

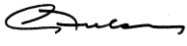
Statement of Environmental Effects Proposed Seniors Housing Development

Part No. 500 King Street, Newcastle West

Submitted to the City of Newcastle
On Behalf of RSL Lifecare

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Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
Rev A-Draft	9/06/16	J. Kuczera <i>Snr. Project Planner</i>	G. Fielding Senior Consultant	 G. Fielding Senior Consultant
Rev 0-Final	15/06/16	J. Kuczera <i>Snr. Project Planner</i>	-	Senior Consultant

This document is preliminary unless approved by a Project Manager or Director of City Plan Strategy & Development.

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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4	Landscape Design Report and Plans	Terras Landscape Architects	Rev C, 09/06/16
5	Urban Design Consultative Group Meeting Minutes – 21 April 2016	Newcastle Council	21/04/16
6	Site Contamination Assessment	Regional Geotechnical Solutions	04/04/16
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10	Clause 5.5 Compliance Table - NLEP	CityPlan Strategy & Development	Undated
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12	Stormwater Management & Flooding Study (including plans)	Northrop	13/05/16
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Plan Schedule: Architectural Plans prepared by EJE Architecture

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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy & Development (CPSD) on behalf of RSL Lifecare, owners of the subject land.

The subject site is located at Part No. 500 King Street in Newcastle West, and currently accommodates part of the disused Newcastle City Holden car sales yard. Under the *Newcastle Local Environmental Plan 2012* the land is zoned B3 Commercial Core and is positioned within the 'Newcastle City Centre' key site.

This SEE is to support a Development Application (DA) for the demolition of existing development within the site, and the construction of a proposed 14-storey seniors housing development to be managed by RSL Lifecare. Key features of the proposal include:

- 2 levels of carparking integrated into the fabric of the building (94 spaces);
- A café on the Ground Floor;
- 74 x self-contained seniors dwellings;
- A 60-bed residential care facility;
- A supportive community centre and other ancillary services; and
- Landscaping of the building and its surrounds.

The development is to be known as the 'Peter Badcoe VC' residential care facility and the 'Long Tan' independent living units. The facility is proposed to be owned and operated by RSL Lifecare, a large, charitable, community-focused organisation which provides for the needs of veterans and all senior Australians.

This SEE has been prepared in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the *Environmental Planning & Assessment Regulation 2000*, having regard to Section 79C of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The SEE provides a description of the existing land and the site context in **Section 2**, with details of the proposed development in **Section 3**. The environmental planning controls applying to the site and an assessment of compliance with these controls are set out in **Section 4**. **Section 5** contains concluding comments in respect of the proposed development.

Images of the site's location, deposited plan and aerial photograph are provided in **Figures 1 to 3**.

This SEE demonstrates that the proposal complies with most development objectives and controls and will result in development that exhibits design excellence. Accordingly, it is recommended that the proposal be granted development consent.

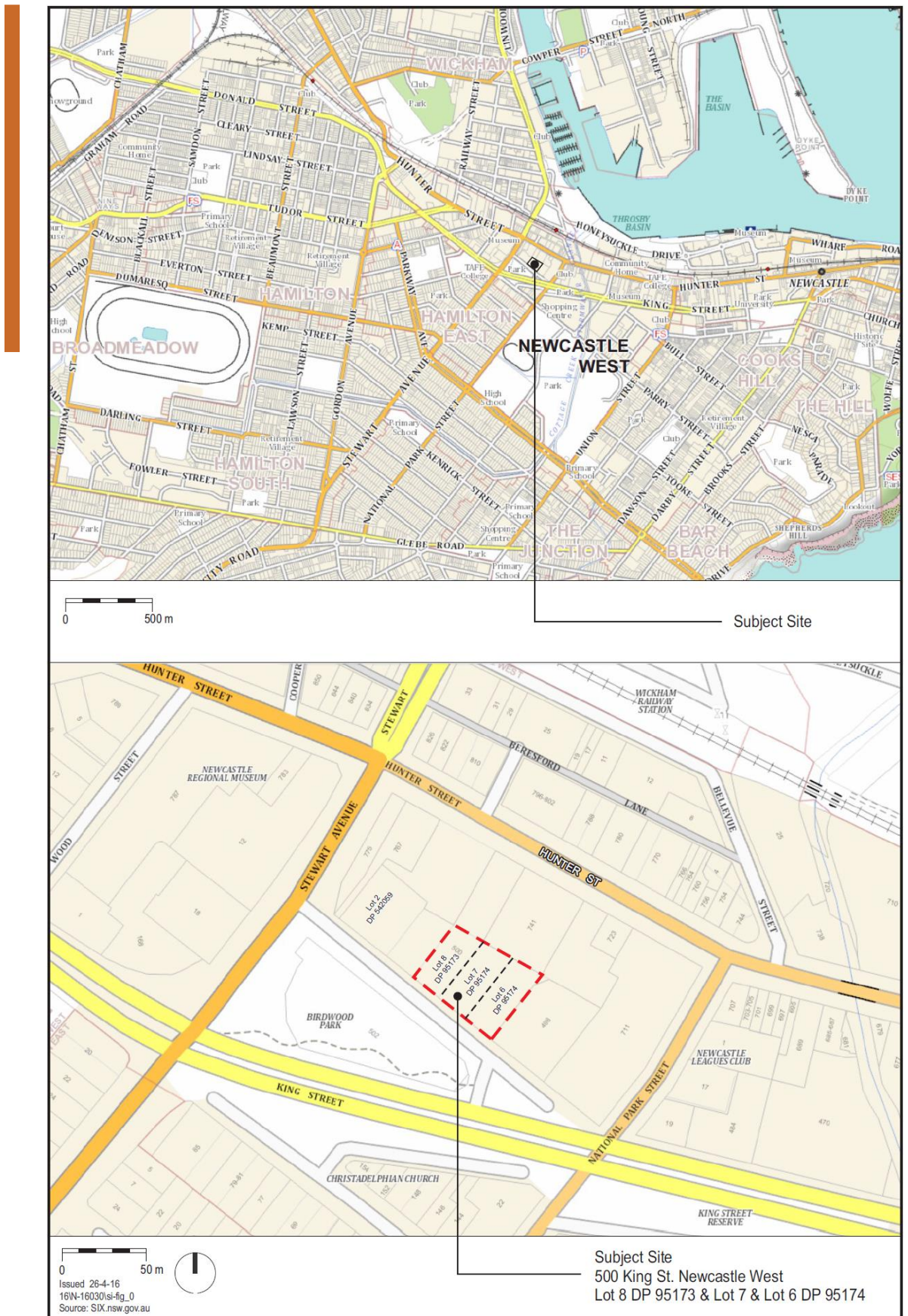


Figure 1: Site Location



Figure 2: Aerial View

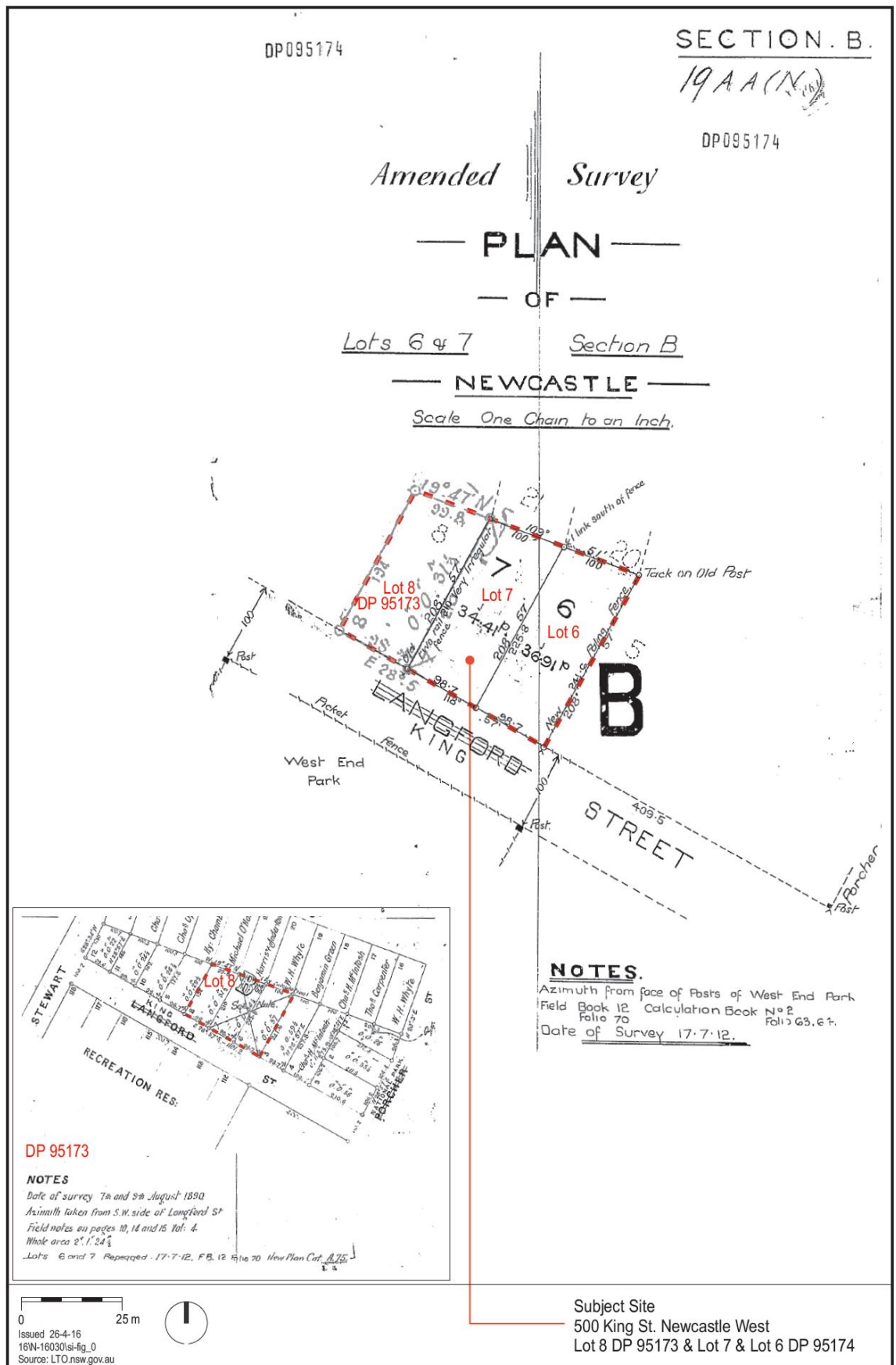


Figure 3: Deposited Plan

2. The Site and Context

2.1 The Site and Existing Development

The subject site is located at Part No. 500 King Street, Newcastle West, and is legally described as follows:

- Lots 6 and 7 in DP95174
- Lot 8 in DP 95173

Whilst the site's formal street address is King Street, the street adjoining the site to the south may be described throughout this SEE as '**Little King Street**' to differentiate it from the main King Street thoroughfare further to the south-east.

Plans showing the site's location, an aerial view and the Deposited Plan are provided at **Figures 1-3**.

Some of the site's key attributes and constraints are summarised below:

- **Site details:** The site has a predominantly rectangular shape with the exception of the angled northern boundary, and has an area of approximately 2,628m² (see the *Detailed Survey* at **Appendix 1**). The land has a frontage to Little King Street of approximately 59m. The site is near-level with minor slope variations of less than 2 degrees, predominantly comprising a slight slope to the south towards King Street, with a total change in level of around 600mm.
- **Existing development:** The site formerly accommodated part of the Newcastle City Holden car sales yard, which extended along much of the Little King Street frontage until it was vacated in early 2016. The land currently accommodates the storage of cars by Klosters on a temporary basis. Existing development on the site includes a 1-2 storey commercial building which covers the majority of the site; part of a single-storey concrete building which includes rooftop vehicle parking accessible via a ramp on the subject site; and extensive areas of hardstand. With the exception of narrow strips of garden bed along the street frontage, the site does not support any vegetation.
- **Access:** The site is fenced along the street frontage, and is accessible via 2 gates and driveways - adjacent to the eastern boundary, and western boundary.
- **Key environmental constraints:** the site is affected by Class 4 acid sulfate soils and contains no significant flora or fauna. It is considered 'floodprone land' and contains areas of 'flood storage', however, this issue is readily managed through the height of finished floor levels (see **Section 4.8.7**). The site does not contain a heritage item but is located directly adjacent to the *Army Drill Hall* (heritage item 508), located to the east at No. 498 King Street. It is also located within the *Newcastle City Centre Heritage Conservation Area*. The site is not known to be affected by contamination, however, measures have been proposed to manage the potential for soil contamination associated with the removal of disused underground fuel storage tanks (see **Section 4.8.11** for further details).
- **Zoning:** The site is zoned B3 Commercial Core under the *Newcastle Local Environmental Plan 2012* (NLEP), as shown in **Figure 4**.

Views of existing development on the site are provided in the following photographs.



Plate 2-1: View of the site from Little King Street (near the site's western boundary) looking north-east



Plate 2-2: View of the site from Little King Street (near the site's eastern boundary) looking north-west



Plate 2-3: View of the site from Birdwood Park (looking north)



Figure 4: Land Zoning (Newcastle LEP 2012)

2.2 The Site Context and Surrounding Land Uses

The existing character of the area is predominantly commercial, with the major exception of Birdwood Park to the south. Most land in the vicinity of the site (north of King Street) is zoned B3 Commercial Core, while land to the south of King Street is zoned B4 Mixed Use (see **Figure 4**).

Existing development in the vicinity of the site is described below:

- **North:** Commercial development along Hunter Street, including the 13-storey 'Pinnacle' building (formerly known as 'Latec House') directly adjacent to the site, which accommodates short and long-term room rentals. An un-signed 2-storey building, apparently accommodating vehicle storage, sits to the west of the Pinnacle. Three 2-storey townhouses sit between the Pinnacle building and Hunter Street.
- **East:** the heritage-listed *Army Drill Hall* directly adjoins the site, comprising a 1-2 storey brick and weatherboard building. Commercial development lies further to the east, including a 3-storey carpark building with retail tenancies at the ground floor (including the 'Slimes' surf shop).
- **South:** 'Little King Street' (a 2-way local street) separates the site from the heritage-listed Birdwood Park. Birdwood Park accommodates mature trees, grassed areas, paths and seating facilities.
- **West:** A narrow lot, accommodating a carpark for the 'West End Accommodation' hotel (situated on the corner of Hunter Street and Stewart Avenue), separates the site from Stewart Avenue. Further to the west sits additional commercial development, including a 'Key Site' identified within the NLEP. A 5-storey retail and commercial building has recently been constructed on that part of the site fronting the intersection of Parry Street and Stewart Avenue, while the remainder of the key site is currently vacant.

Key features of the local context are as follows:

- **Public transport and walkability:** Numerous bus routes provide services along King Street, Stewart Avenue and Hunter Street, with the closest bus stop approximately 130m from the site. Bus stops on Hunter Street include access to the Hamilton Train Station shuttle buses, ensuring adequate connections to CityRail rail lines. The site is approximately 275m walking distance from the proposed Wickham Transport Interchange (to the north-west, at the corner of Stewart Avenue and Beresford Street). The Interchange is proposed to connect heavy rail, light rail, local buses and taxis. Numerous sites of interest are also within walking distance, including the Marketown shopping centre (160m), the Hunter Street Medical Centre (250m), and multiple shops, restaurants and services along Hunter and King Streets.
- **Key views:** The site benefits from direct views to Birdwood Park to the south at ground level and above, and more extensive views to the east, south and west at higher elevations. View analysis diagrams from the site are provided at **Appendix 2** (Plans A10-A11). The site does not contain any 'key views' or 'vistas', as identified within the *Newcastle Development Control Plan 2012*.
- **Heritage items:** The closest listed item is the *Army Drill Hall*, a locally significant building directly adjoining the site to the east at No. 498 King Street. Birdwood Park is also a locally significant heritage item, located on the opposite (southern) side of Little King Street. A number of large fig trees, also items of local heritage significance, are located south-west of the site, adjacent to Stewart Avenue and Birdwood Park. See **Figure 11**.

An extract of a site analysis plan prepared for the site is shown in **Figure 5**. Photographs showing views of the local area are provided in the following sections.

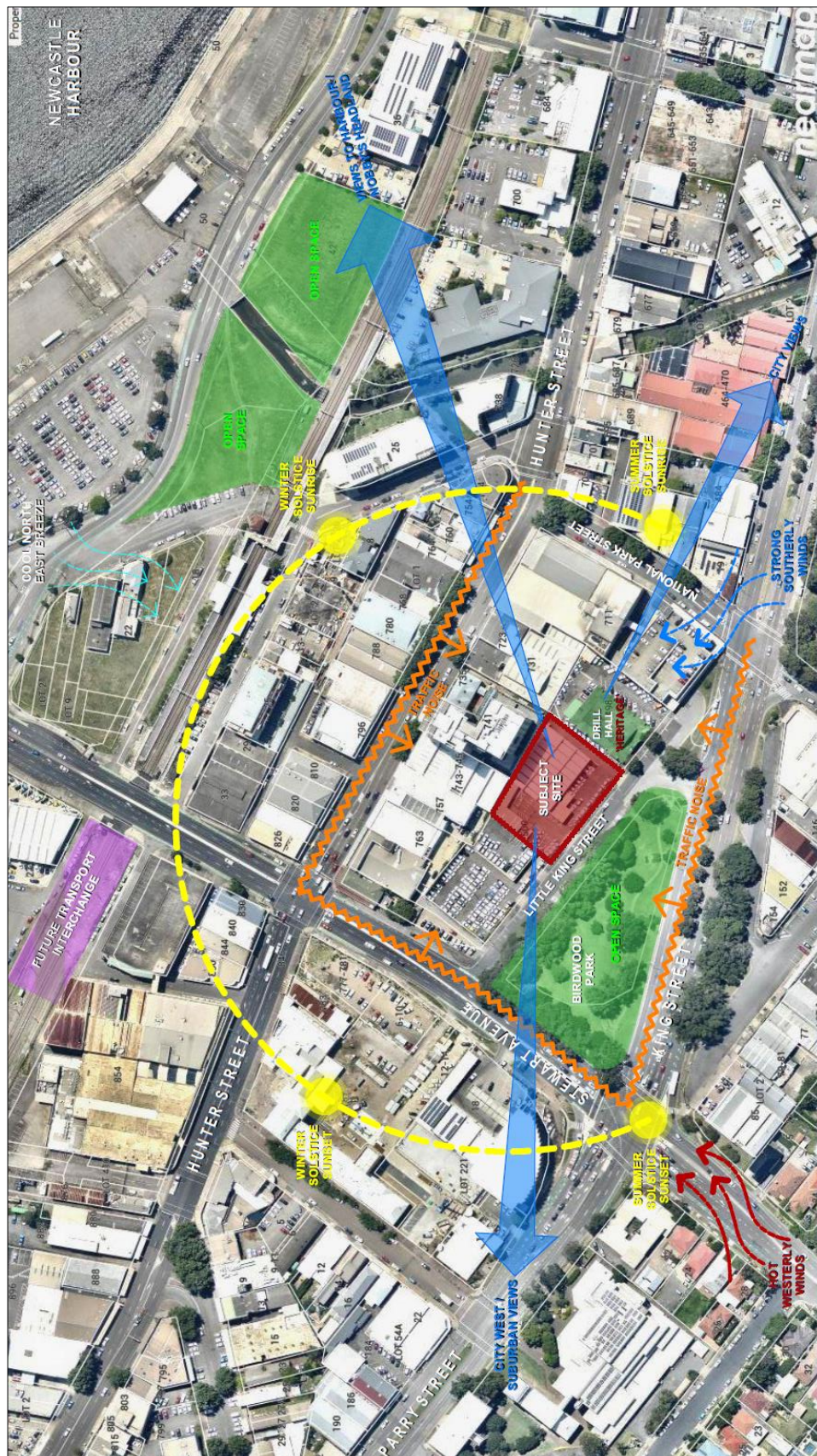


Figure 5: Extract of ESD Site Analysis (Source: Plan A09, **Appendix 2**)



Plate 2-4: Streetscape of Little King Street, looking south-east



Plate 2-5: View of part of the heritage-listed 'Army Drill Hall', covered with scaffolding, directly adjacent to (east) of subject site (looking north)



Plate 2-6: Part of Birdwood Park, adjacent to Little King Street (looking east)



Plate 2-7: View of 3-storey carpark building on the corner of King Street and National Park Street (looking north)



Plate 2-8: View of 'Pinnacle' building overlooking the subject site. The 'Army Drill Hall' is visible in the right of the photo (looking north-east)



Plate 2-9: View of the Hunter Street frontage of development adjoining the site's northern boundary, including the dominant 'Pinnacle' building (looking south-west)

2.3 Strategic Planning Context & Desired Character

The subject site sits in the western portion of the Newcastle City Centre, to the north of the locally significant Birdwood Park. The *Newcastle Development Control Plan 2012* (the 'DCP') identifies the site as being within the 'Birdwood Park precinct' of Newcastle's 'West End Character Area' (see **Figure 6**). This precinct is identified as the *western gateway to the Newcastle City Centre* and its desired future character (as described within the DCP) is as follows:

This precinct has the potential to become part of the future central business district of Newcastle. This is due to the location of the new transport interchange in the precinct. There is also a predominance of larger consolidated land holdings and fewer environmental and heritage constraints combined with generous floor space and height allowances. Improvements to streetscapes and Birdwood Park will raise the quality of the public domain...

