with the exception of the south eastern corner where the podium development is setback 1.7m from the side boundary. The podium has a variable setback to the rear boundary with a minimum distance of 5.5m. From Level 5 upwards (above street wall height) the two (2) towers maintain a rear setback of 9m from the rear boundary.

The proposed development has a minimum separation distance of 22.5m (extending to 23.3m) between the eastern and western towers consistent with the requirements of the DCP and the objectives of SEPP 65 which requires a minimum of 18m.

5.2.6 Floor Plates

At ground level the development has two (2) separate floor plates of 520m^2(western) and 703m^2 (eastern) including commercial and residential floor areas (plus plant, foyer, garbage rooms and lift services). The two building elements are separated by a central courtyard (open air).

Levels 1 – 4 have single floor plates of between 948m^2 and 1,490m^2 with an overall 'U' shaped layout, maintaining the void to the open air courtyard at ground level.

Levels 5-14 have two (2) separate floor plates, with a range of 328m^2-395m^2 for the western tower; and a range of 449m^2 and 553m^2 for the eastern tower.

The floor plates are a culmination of ensuring the design addresses the street edge, maximises cross ventilation and solar access whilst still maintaining an affordable floor plate layout. This approach is superior to a design that provided for a block form (as opposed to the slender towers as proposed).

5.2.7 Private Open Space

Council's DCP does not cater for situations where development is not located within a defined precinct (i.e. limited, moderate or substantial). Instead the SEPP 65 Apartment Design Guide stipulates minimum balcony areas.

Generally the balcony areas provided are consistent with the controls for private open space outlined in the SEPP 65 Apartment Design Guide, being at least 4m^2 for studio apartments, 8m^2 for one (1) bedroom apartments, 10m^2 for two (2) bedroom apartments and 12m^2 for three (3) bedroom apartments.

In addition to the private balconies, there is the ground level courtyard, the community garden located on Level 4, and the roof top terraces that are available for the communal use of residents. The proposal is also ideally located within close proximity to the Newcastle foreshore and Wickham Park.

Overall the proposal provides a high level of amenity and excellent access to open space.

5.2.8 Ventilation

Ventilation is addressed in the SEPP65 report prepared by EJE Architecture.

5.2.9 Solar Access

Solar Access is addressed in SEPP65 report prepared by EJE Architecture.

5.2.10 Overshadowing

Shadow diagrams have been prepared by EJE Architecture and included with the submitted plan sets.

5.2.11 Landscaping and Open Space

The proposed development incorporates open space and landscaping in accordance with Council's requirements. A report by Terras Landscape and relevant plans is included at **Appendix E**.

5.3 SOIL AND WATER MANAGEMENT & FLOODING

A soil erosion plan has been included in the report by Northrop. A stormwater management Plan has also been included.

Northrop have also addressed flooding in their detailed report. Whilst the site is subject to flooding appropriate levels have been adopted to ensure an appropriate response to the protection of life and property.

5.4 CONTAMINATION

A Phase 1 Environmental Site Assessment (ESA) of the subject site, has been undertaken by RCA Australia and is included as **Appendix G** of this report.

The Phase 1 ESA was based on a desktop review to evaluate the historical information available for the site, as well as a limited site inspection undertaken on 29th March 2016. The site inspection conducted was limited due to no access available on either of the lots. It is noted that this has had some impact on the recommendations provided in the Phase 1 ESA report due to uncertainty. This uncertainty will affects the future scope of works, as there is a possibility that contaminants of concern or potential point sources have not been identified in the assessment due to the limited access during the inspection.

The following is the assessment of potential contamination reported in the Phase 1 ESA report, identifying the potential contamination, exposure pathways and receptors:

- **Historical Filling of the site:**

  - Although not observed on historical aerial photographs, widespread historical filling of the Newcastle foreshore has occurred in the past. The use of fill including ballast and slag was observed on the ground during the site inspection.

