Statement of Environmental Effects

Proposed Mixed Use Development

No. 309 King Street, Newcastle West

Submitted to Newcastle City Council
On Behalf of the Wests Group

September 2019

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
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		Prepared by	**Verified by**
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		Prepared by	**Verified by**
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Disclaimer

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23	Acid Sulfate Soil Assessment	Douglas Partners	Rev 1	21/06/19
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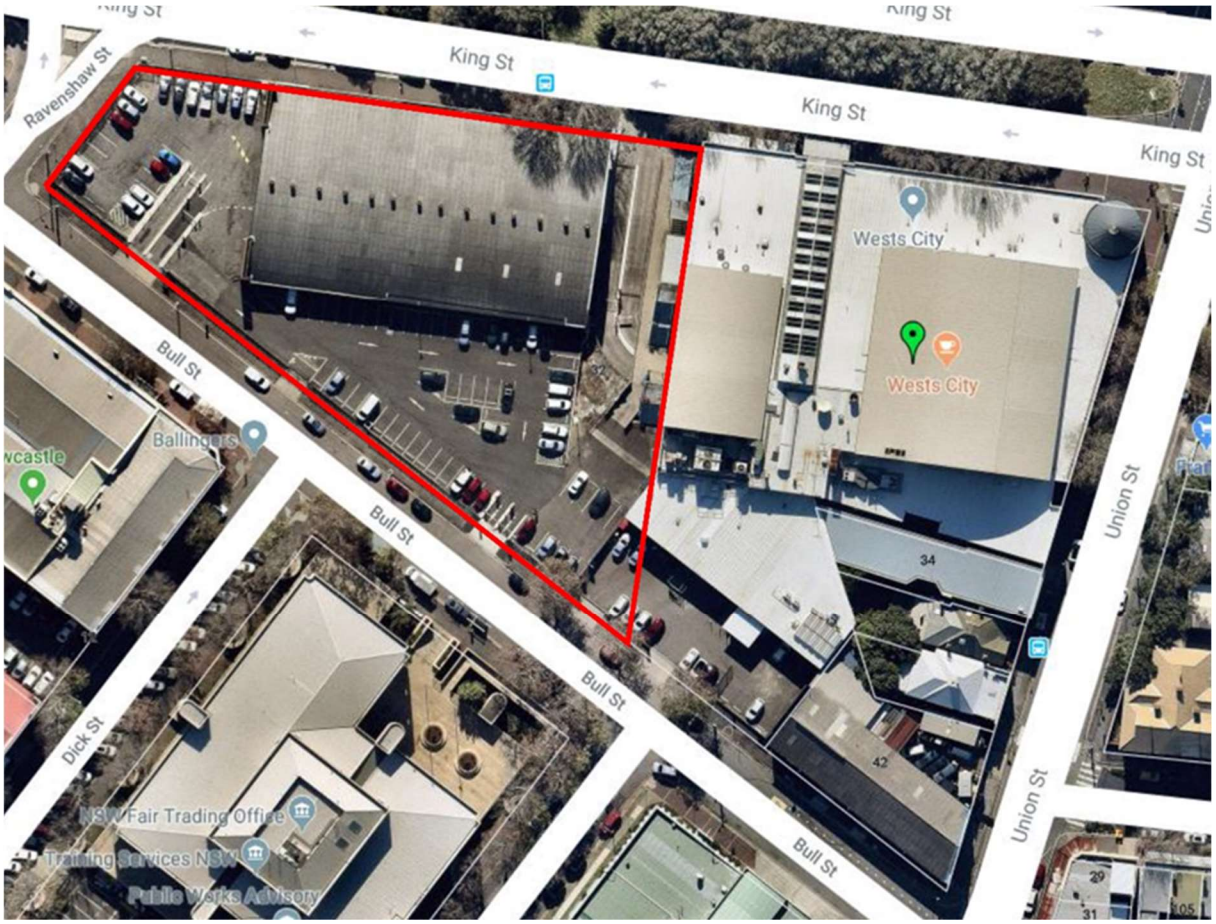
1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by City Plan Strategy and Development (CPSD) on behalf of the Wests Group, owners of the subject site (the applicant).

The subject site is located at No. 309 King Street, Newcastle West. It currently contains car parking facilities associated with the 'Wests City' club complex directly adjacent. Under the *Newcastle Local Environmental Plan 2012* the land is zoned B4 Mixed Use and is identified as a 'Key Site' within the 'Newcastle City Centre'.



This SEE is to support a Development Application (DA) for the demolition of existing development within the site, and the construction of 2 proposed 14-storey mixed-use buildings with shared basement carparking. The value of the proposal would be in excess of $30 million (i.e. approximately $146 million), therefore the DA will be assessed by Council, but determined by the Hunter and Central Coast Regional Planning Panel pursuant to *State Environmental Planning Policy (State and Regional Development) 2011*.

Key anticipated benefits of the proposal include:

- The activation of a currently under-utilised 'Key' CBD site with a high-quality development, including street level commercial uses, a new public memorial, and a pedestrian laneway linking significant streets.
- The provision of quality residential accommodation in a diverse range of typologies and price points, allowing equitable access to a CBD location. Key advantages of the site include its proximity to light rail and other public transport, Marketown and 2 'Commercial Core' precincts, and a range of recreation destinations including National Park and Newcastle Harbour and Foreshore.

- The provision of seniors housing in a variety of care formats and sizes, in excellent proximity to CBD shops and services, allowing existing Newcastle residents the unique opportunity to 'age in place'.

Key features of the proposal include:

- Demolition of the existing car parking area, carparking building, and vehicle ramp from King Street into the 'Wests City' building.
- Construction of:
  - 3 shared levels of carparking (286 spaces) across the site, including 2 wholly-basement levels and 1 part-basement level.
  - 2 separate 14-storey 'tower' form buildings.
  - A publicly accessible pedestrian laneway between the proposed development and the 'Wests City' building. The laneway would provide connections between King Street and Bull Street and would include a memorial to the 1989 Newcastle earthquake victims.
- The buildings would include:
  - Ground floor commercial facilities fronting King Street and the laneway, including a café and restaurant, medical centre and salon.
  - A 114-bed seniors aged care facility, including dining and recreational facilities.
  - 82 x seniors independent living units, consisting of 2 and 3-bedroom apartments. Community facilities supportive of the units, including dining and recreational facilities (indoor and outdoor).
  - 166 x general residential apartments (studio, 1, 2, or 3 bedrooms).
  - Rooftop recreation space supportive of the general residential units, including a swimming pool.
- Landscaping of the proposed pedestrian laneway, recreational spaces and street frontages.

Torrens subdivision of the subject site from the adjacent 'Wests City' club site is also proposed, but as part of a separate development application.

The proposal is the result of a comprehensive design development and consultation process, which included a Pre-Development Application Meeting with Newcastle City Council. The Newcastle Urban Design Consultative Group reviewed the proposal and provided its overall support, noting its *well-considered built form which responds to its context; exceptional variation of unit types* providing for a *rich mix of occupants*; and landscaping of a *very good standard* which would *enhance the public domain*.

Pursuant to the *Newcastle Local Environmental Plan 2012* an architectural design competition would normally be required for development such as the one proposed. However, the Government Architect NSW granted a waiver for the need for a competition in this case, as the proposal was considered a 'manifestly outstanding building' which 'exhibits design excellence'.

This SEE has been prepared in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the *Environmental Planning & Assessment Regulation 2000*, having regard to Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The SEE provides a description of the existing land and the site context in Section 2, with details of the proposed development in Section 3. The environmental planning controls applying to the site and an assessment of compliance with these controls are set out in Sections 4 and 5. Section 6 discussed the potential impacts of the proposal and the proposed mitigation measures. Sections 7, 8 and 9 address remaining considerations pursuant to Section 4.15 of the EP&A Act, and Section 10 contains concluding comments in respect of the proposed development.

Images of the site's location and an aerial photograph and deposited plan information are provided in Figures 1 and 2.

This SEE demonstrates that the proposal complies with most development objectives and controls and will result in development that exhibits design excellence. It is considered to be consistent with the desired future character of the area and supports the 'guiding principles' of the *Newcastle Urban Renewal Strategy.* Environmental and social considerations and constraints have been adequately addressed. Accordingly, it is recommended that the proposal be granted development consent.

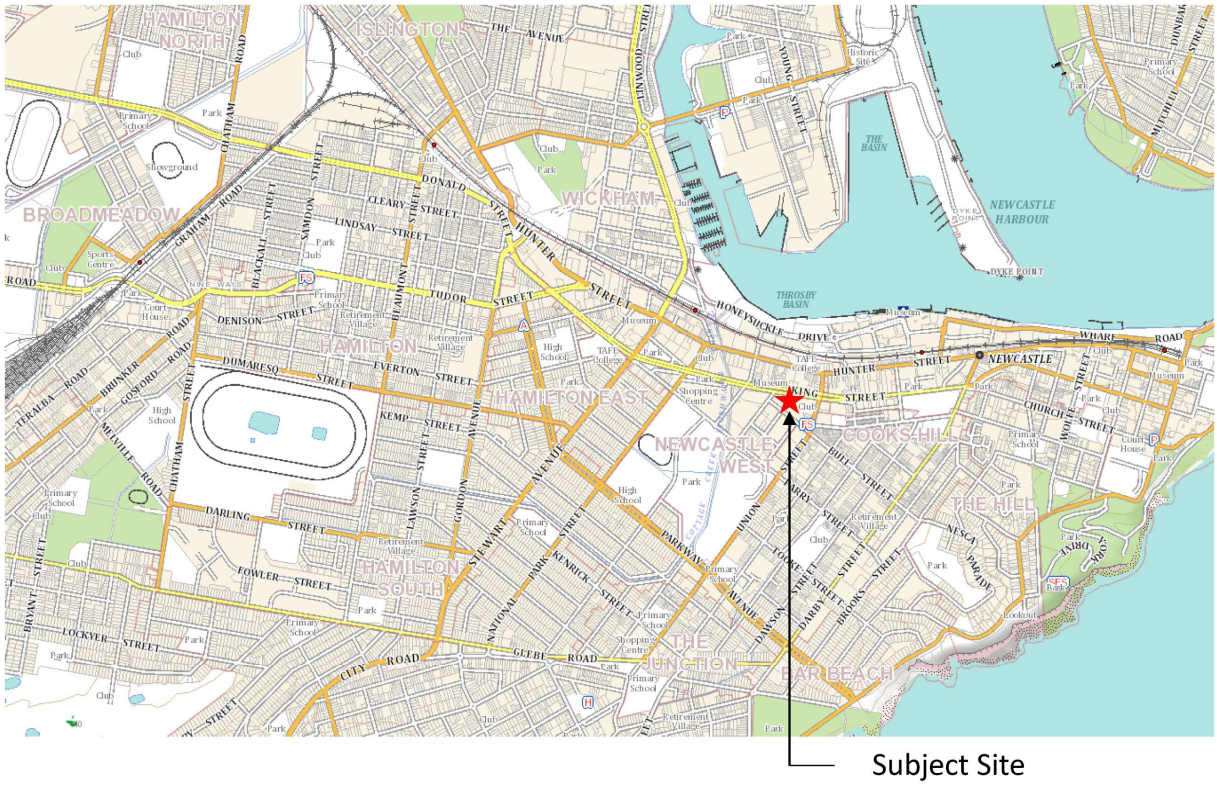


Figure 1: Site location (Base source: Sixmaps)

Figure 2: Aerial view of locality (Base source: Nearmaps)

2. THE SITE AND CONTEXT

2.1. The Site

The subject site is located at No. 309 King Street, Newcastle West, and is legally described as Part of Lot 1 DP 826956. Plans showing the site's location, an aerial view of the locality and an aerial view of the site are provided at Figures 1, 2 and 4.

A separate development application will be made which will seek the subdivision of Lot 1 DP 826956 into 2 separate Torrens Title lots. This subdivision would divide the subject site from the adjacent 'Wests City' club and associated carparking - refer to Figure 4. Further information on the proposed division of the subject site from Wests City, including the re-configuration of carparking and accesses, is provided at Section 3.2 of this SEE.

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

- **Site details:** The site comprises a large, almost-triangular shaped parcel of land with an area of approximately 6,631m². The land has a northern frontage to King Street of approximately 104m, a western frontage to Ravenshaw Street of approximately 27m, and a southern frontage to Bull Street of approximately 136m. It has a shared boundary with the 'Wests City' club to the east of approximately 91m. The site slopes generally downwards from Bull Street to King Street, with levels ranging from RL 7m AHD in the south-east of the site to RL 3m AHD in the north-west. The site has previously been partially filled, with brick and concrete retaining walls fronting King Street and Ravenshaw Street. A *Contour Detail Plan* is provided within the plans at **Appendix 1.**
- **Existing development and access:** An aerial view of the site is shown at Figure 3 below. The site currently accommodates a circa-1958 single-storey brick car parking structure with a direct frontage to King Street, with surrounding external carparking spaces (approximately 190 spaces total). The car parking areas are used in association with the adjoining 'Wests City' club to the east and are accessible via 2 separated entry/exit driveways connecting to Bull Street. Black palisade fencing encloses the site along Bull Street, Ravenshaw Street and parts of King Street. A pedestrian ramp provides access from King Street (near the north-eastern corner of the site) to the carpark building.

  Also, within the site boundaries, a combined entry/exit driveway ramp connects King Street to the underground carpark within the adjacent 'Wests City' building. Along the eastern boundary, the site encompasses 4 emergency exit stairwells providing egress from the first level of the 'Wests City' club to ground level; several ground-level emergency egress doors; and a lean-to structure attached to the building (understood to be part of a Games Room). External concrete stairs lead from the King Street-level egress area up to the ground-level parking area fronting Bull Street. A narrow basement portion of the adjacent 'Wests City' underground carpark is captured within the site boundaries (beneath the emergency exit stairs), along with a small corner of a building fronting Bull Street, and some associated external hardstand areas. This building forms an annexe to the 'Wests City' club and comprises enclosed loading docks, with associated driveway areas and external bin storage facilities.
- **Zoning:** The site is zoned B4 Mixed Use under the *Newcastle Local Environmental Plan 2012* (NLEP), as shown in Figure 5. It is mapped as a 'Key Site' pursuant to the *Newcastle City Centre Map*, as shown in Figure 27.
- **Key environmental constraints:** The site contains no existing vegetation and is not mapped as 'floodprone land'. However, it:
  - is mapped as containing 'Class 4' soils pursuant to the *Acid Sulfate Soils Map*.
  - does not contain a listed heritage item but is within the Newcastle City Centre Heritage Conservation Area and is in close proximity to several listed heritage items.
  - contains some areas of soil contamination associated with filling and historical land uses.
  - is located within the Newcastle Mine Subsidence District.

  These constraints are considered to be readily manageable, as outlined throughout Section 6 of this SEE.

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

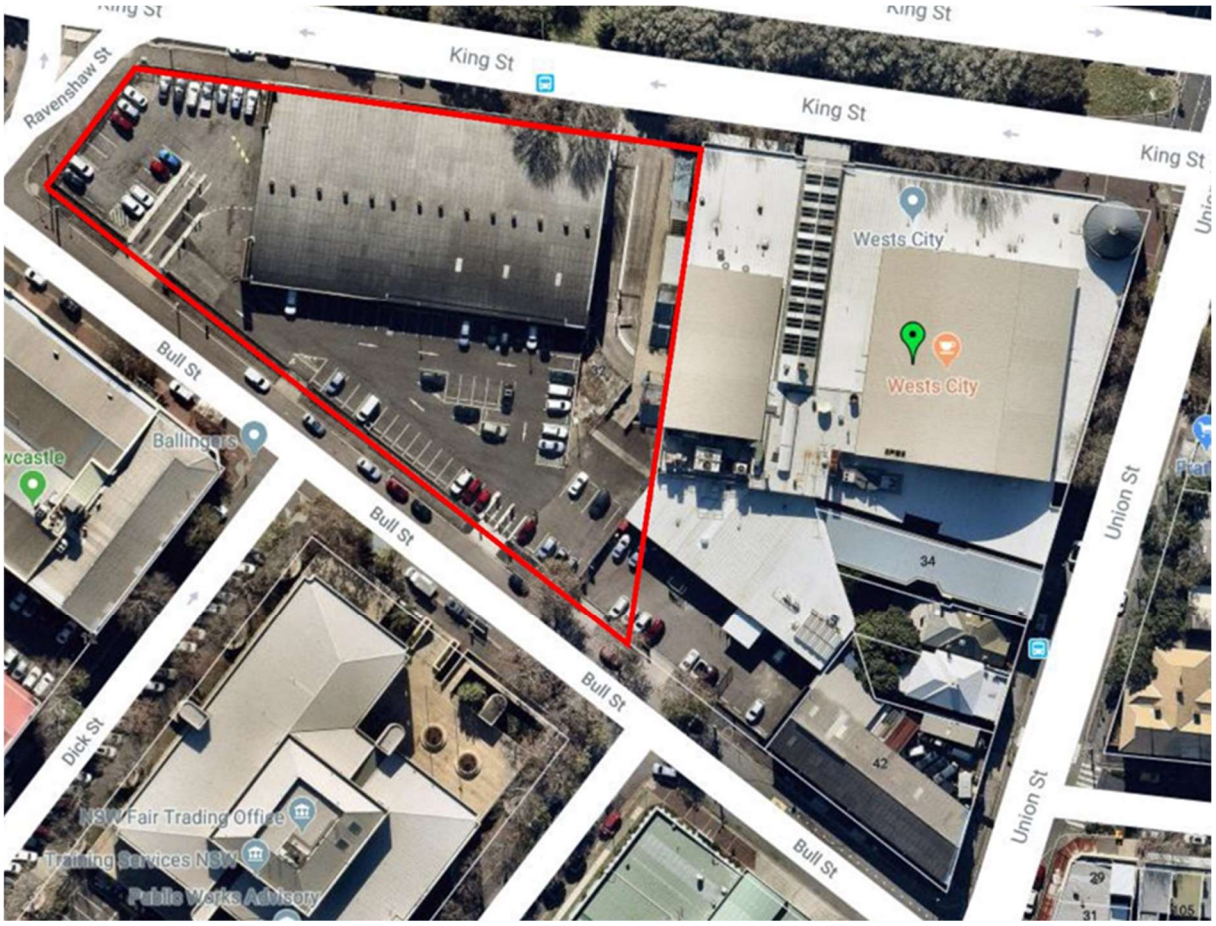


Figure 3: Aerial view of subject site 15 June 2018 (Base source: Nearmaps)

Plate 1: View of the carparking structure from Bull Street (looking north-east)

Plate 2 View of the site from Ravenshaw Street (looking north-east)

Plate 3: View of the carparking structure from King Street (looking south-east)

Plate 4: View of the carparking structure from the north-eastern boundary with King Street (looking south-west)

Plate 5: View of the inside of the carparking structure (looking west)

Plate 6: View of the driveway ramp connecting to King Street, emergency egress stairs and lean-to structure associated with the adjacent 'Wests City' building (looking south)

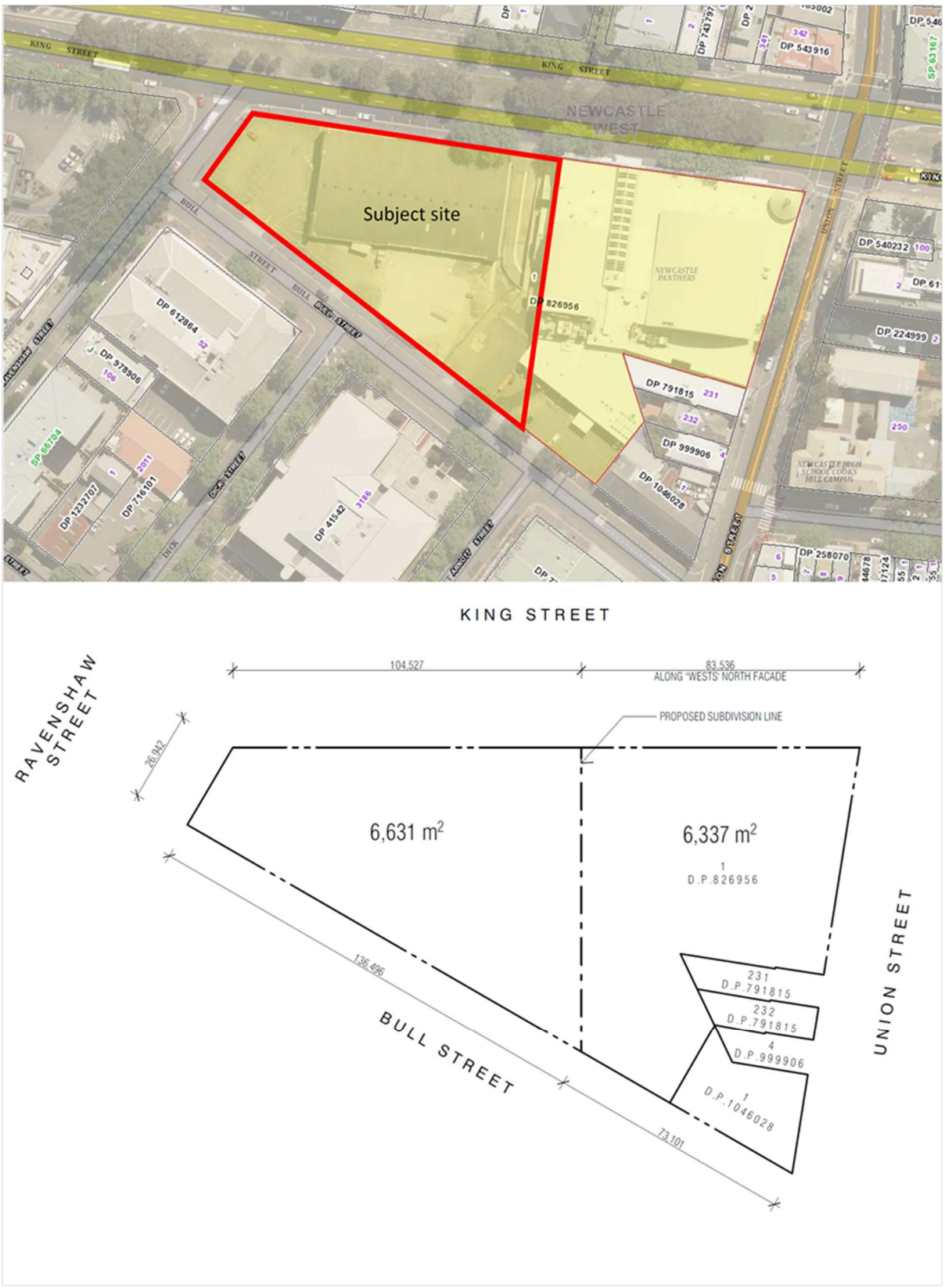


Figure 4: Top - 'subject site' boundaries shown on existing deposited plan details. Bottom - proposed plan of subdivision (not part of this application) (Base sources: SIXmaps and Appendix 2)

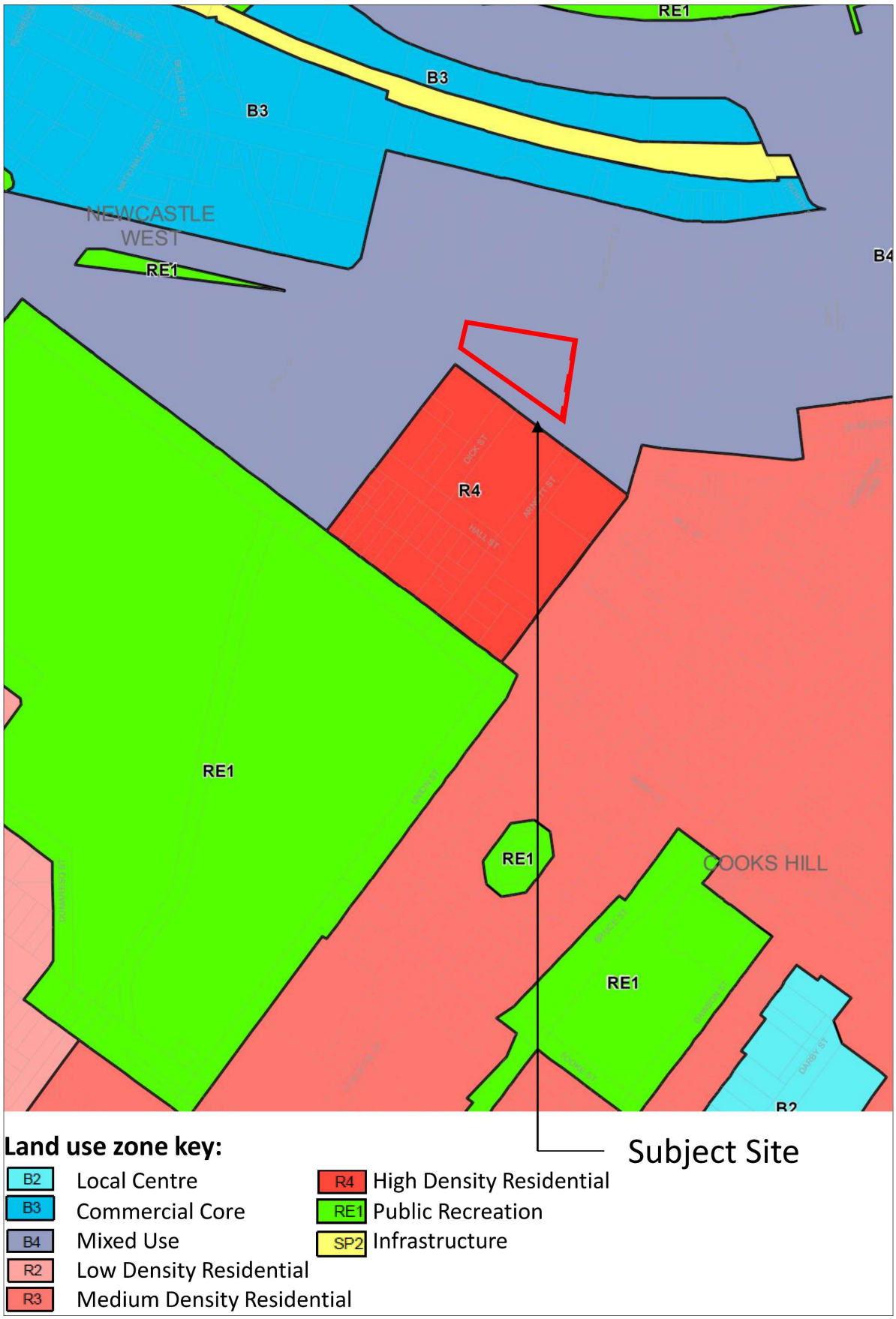


Figure 5: Land Zoning Map (Newcastle LEP 2012)

2.2. Surrounding Land Uses

The character of the immediately surrounding area is predominantly commercial, with the major exceptions of the nearby 'Spire' and 'Westcourt' apartment buildings to the south-west. Most land in the vicinity of the site is zoned B4 Mixed Use, while land to the south of Bull Street is zoned R4 High Density Residential (see Figure 5).

