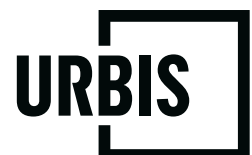




# STATEMENT OF ENVIRONMENTAL EFFECTS

711 Hunter Street, Newcastle  
West – Stage 2

Prepared for  
**HUNTER STREET JV CO PTY LIMITED**  
November 2022



**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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Project Code	P0034237
Report Number	Final – V4

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# EXECUTIVE SUMMARY

This Statement of Environmental Effects ('**SEE**') has been prepared on behalf of Hunter Street JV Co PTY Limited ('**the applicant**') and in support of a Development Application ('**DA**') for Stage 2 of a mixed-use development at 711 Hunter Street, Newcastle West. Hunter Street JV Co Pty Limited is a Joint Venture between St Hilliers Property Investments and Spotlight Property Group. St Hilliers are also the Development Managers for the proposal.

This development has undergone an Architectural Design Competition where three competitors put forward their designs in accordance with a robust Design Excellence Brief and Strategy. The Plus Architecture scheme was recommended by the Jury as the winning scheme in the competitive design process. The Applicant were the first private proponent in City of Newcastle (CN) to take on the ambitious task of undertaking an Architectural Design Competition. The applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity.

The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage. In addition, the Chair of CN's Urban Design Review Panel, Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner.

The overall outcome of the proposal aims to develop a mixed-use precinct with high quality tower forms providing a positive relationship to the immediate surrounds and acknowledge the surrounding heritage context, particularly the proximity of the locally listed Army Drill Hall. The proposal intends to act as a landmark for Newcastle West with a curated mix of eclectic and creative retail, F&B and commercial opportunities activating the ground levels.

The key features are summarised below:

- Demolition of the existing commercial premises and ancillary structures on-site;
- Construction of a mixed-use precinct forming active ground and podium levels reaching 5 storeys of retail and commercial tenancies, with two tower forms for residential apartments reaching 26 storeys comprising of 258 apartments;
- Podium level car park for 300 cars incorporated within the podium levels;
- Communal open space for residents located on level 5 and 17;
- Vehicle access to the site via Little King Street;
- Associated landscaping with the public domain improvements;
- A mix of retail, food and beverage and business tenancies will front Hunter and King Street to enhance activation of the ground plane and pedestrian traffic. These will be accompanied by appropriate landscaping features to enhance public domain.
- An urban plaza fronting National Park Street providing opportunities for activation and public art; and
- Construction of ancillary infrastructure and utilities as required.

It is noted that the overall development will form two separate concurrent DAs. Stage 1 will form the northern tower and podium elements and Stage 2 will form the southern tower and podium elements. These separate DA components are explored further below.

## Stage 1

The northern tower will include commercial and retail tenancies at ground level which will be accessible via National Park Street, Little King Street and Hunter Street. The podium levels will be situated above ground and contain car parking for both visitors and residents, accessed via Little King Street. Level 5 to Level 25 will contain a mixture of residential apartments ranging from 1 bedroom to 3 bedrooms. A numerical breakdown of Stage 1 is shown below:

- 136 apartments including: 35 one bedroom, 74 two bedroom, 26 three bedroom, 1 four bedroom.
- Total GFA: 13, 811.58 sqm

- Floor space ratio: 5.51:1
- Total car parking spaces: 165 spaces over 4 podium levels

## Stage 2

The southern tower will include commercial and retail tenancies at ground level which will be accessible via National Park Street, Little King Street and Hunter Street. The podium levels will be situated above ground and contain car parking for both visitors and residents, accessed via Little King Street. Level 1 to Level 25 will contain a mixture of residential apartments ranging from 1 bedroom to 3 bedrooms.

- 122 apartments including: 35 one bedroom, 72 two bedroom, 15 three bedroom.
- Total GFA: 12,364sqm
- Floor space ratio: 5.58:1
- Total car parking spaces: 135 spaces over 4 podium levels

Both stages will include surrounding landscaping, public domain works and green spaces. The strata and stratum approach are detailed further in this SEE. This SEE relates to Stage 2.

The key benefits of the project can be summarised as follows:

- The proposal includes the creation of a new urban plaza and will improve ground plane activation and permeability through the site. The design team invested significantly in ensuring a smooth transition from private to public domain in this location, particularly emphasising the connection to Birdwood Park and the Army Drill Hall.
- The Applicant was the first private proponent in CN to take on the ambitious task of undertaking an Architectural Design Competition. The Applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity.
- The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage; and the Chair of CN's UDRP.
- The tower will deliver high-quality residential dwellings in a convenient, accessible and naturally beautiful location. Future residents will be afforded the opportunity to live in a high-amenity location, with all the benefits of modern apartment living. The proposal provides a variety of apartment types to suit the needs and lifestyles of existing and future residents of Newcastle.
- The project will catalyse the urban renewal of a key site in Newcastle West. The site is occupied by Muso's Corner across two floors since Spotlight and Anaconda relocated to Bennett Green.
- The ground plane will seek to deliver a curated set of smaller tenancies to deliver a diversity of offer, grouping of eclectic creatives uses buildings on Newcastle's high concentration of artists and creatives.
- The urban plaza and overall development will enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population.
- The proposal is highly consistent with all strategic planning aims and objectives for the Newcastle City Centre and the Hunter region by providing a diversity of housing, and employment opportunities in a well-connected area.

The site is strategically unique and has highly sought-after qualities which are currently underutilised. The proposal leverages these qualities in a sympathetic manner through a well-designed scheme and impact mitigation to unlock the site's potential and provide significant community, local and regional social, environmental and economic benefits. In view of the above, we submit that the proposal is in the public interest and that the DA should be approved subject to appropriate conditions.

# 1. INTRODUCTION

## 1.1. OVERVIEW

This Statement of Environmental Effects ('**SEE**') has been prepared on behalf of Hunter Street JV CoP/L ('**the applicant**'). It accompanies a Development Application ('**DA**') in accordance with section 4.22 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) to the City of Newcastle (**CN**) for Stage 2 of a mixed-use development at 711 Hunter Street, Newcastle West.

This DA will comprise the design, construction and operation of a 26-storey mixed-use development with high quality tower forms. It intends to provide an activated ground floor and podium levels with high end specialty retail and commercial opportunities. This DA will transform a currently dormant parcel of land, providing a positive redevelopment outcome for Newcastle West.

The key features are summarised below:

- Demolition of the existing commercial premises and ancillary structures on-site;
- Construction of a mixed-use precinct forming active ground and podium levels reaching 5 storeys of retail and commercial tenancies, including food and beverage tenancies, as labelled on the architectural plans, with two tower forms for residential apartments reaching 26 storeys comprising of 258 apartments;
- Podium level car park for 300 cars incorporated within the podium levels;
- Communal open space for residents located on level 5 and 17;
- Vehicle access to the site via Little King Street;
- Associated landscaping with the public domain improvements;
- Commercial tenancies will front Hunter and King Street to enhance activation of the ground plane and pedestrian traffic. These will be accompanied by appropriate landscaping features to enhance public domain.
- An urban plaza fronting National Park Street providing opportunities for activation and public art; and
- Construction of ancillary infrastructure and utilities as required.

It is noted that the overall development will form two separate concurrent DAs. Stage 1 will form the northern tower and podium elements and Stage 2 will form the southern tower and podium elements. This SEE relates to Stage 2.

## 1.2. PLANNING FRAMEWORK

The proposed development was subject to a Design Competition where three competitors participated to prepare design proposals for the site. The competitive process was undertaken in accordance with clause 7.5 of the Newcastle Local Environmental Plan 2012 ('**NLEP 2012**') and the Government Architect NSW ('**GANSW**') draft Design Excellence Competition Guidelines.

The Design Integrity Panel ('**DIP**') endorsed the lodgement of the Development Applications to CN on the 7 October 2022. The DIP recommended a subsequent DIP meeting post-lodgement during the response to submissions and response to information phase to allow a consolidated review incorporating any potential future changes as a result of these processes.

The cost of works for the purpose of determining the DA fee for the proposed development is calculated in accordance with clause 255 (1) of the *Environmental Planning and Assessment Regulation 2000* ('**EP&A Regulation**') at \$52,868,646 including GST. This is detailed in the cost estimate report that accompanies this DA.

As the cost of works is more than \$30 million and located in the City of Newcastle LGA, the DA is considered regionally significant will be assessed by CN and determined by the Hunter and Central Coast Planning Panel.

## 1.3. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 – Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 – Proposed Development:** provides a detailed description of the proposal including the demolition, construction and operational phases.
- **Section 5 – Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

## 1.4. SUPPORTING DOCUMENTATION

The technical and design documents that have been prepared to accompany this DA alongside this SEE and are identified in Error! Reference source not found..

Table 1 – Supporting Documents

Document Name	Prepared by
Architectural Drawings	Plus Architecture
Design Report and Design Excellence Statement	Plus Architecture
Survey Plan	Cahill and Cameron
Landscape Plans	Urbis
ESD Report	Credwell
Cost Report	Altus Group
Mine Subsidence Investigation and Assessment	Terra Tech Coffey
Traffic Impact Assessment	BG&E
Green Travel Plan	BG&E
Waste Management Plan	Elephants Foot
Heritage Impact Statement	AMAC
Aboriginal Cultural Heritage Assessment	AMAC Archaeological
Connecting with Country	COLA Studio

<b>Document Name</b>	<b>Prepared by</b>
Site Specific Flood Study	BG&E
Stormwater Management Plan	BG&E
Wind and Reflectivity Report	Windtech
Acoustic Report	Acoustic Logic
Detailed Site Investigation	Terra Tech Coffey
Geotechnical Report and Acid Sulfate Soils Management Plan	Terra Tech Coffey
Access Report	BCA Logic
Construction Methodology	St Hilliers
BCA Report	BCA Logic
CPTED Report	The Design Partnership
EV Charging Plan	BG&E
Stratum Plan/Report	CMS Surveyors
Aviation Impact Assessment	AviPro
Public Art Plan	Art Pharmacy
Services Infrastructure Report	Epicentre Consulting Engineers
DCP Compliance Table	Urbis
Clause 4.6 Variation Request – FSR	Urbis
Clause 4.6 Variation Request – Building Separation	Urbis

## 2. SITE CONTEXT

### 2.1. SITE DESCRIPTION

The site is known as 711 Hunter Street, Newcastle West and is legally described as Lot 1 in Deposited Plan (DP) 867617. The site comprises a 4,743m<sup>2</sup> parcel of land with public frontages along the northern, eastern, and southern site boundaries, and direct interface with existing properties to the western site boundary.

The site currently accommodates a two-storey commercial building which fronts the corner of Hunter Street and National Park Street, this commercial building is currently occupied by Muso's Corner and has been historically occupied by Spotlight and Anaconda. The vacant commercial building is connected via an existing pedestrian bridge to a three-storey carpark, with rooftop parking, and ground floor retail space which fronts King Street. The ground floor is currently occupied by two retail tenants. The existing carpark is still utilised. All existing structures onsite will be demolished upon commencement of construction. The site area is illustrated in **Figure 1** and site photos are provided in **Figure 2**. The site has a relatively flat topography with minimal slope. The site also does not have any vegetation or landscaping. There is one street tree which is located on the corner of National Park Street and Hunter Street which will be maintained.

Figure 1 – Site Location



Source: Urbis

Physically, the site has a relatively flat topography with minimal slope. The site also does not have any vegetation or landscaping. There is one street tree which is located on the corner of National Park Street and Hunter Street which will be maintained.



Figure 2 – Exiting Site



Picture 1 – Corner of National Park and Hunter Street



Picture 2 – Middle of National Park Street (Pedestrian Bridge)



Picture 3 – View of Site looking north along National Park Street

Source: Google Maps



Picture 4 – View of site looking east along King Street

## 2.2. LOCALITY CONTEXT

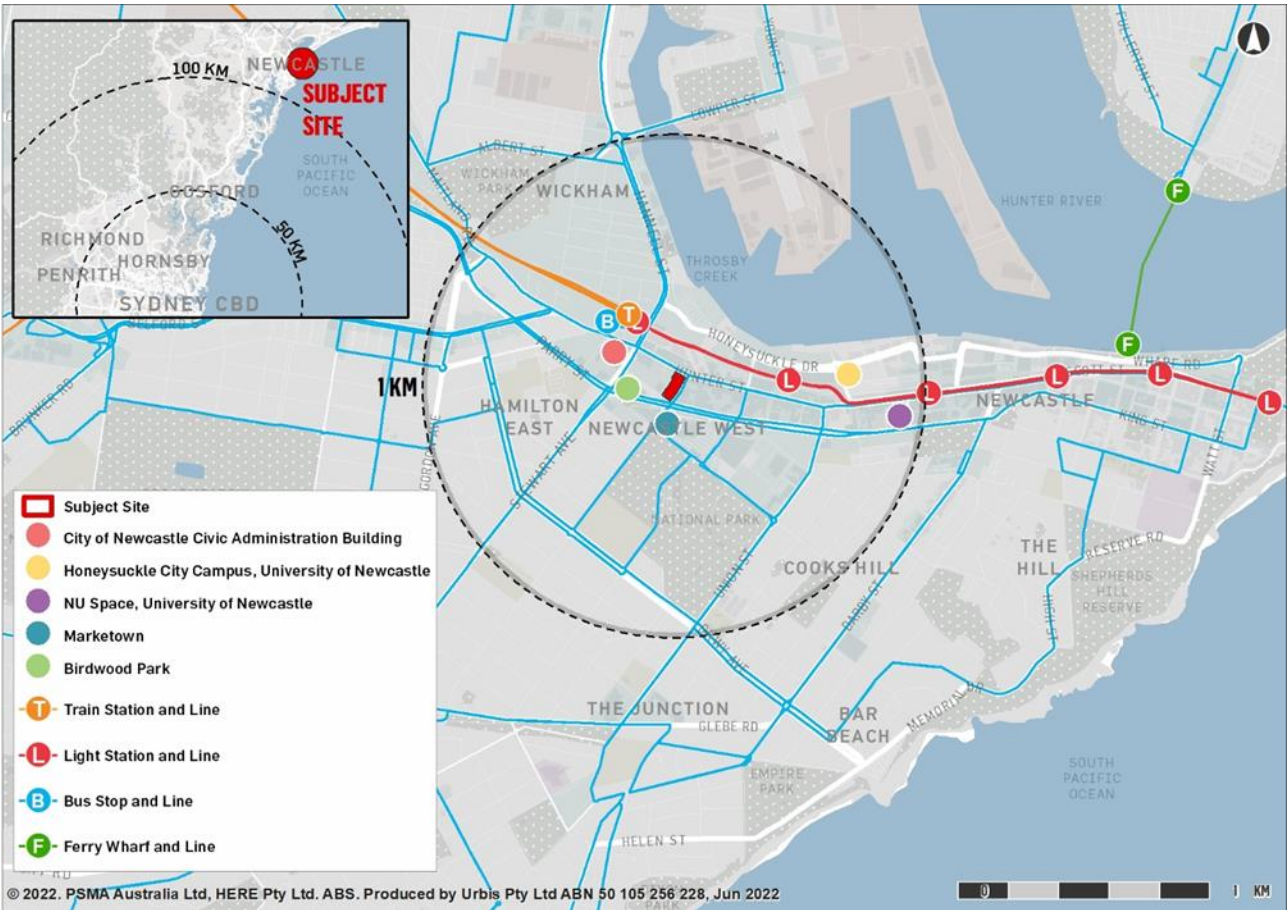
The site is located within an area of Newcastle that is principally of commercial use. Development along both sides of King Street and Hunter Street have a mix of scale accommodating residential, retail and commercial development, with various buildings and uses.

- To the **east** of the site directly is National Park Street. DA2019/00711 was approved by the Land and Environmental Court on the 21 September 2020, for a mixed-use development at 1, 17 and 19 National Park Street and 484 King Street. The approved development comprised the demolition of existing structures, construction of two towers of 22 and 19 stories comprising 193 dwellings, office premises, ground floor retail premises, car parking and associated landscaping. Construction has started on this site, the proposal has removed all street trees along the Eastern side of National Park Street, demolition and ground works are also well underway. Further east of the site is 'Verve' a mixed-use development with 2 residential towers.
- The 'Army Drill Hall' is located to the **south-west** of the site which is a locally listed heritage item. Birdwood Park is also located to the south-west and is an important piece of public domain due to the limited amount of green space in Newcastle City Centre. Development consent (DA2018/00051) was granted for a 14-storey mixed use commercial development to the west and retention of the 'Army Drill Hall.' The approval also included 5 levels of above-ground parking integrated into the fabric of the building, with access from Little King Street. DA2020/01357 subsequently approved an additional 2 storeys, bringing the overall total height to RL + 62.920. Construction has largely been completed with scaffolding almost all removed.
- Further **west** is City of Newcastle Administration Building fronting Stewart Avenue, Holiday Inn and a recently completed senior living facility fronting Birdwood Park.
- To the **north-west** is Newcastle Interchange providing access to light rail, trains and bus services. The Store site, at 854 Hunter Street, incorporates a recently constructed multi-level car park and commercial building.
- To the **north** of the site 'Aero' mixed-use development with 4 levels of parking and two commercial tenancies fronting Hunter Street which is approximately 14-storeys in height. Hunter Street has a mix of scale accommodating residential, retail and commercial development, with various buildings and uses. Bank Corner, a local heritage listing identified in Schedule 5 of the Newcastle LEP 2012, is located on the corner of Bellevue Street and Hunter Street. Further north is the Honeysuckle Precinct and Newcastle Harbour.
- To the **south** of the site is King Street, and Parry Street. The Parry Street Precinct includes The Edwards, a creative retailer with F&B, Vinyl store, live music and a retro coin-op laundry was the first retailer that acted as a catalyst for other retailers to open. There are now about 7 retailers in the former industrial car yard precinct. Parry Street has played a strong role in the ground plane and retail briefing response for this proposal. Further **south** is the Fearnley Dawes Athletic Centre and Newcastle High School.
- Marketown Shopping Centre is located to the **south-east** of the site, Marketown is a sub-regional centre consisting of two sides (east and west). The east is anchored by Woolworths, Big W and Dan Murphy's and has 28 specialty stores, and has residential apartments located above. The west centre is anchored by Coles and Officeworks and also has 28 specialty stores.

Figure 3 below shows the site and surrounding locality.



Figure 3 – Site and surrounding locality



Source: Urbis

## 2.3. TRANSPORT AND PEDESTRIAN ACCESSIBILITY

### Train Network

The site is located within the Newcastle City Centre where accessibility to the public and active transport network is favourable at the site. It is located 300m from the Newcastle Interchange that provides access to the Central Coast & Newcastle heading south, providing access to Central via Hornsby and connecting lines. Also access to the Hunter Line heading north, providing transport to Dungog and Scone.

### Bus Network

The bus network is highly accessible with a bus stop adjoining at the north of the site heading west down Hunter Street (Hunter St after National Park St) and a bus stop accessed approximately 140m to the west to head east on Hunter Street (Hunter St and Florence St). Considerable effort has been made throughout the design process to create a ground plane response in the scheme adjoining the bus stop to ensure flexibility for future bus stop infrastructure. To the south of the site on King Street there is a bus stop heading east (King St after National Park St) and a stop heading west (King St at National Park St) located approximately 60m from the site. The bus lines that pass these four bus stops are as follows:

- 11, 12, 13, 14, 22, 24, 47, 55N, 138
- 10X, 22, 23, 24, 26, 28, 47

These bus stops access locations within Newcastle such as the City Centre/East, Newcastle Interchange, Merewether, Customs House, Wallsend, Charlestown, Glendale, Jesmond, Maryland and Lake Macquarie Fair.

### Light Rail

There is a light rail located in Newcastle to provide travel options from Newcastle Interchange an approximate 200m walk from the site to Newcastle Beach. The light rail stops at 6 locations throughout the city. It begins services just after 5am from Monday through to Sunday and public holidays and completes services by 12:45am. Monday to Friday has services running every 7.5 minutes to 15 minutes throughout the day. Saturday, Sunday and public holidays run services mostly every 15 minutes or longer, especially in the early morning.

Figure 4 – Newcastle light rail route from Newcastle interchange to Newcastle Beach



Source: Newcastle Transport

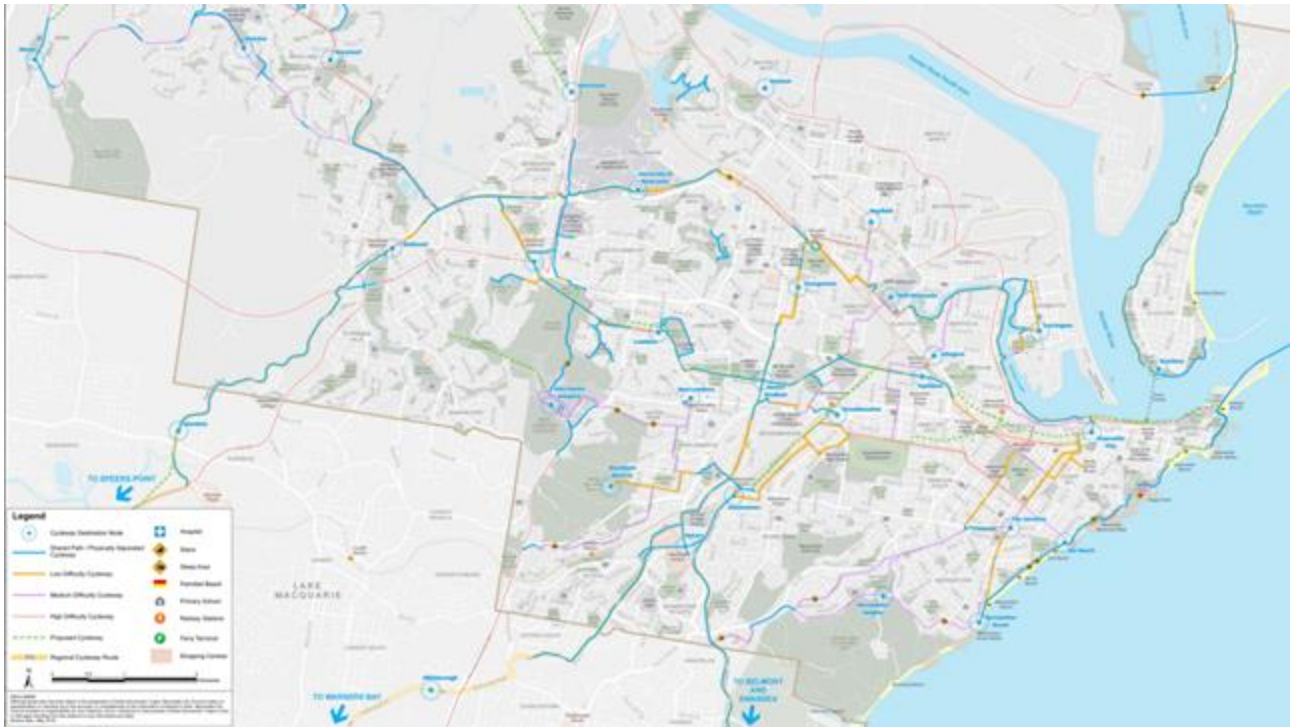
### Road Network

The road accessibility at the site is highly accessible due to its location within the Newcastle CBD. From Sydney the M1 Pacific Freeway heading north is just over an hour from the start at Wahroonga in Sydney's Upper North Shore. The CBD is approximately 30 minutes from the highway turn off. When heading from north the Pacific Highway/A1 provides access directly into the north of the city close by the site.

