

COUNCIL ASSESSMENT REPORT

Panel Reference	2017HCC020
DA Number	DA2018/00787
LGA	Newcastle
Proposed Development	Demolition of structures and construction of an eight-storey student accommodation (boarding house) development, comprising 165 rooms, manager's room, conference rooms, café, lobby and office with on-site parking for 90 vehicles, 35 motorcycles and 38 bicycles
Street Address	317 Wharf Road Newcastle
Applicant/Owner	Hosking Munro Pty Ltd
Date of DA lodgement	4 June 2017
Number of Submissions	31 submissions received, including one letter of support
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	When the application was lodged, the proposal was listed within Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> as development for which regional panels may be authorised to exercise consent authority functions of councils, being general development over \$20 million. The proposed development has a Capital Investment Value of \$22,481,699.
List of All Relevant Section 4.15 (1)(a) Matters	<p>Environmental planning instruments: s4.15(1)(a)(i)</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Affordable Rental Housing) 2009 • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Draft State Environmental Planning Policy (Coastal Management) 2016 • Newcastle Local Environmental Plan 2012 <p>Development Control Plan: 4.15 (1)(a)(iii)</p> <ul style="list-style-type: none"> • Newcastle Development Control Plan 2012 • Section 94A Development Contributions Plan 2009
List all documents submitted with this report for the Panel's consideration	<p>Appendix A - Plans and Elevations</p> <p>Appendix B - Schedule of Conditions</p>
Report prepared by	Newcastle City Council
Report date	25 October 2018

Summary of s4.15 matters**Yes**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction**Yes**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards**Not
Applicable**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions**No**

Does the DA require Special Infrastructure Contributions conditions?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions**Yes**

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

The development application (DA2017/00787) has been lodged with Council, seeking consent for:

- Demolition of structures;
- Construction of an eight-storey student accommodation (boarding house) development, comprising 165 rooms, manager's room, meeting rooms, café, lobby and office;
- On-site parking for 90 vehicles, 35 motorcycles and 38 bicycles

The proposal was placed on public exhibition for a period of 30 days in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and Section 8 of Newcastle Development Control Plan 2012 (DCP). A total of 31 submissions were received during the notification period, including one letter of support.

The key issues raised in the assessment relate to:

- Bulk, scale and design of the building
- Amenity impacts and view loss
- Traffic impacts

The application is recommended for approval, as the proposed development will provide additional residential accommodation in the City Centre and will generate positive economic and social benefits.

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Part 4 '*regional development*' of State Environmental Planning Policy (State and Regional Development) 2011 as, at the date of lodgement of the application, the proposed development was listed within Schedule 4A of the EP&A Act, being general development over \$20 million. The proposed development has a capital investment value of \$22,481,699.

No external referrals were required.

1. INTRODUCTION

This report provides a detailed overview of the development proposal for the construction of an eight-storey student accommodation (boarding house) development at 317 Wharf Road Newcastle.

The development application is reported to the Hunter and Central Coast Joint Regional Planning Panel (JRPP) in accordance with (now repealed) Clause 23G and Schedule 4A of the EP&A Act, as the development is a type classified as '*general development over \$20 million*', with the capital investment value of works being \$22,481,699.

2. BACKGROUND

In May 2016, Development Consent was granted (DA2013/1236) for the demolition and construction of a Hotel and Conference Centre (eight storeys) comprising 176 hotel rooms, conference facilities, restaurant/bar and on-site car parking (113 spaces).

3. SITE DESCRIPTION

The subject site comprises Lots 181-183 in DP770006 and is known as 317 Wharf Road Newcastle (see Figure 1 below). The land is generally rectangular and is located on the southern side of Wharf Road. The land has a dual frontage to Wharf Road (approx. 102.9m frontage width) and Centenary Road (approx. 106m frontage width) and a total area of 4,090.9m². The land is generally level across the site.

The site is currently partially developed with a commercial / industrial type building and open areas primarily used for car parking. There are no natural features on the site.

Existing development on adjoining sites comprises; to the north, an existing commercial/residential waterfront development; to the east, a heritage item known as '*Argyle House*' being a single-storey building that occupies the corner of Wharf Road and Argyle Street; to the west, a mixed use multi-storey building comprising commercial floor area and residential apartments, with three street frontages due to its corner position; to the south, low rise industrial style buildings.

The site is affected by the following land constraints:

- i) Mine Subsidence
- ii) Flooding
- iii) Acid sulfate soils (Class 3)
- iv) Land contamination

