

COUNCIL ASSESSMENT REPORT

Panel Reference	2018HCC020
DA Number	DA2018/00510
LGA	Newcastle
Proposed Development	Demolition of building, erection of 14-storey commercial building and associated car parking
Street Address	723-731 Hunter Street and 498 King Street Newcastle West
Applicant/Owner	Applicant - Core Project Group Pty Ltd Owner - Birdwood Property No 3 Pty Ltd
Date of DA lodgement	24 May 2018
Number of Submissions	Nine
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Clause 20 & Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 - general development with a capital investment value of more than \$30 million
List of All Relevant Section 4.15 (1)(a) Matters	Environmental planning instruments: s4.15(1)(a)(i) <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Urban Renewal) 2010 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • 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 Panels consideration	Appendix A - Plans and Elevations Appendix B - Schedule of Conditions Appendix C - RMS referral comments Appendix D - UDCG comments
Report prepared by	Newcastle City Council
Report date	25 October 2018

Summary of s4.15 matters**Yes**

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

Legislative clauses requiring consent authority satisfaction**Yes**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, 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?

No

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

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

The development application (DA2018/00510) has been lodged with Council, seeking consent for:

- A 14-storey commercial building. The building is to be constructed on the northern portion of the site and will provide ground level parking with access from Little King Street, adjacent to the 'Army Drill Hall'.

The proposal includes ground level retail uses to provide an activated frontage to Hunter Street, five levels of parking, eight levels of open plan commercial space and a roof top activation area.

The proposal also involves the demolition of the two-storey commercial building on the site (723 Hunter St) and an extension to the 'Army Drill Hall'. The original components of the 'Army Drill Hall' will be maintained. A landscaped publicly accessible pedestrian laneway is proposed through the site, providing connections between Hunter Street and Little King Street.

The proposal was placed on public exhibition for a period of 14 days in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and Section 8 of Newcastle Development Control Plan 2012 (DCP). Nine submissions were received during the notification period.

The key issues raised in the submissions and the assessment relate to:

- Separation distances between the proposed built form and impacts on privacy with the neighbouring habitable spaces and boundary
- Obstruction of views
- Overshadowing - lower natural light for areas affecting residents, shoppers and businesses
- Lack of green space
- Limited parking
- Loss of opportunity for Newcastle to grow as one of the most liveable cities in Australia in the future
- Wind tunnel effects
- Visual impact on surrounding properties

In accordance with Section 4.5 of the EP&A Act and Clause 20 of State Environmental Planning Policy (State and Regional Development) 2011, the JRPP is the determining authority for applications with a capital investment value (CIV) over \$30 million. The proposed development has a CIV of \$47,975,691.

1. INTRODUCTION

This report provides a detailed assessment of the development proposal for a 14-storey commercial building at 723 - 731 Hunter Street and 498 King Street Newcastle West. The development application is reported to the JRPP in accordance with section 4.5 of the EP&A Act and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, as the development is a type classified as '*general development over \$30 million*' with the value of works being \$47,975,691.

2. BACKGROUND

Council's Urban Design Consultative Group (UDCG) reviewed the application on 22 February 2018 and 20 June 2018. A full copy of the UDCG's comments from each meeting is provided in **Appendix D**.

3. SITE DESCRIPTION

The site is located within the Newcastle City Centre Heritage Conservation Area and part of the property contains a local heritage item (the '*Army Drill Hall*'). The site has frontages along Little King Street and Hunter Street, Newcastle West. The site is relatively flat, with a 600mm change in level from Hunter Street to Little King Street, and has a site area of 3,909m². Photographs of the site are shown in figures 2 - 5 below.

A two-storey commercial building is located on 723 Hunter Street, Newcastle West, while buildings that were on 731 Hunter Street have already been demolished.

The site known as 498 King Street contains a one-storey and two-storey brick and weatherboard building, built in 1910, with direct frontage to Little King Street. The site is known as the '*Army Drill Hall*' and is listed as a locally significant heritage item under Newcastle Local Environmental Plan 2012. The building is currently used for commercial offices.

Birdwood Park sits to the south of the subject site, across Little King Street (refer to Figure 1 - Aerial Map). The site of the proposed development is shown as Site C in Figure 1 below (showing components of the former City Holden site). The other sites identified on the map include: A (Holiday Inn), B (RSL Lifecare) and D (Childcare Centre), which are all subject to approved developments that are under construction.



Figure 1: Shows an aerial view of the former City Holden site - subject site is designated as Site C.



Figure 2: Looking towards Hunter Street from within the site.



Figure 3: View from behind the Drill Hall looking towards Little King Street.



Figure 4: Looking towards Little King Street from within the site.



Figure 5: View of the site from Little King Street.

4. PROPOSAL

The application is seeking consent for a 14-storey commercial building (primarily offices). The building is to be constructed on the northern portion of the site and will provide parking that is accessed from Little King Street, adjacent to the 'Army Drill Hall'.

The proposal includes ground level retail uses to provide an activated frontage to Hunter Street, five levels of parking, eight levels of open plan commercial space and a roof top activation area.

The proposal also involves the demolition of the two-storey commercial building on the site (723 Hunter St) and an extension to the 'Army Drill Hall'. The original components of the 'Army Drill Hall' will be maintained. A landscaped publicly accessible pedestrian laneway is proposed through the site, providing connections between Hunter Street and Little King Street.

The applicant has provided the following statement in respect of the proposal's broad design principles:

'The building has been broken into the ground plane, podium element and the tower. The ground floor plan is accentuated by the ribbon glazing of the retail and commercial foyer. The podium element, housing the above ground carpark is built to the street edge and creates the street wall height that is seen from the pedestrian level. The tower element is setback from the street edge and is delineated from the Podium with 1 recessed floor that accesses the roof terrace'.

Refer to **Appendix A** for the floor plans and elevations of the proposal.