## Cycling

The Newcastle City Centre and surrounding suburbs are well connected with various cycleways. The network is currently connected with various difficulty levels and shared paths to travel around the area, promoting active transport for the community to save money and reduce impacts on the environment. There are significant paths proposed for future cycleways, with one passing the site on Hunter Street. The network is illustrated in the map at **Figure 5**.

Figure 5 – Newcastle cycleways map



Source: Newcastle City Council

## Walking

The surrounding paths to the site on Hunter Street are readily accessible with safe paths located along the streets streaming into the CBD. These connect the site to nearby Hunter Interchange and bus stops. Also, accessibility to multiple nearby walking track to explore the town and beyond including the Newcastle Architecture walk (2.2km), Artist's City Way (5km), Makers x traders – West (5km) and more. There is additionally a family fun in Newcastle track that can be travelled over numerous days to cover the whole track and visit the identified breaks. Other accessible tracks are located nearby with adequate surfaces for ease of accessibility to walk throughout the CBD.

## Green Travel Plan

A Green Travel Plan (GTP) has been prepared by BG&E to accompany this DA, which concludes that the site is well-served by sustainable transport services including the public transport, walking, cycling, car share and taxi services, which provides practical alternatives to private motor vehicle travel. The GTP outlines actions and incentives that aim to encourage and achieve changes to travel behaviour, further discussion is included in **Section 7**.

## 3. PROJECT HISTORY

### 3.1. PRE-LODGEEMENT ENGAGEMENT AND CONSULTATION

The Proponent, Plus and consultant team met with Council officers on several occasions throughout 2021 and 2022 to discuss the proposed works. The below provides a summary of the consultation meetings:

- **17 June 2021:** Introducing Meeting between CN, Urbis, and St Hilliers to discuss the various design excellence pathways specifically the Design Competition approach.
- **18 August 2021:** Pre-Lodgement Meeting #1
- **18 August 2021 to 22 October 2021:** Ongoing engagement between CN, Government Architect NSW (GANSW), Urbis and St Hilliers to agree on the Design Competition Brief and Strategy and general competition procedure.
- **25 October 2021:** Commence of Design Excellence Competition.
- **9 May 2022:** Pre-Lodgement Meeting #2
- **28 May 2022:** Discussion with David Thomas from CN regarding the waste servicing requirements.
- **21 July 2022:** Discussion with Damian Jaegar, Brian Cameron and Isabelle Rowlatt from CN regarding the stratum subdivision approach and discussion regarding lodgement requirements for heritage specifically the methodology to review the heritage façade.
- **5 August 2022:** Discussion with Rajnesh Prakash from CN to review stormwater and flood storage solution and confirm modelling requirements for DA.
- **8 September 2022:** Discussion with Damian Jaegar and Brian Cameron from CN regarding the stratum subdivision approach and site inspection to view historic façade with Isabella Rowlatt from CN.
- **7 October 2022:** Design Integrity Panel #1 as detailed in **Section 3.3** of this SEE.

The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage. In addition, the Chair of CN's Urban Design Review Panel (**UDRP**), Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner. Feedback received from Council during these meetings has been incorporated into the final scheme.

Overall, the project team undertaken extensive engagement with the CN, GANSW and the DIP. In addition, COLA Studio's and AMAC have engaged with relevant Aboriginal parties to inform the design development and the overall understanding of the site.

### 3.2. PUBLIC PARTICIPATION

As part of better understanding some of the "place appetites" of students in Newcastle an online survey with a number of University of Newcastle students was undertaken. This survey gave insights into the types of places they enjoy spending time, the types of experiences they believe are missing in Newcastle. These findings provided input into some of the strategic thinking for the ground plane and retail experience.

In addition, site signage currently directs Newcastle locals to a simple online survey <https://www.westvillagenewcastle.com.au> to understand what they value about Newcastle to ensure the design and ground floor business and retail can be curated appropriately.

The responses, to date, reflect the shifting nature of Newcastle to a cosmopolitan hub, with highest percentage of respondents noting coffee, bars and brunch spots as key things they cannot live without. This was followed by casual family dining options and art galleries and creative exhibition areas demonstrating the need to cater for a wide range of demographics and the opportunities to focus on as part of future ground plane and commercial uses. The responses reinforce the obligation to deliver a high-quality mixed use precinct and will feed into future planning of the ground plane opportunities and development more broadly.



### 3.3. DESIGN COMPETITION

An Architectural Design Competition (**Competitive Process**) was undertaken for the redevelopment of 711 Hunter Street, Newcastle West. The vision was to develop a mixed-use precinct with high quality tower forms providing a positive relationship to the immediate surrounds, acting as a landmark for Newcastle West with high end specialty retail and commercial opportunities at ground and podium levels. The competitive process was the first competition undertaken within the Newcastle LGA.

The Applicant were the first private proponent in CN to take on the ambitious task of undertaking an Architectural Design Competition. The Applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity.

The Applicant engaged in a collaborative consultation process with GANSW and CN, including with Dr Philip Pollard. Prior to the endorsement of the Design Brief, numerous meetings were held to discuss Competitive Process as a whole and the details of the Design Brief. As noted above, prior to the commencement of the Design Competition the following consultation meetings occurred:

- **17 June 2021:** Introducing Meeting between CN, Urbis, and The Applicant to discuss the various design excellence pathways specifically the Design Competition approach.
- **18 August 2021:** Pre-Lodgement Meeting #1
- **18 August 2021 to 22 October 2021:** Ongoing engagement between CN, GANSW, Urbis and St Hilliers to agree on the Design Competition Brief and Strategy and general competition procedure.

The process from June to October 2021 involved numerous rounds of comments on the Design Brief, with CN inputting significantly into the details prescribed in the Design Brief.

The proponent invited three Architectural firms to undertake competitive process in accordance with clause 7.5 of the NLEP and the GANSW draft Design Excellence Competition Guidelines (**GANSW draft Guidelines**). The three firms that participated were:

- Plus Architecture
- DKO Architecture
- Group GSA.

The Competition Brief was prepared in October 2020 by the Proponent and Urbis and endorsed by GANSW and City of Newcastle. The Competition was undertaken over a six-week period.

The Jury assessed each scheme against the brief to select the highest quality architectural and urban design approach for the development. Following consideration of the three schemes, Plus Architecture was the winning scheme noting it demonstrated an appropriate response design, planning, and commercial objectives of the Brief. In the opinion of the Jury, this scheme is the most capable of achieving design excellence.

The Jury identified the following elements that contributed to the success of the Plus scheme and are essential to be retained throughout this process:

- The strong ground plane response, the 'meeting place' concept and the visual link between National Park Street to the Army Drill Hall.
- The northern most corner follows the podium level of 723 Hunter Street, which is strongly supported as it results in a connected and integrated street wall.
- The warm tone palette.
- In terms of materials, no fake wood grain would be supported and coated pre-cast concrete would not be support as applied finishes fail, colours should be integrated into the pre-cast concrete.
- Horizontal staked layers, with the vertical slots and layers.

The Jury also outlines several matters which were to be further considered and refined as part of the Detailed DA. These matters and the relevant responses prepared by Plus are summarised in Table 2.

Table 2 – Response to Jury Recommendations from Design Competition Report

Jury Recommendation for Design Development	Plus Response
<p>Plus should further consider the Connecting with Country Draft Framework and engage with a First Nations design consultant.</p>	<p>Engagement has been undertaken with COLA Studio to integrate the Connecting with Country Draft Framework into the design and undertake meaningful consultation. Plus have incorporated Connecting with Country principles into the proposal's design in the following ways:</p> <p>Layering and flowing segmentation has been interpreted through the flood plane response through steps and materiality which help to define the building ground plane and shape the central plaza creating a community gathering space at the heart of our development.</p> <p>The materiality and tonality of ground floor represents the sandy environment of Hunter River. The form of the proposal expresses the layering of the beach which is revealed by the waves.</p> <p>The proposal has no basement which has little impact on the original geography and provides opportunity to bring deep soil landscape into the heart of the development.</p> <p>The flow of through site link resonates the confluence of salt water and fresh water. Together with landscape water feature and ceiling lighting artworks, it brings the experience of Hunter River into the site.</p> <p>The active ground plane is defined by the retail façade and ceiling which further guide both people and landscape through the site.</p> <p>The sculptural nature of the podium and horizontal ground layers are brought up into the building to define the overall composition of the buildings creating the optimal outcome for the amenity of both the buildings and public domain.</p> <p>The brickwork which frames the ground floor retail has a sandy colour to connect the ground plane to the ceiling and unify the overall sculptural gesture.</p> <p>The landscape is drawn from the adjacent park into through both the ground plane and over the steps created in the podium, conceptually connecting the park to the generous communal landscape areas over the podium providing a series of community</p>

Jury Recommendation for Design Development	Plus Response
	<p>gathering spaces for the new community to occupy the land.</p> <p>The rich landscape character of the park is drawn through the ground floor to reveal itself have worked through a detailed response to bring design for country into their design approach and planting selection. The opportunity for public art and interpretation further enriches the experience for the wider public.</p>
<p>Vehicle and pedestrian arrangement from Little King Street, specifically concerns are raised regarding safety of pedestrians. Further design development and consultation with 723 Hunter Street is required.</p>	<p>To address vehicle and pedestrian arrangement concerns further design development has been undertaken in consultation with the traffic Engineer and the Traffic Impact Assessment Report forms part of this DA.</p> <p>It has been resolved through a distinction of zones by separating pedestrian movement from vehicle access using landscape planters as a buffer. The planter also addresses level changes and the laneway is protected by an awning.</p>
<p>The north-east corner façade. The Jury support building to the front boundary but is not wedded to the retention of the historic façade. Alternative options could be explored that connect and align with the 723 Hunter Street façade, rather than being set back as shown in the competition scheme.</p>	<p>A further investigation was undertaken of the historic façade on the 8 September 2022, and the outcome is outlined in the Heritage Façade Assessment that forms part of this DA.</p> <p>It was found that there was considerable damage to the finished masonry façade, and missing elements from the large cornice. The heritage consultant John Carr concluded that it is not practical or economical for the reconstruction of the damaged parts and there would be issues from an aesthetic perspective if retained.</p>
<p>Plus to explore the soffit of the southern tower during design development, specifically the material and appearance from the public domain and Army Drill Hall requires further resolution.</p>	<p>A layer of awning structure has been incorporated into the underside of the tower soffits. The soffit is clad by perforated metal panels.</p> <p>Additional landscaping has been provided at the southern corner to soften the appearance for views from the Army Drill Hall and Birdwood Park.</p> <p>The ground plane environment use sandy tones along the ground floor paving carrying through in the retail facades using light coloured brick into the soffit of the ground plane to further develop the design and response.</p>
<p>The single orientation apartments in the northern tower. The amenity of these apartments needs to</p>	<p>A greater distance has been created for the single orientation apartments to be located further from</p>

<b>Jury Recommendation for Design Development</b>	<b>Plus Response</b>
be solved in terms of privacy, this may not be through increased distances but could be through replanning or façade treatments.	<p>the adjoining neighbouring properties. The Architectural Plans that form part of this DA detail the 17.1 metre distance (drawing no. PLA-DA-S1-1007), an increase of 15 metres in the initial proposal. Additionally, privacy screens have also been introduced to increase privacy.</p> <p>This comment does not relate to stage 2 (southern tower) only.</p>
Solutions to protect glazing from aggressive sun need to be explored specifically within the architectural façade design.	Solar screens have been introduced to the north and west facades. A high performance glazing system will be utilised in response to ESD requirements.
The Jury encourage Plus to consider a higher solid to glazing ratio.	The façade system utilises a window wall system where a higher solid to glazing ratio is achieved than what was initially presented. The window proportions have been largely reduced, particularly in bedroom areas.
Comprehensive landscape strategy is needed prepared by a landscape architect.	A landscape strategy has been prepared by Plus Architecture and accompanies this development application. The landscape strategy accompanying this DA provides a detailed design response.
The Jury concurred that some landscape spaces, adjacent to carparking at podium level (north-east and south-west corners where cascading landscaping) could be resolved further, and the Jury suggest incorporating functioning floor space rather than only car parking.	The Landscape Strategy prepared by Urbis accompanies this DA. Floorspace is now provided adjacent to the car park with communal space provided level 01, a roof bar on level 02, and residential floorspace will be provided for stage 2 at level 01, 02, 03 and 04 adjacent to the car park. of the landscaping that.
In terms of ESD, Plus should solve ESD through design and form of building envelope rather than devices, i.e., slab projections. A comprehensive ESD strategy that goes above the BASIX requirements and sets an ambitious target focusing on thermal comfort, energy, waste and water is called for in a development of this significance and will be looked for during design integrity.	<p>The development is governed by Sustainable Design Legislation and looks to provide key initiatives including electric car charging, end of trip, 4-star Greenstar Building rating and solar panels (minimum 20% of the roof area).</p> <p>A sustainability response has been prepared by Credwell and accompanies this DA.</p>

### 3.4. DESIGN INTEGRITY PROCESS

A Design Integrity Panel meeting was held on 07 October 2022. The DIP comprises of three Panel members. In accordance with the endorsed Terms of Reference (ToR), this includes three members of the Competition Jury and has been selected in consultation with the Government Architect NSW and City of Newcastle. The members of the DIP are as follows:



- Rory Toomey (Chair and GANSW Representative) – Principal, Design Excellence – Government Architect NSW
- Dr Philip Pollard (City of Newcastle Representative) – Director & Nominated Architect 5241 – AMENITY urban & natural environments
- Sandra Furtado (Proponent Representative) – Director, Furtado Sullivan

The DIP session was held online attended by key members of the Plus Architecture team and the applicant. Key stakeholders were also invited to attend the DIP session via Microsoft Teams as observers (including representatives from City of Newcastle and technical consultants involved in the Design Process). Urbis as the DIP manager were also in attendance.

The DIP endorsed the lodgement of the DA to City of Newcastle. The DIP recommended a subsequent DIP meeting post-lodgement during the response to submissions and response to information phase to allow a consolidated review incorporating any potential future changes as a result of these processes.

The DIP endorsed the lodgement of the DA to City of Newcastle. The DIP recommended a subsequent DIP meeting post-lodgement during the response to submissions and response to information phase to allow a consolidated review incorporating any potential future changes as a result of these processes.

The design integrity process will continue, and the design team will work on the design development areas in consultation with the DIP post lodgement. The DIP noted their support for the following areas specifically:

- *Engagement with Connecting with Country and how it is informing the design.*
- *Positive progress has been made for the screening to the west and relationship to the Army Drill Hall.*
- *Overall, the landscaping is integrating well throughout the whole tower and podium.*
- *The solar response is positive as well as ESD solar access*
- *Heritage facade that will not be retained has a positive design response at the corner where it interfaces.*

The design team have addressed the comments relating to design refinement and resolution, where practical, from the DIP on 07 October 2022, these areas are explored further in **Table 3**.

Table 3 – Response to DIP Design Development Areas

DIP Feedback	Plus' Response
Level 5 loss of communal space should be redesigned achieving greater alignment with the communal amenity proposed at competition stage.	<p>The DIP expressed concern regarding the loss of total communal space at the level 5 podium roof from the competition scheme. The proposed podium landscaping considers more open private landscaped open space for residents which can be easily maintained from their residence, and also removes the need for additional screening to separate communal from private open space.</p> <p>The proposed scheme maintains a communal open space that is generously sized with several moments of seating and meandering paths, providing a welcoming means for connection between people and between spaces, taking advantage of good aspect to solar amenity and views. Dwellers can benefit from open lawn spaces, play areas with equipment, BBQ facilities and seating options which can cater to individuals, small to medium groups. The different zones are complimented by lush green planter box edges with</p>

DIP Feedback	Plus' Response
	<p>a variety of species and trees which provide shading and are irrigated via reused water harvested via the roof.</p> <p>This communal open space is supplemented by another offering on level 17 which is in addition to the competition scheme. This space takes great advantage from its northerly aspect with great solar amenity and open views towards Hunter River. The space can cater to larger groups with an outdoor BBQ and kitchen facilities which are extended by a communal indoor area providing amenities, lounge, kitchen and dining. The level 17 communal open space includes a large consolidated planter at the edges, providing a green backdrop to the social interactions or individual enjoyment by the residents.</p>
<p>Access along Hunter Street for disability access should be further considered.</p>	<p>The scheme considers an accessible pathway along Hunter Street that allows linear circulation in an east-west alignment, while balancing an appropriate location for required services. The requirements are well above the ADG for communal open space and have increased sizes for private open space throughout.</p>
<p>Ground plane retail and commercial spread should be considered for future vitality especially at night.</p>	<p>The ground plane will seek to deliver a curated set of smaller tenancies to deliver a diversity of offer, grouping of eclectic creatives uses buildings on Newcastle's high concentration of artists and creatives.</p> <p>In addition, as noted above, The Applicant has completed a survey of local residents to understand what they value about Newcastle to ensure the design and ground floor business and retail can be curated appropriately. The responses reflect the shifting nature of Newcastle to a cosmopolitan hub, with highest percentage of respondents noting coffee, bars and brunch spots as key things they cannot live without. This was followed by casual family dining options and art galleries and creative exhibition areas demonstrating the need to cater for a wide range of demographics and the opportunities to focus on as part of future ground plane and commercial uses. The responses reinforce the obligation to deliver a high quality mixed uses precinct and will feed into future</p>

DIP Feedback	Plus' Response
	planning of the ground plane opportunities and development more broadly.
Safe entry and egress from the northern tower must be achieved in line with CPTED principles	<p>A CPTED Report has been prepared to assess the design, including safe entry and egress, against the CPTED principles. The following management strategies are proposed to control access in a safe manner:</p> <ul style="list-style-type: none"> <li>▪ <i>Provide security door for the entry to the carpark and loading area. Security door should prevent pedestrian and vehicular access.</i></li> <li>▪ <i>Provide a security door between the visitor and commercial users carpark on level 1 and the residential parking area on level 2. Security door should prevent pedestrian and vehicular access.</i></li> <li>▪ <i>Alarm the doors and use door closers on fire stairs. Use signage to warn tenants and visitors of the penalties of leaving doors open.</i></li> <li>▪ <i>Secure the commercial F&amp;B amenities after hours and use security patrols.</i></li> </ul>
Location of substations could be reconsidered.	<p>Significant testing went into alternate options for the required substations. Ausgrid require direct street access. Driveways are not acceptable for compliance making the driveway and King Street inappropriate locations for the substations.</p> <p>This left Hunter Street and National Park Street as the options.</p> <p>The Applicant wanted to protect the opportunity to curate National Park Street so remaining on Hunter is considered the best outcome to maximise ground plane activation.</p>

## 4. PROPOSED DEVELOPMENT

It is noted that the overall development will form two separate concurrent DAs. Stage 1 will form the northern tower and podium elements and Stage 2 will form the southern tower and podium elements. These separate DA components are explained in further detail below.

It is highly desirable that both Stage 1 and 2 will be carried out with some concurrency, however this is subject to financial conditions precedent being met.

The approach of two DA's allows for additional flexibility to respond to market conditions and clause 53 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, which requires an Occupation Certificate to be issued for a whole building within 5 years of the first partial OC issued for that building

This approach has been discussed with CN on numerous occasions, commencing when the Design Brief for the Architectural Design Competition was agreed. This specific matter was discussed in further detail in two separate occasions, as outlined below:

- **21 July 2022:** Discussion with Damian Jaegar, Brian Cameron and Isabelle Rowlatt from CN regarding the stratum subdivision approach and discussion regarding lodgement requirements for heritage specifically the methodology to review the heritage façade.
- **8 September 2022:** Discussion with Damian Jaegar and Brian Cameron from CN regarding the stratum subdivision approach and site inspection to view historic façade with Isabella Rowlatt from CN.

Overall, the design and planning pathway approach is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage from the brief preparation phase to current. In addition, the Chair of CN's Urban Design Review Panel (**UDRP**), Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner.

### 4.1. DEVELOPMENT SUMMARY

#### 4.1.1. Combined: Stage 1 and Stage 2

The overall comprise comprises the redevelopment of the site as outlined below:

- Demolition of the existing commercial premises and ancillary structures on-site;
- Construction of a mixed-use precinct forming active ground and podium levels reaching 5 storeys of retail and commercial tenancies, with two tower forms for residential apartments reaching 26 storeys comprising of 258 apartments;
- Podium level car park for 300 cars incorporated within the podium levels;
- Communal open space for residents located on level 5 and 17;
- Vehicle access to the site via Little King Street;
- Associated landscaping with the public domain improvements;
- Commercial tenancies will front Hunter and King Street to enhance activation of the ground plane and pedestrian traffic. These will be accompanied by appropriate landscaping features to enhance public domain.
- An urban plaza fronting National Park Street providing opportunities for activation and public art; and
- Construction of ancillary infrastructure and utilities as required.

It is noted that the overall development will form two separate concurrent DAs. Stage 1 will form the northern tower and podium elements and Stage 2 will form the southern tower and podium elements.

This SEE relates to Stage 2.

### 4.1.2. Stage 2 – Southern Tower

The Stage 2 proposal comprises the redevelopment of the southern portion of the site as outlined below and is the focus of this Development Application:

- Demolition of the existing buildings and structures;
- Minor excavation works to accommodate the proposed ground floor structure and earthworks to level the site in readiness for the proposed structures;
- Mine grouting works as per the Mine Subsidence Investigation and Assessment prepared by Tetra Tech Coffey;
- Construction of a 25-storey mixed use buildings, comprising:
  - 5-storey podium comprising business and retail premises at ground level, 135 car parking spaces, 3-storey retail tenancy at corner of Hunter Street and National Park Street
  - Vehicular Access from Little King Street (to Stage 1 and 2)
  - Total GFA of 12,364sqm comprising residential, business and retail uses
  - 122 apartments including: 35 one bedroom, 72 two bedroom, 15 three bedroom.
  - Storage areas and services
  - Communal open space at Level 05 and 17 (in Stage 1)
- An urban plaza fronting National Park, intertwined with a focus on bringing the adjacent Birdwood Park into the proposal. The plaza and landscape strategy enhance the site providing opportunities for activation and public art.

The proposal is described in further detail within the following sections of this report.

## 4.2. NUMERICAL OVERVIEW

Key numeric aspects of the proposal are summarised below.

Table 4 – Numeric Overview of Proposal

Descriptor	Proposed
Land Use Activity	Shop top housing
Stage 2 Site Area	2,214m <sup>2</sup>
Total GFA	12,364sqm
Maximum Height of Building	RL 91.95 (approximately 89.9m)
Floor Space Ratio	5:58:1
Parking Spaces	135 car parking spaces (including 7 accessible and 8 EV spaces)
Motorcycle Parking	6 spaces
Bicycle Parking	154 spaces
Loading and Servicing Bays	1 loading bay for Heavy Rigid Vehicle (to be provided in Stage 1)
Dwellings	122 dwellings including a mixture of the following:

Descriptor	Proposed
	35 x 1-bedroom
	72 x 2-bedroom
	15 x 3-bedroom

The estimated cost of the development is \$52,868,646 which is stated in the Cost Report that accompanies this DA. A set of architectural drawings also accompanies this DA. Photomontages of the proposal is provided below at **Figure 6** and **Figure 7**.