  - This may have resulted in contaminated soil to the depth of filling and possible contaminated groundwater due to leaching through the contaminated fill. Contaminants of concern are considered to be hydrocarbons, metals and asbestos.

  - Risks associated with this material would be considered to be limited to direct exposure by ingestion or dermal contact.

- Off site impacts would be considered likely as historical filling would likely have occurred throughout the area on a staged basis.

- **Use of hazardous (including asbestos) building materials at the site including demolition of buildings formerly occupying the site:**

  - The current roof and guttering on the building existing on part of the site looks to contain asbestos, whilst there have also been buildings on the site until at least the 1960s and it is likely the site has been built upon for much longer than this. The use of asbestos in the roof may mean that asbestos containing materials may also be present within the building, of which RCA was not able to access during the site inspection. Former buildings may also have been constructed, at least partly, using asbestos containing materials and due to the age of the buildings lead paint may have been used.

  - This may have resulted in surface soil contamination, of which presumed asbestos fragments were observed on the ground during the site inspection.

  - The risks associated with this contamination are considered to be due to inhalation directly or secondary from adhered fibres on equipment and clothing.

  - Off site impacts are considered possible due to the hole in the overhead gantry that was identified in the historical photographs in 1993 and 2013, and therefore may have released fibres if this was not sealed competently.

- **Current land use:**

  - Car detailing business which is present in the eastern half of the warehouse may have resulted in hydrocarbon and/or surfactant contamination.

  - It is considered possible that a sump would be present which may have leaked, potentially resulting in surface and subsurface soil contamination, and/or groundwater contamination. There is the potential for surface run off of chemical contaminants which may have impacted the surface soil depending on the floor inside the building which was not accessible at the time of the inspection.

  - Risks associated with this material would be considered to be limited to direct exposure by ingestion or dermal contact.

  - There is the potential for off site impacts if any contamination has leached through the soil and has been transported/ migrated with groundwater.

- **Lot 11 DP 1106378 and a portion of Lot 110 DP 1018454 is currently largely unpaved hardstand which vehicles and trucks are parking on. It is unknown what is being transported, or how frequently vehicles are kept here.**

- This may have resulted in surface soil contamination of hydrocarbons if the vehicles have leaked or have been left for prolonged periods of time due to permeable surface.

- The risks associated with this contamination are considered to be limited to direct exposure by ingestion or dermal contact.

- Off site impacts are considered to be unlikely unless there has been a significant leak or spill that may have been transported through surface run off likely to be facilitated by rainfall.

- **Adjacent land use past and present surrounding the site:**

  - To the north of the site Fuchs Lubricants operate a factory, including a refinery, which manufactures and distributes greases, hydraulic oils and lubricants.

  - This may have resulted in surface, and subsurface soil contamination and groundwater contamination from potential surface run off or migration of contamination through groundwater onto the proposed development site. Contaminants of concern are considered to be all fractions of TRH, volatile organic compounds (VOCs), benzene, toluene, ethylbenzene and Xylene (BTEX) and oil and grease.

  - The risks associated with this material are considered to be inhalation, direct exposure by ingestion or dermal contact.

  - Off site impacts are not applicable given the source is located off site, however if contamination is present in the surrounding areas there is the potential for the site to be impacted. The potential for contamination or concentrations of contaminants may be exacerbated by dewatering requirements for the proposed basement works due to groundwater drawdown. This may cause mobile contaminants in groundwater to migrate towards the source of the drawdown.

- **Probable presence of acid sulfate soils below 1m and works by which the water table is likely to be lowered more than 1m (Ref [4] and [5]):**

- This may lead to acid leachate and corrosion issues with excavated soil during and post development.

- The risks associated with this contamination are considered to have the potential to increase the mobility of some contaminants. Dewatering works may affect the groundwater level which may cause sequestered contaminants, both onsite and off site, to become mobile due to acid sulphate soils.