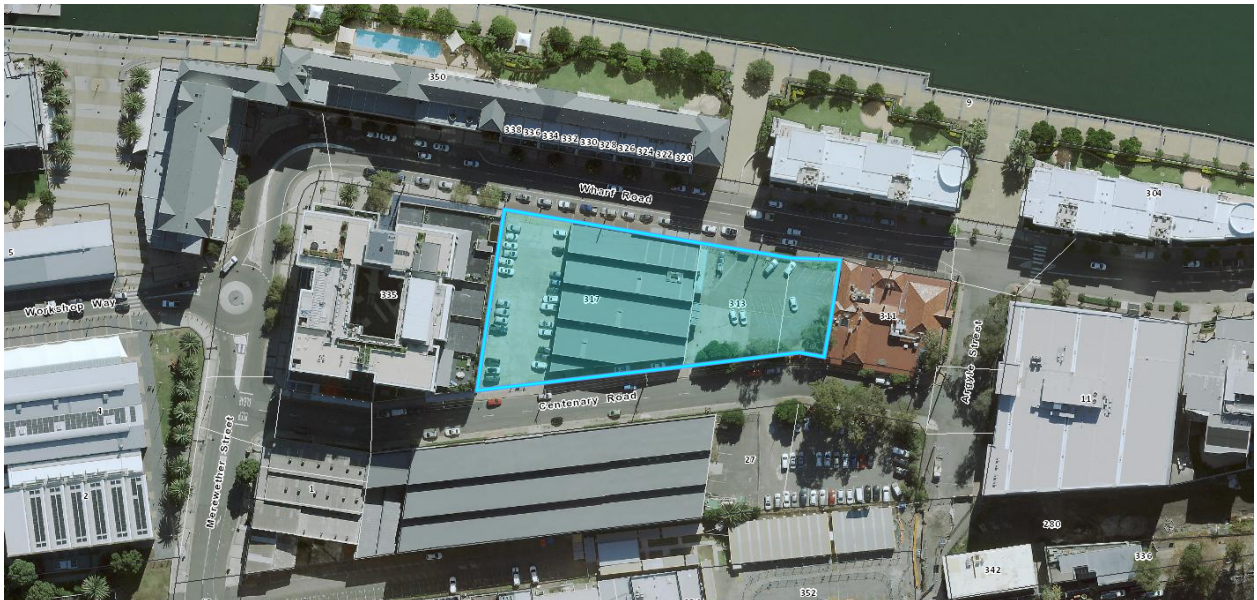


Figure 1: Shows an aerial view of the site

4. PROPOSAL

The proposal is for demolition of the structures on the site and the development of an eight-storey student accommodation (boarding house) development. The proposed development is comprised of the following:

- Ground Floor (Level 1): consisting of Café (140 seats), communal area, outdoor seating, staff and office rooms, lobby and lift, loading dock, services, garbage storage and car parking for 21 vehicles (including two disabled accessible parking spaces) and driveway access from Centenary Road.
- Level 2: 69 Car parking spaces (including six disabled accessible parking spaces), 35 motorbike parking spaces and 38 bicycle lockers.
- Levels 3 - 4: Meeting rooms, managers accommodation and 14 x double rooms
- Levels 4 - 8: 28 x double rooms and two x single adaptable rooms per level (total 30 rooms per level)

There are a Total of 165 Rooms (including a manager's room), one truck loading bay, 90 off-street car parking (including eight disabled accessible parking spaces), 35 motorbike parking spaces and 38 bicycle parking spaces are provided.

The originally submitted proposal involved the demolition of structures on the site and construction of a nine-storey student accommodation (Boarding House) development comprising of 174 rooms.

The proposal was amended on several occasions during the assessment process and the applicant now seeks consent to demolish structures on the site and construct an eight-storey student accommodation (Boarding House) development comprising of 165 rooms. Figures 2 and 3 show elevations of the current proposal and the previously approved proposal for the site.

The proposed maximum height is Reduced Level (RL) 32.10m AHD to the top of the lift overrun, which complies with the 30m height limit prescribed for the site.



Figure 2: Proposed development

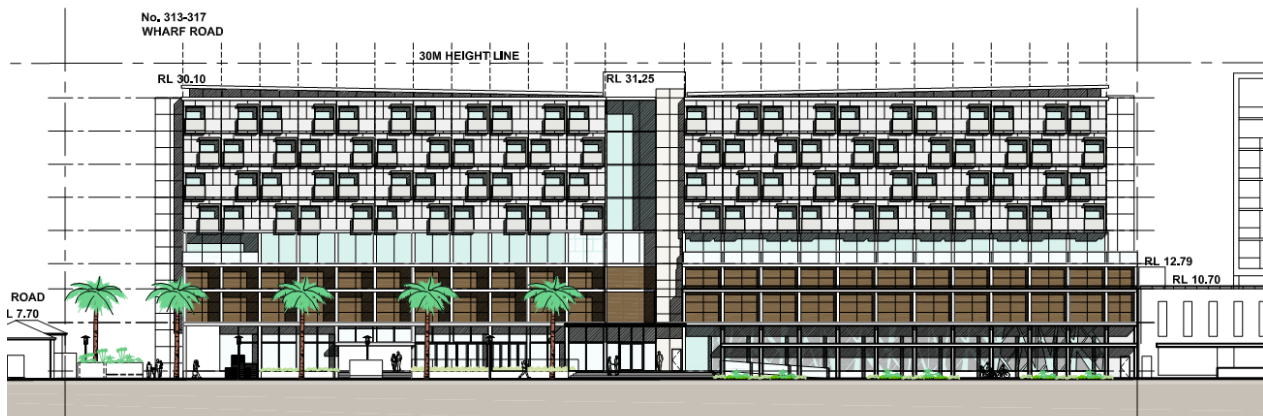


Figure 3: Approved development (DA2012/1236)

5. PLANNING ASSESSMENT

5.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

5.1.1 Section 23G (now repealed) – Joint Regional Planning Panels

Section 23G and Schedule 4A (both now repealed) of the EP&A Act require the JRPP to determine applications for general development over \$20 million. The capital investment value of the application is \$22,481,699.

5.1.3 Section 4.15(1) Evaluation

The application has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, as detailed hereunder.

5.1.3.1 The provisions of any environmental planning instrument

State Environmental Planning Policy (State and Regional Development) 2011

This policy sets out the functions of regional panels in determining applications for regional development. Clause 20 and 21 (as at the date of lodgement of the application) of the SEPP require the JRPP to be the determining authority for

development included in Schedule 4A (now repealed) of the EP&A Act. This includes applications for development over \$20 million in value. The application is submitted to the Hunter and Central Coast Joint Regional Planning Panel for determination, as the capital investment value of the proposed development is over \$20 million.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to buildings that are defined as 'BASIX affected development', being "development that involves the erection (but not the relocation) of a BASIX affected building" (ie contains one or more dwellings).

The provisions of the SEPP apply to the current development proposal. The applicant submitted a BASIX Certificate which lists the commitments to achieve appropriate building sustainability. A condition is included in the recommended conditions of development consent to require that such commitments be fulfilled.