Figure 6 – Perspective looking south toward Stage 2



Source: Plus Architecture



Figure 7 – Perspective looking north-east toward Stage 2



Source: Plus Architecture

### 4.3. SITE PREPARATION AND CIVIL WORKS

The following site preparation works will be undertaken to ready the site for the proposed development:

- Demolition of the existing structures on site.
- Minor excavation works to accommodate the proposed ground floor structure.
- Mine grouting works as per the Mine Subsidence Investigation and Assessment prepared by Tetra Tech Coffey.
- Acid sulphate soil treatment as per Acid Sulphate Management Plan prepared by Tetra Tech Coffey.
- Earthworks to level the site in readiness for the proposed structures. It is noted that an Aboriginal Cultural Heritage Assessment (ACHA) will be finalised prior to construction.

Designing with Country principles supported the minimal earthworks required to facilitate this proposal. Inspiration was drawn from shells sitting lightly on the beach, sculpted by wind erosion and providing a response to the flow of movement, wind, people and landscape. The proposal has no basement which has little impact on the original geography and provides opportunity to bring deep soil landscape into the heart of the development.

No remediation of the site is required, as outlined by Detailed Site Investigation prepared by Tetra Tech Coffey.

### 4.4. LAND USES ELEMENTS

The proposed development supports a 'shop-top housing' scheme, with business and retail tenancies at the ground level and residential apartments above. The building is divided into two land uses comprising:

- **Business and retail** – the commercial and retail plan proposes a mix of small retail, business and F&B tenancies responding to the Bell Ringer Property Group ground plane brief that formed part of the Design Competition. The tenancies noted as F&B on the drawings are adequately serviced with grease arrestors and kitchen exhaust to allow future flexibility in retail leasing. The intent is to lease and fit-out all tenancies in line with base build works. This application seeks use approval for these tenancies as

described on the plans. All retail and F&B tenancies seek consent to operate from 7:00am to midnight, seven days per week to allow future tenants greater flexibility.

- **Residential** – located in part of the southern podium and one residential tower across 25 storeys, comprising 120 dwellings and communal open space.

#### 4.4.1. Business and Retail

Business and retail uses are proposed at ground level, which aim to encourage an activated ground plane and street frontages.

The ground floor is proposed to support ten (10) retail premises (with a lobby). All retail and F&B tenancies seek consent to operate from 7:00am to midnight, seven days per week to allow future tenants greater flexibility.

Bell Ringer Property Group, a retail consultant, has been engaged to provide expert input into the curation and makeup of the ground floor plan. The business and retail spaces are underpinned by following design principles:

- Design for all users
- Contextual
- Diversity of experience
- Flexibility
- Compression and laying
- Authentic materials
- Celebrate project storey and history
- Connected

In addition, The Applicant has completed a survey of local residents to understand what they value about Newcastle to ensure the design and ground floor business and retail can be curated appropriately. The responses are incorporated within the Participation Plan submitted with this DA.

The responses reflect the shifting nature of Newcastle to a cosmopolitan hub, with highest percentage of respondents noting coffee, perfect bars and brunch spots as key things they cannot live without. This was followed by casual family dining options and art galleries and creative exhibition areas demonstrating the need to cater for a wide range of demographics and the opportunities to focus on as part of future ground plane and commercial uses. The responses reinforce the obligation to deliver a high quality mixed uses precinct and will feed into future planning of the ground plane opportunities and development more broadly.

#### 4.4.2. Residential

The proposed development comprises 20 storey residential buildings offering a mix of apartment types and sizes. The proposal includes 120 dwellings with the following unit breakdown:

- 35 x 1-bedroom
- 72 x 2-bedroom
- 15 x 3-bedroom

A portion of residential is located within the podium levels, with the majority of residential located in the tower element. The podium levels will be situated above ground and contain car parking for both visitors and residents, accessed via Little King Street. Level 5 to Level 25 will contain a mixture of residential apartments.

The proposed mix of apartment types provides for the market demand identified in the Newcastle City region, most commonly consisting of students, millennial singles, mature middle-aged couples and young singles and couples that are moving to study, for a change of lifestyle and more affordable housing.



The tower is located on the corner of King Street and National Park Street and has a height of RL 91.95 (approximately 89.9m) with 12,163.75sqm GFA across 25 storeys. The tower has vehicle access from Little King Street and pedestrian access from the internal proposed urban plaza fronting National Park Street.

The proposed apartments in the residential tower have been designed in regard to the design principles of SEPP 65 – Design Quality and the objectives identified within the Apartment Design Guide (ADG). The building has been designed to achieve the greatest views to the water, solar access and private open space for the variety of apartment mixes.

## 4.5. LANDSCAPING AND COMMUNAL OPEN SPACE

The proposal does not include the removal of any existing trees including street trees.

The landscaping and public domain concept includes the following key aspects:

- Revitalisation of street frontages with access points to retail spaces from National Park Street, King Street and Hunter Street (in Stage 1). A footpath and central space will provide a flexible space with opportunities for the community and commercial uses to spill out and inhabit the public realm with events, impromptu activation, goods for sale and activities for different groups of people.
- Steps with integrated seats along National Park Street have been incorporated to ensure the commercial uses are above the required flood planning level.
- The landscape design has been careful not to land too heavy with large, fixed planters or other rigid elements that could act as visual blocks. Rather, a more organic approach to landscape design is proposed which directly responds to the retail brief. The design features a series of large pots, informal planting, public art, flexible seating and the removal of structural columns to allow the two footpath levels to perform like a single public space, promoting the viability and success of the retail offer.
- Landscaping planting will be adopted on both horizontal and vertical faces of the podium, extending from the stepped zone directly adjacent to the park and continuing through the length of the podium.
- The proposal also incorporates a generous public plaza which is framed by various tree species, landscape planter boxes and grasses, allowing pedestrians to move through the landscaped ground plane with ease. As the development has no basement car parking the entire plaza provides for deep soil allowing large tree species to grow filling the space.
- New street trees are proposed for the length of National Park Street frontage and have been specifically aligned to the trees proposed as part of the 1 National Park development.
- The centrally located communal courtyard gardens on the Podium level provide residents with a series of formal and informal gathering spaces. Large open lawns, Pet zones, seating pods, children's play area, passive retreats, BBQ and outdoor dining areas, bushtucker/vegetable garden and fitness spaces have been integrated into the podium.

Communal open space for residents will be located on Level 5 and 17 of Stage 1 tower. Level 17 of Stage 1 includes chef grade internal kitchen, an outdoor kitchen, northern views over the water and a multi-purpose design to allow for events, functions, and a place to work during the day.

## 4.6. VEHICULAR ACCESS AND PARKING

### Vehicular access and parking

Access to the development is proposed from Little King Street. On-site car parking for the development is proposed to be provided through a combined entry/exit access crossing from Little King Street as shown in **Figure 8**. The proposed access is approximately 6.5m wide and satisfies the access requirements of AS2890.1-2004. The access will allow for forward in and forward out movement.

Vehicle access from Little King Street is being established in Stage 1, therefore **Figure 8** illustrates the proposed arrangement under Stage 1.

No parking will be provided on the ground floor, the entrance ramp will take the residence through a security access gate to Level 01 to Level 04 where parking for cars, motorbikes and bicycles will be provided. The podium car parking will be accessed from Little King Street via the Stage 1 vehicle entrance.

The car and motorcycle parking for the southern tower is provided as follows:



The proposal also removes all existing driveway crossings to National Park Street and proposes a flexible short-term pick-up drop off on street area suitable for use as loading/taxi/uber/food delivery which could be delivered without a net loss to on street parking. These areas are increasingly important for CBD residents and business particularly with the growth of the 'gig economy' where drivers need a safe and convenient place to stop and service customers across an 18-hour day.

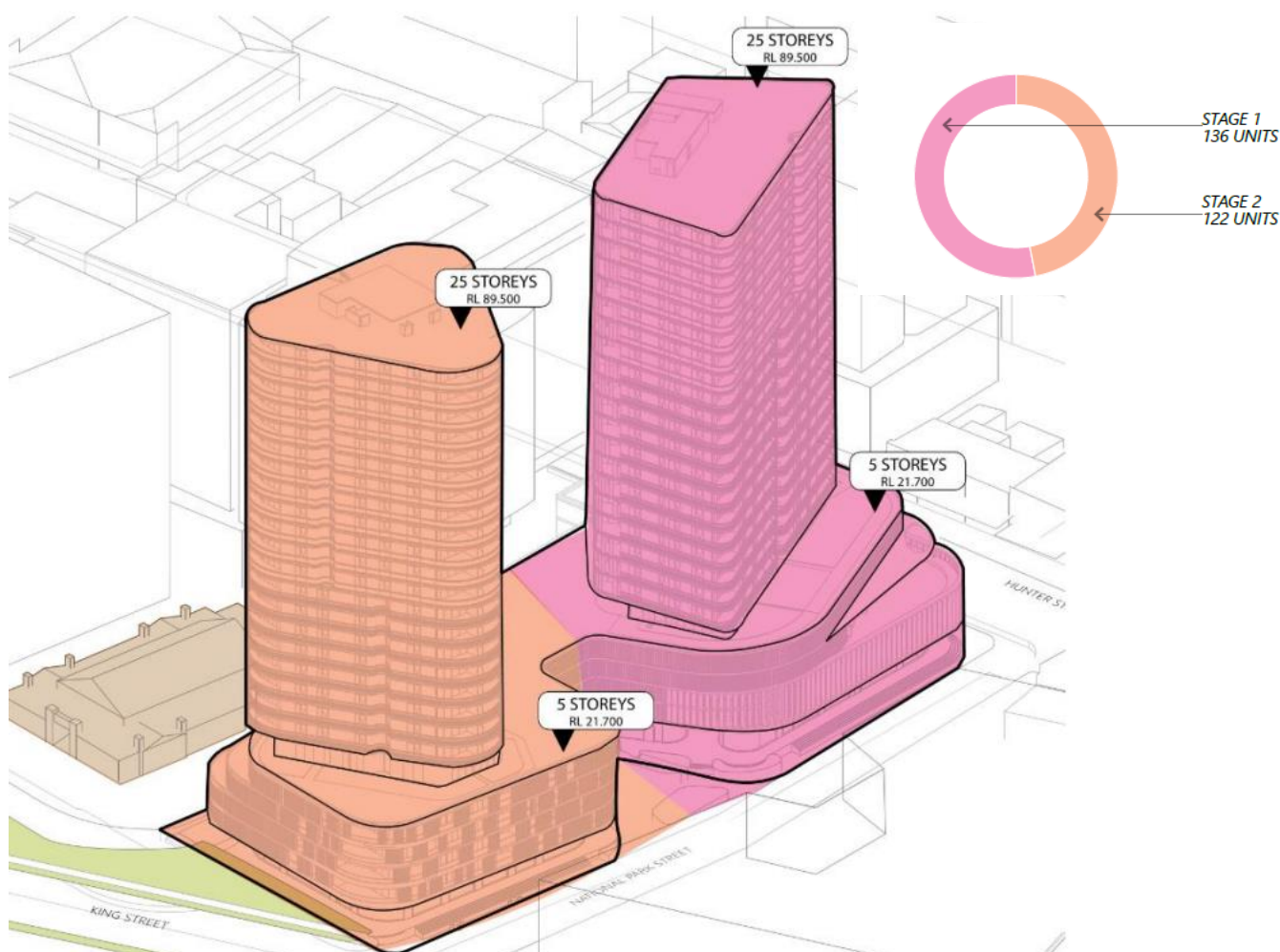
## 4.7. DEVELOPMENT STAGING AND CONSTRUCTION STRATEGY

The proposal is intended to be undertaken in two main stages as follows:

- Northern Tower and Northern Podium (Stage 1)
- Southern Tower and Southern Podium (Stage 2)

The approach to staging is shown diagrammatically in **Figure 9**, whereby Stage 1 (pink tower) will commence followed by Stage 2 (orange tower). Each stage forms a separate DA which have been submitted concurrently. The proposal discussed in this SEE makes up Stage 2 which consists of the southern podium and tower of the development.

Figure 9 – Staging Plan



Source: Plus Architecture

Due to the timing of the works, it is important to ensure there is no impediment to the issue of staged Construction Certificates, and that the consent conditions are triggered for satisfaction at the appropriate time.

It is highly desirable that both Stage 1 and 2 will be carried out with some concurrency, however this is subject to financial conditions precedent being met.

The approach of two DA's allows for additional flexibility to respond to market conditions and clause 53 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, which requires an Occupation Certificate to be issued for a whole building within 5 years of the first partial OC issued for that building.

The Construction Management Plan (CMP) prepared by St Hilliers outlines the indicative program, staging and environmental controls associated with the proposed development, including how the site will be managed in between stages.

It is anticipated that both Stage 1 and 2 will be carried out with some concurrency, however this is subject to financial conditions precedent being met.

The CMP illustrates how the site could be managed for the following scenarios:

- Stage 1 and 2 being built with construction phases overlapping
- Stage 1 will be built as a standalone stage,
- Stage 2 will be built as a standalone stage after Stage 1 has been completed.

The indicative desired program is illustrated in **Table 5**.

Table 5 – Key Milestones

<b>Project Milestones</b>	<b>Date</b>
Lodged DA's Concurrently	November 2022
DA Approved Concurrently	March 2023
Demolition commences	June 2023
Site Establishment / Construction Commencement to stage 1	September 2023
Stage 1 Complete	December 2025
Construction Commencements to stage 2	January 2024
Stage 2 completed	May 2026
Project Completed	May 2026

Indicative timing to complete each stage of works will be confirmed by the appointed contractor. The proposed working hours of the site are:

- Monday to Friday – 7am to 6pm.
- Saturday – 8am to 4pm.
- No work is proposed on Sundays and Public Holidays.

Refer to Section 8, which describes the proposed management of noise, vibration and traffic during the construction phase of the development.

## 4.8. SUBDIVISION

It is proposed to subdivide Lot 1 in DP867617 in two stages to reflect the construction staging. A Report on Proposed Staged Stratum Subdivision and Subdivision Plans have been prepared by CMS Surveyors.

The proposed has shared parking levels, common access ramps, driveways, landscaping, shared facilities, and many crucial services interwoven between the lots and stages. These will be dealt with by creation of a Management Statement, to be registered on the title of all lots at the time of registration of the first residential strata plan. This is known as a Strata Management Statement (SMS). Upon registration of the SMS a

Building Management Committee (BMC) will be formed with representatives from all lots. The owner's corporation will represent lots that are further subdivided by a strata scheme.

The following outlines the subdivision approach for the overall development.

Stage 1 will create three stratum lots:

- Lot 1 – north residential tower, car parking, lifts and lobbies
- Lot 2 – north commercial component with carparking, loading dock, garbage rooms
- Lot 3 – residue to be subdivided in stage 2.

Stage 2 will create two stratum lots:

- Lot 4 – south residential tower, car parking, lifts and lobbies
- Lot 5 – south commercial component with car parking

Lots 1 and 3 will be further subdivided into separate Strata Schemes. This SEE relates to Stage 2 only.

**Figure 10** illustrates the ground floor subdivision plan showing Lot 4 and Lot 5 and the podium (level 1) showing Lot 4 for Stage 2.

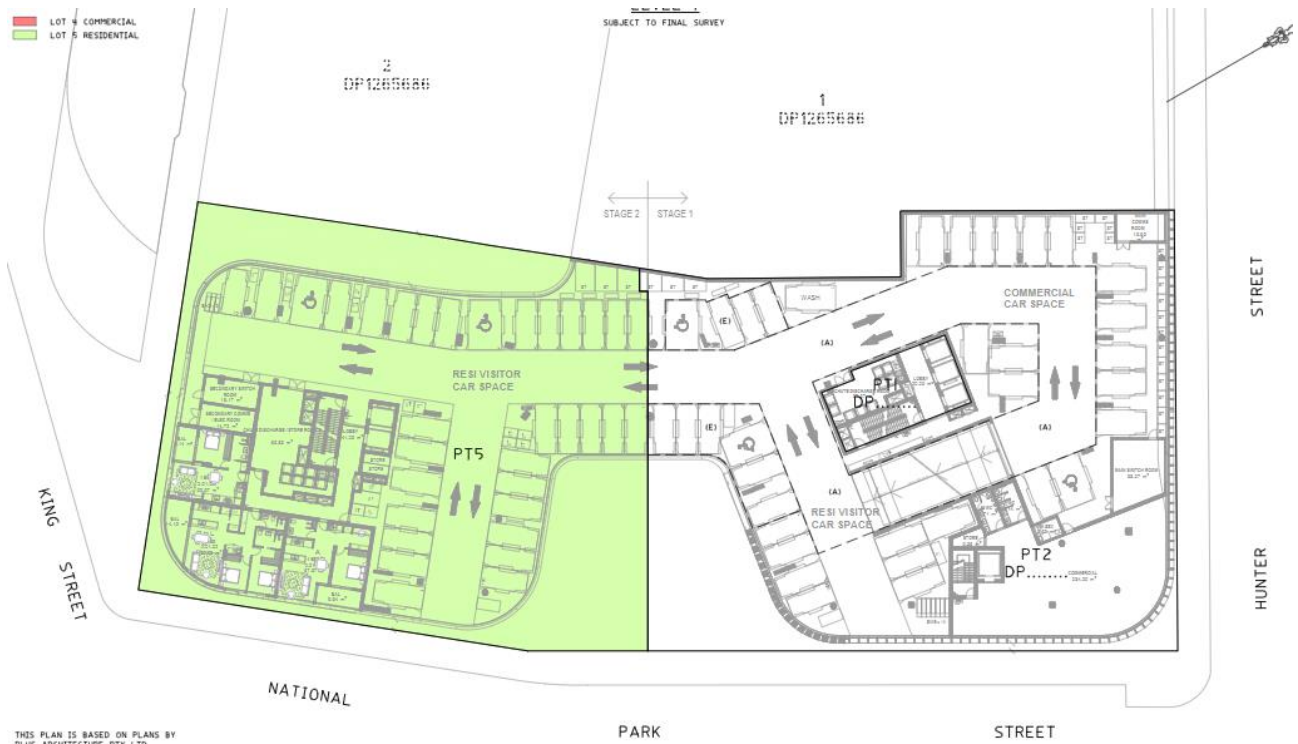
Figure 10 – Extract of Subdivision Plan for Stage 2



Picture 5 – Ground Floor Subdivision

Source: CMS Surveyors





Picture 6 – Level 1 Podium Subdivision

Source: CMS Surveyors

## 5. STRATEGIC CONTEXT

### 5.1. HUNTER REGIONAL PLAN 2036

The Hunter is entering a new and exciting phase with a growing metropolitan area, greater economic diversification and global gateways that link the region to the rest of the world. It has thriving communities and a diverse natural environment that will help to underpin not just the future prosperity of the region but also the State. To achieve and enhance this vision, the Government has set four goals:

- *Goal 1 – The leading regional economy in Australia*
- *Goal 2 – A biodiversity rich natural environment*
- *Goal 3 – Thriving communities*
- *Goal 4 – Greater housing choice and jobs*

The proposal satisfies these goals as outlined in some of the aligning directions as follows:

- The proposal will provide housing supply and choice within Newcastle West, which is an area supported by a concentration of infrastructure, facilities and services to accommodate residential and employment growth. The provision of high-quality residential dwellings in a convenient, accessible location affords future residents the opportunity to live in a high-amenity area.
- It proposes places that are inclusive, well-designed and enhance amenity and attractiveness of the area. In particular, the proposal includes active commercial street frontages capable of accommodating a variety of retail and commercial uses.
- The ground plane will seek to deliver a curated set of smaller tenancies to deliver a diversity of offer, grouping of eclectic creatives uses buildings on Newcastle's high concentration of artists and creatives.
- The urban plaza and overall development will enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population.

#### **Direction 1 – Grow Greater Newcastle as Australia's next metropolitan city**

Greater Newcastle has a strategic long-term plan to help grow an internationally competitive economy, with innovative businesses, an extensive open space network and efficient transport, and to ensure homes and jobs are delivered in the right locations. The proposal will deliver innovative business with the delivery of a ground floor plane with retail services, whilst also delivering two high quality residential tower forms in a central location, close by open space and the Newcastle transport Interchange. The proposal will help to enhance connectivity and accessibility, unlock potential in growth industries and increase economic diversification, whilst creating a more compact community, further facilitating the growth of the centre to become a metropolitan city.

The location of the site and orientation towards National Park Street provides the opportunity to curate the entire length between Hunter and King Street. The proposed ground plane will seek to deliver a curated set of smaller tenancies to deliver a diversity of offer, grouping of eclectic creatives uses buildings on Newcastle's high concentration of artists and creatives.

#### **Direction 3 - Revitalise Newcastle City Centre**

Revitalisation of the city centre will be the catalyst for growth and achieving a metropolitan city. The proposal intends to deliver a mixed-use precinct with high quality tower forms that have undergone a competitive design competition. The site's located within the west end of the city centre, next to the Newcastle interchange with various transport options and near university facilities and other commercial and retail premises. This proposal will be prominent in the revitalisation of the west end precinct as the future CBD centre.

In addition, the urban plaza and overall development will enhance the positive characteristics, vitality, identity, diversity and sustainability of Newcastle City Centre, and the quality of life of its local population.

#### **Direction 17 – Create healthy built environments through good design**

It is important to ensure the built environment of the Newcastle City Centre is designed to enrich the quality of life and wellbeing of residents and visitors. The proposal has undergone a competitive design competition

where it focused on delivering a well-designed precinct for the revitalisation of the west end precinct of the Newcastle CBD. To achieve this there has been incorporation of public open space, public artwork, well designed spaces and with consideration of social connectivity within the design to bring the precinct alive.

The Landscape Plan has also considered the bus stop location on Hunter Street ensuring additional footpath width in the location to allow future flexibility for bus stop infrastructure and pedestrian permeability.

#### **Direction 19 – Identify and protect the region’s heritage**

The Newcastle City Centre holds rich heritage value throughout the city, with the site located within the Newcastle City Centre Heritage Conservation Area and nearby contributory heritage items. The conservation area enhances the main streets through authenticity, attracting new business, residence and tourism potential.

A Statement of Heritage Impact (**SoHI**) has been prepared by AMAC Archaeological and provides an assessment against the relevant guidelines including the controls prescribed under 6.02.07 of the NDCP. In summary. The SoHI concludes that the proposed development respects the design of old and new neighbouring buildings in the design alignment of the podium, with regard to the smaller mid-century buildings and the more recent podiums on the newer neighbouring buildings.

In addition, the former Army Drill Hall is unaffected by the development due to a generous setback of the development to the western boundary. Overall, the proposed development has the potential to be recognised as a Landmark site in the same way the Bank Corner was recognised and named for being used as a major bank site.

#### **Direction 20 – Revitalise existing communities**

The Newcastle City Centre plans to revitalise the existing community as it experiences population growth. The proposal will support this direction with public open space and retail offerings, activating the ground floor plane that is close to public transport, accessible by active transport and close by to open space. It intends to further provide housing options and a residential community with shared communal space for residence.

As noted above, the landscape response has also considered the bus stop location on Hunter Street ensuring additional footpath width in the location to allow future flexibility for bus stop infrastructure and pedestrian permeability.

