

COUNCIL ASSESSMENT REPORT

Panel Reference	2017HCC049
DA Number	DA2017/01338
LGA	City of Newcastle
Proposed Development	<p><u>Concept Application</u>: Adaptive reuse of three existing Woolstore buildings and two new building envelopes for a mixed-use development comprising residential apartments, commercial and retail uses, community park, associated car parking, landscaping and public domain works.</p> <p><u>Stage 1 Development Application</u>: Adaptive reuse of existing Woolstore 1 building as residential apartments and a community park, associated site and public domain works.</p>
Street Address Lot & DP	<p>33 – 57 Annie Street Wickham NSW 2293</p> <p>Lot 1–3 DP 346352, Lot 13 DP 830026</p> <p>Note: Lot 13 DP 830026 being consolidated into Lot 3 DP 346352</p>
Applicant/Owner	City Plan Strategy & Development / Investec Australia Limited (Investec)
Date of DA lodgement	2 November 2017
Total Number of Submissions Number of Unique Objections	Submissions – Total: 11 (Round 1: 7 and Round 2: 4)
Recommendation	Refusal
Regional Development Criteria (Schedule 4A of the EP&A Act) (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p>The application is reported to the Hunter and Central Coast Regional Planning Panel pursuant to Part 4 'regional development' and Schedule 7 <i>State Environmental Planning Policy (State and Regional Development)</i> 2011, as the development is a type classified under Schedule 7(2) general development over \$30 million, with the value of works being \$124,983,044.56.</p> <p>Note: At the time of lodgement of this application, the capital investment value threshold was over \$20 million under the SEPP.</p> <p>The Panel is the determining authority under the provisions of the SEPP.</p>
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"> • Environmental Planning & Assessment Act 1979 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 33—Hazardous and Offensive Development • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development • State Environmental Planning Policy 71 - Coastal Protection

	<ul style="list-style-type: none"> State Environmental Planning Policy – SEPP Coastal Management 2018 Newcastle Local Environmental Plan 2012 Development Control Plan: 4.15 (1)(a)(iii) <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	Appendix A – Draft Reasons for Refusal Appendix B – Plans/Documents submitted with the application for assessment Appendix C – General Terms of Approval - Subsidence Advisory NSW Appendix D – Agency Advice - Ausgrid, Transport NSW, Environment Protection Authority, Planning & Environment (Hazards Branch), SafeWork NSW Appendix E – Hazard and Risk Assessment of Ampol Wickham Terminal and Pipeline, prepared by Arriscar and dated 1 December 2020 Appendix F – Independent Air Quality Advice, prepared by ERM dated 1 December 2020
Clause 4.6 requests	Nil
Summary of key submissions	<ul style="list-style-type: none"> Use of Heritage incentive clause Conflict of land use and safety Heritage value Hazard and air quality impacts Traffic, parking and access Social and economic Streetscape and external amenity Community space Environment – drainage & water pressure, advanced tree planting General – additional details on retail space, construction and traffic management, public art
Report prepared by	Amanda Gale, Senior Development Officer (Planning) City of Newcastle
Report date	8 December 2020

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

Does the DA require Special Infrastructure Contributions conditions?

**Not
Applicable**

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

Conditions

Have draft conditions been provided to the applicant for comment?

No

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

EXECUTIVE SUMMARY

Development consent is sought under DA2017/01338 for a 'staged development' Concept Application and Stage 1 Development application for works at 33, 49 & 57 Annie Street Wickham (legally known as Lot 1–3 DP 346352 and Lot 13 DP 830026 being consolidated into Lot 3). The concept proposal is to create a mixed-use development across the entire site.

The Concept proposal includes the adaptive reuse of three heritage woolstore buildings of local significance listed in Schedule 5 of *Newcastle Local Environmental Plan 2012* (LEP), being the former New Zealand Loan Co Wool Store (33 Annie Street), Dalgety Warehouse (49 Annie Street) and Elders Warehouse (57 Annie Street). Two new building envelopes identified as Building 4 and 5 are also proposed to be integrated into the site as part of the Concept proposal, with future separate development applications lodged for these later stages (Stage 2 to 4). The Concept proposal consists of a total gross building area (GBA) – 78,667m² and total gross floor area (GFA) - 47,754m² (Residential 32,043m², Retail 2,551m², Commercial 13,160m²). The site has a total area of 31,277m² (incorporating a Stage 1 DA works application for 'Woolstore 1' of 11,640m²).

The Concept Proposal in summary includes:

- Woolstore 1 and Woolstore 2 – adaptive reuse for residential apartment buildings.
- Woolstore 3 - adaptive reuse for commercial and retail uses (originally, proposed for reuse as mixed-use residential, commercial and retail).
- New Building 4 (envelope) up to 3-storeys - use as retail and artisan food production spaces.
- New Building 5 (envelope) up to 6-storeys - use as a mixed-use development comprising residential and ground floor retail space.
- Communal open space including a new community park.
- Demolition - existing smaller buildings and some elements of structure associated with the previous operations of the former Woolstores buildings.
- Carparking - 494 carparks within the building footprint, and a further 104 at grade spaces on-site outdoor parking, two loading spaces on Wool Row laneway, two delivery spaces within Woolstore 3 building, 11 loading bays on east of Building 4, total 28 motorbike spaces and 364 bicycle parking spaces.
- Site works.
- Landscaping.
- Public domain works.

The structures to be demolished are contemporary light weight sheds and intrusive later additions which are of poor construction making them unsuitable for reuse.

Stage 1 Development Application (Stage 1 DA works) includes:

- Woolstore 1 building – adaptive reuse for residential apartment building (western edge of the site) - 100 units, comprising 39 x 1 bed, 33 x 2 beds and 28 x 3 beds.
- Carparking - two storey carpark (121 spaces) within the building, 'hidden' behind residential units.
- Communal open space 'community park' and associated site works, landscaping and public domain / infrastructure works.

The application is reported to the Hunter and Central Coast Regional Planning Panel pursuant to Part 4 'regional development' and Schedule 7 *State Environmental Planning Policy (State and Regional Development)* 2011, as the development is a type classified under Schedule 7(2) general development over \$30 million, with the capital investment value (CIV) being \$124,983,044.56 (inclusive of Stage 1 DA Works \$34,473,226).

Note: At the time of lodgement of this application, the capital investment value threshold was over \$20 million under the SEPP.

Subject site

The site has a street address of 33, 49 and 57 Annie Street, Wickham (Lot 1 - 3 DP 346352 and Lot 13 DP830026), with Lot 13 to be consolidated into Lot 3 DP 346352. The site is located with three public street frontages consisting of Annie Street (203m) to the south, Milford Street (261m) to the west, and The Avenue (94m) to the north and is of an L-shaped configuration, as shown in **Figure 1** in the report. The eastern boundary of the site adjoins the Ampol (formerly Caltex) Fuel Terminal Facility. The Sydney-Newcastle Fuel Pipeline is located underground, running along The Avenue street frontage of the site and connects into the Ampol facility. The streets are wide suburban streets, largely vehicle dominated providing for limited pedestrian amenity. The site has a total area of 31,277m². The topography is generally flat having been extensively developed since 1942 and contains several trees. No known creek lines, streams or watercourses traverse the site.

The constraints that affect the site include flooding, mine subsidence and contamination. The adjoining Ampol Fuel Terminal facility, being a hazardous and offensive facility with the storage of dangerous goods on site and the Sydney-Newcastle Wickham Pipeline associated with this facility present a hazard and potential land use conflict for the proposed development.

Permissibility

The applicable planning instrument is *Newcastle Local Environmental Plan 2012* (LEP) 2012 under which the subject site is zoned IN2 Light Industrial. The proposed uses are defined as *residential apartment building, shop top housing, commercial premises, community facilities, retail premises, artisan food and drink premises and recreation area*.

The majority of land uses proposed are prohibited in the IN2 Light Industrial Zone, except for the *recreation area*, and *artisan food and drink premises* which are listed under the 'light industries' broader term and community uses which are defined as 'community facilities' which are all permissible within the IN2 Light Industrial zone under the land use zoning table of the LEP.

The application seeks consent for the proposal under the heritage conservation incentive provisions under Clause 5.10(10) Conservation Incentives of the LEP. Clause 5.10(10) permits the granting of consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significant, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied of Clause 5.10(10) – (a) to (e).

A number of documents are provided with the application, including a Conservation Management Document, prepared by EJE Heritage, dated November 2020 which provides a Heritage Assessment and subsequent Conservation Management Strategy to cover the potential future use of the buildings and overall site containing the three woolstore buildings. The Conservation Management Strategy has been submitted in support of the proposal and requires approval as part of this application and any consent granted to the staged development.

Based on information submitted, legal opinion and review, the development is considered a permissible form of development within the IN2 Light Industrial zone under Clause 5.10(10) of the LEP.

Strategic Context

A key consideration in assessing the merits of the application given the non-permissible land uses relates to whether the proposal is consistent with the strategic direction for the site and Wickham area. A number of strategic policy documents are discussed within this report. The Local Strategic Planning Statement (LSPS), in its references to Wickham seeks to continue the implementation of the Wickham Masterplan. The Masterplan area does not extend north to Annie Street, but it is considered reasonable to adapt the desirable strategic direction for Wickham Masterplan area for this site.

As outlined by City Plan Services in their application, the Wickham Masterplan cites Wickham's role as evolving 'from a once semi-industrial area at the outer fringe of the Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West'.

The assessment considers the Concept proposal and Stage 1 DA works to be consistent with this strategic direction, reinforced also by strategic planning documents including the Newcastle Employment Lands Strategy 2019 which refers to 'remnant industrial sites' as 'large sites housing substantial buildings that serve or have served a strategic industrial function in the past such as large-scale manufacturing. The location and attributes of these buildings and sites may not be appropriate for modern industrial users.

The application of the above can be reasonably applied to the Annie Street site (Woolstores), as submitted within the Statement (SEE), prepared by City Plan Services and supporting Feasibility Study, prepared by Urbis, based on the heritage significance of the Woolstore site and proposed concept proposal under this application.

Whilst considered reasonable in terms of strategic context and directions for Wickham redevelopment, the merits of the land uses proposed as part of the application need also to be considered from the perspective of constraints that affect the site and potential conflict of land use. These are further discussed within the report, with the main concern relating to the location of the site adjoining the Ampol Fuel Terminal Facility and Sydney-Newcastle Wickham Pipeline with unacceptable risk of hazard and air quality impacts and resultant health amenity impacts likely on the future users within this mixed-use development.

Integrated development

The proposal is 'integrated development' under Section 4.46 of the *Environmental Planning & Assessment Act 1979*, with general terms of approval required from Subsidence Advisory NSW in accordance with Section 22 of the *Coal Mine Subsidence Compensation Act 2017*. The 'general terms of approval' (GTAs) were granted subject to conditions as follows:

- 4 September 2020 - Woolstore Building 1 & Building 5 at 57 Annie Street Wickham
- 4 September 2020 - Woolstore Building 2 at 49 Annie Street Wickham
- 13 November 2020 - Mixed Use buildings at 33 Annie Street Wickham

External referrals

A number of government agencies were consulted for their advice. External agency referrals included Planning, Industry & Environment (Hazards), SafeWork NSW, Environment Protection Authority (EPA), Transport for NSW (TNSW) and Ausgrid.

Pre-conditions to granting development consent

The following legislative clauses are relevant to the proposal and require the consent authority to be satisfied before consent is granted:

- Part 4 “Regionally significant development’ under Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* - The development has a CIV over \$30 million, being \$124,983,044.56 (inclusive of Stage 1 DA Works \$34,473,226). Note: At the time of DA lodgement, the CIV was over \$20 million. The HCCRPP is the relevant determining authority.
- Clause 10 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* – Council must be satisfied that clearing does not exceed the biodiversity offset scheme threshold and that in relation to heritage items or heritage conservation areas, that clearing is minor or for maintenance of the heritage item and would not adversely affect the heritage significance of the item. The site is within a well-established light industrial location. An Arborist Report has been provided with the application for the trees to be removed and is considered acceptable. The proposal will involve extensive landscaping, community park and public domain works all of which propose appropriate planting of trees and other landscape elements. The proposal is considered consistent with the provisions of the SEPP.
- Clause 45 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) – Written notice has been given to the electricity supply authority (Ausgrid) and consideration has been given to the response received, including recommended conditions, included on any consent granted.
- Clause 66C of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) Pipelines and pipeline corridors – Written notice was not given to the pipeline operator Ampol (formerly Caltex Australia) under the provisions of ISEPP. Ampol were aware of the application through public consultation, through direct agency consultation and as a submitter to the proposal.

Council must be satisfied that the potential safety risks or risk to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and take those risks into consideration. The Hazard and Risk Assessment of Ampol Wickham Terminal and Pipeline, prepared by Arriscar and dated 1 December 2020 states: *The north-eastern property boundary of the proposed development is within 20m of the pipeline easement. Therefore, the risk assessment under SEPP 33 should also include the pipeline in the vicinity of the development, as per ISEPP.*

The report identifies that the major contribution to risk arises from vapour cloud explosions and does not support the proposed development of the Wickham Woolstores on a hazard and risk perspective. The study concludes that the proposed development does not comply with the quantitative risk criteria for both individual and societal risk in HIPAP No.10 (4), even allowing for a higher level of risk to be tolerable for existing facilities.

The development does not satisfy the ISEPP and is therefore, not suitable for the proposed use as detailed in this report.

- Clause 104 ‘Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) - Written notice has been given to the roads authority (Transport - RMS at the time of lodgment of the application) and consideration given to the response received. *It is noted that Milford Street, Annie Street and The Avenue are local roads. City of Newcastle is the ‘roads authority’ for these roads and all other public roads in the vicinity.* Their advice raises no objection to the proposal and considers that there will be no significant impact on the nearby classified (State) road network. RMS did provide advice to Council to consider during the assessment of the application relating to traffic management and safety measures during construction, appropriate sight line distances and Australian standards.

The development satisfies the provisions of the SEPP.

- Clause 7 'Contamination and remediation to be considered in determining development application' of *State Environmental Planning Policy 55 – Remediation of Land* (SEPP55) – Clause 7 SEPP55 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 development is considered to satisfy the SEPP and is suitable for the proposed use as detailed in this report.
- Clause 28(2) of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65) - requires the consent authority to take into consideration the advice of a Design Review Panel (constituted under Part 3 of the Policy) and the design quality of the development when evaluated in accordance with the nine Design Quality Principles and the Apartment Design Guide (ADG).

Consultation with the Newcastle Urban Design Consultative Group (UDCG) has occurred on several occasions and subject to some amendments made to plans during assessment, the UDCG have provided their final support to the proposal on design grounds consistent with the Design Quality Principles and the Apartment Design Guide. The proposal is considered to have satisfied the provisions of the SEPP. Future development applications for works for each future stage (Stage 2 to 4) will also require referral to the UDCG.

- Clause 2 and 8 of *State Environmental Planning Policy No.71 - Coastal Protection* SEPP - aims to protect and manage the New South Wales coast and foreshores and requires certain development applications in sensitive coastal locations to be referred to the Director-General for comment. It also identifies master plan requirements for certain developments in the coastal zone. The development is considered to satisfy the SEPP.

Note: The SEPP – Coastal Management 2018 came into effect on the 3 April 2018 and replaces the Coastal Protection Act 1979 and SEPP 71 – Coastal Protection. SEPP 71 remains a relevant consideration for this application, given the savings and transitional provisions within the SEPP – Coastal Management 2018.

- Clause 2.3 'Zone objectives and Land Use Table' of Newcastle Local Environmental Plan 2012 (NLEP2012) – The site is zoned IN2 Light Industrial under the LEP. The proposed development includes uses defined as residential apartment building, shop top housing, commercial, community use, retail and artisan food and drink premise and recreation area under the LEP. All uses are prohibited land uses in the zone, other than recreation area, artisan food and drink premises (listed under 'light industries' broader term) and community uses (defined as 'community facilities') which are permissible land uses in the zone.
- Clause 5.10(10) heritage incentives clause of Newcastle Local Environmental Plan 2012 (NLEP 2012) – requires that the pre-conditions of clause 5.10(10) (a) to (e) are satisfied to allow the exercise of the discretion afforded by the clause. Based on legal opinion, the Courts consider that clause 5.10(10) is a facultative provision that allows for development that would be otherwise prohibited by the LEP. The purpose of the clause is to support the preservation of heritage properties by permitting uses otherwise prohibited, broadening the potential for their retention and reuse. CN is satisfied that the criteria have been met.
- Clause 6.1 Acid sulfate soils of Newcastle Local Environmental Plan 2012 (NLEP 2012) – 'development consent must not be granted under this clause for the carrying out of

works unless an Acid Sulfate Soils Management Plan has been prepared in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority'. Stage 1 DA works requires earthworks to be carried out as part of the Remediation Action Plan works which may be 1 metre below the natural ground surface. The depth of remediation works is still to be determined. However, it is likely that Clause 6.1 of the LEP could potentially apply as it states that consent is required for works 1 metre below the natural ground surface on Class 3 land. A Preliminary Acid Sulfate Soils Management Plan has been provided as part of the application. Refer to SEPP 55 (Land Remediation) for further assessment detail. The proposal is considered to have satisfied this clause of the LEP.

Consultation

Original Public Exhibition

The proposal was originally publicly exhibited as an 'advertised development' in accordance with the provisions of *State Environmental Planning Policy No.55 – Remediation of Land*. The proposal was placed on public exhibition for a period of 30 days from 13 November to 12 December 2017 (exhibited in a newspaper notice and via letters to adjoining and nearby property owners/occupiers) in accordance with the EP&A Act 1979, the EP&A Regulations 2000 and Section 8 Newcastle Development Control Plan 2012 (DCP). A total of seven submissions were received during the exhibition period.

Note: A total of five letters were in support of the concept, however the submissions included matters that the application and future development should address with any final development approved on the site.

Re-notification of the Amended Plans

The proposal was re-notified due to the submission of amended plans and accompanying additional information. The public exhibition period closed on 8 July 2020. A total of four submissions (inclusive of Ampol (formally Caltex Australia) were received during the exhibition period.

A submission received from Ampol was received raising concerns relating to unacceptable risk of hazard, given the adjoining Fuel Terminal facility and conflict of land use, with the majority of uses prohibited under the IN2 Light Industrial zone, if not having the benefit of the heritage incentive clause of the LEP. The specific concerns of unacceptable hazard risk and resultant conflict of land use remains and are not able to be addressed sufficiently given the current proposal for mixed use development.

Key Issues

The main issues identified in the assessment and/or raised in the submissions are as follows:

- Use of heritage incentive clause
- Conflict of land use and safety
- Heritage value
- Hazard and air quality impacts
- Traffic, parking and access
- Social and economic
- Streetscape and external amenity
- Community space
- Environment – drainage and water pressure, advanced tree planting
- General – additional details on retail space, construction and traffic management, public art

Amended plans and additional information were requested during the assessment process in respect to: hazard risk and odour / air quality impacts and resultant amenity impacts, proximity of the adjoining fuel terminal facility and pipeline, heritage and use of heritage incentive clause in particular in relation to new Building 5, contamination, flooding and drainage, traffic and parking, waste and residential apartment design.

The proposal as it stands, given existing locational constraints is not suitable for the mixed-use development of this site without serious risk of hazard. This includes individual and societal risk impacts to the future users of the site and the potential conflict of land use and adverse impact as a result on the adjoining fuel terminal operations within this IN2 Light Industrial zone.

The development has been assessed under Section 4.15(1) of the EP&A Act 1979 and is considered unsatisfactory in relation to the proximity to the neighbouring Ampol Fuel Terminal Facility and Pipeline. An independent Hazard and Risk Assessment was conducted and identifies that the major contribution to risk arises from vapour cloud explosions and does not support the proposed development of the Wickham Woolstores on a hazard and risk perspective. The study concludes that the proposed development does not comply with the quantitative risk criteria for both individual and societal risk in HIPAP No.10 (4), even allowing for a higher level of risk to be tolerable for existing facilities. Accordingly, it is recommended that the application be refused based on the draft reasons of refusal provided within **Appendix A**.

An Independent Air and Odour Quality Assessment was conducted to understand the potential air quality impacts of the Ampol site on the health and amenity of occupants of the development. The findings indicated that the Ampol terminal features one of the lowest separation distances in NSW between site infrastructure and residential dwellings (being similar to Caltex Kurnell terminal), with the development decreasing the separation distances even further to a minimum of 30m. Sampling indicated that odours associated with the fuel terminal site are likely to be detectable at locations within and around the development and has the potential to be strong on occasions. The study also indicated the emissions from the terminal may impact on the health of residents and workers within the development, and the users of the open space areas, due to exposure to Benzene, which exceeds the public health based risk criteria.

Both the Hazard and Risk Assessment, and Air and Odour Quality Assessment, were undertaken by independent specialists' consultants on behalf of City of Newcastle. Due to the technical nature of the required assessments independent consultants were required to be engaged to undertake an assessment of the suitability of the site for the proposed development due to its proximity to the existing Ampol facility. The application was assessed by City of Newcastle with consideration given to referral comments received from the Environmental Protection Authority, SafeWork NSW and Department of Planning, Environment and Infrastructure – Hazards Branch, however due to the scientific and technical nature of the issues raised during the assessment, and complexity of the further information provided by the Applicant, it was ultimately determined to engage independent consultants.

Pursuant to s.2.20 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), City of Newcastle is required to provide staff and facilities for the purpose of enabling a local planning panel to exercise its functions. The independent technical expert advice in respect to these matters form part of City of Newcastle's assessment of the application and provides the HCCRPP with the necessary information to make a determination.

The Applicant was not provided with the opportunity to respond to either the Hazard and Risk Assessment or the Air and Odour Quality Assessment. Due to the findings of both assessments City of Newcastle determined that the site was not suitable for the development as proposed. The Applicant has provided information relating to these matters during the

assessment processes and it was considered that the submission of further information would not overcome the site suitability issues at this time.

Recommendation

That the Hunter and Central Coast Regional Planning Panel, as the consent authority, refuse the staged development application for Concept Proposal for Adaptive re-use for a mixed-use development (residential, commercial, community uses, retail, artisan food and drink premise and recreation area) and Stage 1 DA works – adaptive reuse of Woolstore 1 (residential apartments) and recreation area at 33, 49 and 57 Annie Street Wickham, based on the draft reasons for refusal in **Appendix A**.

ASSESSMENT REPORT AND RECOMMENDATION

1. INTRODUCTION

This report provides a detailed overview of the development proposal for a staged development application consisting of both:

- Concept Proposal: Adaptive reuse of three existing Woolstore buildings and two new building envelopes for the purpose of a mixed-use development comprising of residential, commercial, community uses, retail, artisan food and drink premise and recreation area land uses, associated site and public domain works, and
- Stage 1 Development Application (Stage 1 DA works): Adaptive reuse of existing Woolstore 1 building as residential apartment building and community park, associated site and public domain works.

The redevelopment of the site aims to provide for 268 new residential apartments (originally 310), to help address the housing supply gap and affordability constraints facing Newcastle. The proposed adaptive reuse of the heritage buildings aims to create a spatial experience and living experience that is unique to these buildings and unavailable in any typical residential development. Combined with a high amenity community park and proposed public domain upgrades, the development will be capable of housing the type of workforce suited to the 'Emerging Industry Quarter' as identified in the Wickham Masterplan. It is estimated that the development will also stimulate further private investment in Wickham, which will ultimately be required to 'kick start' the implementation and realisation of the Wickham Masterplan.

The proposal seeks to adaptively reuse three existing heritage listed Woolstore buildings located on the site, by changing and intensifying the uses both within the buildings and across the site. In addition, new building envelopes are proposed, known as new Building 4 and 5.

The report includes a comprehensive planning assessment of the development against the relevant matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979 (EPAA).

The development application was lodged with CN on 2 November 2017 and is integrated development with a referral completed to Subsidence Advisory NSW. Refer to **Appendix C**.

The application is reported to the Hunter and Central Coast Regional Planning Panel pursuant to Part 4 'regional development' and Schedule 7 *State Environmental Planning Policy (State and Regional Development)* 2011, as the development is a type classified under Schedule 7(2) general development over \$30 million, with the capital investment value (CIV) being \$124,983,044.56 (inclusive of Stage 1 DA Works \$34,473,226).

Note: At the time of lodgement of this application, the capital investment value threshold was over \$20 million under the SEPP.

2. BACKGROUND

Pre Lodgement:

- 16 November 2016 – City of Newcastle Urban Design Consultative Group (UDCG)
- 14 December 2016 – City of Newcastle's Pre-Development Application meeting held for preliminary advice
- 16 May 2017 – Site meeting with City of Newcastle staff

Post-Lodgement of Development Application (DA):

- 15 November 2017 – Newcastle Urban Design Consultative Group
- 30 September 2020 – Newcastle Urban Design Consultative Group
- 12 November 2020 – Newcastle Urban Design Consultative Group

3. SITE DESCRIPTION

The site has a street address of 33, 49 and 57 Annie Street, Wickham (Lot 1 - 3 DP 346352 and Lot 13 DP830026), with Lot 13 being consolidated into Lot 3 DP 346352. The site is located with three public street frontages consisting of Annie Street (203m) to the south, Milford Street (261m) to the west, and The Avenue (94m) to the north and is of an L-shaped configuration, as shown in **Figure 1**. The eastern boundary of the site adjoins the Ampol (formerly Caltex) Fuel Terminal Depot. The streets are wide suburban streets, largely vehicle dominated providing limited pedestrian amenity. The site has a total area of 31,277m². The topography is generally flat having been extensively developed since 1942 and does not contain trees or significant vegetation, known creek lines, streams or watercourses traversing the site.

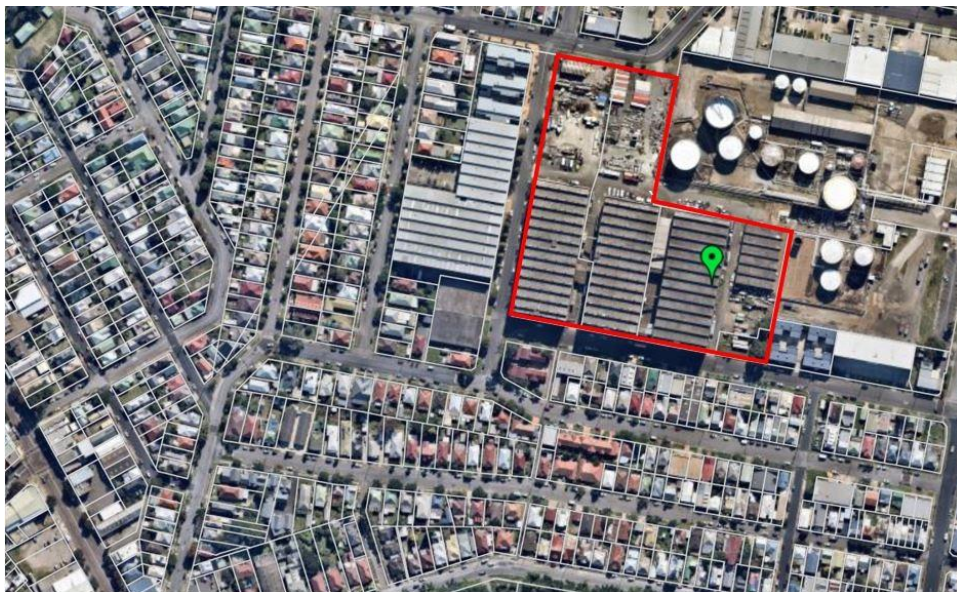


Figure 1: Shows an aerial view of the site (Source: Nearmaps)

Heritage Context

The site contains three listed heritage items included on Schedule 5 of the LEP.

- 'Wool store 1' – Australian Mercantile Land and Finance Company Ltd ('AML&F') located at 57 Annie Street.
- 'Wool store 2' – Dalgety and Company Ltd ('Dalgety's') located at 49 Annie Street,
- 'Wool store 3' – New Zealand Loan and Mercantile Agency Company Ltd ('NZLMA') located at 33 Annie Street.

As described within the EJE Heritage Management Document (HMD) Report submitted with the application, the three Woolstore buildings are almost identical in internal and external design, with the main difference being the deliberate variation in the stylistic treatment of facade treatments. The three buildings' main address is to Annie Street and they have 'laneways' running between each building. There is also an existing entry/exit from Milford Street known as 'Wool Row' which provides for east west movements through the site. The existing buildings each contain four levels and are comprised of concrete framed brick facades, internal timber framing and floors with sawtooth roofs. The height clearance of each level is between 3.1m to 4.3m. The buildings have load-bearing timber beams and posts. The close column spacing, number of storeys and limited floor load capacity all severely limit the potential

use of the buildings for modern industrial and warehouse land uses, which increasingly requires large adaptable floor plates on a single level.

The current uses of the existing buildings on site, identified in the EJE Heritage Management Document (HMD) include:

- *'Wool store 1' (AML&F) was previously used for wool storage and leased to Hynthom Pty Ltd (House and Garden Warehouse), Newcastle Auctions and Kruse Clothing, and has also been used for artists' space and self-storage. The AML&F building is currently vacant due mainly to its installed fire sprinkler system being inadequate to meet current requirements for storage uses.*
- *"Wool store 2' (Dalgety's): was previously leased to Shute Bell Badgery Lumley and Australian Wool Network for wool storage and sales, and has also been used as serviced offices, artists' space and self-storage. As at 2017, parts of the Dalgety's building are being used for office space and self-storage.*
- *'Wool store 3' (NZLMA): has been leased to Associated Wools Newcastle, Newcastle Auctions, Normans Superior Auctions, Wickham Self Storage and Asset Storage Solutions. As at 2017, parts of the NZLMA building are being used for office space and self-storage.*
- *The eastern end of the site has a one storey sawtooth roof building used for light industrial purposes.*
- *The northern section of the site has a collection of small buildings associated with a precast concrete manufacturing facility mainly housed in temporary building and shipping containers.*

The HMD report outlines that *the 'unoccupied' AML&F building makes a significant economic loss per year that precludes its upgrading to current standards without a major development being undertaken upon it. This creates great difficulty in regard to the regular repair and maintenance of the building. The other two buildings, while still being occupied and generating income, also operate at an overall economic loss. The buildings have such a low intensity of usage that it also creates further difficulties for maintenance and upkeep of the heritage items. Without the injection of funds, the AML&F building will continue to deteriorate, with the concrete structure of the building being of particular concern and will ultimately become unviable for conservation.*

Locational Context

A detailed analysis of the site has been provided in the Wickham Woolstores Masterplan Report prepared by TZG Architects, dated November 2020. The site analysis has identified that the site currently has limited permeability or pedestrian amenity. Therefore, an opportunity exists to activate the site and improve amenity within the local area by providing effective through-site links.

Further, the report expresses that the existing strong urban pattern of laneways established by the existing built form provides an opportunity to create a series of north-south pedestrian connections through the site, whereby incorporating the site into the fabric of the neighbourhood and satisfy a natural desire line that runs from the residential area of Maryville to the north, through the site and to Wickham Park and the proposed Newcastle Transport Interchange to the south.

The site is considered in reasonable proximity to Wickham Park (250m walk from the site), and Islington Park (Throsby Creek at the terminus to Power Street 500m walk from the site). Both parks have sporting fields for active recreation and some minor facilities for passive recreation.

These larger public recreational spaces cater to organised sports but generally do not provide for smaller more intimate uses of public space by local families and the wider community. In conclusion, the diversity of public open spaces is generally limited, with intimate and well distributed public green spaces generally lacking. More variety of public green spaces, particularly smaller pocket type parks with play and picnic facilities may be considered to improve or positively contribute to the amenity of the local area.

The site is surrounded by:

- To the north development is of low scale industrial and single storey residential buildings
- To the east of the site is the existing Ampol (formerly Caltex) Fuel Terminal facility
- To the south, across Annie Street, are predominately single storey single residential dwellings and local businesses
- To the west, across Milford Street, is the former Winchcombe Carson Wool store building, previously converted for adaptive residential re-use known as the 'Soque Apartments'. This site is also listed as an item of 'local heritage significance' under the provisions of the LEP and can be viewed in **Figure 2**.



Figure 2: Adjacent converted Woolstore building in Milfors Street, formerly known as the Winchcombe Carson Woolstore (Source: Statement of Environmental Effects City Plan Strategy & Development P/L)

The site has reasonable access and service to public transport, with the Hamilton train station 850m from the site and the Wickham Interchange approximately 1300m from the site.

The site is accessed from Annie Street, Milford Road and access also available from The Avenue, as outlined within the Traffic Impact Statement, prepared by Better Transport Futures, dated May 2017. Each of these roads are local streets with a mixture of adjacent land use development. Also, of significance is the nearby arterial road Hannell Street, which forms part of the 'A43' arterial road network providing an important north / south traffic corridor serving the inner areas of Newcastle. In the vicinity of the site it is built to a dual carriageway standard with two traffic lanes and one parking lane in each direction. Significant junctions in the vicinity of the site include the Hannell Street / Branch Street / Cowper Street roundabout and adjacent bridge over Throsby Creek connecting to Carrington, and a traffic signal controlled intersection

of Downie Street / Woolshed Place providing access to Maryville and the Throsby Creek (former woolsheds) residential precinct. Photos of the site can be seen in **Figures 3 to 6**.



Figure 3: View of subject site from Annie Street looking north west (Source: Development Officer)



Figure 4: View of subject site from corner of Annie and Milford Street looking north east (Source: Development Officer)



Figure 5: View of subject site from corner Milford Street and The Avenue looking south east (Source: Development Officer)



Figure 6: View of subject site from The Avenue looking south (Source: Development Officer)

Wickham location

Wickham is a highly developed area encompassing an eclectic and contrasting mix of smaller residential dwellings, newer commercial developments, a marina and larger industrial structures. As outlined with the City of Newcastle's Wickham Master Plan, the area's role continues to evolve from a once semi-industrial area at the outer fringe of the Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West.

Wickham is experiencing increased demand for housing due to a range of factors including the proximity to Newcastle West, the Newcastle Transport Interchange, the Newcastle Harbor and a topography that is highly amenable to pedestrians and cyclists. As shown in **Figure 7** the subject site is centrally located within walking distance of each of the major attractors driving the regeneration of Wickham.

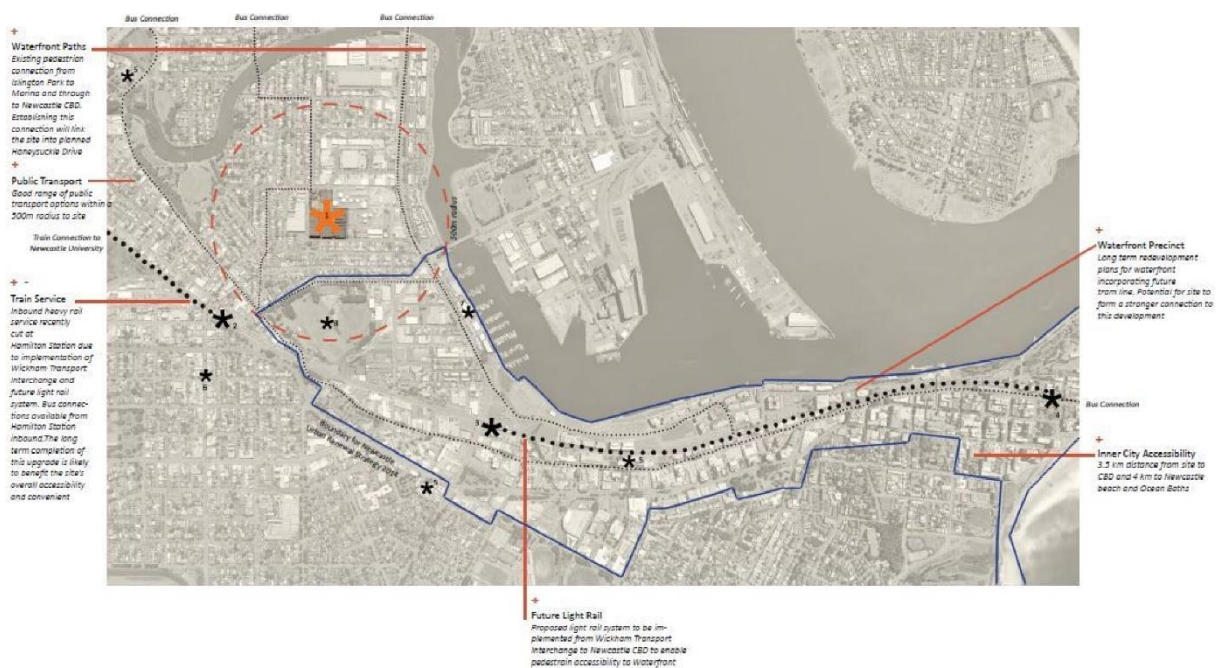


Figure 7: Locality Opportunities and constraints map (Source: Statement of Environmental Effects City Plan Strategy & Development P/L)

4. STRATEGIC CONTEXT

A key consideration in assessing the application given the non-permissible land uses relates to whether the proposal is consistent with the strategic direction for the site and Wickham area. A number of strategic policy documents are discussed further within this report. The Local Strategic Planning Statement (LSPS), in its references to Wickham seeks the continued implementation of the Wickham Masterplan. The Masterplan area does not extend north to Annie Street but it is considered reasonable to take from the Masterplan the desirable strategic direction for the Annie Street area given the sites proximity to the Wickham Masterplan area and, in particular its land use similarities. However, the constraints of both hazard risk and air quality impacts on future health of users of this proposal, in particular from the adjoining Ampol (formerly Caltex Fuel) Terminal facility, also need consideration in any final merit consideration of the proposal.