- Off site impacts are possible through leaching of acidic surface water from the material. It is considered that the distribution and extent (both vertically and

horizontally) and concentration of contamination (if any) within sub-surface soils and groundwater are unknown. However, from the potential sources of contamination recognised from the desktop review as well as the limited site inspection undertaken, it is considered soils (fill materials and possibly the underlying natural materials) and groundwater may be impacted. The extent of contamination (if present) may be thought to be as follows:

- Fill material – potentially all areas of site within fill material as well as some natural materials.
- Asbestos – potentially all areas of site.
- Hydrocarbons – potentially all areas of site within groundwater and soil materials.
- Acid Sulfate Soils – potentially all areas of site at depths greater than 1m.
- Surfactants – if present, most likely within the central portion of the proposed site, however could potentially be present across the site within groundwater and soil materials.
- VOCs/BTEX/Oil and grease –north/north eastern portions of the site, potential for migration across the site.

The magnitude of the potential contamination identified for most contaminants is not considered to significantly impact human health under the sites current use with the exception of asbestos. There is the potential for impact to the environment given that a significant portion of the site is unsealed. Should sub-surface construction occur at the site as proposed, there is considered to be a risk from asbestos, proximity to the Fuchs Lubricants manufacturing plant, possible use of uncontrolled fill (and potential for the aforementioned contaminants to remain in soils and groundwater at the site), current and former use of the site.

In consideration of the proposed redevelopment of the site, it is recommended that further intrusive works (Phase 2 assessment) are conducted to determine presence, if any, of the contaminants or concern and their extent and distribution. Further assessment would target asbestos, ASS, hydrocarbons, metals and to a lesser extent surfactants, VOCs, BTEX and oil and grease in soils and groundwater prior to the commencement of construction. Such intrusive works should be undertaken across the entire site (or as widely as possible) to determine the distribution, extent and concentration of contaminants of concern identified during this assessment. VOCs, BTEX and oil and grease assessment would predominantly be concentrated within the north to north eastern portion of the site, whilst surfactants would be within the central portion of the site. This may involve intrusive sampling works as well as installation and sampling of groundwater bores targeting those areas identified by this report. At the conclusion of such works a Phase 2 contamination assessment report would be compiled. Due to the volume of material that will need to be

removed for the basement works, it is recommended that samples would also be assessed against waste classification guidelines during this stage of works which may save time and costs as opposed to being conducted during construction works.

Should contamination be found, it is recommended that a construction management plan be prepared for the handling/removal of affected materials during construction at the site. Such a management plan would help reduce the risks posed to workers at the site during construction.

Due to the depth of sub-surface construction proposed as part of the double level basement car parking which may also alter the water table due to presumed dewatering, it is considered highly probable that an acid sulphate management plan (ASSMP) will be required for the site. A licence will need to be obtained for dewatering under the Water Management Act, and works will need to be in accordance with the Aquifer Inference Policy. This will require a dewatering specialist to model expected extraction rates and groundwater level predictions as per the geology and hydrology of the site, whilst chemical analysis will need to be undertaken on the groundwater and assessed for suitability of re-use or disposal. Further geotechnical and environmental works would be required to provide suitable information to a dewatering specialist for this proposed development.

Dependent on the groundwater contamination status of areas surrounding the site (noting an adjacent premises is currently under review by NSW EPA), there is the potential for off site contamination (if present) to migrate towards the site during dewatering works, due to groundwater level drawdown. The majority of the site and the surrounding area is considered to have a high probability of potential ASS, which if the water table of the site and surrounding areas is affected by more than one metre during dewatering works, has the ability to increase the mobility of some contaminants. These newly mobile contaminants may then migrate towards the site due to the drawdown. The modelled groundwater drawdown predictions and contaminant concentrations within the vicinity of the site may lead to the necessity of water treatment prior to release to the surface water system, or alternatively offsite disposal of extracted groundwater to a licensed liquid waste facility.

A site inspection with full access to the site is considered necessary prior to the demolition of the existing building structure as this may affect the extent and location of works warranted in the intrusive works. It is recommended that a Hazardous Materials Audit (HMA) be undertaken at this time.