#### **Direction 22 – Promote housing diversity**

Different populations such as the ageing population, students, short term visitors, visitors accessing health services and low income households differ in needs of housing typology. Planning for the delivery of diverse housing types is well supported by the proposal with a mix of one, two, three and a four bedroom apartments, with some accessible (as per the Australian Standard) and larger format apartments. This diversity will provide for varied needs around accessibility, income and size.

#### **Direction 23 – Grow centres and renewal corridors**

Strategic Centres have been identified as the focus to provide different services, role and/or functions in the region for population and/or economic growth over the next 20 years. The proposal will help to facilitate growth with the delivery of various housing options and a mixed use precinct to deliver various retail and commercial services. Located close by to a newly upgraded transport hub, within a commercial hub and surrounded by various developments newly constructed and undergoing construction and approvals.

## **5.2. DRAFT HUNTER REGIONAL PLAN 2041**

The Draft Hunter Regional Plan 2041 sets the strategic land use framework for continued economic transformation in one of Australia’s most diverse and liveable regions. The draft plan builds on the previous Hunter Regional Plan 2036 to curate a more current plan, responding to this era of rapid change to promote sustainable growth, connected communities, resilience and a region that all residents have a stake in. The plan sets out eight objectives:

- *Objective 1 – Diversify the Hunter’s mining, energy and industrial capacity*
- *Objective 2 – Ensure economic self-determination for Aboriginal communities*
- *Objective 3 – Create a 15 minute region made up of mixed, multi-modal, inclusive and vibrant local communities*



- *Objective 4 – Plan for “nimble neighbours”, diverse housing and sequenced development*
- *Objective 5 – Increase green infrastructure and quality public spaces and improve the natural environment*
- *Objective 6 – Reach net zero and increase resilience and sustainable infrastructure*
- *Objective 7 – Plan for businesses and services at the heart of healthy prosperous and innovative communities*
- *Objective 8 – Build an inter-connected and globally focused Hunter.*

The proposal facilitates the delivery of these objectives as listed below:

- Providing a mixed-use precinct in a well-connected location of the west end precinct in the Newcastle City CBD, limiting the need for mobility and supporting goals for the 15-minute city region.
- The location of the site is within walking distance to public transport, commercial and social premises, a short light rail ride to the City beach and other areas of the CBD and safe and established paths for cycling and walking around the city and its surrounds.
- Supporting trends towards housing density and downsizing, whilst accommodating for diverse demographics that are identified as prevalent in seeking to buy and rent. Whilst efficiently using the land, supporting changing lifestyles and facilitating needs of the market.
- Providing a quality public domain along the ground plane for use of community members and landscaping that will improve green the space within the area.
- The mixed-use precinct will help to deliver business and services with a mix of retail store sizes to promote diversity of services.
- Providing a sustainable development response including 100% of car spaces EV ready, 90MW solar panels, high quality EoT facilities, considered ground plane response to bus stop flexibility.

### **5.3. GREATER NEWCASTLE METROPOLITAN PLAN 2036**

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle. 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.

The plan envisions Newcastle to be Australia’s newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

- dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities;
- offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and
- a national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.

Specifically, the site sits within the West End Precinct as identified in the Greater Newcastle Metropolitan Plan. This Precinct is the western gateway to the Newcastle’s city centre and has historically been an area of unrealised development potential. City of Newcastle have identified this area to become the future CBD of Newcastle near the Newcastle Interchange.

The proposal aligns with the outcomes that the plan intends to achieve as follows:

- Providing diversity of housing choices close to jobs and services, whilst suiting a diversity of people, including university students that are upskilling to potentially become the future workforce within the region.
- The Mixed-use precinct has undergone a competitive design competition with various design reviews to ensure the final design enhances the space and delivers the best outcome for the future residence, community and visitors.

- Located within the CBD accessibility to transport, cycle routes and walking are all simple modes of transport to the beaches and the bushland. Also, delivering additional public space and a positive interface with Birdwood Park to the south of the site.
- The proposed development responds to surrounding heritage buildings and curtilage, and takes cues to incorporate aspects within the proposed ground plane through materiality, colour, and composition.
- A significantly improved ground plane experience with a mix of fine grain retail, business and food and beverage offers supporting an improved lifestyle in Newcastle West; creating a more desirable place to live and work.
- Provides opportunities to enhance the night time economic, activation and passive surveillance of the immediate vicinity.

Figure 11 – Catalyst area, Newcastle City Centre



Source: GNMP, 2036

## 5.4. NEWCASTLE LOCAL STRATEGIC PLANNING STATEMENT 2040

The Newcastle Local Strategic Planning Statement (LSPS) is City of Newcastle's (CN) plan to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan, Newcastle 2030, and brings together land use planning actions in other CN adopted strategies. The LSPS also gives effect to the State Government strategic directions for the Hunter region, outlined in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036.

Through community consultation programs the values and concerns were shared by community members, these were contributory to establish the planning priorities of the LSPS. The proposal aligns with most of the planning priorities, some of the ways they achieve this are listed as follows:

- Planning Priority 1: Prioritise active transport in our city – the proposal is located in a highly accessible location through active transport and will provide bicycle parking for secure bike parking.
- Planning Priority 2: Support emerging transport opportunities and public transport improvements with continued integration of land use and transport planning – The site is located a short distance from the Newcastle transport interchange for the future residence and visitors to use for accessibility to the site and away from the site. As noted above, the landscape response has also considered the bus stop location on Hunter Street ensuring additional footpath width in the location to allow future flexibility for bus stop infrastructure and pedestrian permeability.
- Planning Priority 7: Plan for climate change and build resilience – the proposal includes electric car charging spaces, end of trip facilities to encourage active transport, a 4 Star Greenstar Building rating and solar panels.

- Planning Priority 8: Plan for growth and change in Catalyst Areas, Strategic Centres and Urban Renewal Corridors – The proposal will support growth in the Newcastle City Strategic Centre by providing housing, job opportunities and public activation.
- Planning Priority 9: Create inclusive streets and spaces in our neighbourhoods and local centres – Activation of the ground floor plane at the site will welcome community members and visitors to access and enjoy the public amenities provided, as well as offer retail service options.
- Planning Priority 11: Protect and celebrate our heritage – The design has incorporated elements to acknowledge the traditional custodians of the land with public art and building materiality. Further efforts have been made in the building design to positively respond to the heritage conservation area that the site is located within and the surrounding heritage items to ensure they are sympathetic to their heritage value.

## 6. STATUTORY CONTEXT

This section identifies the relevant environmental planning instruments applying to the site and the proposed development and includes an assessment of the proposal against the relevant provisions. The environmental planning instruments relevant to the proposed development are as follows:

- *Environmental Planning and Assessment Act 1979* (EP&A Act) – assessed in **Section 8** of this SEE.
- *Coal Mines Subsidence Compensation Act 2017* (Subsidence Act).
- *Water Management Act 2000* (WM Act).
- *State Environmental Planning Policy (Planning System) 2021* (Planning Systems SEPP).
- *State Environmental Planning Policy (Transport and Infrastructure)* (SEPP Transport and Infrastructure).
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards).
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65).
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX SEPP).
- *Newcastle Local Environmental Plan 2012* (NLEP).
- Newcastle Development Control Plan 2012 (NDCP).

In October 2022, City of Newcastle adopted revised sections of the NDCP, it is understood these revisions came into effect 1 November 2022 therefore are relevant to this DA.

### 6.1. COAL MINES SUBSIDENCE COMPENSATIONS ACT 2017

The site is identified as being in a Mine Subsidence District. Therefore, under section 4.46 of the EP&A Act the DA is classified as 'integrated development.' A Mine Subsidence Investigation and Assessment has been provided by Tetra Tech Coffey and appended to this SEE.

Section 22 of the Subsidence Act requires an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made in a form approved by the Chief Executive.

The site is located above abandoned mine workings by the AACo from their Hamilton Pits, in close proximity to the Hunter Street limit of mining. Previous grouting has been completed (or currently underway) along King Street, reducing the maximum subsidence parameters.

In accordance with SA NSW Merit Assessment Policy (Version 1, 25 May 2018), it will be necessary for the building to be designed to remain safe serviceable and any damage be limited to 'very slight' damage in accordance with AS2870 (Damage Classification), and readily repairable' should all pillars less than 8 fail. As this is too large for efficient design for the proposed towers, some additional grouting is proposed, as per the Assessment prepared by Tetra Tech Coffey.

Referral to Subsidence Advisory NSW will be required as part of the DA assessment process.

### 6.2. WATER MANAGEMENT ACT 2000

The proposed grouting, piling and foundation work may penetrate the water table, therefore may need an activity approval under section 91 (3) of the WM Act 2000 due to aquifer interference. Accordingly, the proposed development is classified as Integrated Development pursuant to section 4.46 of the EP&A Act.

Referral to Waste NSW for any potential penetration of the aquifer and interface with water in the aquifer (and potential dewatering) will be required as part of the DA assessment process.

### 6.3. STATE ENVIRONMENTAL PLANNING POLICIES

#### 6.3.1. State Environmental Planning Policy (Planning Systems) 2021

Schedule 6 of the *State Environmental Planning Policy (Planning System) 2021* (Planning Systems SEPP) requires that a Regional Planning Panel (RPP) determine general development over \$30 million in value.

The capital investment value of the DA will exceed \$30 million; therefore, this DA will require determination by the Hunter and Central Coast Planning Panel.

### **6.3.2. State Environmental Planning Policy (Transport and Infrastructure) 2021**

*State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP Transport and Infrastructure) aims to facilitate the effective delivery of infrastructure across the State. The SEPP Transport and Infrastructure identifies matters for consideration in the assessment of types of infrastructure development, including all new development that generates large amounts of traffic in a local area.

The following clauses are relevant to this application:

#### **Clause 4.8 Determination of development applications – other development**

Clause 2.48 requires the consent authority to give written notice to the electricity supply authority and consider comments about potential safety risks within 21 days. The application may be referred to the electricity supply authority seeking concurrence and inviting comments about potential safety risks. The proposal involves the decommissioning of an existing substation and construction of substations at ground floor level.

#### **Clause 2.120 Impact of road noise or vibration on non-road development**

Clause 2.119 applies to development for the purposes of residential accommodation located on land in or adjacent to a road corridor for a freeway a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of the former RMS).

Hunter Street and King Street is identified on the RMS 'Traffic Volume Maps for Noise Assessment' as having traffic volumes between 20,000 and 40,000AADT and is therefore recommended for noise assessment of buildings on adjacent land to satisfy the provisions of s2.119 of the policy.

An Acoustic Report has been prepared by a qualified acoustic professional Acoustic Logic (that forms part of this DA) and provides a summary of the assessment procedure and internal noise levels to meet the requirements of clause 2.120 of the SEPP Transport and Infrastructure.

Section 3.6 of the NSW Department of Planning's 'Development near Rail Corridors and Busy Roads (Interim Guideline) 2008' specifies noise descriptors that will be achieved for the assessment of traffic noise.

The assessment concludes that the internal noise levels comply with the acoustic requirements of the SEPP Transport and Infrastructure and the interim guideline and a detailed review of the façade requirements are to be undertaken at Construction Certificate stage to confirm this compliance.

#### **Clause 2.122 Traffic-generating development**

The proposed development will not require referral to Transport for NSW under clause 2.121 as the proposed does not adjoin a classified road (or located within 90 metres of a classified road) and does not exceed the traffic-generating development criteria in Schedule 3 of the SEPP Transport and Infrastructure. The proposed development does not propose more than 300 dwellings or 10,000m<sup>2</sup> of commercial GFA.

### **6.3.3. State Environmental Planning Policy (Resilience and Hazards) 2021**

*State Environmental Planning Policy (Resilience and Hazards) 2021* aims to promote a state-wide approach for the remediation of land to reduce the risk of harm to human health or any other aspect of the environment. A consent authority is required to consider whether land is contaminated prior to determining a development application.

A Detailed Site Investigation (DSI) prepared by Tetra Tech Coffey accompanies this development application and concludes, the site is appropriate for the shop top housing development and that a Remediation Action Plan (RAP) is not required.

Soil samples showed limited evidence of contamination in excess the adopted site assessment criteria for a commercial land use setting.

The DSI concludes the site is appropriate for the proposed use subject to the following recommendations:

- A supplemental contamination assessment be completed following demolition of the existing building. It is recommended that the assessment be undertaken across the cleared building footprint using test pits or wide diameter (350mm – 450mm bores) in order to better assess the fill both visually and chemically (to a depth of 2mbgs). The assessment should be completed systematically across the footprint of the demolished building in accordance with the Sampling Design Guidelines.
- Two additional groundwater wells be installed following the demolition of the existing buildings to better assess the groundwater quality beneath the Site.
- The development proceeds under the guidance of Unexpected Finds Protocol and Contaminated Materials Management Plan documentation. These documents must be prepared by a suitably qualified environmental professional and will allow for the effective management of any unexpected contamination identified during the site development.
- Material that is considered excess and requires off-site disposal should be classified according to the NSW EPA (2014) Waste Classification Guidelines

The recommendations of this report are considered appropriate to be accommodated as a condition of development consent, to be addressed prior to the issue of the relevant Construction Certificate.

#### 6.3.4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* was gazetted on 25 June 2004. The policy applies to proposed BASIX affected or BASIX optional development across the State. The aim of the policy is to provide consistent implementation of the BASIX Scheme across the State.

A BASIX Certificate (Certificate Number: 1340698M) accompanies this DA. The certificate confirms the proposed development meets the NSW Government's requirements for sustainability and achieves the water and thermal performance requirements.

#### 6.3.5. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings

*State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) aims to improve the design quality of residential flat buildings, shop top housing and the residential component of mixed-use developments. It applies to any building that comprises 3 or more storeys and 4 or more dwellings.

The proposed development is therefore required to be assessed in accordance with the requirements of Clause 28 of SEPP 65, which requires the consent authority take into consideration:

- *The advice obtained from the design review panel;*
- *The design quality of the development when evaluated in accordance with the design quality principles; and*
- *The Apartment Design Guide.*

An assessment of the proposal against the SEPP 65 design quality principles and the Apartment Design Guide has been prepared by Plus Architecture and is included in the Urban Design Report that accompanies this DA. Overall, the proposed development achieves a high level of compliance with the relevant provisions of the Apartment Design Guide as detailed **Table 6**.

Table 6 – SEPP 65 compliance table

Design Criteria	Proposal
Solar Access (min 70%)	The overall development meets the required solar access by carefully positioning and orientating the build form and apartments within the optimize the amenity. The following provides an overview of solar access:

Design Criteria	Proposal
	<p>89% of apartments in Stage 1 achieve the ADG recommendation for solar access to primary living areas and private open space.</p> <p>65% of apartments in Stage 2 achieve the ADG recommendation for solar access to primary living areas and private open space.</p> <p>78% of all apartments across the development achieve the ADG recommendation therefore comply.</p> <p>The orientation of apartments has been designed to maximise solar access needs. Therefore, complies.</p>
<i>South Facing Apartments (max 15%)</i>	<p>The following provides an overview of solar access:</p> <p>5% of apartments in Stage 1 receive no sun in mid-winter.</p> <p>25.4% of apartments in Stage 2 receive no sun in mid-winter.</p> <p>14.7% of all apartments across the development achieve the ADG recommendation therefore complies.</p>
<i>Natural Cross Ventilation (min 60%)</i>	<p>The following provides an overview of naturally cross ventilated apartments:</p> <p>64% of apartments in Stage 1 are naturally cross ventilated.</p> <p>58% of apartments in Stage 2 are naturally cross ventilated.</p> <p>61.3% of all apartments across the development achieve the ADG recommendation therefore complies.</p>
<i>Adaptable Housing (min 20%)</i>	<p>Silver level adaptable dwellings are provided to allow choices for people with disabilities, in excess of the minimum stipulated by the ADG.</p> <p>29.5% of apartments in Stage 2 are liveable at silver level, of which 10.7% of these apartments are adaptable. Therefore, complies.</p>
<i>Deep Soil (min 7%)</i>	<p>This proposal carefully integrates architecture and landscaping into a sympathetic balance in which the landscape expression helps to carve and define the built form.</p> <p>The development has no basement and as a result has generous deep soil within the plaza created allowing for mature trees to grow and animate this space. There is also generous podium landscaping over the podium with sufficient soil depths to achieve the landscape concept proposed.</p> <p>Overall, the Stage 2 proposal achieves a of 4.90% of deep soil which is considered appropriate given the significant public benefit of the urban plaza and overall ground plane response. There is much more planting in virgin ground that will still meet the objectives.</p>
<i>Communal Open Space (min 25%)</i>	<p>The two residential towers are supported by generous communal landscape areas over the podium of the building. The space provides gardens, active uses and terraces with great amenity to support the community, including spaces which are protected from the weather adjacent to the towers.</p>



Design Criteria	Proposal
	<p>In addition, there is a landscape terrace located on Level 17 which enjoys views towards the river and has great solar amenity.</p> <p>Stage 1 residents will benefit from the combined areas on levels 5 and 17 of 912sqm of communal open space, reaching 36% of the Stage 1 site area.</p> <p>Once Stage 2 is completed, the total communal open space all residents will be able to enjoy will be 1,457sqm, which equates to almost 31% of the combined site area, more generous than the 25% recommended by the SEPP 65 ADG. Therefore, complies.</p>
<i>Building Separation</i>	<p>Apart from the commercial building to the west there are no immediate context which will compromise the amenity of the buildings. The shape and orientation of the buildings will ensure strong shared amenity between the two towers and maximize views towards both the rivers as well as the ocean towards the southeast.</p> <p>The building generally complies with the separation distance guidance in the ADG.</p>
<i>Ceiling Heights</i>	<p>All habitable rooms have ceiling heights of <math>\geq 2.7\text{m}</math></p> <p>All non-habitable rooms have ceiling heights of <math>\geq 2.4\text{m}</math></p> <p>Proposal has adequate floor to ceiling heights and floor to floor heights have been designed at 3.2m to allow for sufficient ceiling heights throughout.</p>
<i>Apartment Size and Mix</i> 1 bed (50sqm) 2 bed (70sqm) 3 bed (90sqm) 4 bed (102sqm)	<p>The development proposes the following apartment sizes and mix</p> <p>1 bed 35 units (28.7%), approx. minimum 50sqm internal</p> <p>2 bed 74 units (59%) approx. minimum 75sqm internal</p> <p>3 and 4 bed 27 units (12.3%) approx. minimum 97sqm (4 bed approx. minimum 200sqm)</p>

## 6.4. NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

N NLEP is the primary environmental planning instrument applying to the site and the proposed development.

### 6.4.1. Land Use and Zoning

The site is zoned B3 Commercial Core in accordance with the NLEP. The proposed development is consistent with the zone objectives as outlined below:

- *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 proposed development is defined as *Shop top housing* in accordance with the LEP. *Shop top housing* means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities. It is permitted with development consent in the B3 zone.

The proposed development fulfils the objectives of the B3 Commercial Core zone as the development provides a wide range of retail, business and residential uses in an accessible location. The proposed development will revitalise an underutilised key site in Newcastle City Centre and retain views to the Army Drill Hall from National Park Street.

Figure 12 – Zoning map

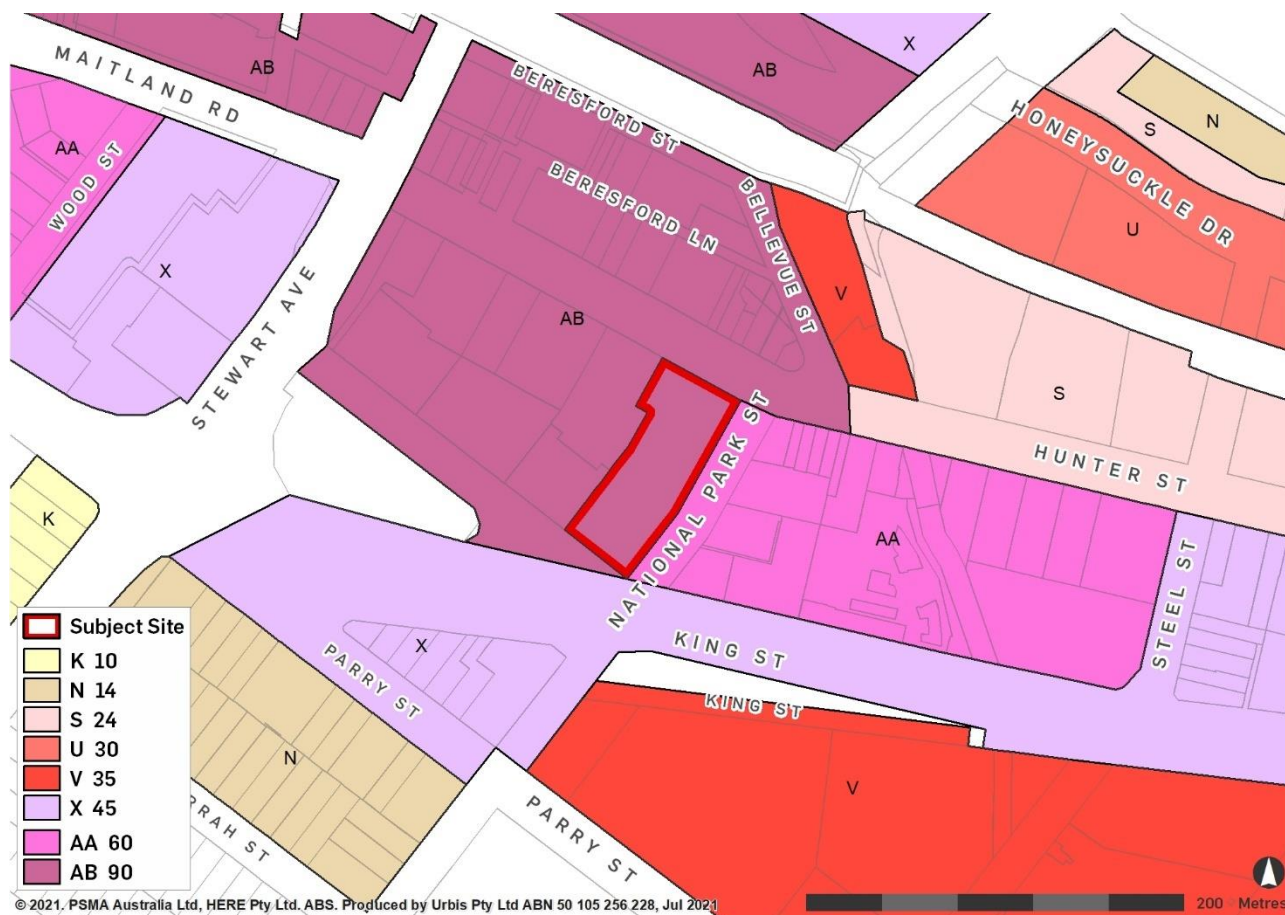


Source: Urbis

## 6.4.2. Building Height

The maximum height of building is defined in the NLEP 2012 as 90 metres. As demonstrated by the architectural plans provided by Plus Architecture, the proposed height of development is RL 91.95 (approximately 89.9m). Accordingly, the proposal is compliant with the NLEP 2012.

Figure 13 – Height of building map



Source: Urbis

### 6.4.3. Floor Space Ratio

A maximum FSR of 8:1 is applicable to the site under clause 4.4 of NLEP 2012. However, the site falls within 'Area A' under clause 7.10 which reads:

2) The maximum floor space ratio for a building other than a commercial building on land with a site area of 1,500 square metres or more is as follows—

(a) where the Floor Space Ratio Map identifies a maximum floor space ratio of 6:1 (or greater)—5:1,

Therefore, the applicable FSR to the site is 5:1. Subject to achieving design excellence, as determined by the consent authority, an additional 0.5:1 of FSR is permitted resulting in an overall allowable FSR of 5.5:1.