Hunter Regional Plan 2036

The Hunter Regional Plan 2036, released in November 2016 is a 20 year strategy guiding the future development of the Hunter area, including the Greater Newcastle area. The plan provides an overarching framework to guide the future development of the Hunter as a leading regional economy, with a focus on maintaining and enriching biodiversity, enhancing communities and providing a greater choice of housing and jobs. The Newcastle City Centre is identified as a 'strategic centre', with priorities relevant to the West End including:

- Continue revitalisation to create an exciting place that attracts people, business and investment, domestically and from across the Asia-Pacific.
- Strengthen connections between the city and the waterfront and improve civic spaces.
- Monitor commercial floor space to assist with planning for growth in service industries and the projected increase in jobs from 25,000 to 33,000 in the next 20 years.
- Monitor residential development activity to assist with planning for 6,000 new dwellings.
- Deliver the Newcastle Light Rail from Wickham to Pacific Park to provide frequent reliable and comfortable travel through the city centre.
- Deliver the new transport interchange at Wickham that will integrate trains, buses, taxis and light rail, as well as pathways for cyclists and car drop-off and pick-up points. This is an important gateway into the city centre and is the backbone of future extensions of the transport network.
- Focus investment in infrastructure to alleviate pinch points that will deliver large-scale renewal projects such as site amalgamation and remediation costs. The NSW Government will lead by example and partner with others to deliver landmark infrastructure projects.

The proposal provides the opportunity to assist in achieving the above priorities for both commercial and retail premises and residential development in a location which is in proximity to the Wickham Masterplan precinct, Newcastle City Centre and West End and provide increased activation in the public domain.

Greater Newcastle Metropolitan Plan 2036

The Plan was launched on 17 September 2018 and comprises the first Metropolitan Plan for a non-capital city in Australia. The Plan outlines strategies for the delivery of services, infrastructure and development across the Greater Newcastle area.

The Plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

Several areas within the Newcastle LGA have been identified as catalyst areas for Greater Newcastle including Newcastle City Centre, Beresfield-Black Hill, Broadmeadow, Callaghan,

John Hunter Hospital, Kotara and Newcastle Port. These catalyst areas are places of metropolitan significance that need a collaborative approach in delivering new jobs and homes.

The Newcastle City Centre has been identified as a 'catalyst area' within the Plan, where substantial growth and change will occur to deliver new jobs and homes, with targets for provision of an additional 7,750 jobs and 4,000 dwellings in the City Centre.

Within this 'catalyst area', the Wickham Precinct and West End Precinct have been identified as key sites for development. The Plan stipulates that, with regards to the Wickham Precinct – expand the city centre towards Wickham and provide floorspace for emerging new economy industries and business and in the West End Precinct – increase commercial and accommodation floorspace surrounding the Newcastle Interchange.

The proposal, whilst outside of the Wickham Master Plan precinct, given its proximity and site characteristics, could provide an opportunity to facilitate this growth, whilst also preserving the heritage value of the site.

Newcastle 2030 Community Strategic Plan (CSP)

The Plan identifies that over the next 20 years there is a need to facilitate – new homes, jobs and services for an additional 38,000 people, while maintaining the aim of Newcastle Urbanism to retain our liveability, valued heritage, natural environment and diverse local character.

Key elements of the Plan include mixed use urban villages supported by integrated transport networks. Areas of change include:

- Housing Release areas
- Urban renewal corridors – five identified corridors
- Catalyst Areas – seven areas including – Newcastle City Centre, Beresfield / Black Hill, Broadmeadow, Callaghan, John Hunter Health and Innovation Precinct, Kotara and Newcastle Port

The proposed development, whilst just outside the Newcastle City Centre and only several streets away from the Wickham Masterplan area, the site has suitable characteristics to achieve the objectives of the strategy. These are to provide a mixed use urban environment, with additional housing, additional commercial and retail jobs, whilst protecting the valued heritage listings on the site into the future.

Newcastle Urban Renewal Strategy

The strategy considers the suitability of the Newcastle City Centre for urban renewal. It provides the strategic land use framework for the Newcastle City Centre. The suburb of Wickham whilst not within the core of the strategy's focus, the subject site is just outside and in reasonable proximity to the Newcastle City Centre and Wickham Masterplan area.

Local Strategic Planning Statement (LSPS)

The LSPS is our 20 year land use vision and identifies how we will sustainably manage the growth and change of our City. It gives effect to the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036, implements priorities from our Community Strategic Plan, Newcastle 2030 and brings together land use planning actions in other adopted strategies.

The LSPS will inform changes to the Newcastle Local Environmental Plan 2012, Newcastle Development Control Plan 2012 and other land use strategies. It is accompanied by an Implementation Plan that identifies a program for the delivery of each of the planning priorities and actions. The proposal is considered to provide the opportunity to achieve outcomes, particularly in the priority areas of:

Priority 4 – green our neighbourhoods

Priority 8 – plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas

Priority 9 – sustainable, healthy and inclusive streets, neighbourhoods and local centres

Priority 10 – development responds to the desired local character of our communities

Priority 11 – protect and celebrate our heritage

Priority 12 – sustainable, affordable and inclusive housing

Department of Planning and Environment's Review of Industrial Employment Lands in Throsby Area 2010

As outlined within the Statement (SEE) prepared by City Plan Services, this review recommends future land use zones for the Carrington, Islington, Maryville, Tighes Hill and Wickham employment land precincts in Inner Newcastle. The review recommends that all industrial zoned land within the employment land precincts including Wickham should be retained to support the port related activities and a range of industrial land uses.

In response the applicant has provided an Economic Impact Assessment, prepared by Urbis. The report provides an industrial land assessment within the Newcastle LGA. In addition, reviews the industrial precincts in terms of their appeal to the industrial market compared to the site. Urbis within their report identifies several key factors that drive tenant interest which underpin the functioning of industrial precincts, and include:

- Access to motorway networks and B-Double routes.
- Scale of the precinct, with larger precincts offering opportunities for expansion, intensification of activity and clustering of similar industries and supply change synergies.
- Land use conflict to sensitive noise receptors and the potential to result in traffic conflict between residential and freight vehicles.

The Urbis report also undertakes to evaluate the key industrial precincts based on the key success factors identified that while precincts such as Kooragang, Mayfield, Tighes Hill and Beresfield. The site has poor ratings against the key success drivers, primarily due to site constraints.

The Urbis report summary includes:

- "Poor accessibility southbound on Hannell Street, as it is not possible to turn right directly into Annie Street.
- According to NSW Roads and Maritime Services, Annie Street does not have B-double access. B-double access is only available to the subject site on Milford Street via The Avenue from Hannell Street.
- Access from Pacific Highway which connects with Newcastle Road however, cars and trunks must pass through smaller residential streets to reach the site.
- The Woolstores are heritage listed buildings which places significant constraints on their suitability as a light industrial asset.
- Residential land use located directly across the road to the south and west of the site. This includes the Soque Apartment development. Any uplift in industrial activity on the site is likely to adversely affect these residents and create land-use conflicts.
- Given the nearby residential apartments and houses across the street, activities that increase noise, odour or industrial traffic on residential streets will create land use

conflicts with surrounding residential properties, creating unacceptable barriers to higher intensity industrial users.

Based on this competitive positioning analysis, Urbis concludes that:

- “Site constraints significantly impact the subject site’s ongoing use as industrial asset and limit the types of businesses / tenants it could attract”.
- “The subject site does not share the attributes of successful, large industrial precincts located within the Newcastle LGA or smaller, specialised industrial precincts”; and
- “While the subject site is located within the inner industrial precinct of Newcastle and is zoned for light industrial uses, its heritage constraints make it difficult for it to be redevelop as a light industrial asset”.

Further to the above, EJE concludes in its Heritage Management Document report that *“current requirements for industrial use (the original, use for the Heritage buildings) are not supported by the existing dimensions and fabric of the buildings. A change of use is therefore necessary for the conservation of the buildings.”* Urbis supports this view, outlining that the *“industrial sector is constantly changing, businesses require different built forms and facilities in buildings, which Woolstores built in the early to mid-20th century cannot offer. For example, typical industrial tenants require industrial buildings with high ceilings and clearance in a single level for ease of access and movement of goods. The Woolstores are multi storeys with low ceilings making the movement of goods inconvenient, limiting their appeal to a narrow market of industrial tenants.”*

Newcastle Employment Lands Strategy 2013

The Employment Lands Strategy was released in 2013 to inform the demand for employment uses and promote economic growth in the LGA. The strategy identifies the short term (2006 to 2016), medium term (2017 to 2021) and long term (2022 to 2031). The Plan was updated in 2019 (SGS update) to provide an up-to-date evidence base to inform the new Local Strategic Planning Statement (LSPS). This update will inform the planning of employment generating lands including all land with an industrial, business or special activities zone in the Newcastle LGA.

Industrial land uses

As noted within the SGS update, employment in many traditionally industrial sectors like manufacturing declined between 2006-2016 in the Newcastle LGA. They are projected to continue to decline in the future.

Newcastle’s industrial land houses a diverse range of businesses from a variety of ANZSIC sectors. This includes sectors that would be traditionally defined as industrial such as manufacturing, as well as others like recreation services, retail trade (warehousing associated with retail businesses), rental services, health care and professional services. Even if employment in traditionally industrial ANZSIC sectors are predicted to continue to decline, overall employment in industrial areas in Newcastle is expected to increase. This means that there is likely to be demand for increased amounts of industrial floorspace. Industrial land uses are changing across Australia in response to broader economic trends and drivers, impacting future land use requirements. Industrial employment is increasingly automated, meaning that the number of workers per square metre of floorspace is likely to be lower in the future. Opportunities in advanced manufacturing may mean that industrial activity becomes more knowledge intensive, with a higher economic output. Supply chain optimisation and the rise of online retail means that small industrial distribution facilities are required throughout populated areas, allowing rapid responses to orders for goods. This will heighten the importance of small and centrally located industrial precincts.

Given the varied prospects of different kinds of industrial land uses in Newcastle, future land use directions have been broken down by a classification of precincts as follows:

- Light industrial and urban services precincts are distributed throughout the LGA and contain predominately smaller premises housing a wide range of industrial uses which either service the local population or are important parts of the supply chains of other nearby industries and businesses. Increasing demand and limited capacity for these uses in established areas mean that these precincts should be preserved and protected where possible.
- Strategic industrial precincts are located near major transport infrastructure, house relatively large premises and accommodate a narrower range of uses including large-scale freight and logistics. The supply of land in these precincts appears to be sufficient, and continued development is occurring, so little planning intervention is required.
- Remnant industrial sites are surrounded by non-industrial uses but house large current or former traditional industrial operations (such as factories). The continued decline in manufacturing and evolution of industrial uses may cause these sites to become vacant and not fit for purpose in the future, in which case rezoning and redevelopment may be necessary to accommodate other employment generating uses, or non-employment generating uses if necessary for feasibility reasons.
- Lands associated with the port, which should be managed in association with the Port of Newcastle and NSW Government. Potential future expansion of the Port supports retention of this land. Principles for the former BHP intertrade site are provided in the action plan at the end of this Strategy.

Remnant Industrial Sites

Remnant industrial sites may become vacant in the future if traditional manufacturing businesses employment continues to decline. In this case redevelopment to facilitate other uses may be necessary. When considering which kinds of uses are allowed, one should consider local feasibility and the remediation expenses of the sites in question as well as the appropriateness of their location for other industrial uses.

Planning principles

- Encourage redevelopment of remnant industrial uses in urban areas with high levels of amenity to create employment space.
- Prioritise the provision of employment-generating floorspace in any redevelopment which occurs.
- Minimise displacement of industrial uses

Action 23 - Facilitate redevelopment of remnant industrial sites if they are deemed to be no longer viable for heavy industrial uses and this will not result in the displacement of industrial businesses out of the LGA (Timeframe – Medium to Long term)

In response, as stated in documentation submitted with the application:

The Newcastle Employment Lands Strategy 2013 (NELS 2013) is a strategic document which guides the future uses and role of employment land within the Newcastle LGA based on existing research and revised population forecast and trends. NELS 2013 identified a total supply of 2,599 hectares of industrial land of which 921 hectares were vacant in 2009. The study recommends the need to protect industrial land within the Inner Precinct of Newcastle which includes Wickham and the subject site. Wickham and the subject site were not identified as strategic industrial lands in NELS 2013.

The Newcastle Local Planning Strategy 2015 (LPS 2015) is a comprehensive land use strategy to guide the growth and development of Newcastle to 2030 and beyond. Similar to NELS 2013, LPS 2015 identified Kooragang, Mayfield, Beresfield and Carrington as the four main Industrial clusters. The strategy outlines the need to protect industrial lands in the Inner Precinct to ensure there continues to be a range and choice of lands available for existing businesses and the growth of the Port of Newcastle.

Response

The Urbis Economic Impact Assessment analyses the supply and demand for industrial land using data from the Newcastle Employment Lands Strategy (NELS) 2013 and the Newcastle Industrial Land Analysis Review (NILA Review) 2009. The Urbis report provides an assessment of the industrial land demand and supply under two scenarios:

- “Employment Demand estimates an annual land demand by converting industrial job forecasts (using employment densities) to land demand. Urbis have estimated employment densities to be between 20-30 jobs per hectare.
- Industrial Development Take-Up, estimates an annual industrial land demand based on the site area of industrial projects on greenfield / undeveloped land that are at / or past the development approval stage and are to be completed in 2017 and 2018.”

The analysis provided in the Urbis report identifies the following:

- “There are currently 801 hectares of industrial land in the LGA that are capable of accommodating new industrial employment in 2017.
- Under the Employment Demand scenario, there is a projected industrial employment growth of 560 jobs in total by 2031, which will require 18.7 to 28 hectares of industrial land by 2031. Based on this estimate there will be a surplus of 773.2 to 782.5 hectares of industrial land in 2031.
- Under the Industrial Development Take-Up scenario, there is a projected demand of 41.2 hectares by 2031. Based on this take-up estimate, there will be a surplus of 760 hectares of industrial land in 2031.
- In addition to the industrial land surplus, Urbis identify that there are currently 35 projects in the development pipeline in the LGA with 100,000sq m of floorspace. There are also close to 100 vacancies with 154,000sq m of floorspace in the LGA that are capable of industrial use.”

In conclusion, the analysis undertaken by Urbis demonstrates there is ample supply in the market for industrial land uses, and under both demand scenarios, the adaptive re-use of the heritage items on the subject site as a mixed-use development will not have a significant impact on the supply of industrial land within the Newcastle LGA.

Wickham Master Plan 2017

The Plan outlines the vision of the transformation of a semi-industrial suburb to a mixed-use urban area reinforcing the Newcastle City Centre core. The vision for the area is to continue to evolve into a diverse and dynamic mixed-use neighbourhood.

This master plan was prepared because there was a strategic shift of moving Newcastle City Centre’s commercial core from Newcastle East to Newcastle West. Also, there was a need to identify appropriate building envelopes, land use and public domain planning for the Wickham area.

While the site is just outside the Wickham Masterplan area and does not need to comply with the requirements of this document, the Masterplan is intended to guide the redevelopment of the nearby north-western part of the Newcastle City Centre up until circa 2021.

Whilst the site is outside the Masterplan area, it has all the characteristic that would fulfil the needs of the Masterplan area, and is considered a 'remnant industrial site' under the Newcastle Employment Lands Strategy, therefore considered reasonable to investigate the potential of this site for redevelopment for a mixed-use development.

The assessment acknowledges the site may be categorised as a 'remnant industrial site' given the large land parcel with the existing large-scale Woolstore buildings, formerly housing and servicing the wool trade. As discussed within the application, the use of the existing woolstores has been limited given the overall floor area and decline in traditional industrial related uses. This is further challenged by the need for restoration and upgrade of the existing 'heritage listed' woolstores to bring them up to date with Building Code requirements and relevant Australian Standards and financial feasibility to facilitate restoration, upgrade and use for future uses.

However, consideration is also required of the existing industrial land uses currently in operation adjoining the site, in particular the Ampol Fuel Terminal facility, seen as one of the constraints of the site and its adverse impacts in regards to hazard risk and resultant health amenity and air quality impacts on future uses of the site in any final merits consideration of the proposal.

5. PROPOSAL

The proposal seeks consent for a 'staged development' and includes both a Concept Proposal application and Stage 1 DA works application for the redevelopment of the combined land holdings of Wickham Project No.1 Pty Limited and Asset Strata Investments Pty Limited, known as No. 33, 49 and 57 Annie Street Wickham (Lot 1 DP 346352, Lot 2 DP 346352, Lot 3 DP 346352 and Lot 13 DP 830026). The combined site area is 31,277m².

The overall site area for the Concept Proposal is 31,277m² and Stage 1 DA works component is 11,640m². Subsequent stages within the Concept proposal (Stages 2 - 4) will require separate Development applications to be lodged for approval prior to commencement of any related works.

The Concept Proposal consists of a mixed-use development comprising residential, commercial, community, retail and artisan food production uses and recreation area. The proposal includes the adaptive reuse of three heritage listed items, being the former New Zealand Loan Co Wool Store, Dalgety Warehouse and Elders Warehouse. Two new buildings (envelopes) are also proposed to be integrated into the site as part of the Concept Proposal, with future separate development applications lodged for these later stages (Stage 2 – 4).

A recreation area (community park), associated landscaping, proposed public domain works and infrastructure works are also included in Stage 1 DA works. The overall landscaping and public domain works are proposed in the Wickham Wool stores Masterplan Report to be developed over four indicative stages. The progression of stages in terms of 'years' is yet to be finalised, as details of future staging and timing will be the subject of future development applications.

The Design Concept Overview for the project as outlined within the Wickham Woolstores Masterplan Report, through site analysis identified the need for activated urban space and local recreational green space to augment the existing public space network. The design response has prioritised the creation of high quality activated urban domain. A large

recreational park with passive surveillance from buildings and a multipurpose laneway fronted by retail to both sides are key responses to these factors.

The vision for Wickham Woolstores development is an environment that embraces its industrial past, as a means of generating a viable future. The rich character of the site is defined by a compelling confluence of robust industrial infrastructure and a diverse population of local creative industries. At the core of the proposal is a mixed-use philosophy: a forward thinking and sustainable urban approach that emphasises low impact neighbourhood focused living. Wickham Woolstores will provide an increase in employment generating floor space, accompanied by a range of residential typologies suitable for a diverse cross section of the community. As a result, the public domain will be enhanced with a series of new pedestrian through site links, publicly accessible landscaping and a large park, as well as a new central urban street, which will become the heart and gathering space of the local community of residents, artists and workers.

A range of Masterplan options were explored and Final Option 6, as provided in the Wickham Woolstores Masterplan Report (Section 4.2), was seen as having the following key advantages: quality activated urban domain; genuine mixed use development; large recreational park with passive surveillance from buildings; multipurpose laneway with street activation to both sides between Woolstore 3 and new Building 4 and all above ground car parking.

The Concept Proposal includes:

- Adaptive reuse of the existing 'Woolstore 1' and 'Woolstore 2' buildings as residential apartment buildings.
- Adaptive re-use of the existing 'Woolstore 3' building as commercial and retail and associated carparking (as amended from originally mixed-use residential flat building and commercial / retail land uses).
- Two building envelopes: Building 4 with gross building area (GBA) 7,663m² and gross floor area (GFA) 4,228m² and height up to 3 storeys (maximum RL 15,750), and Building 5 with (GBA) 16,248m² and (GFA) 8,475m² and height up to 6 storeys (maximum RL 21.400).
- New Building 4 (envelope) for the purpose of a mixed-use development comprising commercial, retail and artisan food production uses.
- New Building 5 (envelope) for the purpose of a mixed-use development or shop top housing development comprising residential, and small ground floor retail space.
- A total maximum Gross Floor Area of 47,754m².
- The proposed distribution of land uses as shown on the Wickham Woolstores DA Master Plan Report prepared by TZG Architects, Version 4, dated November 2020.
- Communal open space throughout the site totaling 10,350m², including a new community parkland of approximately 2,912m².
- Stormwater drainage infrastructure and onsite detention.
- Demolition of existing more minor scale buildings.
- Carparking - 494 carparks within the building footprint, and a further 104 at grade spaces on-site street parking, two loading spaces on Wool Row laneway, two delivery

spaces within Woolstore 3 building, 11 loading bays on east of Building 4, total 28 motorbike spaces and 364 bicycle parking spaces.

- Associated site works, landscaping and public domain works.

The Concept Proposal does not seek to specify individual detailed activities but rather seeks to provide a suitable level of flexibility to ensure that the future stage development applications (DAs for works) can reflect the prevailing market conditions. The Concept Proposal therefore seeks approval for a 'mixed use development' comprising residential flat building, shop top housing, commercial premises, community uses, retail premises and artisan food and drink premise and recreation area as defined under the provisions of *Clause 1.4* of the *Newcastle (LEP 2012)*.

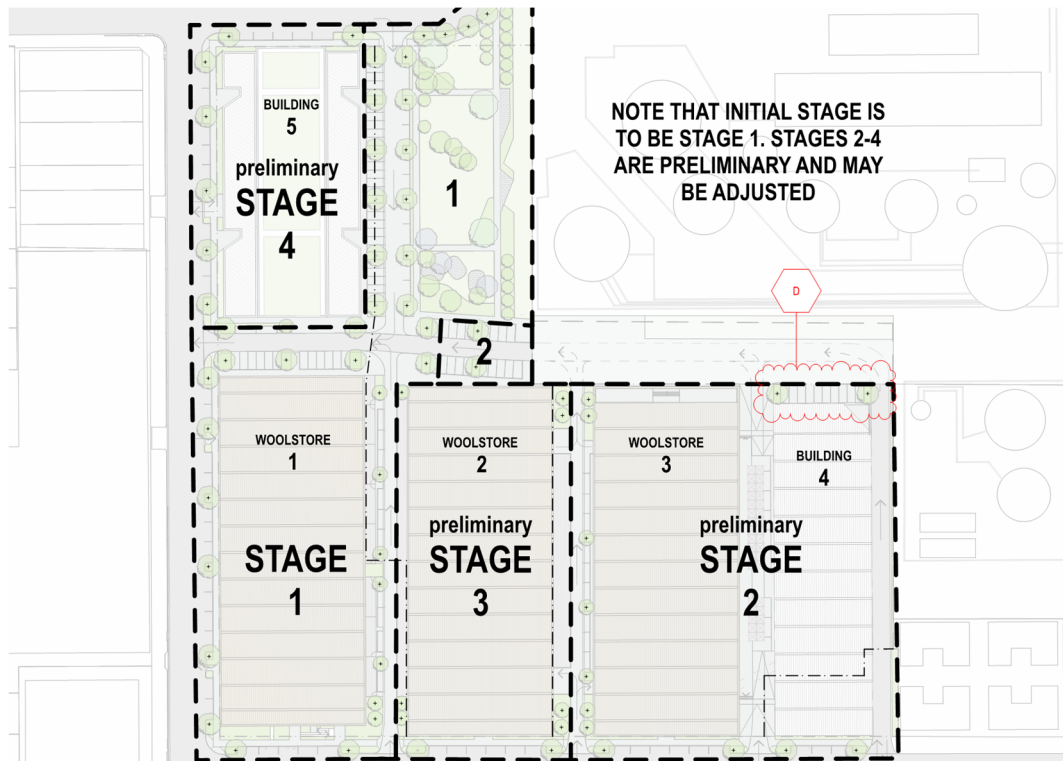


Figure 8: Project Staging Plan (Source: Wickham Woolstores DA Master Plan Report, prepared by Tonkin Zulaikha Greer, Fairweather & City Plan Services)

Indicative Staging Plan (**Figure 8**) shown with stage detail as follows:

Stage 1: Adaptive re-use of Woolstore 1 as a residential apartment building (100 units) and associated car parking (121 car spaces).

Internal Layout/ Use Distribution - Level 1 & 2: carparking sleeved by residential apartments around perimeter, Level 3 & 4: residential apartments with central void.

Demolition, earthworks and site remediation.

A community park and landscaping designed to facilitate the entire development.

Works to the public domain, infrastructure and services / facilities.

Stage 2: Adaptive re-use of the existing (Woolstore 3) building for commercial, community and retail land uses and associated carparking (61 car spaces)

Internal Layout / Use Distribution – Woolstore 3 – Level 1: carparking sleeved by commercial/community use facing Annie St, retail/artisan food/community

between Woolstore 3 and Building 4 internal laneway and around to the rear.
Level 2: commercial/community use, Level 3: commercial/community, Level 4: commercial/community use

Note: Originally Woolstore 3 proposed for mixed-use residential and commercial/retail premises

Construction of one new building known as (Building 4) envelope comprising retail/artisan food production

Internal Layout / Use Distribution - Building 4 – Level 1: retail / artisan food production, Level 2: carparking, Level 3: commercial/community.

Demolition and earthworks

Works to the public domain

Stage 3: Adaptive re-use of (Woolstore 2) as a residential apartment building (99 units) and associated car parking (125 car spaces)

Internal Layout / Use Distribution - Level 1 & 2: carparking sleeved by residential apartments around perimeter, Level 3 & 4: residential apartments with central void.

Demolition and earthworks

Works to the public domain

Stage 4: Construction of on building known as Building 5 envelope, comprising residential apartments (69 units) and ground floor small retail land use and associated carparking (109 car spaces)

Internal Layout / Use Distribution - Level 1 & 2: carparking sleeved by residential apartments around perimeter (at Level 1 small internal corner element of retail space), Level 3 & 4: carparking sleeved by residential apartments, Level 5: residential apartments along street and park interface of building, with central roof void/core.

Demolition and earthworks

Works to the public domain

An indicative distribution of land uses is shown in **Figure 9**.



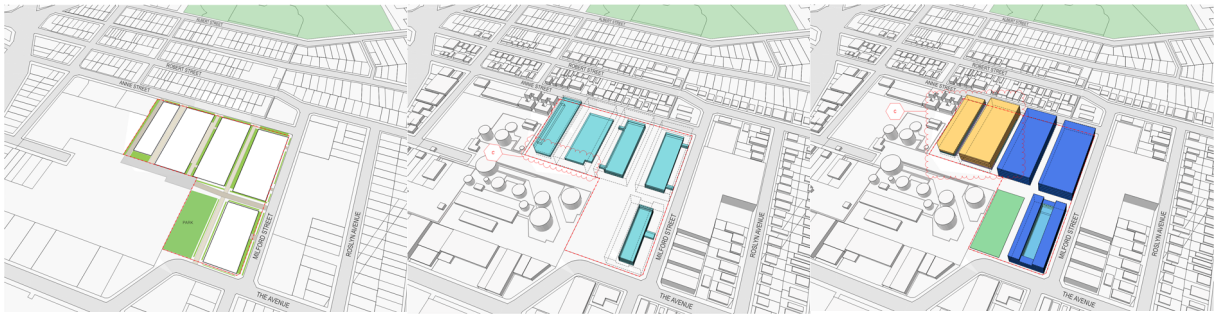


Figure 9: Indicative Distribution of Uses (Source: Wickham Woolstores DA Master Plan Report, prepared by Tonkin Zulaikha Greer, Fairweather & City Plan Services)

An extract from the Wickham Woolstores DA Masterplan Report is provided below in **Figure 10** showing the proposed massing of the development.

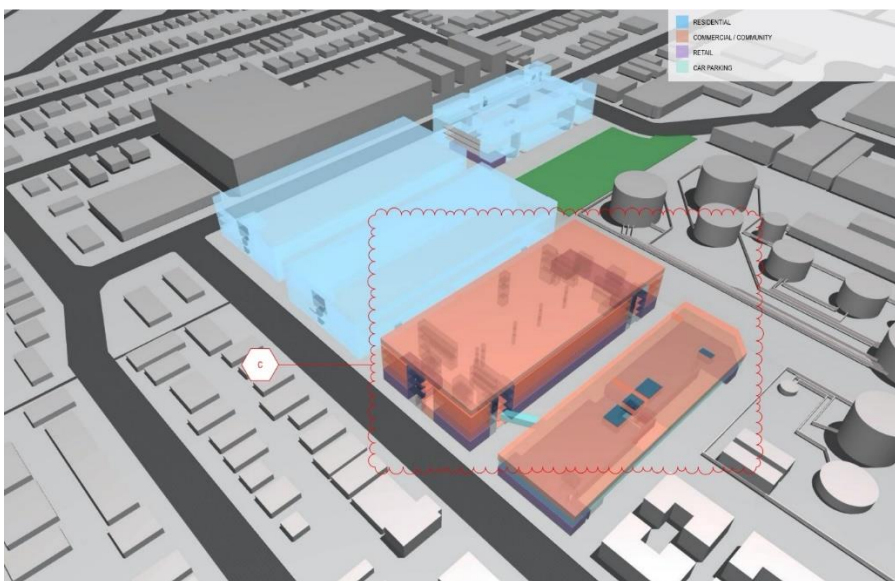


Figure 10: Concept Proposal Massing Imagine (Source: Wickham Woolstores DA Master Plan Report, prepared by Tonkin Zulaikha Greer, Fairweather & City Plan Services)

Table 1 below identifies key development statistics for the Concept Proposal, as taken from the Wickham Woolstores DA Masterplan Report.

Table 1: Development Statistics – Concept Proposal

Site Area	31,277m ²
Total Gross Building Area (GBA)	78,667m ²
Total Gross Floor Area (GFA)	Residential – 32,043m ² Retail – 2,551m ² Commercial – 13,160m ² Woolstore – Building 1: carparking in excess of NDCP 2012 – 1,160m ² Total: 49,415m ²
Floor Space Ratio (FSR)	Site: 31,277m ² GFA: 49,415m ² FSR: 1.6:1

	Note: GFA is calculated as 90% of GBA and excludes car parking.
Building envelopes	Building 4 – 4,228m ² GFA and height of 3 storeys (RL 15,750) Building 5 – 8,475m ² GFA and height of 6 storeys (RL 21,400)
Total Apartments	Woolstore 1 – 100 apartments comprising: 39 x one (1) bed units (39%) 33 x two (2) bed units (33%) 28 x three (3) bed units (28%) inclusive of 12 'townhouse' two-storey cross over units Note: The following unit numbers for Building 2 to 5 are indicative only and subject to change based on future detailed design. Woolstore 2 – 99 apartments (mix of 1, 2 and 3 bed) Woolstore 3 – zero apartments Building 4 – zero apartments Building 5 – 69 apartments (mix of 1, 2 and 3 bed)
Car parking	Woolstore 1 – 121 spaces Woolstore 2 – 125 spaces Woolstore 3 – 66 spaces Building 4 – 73 spaces Building 5 – 109 spaces Total Parking – on site: 598 spaces On-site in Buildings – 494 spaces On-site outdoor parking (internal road system)– 104 spaces
Communal Open Space	10,350m ² (33% of the site area) Required: 25% of site area
Deep Soil	2,912m ² (9% of site area) Required is 7% of site area
Landscape Area	3,556m ² (ie. 11.4% of site area)
Community Park	2,912m ² (9.3% of site area)

Concept Proposal - Demolition

To facilitate the construction of the development, part demolition works will be required as shown in **Figure 11**. Those buildings identified for demolition are essentially those categorised as contemporary light weight sheds and intrusive later additions of poor construction making them unsuitable for reuse.

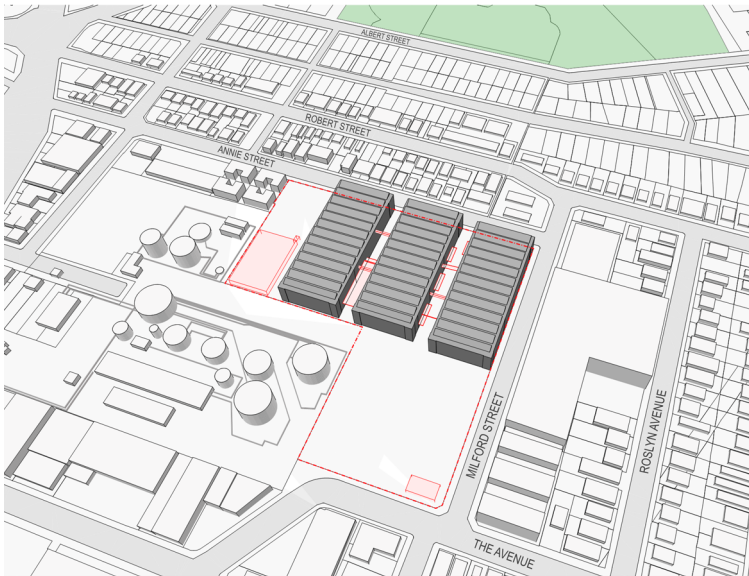


Figure 11: Selective Demolition - Indicative demolition shown in dashed red line (Source: Wickham Woolstores DA Master Plan Report, prepared by Tonkin Zulaikha Greer, Fairweather & City Plan Services)

Concept Proposal – Traffic Management

Traffic management aims to take advantage of the existing network of wide suburban streets and existing laneways. Vehicles will enter the site at the laneways on Annie Street or The Avenue and leave the site at Milford Street. The aim is to minimise impact by keeping vehicular traffic to the periphery of the site and through traffic discouraged by utilising traffic calming measures and shared zones. The majority of the public domain on the site is favoured towards encourages pedestrian movement.

In respect to vehicular access, the proposal provides for the use of the following access points:

- 'Wool Row' is an existing internal private lane accessed from Milford Street which will be used to provide two-way east-west movements through the site.
- Three existing laneways located between the Woolstore buildings provide entry onto the site from Annie Street. It is proposed that the existing laneways be used for one-way movements and connection to 'Wool Row'.
- One new additional vehicle entry point is proposed from Annie Street to the east of Building 4, which will provide for two-way movements and connection to 'Wool Row'.
- One new vehicle entry point from The Avenue is proposed, which will provide for one-way movements and connection to 'Wool Row'.
- Existing hardstand areas located directly north of Building 3 and 4 (as defined on the Survey) will be used in accordance with the terms of the easement. Works or embellishments are not proposed over this area.

Concept Proposal – Parking Strategy

The Wickham Woolstores DA Masterplan Report prepared by TZG Architects confirms that approximately 494 car spaces within buildings, a total of 104 on-site street parking, two loading spaces on Wool Row laneway, two delivery spaces within Woolstore 3, 11 loading bays east of new Building 4, a total of 28 motorbike spaces and 364 bicycle parking spaces are provided as part of the development. Public on-street car parking spaces are provided as part of the public domain works to be undertaken with the site redevelopment.