The key objectives of the Birdwood Park precinct are to:

1. Guide development that contributes to the realisation of a future commercial core.
2. Create a sense of arrival into the city centre from the western approach.
3. Promote active street frontages.
4. Protect heritage items and contributory buildings.
5. Promote a permeable street network in Birdwood Park precinct with well-connected easily accessible streets and lanes.
6. Provide new public spaces and improve pedestrian amenity, particularly to Birdwood Park.
7. Improve Birdwood Park with a strong built edge and protecting sunlight access.

The DCP includes a precinct plan which sets out specific controls and desired outcomes for the precinct, including in relation to the subject site (see **Figure 7**). The DCP controls are addressed in **Section 4.4** of this SEE.



Figure 6: Character Areas and Key Precinct Map (DCP 2012)

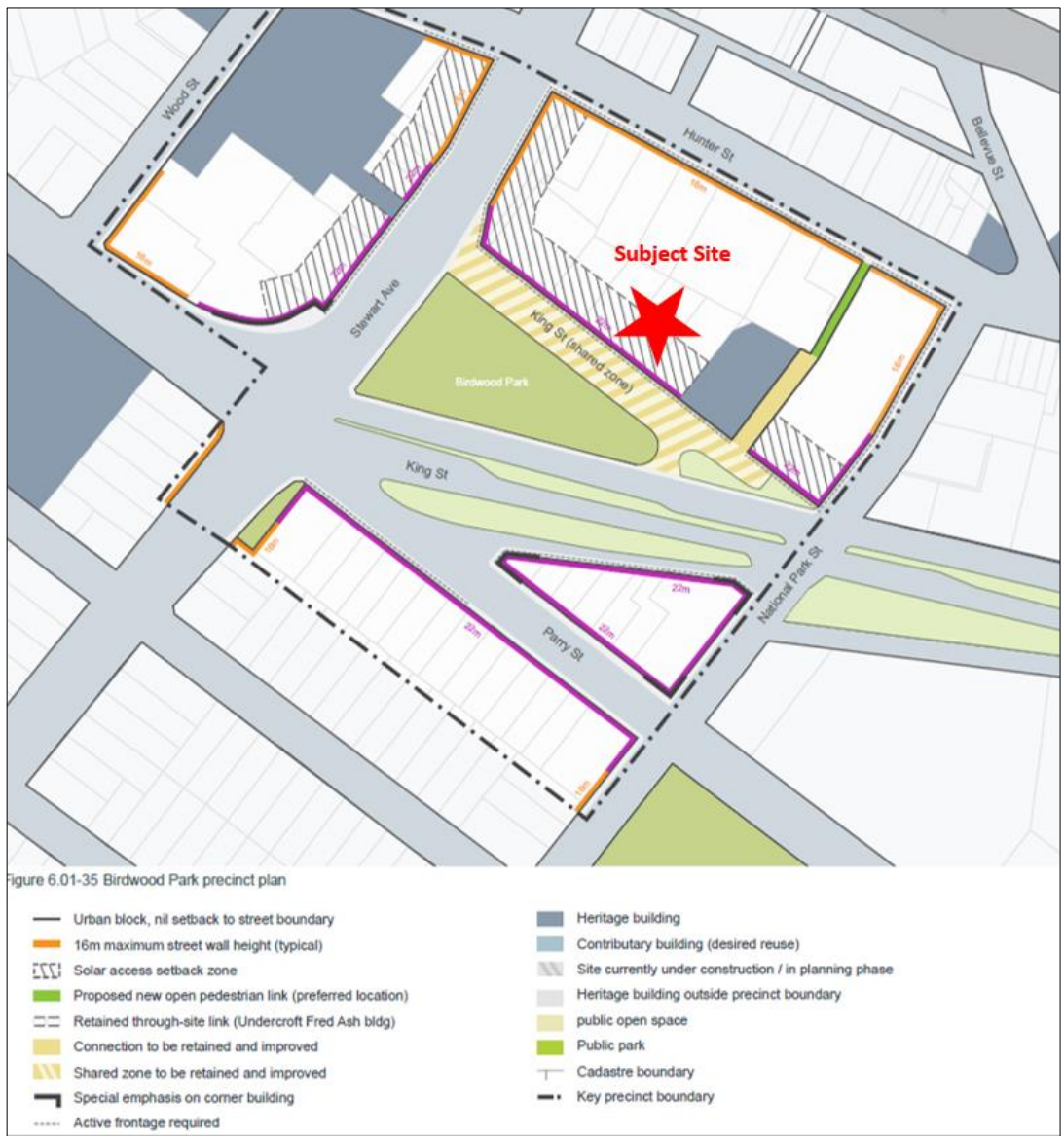


Figure 7: Birdwood Park precinct plan

3. Description of the Development

3.1 Overview

The proposal comprises the demolition of existing development on the site and the construction of a new 14-storey building to accommodate seniors housing. Key features of the proposal include:

- 2 levels of carparking integrated into the fabric of the building (94 spaces);
- A café on the Ground Floor;
- 74 x self-contained seniors dwellings;
- A 60-bed residential care facility;
- A supportive community centre and other ancillary services; and
- Landscaping of the building and its surrounds.

The development is to be known as the 'Peter Badcoe VC' residential care facility and the 'Long Tan' independent living units. The facility is proposed to be owned and operated by RSL Lifecare, a large, charitable, community-focused organisation which provides for the needs of war veterans and all senior Australians.

The proposed development forms part of a larger development concept for the immediate locality, which includes a proposed Holiday Inn Express Hotel to the west of the site; an adaptive re-use of the heritage-listed *Army Drill Hall* to the east; and future development fronting Hunter Street to the north-east (see the *Conceptual Development* plans which form part of **Appendix 2**). However, the current application deals only with the proposed seniors housing development on the subject site.

Note that Parts 5 and 6 of the architectural plans (Plans A19 - A37, **Appendix 2**) 'tell the story' of how the design has been developed to the current proposal, including the key planning influences and design options considered.

Further details of the proposal are provided in the following sections.

3.2 Demolition and Earthworks

All existing development within the site is proposed to be demolished. The proposal will involve some minor earthworks, associated with the levelling of the building footprint, installation of services, establishment of footings and removal of disused underground fuel storage tanks. No other significant excavation is proposed.

3.3 Siting, Streetscape and Built Form

The proposed building has been designed to respond to several key considerations including the site analysis; the 'Birdwood Park Precinct' DCP controls; the requirements of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development*; and specific advice obtained from the Council's Urban Design Consultative Group (see **Section 3.9**).

In essence, the built form comprises a tower element set over an extensive 2-4 storey podium base. The project architects (EJE Architecture) have provided the following detailed architectural description:

A recessed 2-storey street-level entry and retail base element surrounded by public colonnades, with a 'weighted' (masonry clad) 2-storey aged-care form floating over the base to form the street-wall height and podium level; with a 'lighter' recessed 9-storey residential tower element above; crowned with a 1-storey further recessed roof-top level with cranked roof form element.

The proposed development has the following key built features:

- Maximum building height of 47.92m, and Floor Space Ratio of 4.8:1;
- Podium levels have a large floorplate with nil setback to Little King Street and the western boundary to maintain an uninterrupted façade to the street. Upper levels are set back from site boundaries to maintain visual and acoustic privacy for residents;
- An appropriate setback to maintain the curtilage and heritage significance of the heritage-listed Army Drill Hall (to the east);
- Extensive façade and whole-building articulation on all sides, including the use of recessed and 'floating' building elements, operable louvre curtain wall cladding systems, the use of feature screen infills, sandstone tile cladding systems and bi-fold windows to the retail façade;
- Provision for a potential pedestrian laneway linkage from Little King Street to Hunter Street (subject to future development on the adjacent site to the north);
- Multiple street-level pedestrian entrances along the street frontage;
- Provision for outdoor dining areas in association with proposed café to activate and enliven the street frontage;
- Positioning of the vehicular entry point away from key pedestrian areas (i.e. outdoor dining area and laneway access); and
- Continuous pedestrian awning over the length of the Little King Street frontage.

Figure 8 below shows two artist's impressions of the proposed development. Additional artist's impressions and detailed plans are provided at **Appendix 2** of this SEE.

3.3.1 Building Code of Australia Compliance

*A Building Code of Australia Capability Statement has been prepared for the proposal by Blackett, Maguire & Goldsmith (**Appendix 3**). This document lists a number of matters that need to be resolved prior to the issue of a Construction Certificate (CC). It concludes that *we can confirm that, subject to the...measures being appropriately addressed by the project design team, compliance with the provisions of the BCA is readily achievable...it is considered that such matters can adequately be addressed in the preparation of the CC documentation without giving rise to any inconsistencies with the development approval* (p19).*



Figure 8: Artist's impressions of proposed development (Source: **Appendix 2**)

3.4 Seniors Housing Component

The proposed building will accommodate 12 levels of seniors housing, including a 60-bed Residential Care Facility (RCF) and 74 x self-contained seniors' dwellings in the form of 2 and 3-bedroom apartments. Further details of the accommodation mix are provided in **Table 1**, and in the following sections.

The seniors housing has been designed with reference to the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the 'Seniors Housing SEPP') and *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* - see **Sections 4.2.5** and **4.2.2** of this SEE for further details.

Pedestrian access from street level to the housing will be via a dedicated residential lobby off Little King Street, leading to 3 lifts. Two stairwells are also proposed to maximise permeability through the building. Vehicle access and car parking provision is discussed in **Section 3.6** below.

Table 1: Proposed seniors housing mix

Seniors Housing	Building Levels	Number of Rooms/ Dwellings per floor	Number of Rooms/ Dwellings (over 12 floors)
1-bedroom RCF rooms	Levels 2 & 3	30	60
2-bedroom self-contained dwellings	Levels 4 - 12	8	72
3-bedroom self-contained dwellings	Level 13	2	2

3.4.1 Self-Contained Dwellings

The self-contained dwellings (or 'apartments') are proposed to accommodate senior residents needing little or no living assistance on a day-to-day basis.

Each of the 72 proposed 2-bedroom apartments includes a dedicated study or storage area, walk through wardrobe, main bedroom ensuite and laundry space. Both of the proposed 3-bedroom apartments include main bedroom ensuites, walk in wardrobes, laundries and walk in pantries.

All dwellings will have direct access to a private balcony or patio from living rooms, with areas between 15.8m² to 85.2m².

Residents of the apartments will have access to the Community Centre on Level 13 which includes:

- 2 function rooms;
- snooker/ billiard table;
- kitchen to cater for special events;
- book shelves;

- television;
- dining tables and lounge chairs;
- toilet facilities; and
- large outdoor terrace area.

The Community Centre can be used by residents for day-to-day activities (e.g. cards, knitting, reading, etc), as well as special events coordinated by RSL Lifecare. Residents will also have access to scheduled bus trips and planned activities away from the site.

Residents can arrange for special assistance from RSL Lifecare if and when their needs change, such as the provision of in-home nursing care, cleaning assistance and the provision of meals.

3.4.2 Residential Care Facility

The RCF is proposed to accommodate senior residents requiring a high level of assistance. On-site nursing care is proposed to be available on a 24-hour basis.

Each of the 60 proposed RCF rooms are positioned on the perimeter of the building to allow access to natural light. Each room will accommodate a single bed, wardrobe, chair and ensuite bathroom. Six of the RCF rooms are adaptable for people in wheelchairs or other special users.

Both of the RCF levels contain dining and living room areas to cater for communal meals and gatherings. A terrace and balcony is proposed to accommodate outdoor seating, and a sunroom and various rest nooks will provide internal seating areas with solar access protected from winds and other elements. Additional components of the RCF include the following:

- hairdressing salon;
- assisted bath;
- reception and waiting areas;
- meal serveries;
- nurses' stations;
- laundry;
- office and conference room; and
- various utility, store and amenity rooms.

In addition to nursing care, residents will be provided with laundry and cleaning services. All meals will be prepared in the Ground Floor kitchen, and residents will be encouraged to take their meals in the associated café space or outdoor dining areas if desired. Alternatively, meals will be transported upstairs to the RCF in 'hot boxes', and distributed to residents from the servery on each RCF level.

Residents will have access to planned activities and events within the RCF, coordinated by RSL Lifecare, as well as scheduled bus trips and planned activities away from the site (as appropriate).

3.5 Retail Component

The retail space on the Ground Floor is proposed to accommodate a café to be operated by RSL Lifecare. It will have a total Gross Floor Area of approximately 260m². This space will be used primarily for the preparation of meals by RCF staff, and their consumption by the on-site RCF and apartment residents (if requested). However, meals will also be available for purchase by members of the public.

The space includes alfresco dining areas on the patio, and outdoor dining tables at ground level adjacent to the site's eastern boundary. Pedestrian access will be via a ramped walkway and steps from the street, or via the internal foyer leading to the seniors housing lifts.

The anticipated trading hours are 7am - 9pm, seven days per week.

3.6 Vehicle Access and Parking

Carparking is proposed over 2 levels, accessible via a 2-way driveway off Little King Street. Parking spaces will be allocated as follows (94 spaces in total):

- 70 x apartment resident spaces;
- 9 x apartment visitor spaces;
- 6 x RCF staff spaces;
- 6 x RCF visitor spaces (including 2 spaces for people with disabilities);
- 3 x service bays.

In addition, the proposal includes 4 motorbike parking spaces, 4 scooter parking spaces, an outdoor bicycle rack with capacity to hold 11 bicycles, and a secure bicycle storage room. Parking provision is discussed further in **Section 4.8.4** of this SEE.

Vehicle access to the parking areas will be restricted via a roller shutter. This shutter will be generally open during business hours and otherwise closed for security purposes. Staff and residents will be provided with swipe cards for out-of-hours access.

3.7 Landscaping & Outdoor Space

The proposal includes site landscaping and the provision of formal communal open space areas, as indicated in the *Landscape Design Report and Plans* at **Appendix 4**. Key features of the landscaping are as follows:

- Upgrading of the Little King Street streetscape, including footpath paving, masonry planter boxes, bench seating and bollards adjacent to the proposed driveway;
- Landscaping of the proposed outdoor dining area adjacent to the eastern boundary, including provision for a potential future laneway link to Hunter Street (subject to future development of the adjacent site);
- Landscaping of the communal terrace area adjacent to the RCF, including seating areas, tree planting, paving and water features, and privacy screening;
- Landscaping of private terrace areas adjacent to apartments on Level 4 and Level 13; and

- Landscaping of the communal terrace area adjacent to the Community Centre on Level 13, including seating and freestanding planter boxes.

3.8 Signage

The proposed development will include business identification signage, as conceptually shown in **Figure 9** and within the plans at **Appendix 2**. However, a separate development application will be lodged for signage once the detailed design is complete. Accordingly, the provision of signage is not specifically addressed within this SEE.



Figure 9: Conceptual images of proposed signage

3.9 Pre-lodgement Consultation

Two meetings were held with the Council's Urban Design Consultative Group (UDCG): on 16th March 2016 and 21 April 2016. The minutes of the April meeting (which incorporate those of the March meeting) are attached at **Appendix 5**.

Overall, the UDCG found that *the submission is in principle a very desirable development in relation to the activities proposed, and the general height, scale and density of the buildings* (p9). There were a number of outstanding matters raised by the UDCG in its minutes which have since been addressed by the project architects in the current building design, as shown in the plans at **Appendix 2** and discussed throughout this SEE.

Council's planning officer (David Paine) has provided confirmation to the applicant that no additional pre-development meeting is required before lodgement of the DA.

4. Statutory Planning Considerations

4.1 Overview

In determining the DA, the Council is required to have regard to the relevant matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*. The following sections provide an assessment of the proposal under these statutory matters for consideration.

4.2 Provisions of any environmental planning instrument [Sec. 79C(1)(a)(i)]

The following environmental planning instruments have some application to the proposed development and are addressed in the following sections:

- *State Environmental Planning Policy No. 55- Remediation of Land*;
- *State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development*;
- *State Environmental Planning Policy No. 71- Coastal Protection*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (State & Regional Development) 2011*;
- *State Environmental Planning Policy (Urban Renewal) 2010*; and
- *Newcastle Local Environmental Plan 2012*.

4.2.1 State Environmental Planning Policy No. 55- Remediation of Land

The objective of this SEPP is to provide a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment. Relevant to this proposal, Clause 7 provides that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Further, if the land is contaminated, Council must be satisfied that the land is suitable (or will be made suitable, after remediation) for the proposed use.

Subclause 7(2) specifies that, before determining a DA involving certain land (which would include the subject site, because of known former fuel storage uses on the site) the consent authority must consider a preliminary contamination investigation of the land.

Accordingly, a *Site Contamination Assessment* (SCA) was prepared for the proposal by Regional Geotechnical Solutions (see **Appendix 6**). The Assessment included the sampling of soils in areas of potential environmental concern. Results indicated that contamination levels were below relevant criteria and therefore the sampled soils meet the requirements for the proposed use.

The SCA identified the potential for some sub-surface soil contamination to be present, in association with existing decommissioned underground fuel storage tanks. A number of recommendations were presented to manage the potential for contamination during removal

of these tanks and associated infrastructure, to ensure that remaining soils are also suitable for the proposed use. See **Section 4.8.11** of this SEE for further discussion.

Accordingly, pursuant to Clause 7, the consent authority can be satisfied that the site is suitable or will be made suitable for the proposed use, in satisfaction of SEPP 55.

4.2.2 State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development

This SEPP aims to improve the design quality of residential apartment development in NSW.

Clause 4 specifies that the SEPP would apply to the *serviced self-care housing* component of the proposed development (i.e. the self-contained dwellings), as it comprises a *residential flat building*; contains over 3 storeys and contains 4 or more dwellings. Note that, even though the proposal is defined as a 'seniors housing' development, the self-care housing component would also appear to satisfy the definition of a 'residential flat building', as outlined below:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing

a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

Clause 6A provides that a development control plan must not be inconsistent with the *Apartment Design Guide* (the Guide). In effect, if the *Newcastle Development Control Plan 2012* (DCP) contains requirements, standards or controls in relation to a number of matters listed in the clause (e.g. visual privacy), those provisions have no effect if inconsistent with the Guide. Instead, reference is made to the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Guide. The intent of this clause is to remove uncertainty when there are conflicting provisions for these matters in DCPs. The provisions of the DCP are addressed in **Section 4.4** of this SEE.

Clause 28 provides that, before determining a DA, the consent authority is to take into consideration the following:

- the advice of a design review panel;
- the design quality of the proposal when evaluated in accordance with the design quality principles, and
- the Apartment Design Guide (the ADG).

The proposal has been designed by EJE Architecture with reference to the relevant objectives of the ADG. Importantly, the proposed development has been the subject of 2 design review panel (i.e. Urban Design Consultative Group - UDCG) meetings, as outlined in **Section 3.9** of this SEE. The proposal has been refined in accordance with specific advice from the UDCG.

The design quality principles are found in Schedule 1 of the SEPP. EJE Architecture has outlined how the proposed development responds to each of these principles, as listed within the plans at **Appendix 2** (A102-A108) and reproduced in **Table 2** below. Further discussion of the proposal's achievement of the Design Quality Principles is provided within the UDCG minutes at **Appendix 5**.

Table 2: Architect's response to SEPP 65 Design Quality Principles

Design Quality Principles and Responses by EJE Architecture

Principle 1: Context and neighbourhood character

- *Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*
- *Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*
- *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

The subject site is in Newcastle West, close to the location of the proposed transport interchange. This area is in a state of transition, with significant, commercial and residential uses being proposed and constructed together in a relatively small area.

The site itself fronts onto Little King Street, and is occupied predominantly by single storey commercial buildings and hardstand areas, previously used as a car sales area. All buildings on the site are proposed to be demolished.

The site adjoins the heritage listed "Drill Hall" which has an adaptive reuse proposal intended.

To the north, the site adjoins a 13 storey mixed use development known as Latec House, and nearby is a recently developed 2 storey commercial building occupied by Lawler Partners, and numerous other 2 storey commercial buildings fronting Hunter Street.

Birdwood Park to the south is an integral contextual component and the design has the ability to integrate and enhance the park.

To the east, the site adjoins a 4 storey car park with ground floor retail fronting Little King Street.

Whilst to the west of the site adjoins an 8 storey 'Holiday Inn Express' hotel development proposal, which formed part of a combined submission to the UDCG, which will be highly visual from Stewart Avenue.

The proposal is in keeping with the future strategic vision for the area, rather than the current state, and this development has the potential to be a catalyst for a complete transformation of the area.

Principle 2: Built form and scale

- *Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*
- *Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.*
- *Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

The site has a height limit of 90m and an allowable FSR of 5:1 (for non-commercial uses).

The design has been considered to transition the scale over the entire site fronting Little King Street, from the west to the north-east. The adjoining Hotel proposal (block A) is the lowest of the buildings at 8 storeys, which adjoins the subject Aged Care proposal (block B) at 14 storeys, which also responds to the height of Latec House to the north. The scale of block C has the potential to be developed to the height limit of 90m, where a mixed-use tower is currently being considered, which compliments the transition in scale over the overall sites.

Newcastle West is currently in a transition period with the area being the western gateway to Newcastle's City Centre & has been earmarked to become Newcastle's future CBD. With

Design Quality Principles and Responses by EJE Architecture

increased height limits, the predominance of larger consolidated land holdings & fewer environmental & heritage constraints, this area will see an increase in multi-storey developments of which the Birdwood Park development will play an integral role.