Stage 2 has a FSR of 5.58:1. Given the proposed development has undergone a Design Competition, the proposed development is eligible for an additional 10% FSR, subject to achieve, design excellence.

A Clause 4.6 Variation Request has been prepared in relation to FSR for the following reasons:

Under clause 7.5(6) of the NLEP development that exhibit design excellence are eligible for an additional 10% FSR. Subclause (6) reads:

(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by clause 7.10 or a height of not more than 10% greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel.

This development has undergone an Architectural Design Competition where three competitors put forward their designs in accordance with a robust Design Excellence Brief and Strategy. The Plus Architecture scheme was recommended by the Jury as the winning scheme in the competitive design process. The



Applicant was the first private proponent in CN to take on the ambitious task of undertaking an Architectural Design Competition. The Applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity. The scheme has also been reviewed by the established DIP

This variation has been prepared for an abundance of caution, as per the NLEP a design review panel means:

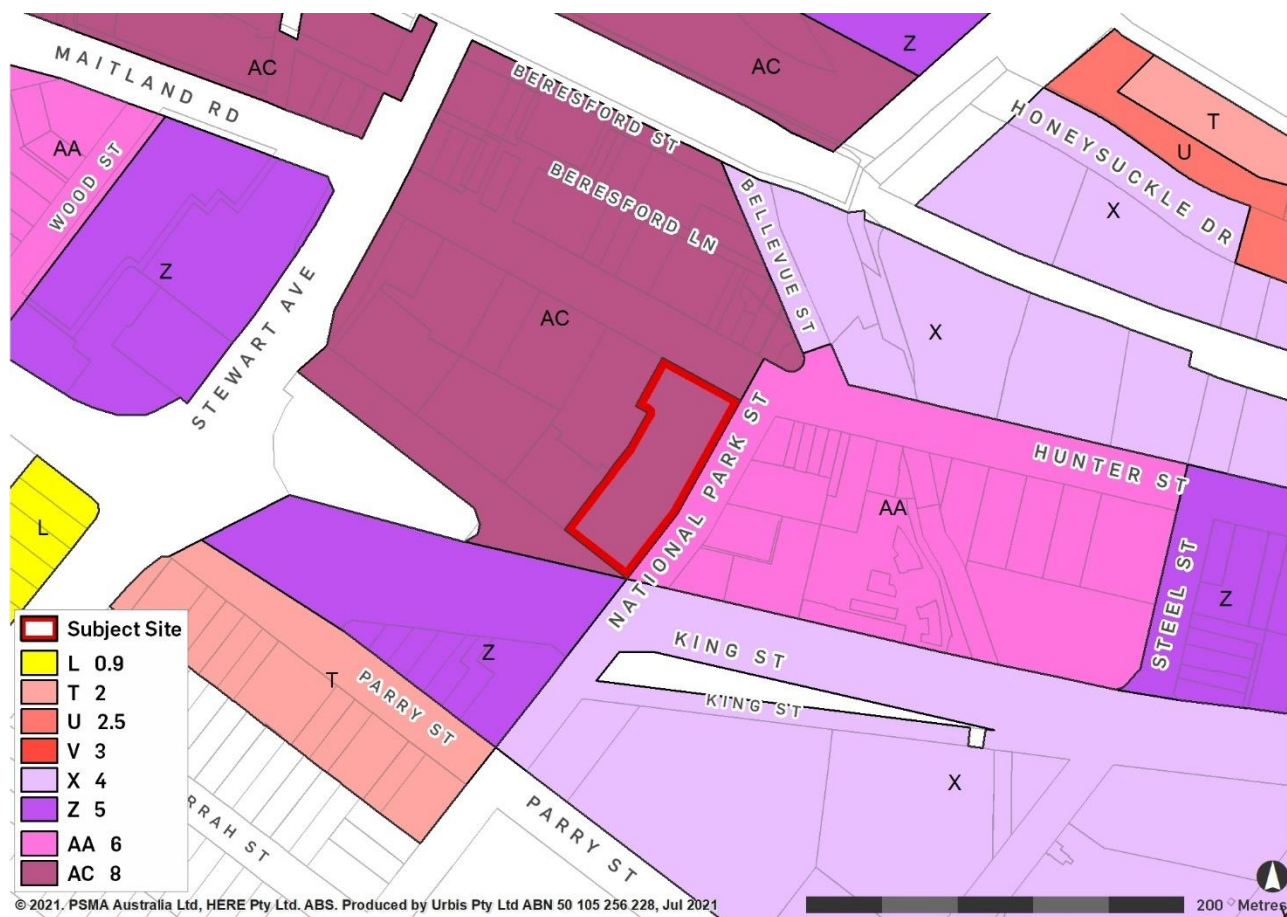
*design review panel means a panel of 2 or more persons established by the consent authority for the purposes of this clause.*

In our opinion, the DIP has been by established by the consent authority through the Design Competition via the endorsement of the Design Competition Brief and Design Excellence Strategy by CN and the GANSW.

The Design Excellence Brief and Strategy were prepared in collaboration with CN, GANSW and CN's Chair of the UDRP – Dr Phillp Pollard. The endorsed Design Excellence Brief and Strategy established the on-going design review framework for the review process, the endorsed review process did not include the input of the UDRP in the review process. The DIP comprises a representative from CN, GANSW and the Proponent.

Nevertheless, there is sufficient environmental and planning grounds to vary the FSR standard given the additional 10% results in no unreasonable impacts.

Figure 14 – Floor space ratio map



Source: Urbis

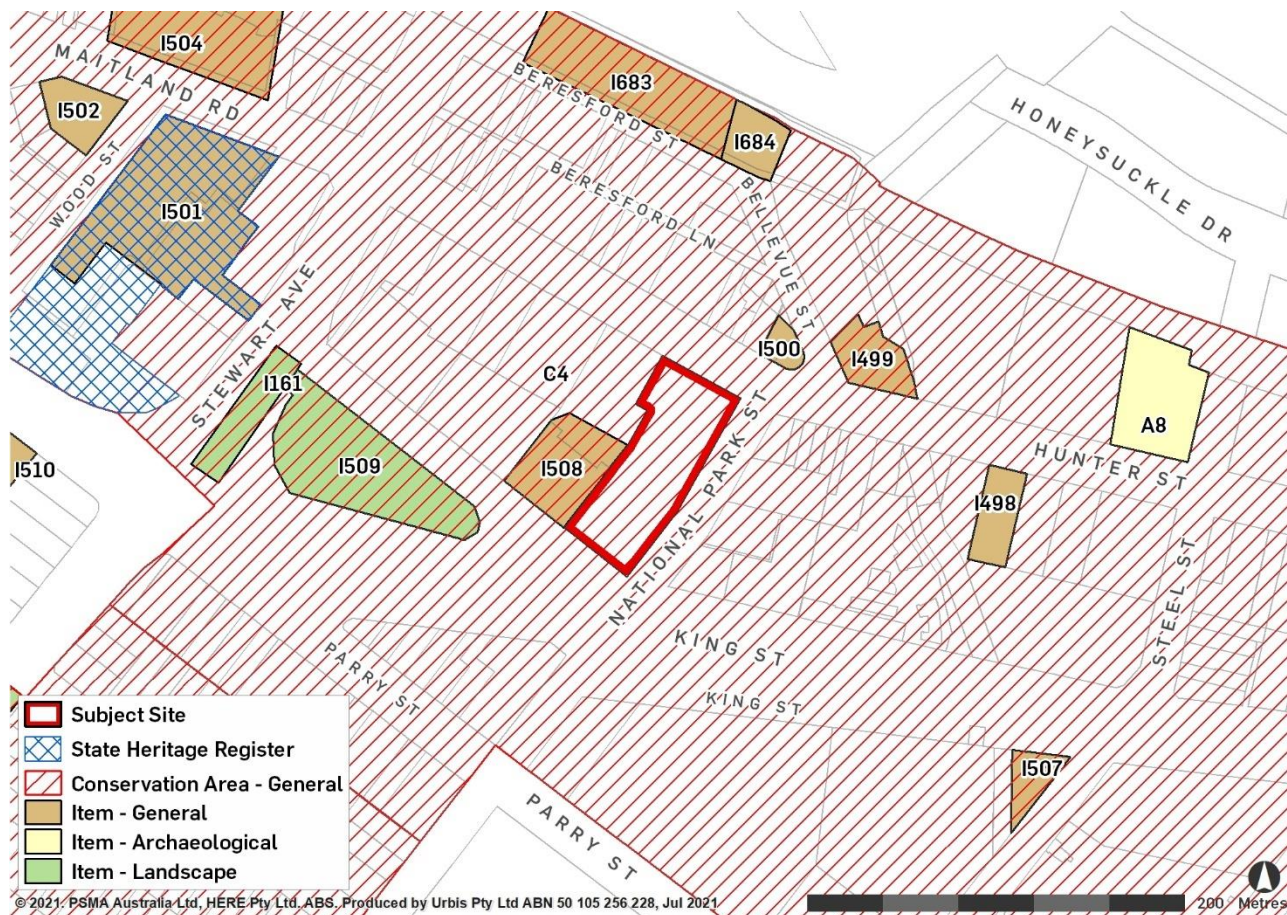
#### 6.4.4. Heritage Conservation

Clause 5.10 of the NLEP 2012 details where consent is required for works involving a heritage item or building, work, relic or tree within a heritage conservation area. The site is located within the Newcastle City Centre Heritage Conservation Area and has a lot boundary curtilage with a locally listed heritage item, Army Drill Hall (No. 1508), as illustrated in the heritage map below.

The proposal has been through a design excellence process to ensure it is appropriate to the surrounding heritage context and will not cause any detrimental impacts to the heritage item. The proposal is also accompanied by a Heritage Impact Statement, prepared by AMAC which confirms the design of the proposal is appropriate to the surrounding heritage items.

Further commentary regarding heritage conservation has been provided in **Section 7** of this SEE.

Figure 15 – Heritage map



Source: Urbis

### 6.4.5. Flood Planning

The site is affected during the 1% Annual Exceedance Probability (AEP), Probable Maximum Flood (PMF) for both ocean and flash flood events. It is noted that the site was impacted during the 2007 Pasha Bulker Storm, with flood levels reaching approx. 3.2m Australian Height Datum (AHD).

A site-specific flood Impact study has been prepared for the site by BG&E and accompanies this application. The report states that from a flooding perspective, the development is located in a 'flood storage' area and the local street network is susceptible to short-duration, rapid response flooding due to local site characteristics. However, within the report adequate flood mitigation measures have been devised to alleviate adverse flood impacts, confirming that the flood risks on the proposed development have been appropriately mitigated.

### 6.4.6. Acid Sulfate Soils

The site is mapped as Class 4 Acid Sulfate Soils (ASS). An Acid Sulfate Management Plan (ASMP) has been prepared by Tetra Tech Coffey, which concludes that ASS have been identified in the Detailed Site Investigations and will need to be managed during construction.

Subject to implementing the management strategies identified in the ASMP, the site is appropriate for the proposed development and therefore complies with Clause 6.1 of NLEP.



### 6.4.7. Minimum Building Street Frontage

Clause 7.3 discusses the requirement for a building erected on land in zone B3 Commercial Core to have at least one street frontage of at least 20 metres. The site has frontages of 48m to Hunter Street to the north, 113m to National Park Street to the east and 43m to King Street to the south, therefore complies with Clause 7.3 of the NLEP 2012.

### 6.4.8. Building Separation

Clause 7.4 discusses the requirement for buildings at a height of 45 metres or higher to have a building separation of a minimum 24 metres. The proposal has a building separation of 23m between the northern tower and the southern tower, it also has a 17m distance between Stage 2 tower and the building to the west.

Given this non-compliance with Clause 7.4 of the NLEP 2012, a Clause 4.6 Variation Request accompanies this application and provides reasoning for the buildings non-compliance. It is considered that this non-compliance is appropriate given the proposal has measures in place to mitigate the impacts of the non-compliance, which are discussed in the Clause 4.6 Report which accompanies this application.

The proposed development complies with the ADG, which is a State-wide policy that provides guidance on building separation and what is an equitable setback share in different scenarios. Clause 7.4 does not have any clear objectives in the NLEP; therefore, the design response has relied on the objectives established by the ADG.

The proposed development results a better outcome than a compliant tower form. Should compliance be required, this would push the tower form to the east of the site toward the street frontage, which would result in non-compliance tower setbacks and lead to unreasonable impacts to the public domain. The design is sympathetic to the surrounding context and does not overwhelm the public domain.

Overall, the building separation distance resulting from non-compliance does not result in any unreasonable impacts on adjoining properties and within the development, particularly with respect to overshadowing, loss of privacy and loss of views.

### 6.4.9. Design Excellence

The proposed development is the result of an Architectural Design Competition that was endorsed by Council and the Jury on the 28 January 2022.

Following consideration of each scheme based on the assessment criteria contained within the Brief, the Jury noted the Plus Architecture scheme had demonstrated design merit that could achieve design excellence. The key merits of the scheme have been retained during design development.

Subclause (6) of clause 7.5 outlines:

*(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by clause 7.10 or a height of not more than 10% greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel.*

Subject to achieving design excellence, clause 7.5(6) of the LEP provides for an additional 10% bonus either height or FSR. Subject to achieving design excellence, as determined by the consent authority, an additional 0.5:1 of FSR is permitted resulting in an overall allowable FSR of 5.5:1.

It is anticipated the proposal will achieve design excellence, as determined by the consent authority, given the comprehensive Architectural Design Competition and extensive design development.

Further discussion of the Architectural Design Competition is provided in **Section 3.1**.

**Table 7** demonstrates how the proposal meets the design excellence provisions outlined within clause 7.5 of the NLEP.

Table 7 – Design Excellence Provisions

Clause	Response
(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—	
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposal has undertaken a design process followed by a design integrity panel meeting with advice that interrogated the architectural design, materials and detailing. Feedback has been taken on board and through collaboration with technical consultants and the indigenous people of the land, the materials and detailing of the design has resulted in a high standard of design for the building and its locality. Transforming and reshaping the Hunter Street west precinct.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The built form, façade expression and proposed sculptural layering carefully considers the context, scale and form responding to both heritage and design for country, whilst celebrating the public domain.
(c) whether the development detrimentally impacts on view corridors identified in the Newcastle City Development Control Plan 2012,	The tower form and setbacks have been designed to alleviate view disruption to provide a sense of relief over the podium and showcase the slender building forms as seen from the various view angles within the Architectural Plans.
(d) how the development addresses the following matters—  (i) heritage issues and streetscape constraints,	The proposal has responded to the surrounding heritage items and streetscape through the podium, tower and public domain design. This is evident at the north-east and south-west corners where a reduction in scale and erosion of the corner transition the scale to the surrounding heritage items.
(ii) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The podium form connects effortlessly to the adjacent commercial building in height and scale and the northeast and southwest corners pull back in scale and form to create a contextual relationship to the adjacent heritage buildings.
(iii) bulk, massing and modulation of buildings,	The Proposal is consistent with the planning controls in its height, density and building form to play its role in defining this important intersection with the Newcastle CBD. The orientation of the tower also recognizes the shift in the urban grid, orientating the northern tower in alignment to the direction of Hunter Street to the east. The expression of layering creates a sculptural building



Clause	Response
	composition and forms which present elegant and slender from various angles around the site.
(iv) street frontage heights,	<p>The proposal has a five-storey podium that equates to approximately 20 metre street frontage. It is consistent with the neighbouring commercial development at 723 Hunter Street, adjoining the site and consistent with the approved development at one National Park Street which is also consistent with the 'Verve' residences on King Street.</p> <p>In addition, Stage 2 provides an appropriate setback and transition to the Army Drill Hall and Birdwood Park through the stepping down landscaping on the southwest corner.</p>
(v) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	<p>The Urban Design Report, Reflectivity Statement and ESD strategy have carefully considered the impacts as follows:</p> <ul style="list-style-type: none"> <li>▪ Sustainable design has been achieved through adhering to the governing legislation and planning controls and referring to best practice design for new building. Achieving a 4-star Greenstar Buildings Rating.</li> <li>▪ Overshadowing has been achieved through the built form of the podium and orientation of towers carefully considering the overshadowing in mid-winter, particularly National Park Street which receives solar access until midday.</li> <li>▪ Wind impact has been minimised through screening, façade design, orientation and balcony design.</li> <li>▪ Reflectivity has been achieved through landscape design and recommended normal specular reflectance of visible light of the glazing.</li> </ul>
(vi) the achievement of the principles of ecologically sustainable development,	An ESD report has been prepared to accompany the DA which concludes that Best practice ESD initiatives can be achieved through targeting a 4-star Greenstar Buildings Rating.
(vii) pedestrian, cycle, vehicular and service access, circulation and requirements,	A Traffic Report has been prepared that through swept path analysis, achieving requirements for parking, outlining adequate circulation zones and provision of a loading zone to achieve the requirements.

Clause	Response
(viii) the impact on, and any proposed improvements to, the public domain.	The development has proposed an activated public domain with a central plaza that create a generous giveback and amenity with retail, public art, landscaping and a through site link. The public domain create an exceptional ground floor plane that integrates Country.

#### 6.4.10. Active Street Frontages in Zone B3 Commercial Core

Clause 7.6 discusses the requirement to promote uses that attract pedestrian traffic along street frontages in the Zone B3 Commercial Core. The proposal has been designed to incorporate business and retail land uses at ground floor to encourage pedestrian traffic and active street frontages.

The Flood Planning Level has resulted in a public domain condition that is less than ideal from an activation perspective. In response a detailed retail brief from expert retail consultancy Bellringer formed part of the Design Competition to ensure ground plane principles and vision were considered as priority elements in the design of the scheme. The services of Bellringer were retained during design development to ensure these principles were adhered. This has resulted in a number of key design responses in both the architecture and landscape to optimise the future success of the ground plane. In addition, the proposed activated public domain with a central plaza delivers a generous public benefit.

The active street frontage design is explored further with the accompanying Design Report prepared by Plus Architecture. Accordingly, the proposal is compliant with Clause 7.6 and satisfies the active street frontage requirements of the NLEP 2012.

#### 6.4.11. Floor Space Ratio for Certain Development in Area A

A maximum FSR of 8:1 is applicable to the site under clause 4.4 of NLEP 2012. However, pursuant to Clause 7.10, the site falls within 'Area A' which reads:

*2) The maximum floor space ratio for a building other than a commercial building on land with a site area of 1,500 square metres or more is as follows—*

*(a) where the Floor Space Ratio Map identifies a maximum floor space ratio of 6:1 (or greater)—5:1,*

Therefore, the applicable FSR to the site is 5:1. Subject to achieving design excellence, clause 7.5(6) of the LEP provides for an additional 10% bonus either height or FSR. Subject to achieving design excellence, as determined by the consent authority, an additional 0.5:1 of FSR is permitted resulting in an overall allowable FSR of 5.5:1.

Stage 2 has a FSR of 5.58:1. Given the proposed development has undergone a Design Competition, the proposed development is eligible for an additional 10% FSR, subject to achieving design excellence.

A Clause 4.6 Variation Request has been prepared in relation to FSR for the reasons outlined in **Section 6.4.3.**

### 6.5. NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

Newcastle Development Control Plan 2012 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided as an attachment.

Based on the assessment, it is considered that the proposal complies with the relevant provisions within the DCP.

### 6.6. INFRASTRUCTURE CONTRIBUTIONS

The proposed development is subject to the City of Newcastle Section 7.11 Development Contributions Plan 2021-2036. The purpose of this plan is to authorise a payment levy of contributions that will assist Council to provide transport and social infrastructure required to meet the demands of development and satisfy the

requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

## 7. ASSESSMENT OF KEY ISSUES

### 7.1. BUILT FORM, BULK AND SCALE

#### 7.1.1. Design Development Commentary

This development has undergone an Architectural Design Competition where three competitors put forward their designs in accordance with a robust Design Excellence Brief and Strategy. The Plus Architecture scheme was recommended by the Jury as the winning scheme in the competitive design process. The Applicant were the first private proponent in CN to take on the ambitious task of undertaking an Architectural Design Competition. The Applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity.

The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage. In addition, the Chair of CN's UDRP, Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner.

The DIP supported the design development, and specifically commended the following areas of development:

- Engagement with Connecting with Country and how it is informing the design.
- Positive progress has been made for the screening to the west and relationship to the Army Drill Hall.
- The landscaping is integrating well throughout the whole tower and podium.
- The solar response is positive as well as ESD solar access.
- Heritage facade that will not be retained has a positive design response at the corner where it interfaces.

The DIP endorsed the lodgement of this DA and recommended a subsequent DIP meeting post-lodgement during the response to submissions and response to information phase to allow a consolidated review incorporating any potential future changes as a result of these processes.

#### 7.1.2. Built Form

A Design Report has been prepared by Plus Architecture and is included in the accompanying documentation for this DA.

The proposal has been carefully designed to respond to its context, urban setting, and orientation to sunlight. The interpretation of the sedimentation of the former riverbanks has been brought up into the building through the expression of layering creating a sculptural building composition and forms which present elegant and slender from various angles around the site. The urban plaza in provides a generous public benefit to encourage gathering and social interaction.

The podium form connects effortlessly to the adjacent commercial building (723 Hunter Street) in height and scale and the northeast and southwest corners pull back in scale and form to create a contextual relationship to the adjacent heritage buildings.

The building form, layered through its horizontal floor expression, various awnings and transition of the podium expression to the tower create a dynamic environment.

**Figure 16** illustrates the stage 2 slender tower form and curved podium design.

Figure 16 –Stage 2 slender tower form and curved design



Source: Plus Architecture

### 7.1.3. Connecting with Country

An Indigenous Design Strategy has been prepared by COLA Studio's to present the Integration of Connecting with Country within the design. Engagement with Connecting with Country and how it is informing the design was guided by NSWGA's Guidance on Country and Design.

COLA Studio's commenced engagement with local cultural knowledge holders in April 2022 with two yarning workshops, these workshops were with Wannangini Pty Ltd - Represented by Peter Leven Awabakal and Awabakal designer - Shellie Smith – Awabakal.

The design principles for the site and design integration were as follows:

- **Saltwater/Freshwater** – Draw upon the coastal river mouth location, the confluence of freshwater and saltwater, a place of trade and congregation as design narrative
- **Urban Habitat** – Draw on coastal landscape characteristics, provide for humans and non-humans to encourage connection with Country
- **Material Responsibility** – Explore ways in which the built form can truly be of place through sourcing local materials, minimise burden on Country; and
- **Building relationships** – Explore the ways in which the development strengthens our relationships with Country and community.