Parking is to be provided for residents, workers and visitors on site to support the viability of the proposed mixed-use precinct. The parking strategy encompasses vehicular parking within buildings alongside extensive street parking both on the site and immediately adjacent to it, on Annie and Milford Streets and The Avenue. The intention is to strike a balance between

adequate amenity for residents and workers on the site and minimising traffic movement and reliance on private cars.

A sleeved parking strategy is proposed with on grade or above ground car parking proposed within buildings, as the site is subject to flooding and basement car parking is not an option. The proposal will sleeve parking levels with other uses, such as residential and retail, ensuring street activation is maintained. Parking entrances and exits are either consolidated or occur along main streets, ensuring limited impact on pedestrian movement within the site. Street parking is proposed to ensure the viability of the retail and artisan production parts of the proposal. This is predominately located along the east-west promenade.

Concept Proposal – Landscaping

A Landscape Plan (**Appendix B**) and design statement has been prepared by JMD Design and has been developed for the whole precinct to ensure a holistic approach and that key principles are applied throughout the site and respond to each stage's, specific requirements.

The Wickham Woolstores DA Masterplan Report outlines the landscape opportunities for the site and redevelopment. A wide variety of landscaping treatments are proposed to support the public domain on site.

The Landscape Plan seeks to provide a contextual design response to each major element including the public streets and site boundary, Wool Row and the shared laneways between the heritage items and proposed buildings.

The centerpiece of the landscape design is a large community park at the north eastern end of the site, which is accessible for public use. Enclosed by buildings on two sides it has an intimate scale and can accommodate picnic and play facilities, while benefiting from the passive surveillance afforded by the buildings. It has a northerly aspect and has extensive opportunities for planting and landscaping.

The laneways between the woolstore buildings are a combination of hardscape and street planting with some featuring private entry courtyards to terrace style ground floor garden apartments and others having retail and hospitality activation.

Street landscaping will provide additional tree canopy to the site periphery and aims to co-ordinate with the surrounding area. Public domain work incorporates continuous pedestrian connections along the site boundary and improvements to the quality of on-street parking along Milford Street and Annie Street.

Future opportunities are available to incorporate water sensitive urban design and urban ecology strategies, as well as flood mitigation, within the design of the public domain and landscape. There is also good opportunity for substantial areas of deep soil zone. This will increase groundwater recharge on the site and will enable the provision of canopy trees to many areas.

Given the proposed sequencing of stages, the landscaping being proposed in the Stage 1 DA works provides the communal open space allocation for the entire Concept proposal / site. The remainder of the development (Stages 2 to 4) will therefore benefit from this communal open space that is being embellished in Stage 1 DA works.

JMD Design note that due to the impact that grounding the existing electrical cables would have on the tree protection zone/structural root area, new street tree plantings are proposed along Milford Street and Annie Street to replace existing plantings and provide a consistent approach that complements landscaping within the site and in the surrounding area.

Concept Proposal – Retail Use Distribution

The retail strategy revolves around artisanal food production located in new Building 4 and regional food outlets located on the ground level of Woolstore 3. The laneway between these buildings is a pedestrian market street creating a food experience unobtainable in shopping centres.

From this main retail strategy, there is opportunity for additional uses such as education (cooking, cheese making classes, tours and functions). With precedents such as the Kensington St Chippendale, The Grounds of Alexandria, or even Hunter Valley Roche Estate.

The retail strategy across the site is to cluster an area within a concentrated zone, so as to capitalise on agglomeration efficiencies. Apart from the concentration of retail space between Woolstore 3 and Building 4 there is also a small retail tenancy space in Building 5 to address the park. This is considered ideal for local site users who are drawn to the site for the park, for example dog walkers, who could then use the retail facilities.

The long-term goal would be to have a ‘temporary’ structure in the park which would work in conjunction with the Building 5 space to facilitate a café/restaurant which would help activate the park.

Concept Proposal – Commercial & Community Distribution

The commercial and community space strategy aims at the commercial and community spaces across the site associated with the retail within the mixed-use Woolstore 3 and Building 4. Woolstore 3 has a commercial space to Annie Street which will likely be a display suite for residential sales, with a future use as a site manager’s office. Woolstore 3 also has large commercial and community spaces within Levels 2 to 4.

The location of commercial and community space across the development has largely been shaped by the positioning of retail at street level to maximise street activation and the location of residential to maximise solar amenity.

Arts Newcastle and Wotso Workspace

There have been discussions with Newcastle Community Arts Centre who are known to rent almost half of the Woolstore 3 commercial space. There have also been discussions with WOTSO Workspaces who would like the majority of the remaining area to set up a Newcastle branch of their successful expanding workspace model.

Concept Proposal – Residential Use Distribution

The residential use distribution as part of this proposal provides for residential uses concentrated away from adjacent heavy industrial uses to the east of the site and closer to adjacent residential uses to the west of the site.

Woolstore 1 and Woolstore 2 are proposed to be converted entirely to residential uses, while Woolstore 3 is proposed to be converted to a mix of retail and commercial uses, to reflect the mixed-use character of the eastern end of the site. The proposed new development at the north-western end of the site is predominately residential. The scale of this proposed development reflects the scale of the woolstores on site and the converted woolstore across Milford Street. Residential uses have access to good solar amenity and a pleasant outlook.

Parking Use Distribution

Parking is located within every building, at Level 1 and/or above in order to maintain street activation. Parking is sleeved by other more active uses, including a mix of residential, commercial and retail uses.

Woolstore 1 and Woolstore 2 have two levels of parking, while Woolstore 3 only has one level. The proposed new Building 4 with commercial / retail uses at the eastern end of the site has one level of above ground carparking on Level 2 and some Level 1 loading and deliveries. The

proposed new Building 5 with residential use above ground level and a small retail use at the north-western end of the site has three levels of carparking. Entries and exits to carparking are either co-located or positioned along street boundaries to reduce the impact of vehicle movement within the site.

The Stage 1 Development Application (Stage 1 DA works) includes:

The Stage 1 DA works includes the part of the site incorporating Woolstore 1, the adjoining area for the proposed community park located north of Woolstore 2, the adjacent shared laneways and a section of 'Wool Row'.

The Stage 1 DA works seeks consent for the adaptive re-use of the 'Woolstore 1' building for the purpose of providing 100 residential units and 121 associated car parking spaces. This includes internal and external alterations and additions to the existing building and other building works incorporating:

- 100 residential units comprising of 39 x one (1) bed units, 33 x two (2) bed units and 28 x three (3) bed units, inclusive of 12 x two storey 'townhouse' cross over units.
- Construction of new mezzanine floor level for the Level 4 apartments.
- Individual courtyards, terraces and entrances for ground floor dwellings along the east and west facade.
- New fenestration including windows, doors, louvers and balconies.
- Two levels of car parking integrated into the internal fabric of the building (Levels 1 & 2).
- Separate ground floor vehicular entry and exit from Milford Street.
- An entrance foyer and lift access at ground level to Annie Street.
- A new northern ground floor pedestrian entrance.
- Removal of internal walls, building services, stairs, amenities.
- Demolition of chutes/bridges between Woolstore 1 and Woolstore 2, office areas, kitchens, pillars and stairwells (Refer to Demolition Plan by Fairwather Jemmott at **Appendix B**).
- Site remediation works (refer to Remedial Action Plan provided at **Appendix B**).
- Provision of bin storage within Level 1.
- An ancillary building manager's office space located on the ground floor.
- Restoration works including works to the building facade and interpretive re-use of existing internal building features.
- Demolition of existing hardstand areas and minor earthworks and site remediation to facilitate the creation of community park that is approximately 2,912m².
- Landscaping and at grade car parking.
- Public domain works including street tree planting, new pedestrian pathways, access ways, formalised parking and the creation of suitable levels to provide level access to the building.
- Stormwater drainage infrastructure including on site detention.

Development Statistics

Details of Stage 1 works are included in **Table 3** below.

Table 2: Development Statistics – Stage 1 (Woolstore 1)

Capital Investment Value	\$34,473,226.00
Stage 1 Land Area	11,640m ²
Gross Floor Area (GFA)	Residential – 11,875m ² Total GFA - 13,535m ² Note: Includes carparking in excess of NDCP 2012 – 1,160m ² Total GBA – 18,538m ²
Building Height	21.02m (existing) – RL 20,910
Total Apartments	Woolstore 1 – 100 apartments comprising: <ul style="list-style-type: none"> • 39 x one (1) bed units (39%) • 33 x two (2) bed units (33%) • 28 x three (3) bed units (28%) inclusive of 12 'townhouse' two-storey cross over units
Total Parking	121 car spaces 25 motor bikes 100 bicycle bays/racks
Communal Open Space	6,057m ² (52% of stage area) 10,350m ² (33% of the site area) Required: 25% of site area
Deep Soil	2,912m ² (9% of site area) Required: 7% of site area
Landscape Area	3,556m ² (ie. 11.4% of site area)
Community Park	2,912m ² (25% of stage area) or (9.3% of site area)

Stage 1 DA works – Landscaping Works

A Landscape Plan and design statement prepared by JMD Design is included at **Appendix B**.

The Landscape Plan addresses the surrounding areas to existing Woolstore 1, the proposed community park located north of Woolstore 2 as well as the adjacent shared laneways between the heritage building and proposed Building 5.

The Landscape Plan seeks to provide a contextual design response to each major element including the public streets and site boundary, Wool Row, the shared laneways between the heritage items and proposed buildings.

Stage 1 DA works – Community Park

A community park is proposed in the north east section of the site as shown in the Landscape Plan. Additional information in response to landscape works and park provision are provided in JMD Design, letter dated 12 November 2020 in **Appendix B**.

The proposed community park will be defined by a strong geometry, given by the surrounding streets and site boundary. The proposal responds to this shape by focusing on creating activation nodes on the southern end and along the site boundary and providing a generous kick about area in the centre. Activation areas include informal play, picnic and ping-pong

areas. A screening structure covered by climbing plants is also proposed, which will assist screen and soften the view of the Ampol (formerly Caltex) fuel depot. The park is not intended to be dedicated to Council as a public reserve but will be open to residents of the proposed units and the general public.

Stage 1 DA works– Public Domain Works

The Landscape Plan and design statement provides detail relating to the proposed public domain works. JMD Design notes that there are currently no footpaths along The Avenue and Milford Street. On-street parking is also not formalised and does not provide for a suitable streetscape. Proposed public domain works therefore seek to provide a consistent footpath and improvements to the quality of on-street parking.

Due to the incorporation of the additional footpath and formalised on-street parking areas, it is estimated that the width of Milford Street would be reduced by approximately 1 metre. It follows that the works will reduce pedestrian crossing distances and improve pedestrian safety.

JMD Design note that a limited number of street trees outside the lot boundaries along Milford Street are proposed for removal due to the impact that undergrounding of the existing electrical cables would have on the tree protection zone/structural root area. In addition, existing street trees that surround Woolstore 1 and new Building 5 are inconsistent with more recent plantings along Milford Street. Consequently, new street tree planting is proposed along Milford Street and Annie Street to replace existing plantings and provide a consistent approach that complements landscaping within the site and in the surrounding area. It is proposed that trees and works be provided in accordance with City of Newcastle requirements.

Stage 1 DA works - Stormwater

Stormwater Concept Plans prepared by Mott Macdonald dated 3 July 2017 have been provided at **Appendix B** that describe the proposed stormwater disposal system. A MUSIC and a DRAINS model have been included to ensure the stormwater design is compliant with City of Newcastle requirements.

The proposed stormwater system will connect into the existing Council drainage system. Accordingly, the proposal incorporates on-site detention basin and rainwater tanks, sized and designed in accordance with City of Newcastle Design Guidelines. A series of treatment devices have also been proposed to ensure compliance with Council's water quality targets.

6. PLANNING ASSESSMENT

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

6.1.1 Section 4.5 – Joint Regional Planning Panels

Section 4.5 of the EP&A Act and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 requires the Hunter and Central Coast Regional Planning Panel (HCCRPP) to determine applications for development classified under Schedule 7(2) *general development over \$30 million*. The development has a CIV of \$124,983,044.56.

Note: At the time of lodgement of this application, the CIV threshold was over \$20 million under the SEPP.

6.1.2 Integrated Development and External Agencies

The proposal is integrated development under Section 4.46 of the EP&A Act as approval is required from Subsidence Advisory NSW under the provisions of Section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

General Terms of Approval (GTAs) dated 15 June 2017 and 20 June 2017 were issued for Woolstore 1 and Woolstore 2 buildings.

Subsidence Advisory NSW separately issued advice dated 6 July 2017, that further Geotechnical subsurface investigations will be required prior to issue of GTAs for Woolstore 3, Building 4 and Building 5. This included information to determine the grouting / structural engineering requirements for the design of these buildings. Investigation is to be conducted prior to development application stage for these subsequent stages in the overall Concept proposal.

Re-referral to Subsidence Advisory NSW during assessment, was undertaken and updated GTAs were issued for Stage 1 DA works (Woolstore 1) at 57 Annie Street Wickham, dated 4 September 2020. In addition, these GTAs extended also to a future stage under the Concept proposal (new Building 5), as this proposed building is located on the same land parcel.

Subsidence Advisory NSW also granted their GTAs for a future stage under the Concept proposal (Woolstore 2) at 49 Annie Street Wickham, dated 4 September 2020.

In addition to the above September 2020 GTAs, Subsidence Advisory NSW issued advice dated 31 August 2020. This advice requested sub-surface geotechnical investigation be undertaken prior to GTAs being granted for remaining stages comprising Concept proposal (Woolstore 3) and new (Building 4). This advice was contrary to their previous advice dated 6 July 2017, which required further geotechnical investigation being required prior to issue of GTAs for Woolstore 3, new (Building 4 and Building 5), prior to development application stage for these subsequent stages in the overall Concept proposal.

It should be noted that no 'works' are proposed under the Stage 1 DA works for (new Building 5), (Woolstore 2), (Woolstore 3) or (new Building 4) contained within the Concept proposal application. These future stages will require the lodgement of separate development applications for the works, which in turn will trigger the need under the integrated development provisions to obtain GTAs from Subsidence Advisory NSW.

Notwithstanding the above, further advice was received recently from Subsidence Advisory NSW, whereby GTAs were granted dated 13 November 2020 for Woolstore 3 and new Building 4 at 33 Annie Street, Wickham. Apart from the standard conditions, grouting conditions were also imposed, given the absence at this time of any sub-surface geotechnical investigation being undertaken.

Subsidence Advisory NSW (GTAs) and advice as discussed above is contained within **Appendix C**. The conditional approvals for Woolstore 1 and new Building 5 and Woolstore 2 buildings, included conditions relating to General - Plans, Standards and Guidelines and Post Construction requirements. The conditional approval for Woolstore 3 and new Building 4, included conditions relating to General – Plans, Standards and Guidelines and Post Construction requirements, and also included grouting requirements.

External referrals

A number of government agencies were consulted for their advice and these are summarised in **Table 3** below. External agency referrals included Planning, Industry & Environment (Hazards), SafeWork NSW, Environment Protection Authority (EPA), Transport for NSW (TNSW) and Ausgrid.

Table 3: Consultation with Government Agencies

Agency	Response
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<p>Planning, Industry & Environment (Hazards) (PIE)</p>	<p>A referral was undertaken to (PIE) for their specialist advice regarding the level of hazard impacts given the site adjoins an existing Ampol Fuel Terminal facility. Multiple advices were received during the assessment period and concerns have been raised in relation to level of risk and hazard, Ampol compliance and SafeWork NSW. In response several rounds of amended reports and documentation were submitted.</p> <p>PIE provided interim advice to Council on 10 June 2020 regarding the latest amended proposal and accompanying documentation / reports. Final advice was provided to Council on 24 July 2020 which stated:</p> <p><i>Given outstanding issues, unable to verify if application is acceptable in terms of Hazards and Risks. Given the uncertainties of these issues, they cannot be addressed or resolved via consent conditions.</i></p> <p><i>Should the consent authority wish to proceed in determining the DA based on the existing information to date, the current Department's position is as follows:</i></p> <ul style="list-style-type: none"> • <i>Given the items discussed above, the current HRA rev 1 may not be considering the worst-case scenario in assessing the risk from Caltex Terminal to the proposed DA.</i> • <i>Planager must revise the HRA r1 to reflect the actual bunding deficiencies to verify if the DA can comply with the Department's HIPAP 10 land use safety risk criteria in light of the bunding deficiency.</i> <p><i>The currently reported incremental societal risk may be further increased as a result of resolving the items above. Referring to the HIPAP 10 Section</i></p> <ul style="list-style-type: none"> • <i>5.5.4, it states "options should be considered to relocate people away from the affected areas. If, after taking this step, there is still a significant portion of the societal risk plot within the ALARP region, the proposed development should only be approved if benefits clearly outweigh the risks."</i>
<p>SafeWork NSW (dangerous goods authority)</p>	<ul style="list-style-type: none"> • Advice to Council received, dated 30 September 2019 <p>Advising on 1 July 2019, SafeWork NSW visited the Ampol (formerly Caltex) Fuel Terminal Facility, undertaken as part of a potential major hazard facilities verification program. Through this process there were areas requiring improvement in relation to spill containment of hazardous chemicals at the site.</p> <p>The current system is reliant on bunding to contain any leaks of the contents of storage tanks. Upgrades are required to ensure they are sufficiently impervious to retain spillage and to enable recovery of any spillage and bund walls need to be upgraded to a good condition to be able to</p>

	<p>contain liquid and maintain structural integrity. Currently non-complaint with Australian Standards.</p> <p>SafeWork NSW is working with the facility to ensure that a standard of work health and safety to ensure an equivalent to or higher than the standard required in the code is achieved.</p> <ul style="list-style-type: none"> Email advice provided with amended plans/additional information by applicant from SafeWork NSW, dated 22 March 2020 Advice to Council received, dated 4 June 2020 <p>Advice provided clarification that whilst the likelihood of an event such as a catastrophic tank failure is extremely low, the consequence of such an event would be high. Therefore, it is reasonable to assume the risk has not been eliminated and will need to be controlled so far as is reasonably practicable.</p> <p>The Ampol (formerly Caltex) facility is continuing to work proactively with SafeWork NSW in the implementation of an interim risk management plan to control the risk. This information was conveyed in an email to the applicant dated 22 March 2020.</p>
<p>Environment Protection Authority (EPA) (licensing authority for Ampol (formerly Caltex) Fuel Terminal Facility)</p>	<p>A referral was undertaken to (EPA) for agency advice in relation to potential for odour and air quality impacts and resultant amenity impacts from the neighbouring facility on the future development occupants of this development.</p> <ul style="list-style-type: none"> Advice to Council received, dated 2 February 2017 <p>Concerns in summary – conflict of land use, amenity impacts, potential to compromise viability of industrial zoned land, adequately address the potential pollution and odour impacts on the development.</p> <ul style="list-style-type: none"> Advice to Council received, dated 27 March 2019 <p>Concerns regarding the air modelling report and also made comment regarding zoning and proposal being a potential conflict of land use. If Council were to approve, prudent to provide a notation on Planning Certificates for all residential apartments warning that the property may be subject to odorous hydrocarbon emissions and air toxics.</p> <ul style="list-style-type: none"> Advice to Council received, dated 20 June 2019 <p>Referenced 27 March 2019 advice and advised regardless of any new air quality modelling, given the previous advice and potential future impacts on residential occupants, its unlikely overall concerns would change.</p> <ul style="list-style-type: none"> Advice to Council received, dated 6 August 2019 <p>Referenced 27 March 2019 and 20 June 2019 advice to Council. Referred to land-use conflict caused by poor planning decisions, resulted in other situations to have</p>

	<p>adverse amenity impacts on residents and ultimately affect the viability of long-term industrial activities.</p> <p>No technical review of the most recent (Todoroski) Air Quality Impact Assessment undertaken.</p> <ul style="list-style-type: none"> • Advice to Council received, dated 24 July 2019 <p>EPA Notification – To Extend Declaration of Significantly Contaminated land at Ampol (formerly Caltex) Fuel Terminal Wickham</p> <p>EPA as part of their notification requirements advised that a portion of the site described in this DA, has been declared as significantly contaminated land – due to the presence of petroleum hydrocarbons and Polycyclic Aromatic Hydrocarbons in groundwater, soil and soil vapour beneath Building 33 on the land.</p> <p>The declared portion of 33 Annie Street is not currently suitable for residential use and will require significant remediation before a more sensitive land use such as residential can be considered. Highlights the need for suitably sized buffers between industry and more sensitive land uses such as residential.</p> <p>Referenced importance of adding a notation on Planning certificates warning all future residents the property may be subject to odorous hydrocarbon emissions.</p> <ul style="list-style-type: none"> • Latest advice received, dated 9 June 2020 <p>Based on information provided does not appear the development involves an activity that is listed in Schedule 1 of the POEO Act. As such Council would be the appropriate regulatory authority for matters under the POEO Act in respect of the proposed development.</p> <p>The EPA notes there is hydrocarbon and metal contamination present in the soil and groundwater at varying degrees on the site and that 33 Annie Street is currently declared as significantly contaminated land under the Contaminated Land Management Act 1997.</p> <p>If consent is granted, EPA recommends the inclusion of the following condition:</p> <ol style="list-style-type: none"> 1. The validation process for 33, 41, 49 and 57 Annie Street must be audited by an NSW Environment Protection Authority accredited site auditor. <p>The auditor must: - provide Council with a site audit report and statements regarding remediation and the land is suitable for the development, consider the risk of explosion due to the elevated methane levels present beneath the slab of the former 'Building 33' as part of the remediation process, and approve any environmental management plan developed for the site.</p>
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Transport for NSW (TNSW) SEPP (Infrastructure) 2007	<p>A referral was undertaken to TNSW under the provisions of ISEPP.</p> <ul style="list-style-type: none"> • Advice to Council received, dated 24 July 2018 <p>No objection subject to matters for consideration in the assessment by Council – traffic management and safety measures during construction, appropriate sight line distances and Australian Standards.</p> <ul style="list-style-type: none"> • Latest advice received, dated 15 June 2020 consistent with their original advice. <p>Note: Milford Street, Annie Street and The Avenue are local roads. City of Newcastle is the roads authority for these roads and all other public roads in the vicinity.</p>
Ausgrid SEPP (Infrastructure) 2007	<p>Preliminary advice was provided to the applicant, dated 21 April 2017.</p> <p><i>Ausgrid network does not have the capacity to connect the woolstore redevelopment stage 1 to stage 4. An extension/augmentation of the Ausgrid network is required. Following likely works required to provide capacity include:</i></p> <p><i>Lot 1 DP 346352, 57 Annie Street – Woolstore 1 (520kVA) and Building 5 (480kVA)</i></p> <ul style="list-style-type: none"> • <i>Installation of a single kiosk/chamber substation</i> <p><i>Lot 2 DP 346352, 49 Annie Street – Woolstore 2 (520kVA)</i></p> <ul style="list-style-type: none"> • <i>Installation of a single kiosk/chamber substation.</i> <p><i>Lot 3 DP 346352 and Lot 13 DP 830026, 31-33 Annie Street - Woolstore 3 (1020kVA) and Building 4 (780kVA)</i></p> <ul style="list-style-type: none"> • <i>Decommission of existing substation HS14297 (Dalgetys) – 300kVA</i> • <i>Installation of a kiosk/chamber substation(s)</i> <p><i>Alternative – supply the whole development site from a single connection point</i></p> <ul style="list-style-type: none"> • <i>Installation of a multi transformer chamber substation.</i> <p><i>An extension/augmentation of the Ausgrid network is Contestable and requires the customer to engage accredited service providers to undertake the design and construction of the required works. Information on how to connect to the Ausgrid network can be found on our website.</i></p> <p><i>The proposed undergrounding / relocation of the existing assets in Milford St and Annie St is permitted.</i></p> <p><i>Alterations to the existing Ausgrid network (ie. relocation works) is also Contestable as detailed above and is fully funded by the applicant.</i></p>

A referral was undertaken to Ausgrid and their advice was received, dated 28 November 2017.

- Advice to Council received, dated 28 November 2018

Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid's infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Please note the following information in relation to the construction of the development:

Supply of Electricity

Scope of Contestable Works

All alterations / augmentation to Ausgrid's assets will be carried out as contestable works. The contestable works will be channeled through Ausgrid's Hunter Contestable Connections Group.

Ausgrid has significant strategic infrastructure including mains and substation 'HS14297 DALGETTYS' located within the redevelopment area. Ausgrid has a lease over substation HS14297 which expires 14 November 2025. It is important that the developer consider and allow the following:

- 1. The impact of development activities to Ausgrid's operation assets and customers, including maintenance of safe access for Ausgrid staff, safety clearances and maintenance of supply to customers.*
- 2. Development and review of realistic final maximum demands.*
- 3. Assess capacity of existing substation 'HS14297 DALGETTYS' (300kVA) in relation to future load from development.*
- 4. 'HS14297 DALGETTYS' has two low voltage distributors, one supplying 33 Annie Street and the other Ausgrids low voltage network. Capacity of supply to Ausgrids low voltage network must be maintained.*
- 5. Staged plans for substation augmentation if required.*
- 6. Selection and possible relationalisation of final substation sites and cable routes.*
- 7. Staging of any temporary electrical supplies, including temporary substations if necessary*
- 8. Temporary and final streetlighting arrangements*
- 9. Integration/impact with other infrastructure projects and 3rd party developments*

	<p>The advice strongly recommended that the developer's electrical professional engage with Ausgrid collaboratively to develop an electrical masterplan which sets out a staged approach to achieve the above required for the development as a whole.</p> <p><u>Proximity to Existing Network Assets</u> <i>There are exiting overhead electricity network assets in the road reserves, adjacent to the development.</i></p> <p><i>Workcover Code of Practice 2006 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction.</i></p> <p><u>Underground Mains</u> <i>Works described are also in the vicinity of underground electricity assets.</i></p> <p><i>In addition to DBYD searches, its recommended that you to conduct a ground search to locate electricity assets prior to commencing work. Refer Ausgrid's Network Standard 156 – Working near or around underground cables.</i></p> <p><u>Clearance to 'As Constructed' Development may not be Compliant</u> <i>The 'as constructed' minimum clearances to the mains should also be considered. Ausgrid Network Standard NS220 Overhead Design Manual.</i></p> <p><i>The existing overhead mains may require relocating should the minimum safety clearances be compromised in either of the above scenarios, this relocation work is generally at the developers cost.</i></p>
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6.1.3 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.

6.1.3.1 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 of the SEPP requires the Regional Planning Panel to be the determining authority for development included in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. This includes applications for development classified under Schedule 7(2) *general development over \$30 million*.

The application is submitted to the Hunter and Central Coast Regional Planning Panel for determination as the CIV is over \$30 million. The development CIV is \$124,983,044.56.

Note: At the time of lodgement of this application, the CIV threshold was over \$20 million under the SEPP.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the state through the appropriate preservation of trees and other vegetation.

Clause 10 of the SEPP, states that Council may issue a permit for clearing of vegetation, provided it is satisfied that clearing does not exceed the biodiversity offset scheme threshold and that in relation to heritage items or heritage conservation areas, that clearing is minor or for maintenance of the heritage item and would not adversely affect the heritage significance of the item.

The site is within a well-established light industrial location. An Arboricultural Impact Assessment Report has been provided with the application for the trees to be removed and is considered acceptable. The proposal will involve extensive landscaping, community park and public domain works all of which propose appropriate planting of trees and other landscape elements. CN's City Greening team has also considered the tree removal within the road reserve and considers the assessment and findings of the Arboricultural Impact Assessment Report acceptable and recommends replacement planting be imposed as conditions of any consent granted in line with CN's requirements, if the application was to be approved.

The proposal is considered consistent with the provisions of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency.

Clause 45 – requires the consent authority to give written notice to the electricity supply authority and invite comments about the potential safety risk and the application has triggered referral to Ausgrid under the provisions of the SEPP.

The proposal involves the placement of power lines underground and includes penetration of the ground to a depth of 2m to accommodate the underground electricity power line.

Ausgrid advice was received on 28 November 2017 (refer **Appendix D**), including detailed comments relating to an existing lease over a substation on the site. This advice was forwarded onto the proponents for their information and future actions in direct consultation with Ausgrid.

Clause 66C – requires the consent authority to give written notice to the fuel pipeline operator and invite comments about potential hazard and safety risk and the application has triggered referral to Ampol (former Caltex Australia) under the provision of the SEPP. The consent authority must be satisfied that the potential safety risks or risk to the integrity of the pipeline that are associated with the development to which the application relates have been identified and take those risk into consideration.

Whilst formal notice was not given to Ampol (formerly Caltex Australia), Ampol have been directly involved, as an objector to the proposal, whereby providing Council with their advice, objecting to the proposal based on hazard risk and conflict of land use within the IN2 Light Industrial zone and implications for their existing and future operations of the terminal facility, if consent were granted for the proposal.

Clause 66C (2) also states that:

Land is in a pipeline corridor for the purposes of this clause if the land is located —

- (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or*
- (b) within 20m of the centreline (measured radially) of a relevant pipeline, or*
- (c) within 20m of land the subject of an easement for a relevant pipeline.*

As outlined within the Hazard and Risk Assessment of Ampol Wickham Terminal and Pipeline report, prepared by Arriscar and dated 1 December 2020 states:

The terminal receives petroleum products (gasoline, diesel) via the Sydney-Newcastle Pipeline (SNP) from the Ampol Banksmeadow terminal in Sydney and distributes the products through road tankers.

The Wickham Terminal was originally constructed in 1929 and operated by Golden Fleece Ltd. Initially the Terminal consisted of 3 tanks with products imported from overseas. The facility was acquired by Caltex from Golden Fleece Ltd in 1981, one year before the SNP pipeline was commissioned (1982). Since then the Terminal has been progressively upgraded and increased in capacity to handle the product transported through the SNP.

The SNP runs underground along the Avenue up to the western boundary of the Terminal, rising to above ground at the southern boundary of the site.

The north-eastern property boundary of the proposed development is within 20m of the pipeline easement. Therefore, the risk assessment under SEPP 33 should also include the pipeline in the vicinity of the development, as per SEPPI.

Refer to **Appendix E** for Hazard and Risk Assessment of Ampol Wickham Terminal and Pipeline, Newcastle, prepared by Arriscar and dated 1 December 2020.

The report identifies that the major contribution to risk of fatality at the proposed development is from vapour cloud explosions arising from flammables tank overfill and Buncefield type incident.

The contribution to societal risk arises from Buncefield type incidents as well as Sydney-Newcastle fuel pipeline incidents in the vicinity of the Terminal.

The proposal is considered to have not satisfied the provisions under the SEPP.

Clause 104 – refers to traffic generating development. Schedule 3 relates to traffic generating development and requires certain applications to be referred to Transport for NSW (formally RMS). The application was originally referred to the RMS as it is a Concept Proposal which originally (prior to amended plans seen the removal of residential apartments from Woolstore 3) would have resulted in development with 300 or more dwellings with access to ‘any road’.

It is noted that Milford Street, Annie Street and The Avenue are local roads. City of Newcastle is the ‘roads authority’ for these roads and all other public roads in the vicinity.

The application was referred to the Roads and Maritime Service (now TNSW) and advice was received dated 24 July 2018. Refer to **Appendix D** for RMS advice which raises no objection to the proposal and considers that there will be no significant impact on the nearby classified (State) road network. RMS did provide advice to Council to consider during the assessment of the application relating to traffic management and safety measures during construction, appropriate sight line distances and Australian standards.

Re-referral to TNSW was undertaken and their advice was received, dated 15 June 2020 which was consistent with their original advice. Refer to **Appendix D** for their last round of advice.

The application included the submission of Traffic Reports and additional information has demonstrated that the proposed development has generally complied with the provisions of the ISEPP, the DCP and relevant Australian standards for off-street parking. It is considered that the development can be sustained in terms of traffic and parking management and is acceptable under the provisions of the ISEPP.

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," (i.e.: contains one or more dwelling). Accordingly, the provisions of the SEPP apply to the current development proposal.

The Concept Proposal does not seek development consent for physical works. The residential components of the Concept Proposal that does not form part of the current development application (i.e Stage 1 DA works) will be subject to BASIX assessment as part of any future staged development application seeking development consent for the physical works.

The Stage 1 DA works included the submission of a BASIX Certificate (Certificate Number: 819560M) dated 12 July 2017. The BASIX Certificate was subject to a BASIX Heritage Alternative Assessment by the NSW Department of Planning and Environment given the proposed development was subject to specific heritage controls which conflicted with the BASIX requirements. As such, any conflicting commitments were removed from the BASIX Certificate and a schedule shown at the end of the Certificate contains additional commitments resulting from the alternative assessment.

The proposal is considered to have addressed the provisions of the SEPP, subject to recommended conditions to ensure relevant BASIX requirements are achieved for Stage 1 DA works, to be imposed on any consent granted.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

This policy applies to development for the purposes of a potentially hazardous industry and for development for the purposes of potentially offensive industry. Relevant agency consultation is to be undertaken and consideration is to be given to the level of potential hazard and management of such hazards and likely future use of the land surrounding the development.

The proposed does not involve any hazardous or offensive development and therefore, is not of a kind that strictly falls under the provisions of this SEPP.

However, consideration of the SEPP in the context of site location (adjoining an existing Ampol Fuel Terminal facility) and the nature of the proposed mixed-use development must be made. The potential hazards of the adjacent facility that may impact on the health and wellbeing and safety of the future users of the proposed development must be taken into consideration.

Agency consultation was undertaken with Planning, Industry and Environment (PIE - Hazards), SafeWork NSW and the Environmental Protection Authority (EPA) and their advice is provided within this report. Their assistance was sought to ensure appropriate specialist consideration was given to the potential for adverse impacts relative to hazard and odour / air quality impacts on the site and the health amenity of future users / occupiers of the development.

Outstanding concerns remained from the advice received from (PIE – Hazards) and SafeWork NSW (the authority for Dangerous Goods). In addition, concerns were received from EPA who

are the licensing authority for the Caltex Fuel Terminal facility. A submission was also received from Caltex Australia (now Ampol), as an adjoining owner to the application.

An Independent Hazard and Risk Assessment prepared by Arriscar dated 1 December 2020 was conducted to understand the level of risk of hazard given the proximity of the existing Ampol Fuel Terminal and Pipeline to the proposed development. The assessment was conducted on behalf of CN and involved:

- A compliance review overview with AS 1940-2017, with respect to separation distances
- Requirements of SEPP 33 as applied to the Ampol Terminal
- NLEP 2012 requirements as applied to the proposed development
- Hazard analysis, including quantitative risk assessment (QRA) of the hydrocarbon storage and handling facilities
- Hazard analysis, including quantitative risk assessment (QRA) of the SNP pipeline (selected segments relevant to the local area)
- Compliance with risk criteria in HIPAP No.10
- Impact of existing potential hazardous facility on proposed development as specified by HIPAP No.10

The State Environmental Planning Policy (SEPP) No.33 (13) defines potentially hazardous industries and potentially offensive industries, based on a facility storing and/or processing above a threshold of Dangerous Goods (DGs).

Part 3, Clause 11(2) of SEPP 33 states:

This Part does not apply to development the subject of a development application made before the date on which this Policy takes effect.

One might therefore conclude that SEPP 33 does not apply to the Wickham Terminal unless a future application proposes changes to the site and its operations. This does not mean that the Terminal is not a 'potentially hazardous industry'.

In relation to a future development on the Ampol site, Clause 13 of SEPP 33 applies, which states that:

In determining an application to carry out development to which this Part applies, the consent authority must consider:

(a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and

(e) any likely future use of the land surrounding the development.

HIPAP 10 has been published subsequent to SEPP 33 and hence as a current guideline, it would apply to a potentially hazardous development.

HIPAP No.10 requires a Preliminary Hazard Analysis (PHA) to be undertaken for a development in the vicinity of a potentially hazardous development (section 4.2.2, Note 2).