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

- **North:** The King Street carriageway lies directly north of the site, comprising 4 lanes divided by a vegetated and sloping median strip. Two street trees directly adjoin the site, near the driveway access, comprising mature 'London Plane' trees. North of King Street is a 4-storey office building attached to the heritage-listed *Hunter Water Board Building*; an at-grade carpark associated with the 10-storey 'Quest Apartment' building (fronting Hunter Street); the 1-2 storey 'EJE Architecture' building; the 2-storey 'Star Hotel', including the 'Star Apartments' (accommodating short and long-term rentals); and the 'Hunter Unions' building. Devonshire Street provides pedestrian connections between King Street and Hunter Street and includes cafes with outdoor dining spaces.
- **East:** Directly adjacent is the 'Wests City' registered club, comprising a two-story brick rendered building. The ground level accommodates bars, restaurants and associated club facilities and the first level accommodates 'NEX' (the 'Newcastle Exhibition and Convention Centre'), comprising large scale entertainment, conference and exhibition spaces. A basement level provides approximately 88 car parking spaces (accessible via the subject site), in addition to the carparking provided within the subject site - see Section 2.1. Directly south of 'Wests City' (within the same block) are a variety of small-scale commercial uses including 'Union House', 'Newcastle Chiropractic' and 'Newcastle Car Services'. Further to the east is the 8-storey 'Newcastle Permanent' commercial building and adjoining 5-storey privately operated car park; the 2-storey 'Frank's Ham & Beef' terrace building; and the 1-2 storey 'Cooks Hill Campus' of Newcastle High School (a listed heritage item). Medium-density residential development extends east of Union Street, along Laman Street.
- **South:** Commercial development on the opposite side of Bull Street including the 2-storey brick 'Tonella Commercial Centre' and 3-4 storey NSW Government offices building. Further to the south-east on Bull Street lies the 1-storey 'Newcastle Fire Station', which is a listed heritage item of local significance. Remaining development to the south is predominantly commercial through to the 'National Park' sportsgrounds, with the major exception of the 7-storey 'Westcourt' building on Ravenshaw Street, inclusive of 6 levels of apartments.
- **West:** A 1-storey 'McDonalds Restaurant' sits directly to the west, on the opposite side of Ravenshaw Street. The 9-storey 'Marketown Shopping Centre' building, inclusive of the 'Spire Apartments' (comprising 160 residential units) on the upper 7 floors, lies to the south-west. Additional commercial development lies beyond.

Key features of the local context are as follows:

- **Public transport and walkability:** Numerous bus routes connecting the greater Newcastle region provide frequent services along King Street, with the closest bus stop immediately adjacent to the site (although bus route mapping indicates this stop is not currently in use - the next closest operational bus stops are approximately 260m walking distance). The Newcastle Transport Interchange - including heavy rail, light rail, local buses, regional buses, and taxis - is located to the north-west of the site, approximately 900m walking distance. The Honeysuckle light rail stop is less than 500m walking distance. Numerous sites of interest are also within walking distance including Marketown Shopping Centre and Marketown Health Medical Centre (150m), the Newcastle TAFE (210m), National Park sportsground (280m), Civic Park and Town Hall (500m) and multiple shops, restaurants and services along King Street, Hunter Street and Union Street.
- **Key views:** The site does not contain any 'key views' or 'vistas', as identified within the *Newcastle Development Control Plan 2012*, although an identified 'vista' terminates just to the east of the site (see Section 6.1.2 for further details). Other available views are indicated in Figure 6 below.

- **Heritage items:** Several heritage items of local and state significance are located in proximity to the site. In addition to those listed above, Miss Porter's Residence (Item 506) is a state significant heritage building located north-east of the subject site at No. 434 King Street. See Section 6.1.6 of this SEE for further discussion on heritage.

Extracts of site analysis plans prepared for the site are shown in Figure 6 and Figure 7. Additional 'Urban Analysis' information is provided within the plans at **Appendix 2** (DA020 - 021). Photographs showing views of the local area are provided in the following sections.

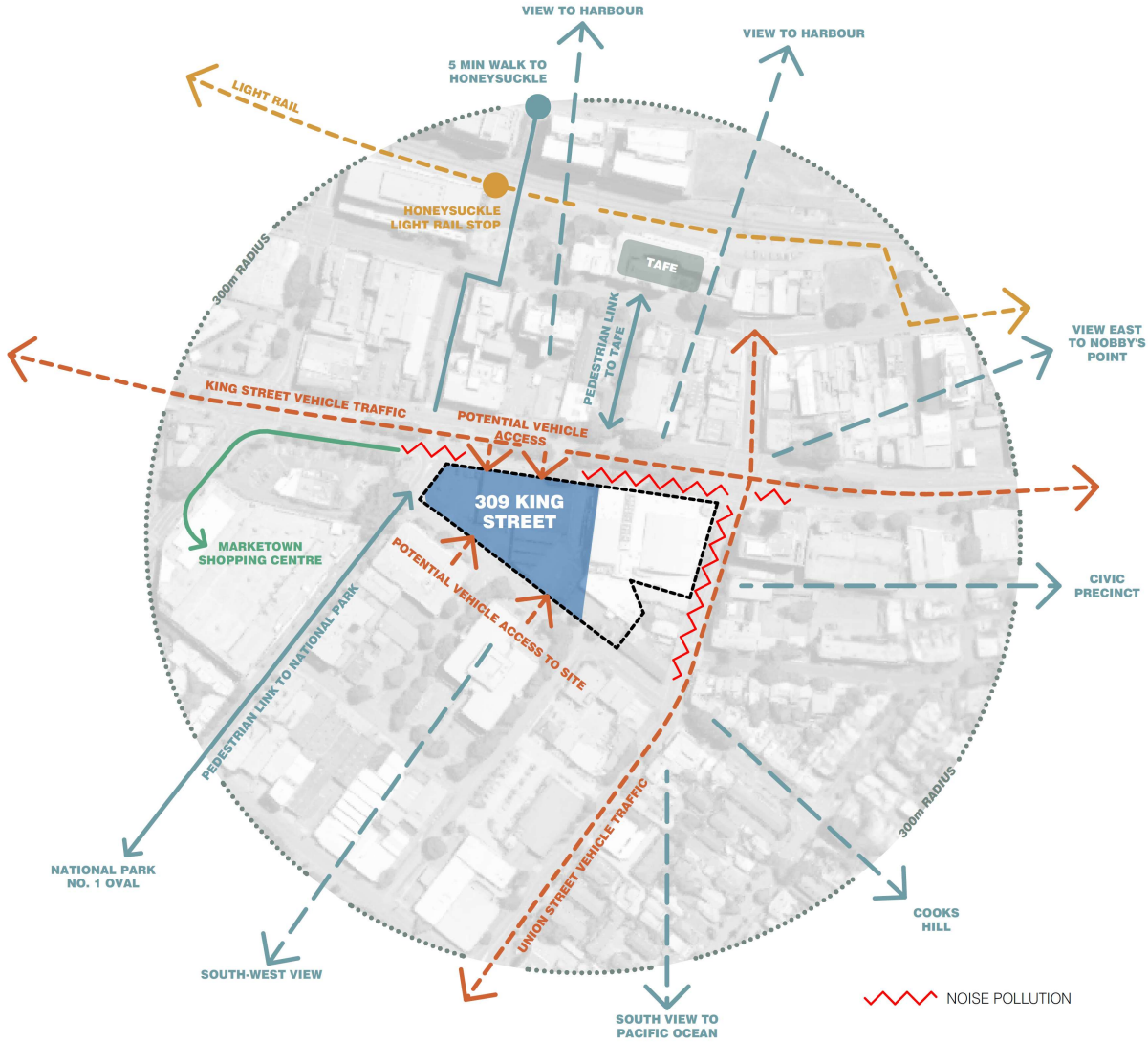


Figure 6 Extract of Urban Analysis plan (Source: Plan DA020, Appendix 2)

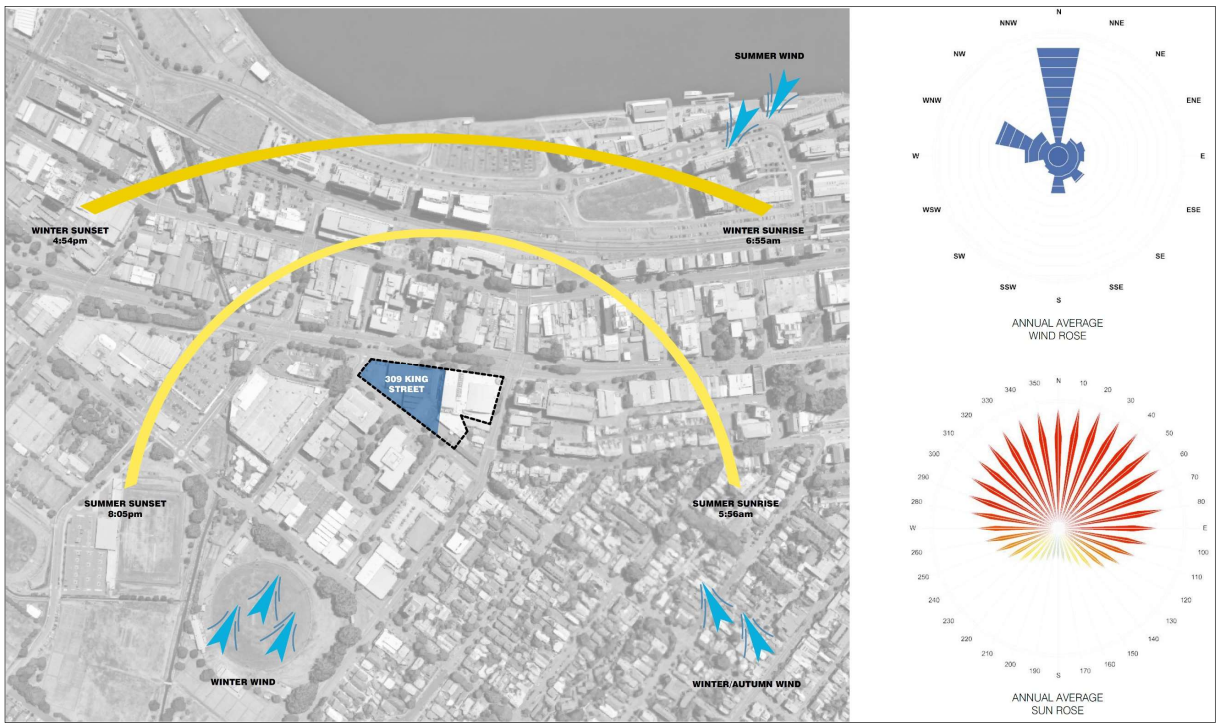


Figure 7: Extract of Climate plan (Source: Plan DA003, Appendix 2)

Plate 7 View of 'Wests City' (and NEX) building at the intersection of Union and King Streets (looking south-west)

Plate 8: View of relationship between 'Wests City' building and subject site at the King Street frontage (looking south)

Plate 9: View north across King Street - the Star Hotel, Devonshire Street and the Hunter Unions building

Plate 10: Streetscape of King Street looking north-east, including an office building attached to the rear of the heritage-listed Hunter Water Board Building (left of photograph)

Plate 11: View of the NSW Government offices on Bull Street (looking west)

Plate 12: View of Bull Street looking east. The Tonella Commercial Centre building is visible on the right, with the subject site on the left

Plate 13: View from Ravensworth Street looking south-west towards McDonalds Restaurant, Marketown Shopping Centre and Spire Apartments

2.3. Strategic Planning Context & Desired Character

The subject site is part of a 'Key Site' located within the 'Newcastle City Centre', pursuant to the NLEP 2012. The *Newcastle Development Control Plan 2012* (the DCP) identifies the site as being within the 'Parry Street Character Area' (see Figure 8 below). This area is identified as containing a *mixture of*

commercial development with some residential and retail development and its desired future character (as described within the DCP) is as follows:

> *In the future, this precinct will be characterised by more high-density residential development taking advantage of the good amenity offered by proximity to the city centre and National Park and available services such as retail, entertainment and employment opportunities.*

The key principles applying to development in the Parry Street Character Area are outlined below:

1. *Public domain spaces are improved to support the evolving character of the area into a high-density residential and mixed-use precinct.*
2. *Distinctive early industrial and warehouse buildings that contribute to the character of the area are retained and re-purposed.*
3. *Development along Cottage Creek provides a building address to encourage activity, pedestrian and cycleway movement, and improve safety.*

The DCP controls relating to the Parry Street Character Area are addressed in Section 5.2 of this SEE.

The *Newcastle Urban Renewal Strategy* (NURS) also provides guidance and objectives for the site and its surrounds and was a key driving force behind the development of the NLEP and DCP. It identifies the site as being within a 'residential area' (see Figure 9 below), which is in keeping within the proposal's predominantly residential focus.

A discussion of the proposal's compliance with the key objectives of the NURS is provided at Section 5.3 of this SEE.

Figure 8: Character Areas Map (DCP 2012)

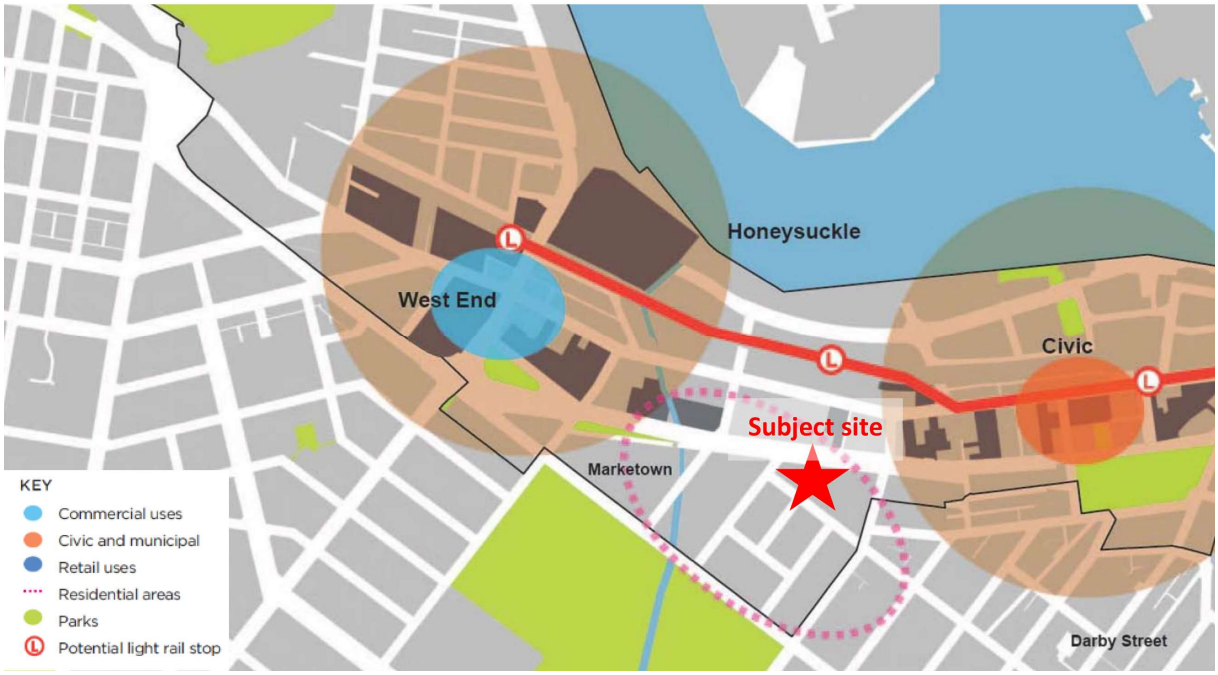


Figure 9: Extract from Newcastle Urban Renewal Strategy (Update 2014)

3. DESCRIPTION OF THE DEVELOPMENT

3.1. Overview

The proposal comprises the demolition of the existing building and carpark, and the construction of 2 x 14-storey mixed-use buildings with shared basement carparking.

Key features of the proposal include:

- Demolition of the existing car parking area, carparking building, and vehicle ramp from King Street into the 'Wests City' building.
- 3 shared levels of carparking (286 spaces) across the site, including 2 wholly-basement levels and 1 part-basement level.
- Construction of 2 separate 14-storey 'tower' form buildings.
- A publicly accessible pedestrian laneway between the proposed development and the 'Wests City' building. The laneway would provide connections between King Street and Bull Street and would include a memorial to the 1989 Newcastle earthquake victims.
- The buildings would include:
  - Ground floor commercial facilities fronting King Street and the laneway, including a café and restaurant, medical centre and salon.
  - A 114-bed seniors aged care facility (ACF), including dining and recreational facilities.
  - 82 x seniors independent living units (ILUs) consisting of 2 and 3-bedroom apartments. Community facilities supportive of the ILUs, including dining and recreational facilities (indoor and outdoor).
  - 166 x general residential apartments (studio, 1, 2, or 3 bedrooms).
  - Rooftop recreation space supportive of the general residential units, including a swimming pool.
- Landscaping of the proposed pedestrian laneway, recreational spaces and street frontages.

A site plan extract, identifying the location of the key development components, is provided at Figure 10 below. An artist's impression of the proposal is provided at Figure 11.

Torrens subdivision of the subject site from the adjacent 'Wests City' club site is also proposed, but as part of a separate development application.

Additional details on the proposed development are provided in the following sections.

Figure 10: Annotated site plan identifying key development components (Base source: Appendix 2)

Figure 11: Artist's impression of proposed development (Ravenshaw and King Street frontages)

3.1.1. Key Development Statistics

The key development statistics associated with the proposal are summarised in Table 1 below.

Table 1: Key Development Statistics

	Proposal
Site Area	6,631m²
Gross Floor Area (approximate)	36,161m²
Floor Space Ratio (approximate)	5.45:1
Maximum Building Height	46.2m (RL 52.7m AHD) (comprising a lift overrun)
Aged Care Facility	114 beds
Independent Living Units	82 units
General Residential Apartments	166 apartments
Commercial Spaces*	4 x tenancies on the Ground Floor Total GFA of 562m²
Car Parking & Servicing	▪ 286 car spaces, including 11 disability accessible ▪ 168 bicycle storage spaces ▪ 17 motorcycle spaces ▪ 4 external passenger drop-off points, including 2 configured for ambulance and mini-bus use ▪ 1 internal loading bay ▪ 1 internal car washing bay ▪ End of trip facilities (5 showers, lockers)
External Spaces	▪ Landscape planting: 2,190m² (33% of site area) ▪ Communal open space: 2,370m² (36% of site area) ▪ Public open space (including laneway): 1,916m² (29% of site area)

** commercial = salon, medical centre, café, restaurant*

3.2. Subdivision and Associated Works

As outlined in Section 2.1 of this SEE, a separate development application (DA) is being prepared which will seek the subdivision of Lot 1 in DP 826956 into 2 separate Torrens Title lots (see Figure 4). This would allow the subject site to be on separate title to the 'Wests City' club site.

In addition, the separate DA will seek consent for works within the 'Wests City' lot which would rationalise its carparking, loading and access arrangements. The works would allow 'Wests City' to operate independently from the development on the subject site.

The Wests proposal would include demolition of the existing 'loading dock' building and associated hardstand areas which currently intrude into the subject site (fronting Bull Street), as well as the basement access ramp that intrudes into the subject site (fronting King Street).

It is understood that the proposed carparking rationalisation on the Wests site would provide sufficient carparking space to satisfy the long-term parking needs of 'Wests City' and would be operational prior to the demolition of carparking within the subject site. The 'Wests City' development has been designed with due regard to the proposed development on the subject site.

3.3. Detailed Proposal Description

3.3.1. Demolition, Earthworks and Site Preparation

As shown on the *Ground Level Demolition Plan* (DA050 at **Appendix 2** - see extract at Figure 12 below), demolition would involve the following key components:

- Carpark building and associated hardstand carparking areas and vehicle access points.
- Basement carparking ramp and driveway access from King Street.
- Concrete pedestrian paths and stairs.
- Existing fire stairs and attached lean-to structure along the western wall of the 'Wests City' building.
- The removal of 2 'London Plane' street trees on King Street, adjacent to the site.

In addition, the 'Wests City' 'loading dock' building and associated driveway and accesses fronting Bull Street would be demolished to accommodate the proposed development. The demolition of those components will be sought via a separate development application (see Section 3.2 of this SEE).

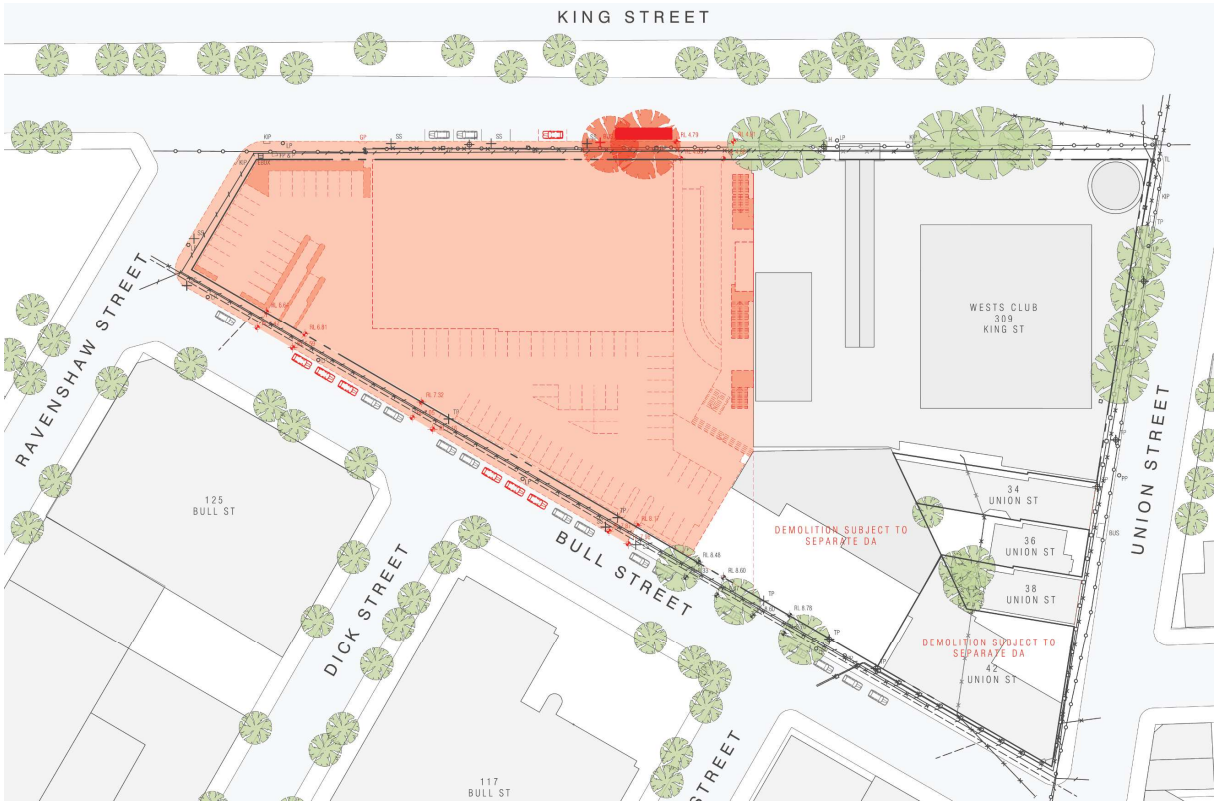


Figure 12: Ground level demolition plan extract (Source: Appendix 2)

Extensive earthworks are proposed throughout the site to achieve the 2 proposed basement carparking levels, as well as the installation of required service and drainage infrastructure. Key aspects of the proposed earthworks are as follows:

- Existing ground levels are between approximately RL 5m to 7.5m AHD. The lowest basement slab level proposed is RL-2.4m AHD. Allowing for slab thickness and other factors, the base level of bulk excavation is likely to be around RL-3m AHD or lower.
- Construction of pile caps, lift wells and other components would require locally deeper excavations.

- Accordingly, bulk excavations would be approximately 7.5 to 10m deep relative to current ground levels.
- Dewatering would be required for basement construction in order to draw down the groundwater level to at least RL -3m AHD (about 0.5m below basement floor slab), and locally lower at lift wells and large pile caps (if used).

Excess fill would be disposed of in accordance with the *Remediation Action Plan* (see **Appendix 3**). The geotechnical parameters of the site are discussed at Section 6.2.3 of this SEE.

3.3.2. Siting, Streetscape and Built Form

The proposed development has been designed to respond to several key considerations including the site analysis; the 'Newcastle City Centre' DCP controls; the requirements of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*; and specific advice obtained from the Council's Urban Design Consultative Group (see Section 3.4.2 of this SEE).

The project architects, Fender Katsalidis, provided the following project objective:

> *…to provide Newcastle with a manifestly outstanding building, contributing positively to its context and the existing streetscape. It provides accessible landscaped public open space and important pedestrian links. It also provides the Newcastle community with a range of highly desired accommodation typologies. The ground plane will be active and vibrant, offering a range of commercial and retail spaces.*

In essence, the built form comprises 2 separate buildings over a shared basement / semi-basement platform. Each building incorporates a 5-storey podium with a recessed 9-storey tower element above.

The proposed development has the following key built features:

- Maximum building height of 46.2m, and Floor Space Ratio of 5.45:1.
- Podium levels have large floorplates with varying setbacks of at least 3m to King Street, Ravenshaw Street and Bull Street to create a landscaped street interface - see the *Urban Planning* plan extract at Figure 13 below. The only exception is the southern façade of 'Building B', with a landscaped setback of around 1m.
- Tower levels are generally set back approximately 6m from the streets to reduce the buildings' appearance of bulk and scale at street level.
- Podium levels are separated from each other and the adjacent 'Wests City' building by approximately 12m to maintain solar access and visual / acoustic privacy. Tower levels are separated from each other by approximately 24m.
- The buildings present street wall heights between approximately 13m and 14.5m.
- Extensive whole-building articulation (including 2 separated towers and the horizontal division between the podium and tower levels), and façade articulation on all sides.
- A publicly accessible pedestrian link between King Street and Bull Street, improving site and overall block permeability. The link includes provision for a public memorial to the 1989 Newcastle earthquake victims.
- Multiple street-level pedestrian entrances along the street and laneway frontages.
- Separate, dedicated entrance lobbies and associated vehicle drop-off areas for the 4 residential components (ACF, ILUs, 'Podium Residential' and 'Tower Residential').
- Ground floor commercial uses at the King Street frontages to activate and enliven the street (e.g. medical centre, salon). There is provision for outdoor dining areas in association with proposed café / restaurant uses to further activate King Street and the laneway.
- Ground level residential lobbies with overlooking communal recreation facilities to activate Bull Street and enhance street safety.
- Positioning of the vehicular entry point away from key pedestrian areas.

- Shelter over the proposed outdoor dining areas and much of the pedestrian laneway (i.e. overhanging floor plate).

A detailed architectural design statement is provided at **Appendix 2** (Plan DA000). In addition, Plans DA020 - DA027 'tell the story' of how the design has been developed to the current proposal, including the key planning influences and design features on a floor-by-floor basis.

Figure 14 and Figure 15 below show two artist's impressions of the proposed development. Additional artist's impressions and detailed plans are provided at **Appendix 2** of this SEE.