5. PLANNING ASSESSMENT

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

5.1.1 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 JRPP to determine applications for general development over \$30 million. The capital investment value of the application is \$47,975,691.

5.1.2 Section 4.15(1) Evaluation

The proposal has been assessed under the relevant matters for consideration detailed in section 4.15(1) of the EP&A Act, as follows:

5.1.2.1 *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 of the SEPP requires the JRPP to be the determining authority for development included in Schedule 7 of the SEPP, which includes general development over \$30 million.

The capital investment value of the application is \$47,975,691.

State Environmental Planning Policy (Urban Renewal) 2010

This policy aims to facilitate the orderly and economic development of sites in and around urban renewal precincts. The site is identified in the Newcastle Potential Precinct Map and the development has a capital investment value of over \$5 million.

Development consent cannot therefore be granted unless the consent authority is satisfied that the development is consistent with the objectives of developing the precinct for urban renewal and does not restrict or prevent:

- higher density housing or commercial or mixed development; or
- future amalgamation of sites; or
- access to future public transport in the precinct.

The proposed development will meet the objectives of the SEPP as it will enable the redevelopment of a number of parcels of land into one large commercial development.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Traffic

The ISEPP was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. Schedule 3 of the ISEPP relates to traffic generating development and requires certain applications to be referred to the RTA (now known as the RMS). The application was referred to the RMS on 28 May

2018 as it is in proximity to a classified road (Stewart Avenue). A written response was received on 23 July 2018, providing advice to Council on a number of issues, including recommending a reduction in the number of on-site car spaces to reduce the impacts on the immediate intersections surrounding the site. Advice was also provided on construction management, sight line distances and road noise. Further comments regarding traffic are provided in section 5.1.2.7 of this report.

Refer to **Appendix C** for a copy of the RMS' comments.

Acoustic impacts

The potential for acoustic impacts from road noise, light rail and port related activities has been assessed by Council's Environmental Protection Officer, in accordance with the ISEPP.

A condition of consent has been recommended to require compliance with the recommendations of the submitted acoustic report.

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

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

In relation to contamination issues Council's Senior Environmental Protection Officer has made the following comments:

'The site has been subjected to a preliminary contamination assessment. No areas of gross contamination were identified however a Remedial Action Plan (RAP) was recommended as certain areas of the site could not be accessed under existing buildings. There is no proposed change to a significantly more sensitive landuse. The ESU considers that contamination risks are low in relation to the proposal.'

The RAP states:

Based on the findings of the previous preliminary contamination assessment, estimated costs of remediation options, and discussions with the client, the preferred remedial strategy for the site following demolition of all existing structures which will not be retained as part of the site's redevelopment, is to undertake soil sampling for a broad suite of contaminants to assess the contamination status of the site, remove asbestos and/or other contaminant impacted fill materials (if any), and dispose offsite to an appropriately licenced landfill. The results of the sampling would facilitate a more detailed RAP if contamination exceeding Commercial/Industrial landuse guidelines is encountered.'

The remaining voids where contaminated material has been excavated (of any) should be backfilled with certified Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) to finished ground surface level within the proposed childcare development'.

Based on the preliminary contamination report, it is considered that the contamination issues identified can be addressed by condition, as provided for in **Appendix B** (recommended conditions of Consent), and accordingly the proposal is considered to meet the requirements of SEPP 55.

State Environmental Planning Policy (Coastal Management) 2018

The objective of State Environmental Planning Policy (Coastal Management) 2018 is to promote an integrated and coordinated approach to land use planning in the coastal zone. The subject site is located within the 'coastal zone' and therefore the SEPP applies. The proposal is consistent with the relevant provisions of the SEPP.

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

The Vegetation SEPP is one of a suite of Land Management and Biodiversity Conservation reforms that commenced on 25 August 2017.

The Vegetation SEPP works together with the *Biodiversity Conservation Act 2016* and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW. Part 3 of the Vegetation SEPP contains provisions similar to those contained in the former (now repealed) cl.5.9 of Newcastle Local Environmental Plan 2012 and provides that Council's Development Control Plan can make declarations with regards to certain matters. The Vegetation SEPP further provides that Council may issue a permit for tree removal.

The proposal has been considered in accordance with the Newcastle Development Control Plan 2012, as detailed in this report, and is satisfactory.

Newcastle Local Environmental Plan 2012 (NLEP 2012)

The site is zoned B3 Commercial Core under NLEP 2012. The proposed use is defined as commercial premises, which is a use that is permissible with consent in the B3 Commercial Core zone.

The proposed development is also consistent with the zone objectives, which are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for commercial floor space within a mixed use development.*
- *To strengthen the role of the Newcastle City Centre as the regional business, retail and cultural centre of the Hunter region.*
- *To provide for the retention and creation of view corridors.*

The development meets the objectives of the zone as it will encourage employment opportunities in an accessible location, will maximise public transport patronage (due to the proximity of the Wickham Transport Interchange and Newcastle Light Rail) and

will assist in strengthening the role of the Newcastle City Centre as a regional business centre for the Hunter region. The proposed commercial development has been designed to retain some of the existing view corridors to the east from adjacent buildings. However, it is acknowledged that some views will be lost given the orientation of the site. The issue of view loss is discussed in Section 5.1.3.7 of this report.

Clause 4.3 Height of Buildings

The Height of Buildings Map provides for a maximum building height on the site of 90m. The proposed development has a maximum height 53.24m (RL55.72 AHD) and therefore complies with the maximum height that is applicable to the site.

Clause 4.4 Floor Space Ratio (FSR)

The maximum FSR for the site is 8:1. The proposal has a FSR of 3.42:1 and therefore complies with the maximum FSR for the site. The FSR calculations have included the surplus 21 carspaces which equates to an additional 280m².

Clause 5.10 Heritage Conservation

The subject site contains a local listed heritage item known as the 'Army Drill Hall' and is also located in the Newcastle City Centre Heritage Conservation Area.