The built form over the development site responds to the building typology, site controls, activation of ground floor spaces and most importantly minimising the overshadowing of Birdwood Park.

The built form as demonstrated in the shadow diagrams clearly show no loss of amenity to Birdwood Park. Although the development encroaches on the DCP guideline street/solar setbacks, the built form is a far better urban design outcome than if the development was designed to the DCP controls including the full height limit.

The built forms have the ability to be broken down in scale, with an active street frontage presentation for the ground floor level, a defined podium with the R.A.C. F. component, and the articulation of the I.L.U.'s (independent living units) tower element will all contribute to a desirable built form.

Principle 3: Density

- *Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*
- *Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

The site has an allowable FSR of 8:1 for commercial use, and 5:1 for residential use.

The development proposal is well under the allowed FSR for the site, being 4.8:1 for all uses in total.

In keeping with the transition of scale theme, the density also increases on the overall sites from west (hotel) to north-east (mixed-use tower).

The proposed diverse mixture of uses throughout all the surrounding sites, will ensure the densities are sustainable, respond to the future context of the area and contribute to the desired outcomes for the precinct.

Principle 4: Sustainability

- *Good design combines positive environmental, social and economic outcomes.*
- *Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

Existing buildings on the site are in a relatively poor state and are proposed to be demolished. One of the buildings has significant timber structures throughout, which are proposed to be reused as feature elements in the foyers, retail spaces and common areas.

The proposed buildings will be designed to exceed minimum BASIX requirements & meet the guidelines for SEPP 65 where applicable.

The layout of the I.L.U. levels has been developed to create a naturally cross-ventilated lobby spine across the width of the building. Corner I.L.U.'s have been provided with 'wrap-around' corner balconies & window openings to maximise cross ventilation. Operable louvre screens have been provided to all balconies for passive solar & privacy controls.

Principle 5: Landscape

Design Quality Principles and Responses by EJE Architecture

- *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*
- *Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*
- *Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.*

Two key landscape design elements informed the concept design and design development of the overall projects. Firstly, there is the opportunity to integrate Birdwood Park with Little King Street and the development. Active street frontages and landscape design to make the streetscape a shared zone will allow greater amenity and use of the currently under-utilised parkland.

Secondly, the incorporation of a pedestrian "laneway" link from Hunter Street to Little King Street, will provide a unique urban design outcome with active frontages and landscaping throughout. This laneway not only provides a key pedestrian link from Hunter Street to Birdwood Park, but also allows the Drill Hall to open up and activate on two frontages becoming an integral gateway element to the site.

Principle 6: Amenity

- *Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.*
- *Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.*

The R.A.C.F. component of the proposal, has been designed so that all of the rooms have direct access to natural light, with sitting / meeting areas located both internally and externally taking advantage of views and sunlight.

At the rooftop level an indoor / outdoor community facility is incorporated for users of the I.L.U.'s, providing a place to meet while enjoying a high level of amenity and great views. The lobby spine of each I.L.U. level also has access to natural light and natural cross ventilation.

The proposed I.L.U. layouts are very functional & efficient, with all bedrooms & bathrooms located within close proximity allowing for open plan kitchen, dining, living areas. Issues of privacy between the I.L.U.'s and Latec House has been addressed through the use of operable obscure glass louvre screening of, and the orientation of living areas & balconies.

Principle 7: Safety

- *Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*
- *A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose*

Car parking is located in a secure carpark facility on ground floor & level 1, accessed via Little King Street, with separate lift access directly to the either the I.L.U. residences of the R.A.C.F. floor levels.

Secure lobbies are provided for both the R.A.C.F. and I.L.U. components of the built form.

Design Quality Principles and Responses by EJE Architecture

There will be CCTV coverage for security purposes at the entry points of the building.

Principle 8: Housing diversity and social interaction

- *Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*
- *Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.*
- *Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*

The different use types of the overall development sites provide a positive contribution to the social context. The adjoining Hotel site will bring a new dimension to Newcastle West with visitors experiencing all that Newcastle has to offer and contributing to the economy of the city.

The Aged Care proposal provides for an increase in demand for all levels of aged care in a unique solution that allow residents to obtain the best of care that RSL LifeCare offers, with the availability of all the social and recreational facilities on offer in a CBD environment. The benefit of the 'vertical village' concept is that it truly allows "Aging in Place", with the availability of all levels of care on the one site. RSL LifeCare has systems in place to cater for residents of all socio-economic backgrounds.

The implementation of these two developments will create a diverse social mix in the area and is in keeping with Newcastle City Council's vision for the West End.

Principle 9: Aesthetics

- *Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*
- *The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

As the precinct is undergoing transition, the aesthetics are in keeping with the desired future character of the area. The proposed street wall heights will relate to future surrounding developments while the ground level uses activates the streetscape.

The proposal's aesthetics reflect the functional use of the R.A.C.F. component, forming a floating 'podium' form over the recessed ground floor retail functions. The podium is clad with materials which are sympathetic to the masonry component of the adjoining Drill Hall.

The ground floor retail has a double height space which acts as a key corner element to the east of Little King Street, and the proposed urban pedestrian laneway. The materials of these levels attempt to ground the proposal to its site, with heavy stone finishes.

The I.L.U.'s tower element is broken down in aesthetic for visual articulation & shadow creation, with the use of balconies; changes in materials; and façade composition, all contributing to the overall urban design. The materials of the tower element complement the light-weight component of the adjoining Drill Hall.

The cranked roof form of the rooftop community area provides an ideal crown to the development.

Clause 30(1) outlines standards which, if met, cannot be used as grounds to refuse development consent. The proposal does not rely on compliance with these clauses.

Clause 30(2) states that consent must not be granted if adequate regard has not been given to the design quality principles and the objectives of the ADG for the relevant design criteria. The design quality principles have been adequately considered, as outlined in **Table 2** above. As also discussed above, the proposal has been designed with reference to the relevant objectives of the ADG.

Note- the *Environmental Planning & Assessment Regulation 2000* provides additional requirements for residential apartment building development. These provisions are addressed in **Section 4.6** of this SEE.

4.2.3 State Environmental Planning Policy No. 71- Coastal Protection

The subject site lies within the NSW Coastal Zone, and therefore SEPP 71 would normally apply. However, as outlined in **Section 4.2.8** of this SEE ('Newcastle LEP') SEPP 71 does not apply to land within the Newcastle City Centre and therefore is not applicable to the current proposal.

4.2.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The *Environmental Planning & Assessment Regulation 2000* (The Regulation) contains provisions which establish the BASIX Scheme. The BASIX SEPP aims to support the Regulation by overriding provisions of other plans/ DCPs which would conflict with obligations under the BASIX Scheme, thereby ensuring consistency in its implementation across the State.

The proposal's compliance with the BASIX Scheme is discussed in **Section 4.6** of this SEE ('The Regulation'). No other specific provisions of the SEPP are relevant to the proposal.

4.2.5 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

This SEPP (known as the Seniors Housing SEPP) aims to encourage the appropriate supply of housing that meets the needs of seniors and people with disabilities.

Clause 4 provides that the SEPP applies to the subject site, as it is *zoned primarily for urban purposes* (i.e. B3 Commercial Core zone) and *development for the purposes of... 'hospitals'* is permitted on the land (pursuant to the Infrastructure SEPP - see **Section 4.2.6** of this SEE).

Clause 15 provides that the development of 'seniors housing' is permitted on the subject site, despite the provisions of any other environmental planning instrument. Clause 16 clarifies that such development is only permitted with consent. For the purposes of this proposal, 'seniors housing' is defined as:

...residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

(a) a residential care facility, or ...

(c) a group of self-contained dwellings, or

(d) a combination of these,

but does not include a hospital.

The proposed development involves a combination of a *residential care facility* (RCF) and a *group of serviced self-contained dwellings*. The relevant definitions are as follows:

a **residential care facility** is residential accommodation for seniors or people with a disability that includes:

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility....

a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

...In this Policy, **serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

Clause 19 clarifies that the SEPP does not allow for the development of residential uses on the ground floor of the site, as the site is zoned primarily for commercial purposes. No ground floor residential development is proposed.

Clause 26 provides that the consent authority must be satisfied that residents of the proposed development will have appropriate access to *shops, bank service providers and other retail and commercial services that residents may reasonably require, and community services and recreation facilities, and the practice of a general medical practitioner*. The proposal complies with this clause as the following are located not more than 400m from the site and are accessible by means of a 'suitable access pathway' with an overall average gradient of no more than 1:14 (i.e. generally level, sealed concrete footpaths provide connections between the site and the following):

- A large range of shops and services, including several banks, at the Marketown shopping centre at Newcastle West (approximately 190m);
- Numerous community and recreation facilities, including Birdwood Park (directly opposite the site), the Newcastle Leagues Club (approximately 170m), the Hamilton TAFE Campus (330m), and numerous sporting fields and courts at the 20ha National Park grounds (265m); and
- The Hunter Street Medical Centre (approximately 290m).

In addition, several public bus stops are located a short walking distance from the site, including the proposed Wickham Transport Interchange (approximately 275m) which will connect heavy rail, light rail, buses and taxis. The site is well-serviced by public transport, providing frequent and regular transport to other shops and services within the region. Additional details on the proposal's compliance with Clause 26 is provided within the *Access Report* at **Appendix 7**, including a bus stop location plan.

Clause 27 does not apply to the proposal, as the site is not on bushfire prone land nor in the vicinity of bushfire prone land.

In satisfaction of Clause 28 the subject site has access to appropriate water and sewer facilities.

Clause 29 requires that the consent authority take into consideration the matters outlined in **Table 3** below. In summary, the proposal complies.

Table 3: Compliance with Clause 25 matters (Seniors Housing SEPP)

Clause	Comment	Comply
25(5)(b)(i)	The subject site is within an established urban area with few environmental constraints, and is not prone to special natural hazards. Surrounding development is generally commercial in nature, and does not include any uses that would be incompatible with seniors housing. Nearby Birdwood Park will not be detrimentally affected by the proposed development , via a significant reduction in solar access or any other impacts, but will provide valuable recreational opportunities to future residents.	✓
25(5)(b)(iii)	The site is within the Newcastle CBD and is well serviced in terms of infrastructure and public transport services. There are also numerous retail, community and medical services within short walking distance of the site, or which are easily accessible via regular public transport.	✓
25(5)(b)(v)	The proposal will have a positive impact on the local area in terms of bulk, scale, built form and character, as outlined in Section 4.8.1 of this SEE. In particular, the proposal involves improvements to the Little King Street streetscape, and the proposed height and built form will protect the solar access and amenity of Birdwood Park.	✓

Clause 30 requires that a site analysis be provided which contains certain listed information. Such site analysis documentation has been prepared by EJE Architecture - see the *Site Analysis* plans at A04 - A11 within **Appendix 2**. These plans should be considered in conjunction with the *Survey Plan* at **Appendix 1**. The *Design Principles* drawing sheets (A102 - A108) explain how the proposed development responds to the site analysis and the design principles in Division 2. The design principles are further addressed in **Table 2** below. Accordingly, the proposal satisfies the requirements of Clause 30.

Clause 32 requires that the proposal demonstrates adequate regard to the design principles set out in Division 2. The proposal's satisfaction of these principles is set out in **Table 4** below.

Table 4: Compliance with Design Principles (Seniors Housing SEPP)

Clause	Comment	Comply
33 - Neighbourhood amenity & streetscape	The proposal positively responds to the desired future character of the area, as outlined throughout this SEE. It responds appropriately to the heritage significance of the adjacent heritage item and the <i>Newcastle City Centre Heritage Conservation Area</i> , as discussed in Section 4.8.15 . The building form has been designed to maintain appropriate neighbourhood character and amenity, and landscaping appropriate to the site's CBD location is proposed.	✓
34 - Visual & acoustic privacy	The proposal provides for appropriate visual and acoustic privacy, as outlined in Section 4.8.3 of this SEE.	✓

Clause	Comment	Comply
35 - Solar access & design for climate	The proposal allows for appropriate solar access, as outlined in Section 4.8.5 .	✓
36 - Stormwater	The proposal includes an appropriate stormwater management system, as discussed in Section 4.8.8 .	✓
37 - Crime prevention	The proposal adequately considers security and crime prevention, as discussed in Section 4.8.13 .	✓
38 - Accessibility	Adequate and appropriate pedestrian links are proposed from the site to the public pedestrian network. Parking provision has been adequately addressed, as outlined in Section 4.8.4 .	✓
39 - Waste management	As outlined in Section 4.8.6 and Appendix 8 (Waste Management Plan) the proposal includes the provision of recycling bins to promote recycling.	✓

Clause 40 sets out development standards that must be complied with. The proposal's compliance with these standards is set out in **Table 5**.

Table 5: Compliance with relevant development standards (Clause 40, Seniors Housing SEPP)

Clause	Comment	Comply
40(2) - Site size	The site exceeds the minimum 1,000m ² size, with an area of approximately 2,628m ² .	✓
40(3) - Site frontage	The site exceeds the minimum site frontage of 20m, with a frontage of approximately 59m.	✓
40(4) - Height in zones where residential flat buildings are not permitted	The site is not within a residential zone, therefore this clause does not apply.	N/A

Clause 41 and Schedule 3 set out standards that self-contained dwellings must satisfy. The *Access Report* at **Appendix 7** addresses the proposal's compliance with these standards in detail.

Clauses 48 and 50 set out standards which cannot be used as grounds to refuse development consent, for RCFs and self-contained dwellings respectively. Many of these standards relate to lower-scale seniors housing developments, and do not have relevance to a high-density multi-storey development, as proposed. Accordingly, the proposal does not rely on compliance with these clauses.

Clause 55 requires that RCFs include a fire sprinkler system. The proposal will incorporate the required system.

4.2.6 State Environmental Planning Policy (Infrastructure) 2007

This SEPP aims to facilitate the effective delivery of infrastructure across NSW.

As outlined in **Section 4.2.5** of the SEE, for the purposes of this proposal the Seniors Housing SEPP requires that the development of 'hospitals' be permitted on the site. Clause 57 of the Infrastructure SEPP provides that development for the purposes of 'health services facilities' may be carried out by any person with consent on land in a prescribed zone. The definition of 'health services facility' includes the development of 'hospitals', and the B3 Commercial Core zone is a prescribed zone. Accordingly, this clause permits the development of hospitals on the site with consent, thus facilitating the permissibility of the proposed development on the subject land. In the absence of this facilitating provision, 'seniors housing' would be a prohibited form of development on the site.

Clause 104 relates to 'traffic generating development'. This clause applies, as the proposal involves ancillary parking accommodation for 50 or more vehicles and the site is within 90m of a connection to a classified road (Pacific Highway, also known as Stewart Avenue in this location). Accordingly, it is anticipated that Council will refer this development application to the RTA (now RMS) for its comments. Detailed consideration of the road safety and parking implications of the proposal is provided in **Section 4.8.3** of this SEE.

4.2.7 State Environmental Planning Policy (State & Regional Development) 2011

The aim of this policy, relevant to this proposal, is to confer functions on Joint Regional Planning Panels to determine development applications in certain circumstances.

Part 4 of the SEPP provides that a regional panel (in this case the Hunter-Central Coast Joint Regional Planning Panel) may exercise consent authority functions, including the determination of development applications, for development identified within Schedule 4A of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Clause 3 of Schedule 4A includes development that has a capital investment value of more than \$20 million.

The proposed development has a capital investment value of significantly more than \$20 million (see the *Registered Quantity Surveyor's Detailed Cost Report* at **Appendix 9**) and therefore this application will be determined by the Joint Regional Planning Panel.

4.2.8 Newcastle Local Environmental Plan 2012

The *Newcastle Local Environmental Plan 2012* (NLEP) applies to the subject site. The provisions relevant to the proposed development are addressed in **Table 6** below.

In summary, the proposed development complies with the provisions of the NLEP.

Table 6: Compliance with Newcastle Local Environmental Plan 2012

Clause	Comment	Comply
1.2 Aims of Plan	The proposal involves a well-designed and significant building in a well-serviced location within the CBD. It is located in close proximity to various public transport nodes and a wide range of services and community facilities. The building will provide seniors housing in a range of formats and sizes plus retail development to help meet the needs of Newcastle seniors, and to strengthen the regional position of the Newcastle CBD. The proposal respects the heritage significance of nearby buildings and the local area. It will also contribute significantly to the economic wellbeing of the community through the anticipated creation of up to 100 full-time	✓

Clause	Comment	Comply
	equivalent jobs (both on and off-site, including accounting, cleaning, landscaping, nursing and other positions).	
1.9 Application of SEPPs	This clause provides that SEPP 71 ('Coastal Protection') does not apply to land within the Newcastle City Centre. Accordingly, it does not apply to the subject site.	-
2.2 Zoning of land to which plan applies	As shown in Figure 4 in this SEE, the site is zoned B3 Commercial Core.	-
2.3 Zone objectives & Land Use Table	The objectives and permissible uses of the zone are addressed below ('Land Use Table').	-
Land Use Table	<p>The proposal complies with the relevant objectives of the B3 Commercial Core zone as it:</p> <ul style="list-style-type: none"> provides for a mix of retail (café) and higher density seniors housing that will serve the needs of the local and wider community; positions seniors housing development and associated employment opportunities in close proximity to public transport nodes, services, shops and a range of community and recreational facilities (see Section 2.2 of this SEE for further details); provides for commercial floor space within a mixed use development. <p>The development of 'commercial premises' (including 'restaurants or cafes') is permissible with consent in the zone.</p> <p>Note - the development of seniors housing is permissible in the zone pursuant to the Seniors Housing SEPP and the Infrastructure SEPP (see Sections 4.2.5 and 4.2.6 of this SEE).</p>	✓
4.3 Height of buildings	The maximum height of buildings provided on the <i>Height of Buildings Map</i> is 90m (see Figure 10 in this SEE). The proposal complies, with a maximum building height of 47.92m.	✓
4.4 Floor space ratio	<p>The maximum FSR provided on the <i>Floor Space Ratio Map</i> is 8:1 (see Figure 10 in this SEE). The proposal complies, with a maximum FSR of 4.8:1.</p> <p>However, Clause 7.10 of the NLEP prevails over this clause.</p>	✓
5.5 Development within the coastal zone	A complete assessment of the proposal against the provisions of this clause is provided at Appendix 10 of this SEE. In summary, the proposal complies.	✓
5.10 Heritage conservation	Relevant to this proposal, development consent is required for the erection of a building on land that is within a heritage conservation area (the site is within the <i>Newcastle City Centre Heritage</i>	✓

Clause	Comment	Comply
	<i>Conservation Area</i> - see Figure 11). The effect of the proposal on the heritage significance of the conservation area, and on nearby heritage items, has been assessed as part of the <i>Statement of Heritage Impact</i> prepared for the proposal. The Statement concluded that the proposal is appropriate for the area and will enhance the heritage significance of nearby items - see Section 4.8.15 and Appendix 11 for further details.	
6.1 Acid Sulfate Soils	The subject site is mapped as containing 'Class 4' soils (see Figure 11 in this SEE). This clause requires the preparation of an acid sulfate soil management plan (or preliminary assessment indicating a management plan is not required) if works are proposed more than 2m below the natural ground surface. The proposed foundations are likely to extend more than 2m below ground level. Accordingly, an <i>Acid Sulfate Soil Assessment</i> was prepared which provides recommendations for the appropriate management of acid sulfate soils - see Section 4.8.12 and Appendix 23 for further details.	✓
6.2 Earthworks	<p>The proposal will involve some minor earthworks, associated with the levelling of the building footprint, installation of services, establishment of footings and removal of disused underground fuel storage tanks.</p> <p>The proposal is not likely to have detrimental impacts on soil stability or drainage patterns, as outlined in Sections 4.8.9 and 4.8.8. A <i>Sediment & Erosion Control Plan</i> is attached at Appendix 12. Appropriate soil waste classification and disposal requirements are discussed in the <i>Site Contamination Assessment</i> at Appendix 6. The subject site is an already-disturbed CBD site, and it is unlikely that the proposal will result in the disturbance of any previously undiscovered archaeological objects.</p>	✓
7.2 Land to which this Part applies (Newcastle City Centre)	As shown in Figure 12 , the subject site is located within the Newcastle City Centre, and therefore Part 7 of the NLEP applies.	-
7.3 Minimum building street frontage	The subject site has a street frontage of approximately 59m, in excess of the minimum required 20m.	✓
7.4 Building separation	As indicated on the elevations at Appendix 2 (e.g. A55), the tallest building in proximity to the site is the 'Pinnacle' building (formerly known as 'Latec House'). This development has a height less than 45m. Accordingly, this clause does not apply as no adjacent development occurs at <i>45 metres or higher above ground level</i> .	N/A
7.5 Design excellence	<p>This clause requires that the proposed development exhibits design excellence. The proposal does exhibit design excellence for the following reasons, and therefore complies with this clause:</p> <ul style="list-style-type: none"> a high standard of architectural design has been achieved, particularly through the attractive building façade treatments, stepping built form, and variation in materials and finishes; activation of the street at pedestrian level through the use of awnings for weather protection, ground level seniors housing lobbies, and ground level commercial (café) space; 	✓