State Environmental Planning Policy No.55 (Remediation of Land) (SEPP No.55)

This policy requires consideration to be given to previous uses on the site and whether the site needs to be remediated for future uses. Clause 7 of SEPP 55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

The subject site is listed as potentially contaminated on Council's contaminated lands register. The applicant has submitted a contamination report and Remedial Action Plan which have been reviewed by Council's Senior Environment Protection Officer and are considered acceptable. The applicant will be required to submit a Site Audit Statement (in accordance with appropriate NSW Environmental Protection Authority Guidelines) along with a site management plan and a validation certificate, prior to an Occupation Certificate being issued. Relevant conditions relating to the above requirements have been included in the Draft Schedule of Conditions

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH)

Division 3 - Boarding Houses

<p>26 Land to which Division applies</p> <p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:</p> <ul style="list-style-type: none"> (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, 	<p>The site is zoned B4 Mixed Use and therefore the use, being defined as a boarding house, is considered to be appropriate for the zone.</p>
---	---

<p>(f) Zone B2 Local Centre, (g) <u>Zone B4 Mixed Use.</u></p>	
<p>27 Development to which Division applies</p> <p>(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</p> <p>(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</p> <p>(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</p>	<p>The development is located on a site that satisfies subclause (3), being a B4 Mixed Use zone within the Newcastle LGA.</p>
<p>28 Development may be carried out with consent</p> <p>Development to which this Division applies may be carried out with consent.</p>	<p>The applicant is seeking DA consent for student accommodation, defined as a boarding house.</p>
<p>29 Standards that cannot be used to refuse consent</p> <p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on</p>	<p>The FSR of the site complies with the development standard in Newcastle Local Environmental Plan 2012 (NLEP 2012), ie 2.5:1. The proposed FSR is 1.91:1.</p> <p>The bonus provisions available to the development under this SEPP have not been sought in the proposed development scheme.</p>

<p>the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p>(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p> <p>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(d) private open space if at least the following private open</p>	<p>Relevant provisions considered:</p> <p>(a) Building height: The proposed building complies with the development standard in NLEP 2012, ie 30m height limit in this location</p> <p>(b) Landscaped area – landscaping (where appropriate) has been used to activate both street frontages. Given the context of the area, within the Mixed Use zone, heavily vegetated edges are considered to be not appropriate and are contrary to safer by design criteria in urbanised areas within city centres. The amount of landscaping is considered appropriate given the character and locational context of the subject site. Complies.</p> <p>(c) Solar Access - The communal area is located on the eastern side of the ground floor café. Together with the Wharf Road forecourt area, this outdoor communal area will receive morning sunlight up to at least midday. Complies</p> <p>(d) Communal open space area provided at ground level in association</p>

<p>space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p> <p>(e) parking, if:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p> <p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p> <p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>with the onsite café. Manager's room has private open space of at least 8m². Complies.</p> <p>(e) Parking:</p> <p>164 rooms x 0.5 parking spaces = 82 parking spaces Manager's room = 1 parking space</p> <p>Provided: 90 parking spaces (including eight disabled accessible parking spaces + 40 motorcycle parking spaces and 38 bicycle lockers. Complies</p> <p>(f) Room sizes (excluding kitchen and bathroom facilities):</p> <p>Single rooms: 16m² (minimum) Double rooms: 20m² (minimum) Complies.</p>
<p>30 Standards for boarding houses</p>	

<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p> <p>(f) (Repealed)</p> <p>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p> <p>(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>(a) The development contains a communal area at ground level, adjacent the café. Complies.</p> <p>(b) Room size: complies</p> <p>(c) Single and double rooms only. Capable of complying.</p> <p>(d) Each room is provided with its own small kitchenette and bathroom facilities. Complies, and the provision of internal facilities lessens the need for additional communal type facilities.</p> <p>(e) An onsite manager is to be accommodated on Level 4. Complies.</p> <p>(f) Repealed. Noted.</p> <p>(g) The ground floor level is not to be used for residential purposes. Complies.</p> <p>(h) 35 motorcycle parking spaces and 38 bicycle lockers are provided within the parking areas on site. Complies.</p> <p>The proposal complies with the standards listed for boarding houses</p>
<p>30A Character of local area</p> <p>A consent authority must not consent to development to which this Division</p>	<p>The proposed development is in keeping with the existing and likely future character of the Wharf Road precinct, being part of the Civic Precinct and</p>

applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	Newcastle City Centre. The overall scale and form of the building is compatible with the character of the area.
--	---

Newcastle Local Environmental Plan 2012 (NLEP 2012)

Clause 1.3 - Land to which Plan applies

Newcastle Local Environmental Plan 2012 (LEP) applies to land identified upon the 'Land Application Map'. The subject development occurs within this area.

Clause 2.3 - Land Use Table - Zoning

The site is zoned B4 Mixed Use under NLEP 2012. The proposed use is student accommodation, being a use that is defined as a boarding house, as follows:

“boarding house” means a building that:

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

Note Boarding houses are a type of residential accommodation—see the definition of that term in this Dictionary.

The proposed use is permissible with consent and satisfies the B4 Mixed Use zone objectives, in that:

- The proposal represents a permissible use in the zone and is therefore considered to be consistent with the context of the locality.
- The site is well located with respect to proximity to main bus routes and the light rail line, providing excellent transport options for residents and minimising reliance on private vehicle ownership.
- The proposal provides a functional and innovative space that supports the growing needs of the city.
- The proposed use of the building will not negatively impact on the viability of the Newcastle CBD.

Clause 2.7 - Demolition

The building on the site is proposed to be demolished to make way for redevelopment of the entire site. The demolition is considered to be acceptable. Relevant conditions have been included in the Draft Schedule of Conditions.

Clause 4.3 - Height of Buildings

The site is located within the Newcastle City Centre Area, but is not a 'key site' within the Centre. The Height of Buildings Map, referenced in NLEP 2012, nominates a maximum height limit of 30m for the site.

The development as originally proposed breached this height limit. However, the development was amended (reduced by one storey) and now complies with the 30m height limit development standard.

The maximum proposed Reduce Level is 32.10m (top of lift overrun), being below the 30m maximum height above existing ground level (ground level being approximately Reduced Level 2.30m).

Clause 4.4 - Floor Space Ratio and 7.10 - Floor space ratio for certain development in Area A

The Floor Space Ratio Map, referenced in NLEP 2012, nominates a maximum floor space ratio of 2.5:1 for the site. The site has an area of 4,099m².

The site, whilst located within the Newcastle City Centre Area Map, is not located within 'Area A' and therefore, Clause 7.10 does not apply.