A Heritage Impact Statement was submitted with the development application, assessing the proposal's impact on the conservation area and on the adjoining heritage item as follows:

'The AIF Drill Hall is the item most directly affected by the proposed works by its proximity immediately adjacent to the proposal (a small portion of the proposed works lying within the lot boundary curtilage of the item) and to the tall development surrounding, this is ameliorated by careful setting back of the building facades allowing view corridors and solar access past the proposal and over other low level buildings such as Spotlight and the terraces adjacent to the Pinnacle building. This kind of impact is considered to be inevitable due to the current LEP controls governing the use of the subject site and its adjacent lots. The proposed removal of an unsympathetic skillion addition at the rear of the Drill Hall complies with and is encouraged by the DCP and will have a positive effect on the heritage significance of the item. The introduction of a pair of Kiosk Substations at the southern boundary will cause negligible impact in regards to the Drill Hall and the Streetscape. The Drill Hall will continue to be prominent in its defined curtilage and will also continue to be able to be viewed as an individual element in the streetscape, thus allowing its heritage features and value to be accessible to the public for interpretation.

The proposed works complement and reinforce the significance of the Newcastle City Centre Heritage Conservation Area whose assemblage of commercial and civic buildings demonstrate the history of the city of Newcastle through its many phases of development. Along with the surrounding concentration of development which has been initiated by the creation of the new Newcastle Interchange building, the current and

significant phase of development of the Newcastle City Centre is being demonstrated.

The Heritage Significance of the identified items and the Newcastle City Centre Heritage Conservation Area will ultimately be enhanced by the proposed development'.

The Government Architect NSW recommended that a more sensitive relationship to the Drill Hall be considered. The applicant provided the following response:

'The proposal provides a backdrop to the existing Drill Hall when viewed from Little King Street and the form and materiality contrasts and allows the more traditional brick and weatherboard form of the Drill Hall to be read distinctly. The tower element floorplate has been reduced so that it doesn't overhang the Drill Hall and an unsympathetic addition to the rear of the Drill Hall is proposed to be removed as part of this application which allows the original built form of the Drill Hall to be viewed in its entirety. The rhythm of the vertical concrete columns is also reflective of the engaged brick columns and features of the Drill Hall. In addition, the gable form of the Drill Hall has been "shadowed" as a silhouette within the blade screen elements of the podium façade to provide a visual link and sensitive relationship between the proposal and the heritage Drill Hall'.

In respect of the proposed development, the proposed building is of a form, scale and massing that is generally compatible with the anticipated future character of the area, while having minimal impact on the heritage item. It is considered that the proposed development will not significantly diminish the heritage significance of the heritage item or the heritage conservation area.

Clause 6.1 Acid Sulfate Soils

The site is mapped as containing Class 4 Acid Sulfate Soils. The proposal does not include any significant excavation and, as such, acid sulfate soils are not likely to be encountered during redevelopment of the site.

Clause 6.2 Earthworks

The design of the development provides for minimal retaining walls on the boundaries of the site. Minor excavation works and associated levelling of the building footprint, along with the installation of services, are proposed as part of the development. Suitable conditions of consent have been proposed to minimise the impacts of these works. The proposal is not likely to have negative impacts on soils.

Part 7 Newcastle City Centre

The site is in the Newcastle City Centre. There are a number of requirements and objectives for development within the City Centre, including promoting the economic revitalisation of the City Centre, facilitating design excellence and protecting the natural and cultural heritage of Newcastle. The proposal is consistent with the objectives of Part 7 of NLEP 2012.

Clause 7.3 Minimum Building Street Frontage

This clause requires that a building erected on land in the B3 Commercial Core zone must have at least one street frontage of at least 20m. The proposed development is consistent with this development standard, having a frontage of 33m to Hunter Street.

Clause 7.4 Building Separation

This clause requires that a building must be erected so that the distance *"to any other building is not less than 24 metres at 45 metres or higher above ground"*. The building at 500 Hunter Street (RSL Lifecare) is under construction and has an approved height of 48m. The proposed building has been designed to have a curved façade which will ensure compliance with the above control (Refer to architectural plan No A20 dated May 2018).

Clause 7.5 Design Excellence

The development meets the design excellence criteria of NLEP 2012 and is of a high standard of architectural quality.

NLEP 2012 specifies that a design competition is required for development that is over 48m in height. The applicant approached Council and the Department of Public Works (Government Architect NSW) in the early stages of the design process to seek an endorsement to waive the design excellence competition. The Government Architect NSW issued a letter to Council on 30 July 2018, supporting the waiver and including the following comment:

'The Government Architect will grant a waiver to the requirements for a design competition dependant on the following conditions;

A process of design integrity is to be established to ensure the scheme retains design excellence through to completion of construction. This should include continuing review by the Newcastle City Council UDCG at regular intervals through documentation and construction stages of the projects, whenever a significant change is being considered (such as would require a Section 96 application) or at the request of the UDCG themselves, the Newcastle City Council or the proponent. Peter Webber or Philip Pollard are nominated as the representatives for GA NSW on the UDCG. A record of this process including UDCG meeting minutes and proponents' responses should be provided as part of the Development Application'.

A condition of consent has been included in the schedule of conditions (at **Appendix B**) to ensure that the UDCG are involved for the duration of the project, including completion of the Construction Certificate, the tendering process and any Section 4.55 applications. While most of the design issues have been resolved, the ongoing involvement of the UDCG will ensure the project continues to achieve design excellence.

An Architectural Design Statement has been submitted with the application that addresses the design principles that have been used to formulate the proposal.