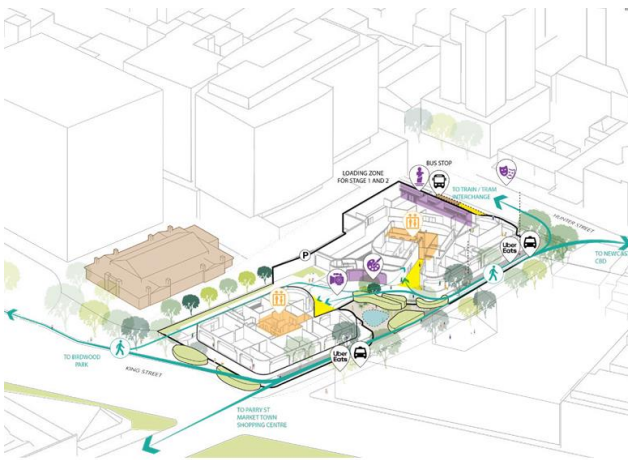
Following the research, workshops and discussions the design response was driven by shells and sand, tidal movement and earth and water. The following elements were informed by the above design principles:



- The sculptural nature of the podium and horizontal ground layers proposed are brought in to define the overall composition of the building, creating optimal outcome for amenity for the podium, tower and public domain.
- Brickwork that frames the ground floor retail with a sandy colour to connect the ground plane to the ceiling and unify the overall sculptural gesture. The ground floor also drew inspiration from shells, sculpted by wind erosion, providing a response for the flow of movement with the through site link, landscape water feature and ceiling lighting artworks.
- Acknowledging the location, the layering and flowing segmentation through steps and materiality helps to define the building ground plane and shape the central plaza, creating a community gathering space.
- The landscape is drawn from the adjacent park into the ground plane and podium steps connecting the park to the generous community gathering spaces.
- The opportunity for public art and interpretation also further enriches the experience for the wider public.

Elements of this design integration are illustrated in **Figure 17**.

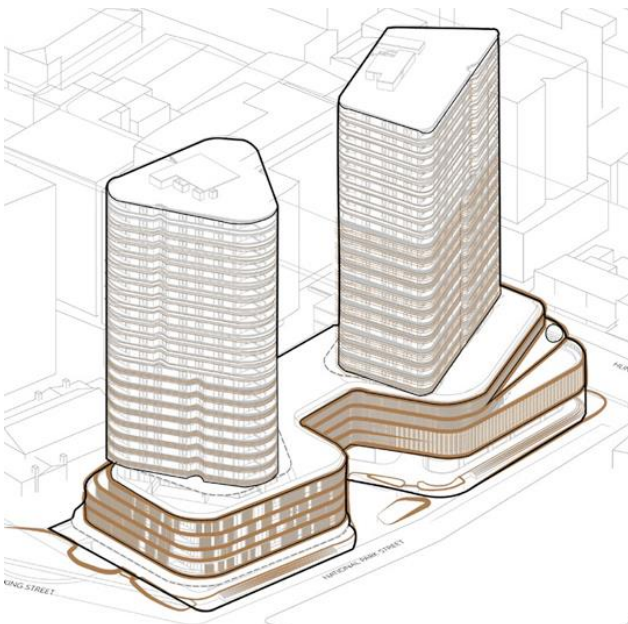
Figure 17 – Design response to connect with country



Picture 7 – Place of Trade and Congregation



Picture 8 – Flow of Movement



Picture 9 – Layers of Sedimentation

Source: COLA Studio



Picture 10 – Landscape



#### 7.1.4. Scale and Form

The proposal consists of a twin tower development connected by a 5-storey expression. Both towers are designed to be 25 storeys and will act as prominent urban landmarks within the evolving local context.

A five-storey podium (as shown in **Figure 18** – Five storey podium expression) scale equates to an approximately 20m street wall height. The street-wall height has been driven by the desire to be consistent with the approved development at One National Park Street and 723 Hunter Street.

The podium scale towards the northeast corner of Hunter Street and National Park Street reduces in scale to 3 storeys to respond to the opposite heritage building which frame this intersection.

The tower forms and setbacks provide a sense of relief over the podium and highlights the slender building forms as seen from the various view angles. The composition and scale transition to respond to the various contextual conditions expressed through the horizontal layering of the podium and towers creates an elegant and sculptural built form.

Figure 18 – Five storey podium expression



Source: Plus Architecture

## 7.2. GROUND PLANE AND URBAN PLAZA

The proposal intends to form an active ground plane to increase the vitality of the streets by reshaping them as it is an area that is undergoing major transformation. The proposal celebrates creativity, well-being, sustainability, and diversity to enhance the sense of experience.

The proposed sculptural and eroded ground plane celebrates a sense of the journey with the aim to bring people together at the heart of the site. Through connecting with country principles, the design has

interpreted the sedimentation of the former riverbanks through the expression of layering to create a building composition which presents as elegant and slender. The central plaza connecting to the base of the building and creating a place for gathering and community within the public domain.

The proposed ground plane intends to:

- Be designed for the users which are intended to be the creative community, including artists, musicians and students, as well as local residences and tourists
- Create connection digitally, visually, socially and physically achieved through connectivity of Walker and little Walker Street, passive and active spaces, wayfinding and digital connectivity to enhance social connections.
- Celebrate the history through the design being aligned to project positioning and broader “Place Story” of Newcastle West.
- Be contextual with the design, materiality and public art for the targeted use, rendering a strong emotional connection and sense of ownership.
- Create smaller and diverse spaces through compressing and layering, breaking down spaces, awnings, merchandising, landscaping, ceiling heights, materials, signage and fit out as this is what humans are attracted to.
- Ensure flexibility in spaces to accommodate a range of uses, tenant types, events, pop ups, retailers with short- and long-term tenure and enable spaces to evolve over time and adapt to changing needs.
- Create an improved ground plane to ensure the diversity of experience through materials, façade, spaces, uses and events, this will help to create a more engaging ground plane experience and differentiate to other Newcastle developments.
- Utilise “natural” materials at the ground plane to avoid a corporate look and feel using materials such as timber, stone and brick will engender authenticity, point of difference to competing office towers.

Figure 19 – Proposed activated ground plane



Source: Plus Architecture

### 7.3. LANDSCAPING AND COMMUNAL OPEN SPACE

The proposal integrates landscaping that has been designed to help carve and define the built form, communal and public open space. This is detailed in the Landscape Report prepared by Urbis that accompanies this DA. The guiding design principles that the landscape design has derived from across all levels that provide landscaping are as follows:

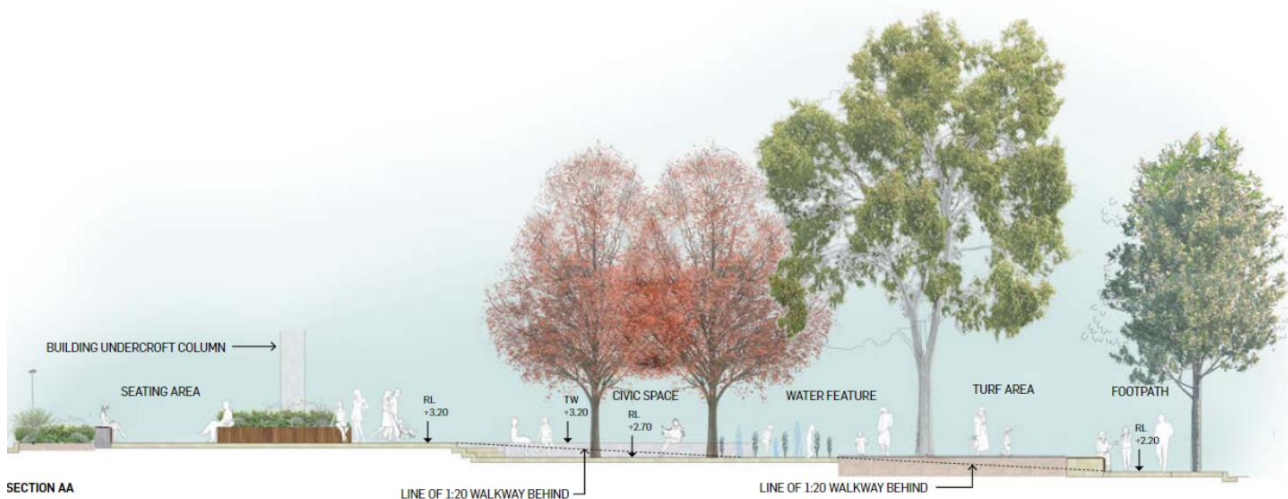
- Designed for Users;
- Contextual;
- Diversity of Experience;
- Connected;
- Compressed and Layered;
- Authentic Materials;
- Celebrate the History; and
- Flexible.

The landscaping design incorporates:



- Revitalisation of street frontages with access points to retail spaces from National Park Street (in Stage 2), King Street and Hunter Street. A footpath and central space will provide a flexible space with opportunities for the community and commercial uses to spill out and inhabit the public realm with events, impromptu activation, goods for sale and activities for different groups of people.
- The landscape design response reflects an organic approach which directly responds to the retail brief. The design features a series of large pots, informal planting, public art, and flexible seating. The removal of structural columns allows the two footpath levels to perform like a single public space, promoting the viability and success of the retail offer. The landscaping strategy extends from the adjacent Birdwood Park to the site. The concept of extending Birdwood Park into the development site has been expressed on the southwest part of the podium façade with the cascading landscaping and a stepped façade.
- Landscaping planting will be adopted on both horizontal and vertical faces of the podium, extending from the stepped zone directly adjacent to the park and continuing through the length of the podium.
- The proposal also incorporates a generous public plaza which is framed by various tree species, landscape planter boxes and grasses, allowing pedestrians to move through the landscaped ground plane with ease. As the development has no basement car parking the entire plaza provides for deep soil allowing large tree species to grow filling the space.
- The centrally located communal courtyard gardens on the Podium level provide residents with a series of formal and informal gathering spaces. Large open lawns, seating pods, children's play area, passive retreats, BBQ and outdoor dining areas, bushtucker/vegetable garden and fitness spaces have been integrated into the podium.

Figure 20 – Section of proposed landscaping strategy



Source: Urbis

In terms of maintenance, for all landscaping there will be a planting maintenance period of 52 weeks commencing the date of completion, and the works are anticipated to be undertaken in one phase. Two weeks prior to practical completion delivery of a proposed planting establishment program will be created and amended as required, containing details of types and frequency of maintenance complying with the approved program. A planting maintenance logbook will be kept, and product warranty and insurance will be coordinated.

Fencing and barriers that are necessary to protect planting from damage throughout the establishment period will be provided. Recurrent works that are required will be carried out to ensure plants are in their best condition. An assigned contractor will be responsible for replacing failed, damaged or stolen trees, shrubs and groundcovers through the planting establishment period.

Through design development phase a 'fixing strategy' will be prepared for the pots throughout the ground plane to ensure they are not stolen or create a safety hazard.

Weeding will be removed as necessary and re-application of herbicides will be used as required. Fertilising regimes will be provided and testing of the soil to be carried out after 12 months. Fences will be removed where required.

A drainage, watering and irrigation strategy will be in place and the contractor will be responsible for maintenance of this.

## 7.4. PUBLIC ART

A Preliminary Art Plan has been prepared by Art Pharmacy and accompanies this DA. As per the NDCP, developments over 45m in height are required to allocate 1% of the capital cost of development towards public artwork for the development. The Capital Cost for this proposal is \$107,584,000.00 across both stages. The sum of \$1,075,840.00 has been allocated by The Applicant as the budget for art for 711 Hunter Street, meeting the 1% requirement for public art in private developments. Art Pharmacy has explored different forms of public art which has potential to be included within the proposal including water features, murals, catenary hanging, undercroft works and an opportunity to incorporate the Marcus Clarke Building history into design.

Art Pharmacy have identified opportunities to reflect on the inherent heritage value of the site, the story of country and the strong storyline of First Nations at the site and surrounding vicinity.

After a market review the expected future residence are social and active with a high interest in arts and culture. Four primary groups within Newcastle West have been identified and include:

- **Spirit Questers** – Millennial singles renting in coastal tourist areas, well-educated and travelled, working in tourism or hospitality with a below average income.
- **Mature Modernises** – Middle-aged couples without children renting in inner suburban apartment and terraces with disposable incomes and focus on quality over price, enjoy travel, culture, luxury, social life and music.
- **Striving Scholars** – Young, educated singles and couples with above average income looking for luxury, enjoy going out and online shopping.
- **Youthful Ambition** – Young singles and couples, mostly students with an average income who enjoy living in the moment, socially active, prioritise new experiences and enjoy travel and nightlife.

Newcastle After Dark (2018) is a Strategy developed by the City of Newcastle with a vision of a city night-time economy characterised by its creative, vibrant and safe nightlife and that contributes significantly to the cultural and economic revitalisation of Newcastle.

The City of Newcastle's survey of the West End defined the precinct as one with the greatest potential to shape the city's nightlife scene. The main challenge currently are the maintenance of the creative and edgy feel of the precinct - this art plan puts forth creative visions to bring back the fading edge of the West End, with innovative, striking, engaging and meaningful art. The principles that will be integrated within the art are as follows:

- **Safe:** A safe city at night is one in which people are confident they will not experience harm.
- **Diverse:** A diverse night-time city has a wide range of options and offerings available.
- **Inclusive:** An inclusive city after dark welcomes and enables all kinds of people to participate.
- **Vibrant:** A vibrant night time city is renowned for a lively and energetic atmosphere or ambience.
- **Creative:** A source of innovation and cultural production enhancing city life.

The art has been curated with country in collaboration with COLA studios. The emerging design principles for connecting with country include saltwater/freshwater, urban habitats, material responsibility and building relationships which have also been incorporated into the building design and landscape.

There are six art opportunity locations (primary and secondary) that have been considered along the Ground floor plane at the site. These locations are highlighted in **Figure 21**.

Figure 21 – Public Art Opportunity Locations

1. Hunter Street Elevation
2. Water Play Feature
3. Mural
4. Catenary Hanging
- J. Undercroft
6. Marcus Clark Building Opportunity

- Primary Locations
- Secondary Location



Source: Art Pharmacy

To implement the above-mentioned principles and art strategy vision, phases have been created and will continue to be considered beyond the preliminary public art plan (Phase 1). This will lead to the artist procurement (Phase 2) to create a shortlist of artists before starting the design development (Phase 3). Implementation (Phase 4) will then be undergone, and extended engagement (Phase 5) will continue throughout the lifecycle of the project operation.

The Applicant and Art Pharmacy will consult with CN's Public Art Reference Group prior to determination of this DA regarding this approach.

## 7.5. PUBLIC AMENITY

### 7.5.1. CPTED

A Crime Prevention Through Environmental Design (CPTED) Report has been prepared by the Design Partnership. This report provides an assessment and recommendations that aim to reduce crime through the proposed design.

As per the Newcastle 2030, Council's Community Strategic Plan and Newcastle After Dark, the Newcastle West is being re-imagined as the emerging CBD for Newcastle as vibrant, exciting and mixed-use precinct. This also includes a number of core themes around vibrant, safe and active public places.

The report presents a detailed Crime Risk Assessment Summary that helps in understanding a place and how the built form, landform and local user groups can increase or decrease criminal activity. The site today appears to have little surveillance and sightlines, has malicious damage evident, access is available for the public in the day but not at night and it is perceived as unsafe. Important challenges to consider are the staging of the development, construction itself, management of daytime and night time activities.

The CPTED Report concludes that a high level of consistent maintenance and the delivery of high quality finishes will demonstrate to patrons and visitors that this is a well maintained development, demonstrating guardianship. Creating a strong sense of visible presence of people, limiting of opportunities for criminal activity, to lessen the sense of vulnerability at the site.

The Applicant will continue to work with Design Partnership post DA to ensure the recommendations outlines in the CPTED Report are incorporated into the detailed design and management strategies.

### 7.5.2. Wind

A Pedestrian Wind Environment Study has been prepared by Windtech Consultants and accompanies this DA. The wind study was undertaken to determine wind speeds at selected critical outdoor trafficable areas within and around the proposed development.

The report presents a detailed investigation of the wind impact, with testing undertaken at Windtech's boundary layer wind tunnel facility. Testing was carried out using a 1:300 detailed scale model of the development and effects of nearby buildings and land topography were accounted for through the use of a proximity model which represents an area with a radius of 450m.

Several building scenarios were tested and vegetation and wind ameliorating devices such as screens or balustrades were excluded from the testing. There were 32 study points around the ground floor, 2 study points on level 02, 21 study points on level 05, 6 study points on the various elevated private balconies (stage 1), 8 study points on the various elevated private balconies (stage 2), 2 study points on level 17 communal terrace. The wind model and points are pictured in **Figure 22**.

Figure 22 – Wind Tunnel Model Stage 2 – view from the east



Source: Windtech Consultants

The proposed pedestrian wind safety criteria have been satisfied. These are outlined below:

#### Ground Level:

- Densely foliating evergreen tree planting along the south-western driveway, the south-western aspect of the Stage 2 Tower, the through-site link between the Stage 1 and Stage 2 Towers and the corner of Hunter Street and National Park Street.
- Impermeable wrap-around awning along the north-western, south-western and south-eastern aspects of the Stage 2 building.
- Water meter/fire booster valves along the north-eastern aspect of the Stage 1 Tower.
- Car park permeability along podium levels expected to assist in wind mitigation.

#### Level 02:

- Dense planting, approximately 2m in height, along the northern aspect of the Level 2 communal space.



#### Level 05:

- 1.8m high impermeable, transparent wind screens in the outdoor courtyard area on the podium level, between the Stage 1 and Stage 2 tower.
- Full-height impermeable inter-tenancy screens on the tenancies located on the Stage 2 Tower.
- Tall, densely foliating evergreen trees on the western side of the courtyard area, in-between the two towers near the turf space and to the north-east of the Stage 2 tower.
- Impermeable wrap-around awning, on the western edge and a portion of the southern and northern edges of the Stage 1 Tower.
- Impermeable awning, along the southern straight edge of the Stage 2 Tower as well as the western straight edge, eastern straight edge and northern-curved corner.
- Full-height, impermeable vertical baffle screen arrangement on the Level 05 southern balcony of the Stage 2 Tower.

#### Tower Levels:

- Full-height impermeable end screen along the north-eastern corner balcony of the Stage 1 tower, between Levels 06 to 16.
- Full-height impermeable end screen along the south-eastern corner balcony of the Stage 1 tower, between Levels 17 to 25.
- 2m high impermeable perimeter screen along the Level 17 communal terrace area on the Stage 1 tower.
- Full-height impermeable screen on the curved edge of the Stage 2 Tower western corner balcony along Levels 14 to 25.
- Full-height impermeable screen along the south-western corner terrace of the Stage 2 tower.

While the site is subject to the effects of wind, incorporation of the above measures will ameliorate the wind effects and ensure the proposed can function as intended

### 7.5.3. Reflectivity

A Solar Light Reflectivity Study has been prepared by Windtech Consultants and accompanies this DA. The report presents a detailed study for the effect of potential solar glare, identifying any possible adverse reflected solar glare conditions affecting motorists, tram drivers, pedestrians and occupants of neighbouring buildings.

The study assesses controls for solar glare from the State Environmental Planning Policy No. 65 (**SEPP 65**) (Part 04, Designing the Building) and Apartment Design Guide (**ADG**). The critical glazed aspects are have been determined from the standard sun chart of the region as outlined in the report.

The study concludes that to avoid any adverse glare to the surrounding and those who pass-by and to comply with the planning control requirements, limitation to the maximum normal specular reflectance of visible light on the external façade glazing is recommended and is as follows:

- Glazing on the external northern façade and balustrades of the 308° aspect of the Southern Tower, on Levels 15 to 25, should have a maximum normal specular reflectance of visible light of 12%.
- Glazing on the external southern façade of the 220° aspect of the Southern Tower, on Levels 17 to 25, should have a maximum normal specular reflectance of visible light of 12%.
- Inclusion of vertical fins along the southern 188° aspect of the southern tower between Levels 10 to 25. The width and spacing of the sunshade fins should be such that adverse glare is blocked when viewed from motorists heading east along Everton Street, west along King Street and north-west along Bull Street.

All other glazing on the external façade is to have a maximum normal specular reflectance of visible light of 20%.

The proposal intends to incorporate the recommendations and therefore the results of this study indicate that the subject development will not cause adverse solar glare to motorists, tram drivers or pedestrians in the

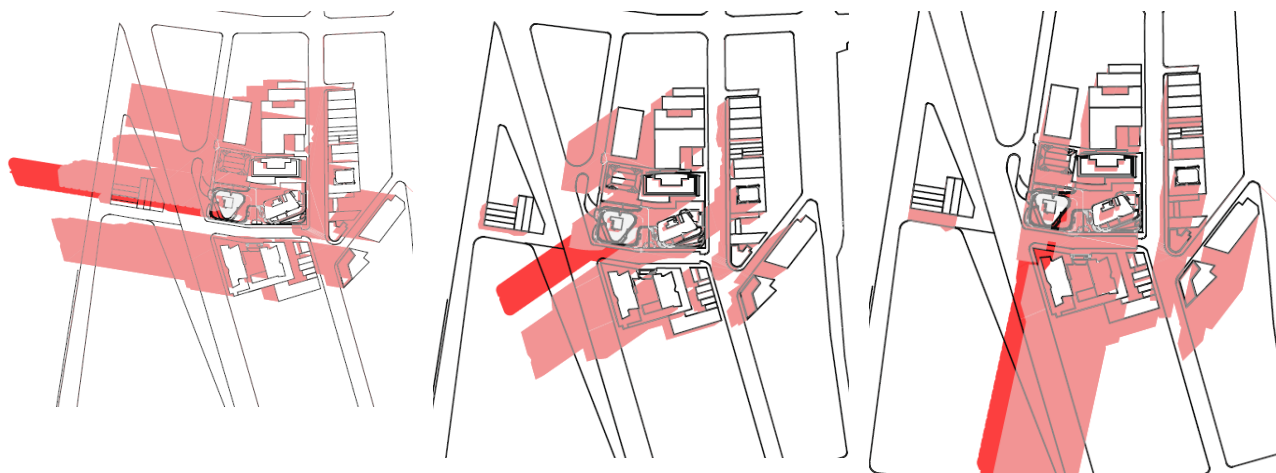
surrounding area, or to occupants of neighbouring buildings, and will comply with the planning controls regarding reflectivity from SEPP 65.

#### 7.5.4. Overshadowing

A Shadow Analysis has been prepared by Plus Architecture within the Architectural Design Report which accompanies this DA. The diagrams show how the built form of the podium and orientation of Stage 1 and Stage 2 towers has been carefully considered to ensure in Mid-Winter National Park Street receives solar access until midday.

As pictured below in Figure 23, the majority of overshadowing is over the existing overshadowed King Street to the south. The diagrams reveal Birdwood Park will not receive any overshadowing from midday onwards, ensuring the park remains a pleasant place for the community during mid-winter.


Figure 23 – Stage 2 - Shadow Diagram



Picture 11 – Stage 2 9AM

Picture 12 – Stage 2 12PM

Picture 13 – Stage 2 3PM

 **ADDITIONAL SHADOW**

 **EXISTING SHADOW**

Source: Plus Architecture

The shadow impacts of the development are minimal, suitable, and consistent with the anticipated level of development envisaged by the NLEP.

### 7.6. RESIDENTIAL AMENITY

#### 7.6.1. Building Separation

The proposed development complies with the ADG, which is a State-wide policy that provides guidance on building separation and what is an equitable setback share in different scenarios.

The building separation proposed between the Stage 1 tower and the adjoining residence at 723 Hunter Street, Newcastle West is 15.1 metres (levels 13 to 16) to 15.8 metres (level 17), and 17 metres between the Stage 2 tower and 723 Hunter Street, Newcastle West. Both these separation distances do not comply with the 24 metres prescribed by Clause 7.4 (a) of the NLEP 2012, however are compliant with the ADG.