In order to determine whether or not a PHA is required for the Wickham Terminal with respect to the proposed Woolstore development, one must apply a screening method to determine if the Wickham Terminal is a potentially hazardous industry. Applying SEPP 33 (14) is such a screening tool. The Ampol Terminal has more than 12,000 tonnes of flammable storage (jet fuel and gasoline). Based on the separation distances table in (14), reproduced in **Error! Reference source not found.**, the threshold distance for SEPP 33 applicability is 75m from the site boundary.

The existing developments in the study area in **Error! Reference source not found.** are within 75m distance from the Ampol Terminal boundary, and therefore, the Ampol site is a 'Potentially Hazardous Industry'.

While SEPP 33 does not strictly apply to the Wickham Terminal unless and until a new

application is lodged for changes in the Terminal, the fact that the screening has established that it would be 'potentially hazardous industry' raises three issues:

1. If Ampol were to make changes to the site operations, then in accordance with SEPP 33, a Hazard Analysis as per HIPAP No.6 (2) would be required to demonstrate that the risks to surrounding land uses satisfy the criteria.
2. In this instance, the development proposed is on land adjacent to the Ampol Terminal. A Hazard Analysis would still be required to demonstrate that the risk to the proposed development complies with the risk criteria in HIPAP No.10 (4), in accordance with Clause 13 (e) of SEPP 33.
3. The intent of Clause 13 (e) is to assess the impact on future use of land surrounding the terminal (i.e. woolstore re-development), and also not to constraint any future changes to the Terminal itself.

Therefore, Applying SEPP 33 (14) as a screening tool and applying the requirements of HIPAP No.10 (Section 4.2.2, Note 2), a hazard and risk assessment was deemed necessary.

This report contains the Hazard Analysis and results.

The Hazard and Risk Assessment of Ampol Wickham Terminal and Pipeline report, prepared by Arriscar and dated 1 December 2020 is provided in **Appendix E**. The report identifies that the major contribution to risk arises from vapour cloud explosions and does not support the proposed development of the Wickham Woolstores on a hazard and risk perspective. The study concludes that the proposed development does not comply with the quantitative risk criteria for both individual and societal risk in HIPAP No.10 (4), even allowing for a higher level of risk to be tolerable for existing facilities.

Air Quality Assessment

Independent Air Quality Advice prepared by ERM dated 1 December 2020 was conducted to understand the potential air quality impacts of the Ampol site on the health and amenity of occupants of the proposed development (refer to **Appendix F**). The assessment was conducted on behalf of CN and involved:

- reviewing siting cases for fuel storage and tanker loading operations in urban settings
- conducting a brief ambient monitoring campaign to gain information on ground level concentrations of volatile organic compounds adjacent to the fuel terminal site
- conducting a brief ambient odour survey to characterise the odour environment adjacent to the fuel terminal
- undertaking a screening level dispersion modelling study that addressed fugitive emissions sources across the fuel terminal site
- preparing a human health screening assessment

The findings indicated that the Ampol terminal at Wickham features one of the lowest separation distances in NSW between site infrastructure and residential dwellings (being similar to Caltex Kurnell terminal), with the proposed development decreasing the separation distances even further to a minimum of 30m which will be similar to Viva Gore Bay. The Kurnell and Gore Bay facilities are known to experience odour complaints. EPA Victoria recommends separation from sensitive land uses and has a guideline *Recommended Separation Distances for Industrial Residual Air Emissions* (EPAZ 2013) for bulk petroleum storage facilities and recommends separation distances of 100m and 250m depending on the roof tank type.

Low level positive detections were reported for a range of petroleum hydrocarbons of relevance to fuel handling operations.

Sampling indicated that odours associated with the fuel terminal site are likely to be detectable at locations within and around the development and has the potential to be strong on occasions when the weather is calm and stable.

The health risk assessment aims to quantify the potential health risk effects arising from exposure to pollution. The emissions from the terminal include benzene, toluene, xylenes, cumene and a range of other volatile organics substances that can impact on health. These compounds can have both acute shorter-term health effects as well as long term chronic cancer and non cancer effects. As the proposed development abuts the terminal there is a need to assess the potential risks to the health of residents and workers within the development, and the users of the open space areas. The results of the analysis show that with the exception of benzene the acute and chronic health risks from exposure to the pollutants modelled are within acceptable risk levels. For benzene the carcinogenic risk levels exceeds acceptable risk levels for both the residential and commercial scenarios, meaning that the emissions from the terminal may impact on the health of the residents and workers within the proposed development.

Approval of the development could have significant implications for the ongoing operation of the Ampol terminal due to a need to implement additional air quality outcomes, emission controls, restriction of operations and programming requirements.

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

State Environmental Planning Policy No.55 (Remediation of Land) (SEPP No.55) requires consideration to be given to previous uses on the site and whether the site needs to be remediated for future uses. Clause 7(1) (b) and (c) of SEPP No.55 require that where land is contaminated, the consent authority 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 site is identified as contaminated land and the following reports and documentation were submitted with the application: a Detailed Site Investigation Report, a Remediation Action Plan (RAP), an Interim Audit Advice (IAA) which verifies:

- i) The nature and extent of contamination on and under Lot 1 and Lot 2 has been adequately assessed
- ii) Implementation of the RAP should make the site suitable for the proposed future uses

In addition, the applicant has provided a Statement prepared by Senversa to describe the status of the site contamination investigation and remediation activities at the site in the context of the proposed future development plans and staging. In this regard, investigation and remediation of contamination on and under the portion of the site formed by Lot 3 and Lot 13 is ongoing, with development of these parts of the site only to occur once IAA or a Section A Site Audit Statement is provided, indicating that this part of the site can be made, or is suitable, for the proposed use.

The assessment report advice includes:

Detailed Site Investigation

The objectives of the Detailed Site investigation (DSI) were to assess the nature and extent of contamination at the site and any requirement for remediation and/or environmental management to enable the proposed land use.

Preliminary investigations, incorporating the results of some previous investigations, determined potential for site contamination due to; filling of land, storage of materials on unsealed ground in the north of the site, demolition of structures with potential asbestos containing materials, and possible manufacturing activity. Consideration of the potentially

contaminating activities then allowed the identification of a list of contaminants of potential concern, given in section 2.7 of the report.

Results of the sampling and testing programme identified hydrocarbon and Benzo(a)pyrene contamination in excess of human health assessment criteria.

It was determined that soil contamination at the site presents potential risks to future users and terrestrial ecology of the site and will require appropriate remediation measures. Groundwater contamination is not considered to pose a risk.

The assessment also identified that potential acid sulphate soils (PASS) are likely to be present at the site.

The recommendations are made that a Remediation Action Plan (RAP) should be prepared to address the soil contamination at the site and an Acid Sulphate Management Plan to manage ASS which may be disturbed during the development process.

Note: The DSI applies to Lot 1 and 2 only (ie 57 Annie Street and 49 Annie Street). This encompasses the development area for the Stage 1 DA works, however further assessment will be required for 33 Annie St as it relates to the Concept proposal for (Woolstore 3 and new Building 4) for the subsequent development stages in that area.

Remedial Action Plan

The RAP subdivides the site into three soil remediation areas (shown on Figure 4 of the RAP report).

The feasibility of each of the potential remediation options available is assessed and it is determined that the preferred remediation strategy consists of a combination of excavation and off-site disposal of material (for Area A in the northwest of the site) and on-site retention and capping (for Area B in the Northeast and Area C, the remainder of the site). The various stages of work to complete the process are described. These include testing of excavations to demonstrate that the contaminated soils have been successfully removed, identification and isolation of contaminated material to be retained on the site, the importation of suitable capping and soil materials, and the final remediation validation.

Section 5.1 of the RAP report provides a range of environmental issues to be addressed in a Construction Environmental Management Plan (CEMP) for the remediation and construction activities associated with the contaminated soils. While the implementation of the RAP for the site will therefore encompass the preparation of the CEMP, a specific consent condition highlighting the issue will be provided.

It is noted that the proposed capping will require the preparation and implementation of a long-term environmental management plan (EMP) to manage the contaminated soil retained on site into the future. A suitable consent condition will also be provided to confirm this issue.

Interim Auditor's Advice

A site auditor has been engaged to review the contamination assessment and RAP documentation and provide an Interim Auditors Advice letter.

The auditor provides a number of recommendations as key outcomes and concludes that:

"The proposed remediation approach is considered to be appropriate for the nature of the contamination issues at the site, is consistent with the development requirements and should be sufficiently robust to account for any remaining uncertainty or unexpected finds at the site. If appropriately implemented, the auditor considers that the remedial strategy outlined in the

RAP should be adequate to render the site suitable for the proposed residential and open space land uses, subject to the implementation of a long-term EMP for the in-situ management of residual contamination."

These findings give confidence in the appropriateness of the contamination assessment and plans for remediation. In accordance with Council's NDCP 2012 a Site Audit Statement will be required, and appropriate conditions will be provided in that regard if the application is approved.

Acid Sulphate Soils

The Acid Sulphate Management Plan describes procedures and controls to manage Acid Sulphate Soils (ASS) encountered during the site development works. The greatest potential to disturb ASS is associated with excavation of soils to create the open park area and new buildings in the northwest and southeast of the site, and installation of foundations and pilings.

All natural soils brought to the surface area to be placed on a sealed and bunded surface and tested. Soils will be reused, following treatment if necessary, or disposed off-site. Additional detail is provided regarding surface water management, excavation dewatering and monitoring and reporting procedures. The Plan has been prepared in accordance with the Acid Sulphate Soil Manual and the appropriate standard consent condition will be provided to confirm its implementation if the application is to be approved.

In conclusion, having considered the documentation submitted, the internal assessment advice and recommendations, the proposal is considered acceptable. If consent were granted, relevant recommended conditions should be imposed on the application and future works required for future Development Applications for Stages 2 to 4.

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

This policy applies to the development of new residential flat buildings and aims to improve the quality of residential flat development. Clause 28(2) of SEPP 65 requires the consent authority to take into consideration the advice of a Design Review Panel (constituted under Part 3 of the Policy) and the design quality of the development when evaluated in accordance with the nine Design Quality Principles and the Apartment Design Guide (ADG).

CN's Urban Design Consultative Group (UDCG) have considered the application, a number of times. First, on 16 November 2016 prior to lodgment of the development application. Following lodgement, the development application was referred to the UDCG for the second time on 15 November 2017.

In response to matters raised by Council in a request for information, which included the concerns raised by the UDCG in November 2017, additional information and amended Stage 1 documentation was submitted in September 2018.

Additional information and an amended Concept Proposal were submitted in April 2020. This was in response to concerns around potential hazard risk associated with proximity to the adjoining existing Ampol (formerly Caltex) Fuel Terminal Facility and ensuring an appropriate consideration of odour and air quality for the future development.

The amended Concept Proposal (dated April 2020) did not specifically warrant re-referral to the UDCG given the nature of the changes. However, given; (1) the time lapsed, since the matter was considered by the UDCG, and (2) the Stage 1 amendments previously made in response to Council's request for information and the UDCG November 2017 advice, updated advice was required from the UDCG to inform the final assessment on design grounds and reporting to the Hunter and Central Coast Regional Planning Panel.

As such, the development application was re-referred to the UDCG for the third time on 30 September 2020.

A written response, including preliminary design amendments in line with the UDCG September 2020 advice, was submitted in November 2020 (Letter prepared by Fairweather Architecture dated 02 November 2020).

Subsequently, the application was electronically referred to the UDCG for their final advice. The UDCG confirmed in their final advice dated 12 November 2020, that the proposal has now satisfied the UDCG advice and is considered an appropriate design response. An extract of the final advice dated 12 November 2020 is provided below;

“... the UDCG Panel are able to fully support the most recent submission for 33 Annie Street Wickham -UD2017/00041.01. The submission is considered by the panel to have satisfactorily addressed all issues and recommendations raised by the panel at the previous submission on this project.”

As such, it is considered that the proposal has sufficiently incorporated and resolved the concerns raised by the UDCG.

A summary of the UDCG advice in relation to the nine Design Quality Principles is provided in **Table 4** below.

Table 4: UDCG advice in relation to the nine Design Quality Principles

Design Quality Principles	Assessment
Principle 1. Context and Neighbourhood Character	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u></p> <p><i>“The subject site is located on the corner of Annie and Milford Streets Wickham. Wickham is undergoing transition from its industrial past into predominantly residential but also including some retail and commercial uses. The local context currently consists of light industrial and commercial to the east, a fuel storage facility to the North-East, commercial and low rise residential to the North and low rise residential to the south. To the west a large existing woolstore has already been adapted for residential use as, ‘Soque Apartments’. The existing road and lane network provide easy access to parks, playgrounds, retail outlets, the harbour and public transport routes.”</i></p> <p><u>UDCG – 15/11/2017 (UD2017/00041)</u></p> <p><i>“The previously provided Master Plan has limited changes with the proposed staged development providing flexibility for later stages enabling adjustment in response to market and demographic change.”</i></p> <p><u>UDCG – 30/09/2020 (UD2017/00041.01)</u></p> <p>No further comments made to the above.</p>	<p><u>Officer Comments</u></p> <p>Noted.</p>

Principle 2. Built Form and ScaleUDCG - 16/11/2016 (UD2016/00032)

"The site currently contains three almost identical four storey woolstores. The first two will be developed primarily as residential with associated car parking. The third will be retail and commercial with upper level apartments. Two additional buildings are proposed. A new building is to be built east of the third woolstore. This building will be predominantly retail and commercial with associated parking. A building will be built to the north of woolstore 1 and this will be a residential flat building of similar size to the woolstores. A park is proposed to the east of this new building which will be open to public use.

The proposed Stage 1 of the master planned development incorporates the adaptive reuse of the first woolstore on the west of the site. The stated aim is to primarily preserve the original built form. The proposal does not modify the footprint, or height, and the envelope remains largely untouched. New openings and fenestrations will be clearly identified as new interventions.

The carparking is hidden within the building allowing the ground floor to be activated by townhouses opening up to the street and lane. The 13 metre separation provided by the laneway is sufficient to guarantee privacy between buildings."

UDCG – 15/11/2017 (UD2017/00041)

"Changes to the Pre-DA submission are noted principally in internal layouts discussed in amenity and treatment of external balconies and windows. It is noted that windows to ground floor apartment are above eye level."

UDCG – 30/09/2020 (UD2017/00041.01)

No further comments made to the above.

Officer Comments

In response to both CN staff assessment and UDCG advice, several amendments have been made to the Concept Proposal during the assessment process, including;

- The entire residential component of Woolstore 3 being replaced with retail and commercial uses
- The north east corner of Building 4 footprint removed.

As noted in the summary above this table, these amendments were considered by the UDCG during the September 2020 meeting. The UDCG did not raise any objections in regard to these amendments.

Principle 3. DensityUDCG - 16/11/2016 (UD2016/00032)

"The site does not have a height control, or FSR control. Sites to the west have an FSR of .9:1 and to the south .75:1. While this proposed scheme has an FSR of 1.6:1 this is acceptable given it is an existing building."

UDCG – 15/11/2017 (UD2017/00041)

No further comment made to the that above.

UDCG – 30/09/2020 (UD2017/00041.01)

No further comments made to the above.

Officer Comments

Noted

Principle 4. Sustainability

UDCG - 16/11/2016 (UD2016/00032)

"While an adaptive re-use of a heritage building, considerable effort to demonstrate good passive sustainable design principles has been made to ensure natural ventilation, adequate sunlight and material reuse in the apartments.

Due to a number of existing factors only 44% of all apartments receive the recommended 2 hours sunlight, 88.5% of apartments receive at least 1 hour of sunlight in winter. With ingenious light wells, 74% of apartments are naturally cross ventilated.

With the existing roof forms, the Panel encourages the potential use of solar power and water reuse to further improve the sustainable credentials of this development."

UDCG – 15/11/2017 (UD2017/00041)

As all apartments are to be air conditioned, with supplementary fans to living areas, the provision of solar collectors on the large roof area is encouraged to supplement power requirements.

The means of providing relieving [cool] air to compressors located in car parks should be identified.

Roof mounted relief vents to the central circulation area need to be sufficient to ensure climatic comfort.

Whilst Level 2 Apartments do not have cross ventilation, the shallow floor plan of these is noted as providing effective ventilation.

It is recommended that windows in all apartments should be openable, so that it would not be necessary to rely on air-conditioning, at all times. This would be both environmentally responsible, as well as likely to be preferred by many future residents.

UDCG – 30/09/2020 (UD2017/00041.01)

No further comments made to the above.

Officer Comments

The Concept Proposal does not seek development consent for physical works and as such the documentation provided for consideration is limited in detail to those matters relevant to a concept development approval. Detailed sustainability initiatives will form part of future staged development application seeking development consent for the physical works. In this regard, the Concept Proposal SEPP65 Design Verification Statement states;

"A commitment to ESD principles is established through building orientation and the provision of open space between buildings. Further, indicative layouts in both the existing woolstores and in the proposed buildings have been arranged to incorporate both natural ventilation and access to sunlight.

The residential components of the masterplan will respond to SEPP65/ADG principles and be subject to BASIX assessments. Retail and Commercial components of the masterplan will be subject to NCC Section J compliance."

This is considered acceptable.

A current BASIX Certificate has been submitted for the Stage 1 component of the development application (Certificate Number: 819560M) which lists the commitments to achieve appropriate building sustainability.

If consent were granted, recommend a condition be included requiring compliance with BASIX commitments to ensure that the development incorporates an environmentally sustainable design.

Habitable rooms of all apartments proposed within Woolstore 1 are provided natural ventilation (operable glazing). Furthermore,

	Woolstore 1 complies with the ADG requirements for natural ventilation.
Principle 5. Landscape	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u></p> <p><i>"The park proposed for the north east portion of the site provides excellent public open space and combined with other areas around the site more than complies with the minimum 25% communal open space. The Group concurred that this landscaping should be provided as part of the initial stage of the development. The landscape treatment of the internal streetscape and laneways between Woolstores 2 and 3 with the integrated courtyards and terraces was considered appropriate and in time would provide good amenity for the residents.</i></p> <p><i>The Panel did express concern with the relatively narrow area for landscape planting near the northern boundary with the Caltex fuel store. Proposed trees shown overhanging the fuel depot's property boundary near Buildings 4 and 3 were not appropriate, and the landscaped area should be widened and/or set back into the subject property to permit usefully scaled planting within the subject site."</i></p> <p><u>UDCG – 15/11/2017 (UD2017/00041)</u></p> <p><i>"The application is noted as providing landscaping with the least disturbance of adjacent sites and the right of way to the southern side of the landscaped play area.</i></p> <p><i>Provision of lightweight shade structures should be included about the large grassed areas.</i></p> <p><i>A children's playground should be included in the large landscaped area."</i></p> <p><u>UDCG – 30/09/2020 (UD2017/00041.01)</u></p> <p><i>"The landscape design has also responded positively to the Panel's comments."</i></p>	<p><u>Officer Comments</u></p> <p>Changes have been made to the landscape planting proposed adjacent the site boundaries shared with the neighbouring Caltex fuel depot.</p> <p>As acknowledged in the UDCG November 2017 advice, these amendments have addressed the concerns in relation to trees overhanging the Caltex site raised in the UDCG November 2016.</p> <p>The application has demonstrated the community park proposed is able to fulfil the key park and recreation design requirements, both conceptually and as it relates to the Stage 1 DA works.</p> <p>If consent were granted, it is recommended a condition be included requiring submission, review and sign off from Council of amended landscape plans and final park design at Construction Certificate stage to ensure, but not limited to, the provision of appropriate community park facilities.</p>
Principle 6. Amenity	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u></p> <p><i>"The overall apartment building is a very clever layout, with apartments provided with a high level of amenity with larger volumes and well considered internal layouts. The common areas also have excellent amenity with natural light and opportunities for interesting spaces created by multiple voids and landscaping. Service areas and storage areas are located centrally and provide close storage as well as parking for cars, bicycles, scooters and motorbikes."</i></p>	<p><u>Officer Comments</u></p> <p>In response to both CN staff assessment and UDCG advice, several amendments have been made to Woolstore 1 during the assessment process including;</p> <ul style="list-style-type: none"> • Level 3 common room (north end) reconfigured to improve separation to adjacent apartment entry doors. • Level 4 common room reconfigured to eliminate direct

UDCG – 15/11/2017 (UD2017/00041)

“The Level 3 Common Room [north end] is considered inadequate in plan form and relation to the adjacent apartment. Whilst the common room to level 4 provides a more usable area this needs to address the direct access to four apartments from the common area.

Acoustic and privacy considerations in the circulation areas need to be addressed in such long and vertically linked spaces, particularly where bedrooms face the circulation area and in some cases sit immediately adjacent to bedrooms in neighbouring apartments and face other bedrooms across the central circulation area.

Three dimensional illustrations of internal light shafts would assist understanding of how internal areas are served by voids linked to skylights.

The extent and location of storage in apartments should be identified.”

UDCG – 30/09/2020 (UD2017/00041.01)

“Many of the comments made have been addressed and highlighted in this submission including improvements to the Level - 3 Common Room (north end), acoustic and privacy issues, details of balustrades and extent of storage areas.

The Panel was concerned about the following detailed planning issues: -

- While the Council report states that the traffic and parking access is considered satisfactory, the Panel questioned the ease of maneuvering into the car-spaces proposed on Level 1 eastern side where they have to turn in 90 degrees to the aisle within 3.7m. The panel suggests that car spaces 6-25 be rotated 45 degrees to allow turning into these spaces to be more easily achieved.*
- While the overall configuration of the units is good with clever ideas for airflow and cross ventilation, other minor improvements to the Unit layouts could be achieved on review. For example, the A5 type apartment could benefit by moving the laundry from against the robe wall flipping it to create a corridor to the bathroom which would also be flipped. This would provide closer access to the bathroom from the bedroom, more privacy for the bathroom and provide a usable blank wall near the entry rather than looking at the laundry doors.*
- The B6 and B7 units could also be improved by the reconfiguration of the kitchen to back on to the Bed 2 robe wall and adjusting the en-suite and walk-in-robe layout to allow the opening into the living room to be further along the hallway.*

access to apartments from the common room.

- Central circulation on Levels 3 & 4 to be finished and furnished with materials to mitigate poor acoustics.
- Inclusion of ‘entry courtyard’ to Level 3 apartments with bedrooms which would otherwise directly face the central circulation areas and other bedrooms across the central circulation area.

The amended Woolstore 1 documentation included three dimensional illustrations of the internal light shafts to demonstrate how the internal areas are served by the voids. Additionally, amended Woolstore 1 documentation identifies the extent and location of storage provided for each proposed apartment type.

These amendments were considered by the UDCG and, as acknowledged in the UDCG September 2020 advice, the amendments have addressed the concerns in relation to amenity raised in the UDCG November 2017 advice.

The UDCG September 2020 advice relating to vehicle ‘swept paths’ is noted. Vehicle access, manoeuvring and parking is a matter for consideration by CN’s Engineering Assessment Team, the assessment of which is addressed within this report.

In response to the additional amenity concerns raised in the UDCG September 2020 advice relating to Woolstore 1 apartment layouts, further amendments have been made including;

- Internal layout of apartment type A5 reconfigured.
- Internal layout of apartment types A6 & A7 reconfigured.
- External bi-fold doors replaced with sliding door units.

<ul style="list-style-type: none"> • <i>Bi-fold external doors are indicated for some of the apartments. They are problematic particularly where they are not under shelter and directly exposed to wind and rain. It is strongly recommended that they should be replaced with sliding doors, which are also preferable because fly screens can then more-readily be provided.</i> 	<p>As detailed in the summary above this table, the UDCG confirmed in their final advice dated 12 November 2020, that the proposal has now satisfied the UDCG advice and is considered an appropriate design response.</p>
Principle 7. Safety	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u></p> <p><i>"While the overhanging trees to the fuel depot and the proximity of the fuel depot generally provided some concern to the Panel, the development has in itself has good passive surveillance throughout, with apartment overlooking streets, lane ways and parkland at higher level and the townhouses at ground level looking on to the lanes and footpaths of Milford Street."</i></p> <p><u>UDCG – 15/11/2017 (UD2017/00041)</u></p> <p><i>"The Relationship of entry corridors to car park ramps needs to be revised.</i></p> <p><i>Direct access from apartments to car park driveways needs to be amended with air locks or other safety' gaps increasing safety of pedestrian movement.</i></p> <p><i>Where external full height windows are operable, details of balustrading should be included.</i></p> <p><i>Security lighting should be provided to the large landscaped area and adjacent car parking.</i></p> <p><i>Whilst not discussed, the need for after-hours vehicle access to the site should be clarified in terms of safety and possible card access.</i></p> <p><i>Provision of clear and effective signage should be included for the guidance of visitors."</i></p> <p><u>UDCG – 30/09/2020 (UD2017/00041.01)</u></p> <p>No further comments made to the above.</p>	<p><u>Officer Comments</u></p> <p>Changes have been made to the landscape planting proposed adjacent the site boundaries shared with the neighbouring Ampol (formerly Caltex) fuel depot.</p> <p>These amendments have addressed the concerns in relation to trees overhanging the Ampol (formerly Caltex) site raised in the UDCG November 2016, as acknowledged in the UDCG November 2017 advice (refer to Principle 5. Landscape above).</p> <p>In response to both CN staff assessment and UDCG advice, several amendments have been made to Woolstore 1 during the assessment process, including:</p> <ul style="list-style-type: none"> • Pedestrian access (entry corridors) to Level 1 (ground) and Level 2 corridors reconfigured. • Direct pedestrian access from Level 1 (ground) apartments reconfigured to increase separation and sightlines to vehicle movement networks. • Details of balustrading to locations of full height operable windows provided. <p>These amendments were considered by the UDCG during the September 2020 meeting. The UDCG did not raise any objections in regard to these amendments.</p> <p>A Crime Prevention Through Environmental Design (CPTED) Statement (prepared by Tonkin Zulaikha Greer Architects, dated May 2017) was submitted with the development application and addresses safety and security matters including the provision of appropriate lighting and signage to</p>

	<p>public places, and electronic security mechanisms to control access.</p> <p>If consent were granted, recommend a condition be included requiring the provision of appropriate lighting and wayfinding signage to communal/ public areas of Stage 1 DA works and appropriate security mechanisms to control access after-hours and vehicle access.</p>
Principle 8. Housing Diversity and Social Interaction	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u></p> <p><i>"The development proposes a good variety of apartment types and sizes to satisfy a broad demographic for either purchase or rent.</i></p> <p><i>The proposed commercial and retail spaces incorporating local produce, as well as the proposal for artists' studio space to be offered low to moderate rents were considered to be very positive potential contributions to the community."</i></p> <p><u>UDCG – 15/11/2017 (UD2017/00041)</u></p> <p><i>"The main ground floor lobby provides opportunity for social interaction. Furnishing and amenities should be provided in this area.</i></p> <p><i>There is a need for 'pocket' communal areas throughout the large building. It is suggested that attractively furnished areas be provided at both ends of the long central space on levels 3 & 4. These would be socialising spaces and serve residents whose apartments are located nearby."</i></p> <p><u>UDCG – 30/09/2020 (UD2017/00041.01)</u></p> <p>No further comments made to the above.</p>	<p><u>Officer Comments</u></p> <p>In response to both CN staff assessment and UDCG advice, several amendments have been made to Woolstore 1 during the assessment process, including:</p> <ul style="list-style-type: none"> • Amended Level 1 (Ground) floor plan notes <i>'interpretive reuse of fixtures and fittings'</i> including <i>'reuse of existing benches'</i> to the Foyer area (main ground floor lobby). • Furnished, 'pocket', communal areas are provided at either end of the Level 3 and Level 4 central circulation space. <p>These amendments were considered by the UDCG during the September 2020 meeting. The UDCG did not raise any objections, in regards, to these amendments.</p>
Principle 9. Aesthetics	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u></p> <p><i>"The Panel felt that the strategy proposed for the development of the existing heritage listed facade was appropriate. The concrete frame was to be retained along with the brickwork where at all possible. Some areas were proposed to be opened up to provide adequate light and ventilation for contemporary apartment living. The buildings currently provide a strong robust aesthetic, and it was thought that the proposed minor changes would make a positive impact on the streetscape.</i></p> <p><i>The existing sloping wool chutes that traverse the spaces between Buildings 1 2 and 3 are considered to contribute dynamically to the space between the buildings. While the existing structures may not be</i></p>	<p><u>Officer Comments</u></p> <p>Consent is sought for the demolition of the existing wool chutes/ bridges linking Woolstore 1 and Woolstore 2 as part of Stage 1.</p> <p>It is understood the existing wool chutes, ramps and bridges which traverse the space between Woolstore 1 and Woolstore 2 cannot be retained in their locations as they will be incompatible with building use and construction codes.</p> <p>On balance with the overall positive heritage outcome achieved in the</p>

<p><i>capable of retention, consideration should be given to introducing elements between the wool stores that echo these vibrant elements."</i></p> <p><u>UDCG – 15/11/2017 (UD2017/00041)</u> <i>"No demonstration of how these elements [existing wool chutes] might be partially retained or interpreted was provided in the current submission. It was hoped that these would be retained and used in some way."</i></p> <p><u>UDCG – 30/09/2020 (UD2017/00041.01)</u> No further comments made to the above.</p>	<p>proposal, the adverse impact of removing the existing wool chutes/bridges is considered acceptable.</p> <p>It is indicated in the submitted Conservation Management Document (prepared by EJE Heritage, dated November 2020) these elements will be incorporated in a common area within the building or the landscaping design where they are able to be interpreted for their contribution to the building.</p> <p>If consent were granted, it is recommended that a condition be included requiring submission, review and sign-off from Council of a Heritage Interpretation Plan at Construction Certificate stage.</p>
<p>Amendments required to Achieve Design Quality:</p>	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u> <i>"The only suggested changes to the Masterplan were:</i></p> <ol style="list-style-type: none"> <i>1. The realignment of the road and parking to the north of Building 4 to increase the landscaped area and ensure any trees did not overhang the adjacent fuel depot site, and</i> <i>2. The retention or re-introduction of some diagonal elements that traverse the spaces between the wool store buildings"</i> <p><u>UDCG – 15/11/2017 (UD2017/00041)</u> <i>"Recommendations under the above headings and particularly under amenity, landscaping and safety, should be addressed to achieve design quality."</i></p> <p><u>UDCG – 30/09/2020 (UD2017/00041.01)</u> <i>"The Level 1 carpark turning circles require confirmation, and the other comments relate to suggested minor improvements."</i></p>	<p><u>Officer Comments</u></p> <p>As detailed in the officer comments provided above for each of the nine Design Quality Principles, the current amended Concept Proposal and Stage 1 documentation is considered to address the recommendations of the UDCG and Council's assessment and is an acceptable form of development within the context of the site and its location.</p> <p>Furthermore, the UDCG confirmed in their final advice dated 12 November 2020, that the proposal has now satisfied the UDCG and is considered an appropriate design response.</p>
<p>Summary Recommendations</p>	
<p><u>UDCG - 16/11/2016 (UD2016/00032)</u> No summary recommendations provided.</p> <p><u>UDCG – 15/11/2017 (UD2017/00041)</u> <i>"The design could potentially result in a development of excellent standard and is supported in principle, subject to the successful addressing of the issues raised above, as part of the detailed design process."</i></p>	<p><u>Officer Comments</u></p> <p>As detailed in the officer comments provided above for each of the nine Design Quality Principles, the current amended Concept Proposal and Stage 1 documentation is considered to address the recommendations of the UDCG and Council's assessment and is an acceptable form of development</p>

UDCG – 30/09/2020 (UD2017/00041.01) “The design is supported in principle with the potential for an outcome of high quality.”	within the context of the site and its location. Furthermore, the UDCG confirmed in their final advise dated 12 November 2020, that the proposal has now satisfied the UDCG advice and is considered an appropriate design response.
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Further to the nine Design Quality Principles, the ADG provides greater detail on how residential development proposals can meet these principles through good design and planning practice.

The application has been assessed for compliance with the required topic areas within Parts 3 and 4 of the ADG pursuant to Clause 6A under SEPP65. This assessment only addresses compliance with the objective and design criteria of the required topic area. Where a required topic area is not specified a design criteria, or where it is not possible for the development to satisfy the design criteria, the compliance comments in the following table will have regard to the design guidance relevant to that topic area.

Table 5: Compliance with required topic area of ADG

3D Communal and public open space		
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping		
Design Criteria:	Comment:	Compliance:
1. Communal open space has a minimum area equal to 25% of the site.	<u>Concept Proposal</u> 25% of the total site area equals 7,819.25m ² The Concept Proposal includes five areas of communal open space; <ul style="list-style-type: none"> • Community Park + Wool Row north) = 4,772m² • Building 5 rooftop = 1,591m² • Between Woolstore 1 and Woolstore 2 + Wool Row south = 1,285m² • Between Woolstore 2 and Woolstore 3 = 924m² • Between Woolstore 3 and Building 4 = 1,606m² (for details refer to drawing <i>Site wide COS & DSZ</i> , drawing no: L06, issue no. A, dated June 2017, prepared by JMD design) The total communal open space provided is 10,350m ² , or 33% of the total site area.	Complies
	<u>Stage 1</u> 25% of the total site area equals 7,819.25m ² The Stage 1 includes two areas of communal open space: <ul style="list-style-type: none"> • Community Park + Wool Row north) = 4,772m² 	Satisfactory (Merit based assessment)

	<ul style="list-style-type: none"> Between Woolstore 1 and Woolstore 2 + Wool Row south = 1,285m² <p>(for details refer to drawing <i>Stage 1 COS & DSZ</i>, drawing no: L07, issue no. A, dated June 2017, prepared by JMD design)</p> <p>Stage 1 includes a total communal open space of 6,057m², or 19% of the total site area.</p> <p>The area of communal open space provided in Stage 1 falls short of the minimum required for the total site. However, the remaining Stages of the concept proposal (Stages 2, 3 & 4), each include additional areas of communal open space resulting in a total area of communal open space equal to 33% of the total site area.</p> <p>This is considered acceptable.</p> <p>Furthermore, the Stage 1 communal open space of 6,057m² equals 52% of the Stage 1 site area (11,640m²).</p>							
Design Criteria:	Comment:	Compliance:						
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	<p><u>Concept Proposal</u></p> <p>The community park, which is the principle useable part of the communal open space, is located at the north eastern end of the site and achieves a minimum of 2hrs sunlight between 9am and 3pm in mid-winter to over 50% of the area.</p>	Complies						
	<p><u>Stage 1</u></p> <p>The community park, which is principle useable part of the communal open space, is part of Stage 1.</p> <p>As such, Stage 1 alone meets the minimum requirements for solar access to the communal open space without relying on future stages.</p>	Complies						
3E Deep soil zones								
<p>Objective 3E-1</p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p>								
Design Criteria:	Comment:	Compliance:						
1. Deep soil zones are to meet the following minimum requirements:	<p><u>Concept Proposal</u></p> <p>7% of the total site area equals 2,190.39m²</p> <p>The concept proposal includes a deep soil zone measuring 2,912m², or 9% of the total site area, located within the community park.</p> <p>The deep soil zone is consolidated and co-located within the principle useable part of the communal open space.</p>	Complies						
<table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>greater than 1500m²</td><td>6m</td><td>7%</td></tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	greater than 1500m ²	6m	7%	<p><u>Stage 1</u></p> <p>The community park, which includes a deep soil zone equaling 9% of the total site area, is part of Stage 1.</p>	Complies
Site area	Minimum dimensions	Deep soil zone (% of site area)						
greater than 1500m ²	6m	7%						

			As such, Stage 1 alone meets the minimum requirements for deep soil zones without relying on future stages.	
3F Visual privacy				
Objective 3F-1				
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.				
Design Criteria:			Comment:	Compliance:
1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			<p>Concept Proposal</p> <p><u>Separation between Building 5 and East boundary</u></p> <p>Across all levels, the Building 5 envelope is setback a minimum of 52m from the east boundary. As such Building 5 complies with the minimum separation distances required to side and rear boundaries.</p> <p><u>Separation between Building 5 and Woolstore 1</u></p> <p>At Level 1 to Level 4, the separation distance between Building 5 and Woolstore 1 is 17.67m. This complies with the 12m (6m + 6m) minimum separation distance required between buildings on the same site for a height up to four storeys.</p> <p>Above Level 4 (Level 5 and Level 6 of Building 5) the separation distance between Building 5 and Woolstore 1 is still 17.67m. Whilst a 18m (9m + 9m) minimum separation distance is required between buildings on the same site at this height, no windows are proposed in the north facade of Woolstore 1 above Level 4 and as such the 18m separation distance is not relevant.</p> <p><u>Separation between Woolstore 1 and Woolstore 2</u></p> <p>At Level 1 to Level 4, the separation distance between Woolstore 1 and Woolstore 2 is 12.86m. This complies with the 12m minimum separation distance required between buildings on the same site up to four storeys (6m + 6m).</p> <p>Both Woolstore 1 and Woolstore 2 have a mezzanine level above Level 4. Whilst a 18m (9m + 9m) minimum separation distance is required between buildings on the same site at this height, no windows are proposed in the east facade of Woolstore 1 above Level 4 or the west facade of Woolstore 2 above Level 4, and as such the 18m separation distance is not relevant.</p> <p><u>Separation between Woolstore 2 and Woolstore 3</u></p>	Complies
Building height	Habitable rooms & balconies	Non-habitable rooms		Complies
up to 12m (4 storeys)	6m	3m		
up to 25m (5-8 storeys)	9m	4.5m		
over 25m (9+ storeys)	12m	6m		
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).				
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.				