The current amended proposal complies with the maximum floor space ratio development standard for the site, with a maximum floor space ratio of 1.91:1.

Clause 5.5 - Development within the Coastal Zone

The proposed development will not impact on access to the foreshore. It also will not impact on the amenity of the foreshore through overshadowing or loss of views from a public place. The site contains little vegetation at present and, therefore, the development will not have a significant negative impact on existing ecosystems or biodiversity in the area. An adequate stormwater management system has been submitted with the application, with provisions that minimise impacts from stormwater disposal.

Clause 5.10 - Heritage conservation

The site is located within the Newcastle City Centre Heritage Conservation Area.

The site is not listed as a heritage item, but adjoins to the east, 'Argyle House', which is a listed heritage item at 311 Wharf Road Newcastle. As well as being listed in NLEP 2012 as a heritage item of State significance, 'Argyle House' is also listed on the State Heritage Register.

The application was supported by a Statement of Heritage Impact, which considered the heritage impacts that the proposed development may have on both the heritage conservation area and the adjoining listed heritage item. The report concludes that:

"while the proposed works will have some negative heritage impact associated with the difference in height and scale between proposed hotel development and the heritage item, the impact is acceptable. The negative heritage impact has been mitigated to some extent by stepping the proposed hotel away from the Wharf Road boundary alignment at the north-eastern portion of the site and from the eastern boundary. Furthermore, the proposed hotel has been modulated and articulated by specifying a variety of materials and finishes to the facades. In light of this, we have assessed the proposed hotel would not adversely affect the identified heritage significance of the Conservation Area or the heritage item in close proximity. We recommend the heritage aspects of this application be approved."

The proposal has been amended since this report, in response to advice from Council's Urban Design Consultative Group (UDCG) and Council officers, with respect to heritage considerations. The proposal remains consistent with the findings and recommendations of the original Heritage Impact Statement and in some respects has further improved these aspects of the proposal as it relates to both the conservation area and heritage item on adjoining land.

Relevant amendments to design, increased setbacks from the eastern side boundary and provision of passive and active open space areas/forecourt areas with landscaping within the Wharf Road frontage has provided an acceptable response to the adjoining heritage item 'Argyle House', which also has a primary frontage to Wharf Road.

The proposal has appropriately responded to heritage considerations and is consistent with this clause of NLEP 2012. It is considered that the proposed development will not unduly reduce the heritage significance of the adjacent heritage item or the heritage significance of the heritage conservation area.

Clause 6.1 - Acid Sulfate Soils

The site is identified as having Class 3 acid sulfate soils.

The development does not propose any significant ground works other than for excavation associated with footings and, therefore, does not pose a significant threat to exposure of acid sulfate soils and is considered to be consistent with this clause.

Clause 6.2 - Earthworks

The proposal requires minimal earthworks other than for excavation associated with footings and there is no basement proposed as part of this development. The proposal is consistent with this clause.

Clause 7.5 - Newcastle City Centre Design Excellence

The amended proposal provides an acceptable level of amenity within the context of this area and is generally consistent with State and local guidelines relating to

building design and amenity. As such, the amended proposal is considered to address the predominant concerns of the UDCG and Council officers' assessment, and is considered an acceptable form of development in the context of the site and its locality.

The development will assist with enhancing the quality and amenity of the public domain through street activation, while not adversely impacting on any identified view corridors. The design of the development has appropriately addressed cultural heritage issues and resolved streetscape constraints and circulation requirements.

The proposed building's bulk, mass and articulation sit comfortably within the streetscape. The proposal is acceptable having regard to environmental impacts and the principles of ecologically sustainable development.

The proposal does not generate a requirement to undertake an architectural design competition as the height of the proposed building is not greater than 48m, and the site is not identified as a key site within the Newcastle City Centre.

The following table references the current design against the requirements of this clause

Matter	Comment
(a) whether a high standard of architectural design, materials, and detailing appropriate to the building type and location will be achieved.	The building has been designed by a registered architect and the design has been reviewed by the UDCG.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain.	The proposal will provide a consistent street presence and improve the public domain in both Wharf Road and Centenary Road, through consistency of setbacks, activation of the streetscape and good surveillance.
(c) whether the development detrimentally impacts on view corridors identified in the <i>Newcastle City Development Control Plan 2012</i> .	The proposal is considered to not pose a threat to view corridors, given the context of the site, surrounding lands and other development in the locality.
<p>(d) how the development addresses the following matters:</p> <p>(i) heritage issues and streetscape constraints.</p> <p>(ii) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form.</p> <p>(iii) bulk, massing and modulation of buildings.</p> <p>(iv) street frontage heights.</p>	<p>The Statement of Heritage Impact submitted with the application concludes that the development will have minimal negative impact on the heritage significance of the Newcastle City Centre Heritage Conservation Area or the heritage item located on an adjoining site.</p> <p>Further amendments to the proposal were also made during the assessment of the application in response to UDCG and Council officer advice.</p> <p>No tower is proposed as part of this application.</p> <p>The proposed building, as amended, complies with the maximum building height development standard of 30m and is below the maximum floor space ratio for the site. The bulk and massing of the building is considered to appropriately address adjoining land uses and the context and character of the area in which the site is located.</p> <p>The proposed building maintains and enhances the established street frontage</p>

<p>(v) environmental impacts such as sustainable design, overshadowing, wind and reflectivity.</p> <p>(vi) the achievement of the principles of ecologically sustainable development.</p> <p>(vii) pedestrian, cycle, vehicular and service access, circulation and requirements.</p> <p>(viii) the impact on, and any proposed improvements to, the public domain.</p>	<p>height in this location and provides good street presence, as well as providing active and passive surveillance of the public domain.</p> <p>The proposed development is considered to be a reasonable response to redevelopment of this site and has adequately ameliorated potential issues relating to amenity, privacy and solar access. Materials for the building are not likely to create excessive reflectivity.</p> <p>The architecturally designed building is considered to have achieved reasonable levels of natural ventilation and natural light, in turn reducing energy consumption for heating and cooling.</p> <p>The proposal has adequately catered for traffic, parking and access to and from the site and on the site.</p> <p>The proposed development incorporates commercial tenancies and cafe on the ground floor fronting Wharf Road, providing activation of this frontage.</p> <p>An open public pedestrian connection from Centenary Road through to Wharf Road has been provided within the building, with an active commercial/retail space accessed through this connection.</p> <p>Upper level balconies and windows provide opportunities for passive surveillance of the public domain, on both Wharf Road and Centenary Road frontages.</p>
---	---

5.1.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 was made on 23 March 2018, and supersedes previous policies including SEPP71, SEPP14 and the coastal zone clause in NLEP 2012. As this application was lodged prior to the commencement of this policy, in accordance with the savings provisions, this SEPP does not apply to the proposal.