The building separation between the two towers proposed in Stage 1 and Stage 2 is 23-metre separation. Overall, the building separation distance does not result in any unreasonable impacts on adjoining properties and within the development, particularly with respect to overshadowing, loss of privacy and loss of views. The overall proposed development results a good outcome as the design response has relied on the objectives established by the ADG

#### 7.6.2. Solar Access

Solar access is an important consideration for new apartments under the ADG. Overall, according to the Architectural Plans and detailed Urban Design Report prepared by Plus Architecture, the development meets

the required solar access requirements contained with the ADG. This is due to the orientation of the built form and apartments within which have been oriented toward natural light and views.

Stage 1 will achieve 89% compliance and Stage 2 will achieve 65% compliance. Altogether, this achieves 78% solar access compliance of the 70% requirement of the ADG.

As Stage 1 will be constructed and occupied before Stage 2 is completed it will achieve more than required when considered on its own. Overall, Stage 2 will achieve less solar access than Stage 1 given the towers are oriented north-south and Stage 1 tower is positioned in front of Stage 2, overshadowing it.

Overall, Stage 2 will achieve under the required solar access requirements of the ADG however when the two towers are considered together, they will achieve compliance.

### **7.6.3. Cross Ventilation**

Natural ventilation is also a key consideration for new apartments under the ADG. The purpose of the natural ventilation requirement is to ensure dwellings have access to fresh air to assist in promoting thermal comfort to occupants and to reduce energy consumption by minimising the reliance on air conditioning.

The requirements of the ADG include the following outcomes which relate to the level of natural ventilation provided to individual apartments:

- A minimum of 60% of residential apartments are to be naturally cross ventilated in the first nine storeys of the building, and
- Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.

A total of 58% of the apartments in the development are naturally cross ventilated in the first nine storeys of Stage 2 tower. As Stage 1 is constructed and occupied before Stage 2 completion, it will achieve more than the required ADG compliance when considered on its own, resulting in a combined 61% of apartments being cross ventilated. As the combined development is completed after construction of Stage 2, the units considered in total achieve compliance.

### **7.6.4. Communal Open Space and Deep Soil Planting**

The proposed design response provides generous communal open space opportunities at level 05 and 17 creating a great shared amenity for future residents. The proposal carefully balances the achieved yield and area with generosity of the ground plane to create an elegant proposal that carefully considers the existing and future context. The communal open spaces receive good solar access and are protected from noise of traffic, wind and engage with the proposed landscape areas. The positioning of the communal open space areas also ensure views are maximised to the Army Drill Hall and capture the views to the harbour, beaches, and distance mountain landscape.

Level 05 provides opportunities for a variety of programmed uses including sports and yoga areas, BBQ areas, community gardens, kitchens, and dining areas, but also spaces to meditate and relax while appreciating the distant views. This communal area promotes wellbeing through active and passive recreation opportunities.

The development has no basement and as a result has generous deep soil within the central plaza created allowing for mature trees to grow and frame the space. There is also generous landscaping over the podium with sufficient soil depths to achieve the landscape concept proposed (refer Landscape Plans prepared by Urbis for details).

Deep soil zones are identified as per the definitions outlined under the ADG, which do not consider areas where access to virgin soil is achieved under paved areas. On the ground plane, trees are also proposed within paved areas, and although generally impermeable, the Flood Mitigation Strategy utilises an open based OSD around the site whereby areas of runoff through the stairs can still find its way into the soil which support the growth of large trees and vegetation proposed on the ground plane.

This paired with ample landscaping, consisting of 1,439.15sqm on the ground plane, and throughout the upper levels, communal gardens on Level 5 and also on Level 17 further introduce opportunities to provide for tree planting and contribute to enhancing the shared spaces used by residents. The combination of planting with access to virgin soil, along with the introduction of street trees along the length of National Park Street ensure the deep soil objectives are achieved.

Overall Stage 2 achieves a deep soil zone of 104.42 sqm, or 4.9%. This is considered acceptable from an environmental planning perspective given the proposal provides a generous public domain with landscaping, communal open spaces and podium planting, enabling the proposal to achieve the objectives of deep soil within the ADG.

## **7.7. TRANSPORT, TRAFFIC AND PARKING**

A Traffic Impact Statement (TIA) has been undertaken by BG&E for the proposal. As part of the assessment, BG&E also engaged Trans Traffic Survey to undertake traffic data collection for a number of intersection adjacent to the development site.

### **7.7.1. Traffic**

#### **Traffic Impact**

A Traffic Impact Assessment (TIA) has been prepared by BG&E and accompanies this DA. The TIA comprises of a traffic study, predicted traffic generation and its impacts and a car parking demand assessment against statutory requirements.

The site is located with the surrounding roads including Hunter Street a major collector road to its north, National Park Street a local collector road to its east, King Street a major regional road to the south, Little King Street a service road off King Street to its south and Stewart Avenue a major arterial road located to the west further down the block.

#### **Traffic Generation**

The existing traffic conditions were assessed in the TIA to set a base line to compare post-development. The data collected included AM and PM peak which was undertaken on 10 August 2022 at intersections on the roads surrounding. Through the RMS RTA Guide to Traffic Generating Developments the existing traffic conditions were assessed for guidance on road capacities at intersections.

The traffic generation potential for the relevant land use was advised through the RMS' Guide to Traffic Generating Developments and Technical Direction (TD). The generated regional rates presented, include:

- Daily vehicle trips = 4.58 per unit
- Morning peak hour vehicle trips = 0.53 per unit
- Evening peak hour vehicle trips = 0.32 per unit

For the Stage 2 Development the daily traffic generation of 617 vehicles per day is expected with 73 vehicle trips in the AM peak and 45 in the PM peak.

Traffic distribution is assumed in the traffic assess during peak hour traffic generation associated with the site. The assumptions adopted in the traffic distribution from the site include:

- For the residential traffic generation component, 70% outbound and 30% inbound trips will occur in the AM peak. In the PM peak, this is mirrored so 30% inbound trips and 30% outbound trips occur.
- For the commercial traffic generation component, 70% inbound and 30% outbound trips will occur in the AM peak. In the PM peak, this is mirrored so 70% outbound trips and 30% inbound trips occur.

#### **Traffic Impact**

SIDRA network assessment (with assumptions) was undertaken considering the adjacent intersections of the surrounding roads to understand the traffic impacts generated from the development.

The results conclude that the development is not expected to negatively impact the function of nearby intersections and they will continue to function effectively post development.

The modelling shows that all intersections will function effectively in the post development scenario with the exception of the intersection of Stewart Avenue and King Street in the 2025 AM peak period, which is expected to be LoS E.

Though the intersection of Stewart Avenue and King Street will not meet traffic performance targets in the 2025 AM peak period, it is noted that the influence that the traffic generated by the development has on this result is minor.

It is also noted that traffic growth has been assumed using a compounded 1.5% growth rate. This form of extrapolation does not consider the impacts of land use changes over time or transport modal changes which may occur due to infrastructure improvements.

### Alternative Transport facilities

Public transport is highly accessible at the location including light rail, heavy rail, bus services and ferry services. The proposal is anticipated to generate an increase in alternative transport modes from residents, visitors and commercial premises patrons. The existing public transport facilities and provisions within the area are considered to be suitable for the development. The landscape design has also incorporated the Hunter Street bus stop to facilitate future bus seating and footpath width within the property boundary should TfNSW seek to erect new bus stop infrastructure.

A Green Travel Plan (GTP) has also been prepared by BG&E to accompany this DA, which concludes that the site is well-served by sustainable transport services including the public transport, walking, cycling, car share and taxi services, which provides practical alternatives to private motor vehicle travel. The GTP outlines actions and incentives that aim to encourage and achieve changes to travel behaviour.

## 7.7.2. Parking

### Car Parking

The parking policy and requirements for the proposal are specified in NDCP. The car parking requirements for Stage 2 have been summarised in **Table 8**.

Table 8 – Proposed Parking and Compliance Assessment

Use	Size	DCP	Number of Parking	Average Rate Provided
Residential	35 x 1 bed	Small (<75m <sup>2</sup> or 1-bed) - Max average of one space per dwelling	20	0.63 per dwelling, therefore complies.
	72 x 2 bed	Medium (<75m <sup>2</sup> -100m <sup>2</sup> or 2-bed) - Max average of one space per dwelling	64	0.9 per dwelling, therefore complies.
	15 x 3 or more bed	Large (>100m <sup>2</sup> or 3-bed) - Max average of two space per dwelling	21	1.4 per dwelling, therefore complies.
Residential (visitor)	122 dwellings	No minimum or maximum rate	21	0.2 per dwelling, therefore, complies given there is no minimum or maximum.
Business/Retail	529.43m <sup>2</sup>	1 space per 60m <sup>2</sup>	9	1 space per 60sqm, therefore complies
		<b>Total</b>	<b>135</b>	

Stage 2 provides 135 car parking spaces including 7 accessible spaces which complies the NDCP parking requirement.

## Electric Vehicle

In addition, 5% of the 135 car parking spaces are required to have Electric Vehicle (EV) charging point. Therefore, 6 spaces are proposed to have EV charging points, complying with the NDCP requirement.

In addition, an Electrical Capacity Report has been prepared by Epicentre Consulting Engineering to address the requirements in the NDCP regarding electric vehicles (EV). In total, 36 EV spaces are proposed to be wired with Level 2 – 7kW single phase EV chargers. This contributes to about 12% of total car spaces that can be wired to have the development EV ready. This satisfies the minimum requirements of 5% of the total car spaces to be EV ready for this development.

There are approximately 300 car spaces for this development therefore, there is a requirement to have an additional 264 car spaces to have provisions for the EV chargers. An additional 2MVA of provision will be required for the supply authority infrastructure to make 100% of the development's off-street car parking EV ready when required.

A formal application will have to be made with Ausgrid to determine and make provisions available for this development in the future. This additional power supply provisions for EV charging will require additional space and layout modifications in future to cater for the additional load requirement when required.

The following options are to be explored after the DA has been approved, these are:

- As car charging is most likely to occur at night it is recommended that by introducing off peak EV charging for the development, it may be possible to cater for 100% of car charging for 100% of the car parking spaces. This can be done during the mid-morning or in between the hours of late night to early morning when there is minimum usage.
- The administration / monitoring of EV charging can be done via a nominated provider and limitations can be in place to restrict power supply usage to maintain the overall power supply to site to its limits hence load shedding.

In summary, the proposal is capable of complying with CN's EV controls. .

## Bicycle Provisions

The bicycle provisions for a residential development are not listed in the Newcastle DCP, therefore the non-residential rate has been adopted (1 space per dwelling plus 1 space per 10 dwellings (class 3) for visitors). The bike parking for a commercial/retail use is 1 space per 20 staff (Class 2), however, staff numbers are difficult to predict and therefore a rate for a commercial/office is adopted of 1 space per 200m<sup>2</sup> GFA (class 2).

Stage 2 of the proposed development is proposed to provide 137 bicycle parking spaces, hence the DCP parking requirement is satisfied.

## Motorcycle Parking

The motorcycle parking requirements as outlined in the DCP is 6 spaces, the development is proposed to provide 6 spaces and therefore is compliant.

### 7.7.3. Access, Internal Circulation and Servicing

The car park (located in Stage 1) has been designed as per the requirements of AS2890.1-2004 with a category 2 access facility requiring an entry width of between 6-9 metres without the need for driveway separation. The proposed access is a combined entry/exit driveway of approximately 6.5m width, the access requirements are therefore satisfied. In addition, the provision of a 6.5-metre-wide combined entry/exit driveway with forward entry and exit will ensure suitable pedestrian and vehicular sight lines are achieved in accordance with AS2890.1-2004. Vehicular sight lines from the proposed access have been observed to be in excess of the AS2890.1-2004 requirement of 45 metres to 69 metres within a 50 km/h speed zone.

The proposed car park design has been designed with reference to the AS2890.1-2004 and the DCP and is further detailed in the TIA.

A Swept Path Analysis was also undertaken, and it indicates that the entry/exit and internal circulation provisions are acceptable with a slight overlap of passenger vehicle clearance offsets at the toe of the car parking ramp. This overlap can be considered minor and is proposed to be effectively mitigated through the use of line marking, signage and convex mirrors.

## Servicing

Waste collection (located in Stage 1) will occur out of peak periods, on the ground level of the development in a forward direction with appropriate space to manoeuvre. Loading for commercial uses, the increased residence and areas to support the gig economy users (uber eats/Deliveroo etc.) and for general pick up (taxi/uber), removal of all driveway crossings from National Park Street proposed as part of the Development should help facilitate this without the need to minimise the level of on-street parking.

Overall, it is considered that the proposed development can be adequately serviced using the proposed onsite parking/loading bay provisions or utilise the available on-street parking on National Park Street.

## Construction Routes

Access/Egress to the site for delivery vehicles and associated construction vehicles is proposed to be undertaken from either King Street or Stewart Avenue, leading to the Little King Street and ultimately to the site.

Details pertaining to final construction vehicle routes, entry/egress, parking and hoarding are anticipated to be finalised as part of the Construction Traffic Management Plan (CTMP). It is also envisaged that dialogue will be maintained with TfNSW to maintain the bus stop on Hunter Street during construction.

## 7.7.4. Green Travel

A Green Travel Plan (GTP) has been prepared by BG&E to encourage the use of the sustainable modes of transport for accessing the site and to reduce environmental impacts. The GTP outlines the strategies and actions for the development to promote walking, cycling, public transport and car sharing, while minimising dependence on private vehicles and parking.

The overall site strategy is based around the following:

- For short trips, encourage walking and cycling for residents and commuters; and
- For distance trips, reduce car ownership with public transport or increase occupancy of private vehicles.

To achieve this strategy the following actions are proposed (these are summarised from the GTA):

- Develop a welcome pack for all new residents and retail tenants moving in, which includes sustainable transport information.
- Establish a calendar of events that helps to encourage sustainable travel modes.
- Encourage CN to provide adequate signage that gives directions and distances to nearby facilities e.g. train, light rail and bus stations, and amenities e.g. shopping centre and parks.
- Ensure pedestrian safety and access is not compromised during construction.
- As both King Street and Hunter Street have marked, on-road cycle lanes in the vicinity of site, this cycling route could be promoted through potential social media events as part of the new building orientation in order to increase the cycling numbers.
- Provide an active travel map that indicates all available cycle routes within the Newcastle CBD area.
- Establish an internal Bicycle Users Group (BUG).
- Provide bicycle repair kits consisting of puncture repair equipment and a bike pump to be supplied within the end of trip facilities. This action will help to improve the safety of cyclists.
- Provide information to residents and staff on the location and rates for nearby bike share operators.
- Consider providing charging facilities for electric bikes proximate to the end of trip facilities.
- A flexible streetscape design to allow future upgrades of bus-stop infrastructure on Hunter Street whilst ensuring continuous pedestrian flow.
- For those who do use private vehicles, advertise and coordinate a carpooling database for users to sign up to.
- In order to encourage people to utilise Electric Vehicles (EV), the development is proposed to introduce EV charging with the capability to enable 100% of parking spots to EV charging stations.



- To encourage residents to work from home and reduce trip generation, multi-function public spaces are proposed as part of this development. These spaces include GPO's in benches and table seating areas on Level 5 and Level 17.

It is critical to monitor and review the GTP to track the success of the initiatives, and to inform the implementation of new initiatives over time. Therefore, a review of the GTP should be undertaken on a regular basis (annually).

## 7.8. HERITAGE CONSERVATION

A Statement of Heritage Impacts (**SoHI**) has been prepared by AMAC Archaeology. The site is not a heritage item, however, has been prepared to respond to the site's location within the Newcastle City Centre Heritage Conservation Area and proximity to heritage items.

### 7.8.1. Historic Façade

The site is known to have a historic façade underneath the existing metal cladding on the corner of National Park Street and Hunter Street. The below provides a summary of the history of the site in relation to the façade, and a summary of the current condition of the façade. It is noted that based upon this research and investigation a decision to removal the façade was made in consultation with the DIP and CN.

Preliminary research suggests that Marcus Clark & Co opened a Newcastle branch on the site around c. 1894. Photographs dated c.1900-1902 provides the earliest visual evidence of the shop façade. A two storey building fronts Hunter Street, potentially on top of four previous 19th century shopfronts, with a clock tower standing at its junction with National Park Street (then Porcher Street), refer to Figure 24.

The second storey does not extend along the complete frontage of the study site on Hunter Street, comparisons with later photographs show that the original second storey equated to approximately half of the shopfronts/ terraces which were eventually all incorporated into the Marcus Clark & Co building. This expansion works phase appears to have occurred sometime prior to 1929, refer Figure 25.

A few newspaper articles dated to 1962 and 1963 suggest that Marcus Clark & Co were rebuilding or renovating their Hunter Street store. In March 1963, a newspaper article about Marcus Clark stores note that "work is going ahead on the rebuilding of the Newcastle store".<sup>4</sup> No other Marcus Clark store department store is known to have existed in Newcastle. A few newspaper articles dated to 1962 and 1963 suggest that Marcus Clark & Co were rebuilding or renovating their Hunter Street store. In March 1963, a newspaper article about Marcus Clark stores note that "work is going ahead on the rebuilding of the Newcastle store".<sup>4</sup> No other Marcus Clark store department store is known to have existed in Newcastle, refer to **Figure 26**.

Figure 24 – c.190-1902 Marcus Clark & Co. on the corner of Hunter and National Park Street



Source: SoHI, AMAC Archaeology

Figure 25 – c.1906 photograph of Marcus Clark & Co. on the corner of Hunter and National Park Street



Source: SoHI, AMAC Archaeology

Figure 26 – c.1972 photograph of Walton's Ltd



Source: SoHI, AMAC Archaeology

In order to understand the potential façade behind the metal cladding, a portion of cladding was removed on 8 September 2022, in the presence of John Carr and CN's Heritage Advisor, Isabelle Rowlett. The façade investigation revealed that timber ground support the metal cladding were cut into the decorative façade causing extensive damage. The extent of the damage while random based on the location of the grounds, nevertheless resulted in the loss of decoration as opposed to setting the plane of the grounds slightly off the facade to minimise the extent of preparation time required to construct the frame.

In addition, very little survives the original small corner shop and warehousing building. The internal wall linings were removed for approximately three metres on either side of the north-eastern corner of the building. Of the widows exposed, most had their sashes removed however one top sash remained for use in obtaining detail for reinstatement of the window.

Considering the above, AMAC Archaeological undertook an integrity and grading of significance, which reveal the façade has little significant from an aesthetic, social and research perspective, and little to moderate significance from a historical perspective.

In conclusion, the significant damage to the façade and little significance lead to the decision to remove the façade. The following recommendations have been provided by AMAC Archaeological to aid in interpreting the past in the modern design:

1. An enlarged photograph of the original 1899 store digitised by the University of Newcastle should form part of a display on Hunter Street. Reason - to be part of an interpretive display together with excerpts from the buildings history.
2. Sections of the detailed external decorative render be recovered and supported in metal frames for a static display. Reason - the applied decoration speaks highly of the Hard Wall Plasterer's skills rather than the style keys of the designs from the Inter-War period.
3. Sandstone kerbing surviving in National Park Street be retained insitu. Reason - to comply with the recommendations of the DCP 2012.

## 7.8.2. Assessment of Heritage Impact

As noted, the site is not a heritage item, however, has been prepared to respond to the site's location within the Newcastle City Centre Heritage Conservation Area and proximity to heritage items. The provides an

assessment against Section 6.02.07 of the NDCP, which relates to heritage. All new development in a conservation area is deemed 'infill' development and must respect the design of the surrounding heritage buildings.

The development on the site does not interfere with the nominated view corridors mapped in the NDCP of the Newcastle City Centre Heritage Conservation Area. This conclusion is supported by a view analysis which forms part of the SoHI. Views to and from the nearby heritage items of Birdwood Park, the Army Drill Hall, the Bank Corner and the former Bellevue Hotel together with the contributory buildings in the area are unaffected by the development as it does not screen any street views to these heritage items or the various streetscape settings in each street in the area.

The provide provides a summary of the heritage impacts of nearby items and the conservation area:

- **Bank Corner:** The impact of the proposed development on the nearby heritage items has been minimised by designing the proposed on a podium. The podium has been designed in response to the former Bank of NSW building on Bank Corner. The curved facade reflects the shape of the Bank Corner building as it wraps around a tight corner in the intersection. The use of vertical blades as part of the Podium structure reflects the vertical windows and details found in the late nineteenth and early twentieth century buildings in the area.
- **Army Drill Hall:** The podium and Stage two tower are set back off the western boundary, allowing a generous view of the Army Drill Hall from both the southern side of King Street and Birdwood Park. Thereby minimising impact.
- **Conservation Area:** The design of the new buildings addresses the heritage conservation area and compliments the views to the site from Hunter and King Street with the use of the curved facades to the podium and tower elements of the development. The conservation area has attracted more recent high-rise development centred on Hunter and King Streets with another high-rise development due to begin construction at 1 National Park Street, opposite the subject site. The use of a coloured curved facade with varying setbacks provides for a unique building on this important landmark site with minimum impact on the heritage significance of the area or individual listed buildings.

In summary, the design is respectful to the nearby heritage items and conservation area. The public will still be able to appreciate the former Bank of NSW, Bellevue Hotel, Army Drill Hall and the Birdwood Park area from the public streets and the park. The public will also be able to observe the buildings associated with the late nineteenth and early to mid-twentieth century remaining in the area.

## 7.9. ARCHAEOLOGY

### 7.9.1. Aboriginal Archaeological

An Aboriginal Archaeological Assessment has been prepared by AMAC Archaeological. Based on a background analysis of the environmental and archaeological context the assessment confirms that the site has high surface disturbances, however, due to the deep soil profile of the soil landscape and archaeological record of the area, it is still likely for in-situ or non- in-situ Aboriginal objects and/or deposits of conservation value to be present.

The report also suggests that although the area has significant surface disturbances and subsequently may have low to moderate archaeological significance it may, however, hold high cultural significance with intrinsic value to the Aboriginal community. Accordingly, a series of mitigation measures and recommendations are advised within the report which confirm as long as they measured are followed, the site is appropriate for the proposed shop top housing development.

In the context of the information provided about the proposed development, the following recommendations have been made to address the Aboriginal cultural heritage and archaeology of the site and are to be implemented upon CN approval of the DA application for which this document is a part of:

- *The Awabakal Local Aboriginal Land Council has been given the opportunity to comment on the recommendations of this report. This is the final version of this document*
- *Further assessment is required in the form of a full Aboriginal Cultural Heritage Assessment, including full Aboriginal community consultation in accordance with Part 6; National Parks and Wildlife Act, Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010). AMAC have been commissioned to proceed with this and is currently being undertaken*

- *Subsequent to this report and in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010), a program of systematic, sub-surface archaeological test excavation in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010), or under an Aboriginal Heritage Impact Permit (AHIP), should be undertaken to establish the nature and extent of any archaeological objects and/or deposits that are/may be present. AMAC have been commissioned to proceed with this and these will be undertaken once the DA has been approved and the buildings' tenants have vacated the premises*
- *If archaeological test excavation in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010) reveals no Aboriginal archaeological objects or deposits; then the proposed development as outlined in Figures 7.1–7.6, should be allowed to 'proceed with caution'*
- *If archaeological test excavation in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010) reveals Aboriginal archaeological objects or deposits; once the nature and extent of the archaeological site has been established through test excavation, this data is to be analysed and synthesised into an Aboriginal Archaeological Technical Report*
- *After this and before any ground disturbance takes place all development staff, contractors, and workers should be briefed prior to works commencing on site, as to the status of the area and their responsibilities in ensuring preservation of the said area. They should also be informed of their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development.*

## 7.9.2. European Archaeology

A Baseline Archaeological Assessment has been prepared by AMAC. The assessment confirms the building onsite was formally a Marcus Clarke & Co building constructed in the early 20th century and later Waltons Ltd. The report also highlights the site has been subject to subsequent 20th century impacts and therefore nil to low archaeological potential exists for occupational deposition and structural remains relating to the domestic and commercial occupation of the site during the mid-late 19th century. The report also suggests moderate potential exists for occupation deposition within the context of the lower structural portion of two late 19th century wells that could demonstrate the commercial function of the site and daily lives of the domestic residences.