The application was referred to the UDCG on two occasions (22 February 2018 and 20 June 2018) as part of the assessment of the application. A full copy of the Group's comments from each meeting is provided in **Appendix D**. While the proposed development is not of a type that is subject to State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development), the UDCG has considered the proposal in the context of the nine design principles of that SEPP, as follows:

1. Context and Neighbourhood Character

'The subject site is located within the Newcastle Heritage Conservation area and it spans between Hunter Street to the north and Little King Street to the south, bordering Birdwood Park. The site appears to be relatively level, with only approximately 600mm fall from Hunter Street to Little King Street. The southern part of the site contains the historic Army Drill Hall (a local heritage item) which also means that only the northern part of the site can be developed. With the majority of the bulk and scale of the proposal focused to the north:

- (i) overshadowing to Birdwood Park is reduced,*
- (ii) any potential privacy conflicts with the approved 'vertical' seniors village ('site B') to the south-west are minimized.*

To the west of the Hunter Street section of the subject site is a row of three terrace house and 'Latec House', a 14-storey residential development.

This part of Newcastle is currently the focus of several new developments, and being close to the Wickham transport interchange it is ideal for a major commercial building. This proposal is also the last major part of the Birdwood Park redevelopment. The nearby Holiday Inn (Site A) is under construction, the Childcare Centre (Site D) is nearing completion. The RSL Life seniors living building (Site B) is approved. The present proposal largely completes the redevelopment of the holding, accommodating an important through-site link from Hunter Street to Birdwood Park.

2. Built Form and Scale

The design proposes an approximately 22m high, 5-storey podium structure. This podium has ground floor retail to both Hunter Street and the north-south pedestrian laneway link. The car-park entry is from Little King Street leading to four levels of parking above. Above the podium there is a 7-storey commercial building with a roof-top function terrace.

The primary building height is approximately 48 metres, although the roof-top function room and outdoor terrace will raise this potentially up to around 51m. This is still within the maximum allowable height on this site, but marginally exceeds the level wherein an architectural competition is required. The UDCG believe that this marginal variation does not require a competition, especially in light of the considered and quality approach proposed thus far.

The base of the podium is modelled in such a way that its underside (soffit) curves up towards the heritage townhouses to the west on Hunter Street, and then falls down to the Army Drill Hall to the south. This is an effective way to accommodate

the shift in scale from new to old and to open up entry to the laneway. However, while this part of the podium design is effective, on Hunter Street it is above the street-wall height anticipated in the Newcastle LEP and it can be, depending on its detailing and materiality, visually bulky. The UDCG acknowledges that there is not currently a uniform street wall height in the area, and that some recent approvals in the area do not precisely comply with council's controls. However, the UDCG's preference is for any development to work as closely as possible with the Newcastle's street wall height control.

The proposed commercial tower above the podium is located approximately 11.5 meters from the side façade of 'Latec House', but it proposes locating its lifts and services to this part of the plan, sensibly minimizing any potential amenity conflicts.

To the south west of the proposed tower the separation distance to the corner of the approved seniors living development is approximately 18 metres. Provided that some screening or façade treatment is employed for the commercial tower in this area (to limit its capacity to look directly at the residential apartments and their balconies) then the setback distances are acceptable.

The proposed office tower cantilevers over the rear section of the Army Drill Hall. The renderings suggest that this is a successful relationship but it must be confirmed at DA stage.

Overall, built form and scale is well handled on this complex site.

3. Density

Compliant and acceptable.

4. Sustainability

Not developed at this stage.

5. Landscape

The laneway, podium level and roof all require landscape design.

6. Amenity

The following issues should be considered:

- (a) While an awning to Hunter Street is desirable, there are several complicating factors which should be considered. First, the three terrace houses to the west on Hunter Street do not have a street awning (and never will) and the adjacent Latec House (Newcastle Central Plaza) has only a limited awning over its entry. Second, a street awning may compromise the clarity of the entry to the proposed laneway, and the nice relationship between the podium soffit and the terrace houses that is suggested in the design. It is also noted that the angled columns in the original variation of the laneway entry space were more welcoming than the regular columns and canopy depicted in the update and animation. If no awning is to be provided, it is important to devise an*

undercover transition from the awning on the adjoining site to the east, to the subject site, so that pedestrians are protected from heavy rain.

- (b) Ensure that the south-western corner of the commercial tower is treated in some way to minimise amenity conflicts with the nearby approved seniors living development.*
- (c) Reducing the size of the proposed roof-top meeting or function spaces will also assist in minimising amenity conflicts with Latec House and the approved seniors living development.*

7. Safety

Consideration will need to be given to how security the more secluded areas around the Drill Hall and the proposed building are managed at night. While the laneway may have sufficient casual surveillance to remain open, other spaces, such as the walkway between the Drill Hall and the proposed building is not well overlooked and it is probable that this area requires physical security measures after hours.

8. Housing Diversity and Social Interaction

NA

9. Aesthetics

No detailed comment at this stage, however:

- (a) Be wary of any façade treatment which exaggerates the vertical scale of the podium. The podium should have a balance of vertical and horizontal elements.*
- (b) Be wary of dark glass to the tower curtain wall. Too often lately, double-glazed, engineered façade systems appear very dark and heavy, and the vertical exterior blades (which are meant to give them some life and possibly improve environmental performance) are so minor as to have no alleviating affect on this visual property.*

Amendments Required to Achieve Design Quality

The following issues were raised during the first meeting of the UDCG:

- (a) Podium street wall height (expression, modelling and materiality) to Hunter Street.*

Applicant's Response

'The podium form has been reduced in height from the original UDCG submission by 1.5m. This has been achieved by stopping the facade of the podium at the slab level of the recessed commercial level. The handrail to this level has then been recessed back from the edge and is reads as a transparent element which significantly reduces the apparent visual height of the podium.

The podium façade is proposed to be constructed from open mesh with a grid of vertical blade elements which juxtapose the horizontal nature of the overall mass of the podium element which floats over the recessed ground floor retail and commercial foyer element. The vertical blade elements are representative of the “message sticks” used by the local Awabakal people and are used as the concepts for the laneway treatments and within artworks proposed to be contained within the commercial foyer of the proposal.