Accordingly, for the purposes of this assessment, this SEPP is considered to be a draft Environmental Planning Instrument. In this regard, the proposal is considered to be acceptable having regard to the relevant considerations under this SEPP.

5.1.3.3 Any development control plan (and section 94 plan)

The main planning requirements of relevance in the Newcastle Development Control Plan 2012 (DCP) are discussed in below.

Section 3.10 - Commercial Uses

The proposal contributes to the enhancement of the economic viability of commercial centres and contributes to the provision of residential accommodation services and commercial mixed use services within the Newcastle City Centre location.

The proposal is considered to achieve the objectives and controls within this section of the DCP. These include: activation of street frontages, promotion of uses that attract pedestrian traffic along ground floor street frontages for commercial and food and drink premises, and is compatible with other redevelopment sites within the context and location of the site.

4.10 - Flood Management

The site is identified as being affected by flooding, with a flood hazard level of RL2.90m AHD. An on-site flood refuge is not required on this site, but is effectively achieved in the proposed development.

Council's Development Engineer (Flooding) has reviewed the proposal and advised that the proposal demonstrates that all floor levels will be above the required flood hazard level. No other concerns exist in relation to flooding.

4.03 - Mine Subsidence

The site is located within a proclaimed Mine Subsidence District and a conditional approval has been granted by Subsidence Advisory NSW.

4.04 - Safety and Security

The proposal has been designed to adequately address safety and security and is considered to be consistent with this section.

The proposal achieves good surveillance by providing clear sight lines between private and public spaces, effective lighting of public places, attractive landscaping adjacent to Wharf Road and activation of the Wharf Road street frontage.

The overall building design and functionality with frontage to two public streets allows increased casual surveillance of all surrounding footpath areas; The provision of a public pedestrian connection through the site from Centenary Road through to Wharf Road which provides for good connectivity and safety and security for pedestrian connection.

4.05 Social Impact

It is considered unlikely that a residential development of this nature would result in increased anti-social behaviour. The development provides for increased housing choice within the area, which is considered a positive social outcome.

5.01 - Soil Management

The proposal utilises at-grade and above ground car parking which has the effect of limiting potential site impacts resulting from excavation. Excavation is limited to piers required to support the structure, which results in minimal earthworks required across the ground level of the site. Therefore the proposal is consistent with this clause.

Relevant conditions relating to sediment and erosion control have been included in the Draft Schedule of Conditions.

5.02 - Land Contamination

Contamination management is considered to be acceptable, as previously discussed under SEPP 55 Land Contamination.

5.05 and 5.07 - Heritage Items and Heritage Conservation Areas

As previously stated under clause 5.10 of NLEP 2012, the proposal is considered acceptable, as it will not unduly impact on the heritage significance of the neighbouring heritage item and the heritage conservation area.

6.01 - Newcastle City Centre

The proposed development is for the redevelopment of the site and is generally consistent with this section. A summary of compliance with the relevant controls of this section is provided below.

6.01.02 Character Area

The subject site is within the *Civic* character area. The sub-section outlines that:

"The Civic is the administrative, cultural and educational centre of Newcastle. It includes facilities that reflect Newcastle's importance as a major regional city such as Newcastle Museum, Newcastle Regional Art Gallery and City Hall. It is the location of major public assets such as Wheeler Place and the Civic Theatre."

"The relocation of the courts to Civic and the introduction of more educational facilities associated with the University of Newcastle will have a major effect on the future character and activity within this area. Smaller commercial spaces will redevelop as support services for the courts and the university, and an increased student population will create flow-on demand for housing, retail and other services."

A number of key principles for the Civic character area are outlined within this section and while a number do not have direct relevance to the proposed site, overall the proposal is consistent with the Civic character area.

A1. Street wall height - The site does not have an identified street wall height as shown on the '*street wall height plan*' within this section. However, a typical street wall height of 16 metres and typical 6 metre upper level setback is intended to assist in ensuring a consistent building scale in streets that have a mix of uses, heritage items and infill development.

The development is not proposed to be built to the street boundary at any point and has an articulated setback along both street frontages in Wharf Road and Centenary Road, consistent with other development within the streetscape. Increased setbacks both from Wharf Road and along the eastern side boundary in respect to the heritage item '*Argyle House*' have been provided to lessen the impact and give respect to the value of the heritage item.

'*Argyle House*' is well forward of the proposed building, in close proximity to the Wharf Road boundary. The proposal also maintains a consistent front setback from Wharf Road to the adjoining property to the west to ensure some consistency with built form along this road frontage.

A2. Building setbacks - The controls require a minimum setback for side and rear boundaries - *Below street wall height*: requirement is zero set back and *between street wall height and 45m*: requirement is 6 metre setback.

The proposal provides an articulated design with varying setbacks along both side and rear boundaries. A zero setback for Levels 5 - 8 relates to the stair well only, for a wall length of 4.6m. The remainder of the building is set back 2.6m along the western boundary.

Overall, in considering the built form and massing, setbacks provided and articulation and depth of the proposed building along this boundary, the reduced setback is considered acceptable.

A4. Building depth and bulk - the proposal is consistent with this element as the design of the building has provided articulation and, as the building increases in height, the depth and floor plate of the building reduces.