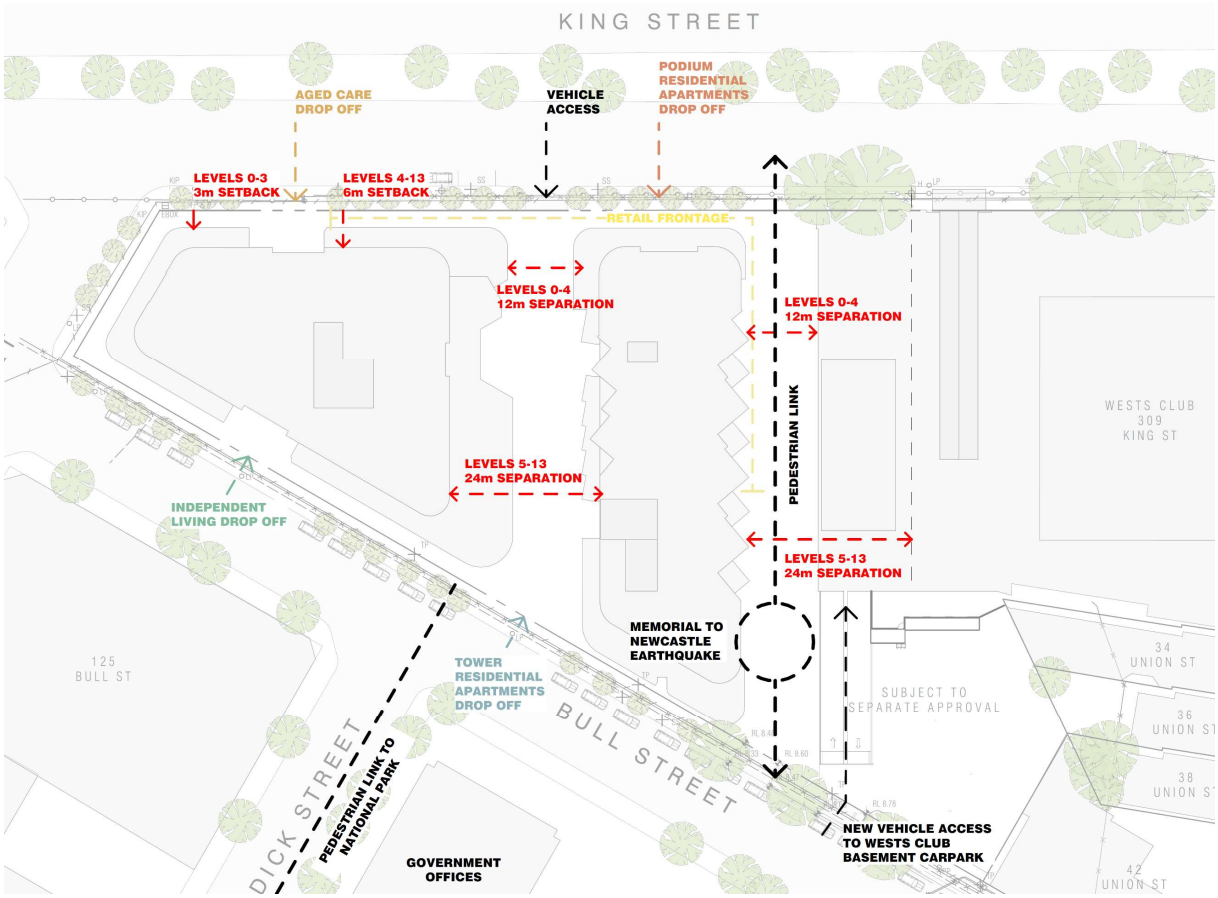


Figure 13: Extract of Urban Planning plan (DA032 at Appendix 2)

Figure 14: Artist's impression of proposed development (King Street frontage)

Figure 15: Artist's impression of proposed development (Bull Street frontage)

3.3.3. Aged Care Facility Component

An Aged Care Facility (ACF) is proposed to be positioned over Levels 1 - 4 of 'Building A' (see Figure 10). It is intended to accommodate up to 114 senior residents requiring a high level of care, with a range of services to be provided on site including:

- Provision of meals.
- 24-hour nursing care.
- Personal care.
- Cleaning services.

Access to the facility would be via a dedicated ground level lobby on King Street, with an enclosed mail room, reception desk and direct lift access. A dedicated vehicle drop-off space is proposed directly adjacent on King Street, which is also capable of accommodating an ambulance or mini bus. Direct lift access is also available via each of the carparking levels.

The proposed bedroom mix is shown in Table 2 below.

Table 2: Proposed ACF Bedroom Mix

Bedroom type	Total Number of Rooms	Total Number of Beds
1-bed room	92	92
2-bed room	11	22
TOTAL	103	114

Key components of the ACF comprise the following:

- Each bedroom includes a sitting area and ensuite bathroom.
- Multiple dining and lounge areas around the ACF, including some with views overlooking recreational spaces and streets.
- A servery and nurse station on each floor.
- 2 x multi-purpose rooms and 2 x communal activity rooms to accommodate resident activities and events.
- Utility, storage and amenity rooms.
- Outdoor balconies on each floor, adjacent to dining areas.

All resident meals would be prepared in the Ground Floor kitchen and transported to serveries on each floor. Ancillary administration offices for the ACF are proposed adjacent to the ACF lobby on the Ground Floor.

3.3.4. Independent Living Units Component

Independent Living Units (ILUs) are proposed to be positioned over Levels 5 - 13 of 'Building A' (see Figure 10). The ILUs would accommodate senior residents needing little or no living assistance on a day-to-day basis.

Access to the ILUs would be via a dedicated ground level lobby on Bull Street, with an enclosed mail room, reception desk and direct lift access. A dedicated vehicle drop-off space is proposed directly adjacent on Bull Street, which is also capable of accommodating an ambulance or mini bus. Direct lift access is also available via each of the carparking levels.

The proposed ILU unit mix is shown in Table 3 below.

Table 3: Proposed ILU Unit Mix

Unit type	Total Number of Units
2-bedroom	34
3-bedroom	48
TOTAL	82

Each of the ILUs would include kitchens, loungerooms, dining areas, bathrooms (many with baths) and laundry rooms / cupboards. The main bedrooms of each unit include walk-in robes and ensuite bathrooms, and many units contain a third toilet.

All units would have a private covered balcony directly accessible from living spaces. Some ILUs have small, secondary balconies (enclosed 'wintergardens') directly accessible from bedrooms.

Residents of the ILUs would have access to a range of communal facilities, including the following:

- Communal dining area with associated kitchen (Level 1).
- Communal lounge rooms (Levels 1 and 5).
- Theatre, arts room, games room and library (Level 1).
- Dedicated Level 1 outdoor courtyard with landscaping and seating areas, directly accessible from lounge / dining areas.
- Dedicated Level 5 outdoor terrace, with pool, spa, landscaping and seating areas.
- Gym (Level 5).
- Reception, storage and amenity rooms.
- Individual storage bays (carparking levels)

In addition, a manager's office and staff room would be positioned adjacent to the lobby fronting Bull Street.

3.3.5. General Residential Apartment Components

General residential apartments are proposed to be positioned on Levels 1 - 13 of 'Building B' (see Figure 10). Typically, smaller apartments are proposed on the lower levels of the building ('Podium' apartments), with larger apartments positioned on the higher floors ('Tower' apartments).

Access to the apartments would be as follows:

- Podium apartments: via a dedicated ground level lobby on King Street, with an enclosed mail room, reception desk and direct lift access. A designated vehicle drop-off space is proposed directly adjacent, on King Street. Direct lift access to the basement parking levels is proposed.
- Tower apartments: via a dedicated ground level lobby on Bull Street, with an enclosed mail room, reception desk and direct lift access. A dedicated vehicle drop-off space is proposed directly adjacent, on Bull Street. Direct lift access is also available via each of the carparking levels.

The proposed apartment mix is shown in Table 4 below. The proposal includes a wide mix of size and affordability options to cater to a range of people at different life stages and socio-economic levels.

Table 4: Proposed General Residential Apartment Mix

Location	Apartment type	Total Number of Apartments
Podium	Studio	17
	1-bedroom	52
	Sub Total	**69**
Tower	2-bedroom	70
	3-bedroom	27
	Sub Total	**97**
	TOTAL	**166**

Each of the apartments would include a laundry room or cupboard, kitchen (or kitchenette), bathroom, lounge and dining spaces. Many of the larger apartments include baths, walk-in robes and ensuite bathrooms to the main bedrooms, and third toilets.

All units would have a covered balcony directly accessible from living spaces. Some larger apartments have small, secondary balconies (enclosed 'wintergardens') directly accessible from bedrooms. Individual storage bays would be available in the carparking levels.

In addition to private open space, residents would have access to a rooftop (Level 14) recreation space, encompassing the following communal facilities:

- Swimming pool.
- Shaded and unshaded seating areas.
- Barbeques.
- Lawn areas.
- Landscaping.

3.3.6. Commercial Components

The proposal incorporates a number of retail components with a ground floor frontage to King Street and / or the publicly accessible pedestrian laneway. The proposed uses are outlined in Table 6 below, along with the proposed hours of trade.

The café / restaurant uses would incorporate outdoor dining spaces at the King Street frontage and within the pedestrian laneway.

In addition to the proposed retail uses, offices associated with the administration of the ACF would be located on the ground floor fronting King Street, and a manager's office associated with the ILUs would be on the ground floor fronting Bull Street.

Table 5: Proposed Retail Components

Location	Proposed use	Gross Floor Area (approx.)	Proposed Trading Hours / Days
Building A	Salon (e.g. hair or beauty)	39m²	7am - 6pm
	Medical centre	242m²	7am - 6pm
Building B	Café	133m²	7am - 6pm
	Restaurant	148m²	7am - 10pm
TOTAL	-	562m²	-

3.3.7. Vehicular Access, Parking and Servicing

The site is proposed to be vehicle-accessible via a single combined entry / egress driveway connecting to King Street via 'left in' - 'left out' movements. The driveway would be approximately 6m wide and access would be controllable via a boom gate with key card access, or similar technology.

Vehicle parking would be provided as follows:

- 286 x car spaces, including 11 accessible for people with disabilities.
- 17 x motorcycle spaces.
- 168 bicycle storage spaces.

Carparking would be available over 2 basement levels and the basement portion of the Ground Floor (see **Appendix 2**). Disability-accessible carparking spaces, motorcycle parking and bicycle storage would all be on the Ground Floor.

In addition, the following service and access arrangements are proposed:

- Internal loading bay within the Ground Floor for use by small to medium service vehicles (including garbage collection trucks).
- Designation of 4 x on-street (King Street and Bull Street) short term pick-up / drop-off zones associated with each of the 4 residential lobbies.
- The ACF and ILU pick-up / drop-off zones would be configured for access by a mini-bus and ambulance.
- Dedicated vehicle washing bay for resident use within the Ground Floor.
- End-of-trip facilities within the Ground Floor, including lockers, changing area and 5 x showers.

Parking provision, access and servicing are discussed further in Section 6.1.9 of this SEE.

3.3.8. Landscaping and Open Space

The proposal includes site landscaping and the provision of formal communal open space areas, as indicated in the landscape documentation prepared by Oculus (see **Appendix 4**). An annotated extract of the *Landscape Masterplan* is provided at Figure 16 below, showing key ground-level landscaping features.

Figure 16: Annotated extract of Landscape Masterplan (Base source: Appendix 4)

Key features of the landscaping proposal are as follows:

- Building facades: apartment balconies or windows within the Podium levels would include planter boxes to allow for individual gardening whilst 'greening' the building facades.
- Publicly accessible pedestrian laneway: includes wide stairways and paved areas to encourage pedestrian connections between King Street and Bull Street, and accommodate outdoor dining opportunities associated with the proposed café / restaurant ('Building B'). The existing fire stairs on the western wall of the 'Wests City' building (see Plate 6) would be re-built to face southwards.

  A faceted wall element would screen the adjacent building / stairs and host a memorial to the victims of the 1989 Newcastle Earthquake. An artist would be commissioned to engage with the community to design this memorial.

  Additional treatment of the laneway would include terraced plantings, turfed beds with integrated seating, a reflection pool, and a cascading water feature - see Figure 17 below.

  No vehicular access into the laneway is proposed.

Figure 17: Artist's impression of proposed laneway (looking south from King Street frontage) (Source: Appendix 2)

- Level 1 ILU Courtyard: comprises terraced outdoor spaces directly accessible from the communal ILU living / dining rooms ('Building A'), with the potential to accommodate resident outdoor dining. Through-site connections would be available to both Bull Street and King Street.

  Security to the courtyard would be provided via gates near the street frontages. The landscaping treatment would include a pergola shade structure, barbeques, screening structures, fixed seating and tables, and terraced plantings.
- Level 5 ILU Terrace: positioned on the top of the 'Building A' podium, directly adjacent to the ILU communal gym and lounge. It would provide recreation spaces for the ILU residents, including plunge pools, undercover barbeque area and dining spaces.

  Additional treatments include integrated seating, deck areas (e.g. for yoga), island plantings, screening plantings and façade plantings (spilling towards the streets).
- Level 14 Residents Rooftop: positioned on Level 14 of 'Building B', for use by general ('Building B') residents. Treatment would include a swimming pool, lawn picnic areas, integrated seating and tables, undercover barbeque area, outdoor dining tables, decking, and raised plantings.
- Streetscape: street trees are proposed along all 3 street frontages. Building setbacks would be landscaped to provide a 'green edge' to the development. Street pavements would be upgraded in accordance with Council's requirements.

Example images from the landscape documentation at **Appendix 4** are provided at Figure 18, Figure 19 and Figure 20 below.

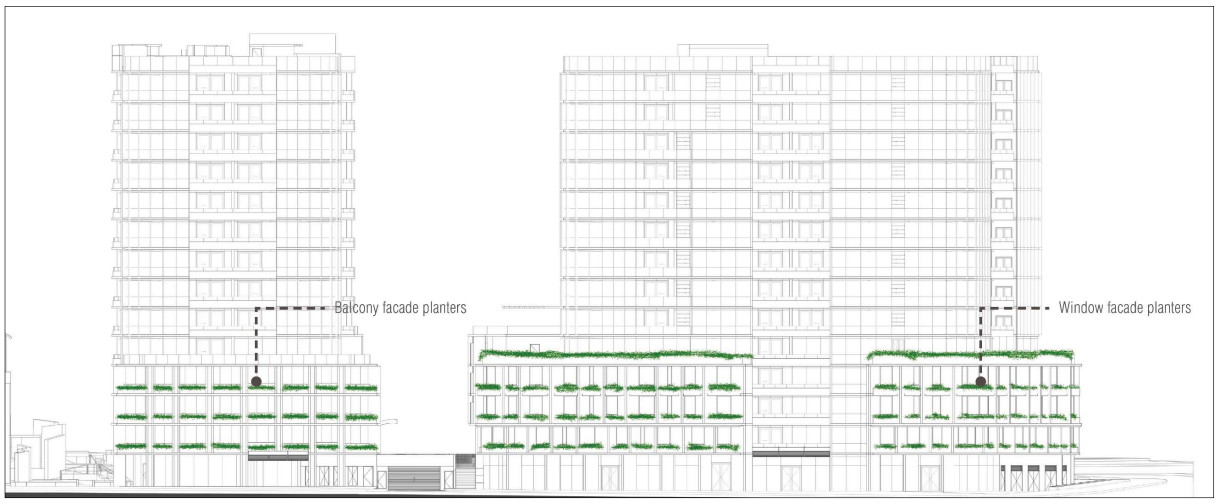


Figure 18: Façade planting, north elevation (extract)

Figure 19: Level 5 ILU Terrace landscaping plan (extract)

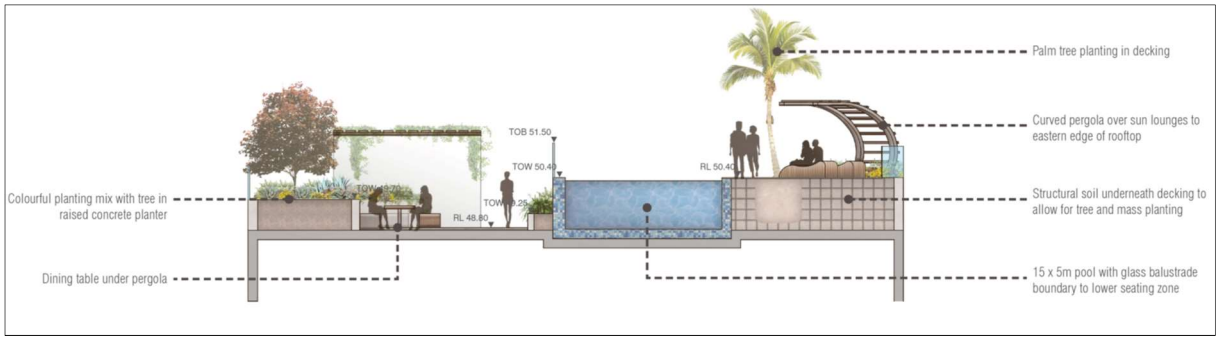


Figure 20: Level 14 Resident's Rooftop section (extract)

3.3.9. Signage

No signage is proposed as part of this application.

3.3.10. Capital Investment Value

The 'Total Cost' of the proposed development has been estimated by Northcroft Construction Consultants (see **Appendix 5**) to be approximately $146,272,000, exclusive of GST.

Therefore, the Capital Investment Value of the proposal would be well in excess of $30 million. In accordance with Clause 20 of *State Environmental Planning Policy (State and Regional Development) 2011* and Section 2.15 of the *Environmental Planning & Assessment Act 1979*, the DA will be assessed by Council, but determined by the Hunter and Central Coast Regional Planning Panel.

3.3.11. Building Code of Australia

The proposed development has been designed in accordance with the *Building Code of Australia* (BCA) *2019*. A *BCA Statement,* prepared for the proposal by NewCert (see **Appendix 6**) has found that *the fundamental design is capable of meeting the requirements of BCA 2019, provided the exit travel distance non-compliances are appropriately addressed by a performance solution prepared by a C10 accredited fire safety engineer, which will be subject to referral to and acceptance by FRNSW in accordance with cl. 144 of the EP&A Reg.*

In our opinion, the design is at a point where the inherent BCA philosophies have been checked and development consent can be sought. The finer details with respect to BCA 2019 compliance can be finalised prior to the issue of a Construction Certificate (p1).

3.4. Pre-lodgement Consultation

3.4.1. Newcastle City Council

The applicant attended a Pre-Development Application meeting with Newcastle City Council officers on 18 April 2018, based on initial concept plans of the proposed development. A copy of the minutes of this meeting are provided at **Appendix 7**.

The proposed development has been refined since the meeting, and the design and assessment has had regard to the matters raised by Council.

3.4.2. Urban Design Consultative Group

Initial concept plans of the proposal were considered by Council's Urban Design Consultative Group (UDCG) at its meeting on 20 June 2018. A copy of the minutes of the meeting are provided at **Appendix 8**.

The UDCG was generally supportive of the proposal, noting its *well-considered built form which responds to its context; exceptional variation of unit types* providing for a *rich mix of occupants*; and landscaping of a *very good standard* which would *enhance the public domain*. However, the UDCG considered that further review of a number of listed matters during design finalisation was required. These matters are listed in Table 6 below, along with a comment on how the proposal considered / addressed each issue.

Further, the UDCG supported the waiving of the need for a design excellence competition pursuant to Clause 7.5 of the *Newcastle Local Environmental Plan 2012* (see Table 15 in this SEE) pending the resolution of the outstanding matters. This matter is discussed further in Section 3.4.3 below.

In summary, the proposal has been appropriately refined with reference to the matters raised by the UDCG and the 'outstanding' matters are adequately addressed.

Table 6: Urban Design Consultative Group matters

UDCG Issues	Response
The over-long corridors at each level in the tower block	It is assumed this refers to the corridors in 'Building B'. It is acknowledged that the corridors may be longer than typical, but this is primarily a function of the shape of the building in response to the wide, triangular shape of the land at this location; as well as a strong desire to maximise solar access for apartments by angling their façades northwards. The proposed building shape allows for appropriate setbacks to 'Building A' and the 'Wests City' building, permitting the creation of high-quality communal and publicly accessible spaces with maximum solar access within, and the creation of consistent setbacks to surrounding streets. It is noted that the *Apartment Design Guide* (ADG) does not specify a maximum numerical length for corridors. However, the ADG 'objectives' for 'common circulation and spaces' are that *common circulation spaces achieve good amenity and properly service the number of apartments* (4F-1) and that they *promote safety and provide for social interaction between residents* (4F-2). The proposal incorporates a number of design solutions to achieve these objectives, including the following: ▪ The corridor areas have generally been increased since the UDCG review, to maximise comfortable movement and access throughout. ▪ Daylight is provided to corridors via 2 to 3 windows along the corridor length on all levels, including adjacent to lifts and at the ends of corridors. ▪ Corridors are articulated via the provision of foyer spaces with windows where feasible (i.e. Levels 2 and 3), in addition to discrete naturally lit lift / stair core foyers on all levels. ▪ Apartment entryways are recessed to allow wider corridor widths in these areas, adding visual interest / breaks in the corridor lengths as well as ease of movement. ▪ Seating nooks are provided at the ends of corridors and within foyers to create usable, semi-private spaces for waiting and resident retreat, whilst maximising casual surveillance. ▪ Clear and straight sightlines are available along corridors to assist in direct and legible access to apartments. ▪ Corridors would be well lit at night and complemented by legible signage for safety and convenient wayfinding. On balance, the proposed hallway lengths are considered to be a reasonable design outcome which achieve the objectives for circulation spaces as outlined in the ADG.
Internal corridor without daylighting at level 5 in the independent living block	The design has been amended to create a new, direct opening (doorway) from the corridor onto the Level 5 ILU Terrace. The glass door would allow natural daylight into the corridor whether open or closed.
The shortfall in cross-ventilation. Whilst this is not an issue at higher levels, it is of concern at the lowest three floors in the tower block	The design has been amended to improve natural ventilation throughout the development as a whole. As indicated on Plans DA514 - 516 (**Appendix 2**), approximately 65% of apartments on the first 9 floors would be naturally cross-ventilated, in excess of the minimum 60% specified in the ADG design criteria (Objective 4B-3 'Natural Ventilation'). Some of the apartments include horizontal plenums in the ceiling space above the shared corridor - natural ventilation would enter the plenums on the building's western façade and disperse directly into apartments.

UDCG Issues	Response
	The apartments at 10 storeys and above would have balconies which allow adequate natural ventilation. In total, 70% of all apartments would be naturally ventilated.
The shortfall in solar access to the independent living units (stated to be 64%)	Overall, the development exceeds the ADG minimum design criteria of 70% of apartments receiving at least 2 hours direct sunlight between 9am and 3pm during the winter solstice, at 72% (Objective 4A-1 'Solar and daylight access'). If the proposal was broken down into individual land-uses, the proposed ILUs would achieve slightly less than the ADG criteria (at around 64%). However, the ADG recognises that achieving the design criteria may not be possible on all sites due to site constraints. In this case, the triangular shape of the site results in a longer southern façade for each building, resulting in a greater number of south-facing apartments. Regardless, ILU residents would have access to generous areas of communal and publicly accessible outdoor space within the site which would offer solar access at differing times throughout the day, including the Level 1 Courtyard and Level 5 ILU Terrace.
Further thought also needs to be given to the materiality of the building to ensure it sits comfortably in its immediate environment. The proposed building and landscaping are potentially of high quality and should substantially enhance the area	The UDCG Minutes elucidate that *the use of stone in the lower façade while relating to the better quality buildings in the city, is somewhat out of character for the immediate area. Masonry and polished blockwork could create the desired quality of building and relate better to the immediate local character* (p4). The podium façade treatment has been revised as suggested, and alternative materials proposed which are considered to be more in keeping with the character of the surrounding area. The *Statement of Heritage Impact* prepared for the proposal confirms *the selected materials of concrete, face brickwork, coloured renders and precast concrete will blend well with colours and materials used in the area* (p50, **Appendix 9**). Details of proposed materials are provided in the *Materials Board* at **Appendix 2** (Plan DA207).

3.4.3. Government Architect NSW

The subject site is part of a 'Key Site' pursuant to the *Newcastle Local Environmental Plan 2012* (NLEP). Relevantly, pursuant to clause 7.5 of the NLEP an architectural design competition would normally be required for development such as that proposed (see Table 15 in this SEE). However, as the proposal was already considered to demonstrate 'design excellence', a request was submitted to the Government Architect NSW (GANSW) on 27 July 2018 seeking a waiver of the need for a design competition in this case.

On 14 August 2018 the GANSW granted a waiver for the need for a design competition, as the proposal was considered a 'manifestly outstanding building' which 'exhibits design excellence'. The waiver required that a process of design integrity be established to ensure the scheme retains design excellence through to completion of construction. The process is to include the continuing review of the design by the UDCG through the various development and construction stages, although the establishment of a separate Independent Design Review Panel was not considered necessary. A copy of the GANSW waiver is provided at **Appendix 10** of this SEE.

It is intended that the proposal comply with the process of design integrity outlined by the GANSW.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

In determining the DA, the Council is required to have regard to the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The following sections provide an assessment of the proposal under these statutory matters for consideration.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 1.3 – Objectives

The *Environmental Planning and Assessment Act 1979* (the EP&A Act) is the principle planning and development legislation in New South Wales and is applicable to the proposed development. In accordance with Part 1 Section 1.3, the relevant objects of the EP&A Act are:

> *(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
> *(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
> *(c) to promote the orderly and economic use and development of land,*
> *(d) to promote the delivery and maintenance of affordable housing,*
> *(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
> *(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
> *(g) to promote good design and amenity of the built environment,*
> *(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
> *(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
> (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposal satisfies these objects of the Act:

- The proposal will facilitate the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to accommodate mixed use development in a city centre location.
- The mixture of dwelling typologies and sizes will promote the delivery and maintenance of affordable housing and housing diversity.
- The mixed-use development is attractively designed to respect and complement surrounding built form and heritage values.
- It will create additional employment opportunities during the construction phase and operational phase both in the short and long-term.
- Appropriate utility services are available to serve the subject site.
- There will be no unreasonable adverse environmental impacts.

4.2.2. Section 4.15 – Matters for consideration

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration are addressed in relation to the proposed development in Table 7 below.

Table 7: Considerations pursuant to Section 4.15(1) of the EP&A Act

Section of the EP&A Act	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Sections 4.4 and 4.5 of this SEE.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	There are no draft instruments of relevance to this application.
Section 4.15 (1)(a)(iii) Any development control plan	Consideration of the relevant development control plan is provided in Section 5.2.
Section 4.15 (1)(a)(iiia) Any planning agreement	Planning agreements are not applicable to or proposed as part of this application.
Section 4.15 (1)(a)(iv) Matters prescribed by the regulations	The relevant matters for consideration are provided in Section 4.3.
Section 4.15(1)(b) The likely impacts	Refer to Section 6.
Section 4.15(1)(c) The site suitability	Refer to Section 7.
Section 4.15(1)(d) Any submissions	Refer to Section 8.
Section 4.15(1)(e) The public interest	Refer to Section 9.