Accordingly, to mitigate any unnecessary impacts to locally significant relics and to understand the condition of the archaeological record, a program of historical archaeological test excavation, salvage or monitoring is proposed to occur onsite in advance of the construction works. To guide the testing program an Archaeological Research Design (ARD) will need to be prepared by a qualified archaeologist, prior to the commencement of demolition and construction.

## 7.10. WASTE MANAGEMENT

### 7.10.1. Construction Waste

A Construction Management Plan has been prepared by St Hilliers and a Construction and Demolition Waste Management Plan has been prepared by Elephants Foot and accompany this DA.

#### Waste Management Licenses, Permits and Approvals

The project will observe the following regarding licences, permits and approvals:

- Bins will have lids to retain waste;
- Subcontractors must be licensed and require permits for disposal of demolition material;
- Approvals for changes in land use and the disposal of regulated waste materials require a licence;
- Industrial wastes require Local Government approvals prior to disposal in approved sites (in NSW);
- Asphalt and concrete are not regulated wastes. However, approval will be sought from the DMR (Department Main Roads) or Local Government Council before recycling this type of waste; and

- Nuisance laws exist to limit littering around sites and are a general duty of care provision.

#### **Waste Removal:**

At completion of the project:

- Waste piles will be removed from site to the correct receiving facilities;
- Specialised bins will be emptied, waste tracking dockets received, and all bins and skips returned to owners;
- All project lay-down areas will be cleared of items and waste and returned to a state approved by the stakeholder and contract administrator; and
- The site office area will be cleaned, and all items and waste removed.
- The Waste Removal Register will be used to capture information about waste removal; the specific waste streams will depend on project input/output.

### **7.10.2. Operational Waste**

An Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot Consulting and accompanies this DA.

#### **Residential Waste:**

The OWMP recommends the following quantities and collection frequencies for the residential bins for Stage 2:

- General Waste: 3 x 1100L MGBs collected 2 x weekly
- Service Bins (General Waste): 1x 1100L MGB
- Recycling: 11 x 1100L MGBs collected 1 x weekly
- Service Bins (Recycling): 2 x 1100L MGBs

The residential component will have a dual chute system, comprising of one waste chute and one comingled recycling chute will be installed with access provided on each residential level. Residents will wrap or bag their general waste before placing in the waste chute. Bagged waste should not exceed 3kg in weight, or 35cm x 35cm x 35cm. Recycling (comingled only) must not be bagged when disposed of into the recycling chute. Cardboard boxes or large containers should also not be disposed of in the chute and a separate cardboard collection bin must be made available and managed by the building caretaker.

Residential common areas such as lobbies, amenities and circulation areas will be supplied with suitably branded waste and recycling bins were considered appropriate. These areas generate minimal waste, however general waste and recycling receptacles will be placed in convenient locations.

#### **Commercial Waste:**

The OWMP recommends the following quantities and collection frequencies for the commercial bins for Stage 2:

- General Waste: 2 x 1100L MGBs collected 2 x weekly
- Paper/Cardboard Recycling: 2 x 1100L MGBs collected 2 x weekly
- Comingled Recyclables: 2 x 1100L MGB collected 1 x weekly

The bin sizes, quantities, and/or collection frequencies may be modified by the building manager once the proposed development is operational. Building management will be required to negotiate any changes to bins or collections with the collection service provider.

## **7.11. ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

An Ecological Sustainable Development (ESD) Report has been prepared by Credwell and accompanies this DA. The report outlines the local sustainable government legislation and planning documents to assess adherence of the proposal to development controls and best practice design.



The legislation that the proposal is governed by includes the NLEP, NDCP and the National Greenhouse and Energy Report Act 2007. The legislation outlines compliance and encourages sustainable development for both business and residential through energy efficiency, sustainable design, stormwater management, water cycle management and efficiency, flooding and runoff regimes, site discharge controls and waste management.

The development seeks to implement the following key sustainability initiatives:

- Electric car charging – the development will include adaptability to allow for car parking spaces to be upgraded with car charging facilities in future.
- End of Trip – High quality EoT facilities located at street level with easy access off Hunter Street, to encourage usage.
- 4-Star Greenstar Building rating – a minimum of 13 expectations/requirements need to be achieved to reach this.
- Solar panels – a minimum of 20% of the roof area needs to be set aside for this. The development has the flexibility to exceed this target

The report details how this can be achieved through the available and targeted criteria and concludes that best practice ESD initiative can be achieved through targeting a 4-star Greenstar Buildings Rating.

## **7.12. STORMWATER AND FLOODING**

A Soil and Water Management and Flood Management Strategy and Stormwater Management and Erosion and Sediment Control Plan has been prepared by BG&E and accompanies this DA. The report addresses water and soil management associated with the proposed development.

### **7.12.1. Stormwater Management**

Stormwater Controls will be located wholly within the first stage of the development. The stormwater management plan provides stormwater controls that satisfy provisions of the DCP and is designed as per the Stormwater Technical Manual. Treatment measures will be implemented to ensure stormwater runoff for waterborne pollutants are achieved. The plan will provide on-site detention to reduce peak attenuate outflows, to lessen flood peak. Regular inspections of control systems are planned to be carried out to ensure satisfactory performance of the drainage systems proposed.

### **7.12.2. Erosion and Sediment Control**

The site is considered low risk in terms of potential soil loss arising from development. The contractor will instigate erosion and sediment controls for the construction to minimise risk of sediment deposition in the downstream drainage corridors. Suitable controls are documented on the Stormwater and Erosion control plan that form part of this DA which includes sediment fencing, stormwater pit inlet filters, stabilised site access entry points and the utilisation of the depth of excavation to drop and settle any suspended sediments before discharge.

Management of soil on site will be maintained through the use of sediment fencing constructed around the site boundary during the earthworks phase. Potential soil loss is likely to be minimal, given excavation is to levels below the adjacent street level and that the structure will contain site soils at a very early stage of construction.

### **7.12.3. Flood Management Strategy**

The site is located in a known flood storage area and is susceptible to flash flooding from the local catchment as overland flows from the nearby Cottage Creek.

Local Catchment flooding is understood to comprise overland flooding when flood-flows breach the capacity of the Cottage Creek channel and flow west along King Street toward the subject site. At this point, the overland flows along National Park Street and King Street are understood to be relatively slow-moving floodwaters.

The flood certificate obtained from Council has the flood level of the site documented to RL2.6m AHD in the 1% AEP event, yet considering prior events Council stipulated the finished floor level should adopt 3.2m AHD. The ground level is proposed at RL3.2m AHD and the structure sits at maximum 300mm thick.

Therefore, the site has provision for protection of life by ensuring the ground floor levels are above the 1% AEP flood level

Adequate flood mitigation measures have been devised to alleviate adverse flood impacts on adjacent property resulting from potential loss of flood storage, as discussed in the Site Specific Flood Study prepared by BG&E. The provision of on-site refuge and an Emergency Flood Response Plan to be developed prior to Occupation Certificate should mitigate the risk to life and the proposed ground floor level elevated above the 1% AEP flood level should mitigate the risk to property. Therefore, mitigating the flood risks for the proposed development. BG&E have determined that additional flood modelling is not required.

## 7.13. NOISE AND VIBRATION

An Acoustic Assessment has been prepared by Acoustic Logic that accompanies this DA. It provides an assessment of the noise emissions and intrusion associated with the proposed development.

The noise intrusion sources impacting the site are as follows:

- Traffic noise from surrounding roadways
- Mechanical plant noise from surrounding commercial development
- Patron/music noise from nearby entertainment venues.

The noise intrusion criteria has been assessed and measured against the relevant legislation to mitigate the impacts of noise from surrounding noise sources. Measures have been provided to ensure impacts will be reduced for future residence of the site which will include glazed windows and doors with acoustic seals, external roof and wall construction (façade type) and mechanical ventilation. The treatments used will be further assessed at CC stage.

Noise emissions for the proposed development have been assessed against relevant legislation. The following areas of the proposal will curate the greatest noise emission and will be managed as follows.

- **Noise from mechanical plant** – the location and appropriate acoustic measures will be implemented (duct lining, acoustic silencers and enclosure) will mitigate any noise impacts. Noise emissions should comply with the closest residential receivers, detailed review will be undertaken at CC stage.
- **Retail/commercial tenancies** – noise may be generated through the loading dock activities, mechanical plant servicing and outdoor patron noise. These tenancies will be subject to separate development applications where they will need to demonstrate appropriate noise emissions, they will also need to operate within the required hours which will minimised noise impacts at inappropriate hours.
- **Communal areas** – noise has been measured to the nearest residential receiver with a large estimated amount of people using the communal space at one time. It was concluded that noise levels will be acceptable and mitigation measures are to be implemented including access hours of the communal spaces (signage to indicate access hours) and use of the area to be subject to normal strata management rules regarding noise generation.
- **Carpark/driveway** – assessment of the noise emissions were undertaken based on maximum amount of vehicles during AM and PM peak hours. The numbers were relatively conservative and it is not expected for the noise emissions to be as high as the assessment predicted, the predicted noise levels were still able to achieve noise emission criteria.
- **Loading dock, truck delivery** – Heavy vehicles are proposed to use the ground floor loading dock and consideration has been considered for sleep disturbance from peak noise events. The assessment was conservative and assumed a truck would arrive every 15 minutes. It concluded that use of the dock will achieve project noise emission criteria during the day and evening period. Where night time use is required reversing is only to take place in the enclosed loading dock area and not the driveway.
- **Additional road traffic noise** – Traffic Noise generation has been assessed and found to be compliant with NSW EPA Road Noise Policy requirements.

Project noise criteria was assessed and determined in accordance with the Noise Policy for Industry where applicable. All noise emissions proposed are expected to comply and recommendations within the acoustic report have been adopted. A detailed review of some noise emissions and intrusions will be further undertaken at CC stage and implemented within operation.

Traffic noise generation has been assessed and found to be compliant with NSW EPA Road Noise Policy requirements.

## **7.14. BCA AND ACCESS**

### **7.14.1. BCA Compliance**

A BCA Report has been prepared by BCA Logic and assess the proposal's compliance against the Deemed-to-Satisfy Provisions of the National Construction Code Series Volume 1 – Building Code of Australia 2019, Amendment 1 (BCA) incorporating the State variations where applicable.

The report confirms that the proposed building can comply with the requirements of the BCA with respect to fire resistance, access and egress. Generally, the assessment of the architectural design documentation against the Deemed-to Satisfy Provisions of the Building Code of Australia, 2019 (BCA) has revealed some areas where compliance with the BCA may require further consideration and/or may involve assessment as Performance Based (Fire Engineered) Performance Solutions.

Overall, the report confirms the plans assessed were developed to a standard suitable for submission as a development application and that the architectural design documentation as assessed against the applicable provisions of the Building Code of Australia, (BCA) is considered compliant and capable of complying with the Code.

### **7.14.2. Access Compliance**

The Access Report prepared by BCA Logic assesses the proposal against the Deemed-to-Satisfy provisions of the requirements relating to Access for Persons with a Disability.

It is noted, there are no council planning controls explicitly requiring provision of Adaptable Housing written within Newcastle DCP. Nonetheless, through consultation with a client, the project will be voluntarily proposing no less than ten percent (10%) of all residential SOUs for each DA Stage to be designated as Class C Adaptable Housing units in accordance with AS4299(1995). This proposal is above and beyond the planning controls of DCP yet aims to meet the underlying DCP intent of promoting flexible housing options for a broad spectrum of the community rather than limiting the community's options by proposing all Sole-Occupancy Units (SOUs) to be Silver Level Liveable Housing dwellings.

The report proposes recommendations and performance solutions to be adopted at the detailed design stage of the project which will achieve compliance with the aforementioned provisions.

## **7.15. BUILDING CONSTRUCTION**

A Preliminary Construction Management Plan (**CMP**) has been prepared by St Hilliers Contracting to accompany the proposed DA. The CMP assess' the construction methodology statement for the DA submission. The proposed program of the project milestones has been considered and after lodgement of the DA, the project expects to see completion around mid 2026.

Key issues have been identified as potential risks in the construction process as listed below:

- Site access;
- Site working hours;
- Safety of the public;
- Traffic management ;
- Materials and handling;
- Noise management;
- Waste management;
- Dust control;
- Excavation and dewatering, Sediment and erosion controls; and
- Acid sulphate management.

Mitigation measures to be undertaken throughout the construction process have been outlined in the CMP. A Construction Project Manager will be assigned responsibility of the construction process. A suite of detailed management plans will be developed and implemented prior to works commencing on site as well as a detailed review and implementation of the conditions noted in the development approval consent. The ESD Principals and WOL Objectives will be detailed in the Construction phase ESD and WOL plan

The assigned construction project manager will have oversight of the two stages and will ensure implementation of mitigation measures prior to development and throughout the operation and post construction.

## 7.16. AVIATION

An Aviation Impact Assessment Report has been prepared by AviPro to assess the aviation specific impacts that the development may have on the prescribed and protected airspace of Williamtown/Newcastle Aerodrome and the Helicopter Landing Sites (HLS) at: the John Hunter Hospital (JHH), Westpac Rescue Helicopter Service base, Broadmeadow and the Port of Newcastle Helicopter Base at Dykes Point.

The assessment concludes the proposed development and crane(s) will not be sufficient to impact aviation safety at Newcastle/Williamtown Aerodrome or affect helicopter operations within the CN and the Port of Newcastle. Approval will not be required to erect a construction crane(s) unless specifically advised by CN.

## 7.17. SERVICES

An Infrastructure Services Review has been prepared by Epicentre Consulting Engineers to examine the available services and potential upgrades required to infrastructure to facilitate the proposal. The following outlines the existing services nearby the site:

- **Water:** Based on the Hunter Water mains plans, the site is flanked by two (2) water mains. The first is located on the northern side of the site running along the southern side of Hunter Street. The second line is a 150mm CICL supply line located on the eastern side of site running along the western side of National Park Street.
- **Gas:** Based on the Jemena mains plans, gas is located on the north, south and east of the site.
- **Sewer:** Based on the Hunter Water main map, the sewer reticulates on the western side of the site, entering the site midway long the Stage 1 western boundary and running approximately 1.2m south east, perpendicular to the boundary. The line then heads southwest, continuing to the southern boundary to exit the property on Little King Street via the Stage 2 site. The line exits the site approximately 6.2m to the right of the western boundary.
- **NBN:** Based on the NBN dial before you dig plans, there is existing NBN infrastructure entering the project site. There are a number of NBN pits provided around the site along Hunter St and National Park St. These will need to be capped / relocated subject to the confirmation of NBN.
- **Electrical:** Based on the Ausgrid Energy Authority DBYD data there are existing services available within the vicinity of the site. An application for a new load connection will have to be submitted with a maximum demand calculation. There is an existing chamber substation on the development site with underground connection

In summary, the site is situated within an established area such that access to services and stormwater infrastructure is readily available. These include electricity, gas, water, telephone services and drainage for stormwater and sewerage, which will be enhanced to accommodate for the proposed development as required. On-going engagement is required with service providers post the lodgement of this DA.

## 8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

### 8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed against the relevant state, regional and local environmental planning instruments as follows:

- *Environmental Planning and Assessment Act 1979*;
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)*;
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)*;
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure SEPP)*;
- *Newcastle Local Environmental Plan 2012 (NLEP 2012)*; and
- Newcastle Development Control Plan 2012 (SDCP 2012).

This SEE demonstrates that the proposed development is consistent with the objectives and provisions of the relevant environmental planning instruments. The proposal will contribute to the ongoing development of Newcastle West and will enable the delivery of high-quality retail and commercial floor space and highly amenable residential dwellings within an accessible location.

### 8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no Draft Environmental Planning Instruments relevant to this application.

### 8.3. DEVELOPMENT CONTROL PLAN

Newcastle Development Control Plan 2012 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls accompanies this DA.

The assessment concludes the proposal complies with the relevant provisions within the DCP.

### 8.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

### 8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

### 8.6. NATURAL AND BUILT ENVIRONMENT IMPACTS

As outlined within the construction management plan, all appropriate measures will be implemented during the construction phase to ensure there is no adverse environmental impacts in terms of dust, soil erosion, air, vibration or noise. The proposal will not result in the removal of significant flora and fauna on the site, nor have any adverse impacts on Newcastle Harbour or other waterways and natural landscapes.

The proposed development is largely consistent with the LEP and DCP controls.

### 8.7. SOCIAL AND ECONOMIC IMPACTS

It is considered the following social and economic benefits will be realised during both the construction and occupation stages, as a result of the proposed development:

- The proposed development will result in the immediate generation of employment during the construction phase and increase to the long-term employment capacity of the area once the commercial and retail offerings are operable. The proposal aims to create a curation of smaller tenancies to deliver a diversity of offerings, grouping of eclectic creative uses building on Newcastle's high concentration of artists and creatives. The grouping of these industries will be a first of a kind for Newcastle and act as a catalyst for future growth of the Newcastle West area.
- The proposed development includes a range of one, two and three-bedroom apartment options in a prominent location in proximity to existing and future services that will contribute to Newcastle's residential market. The tower will deliver high-quality residential dwellings in a convenient, accessible and naturally beautiful location. Future residents will be afforded the opportunity to live in a high-amenity location, with all the benefits of modern apartment living. The proposal provides a variety of apartment types to suit the needs and lifestyles of existing and future residents of Newcastle
- The design excellence demonstrated through the proposal will contribute to the urban transformation of Newcastle's West End and set a high standard for future developments and urban renewal in the area.
- The proposal involves a number of architectural strategies to improve the ground floor pedestrian experience and activation of site frontages which will encourage heightened social activity within the area.
- The proposal successfully achieves a high level of security, with design elements that will deter criminal behaviour
- The proposal includes the creation of a new urban plaza and will improve ground plane activation and permeability through the site. The design team invested significantly in ensuring a smooth transition from private to public domain in this location, particularly emphasising the connection to Birdwood Park and the Army Drill Hall.

## 8.8. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The site is zoned B3 commercial core and the proposed '*shop top housing*' is permitted with consent in the zone. Furthermore, the proposal is consistent with the objectives of the zone.
- The proposed development achieves design excellence and provides a high-quality built form approach with an appropriate relation to the surrounding sites.
- The application has proactively sought extensive engagement with City of Newcastle and the established Design Integrity Panel. The development has undergone an Architectural Design Competition where three competitors put forward their designs in accordance with the brief. The Plus Architecture scheme was recommended by the Jury as the winning scheme in the competitive design process and provides a high-quality design response.
- The project will catalyse the urban renewal of a key site in Newcastle West. The site has been occupied by Muso's Corner since Spotlight and Anaconda relocated to Bennett Green.
- The proposal is highly consistent with all strategic planning aims and objectives for the Newcastle City Centre and the Hunter region by providing a diversity of housing, and employment opportunities in a well-connected area.
- The site is situated within an established area such that access to services and stormwater infrastructure is readily available. These include electricity, gas, water, telephone services and drainage for stormwater and sewerage, which will be enhanced to accommodate for the proposed development as required. Plans will be lodged for review by Hunter Water upon lodgement of this DA.
- The site is not in an area recognised as being subject to landslip. Bushfires, , or any other particular hazards, and has a low level of potential site contamination. The proposal will not increase the likelihood of hazards occurring on the site or within the surrounding vicinity.
- The site will not cause significant overshadowing impacts to any sensitive areas or open space.
- The subject site is considered well suited to accommodate the proposed level and density of commercial and residential development.



## **8.9. SUBMISSIONS**

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

## **8.10. PUBLIC INTEREST**

The proposed development at 711 Hunter Street is within the public interest for the following reasons:

- The proposed development positively responds to the current and future character of Newcastle's West End, and will provide additional residential, commercial and retail development within close proximity to public transport routes.
- The proposal generally complies with the requirements of the relevant planning controls including SEPP 65 and achieves a high level of compliance with the ADG.
- The proposal supports a significant increase of employment opportunities, with the provision of commercial and retail floor space.
- The proposed development will activate the ground floor pedestrian frontages along National Park Street and Hunter Street, improving the pedestrian experience within the public domain.

## 9. CONCLUSION

This proposed development seeks consent for the construction of a mixed-use development at 711 Hunter Street, Newcastle West. The proposed development has been assessed against all relevant items of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The overall outcome of the proposal aims to develop a mixed-use precinct with high quality tower forms providing a positive relationship to the immediate surrounds and acknowledging the surrounding heritage context. The proposal intends to act as a landmark for Newcastle West with a curated mix of eclectic and creative retail, F&B and commercial opportunities activating the ground levels.

The proposal is considered appropriate for the site and locality as summarised below:

- **The proposal is consistent with State, Regional and Local strategic planning policies** – the proposal will contribute toward growing the Newcastle City West through the delivery of a quality mixed use precinct with an activated ground level, providing a positive relationship to the immediate surrounds.
- **The proposal is largely consistent with the applicable State and Local planning controls** – The assessment provided indicates that the proposal is in accordance with the State and Local Planning Controls, it is permissible within the B3 Commercial Core zone and will deliver retail, business, entertainment and community uses in response to the zone objectives. The proposal displays a high degree of compliance with the objectives, with the exception of the building separation which has been assessed and considered suitable on merit.
- **The proposal will offer a high standard of amenity and net community benefit** – the proposal is providing a high quality mixed use precinct that will significantly improve the public domain with community uses along the lower floors of the proposed development.
- **Design excellence has been achieved** - The proponent conducted a comprehensive Architectural Design Competition to inform the detailed design of the proposed development during late-2021. The proposed scheme retains the key architectural elements nominated by the Jury as contributing to design excellence.
- **The proposal will provide a positive economic impact** – The proposal will create a curation of smaller tenancies to deliver a diversity of offerings, grouping of eclectic creative uses building on Newcastle's high concentration of artists and creatives. The grouping of these industries will be a first of a kind for Newcastle and act as a catalyst for future economic growth of the Newcastle West area.
- **The proposal achieves a high level of residential amenity** - The residential element of the proposed development has been designed in accordance with SEPP 65 and the Apartment Design Guide. The enclosed balconies provide highly-amendable private open space protected from high wind speeds and intrusive noise sources.
- **The proposal is in the public interest** – The proposal will significantly benefit the community providing an activated, pedestrian focused ground floor precinct, with high quality tower forms that will deliver residential apartments for the City of Newcastle.

Having considered the above we conclude that the proposed development will not cause any unreasonable social, environmental or economic impacts, it is within the public interest and will deliver an excellent design outcome. The proposal is appropriate for the site and approval is recommended, subject to appropriate conditions.

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