	<p>At Level 1 to Level 4, the separation distance between Woolstore 2 and Woolstore 3 is 12.015m. This complies with the 12m (6m + 6m) minimum separation distance required between buildings on the same site for a height up to four storeys.</p> <p>Woolstore 2 has a mezzanine level above Level 4. Whilst a 18m (9m + 9m) minimum separation distance is required between buildings on the same site at this height, no windows are proposed in the east facade of Woolstore 2 above Level 4 and as such the 18m separation distance is not relevant.</p>	
	<p><u>Stage 1</u></p> <p><u>Separation between Woolstore 1 and East boundary</u></p> <p>As detailed above, Woolstore 1 complies with the minimum separation distances.</p> <p>Across all levels, Woolstore 1 is setback approximately 160m from the east boundary. As such Woolstore 1 complies with the minimum separation distances required to side and rear boundaries.</p>	Complies
A4 Solar and daylight access		
<p>Objective 4A-1</p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p>		
Design Criteria:	Comment:	Compliance:
<p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	<p><u>Concept Proposal</u></p> <p>The submitted <i>Wickham Woolstores DA Masterplan Report</i>, prepared by Tonkin Zulaikha, Fairweather & City Plan Services (November 2020), page 64 states 78% of the 268 apartments proposed for the Concept Proposal will achieve a minimum of 2hrs sunlight during winter:</p> <ul style="list-style-type: none"> • 69 out of the 69 apartments proposed within Building 5, or 100%, will achieve a minimum of 2hrs sunlight during winter. • 57 out of the 100 apartments proposed Woolstore 1, or 57%, will achieve a minimum of 2hrs sunlight during winter. • 83 out of the 99 apartments proposed within Woolstore 2, or 83%, will achieve a minimum of 2hrs sunlight during winter. 	Complies
	<p><u>Stage 1</u></p> <p>A detailed solar access assessment of Woolstore 1 is provided in the <i>Light & Air Strategy</i>, prepared by Fairweather Jemmott, submitted with the development application.</p> <p>The existing Woolstore 1 achieves good solar access to the long elevations, particularly to the West. However, the proximity to the neighbouring Woolstore 2 creates challenges to solar access to the eastern facade, with</p>	Satisfactory (Merit based assessment)

	<p>some overshadowing occurring on the eastern facade during the midwinter months.</p> <p>The <i>Light & Air Strategy</i> states 57 out of the 100 apartments proposed within Woolstore 1, or 57%, will achieve a minimum of 2hrs sunlight during winter.</p> <p>A justification for the proposed variation is provided in the <i>Light & Air Strategy</i>, which identifies that although Woolstore 1 does not always technically comply; (1) a number of strategies to bring natural light into the apartments do comply with the intent of the ADG (skylights, light atrium, borrowed light) and (2) the nature and fabric of the existing building offers opportunities which could not be considered in the ADG due to economical and practical reasons.</p> <p>This is considered acceptable.</p>	
Design Criteria:	Comment:	Compliance:
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.	N/A	N/A
Design Criteria:	Comment:	Compliance:
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.	<p><u>Concept Proposal</u></p> <p>The submitted <i>Wickham Woolstores DA Masterplan Report</i>, page 64, states 3% of the 268 apartments proposed for the Concept Proposal receive no direct sunlight between 9am and 3pm at mid-winter.</p>	Complies
	<p><u>Stage 1</u></p> <p>The <i>Light & Air Strategy</i> states 3 out of the 100 apartments proposed within Woolstore 1, or 3%, will achieve a minimum of 2hrs sunlight during winter.</p>	Complies
4B Natural ventilation		
<p>Objective 4B-3</p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p>		
Design Criteria:	Comment:	Compliance:
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	<p><u>Concept Proposal</u></p> <p>The submitted <i>Wickham Woolstores DA Masterplan Report</i>, page 64, states 70% of the 268 apartments proposed for the Concept Proposal achieve cross ventilation;</p> <ul style="list-style-type: none"> 52 out of the 69 apartments proposed within Building 5, or 76%, will achieve a minimum of 2hrs sunlight during winter. 74 out of the 100 apartments proposed Woolstore 1, or 74%, will achieve a minimum of 2hrs sunlight during winter. 	Complies

	<ul style="list-style-type: none">63 out of the 99 apartments proposed within Woolstore 2, or 63%, will achieve a minimum of 2hrs sunlight during winter.	
	<p>Stage 1</p> <p>A detailed natural ventilation assessment of Woolstore 1 is provided in the <i>Light & Air Strategy</i>, prepared by Fairweather Jemmott, submitted with the development application.</p> <p>The <i>Light & Air Strategy</i> states 74 out of the 100 apartments proposed within Woolstore 1, or 74%, are naturally cross ventilated.</p>	Complies
Design Criteria:	Comment:	Compliance:
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	N/A	N/A

4C Ceiling heights										
Objective 4C-1										
Ceiling height achieves sufficient natural ventilation and daylight access.										
Design Criteria:	Comment:	Compliance:								
1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	<p>Concept Proposal</p> <p>Building 5</p> <p>All storeys (Level 1 to Level 6) have a floor-to-floor height of 3.1m. As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all apartments.</p>	Complies								
<table><tr><td colspan="2">Minimum ceiling height for apartment and mixed use buildings</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>Woolstore 1</p> <p>Level 1 (Ground), Level 2 and Level 3 have a floor-to-floor height of 3.5m, 3.7m and 3.77m respectively.</p> <p>Level 4 apartments include a mezzanine level. Level 4 has a floor-to-floor height of 2.9m to the mezzanine level above. The rooms located on the mezzanine level benefit from raked ceilings with skylights and achieve average ceiling height of approximately 2.7m.</p> <p>As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all Woolstore 1 apartments.</p>	
Minimum ceiling height for apartment and mixed use buildings										
Habitable rooms	2.7m									
Non-habitable	2.4m									
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use									
These minimums do not preclude higher ceilings if desired.	<p>Woolstore 2</p> <p>Level 1 (Ground), Level 2 and Level 3 have a floor-to-floor height of 3.34m, 3.6m and 3.63m respectively.</p> <p>Little documentation is provided to confirm the minimum proposed ceiling heights for Woolstore 2 Level 4 apartments. It would appear the Woolstore 2 Level 4 apartments would utilise a ‘double height with mezzanine level’ type arrangement with similar ceiling heights as Woolstore 1 Level 4 apartments.</p>	Complies								

	As such, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all Woolstore 2 apartments.									
	Stage 1 As detailed above, a minimum ceiling height from finished floor level to finished ceiling level of 2.7m to habitable rooms and 2.4m to non-habitable rooms can be achieved for all Woolstore 1 apartments.	Complies								
4D Apartment size and layout										
Note: Concept Proposal										
The Concept Proposal does not seek development consent for physical works and as such the documentation provided for consideration is limited in detail to those matters relevant to a concept development approval.										
Apartment size and layout will be considered as part of any future development application seeking development consent for the physical works. Apartment size and layout is not a matter for further consideration as part of the Concept Proposal.										
Nevertheless, it is noted, the Concept Proposal is not inconsistent with the intent of the ADG.										
Objective 4D-1										
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.										
Design Criteria:	Comment:	Compliance:								
1. Apartments are required to have the following minimum internal areas: <table><tr><td>Apartment type</td><td>Minimum internal area</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	Stage 1 100 out of the 100 apartments proposed within Woolstore 1 achieve the minimum internal areas required according to the number of bedrooms and bathrooms provided.	Complies
Apartment type	Minimum internal area									
1 bedroom	50m ²									
2 bedroom	70m ²									
3 bedroom	90m ²									
Design Criteria:	Comment:	Compliance:								
2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Stage 1 45 out of the 100 apartments proposed within Woolstore 1 are provided with a window within an external wall, for a habitable room. A justification for the proposed variation is provided in the <i>Light & Air Strategy</i> , which identifies that although Woolstore 1 does not always technically comply; (1) a number of strategies to bring natural light into the apartments do comply with the intent of the ADG (skylights, light atrium, borrowed light)	Satisfactory (Merit based assessment)								

	and (2) the nature and fabric of the existing building offers opportunities which could not be considered in the ADG due to economical and practical reasons. This is considered acceptable.	
Objective 4D-2 Environmental performance of the apartment is maximised.		
Design Criteria:	Comment:	Compliance:
1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Stage 1 N/A (all apartments are provided a combined living/ dining/ kitchen area)	N/A
Design Criteria:	Comment:	Compliance:
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Stage 1 68 out of the 100 apartments proposed within Woolstore 1 have a maximum habitable room depth of 8m from a window for open plan living, dining and kitchen area. A justification for the proposed variation is provided in the <i>Light & Air Strategy</i> , which identifies that although Woolstore 1 does not always technically comply; (1) a number of strategies to bring natural light into the apartments do comply with the intent of the ADG (skylights, light atrium, borrowed light) and (2) the nature and fabric of the existing building offers opportunities which could not be considered in the ADG due to economical and practical reasons. All apartments are provided higher than average ceilings (min.3m and max.2.7m) and are generously sized, with the ADG minimum internal areas for apartments exceeded by an average of 65%. It is considered acceptable that the additional ceiling height allows for a proportional increase to the depth of the apartment.	Satisfactory (Merit based assessment)
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs.		
Design Criteria:	Comment:	Compliance:
1. Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Stage 1 All master bedrooms of the 100 apartments proposed within Woolstore 1 have a minimum area of 10m ² and all other bedrooms within the 100 apartments have a minimum area of 9m ² (excluding wardrobe space).	Complies
Design Criteria:	Comment:	Compliance:
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Stage 1 All bedrooms within the 100 apartments proposed within Woolstore 1 have a minimum dimension of 3m (excluding wardrobe space).	Complies
Design Criteria:	Comment:	Compliance:

3. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1-bedroom apartments. • 4m for 2 and 3-bedroom apartments. 	Stage 1 100 out of the 100 apartments proposed within Woolstore 1 have living rooms or combined living/ dining rooms which achieve the minimum dimension required in accordance with the number of bedrooms provided.	Complies
Design Criteria:	Comment:	Compliance:
4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	N/A	N/A

4E Private open space and balconies

Note: Concept Proposal

The Concept Proposal does not seek development consent for physical works and as such the documentation provided for consideration is limited in detail to those matters relevant to a concept development approval.

Private open space and balconies will be considered as part of any future development application seeking development consent for the physical works. Private open space and balconies is not a matter for further consideration as part of the Concept Proposal.

Nevertheless, it is noted, the Concept Proposal is not inconsistent with the intent of the ADG

Objective 4E-1

Apartments provide appropriately sized private open space and balconies to enhance residential amenity.

Design Criteria:	Comment:	Compliance:															
1. All apartments are required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Min. area</th><th>Min. depth</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedrooms</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	Dwelling type	Min. area	Min. depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedrooms	10m ²	2m	3+ bedroom	12m ²	2.4m	Stage 1 145 out of the 100 apartments proposed within Woolstore 1 have primary balconies that achieve the minimum area and depths required in accordance with the number of bedrooms provided. The design guidance provided for this objective acknowledges that achieving technical compliance with the design criteria is limited in heritage and adaptive reuse proposals. As such, the proposal complies with the design guidance for this objective by providing operable walls in place of balconies and other amenity benefits for future occupants in the apartments and common spaces (generous voids, oversize form and larger apartment sizes), and natural ventilation has been demonstrated in the <i>Light & Air Strategy</i> submitted. Furthermore, it is noted that Stage 1 includes the large community park to the north east of the site that will compensate for the loss of private open space. This is considered acceptable.	Satisfactory (Merit based assessment)
Dwelling type	Min. area	Min. depth															
Studio	4m ²	-															
1 bedroom	8m ²	2m															
2 bedrooms	10m ²	2m															
3+ bedroom	12m ²	2.4m															
Design Criteria: 2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.																	

4F Common circulation and spaces

Note: Concept Proposal

The Concept Proposal does not seek development consent for physical works and as such the documentation provided for consideration is limited in detail to those matters relevant to a concept development approval.

Common circulation and spaces will be considered as part of any future development application seeking development consent for the physical works. Common circulation and spaces is not a matter for further consideration as part of the Concept Proposal.

Nevertheless it is noted, the Concept Proposal is not inconsistent with the intent of the ADG

Objective 4F-1

Common circulation spaces achieve good amenity and properly service the number of apartments.

Design Criteria:	Comment:	Compliance:
1. The maximum number of apartments off a circulation core on a single level is eight.	<p>Stage 1</p> <p>Given two lift cores are provided at each level, the maximum number of apartments off one circulation core on a single level is 18 apartments (Level 4).</p> <p>The design guidance provided for this objective acknowledges that achieving the design criteria is not possible on some sites.</p> <p>The proposal complies with the design guidance for this objective by demonstrating a high level of amenity for common lobbies, corridors and apartment, including:</p> <ul style="list-style-type: none"> • sunlight and natural cross ventilation in apartments • access to ample daylight and natural ventilation in common circulation spaces • generous corridors with greater than minimum ceiling heights • maximising visual readability of public space in accordance with the Heritage Management Guidelines for Woolstore 1 <p>This is considered acceptable.</p>	Satisfactory (Merit based assessment)
Design Criteria:	Comment:	Compliance:
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A

4G Storage

Note: Concept Proposal

The Concept Proposal does not seek development consent for physical works and as such the documentation provided for consideration is limited in detail to those matters relevant to a concept development approval.

Storage will be considered as part of any future development application seeking development consent for the physical works. Storage is not a matter for further consideration as part of the Concept Proposal.

Nevertheless it is noted, the Concept Proposal is not inconsistent with the intent of the ADG

Objective 4G-1

Adequate, well designed storage is provided in each apartment.

Design Criteria:	Comment:	Compliance:						
<p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <tr> <th>Dwelling type</th><th>Storage volume</th><th>size</th></tr> <tr> <td>1 bedroom</td><td>6m³</td><td></td></tr> </table>	Dwelling type	Storage volume	size	1 bedroom	6m ³		<p>Stage 1</p> <p>100 out of the 100 apartments proposed within Woolstore 1 are provided the minimum storage volumes required in accordance with the number of bedrooms provided.</p> <p>The storage for each apartment is provided by a combination of; (1) storage located and access from within the individual apartments,</p>	Complies
Dwelling type	Storage volume	size						
1 bedroom	6m ³							

2 bedroom	8m ³	and (2) storage volume access from a common area (a secure storage cage within the carparking areas).	
3+ bedroom	10m ³		
At least 50% of the required storage is to be located within the apartment.		At least 50% of the required storage is located within the individual apartments.	

State Environmental Planning Policy No.71 - Coastal Protection

State Environmental Planning Policy No. 71 aims to protect and manage the New South Wales coast and foreshores and requires certain development applications in sensitive coastal locations to be referred to the Director-General for comment. It also identifies master plan requirements for certain developments in the coastal zone.

The proposal in this location will not impact on the foreshore or the interface with the waterways and related activities and as such is considered to be consistent with Clause 2 and 8 of SEPP 71. As such the application is acceptable under this policy.

As outlined below, SEPP 71 remains a relevant consideration for this application, given the savings and transitional provisions within the SEPP – Coastal Management 2018.

State Environmental Planning Policy – Coastal Management 2018

The SEPP came into effect on the 3 April 2018 and replaces the *Coastal Protection Act 1979* and SEPP 71 – Coastal Protection. The SEPP seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management, consistent with the objectives of the *Coastal Management Act 2016*.

Clause 5 - applies to land the whole or any part of which is within the 'coastal zone'. The site is mapped as being within the 'coastal environment area'.

Clause 13 Development on land within the coastal environment area

Clause 13 - that development consent must not be granted to development on land that is within the coastal environment area unless the consent authority is satisfied that the proposed development will not cause an adverse impact on: the integrity and resilience of the biophysical, ecological and hydrological environment, including surface and groundwater; coastal environmental values and processes; water quality of any sensitive coastal lakes; marine vegetation, native vegetation and fauna and their habitats; existing public open space and access to and along the foreshore; and Aboriginal cultural heritage.

The site is located within a well-established urban setting, with development existing on the site for many years, there are no likely impacts to this environment, particularly in relation to the biophysical environment and coastal processes and maintaining public access to the foreshore.

Whilst the proposal is considered acceptable within the context of the SEPP, the savings and transitional provisions within the policy state that the former planning provisions continue to apply (and this Policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy.

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 IN2 Light Industrial under the provisions of LEP as shown in **Figure 12**.

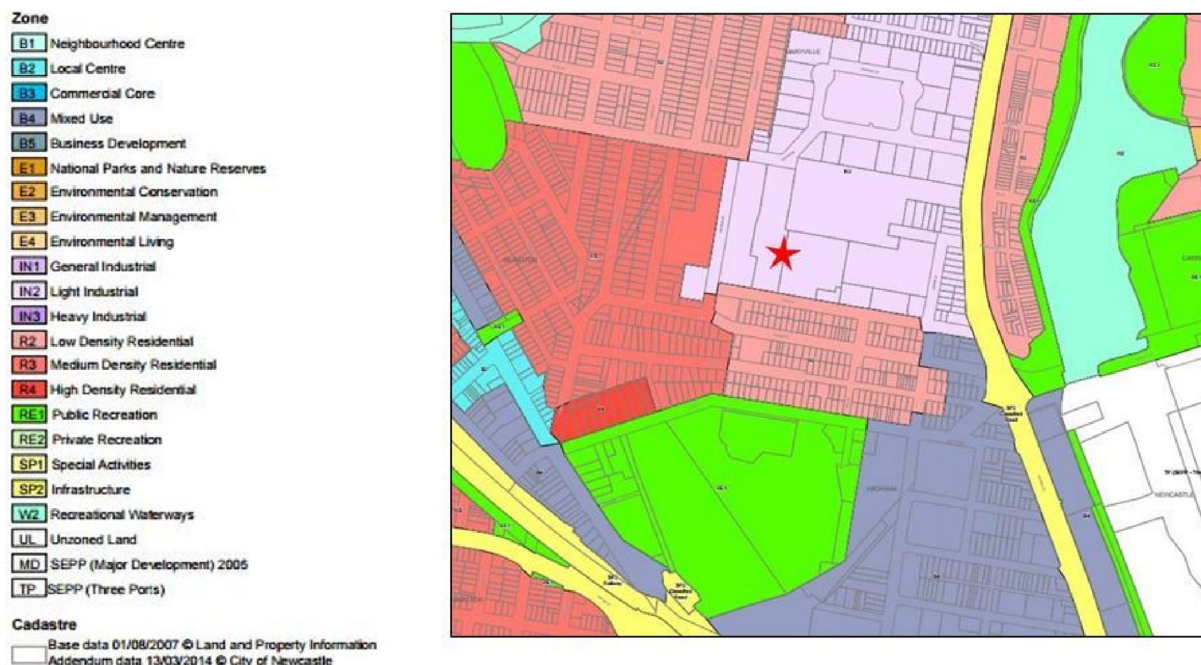


Figure 12: NLEP2012 Land Use Map Extract (Source: Sheet LZN_004FA)

The proposed uses are defined as *residential apartment building, shop top housing, commercial premises, community facilities, retail premises, artisan food and drink premises and recreation area*.

All land uses are prohibited in the IN2 Light Industrial Zone, except for: *recreation area, artisan food and drink premises* which are listed under the 'light industries' broader term and community uses are defined as 'community facilities' which are all permissible within the IN2 Light Industrial zone with consent.

The application seeks consent under Clause 5.10(10) Conservation Incentives of the LEP, through the proposed adaptive reuse of the 'heritage listed' sites which contain Woolstore buildings and proposed new building envelopes on the site under a staged mixed-use development.

Pursuant to Clause 5.10(10) of the LEP, the proposal is considered to have satisfied the provisions of Clause 5.10(10) and pre-conditions (a) to (e) and on this basis is a permissible form of development on the site.

The objectives of the zone are outlined and discussed below.

Zone IN2 Light Industrial – zone objectives

1 Objectives of zone

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*

2 *Permitted without consent*

Environmental protection works

3 *Permitted with consent*

Boat building and repair facilities; Boat launching ramps; Car parks; Centre-based child care facilities; Community facilities; Crematoria; Depots; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Helipads; Heliports; Industrial retail outlets; Industrial training facilities; Jetties; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Respite day care centres; Restricted premises; Roads; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Wholesale supplies

4 *Prohibited*

Pond-based aquaculture; Any other development not specified in item 2 or 3

The following consideration is given to the zone objectives:

- *To provide a wide range of light industrial, warehouse and related land uses.*

The Concept proposal for staged mixed-use development in part achieves this objective by providing a proposal that includes artisan food and drink premises, community facilities and a recreation area which all permissible forms of development within the zone, and therefore, appropriate within the context of this objective.

The remainder of proposed land uses under the Concept application and Stage 1 DA works, are only permissible via the use of the conservation incentives clause for adaptive reuse of existing woolstore buildings on this site pursuant to Clause 5.10(10) of the LEP.

- *To encourage employment opportunities and to support the viability of centres.*

The concept proposal is considered to achieve this objective by the provision of employment opportunities through the staged mixed-use development and supports the viability of the Newcastle City Centre, Newcastle West end and Wickham precinct, through the provision of additional housing, employment and service provision in proximity to these centres, noting the site falls just outside the Wickham Masterplan precinct.

As outlined within the Statement (SEE) prepared by City Plan Strategy & Development, the Economic Impact Assessment by Urbis demonstrates that the proposal does not seek to diminish suitable zoned industrial land for industrial purposes. The Urbis report provides competitive positioning analysis that demonstrates that while precincts such as Kooragang, Mayfield and Tighes Hill achieved high ratings against the key success drivers for industrial

land take-up, the site has several key attributes that significantly impact the site's suitability for use as an industrial asset and these attributes will continue to limit the types of businesses / tenants the site attracts. The report also identifies that there are currently 801 hectares of industrial land in the LGA that are capable of accommodating new industrial employment in 2017 and based on forward estimates, there will be a surplus of 760-782.5 hectares of industrial land in 2031. Urbis concludes that there is sufficient supply in the market for industrial land uses and consequently, the adaptive reuse of the heritage items as a mixed-use development will not have a significant impact on the supply of industrial land or activity within the LGA.

- *To minimise any adverse effect of industry on other land uses.*

The proposal does not include any industrial related uses that would impact on other land uses. The proximity of the existing Ampol Fuel Terminal facility and pipeline, adjoining this site will have an adverse effect on the proposed mixed-use development land uses proposed under this application. These adverse effects relate to significant risk to individuals and societal risk, primarily through vapor cloud explosion and the likelihood of incidents associated with the Sydney-Newcastle fuel pipeline in proximity to the site.

As outlined within the Statement (SEE) prepared by City Plan Strategy & Development, the development seeks to minimise any adverse effect on industry on other land uses. Activities that increase noise, odour or industrial traffic on residential streets will create land use conflicts with surrounding residential properties adjoining the site along Annie Street, Milford Street and The Avenue. The provision of a well-designed mixed-use development will effectively minimise the ongoing adverse effects of industry on the surrounding neighbourhood.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The Concept proposal is considered to achieve this objective insofar as, the mixed-use development incorporates land uses including residential, commercial, retail, artisan food and drink production and recreation area that could provide land uses with facilities or services to meet the day to day needs of workers in the area.

As outlined within the Statement (SEE) prepared by City Plan Strategy & Development, the proposal encourages employment opportunities. The Economic Impact Assessment prepared by Urbis estimates that the construction of the development will generate 1,014 direct / indirect jobs. The proposal will therefore provide a much stronger employment outcome, particularly when compared to the subject site's current uses.

- *To support and protect industrial land for industrial uses.*

As outlined within the Statement (SEE) prepared by City Plan Strategy & Development, the proposal will support the viability of surrounding centres. The Economic Impact Assessment, by Urbis demonstrates that over both short and long term, there is insufficient housing stock to meet the growing housing needs of Newcastle LGA. Between 2016 and 2021, the housing deficit is estimated at approximately -44 to -449 dwellings (low and main series), expanding to a -6,732 to 7,840 dwellings deficit by 2026.

The redevelopment of the site will provide for approximately 268 new residential units assisting to help address the housing supply gap and affordability constraints facing Newcastle. Importantly, the adaptive reuse of heritage buildings will create a unique spatial living experience, unavailable by typical residential development. Combined with a high amenity park and public domain, the development is considered capable of attracting the type of workforce suited to the 'Emerging Industry Quarter' identified in the Wickham Masterplan 2017. The development may also stimulate private investment in Wickham to assist with the implementation and realisation of the Wickham Masterplan precinct. Looking beyond the

present day, the EJE Conservation Management Document outlines that the woolstore buildings do not support emerging light industrial requirements. The spatial arrangement, column spacing, ceiling heights, multiple storeys and limited floor load capacity all severely limit the potential of the building for land uses permitted in the IN2 Light Industrial zone. Access to buildings via the road system also limits uses for industrial purposes, as Annie Street cannot support B-doubles and cannot be accessed directly from Hannell Street if approached from the north. The current vacancy and under-utilisation of the site is therefore expected to continue and worsen if corrective action is not taken. In addition, the use of portions of the site (ie. Building 4 and 5) are not considered economically viable for industrial uses. Introduction of additional industrial uses will also create a range of impacts on the surrounding residential area. Conversely the mixed-use development will minimise noise, odour or industrial traffic on resident streets.

A feasibility assessment was undertaken to examine whether the woolstore buildings could be repaired, restored and conserved in the long term without pursuing a residential component. Bylett and Associates prepared an estimate, identifying the cost to repair, restore and conserve the woolstores in current form and make suitable for industrial use. Currently only Woolstore 2 and 3 are suitable for partial occupation, with only 3 of the 4 levels being used. Woolstore 1 is completely vacant and has been unable to be occupied. Significant costs are required to allow any form of occupation in Woolstore 1, with costs to repair and make good estimated at \$8,116,302. The overall costs associated with restoration for basic industrial use for the next 25 years (existing Woolstores, site remediation works, remediation works for building at No.33 Annie Street) are estimated at \$23,198,906.

In conclusion the report's findings were that without the necessary injection of funds, the heritage items will continue to deteriorate, with the concrete structure of the AML&F building of particular concern and will ultimately become unviable for conservation. The proposed adaptive reuse provides an opportunity to leverage significant private capital to generate a substantial and worthwhile conservation activity that would otherwise not occur.

It must also be noted that the site is zoned light industry and adjoins an existing large industrial land holding, with current Ampol Fuel Terminal facility in operation. The terminal receives petroleum products (gasoline, diesel) via the Sydney-Newcastle Pipeline (SNP) and then distributes the products through road tankers. The north-eastern property boundary of the proposed development site is within 20m of the pipeline easement as shown in **Figure 13**.



Figure 13 Sydney-Newcastle Pipeline Route (underground) (Source: Figure 6 of Hazard and Risk Assessment of Ampol Wickham Terminal, Newcastle NSW, prepared by Arriscar and dated December 2020)

There are benefits of the adaptive reuse of the existing heritage listed site. However, given the proximity of the site to the Ampol terminal and the significant safety issues related to hazard risk, air quality and potential health impacts that will result on the future users of this development, the proposal is not considered acceptable for this site in this location.

The development does not meet the objectives of the zone insofar as it will result in a development that is exposed to significant risk of hazard, air quality and health impacts making it unacceptable and an inappropriate development for this site with this locational constraint. When considering the benefits of adaptive reuse of this heritage listed site when balanced with associated risks to life given locational constraints, the mixed-use development is considered unacceptable in terms of significant risk to life, health and amenity for future site users.

It also does not protect industrial land for industrial uses which is an objective of the IN2 zone. Approval of the development could have significant implications for the ongoing operation of the Ampol terminal due to a need to implement additional air quality outcomes, emission controls, restriction of operations and programming requirements if residential development was to occur in close proximity.

Clause 2.6 Subdivision - consent requirements

The land may be subdivided with development consent. The application does not include subdivision and therefore, no further consideration is required in respect to this clause.

Clause 2.7 Demolition requires consent

The application for mixed-use development includes a component of demolition, to facilitate the construction of the overall development. Those buildings identified for demolition are essentially those categorised as contemporary light weight sheds, intrusive later additions and/or of poor construction making them unsuitable for reuse as discussed within the EJE Heritage Management Guidelines (HMG) Report.

Stage 1 DA works propose minor demolition works requiring consent, including removal of chutes and bridges connecting the Woolstore 1 and Woolstore 2 buildings, office areas, kitchens, pillars, stairwells and removal of minor hardstand areas associated with the provision

of the communal open space / recreational area referred to as the community park. A Demolition Plan has been provided by Fairwather Jemmott at **Appendix B**.

Conditions are recommended, if consent were granted to ensure demolition works and the disposal of materials is managed appropriately and in accordance with relevant standards.

Clause 4.1 Minimum subdivision lot size

The site is identified within an area of 1,000m² on the Minimum Lot Size Map.

The Concept Proposal and Stage 1 DA works does not seek consent for Torrens Title or Community Title subdivision as relevant to this clause. Therefore, no further consideration of this clause is required.

Clause 4.3 Height of Buildings

The site is not subject to height of building provisions under the LEP as shown in **Figure 14** below.

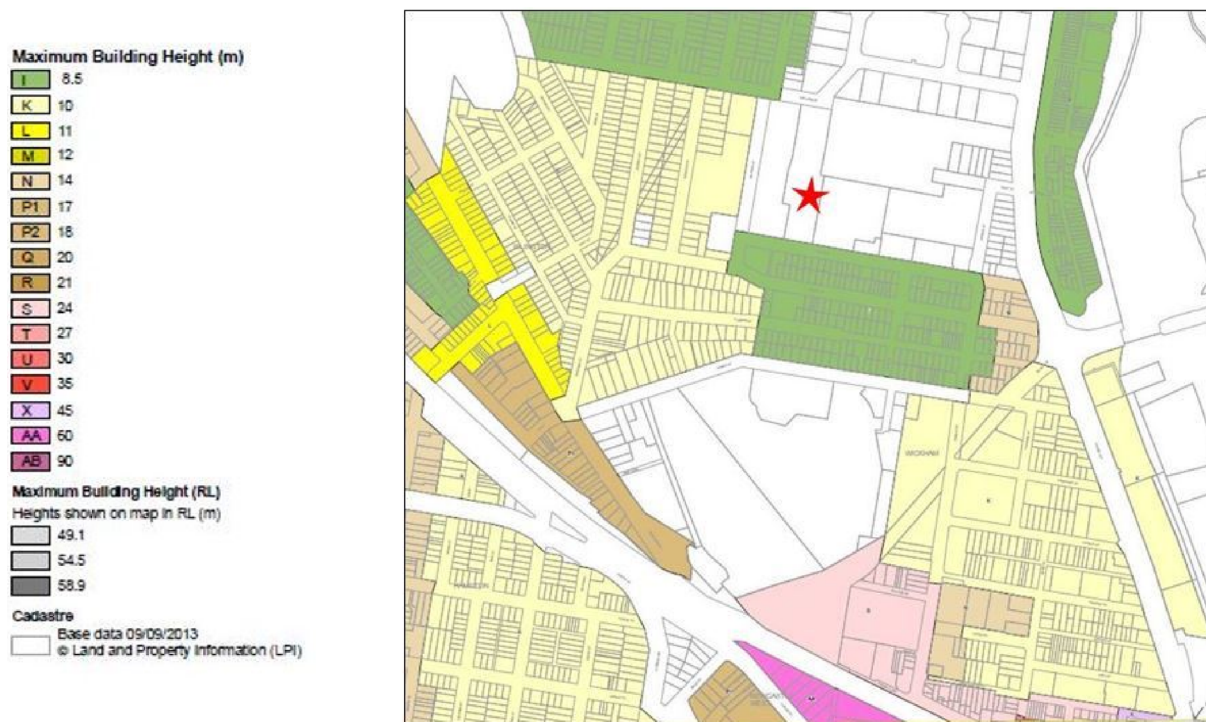


Figure 14: NLEP2012 Height of Buildings Map Extract (Source: Sheet HOB_004FA)

However, it is considered that the proposed Concept for mixed-use development of this site and Stage 1 DA works provides for an appropriate built form scale and massing across the site, consistent with the existing heritage listed Woolstore buildings proposed for adaptive reuse under this staged development. In addition, the building form is appropriate in terms of the context of the site and setting within the IN2 Light Industrial zone, where there is a mix of building form and scale within the area.

The Concept application and Stage 1 DA works include the adaptive reuse of the existing Woolstores (Buildings 1, 2 and 3), therefore retaining the existing built form and height of approximately 21m for these existing buildings.

The Concept proposal also includes proposed building envelopes for new (Building 4 and 5), of which (Building 4) is proposed up to 3 storeys and new (Building 5) up to 6 storeys in height.

Whilst no height limitation under this clause applies, the appropriateness of the new building envelopes (for Building 4 and 5), proposed under the Concept proposal must be considered in the context of the site and heritage value and surrounding lands. In addition, the character of the surrounding area and immediate streetscape character, with its existing land use activities and acceptable amenity in this respect needs to be achieved and maintained for the surrounding area.

Site Context and Character of Area

The existing heritage listed Woolstores are the dominant built form on site. Their scale and massing direct the form of future development, including development footprints and height limits.

The built form of each woolstore is of four storey construction with concrete framed brick facades, internal timber framing and floors with sawtooth roofs. Low intensity light industrial uses currently operate, such as storage facilities and artist's studios.

The eastern end of the site has a single storey sawtooth roof building used for light industrial purposes. The northern end of the site has a collection of small buildings associated with a precast concrete manufacturing facility mainly housed in temporary building and shipping containers.

The site is located at a transition point between the heavy industrial uses to the north-east and the residential uses to the south and west. Directly adjacent to the site on the north and east is the existing Ampol (formerly Caltex) Fuel Terminal.

To the south, across Annie Street, are a collection of predominately single storey residential dwellings (reflective of the R2 Low Density Residential zone and Height of Buildings Map with 8.5m height limit).

To the west, across Milford Street, is the recent redevelopment of the original Winchcome Carson woolstore into the Soque Apartments. The land across Milford Street is zoned R3 Medium Density Residential with a maximum height of 10 metres.

To the north, across The Avenue, is a collection of low scale industrial and single residential buildings (reflective of the R2 Low Density Residential zone and Height of Buildings Map with 8.5m height limit and IN2 Light Industrial zone with no height limit).

The Concept Proposal as it relates to new Buildings 4 and 5 (envelopes) are considered in keeping with the established massing and heights dictated by the existing Woolstore buildings. In addition, it is reasonable both from a heritage perspective but also to maintain the existing streetscape character which is what the site is known for. By providing the opportunity under the Concept proposal for these envelopes also creates an opportunity to improve the amenity of the surrounding lands (across all streets), by providing relief from the Ampol (formerly Caltex) Fuel Terminal adjoining the site to the east.