Clause	Comment	Comply
	<ul style="list-style-type: none"> the proposal respects and enhances the heritage significance of the nearby Army Drill Hall and the Newcastle City Centre Heritage Conservation Area, as outlined in Section 4.8.15; the proposal minimises overshadowing impacts and impacts on view corridors for surrounding development; the proposal incorporates high quality materials and finishes; public domain improvements such as upgraded pedestrian paths and the landscaping of a potential future pedestrian linkage between Hunter Street and Little King Street (subject to future development on the adjacent site). 	
7.6 Active street frontages in Zone B3 Commercial Core	All premises on the ground floor of the proposed building facing the street comprise 'retail premises' (i.e. proposed café uses). Other parts of the ground floor frontage comprise necessary pedestrian and vehicle entrances and service areas / accesses. Accordingly, the proposal provides an 'active street frontage'.	✓
7.7 Residential flat buildings in Zone B3 Commercial Core	Although 'seniors housing' is a separately defined use, the proposed 'self-care housing' component would also appear to satisfy the definition of a 'residential flat building' (see Section 4.2.2 of this SEE for further discussion). The proposed use is permitted in the zone as it is a component of a mixed-use development involving a permitted non-residential use (i.e. proposed café).	✓
7.10 Floor space ratio for certain development in Area A	<p>The subject site is located within Area A, as shown in Figure 10. The site has an area of more than 1,500m² and the FSR map identifies a maximum FSR of more than 6:1 on the site. As the proposal is not a 'commercial building' as defined, the applicable FSR is therefore 5:1.</p> <p>The proposal complies as it has a FSR of 4.8:1.</p>	✓

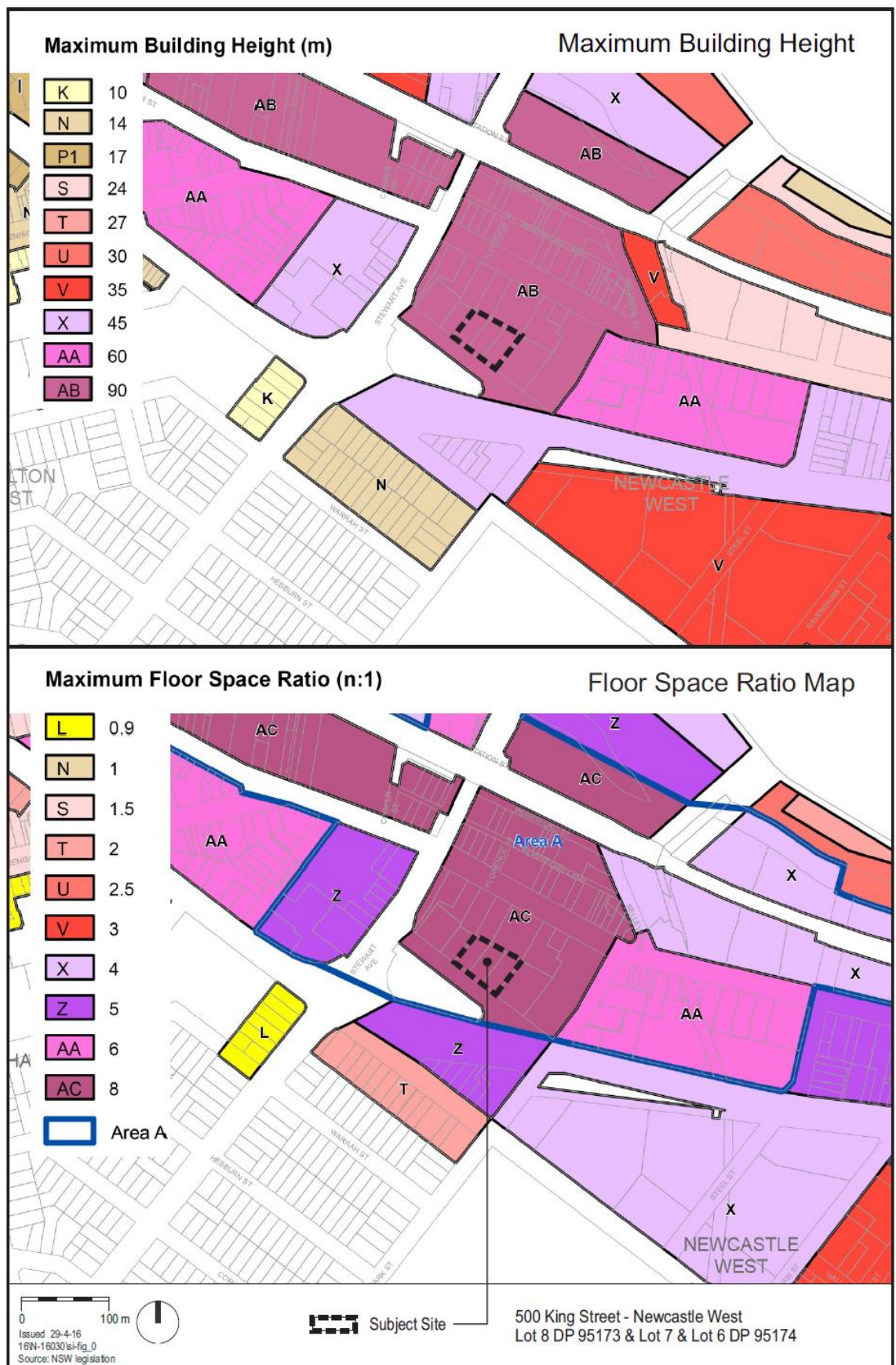


Figure 10: Maximum Building Height and Maximum Floor Space Ratio map (Newcastle LEP 2012)

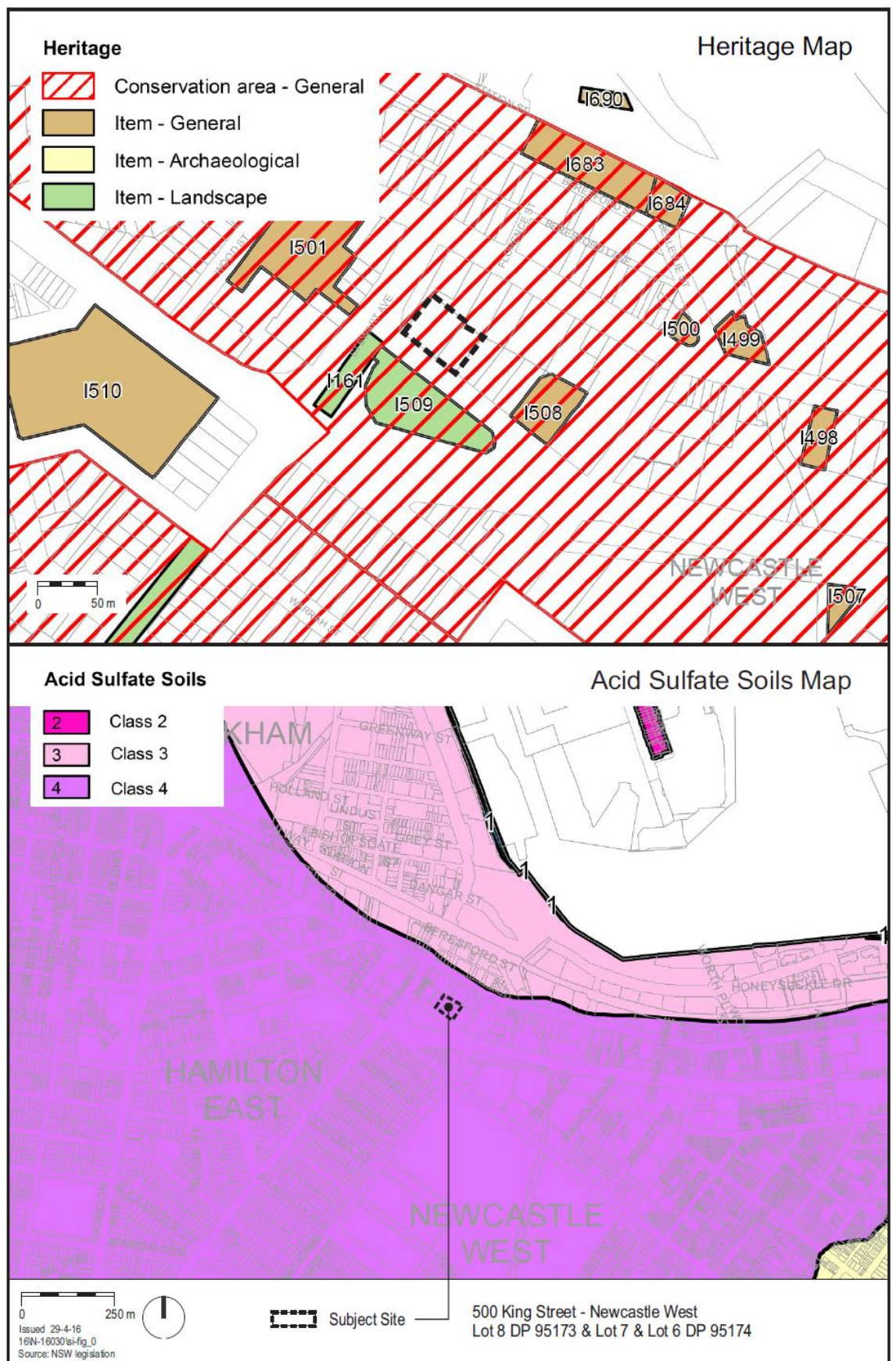


Figure 11: Heritage & Acid Sulfate Soils Maps (Newcastle LEP 2012)

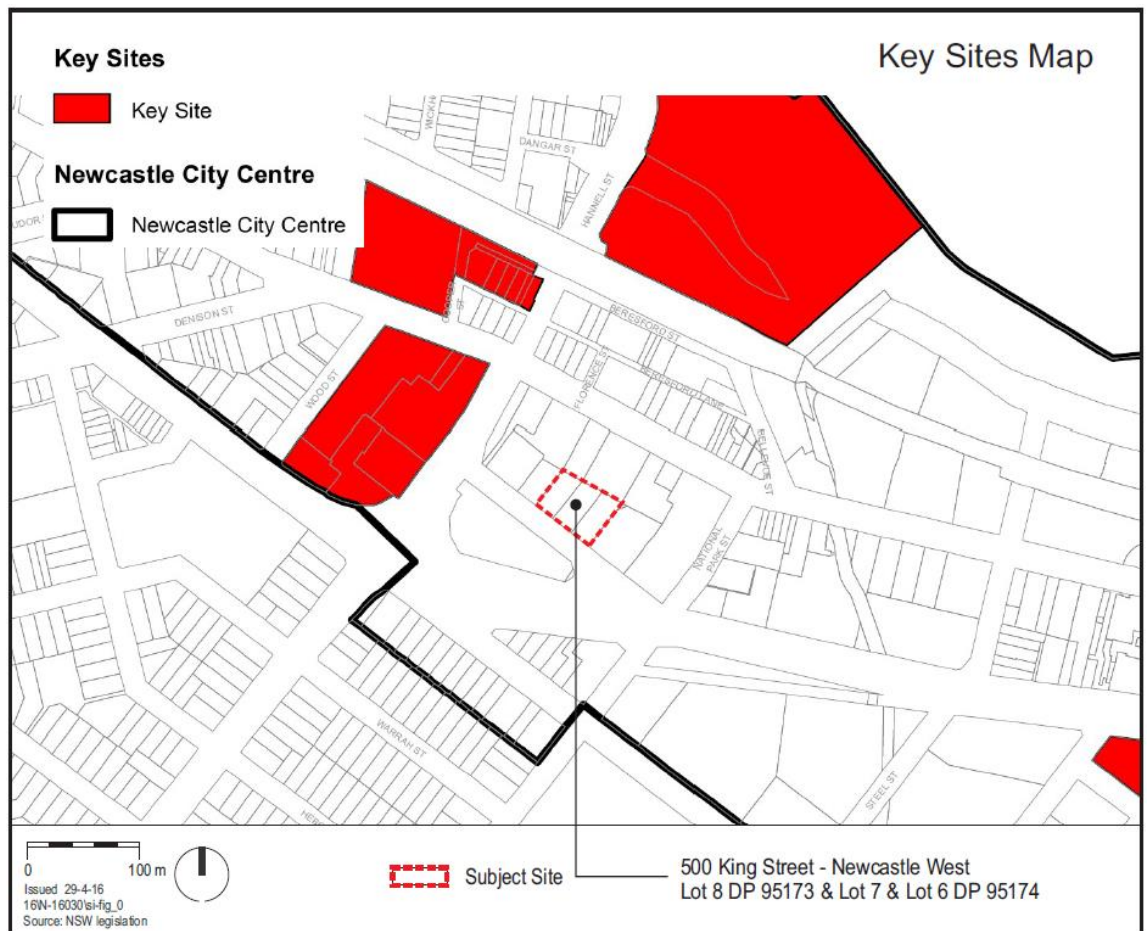


Figure 12: Key Sites Map (Newcastle LEP 2012)

4.3 Provisions of any draft environmental planning instrument [Sec. 79C(1)(a)(ii)]

No draft environmental planning instruments apply to the proposed development.

4.4 Any development control plan [Sec. 79C(1)(a)(iii)]

The *Newcastle Development Control Plan 2012* (the DCP) applies to the proposed development. Compliance with the relevant controls is addressed in **Table 7** below. Note that satisfaction of the DCP objectives will be achieved through compliance with the specific controls in each section.

Table 7: Compliance with relevant provisions of the Newcastle Development Control Plan 2012


DCP Controls	Compliance	Comply
3.08 Seniors Housing		
1. Compliance with Seniors Housing SEPP	The proposal complies with the SEPP, as outlined in Section 4.2.5 of this SEE.	✓
3.10 Commercial Uses		
3.10.01 Street activation	The proposal involves ground-floor retail uses (café) to activate the street frontage. The café has multiple pedestrian accesses, including a ramp and stairs. Bi-fold and clerestory windows will be used along the entire café façade to permit visual connections to the street.	✓
4.01 Flood Management		
4.01.02 Flood storage areas	The <i>Stormwater Management & Flooding Study</i> (Appendix 12) confirms that the proposal will result in a reduction in existing flood storage of approximately 13.8%, less than the permissible maximum 20%. Ordinary stormwater drainage matters are addressed within the Study and associated stormwater plans at Appendix 12 .	✓
4.01.03 Management of risk to property	The proposed finished floor level of the building's ground floor will be at 3.22m AHD, the Flood Planning Level for the site (see Appendix 12). Further details are provided within the Study and associated stormwater plans at Appendix 12 .	✓
4.01.04 Management of potential risk to life	Flood refuge will be available on upper levels of the development, which are well above the Probable Maximum Flood level of 4.10m AHD.	✓
4.03 Mine Subsidence		
1.	The subject site is located within the <i>Newcastle Mine Subsidence District</i> . The MSB considered an application for the proposed development on the 25th May 2016, and granted its conditional consent (see <i>Mine Subsidence Board Conditional Approval</i> at Appendix 13 of this SEE). Mine subsidence is discussed further in Section 4.8.10 of this SEE.	✓
4.04 Safety & Security		
4.04.01 Crime prevention & public safety	The proposal appropriately addresses crime prevention and public safety, as discussed in Section 4.8.13 of this SEE.	✓
4.04.02 Crime risk assessment	Safety and security issues are addressed in Section 4.8.13 of this SEE.	✓

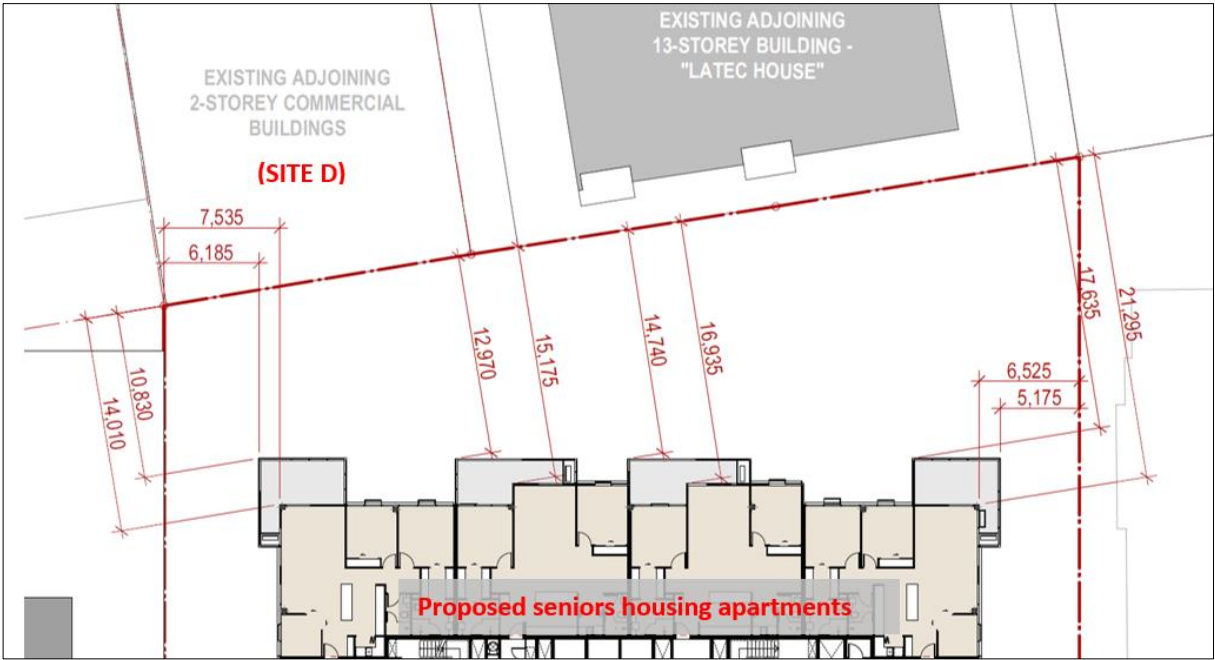
DCP Controls	Compliance	Comply
4.05 Social Impact		
4.05.01 Social impact	<p>The proposed development will result in a number of positive social impacts, including:</p> <ul style="list-style-type: none"> the provision of much-needed seniors housing in a well-serviced and central location; the creation of up to 100 full-time equivalent jobs (both on and off-site, such as accounting, landscaping, cleaning and nursing roles); flow-on economic impacts to the local economy, both through the purchase of construction goods and services, and through purchases by residents and staff throughout the operational phase; an increase in the CBD population, which may result in an increased number of motivated, time-generous people into local community groups, volunteer organisations and other noteworthy causes. <p>Whilst the proposal will result in an increase in the number of senior citizens in the area, many of the residents' needs will be met by the facility manager (RSL Lifecare), such as the provision of nursing, laundry and cleaning services. For this reason, it is not anticipated that the proposal will result in a detrimental or unacceptable increase in demand for publically-funded community services or facilities within the area.</p>	✓
5.01 Soil Management		
5.01.01 Erosion prevention	An <i>Erosion and Sediment Control Plan</i> has been prepared by Northrop and is attached at Appendix 12 .	✓
5.01.02 Sediment control	An <i>Erosion and Sediment Control Plan</i> has been prepared by Northrop and is attached at Appendix 12 .	✓
5.01.03 Cut & fill	A <i>Detailed Survey</i> has been prepared for the site by Delfs Lacelles and is attached at Appendix 1 . Areas proposed to be cut and filled are identified on the elevation and section plans at Appendix 2 . Stormwater runoff will be appropriately managed, as outlined in Appendix 12 . Cut and fill will be minimised wherever possible.	✓
5.02 Land Contamination		
5.02.01 Plan making & development assessment	Due to known historical potentially contaminating uses on the site, a <i>Site Contamination Assessment</i> (Appendix 6) was prepared for the proposal. This Assessment includes recommended measures to ensure the site is (or will be made) suitable for the proposed use. Refer to Section 4.8.11 for further discussion.	✓
5.02.03 Remediation work	The <i>Site Contamination Assessment</i> sets out appropriate measures to manage the potential for contaminated soil associated with removal of disused underground fuel storage tanks, including the soil's complete removal / remediation. No additional contamination is anticipated to occur within the site.	✓

DCP Controls	Compliance	Comply
5.04 Aboriginal Heritage		
5.04.01 Due diligence & development assessment	The site is within a CBD location that has a long history of site disturbance. There are no remaining site or landscape features which would indicate the likelihood of the presence of Aboriginal objects. Nevertheless, an AHIMS database search was conducted for the central lot of the subject site (Lot 7 DP 95174) plus a 50m buffer- see Appendix 14 . It confirmed the absence of any recorded Aboriginal sites or Aboriginal places within the study area. Further, the proposal involves only minimal earthworks, as outlined in Section 3.2 . Accordingly, the proposed development is not likely to harm Aboriginal objects.	✓
5.05 Heritage Items		
5.05.01 General principles	The proposal does not involve works to a heritage item.	N/A
5.05.04 Conserving significant elements of adjoining public domain	The proposal includes public domain works, including a potential laneway development, adjacent to the heritage-listed Army Drill Hall (see the <i>Landscape Design Report & Plans</i> at Appendix 4). The existing paving and other public domain works around the Drill Hall have been heavily modified over the years and it is unlikely that any original fabric remains. The proposed public domain works design (particularly for the laneway) <i>seeks to develop the existing Drill Hall and War Memorial theme with remembrance / military iconography that pays respect to service personnel while creating visual interest in the laneway</i> (Plan LA09, Appendix 2). This theme is considered appropriate and is considered to enhance the heritage significance of the item.	✓
5.05.06 Development in the vicinity of a heritage item	The proposal has been designed to respect the heritage significance of the adjoining Army Drill Hall, including through the maintenance of an appropriate curtilage to the building and enhancement of the proposed laneway with military iconography. Further discussion is provided in Section 4.8.16 .	✓
5.06 Archaeological Management		
5.06.01 Archaeological management	The subject site is not listed as an 'Archaeological site' under the NLEP. It is located within a CBD site with a long history of heavy site disturbance. Further, the proposal involves only minimal excavation works, as outlined in Section 3.2 . Accordingly, the proposal is not considered likely to disturb any archaeological sites.	✓
5.07 Heritage Conservation Areas		
5.07.02 Materials & details in heritage conservation areas	The subject site is within the <i>Newcastle City Centre Heritage Conservation Area</i> . The proposed material palette is illustrated at Appendix 2 (Plan A80). The proposed materials, colours and detail have been designed to complement the character of the surrounding area, and the Urban Design Consultative Group has stated that <i>the colours, detailed forms, articulation etc are supported</i> (p8, Appendix 5).	✓