Taking on board the UDCG comments the proposed street awning has been removed which allows the podium element to be clearly defined with the soffit rising to meet the scale of the adjoining terraces. Weather protection has been provide by recessing the retail and commercial foyer under the built form of the podium element over and providing access points to the recessed podium via stairs at the eastern edge and a ramped walkway at the western edge of the Hunter Street frontage.

- (b) Design of the entry from Hunter Street to the laneway including landscape consideration.

Applicant's Response

Access to the foyer is clearly defined from Hunter Street with a secondary access point of the laneway that runs along the western frontage further increasing the activation and usage of this thru site link between Hunter and Little King Streets. The entry to the foyer is drawn back under the building allowing the frontage for 'Retail Space 01' to wrap around the forecourt. In addition, the south western corner from the foyer is opened to the laneway through the incorporation of a bi-fold window which increases the visual connection between the internal and external spaces.

Each end of the proposed laneway incorporates a piece of urban art with the northern piece being representative of the message sticks in its vertical gathering of pole like elements. Banding within paving and vertical timber screens further picks up on the concept of the message stick.

Seating and landscape elements have been incorporated within the laneway providing areas for people to gather. In addition, overhead suspended lights and pergolas provide a human scale to the space without detracting or reducing the openness and connection to the sky.

- (c) Screening and control of any possible amenity conflicts with developments to the west and south west.

Applicant's Response

'The footprint and layout of the commercial levels have been designed from early concepts with respect to minimising impacts on the adjoining developments to the west and south west. The lifts, amenities and fire egress stairs have all been located along the western façade to reduce overlooking'

- (d) After hours security to secluded ground areas.

Applicant's Response

'The ground floor areas will be well lit after hours with good passive surveillance both from Hunter Street and King Street to the south. A timber screen and gates secure the area between the Drill Hall and the proposal and reduce any hidden spaces. Light will also spill from the foyer to the laneway and forecourt areas'.

- (e) Undercover protection for pedestrians in Hunter Street linked to the adjoining building.

Applicant's Response

'Weather protection has been provided by recessing the retail and commercial foyer under the built form of the podium element over and providing access points to this recessed podium via stairs at the eastern edge and a ramped walkway at the western edge of the Hunter Street frontage. The location of the stairs at the eastern edge provides for easy connection from the awning of the Spotlight building'.

Applicant's Summary

The three issues raised by the Government Architect and the five issues raised by the Urban Design Consultative Group have been addressed in the amended design, which is considered to achieve a very high quality

In summary it is considered that the amended plans and the applicant's written response have adequately addressed the recommendations of the UDCG and satisfy the design excellence criteria.

Clause 7.6 Active Street Frontages in Zone B3 Commercial Core

NLEP 2012 requires an active street frontage for land that is zoned B3 Commercial Core. The plans have addressed the clause with the inclusion of the commercial/retail space at ground level along Hunter Street. The design provides for open areas including seating, commercial lobby and laneway along the length of the site.

Clause 7.10 Floor Space Ratio for certain development in Area A

The subject site is located within Area A in the Newcastle City Centre. However, the proposal comprises a commercial building, being a building to which the clause does not apply.

5.1.2.2 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.

5.1.2.3 Any development control plan (and section 94 plan)

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

3.10 Commercial Uses

The DCP encourages commercial development that attracts pedestrian traffic and activates street frontages. The inclusion of commercial/retail uses on the ground level of the development will provide an active street frontage to both Hunter Street and Little King Street and will encourage pedestrian movement around and through the site.

4.01 Flood Management

Council's Senior Stormwater Engineer has provided the following comments in terms of flood management:

'Council have provided the applicant with flood information from their current flood model data. The peak 1% Annual Exceedance Probability (AEP) flood level on the site is 2.7m AHD with an estimated peak Probable Maximum Flood (PMF) of 4.1m AHD.

The proposed new building has a proposed ground floor level of 3.22m AHD which provides a flood freeboard of more than the minimum 500mm required by Council. The existing Drill Hall building has a floor level of 2.88m AHD which is just above the predicted 1% AEP flood level.

Council records show that in the June 2007 flood peak water levels in this area were about 3.1m AHD. Flood levels in the lower Cottage Creek area were elevated due to partial blockage of the channel at the rail bridge by a shipping container.

The site is identified as a flood storage area for the PMF event and the applicants engineers have demonstrated that lost flood storage will be no more than 20% by volume as a result of the proposed development which satisfies Council's DCP requirements.

Flood refuge will be available in the upper floor levels which are above the PMF level'.

The proposal generally complies with Council's Flood Management section of the DCP and associated conditions are recommended in this regard.

4.03 Mine Subsidence

The site is within a Proclaimed Mine Subsidence District. Subsidence Advisory NSW has assessed the site and surrounding area under another application and has issued their general terms of approval.

Grouting works have been completed for this site and the works are generally accepted by the Mine Subsidence Board (refer to letter dated 10 May 2018), with a number of issues to be addressed during the construction phase.

4.04 Safety and Security

The proposed development provides for passive surveillance of the street and communal areas. The internal driveway design should ensure low speed traffic movements to facilitate pedestrian safety. As such, the proposed development is considered acceptable in relation to safety and security.

4.05 Social Impact

The proposed development provides for a mix of retail and commercial use which supports development of a vibrant inner city area.

5.01 Soil Management

A Sediment and Erosion Management Plan has been submitted with the application to minimise sediments being removed from the site during the construction period. A condition is recommended to require that such measures be in place for the entire construction period.

5.02 Land Contamination

The applicant submitted a Site Investigation Report and Remediation Action Plan. This was reviewed by Council's Environmental Protection Officer and is separately discussed under the State Environmental Planning Policy No 55 - Remediation of Land section of this report.