5.5 TRAFFIC, ACCESS AND PARKING

A Traffic Assessment Report has been prepared by BJ Bradley & Associates and is included as **Appendix H** of this report.

Traffic

The Traffic Assessment considered the existing traffic conditions and proposed works planned for the surrounding road networks including Railway Lane, Railway Street, Throsby Street, Station Street, Union Street, Charles Street, Bishopgate Street, and Hannell Street; as well as the existing and future public transport services and pedestrian facilities.

Overall the Traffic Assessment Report found that compared to the existing development on the site, the proposal will result in an additional 92 trips in the morning peak and 69 trips in the evening peak, which will have a negligible impact on local streets when distributed between arrival and departure times.

The expected spread of trips across the existing road network, will not have any adverse impacts on the level of service or capacity of those streets or intersections.

Access

A single entry / exit driveway for vehicular access to the development is proposed off Railway Lane with adequate internal circulation to provide both ingress and egress in a forward direction.

Car parking

As outlined in **Section 4**, the proposed development will provide 229 onsite car parking spaces, which is consistent with the requirements of the NCC DCP 2012 including 12 required motorcycle spaces. The proposal also includes onsite storage for approximately 80 bicycles within the basement levels.

The site is well located with regard to public transport access, being 200m from the new Wickham Transport Interchange.

The site is also well located in terms of pedestrian and cycle pathways to promote active transport in and throughout the CBD and Honeysuckle precincts.

The proposed development does not have any special servicing access requirements.

Overall the Traffic Impact Statement concludes that from a traffic, access, and parking perspective, the proposed development is an acceptable development on the site, having no adverse impacts on the level of service, level of traffic or pedestrian safety or capacity of Hannell Street, Railway Lane, Bishopgate Street, Union Street, Station Street, Charles Street or other streets in the Wickham area.

5.6 ACOUSTIC

A Rail Traffic Noise Assessment has been undertaken by RCA Australia and is included as **Appendix I** of this report.

The purpose of the Rail Traffic Noise Assessment is to ensure that the proposed development will provide an appropriate degree of acoustic amenity for future occupants of the building, in protection against the potential for noise and vibration associated with rail operations, as well as noise generated from the adjoining hotel.

The following information is presented in the Rail Traffic Noise Assessment:

Rail Traffic Noise

- ***Determination of Noise levels and criteria***

The proposed development is set approximately 25 metres from the closest existing rail track. The NSW Department of Planning has set out internal noise level criteria for residential dwellings located near busy roads or rail corridors in its document *Development Near Rail Corridors and Busy Roads – Interim Guideline* (DNRCBR). The noise criteria for internal areas affected by noise from busy roads and rail lines are given in Table 3.1 of the DNRCBR and are set out in **Table 3** below.

Table 3: Internal Traffic Noise Criteria (from RCA Australia Rail Traffic Noise Assessment 2016).

Type of Occupancy	Internal Noise Criteria	
	Internal Noise Level	Applicable Time Period
Sleeping Areas (Bedroom)	35 dB(A)	Night 9 hour (10pm – 7am)
Other Habitable Rooms (excl garages, kitchens, bathrooms and hallways)	40 dB(A)	At any time

The design level used for sleeping areas is the external night time LAeq 9hr and the external LAeq 15 hr is used for other habitable areas, with the target noise goals set at the internal noise level criteria for the space type.

Section 3.6.1 of the DNRCBR states that if the internal noise levels of sleeping areas with windows or doors open exceed the criteria by more than 10 dBA, the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia.

The NSW Road Noise Policy (RNP) suggests that maximum internal noise levels below 50-55 dB(A) are unlikely to awaken people from sleep and that one or two noise events per night with maximum internal levels of 65-70 dB(A) are not likely to affect health and wellbeing significantly.

- ***Methodology***

The Wickham Transport Interchange (WTI) is proposed to be located approximately 175 metres to the east of the development, with the stabling yard proposed to be located adjacent to Hamilton Station. A noise and vibration assessment for the WTI was conducted by GHD in July 2014 which has been used for this assessment.