A5. Building exteriors - the proposal is consistent with this element, providing a building design with materials and finishes that are in keeping with the character of the precinct.

A6. Heritage buildings - The site is located within the Newcastle City Heritage Conservation Area, but is not a listed heritage item. The adjoining property to the east is a listed heritage item known as '*Argyle House*'.

A Statement of Heritage Impact was lodged with the application and subsequent amendments were made to the proposal to increase setbacks to both Wharf Road and along the eastern boundary, so as not to detrimentally affect the heritage item.

The proposal is considered acceptable within the existing streetscape and the context of the site.

A7. Awnings - There are no awnings proposed within the public footway area. Acceptable awnings and treatments are proposed within the development site to encourage useable open space, covered entry to the building and for design articulation purposes.

A8. Design of parking structures - The proposal makes provision for at-grade car parking and above ground car parking within the building, accessed from the rear (Centenary Road) site frontage.

The majority of car parking is incorporated into the building, with only 17 spaces outside, along the (rear) Centenary Road frontage. This section of car parking has been appropriately incorporated into the landscape design for the entire site. The

primary frontage to the site is the Wharf Road frontage and no vehicular access is proposed from Wharf Road. The Centenary Road frontage is proposed to facilitate access, parking and service vehicles, as well as achieving presentation to this street frontage with a pedestrian entry into the lobby area and public access via a terrace walkway through the building to access the retail premise and the forecourt at street level on Wharf Road. The provision of this pedestrian public connection between Centenary Road and Wharf Road is a positive contribution that provides a public benefit.

Public Domain

B1. Access network - The proposed development will not impact on the city access network.

The development makes a positive contribution to public pedestrian access by providing through-site connections in the form of an arcade/terrace within the site/building from Centenary Road onto the main Wharf Road frontage. This connection complies with the minimum width requirement, open to the air and is both a connection and active frontage for the proposed café and retail premise within the main building on the site.

B2. Views and vistas - The proposed development will not unreasonably impact on existing views or vistas. However, it is acknowledged that some views will be lost given the orientation of the site. The issue of view loss is discussed later in this report

B3. Active street frontages - The site is not identified on the active street frontages plan contained within this section. However, the development incorporates an active street frontage along the full length of the primary frontage of Wharf Road and also provides public/pedestrian connection from Centenary Road through an arcade/terrace area through the building to the café and retail premises and out onto the forecourt and public domain on Wharf Road.

B4. Addressing the street - The development is considered to positively address both Wharf Road, as its main frontage, and Centenary Road and responds to the acceptable solutions outlined in this section.

7.01 - Building Design Criteria

This section applies with respect to the character associated with design and appearance. The overall floor space ratio, height and character of the development are considered to be acceptable in the context of the area and the site, as previously discussed elsewhere in this report.

The design and appearance of the building is contemporary, reflecting the uses of the proposed development and also the larger redevelopment that has occurred on adjoining sites and the broader area in this locality.

7.02 - Landscape, Open Space and Visual Amenity

The proposed landscaping scheme for the development is consistent with the relevant aspects of this section by providing landscaping appropriate to the context of the site and setting and also appropriate for the nature of the development. Open at-grade car parking spaces along the Centenary Road frontage have been appropriately paved and landscaped, achieving the requirements of this section.

7.03 - Traffic, Parking and Access

The proposal has been assessed by Council's Senior Development Officer (Engineering) and is considered to be acceptable subject to conditions, as recommended. In reaching this recommendation Council's Senior Development Officer (Engineering) provided the following comments:

Parking Rates

"The revised architectural plan indicates that there are a total of 165 units (including managers unit). Based on the rate of 0.5 car space per room, a total of 83 parking spaces are required for the 165 boarding rooms.

The development has proposed to provide 90 off-street parking spaces (including 8 disabled parking spaces) and therefore 7 surplus car parking spaces are provided."

Café and Meeting Room Parking

"The proposed café is stated to be generally targeting by the boarding house students and will also be publically accessible. It is noted that the purpose of the case will be for a small business. In this regards, the parking generated through the café can be stated to be very less due to the target customers mainly being the boarding room students. In comparison, the existing café business in the vicinity (including the harbour frontage cafes) are generally not provided with special parking and is dependent on visitors who have already parked and walked to the premises.

In this regard, it is predicted that majority of the users of the café and meeting rooms will be mainly students or visitors and the parking demand generated from the café and meeting room can be said to be directly linked to the boarding house use. The required parking provisions for the boarding house are therefore adequate to service the development.

The development has a surplus of 8 off-street parking and it is recommended that 8 car parking spaces on the Ground Flood (Level 1) parking area be allocated for visitors. These spaces can be also used by visitors to the site including emergency and maintenance purposes.

Bicycle parking requirements is not clearly defined in the SEPP guidelines. The City of Newcastle DCP has a rate of 1 space per 10 bedrooms for bicycle parking. The development has provided 38 secured bicycle parking spaces which are above the SEPP and DCP requirements.

However recent development trends in the City including the University of Newcastle New Space building have provided for additional bicycle parking spaces for students. The use of bicycles as an alternative transport mode and recreational use is gradually growing. The site seems to have adequate space to provide additional bicycle parking spaces if demand arises. 35 Motorbike parking spaces have been provided which complies with the SEPP requirements."

Vehicular access and Parking

"The driveway is proposed to along Centenary Road frontage of the site. It is anticipated that the driveway can be constructed without any issues. The location of the driveway should not impact on any traffic movement on the road network.

The submitted vehicular maneuvering plans have been reviewed. The proposed off-street car parking and motorbike parking is generally compliant with AS28901.1. The accessible parking spaces seem to be compliant with AS2890.6. The loading bay manoeuvring plan indicates that the larger 8.8m MRV will be able to turn within the site and achieve forward in/forward out maneuvering

Traffic Generation and Transport

"The traffic consultant has adopted a conservative approach and utilised traffic generation rates for residential units in the absence of a boarding house rate under the RMS guidelines. The analysis has confirmed that the local intersections operate at an acceptable level of service pre and post development. A 10 year projection has also been undertaken with a 1% annual traffic growth confirming these intersections should continue to operate at acceptable levels. While it is viewed that a larger percentage of traffic would utilise the Merewether Street/Centenary Road intersection for entering and exiting the site rather than the 50/50 split utilised by the traffic consultant. Notwithstanding it is considered that sufficient intersection Capacity exists at this intersection to cater for the additional traffic generated by this development. It is predicated that the traffic generation from the development will not impact on the current road network.