The proposal is considered satisfactory in respect of the management of land contamination.

Section 5.04 and Section 5.06 Aboriginal Heritage and Archaeological Management

A search of the Aboriginal Heritage Information Management System - NSW Department of Environment and Heritage was carried out and no Aboriginal sites or places were identified. There was no physical evidence on site, such as rocky outcrops or the like, to suggest Aboriginal relics.

However, a condition has been included in the draft schedule of conditions to ensure compliance with the *National Parks and Wildlife Act 1974*.

Section 5.05 Heritage Items and Section 5.05 Heritage Conservation Area

The subject site is located within the Newcastle City Centre Heritage Conservation Area and contains a local heritage item ('*Army Drill Hall*').

A Heritage Impact Statement was submitted with the application and it concluded that the proposal has no significant negative impact on the local heritage item or on the significance of the Newcastle City Centre Heritage Conservation Area.

This issue is discussed further under Clause 5.10 Heritage of NLEP 2012.

Section 6.01.02 Newcastle City Centre - Character Area

The subject site is located within the West End which is identified as an area of *'unrealised potential as it has fewer environmental and heritage constraints. The area has fewer public domain assets and improvements to open space areas are needed to ensure the precinct is well served as it evolves into a commercial precinct. Public domain opportunities include improvements to Cottage Creek.*

The key principles for this site include:

- *existing public spaces area are improved such as Cottage Creek*
- *development along Cottage Creek provides a building address to encourage activity, pedestrian and cycleway movement and improve safety*
- *building entries activate frontages and allow visual permeability to the street from within the building*
- *heritage items and their setting area are protected.'*

The proposal has been designed to facilitate activation on Hunter Street and along the site, with a laneway on the northern side of the site. The location of retail uses on the ground floor and large commercial lobby will encourage pedestrian activity and movements within this space, which is consistent with the DCP.

6.01 Newcastle City Centre - West End Locality Provisions

Criteria	Comment
A1 - Street Wall Heights	The podium form has been reduced in height after concerns were raised during the first meeting of the UDCG. The podium height is now 18m and is considered acceptable.
A2 - Building Setbacks	Building setbacks are acceptable under this provision.
A3 - Building Separation	The issue of building separation has been discussed under Clause 7.4 Building Separation of NLEP 2012. The separation is acceptable under this provision.
A4 - Building Depth and Bulk	The proposal includes the use of natural ventilation and good separation to reduce the reliance on artificial sources, which complies with the requirements.
A5 - Building Exteriors	The proposed development responds well to the existing streetscape and is acceptable.
A6 - Heritage Buildings	The design of the proposed development will not have an adverse impact on heritage items and integrates the new building into the area.
A7 - Awnings	The issue of a street awning was discussed at length with the UDCG (refer to Clause 7.5 Design Excellence, under 'amenity'). The UDCG

	concluded that the proposed design should not include any awning. There is no awning proposed in the current design.
A8 - Design of Parking Structures	Car parking is provided on five levels and is accessed via Little King. The location of the car park is consistent with the requirements of this section.
B1 - Access Network	The proposed development will not impact on the city access network.
B2 - Views and Vistas	The issue of view loss is discussed in more detail in Section 5.1.3.7 of this report.
B3 - Active Street Frontage	This clause seeks to promote active street frontages in the B3 Commercial Core Zone. The plans have addressed the clause with the inclusion of the retail and commercial space at ground level on Hunter Street.
B4 - Addressing the street	This clause seeks to promote active street frontages in the B3 Commercial Core Zone. The plans have addressed the clause with the inclusion of the retail and commercial space at ground level on Hunter Street.
B5 - Public Art	The DCP requires that developments over 45m in height are to allocate 1% of the capital cost of the development towards public art. The development is over the 45m height limit and a condition of consent is recommended in this regard.
B6- Sun Access to Public Spaces	The overshadowing diagrams indicate that the proposed development would have minimal impact on public spaces.

7.02 Landscape, Open Space and Visual Amenity

The proposed landscaping is located on the podium level and accordingly is not considered to be '*deep soil*' landscaping. However, having regard for the constraints of the site, the zoning of the land and the style of the proposed development (ie commercial development in an urban area), the proposal is acceptable. The landscaping that is proposed on the site will provide an acceptable level of amenity for future occupants of the proposed commercial building.

A copy of the Landscape Concept Plan has been included in **Appendix A**.

7.03 Traffic, Parking and Access

Council's Senior Development Officer (Engineering) has considered the proposal to be acceptable and provided the following comments:

'The applicable parking provisions of the DCP, as outlined in the Traffic Impact Assessment (TIA), are considered appropriate, noting that all non-residential use within the Newcastle City Centre has a parking rate under the DCP of 1 space per 60m² of GFA.

- *Car parking - 1 space per 60m² GFA*
- *Motorbike parking - 1 space per 20 car spaces*
- *Bicycle parking - 1 space per 200m² GFA (Class 2 - bicycles locked to rack within a secure room)*
- *End of trip facilities - one shower cubicle per 12 bicycle parking spaces*

This requires 206 vehicle parking spaces for the new building and 13 spaces for the Drill Hall, being a total of 219 spaces, 11 motorcycle spaces and 62 bicycle spaces.

The site is subject to an existing approval for the Army Drill Hall DA2016/01207 that requires 15 on-site parking spaces. The subject plans propose 9 spaces to be maintained adjacent to the Drill Hall with the remaining 6 spaces needing to be accommodated within the new building. This will need to be addressed as a condition of consent.