The closest façade of the proposed development is approximately 30 metres from the existing railway track which places the development in the Acoustic Assessment Zone B for passenger rail lines with speeds of less than 80 km/h in accordance with Figure 3.1 of the DNRCBR.

The GHD report has modelled operational rail noise from the proposed WTI at a receiving location on Railway Lane adjacent to the proposed development which is identified as Receiver 8 within the GHD report and is representative of the proposed development.

The 10 year results shown in Appendix C of the GHD report show that Receiver 8 is predicted to be exposed to Day LAeq, 15 hour, Night LAeq, 9 hour and LAmax levels of 57, 55 and 80 dB(A) respectively.

A noise model of the proposed development and rail network was prepared within CadnaA 4.5 (CadnaA) using the Nordic Prediction Method for Train Noise (NMT) TemaNord 1996:524 algorithm using relevant data obtained from the GHD report.

The CadnaA model prepared for this assessment shows the same received rail traffic noise levels at the location of Receiver 8 of the GHD report and is therefore considered to be calibrated.

The façade design levels were calculated for each residential level of the building that had an acoustic view of the adjacent rail line. The external design sound levels are based on the calibrated year 2026 CadnaA model, with receiver assessment points located at window, doors and exposed facades of the proposed development. The predicted noise levels are considered to be the worst case for the 10 year predicted noise levels.

- ***Results***

The internal noise level required by the DNRCBR can be achieved with windows and doors open provided the external noise level is less than 10 dB above the required internal noise level. Accordingly, although predictive calculations were made for each facade of the building, the results presented in Table 3 of the report (**Appendix I**) only reflects the areas

where the internal sound level would not be achieved with windows open and, therefore, some form of noise intrusion control will be required.

Masonry façades will be used for the construction of the development which will provide a minimum Rw of 52 dB, so the only specific treatment that is required for this development is the selection of glass panels and framing for the windows and doors in areas that have direct exposure to road and rail traffic.

Table 3 of the report (**Appendix I**) gives the predicted external façade noise levels for the year of 2026, and specifies the sound transmission loss requirements across the façade as well as the required glazing Rw+ Ctr value needed for the building façade at assessed locations.

Noise Assessment of the Lass O'Gowrie Hotel

- ***Determination of Noise Levels and Criteria***

For the assessment of noise emissions from the adjacent Lass O'Gowrie Hotel upon the residential amenity of adjacent units of the development, the appropriate internal levels are taken from *AS/NZS 2107:2000 Acoustics-Recommended design sound levels for building interiors* for houses and apartments near major roads, shown in **Table 4** below.

Table 4: Criteria for Residential Amenity

Type of Occupancy / Activity	Recommended Design Sound Level (L_{Aeq})	
Houses & apartments near major roads -	Satisfactory	Maximum
Living Areas	35	45
Sleeping Areas	30	40

- ***Methodology***

The assessment of noise from people within the Lass O'Gowrie external beer garden adjacent to the development with regard to acoustic amenity has been conducted within the CadnaA noise model prepared for the project.

In order to determine the maximum impact, 12 groups of 10 people talking and laughing loudly with a Sound Power Level of 90 dB(A) were placed in the outside beer garden of the Lass O'Gowrie Hotel to the east of the development at the locations of existing tables.

The received noise from people in the beer garden are shown in Table 4 of the report (**Appendix I**) and compared with the AS/NZS 2107 criteria shown in **Section 3.2**.

The results show that the internal levels required by AS/NZS 2107 can be achieved in all units of the proposal, provided that glazing and ventilation requirements recommended below are implemented.

- ***Recommendations***

Based on the above assessments the following construction is recommended to ensure that internal sound level is met at all locations within the building.

External Walls

Wall construction to be either:

- Masonry construction with minimum mass per square meter of 132 kg/m2;
- 90 mm steel stud frame;
- Insulate cavity within minimum R2.5 Glass Wool Batts; and
- 10mm set plasterboard lining.