Whilst any approval given to that which is contained in the Concept proposal (ie. Building 4 and 5) provides built envelope parameters, these set the maximum limitations, but still require further approval under a future stage development application for works. Therefore, as part of this more detailed assessment, these maximum opportunities may not entirely be realised in satisfying the requirements under a development application for works. If the entire building envelope for both Building 4 and 5 are realised, this will positively contribute to the adaptive reuse and redevelopment of the site in keeping with the site context and heritage character and the varied built form which exists in the Wickham area.

Clause 4.4 Floor Space Ratio

The site is not subject to maximum floor space ratio provisions under the LEP as shown in **Figure 15** below.

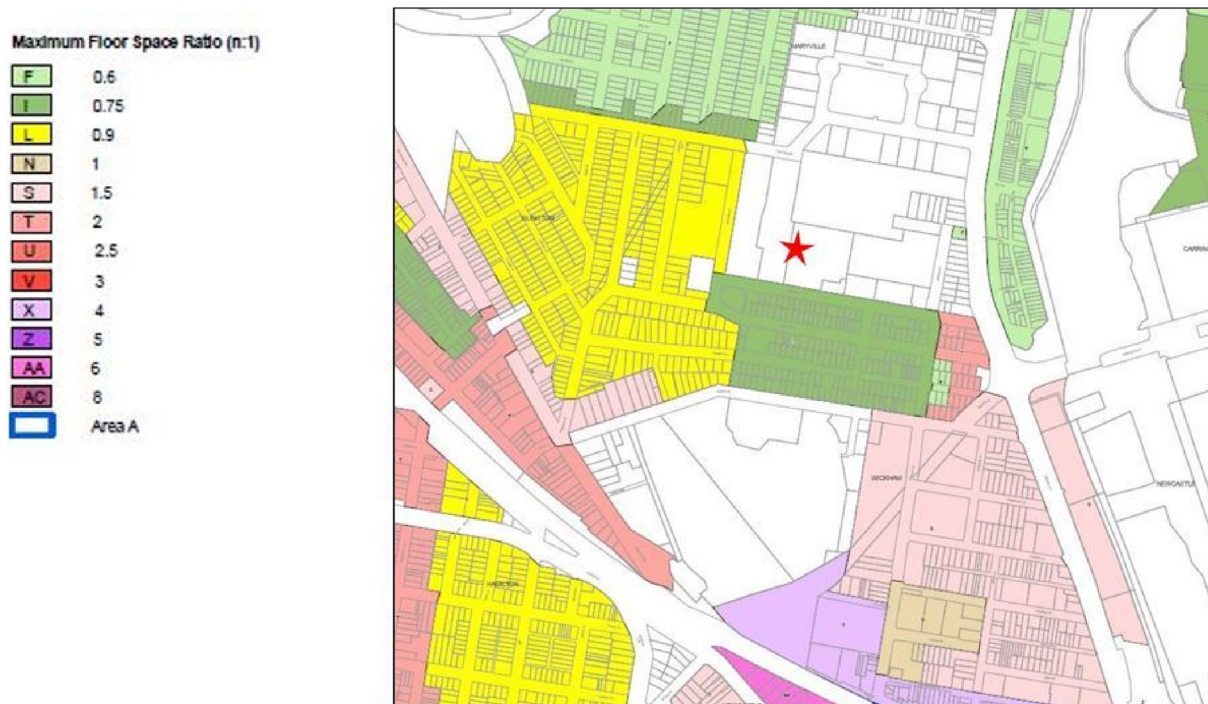


Figure 15: NLEP2012 Floor Space Ratio Map Extract (Source: Sheet FSR_004FA)

The Concept application and Stage 1 DA works include the adaptive reuse of the existing Woolstores (Buildings 1, 2 and 3), therefore retaining the existing gross floor area of these existing buildings.

The Concept proposal also includes two building envelopes: Building 4 with gross building area (GBA) 7,663m² and gross floor area (GFA) 4,228m² and height up to 3-storeys (maximum RL 15,750) and Building 5 with (GBA) 16,248m² and (GFA) 8,475m² and height up to 6 storeys (maximum RL 21.400).

Site Context and Character of Area

In respect to context and character, the land across Milford Street has an identified floor space ratio (FSR) limit of 0.9:1 and across Annie Street of 0.75:1. To the north, across The Avenue, is a collection of low scale industrial and single residential buildings, with FSR limit of 0.6:1 reflective of the R2 Low Density Residential zone. There are no FSR limitations for the IN2 Light Industrial zone. The proposed development has a floor space ratio of 1.6:1.

Whilst any approval given to that which is contained in the Concept proposal (ie. Building 4 and 5) provides built envelope parameters, these set the maximum limitations, but still require further approval under a future stage application for works. If the entire building envelope for both Building 4 and 5 are realised, this could positively contribute to the adaptive reuse and redevelopment of the site in keeping with the site context and heritage character and the varied built form which exists with the Wickham area.

Clause 5.10 Heritage conservation

The site is not an archaeological site and is not within a heritage conservation area. An AHIMS search found no Aboriginal Places or Aboriginal sites within a 200m curtilage. Heritage items in the vicinity are listed in Table 6 and Figure 16 below.

Table 6: Listed heritage items in the vicinity of the subject site.

Item	Address	Significance	Listing	Listing No.
Winchcombe Carson Warehouse	14 Milford Street, Islington	Local	NLEP 2012	I203

**Figure 16** Heritage context of the subject site. (Source: CN, OneMap, 24/9/2020)

The site contains three listed heritage items included on Schedule 5 of the NLEP 2012. Details of the listings are included in **Table 7** and in **Figures 17 - 24** below:

Table 7: Listed heritage items located on the subject site

Item	Address Listing &	Statement of Significance
New Zealand Loan Co Wool Store (Former)	33 Annie Street, Wickham NLEP 2012 (I678)	<i>The woolstore is one of four in the immediate area of similar age and bulk, the rest of which are all already listed as heritage items. A key element in the development of Newcastle as a major wool handling and export centre through the mid-20th century. Includes ornate decorative details typical of the Inter-War era surviving largely intact and rarely seen on industrial buildings of this scale. Associated with well-known local builders Stuart Bros. The warehouses as a group show tangible physical evidence of the role of Newcastle as an export centre for the Hunter region and other pastoral areas. (State Significance as a group). The warehouses are the largest buildings in Newcastle and define the multi functions of the industrial suburb of Wickham.</i>
Dalgety Warehouse	49 Annie Street, Wickham NLEP 2012 (I679)	<i>Illustrates [the] form, scale and character of the commercial activities associated with the port development in the mid-20th century.</i>

Elders
Warehouse

57 Annie Street,
Wickham
NLEP 2012 (I680)

Illustrates [the] form, scale and character of the commercial activities associated with the port development in the mid-20th century.



Figure 17: View of the 3 woolstores from Milford Street. (Source: CN, 6/10/2020)



Figure 18: View between two woolstores showing the existing chute and bridge. (Source: CN, 6/10/2020)



Figure 19: Concrete spalling is evident on the exterior of all woolstores, most notably Woolstore 1. (Source: CN, 6/10/2020)

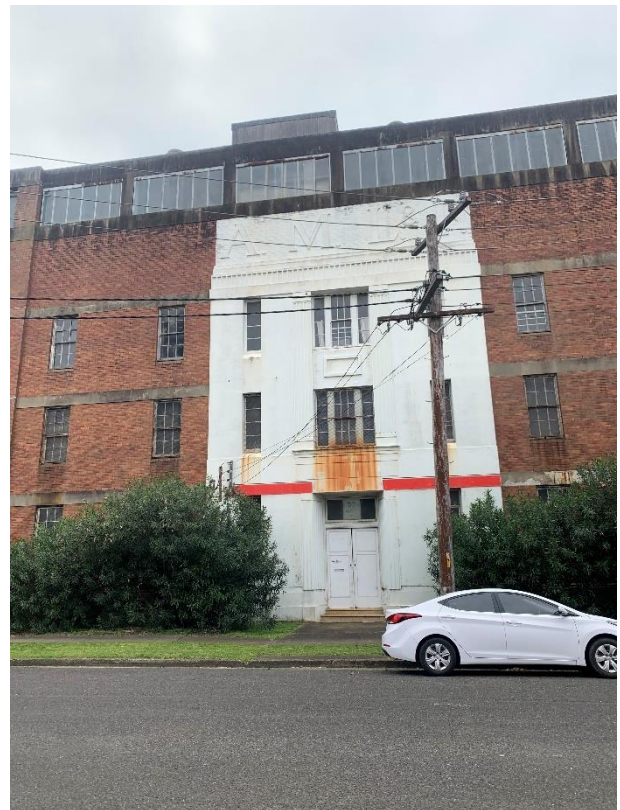


Figure 20: Facade of Woolstore 1 viewed from Annie Street. (Source: CN, 6/10/2020)

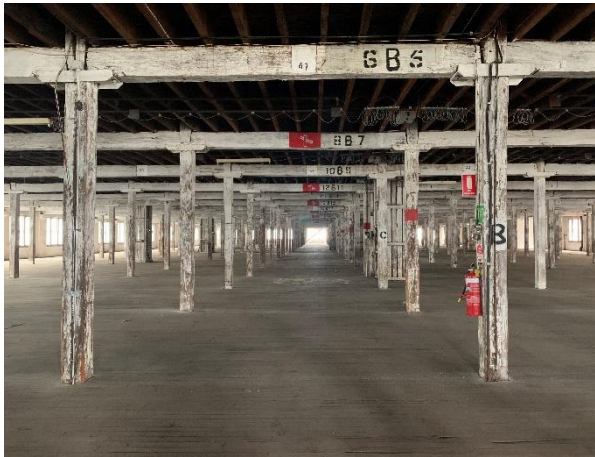


Figure 21: Internal view of Level 1 of Woolstore 1. The three buildings follow a similar pattern. (Source: CN, 6/10/2020)



Figure 22: View over the northern half of the site from Woolstore 1, looking towards the Ampol (former Caltex) terminal. (Source: CN, 6/10/2020)



Figure 23: Existing timber floors within Woolstore 1 are to be retained in situ, with the underside of the floor visible from the level below the floor. (Source: CN, 6/10/2020)



Figure 134: Level 4 of Woolstore 1. (Source: CN, 6/10/2020)

A Conservation Management Document, prepared by EJE Heritage, has been submitted with the development application (and updated Rev B dated May 2017). The report includes an updated Statement of Significance for the Woolstore group:

Wool Row, Annie Street, Wickham NSW, is made up of three very substantial buildings, all of which are of similar design, originally constructed as wool stores. They are differentiated only by separate stylistic treatments of the central portions of their facades, and by the increased setting back from the road of the AML&F building as a consequence of drainage requirements. The facade, lobby, staircase and office treatments, together with the use of double-hung sash windows, lend a pleasing quality to what would otherwise be large but quite utilitarian industrial buildings. The basic similarity of the design, fabric and appearance of the wool stores is the result of a successful collaboration

between three competing firms that sought to reduce competition between one another so as to advance their collective market position. While such arrangements may today be illegal, they were commonplace in the burgeoning wool industry of the pre- and post-war period. The buildings of Wool Row, therefore, demonstrate the social and industrial progress of New South Wales in the pre- and post-war periods.

The report also includes a set of heritage management guidelines intended to guide the development of the first and subsequent stages of the proposal, and a statement of heritage impact including consideration of the impacts of the proposal on the significance of the heritage items.

An assessment of the development against the relevant heritage provisions of NLEP 2012 is included in Table 8 below.

Table 6: Assessment against the relevant provisions of NLEP 2012.

NLEP 2012 Cl 5.10 Conservation	Heritage
1) Objectives	The proposed development is considered generally satisfactory with regard to the objectives of cl 5.10, being to conserve the environmental heritage of the City of Newcastle and the heritage significance of heritage items, including associated fabric, setting and views. Additional information was submitted in order to meet the preconditions of cl 5.10(10) before consent could be granted, as per below.
2) Requirement for consent	Clause 5.10(2) is satisfied as the application is seeking consent for the development.
3) When consent not required	Consent is required and is being sought by the application.
4) Effect of proposed development on heritage significance	The consent authority has considered the effect of the proposed development through this assessment.
5) Heritage assessment	A Heritage management document, prepared by EJE Heritage (dated May 2017) has been submitted with the application.
6) Heritage conservation management plans	A conservation management plan (CMP) was not submitted originally. Additional information received (Conservation Management Document, Rev B) was submitted which expanded into a Conservation Management Strategy as opposed to a full CMP.
7) Archaeological sites	The subject site is not a listed archaeological site.

NLEP 2012 CI 5.10 Heritage Conservation	
8) Aboriginal places of heritage significance	An AHIMS search did not identify any Aboriginal site or Aboriginal Place within 200 metres of the site.
9) Demolition of nominated State heritage items	The subject site is not a nominated State heritage item.
10) Conservation incentives	<p>The application is seeking to utilise this clause as the proposed use (mixed residential and commercial) is not permitted in the IN2 Light Industrial Zone.</p> <p>There are 5 preconditions that must be satisfied in order to grant consent under the clause:</p> <ul style="list-style-type: none"> • <i>the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i> • <i>the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i> • <i>the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i> • <i>the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</i> • <i>the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</i> <p>Additional information on the preconditions is discussed later in the report.</p> <p>A Conservation Management Document (Rev B EJE, 2017) has been provided that includes guidelines for the development of the first and subsequent stages of the proposal to ensure that consistent action is undertaken upon the three heritage items. The document forms a Statement of Heritage Impact for Stage 1 of the development, with additional guidelines provided for the subsequent stages.</p> <p>The NLEP 2012 defines 'heritage management document' as:</p> <ul style="list-style-type: none"> a) <i>a heritage conservation management plan, or</i> b) <i>a heritage impact statement, or</i> c) <i>any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</i>

NLEP 2012 CI 5.10 Heritage Conservation	<p>Concern was originally raised that the submitted heritage management guideline was not yet sufficient to satisfy the preconditions of Clause 5.10(10).</p> <p>As an alternative to a full Conservation Management Plan (CMP), in order to address these concerns a revised Conservation Management Document (Rev B) was provided which addressed the recommendation that a Conservation Management Strategy (CMS), a briefer version of a CMP be provided in support of the application. The CMS was required to be a broad guideline stand-alone document that can be used to guide subsequent development proposals for the remaining Woolstores, with an accompanying heritage impact statement that makes reference to the overarching policies in the CMS. It should apply to the entire site as a whole rather than focusing on one element within the site.</p> <p>Parts of the existing heritage management guidelines (the historical background, physical analysis, and assessment of significance) can be used to form the basis of the CMS.</p> <p>The rest of the report was to follow Heritage NSW guidelines for the preparation of conservation management strategies.</p> <p>The final report was submitted to accompany the application. If consent is granted, the CMS would form part of the approved documents and is to be used to guide the subsequent stages of the development.</p>
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The following is provided which addresses Clause 5.10(10) conservation incentives and pre-conditions (a) to (e) under the LEP.

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

One of the key pressures relating to historic buildings is their deterioration resulting from a lack of capital investment. This typically stems from historic assets not being suited to contemporary business requirements, subsequent ongoing vacancy, and a resulting lack of income to fund conservation measures. It follows that heritage buildings are much more likely to be well maintained and conserved if they are fully occupied.

The Conservation Management Document (Rev B) prepared by EJE heritage outlines the condition of the AML&F building in particularly, currently vacant due mainly to its installed fire sprinkler system being inadequate to meet requirements for storage uses. In addition, NZMLA and Dalgety buildings are only partially occupied as self-storage uses. The site with existing buildings, only partially able to be occupied results in significant economic loss, which precludes its upgrading to current standards without major development on the site. The report

also looks beyond present day and suggests that the existing Woolstore buildings do not support emerging light industrial requirements, which all limit the potential of the buildings for land uses permitted in the IN2 Light Industrial zone. Introducing new buildings to the site, is also required to meet this financial need for restoration and long-term conservation of the heritage buildings, remediation of the site and upgrade to service infrastructure and public domain in this neighbourhood. Whilst economically, the proposed uses of these new buildings, particularly Building 5, requires residential land use from an economic feasibility perspective, as discussed within the Economic Impact Assessment, prepared by Urbis, the proposed use is also more appropriate in this area of the site given the residential nature and streetscape within both Annie Street, Milford Street and The Avenue.

The redevelopment of the three heritage items will have a positive impact on the setting of the site and the streetscape and will enable the long-term conservation of the buildings through ongoing occupation and maintenance of the buildings. The works have been informed by a conservation management document that has assessed the significant elements of the buildings and identified which elements are critically important. This is considered to be a conservation management strategy (CMS) appropriate to satisfy the pre-conditions the Clause. Future stages of development will need to provide an updated Statement of Heritage Impact report and are to have regard to the heritage management guidelines submitted with the concept proposal.

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

The Conservation management document (Rev B EJE, 2017) is considered to satisfy and provide a conservation management strategy that includes guidelines for the development of the first and subsequent stages of the proposal to ensure that consistent action is undertaken upon the three heritage items. The document forms a Statement of Heritage Impact for Stage 1 of the development, with additional guidelines provided for the subsequent stages.

If consent is granted, the Conservation Management Document, prepared by EJE heritage (Rev B) dated May 2017 would form part of the approved documents and is to be used to guide the subsequent stages of the development.

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

If consent is granted, the CMS would form part of the approved documents and is to be used to guide the subsequent stages of the development. The document includes a list of conservation works in Section 8.8 of the CMS.

It is recommended that a condition be included in any consent granted that requires the applicant to carry out these conservation works.

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

As demonstrated within the CMS submitted in support of the application, the proposal is not considered to adversely affect the heritage significance of the heritage items and including their setting on the land.

The redevelopment of the three heritage items will have a positive impact on the setting of the site and the streetscape and will enable the long-term conservation of the buildings through ongoing occupation and maintenance of the buildings. The works have been informed by a conservation management strategy that has assessed the significant elements of the buildings and identified which elements are critically important.

Future stages of development will need to provide an updated Statement of Heritage Impact report and are to have regard to the heritage management guidelines submitted with the concept proposal.

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area

The Statement (SEE) prepared by City Plan Services, states the concept proposal for staged mixed-use development of this site, has paid particular attention to the amenity of surrounding properties having taken into consideration key issues including:

- the development history of the site,
- the context of the site and neighbourhood,
- the capability of the concept proposal to be designed in future detailed Stage DAs for works to have minimal impact on the amenity of the surrounding properties,
- relevant heads of consideration under Section 4.15 of the EP&A Act
- the aims, objectives and provisions of relevant statutory and non-statutory planning instruments
- pre-lodgement advice received from Council

Consideration of key elements demonstrated that in order to develop the site in a sustainable manner that does not impact upon the surrounding locality, it is appropriate to take a 'staged' approach to development. This approach enables the development to clearly demonstrate that it is capable of evolving without impacting adversely on the surrounding locality, while also providing the surrounding area with an element of 'certainty' regarding its conceptual expansion in the future.

SEPP 65 analysis confirms that the proposed new building envelopes have the capability of accommodating buildings designed to mitigate any adverse impacts from height, bulk and scale in terms of visual massing and streetscape impact. Design aspects of solar access, overshadowing, visual and acoustic privacy have been considered acceptable and without adverse impact. Public domain upgrade benefits would also be realised through site redevelopment and provide community benefit, given this site is on the edge of residential zoned land / residential properties, predominately within both Annie Street and Milford Streets and to a lesser extent The Avenue.

The proposal seeks to minimise any adverse effect that industry would otherwise have on nearby land uses. The intensification of uses that increase noise, odour or industrial traffic on residential streets will typically lead to conflict with surrounding residential properties adjoining the site along Annie Street, Milford Street and The Avenue. It is considered that to provide a well-designed mixed-use development as part of the adaptive reuse of existing Woolstore buildings will effectively minimise the ongoing adverse effects of industry on the surrounding neighbourhood.

Consolidation of Lot 13 DP 830026 into Lot 3 DP 346352 (33 Annie Street)

A legal opinion submitted in support of the application, prepared by Allens Linklaters dated 6 November 2020 states that, *subject to the consolidation of Lot 13 DP 830026 into Lot 3 DP 346352 (33 Annie Street), which is to be completed in November 2020, and the application of*

the heritage listing to the entirety of the consolidated lot, the entirety of the proposed development will be located on land upon which heritage items are located. This means the proposed development is located on land to which Clause 5.10(10) applies and it will be open to the City of Newcastle to assess the development application with the benefit of Clause 5.10(10).

The legal opinion also outlines *that the criteria in subsection (a) to (e) have been satisfied such that it is open to the consent authority to grant approval in reliance upon the heritage incentives Clause 5.10(10) of Newcastle LEP 2012. An amended Conservation Management Document prepared by EJE heritage and dated November 2020 has been prepared addressing the consolidated allotment.*

CN's review of the legal opinion was undertaken to provide certainty of its application and the permissibility of the development under Clause 5(10)(10) of LEP. The proponent's legal opinion is prefaced on the consolidation of Lot 13 into Lot 3 (33 Annie Street Wickham) and presumption that the heritage listing will automatically apply to the whole of the consolidated lot (Allens Linklaters dated 6 November 2020).

CN's view, is that the Courts consider that clause 5.10(10) is a facultative provision that allows for development that would otherwise be prohibited by the LEP. The purpose of the clause is to support the preservation of heritage properties by permitting uses otherwise prohibited, broadening the potential for their retention and reuse. A review of the Allen's advice, noting that it asserts that the SEE and draft 'Conservation Management Document' that have been provided adequately address each of the criteria. Allen's advice suggests the development satisfies each criterion in clause 5(10) subsection (a) to (e) allowing '*the exercise of the discretion afforded by the clause*'. CN is satisfied that each criterion has been addressed.

CN's view in relation to whether or not the proposed consolidation will automatically result in the heritage listing applying to the whole of the consolidated lot, is that it will not be automatically carry over. The High Court of Australia in *Royal Sydney Golf Club v Federal Commissioner of Taxation* (Cth) (1995) 91 CLR 610 at 6.26 defined curtilage as:

Any building, whether it is a habitation or has some other use, may stand within a larger area of land which subserves the purposes of the building. The land surrounds the building because it actually or supposedly contributes to the enjoyment of the building or the fulfilment of its purposes.

Heritage curtilage is defined in the Heritage Office's Heritage Curtilages as '*the area of land (including land covered by water) surrounding an item or area of heritage significant which is essential for retaining and interpreting its heritage significance*'.

The Heritage Office identifies four types of heritage curtilages. Reduced heritage curtilage is where the heritage curtilage is less than the property boundary. The intent is to identify the heritage curtilage which is sufficient for it to be viewed, interpreted and appreciated and therefore maintain the property's heritage significance. Similar criteria apply to identifying an 'expanded heritage curtilage'.

If the Heritage Item Mapping does not cover the heritage curtilage (as it has been changed by way of consolidation of the lots) then the LEP will need to be amended to update the heritage boundary line relative to the cadastral boundaries. That is, the description would need to change to 'Part of Lot....'

CN's view is that the LEP would have to be amended to reflect the new description of what was formerly separate heritage items on separate lots into a single lot. That amendment would update the heritage boundary line relative to the new cadastral boundaries.

It is open to Council to either expand the heritage curtilage, reduce the Heritage curtilage, or keep it the same area but with a new description reflecting the heritage boundary line relative to the cadastral boundaries.

The Allens Advice in paragraph 3.6 notes: ‘...*we anticipate that the heritage listing will apply to the entirety of the consolidated lot*’. It is not clear from the Advice why that would be, although the answer may be found in the material provided with the Application.

This point is also made at paragraph 4.3: ‘For the reasons set out in this advice the Conservation Incentives clause 5.10(10) will be available where the consequence of this consolidation is that the heritage listing applies to the entirety of the consolidated lot’.

Therefore, if the consequence of the consolidation is that the heritage listing does *not apply* to the entirety of the consolidated lot (i.e. the heritage curtilage is not expanded to cover that land formerly lot 13), then clause 5.10(10) will not be available to the Applicant.

However, given the application relates to a Concept proposal, then approval for new Building 4 in its current form can be granted subject to conditions of consent requiring lot consolidation and update to LEP heritage mapping / listing to include the curtilage of the former Lot 13.

As previously noted, the fact that the Courts consider that clause 5.10(1) is a facultative provision. It is probable that Council would support an extension of the Heritage Item curtilage under the LEP to the former Lot 13 as it would provide an even larger area of protection for the existing heritage items and allow for their sympathetic reuse.

Conclusion

In response to the legal opinion provided, by Allens in relation to the matter of lot consolidation (Lot 13 to be consolidated into Lot 3), from a heritage perspective, it is understood that the heritage item listing itself would not automatically change to include the additional area (Lot 13). Amendments to Schedule 5 of the LEP would require a Planning Proposal, or for minor/administrative changes, a Section 3.22 amendment, which the City of Newcastle would deal with, notwithstanding, Section 3.22 matters may take some time to process. On this basis given it is a Concept Application, then it would be appropriate to condition the need for consolidation on any consent granted and the amendment be made to Schedule 5 of the LEP. Council is amenable to any amendment to Schedule 5, as this would provide additional area for the protection and future use of the site.

The CMS provided sufficient information as a guiding heritage management document and satisfied preconditions (a) to (e) of Clause 5.10(10) of the LEP. If consent were granted to the proposal, it would also include the approval of the Conservation Management Document and a condition is recommended that requires the applicant to carry out the conservation works. Future stages of development will need to provide an updated Statement of Heritage Impact report and are to have regard to the heritage management guidelines submitted with the concept proposal.

In summary, the proposed Wickham Woolstores masterplan, encompassing the three woolstores and proposed new buildings 4 and 5, and Stage 1 adaptive reuse of Woolstore 1 are generally consistent with CI 5.10 of the NLEP 2012, and the relevant objectives of Section 5.05 of the NDCP 2012. The redevelopment of the three heritage items will have a positive impact on the setting of the site and the streetscape and will enable the long-term conservation of the buildings through ongoing occupation and maintenance of the buildings. The works have

been informed by a heritage management document that has assessed the significant elements of the buildings and identified which elements are critically important.

Clause 6.1 Acid Sulfate Soils

The site is mapped as containing Class 3 Acid Sulphate Soils (ASS) under the LEP as shown in **Figure 26**.

Class 3 – Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.



Figure 26: NLEP2012 Acid Sulfate Soils Map Extract (Source: Sheet ASS_004)

As outlined within the Statement (SEE) the Concept application does not propose the undertaking of any works and therefore, the submission of a Management Plan is not required for the Concept proposal.

The development application for Stage 1 DA works requires earthworks to be carried out as part of the Remediation Action Plan, works which may be 1 metre below the natural ground surface. The depth of remediation works is still to be determined. However, it is likely that Clause 6.1 of the LEP could potentially apply as it states that consent is required for works 1 metre below the natural ground surface on Class 3 land.

In accordance with Clause 6.1(3), 'development consent must not be granted under this clause for the carrying out of works unless an Acid Sulfate Soils Management Plan has been prepared in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority'.

A Preliminary Acid Sulfate Soils Management Plan has been provided as part of the application.

As discussed under SEPP 55 (Land Remediation) as part of the assessment of contamination issues, consideration was given to the existence of acid sulfate soils (Class 3).

An assessment of the information submitted included:

The Acid Sulphate Management Plan describes procedures and controls to manage Acid Sulphate Soils (ASS) encountered during the site development works. The greatest potential to disturb ASS is associated with excavation of soils to create the open park area and new buildings in the northwest and southeast of the site, and installation of foundations and pilings.

All, natural soils brought to the surface are to be placed on a sealed and bunded surface and tested. Soils will be reused, following treatment if necessary, or disposed off-site. Additional detail is provided regarding surface water management, excavation dewatering and monitoring and reporting procedures. The Plan has been prepared in accordance with the Acid Sulphate Soil Manual and the appropriate standard consent condition will be provided to confirm its implementation.

The proposal is considered to have adequately addressed this clause for Stage 1 DA works. If consent were granted, it is recommended that conditions be included in relation to the appropriate management of acid sulfate soils on the site.

Clause 6.2 Earthworks

The Concept application does not propose the undertaking of any works.

The Stage 1 DA works will involve earthworks which are likely to alter the ground level (existing) in order to construct the proposed recreation area (community park), remediate the site and install site services.

The level of earthworks proposed to facilitate the development is considered to be acceptable having regard to this clause. The design suitably minimises the extent of proposed earthworks, having regard to the existing topography.

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

There is no exhibited draft environmental planning instrument relevant to the application.

6.1.3.3 Any development control plan (and section 94 plan)

3.03 Residential Development

This section applies only to land to which residential accommodation is permissible with consent under the Newcastle Local Environmental Plan 2012 (Zones - R2 Low Density Residential, R3 Medium Density Residential, B4 Mixed Use). It applies to a range of types of development including - residential flat buildings but does not apply to shop top housing.

The site is within the IN2 Light Industrial zone. The section does not apply to the IN2 Light Industrial zone. The application seeks consent under Clause 5.10(10) conservation incentives under the LEP for the staged development for Concept proposal for a mixed-use residential, commercial and artisan food production and recreation area uses across the site.

Whilst it might be seen as appropriate to consider the underlying objectives and performance criteria within this section, the heritage provisions and State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and Apartment Design Guide (ADG) would prevail.

Notwithstanding, the key aspects to consider as part of this section are appropriately addressed as part of this application, as it relates to the site constraints, existing buildings being adaptively reused and surrounding streetscape character and surrounding residential land uses.

3.10 - Commercial Uses

This section applies only to land to which a range of land uses including retail and commercial premises is permissible with consent under the Newcastle Local Environmental Plan 2012 (Zones - R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development).

The site is within the IN2 Light Industrial zone. This section does not apply to the IN2 Light Industrial zone. The application seeks consent under Clause 5.10(10) conservation incentives under the LEP for the staged development for Concept proposal for a mixed-use residential, commercial and artisan food production and recreation area uses across the site.

The commercial and retail uses that form part of this application are part of the Concept proposal and would be subject to future Stage DAs for works. The Concept proposal is considered acceptable in the context of this Section, notwithstanding the heritage provisions will primarily guide the staged development of this site and adaptive reuse of existing heritage buildings within the site.

4.10 - Flood Management

This site is affected by flooding. A flood information certificate FL2016/00210 was provided by Council on 24 August 2016. The following is noted from Council's Flood Certificate:

- The PMF Flash flood level is noted as 3.10m and Ocean PMF is noted as 3.40m AHD.
- 1 % AEP level for flash flood is noted as 1.60m AHD and Ocean level is noted as 2.20m AHD.
- The recommended flood planning level (FPL) is 2.50m AHD.
- The site is noted as high risk to life

The minimum floor level (FPL) for this site is 2.5m AHD based on a predicted future 1% AEP ocean flood level of 2.2m AHD.

The Civil Engineering Plans provided show all buildings having a FFL of 2.5m AHD to meet this requirement.

The site has been identified as a flood storage area during a PMF event and a flood fringe area during a 1% AEP event. The proposed reuse of the existing buildings and construction of a new building (No. 5) is compatible with this constraint.

Flood refuge will be available in all buildings above the predicted local PMF level of 3.1m AHD.

The proposed building floor levels are compliant with the provisions of this section of the DCP for flood management and are considered acceptable. If consent were granted, relevant conditions are recommended.

4.03 - Mine Subsidence

The site is located within a proclaimed Mine Subsidence District.

Subsidence Advisory has issued their advice and general terms of approval (GTAs). Refer to section 5.1.2 – *Section 4.46 – Integrated development* of this report for detail and GTAs are provided in **Appendix C**.

4.04 - Safety and Security

This section provides objectives and controls for crime prevention and public safety and draws from the process of reducing crime risk through the location and design of development relating to Crime Prevention Through Environmental Design (CPTED). The principles of CPTED relate to casual surveillance, access control, territorial reinforcement and space management.

A Crime Prevention Through Environmental Design (CPTED) Statement (prepared by Tonkin Zulaikha Greer Architects, dated May 2017) was submitted with the application and is considered to have demonstrated a suitable response to safety and security consistent with this section.

The proposal is considered to have satisfactorily addressed the key principles and design elements such as exterior design and layout, surveillance and sightlines, lighting and signage / wayfinding. In addition, the principles for specific uses such as carparks/developments including carparks, events / markets, food and drink premises and residential accommodation of more than 10 dwellings are able to be achieved as part of this Concept proposal and Stage 1 DA works.

If consent were granted, it is recommended that a condition for the provision of appropriate lighting and wayfinding signage to communal/ public areas of Stage 1 DA works and appropriate security mechanisms to control access after-hours and vehicle access within Stage 1 DA works is included in any consent.

More broadly, the proposal would provide increased vehicular and pedestrian activity and movement both within this area and via through sight-links in this location, increased passive surveillance across the site and within the surrounding area and active spaces within the mixed-use development, conducive to increased people orientated activity in the area.

The proposal is acceptable in regard to this section of the DCP.

4.05 Social Impact

The controls within this section of DCP, relate to compliance with the requirements of the 'Social Impact Assessment Policy for Development Applications 1999'. A formal social impact assessment is not required for the proposed development; however, a social impact comment is required within the Statement (SEE) submitted with the application.

The redevelopment of the three heritage items will have a positive impact on the setting of the site and the streetscape and will enable the long-term conservation of the buildings through ongoing occupation and maintenance of the buildings. The works have been informed by a heritage management document that has assessed the significant elements of the buildings and identified which elements are critically important.

However, the broader social impacts in terms of land use conflict and risk with the location of the site adjacent to a fuel terminal, pose broader social impacts.

5.01 Soil Management

Soil management has also been considered as part of the detailed assessment under SEPP 55 – Remediation of Land.

The Concept proposal does not involve any undertaking of works. However, Stage 1 DA works involves land remediation works, site works and construction of a community park within the development site and public domain works.

Sediment and erosion control measures have been included as part of the information submitted with the application to minimise sediments being removed from the site during the construction period.

The proposal is considered acceptable in regard to this section. If consent were granted, conditions are recommended to ensure such measures are in place for the entire construction period and managed appropriately given the contaminated status of the land.

5.02 - Land Contamination

Land contamination has been considered in more detail under the assessment of SEPP 55 - Remediation of Land.

By satisfying the provisions of the SEPP and with appropriate conditions recommended, if consent were granted the requirements of section 5.02 of the DCP have been satisfied.

5.03 *Vegetation Management*

An Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services and dated August 2018 has been submitted with the application.

As stated in the Report, the site is relatively flat and the majority of the site is built upon, aside from the south-eastern corner of the site, which contains a level grassed area and several mature trees. A number of small trees also stand around the periphery of the site within the adjacent road reserves of The Avenue and Milford Street. These include a variety of non-local native species. Soils have been extensively disturbed and modified for industrial and urban development.

A total of 18 trees will require removal as part of this development. The report outlines that all of the street trees within the road reserves of The Avenue and Milford Street are of similar vintage and were probably planted post 1990. Trees T1 and T3 (Bangalay) and T2 (Swamp Mahogany) appear to be earlier plantings, perhaps dating back to 1970-1980, but are unlikely to have been planted contemporary with the development of the Woolstores. None of the subject trees have any known or suspected heritage significance.

Low Retention Value

The proposed development will require the removal of 11 trees of low retention value. These include Tree No.s T1a (Tuckeroo), T2 (Swamp Mahogany), T4 and T7 (Broad-leaved Paperbark), T5, T8, T9, T10 and T11 (Weeping Bottlebrush) and T14 and T16 (Lillypilly). None of these trees are considered significant or worth of special measures to ensure their preservation. The removal of these trees to accommodate the proposal is considered warranted in this instance. Note: Trees T4, T5, T7, T8, T9, T10, T11, T15 and T16 are located on Council's nature strip. These trees should be replaced with an equivalent number of new trees elsewhere on the nature strip.

Moderate Retention Value

The proposed development will require the removal of six trees of moderate retention value. These include Tree No.s T1 (Bangalay), T6 (Broadleaved Paperbark), T12 and T13 (Weeping Bottlebrush) and T14 and T17 (Lillypilly). These trees are not considered significant but are in good health and fair condition and make a reasonable contribution to the amenity of the site and surrounding properties. In order to compensate for loss of amenity resulting from the removal of these trees, consideration should be given to replacement planting. Note: Trees T6, T12, T13, T14 & T17 are located on Council's nature strip.