Parking supply:

The plans provide for:

Ground floor

- *64 x Bicycle spaces secure, female and male amenities with six shower cubicles each*
- *5 x disability parking spaces.*
- *9 x vehicle parking spaces adjacent to Drill Hall*
- *Bin storage is proposed and a loading/manoeuvring bay*
- *Pedestrian pathway is provided adjacent to western boundary linking Hunter and Little King Street. This would exit onto Little King Street adjacent to the pedestrian raised threshold crossing that is to be constructed by others.*

Level 1

- *5 x motorcycle parking spaces*
- *Vehicle access ramp gradients appear to comply with AS2890.01.*
- *48 x vehicle parking spaces*

Level 2

- *60 x vehicle parking spaces*

Level 3

- *60 x vehicle parking spaces*

Level 4

- *5 x motorcycle parking spaces*
- *60 x vehicle parking spaces*

The 233 internal spaces satisfy the parking demand for the new building of 206 spaces. An additional 6 spaces are required for the adjacent Drill Hall Building, that being a total requirement for 212 internal spaces. Therefore, there is a net surplus of 21 internal vehicle parking spaces. A 1 space motorcycle shortfall will occur, however this can be accommodated within the additional vehicle spaces. An excess of 2 bicycle spaces will be provided. In summary the proposal complies with the parking requirement under Newcastle DCP 2012. End of trip facilities are proposed which are considered to readily satisfy DCP requirements.

The submitted TIA identifies that parking design should comply with AS2890.1 - 2004 Parking Facilities, being 'User Class 1'. It is agreed that this would be the appropriate user class given the parking would be largely employee and commuter parking.

The TIA notes that this compliance was based upon scaling of plans and that final design needs to be detailed at construction stage. This will be addressed as a condition of consent.

The TIA identifies that waste collection is proposed on-site via a private contractor utilising up to a Medium Rigid Vehicle. Turning path plans have been submitted demonstrating that a garbage collection vehicle (Medium Rigid Vehicle) could be adequately accommodated by the loading/manoeuvring bay, ensuring trucks can enter and exit the site in forward direction. A condition is included to address ongoing wastes management.

Operationally the Traffic Report identifies that deliveries would be predominantly by Small Rigid Vehicle. The loading dock could adequately cater for these deliveries'.

In summary, the access and parking areas are well integrated into the development and streetscape and are acceptable in relation to the DCP guidelines. The surplus parking spaces have also been included in the FSR calculations, which equate to an additional 280m².

7.06 Stormwater

Council's Senior Development Engineer has provided the following comments in terms of water management:

'The Stormwater Plan provided shows roof water drained to 2 rainwater tanks with a combined capacity of 16kL. Collected roof water will be reused for toilet flushing and landscape watering.

Rainwater tank overflows and surface runoff will be piped to an underground retention tank with a capacity of 53m³ which has been sized to control site runoff in accordance with Council's DCP requirements. Site discharge from the retention tank is piped to an existing pit in Hunter Street.

The existing Drill Hall carpark is proposed to be re-surfaced and drained to a new kerb inlet pit over the existing Council pipe in Little King Street'.

Conditions are recommended to require that the submitted Concept Drainage Plan be implemented as part of the site development works.

7.08 Waste Management

As required under this element, a Waste Management Plan has been provided with the application. Commercial bulk waste will be stored in a waste storage room located on ground level of the development. Bins will be transferred to the Little King Street frontage of the site for regular collection by a private waster collector. A condition has been included in the Schedule of Conditions (refer to **Attachment B**) requiring construction and operational phase waste minimisation and management measures to be implemented.

Based on the submitted information, the proposal is acceptable.

8.00 Public Participation

The application was notified for a period of 14 days and nine submissions were received. The issues raised have been addressed within the report or are discussed further below.

Newcastle Section 94A Development Contribution Plan

The application attracts a Development Consent Levy pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Newcastle Section 94A Development Contributions Plan*. A contribution of 2% 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*.

Public Domain Work

It is considered that the proposed development generates a requirement for works in the public domain. The works will be required for the little King Street and Hunter Street frontages to provide improved amenity for the new building and the locality.

A redundant driveway layback will need to be removed and a kerb will be required to be installed to match the existing streetscape.

A number of conditions have been recommended in this regard.

5.1.2.4 Planning agreements

No planning agreements are relevant to the proposal.

5.1.2.5 The regulations (and other plans and policies)

The application has been considered pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and *Regulation 2000*. In addition, a requirement for compliance with AS 2601 – Demolition of Structures will be included in the conditions of consent for proposed demolition works.

5.1.2.6 Coastal management plan

No Coastal Management Plan applies to the site or the proposed development.

5.1.2.7 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 policy, including NLEP 2012 and DCP considerations. In addition, the following impacts are considered relevant:

Bulk and Scale

The siting, scale, height and appearance of the proposed development is suitable for the site and is consistent with the desired future character of the area.

Traffic Generation and Transport

Council's Senior Development Officer (Engineering) has considered the proposal, in terms of traffic generation, and provided the following comments:

'The submitted Traffic Impact Assessment (TIA) by Intersect Traffic has provided as assessment of the surrounding road capacities, including King Street, Hunter Street, Stewart Avenue, National Park Street and Little King Street. It has predicted traffic flows to 2028 and identified that the road network has sufficient capacity to maintain acceptable levels of service, including the proposed development.

"The additional traffic volumes generated by the development represent the following percentages or less of the existing traffic volumes for the following streets - Hunter Street 4.6%, Stewart Avenue 2.9%, King Street 3.6% and National Park Street 1.8%. These percentages are less than the normal daily and seasonal variations for peak hour traffic flow (10%) on these roads. The development traffic in Little King Street and National Park Street north increase the total mid-block volumes to a maximum 24% and 20% of a Level of Service C (1,800 vtph) operating in 2018 or 2028, respectively and as all these movements are left turn only will not impact on intersection performance.

Therefore the development will not have any noticeable impact on the operation of the major intersections on the adjacent road network, in particular the signalised intersections of Hunter Street/Stewart Avenue, Stewart Avenue/King Street and King Street/National Park Street. It is considered reasonable to conclude the additional traffic will not result in any major changes of Level of Service and queue length at these intersections and no further intersection analysis is considered necessary."