Or

- Fibre Cement Sheet minimum 9.5 mm thick or equivalent cladding with minimum surface mass of 10.5 kg/m2;
- 90 mm steel stud frame;
- Insulate cavity within minimum R2.5 Glass wool Batts; and
- 10 mm set plasterboard lining.

Windows and Doors

- Glazing for Units 1.21, 2.21 and 3.21 are to be in accordance with Table 4; and
- All other glazing systems shall be in accordance with AS 1288 with minimum 6mm float glass.

Ventilation

All spaces identified in Table 3 and Table 4 shall be provided with ventilation to meet the requirements of Part F4.5(a) of the Building Code of Australia to enable windows to remain closed to exclude transport noise.

Ventilation to be either:

- Ducted non-comfort mechanical ventilation complying with AS 1668 and AS/NZS 3666 with an in room sound level not exceeding 30dB(A);
- Acoustica Aeropac or equivalent fitted to individual spaces; and
- SilenceAir TM ventilation to sufficient area to meet the requirements of the code.

The Rail Traffic Noise Assessment concludes that provided the structure and façade treatments are executed in accordance with this report, the level of internal noise generated by the adjacent rail line will remain within the limits specified by the Development near Rail Corridors and Busy Roads – Interim Guideline.

5.7 MINES ASSESSMENT

A Mines Assessment has been undertaken by Northrop and is included as **Appendix K** of this report.

The Assessment acknowledges the presence of undermining of the area generally, which could include part of the subject site. The assessment recommends that two boreholes be drilled down to the mine workings to confirm the extent of workings and depth and profile of strata above, to confirm any risk and suitable course of action.

This work would be undertaken following the issue of consent, as part of the detailed design process.

The proposed development will be referred to the Mine Subsidence Board as part of the Development Application process.

5.8 ACCESSIBILITY

The proposal has been designed to comply with the requirements of the BCA, Disability Discrimination Act 1992, and the Access to Premises Standards.

5.9 ENERGY EFFICIENCY

As noted in **Section 4** of this report, the proposed development has been designed in accordance with SEPP 65, the associated Apartment Design Guide, and BASIX requirements to reduce energy and water consumption.

5.10 UTILITIES

The site has access to appropriate utilities to support the proposed development, including water, sewer, electricity and telecommunications.

5.11 SOCIAL IMPACT

Newcastle City Council has adopted a Social Impact Assessment Policy that is required to be addressed by the proposal. The policy has been operative since November 1999 and provides guidance for the identification of potential social impacts by way of a matrix and with the use of scoping questions.

The proposal will provide increased housing choice in an ideal city centre locality with close proximity to public transport, essential community infrastructure and services. This supports a need for housing that is identified in the Lower Hunter Regional Strategy and Local Planning Strategy.

The proposed development, incorporating residential and commercial uses, will contribute to the overall revitalisation of Newcastle by placing people in the city both day and night. The proximity to the future Wickham Transport Interchange and other public transport and pedestrian/cycle routes will reduce dependency on car travel which is better for the environment and will reduce the living costs of residents.

The development does not involve a potential loss of opportunity or resources for future generations. It is considered that the project is in the public interest of the local community, and broader Hunter Region, as it will deliver an appropriate scale and density of residential housing and supporting commercial premises that will capitalise on existing infrastructure and contribute to Newcastle's role as a regional city.

5.12 CRIME RISK MANAGEMENT

As discussed in the Section on Planning Controls Newcastle City Council has adopted a memorandum of understanding with the Newcastle Police Service for the consideration of crime in assessment of development. This proposal has been considered relative to the principles of surveillance; access control; territorial reinforcement; and space management as documented in the publication "Crime prevention and the assessment of development applications" published by the Department of Urban & Transport Planning.

Surveillance

The proposal will incorporate clear sightlines between public and private spaces.