DCP Controls	Compliance	Comply
5.07.03 Accommodating vehicles in heritage conservation areas	The development proposes only a single vehicular crossing, a reduction from the existing 2 into the subject site. Car parking areas will be integrated into the fabric of the building and not visible from the street. No sandstone kerbing will be disturbed.	✓
5.07.05 Gardens in heritage conservation areas	The proposed plantings will be contained within the lot boundaries. No street trees are proposed.	✓
5.07.07 Infill development in a heritage conservation area	The proposed development satisfies the key development controls for the area (e.g. maximum height and FSR controls under the NLEP). A <i>Statement of Heritage Impact</i> has been prepared for the proposal (Appendix 11) which confirms that the proposal is beneficial and appropriate for the area. The Urban Design Consultative Group has stated that <i>the submission is in principle a very desirable development in relation to the activities proposed and the general height, scale and density of the buildings</i> (p9, Appendix 5). Accordingly, the proposal is considered to respect the character of the heritage conservation area.	✓
6.01 Newcastle City Centre		
6.01.01 Development Application requirements	The architectural plans prepared by EJE Architecture include 3D images of the proposal, as well as shadow diagrams and various view analyses - see Appendix 2 . Electronic 3D files will be supplied to Council separately, as required.	✓
6.01.01 Urban Design Consultative Group	The Urban Design Consultative Group has twice considered the proposed development and has supported the submission in principle - see Section 3.9 .	✓
6.01.02 Character areas	The subject site is within the 'West End' character area, as indicated in Section 2.3 of this SEE. The proposal has been designed with regard to the Principles for this area. In particular, the proposed development will be built to the street alignment to promote a sense of enclosure for Birdwood Park. An appropriate level of solar access to Birdwood Park will be maintained during mid-winter lunch times (see Section 4.8.5). The proposed building entries are inviting and include active frontages, whilst the heritage significance of the adjoining Army Drill Hall will be protected.	✓
6.01.03 GENERAL CONTROLS		
A1.01 Street wall heights of new buildings define and enclose the street, are appropriately scaled and respond to adjacent development	<p>The DCP calls for a street height of 22m, and a setback of 6m above the street wall height. However, the proposed street height (to top of podium) is approximately 15.7m, as indicated in the images below. Further, the front setback above street wall height is less than 6m, with an approximate building (tower) setback of 3m - 4.3m and a balcony setback of approximately 1.3m from the boundary.</p> <p>The built form of the proposal, including the street height and setbacks, has been the subject of discussion with the Urban Design Consultative Group (UDCG), which noted that <i>this is an unusual case where two major new adjoining buildings are being designed concurrently</i> (i.e. the current proposal and a proposed Holiday Inn Express building directly to the west), <i>and the best outcome must be obtained, rather than insisting on DCP compliance. The Panel is of the</i></p>	Variation


DCP Controls	Compliance	Comply
	<p><i>strong view that a street-front podium of approximately the height proposed for the aged care building would be by far the most desirable option, and that a setback above that level of the order shown would also be appropriate. This would result in a comfortable human scale at street level, as well as providing a suitable transition in scale to the heritage-listed Drill Hall (p4, Appendix 5). Accordingly, the proposed street height is considered appropriate in this case.</i></p> <p>Further, the UDCG noted that <i>the upper levels of the RSL building have been moved closer to the front boundary, -now a 3m. setback –so that the two ‘tower’ buildings are close to aligning in plan along Little King Street frontage. This also has the significant advantage of increasing the separation distances to adjacent buildings on the rear boundary. Again this change is acceptable in principle, but there are serious concerns about the projection of the balconies almost to the front boundary line, making them unduly assertive. If the balconies were to be reduced in length, with their front balustrades parallel to the boundary, and were set back 1100 from the boundary for their full length, they could potentially be acceptable (p5, Appendix 5). As illustrated in the plans, the balconies have been reduced in length in the current design and are to be setback more than 1,100mm from the boundary (i.e. now 1.3m). Accordingly, the proposed setback above street height is also considered appropriate in this case.</i></p> <p>Note that Parts 5 and 6 of the architectural plans (Plans A19 - A37, Appendix 2) 'tell the story' of how the design has been developed to the current proposal, including the key planning influences and design options considered.</p> <div data-bbox="696 762 1960 1204"> </div>	
<p>A2.01 Building setbacks define and address the street and public domain spaces, and respond to adjacent buildings</p>	<p>The DCP sets a nil (zero) front setback for the subject site. The proposal complies, as the podium levels will be built in line with the front boundary (see image below). Minor elements of the building project into this setback, including the ground level awning, outdoor dining area and pop-out window shading features.</p>	<p>✓</p>


DCP Controls	Compliance	Comply
		
<p>A2.02 Side and rear setbacks enhance amenity and allow for ventilation, daylight access, view sharing and privacy for adjoining buildings</p>	<p>The DCP allows for a nil (zero) setback to the side and rear boundaries below the street wall height (note 'commercial' development setbacks above street wall height specified in the DCP do not apply to this proposal, as the proposed seniors housing is a 'residential use'). The proposal complies, with a nil setback to the western and northern boundaries at podium levels. A larger setback is proposed along the eastern boundary to allow for a potential future laneway and to maintain an appropriate curtilage to the heritage-listed Army Drill Hall.</p> <p>Irrespective of the DCP controls, the UDCG also considered the rear separation distances of the development from adjacent sites to the north. It concluded that <i>with the now proposed changes these are potentially acceptable, subject in particular to the restrictions on 'Site D' as discussed above being implemented</i> (i.e. that future development on Site D is restricted to 4-storeys in height- see image below). <i>Without this condition being imposed the separation of only 7500mm at the northern end could not be supported. Although separation distances to the existing residential building on the Latec House site are below ADG standards, the fact that that development provides far less than an equitable share of setbacks, and the proposed provision of adjustable full-height screens to all balconies on the new building, together would justify acceptance of the amended configuration</i> (p5, Appendix 5). It is anticipated that the referenced restrictions on Site D will be implemented. Accordingly, the rear tower setback is considered appropriate in this case.</p>	<p>✓</p>

DCP Controls	Compliance	Comply
	 <p>The diagram shows a site plan for 'Proposed seniors housing apartments' (highlighted in red). The site is bounded by a red dashed line. Dimensions are provided in meters: 7,535, 6,185, 10,830, 14,010, 12,970, 15,175, 14,740, 16,935, 6,525, 5,175, 17,635, and 21,295. Surrounding buildings include 'EXISTING ADJOINING 2-STOREY COMMERCIAL BUILDINGS' and 'EXISTING ADJOINING 13-STOREY BUILDING - "/> </p>	
<p>A3.01 Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building</p>	<p>The subject site will not accommodate more than one building.</p>	<p>N/A</p>
<p>A4.01 Building depth and floor plate sizes relate to the desired urban form and skyline of the city centre</p>	<p>The DCP calls for a maximum Gross Floor Area (GFA) of 900m² per floor, and a maximum building depth of 18m, for the proposed 'residential' tower. The proposal slightly exceeds the control, with a GFA of approximately 939m² on levels 4-12 (see Plan A92 at Appendix 2), and a maximum building depth of approximately 24m (excluding balconies).</p> <p>However, the built form and scale of the proposal has been the subject of discussion with the UDCG. The UDCG found that <i>the planning and amenity of...the aged care buildings are generally acceptable</i> (p4, Appendix 5) and amenity <i>generally should be of a reasonable standard</i> (p6). Accordingly, the proposed floor plate and building depth are considered to be acceptable in this case.</p>	<p>Variation</p>



DCP Controls	Compliance	Comply
	The tower component (above street height) has a maximum building length of less than 50m (i.e. approximately 44m, excluding balcony projections).	
A4.02 Buildings achieve good internal amenity with minimal artificial heating, cooling and lighting.	The proposal allows for natural ventilation and light to the ground floor retail space through the use of bi-fold windows and clerestorey windows to the façade.	✓
A5.01 Building exteriors feature high quality design with robust materials and finishes	A proposed <i>Materials Palette</i> is provided at Appendix 2 (Plan A80). The proposed materials and finishes complement the character of the precinct and are of durable high quality. The UDCG notes that <i>the colours, detailed forms, articulation etc are supported</i> (p8, Appendix 5).	✓
A5.02 Building exteriors make a positive contribution to the streetscape and public domain	The proposal involves significant articulation of the building. EJE Architects describe its form as <i>a recessed 2-storey street-level entry and retail base element surrounded by public colonnades, with a 'weighted' (masonry clad) 2-storey aged-care form floating over the base to form the street-wall height and podium level; with a 'lighter' recessed 9-storey residential tower element above; crowned with a 1-storey further recessed roof-top level with cranked roof form element</i> . All visually prominent parts of the building will be of high design quality, and the facades do not incorporate large expanses of any single material.	✓
A5.03 Building exteriors are designed to ensure a positive contribution to streets and public spaces	<p>The building exteriors clearly define the property boundaries, particularly with Little King Street and the proposed publically accessible laneway leading to Hunter Street. Specifically, the double-height ground floor café space at the south-eastern corner involves significant articulation of the built form <i>to signify, address and emphasise the corner element</i> (see A25, Appendix 2).</p> <p>With the exception of blank walls at podium level which will directly adjoin other development, the proposal does not include any significant expanses of blank wall. The laneway walls in particular will be highly treated with patterned perforated mesh war memorial motifs, to provide visual interest along their length.</p> <p>Balconies and terraces are provided along the entire Little King Street frontage to contribute to casual surveillance of Birdwood Park. Lighting will be appropriate and integral to the building design - specifications can be provided at detailed design stage.</p>	✓
A5.04 Building exteriors respond to adjoining buildings	The building design responds appropriately to the heritage significance of the Army Drill Hall to the east, privacy and overlooking issues associated with the 'Pinnacle' building (former Latec House) to the north, and the built form of the proposed Holiday Inn Express building to the west. The UDCG has considered the building's relationship with these developments and has indicated its general support for the proposal (see Appendix 5).	✓

DCP Controls	Compliance	Comply
A6.01 Development conserves and enhances the cultural significance of heritage items	A <i>Statement of Heritage Impact</i> has been prepared for the proposal by EJE Heritage (see Appendix 11). It confirms that <i>the proposed development is entirely appropriate and beneficial for the area. The heritage significance of the identified items will only be enhanced by the proposed development</i> (p28).	✓
A6.02 Infill development conserves and enhances the cultural significance of heritage items and their settings	As outlined above, the proposal has been designed sensitively in response to the heritage significance of the adjoining Army Drill Hall and the Newcastle City Centre Heritage Conservation Area. Further discussion is provided in Section 4.8.16 of this SEE.	✓
A7.01 Awnings provide shelter for public streets where most pedestrian activity occurs	The DCP requires the provision of continuous awnings along the Little King Street frontage. As shown in the plans at Appendix 2 (and in the image below), these are proposed, including the extension of awnings into part of the potential laneway to Hunter Street.	✓
A7.02 Address the streetscape by providing a consistent street frontage in the City Centre	<p>As shown in the image below, the proposed awnings are generally flat and are in keeping with the design of the building. The UDCG has assessed the proposed development, including the awning, and noted that <i>the design of street level frontages ... now provides for continuous awning cover, with accentuation of the main entry to the RSL building</i> (p5, Appendix 5). No concerns were raised with regard to the awning design.</p> 	✓
A8.01 At-grade or above-ground parking structures are well designed	The proposal involves 2 levels of above-ground parking, however, this component is fully integrated into the fabric of the building, including the setback of carparking behind ground-level retail uses and residential lobbies. Natural ventilation panels (e.g. along the potential laneway) are successfully obscured with patterned perforated mesh war memorial motifs, as indicated in the image below. The UDCG has reviewed the proposed development during 2 meetings, including consideration of the carparking component, and has provided its general endorsement of the building's design (see Appendix 5).	✓

DCP Controls	Compliance	Comply
		
<p>A8.02 Minimise the visual impact of at grade or above-ground parking structures</p>	<p>As outlined above, the proposed carparking component is fully integrated into the fabric of the building, and is successfully screened from public view. Access to the carparking area can only feasibly be obtained from Little King Street, as proposed.</p>	<p>✓</p>
<p>B1.01 Streets prioritise pedestrian, cycling and public transport users to support sustainable travel behaviour</p>	<p>As shown in the image below, the DCP recommends the improvement of existing pedestrian spaces along Little King Street, and the creation of a potential pedestrian link between Little King Street and Hunter Street, to the west of the subject site.</p> <p>The proposal includes the enhancement of the Little King Street streetscape via paving and planter boxes, as indicated in the landscape documentation at Appendix 4. It also proposes a connection to Hunter Street via a potential laneway along the eastern boundary, subject to future development of the adjacent site (to the north). This position is considered most beneficial as it is more central to the development block (providing the greatest time-saving benefit to pedestrians), will allow for the maintenance of an appropriate curtilage to the heritage-listed Army Drill Hall, enhanced public viewing opportunities to the Hall, and visual integration to be achieved between the RSL use of the subject site (including war memorial-themed motifs throughout the laneway) and the former military use of the Drill Hall. The UDCG considered that the laneway, in its proposed position, <i>would potentially be attractive, subject to it being adequately activated when the Hunter Street stage is complete</i> (p7, Appendix 5). Appropriate way-finding signage will be incorporated into the final detailed design of the laneway, should it proceed.</p>	<p>✓</p>

DCP Controls	Compliance	Comply
	 <p> ■ Proposed new streets ■ Improve existing pedestrian spaces — Existing pedestrian link - - - - - Proposed pedestrian link — Existing arcade / through-site link - - - - - Proposed arcade / through-site link — Existing service / shared lane - - - - - Proposed new service / shared lane - - - - - Proposed dedicated cycle lane — Study area boundary </p>	
B1.02 Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.	As outlined above, the proposal includes the provision of a potential laneway through to Hunter Street. The proposed ground-floor café use at the south-eastern corner of the building will provide an active use adjacent to and within the laneway. Appropriate lighting and way-finding signage will be provided, with specifications provided at the detailed design stage. Safety and security issues are discussed in Section 4.8.13 of this SEE.	✓
B1.03 Street and block network is permeable and accessible to promote pedestrian use	The proposed laneway has been designed with reference to the City Centre Technical Manual. The DCP calls for a minimum width of 5m, however, the proposed laneway involves a minor departure from this control with a proposed 4.5m width. This width is considered appropriate to incorporate the attractive and screening landscaping features proposed, whilst maintaining a feeling of safety and openness.	Variation
B1.04 Public transport facilities are integrated into the access network	The proposal includes safe and secure bicycle storage facilities. The proposed improvement of the Little King Street footpath adjacent to the site will enhance pedestrian access to nearby public transport stops.	✓
B1.05 Cycle routes are safe, connected and well-designed	The proposal includes active street frontages (to maximise safety for cyclists) and secure bicycle parking facilities.	✓


DCP Controls	Compliance	Comply
B2.01 Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are protected	The subject site is not associated with any identified views or vistas, although it is located in close proximity to the 'public open space' of Birdwood Park. Accordingly, the proposal will not have any impacts on key public views.	✓
B2.02 New development achieves equitable view sharing from adjacent development	<p>The proposal will have some impacts on views to Birdwood Park for residents of the 'Pinnacle' building (former Latec House) to the north. However, views to the (arguably more valuable) north, west and east will still be widely available to those residents. Due to the site's CBD location, some loss of views for adjacent development is considered to be reasonable.</p> <p>It is noted that the NLEP envisions the subject area as containing the tallest building elements in the CBD. The proposed building height is significantly less than the maximum height permissible on the site under the NLEP (90m), and therefore impacts on views are significantly less than those which could conceivably be permitted.</p> <p>Further discussion on views is provided at Section 4.8.1 of this SEE.</p>	✓
B3.01 In identified activity hubs ground floor uses add to the liveliness and vitality of the street	<p>The proposed retail use has a glazed frontage length of approximately 27m out of a total building frontage of around 53m (approximately 51%). This is less than the 70% suggested in the DCP. However, as outlined in the NLEP (Clause 7.6), an active street frontage is not required for <i>entrances and lobbies, access for fire services and vehicle access</i>. The remainder of the building frontage comprises residential building lobbies, necessary service areas and vehicle accesses. It is noted that these non-active frontages include a feature screen infill (to the residential lobbies), signage, letterboxes and pedestrian paths from the parking area, which will still contribute interest and activity to the street (see image below for views of some aspects of the non-active frontage, including the feature screen).</p> <p>The proposed ceiling height of the proposed café use is less than 4m (just under 3m), however, this height is considered appropriate for a range of retail uses.</p> <p>The proposed ground floor level is necessarily raised above the level of the footpath in response to the flooding constraints of the site (see Section 4.8.7). However, equitable pedestrian access is maintained through the provision of a wheelchair-accessible ramp.</p>	Variation

DCP Controls	Compliance	Comply
	 	
B4.01 Buildings positively address streets, footpaths, lanes and other public spaces	The proposed building will positively address the street and other public spaces, as indicated in the plans at Appendix 2 .	✓
B4.02 Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain	The proposed ground floor level is necessarily raised above the level of the footpath in response to the flooding constraints of the site (see Section 4.8.7). However, equitable pedestrian access is maintained through the provision of a wheelchair-accessible ramp.	✓
B5.01 Significant development incorporates public artwork	The proposal involves a number of artistic elements which serve as public artwork. For example, a custom fabricated pole sculpture consisting of a number of stylised 'Poppy' flower interpretations, is proposed within the potential public laneway along the site's eastern boundary. In addition, several interpretative perforated metal screens with war memorial themes will be positioned along walls lining the laneway - refer to the landscaping documentation at Appendix 4 . For this reason, an additional capital cost allocation for the purposes of public artwork is considered unreasonable and unnecessary in this case.	Variation
B5.02 Artworks in new buildings are to be located so they can be appreciated from streets and public spaces	Proposed artworks will be visually accessible to the public e.g. via the proposed public laneway along the eastern boundary.	✓
B5.03 Public artworks are used to interpret heritage components or recognise	The 'war memorial' themes and artworks proposed will serve to neatly complement the military heritage significance of the adjacent Army Drill Hall, and the RSL use of the subject site.	✓

DCP Controls	Compliance	Comply
former uses of large development sites		
B6.01 Reasonable sunlight access is provided to new and existing significant public spaces	<p>As indicated in the shadow diagrams at Appendix 2, while shadows over Birdwood Park will be increased from the current scenario, these shadows will traverse the Park rapidly due to the relatively slender form of the proposed tower. Accordingly, the Park is estimated to receive sun to around 65% of its area at 12 noon, and around 80% of its area at 3pm.</p> <p>It is important to note that the proposed development will create significantly less overshadowing than what would be permitted by a building built to the maximum allowable bulk and scale under the NLEP and DCP controls. The proposed building has a height significantly less than the 90m permitted, resulting in substantially less overshadowing of the Park. Further, the Urban Design Consultative Group (UDCG) has reviewed the proposed development, and raised no concerns with regard to overshadowing impacts on the Park (see Appendix 5). Additional discussion on overshadowing impacts is provided at Section 4.8.5 of this SEE.</p>	✓
6.01.04 BIRDWOOD PARK PRECINCT		
D.01 Pedestrian permeability and amenity is improved	<p>The DCP calls for a proposed new pedestrian link (between Hunter Street and Little King Street) to the east, beyond the boundaries of the subject site (see Figure 7 in this SEE). However, the currently proposed position of the potential laneway is considered most appropriate as it is more central to the development block (providing the greatest time-saving benefit to pedestrians), will allow for the maintenance of an appropriate curtilage to the heritage-listed Army Drill Hall, enhanced public viewing opportunities to the Hall, and visual integration to be achieved between the RSL use of the subject site (including war memorial-themed motifs throughout the laneway) and the former military use of the Drill Hall. The UDCG considered that the laneway, in its proposed position, <i>would potentially be attractive, subject to it being adequately activated when the Hunter Street stage is complete</i> (p7, Appendix 5).</p> <p>The laneway design integrates appropriately with the proposed ground floor café use of the site, including a proposed outdoor dining use within part of the laneway.</p>	✓
D.02 The bulk of building form is managed to promote good amenity for pedestrians and neighbouring buildings and to integrate well with heritage items and contributory buildings	The proposed building's bulk is significantly articulated into at least 3 distinct horizontal forms, as described in Section 3.3 of this SEE. The appearance of building bulk is further reduced through the use of multiple façade treatments, including the use of balconies and pop-out window shading boxes, varying materials and colour palettes, and landscaping of the podium parapet.	✓
D.03 Public domain – promote Birdwood Park as	As indicated in the shadow diagrams at Appendix 2 , while shadows over Birdwood Park will be increased from the current scenario, these shadows will traverse the Park rapidly due to the relatively slender form of the proposed tower.	✓