4.2.3. Section 4.46 - Integrated Development

The development involves the erection of a building within a mine subsidence district, and therefore approval is required under Section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

The application is therefore Integrated Development for the purposes of Section 4.46 of the EP&A Act.

4.3. Environmental Planning and Assessment Regulation 2000

Clause 50(1A) of the *Environmental Planning & Assessment Regulation 2000* (the 'Regulation') provides that a development application (DA) for residential apartment development must be accompanied by a statement by a qualified designer. The Statement must:

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

A *SEPP 65 Design Verification Statement* was prepared by Fender Katsalidis Architects (FK) and is attached at **Appendix 11**. Plan DA522 (**Appendix 2**) provides a comment on how the design quality principles are achieved. Further, a *SEPP 65 ADG Compliance Table* was prepared by FK (**Appendix**

12) which addresses the objectives of the Apartment Design Guide in detail. Further discussion on these matters is provided at Section 4.4.2 of this SEE.

Schedule 1 (Clause 2A) of the Regulation requires that a BASIX certificate accompany any application for 'BASIX affected development'. Pursuant to the Regulation, the ILUs and general residential apartments are defined as 'BASIX affected development' as they involve the erection of a 'BASIX affected building' (meaning *any building that contains one or more dwellings but does not include a hotel or motel*).

Accordingly, BASIX Certificates have been prepared for the proposal by Building Sustainability Assessments and are attached at **Appendix 13** of this SEE. Note that neither the ACF nor the proposed commercial components are required to be accompanied by BASIX certificates, as they do not comprise 'BASIX affected development'.

The proposed ILUs and general residential apartments meet the BASIX targets for sustainability as outlined in Table 9 below.

Table 8: BASIX results

	Target	Score
Water	40	41
Thermal comfort	Pass	Pass
Energy	20	20

This proposal will satisfy additional relevant clauses of the Regulation, as follows:

- Clause 92(1)(a) - The Coastal Policy has been considered;
- Clause 92(1)(b) - Demolition would be undertaken in accordance with AS 2601 - 1991: *The Demolition of Structures*; and
- Clause 98 - All building work would be carried out in accordance with the provisions of the Building Code of Australia. A *BCA Statement,* prepared for the proposal by NewCert (see **Appendix 6**) has found that *the fundamental design is capable of meeting the requirements of BCA 2019, provided the exit travel distance non-compliances are appropriately addressed by a performance solution prepared by a C10 accredited fire safety engineer, which will be subject to referral to and acceptance by FRNSW in accordance with cl. 144 of the EP&A Reg. In our opinion, the design is at a point where the inherent BCA philosophies have been checked and development consent can be sought. The finer details with respect to BCA 2019 compliance can be finalised prior to the issue of a Construction Certificate* (p1).

4.4. State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) have application to the proposed development and are listed below and expanded upon within this section.

- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Coastal Management) 2018;*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (State & Regional Development) 2011; and*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

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

The objective of this SEPP is to provide a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment.

Relevant to this proposal, Clause 7 provides that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Further, if the land is contaminated, Council must be satisfied that the land is suitable (or will be made suitable, after remediation) for the proposed use.

Subclause 7(2) specifies that, before determining a DA involving certain land (which would include the subject site, because of known former potentially contaminating uses on the site such as vehicle maintenance / washing and workshop activities) the consent authority must consider a preliminary contamination investigation of the land.

In accordance with the above, a Stage 1 *Report on Preliminary Site Investigation (Contamination)* was prepared by Douglas Partners in February 2015. The report concluded that the site had previously been utilised for a range of potentially contaminating uses over the last 50 - 80 years and recommended the undertaking of a detailed site investigation to further assess the potential for contamination.

Accordingly, a *Report on Geotechnical Investigation and Targeted Site Investigation (Contamination)* (GITSI) was prepared by Douglas Partners with reference to the proposed development (see **Appendix 14**), which built on the results of the Stage 1 assessment. The GITSI included fieldwork and laboratory analyses of soils which indicated the site contained some areas of contamination, primarily associated with filling and fibre cement sheeting (i.e. likely asbestos). It was recommended that remediation of the site be undertaken to render the site suitable for the proposed use, with remediation techniques to be refined within a Remediation Action Plan.

A *Remediation Action Plan* (RAP) was subsequently prepared by Douglas Partners (see **Appendix 15**) which provided the clean-up objectives, remediation acceptance criteria, principles, methods and procedures by which the remediation and validation of the site will be achieved.

In conclusion, in satisfaction of Clause 7 of SEPP 55, the GITSI found that *the site is considered to be generally suitable for the proposed high-density residential development subject to appropriate remediation / management, validation and classification of excess materials* (p36). The RAP provides the pathway through which the site would be remediated *in an acceptable manner, with minimal environmental impact, to a condition suitable for the proposed residential/aged care development* (p1).

Additional discussion on contamination matters is provided at Section 6.2.5 of this SEE.

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

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

Clause 4 specifies that the SEPP would apply to the proposal as it comprises a *mixed-use development with a residential accommodation component which is at least 3 or more storeys and the building(s) concerned contain at least 4 or more dwellings*. For the avoidance of doubt, the SEPP would apply to the independent living unit (ILU) and general residential components of the proposed buildings, but not to the commercial or aged care facility (ACF) components (pursuant to subclause 4[2]).

Clause 6A provides that a development control plan must not be inconsistent with the *Apartment Design Guide* (the ADG). In effect, if the *Newcastle Development Control Plan 2012* (DCP) contains requirements, standards or controls in relation to a number of matters within Clause 6A(1), those provisions have no effect. The DCP is addressed in Section 5.2 of this SEE.

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

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

The proposed development has been the subject of a design review panel (i.e. Urban Design Consultative Group - 'UDCG') meeting, as outlined in Section 3.4.2 of this SEE. Advice was provided during the meeting which has been taken into account during the refinement of the proposal. Further, as prescribed in the Government Architect's design competition waiver (see Section 3.4.3), the UDCG will provide continuing input into the detailed design of the proposal through to completion of construction, ensuring design integrity is maintained.

The 'design quality principles' are found in Schedule 1 of the SEPP. Fender Katsalidis has outlined how the proposed development responds to each of these principles, as listed within the plans at **Appendix 2** (DA522) and reproduced in Table 9 below. Further discussion of the proposal's achievement of the Design Quality Principles is provided within the UDCG meeting minutes at **Appendix 8**.

Finally, the proposal has been designed by Fender Katsalidis architects with reference to the relevant objectives of the ADG. A detailed response to each of the ADG design criteria and guidance notes is provided within the *SEPP 65 ADG Compliance Table* at **Appendix 12**.

Table 9: Architect's response to SEPP 65 Design Quality Principles

Design Quality Principles and Responses by Fender Katsalidis Architects
Principle 1: Context and neighbourhood character *309 King St is a gateway site into Newcastle. It is bounded by King St to its north, which is a wide street divided by a landscaped median strip. Existing buildings to the north include an eclectic mix of commercial, retail, educational use. Bull St to the south contains government offices and Ravenshaw St to the west, largely retail use. The Wests Club exists to the east, on the site of the former Trades Hall, devastated by earthquake in 1989. The design proposal responds to this context in the following ways.* *The design solution proposes a continuum of north - south pedestrian links through the site, connecting uses to the north to the south of the site. It includes a large public open space between the existing Wests Club and new buildings, with a memorial to the victims of the 1989 earthquake. Street frontages are active with retail and community use along King St with entry lobbies into four distinct building uses, also along Bull St. These uses reflect the eclectic nature of the site context, including aged care, independent living units, serviced apartments and residential apartments. The proposal includes quality urban design of public open space and a series of public and communal landscaped areas.*
Principle 2: Built form and scale *Proposed built form generally conforms with height and setback controls outlined in the Newcastle LEP and DCP. An active podium street wall is established, setback from the boundary at appropriate height and split in half to create two distinctive volumes along the streetscape. Two tower volumes emerge from these, again of appropriate scale with conforming separation between each other and potential future development to the east. Podium areas are set back further around each building entry, articulating and revealing the towers from ground to top. Public open spaces are well articulated between the existing Wests Club and new buildings and between the buildings themselves. Accommodation will enjoy higher level aspect to the harbour and surrounding context.*
Principle 3: Density *The proposed buildings accommodate a diverse mix of uses at an appropriate density for the site and surrounding context. The site is open on three sides and has generous curtilage to existing built form. The density is proposed to be 5.45:1 FSR which is 8% higher than the FSR illustrated in the Newcastle LEP. Each use has additional amenity to service this density including communal open space, lounges, dining areas, recreation space and swimming pools. This density is well served by buses running along King St, the light rail line and the Newcastle Interchange walking distance from the site.*

Design Quality Principles and Responses by Fender Katsalidis Architects

Principle 4: Sustainability

The proposed development has social sustainability at its core, combining a range of complementary uses and with a number of internal and external amenities for each. It provides a greatly needed service for aged care and independent living for the Newcastle community. It provides a monument to 1989 earthquake victims in a gesture that will bind the community.

Environmental sustainability is achieved initially through passive solar design. The site faces north towards the harbour and residential apartments are largely oriented towards this aspect and towards northern daylight. SEPP 65 requirements for solar access is achieved by over 70% of dwellings as required. Built form is separated into two volumes and dwelling designed to allow cross ventilation. 70% of dwellings satisfy SEPP requirements for natural cross ventilation.

Landscaped areas exceed 30% of the site and provide shade and amenity. Almost 10% of the site area is dedicated to deep soil planting. Energy requirements for active climate control are minimized though solar shading designed specifically on each façade to mitigate solar gain. Horizontal louvres feature on the northern façade and a mix of vertical and horizontal louvres feature on east and west facades. Water harvesting will be used for irrigation and flow limiters and appropriate fittings will be specified to minimize water use. Materials from renewable resources will be specified where possible.

Principle 5: Landscape

The design philosophy for the landscape spaces at 309 King Street is based around simple, adaptable and functional spaces, with an emphasis on celebrating vegetation in an urban context. All elements, from the streetscape; urban plaza; communal rooftop courtyards, to the building façade itself; have been designed to prioritize plant health and create layered displays of vegetation that will evolve throughout the seasons. The connection between nature and human health is well documented, and these verdant planting displays aim to promote enjoyment and wellbeing among residents and visitors alike.

Deep soil zones around the perimeter of the development, and along the through-site link, provide opportunity for larger trees and screening plants, as well as provide natural infiltration opportunities to improve and reduce storm water. The landscaped areas on structure have been designed to provide generous soil volumes to support the creation of beautiful, memorable garden spaces that feel like home and create a sense of calm. While each of the various spaces (streetscape, plaza, outdoor dining, independent living communal, private residential communal) have been designed to respond to their specific function in regard to scale and layout, there is a continuity of design aesthetic throughout based on a contiguous palette of clean, simple materials. The landscape design sets out to ensure that the plant species specified are locally and climatically appropriate and arranged in such a way to best promote ecological services.

Principle 6: Amenity

The proposal provides community amenity through its new pedestrian link between King and Bull St. This is landscaped and will contain a memorial to the victims of the 1989 earthquake. A positive living environment is imagined with a diverse set of building uses and amenities to serve residents and visitors to the building. Each use has an individual entry to create independence and individuality. Additional amenity is included for each use as follows:

- *Residential Apartments - ground level lobby, roof level pool, terrace, BBQ areas and landscapes.*
- *Serviced Apartments - ground level lobby and café, public and communal landscaped zones*
- *Aged Care Units - ground level medical centre, lounge, dining and multi purpose rooms at each level.*
- *Independent Living - Ground level lobby, kitchen, dining, lounge, theatre, arts room, games room and library. Podium level landscape, outdoor terrace and plunge pools.*

Residential and serviced apartment terraces have louvred screens for visual privacy and to provide shade for external terraces. Apartments also have a great degree of solar access and natural cross ventilation. Low level aged care units, serviced apartments and residential apartments also have planters to private landscape amenity to these dwellings.

Podium and tower dwellings are oriented towards the north for daylight and views. Apartment planning is clear and efficient, generally providing optimum living area with contact to private outdoor space.

Design Quality Principles and Responses by Fender Katsalidis Architects
Appropriate accessibly is provided to independent living units as required. Car and bicycle parking will be provided to satisfy council requirements.
Principle 7: Safety *The existing site contains an open and sheltered car park, offering little safety or security for users or passers by. The mix of uses proposed for this development and its density will generate 24hr use over the entire precinct. This will activate the site and offer passive surveillance over the site. Active uses are proposed at ground level, increasing a sense of safety and security through use. Each building entry is proposed to have security within its lobby. Active security staff are normally provided to aged care and independent living uses. The two through-site links are overlooked by residential apartments and will be adequately lit for safety and surveillance. The public link will be permanently open and active. The communal link will have secure access points, well defined and lit. All landscaped areas are to be open, visible and accessible.*
Principle 8: Housing diversity and social interaction *The proposed development includes four distinct and diverse uses from aged care, independent living, serviced apartments and residential apartments. This mix will create a good mix of social demographics, providing social interaction across generations. The precinct and all its amenity will be shared by a diverse community of long and short term dwellers, including young and aged. The broad range of apartment sizes and typologies will ensure a diverse mix of residents with varying living needs and household budgets. The proposed café will provide an alternative use at ground level. The proposed medical centre and hair salon also add amenity and diversity to the precinct.*
Principle 9: Aesthetics *Newcastle exhibits an eclectic series of new and old buildings and public open spaces. The context of built form around the site shows a majority solid masonry forms in brick, concrete and sandstone. Other examples include various glass and curtain walls and louvered facades. The proposed architecture of this development is an evolution of the surrounding built form. It imagines a highly articulated solid plinth, containing open and active street frontages, window openings with landscape integrated into the built form. Brighton lite and pigmented concrete is proposed for this plinth to reflect those surrounding buildings of similar material. Aged care and serviced apartment accommodation occupies these lower levels and characterises the façade with a number of individual and personalised window openings. These provide shading and privacy. The also present opportunities for planting to both soften the built form and provide good visual amenity inside and out. Integrated landscape appears as a dominant feature of this design.* *A pair of well proportioned glazed towers project from the solid plinth and differentiate from it through light of materiality. The result is a unique and contemporary built form on the Newcastle skyline. The towers are revealed to the ground as podium spaces cut back and signify entries. Timber awnings transform to balcony edges above these entries as a soft vertical seam to each tower. Heat gain from low east and western sun is mitigated by louvre blades featuring on these facades. Recognition of the glazed tower form appears at ground level as the stone plinth peals away to form building entries. At higher levels, residents will enjoy views to the Harbour, Nobby's Point, Pacific Ocean and National Park.*

Clause 30(1) outlines standards which, if met, cannot be used as grounds to refuse development consent. As indicated in Table 10 below, the proposal satisfies the relevant standards. Additional discussion is provided within the *SEPP 65 ADG Compliance Table* at **Appendix 12**.

Table 10: Compliance with Subclause 30(1) of SEPP 65

Objective	Compliance comment
3J-1: Bicycle and car parking	As outlined in Section 6.1.9 of this SEE, proposed parking provision meets the ADG requirements.
4C-1: Ceiling heights	Advice from the project architects indicate that all required dimension criteria would be satisfied. Additional details can be provided at the detailed design stage.
4D-1: Apartment size and layout	All ILUs and general residential apartments would have internal areas equal to (and in most cases) generously in excess of minimum requirements. In addition, each habitable room would contain an appropriate external window, in compliance with requirements. Details of each apartment size is provided in the *Apartment Area Schedules* at **Appendix 2** (Plans DA506 - 508).

Clause 30(2) states that consent must not be granted if adequate regard has not been given to the design quality principles and the objectives of the ADG for the relevant design criteria. The design quality principles have been adequately considered, as demonstrated in Table 9 above. As demonstrated within the *SEPP 65 ADG Compliance Table* at **Appendix 12**, the proposal has been designed with adequate regard to the relevant ADG design criteria.

Note - the *Environmental Planning & Assessment Regulation 2000* provides additional requirements for residential apartment development. These provisions are addressed in Section 4.3 of this SEE.

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

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

The proposal's compliance with the BASIX Scheme is discussed in Section 4.3 of this SEE ('the Regulation'). No other specific provisions of the SEPP are relevant to the proposal.

4.4.4. State Environmental Planning Policy (Coastal Management) 2018

The State Government recently implemented a new coastal management framework. As part of this framework, State *Environmental Planning Policy (Coastal Management) 2018* was released. The SEPP establishes a new, strategic land use planning framework for coastal management and will support implementation of the management objectives set out in the *Coastal Management Act 2016*. It provides the single land use planning policy for coastal development and brings together and updates provisions from SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The subject site is located within the 'coastal zone' and therefore the SEPP applies.

As indicated below, the site is also located within the 'Coastal Environment Area' (see Figure 21) but sits just outside the 'Coastal Use Area' (see Figure 22). It is not located within any other 'coastal area' pursuant to the Coastal Management SEPP maps.

Figure 21: Coastal SEPP Map - Coastal Environment Area (shaded blue). Approximate position of site shown in red

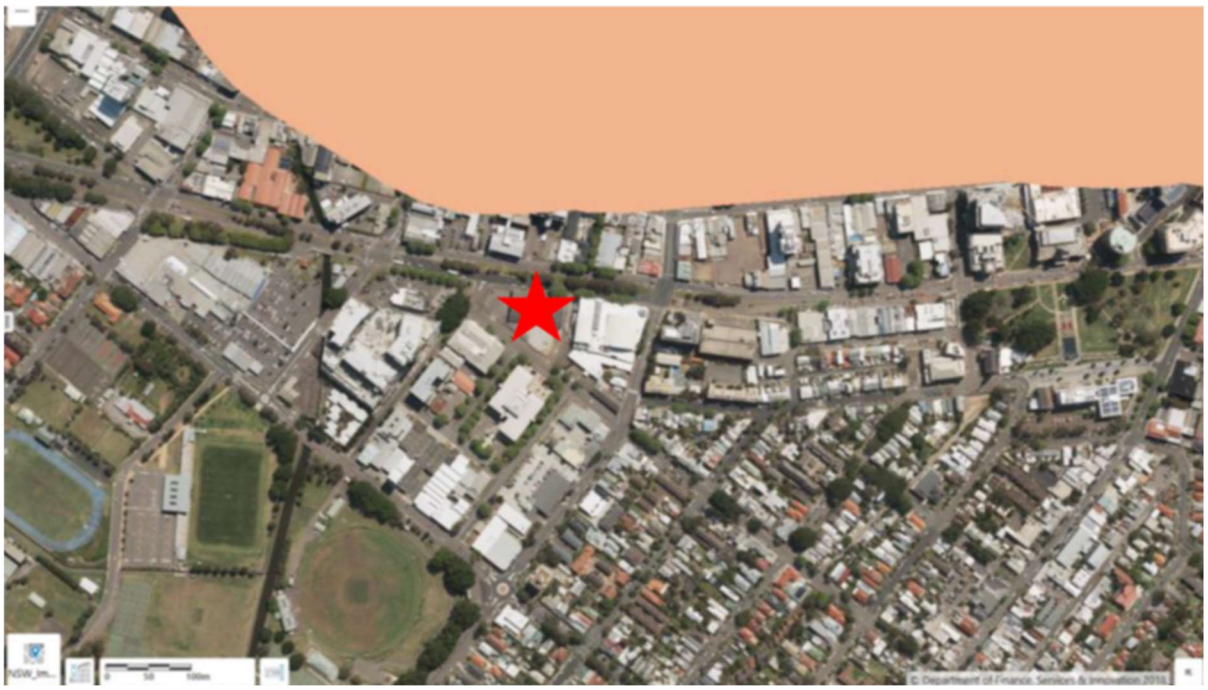


Figure 22: Coastal SEPP Map - Coastal Use Area (shaded orange). Approximate position of site shown in red

The proposal's compliance with the relevant provisions of the SEPP are outlined in Table 11 below. In summary, the proposal complies.

Table 11: Compliance with the Coastal Management SEPP

Clause	Comment	Comply
13 Development on land within the coastal environment area	The site is within the 'Coastal Environment Area' (see Figure 21). The proposal is assessed against the relevant matters for consideration in the following sections:	-
13(1)(a)	A *Services Report for Development Application* (SR) was prepared for the proposal by GHD (see **Appendix 16**). This presents an appropriate stormwater management regime which will protect the integrity and resilience of the hydrological environment.	✓
13(1)(b)	The site is significantly separated from the coast. There are not likely to be any special coastal hazards that may impact upon the site, nor will the proposed development impact or increase the likelihood of coastal impacts.	✓
13(1)(c)	The site is not in proximity to any sensitive coastal lakes. The proposal will not have any detrimental impacts on water quality, due to the proposed stormwater management regime.	✓
13(1)(d)	The site is significantly separated from any marine vegetation, headlands or rock platforms. As the stormwater from the development site would be appropriately managed, no impacts on these features are anticipated. The site is devoid of natural vegetation.	✓
13(1)(e)	The proposal will have no impact on public access to the foreshore or other significant coastal environments.	✓
13(1)(f)	The site is not understood to have any particular Aboriginal cultural significance, as outlined in Section 6.1.5 of this SEE.	✓
13(1)(g)	The proposal would have no impact on the surf zone.	✓
13(2)	Pursuant to this subclause, the proposal is designed, sited and would be managed to avoid an adverse impact on the matters for consideration listed above.	✓
15 Development in coastal zone generally - development not to increase risk of coastal hazards	The subject site is significantly separated from the coastal foreshore. There are not likely to be any special coastal hazards that may impact upon the site, nor will the proposed development impact or increase the likelihood of coastal impacts.	✓
16 Development in coastal zone generally - coastal management programs to be considered	The proposal is not inconsistent with the provisions of the *Newcastle Coastal Zone Management Plan 2018*.	✓

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

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

Consent for the proposed development, including the ACF and ILU components, is sought pursuant to the Newcastle Local Environmental Plan 2012*, as discussed in Table 15 of this SEE.*

Consequently, the provisions of the Seniors Housing SEPP have no statutory weight with regard to this application.

Regardless, the Seniors Housing SEPP provides important standards and guidelines for the development of high-quality seniors housing. The proposal's compliance with the relevant 'guideline' provisions of the SEPP are addressed below and is a further demonstration that the proposal displays 'design excellence'.

Part 2: Site related requirements

The proposal's compliance with the SEPP's site related requirements is addressed in Table 12 below.

Table 12: Compliance with Part 2 Site Related Requirements (Seniors Housing SEPP)

Clause		Comment	Comply
26	Location and access to facilities	This Clause provides that the consent authority must be satisfied that residents of the proposed development will have appropriate access to shops, bank service providers and other retail and commercial services that residents may reasonably require, and community services and recreation facilities, and the practice of a general medical practitioner. Pursuant to subclause 2(c), the proposal would comply. The *Access Review* (**Appendix 17**) notes that *close to the proposed site location, there is the Marketown Shopping Centre, which is a community hub. The shopping centre provides retail tenancies, supermarkets, banks, pharmacy, and medical centre.* *This proposal will be able to achieve compliance with the above clauses with regards to local bus services. In addition to the above, the shopping centre appears to be within 400m of the proposed development, with the path of travel level and flat for its entire length. This will allow for the residents to potentially walk to the shopping centre* (p16).	✓
27	Bush fire prone land	The site is not bushfire prone land.	N/A
28	Water and sewer	Appropriate water and sewerage services are available to the site.	✓
29	Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	The relevant site compatibility criteria are addressed below: 25(5)(b)(i): The site is within a CBD location, not affected by significant environmental constraints. The proposed uses are wholly compatible with adjacent development, including shops, recreation facilities and commercial uses. 25(5)(b)(iii): The site's position within the Newcastle CBD ensures excellent access to appropriate services and infrastructure. 25(5)(b)(v): The Newcastle DCP envisions the site and surrounding area containing high-density residential development into the future (see Section 2.3 of this SEE). The proposal, inclusive of built form and character, is wholly compatible with this vision.	✓

Part 3: Design requirements

The proposal's compliance with the SEPP's design requirements is addressed in Table 13 below.

Table 13: Part 3 Design Requirements (Seniors Housing SEPP)

Clause		Comment	Comply
30	Site analysis	The clause requires a site analysis be provided which contains certain listed information. Such site analysis documentation has been prepared by Fender Katsalidis Architects - see the various plans at DA02 - 10 within **Appendix 2**, which include a site survey. In addition, Plans DA020 - 027 'tell the story' about the design development, including the responses to various site constraints and opportunities. The design principles are further addressed below in this table (Clauses 33-39). Accordingly, the proposal satisfies the requirements of Clause 30.	✓
31	Design of in-fill self-care housing	The proposal includes the provision of listed services, so is not defined as 'in-fill self-care housing'.	N/A
32	Design of residential development	This clause requires that the proposal demonstrates adequate regard to the design principles set out in Division 2. The proposal's satisfaction of these principles is set out in the Table sections below.	✓
33	Neighbourhood amenity & streetscape	The proposal positively responds to the desired future character of the area, as outlined throughout this SEE. It responds appropriately to the heritage significance of nearby heritage items and the *Newcastle City Centre Heritage Conservation Area*, as discussed in Section 6.1.6. The building form has been designed to improve neighbourhood character and maximise amenity and landscaping appropriate to the site's CBD location is proposed.	✓
34	Visual & acoustic privacy	The proposal provides for appropriate visual and acoustic privacy, as outlined in Section 6.1.4 of this SEE.	✓
35	Solar access & design for climate	The proposal allows for appropriate solar access, as outlined in Section 6.1.7.	✓
36	Stormwater	The proposal includes an appropriate stormwater management system, as discussed in Section 6.2.2.	✓
37	Crime prevention	The proposal adequately considers security and crime prevention, as discussed in Section 6.3.2 of this SEE.	✓
38	Accessibility	Adequate and appropriate pedestrian links are proposed from the site to the public pedestrian network. The *Access Review* (**Appendix 17**) notes *the external path of travel to the surrounding bus services and shopping centres is level and flat. Traffic light intersections give the residents an option to cross the roads safety with functional kerb ramps at these intersections prevalent* (p17). Parking provision has been adequately addressed, as outlined in Section 6.1.8 of this SEE.	✓
39	Waste management	As outlined in Section 6.1.11 and **Appendix 18** (*Waste Management Plan*) the proposal includes the provision of recycling bins to promote recycling.	✓

Part 4: Development standards to be complied with

Clause 40 sets out development standards that must be complied with (if the proposal were to be assessed pursuant to the SEPP, instead of the NLEP). The proposal's compliance with these standards is set out in Table 14.