The proposed development will result in a significant increase in the use of the subject site day and night, creating increased opportunities for casual surveillance.

Access Control

Appropriate access control has been incorporated into the development, with access to the Ground Floor residential foyers being via a swipe card. Access to the above ground

residential floors will also be via a controlled swipe card for the lift at all times. All entry points and openings to the apartments will be lockable.

All entry points and openings to the commercial premises will be lockable and appropriate security alarms will be installed.

Territorial Reinforcement

The design ensures a clear distinction as to what areas of the site / building are public versus private. Ground floor signage for each of the commercial premises will ensure that the general public are aware that the ground floor contains commercial uses, and the abovementioned access control measures ensure that the general public are aware of what areas of the building are private (residential) vs public.

Space Management

The physical spaces have been designed such that they are able to be maintained so that the building appears to be well kept and therefore deter crime.

Overall the proposed development will not introduce any specific elements likely to encourage crime.

5.13 WASTE MANAGEMENT

Waste reduction will be achieved in accordance with the following hierarchy:

- Priority 1: Avoid Waste;
- Priority 2: Re-using materials (particularly in respect of development involving major demolition works);
- Priority 3: Recycling and reprocessing materials; and
- Priority 4: Waste disposal (only if first three not possible).

The above hierarchy has been applied to both the proposed demolition and development works and the proposed use of the building and the following comments are made in relation to each of these:

Demolition & Building Works

All waste / surplus building material will be recycled wherever possible. Waste disposal will only be implemented if there is no other alternative, this is not only good environmental practice it is a cost efficient practice also.

For construction, waste disposal will be minimised and will only be implemented if there is no other alternative, again this is not only good environmental practice but also a cost effective practice.

Building Use

For ongoing occupation of the apartments and commercial premises, general waste will be separated from that which can be recycled and collection will occur by Council pickup.

Adequate provision has been made to store general waste, and items that may be recycled on site.

Storage & Collection

Garbage will be stored within four (4) separate waste storage areas within the Ground Floor (two (2) separate areas for residential component and two (2) separate areas for the commercial components.

A Site Waste Minimisation Management Plan (pro forma) is attached at **Appendix L** of this report.

6.0 Conclusion

The subject site is well located to support higher density housing with good access to transport, shopping, services and recreational facilities. Site constraints are well understood and are able to be readily managed and impacts mitigated.

The proposed development is an opportunity to remove underperforming land uses and replace with a development outcome that will make a significant contribution to the revitalisation of the city.

The proposed development is consistent with Council's strategic planning objectives for the locality.

The design approach to the development has sought to maximise yield in this important location and instead of adopting a block from floor space is provided through a podium and slender tower approach consistent with good design practice and the Apartment Design Guide.

Appendix A

CERTIFICATES OF TITLE

Appendix B

ARCHITECTURAL DESIGN PLANS (EJE ARCHITECTURE)

Appendix C

SEPP 65 ARCHITECTURAL DESIGN VERIFICATION STATEMENT & URBAN DESIGN ANALYSIS (EJE ARCHITECTURE)

Appendix D

CLAUSE 4.6 REPORT (ADWJ JOHNSON)

Appendix E

LANDSCAPE DESIGN PLANS (TERRAS)

Appendix F

CIVIL'S, STORMWATER MANAGEMENT PLANS (NORTHROP CONSULTING ENGINEERS), FLOODING & NCC FLOOD CERTIFICATE

Appendix G

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT (RCA AUSTRALIA)

Appendix H

TRAFFIC ASSESSMENT REPORT (BJ BRADLEY AND ASSOCIATES)

Appendix I

RAIL TRAFFIC NOISE ASSESSMENT (RCA AUSTRALIA)

Appendix J

CONSULTATION WITH NSW TRAINS (RCA AUSTRALIA)

Appendix K

MINES ASSESSMENT (NORTHROP)

Appendix L

WASTE MANAGEMENT PLAN (PRO FORMA)

Appendix M

BASIX CERTIFICATES