DCP Controls	Compliance	Comply
the primary open space asset in the precinct	<p>Accordingly, the Park is estimated to receive sun to around 65% of its area at 12 noon, and around 80% of its area at 3pm.</p> <p>It is important to note that the proposed development will create significantly less overshadowing than what would be permitted by a building built to the maximum allowable bulk and scale under the NLEP and DCP controls. The proposed building has a height significantly less than the 90m permitted, resulting in substantially less overshadowing of the Park. Further, the Urban Design Consultative Group (UDCG) has reviewed the proposed development, and raised no concerns with regard to overshadowing impacts on the Park (see Appendix 5). Additional discussion on overshadowing impacts is provided at Section 4.8.5 of this SEE.</p> <p>The Council has responsibility for the form and use of Little King Street. However, the proposal involves public domain works adjacent to the subject site and the road carriageway, in the form of improved pedestrian paving, bollards and the 'making good' of redundant kerb breaks. Street furniture is proposed within the boundaries of the subject site via bench seating surrounded by feature planting.</p>	
D.04 Servicing and access minimises conflicts with pedestrians	The proposal involves a single driveway crossing, to be positioned close to the western boundary, away from key areas of pedestrian movement associated with the potential laneway and outdoor dining areas. Bollards are proposed to be positioned near the driveway, to alert pedestrians to the presence of the driveway and maximise safety.	✓
7.02 Landscape, Open Space & Visual Amenity		
7.02.01 Categories of development	The proposal is a Category 3 development. A <i>Detailed Survey</i> is provided at Appendix 1 , and various site analysis plans are provided at Appendix 2 (Plans A04-A11). Landscape concept plans and a landscape design report are attached at Appendix 4 , and have been prepared by Terras Landscape Architects.	✓
7.02.02 General controls	<p>The proposal involves an appropriate level of landscaping for a multi-storey development within a CBD location. The proposed use of the site, including the laneway use, precludes the establishment of a ground-level deep soil planting zone, however, proposed terrace landscaping includes deep tub tree plantings where appropriate. Proposed landscaping within the front setback is integrated with public seating areas, to provide an appropriate and pleasant street level amenity which helps to integrate the building with the streetscape.</p> <p>The landscaping regime has been designed with consideration of the proposed seniors housing use of the site, with due regard to its RSL Lifecare focus (i.e. most residents will be returned veterans or families of war veterans). For this reason, many landscape elements incorporate a war memorial theme, such as the projection of the general service badge 'rising sun' graphic as a decorative screen backdrop to the RCF terrace. Landscaping is also used to enhance privacy and improve outlook for residents.</p>	✓
7.02.03 Residential development	The proposal involves an appropriate level of landscaping for a multi-storey seniors housing use within a CBD location. The proposed use of the site, including the laneway use, precludes the establishment of a ground-level deep soil planting zone, however, proposed terrace landscaping includes deep tub tree plantings where appropriate. Each proposed apartment will have an area of private open space directly accessible from living areas, with a minimum area	Variation

DCP Controls	Compliance	Comply
	of 15.8m ² . Most apartments will have larger areas ranging from 16.2m ² to 85m ² . In addition, apartment residents will also have access to an area of communal open space adjacent to the Community Centre, comprising around 214m ² of landscaped terrace with areas for dining and gathering.	
7.02.05 Car parking	The proposal does not include any external car parking spaces (all carparking is integrated within the building fabric).	N/A
7.02.07 Green walls & roof space	The proposed planting on structures will be appropriate to the species and soil conditions, as conceptually indicated in the plans at Appendix 4 . Additional specifications can be provided at the detailed design stage, if required.	✓
7.03 Traffic, Parking & Access		
7.03.01 Traffic studies & plans	A <i>Traffic and Parking Assessment</i> has been prepared by Intersect Traffic and is attached at Appendix 15 , addressing the requirements of the DCP. It includes provision for the preparation of a Construction Traffic Management Plan (at detailed design stage), and concludes that there is not likely to be any significant impacts from construction traffic generation.	✓
7.03.02 Parking provision	A detailed discussion on the provision of parking is provided at Section 4.8.4 and Appendix 15 of this SEE. A variation to the specified DCP parking rate is proposed, as it is considered most appropriate for the proposed use and location (i.e. seniors housing within a well-served CBD location).	Variation
7.03.03 Travel demand management	<p>The subject site is located less than 400m from a number of bus stops on various streets, many of which are sheltered by building awnings. A bus stop location plan (extract below, sourced from Appendix 7) shows the location of bus stops within close proximity to the site. All nearby bus stops are accessible via conveniently accessible footpaths.</p> <p>The <i>Traffic and Parking Assessment</i> provides a discussion on alternate transport mode facilities. The proposal involves the provision of secure bicycle storage for staff and residents, and an external bicycle rack to for use by the public.</p>	✓

DCP Controls	Compliance	Comply
		
7.03.04 Design & layout of parking & access	<p>The <i>Traffic and Parking Assessment</i> notes that a review of the car park design and layout indicates compliance with Australian Standard AS2890.1- 2004 <i>Parking Facilities – Part 1 Off-street car parking and suitable car spaces (minimum 2.4 metres x 5.4 metres) and aisle widths (> 5.8 metres) have been provided. Manoeuvrability through the car park is satisfactory and convenient enough to ensure forward entry and exit from the site</i> (p20).</p>	✓
7.04 Movement Networks		
7.04.01 Network	<p>The proposal includes a potential laneway connection to Hunter Street (subject to future development of the adjacent northern site). This laneway will provide a logical, attractive and convenient extension to the existing pedestrian networks on Little King Street and Hunter Street.</p>	✓
7.05 Energy Efficiency		
7.05.01 Residential development	<p>The proposed apartment buildings meet the BASIX targets for water and energy efficient development (see Section 4.6 of this SEE). Most proposed apartments will not achieve the recommended 3 hours of sunlight during the winter solstice, however, solar access provision in this case is considered acceptable given the constraints of the site - further discussion is provided at Section 4.8.5. It is noted that the solar access requirements of the <i>Apartment Design Guide</i></p>	Variation

DCP Controls	Compliance	Comply
	<p>(i.e. 2 hours of solar access during the winter solstice) override the 3 hour DCP provision, pursuant to Clause 6A of SEPP 65 (see Section 4.2.2 of this SEE).</p> <p>A plan showing how proposed apartments are ventilated, including cross-ventilation wherever feasible, is provided at Appendix 2 (Plan A84). The apartment levels have been designed to create a naturally cross-ventilated 'lobby spine' across the width of the building. Corner apartments have been provided with 'wrap around' corner balconies and window openings to maximise cross ventilation. Operable louvre screens have been provided to all balconies for passive solar access and privacy controls.</p>	
7.05.02 Business development	The proposed café at the ground floor incorporates a number of measures to maximise natural / passive climate control. These include the provision of bi-fold (openable) windows along the entire frontage to allow ventilation; clerestory windows along the façade to allow sunlight penetration; and the provision of dining areas in a variety of settings (i.e. inside, in a covered 'alfresco' setting, and unsheltered within the laneway) to allow customers to take advantage of sun / shade as the weather allows.	
7.06 Stormwater		
7.06.01 Plan requirements	A <i>Stormwater Management & Flooding Study</i> has been prepared for the proposal by Cardno, and is attached at Appendix 12 . It includes an erosion and sediment control plan and stormwater management plan. A completed broad scale development assessment checklist is also attached at Appendix 16 .	✓
7.06.02 All development	The <i>Stormwater Management & Flooding Study</i> addresses the DCP requirements - see Appendix 12 .	✓
7.06.03 Infrastructure	The <i>Stormwater Management & Flooding Study</i> includes a maintenance and monitoring plan - see Appendix 12 .	✓
7.07 Water Efficiency		
7.07.01 Water efficiency	The proposed apartment buildings meet the BASIX targets for water and energy efficient development (see Section 4.6 of this SEE). Appropriate water-saving fixtures will be utilised within the proposed café- specifications can be provided at detailed design stage, if required.	✓
7.08 Waste Management		
7.08.01 General requirements	A <i>Waste Management Plan</i> has been prepared for the proposal (see Appendix 8), addressing the management of demolition, construction and operational waste. The positioning of proposed waste management facilities are indicated in the development plans at Appendix 2 . See Section 4.8.6 for further discussion on waste management.	✓

DCP Controls	Compliance	Comply
7.08.02 Demolition & construction	The <i>Waste Management Plan</i> outlines details of anticipated demolition and construction waste. The <i>Sediment and Erosion Control Plan</i> (see Appendix 12) nominates an area for the temporary stockpiling of materials. Additional details can be provided at the detailed design stage, as required.	✓
7.08.02 Operational waste	See the <i>Waste Management Plan</i> for details of operational waste management. See Section 4.8.6 for further discussion on waste management.	✓
7.10 Street Awnings & Balconies		
7.10.01 Street awnings over public roads	The proposal includes the provision of continuous pedestrian awnings along the Little King Street frontage. These awnings are generally flat and are in keeping with the design of the building. The UDCG has assessed the proposed development, including the awning, and noted that <i>the design of street level frontages ... now provides for continuous awning cover, with accentuation of the main entry to the RSL building</i> (p5, Appendix 5). No concerns were raised with regard to the awning design.	✓
7.10.02 Street balconies over public streets	Residential balconies are proposed. However, these do not extend over the public street.	N/A
7.10.03 Design requirements for awnings & balconies	The UDCG has assessed the proposed development, including the awning, and noted that <i>the design of street level frontages ... now provides for continuous awning cover, with accentuation of the main entry to the RSL building</i> (p5, Appendix 5). No concerns were raised with regard to the awning design.	✓

4.5 Any planning agreement [Sec. 79C(1)(a)(iia)]

No planning agreements are known to apply to the site.

4.6 The Regulations [Sec. 79C(1)(a)(iv)]

Clause 50(1A) of the *Environmental Planning & Assessment Regulation 2000* (the 'Regulation') provides that a development application (DA) for residential apartment development must be accompanied by a statement by a qualified designer. As outlined in **Section 4.2.2** of this SEE, the *serviced self-care housing* component of the proposal would appear to satisfy the definition of residential apartment development in this case.

As outlined in Clause 50(1AB) the Statement must:

- (a) *verify that he or she designed, or directed the design, of the development, and*
- (b) *provide an explanation that verifies how the development:*
 - (i) *addresses how the design quality principles are achieved, and*
 - (ii) *demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved*

A *Design Verification Statement* has been prepared by John Streeter of EJE Architecture, and is attached at **Appendix 17**.

Schedule 1 (Clause 2A) of the Regulation requires that a BASIX certificate accompany any application for 'BASIX affected development'. Pursuant to the Regulation, the proposed self-contained dwelling (apartment) component is defined as 'BASIX affected development' as it involves the erection of a 'BASIX affected building' (meaning *any building that contains one or more dwellings but does not include a hotel or motel*).

Accordingly, BASIX Certificates have been prepared for the proposal by Building Sustainability Assessments, and are attached at **Appendix 18** of this SEE. Note that neither the RCF nor the proposed café component are required to be accompanied by BASIX certificates, as they do not comprise 'BASIX affected development'.

The proposed apartments meet the BASIX targets for sustainability as outlined in **Table 8** below.

Table 8: BASIX results (proposed apartments)

	Target	Score
Water	40	40
Thermal comfort	Pass	Pass
Energy	20	20

4.7 Any coastal zone management plans [Sec. 79C(1)(a)(v)]

No coastal zone management plans are known to apply to the site.

4.8 Likely impacts [Sec. 79C(1)(b)] and site constraints

The likely impacts of the development and the constraints affecting the site have been explored throughout this SEE. The following sections explore the major potential impacts and constraints in greater detail.

4.8.1 Visual Amenity and Views

Visual Amenity

Numerous elements have been incorporated into the design to maximise the visual amenity of the building when viewed from public areas, including the following:

- Whole-building articulation into at least 3 separate horizontal forms, to break up the appearance of bulk and scale;
- Extensive façade articulation and treatment on all sides to further break up the building mass, including pop-out window shading boxes on podium levels, awnings at ground level, use of a variety of exterior building materials and colour palettes, and the provision of residential balconies for intermittent lengths of the façades;
- The extensive podium form (from boundary to boundary, with the exception of the proposed laneway) and moderate street height provide a pleasant, pedestrian-scale environment appropriate to the commercial environment of Little King Street whilst being sympathetic to the open space of Birdwood Park;
- Café uses at street level, inclusive of outdoor dining, activates and enlivens the street frontage;
- The potential pedestrian link to Hunter Street will provide a welcoming and attractive public thoroughfare, allowing for contemplation of the heritage-listed Army Drill Hall in conjunction with the war memorial-themed motifs and decorations proposed throughout; and
- Low-level podium parapet landscaping to soften the building's form and further break up the built elements.

An artist's impression of how the proposed building will look from Birdwood Park is provided at **Figure 13** in this SEE.

A *Landscape Design Report* and accompanying plans have been prepared for the proposal by Terras Landscape Architects, and are attached at **Appendix 4**. These documents outline the proposed landscaping treatment for the development including the street frontage area and proposed pedestrian laneway. The landscaping elements enhance public amenity from the street (as outlined above) and also maximise internal amenity for resident users of the communal and private open space areas. Overall, the proposed building is considered to provide an attractive design outcome with excellent visual amenity.

Views

Many proposed apartments - particularly at the higher levels - will benefit from far-reaching views from living spaces and private open spaces, including to the surrounding city centre (in all directions), Birdwood Park (to the south) and areas of the Harbour and foreshore (to the north-east and further east). Views directly to the north are constrained by the 13-storey 'Pinnacle' building (former Latec House). However, only a small number of apartments are likely to be affected (around one on each floor) - refer to **Figure 14** below. Alternative viewing points for residents can be obtained from the communal terrace area on Level 13.



Figure 13: Artist's impression of proposed development, when viewed from part of Birdwood Park



Figure 14: Views available to self-care apartments (Source: **Appendix 2**, Plan A85)

The subject site and surrounding area do not benefit from any key views or vistas as identified within the DCP. The site is significantly separated from the Harbour, with numerous large-scale developments in between. Most development surrounding the site in any direction comprises commercial uses (with the exception of the 'Pinnacle' building to the north). For this reason, the proposed building is not likely to significantly affect views for the majority of surrounding development. Views directly to the south for residents of the Pinnacle building will be affected by the proposed building. However, views to the (arguably more valuable) north, west and east will still be widely available to those residents. Due to the site's CBD location, some loss of views for adjacent development is considered to be reasonable.

It is noted that the NLEP envisions the subject area as containing the tallest building elements in the CBD. However, the proposed building height is significantly less than the maximum height permissible on the site under the NLEP (90m), and therefore impacts on views are significantly less than those which could conceivably be permitted.

4.8.2 Acoustic Amenity

A *Noise Impact Assessment* (NIA) of the proposed development has been prepared for the proposal by Reverb Acoustics (see **Appendix 19**). This assessment examined the impact of road traffic noise and site noise within habitable spaces of the development, and impacts on neighbours from noise associated with the development (e.g. vehicle movements and plant noise). It established long-term background noise level measurements through noise level surveys in close proximity to the site, and then analysed noise levels associated with the proposal based on established criteria appropriate to the site and use. The key outcomes of the analysis are as below:

- Impact on proposal from road traffic noise: traffic noise at most proposed windows will exceed criteria. Accordingly, appropriate glazing is required to provide noise attenuation. A detailed glazing schedule is provided within the NIA.
- Impact on proposal from proposed alfresco (café) dining area: as shown in the plans at **Appendix 2**, outdoor dining areas are proposed on the eastern side of the ground level café area. These have the potential to produce unacceptable noise for residents of the development. Analysis indicates diner noise may exceed the criteria during peak periods, particularly if the business operates during the late evening or night. Accordingly, thicker and heavier glazing is required for certain proposed habitable areas. In addition, responsible staff should monitor the outdoor area to ensure patrons consider the amenity of nearby residents. Future tenants of the space should submit their own noise impact assessment to Council, should additional noise generating activities be proposed.
- Impact on neighbours from proposed mechanical plant: proposed plant will be located within the Level 1 carpark plant room; small plant decks on each level of the apartments; and within a dedicated plant room on Level 13. Analysis indicates that noise from plant is predicted to be compliant with criteria at the nearest residences. No acoustic barriers are required provided plant noise emissions are below specified maximum Sound Power Limits.
- Impact on neighbours from proposed carparks: vehicles entering, leaving and manoeuvring within the carparks have the potential to disturb nearby neighbours, and natural ventilation grills along exposed facades may provide a means of noise leakage. Vehicles in good working order travelling at the recommended speed will result in acceptable noise levels at the nearest residential receivers. To further reduce noise levels, it is recommended that ventilation grills be positioned away from residences, particularly to the north. The NIA also includes recommended insertion loss values for louvres.

Additional recommendations are provided to manage noise impacts, including with regard to roof / ceiling construction, wall construction, balconies, and mechanical plant.

The NIA concludes that, providing the recommendations are implemented, the site is suitable for the intended purpose and external noise impacts will comply with the requirements of the Office of Environment & Heritage, Roads and Maritime Services, Department of Planning and Environment and Newcastle Council within habitable spaces of the proposal.

4.8.3 Visual and Acoustic Privacy

Within the site

Appropriate separation is proposed between all private open space areas within the site (balconies and terraces), in order to maintain internal resident visual and acoustic privacy (see the plans at **Appendix 2**). Internal acoustic amenity between apartments is also maximised through the positioning of bedrooms away from adjacent living areas, and through the use of internal walls of appropriate thickness for acoustic attenuation.

Relationship with adjacent development

The closest residential development to the site is the 'Pinnacle' building (former Latec House), directly to the north of the site. The Urban Design Consultative Group (UDCG) recognises that *Latec House which has for decades been an intrusive presence due to its height in this lower scale area... is closer to the common boundary than would be permissible under contemporary planning controls, thus posing challenges in relation to privacy and overshadowing for the proposed aged care development* (p3, **Appendix 5**).

The proposal strives to maximise separation distances between the tower (apartment development) and the Pinnacle building, and other developments to the north, as illustrated in **Figure 15** below. There is a setback of over 15m between all apartments (situated on Levels 5 and above, including balconies) and the adjoining residential development within the Pinnacle building. This setback exceeds the minimum 12m recommended within the *Apartment Design Guide* for the maintenance of visual privacy between developments. In addition, all apartment balconies will be fitted with operable obscure glass louvre screens to further maximise privacy.

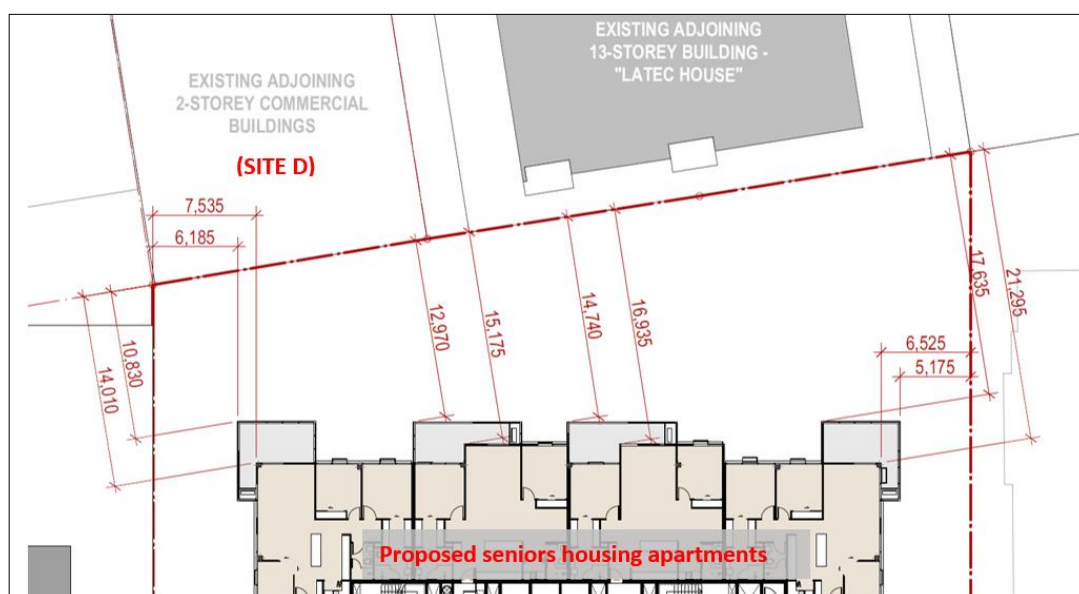


Figure 15: Proposed separation distances between apartments (Levels 5 and above) and adjacent development to the north

For development on Levels 4 and below (i.e. podium levels, including the RCF and one level of apartments) the setback to the Pinnacle building is less than 12m. For example, the north-eastern terrace on Level 4 is separated from the Pinnacle by approximately 8m, whilst there is around a 3m separation between the RCF terrace (Level 2) and the Pinnacle.