The development is in very close proximity to the new Civic light rail station and has access to bus services outside the former Newcastle Train Station. Furthermore, the development is within walking and riding distances to the waterfront and the future Newcastle City Commercial hub in Newcastle West."

Public Domain

"The proposed development is bounded by Wharf Road and Centenary Road. It is anticipated that the proposed development will generate pedestrian movement and therefore the development is required to provide the pedestrian infrastructure and traffic devices for longer term sustainability of the area and to manage traffic, cycling and add to the pedestrian infrastructure. City has recently assessed the University of Newcastle Masterplan for the Honeysuckle precinct and the development is for a boarding house targeting students. It is therefore fundamental that the pedestrian links to the University of Newcastle campus and links to the Harbour is achieved."

Footpath Widening on Wharf Rd

"The eastern corner of the property tapers to the existing Heritage Building at No. 311 Wharf Rd. The footpath is very narrow at this location and will need to be widened to match the existing footpath width. Modification of the landscaping

features will need to be done to widen the footway. This will provide adequate space for pedestrians to wait if anyone is accessing the narrow footpath on Wharf Rd frontage of the heritage building. It is recommended that the landscape design be amended to ensure that the footpath can be widened at the tapered location adjacent to the Heritage building on the eastern end of the property on Wharf Rd. A condition of consent has been included."

Pedestrian Amenity

"Furthermore, Footpath Upgrade and Pedestrian links will need to be provided across the frontages of the site. In this regard the following is required:

Wharf Road

- *To be provided with upgraded with Full width concrete footway paving with brick banding, 300 litre Waterhousea Floribunda (Weeping Lilly Pilly) street trees at 10.0m centres, kerb & gutter replacement and drainage.*
- *The existing pavers along the frontage will need to be removed. It is suggested that part of the pavers can be used in front of the Wharf Rd forecourt frontage to complement the existing heritage building (noting that the footpath along Wharf Rd in front of the heritage building are same as the existing pavers). The remaining pavers are to be exhumed and returned to Council's Depot.*
- *New heritage lighting to be installed along the Forecourt frontage. The lighting including the pole and light head is to match the existing heritage lighting located in front of 311 Wharf Rd. This is to complement the existing heritage building.*
- *Street lighting upgrade to City Centre Public Domain Manual.*

Argyle Street

- *Kerb extensions are to be designed and constructed at both sides of Argyle St (east and west) along Wharf Rd to provide new pram ramps.*
- *The kerb extension will require modification to the existing drainage, road infrastructure and services.*
- *A new pram ramp will need to be designed and constructed at on Argyle St at the corner of Centenary Rd.*
- *Street lighting upgrade to City Centre Public Domain Manual.*

Centenary Road

- *Full width asphalt with bluestone paver band behind the kerb, kerb & gutter replacement and drainage. Street Trees are to be installed along the frontage.*
- *It is recommended that the existing paving pattern in front of the Heritage building be continued to the end of the forecourt frontage to complement the existing heritage building.*
- *New heritage lighting to be installed along the Forecourt frontage. The lighting including the pole and light head is to match the existing heritage lighting located in front of 311 Wharf Rd. This is to complement the existing heritage building.*

- *Street lighting upgrade to City Centre Public Domain Manual."*

7.05 - Energy Efficiency

The applicant has submitted a BASIX report and has met the requirements for water and energy efficiency and thermal comfort.

7.06 - Stormwater

The proposal can comply with Council's policies relating to stormwater management. Appropriate conditions have been applied to ensure the development meets the specified standards.

8.00 - Public Participation

The proposal was placed on public exhibition for a period of 30 days in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and Section 8 of Newcastle Development Control Plan 2012. A total of 31 submissions were received during the notification period, including one letter of support.

Newcastle Section 94A Development Contributions Plan

The City of Newcastle Section 94A Development Contributions Plan 2009 applies to all new development with an estimated cost of more than \$250,000 on land within the Newcastle City Centre. With respect to the Newcastle City Centre, the purpose of the Plan is to provide funding towards public domain projects and special city projects in the Civic Improvement Plan.

The application attracts a Section 7.12 Contribution pursuant to section 4.17 of the *Environmental Planning and Assessment Act 1979* and the *Newcastle Section 94A Development Contributions Plan*. A contribution of 3% of the cost of development would be payable to Council as determined in accordance with the *Environmental Planning and Assessment Regulation 2000*.

5.1.3.4 Planning agreements

No planning agreements are relevant to the proposal.

5.1.3.5 The regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and *Regulation 2000*.

5.1.3.7 The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

There are no significant external impacts associated with the proposal. The application has demonstrated that there will be no significant adverse traffic impacts and it is considered that the development does not cause any significant overshadowing, privacy impacts or view loss for adjacent properties.

It is considered that the proposal will have positive social impacts, in providing a needed form of accommodation for students. The proposal is also likely to have broad positive economic and social impacts in that it will create additional employment opportunities, support the demand for local services and facilities and increase social activity and street activation within this central City location, close to existing amenities and public transport services.

The character, bulk and scale of the proposal have been discussed in this report, in the context of the SEPP ARH guidelines, NLEP 2012 and DCP controls. The proposal is considered to be acceptable in this regard.

Noise and vibration

An Acoustic Assessment Report and Plan of Management submitted with the application, addressing matters of noise, plant and equipment, deliveries and servicing.

This assessment has been reviewed by Council's Environmental Protection Officer, who has indicated that the proposal can be supported subject to adoption of recommended conditions of consent.

5.1.3.8 *The suitability of the site for the development*

The constraints of the site have been considered in the proposed development, which includes flooding, contamination, acid sulfate soils and heritage.