High Retention Value

The proposed development will require the removal of one tree of high retention value, being T3 (Bangalay). This tree has no special ecological or heritage significance but is in good health and condition and makes a positive contribution to the amenity of the site and surrounding properties. In order to retain this tree, substantial redesign of the proposed development would be required given the size of the tree and the TPZ. This would include reduction on the size of

Building 4 and amendment to the proposed vehicular circulation. Re-design of the development is therefore not considered feasible in this instance. In order to compensate the loss of amenity, replacement planting should be provided elsewhere in the site.

The proposal includes a total of 28 replacement trees (on site), at specified size and species, to compensate for the loss of amenity resulting from the removal of trees to accommodate the development. The proposal includes a total of 14 new trees (within the nature strip), in accordance with the Newcastle Street Tree Masterplan 2011, to compensate for the loss of amenity resulting from the removal of trees to accommodate the development.

Assessment of the removal of trees within the site is considered acceptable and consistent with the DCP. CN's City Greening team considered the proposal in relation to road reserve tree removal and replacement planting and concur with all tree assessments and removal and replacement recommendations relating to public trees and recommend relevant conditions be placed on any consent granted.

The proposal is acceptable in regard to this section of the DCP.

5.05 Heritage Items

05.01 General Principles

- 1) The proposed concept masterplan and Stage 1 adaptive reuse is consistent with the retention of the three heritage items on the site.
- 2) An understanding of the significance of the heritage item has been demonstrated through the Conservation Management Document (Rev B EJE, 2017) provided with the application. The report includes an updated assessment of heritage significance for the place. The report has also identified elements of each building that are critical to the significance of the heritage items and are to be retained. These details have been comprehensively documented in the Conservation Management Document.
- 3) The original use of the heritage items as woolstores would be the most appropriate outcome with regard to their heritage significance. However, this use is no longer viable in the present day. It is generally considered that the proposed adaptive reuse of the three heritage items into a mixed-use residential and commercial precinct will have a positive impact on the heritage items. The ongoing use and occupation of the buildings is essential for their long-term conservation if undertaken in a sympathetic manner. The site is adjacent to residential areas, employment areas and recreational areas. The proposed change of use has been successfully applied to the Winchcombe Carson Woolstore (a listed heritage item adjacent to the subject site). The proposed adaptive reuse of Woolstore 1 as a residential flat building is generally considered appropriate.
- 4) The proposed works will generally maintain and enhance the setting of the heritage items and heritage items in the vicinity through restoration of significant fabric, removal of unsympathetic alterations/additions, activation of the site and through occupancy of the buildings themselves.
- 5) The Stage 1 Adaptive Reuse includes reinstatement of missing features and repair of damaged building elements, including replacement of damaged timber framed windows, retention of the existing face brickwork with repairs as necessary, repairs to all exposed concrete, repairs to the decorative facade treatment facing Annie Street.

Subsequent stages will need to provide an updated heritage impact statement and be subject to further assessment as this level of detail has not been provided as part of the concept proposal.

- 6) The application supports the ongoing maintenance, care and use of the heritage items on the site. At present the buildings are either not used or are subject to a low intensity use. The concrete structure is in urgent need of repair as a result of low or no maintenance. The adaptive reuse of the building provides the opportunity to repair and reinstate significant building fabric in conjunction with the development.
- 7) The three heritage items are proposed to be reused in their entirety. However, it is noted that further assessment will be required for the subsequent stages of the development.

5.05.02 Integrating heritage items into new developments

- 1) The heritage significance of the heritage items is fully celebrated by the proposed development. The development has been informed by an updated assessment of heritage significance. Heritage management guidelines have also been prepared to guide the detailed design development of the remaining stages. The updated Heritage Management Document (EJE, Rev B 2017) has provided the additional information required to provide a broad overview of conservation approaches and management, that can be used as a starting point for subsequent development stages.
- 2) The concept proposal demonstrates innovation in proposing an adaptive reuse of the heritage buildings, as their original purpose and use is redundant.
- 3) The form of the two proposed new buildings in the concept masterplan is generally sympathetic and subservient to the heritage items. However, it is noted that detail of the design for the new buildings has not yet been provided as part of the concept proposal. The design of the new buildings will need to be subject to further assessment under future stage applications for works.
- 4) The proposed development enables the long-term preservation of the heritage item through immediate conservation works to the heritage fabric, through the generation of funds for future and ongoing conservation works, and through the ongoing occupation of the buildings which are currently under utilised.

5.05.03 Changing the use of a heritage item

- 1) An understanding of the significance of the heritage item has been demonstrated through the Heritage Management Document (EJE, 2017) provided with the application. The report includes an updated assessment of heritage significance for the place. The report has explored why reinstating the original use or an associated industrial use is no longer suitable for this particular site.
- 2) The design of the proposal is considered satisfactory with regard to supporting new ideas in the selection of an appropriate use for the heritage item.
- 3) The original design use as a woolstore is redundant. Adaptation of the heritage items to suit an industrial use are not supported by the existing form of the buildings, which

are not conducive to contemporary requirements for industrial uses. The proposed change of use to mixed residential/commercial is considered generally appropriate and facilitates the retention of the heritage items.

- 4) The concept masterplan includes a range of uses to promote the occupation and ownership of the heritage items. The proposed mixed uses will encourage activation of the precinct which in turn will benefit the significance of the heritage items.
- 5) It is advised in the Statement of Heritage Impact that deemed to satisfy solutions will be detrimental to the significance of the place, and that performance solutions will be engineered in order to retain the heritage significance of the items.

5.05.04 Conserving significant elements of adjoining public domain

Not applicable.

5.05.05 Subdividing or amalgamating land on which a heritage item is located

- 1) The proposed site consolidation is considered acceptable and will not have a detrimental impact on the significance of the heritage items. The differing facade treatments and remnant signage indicate that the buildings were built at different times and belonged to different companies. There is no specific pattern of subdivision in this part of Wickham.
- 2) The consolidation of lots will not be detrimental to the setting of the heritage items.
- 3) The existing curtilage of the heritage items is maintained. All significant fabric and aspects of the sites are conserved within the curtilage. The site consolidation will allow better access to the heritage items and the proposed community park, facilitating more effective interpretation of the heritage items.
- 4) The proposed site consolidation will not impact the ability to interpret the subdivision pattern of the site. The existing hierarchy of buildings and their main entries facing Annie Street is not impacted. The buildings are retained in their existing building envelopes and the existing setbacks are also maintained.

5.05.06 Development in the vicinity of a heritage item

- 1) Details of the design of the proposed new buildings (4 & 5) has not been finalised as part of the concept proposal. In principle, the general massing and location of the Buildings 4 and 5 are acceptable. The smaller scale of Building 4 is appropriate and is deferential to the grand scale of the three heritage items presenting to Annie Street. The proposed new buildings will not have a detrimental impact on the critical significant elements of the heritage items identified in the Heritage Management Document, including the form of the warehouses, the sawtooth roofs, external brickwork and details, and importantly the perceived scale of the buildings, which will remain dominant when viewed from the streetscape or within the site. Future design development will need to have regard to maintaining sympathetic proportions, materials and colours of the new buildings, and will be subject to further assessment under future stage applications.

Summary

The proposed Wickham Woolstores Masterplan proposal encompassing the three woolstores and proposed new buildings 4 and 5, and Stage 1 adaptive reuse of Woolstore 1 are generally consistent with CI 5.10 of the NLEP 2012, and the relevant objectives of Section 5.05 of the NDCP 2012. The redevelopment of the three heritage items will have a positive impact on the setting of the site and the streetscape and will enable the long-term conservation of the buildings through ongoing occupation and maintenance of the buildings. The works have been informed by a heritage management document that has assessed the significant elements of the buildings and identified which elements are critically important.

Further discussion is provided within Clause 5.10(10) Heritage conservation under the LEP.

6.03 Wickham

This section provides detailed standards and guidance for development in order to implement the Wickham Master Plan 2017. The site falls just outside of the identified area within the Wickham Masterplan 2017, and therefore this section of the DCP does not apply. Though the site is not within the Masterplan area, it is considered appropriate to acknowledge this section of the DCP, and the opportunities that the subject site and proposed mixed-use development could achieve in terms of the Masterplan outcomes.

The Wickham Masterplan and the DCP promote the development of sites for mixed use development consistent with the vision of the Wickham area. There are five identified interconnecting precincts (Key Precincts) within Wickham. The 'Emerging Industry Quarter' would be the relevant precinct/character for the subject site.

The urban character as described within this section describes - Wickham will continue to evolve from a semi-industrial area at the outer fringe of Newcastle City Centre into a mixed use urban neighbourhood supporting the emerging commercial core within Newcastle West. Urban renewal is envisaged to build on the existing urban structure to deliver greater connectivity, improved public domain amenity and built form which reflects the function and character of the area.

The existing character within the 'Emerging Industry Quarter' is characterised by larger development sites and wider streets. The Precinct predominately accommodates employment uses including service industries, small scale niche manufacturing and research and development technologies.

The future character within the 'Emerging Industry Quarter' refers to redevelopment that is envisaged to provide opportunities for fostering business and employment generation uses. The former Bullock Island corridor is adapted as open space and embellished to form a publicly accessible landscape element within the redevelopment site.

The proposal is considered to contribute toward achieving the objectives of the Wickham Masterplan 2017 and DCP, with the built form and design aspects, guided by the heritage provisions that prevail for this site.

7.02 - Landscape, Open Space and Visual Amenity

The proposal is considered for the purposes of the DCP section, as a *Category 3 – large scale development or development on prominent or ecologically sensitive sites with a high degree of visual significance and environmental impact*. This category determines the level of information required with the development application and at various stages post any development consent granted.

A Landscape Plan and design statement has been prepared by JMD Design, developed for the whole precinct to ensure a holistic approach and that the same key principles were applied throughout the site and responded to each stage's, specific requirements. The Landscape Plan is provided in **Appendix B**.

The Wickham Woolstores DA Masterplan Report outlines the landscape opportunities for the site and redevelopment. A wide variety of landscape is proposed to support the public domain on site.

The Landscape Plan seeks to provide a contextual design response to each major element including the public streets and site boundary. Wool Row, the shared laneways between the heritage items and proposed buildings.

The centerpiece of the landscape design is a large community park at the north eastern end of the site, which will remain as part of the site development, but also accessible for public use. Enclosed by buildings on two sides it has an intimate scale and can accommodate picnic and play facilities, while benefiting from the passive surveillance afforded by the buildings. It has a northerly aspect and has extensive opportunities for planting and landscaping.

Key elements for consideration for the proposal relate to the heritage value of the site and existing woolstore buildings, the need for landscaping to satisfy the needs of the users of the site, buffering of surrounding land uses (in particular the adjoining Ampol Fuel Terminal facility), the streetscapes of Annie Street, Milford Street and The Avenue and integration of the communal open space areas (inclusive of community park), which will be retained within the development site.

The proposed landscape plan is considered acceptable and consistent with the objectives and controls relevant within this section. The overall landscape concept proposal inclusive of Stage 1 DA works will provide for enhanced landscaping to meet the needs of the mixed-use development, within its heritage context and provide for suitable replacement planting to compensate for the removal of trees within the site and within the road reserve and creates a positive landscape interface with all street frontages.

It is recommended, if consent were granted that an amended landscaping plan be submitted. This plan is to provide the final design of the community park area and incorporate additional design aspects, noting that whilst the park will be open to public use, it will be retained as communal open space for the development. The following design aspects are to be included:

- designated parking close to the park
- a path leading from the carpark into the park to appropriate seating
- the potential for a toilet facility within a future Stage – new Building 5 which is accessible to the public
- braille incorporated into interpretive signage
- picnic table to accommodate wheelchairs
- park benches to include arm rests
- the provision of shade or shelter over an accessible picnic area
- appropriate fencing

In addition, it is recommended that other relevant conditions relating to landscaping plan / documentation requirements at various stages of the development and through Construction Certificate stages to completion and on-going maintenance be imposed, on any consent granted.

7.03 Traffic, Parking and Access

Vehicular Access and Driveway Design

Driveway Access

A total of six vehicular crossings will be provided for the masterplan Concept proposal as shown in **Figure 27**.

The existing driveway access along the Annie Street frontages for the existing Woolstore buildings and Building 4 will be generally modified to fit in with the proposed streetscape. A total of four driveways are proposed along Annie Street. The three access roads between Woolstore 1 and Building 4 is generally a One-Way system leading to the internal Wool Row access lane. Building 4 (eastern most access on Annie Street) will be a two-way access laneway, thus providing an alternative exit point.

Building 5 will have a new driveway access on the northern side of Milford Street which will specifically be for Building 5 only.

A new driveway will be provided approximately in the mid-section of Milford Street leading to Wool Row access lane which will be the main entry and exit for the overall development. A total of two driveways are located on Milford Street. A new driveway will be provided from The Avenue frontage which will also be a One-Way system.

The driveways will need to be designed with a standard layback on the road reserve to allow for right of way for pedestrian over the driveway.



Figure 27: Masterplan Street Parking Summary Plan (Source: Wickham Woolstores DA Master Plan Report, prepared by Tonkin Zulaikha Greer, Fairweather & City Plan Services)

Internal Access Design

Wool Row Lane is to be the main thoroughfare providing internal access along the east-west corridor and links to the remaining north-south internal access.

The access between W3 and B4 is designed as a shared area generally to allow for the pedestrian activity along the retail corridor.

Generally, the lanes have been designed as a slow traffic and pedestrian environment and pedestrian footpath amenity have been proposed along the internal lanes.

The principles of the internal access road concept are generally supported as it provides a slow traffic environment and pedestrian management.

Design for Servicing

Heavy Rigid Vehicle (HRV)

The Traffic Impact Assessment submitted by Maclaren Traffic Engineering Ref: 190045.01FA dated 12/02/2019 and earlier submissions have been reviewed in terms of the proposed servicing of the development via use of Heavy Rigid Vehicles as the largest vehicles expected on-site.

Manoeuvring templates have been provided in Annexure E of the statement (and earlier submitted documents) for access by HRV to service the overall development, which has demonstrated that HRV can enter/exit the site in a safe manner.

However, the traffic report and recommendations indicated in the manoeuvring templates have recommended changes to the landscaping and civil aspects of the design within the internal road network to sustain the HRV movements. This means that the relevant development applications will need to ensure that the design will need to accommodate for changes to be made to ensure that HRV turning areas are provided.

Furthermore, the traffic response has confirmed that HRV will not access the internal road between Woolstore 3 and Building 4 potentially due to the height clearance for the overhead bridge which links Woolstore 3 and proposed Building 4.

The proposed masterplan has therefore demonstrated that access for HRV for servicing the proposed commercial/retail, waste collection and general servicing of the overall development can be managed and sustained.

Waste Collection

The applicant has previously clarified that although all bins for Woolstore 1 will be stored in the internal Level 1 carpark, they will be collected from a designated area on the northern side of Wool Row Road in front of future Building 5. This would negate the need for waste collection trucks to enter the internal carpark of Woolstore 1.

The Waste Management Plan confirms that on collections days, the building caretaker will use a bin moving device to move the bins from the Woolstore buildings to the designated loading bay on Wool Row Road. HRV can adequately maneuver around the internal road network.

Similarly, Woolstore 2 and Building 5 being residential units will have a similar method of operation. The commercial/retail bin collections will be made from the designated loading locations and will generally be managed by the relevant strata schemes.

The issue of waste collection has been generally addressed for the purposes of vehicular access. A condition is recommended, if consent is granted for the development to install regulatory signage clearly marking the designated bin collection loading bays for its intended purpose. This would ensure traffic on Wool Row Road is not adversely affected on bin collection days and two-way flows are maintained.

Off-Street Parking

The proposed off-street parking assessment by CN have focused on the following principles:

- Provision of car parking for the entire Masterplan area
- Provision of car parking for the individual building
- Parking management for retail precinct
- Provision of servicing facilities
- Management of parking within the internal road network
- On-street parking availability and impacts
- Multi-use of visitor and commercial/retail

Overall, the off-street carparking provision (that is, car parking within the site) for the masterplan generally complies with CN's DCP parking rates as follows:

- Total of 494 car parking spaces are provided within the building footprint
- Total of 104 on-site outdoor parking
- Two Loading spaces on Wool Row laneway
- Two delivery spaces within W3 building
- 11 Loading bays to the east of Building 4
- Total of 28 Motorbike parking spaces
- Total of 364 Bicycle parking spaces

Except for Woolstore 3 (Commercial/Retail) building, the remaining buildings have adequate car parking within the building footprint itself – see discussions below.

Overall, the development has proposed 594 off street car parks and 13 loading bays.

The revised masterplan and the traffic submission have generally addressed parking allocations.

Woolstore 3 (W3) Building Parking

The revised proposal for Woolstore 3 is for commercial and based on the GFA requires a total of 186 off-street car parking spaces based on the requirements of the DCP. A total of 68 parking spaces are provided within the building footprint (includes two delivery bays).

To address the lack of parking for this building, the applicant in the traffic response dated 12 November 2020 have stated that the 35 surplus parking spaces from the remaining buildings will be allocated to Woolstore 3. Therefore, W3 will have a total of 103 allocated parking spaces.

To manage this situation, the traffic consultant has proposed for timed parking spaces around the commercial/retail precinct to manage the turnover of parking. A further 10 additional parking spaces have been introduced in front of Building 4.

The 101 parking spaces can be used to manage the staff parking requirements and the multi-use of the on-site street parking should generally provide adequate turnover for retail purposes.

Multi-use of Visitor and Commercial/Retail Parking

It is noted that a total of 52 visitor parking spaces are required for the residential component of the development and the commercial/retail within Building 4 and Woolstore 3 has overall 186 spaces (101 for Woolstore 3 and 85 for Building 4).

These parking spaces can be multi-used at different times as well, for example, the commercial/retail parking can be made available for visitors or residents after business hours.

Such principles will generally require the building management (strata) to set an appropriate framework to manage the spaces.

Motorbike and Bicycle Parking

The revised masterplan and the traffic reports have addressed parking requirements for motorbike and bicycle parking. The overall bicycle and motorbike parking provided for the development will generally be sufficient for the overall development. Additional bicycle and motorbike parking can be facilitated within the on-site road network if required.

Compliance with Australian Standards

Existing Woolstore Buildings

The applicant has provided an additional letter of advice from a traffic engineering consultant with additional justification supporting a variation to the Australian Standards for the turning provisions within the existing Woolstore Buildings. Whilst the carpark aisle width does not strictly comply with AS 2890.1 it is acknowledged that the proposed 90-degree parking spaces are significantly wider than standard widths (3.75m wide compared to 2.4m).

Supporting swept path diagrams demonstrate that B85 vehicles have almost enough space to enter and exit the 90-degree parking spaces in three maneuvers without encroachment onto adjacent spaces whilst maintaining a 300mm clearance. It is noted that five point maneuvers (or greater) is also available where drivers prefer to maintain a greater clearance or vehicles are larger than a B85. It is noted that AS 2890.1 offers extra leeway for existing buildings.

The proposed carpark design is considered on merit to be supported to enable the adaptive reuse of the existing heritage listed buildings.

General Compliance

The proposed new buildings and the internal road network concept generally meets the design objectives set in AS2890.1 and AS2890.2. As discussed in the Heavy Rigid Vehicle (HRV) section above, the design will need to be refined to manage the HRV turning within the site.

Overall, the internal access roads and parking design seems to have considered the safety aspects for vehicular and pedestrian movements.

Traffic Generation and Construction Traffic

Traffic Generation

The traffic report has considered the issues surrounding traffic generation. It is noted that the general Wickham Masterplan has also reviewed the traffic generation in the area, which has been developed by the City of Newcastle and the road network traffic movements have been analysed.

The submitted traffic report has identified the morning peak inbound traffic generation and outbound traffic during the evenings. The development is within proximity to the Newcastle Transport Interchange, which has good bus services outside the transport exchange. Furthermore, the development is within walking and riding distances to the waterfront and the future Newcastle City Commercial hub in Newcastle West.

The traffic report has concluded that the traffic generated from the development will generally not impact on the current road network and intersections.

Construction Traffic

The development at each stage will be required to address how the construction traffic will be managed including staff parking and trades parking management.

Conclusion

The submitted Traffic Reports and subsequent responses have demonstrated that the proposed development has generally complied with the DCP and relevant Australian Standards for off-street parking.

In consideration of the above factors and noting the recommendations on the traffic report, it is considered that the development is sustainable in terms of the traffic and parking management aspects of the proposal.

Public Domain

Pedestrian & Traffic Management

It is expected that there will be a high volume of pedestrian movement in the vicinity of the development due to additional retail, commercial and residential uses on the site. The internal areas of the development have been designed to allow for additional widths for shared areas for pedestrian movement. It is assumed that these areas will be available for public access 24 hours a day.

There will be additional traffic in the area due to the proposed parking scheme for the development and the internal road network. The development will therefore need to manage the traffic and pedestrian movement in the immediate vicinity of the site to ensure that safe and accessible footpath and traffic movement can be sustained.

Consultation Process

Consultation has been carried out with City of Newcastle's Traffic and Transport and Road Asset teams in terms of traffic and pedestrian management and proposed road works by the developers. City teams have generally supported the idea as presented on the plans, however, they have stated that additional design detailing works are required to manage the traffic and pedestrian movement in the area.

Public Domain Proposal

The proposal within the road reserve includes the provision for an entire new public domain area including the provision for new footpath via provision of indented parking bays and kerb extensions. The proposed works include removal of the existing street trees and a new streetscape with street trees. The development will also need to underground the overhead Ausgrid power lines.

Stage 1 DA works application includes a publicly accessible park within the site fronting The Avenue. The development site has a frontage directly along the three main frontages which includes The Avenue, Milford Street and Annie Street.

Annie Street is proposed to be constructed with four new driveways with the western most driveway (Road 1/Lane 1) linking to The Avenue via a new driveway at The Avenue, thus forming the North/South Link. Two new driveways are proposed at Milford Street which forms the East/West link within the site.

The redundant driveways will need to be removed as part of the streetscape and civil upgrade works.

Pedestrian Movements & Traffic Safety

The development is significant for the area and will need to consider the pedestrian movement in the vicinity of the area and links that encourage local residents to access the development.

The development itself is proposing to provide a new footpath along the existing street frontages. Investigation of the area indicates that there is a through link to the nearby Wickham Park between Annie Street and Albert Street which directly links the development to the Park (refer to **Figure 148**).

Traffic safety will need to be managed to ensure that the environment around the development allows for drivers to slow to the speed limit and for management of pedestrians in the area. The final design of the driveways to the site will therefore need to be designed to ensure pedestrian access and rights and safety over the footpath is enhanced.

The development will need to connect to the immediate nearby intersections to provide safe and accessible footway to the development and for traffic safety. A concept scope has been provided (**Figure 148**) which provides for pedestrian links in the immediate vicinity of the site in addition to the developer's proposal along the frontages of the property. The additional scope of works for the links as below:

The Avenue

- Provide pedestrian footpath connection along southern side of the property frontage to connect existing footpath at south eastern end.
- Provide for pedestrian connection including a pedestrian refuge between McMichael Street and The Avenue at east of McMichael Street.
- Pedestrian connection including kerb extensions at the corner of The Avenue and Milford Street.

Milford Street

- Provide pedestrian footpath connection to the western side of Milford Street at the corner of Annie Street.
- Provide for pedestrian connection including kerb extensions at the corner of Annie Street and Milford Street between McMichael Street and The Avenue at east of McMichael Street.
- Pedestrian connections to existing footpath at the corner of Robert Street and Milford Street and extension of the footpath on Robert Street to end at the through link adjoining the rear of 52 Annie Street including provision of ramps.

Annie Street

- Provide pedestrian footpath connection at either side of the through site link on Annie Street.

In addition to these elements, the development will need to provide for street lighting upgrade at the intersections and street frontages to comply with Ausgrid and City of Newcastle requirements.

In addition, stormwater connections and drainage works will be required to be undertaken for the proposal.



Figure 148: Existing and Proposed Pedestrian Links (Source: Internal Referral - CN Engineering Assessment Team response)

Ausgrid Overhead Wires

The development has overhead Ausgrid wires along the street frontages, which are in very close proximity of the proposed development buildings. These overhead wires will need to be relocated underground as part of the development to ensure that safety risks are appropriately managed. The requirements have been informed to the applicants at Pre-DA stage and conditions are recommended, if consent is granted to the development.

Refer to Ausgrid advice which is provided within **Appendix D**.

Staging of Public domain works

It is noted that the application is for a staged development, with the Concept proposal - Masterplan with separate applications to be lodged for each remaining stage (Stage 2 to 4). This application also includes Stage 1 DA works application.

It is assumed that the applicants may potentially consider the staging of the public domain works within the road reserve to facilitate each stage of the development.

It is recommended that the staging of the road works be discussed with CN as part of the Section 138 Roads Act application process.

Conditions are recommended if the application is approved, to ensure that Stage 1 can be managed at the relevant construction certificate stage and the masterplan address the overall works as recommended.

7.05 Energy Efficiency

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (SEPP) (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" (i.e.: contains one or more dwelling). Accordingly, the provisions of the SEPP apply to the current development proposal.

The Concept Proposal does not seek development consent for physical works. The residential components of the Concept Proposal that does not form part of the current development application (i.e Stage 1 DA works) will be subject to BASIX assessment as part of any future staged development application seeking development consent for the physical works.

In relation to the Stage 1 DA works, which does form part of this staged development application, a BASIX Certificate (Certificate Number: 819560M), dated 12 July 2017 was submitted with the application. The BASIX Certificate was subject to a BASIX Heritage Alternative Assessment by the NSW Department of Planning and Environment given the proposed development was subject to specific heritage controls which conflicted with the BASIX requirements. As such, any conflicting commitments were removed from the BASIX Certificate and a schedule shown at the end of the Certificate contains additional commitments resulting from the alternative assessment.

It is recommended that a condition to ensure relevant BASIX requirements are achieved for Stage 1 DA works is imposed on any consent granted.

7.06 Stormwater

A Stormwater Management Plan, and Civil Engineering Plans, prepared by Mott Macdonald and dated 3 July 2017 were submitted with the application.

A stormwater drainage system has been designed for the site to control site discharge and water quality to satisfy the requirements of the DCP.

It includes rainwater tanks in each building with a combined capacity of 265kL. An additional above ground detention basin with a volume of 22kL is proposed in the park area to satisfy Council's site discharge requirements of the DCP.

Stormwater Quality

Water quality targets have been met by using a combination of pit inserts and gross pollutant traps to capture site generated pollutants with rainwater tanks and larger underground proprietary treatment structures proposed as stormwater treatment and control. DRAINS and MUSIC models have been developed to simulate site controls and demonstrate compliance with Council's DCP requirements.

Drainage Connection

The stormwater from the site is proposed to be connected at various locations to the surrounding local road drainage network system. The proposed stormwater connections are generally acceptable. Details for the proposed connections can be resolved at construction certificate stage and conditions are recommended, if consent were granted to the development.

Maintenance & Monitoring and Safety

The proposed stormwater structures will require regular monitoring and maintenance to ensure the system is functional. A detailed monitoring and maintenance plan will need to be developed for the precinct.

Conclusion

The principles of water sensitive urban design and the requirements of the DCP have been applied to the development. The submitted stormwater strategy and supporting documents have demonstrated that the development will not impact on the downstream ecology, is sustainable and can be maintained in the long term.

Separate conditions are recommended, if consent were granted for the Stage 1 DA works to allow for detailed design to be completed in relation to the Woolstore 1 building.

Groundwater Management

The proposed development does not have a basement and therefore it is anticipated that there will be no major impacts on the ground water management aspects. However, any impacts from potential excavation of the site for purposes such as contamination and footing construction will still be required to be managed.

In this regard, a separate approval will be required to be attained from the Department of Primary Industries (DPI) under the Water Management Act 2000 for a Groundwater Licence prior to any extraction of groundwater.

The extracted groundwater will need to be appropriately treated and discharged.

It is likely that Council's drainage system could be used for discharge purposes, however the applicants will be required to demonstrate that there are no environmental impacts. If this is the case, then the applicant will need to attain a separate approval from Council for the proposed discharge of any groundwater. An Environmental Engineer or relevant consultant will need to determine the methodology to treat the groundwater prior to discharge to Council drainage system and will need to provide Council evidence that NSW Water have approved the groundwater licence.

If the application were approved, conditions are recommended to ensure that the process for groundwater discharge and approval from DPI is attained.

7.08 Waste Management

The application relates to a staged development and includes a Concept proposal for a mixed-use development for residential, commercial and retail uses. Detailed waste management plans will be provided with respective future stage development applications for works.

In relation to Stage 1 DA works a Waste Management Plan has been submitted with the application. The Plan addresses demolition, construction, ongoing operational waste management and waste reduction, recycling and disposal.

The applicant has previously clarified that although all bins for Woolstore 1 will be stored in the internal Level 1 carpark, they will be collected from a designated area on the northern side of Wool Row Road in front of future Building 5. This would negate the need for waste collection trucks to enter the internal carpark of Woolstore 1.

The Waste Management Plan confirms that on collections days, the building caretaker will use a bin moving device to move the bins from the Woolstore buildings to the designated loading bay on Wool Row Road. HRV can adequately maneuver around the internal road network.

Similarly, Woolstore 2 and Building 5 proposed for residential apartments will have a similar method of operation. The commercial/retail bin collections will be made from the designated loading locations and will be generally be managed by the relevant strata schemes.

If consent is granted, a condition is recommended for the development to install regulatory signage clearly marking the designated bin collection loading bays for its intended purpose. This would ensure traffic on Wool Row Road is not adversely affected on bin collection days and two-way flows are maintained.

The proposal currently suggests that private contractors will likely service the site. It has been demonstrated that waste service provision is capable of being provided by the City of Newcastle, if chosen in the future.

The proposal is acceptable regarding this section of the DCP.

8.00 - Public Participation

Original Public Exhibition

The proposal was originally publicly exhibited as an 'advertised development' in accordance with the provisions of State Environmental Planning Policy No.55 – Remediation of Land. The proposal was placed on public exhibition for a period of 30 days from 13 November to 12 December 2017 (exhibited in a newspaper notice and via letters to adjoining and nearby property owners/occupiers) in accordance with the EP&A Act 1979, the Environmental Planning & Assessment *Regulations* 2000 (Regulations) and Section 8 Newcastle Development Control Plan 2012 (DCP 2012). A total of seven submissions were received during the exhibition period.

Note: A total of five letters were in support of the concept, however the submissions included matters that the application and future development if supported should address with any final development.

Re-notification of the Amended Plans

The proposal more recently was re-notified due to the submission of amended plans and accompanying additional information. The public exhibition period closed on 8 July 2020. A total of four submissions were received during the exhibition period.

Comments raised by the objectors received during the public exhibition process are provided in the table below.

Table 9: Summary and response to issues raised in submissions

Issue	Comment
Ampol (formerly Caltex submission)	
Heritage incentives clause <ul style="list-style-type: none"> The proposal does not comply with the objectives and permissible uses of IN2 Light Industrial zone. If approved the development will represent a trade-off of heritage conservation to an unacceptable community risk of fatality. A significant portion of the proposal does not comply with the pre-requisites for 	<u>Applicant Response</u> The DA seeks to utilise the heritage conservation incentive provisions under Clause 5.10(10) of Newcastle LEP 2012. These provisions effectively set aside the zoning provisions applying to the site, subject to certain matters the consent authority is to be satisfied under Clause 5.10(10). The legal advice prepared by Allens confirms that, subject to the consolidation of Lot 13 DP 830026 into Lot 3 DP 346352, which is to be completed mid-November, (and the application of the heritage listing to the entirety of the consolidated lot), the entirety of the proposed development will be located on land upon which heritage items are located. This means the proposed development is located on land to which the Clause

<p>any heritage exemption that may apply.</p>	<p>applies, and it will be open to Council to assess the application with the benefit of Clause 5.10(10). The advice also confirms that the criteria in subsections (a) to (e) have been satisfied such that consent can be granted to the application upon the Incentives Clause. An amended Conservation Management Document has been prepared addressing the consolidated allotment (Attachment 3).</p> <p><u>Officer Comment:</u></p> <p>The proposal is considered to have demonstrated the appropriateness of seeking consent under Clause 5.10(10) conservative incentives of the LEP. It is considered that the pre-conditions to Clause 5.10(10) (a) to (e) have been met.</p> <p>However, the issue of risk and suitability of the site, due to the close proximity of the fuel terminal has been considered in detail and the development has not been supported due to the land use conflict and risks.</p>
<p>Unacceptable Hazard Risk</p> <ul style="list-style-type: none"> • Reports submitted with the proposal do not accurately represent the associated hazard risk associated with locating the proposed mixed-use development with more sensitive landuse adjoining an existing Fuel Terminal and pipeline. • Report is based on assumptions, and not on direct operation data from Ampol. <p>Strategic context of the Fuel Terminal</p> <ul style="list-style-type: none"> • Major facility, important for both Newcastle LGA and more broadly the Hunter regions. • Proposed mixed use development will impinge on existing and future operations of this industrial facility to an unacceptable level. 	<p>As detailed within this report, given the location of the site adjoining the Ampol terminal and pipeline, there is considered an unacceptable risk to life, primarily due to vapour explosion. In addition, there is considered unacceptable adverse impacts on air quality and health of future users of the development, given the sites proximity to the fuel terminal and pipeline facilities. Therefore, whilst there are positives associated with the proposal and what it aims to achieve (given the area does include a mix of industrial, residential and recreation areas), the risk to life and health outweighs the public benefit of site redevelopment, heritage conservation and upgrade of public domains works.</p>
<p>Other submissions</p>	
<p>Height of buildings</p> <ul style="list-style-type: none"> • Proposed height of 6 storeys for Building 5 is out of character for locality 	<p><u>Applicant Response</u></p> <ul style="list-style-type: none"> • The height of the existing Woolstores 1 building (corner corner of Milford St and Annie St) is measured at 21.02m and 4 storeys in height. The concept building height for Building 5 is approximately 21m, but 6 storeys in height. Whilst all buildings on the site will be of a similar overall height, the concept for Building 5

	<p>encompasses 6 levels rather than 4 levels.</p> <ul style="list-style-type: none"> • Surrounding development in The Avenue, Annie St and Milford St comprise a mixture of building uses, massing and scale generally reflective of their age and function. Their heights range from single storey detached dwellings to multi-level residential and industrial buildings, and a number of the larger former industrial and commercial buildings have been repurposed for residential use. • Building 5 will be the subject for further design refinement, environmental assessment and consultation in later stages of the development. The current proposal seeks concept approval for the whole development and detailed approval for Stage 1 only. <p><u>Officer Comment</u></p> <p>As discussed within relevant sections of the report, the proposal is supported on built form and scale and is consistent with the heritage provisions relevant to the site.</p>
<p>Traffic, parking and access</p> <ul style="list-style-type: none"> • Construction traffic management will be inadequate. • Inadequate parking provision for residents and visitors, particularly given that the enhanced amenity/community facilities will attract more visitors. • Basement parking should be considered. • Development will exacerbate congestion / on-street parking issues in the area. • Inadequate parking may deter visitors to the proposed retail areas. • Safety to pedestrians / park users due to proximity of vehicular access. 	<p><u>Applicant Response</u></p> <ul style="list-style-type: none"> • A site-specific Construction Traffic Management Plan will be prepared and implemented for the development. The Plan will detail the implementation of appropriate measures to ensure that the impact on surrounding residents and businesses is minimised. This will include prior notice being given to surrounding landholders about intended heavy vehicle movements, proposed temporary road closures and alternative arrangements to be put in place to ensure on-going parking access, pedestrian and cycle access and the management of construction workers' parking. • Overall, the proposed development provides eight more on-site car parking spaces than required to meet the provisions of the Newcastle DCP for both residents and visitors. • The proposal also includes an additional 45 motorbike parking spaces and four bicycle spaces in excess of DCP requirements, encouraging a variety of transport options for future residents and visitors. • The Public Domain Works will provide a consistent footpath and improvements to the quality of on-street parking. The plan was prepared in consultation with Council and adopts the requirements of Council Public Domain Technical Manual. • Pedestrian access and connectivity throughout the locality will be improved by the provision of new footpaths traversing through the development, as well as along the three street alignments that border the development site. The CPTED Report assessing the proposed development's design and layout, noted that the site-wide pedestrian network takes precedence over vehicular movement, highlighted by the provision of a series of dedicated footpaths and shared zones.