Table 14: Compliance with Part 4 Development Standards (Seniors Housing SEPP)

Clause		Comment	Comply
40(1)	General	It is noted that strict compliance with the standards is not required in this case as consent for the proposal is being sought pursuant to the NLEP (see Table 15), rather than the SEPP.	N/A
40(2)	Site size	With an area of approximately 6,631m², the site exceeds the minimum 1,000m² area requirement.	✓
40(3)	Site frontage	The site exceeds the minimum site frontage of 20m, with a frontage to King Street of approximately 104m, a western frontage to Ravenshaw Street of approximately 27m, and a southern frontage to Bull Street of approximately 136m.	✓
40(4)	Height in zones where residential flat buildings are not permitted	Residential flat buildings are permitted on the site with consent.	N/A
41	Standards for hostels and self-contained dwellings	Schedule 3 set out standards that self-contained dwellings must satisfy. The *Access Review* at **Appendix 17** addresses the proposal's compliance with these standards in detail. In summary, the proposal complies.	✓

Part 7: Development standards that cannot be used as grounds to refuse consent

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

Clause 55 requires that residential care facilities include a fire sprinkler system. The proposed ACF will incorporate the required system.

4.4.6. State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45 requires the development application be referred to Ausgrid for comment, as development is proposed to be carried out within and adjacent to an easement for electricity purposes. Any referral comments received from Ausgrid will be considered by the applicant and any recommendations would be implemented during the detailed design and construction phase.

Clause 101 relates to development with a frontage to a classified road. King Street, in this location, is identified by the RMS as a 'classified road' therefore the clause applies. Vehicular access to the development is proposed via King Street. The project architects, through a detailed design evolution process, determined that access as proposed resulted in the best outcome for the development as a whole, noting that an access driveway onto King Street has been in operation in a similar location to that proposed for many years. Further, the *Apartment Design Guide* recommends that *vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building*

form and layout (Objective 3H-1 'Vehicle Access'). The King Street frontage is at a lower elevation than the Bull Street frontage, by around 1 - 2m.

A *Traffic Impact Assessment* prepared for the site (**Appendix 19**) determined that the design of the proposed driveway was appropriate, and that King Street has appropriate capacity to service the proposed development, now and over the next 10 years. Finally, as outlined in the *Noise Impact Assessment* at **Appendix 20**, the proposal has been designed to ameliorate traffic noise impacts on users of the development.

For the avoidance of doubt, Clause 102 does not apply to the proposal, as King Street in this location is not mapped by the RMS as having an annual average daily traffic volume of more than 20,000 vehicles.

Clause 104 relates to 'traffic generating development'. This clause applies, as the proposal involves ancillary parking accommodation for '50 or more vehicles' and will have '75 or more dwellings', and the site would have 'access to a classified road'. Accordingly, it is anticipated that Council will refer this development application to the RTA (now RMS) for its comments. Detailed consideration of the road safety and parking implications of the proposal is provided in Section 6.1.9 of this SEE.

4.4.7. State Environmental Planning Policy (State & Regional Development) 2011

Relevantly, the aim of this policy is to identify development that is 'regionally significant development'.

Clause 20 provides that development in Schedule 7 is declared to be regionally significant development for the purposes of the EP&A Act. Schedule 7 includes 'general development' that has a capital investment value (CIV) of more than $30 million.

As outlined in **Appendix 5**, the cost of the development is estimated at $146,272,000 (GST exclusive). Therefore, the CIV would be well in excess of $30 million. Accordingly, the proposal is declared to be regionally significant development. The consent authority is therefore the Hunter and Central Coast Regional Planning Panel.

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

The SEPP (Vegetation in Non-Rural Areas) applies to the subject site as, pursuant to clause 5, the site is within the Newcastle local government area and is within Zone B4 Mixed Use.

Relevantly, clause 7 provides that a person must not clear vegetation (including any tree) in any non-rural area of the State without the authority conferred by a permit granted by the Council. However, clause 8 provides that an authority to clear vegetation is not required if it is authorised under section 60O of the *Local Land Services Act 2013* (LLS Act). The relevant section of the LLS Act includes clearing authorised by a development consent. As development consent is being sought for the clearing of 2 street trees along the King Street frontage (see Section 6.2.1 of this SEE for further details), the issuing of a permit under this SEPP is therefore not required.

4.5. Newcastle Local Environmental Plan 2012

The *Newcastle Local Environmental Plan 2012* (NLEP) applies to the subject site. The provisions relevant to the proposed development are addressed in Table 15 below.

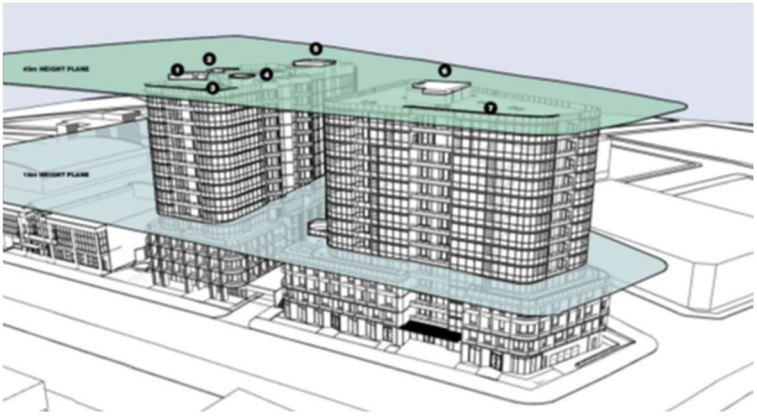
In summary, the proposed development will comply with most of the provisions of the NLEP. Variations to development standards will be sought pursuant to Clause 4.6 of the NLEP for 2 proposed minor areas of non-compliance (i.e. relating to height and FSR).

Table 15: Compliance with Newcastle Local Environmental Plan 2012

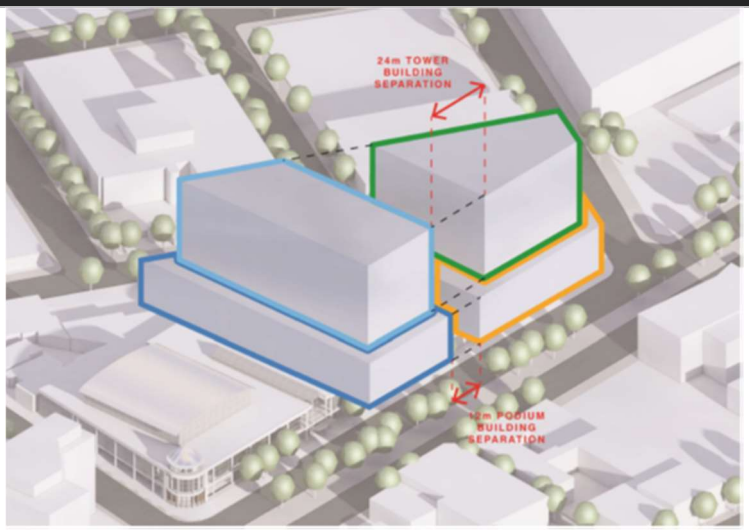
Clause		Comment	Comply
1.2	Aims of Plan	The proposal involves 2 significant buildings in a well-serviced location within the CBD. The site is located in close proximity to	✓

<table>
<tr><th colspan="2">Clause</th><th>Comment</th><th>Comply</th></tr>
<tr><td></td><td></td><td>various public transport nodes and a wide range of services and community facilities. The buildings would provide seniors and general residential housing in a range of formats and sizes, plus retail development, to help meet the needs of Newcastle residents, and to strengthen the regional position of the Newcastle CBD.

The proposal respects the heritage significance of nearby buildings and the local area. It would also contribute significantly to the economic wellbeing of the community through the anticipated creation of up to 35 full-time equivalent jobs (both on and off-site, including accounting, cleaning, landscaping, nursing and other positions). As confirmed by the Government Architect NSW, the proposal exhibits design excellence (see Section 3.4.3).</td><td></td></tr>
<tr><td>2.2</td><td>Zoning of land to which plan applies</td><td>As shown in Figure 5 in this SEE, the site is zoned B4 Mixed Use.</td><td>✓</td></tr>
<tr><td>2.3</td><td>Zone objectives & Land Use Table</td><td>The objectives and permissible uses of the zone are addressed below ('Land Use Table').</td><td>✓</td></tr>
<tr><td></td><td>Land Use Table</td><td>The proposal complies with the relevant objectives of the B4 Mixed Use zone as it:
▪ Provides for a mixture of compatible land uses, including seniors housing, general residential accommodation, a medical centre, and retail spaces.
▪ Positions development in close proximity to public transport nodes, services, shops and a range of community and recreational facilities to encourage walking and cycling. In particular, the proposed publicly accessible pedestrian laneway would provide improved connectivity through the site which currently provides a barrier between Dick / Arnott Streets and King Street. The attractive and convenient thoroughfare would encourage walking and public transport patronage in the local area.
▪ Supports nearby commercial centres by providing worker / client / customer accommodation within close proximity.
The table below lists the proposed development types, and their equivalent NLEP definition. Each of the development types are permissible with development consent.
<table>
<tr><th>Proposed Development</th><th>NLEP Definition</th></tr>
<tr><td>Seniors Aged Care Facility (ACF)</td><td>'Residential care facility' (a form of 'seniors housing')</td></tr>
<tr><td>Seniors Independent Living Units (ILUs)</td><td>A 'group of self-contained dwellings' (a form of 'seniors housing')</td></tr>
<tr><td>General residential apartments</td><td>'Shop top housing'</td></tr>
<tr><td>Medical centre</td><td>'Medical centre'</td></tr>
<tr><td>Café / restaurant</td><td>'Restaurant or café' (a form of 'retail premises' - 'commercial premises')</td></tr>
</table></td><td>✓</td></tr>
</table>

Clause		Comment		Comply
		Salon	'Business premises' (a form of 'commercial premises')	
		Offices (associated with ACF)	'Office premises' (a form of 'commercial premises')	
4.3	Height of buildings	The maximum height of buildings provided on the *Height of Buildings Map* is 45m (see Figure 23 in this SEE). The proposal is slightly in excess of the control, with a proposed maximum height of 46.2m (RL 52.7m AHD), at the top of a lift overrun. This equates to a height exceedance of 1.2m, or approximately 2.6%. The proposal slightly exceeds the 45m height limit at 6 additional lower points, as shown on the plan at **Appendix 2** (Plan DA504) and in the plan extract below (i.e. point incursions above the uppermost green height plane [at 45m]). Accordingly, an exception to this development standard is sought pursuant to clause 4.6 of the NLEP. Refer to the submission at **Appendix 21**. 		Variation
4.4	Floor space ratio	The maximum FSR provided on the *Floor Space Ratio Map* is 5:1 (see Figure 24 in this SEE). The proposal slightly exceeds this control, with a proposed FSR of approximately 5.45:1, equating to approximately 9%. Accordingly, an exception to this development standard is sought pursuant to clause 4.6 of the NLEP. Refer to the submission at **Appendix 22**.		Variation
4.6	Exceptions to development standards	This clause allows for the granting of consent to development, even though the development would contravene a development standard, in certain circumstances. Exceptions to the height (clause 4.3) and FSR (clause 4.4) development standards within the NLEP are sought pursuant to this clause. Refer to the submissions at **Appendices 21** and **22**.		✓
5.10	Heritage Conservation	Relevant to this proposal, development consent is required for the erection of a building on land that is within a heritage conservation area (the site is within the Newcastle City Centre Heritage Conservation Area - see Figure 25). The effect of the proposal on the heritage significance of the conservation area, and on nearby heritage items, has been assessed as part of the *Statement of Heritage Impact* prepared for the proposal. The Statement concluded that the proposal is appropriate for the area and will enhance the heritage significance of nearby items - see Section 6.1.6 and **Appendix 9** for further details.		✓

Clause		Comment	Comply
6.1	Acid Sulfate Soils	The subject site is mapped as containing 'Class 4' soils (see Figure 26 below). As the proposal involves *works more than 2 metres below the natural ground surface and works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface*, the preparation of an acid sulfate soils (ASS) management plan would normally be required. However, pursuant to subclause 6.1(4)(a) an *Acid Sulfate Soil Assessment* (ASSA) was prepared by Douglas Partners (see **Appendix 23**). It indicated the absence of Actual or Potential ASS. Accordingly, the preparation of an ASS management plan is not required. Further discussion on ASS is provided at Section 6.2.6 of this SEE.	✓
6.2	Earthworks	The proposal involves major earthworks, associated predominantly with the excavation of basement levels (see Section 3.3.1 of this SEE). The proposal is not likely to have detrimental impacts on drainage patterns or soil stability, as outlined in Sections 6.2.2 and 6.2.3. A *Soil & Erosion Control Plan* is attached at **Appendix 16**. Appropriate soil waste classification and disposal requirements are discussed in the *Report on Geotechnical Investigation and Targeted Site Investigation (Contamination)* at **Appendix 14** and the *Remediation Action Plan* at **Appendix 15**. The subject site is an already-disturbed CBD site not located in proximity to relevant landscape features, and it is unlikely that the proposal will result in the disturbance of any previously undiscovered archaeological objects. Should these be discovered during excavations, work would stop immediately, and the relevant authorities notified - see Section 6.1.5 for further details.	✓
7.2	Land to which this Part applies (Newcastle City Centre)	The subject site is located within the 'Newcastle City Centre' (as mapped), and therefore Part 7 of the NLEP applies.	-
7.4	Building separation	As indicated in the image below (and at Plan DA022 at **Appendix 2**), a 24m separation is proposed between the 2 tower forms. Accordingly, those few proposed rooftop elements at a height of 45m or more (predominantly lift overruns, parapets and balustrades - see Plan DA504) would be separated by 24m or more, in compliance with this clause. No other buildings in the vicinity are at a height of 45m or more.	✓

Clause		Comment	Comply
			
7.5	Design excellence	Subclause 7.5(2) requires that the proposed development exhibits design excellence before consent can be granted. Further, subclause 7.5(4) requires that consent cannot be granted unless an architectural design competition is held in relation to *development having a capital value of more than $5,000,000 on a site identified as a "Key Site" and shown edged heavy black and distinctively coloured on the Key Sites Map*. As indicated at Figure 27 in this SEE, the subject site is identified as a 'Key Site' and will have a capital value in excess of $5,000,000 (see Section 3.3.10), and an architectural design competition is therefore required. However, subclause 7.5(5) provides that subclause 7.5(4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required. Pursuant to subclause 7.5(5), the Government Architect NSW (delegate of the Director-General) has certified in writing that a design competition is not required in this case - see the exemption letter at **Appendix 10** to this SEE. This exemption was granted on the basis that design excellence will be achieved *…such as where concept drawings are submitted for a manifestly outstanding building, and the architect has a reputation for delivering buildings of the highest quality* (**Appendix 10**). This confirms that the proposed development exhibits design excellence, in compliance with subclause 7.5(2). This finding was further confirmed via the support of the Newcastle Urban Design Consultative Group (see Section 3.4.2 in this SEE). Design excellence will be maintained throughout the detailed design and construction phases through implementation of the 'process of design integrity' outlined within the exemption letter at **Appendix 10.** In summary, the proposal satisfies the provisions of Clause 7.5.	✓

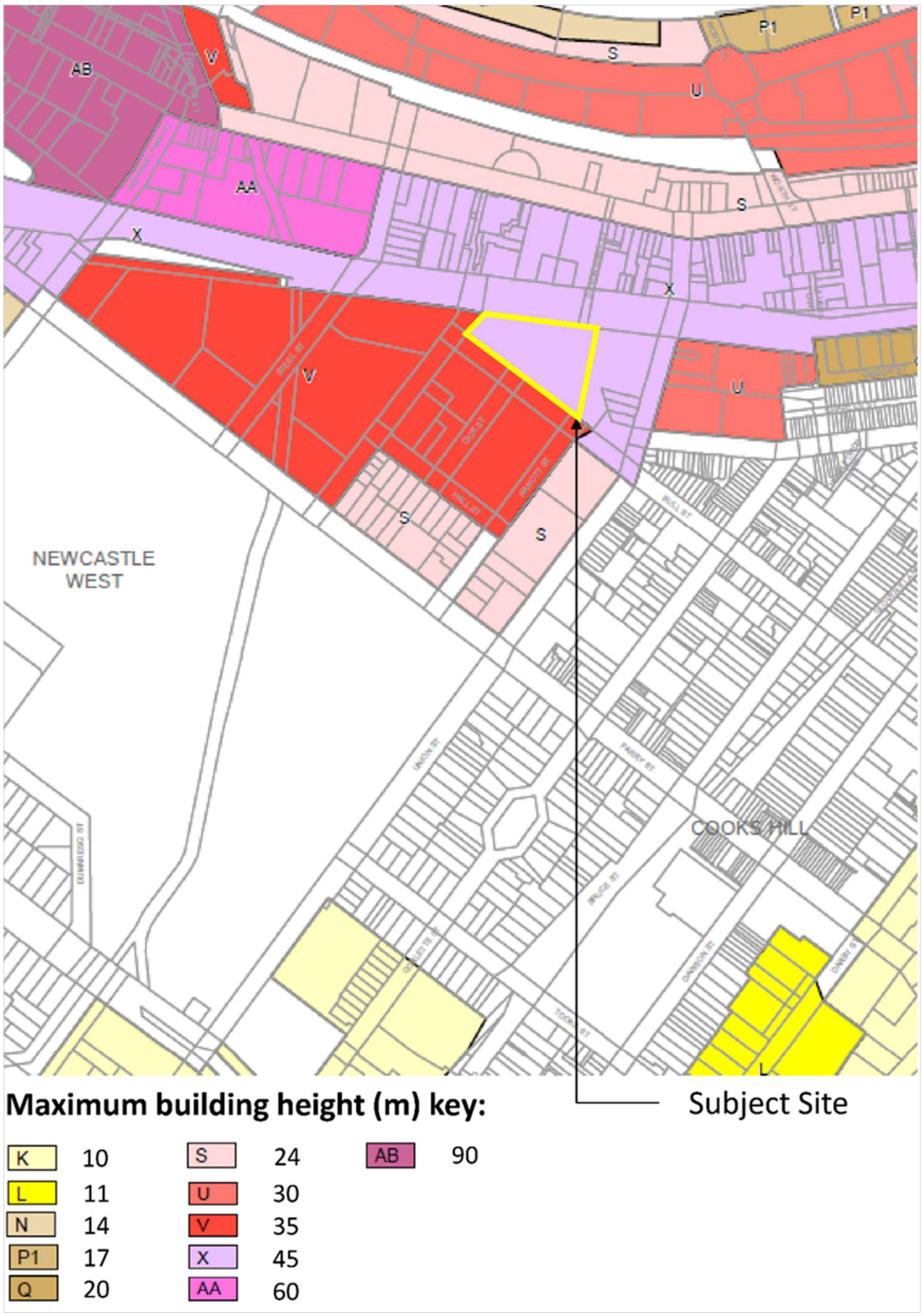


Figure 23: Extract from NLEP Height of Buildings Map

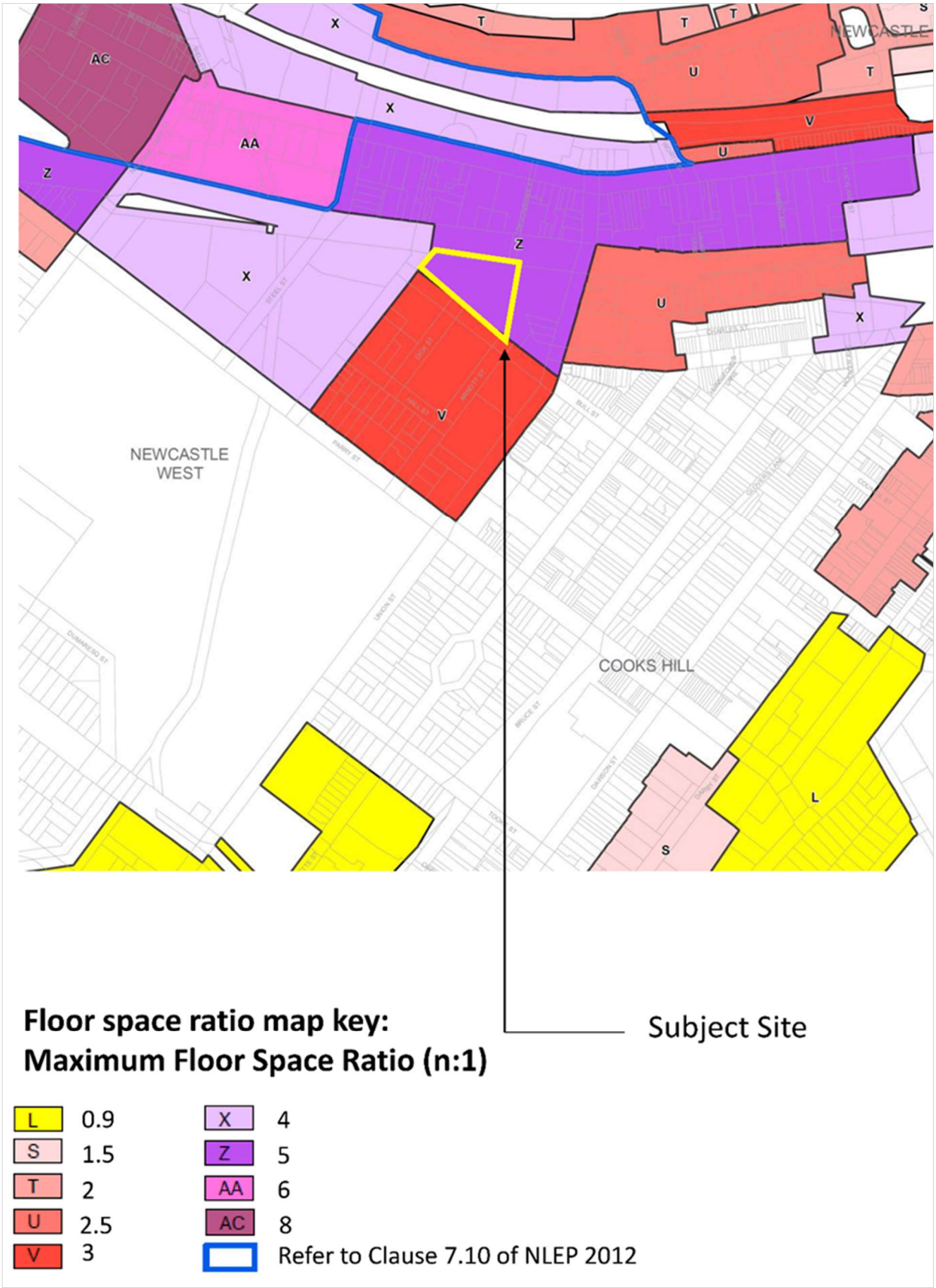


Figure 24: Extract from NLEP Floor Space Ratio Map

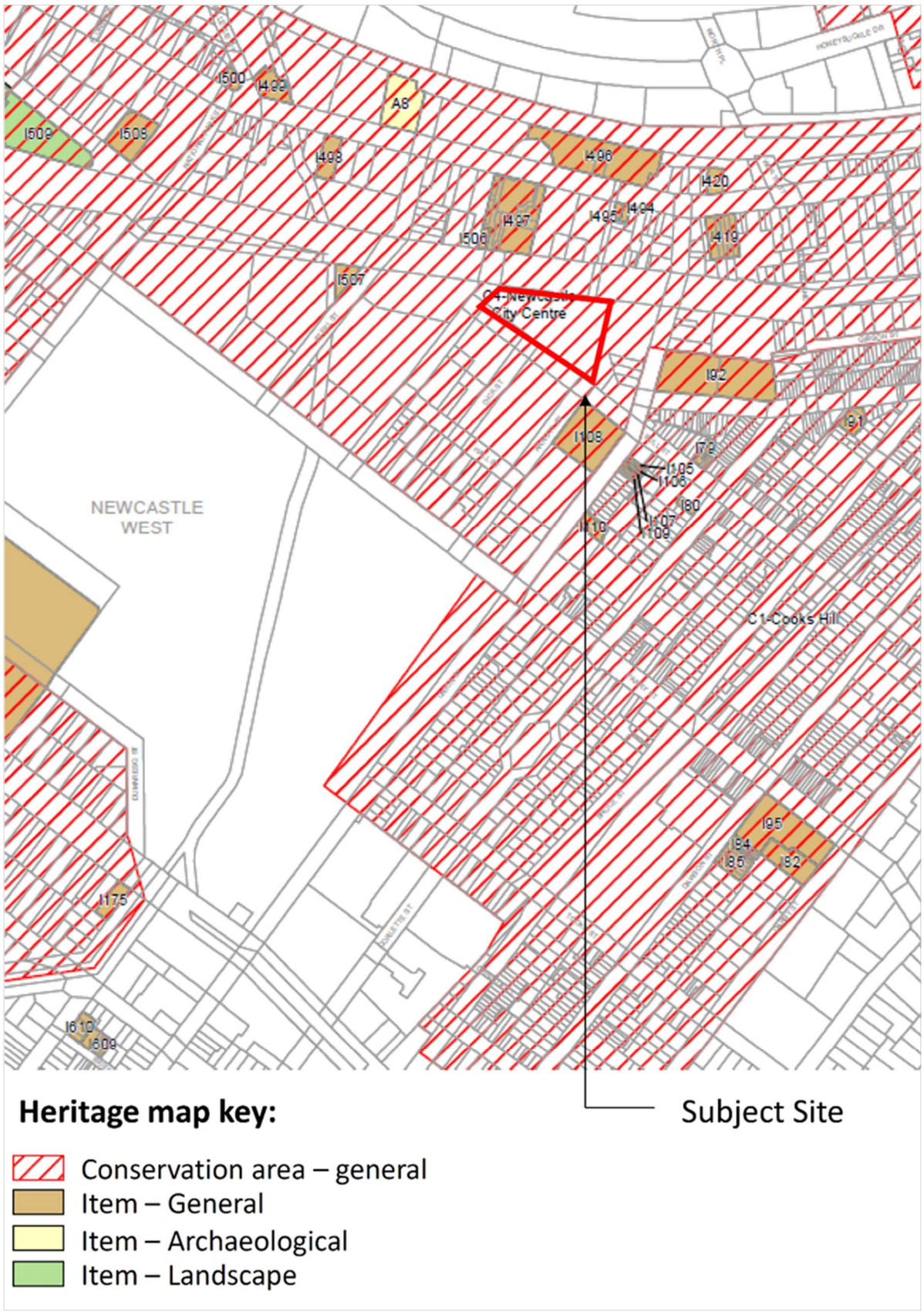


Figure 25: Extract from NLEP Heritage Map

Figure 26: Extract from NLEP Acid Sulfate Soil Map

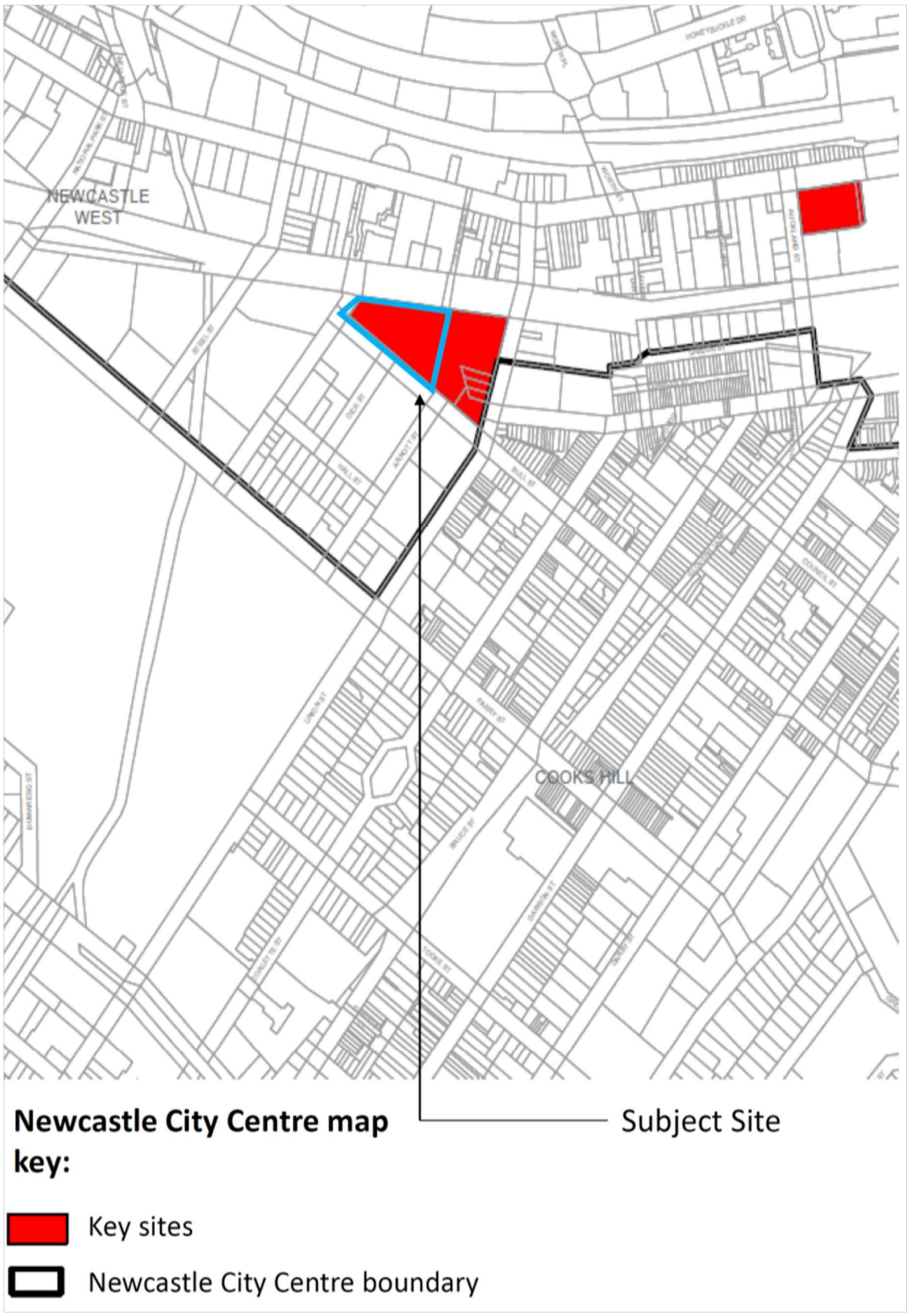


Figure 27: Extract from NLEP Key Sites Map

5. NON-STATUTORY CONSIDERATIONS

5.1. Provisions of any draft environmental planning instrument

No draft environmental planning instruments apply to the proposed development.