A number of measures are proposed on these levels to maximise privacy for residents, including the following:

- Landscaping of the Level 2 (RCF) terrace includes a projection of a 'rising sun' graphic to the vertical plane as a 3m high decorative screen backdrop to the terrace planting area. This will *screen the existing building wall on the boundary adjoining while being a feature of the space* (Plan L03, **Appendix 2**).
- The use of screening walls along the Level 2 terrace edge (northern).
- The planting of Purple-Leaved Cherry Plum trees and other plants along the Level 2 terrace edge (northern), and Ornamental Pear trees along the western edge, to further screen adjoining development.
- The planting of trees and the use of pergola structures on Level 4 to help screen adjoining development.

An artist's impression of how the Level 2 terrace will appear, indicatively inclusive of proposed privacy measures, is provided at **Figure 16** below.

An artist's impression of how the overall development relates to the Pinnacle building is provided at **Figure 17**.



Figure 16: Artist's impression of Level 2 (RCF) terrace, indicatively inclusive of proposed privacy measures



Figure 17: Artist's impression of relationship between proposed development and the 'Pinnacle' building, north of the site

The UDCG considered the rear separation distances of the proposed development from adjacent sites to the north. It concluded that *with the now proposed changes these are potentially acceptable, subject in particular to the restrictions on 'Site D' as discussed above being implemented* (i.e. that future development on Site D is restricted to 4-storeys in height - see **Figure 15**). *Without this condition being imposed the separation of only 7500mm at the northern end could not be supported. Although separation distances to the existing residential building on the Latec House site are below ADG standards, the fact that that development provides far less than an equitable share of setbacks, and the proposed provision of adjustable full-height screens to all balconies on the new building, together would justify acceptance of the amended configuration* (p5, **Appendix 5**). It is anticipated that the referenced restrictions on Site D will be implemented.

Accordingly, the northern setbacks of the proposed development are considered appropriate in this case, and sufficient to reasonably protect resident privacy.

4.8.4 Traffic and Parking

A *Traffic and Parking Assessment* (TPA) has been prepared for the proposal by Intersect Traffic (see **Appendix 15**). The TPA assessed the likely impact of the proposal on traffic and parking matters, taking into consideration the current and future local traffic environment and relevant standards and Council requirements. Key outcomes of the TPA are discussed in the following sections.

In summary, the TPA found that the proposed development can be supported from a traffic and parking impact perspective as it will not adversely impact on the local and state road network and complies with all relevant Australian Standard and NSW Roads and Maritime Service requirements.

Existing Traffic Environment

The TPA provides details of the existing traffic environment. Some of the key characteristics are as follows:

- Stewart Avenue to the west is a classified State Highway (SH 10- Pacific Highway). Hunter Street to the north is also part of SH 10. Both roads function as major arterial roads which connect Newcastle to the inner west of Newcastle, and the Central Coast and Sydney beyond.
- Little King Street is an urban local road under the control of Newcastle Council. Its primary function is to provide access to properties along its length, however, it is also used as a 'rat run' for vehicles seeking to avoid the traffic lights at the intersection of Stewart Avenue and King Street. On-street parking in Little King Street is time restricted and metered, and comprises parallel parking on the north-eastern side and 90 degree angle parking on the south-western side of the street.
- Newcastle Council is undertaking strategic planning into the future function and form of Little King Street, which may include traffic calming measures, a shared carriageway and reduced speed environment. A one-way traffic system is also being considered, however, this is seen as a negative proposal for developments on Little King Street unless the one-way system is eastbound.
- Existing mid-block peak traffic volumes for surrounding streets were recorded during surveys in April and May 2016. Adopting a background traffic growth rate of 1.5% per annum the future 2026 peak traffic volumes adopted for the TPA are:
 - Stewart Avenue: 2,845 vehicle trips per hour (vtp)
 - King Street: 3,375 vtp
 - Hunter Street: 1,950 vtp
 - Little King Street: 305 vtp.
- The TPA considers that the adjacent road network is currently operating within its technical mid-block capacity and has scope to cater for additional traffic generated by new development in the area.
- The site has excellent access to public transport options. Pedestrian connections around the site are considered good with a reinforced concrete or asphalt footpath network existing along both sides of King Street, Hunter Street, Stewart Avenue and Little King Street all connecting to the available public transport facilities in the area. There are, however, limited dedicated bicycling paths in the vicinity of the site.

Proposed Development - Traffic Generation & Impacts on the Road Network

With reference to the RMS' *Guide to Traffic Generating Developments* and other guidance documents, the TPA calculates that the proposed development will result in the following additional traffic:

- 450 additional vehicle trips per day
- 68 additional vehicle trips per hour (in the PM peak hour)

The likely trip distribution pattern of this traffic throughout the local road network is illustrated within the TPA.

The TPA concluded that the additional traffic generated by the proposal will not result in the capacity thresholds for the local roads being reached - the network has sufficient spare two way mid-block capacity to cater for the proposed development.

The intersections likely to be most affected by the proposal are:

- Stewart Avenue / Parry Street / King Street intersection; and
- Hunter Street / Stewart Avenue intersection.

Based on modelling for the critical PM peak period post development (2016) and for 10 years background traffic growth at 2.5% per annum (2026) scenarios, the TPA found that the proposed development will on its own not adversely impact on the operation of the intersections. No change in overall level of service will be experienced and the increases in average delay and queue length are minor and within acceptable limits.

With regard to construction traffic, the TPA notes that the construction traffic generation from the site will be less than the calculated operational traffic generation. As it was determined that the operational traffic generation would not adversely impact on the capacity of the local road network, the construction traffic will have a similar lack of impact. Regardless, the TPA recommends the preparation and implementation of a construction management plan, in particular to manage off-street construction employee traffic.

The proposal is likely to result in an increase in pedestrian traffic to the area. The extent of the proposed public domain works (e.g. upgraded footpaths) would ensure that suitable pedestrian facilities are provided in the vicinity of the site to meet the additional pedestrian demand generated by the development.

Proposed Vehicle Access

All vehicle access to the proposed building will be via a combined entry / exit driveway off Little King Street. The driveway will have a width of approximately 7m, and will be positioned approximately 75m east of Stewart Avenue. The TPA found that the proposed access is compliant with Australian Standard 2890.1-2004 and is therefore satisfactory for this development.

Proposed Car and Bicycle parking

It is proposed to provide 94 car parking spaces over 2 parking levels. Parking spaces will be allocated as follows:

- 70 x apartment resident spaces;
- 9 x apartment visitor spaces;
- 6 x RCF staff spaces;
- 6 x RCF visitor spaces (including 2 spaces for people with disabilities);
- 3 x service bays.

In addition, the proposal includes 4 motorbike parking spaces, 4 scooter parking spaces, a bicycle rack with capacity to hold 11 bicycles and a secure bicycle storage room.

The Housing for Seniors SEPP sets out the relevant parking rates for the proposed RCF, and the Newcastle DCP sets out the rates for the proposed commercial (café) component of the development. The TPA notes that, whilst the proposed apartments would also generally attract the parking rates associated with the Housing for Seniors SEPP, the SEPP does not include car parking concessions provided for residential development within the Newcastle City Centre. Accordingly, the TPA considers it most appropriate to apply the DCP City Centre rates for residential development to the apartments, as *essentially they will operate similar to residential apartments except for seniors* (p19).

Accordingly, the total parking requirements for the proposed development as required under the DCP and SEPP are as shown in **Figure 18** below.

Land-Use	Quantity	Unit	Car parking Rate	Car Parking	Bicycle rate	Bicycles	Motorbike Rate	Motorbikes
Retail / Restaurant / Cafe	260	m ²	0.02	4	0.01	3	0.05	0
Residential Care Facility	60	beds	0.10	6	0.00	0	0.00	0
	12	staff	0.50	6	0.00	1	0.00	0
Independent Living Units	72	2 bedroom units	0.90	65	1.00	72	0.05	3
	2	3 bedroom units	1.40	3	1.00	2	0.05	0
Visitor parking	74	units		15	0.10	7	0.05	1
				99		85		4

Note: - An ambulance bay is also required under the SEPP.

Figure 18: Car parking calculations for the proposed development (Source: **Appendix 15**)

As indicated above, the DCP would require the provision of 99 car parking spaces. This would result in a nominal proposed carparking shortfall of 5 spaces. However, the TPA considers that this lower provision is justified as:

- Council has consistently accepted a lower provision of visitor parking spaces (25 - 30%) reflecting a strategy to encourage public transport use. Applying this lower rate reduces the carparking requirement to 88 spaces.
- The proposed café use is expected to draw *most if not all its trade from the independent living units and as such the cross use of these 2 land uses on site will further reduce the peak parking demand for the site. The retail use operates to provide meals for the Aged Care Facility (RCF) and staff is employed by the aged care facility operator making up part of the 12 staff on site* (p20).

As indicated in the plans at **Appendix 2**, the proposal includes the provision of 6 stacked parking spaces on the Ground Level and 8 stacked spaces on Level 1. The Ground Floor spaces are intended for RCF staff use, and the TPA notes that *stacked parking for staff parking is considered acceptable as it can be adequately managed to ensure no one is impeded from exiting any car park* (p20). The Level 1 stacked spaces will be allocated to the larger 2 and 3 bedroom units in the complex.

Overall the TPA concludes that there is sufficient and suitable on-site car and motorbike parking such that the development is compliant with the DCP and AS 2890.1-2004 *Parking Facilities - Part 1 Off-street car parking*.

Proposed Servicing and Loading

The proposal includes the provision of 3 service bay spaces. In addition, an on-street loading zone is proposed on Little King Street (currently the subject of negotiations with Council).

Servicing of the proposed development is likely to be in the order of 3 - 4 vehicles per day, predominantly comprising food, beverage and laundry deliveries. Such servicing can be accommodated either within the service bays or via the on-street loading area.

Waste collection is proposed via private contractor using larger bins that will be wheeled to the kerb by the driver and picked up from the kerb using a side-loading collection vehicle. The TPA notes this is a common practice for multi-storey developments in the CBD and will result in only minor inconvenience to traffic entering / exiting the development for 15 minutes during non-peak periods.

Overall the TPA concludes that the proposed servicing arrangements for the development are satisfactory.

4.8.5 Solar Access and Overshadowing

Overshadowing

Shadow diagrams have been prepared for the proposal by EJE Architecture - see **Appendix 2** (Plans A96- A101).

Importantly, these diagrams show the overshadowing impacts of the building on Birdwood Park to the south, during the 'worst-case' overshadowing scenario (21st June - the winter solstice - the day of the year with the least daylight hours). As indicated, while shadows over the Park will be increased from the current scenario, these shadows will traverse the Park rapidly due to the relatively slender form of the proposed tower. Accordingly, the Park is estimated to receive sun to around 65% of its area at 12 noon, and around 80% of its area at 3pm.

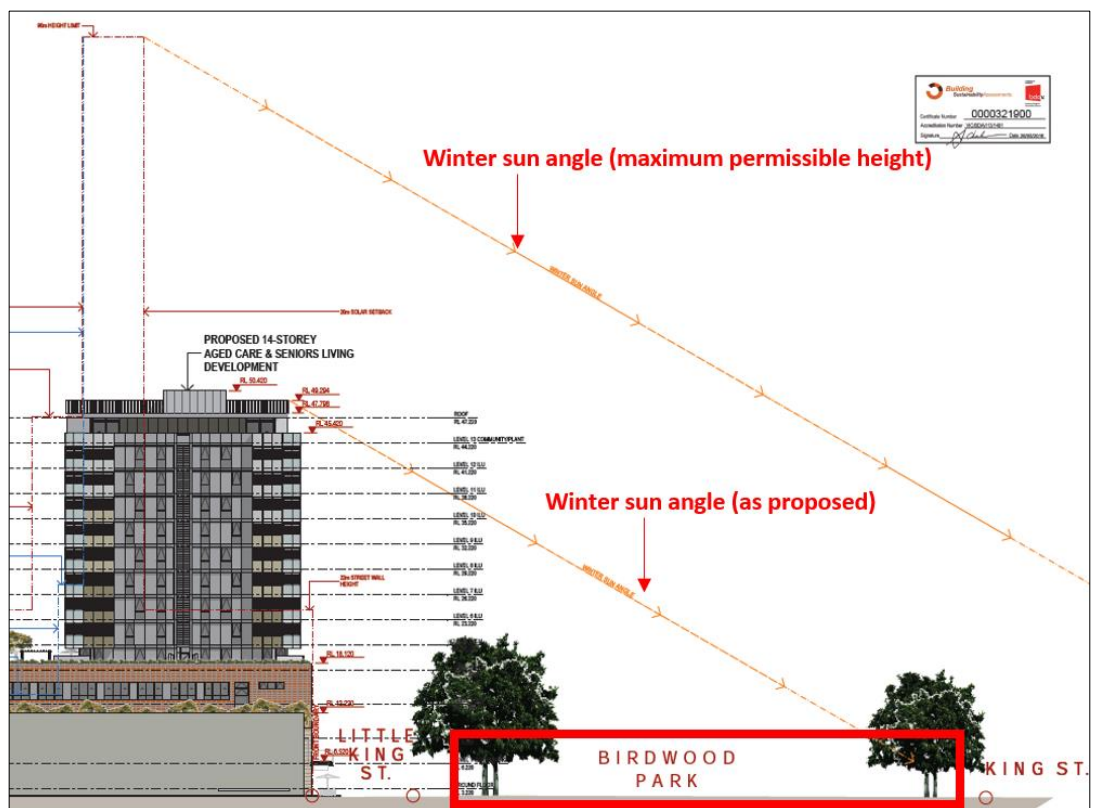


Figure 19: Winter sun angle (shading impacts) of proposed development versus maximum permissible building height

It is important to note that the proposed development will create significantly less overshadowing than what would be generated by a building built to the maximum allowable bulk and scale under the NLEP and DCP controls. As shown in **Figure 19**, the proposed building has a height significantly less than the 90m permitted, resulting in substantially less overshadowing of the Park. The *Allowable - Proposed Massing Analysis* (Plans A38-A42 at **Appendix 2**) generally indicates what the potential massing could be for the entire city block if developed to permissible height and setback constraints (shown in 'black') and the shading impacts on Birdwood Park, compared to the currently proposed development.

Further, the Urban Design Consultative Group (UDCG) has reviewed the proposed development, and raised no concerns with regard to overshadowing impacts on the Park (see **Appendix 5**).

The proposal will not have any impacts on solar access for any surrounding residential development. Shadows cast will be predominantly towards the south (towards Little King Street and Birdwood Park), and no residential development is present or proposed to the east or west of the site. The development will not have any shadowing impacts on the 'Pinnacle' building (former Latec House) to the north.

Solar Access - within Development

During the 'worst-case' solar access scenario (June 21st, mid-winter) the proposed apartments will receive the following amounts of direct sunlight to living rooms and private open spaces between 9am and 3pm:

- 62.5% of the apartments will receive 2 hours of sunlight;
- 12.5% of the apartments will receive approximately 0.5 hours of sunlight;
- 25% of the apartments will receive no sunlight.

Whilst many of the apartments will not receive the optimal 2 hours of sunlight during mid-winter, the *Apartment Design Guide* (Department of Planning & Environment) recognises that achieving the design criteria (i.e. 2 hours for the Newcastle LGA) may not be possible on some sites due to site constraints. As indicated on the plans, solar access to the subject site is significantly constrained by the presence of the 'Pinnacle' building (former Latec House) which is built almost to the site's northern boundary. The Urban Design Consultative Group (UDCG) recognises that *Latec House which has for decades been an intrusive presence due to its height in this lower scale area... is closer to the common boundary than would be permissible under contemporary planning controls, thus posing challenges in relation to privacy and overshadowing for the proposed aged care development* (p3, **Appendix 5**). Alternative options to addressing solar access for the tower, such as 'twisting' the built form to improve solar access, were considered during UDCG meetings (see Plans A31-A37 at **Appendix 2**), however, it was generally concluded that the currently proposed option provided the most appropriate design result overall.

It is noted that, during the summer months, 75% of apartments will receive ample solar access due to the angle of the morning sun during those periods.

Further, apartment residents will also have access to an area of communal open space (the terrace on level 13) which is likely to provide alternative sources of solar access at various times throughout the day. Finally, Birdwood Park is located conveniently close to the site, providing numerous alternate seating areas to enjoy the winter sunshine.

4.8.6 Waste Management

A *Waste Management Plan* has been prepared for the proposal by Core Project Group (see **Appendix 8**). This document provides details of the proposed waste management regime during the demolition, construction and operational phases, and should be read in conjunction with the architectural plans at **Appendix 2**.

It is noted that a temporary waste stockpile area for the demolition / construction phases is indicated on the *Sediment & Erosion Control Plan* at **Appendix 12**. The *Site Contamination Assessment* at **Appendix 6** provides recommendations with regard to the appropriate management of excess excavated soils, if necessary.

Key aspects of the waste management regime are as follows:

- Residential (apartment) waste, and combined waste from the RCF and retail component, will be stored in separate bin storage rooms within the Ground Floor;
- Waste chutes will be positioned on every apartment floor to allow the safe and efficient transport of general waste to the bin storage room. Separate recycling bins will be provided within the storage room for use by residents;
- Waste from the RCF will be collected in large bins and regularly transported via lift to the Ground Floor bin storage rooms;
- Specialised waste (e.g. biological waste) from the RCF will be stored within the RCF and collected regularly by specialised contractors;
- General waste will be collected from the site twice weekly by private contractors;
- Recycling waste will be collected from the site twice weekly by private contractors;
- Private contractors will wheel the bins to the kerb for collection using a side-loading collection vehicle. The *Traffic and Parking Assessment* (**Appendix 15**) notes this is a common practice for multi-storey developments in the CBD and will result in only minor inconvenience to traffic entering / exiting the development for 15 minutes during non-peak periods.

4.8.7 Flooding

Information obtained from Council indicates that the subject site is affected by flooding, with a classification of 'flood storage'. Based on the provided information:

- The critical flood level for the 1% Annual Exceedance Probability event is 2.72m AHD
- The critical flood level for the Probable Maximum Flood (PMF) event is 4.1m AHD.

Northrop has prepared a *Stormwater Management & Flooding Report*, attached at **Appendix 12**. This report notes that Council's flooding information specifies a minimum habitable floor level of 3.22m AHD. This level has been adopted as the finished floor level of the proposed Ground Floor, and therefore satisfies Council's requirements. Flood refuge will be available on the upper levels of the development, which are well above the PMF level of 4.1m AHD.

The Newcastle DCP (section 4.01) specifies that filling of the site should be limited to 20% of the site area. The report assessed both the volume of storage available below the PMF level for both the developed and undeveloped scenarios via 3D surface modelling. It calculated that the predeveloped volume of 3,624m³ will be reduced to 3,126m³ by the proposed development, equating to a reduction of approximately 13.8%. This is below the maximum 20% and is therefore considered acceptable.

The report confirms that *the above measures will assist in mitigating the flood risk to both property and life* and the development as proposed *complies with the flooding requirements of DCP 2012 (p4)*.

4.8.8 Stormwater Management and Sediment / Erosion Control

In order to address stormwater and soil management issues, Northrop has prepared a *Stormwater Management & Flooding Report* and associated plans, attached at **Appendix 12**. A completed *Broad Scale Development Self Assessment Checklist - Water Sensitive Urban Design* has also been completed and is attached at **Appendix 16**.

This report presents a stormwater management strategy, which has been completed in accordance with the requirements of the Newcastle DCP. Key facets of the strategy are as follows:

- A 66 kilolitre detention tank is proposed to be located on the ground floor of the development. The tank will be designed to limit post development runoff to pre-development flow rates, with all site runoff being discharged to the existing stormwater drainage system in Little King Street.
- The development does not propose rainwater re-use, as the untreated water is traditionally considered to pose a health risk to senior residents and is not typically used within aged care scenarios. Regardless, there is sufficient space available within the ground floor parking area to accommodate rainwater re-use should it be desired.
- Stormwater runoff from the site will be collected and conveyed to the proposed ground floor detention tank. The tank will discharge water through a gross pollutant trap before it is conveyed to the proposed proprietary treatment device. MUSIC modelling was used to assess the effectiveness of this treatment train. Results indicate that the treatment train *is effective in meeting Council's reduction targets for reducing pollutants discharged from the development in stormwater runoff* (p3).

An *Erosion and Sediment Control Plan* is also attached at **Appendix 12** and addresses soil management issues during the construction phase.

4.8.9 Geotechnical

A *Geotechnical Assessment* of the site and surrounding land has been prepared by Regional Geotechnical Solutions (see **Appendix 20**). The purpose of the Assessment was to provide comments and recommendations on a range of geotechnical parameters, including the geotechnical profile, recommended foundation types and site classification. Fieldwork for the Assessment included observation of the site features, logging and sampling of 6 boreholes to assess the depth of fill, and 6 Cone Penetration Tests to assess foundation conditions.

The Assessment found that the site had the following geotechnical constraints:

- Site is underlain by between 0.2m and 1.6m of granular fill overlying Aeolian sand, marine sand and marine clay to depths of at least 20m (and likely to at least 30m);
- Groundwater was encountered at depths of between 1.4m and 2m below current site level. Should excavations for a basement level be proposed (not part of the current proposal), groundwater inflows are likely to occur during excavation and a dewatering management plan is likely to be required.

Based on the findings, the Assessment provides a number of design recommendations, including for site preparation, excavation conditions and dewatering, earth retention and battered slopes, fill placement and compaction requirements, and foundation options.

These recommendations will be taken into account during the detailed design of the proposal. In summary, there are not likely to be any significant geotechnical constraints to the feasibility of the proposed development.