	<p><u>Officer Comment</u></p> <p>As discussed within relevant sections of the report, the proposal is supported on traffic and parking grounds.</p>
<p>Social and Economic</p> <ul style="list-style-type: none"> • Support proposed housing diversity. • Support regeneration / investment in the area. 	<p>The application will encourage housing diversity.</p>
<p>Streetscape and External Amenity</p> <ul style="list-style-type: none"> • Support improved streetscape outcome and maintenance of historic facade elements. • The height of Building No. 5. should be reduced from 6 to 3 storeys • Building No. 5's height is not in keeping with nearby development on Milford St. • Concerned about overshadowing and impact on breezes to development on Milford St from Building No. 5. • Suggestion to plant street trees to ensure privacy is maintained between the existing 'Soque' apartment building on Milford St and the development. Additional suggestions to follow the Newcastle Street Tree Masterplan 2011 to plant Swamp Cypress along Milford St. • Priority be given to the parkland as part of Stage 1 be prioritised and accessible to the public. • Suggest park be relocated to where Building 5 is proposed – greater public access and street activation. • Upgrade of infrastructure and services and facilities including underground power. 	<p><u>Applicant Response</u></p> <ul style="list-style-type: none"> • Building 5 will be the subject of further design refinement, environmental assessment and consultation in later stages of the development. The current proposal seeks concept approval for the whole development, and detailed approval for Stage 1 only. • Building 5, at the corner of Milford St and The Avenue, will be of a similar height to the existing Woolstores building on the corner of Milford St and Annie St. • Surrounding development in The Avenue, Annie and Milford Streets comprise a mixture of building uses, massing and scale generally reflective of their age and function. Their heights range from single storey detached dwellings to multi-level residential and industrial buildings, and a number of the larger former industrial and commercial buildings have been repurposed for residential use. • Additional trees will be planted along the verges to Milford and Annie Streets in front of the proposed development to enhance the visual and environmental amenity of the locality and integrate with the established public domain landscaping of the area. • Both Milford and Annie Streets have generous road reserve widths (approximately 20m) providing good separation between building facades along these alignments. This spatial separation combined with the existing and proposed new street trees, and the additional enhancement areas of mass plantings along the verges, will positively assist in improving the streetscape and minimising adverse amenity impacts upon neighbouring properties. • Shadow diagrams prepared for the proposal by TZG Architects demonstrate that no significant overshadowing of adjoining residential properties on Milford Street or Annie Street would occur as a result of the proposed building envelopes. • Community park is part of Stage 1 DA works. • Rearranging the site so the park fronts Milford St would create several detrimental impacts for the park itself and its future users. Firstly, moving Building 5 to the eastern boundary would result in unacceptable overshadowing over the park. Secondly, positioning

	<p>the park at the intersection of The Avenue and Milford St has the potential to pose safety risk for future users, especially children. Its location as proposed enables excellent levels of passive surveillance from future residents in all buildings on the site. Thirdly, the park's location was selected to provide a buffer between the development and the Ampol (former Caltex) Bulk Fuel Storage facility.</p> <p><u>Officer Comment</u> As discussed within this report, infrastructure and services will be upgraded to support the proposal, with a complete upgrade of the public domain to be undertaken. An emphasis on greening this neighbourhood is also a focus of the proposal.</p>
<p>Community Space</p> <ul style="list-style-type: none"> • Appears to be inadequate shade / amenity • Does not appear to be well thought out or meet end user needs - should include separate clearly defined zones • Suggest barbeque / picnic area with covered seating, stage for community events, recreational equipment, dog park • Does not respond to historic Woolstore facade or provide references to Wickham's history • Further details regarding the use of the laneway 'stalls' is required • Interim screening should be proposed to the acoustic wall until climbers/plantings are established • Insufficient detail regarding public facilities e.g. toilets • Unclear who will be responsible for maintenance • Insufficient details of art installation / art space 	<p><u>Applicant Response</u> The proposed park has been designed by Landscape Architectural firm of JMD Design. Whilst the park is specifically designed for use and enjoyment of the future residents of the subject development, it will be accessible to the wider public.</p> <p>The proposed park located in the development adjacent to Stage 4 and accessible directly off The Avenue is for the recreational use of the residents and the surrounding general public. The park is a part of Stage 1 of the development and designed to be operational while the remainder of the development occurs. The high-quality landscaping, picnic and play facilities will serve the community's recreational and social needs better than a temporary park on a vacant lot.</p> <p><u>Officer Comment</u> The community park is the required communal open space area for the development. There is no requirement for it to be open to the public. The proposal as part of the overall concept and reuse of this site, seeks to provide a broader community benefit by proposing to keep the park publicly accessible, whilst retaining it as part of the development site.</p> <p>If consent is granted, an amended landscaping plan, which incorporates additional park design detail demonstrating where possible key aspects of good park design, to benefit the site and local neighbourhood will be required.</p>
<p>Environment</p> <ul style="list-style-type: none"> • Trees be pre-planted to enable them to grow sufficiently prior to their introduction to the development streetscape. 	<p><u>Applicant Response</u></p> <ul style="list-style-type: none"> • A concept public domain plan has been prepared for the project. This plan includes details on proposed street tree plantings encompassing medium sized canopy trees (<i>Lophostemon confertus</i>) along the Annie St and Milford St verges. Their age and size will largely be

<ul style="list-style-type: none"> • More details required regarding the construction timetable and how noise, dust, waste and hazards will be managed • Existing drainage issues caused by leaf litter from street trees in Milford St will be exacerbated by the increased burden on drainage from the new development • The plans do not appear to address the need to augment water drainage • New development anticipated to further decrease water pressure in the area 	<ul style="list-style-type: none"> dictated by availability of the species at the time of planting. • Due to the adaptive re-use nature of the proposed development, there is likely to be limited adverse impacts on the surrounding natural and built environment, and the overall levels of construction waste, noise and dust generation will be minimal. The majority of works associated with the Stage 1 adaptive re-use will be internal, whilst the external works will largely encompass infrastructure and utility enhancement. • The environmental and amenity impacts arising during the construction phase, and appropriate mitigation measures to be implemented will be detailed in a site-specific Waste Management Plan (Construction) prepared at Construction Certificate stage. The appointed construction contractor will be responsible for managing the site, shift workers, work hours, noise levels and expected time of completion of project and will be in accordance with the City of Newcastle's mandated construction work hours and EPA requirements. • Stormwater and drainage issues have been comprehensively addressed in the civil and environmental documentation accompanying the DA. • The applicant has consulted with utility providers and the development will be undertaken without impacting on utility provision in the area. <p><u>Officer Comment</u></p> <p>As discussed within the report, the public domain works proposed as part of this staged concept proposal and Stage 1 DA works is considered acceptable and subject to recommended conditions, if consent were granted.</p> <p>The landscaping proposal and replacement planting within the road reserves is considered acceptable and consistent with relevant requirements.</p> <p>Stormwater management plans have been submitted and considered appropriate and recommended conditions to be imposed on any consent granted.</p>
<p>General</p> <ul style="list-style-type: none"> • Insufficient detail regarding the use and size of the proposed retail spaces • Insufficient detail regarding the services available to residents and members of the community (e.g. gym, storage, etc), including during stage 1 • Insufficient detail regarding proposed art installation and how it will be commissioned. Community 	<p><u>Applicant Response:</u></p> <ul style="list-style-type: none"> • Additional details regarding retail spaces, available services, art installations and the like will be included in subsequent applications for each stage. • The cultural heritage significance of the Woolstore buildings has been fully researched and interpreted and documented within the Heritage Management Document prepared by EJE heritage. • All proposed works on site and the overall design has been guided by this research and the findings. The external fabric is of particular significance and the attachment of lights or other elements is actively discouraged.

<p>input into the final design should be required.</p> <ul style="list-style-type: none"> • Further details required on days and hours of preparation and construction work, location of site office and contact. 	<ul style="list-style-type: none"> • There is opportunity and further investigations will be undertaken exploring the potential for public art within and around the development site. • The appointed construction contractor will be responsible for the location of site office, providing emergency contact details, and preparation of days and hours of construction work in line with relevant requirements. <p><u>Officer Comment</u></p> <p>As outlined above, the commercial, retail and community use components under the concept proposal, will be considered in more detail under respective applications for works for each of these future stages, should consent be granted for the concept proposal.</p> <p>The heritage provisions of the site will guide the response to such elements of public art under future applications for works.</p> <p>Construction management details will also be provided with future stage applications for works, with appropriate conditions requiring compliance with relevant standards, imposed on any consent granted.</p>
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Newcastle Section 94A Development Contribution Plan

As no works are proposed by the Concept application, a levy will be payable to each future Development application stage of the development in accordance with this Plan.

Stage 1 DA works that forms part of this staged development application does attract 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 1% of the cost of development would be payable to Council as determined in accordance with clause 25J of the *Environmental Planning and Assessment Regulation 2000*.

Should development consent be granted, a condition requiring this contribution to be paid as detailed above and consistent with CN's Development Contributions Plans would be required for the Stage 1 DA works application.

6.1.3.4 Planning agreements

No planning agreements are relevant to the proposal.

6.1.3.5 The regulations (and other plans and policies)

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

In addition, if consent were granted, a condition is recommended to ensure compliance with AS 2601 – Demolition of Structures for any demolition works associated with Stage 1 DA works application.

A number of planning strategy documents have been considered to assist in terms of strategic context and to help inform the appropriateness of land uses which would otherwise be prohibited within the IN2 Light Industrial zone. These strategic documents identify key priorities

and objectives for Wickham and the Newcastle LGA and have been discussed previously in the report.

NSW Address Policy and User Manual

In accordance with NSW Government policy, Local Governments are responsible for providing clear and logical addressing to ensure quick and accurate location by delivery, utility and emergency services, and the public. The *NSW Address Policy and User Manual* outlines the Geographical Names Board (GNB) and NSW Spatial Services policy, principles, processes and procedures for addressing in NSW.

The proposed development will result in the production, aggregation, publication or usage of a new address and as such, the development application was referred to CN's Geospatial Information Services (GIS) team for comment.

GIS provided a schedule of council allocated street address for the development application. A condition including council allocated street addresses is recommended, if consent were granted.

Copied below is the assessment logic provided by GIS:

- *All new roads require naming- applicant will need to liaise with CN to create appropriate names and have them submitted for approval to GNB before the addressing is formalised. See **Figure 29** for roads that require naming.*
- *A minor suburb boundary change will need to be submitted to GNB to align the Islington/Wickham boundary to the centreline of Milford Street so all addresses are within Wickham.*
- *Stage 1 has several units and townhouses. The units are accessed from one of two street frontages the first is on Annie Street and the second on the red unnamed road (requires naming). The townhouses however have access on the blue unnamed road (requires naming) or Milford Street.*
- *The units that have access from Annie Street are given hotel style addressing to 39 Annie Street.*
- *The units that have access from the red unnamed road (requires naming) don't have access from Annie Street and are given hotel style addressing to 50 red unnamed road (requires naming). The hotel style addressing is continuous around the building for site based addressing and for upper floors begins at the lift access.*
- *The town houses that have separate access from the blue unnamed road (requires naming) are given separate house numbers to this street. Numbers are 2- 16 (all evens).*
- *The town houses that have separate access from the Milford Street and are given separate house numbers to this street. Numbers are 7 to 15 (all odds).*

- The other wool stores/buildings are given indicative numbers but will need to be addressed formally when the application is submitted as no details were given for these buildings in the concept plans.

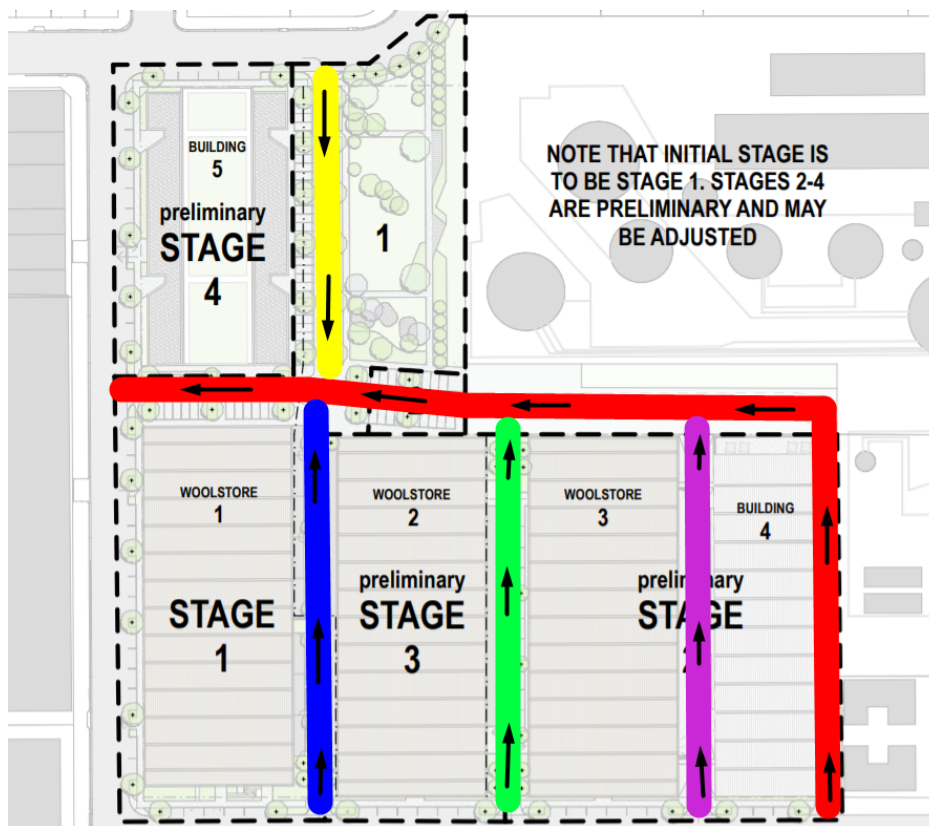


Figure 159: Graphic for roads that require naming – roads identified in red and blue require naming (Source: Geospatial Information Services, Addressing Determination)

6.1.3.6 Coastal management plan

Refer to State Environmental Planning Policy 71 (Coastal Protection), which remains a relevant consideration for this application, given the savings and transitional provisions within the SEPP – Coastal Management 2018.

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

Impacts upon the natural and built environment have been discussed in this report in the context of relevant State policy, including LEP 2012 and DCP 2012 considerations. However, further discussion on a number of key matters are listed below.

Character, bulk and scale

The proposal in concept provides a built form of varying heights and scales within a landscaped setting that responds and contributes to the varied streetscape and built form character of the area. More broadly it is considered that the proposal is reflective of the larger scale light industrial buildings that are characteristic of the Wickham area.

Any site redevelopment which involves adaptive reuse of existing heritage listed Woolstore buildings and resulting building form and massing will very much be influenced or dictated by the heritage characteristics of the site and conservation management provisions for these buildings and the site as a whole.

In regard to height, bulk and scale the new Building 4 and Building 5 envelopes proposed under the concept application, are considered an appropriate response to the heritage conservation provisions that prevail for this site and the surrounding lands reflecting the built form of the existing Woolstore buildings on this site.

The new Building 4 envelope has a maximum building height of 3 storeys and (GBA) 7,663m² and (GFA) 4,228m². The building envelope has a smaller footprint and is lower scale than the adjoining Woolstores. However, it looks to create a relationship with the existing buildings by incorporating features such as the dominant sawtooth profile, when detailed design is undertaken in this future stage. The smaller building envelope also provides a transition to the neighbouring properties to the east.

The new Building 5 envelope has a maximum building height of 6 storeys and (GBA) 16,248m² and (GFA) 8,475m², with a similar scale and footprint as Woolstore 1. Whilst the aim is to provide a more stepped northern elevation that responds to the small scale residential buildings across The Avenue.

As outlined within the Wickham Woolstores DA Masterplan Report and SEPP 65 statement prepared by TZG Architects, the focus of the Masterplan is the adaptive reuse and preservation of the significant Woolstore buildings, with their particular scale, articulation and street presence. The character of these buildings has informed the location, street alignment and scale of new building envelopes on the site.

The public domain strategy of the Masterplan is generated by the pattern of existing laneways that run between the buildings, which are extended to create through site links to a new park at the heart of the development. It is envisaged that as the Masterplan develops, due consideration will be given to building proportions and articulation, as well as defining key parts of the public domain.

Stage 1 DA works involves the adaptive reuse of Woolstore 1 building and does not modify the footprint or height and the envelope remains largely untouched. Therefore, Stage 1 DA works will not result in any adverse impacts on the surrounding locality as a result of the height, bulk and scale of the development.

The City of Newcastle's Urban Design Consultative Group have also, as discussed under the SEPP 65 provisions in this report, considered the overall design, inclusive of bulk and scale and massing across the site to be an acceptable design response to the site and the heritage conservation significance of this site.

Hazard and Risk Impacts

The site is located within the IN2 Light Industrial zone under the LEP. The proposed staged development for mixed-use – residential, commercial, retail, community use and recreation area is facilitated through the use of Clause 5.10(10) conservation heritage incentives under the LEP, which permits land uses that might otherwise be prohibited within the zone.

Ampol Ltd (Ampol), formerly Caltex Australia, operates a refined petroleum products storage and distribution terminal at the corner of Annie and Arthur Streets, Wickham, NSW. The terminal receives petroleum products (gasoline, diesel) via the Sydney-Newcastle Pipeline (SNP) from the Ampol Banksmeadow terminal in Sydney and distributes the products through road tankers.

The Wickham Terminal was originally constructed in 1929 and operated by Golden Fleece Ltd. Initially the Terminal consisted of three tanks with products imported from overseas. The facility was acquired by Caltex from Golden Fleece Ltd in 1981, one year before the SNP pipeline was commissioned (1982). Since then the Terminal has been progressively upgraded and increased in capacity to handle the product transported through the SNP.

The SNP runs underground along the Avenue up to the western boundary of the Terminal, rising to above ground at the southern boundary of the site.

The application was supported by Hazard and Risk Assessment and Odour and Air Quality Reports, with additional information submitted during the assessment process in response to concerns raised by Council, following referral to key agencies for specialist advice, namely Industry, Planning and Environment (Hazards Branch), Environment Protection Authority (EPA) as the licensing authority for the Ampol site and Safework NSW as the dangerous goods authority. The reports submitted by the proponent in support of the application are based on public data and assumptions, and not on data obtained from Ampol, and hence the results are subject to uncertainties.

Given the proximity of the proposed development to the Ampol Terminal, and potential land use safety issues CN sought an independent hazard and risk assessment (HRA) study of the Ampol Terminal, with data provided by Ampol. The Report was required in order to allow the Panel as consent authority to make an informed determination of the development application. Arriscar Pty Ltd (Arriscar) was commissioned by CN to conduct the study (refer to **Appendix E**). The report evaluates the risk from the Ampol Terminal operations on the proposed development. The study was conducted in accordance with Hazardous Industry Planning Advisory Paper (HIPAP) No.6, Hazard Analysis (2), taking into accounts the hazard and risk issues raised in the various submissions to the Council on the application.

The findings of the Hazard and Risk Assessment, prepared by Arriscar, dated 1 December 2020 is as follows:

The study covered the petroleum products storage tanks, product receipt via Sydney-Newcastle pipeline, Tanker Truck Loading Rack (TTLR), associated pipework, pumps and instrumentation. The risk assessment software SAFETI 8.23 by DNVGL, which is accepted by the industry and regulators, was used for the study, supported by spreadsheets and other reliability software. The estimated risk values were evaluated against the risk criteria in HIPAP No.4 – Risk Criteria for Land Use Safety Planning (3), and HIPAP No.10 -, Land Use Safety Planning. The estimated risk values were evaluated against the risk criteria in HIPAP No.4 – Risk Criteria for Land Use Safety Planning (3), and HIPAP No.10 -, Land Use Safety Planning. The following results were obtained from the risk assessment:

- The proposed development does not comply with the risk criteria in HIPAP 10 (4) for new residential developments.
- The proposed development does not comply with the risk criteria in HIPAP 10 (4) for commercial developments.
- The proposed development does not comply with the risk criteria in HIPAP 10 (4) for open space development.
- The population increase and consequent increase in societal risk from the proposed development does not comply with the F-N criteria in HIPAP 10 (4).
- The risk of injury exceeding a side on overpressure of 7 kPa at 50 in a million per year is not generated, indicating that this criterion is complied with.
- The risk of injury exceeding a thermal radiation of 23 kW/m² at 50 in a million per year falls entirely within the site and does not reach other industrial sites. The risk criterion for injury at adjacent industrial sites is complied with.

- The risk of injury exceeding a thermal radiation of 4.7 kW/m² at 50 in a million per year does not reach residential developments (including existing and proposed). The risk criterion for injury at residential areas is complied with.
- The major contribution to risk of fatality at the proposed development is from vapour cloud explosions arising from flammables tank overfill and Buncefield type incident.
- The societal risk criterion is not complied with as there is a significant increase in cumulative incremental risk and a significant part of the F-N curve (high fatality area) falls in the 'Intolerable' region.
- The contribution to societal risk arises from Buncefield type incidents as well as Sydney-Newcastle fuel pipeline incidents in the vicinity of the Terminal.
- On a consequence basis alone, a vapour cloud explosion can result in side-on overpressure exceeding 70 kPa on the proposed development. Mitigation against such blast load is not possible.
- The conclusion is that the proposed residential, commercial and open space development at the Wickham woolshed stores site is an inappropriate development given that the risk criteria for both individual risk and societal risk are not complied with.

The major contribution to risk of fatality at the proposed development is from vapour cloud explosions arising from flammables tank overfill and Buncefield type incident.

The contribution to societal risk arises from Buncefield type incidents as well as Sydney-Newcastle fuel pipeline incidents in the vicinity of the Terminal.

The Buncefield incident in 2005 is not a one-off incident. Two similar incidents have occurred in the industry since that time (2009), and it is now accepted in the oil & gas industry as a credible risk.

On a consequence basis alone, a vapour cloud explosion can result in side-on overpressure exceeding 70 kPa on the proposed development. Mitigation against such blast load level is not possible.

The risk guidelines [(3), (4)] allow some flexibility for existing facilities built before the guidelines came into force. Individual risk of up to 10×10^{-6} per year may be tolerable provided attempts are made to mitigate the risk towards reducing it to 1×10^{-6} p.a. While the existing risk may satisfy the criteria of up to 10×10^{-6} p.a. in the wool store land, the risk becomes unacceptable with the new residential dwellings in the proposed development.

The risk guidelines also allow some flexibility in societal risk in that if the incremental cumulative risk still falls entirely within the ALARP region, economic and social benefits considerations may be applied. In this instance, the existing societal risk itself partly falls in the intolerable region and the risk with the proposed development extends further into this region

The study concluded that the proposed residential, commercial and open space development at the Wickham woolshed stores site does not comply with the quantitative risk criteria for both individual risk and societal risk in HIPAP No.10 (4), even allowing for a higher level of risk to be tolerable for existing facilities.

Air Quality and Health Impacts

An Independent Air and Odour Quality Assessment was conducted to understand the potential air quality impacts of the Ampol site on the health and amenity of occupants of the development. The findings indicated that the Ampol terminal features one of the lowest separation distances in NSW between site infrastructure and residential dwellings (being similar to Caltex Kurnell terminal), with the development decreasing the separation distances even further to a minimum of 30m. Sampling indicated that odours associated with the fuel terminal site are likely to be detectable at locations within and around the development and has the potential to be strong on occasions. The study also indicated the emissions from the terminal may impact on the health of residents and workers within the development, and the users of the open space areas, due to exposure to Benzene, which exceeds the public health based risk criteria. Further details are discussed under SEPP 33.

Acoustic assessment

An Acoustic Assessment report 'Woolstore 1' prepared by Renzo Tonin & Associates dated 4 July 2017 considers the effects of both noise intrusion into, and operational noise from the proposed development.

Background noise level surveys were undertaken to determine the levels of existing ambient noise in the area. These results were then used to determine the sound insulation rating requirements for the external building elements in accordance with the acoustic criteria for the project. A schedule of recommended acoustic performance for glazing elements is provided in Table 4 of the report. Notes to the table confirm that this data may be used for the purposes of approval and planning, but final detailed assessment and certification should be conducted by the consultant.

The assessment of operational noise from the development uses the EPA's Industrial Noise Policy guidelines to derive appropriate criteria for noise emissions from the air conditioning plant to be installed. Insufficient detail regarding mechanical plant types and locations was available at the time of report preparation to allow for detailed final assessment. The report recommends an acoustic assessment of mechanical services equipment will need to be undertaken during the "detail design phase". The report describes in general terms a number of measures available to reduce noise emissions from mechanical plant and concludes that the proposed development is "*capable of complying with the relevant acoustic criteria through means of standard acoustic treatment and management*".

If consent were granted, conditions are recommended to address the acoustic matters for the proposed development.

Economic Feasibility

The application has been supported by a Wickham Woolstore Redevelopment – Economic Impact Assessment, prepared by Urbis and dated 3 May 2017 with key extracts listed below.

As the subject site is currently zoned IN2 Light Industrial and the proposed development is a mixed-use concept, the development proposal seeks to utilise of the heritage conservation incentive provisions contained in Clause 5.10 (10) of the Newcastle Local Environmental Plan 2012. The use of Clause 5.10 (10) requires evidence to support the proposed change in land use, demonstrating that the proposal is necessary to facilitate the conservation of the heritage items on the subject site. In addition, the economic impact of the proposal is to be assessed. This report assesses the economic impact of the proposal.

There are currently around 2,599 hectares of industrial zoned land within the Newcastle LGA. Urbis have identified key factors that drive tenant interest and underpin the functioning of industrial precincts:

- *Access to motorway networks and B-Double routes*

- *Scale of the precinct, with larger precincts offering opportunities for expansion, intensification of activity and clustering of similar industries and supply chain synergies. For the purposes of this assessment we have identified precincts with 30 hectares as large scale.*
- *Land use conflict to sensitive noise receptors (e.g. residential areas where impacts on neighbourhood amenity can lead to land use conflict) and the potential to result in traffic conflict between residential and freight vehicles.*

The competitive positioning of the subject site compared to other industrial precincts is generally inferior (in terms of its use as an industrial site). The subject site has poor ratings against the key success drivers. It experiences constraints such as:

- *Poor accessibility southbound on Hannell Street (Pacific Highway), as it is not possible to turn right directly into Annie Street. Hannell Street is the major industrial corridor of Newcastle*
- *According to NSW Roads and Maritime Services, Annie Street does not have B-double access. B-double access is only available to the subject site on Milford Street via The Avenue from Hannell Street*
- *Access from Pacific Highway which connects with Newcastle Road however cars and trucks must pass through smaller residential streets to reach the site*
- *The woolstores are heritage listed buildings which places significant restriction on their suitability as a light industrial asset*

CN's request for information during assessment, specifically related to the application not having demonstrated that the zoning incentives extend to the construction of new buildings that are predominantly comprising uses that are not permissible in the zone. In relation to Building 5, proposed to be wholly residential, it was considered difficult to justify in this context. It is not considered that the application has demonstrated the nexus of Building 5 to the conservation of the heritage items on the site.

The applicant responded by outlining that: *The site is heritage listed and contains several very large built elements that are currently in deteriorating state due to their age, construction methods and lack of regular maintenance over the last 10 to 15 years. More importantly, the buildings are of a design, size and construction that has significantly limited their use for appropriate and compatible purposes since their primary function as wool stores ceased. Without the ability to generate a sustainable funding stream through long-term leasing arrangements and more importantly protection through use, the buildings have suffered. The demand for buildings of this nature for commercial and industrial purposes in Newcastle is limited. It is also noted that due to their size, design and construction materials, any conservation and repurposing of the buildings is constrained by the costs associated with bringing them up to current building standards. In this instance, the conservation of the existing 3 woolstore buildings with a total floor area exceeding 36,521m² has been estimated at almost \$24m) (Urbis report).*

The current proposal seeks to utilise the provisions of Clause 5.10(10) of NLEP 2012. That is to conserve and repurpose the existing wool store buildings and construct two additional buildings (No.4 & 5). Clause 5.10(10) enables a consent authority to approve 'even though development for that purpose would otherwise not be allowed'.

There are five tests that must be satisfied for the consent authority to approve such a development, and it is considered that the current proposal meets these, including:

- (a) The conservation of the buildings (heritage items) is facilitated by the granting of consent; and
- (b) The proposed development is in accordance with a heritage management document that has been approved by the consent authority; and

- (c) The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out; and
- (d) The proposed development would not adversely affect the heritage significance of the heritage items, including their setting, and
- (e) The proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The Feasibility Study prepared by Urbis has tested the viability of developing Building No.5 as a non-residential land use not permissible under the current IN2 Light Industrial Zone, and the capacity for the development to facilitate the conservation and restoration of the important heritage items. The analysis by Urbis found that without residential use within Building No.5, cross-subsidising the necessary heritage restoration works the total project's financial sustainability is questionable.

The Feasibility Testing Report from Urbis clearly establishes the nexus between the need for Building No.5 to comprise residential use and the long-term retention, restoration and conservation of the three large heritage listed wool store buildings.

The assessment acknowledges the economic feasibility of the project and the need for injection of funds to restore, upgrade and conserve heritage buildings and their curtilage. In addition, the remediation works required for this site, together with a need to upgrade services and facilities and infrastructure within any public domain plan upgrade, benefits the broader neighbourhood community and are all positives of the proposal to redevelopment the site.

However, the proposal for mixed use development with the intensification of land uses via more sensitive land uses and introduction of new buildings is not supported on hazard, air quality and health grounds. This is due to the identified constraints and hazards associated with the adjoining Ampol Fuel Terminal facility and associated Sydney-Newcastle Pipeline and unacceptable impacts on future users of the development site.

Social and Economic Impacts

In principle, the proposal would achieve the orderly and economic continuation of use of the site and support the adaptive reuse of existing heritage listed buildings, their restoration and long-term sustainability which is considered a positive social and economic impact for the site and Newcastle LGA. The proposal is also considered to contribute toward achievement of future housing, jobs and services within the Wickham area and in proximity to Newcastle City Centre / Newcastle West end precincts in line with relevant policies and strategies.

Whilst zoned IN2 Light Industrial, the primary uses on both sides of Annie Street and Milford Street are existing residential properties, in turn presenting a positive opportunity with this mixed use development to complete the residential streetscape characters of both Annie Street and Milford Street for the benefit of these surrounding properties.

The application included an Access Design Review detailing that the proposal is capable of compliance with the relevant requirements.

However, as discussed within this report, the staged mixed-use development, given the significant risk of hazard, likely adverse air quality and health impacts caused by the proximity of the adjoining Ampol facility on future users of this development, results in the proposal being inappropriate for this site in this location.

Overall, notwithstanding the benefits that this type of development could bring, on balance the negative adverse impacts associated with the risk to life and health, make this proposal on this site, unacceptable having regard to social and economic impacts.

6.1.3.8 *The suitability of the site for the development*

The site contains three existing Woolstore buildings, heritage items of 'local' significance under Schedule 5 of Newcastle Local Environmental Plan 2012.

Whilst the site is zoned IN2 Light Industry under the LEP, and the uses primarily associated with this proposal are prohibited uses within the zone, the application seeks to use the provisions of Clause 5.10(10) heritage incentives within the LEP, for adaptive reuse of the buildings and the site for a mixed-use development. The application of the Clause is considered acceptable and the pre-conditions of the clause (a) to (e) are considered to have been satisfied, as discussed within this report.

However, given the level of hazard risk and air quality and health impacts, that exist for this development, due to site location adjoining the Ampol Fuel Terminal facility and Sydney-Newcastle Pipeline, the site is not considered suitable for such form of redevelopment.

6.1.3.9 *Any submissions made in accordance with this act or the regulations*

The application was advertised in accordance the Regulations and 11 submissions were received, which have been discussed in detail under Section 8 of the DCP.

6.1.3.10 *The public interest*

The public interest in relation to this development must consider both the positive benefits of the proposal balanced against the identified adverse impacts of the development.

The concept proposal and Stage 1 DA works for staged mixed-use development, incorporating the adaptive reuse of heritage woolstores that occupy this site, is considered positive in terms of restoration, upgrade and long-term conservation of these valued heritage items. Public benefit is evident in relation to that aspect of the proposal. In addition, it is acknowledged that there is a financial nexus which supports the proposal to include additional buildings on the site beyond the adaptive reuse, in order to facilitate the restoration, upgrade and long-term conservation of these large scale buildings and land holding. The site's location on the fringe of the residential area, primarily in both Annie Street and Milford Street and to a lesser extent, The Avenue also requires careful consideration of the appropriateness of site redevelopment, to ensure the residential streetscape and context which the site has direct frontage with is not adversely impacted, which would not be within the public interest.

However, the site is constrained by its location, adjoining the Ampol Fuel Terminal facility and Sydney-Newcastle pipeline and this is a significant concern. The proposed mixed-use development and intensification of more sensitive land uses is considered unacceptable in relation to the proximity to the adjoining industrial facility / pipeline. The major contribution to risk of fatality at the proposed development is from vapour cloud explosions arising from flammables tank overfill and Buncefield type incident.

The contribution to societal risk arises from Buncefield type incidents as well as Sydney-Newcastle fuel pipeline incidents in the vicinity of the Terminal.

On this basis the proposed residential, commercial and open space development at the Wickham woolstores site does not comply with the quantitative risk criteria for both individual risk and societal risk in HIPAP No.10 (4), even allowing for a higher level of risk to be tolerable for existing facilities.

The Air and Odour Quality Assessment has indicated that there are significant adverse health and odour impacts due to the proximity of the development near the Ampol fuel terminal. This includes the likelihood of the presence of odours being detectable at locations within and around the development. The study also indicated the emissions from the terminal may impact on the health of residents and workers within the development, and the users of the open space areas, due to exposure to Benzene, which exceeds the public health based risk criteria.

When considering both the positive and negative impacts of this proposal, the risks to life and health outweigh the benefits associated with the proposal, particularly in relation to intensification of more sensitive land uses and adverse impacts on future users of the development. Therefore, on balance it is not in the public interest to support the proposal.

7. CONCLUSION

The proposed mixed-use development incorporating residential, commercial, retail and recreation area is not considered an appropriate use for this site. This is based on level of hazard and risk to users of the site and conflict of land use within this IN2 Light Industrial zone, in particular as it relates to the neighbouring site and existing Ampol Fuel terminal facility.

The development has been assessed against the relevant heads of consideration under Section 4.15(1) of the EP&A Act 1979 and is considered unacceptable in relation to the proximity to the neighbouring Ampol Fuel Terminal Facility and the associated level of hazard and risk, with the major contribution to risk arising from vapour cloud explosions. The hazard study concluded that the proposed development does not comply with the quantitative risk criteria for both individual and societal risk per the applicable Hazardous Industry Planning Advisory Paper. In addition there are public health and odour risks associated with the development. Accordingly, it is recommended that the application be refused based on the Draft schedule of refusal reasons provided within **Appendix A**.

8. RECOMMENDATION

That the Hunter and Central Coast Regional Planning Panel as the consent authority, refuse the development application for a staged development, Concept Proposal for adaptive re-use for a mixed-use development (residential, commercial, community uses, retail and recreation area) and Stage 1 DA works – adaptive reuse of Woolstore 1 (residential apartments) and recreation area at 33, 49 and 57 Annie Street Wickham, based on the draft reasons for refusal in **Appendix A**.