5.2. Newcastle Development Control Plan 2012

The *Newcastle Development Control Plan 2012* (the DCP) applies to the proposed development. Compliance with the relevant controls is addressed in Table 16 below. Note that satisfaction of the DCP objectives is generally achieved through compliance with the specific controls in each section. Where control compliance is not appropriate, an explanation of how the proposal still achieves the overall objectives is provided.

Table 16 demonstrates that the proposal is compliant with the majority of the prescriptive controls of the DCP, and more importantly, consistent with all relevant objectives and / or performance-based controls.

Table 16: Compliance with Newcastle Development Control Plan 2012

Relevant control	Compliance	Comply
3.03 Residential Development		
3.03.01 Principal controls		
A. Frontage widths	The site has frontages in excess of 15m, and the proposal would not result in an isolated lot.	✓
B. Front setbacks	The proposal's compliance with the Newcastle City Centre controls for front setbacks is discussed below in this Table. The proposed driveway entry is appropriately set back.	✓
C. Side and rear setbacks	The proposal's compliance with the Newcastle City Centre controls for side and rear setbacks is discussed below in this Table.	✓
D. Landscaped Area	The DCP requires that a minimum of 20% of the site is landscaped, with a minimum 10% deep soil zone. It is proposed to landscape approximately 33% of the site area (excluding private planters), in excess of requirements. Approximately 9.8% of the site is proposed for deep soil planting, generally in compliance with the DCP control and in excess of *Apartment Design Guide* requirements (at 7%). The proposed provision is considered appropriate due to the high-density CBD location of the site and the generous overall site landscaping. Over 25% of the front setback area is proposed to be landscaped, in excess of requirements. The site is not considered to have a 'rear' boundary as it fronts public streets on 3 sides. A large number of trees, including street trees, are proposed throughout the development - see the landscaping plans at **Appendix 4**.	✓
3.03.02 Siting the development		
A. Local character and context	Detailed site analysis plans are provided at **Appendix 2**.	✓
B. Public Domain Interface	Private open space is located behind the front building line, and windows and balconies overlook the public domain. Street access and building entries are clearly defined, and closable gates will clearly delineate between communal and public space.	✓
C. Pedestrian and vehicle access	Parking spaces, driveways and circulation spaces will comply with AS 2890.1. Appropriate lighting will be provided within carpark areas and pedestrian paths. Paths through the site are appropriately designed, providing clear lines of sight (see	✓

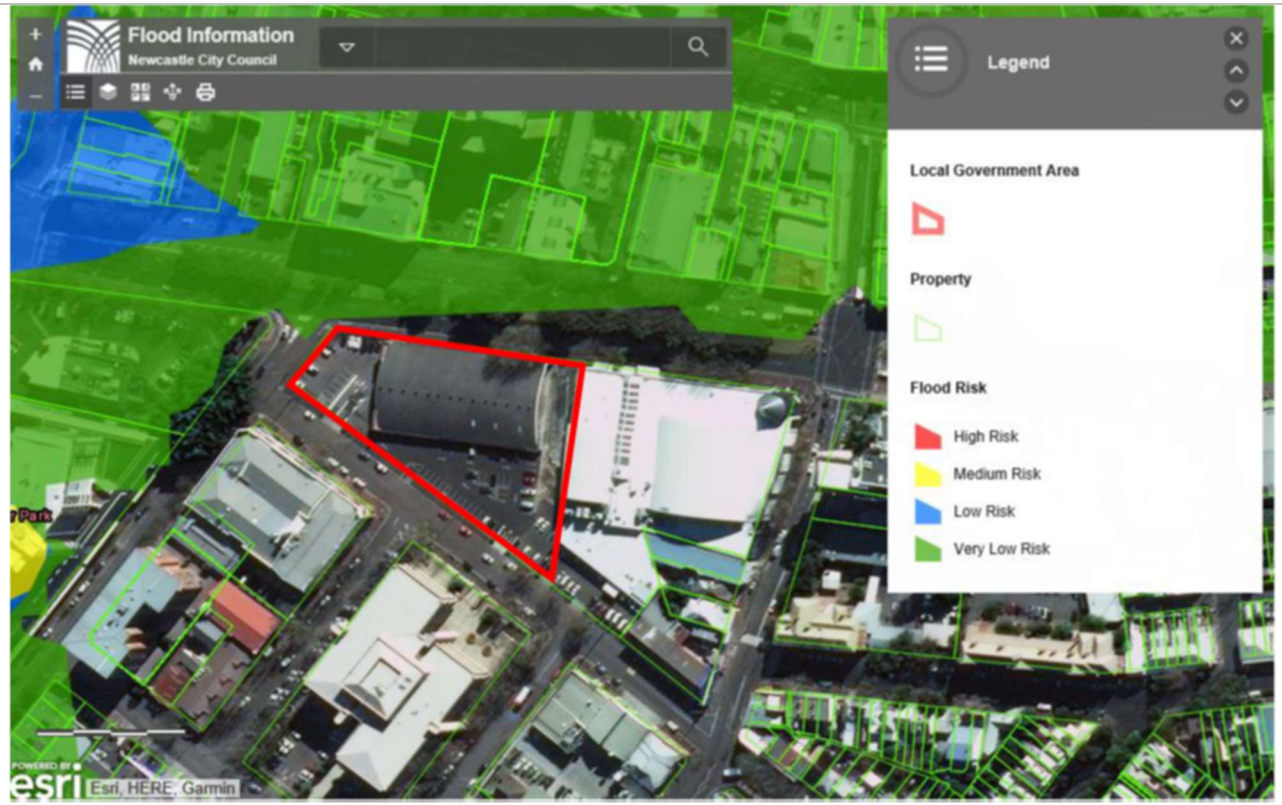
	Section 6.3.2 for further discussion on crime and safety). The basement carpark will not protrude significantly above ground level due to the sloping topography of the site. The carpark entry has a height less than 2.7m.	
D. Orientation and siting	The site does not adjoin other dwellings. Solar access and overshadowing are addressed in Section 6.1.7. Proposed excavation depths are in excess of controls, but are required to accommodate basement carparking, appropriate to the CBD location. Level changes are proposed to be appropriately addressed.	Variation
E. Building separation	Proposed building separation is in excess of DCP requirements.	✓
3.03.03 Amenity		
A. Solar and daylight access	*Section 4A of the Apartment Design Guide (ADG) relates to 'Solar and daylight access' and is relevant to the proposed dwellings. Pursuant to Clause 6A of SEPP 65, if a DCP contains provisions in relation to 'solar and daylight access', those provisions are of no effect. Accordingly, this section of the DCP does not apply.* *Compliance with the relevant provisions of the ADG are discussed in Section 6.1.7 of this SEE, and the* SEPP 65 ADG Compliance Table *at* **Appendix 12**.	N/A
B. Natural ventilation	*Section 4B of the Apartment Design Guide (ADG) relates to 'Natural ventilation' and is relevant to the proposed dwellings. Pursuant to Clause 6A of SEPP 65, if a DCP contains provisions in relation to 'natural ventilation', those provisions are of no effect. Accordingly, this section of the DCP does not apply.* *The design criteria pursuant to Section 4B-3 of the ADG are addressed below, and within the* SEPP 65 ADG Compliance Table *at* **Appendix 12***:* ▪ As indicated on Plans DA514 - 516, approximately 65% of apartments on the first 9 floors would be naturally cross-ventilated, in compliance with the design criteria. Some of the apartments include horizontal plenums in the ceiling space above the shared corridor - natural ventilation would enter the plenums on the building's western façade and disperse directly into apartments. The apartments at 10 storeys and above would have balconies which allow adequate natural ventilation. In total, 70% of all apartments would be naturally ventilated. ▪ No apartments would have depths in excess of 18m.	N/A
C. Ceiling heights	*Section 4C of the Apartment Design Guide (ADG) relates to 'Ceiling heights' and is relevant to the proposed dwellings. Pursuant to Clause 6A of SEPP 65, if a DCP contains provisions in relation to 'ceiling heights', those provisions are of no effect. Accordingly, this section of the DCP does not apply*. *Compliance with the relevant provisions of the ADG are discussed in* Table 10 *of this SEE, and the* SEPP 65 ADG Compliance Table *at* **Appendix 12**.	N/A

D. Dwelling size and layout	*Section 4D of the Apartment Design Guide (ADG) relates to 'Apartment size and layout' and is relevant to the proposed dwellings. Pursuant to Clause 6A of SEPP 65, if a DCP contains provisions in relation to 'apartment size and layout', those provisions are of no effect. Accordingly, this section of the DCP does not apply.* *Compliance with the relevant provisions of the ADG are discussed in* Table 10 *of this SEE, and the* SEPP 65 ADG Compliance Table *at* **Appendix 12**.	N/A
E. Private open space	*Section 4E of the Apartment Design Guide (ADG) relates to 'Private open space and balconies' and is relevant to the proposed dwellings. Pursuant to Clause 6A of SEPP 65, if a DCP contains provisions in relation to 'private open space and balconies', those provisions are of no effect. Accordingly, this section of the DCP does not apply.* *The design criteria pursuant to Section 4E-1 of the ADG are addressed below, and the* SEPP 65 ADG Compliance Table *at* **Appendix 12***:* ▪ All ILUs and general residential apartments would have balcony / terrace areas equal to (and in many cases) generously in excess of minimum requirements. Some ILUs / apartments have the benefit of multiple private open spaces (e.g. terraces, balconies and 'wintergardens'). Details of each balcony size is provided in the Apartment Area Schedules at **Appendix 2** (Plans DA506 - 508). ▪ All apartments at Ground level or on a podium have a private open space with a minimum area of 15m², with the exception of the Studio apartments and 3 others. The over-generous provision of communal open space to the development (approximately 10% more than required) would assist in offsetting this shortfall.	N/A
F. Storage	*Section 4G of the Apartment Design Guide (ADG) relates to 'Storage' and is relevant to the proposed dwellings. Pursuant to Clause 6A of SEPP 65, if a DCP contains provisions in relation to 'storage', those provisions are of no effect. Accordingly, this section of the DCP does not apply.* *The design criteria pursuant to Section 4G-1 of the ADG are addressed below, and the* SEPP 65 ADG Compliance Table *at* **Appendix 12***:* ▪ Details of each apartment's storage areas, including the allocation of external storage bays (i.e. adjacent to carparking areas), is provided in the *Storage Volume Schedules* at **Appendix 2** (Plans DA509 - 510). Advice from Fender Katsalidis Architects indicates the proposal is in full compliance with minimum requirements.	N/A
G. Car and bicycle parking	The proposal's compliance with Section 7.03 of the DCP is discussed below in this Table. The carpark entry is appropriately setback from the street, and the proposed garage door width is approximately 6m. A dedicated car washing bay and facilities are proposed within the Ground Floor carparking area.	✓

H. Visual privacy	*Section 3F of the Apartment Design Guide (ADG) relates to 'Visual privacy' and is relevant to the proposed dwellings. Pursuant to Clause 6A of SEPP 65, if a DCP contains provisions in relation to 'visual privacy', those provisions are of no effect. Accordingly, this section of the DCP does not apply.* *Compliance with the relevant provisions of the ADG are discussed in Section 6.1.4 of this SEE, and the* SEPP 65 ADG Compliance Table *at* **Appendix 12**.	N/A
I. Acoustic privacy	The *Noise Impact Assessment* (NIA) (**Appendix 20**) notes that *no current RTA traffic station is located near the site along nearby roads. We have therefore assumed 15,000 vehicles pass the site each day along King Street and 8,000 vehicles along Bull Street for the year 2018* (p10). Regardless, the NIA presents a full noise assessment by a qualified acoustic engineer.	✓
3.03.04 Configuration		
A. Universal design	The proposal complies with the design requirements of the Housing for Seniors SEPP, as discussed in Section 4.4.5 of this SEE. Further: ▪ 90% of Studio and 1-bedroom dwellings would comply with the *Liveable Housing Design Guidelines* 'Silver Level' universal design features. ▪ 90% of 2-bedroom and 3-bedroom dwellings would comply with the *Liveable Housing Design Guidelines* 'Gold Level' universal design features.	✓
B. Communal area and open space	Over 35% of the site area is dedicated communal open space - see Plan DA521 at **Appendix 2**. Most of this area would have a minimum dimension of 8m. Approximately 51% of the ILU communal open space will receive 2 hours or more of sunlight, as will almost all of the general residential communal open space (i.e. Level 14 rooftop terrace). The ILU's communal open spaces (ILU Courtyard and Level 5 Terrace) are located directly adjacent to windows of habitable rooms. Although the Level 14 rooftop terrace is not directly adjacent to or overlooked by habitable rooms, access would be restricted to residents via secure lifts. As confirmed within the *Crime Risk Assessment* prepared for the site, there are *clear sightlines through the site and good visibility into the site generally* (p21, **Appendix 24**). There would be adequate daylight and natural ventilation to all common circulation spaces above ground, and appropriate lighting would be provided to each space (specifications to be confirmed at the detailed design stage).	Partial Variation
C. Architectural design and roof form	The roof design integrates well with the overall building design. Plant and other systems would be appropriately screened via features integrated into the roof design.	✓

D. Visual appearance and articulation	The buildings would be significantly articulated (see response to control A5.2 in the Newcastle City Centre section of this DCP Table for further discussion). The building entries would be clearly defined via feature awnings and, in some cases, separation of the podium façade (e.g. ACF entry fronting King Street). An attractive variety of materials and colours are proposed, as indicated on the *Materials Board* (Plan DA400 at **Appendix 2**).	✓
E. Pools and ancillary development	The swimming pools proposed at Levels 5 (Building A) and Level 14 (Building B) would be appropriately designed, with pumps adequately soundproofed. Refer to the *Noise Impact Assessment* at Appendix **20** for further details.	✓
3.03.05 Environment		
A. Energy efficiency	The high-density nature of the development precludes the provision of dedicated outdoor clothes drying areas, although it is noted that each apartment would have access to private balconies/terraces.	Variation
B. Water management and conservation	Each dwelling would be fitted with appropriate meters. Stormwater treatment is discussed at Section 6.2.2 of this SEE.	✓
C. Waste management	The proposed waste management regime is discussed at Section 6.1.11 of this SEE. Waste storage areas would be appropriately screened, and appropriate on-site waste collection is proposed.	✓
3.10 Commercial Uses		
3.10.01 Height of buildings	The proposal slightly exceeds the maximum height controls under the NLEP. An exemption to this standard is sought pursuant to Clause 4.6 of the NLEP (see **Appendix 21**).	Variation
3.10.02 Density - floor space ratio	The proposal slightly exceeds the maximum FSR controls under the NLEP. An exemption to this standard is sought pursuant to Clause 4.6 of the NLEP (see **Appendix 22**).	Variation
3.10.03 Streetscape and front setbacks	The Newcastle City Centre DCP section prevails over this control. Compliance is discussed below in this Table.	N/A
3.10.04 Side and rear setbacks	The Newcastle City Centre DCP section prevails over this control. Compliance is discussed below in this Table.	N/A
3.10.05 Street activation	A number of commercial uses are proposed along the ground level King Street and pedestrian laneway frontages - see Section 3.3.6 of this SEE. These would have multiple pedestrian accesses with good visual connections via floor to ceiling glazing, alternating with solid panels in some areas. No solid walls with lengths in excess of 3m are proposed.	✓

3.10.06 Building design and appearance	The proposal increases block permeability by introducing a new pedestrian connection between King Street and Bull Street, continuing the visual trajectory of Devonshire Street to the north. The proposed setbacks to the street, in particular King Street, would allow for landscaping to soften the built form and provide visual integration with the highly landscaped median of King Street. The division of the built form into 2 separate elements across the site ensures the bulk and scale of the buildings are not overbearing and are in keeping with the scale of nearby existing buildings (e.g. NSW Government Office and Tonella Commercial Centre on Bull Street). The proposed publicly accessible laneway and memorial would be an attractive asset to the area and would involve high quality pavements and materials complementary to the surrounding streetscape. The UDCG, in its meeting minutes, considered that the proposal *presents a well-considered built form which responds to its context and takes into account the existing controls for the site* (p2, **Appendix 8**). In conclusion, the proposal enhances and makes a positive contribution to the desired built form on this key site.	✓
3.10.07 Views and privacy	The site does not adjoin any existing residential development, and no key views are available through the site - see Section 6.1.2 of this SEE. Proposed residential dwellings would be separated by at least 12m (and up to 24m) to maximise privacy. Privacy is discussed further in Section 6.1.4. Mechanical plant would be located to minimise noise nuisance - see Section 6.1.3.	✓
3.10.08 Fencing and walls	Fencing is not proposed along street frontages.	✓
3.10.09 Utilities and services	Proposed mail rooms would be located adjacent to the lobbies of each residential component. Bin storage areas would be concealed within closed rooms on the same floor level as the access driveway. See Section 6.1.11 for further details.	✓
3.11 Community Services		
Note: *This DCP section applies to the proposed 'medical centre' component of the development only*		
3.11.01 Building design	The proposed medical centre, within the podium element of proposed 'Building A', would be fully integrated within the building and would be compatible with the surrounding environment as outlined throughout this SEE. The adjacent proposed retail and residential uses are wholly compatible with the medical centre use, and the medical centre's proximity would maximise convenience for future residents of the development.	✓
4.01 Flood Management		
-	As shown in the image below, Council's interactive flood risk mapping does not identify the site as flood prone land. This status was confirmed by a Council officer during discussions. Therefore, the DCP section does not apply.	N/A

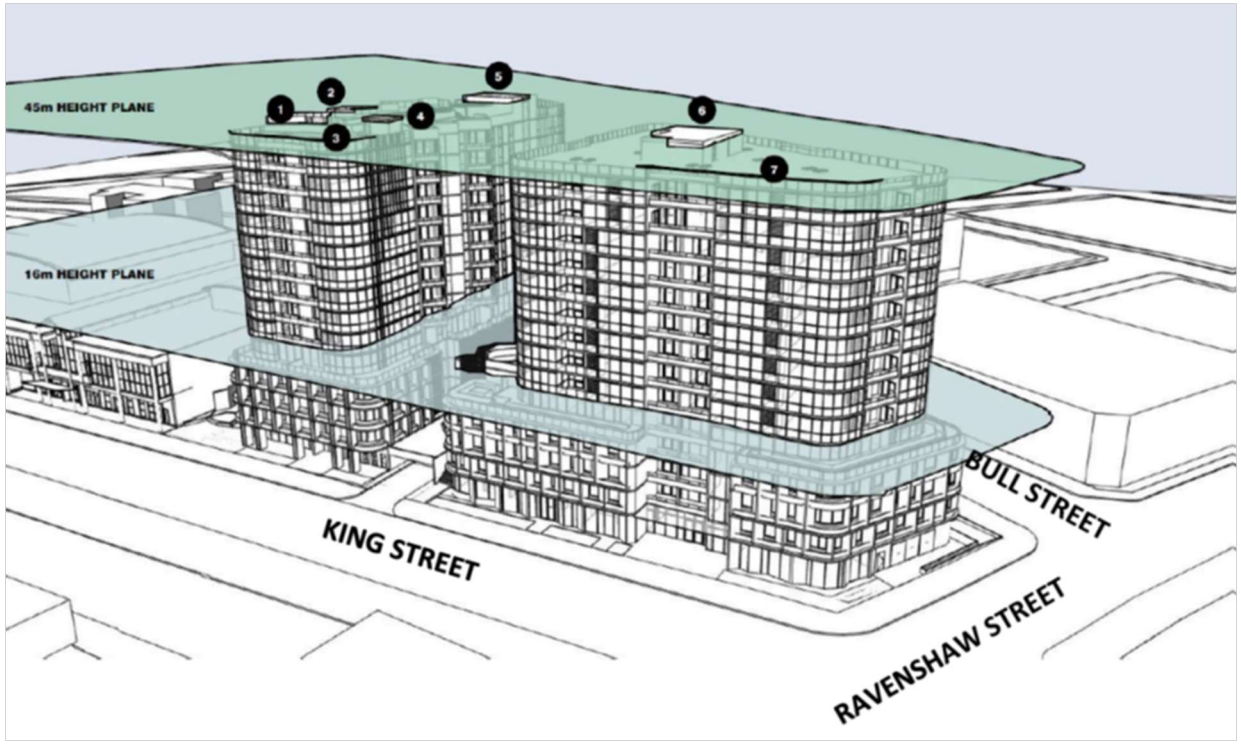
		
4.03 Mine Subsidence		
4.03.01 Land to which this section applies	The site is within a proclaimed mine subsidence district. GHD consulting engineers have commenced discussions with Subsidence Advisory NSW on the applicant's behalf, to ascertain requirements to deal with subsidence issues. An application for approval to erect a building within a mine subsidence district under Section 22 of the *Coal Mine Subsidence Compensation Act 2017* will be sought as part of this development application (i.e. integrated development).	✓
4.04 Safety and Security		

4.04.01 Crime Prevention through Environmental Design (CPTED) Principles	As outlined in Section 6.3.2 of this SEE, the proposal incorporates appropriate CPTED principles in the design.	✓
4.04.02 General principles	A *Crime Risk Assessment* has been prepared and is attached at **Appendix 24**. It addresses the relevant CPTED principles and concludes that *the proposed development has the potential to contribute towards crime reduction and help create a positive image of the area, thus serving the additional purpose of reducing fear of crime in the area* (p22).	✓
4.04.03 Principles for specific uses	The *Crime Risk Assessment* addresses principles relevant to the listed land uses. Detailed requirements (e.g. lighting levels and painting colours, preparation of Plans of Management) would be addressed at the Construction Certificate stage.	✓
4.05 Social Impact		
4.05.01 Social impact	The proposal would not trigger the requirement for a formal social impact statement pursuant to Council's *Social Impact Assessment Policy for Development Applications*, as it is not considered 'out of character' with the existing urban context, likely to increase risks to public safety, or likely to threaten the existing sense of community in the area. The social impacts of the proposal are discussed briefly in Section 6.3.1 of this SEE.	✓
5.01 Soil Management		
5.01.01 Erosion prevention	A *Soil and Erosion Control Plan* has been prepared by GHD and is attached at **Appendix 16**. Prevention and sediment control measures will be implemented during the construction phase, including sediment barriers and pit inlet protection.	✓
5.01.02 Sediment control	As above.	✓
5.01.03 Cut & fill	A *Contour Detail Plan* (showing existing levels) is provided at **Appendix 1**, and elevations / sections showing proposed new levels are provided at **Appendix 2**. Due to the large scale of the development, significant levels of earthworks would be required to position carparking and other services below ground, as outlined in Section 3.3.1. The proposed earthworks regime has been informed by a geotechnical investigation prepared for the site (**Appendix 14**) and the design has been informed by a structural engineer. The proposed stormwater management regime for the site is appropriate, as outlined in Section 6.2.2 of this SEE.	Partial Variation
5.02 Land Contamination		

5.02.01 Plan making & development assessment	*A Report on Geotechnical Investigation and Targeted Site Investigation (Contamination)* was prepared for the site (**Appendix 14**). Subsequently, a *Remediation Action Plan* (RAP) was prepared by Douglas Partners - see **Appendix 15**. Essentially, the RAP provides for the removal of contaminated soils and their appropriate disposal off-site, and the validation of remaining soils on-site, along with unexpected finds protocols and other relevant procedures. In summary, the RAP presents the appropriate pathway to *remediate the site in an acceptable manner, with minimal environmental impact, to a condition suitable for the proposed residential/aged care development* (p1). See Section 6.2.5 of this SEE for further discussion.	✓
5.02.02 Dedication of assets to Council	No dedication of assets is proposed to Council at this time.	N/A
5.02.03 Remediation work	Proposed remediation measures would be carried out appropriately, in accordance with the directions outlined within the RAP.	✓
5.03 Vegetation Management		
5.03.01 Declared vegetation	The 2 trees proposed for removal (see Section 6.2.1 of this SEE) would be 'declared vegetation' requiring a permit for removal, if not for DCP Section 5.03.02 (see below).	✓
5.03.02 When can declared vegetation be cleared without a permit?	A permit is not required as clearing has been authorised under other legislation - see Section 4.4.8 of this SEE (*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*) for further discussion.	✓
5.03.06 Declared vegetation on public land B. Clearing or pruning of public trees associated with a development application	Two trees on public land, within 5m of the property boundary, are proposed to be removed (see Section 6.2.1 of this SEE). The location of the relevant trees is indicated on the 'Ground Level Demolition Plan' at **Appendix 2** (Plan DA050). Oculus Landscape Architects has proposed a street tree planting regime which has been prepared with reference to the *Newcastle City Council Street Tree Selection Manual* - see the landscape documentation at **Appendix 4** and the letter regarding tree removal at **Appendix 25**. The proposed plantings are considered to more than adequately compensate for the loss of the 2 trees (i.e. the planting of 26 new street trees is proposed along the site's 3 street boundaries).	✓
5.04 Aboriginal Heritage		
5.04.01 Due diligence &	An AHIMS database search was conducted for the subject site plus a 50m buffer- see **Appendix 26**. It confirmed the absence of any recorded Aboriginal sites or Aboriginal places within the study area. Accordingly, the proposed	✓