The site is suitable for the proposed development as it is located in the CBD area of Newcastle, which is well serviced by shops, transport and recreational facilities. A higher density residential use of the site is appropriate as it would assist with the revitalisation of the precinct and allow people to live within walking distance of local facilities and employment.

Construction and operation of the proposed development is considered to not pose a significant adverse impact from a noise or vibration perspective.

Overshadowing

Shadow diagrams have been submitted with the application, indicating that while some overshadowing will occur during any given day, an acceptable level of solar access will be maintained to adjoining properties, consistent with relevant requirements.

Privacy

The proposal is considered to not pose a significant adverse impact on the visual or acoustic privacy of any adjoining property. The mixed use building on the property adjoining the western boundary of the site will continue to be afforded a reasonable level of privacy through setbacks, articulation and building design.

Views

It is acknowledged that some views will be impacted by the redevelopment of the site. The proposal is considered to impact upon views from the residential apartment complex at No. 335 Wharf Road. The building has orientated much of its views to the east, across the development site towards the harbour.

Below is an analysis of the impact of view sharing by the proposed development on the affected properties. This analysis was completed using the methodology outlined under the planning principle for assessing view impacts - arising from Tenacity Consulting vs Warringah 2004. The planning principle outlines four areas in consideration of view sharing.

1. *Views to be affected*

The planning principle notes the following regarding types of views:

- a) *Water views are valued more highly than land views.*
- b) *Iconic views are more highly valued than views without icons.*
- c) *Whole views are more highly valued than partial views.*

2. *What part of the property are views obtained*

The planning principle notes that views from front and rear boundaries, from a standing position are more realistic to protect than those from side boundaries or a sitting position.

3. *Extent of impact*

The planning principle states that views should be considered for the whole of the property noting that views from living areas/kitchens are more significant than those from bedrooms or service areas.

4. *The reasonableness of the proposal that is causing the impact*

The planning principle states that where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

In terms of view loss, the proposed development will have a significant impact on the site to the west. There are several water and iconic views, with views to Nobby's headland, Fort Scratchley and Christchurch Cathedral being available from several units. However, these views are dependent upon overlooking the subject site.

The views available to the units located to the west of the site are over a side boundary and, therefore, it is not realistic that all views over private lands and over a side boundary can be retained in this instance.

Overall, the loss of views is considered acceptable using the methodology outlined under the planning principle for assessing view impacts. The proposed development is considered reasonable for the site.

It should also be noted that the proposed development is compliant with the building height and FSR controls. The land is also located within the City Centre, which is subject to planning policies that seek to increase the density of development in close proximity to services.

In summary, following site inspections (including visiting the adjacent property) and consideration of submissions from objectors, the proposal is considered acceptable and should be supported.

Any concerns that were raised in submissions, in respect to loss of property values as a result of the proposed development are considered to not be a valid planning consideration.

5.1.3.9 Any submissions made in accordance with this act or the regulations

The application was notified and advertised in accordance with the EP&A Act and EP&A Regulation and thirty 31 submissions were received. The issues raised in the submissions are responded to in the below table.

Issue	Assessment Comment
Building height	The proposed development complies with the maximum height prescribed for this site and area.
Bulk and scale	Bulk and scale considerations have been addressed in this report.
Character and density	The character and density of the proposal have been discussed in this report, in the context of the State guidelines and NLEP 2012 and DCP controls.
View loss	As previously discussed in this report, the development will alter the general outlook due to the proposed changes in size and scale but this is considered to be reasonable, having regard for the principal development standards that apply to the site.
Traffic and parking	Traffic considerations have been addressed in this report.
Building setbacks and separation distances	As discussed in this report, the proposal is considered to be acceptable having regard to the impacts on the adjoining land.
Wind impacts	It is considered that the proposal will not unduly impact on winds.
Heritage impacts	Heritage impacts are considered to be acceptable.
Suitability of site	The constraints of the site, which includes flooding, contamination, acid sulfate soils and heritage have been considered as part of this assessment.
Overshadowing	The overshadowing of adjoining buildings and the surrounding area is considered to

	be acceptable.
Privacy	The proposal does not pose a significant impact on the adjoining properties, in terms of privacy and overlooking.
Social and economic Impacts	The proposed development is unlikely to result in any significant negative social or economic impacts in the locality.
Anti-social behavior & safety concerns	The proposal includes sufficient measures to address potential crime and safety issues.
Noise	An Acoustic Assessment Report and plan of management was submitted with the application, addressing matters of noise, plant and equipment, deliveries and servicing.
Management Issues	Compliance with a Plan of Management is considered sufficient in ensuring appropriate conduct and effective management and operation of the Boarding House.
Impacts during construction	Standard demolition and construction conditions are recommended.
Decrease in property values	Possible reduction in property values in the vicinity of the site as a result of the proposed development is not considered to be justified. The development provides for increased housing choice within the area which is considered to be a positive outcome.

As discussed in this report, it is considered that the issues and concerns raised in the submissions do not warrant the refusal of the application in its present form, or necessitate any further substantial amendments.

5.1.3.10 The public interest

The proposed development will allow for the orderly and economic development of the site. It will allow for the construction of commercial/retail space and student accommodation in an area that is well serviced by public transport and community facilities and will assist with the revitalisation of the City

It is considered that the proposed development will have positive social impacts, in providing housing to students within a well serviced area, to meet the demands of a growing population, whilst providing a greater range of housing choice within

Newcastle City Centre. The proposal includes sufficient measures to address potential crime and safety issues.

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report. Overall, the proposed development will have an acceptable impact on the surrounding natural and built environment and has many positive social and economic impacts. Approval of the application is considered to be in the public interest.

6. CONCLUSION

The proposal is considered to be acceptable against the relevant heads of consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

7. RECOMMENDATION

That the Hunter and Central Coast JRPP grant development consent to DA2017/00787 for the demolition of structures and construction of a eight-storey student accommodation (boarding house) development, comprising of 165 rooms at 317 Wharf Road Newcastle, pursuant to Section 4.16 of the EP&A Act, subject to the conditions in **Appendix B**.