The application was referred to Roads and Maritime Services (RMS) under SEPP (Infrastructure) 2007, as traffic generating development. The RMS response, dated 23 July 2018, included comments that the intersection performance within Little King Street may be poor in peak hour and that

traffic generation could be reduced from the development by reducing parking numbers, given the proximity of the site to the Newcastle Transport Interchange.

While it is agreed that reducing parking numbers would in turn reduce vehicle generation Council's current policy position is that the development does require on-site parking and the proposed development complies in this regard. The TIA has not included specific SIDRA modelling of intersection performance, however does identify that the proposed development would result in minimal percentage increases to traffic volumes. It is therefore considered that there would be a lack of direct nexus to require any intersection upgrade as a consequence of the development itself. The TIA does identify a number of road network improvements within the vicinity associated with light rail construction. Further public domain works are already proposed within Little King Street itself. Little King Street currently operate as an alternate route for traffic travelling south on Stewart Avenue to bypass the traffic lights at King Street, to head in an easterly direction. It is noted that Council, in association with other development occurring along Little King Street, is already taking measures to deter this through traffic with installation of raised marked pedestrian crossings at both ends of Little King Street. This should serve to reduce vehicle numbers and improve intersection performance. While reducing parking numbers within the development could reduce traffic generation, the minor percentage variation would unlikely result any discernible difference to intersection performance. In relation to other traffic matters raised by RMS:

- Construction traffic - a Construction Traffic Management Plan will be required as a condition.*
- Sight lines - The driveway access is considered acceptable, subject to splays at property boundary which will be addressed as a condition'.*

On balance, it is considered that the proposed development is acceptable from a traffic generation perspective. The TIA also identifies that the site has good access to public transport, including convenient pedestrian access to the Newcastle Transport Interchange, less than 300m from the site.

Overshadowing

The overshadowing of adjoining buildings and the surrounding area is acceptable.

Privacy

The proposal provides a separation distance of appropriately 12m between the building facades of adjoining buildings which the Apartment Design Guidelines maintains is an adequate distance to maintain visual privacy.

Provisions for privacy under Council's guidelines are satisfied in relation to surrounding development and therefore privacy is considered acceptable.

View Loss

It is acknowledged that some views will be impacted by the redevelopment of the site. The proposal is considered to impact upon views from neighbouring properties of the apartment complex at 741 Hunter Street Newcastle West (Pinnacle Apartments). That building is an older style development that has orientated most of its views east across the development site towards the harbour and city.

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

1. Views to be affected

The planning principle notes the following regarding types of views:

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

2. What part of the property are views obtained

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

3. Extent of impact

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

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

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

Comments

1. In terms of view loss, the proposed development will have some impact on the site to the west. A number of apartments on the eastern side of the Pinnacle Apartments have water and iconic views, including the view to Nobby's headland. However, the views are relying upon overlooking the subject site and the balconies were not positioned to consider the redevelopment of the subject site.
2. A number of apartments in the adjacent development have two balconies, one facing east which is the main outdoor space and a second balcony facing south. It is anticipated that some of the balconies would be relatively unaffected by the development as some views may still be possible to the north and south. Southern balconies would be relatively unaffected by the proposed development.

3. The proposed development has been configured with a curved facade to allow for a viewing corridor for the adjoining residents. This will assist with minimising the view loss from some of the adjoining units.
4. Overall, the loss of views is therefore considered acceptable using the methodology outlined under the planning principle for assessing view impacts.
5. It should also be noted that the proposed development is compliant with the Floor Space Ratio controls. The land is also zoned B3 commercial core, being the primary zone for high density commercial development in the nature of that which is proposed.

5.1.2.8 The suitability of the site for the development

The site is suitable for the proposed development as it is in the city centre area of Newcastle which is well serviced by shops, transport and recreational facilities. The commercial use of the site is appropriate as it would assist with the revitalisation of the precinct in which it is located.

The constraints of the site have been considered in the proposed development, including flooding, contamination and heritage.

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

The application was notified in accordance to the Regulations and nine submissions were received. The issues raised in the submissions are summarised in the table below.

Issue	Assessment Comment
Obstruction of views for existing building	The loss of views is acknowledged and has been discussed in section 5.1.2.7 of this report. The view loss is primarily attributed to the design of the adjacent site and orientation of the balconies over the subject site.
Overshadowing - lower natural light for areas affecting residents, shoppers and business people	The overshadowing of adjoining buildings and the surrounding area is acceptable.
Lack of green space	As previously discussed there is little landscaping on the site. However, this is acceptable given the nature of the proposal and the location of the development.
Limited parking	The proposed car parking is acceptable, being more than DCP requirements. It is also noted that the RMS recommended that Council consider a lower parking requirement for the development given the location of the site.
Loss opportunity for Newcastle to grow as one of the most liveable cities in Australia in the future	The meaning of this comment in the submission is unclear. However, the proposal provides commercial

	opportunities in an area in the inner city that is undergoing transformation and will provide employment opportunities, which provides growth for the city.
Wind tunnel effects	The proposal will not unduly impact on wind patterns.
Visual impacts on surrounding properties	Visual impacts have been addressed in this report.
Separation distances between the proposed built form and impacts of privacy with the neighbouring habitable spaces and boundary	As discussed in this report, the proposal is acceptable having regard to the impacts on adjoining land.

5.1.2.10 The public interest

The development is in the public interest and will allow for the orderly and economic development of the site, in accordance with the relevant planning controls.

6. CONCLUSION

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

7. RECOMMENDATION

That the Hunter and Central Coast JRPP grant development consent to DA2018/00510 for the demolition of a building, erection of 14-storey commercial building and associated car parking at 723-731 Hunter Street and 498 King Street Newcastle West, pursuant to Section 4.16 of the EP&A Act subject to the conditions in **Appendix B**.