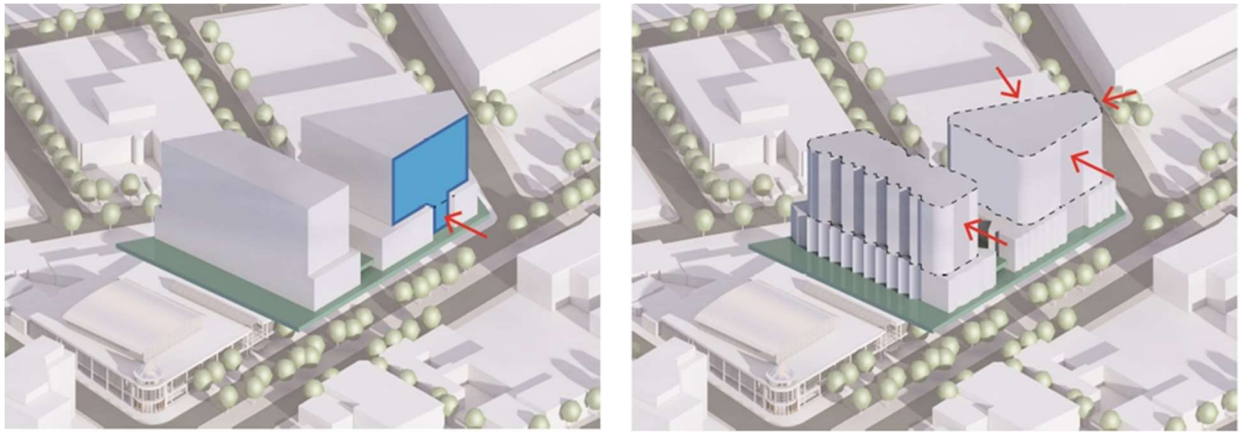
development assessment	development is not likely to harm Aboriginal objects. Additional statements and discussion are provided at Section 6.1.5 of this SEE.	
5.05 Heritage Items		
5.05.06 Development in the vicinity of a heritage item	*A Statement of Heritage Impact* (SoHI) was prepared by John Carr Heritage Design - see **Appendix 9**. It notes the following with regard to Control (1): *(a) The building's podium envelope is designed to be dominant on this site to provide a four-storey contemporary design to blend with other more recent nearby developments. The building's two towers have glazed and open envelopes for residential living purposes and are similar to other residential tower developments currently under construction in Newcastle.* (b) *The mass and scale of the proposed building podium is approximately the same height as the nearby Government Office Block. Whilst a minor variation to the LEP height standard is required, the proposal is generally consistent with the 45m height limit prescribed in the NLEP 2012.* *(c) The building is designed with a three-metre setback in line with the LEP 2012 requirements. The tower setbacks also satisfy the LEP requirements.* *(d) The selected materials of concrete, face brickwork, coloured renders and precast concrete will blend well with colours and materials used in the area. The towers are finished in a darker glass and metal partition to reduce their visual dominance.* The SoHI notes the following with regard to DCP Control (2): *(a) The subject site while nearby to at least two items of Local heritage significance, is not so close as to impinge on the space surrounding the heritage items or affect their interpretation. Other items are at a distance to be unaffected.* *(b) There are no existing trees on the subject site. Street trees will be replaced, and landscaping included. The existing Garage has been assessed as non-contributory to the conservation area.* *(c) This site is not regarded as being of historical archaeological potential as it has largely been undeveloped up until the first quarter of the twentieth century* (refer to Section 6.1.5 of this SEE for a discussion on Aboriginal archaeological potential). *(d) The proposed building is set away from the listed items but is near to a contributory item. The subject site is surrounded on three sides by streets, protecting views.*	✓
5.06 Archaeological Management		

5.06.01 Archaeological management	The subject site is not listed as an 'Archaeological site' under the NLEP. The SOHI (**Appendix 9**) notes that, based on a historical review, the first development of the site was during the 1920s, with most known development not occurring until the mid-20th century. Accordingly, *there is little potential for archaeological material of significance to exist at the study site. Based on available historical records, further archaeological investigation into historical archaeology is not considered necessary for this site* (p29). The site is not considered likely to accommodate Aboriginal archaeological artefacts, as outlined in Section 6.1.5. Nevertheless, appropriate stop-work measures would be implemented should any archaeological objects be discovered throughout the excavation phase of development, in order to minimise impacts and allow for appropriate conservation works to be undertaken.	✓
6.01 Newcastle City Centre		
Development Application requirements	The architectural plans prepared by Fender Katsilidis include 3D images of the proposal, as well as shadow diagrams and various view analyses - see **Appendix 2**. Electronic 3D files will be supplied to Council separately, as required.	✓
Urban Design Consultative Group	The Urban Design Consultative Group has considered the proposed development and has provided its in-principle support, pending the finalisation of the design (now complete) - see Section 3.4.2 of this SEE for further discussion.	✓
6.01.02 Character areas	The subject site is within the 'Parry Street' character area, as indicated in Section 2.3 of this SEE. The proposal has been designed with regard to the Principles for this area. In particular, the proposal would provide new areas of high-quality public domain (e.g. the publicly accessible pedestrian laneway) and would enhance the existing surrounding streetscapes via landscaping and associated public domain works. Overall, the proposal aligns with the objective to *support the evolving character of the area into a high-density residential and mixed-use precinct*.	✓
6.01.03 General Controls		
A. BUILDING FORM A1.1. Street wall heights. Street wall heights of new buildings define and enclose the street, are appropriately	The DCP calls for a street wall height of 16m, and a setback of 6m above the street wall height. The proposed tower levels are set back approximately 6m above the street wall heights, in compliance with the DCP control. The proposed buildings incorporate varying street wall heights, all slightly less than 16m as listed below and illustrated in the image below ('16m height plane' - see Plans DA504 and 505 at **Appendix 2** for larger plans): ▪ King Street: predominantly between approximately 14.1m and 14.5m ▪ Bull Street: predominantly between approximately 12.9m and 14.9m ▪ Ravenshaw Street: predominantly between approximately 13.1m and 14.3m	Partial Variation

scaled and respond to adjacent development.	The heights vary primarily due to the sloping topography of the site. The proposed street wall heights are considered to be appropriate on this key corner site due to the building's relationship with surrounding development and its position within the *Newcastle City Centre Heritage Conservation Area*. As noted in the *Statement of Heritage Impact* (SoHI) prepared for the site, *the building's podium envelope is designed to be dominant on this site to provide a four storey contemporary design to blend with other more recent nearby developments….The mass and scale of the proposed building podium is approximately the same height as the nearby Government Office Block* (p50, **Appendix 9**).  	
A2. Building setbacks	The DCP requires a nil front setback (taken to mean to the street). However, the proposal involves setbacks of approximately 3m to all 3 streets (King Street, Ravenshaw Street and Bull Street), with the exception of 'Building B' which	Variation

A2.1. Building setbacks define and address the street and public domain spaces, and respond to adjacent buildings	presents a setback of approximately 1m to Bull Street. These setbacks are considered appropriate and desirable as they allow for a landscaped zone to soften the built form, maximise the amenity of the public domain, and provide visual integration with the highly landscaped median of King Street in particular. The setbacks also help to draw people into the proposed publicly accessible laneway connecting Bull Street and King Street, and into the landscaped forecourt adjoining the 'Tower Residential' lobby at Bull Street. It is noted that the UDCG previously considered the proposal, inclusive of its setbacks, and concluded *it presents a well-considered built form which responds to its context and takes into account the existing controls of the site* (p2, **Appendix 8**).	
A2.2 Side and rear setbacks enhance amenity and allow for ventilation, daylight access, view sharing and privacy for adjoining buildings.	The DCP allows for up to a nil (zero) setback to the side and rear boundaries below the street wall height (note 'commercial' development setbacks above street wall height specified in the DCP do not apply to this proposal, as the proposed uses are 'residential uses'). The boundary between the 'Wests City' building and the site is considered to be the only 'side' boundary. The proposal involves a whole-building setback of approximately 12m to this boundary, to allow for required separation between residential uses pursuant to the *Apartment Design Guide*. Further, the setback allows for the creation of a highly landscaped publicly accessible laneway link between Bull Street and King Street, enhancing the public domain and allowing for a memorial to the 1989 Newcastle Earthquake victims against the backdrop of the site where the tragedy occurred.	✓
A3. Building separation A3.1. Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building.	The 2 building elements within the site are proposed to be separated by approximately 12m from Levels 1-4, and approximately 24m for the remaining levels. These distances ensure residential uses are appropriately separated pursuant to the *Apartment Design Guide* and allow for the creation of highly landscaped outdoor spaces to enhance amenity for residents and the public.	✓
A4. Building depth and bulk A4.1. Building depth and floor plate sizes relates to the desired	The DCP 'Performance Criteria' calls for building depth and floorplate sizes that *relate to the desired urban form and skyline of the city centre.* The proposal achieves this 'skyline' criteria as the proposed height is essentially compliant with NLEP controls - the exceedance is negligible and related to lift overruns and similar features (see Section 4.5). Further, as detailed in the *Statement of Heritage Impact* (**Appendix 9**) the built form responds appropriately to the scale of surrounding development and the heritage significance of nearby listed items and the surrounding Heritage Conservation Area.	Partial Variation

urban form and skyline of the city centre.	The proposal is the result of an exhaustive design evolution process which sought to balance disparate elements, such as the large triangular shape of the land, the desire for a prominent 'landmark' development on this 'Key' corner site, and maximising internal amenity for residents through apartment size, orientation and other measures. The UDCG confirmed the success of the design outcome, noting *the development proposed presents a well-considered built form which responds to its context and takes into account the existing controls for the site* (p2, **Appendix 8**). The Government Architect NSW further confirmed that the proposal exhibits 'design excellence' through its issue of an architectural design competition waiver (see Section 3.4.3). In addition, the proposal achieves the required building separation distances pursuant to the ADG (thereby mitigating privacy and view sharing impacts), while internal residential solar access and natural ventilation outcomes are considered adequate, as outlined within this SEE. No proposed apartments have depths in excess of 18m. Therefore, whilst the proposal exceeds the 'Acceptable Solution' criteria (both Towers exceed the maximum 900m² GFA per floor, with GFAs between 1,133m² and 1,246m² on Levels 5 - 13, and some parts of 'Building A' have an overall building depth in excess of 18m), the proposal satisfactorily addresses the 'Performance Criteria' as outlined above. 'Building A' achieves the DCP maximum building length of 50m above street wall height, however 'Building B' has a maximum length of 69.5m. This is considered a logical design response to the triangular shape of the site, the required building setbacks to the streets, and the desired high-density character of the CBD location, noting the building still achieves appropriate amenity as outlined above. Extensive façade articulation is proposed along the building length, through the angling of balconies and other elements northwards, which serves to break up the appearance of length. Further, 'Building B's length faces the site's side boundary (east), so the longer façade would not impact on streetscape amenity.	
A4.2. Buildings achieve good internal amenity with minimal artificial heating, cooling and lighting	The proposed commercial spaces all have extensive frontages to external windows. Only a small corner portion of the proposed ACF administration offices would be in excess of 12m from windows. This space could be utilised for storage, circulation, photocopying or other uses which do not require extended periods of occupation by workers. Appropriate natural ventilation is proposed, as outlined in this Table.	Partial Variation
A5. Building exteriors A5.1. Building exteriors feature high quality design with robust	A *Materials Board* is provided at **Appendix 2** (Plan DA400). The proposed materials and finishes complement the character of the precinct and are of durable high quality. As outlined in the SoHI prepared for the site*, the selected materials of concrete, face brickwork, coloured renders and precast concrete will blend well with colours and materials used in the area. The towers are finished in a darker glass and metal partition to reduce their visual dominance* (p50, **Appendix 9**).	✓

materials and finishes.		
A5.2. Building exteriors make a positive contribution to the streetscape and public domain.	The proposal involves significant articulation of the building. As outlined within the architect's design statement, the design comprises *a highly articulated solid plinth, containing open and active street frontages, and window openings with landscape integrated into the built form* (see Design Statement at Plan DA000 within **Appendix 2**). In the design evolution images below (see Plans DA023 and DA024 for further detail), additional façade articulation is demonstrated, which helps to lessen the appearance of bulk and scale while adding visual interest. All visually prominent parts of the building will be of high design quality, and the facades do not incorporate large expanses of any single material.  *LEFT: Image showing how the podium form separates to break down the scale and create a clearly visible building entry while acknowledging the tower form above* *RIGHT: Image showing how the central balcony elements are recessed along the facades to create visual interest and present more slender built forms to the street. In addition, side balcony facades are faceted and angled to the north, optimising solar access while further breaking up the built form*	✓
A5.3. Building exteriors are designed to ensure a positive contribution to streets and public spaces	The proposed buildings clearly define the street and adjoining public spaces through the presentation of commercial facades, clearly defined lobbies, outdoor dining opportunities and landscaping. No significant lengths of blank wall are proposed. Numerous balconies and terraces provide casual surveillance opportunities over the publicly accessible laneway and other outdoor spaces. Lighting will be appropriate and integral to the building design - specifications can be provided at detailed design stage. The proposed colours and materials are considered to be in keeping with the character of the surrounding area. The *Statement of Heritage Impact* prepared for the proposal confirms *the selected materials of concrete, face brickwork, coloured renders and precast concrete will blend well with colours and materials*	✓

	used in the area (p50, **Appendix 9**). Details of proposed materials are provided in the *Materials Board* at **Appendix 2** (Plan DA207).	
A5.4. Building exteriors respond to adjoining buildings.	The site is on a corner location which adjoins development only on 1 side. Where it does adjoin existing development (i.e. the 'Wests City' building) proposed 'Building B' would be separated by a landscaped laneway approximately 12m wide. The separation reduces the visual importance of the alignment of building lines and other built features. Nevertheless, as shown in the elevation plan extract below (see **Appendix 2**), the proposed podium height would be of a similar scale to the height of the 'Wests City' building, ensuring both buildings present a similar appearance of scale from street level. As outlined within the *Statement of Heritage Impact* prepared for the site *the selected materials of concrete, face brickwork, coloured renders and precast concrete will blend well with colours and materials used in the area* (p50, **Appendix 9**). The western façade of the 'Wests City' building is currently unattractive, dominated by blank walls and utilitarian stairs, as shown in the photograph below. The proposal involves the significant improvement of this interface by screening the lower parts of the wall with a faceted wall element, water features, a memorial to the victims of the 1989 Newcastle Earthquake and landscaping.  	✓

A7. Awnings A7.1. Awnings provide shelter for public streets where most pedestrian activity occurs.	The DCP control does not require the provision of continuous awnings at the site. Nevertheless, continuous awnings (in the form of overhanging floors above) would be provided over much of the proposed pedestrian laneway, as well as the adjacent King Street frontage. The awnings would provide shelter adjacent to proposed restaurant / café uses, including outdoor dining areas.	✓
A7.2. Address the streetscape by providing a consistent street frontage in the City Centre.	The proposed pedestrian shelter is in the form of overhanging floor levels above. Accordingly, they would present no break in the continuity of the overall building design.	✓
A8. Design of parking structures A8.1. At-grade or above-ground parking structures are well designed.	Proposed parking would be basement level only.	N/A
A8.3 Basement car parks are designed to provide protection against flooding	The site is not identified as flood prone land. Accordingly, flooding protection measures would not be required.	N/A
A9. Landscaping A9.1 New development incorporates landscaping and communal open space that respects the desired	Significant areas of landscaping and communal open space are proposed throughout the site, including on the 'Building B' rooftop. Further details are provided at Section 3.3.8 of this SEE.	✓

character of the streetscape, adjoining land and public spaces.		
B. PUBLIC DOMAIN **B1. Access network** B1.1 Streets prioritise pedestrian, cycling and public transport users to support sustainable travel behaviour.	The DCP map does not identify specific desired new connections through the site. Regardless, a new publicly accessible pedestrian lane is proposed to connect Bull Street and King Street, improving block permeability. In addition, a new pedestrian connection between King Street and Bull Street will be provided for ILU residents via the Level 1 courtyard (note: gates at either end would be closable for security purposes). Appropriate wayfinding signage would be incorporated into the detailed design.	✓
B1.2 Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.	The proposed laneway would be designed in accordance with the City Centre Public Domain Technical Manual. As noted in the *Crime Risk Assessment, there are clear sightlines through the public domain and good visibility into the site generally. The wide public thoroughfares through the site will draw people in and through the site. The surveillance into these areas from the residential accommodation, the clear sightlines and the considerable width of the public spaces will promote surveillance and safety* (p22, **Appendix 24**). Proposed restaurant / café uses adjacent to the laneway would activate the space, supported by the 1989 Newcastle Earthquake memorial, which would further assist in drawing people into the site. Residential apartments would overlook the southern portion of the laneway, providing casual surveillance.	✓
B1.4 Street and block network is permeable and accessible to promote pedestrian use.	The proposed laneway would have a 'public character', a width of approximately 12m, appropriate accessibility, and would be open to the sky and publicly accessible at all times. The proposed ground-floor commercial uses would activate the laneway at its northern end whilst residential balconies, doors and windows would provide casual surveillance at the southern end.	✓
B1.5 Public transport facilities	The surrounding streets provide good access to existing public transport services.	✓

are integrated into the access network.		
B1.6 Cycle routes are safe, connected and well-designed.	A secure bicycle storage room, shower and change room facilities are proposed in close proximity to commercial tenancies. See Section 6.1.9 of this SEE for further discussion.	✓
B2. Views and vistas B2.1 Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are protected.	The DCP identifies a relevant *'vista terminating in built form / landmark'* as one which begins near Wheeler Place and looks west along King Street (vista '06 - *King St cnr Wheeler Pl'*), appearing to terminate in the nearby 'Newcastle Permanent' building and (insignificantly) the 'Wests City' building, with the 'Spire' apartment building beyond (see photograph and extract of *'Figure 6.01-24: Views & vistas map'*, below. The purple arrow identifies 'Vista 06', and the red line identifies the subject site). Whilst the proposed buildings would be visible beyond the terminal buildings identified (Newcastle Permanent and Wests), the identified 'vista' appears to be primarily concerned with protecting the views along the King Street carriageway. The proposal would have no impact on these views, and the proposed built form would be an appropriate visual backdrop to existing high-rise CBD development. Views are discussed further in Section 6.1.2 of this SEE.  	✓
B2.2 New development achieves equitable view sharing from	Like all high-rise development, the proposal would inevitably have some impacts on views for existing residential development, particularly on views north-east for the residents of the nearby 'Spire' apartments. However, these views will already be impacted by recently approved development, and the Spire would still have access to expansive alternative views.	✓

adjacent development.	A more detailed discussion is provided at Section 6.1.1 of this SEE.	
B3. Active Street Frontages B3.1 In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.	The DCP maps do not identify the site as requiring an active frontage to the streets, nor is it within an identified 'activity node'. Nevertheless, active frontages are proposed as follows: ▪ Along almost the full length of King Street via commercial uses including outdoor dining, and the ACF lobby. The only exceptions are associated with vehicle driveways, necessary services (e.g. fire booster cupboard) and medical centre rooms requiring patient privacy (e.g. obscured glass). ▪ Along the Ravenshaw Street frontage via overlooking office and residential accommodation. ▪ Along the Bull Street frontage via 2 residential lobbies, a welcoming landscaped courtyard, and overlooking residential uses (e.g. apartments, communal facilities, manager's office). ▪ Along the publicly accessible laneway via restaurant/ café uses and associated outdoor dining, a memorial to the 1989 Newcastle Earthquake victims, and overlooking residential accommodation. ▪ Along the Level 1 ILU Courtyard thoroughfare via adjacent communal recreational facilities (noting this thoroughfare between King Street and Bull Street is intended for use by residents and their guests only). No significant stretches of blank wall are proposed. Proposed ceiling heights on the ground floor are as follows: ▪ 'Building A' = 3.8m ▪ 'Building B' = 3.5m The project architect advises these ceiling heights can be increased during detailed design once structural requirements are clarified. However, it is suggested that a height lower than 4m may be more appropriate on Bull Street in particular, to reflect its lower-intensity pedestrian and streetscape environment. While the foyer of the ACF at King Street has a width in excess of the nominated 8m (i.e. approximately 11m), the lobby is considered to adequately activate the frontage due to the large number of residents within the ACF (likely to result in frequent pedestrian movements in the area) and the potential provision of lounges / visiting areas in the lobby for use by residents, visitors and staff.	Partial Variation
B4. Addressing the street B4.1 Buildings positively address streets, footpaths, lanes and other public spaces.	The proposed buildings include almost-continuous 'active frontages' as outlined above.	N/A

B4.2 Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain.	The site is not mapped as floodprone land.	N/A
B5. Public artwork B5.1 Significant development incorporates public artwork.	The proposed publicly accessible laneway incorporates various elements considered to be public artwork. In particular, the 'faceted wall element' proposed adjacent to the site's eastern boundary would comprise an innovative design and would act as the main host to a public memorial for the 1989 Newcastle Earthquake victims. The memorial itself is proposed to be designed by a local artist in consultation with the local community. Other artwork elements would complement the memorial, such as the 'reflection pool' and 'cascading memorial water feature' (see the landscaping plans at **Appendix 4**).	✓
B5.2 Artworks in new buildings are to be located so they can be appreciated from streets and public spaces	The artworks discussed above would be accessible from the proposed publicly accessible laneway, rather than within buildings.	N/A
B5.3 Public artworks are used to interpret heritage components or recognise former uses of large development sites	As discussed above, the artworks would memorialise the 1989 Newcastle Earthquake, and in particular the victims of the collapse of the former Newcastle Worker's Club (former 'Trades Hall') building on the adjacent site.	✓
B6. Sun access to public spaces B6.1 Reasonable sunlight access is	The proposal would have no shadowing impacts on any listed significant public spaces.	N/A

provided to new and existing significant public spaces.		
B7. Infrastructure B7.1 Stormwater, water and sewerage infrastructure is integrated into each site and does not create negative off-site impacts.	Stormwater management facilities would comply with DCP requirements, as outlined below in this Table. Appropriate water and sewer links are available (see Section 6.1.8 of this SEE).	✓
6.02 Heritage Conservation Areas		
6.02.02 Materials and details in heritage conservation areas	The subject site is within the *Newcastle City Centre Heritage Conservation Area*. The proposed material palette is illustrated at **Appendix 2** (Plan DA207). The proposed materials, colours and detail have been designed to complement the character of the surrounding area. As noted in the SoHI at **Appendix 9**, *the context of built form around the subject site shows a majority of solid masonry forms in brick, concrete and some sandstone. Other examples include various glass and curtain walls and louvered facades as well as terracotta and timber facades. The proposed architecture of this development is an evolution of the surrounding built form. It imagines a highly articulated masonry plinth, containing open and active street frontages, window openings with landscape integrated into the built form. Precast concrete in varying texture and colour finishes is proposed for this plinth to reflect those few important public buildings of similar material* (p45).	✓
6.02.03 Accommodating vehicles in heritage conservation areas	The development proposes only a single vehicular crossing, a reduction from the existing 3 into the subject site. Car parking areas would be below ground level, and not visible from the street. No sandstone kerbing would be disturbed.	✓
6.02.05 Gardens in heritage conservation areas	The proposed plantings would be contained within the lot boundaries, with the exception of proposed street trees. The street tree species selection would be in accordance with Council requirements.	✓

6.02.07 Infill development in a heritage conservation area	The SoHI at **Appendix 9** notes the following (p49): *The… objectives are important and have been considered during the design of the infill building in relation to the neighbouring adjacent buildings on Union and Bull Streets as well as the near surrounding area.* *The "Objectives" have been addressed as follows:* 1. *The proposed design has been carefully broken into segments specifically to relate to nearby buildings of a lower scale. The LEP 2012 has dictated the allowable heights of both the base podium at four storeys and the towers that rise above the podium to provide a total height of fourteen storeys. The design and finish of the podium is based on more recent developments in the area such as the Government Offices in Bull Street and the Newcastle Permanent building on the corner of King and Union Streets. The use of materials commonly found in the area including precast concrete, render and brick are used in the design and finish of the podium. The bulk and scale of the four-storey podium sits comfortably against the exposed concrete finish of the Government Offices opposite the subject site.* 2. *The proposed design provides a building with similar setback to more recent high-rise developments within the heritage conservation area. A number of nearby buildings in the area have a zero setback off the street boundaries. The main setback in this development is associated with the towers that rise above the podium levels. The two towers are finished in a more lightweight glass and panel arrangement to provide a distinctly different look to the more solid and dominating podium below. The development is distinctly contemporary in its design and presentation to the conservation area, while using materials and finishes found in the area.* 3. *The proposed design demonstrates a good fit within its setting against the existing Wests Club and other contemporary late twentieth century large or high-rise developments nearby. The development is comparative to other similar developments in the West End of Newcastle, some of which are much higher.*	✓
7.02 Landscape, Open Space & Visual Amenity		
7.02.01 Categories of development	The proposal is a Category 3 development. A *Contour Detail Plan* is provided at **Appendix 1**, as well as various site analysis plans (e.g. DA003, DA020 and DA021 at **Appendix 2**). Required landscape documentation is attached at **Appendix 4** and has been prepared by Oculus Landscape Architecture.	✓
7.02.02 General controls	The proposal involves a very high level of landscaping for a multi-storey development within a CBD location. Approximately 33% of the site area is proposed for landscape planting (excluding private planters) with 9.8% proposed for deep soil planting. Proposed landscaping within the street setbacks would help to soften the built form, maximise the amenity of the public domain, and provide visual integration with the highly landscaped median of King Street in particular.	✓