Note that mine subsidence issues are addressed separately in **Section 4.8.10** of this SEE.

4.8.10 Mine Subsidence

The subject site is included within the *Newcastle Mine Subsidence District* as mapped by the NSW Mine Subsidence Board (the MSB). Accordingly, a *Mine Subsidence Risk Assessment*

& *Preliminary Grouting Requirements* document (MSRA) was prepared for the site by Ditton Geotechnical Services (see **Appendix 21**).

This document confirms that the site is located above old AA Company bord and pillar workings in the Borehole Seam. Subsidence damage has already occurred to buildings 1-1.5km east of the site in the early 1900s due to several pillar (failure) run events known as 'Creeps 1, 2 and 3'. These events affected a total area of approximately 32ha, and resulted in subsidence between 0.3m and 0.8m. The consequence of a pillar run event beneath the subject site is therefore likely to be considered an unacceptable business and public safety hazard.

Accordingly, the MSRA presents an assessment of pillar stability of current workings (based on available information) and an estimate of worst-case subsidence effects beneath the site in the event of a 'pillar run' (failure). It also outlines a proposed grouting program to reduce worst-case subsidence tilt, curvature and horizontal strain values to within tolerable limits as defined by structural engineers. More detailed information is proposed to be provided (as required) for detailed structural design purposes and to meet MSB approval requirements.

A *Mine Subsidence Impact Statement* was prepared by Northrop to supplement the MSRA (see **Appendix 22**). This Statement provides additional information to support the design of the building, as well as other matters including guidance with respect to 'target' residual design parameters and commentary with respect to the sensitivity of the proposed design methodology to greater levels of mine subsidence.

The MSB considered an application for the proposed development on the 25th May 2016, and granted its consent (see *Mine Subsidence Board Conditional Approval* at **Appendix 13** of this SEE). The consent included a number of conditions which will need to be met, including the provision of additional information and documentation to MSB, and the obtainment of baseline data following installation. The consent is valid for a period of 2 years.

The detailed design of the proposal will have appropriate regard to the recommendations of the above documents, including the MSB approval requirements. Accordingly, mine subsidence matters have been adequately considered and risks will be appropriately managed.

4.8.11 Contamination

A *Site Contamination Assessment* (SCA) has been prepared for the proposal by Regional Geotechnical Solutions (see **Appendix 6**). It involved a review of published information and government records, a review of the site history, a site walkover, and the drilling of 6 boreholes to recover soil samples for laboratory testing.

The SCA found that the subject site has been occupied by the former Newcastle City Holden dealership since at least the early 1960s. Four existing fuel underground storage tanks (USTs) were found in the western portion of the site, within Lot 8. The approximate location of 3 of the USTs is shown in **Figure 20** below. Evidence of a fourth tank (including a filling valve) was observed in the north of the lot, and patched concrete 20m to the south of the tank indicates the potential presence of a former bowser. The SCA understands that whilst the tanks have been decommissioned, they are still situated in-situ.

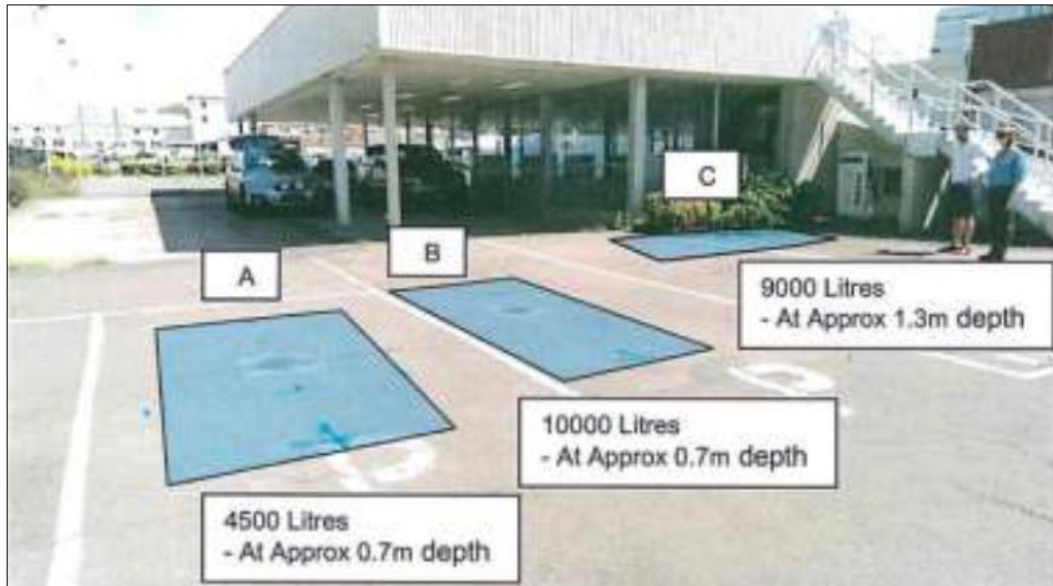


Figure 20: Approximate location of underground fuel storage tanks and fuel bowser within subject site (Lot 8 in DP 95173)

Three potential Areas of Environmental Concern were identified within the subject site, related to:

- Soil around the location of the additional USTs and fuel bowser (from potential spillage of fuel from fuel lines, tanks or the bowser);
- In and around the building on Lot 6-7 DP 95174 (from the removal of a former asbestos roof); and
- The remainder of the site (from leakage of fuels due to the sites former use as a car dealership and parking area).

The approximate location of these key areas within the site boundaries are shown in **Figure 21**.

Soil sampling was undertaken based on the identified Areas of Concern. As the lower levels of the proposed development are to be used for commercial purposes (cafe, lobby and carparking), the SCA adopted 'Commercial/ Industrial' land investigation levels as the primary investigation criteria. The detailed test results are presented in the SCA.

The SCA presented the following assessment and conclusions (p12):

For all samples tested, the analyses found that heavy metals, TPH, BTEX, PAH, OC/OP pesticides and the presence of asbestos were either at concentrations below the laboratory detection limits or at concentrations below the adopted assessment criteria for commercial / industrial land use.

Asbestos was not identified in any of the soil samples tested during the investigation. Asbestos will be encountered during demolition of existing structures, however, Demolition should be undertaken in accordance with an asbestos management plan prepared and carried out by an appropriately licensed person. After the demolition and removal of the building, some soil sampling should be undertaken to verify that there is no asbestos remaining within the soils underlying the building.

On the basis of the assessment undertaken the material meets the requirements for a Commercial / Industrial site as detailed in the NEPM 2013 guidelines

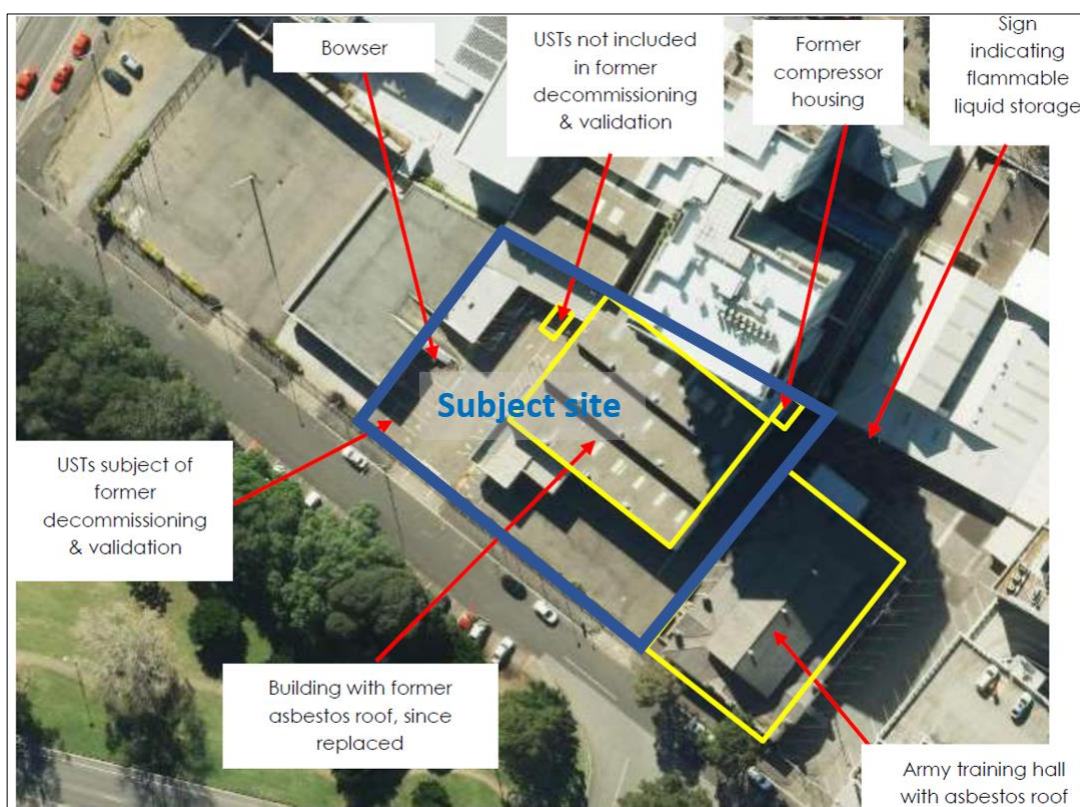


Figure 21: Areas of Environmental Concern within the site

Further to the above sampling and assessment, the SCA noted that the soils immediately around the existing USTs and associated infrastructure are likely to contain potentially small areas of contamination even though the tanks and infrastructure have been previously validated. Therefore the SCA makes specific recommendations to be followed during the removal of the tanks and excavation of surrounding soils (if required). These recommendations (see p13) include monitoring of the soils by an environmental consultant during excavation, and sampling of remnant soils to ensure they meet NEPM 2013 guidelines for the proposed commercial use.

The SCA provides additional recommendations with regard to the classification and disposal of waste excavated material from the site.

4.8.12 Acid Sulfate Soils

Acid Sulfate Soils (ASS) produce sulfuric acid when exposed to oxygen due to the presence of iron sulphides within the soil. Prior to oxidation, these soils are referred to as Potential ASS. ASS that have produced acid as a result of oxidation are referred to as Actual ASS.

Pursuant to the NLEP, the subject site is mapped as containing 'Class 4' soils (see **Figure 11** in this SEE), which equates to a low probability of the occurrence of ASS. Regardless, an *Acid Sulfate Soil Assessment* was prepared for the site by Regional Geotechnical Solutions, and is attached at **Appendix 23**. The Assessment involved the sampling and screening of soils for the presence of Actual or Potential ASS.

One of the samples (from 3.9 - 4m depth) indicated the presence of an Actual ASS. Three of the samples (from 2.9 - 4m depth) were considered to be Potential ASS. However, none of the samples at depths of 2m or shallower indicated the presence of either Actual or Potential ASS. Accordingly:

- Excavation of soils at depths of shallower than 2m from existing surface may be undertaken without the need for an ASS management plan;
- Excavation of soils below 2m depth will require the preparation of an ASS management plan.

As the proposed foundations are likely to extend below 2m in depth, the potential for ASS will need to be managed. The Assessment recommends that, in the absence of additional testing, the highest liming rate of 15kg/tonne or 30kg/m³ (based on a bulk density of 1.8 tonne/m³ and a safety factor of 1.5) be adopted for all soils excavated below 2m depth at the site. The lime used in neutralisation of these soils should be fine agricultural lime. Additional details of the proposed ASS management regime can be provided as required.

The *Site Contamination Assessment* prepared for the site (see **Appendix 6**) notes that, after neutralising the sulfuric acidity with lime in accordance with the ASS management plan, excavated natural Aeolian and marine soils at the site may be classified as Virgin Excavated Material and may be disposed of accordingly.

4.8.13 Safety and Security

The proposed development incorporates a number of features to maximise safety and security for the site, including the following:

- Opportunities for passive surveillance of the surrounding area (including Birdwood Park) from proposed terraces, balconies and living areas;
- Opportunities for passive surveillance of the proposed laneway area through the use of the Ground Floor café (typically trading until 9pm, 7 days per week);
- Ground level café development will increase pedestrian movement within and around the site;
- Large windows to the street (within the café) provide additional opportunities for passive surveillance towards Little King Street and Birdwood Park;
- Direct, secure access is available between the carparking areas and lifts / stairs to upper levels of the building;
- Separate lifts will provide access to the RCF and apartment levels, ensuring there are minimal excuse-making opportunities for potential offenders to be in the wrong area of the building;
- Access to the carparking levels is restricted via a security gate, to be closed outside of business hours. Residents and staff will be issued with security swipe cards to gain out-of-hours access;
- CCTV cameras will be provided at building entrances, including the residential lobbies;
- The laneway area will be well-lit at night with security floodlighting (specifications to be provided at detailed design stage);
- Landscaping of the laneway comprises low-level plantings to minimise hiding places for potential offenders;

- No access to the building from the laneway area (with the exception of the café space, the entrances to which will be monitored by CCTV) could reasonably be achieved, due to the lack of windows or other openings in the area and the lack of structures which could be used as ladders to higher levels;
- The elevation of the Ground Floor above street level provides clear delineation between public and private spaces within the site, to deter intruders.

Based on the above measures, it is envisaged that the development can be appropriately managed to minimise the potential risk of crime.

4.8.14 Accessibility for People with a Disability

The proposed development proposes a number of features to accommodate people with disabilities or other special needs, including the provision of 6 adaptable RCF rooms, 2 accessible RCF visitor parking spaces, ramps and/or level walkways within all areas of the building and grounds, and lifts to all levels of the building.

An *Access Report* has been prepared for the proposal by iAccess Consulting (see **Appendix 7**). The Report has been prepared based on the development plans and is intended to ensure that the proposal complies with the *Disability (Access to Premises) Standard 2010*, the Housing for Seniors SEPP and the accessibility standards identified in the AS 1428 suite of standards.

Overall, the Report indicates that the proposal generally complies with the various accessibility standards. Where information is not available for full assessment at the DA stage, it is anticipated that the accessibility features of the proposal can be further refined at the detailed design stage.

4.8.15 Aboriginal Heritage

The subject site is within a CBD location that has a long history of site disturbance. There are no remaining site or landscape features which would indicate the likelihood of the presence of Aboriginal objects or other items of heritage significance.

Nevertheless, an *Aboriginal Heritage Information Management System* (AHIMS) database search was conducted for the central lot of the subject site (Lot 7 DP 95174) plus a 50m buffer, in June 2016- see **Appendix 14**. It confirmed the absence of any recorded Aboriginal sites or Aboriginal places within the study area. Accordingly, the proposed development is not likely to detrimentally impact upon Aboriginal heritage.

4.8.16 Non - Aboriginal Heritage

The subject site does not include a listed item of heritage significance. However, as indicated in **Figure 11** in this SEE, the site is located in proximity to a number of heritage items. The closest listed items are as below:

- *Army Drill Hall* (NLEP Heritage Item 508, of local significance) - directly to the east of the site;
- *Birdwood Park* (NLEP Heritage Item 509, of local significance) - on the opposite (southern) side of Little King Street;
- *Fig Trees* (NLEP Heritage Item 161, of local significance) - adjacent to Birdwood Park and Stewart Avenue, south-west of the site;

- *Former Castlemaine Brewery* (NLEP Heritage Item 501, of state significance) - on the opposite (western) side of Stewart Avenue.

In addition, the site is located within the *Newcastle City Centre Heritage Conservation Area* pursuant to the NLEP.

To ensure the proposal does not have any detrimental impacts on heritage matters, a *Statement of Heritage Impact* (SoHI) was prepared for the proposal by EJE Heritage (see **Appendix 11**).

The SoHI outlines the historical context of the local area, and includes a historical description of the nearby heritage items and the subject site. It also includes an assessment of the heritage significance of the subject site. Key aspects of the subject site and nearby heritage items are as follows:

- The subject site has accommodated the sale of Holden cars since at least the 1960s, only ceasing in March 2016 when Newcastle City Holden moved premises to Wickham. All parts of the buildings within the subject site have been altered on at least one occasion, with very little original fabric left visible or tangible to identify the original design. Through the Analysis of Significance, the SoHI determined that the site and its buildings are of little overall historical significance. However, the location of the site by its position adjacent to Birdwood Park, the Army Drill Hall and the Stewart Avenue Fig Trees has *significance that is not being realised by the site being underutilised* (p23).
- The Army Drill Hall was built in 1910 as an Army training facility, and continued operation as an Army training depot until around 1992. Around 1993 the site was purchased by Newcastle City Holden, and was utilised to house their Spare Parts department. This use ceased around March 2016. The SoHI notes that the Drill Hall is set centrally within a well-defined curtilage and is *able to be viewed from all sides allowing its heritage features and value to be accessible to the public* (p18). The Drill Hall has high historical significance because of its association with the cultural events and military defence of Newcastle.
- Birdwood Park was first established in 1910 and is one of Newcastle's oldest reserves. For the same reasons as the Drill Hall, it has high historical significance.
- The visible and accessible portions of the listed former Castlemaine Brewery site are well away from the subject site, and the proposed development will have no effect on the significance of this heritage item.

The SoHI found that the proposed development did not contain any aspects which could detrimentally impact on the heritage significance of the area. It found that the proposal respects and enhances the heritage significance of the area for the following key reasons:

- The form and scale of the building respect and respond to the adjacent heritage protected items;
- The proposed use of the building and the location of the café all combine to enhance and reinvigorate Birdwood Park;
- The viewing alcoves on the lower 2 residential levels create a positive link between the proposed development and the Army Drill Hall. In particular, the SoHI acknowledges that as the development is proposed to be operated by RSL Lifecare, a majority of the residents are likely to be returned soldiers or their family. Having the site adjacent to the Army Drill Hall being used by the RSL of Australia will dramatically increase the social significance of the Drill Hall; and

- The proposal will bring the site usage to a population and purpose appropriate for the scale of the surroundings and encourage a civic nature to the area.

The SoHI recommends that the *cues as demonstrated in the design of the proposal should be maintained to allow sunlight and public pedestrian access to the nearby heritage items. Setback distances should be respected and overshadowing should be considered so as to allow public enjoyment of these spaces and items (p27).*

The SoHI concludes that the above listed factors show the proposal *is entirely appropriate and beneficial for the area and the heritage significance of the identified items will only be enhanced by the proposed development (p28).*

4.9 Suitability of the site [Sec. 79C(1)(c)]

As discussed throughout this SEE, the site is considered suitable for the proposed development. A summary of the key reasons for its suitability is provided below:

- the site has been identified for this scale / form of development through a strategic planning process (e.g. the NLEP, DCP);
- the site is located within walking distance of a large range of shops, services, employment and recreational opportunities within the Newcastle CBD;
- the site is located within walking distance of major public transport nodes (bus and the proposed Wickham Transport Interchange);
- the site is located close to several major roads regularly serviced by buses;
- the site is of an appropriate size to accommodate the high-density seniors housing uses proposed; and
- the site is heavily disturbed, not affected by significant environmental constraints.

4.10 Any submissions [Sec. 79C(1)(d)] & community consultation

Any submissions received in respect of this proposal will be considered by the Council as required under the Act and Regulation.

4.11 The public interest [Sec. 79C(1)(e)]

The proposed development will provide seniors housing accommodation in a range of sizes, price points, and levels of care, to cater to a wide variety of seniors. It will also provide commercial space to help activate the street frontage and increase employment opportunities within the Newcastle CBD, in addition to the significant employment opportunities generated by the seniors housing component.

The subject site is located within walking distance of a large range of shops, services, recreational and employment opportunities within the CBD, as well as significant public transport nodes (bus and proposed intermodal system). The provision of carparking within the site is considered adequate. Overall, the proposal is generally consistent with relevant development controls.

There are not likely to be any impacts arising from the proposal which will detrimentally affect the public interest. Accordingly, the proposed development supports the public interest.



5. Concluding Comments

As demonstrated throughout this SEE, the proposed development complies with the relevant heads of consideration under Section 79C of the EP&A Act. Accordingly, it is recommended that the proposal be granted development consent.



APPENDIX 1

Detailed Survey



APPENDIX 2

Architectural Plans



APPENDIX 3

Building Code of Australia Capability Statement



APPENDIX 4
Landscape Design Report and Plans



APPENDIX 5

Urban Design Consultative Group Meeting Minutes – 21 April 2016



APPENDIX 6

Site Contamination Assessment



APPENDIX 7

Access Report



APPENDIX 8

Waste Management Plan



APPENDIX 9

Registered Quantity Surveyor's Detailed Cost Report



APPENDIX 10

Clause 5.5 Compliance Table - NLEP



APPENDIX 11

Statement of Heritage Impact




APPENDIX 12

Stormwater Management & Flooding Study



APPENDIX 13

Mine Subsidence Board Conditional Approval



APPENDIX 14

AHIMS Search Result



APPENDIX 15

Traffic and Parking Assessment



APPENDIX 16

Broad Scale Development Self Assessment Checklist – Water Sensitive Urban Design



APPENDIX 17

Design Verification Statement (SEPP 65)



APPENDIX 18
BASIX Certificate and Assessor Certificate



APPENDIX 19

Noise Impact Assessment



APPENDIX 20

Geotechnical Assessment



APPENDIX 21

Mine Subsidence Risk Assessment and Preliminary Grouting Requirements



APPENDIX 22

Mine Subsidence Impact Statement



APPENDIX 23

Acid Sulfate Soil Assessment