	Appropriate plant species would be selected (including natives where possible) with due consideration to CPTED principles, maintenance requirements, residential privacy needs and to maximise amenity for residents and the public. As noted by the UDCG in their meeting minutes, *the landscaping proposed for this development is of a very good standard with considerable effort put into designing spaces which would enhance the public domain and protect the private spaces* (p3, **Appendix 8**).	
7.02.06 Green walls and roof space	The proposed planting on structures would be appropriate to the species and soil conditions, as conceptually indicated in the plans at **Appendix 4**. Additional specifications can be provided at the detailed design stage, as required.	✓
7.03 Traffic, Parking & Access		
7.03.01 Traffic studies & plans	A *Traffic Impact Assessment* (TIA) has been prepared by Intersect Traffic and is attached at **Appendix 19**, addressing the relevant requirements of the DCP.	✓
7.03.02 Parking provision	Proposed parking provision will meet or exceed the DCP requirements, with the minor exception of bicycle parking (a technical deficit of 1 spaces). This deficit is considered to be adequately justified. A detailed discussion is provided at Section 6.1.9 and **Appendix 19** of this SEE.	✓
7.03.03 Travel demand management	The site is located less than 400m from a number of bus stops on various streets, most of which are sheltered by building awnings or dedicated shelters. All nearby bus stops are accessible via conveniently accessible footpaths. The TIA provides a brief discussion on alternate transport mode facilities (**Appendix 19**) whilst the *Green Travel Plan* (the 'GTP', at **Appendix 27**) provides additional details. The GTP includes a number of proposed initiatives to encourage alternate transport use, including the issue of free Opal cards with $10 credit to building residents to encourage familiarisation with local public transport, the establishment of informational and directional signage, and the preparation of a 'Sustainable Travel Plan' for issue to building occupants. The proposal includes a secure bicycle storage room for users of the development, and adequate end-of-trip facilities in close proximity to bicycle storage, including 5 showers, lockers and change facilities.	✓
7.03.04 Design & layout of parking & access	The TIA (**Appendix 19**) concludes that *the provision of the proposed car parking would comply with the requirements for the development specified by the Australian Standard AS2890.1-2004 Parking facilities – Off-street car parking, the State Environmental Planning Policy (SEPP) (Housing for Seniors and People with a Disability) 2004 Part 7 Development Standards and Section 7.03 Traffic, Parking and Access of Newcastle City Council DCP 2012, subject to verification of the car parking layout dimensions at Construction Certificate stage* (p23).	✓

7.04 Movement Networks		
7.04.01 Network	The proposal includes a new publicly accessible pedestrian laneway. It would provide a logical, attractive and convenient extension to the existing pedestrian networks on King Street and Bull Street.	✓
7.05 Energy Efficiency		
7.05.01 Business development	The proposed commercial uses on the ground floor incorporate a number of measures to maximise energy efficiency, including awnings above building facades (for café and restaurant) to provide passive climate control and the use of energy efficient lighting (see *Services Report* at **Appendix 16**). Proposed glazing would be of low reflectivity.	✓
7.06 Stormwater		
7.06.01 Plan requirements	A *Services Report for Development Application* was prepared for the proposal by GHD (see **Appendix 16**). It includes a soil and erosion control plan and stormwater management plans.	✓
7.06.02 All development	The *Services Report* was prepared with regard to the DCP requirements - see **Appendix 16**.	✓
7.06.03 Infrastructure	The *Services Report* provides details of proposed stormwater devices. A maintenance plan can be provided at the detailed design stage, if required.	Partial variation
7.07 Water Efficiency		
7.07.01 Water efficiency	Appropriate water-saving fixtures would be utilised within the commercial components of development. Rainwater tanks are proposed on two building levels. Further discussion is provided within the *Services Report for Development Applicatio*n (**Appendix 16**).	✓
7.08 Waste Management		
7.08.01 General requirements	A *Waste Management Plan* has been prepared for the proposal (see **Appendix 18**), addressing the management of demolition, construction and operational waste. The positioning of proposed waste management facilities is indicated in the development plans at **Appendix 2**. See Section 6.1.11 for further discussion on waste management.	✓
7.08.02 Demolition & construction	The *Waste Management Plan* outlines details of anticipated demolition and construction waste. Additional details can be provided at the detailed design stage, as required.	✓

7.08.03 Operational waste	See the *Waste Management Plan* for details of operational waste management. See Section 6.1.11 for further discussion on waste management.	✓
7.11 Development Adjoining Laneways		
7.11.01 Laneway types	The proposed laneway would have a total width of approximately 12m, however trafficable widths are less due to landscaping features and the proposed feature wall adjacent to the Wests Club façade. The laneway is for pedestrian use only.	-
7.11.02 Design criteria	The laneway would be privately owned but open to the public at all times. While some residential apartments have frontages towards the laneway, the primary frontages of the development clearly address the surrounding public streets. The laneway would be built to appropriate construction standards, including lighting.	✓

5.3. Newcastle Urban Renewal Strategy

As outlined in Section 2.3 of this SEE, the *Newcastle Urban Renewal Strategy* (NURS) is relevant to the site and its surrounds. The NURS was a key driving force behind the B4 Mixed Use zoning of the site and its identification as a 'Key Site' pursuant to the NLEP, which has heavily influenced the design and typology of the proposed development. It also identifies the site as being part of a 'residential area' (see Figure 9 in this SEE), which is consistent with the key focus of the proposal.

Overall, the proposal is considered to be compliant with and supportive of the objectives of the NURS. In particular, it supports the following NURS 'Guiding Principles':

- *Support a diverse range of retail, commercial and residential uses in the city centre.*
- *Promote development that provides increased consumer choice and strong, diverse services.*
- *The growth and development of the city centre should support and reinforce the existing integrity and uniqueness of Newcastle* - in particular through the proposed memorial to the victims of the 1989 Newcastle Earthquake, a significant event in Newcastle's history.
- *Maximise accessibility to and within the city centre and prioritise public transport, walking and cycling to reduce private vehicle use* - in particular through the proposed publicly accessible pedestrian laneway and the development's strong 'green travel' initiatives (see **Appendix 27**).
- *Deliver more residential developments in the city centre to enhance day and night activity and support jobs and services.*
- *Encourage a range of housing types for a variety of markets, including student and seniors housing* - in particular through the excellent range of residential options proposed, from 'studio' apartments through to 3-bedroom 'penthouses', aged care beds for the infirm elderly, and independent seniors apartments covering a range of sizes and price-points.

In summary, the proposal is considered to be supportive of and compatible with the NURS.

6. ENVIRONMENTAL IMPACT

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

6.1. Built Environment

6.1.1. Visual Amenity

Fender Katsalidis, the project architects, provide the following description of the built form and its resultant visual impact (see Plan DA000 at **Appendix 2**):

> *Newcastle exhibits an eclectic series of new and old buildings and public open spaces. The context of built form around the site shows a majority solid masonry forms in brick, concrete and sandstone. Other examples include various glass and curtain walls and louvered facades. The proposed architecture of this development is an evolution of the surrounding built form. It imagines a highly articulated solid plinth, containing open and active street frontages, window openings with landscape integrated into the built form. Brighton lite and pigmented concrete is proposed for this plinth to reflect those surrounding buildings of similar material.*
>
> *Aged care and serviced apartment accommodation occupies these lower levels and characterises the façade with a number of individual and personalised window openings. These provide shading and privacy. They also present opportunities for planting to both soften the built form and provide good visual amenity inside and out. Integrated landscape appears as a dominant feature of this design.*
>
> *A pair of well-proportioned glazed towers project from the solid plinth and differentiate from it through light of materiality. The result is a unique and contemporary built form on the Newcastle skyline. The towers are revealed to the ground as podium spaces cut back and signify entries. Timber awnings transform to balcony edges above these entries as a soft vertical seam to each tower. Heat gain from low east and western sun is mitigated by louvre blades featuring on these facades. Recognition of the glazed tower form appears at ground level as the stone plinth peals away to form building entries…*

The Urban Design Consultative Group found that *the development proposed presents a well-considered built form which responds to its context and takes into account the existing controls for the site* (p2, **Appendix 8**). Further, *the architectural character as proposed breaks the buildings down into components which relate to their function. Combined with the Landscape treatment for the site this approach is appropriate and should result in a very positive outcome* (p4).

An artist's impression of the proposed building is provided at Figure 28 below. A number of 'before' and 'after' local context images are provided at **Appendix 2** (Plans DA401 - 408), demonstrating the anticipated improvement in the local visual environment.

Various landscaping plans have been prepared for the proposal by Oculus Landscape Architects and are attached at **Appendix 4**. These documents outline the proposed landscaping treatment including the street frontages and proposed laneway. The landscaping elements enhance public amenity from the street and also maximise internal amenity for resident users of the communal and private open space areas.

Overall, the proposed building is considered to provide an attractive design outcome with excellent visual amenity. The proposal provides a significant improvement to the existing visual amenity of the locality.

Figure 28: Artist's impression of proposed development (Ravenshaw and King Street frontages)

6.1.2. Views

The subject site and surrounding area do not benefit from any 'key' views or vistas as identified within the DCP. The DCP does identify a relevant *'vista terminating in built form / landmark'* as one which begins near Wheeler Place and looks west along King Street, appearing to terminate at the nearby 'Newcastle Permanent' building and (insignificantly) the 'Wests City' building, with the 'Spire' apartment building beyond (see Figure 29 and Figure 30 below). Whilst the proposed towers would be visible beyond the terminal buildings identified (Newcastle Permanent and Wests), the identified 'vista' appears to be primarily concerned with protecting the views along the King Street carriageway. The proposal would have no impact on these views, and the proposed built form would be an appropriate visual backdrop to existing high-rise CBD development.

It is noted that neither the Wests Club building nor the Newcastle Permanent building have been identified as having particular visual significance in any Council document.

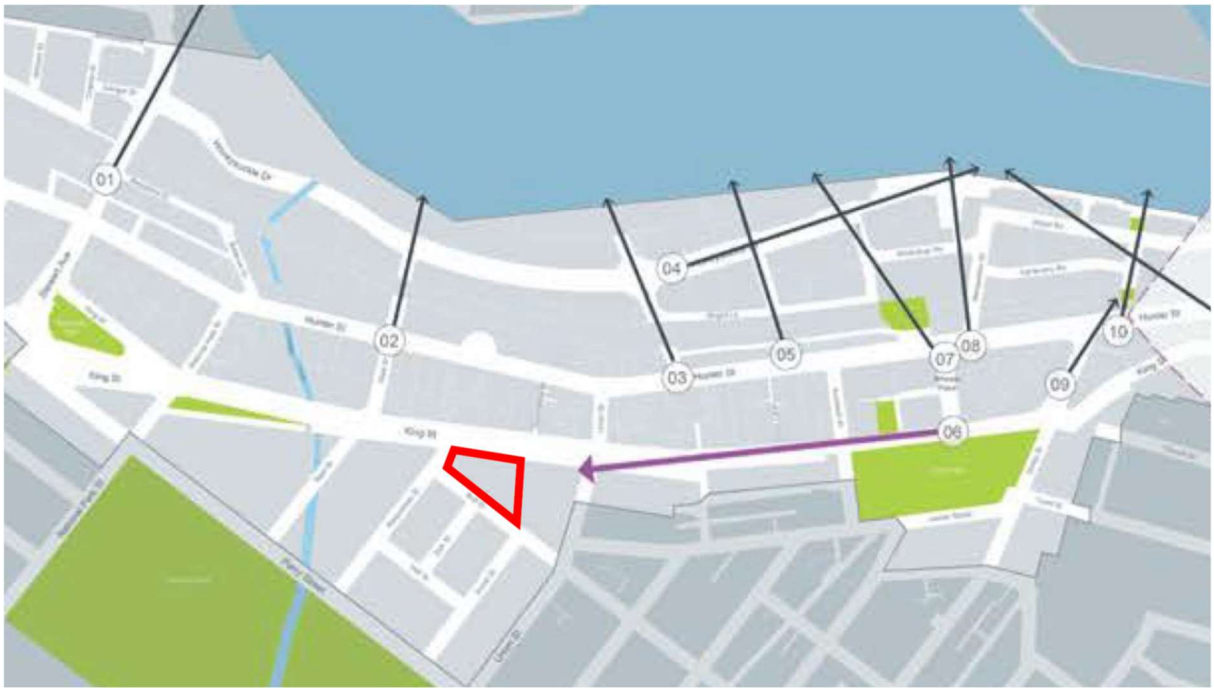


Figure 29: Extract of DCP showing 'Vista 06' as a purple arrow. The subject site is outlined in red

Figure 30: View west along King Street towards subject site (DCP 'Vista 06') (Source: Google Streetview)

At lower levels, the subject site and surrounds do not have access to any significant views, although pleasant outlooks from apartments would be available towards landscaped streets and the proposed laneway. At higher levels, many proposed apartments would benefit from far-reaching views from living spaces and private open spaces, including to the surrounding city centre (in all directions), areas of the Harbour and foreshore, the Pacific Ocean and to National Park - refer to Figure 31 below.

For surrounding lower-scale development, the proposal would result in a change of outlook, primarily associated with the increase in bulk and scale from existing development. The resultant outlook is considered appropriate for the site's CBD location and the desired high-density future character of the area. The *Statement of Heritage Impact* prepared for the proposal (see **Appendix 9**) notes *views to and from this portion of the* (Newcastle City Centre Heritage) *conservation area are largely restricted to streets or between buildings of large proportions. The benefit of having a twin tower arrangement allows the views between these buildings to be maintained, albeit restricted to a degree. Negative effects have been minimised by the selection of materials and colours, particularly at podium level, that can be readily found in the surrounding area.*

There is currently limited high-rise development in the vicinity of the site, predominantly limited to the 8-storey 'Spire' apartment building and 7-storey 'Westcourt' apartment building, both to the south-west of the site. The proposed towers would inevitably impact upon the north-eastern views of these buildings, towards the distant mouth of the Hunter River. However, these views will already be somewhat impacted by an approved 18-storey development at No. 386 King Street, once constructed. Nevertheless, views in all other directions will still be widely available to those residents, including to the north (towards the harbour) and south (towards National Park and the Pacific Ocean). Due to the site's CBD location, some loss of views for nearby development is considered to be reasonable.

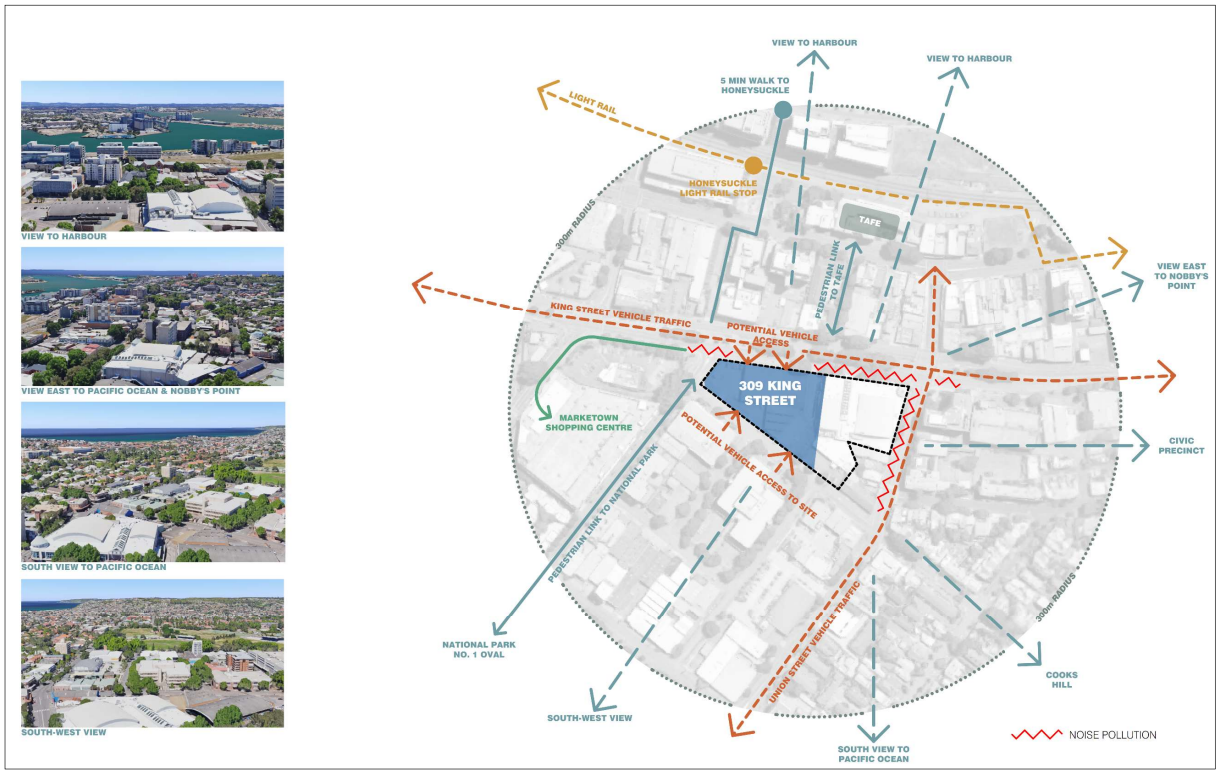


Figure 31: View analysis (Source: Plan DA020, Appendix 2)

6.1.3. Acoustic Amenity and Vibration

To address potential acoustic impacts of the proposal, a *Noise Impact Assessment* (NIA) was prepared for the proposal by Reverb Acoustics (see **Appendix 20**). It sought to determine the noise impact from passing road traffic and commercial activity within habitable spaces of the development and to ensure that noise levels comply with the requirements of the various authorities. It established long-term background noise level measurements through noise level surveys in close proximity to the site, and then analysed noise levels associated with the proposal based on established criteria appropriate to the site and use.

The key outcomes of the analysis are as below:

- Impact on proposal from road traffic noise: traffic noise at most proposed windows will exceed criteria. Accordingly, appropriate glazing is required to provide noise attenuation. A detailed glazing schedule is provided within the NIA. Mechanical ventilation to habitable rooms will also be required, to allow for closing of windows.
- Impact on proposal from nearby noise sources: nearby noise sources include pedestrians, roof-top plant and cars in carparks, particularly associated with the adjacent Wests Club. Noise from these sources is expected to exceed criteria during the night at the nearest facades. Accordingly, appropriate glazing is required to provide noise attenuation, as outlined in the NIA.
- Impact on neighbours from proposed mechanical plant: proposed plant is likely to include items such as commercial mechanical plant and individual residential air conditioning condensers. The NIA anticipates that rooftop air conditioner or exhaust plant noise would be compliant with criteria at nearest residences, provided noise emissions from individual plant items are below specified sound power levels. Provided individual balconies include recommended solid balustrades, individual residential air conditioning condensers require no acoustic modification.
- Impact on neighbours from proposed basement carparking: vehicles entering, leaving and manoeuvring within the proposed basement level carparks have the potential to cause disturbance to nearby neighbours. To reduce noise levels, the NIA recommends positioning ventilation grills behind retaining walls or along facades facing away from residences, or alternatively, the use of acoustic louvres.
- Impact on neighbours from proposed electrical kiosk: as details of the proposed substation are not yet available, the NIA recommends a maximum allowable sound power level to be referenced during selection.
- Impact on neighbours from proposed construction plant and equipment: some construction activities are expected to exceed noise criteria, particularly mobile plant. Noise levels above 70dB(A) are possible at the closest locations. A number of strategies are proposed to minimise impacts, including the sourcing of 'quieter' construction alternatives where feasible, ongoing consultation with the community and the installation of temporary acoustic barriers. The NIA notes that construction activities that produce higher noise for a shorter period are often more desirable than alternate construction techniques that produce lower noise for a much longer period. This approach, combined with noise control strategies outlined in the NIA, *will ensure that minimum disruption occurs* (p17).

  Occupants of nearby buildings may also have concerns about ground vibration levels from machinery. The NIA suggests that the estimated vibration doses at the nearest receivers may result in adverse comment. It recommends that specified activities are not carried out unless simultaneous attended vibration monitoring is conducted. The NIA notes that, as for noise impacts, in many cases higher levels of vibration are preferable that occur for only a short period of time rather than processes producing lower amplitudes for a much longer time period. Physical impacts on nearby buildings (e.g. cracking) are not anticipated.

Additional recommendations are provided to manage noise impacts, including with regard to roof / ceiling construction, wall construction, balconies, and mechanical plant. The NIA suggests that future tenants of the commercial / retail tenancies (e.g. café) should be assessed on a case by case basis and

should submit their own NIA to Council if noise generating activities are anticipated. The implementation of a Noise and Vibration Monitoring Program and a Consultation / Complaints Handling Procedure is recommended, along with risk assessments for all noisy activities and at the change of each process.

The NIA concludes that, providing the recommendations are implemented, the site is suitable for the intended purpose and external noise impacts will comply with the requirements of the Environmental Protection Agency, Roads and Maritime Service, Department of Planning and Environment and Newcastle City Council within habitable spaces of the development.

6.1.4. Visual and Acoustic Privacy

Proposed apartments and private balconies would be adequately separated in order to maximise visual and acoustic privacy. As indicated in Figure 32 below, podium level apartments would be separated by at least 12m whilst tower-level apartments would be separated by 24m. A 12m separation (accommodating the proposed laneway) is proposed from the adjacent Wests Club site ensuring that adequate distances would be maintained should the Wests Club site ever be redeveloped for residential purposes.

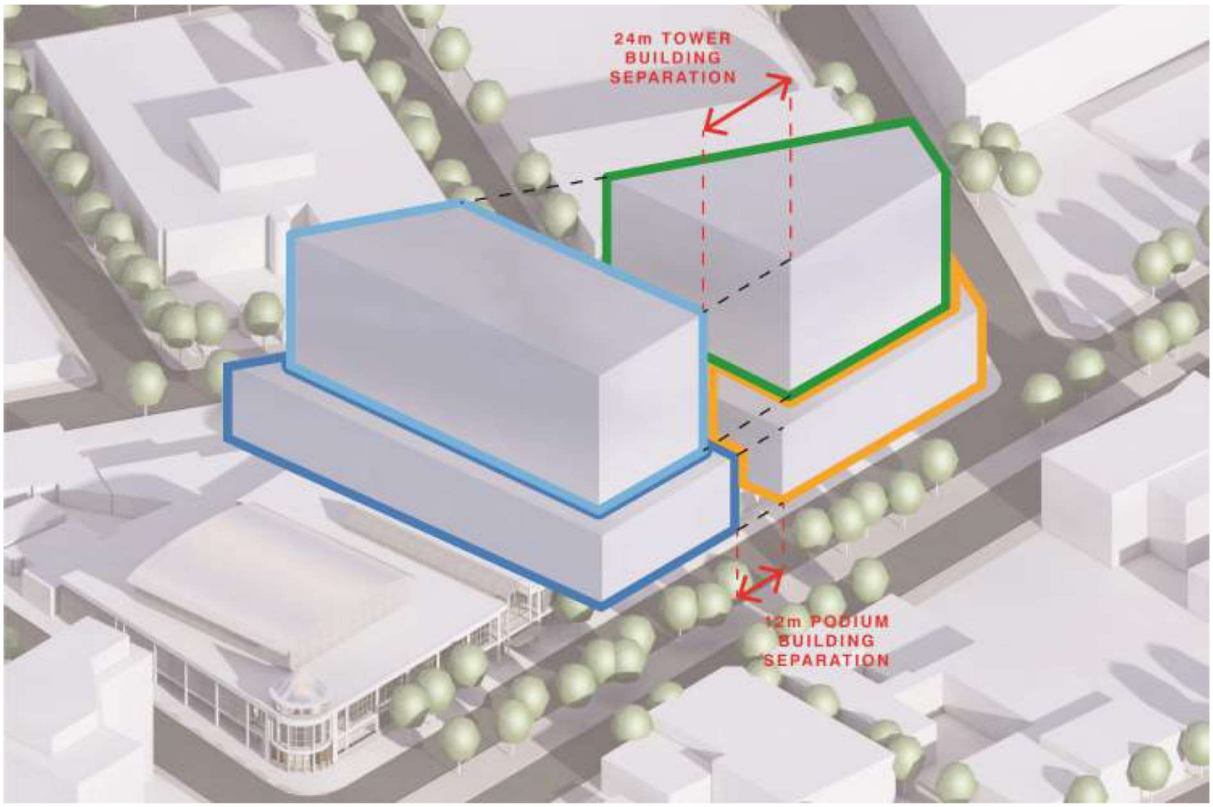


Figure 32: Extract of Plan DA022 showing proposed building separation (Source: Appendix 2)

The proposed building separation is in full compliance with the requirements of the *Apartment Design Guide* (ADG), with one small exception. This being a small area of each podium which extends above the 12m height plane (noting the maximum podium heights [to the top of balustrade] extend to approximately 14.5m). At this point, the buildings would be separated by less than the minimum required 18m stipulated in the ADG. However, on balance, this separation is considered to be an appropriate outcome when weighed against the desire for appropriate street wall heights, the sloping topography of the site and the avoidance of a 'ziggurat' appearance.

Visual and acoustic privacy is further enhanced through the angling of selected balconies to the north (to avoid directly facing balconies within the adjacent building), the recessing and partial enclosure of other balconies, appropriate window placement, and the use of various screens, louvres and other devices. Apartments directly fronting communal or public open spaces would be separated by a landscaped buffer zone (e.g. 'Building B' apartments at Level 1) to maintain privacy. A modicum of privacy would be available to users of the proposed communal areas (e.g. the ILU courtyard at Level 5) via landscaped semi-private 'nooks' or seating areas, and pergolas to prevent overlooking.

Acoustic privacy would be further maintained through the use of appropriate wall construction and glazing materials, as recommended within the *Noise Impact Assessment* at **Appendix 20**.

6.1.5. Aboriginal Heritage

A *Statement of Heritage Impact* (SoHI) was prepared for the proposal by AMAC and John Carr Heritage Design (see **Appendix 9**). It notes that indigenous habitation of Newcastle is known to have begun thousands of years ago, the group historically associated with land use being the Awabakal people.

It further notes that any development proposal that has the potential to *disturb the ground surface that is not classified as an exempt or low impact activity (DECCW 2010) or involves impact deemed to be trivial or negligible* (p29) should be assessed against the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010).

The above-mentioned Code indicates that for developments proposed to disturb the ground's surface (as currently proposed), the following initial assessment steps should be taken:

- Search the AHIMS database or any other sources of which you are aware.
- Determine whether the site contains landscape features that indicate the likely existence of Aboriginal objects.

An AHIMS search was conducted in September 2018 which indicated no Aboriginal sites or places had been identified within the site, inclusive of a 50m buffer (see **Appendix 26**). The applicant is not aware of any other information which would suggest the site contains Aboriginal objects or places.

The site was then assessed against the landscape features listed within the Code. It was found the site was not within 200m of waters, a sand dune system, on a ridgetop, ridge line or headland, within 200m of a cliff face, or within 20m of a cave. Further, the land is 'disturbed land' as defined within the Code, as it has been the subject of historical landfilling and levelling as indicated within the *Report on Geotechnical Investigation and Targeted Site Investigation (Contamination)* at **Appendix 14**, as well as the erection of multiple structures over a long time period.

The Code indicates that, after completing the above assessment steps, *it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, you can proceed with caution without applying for an AHIP* (p12). Accordingly, additional assessment is not considered necessary.

Regardless, as suggested within the Code, any excavation works would *proceed with caution. If any Aboriginal objects are found, stop work and notify* (the now Office of Environment and Heritage). *If human remains are found, stop work, secure the site and notify the NSW Police and OEH* (p10).

6.1.6. Non-Aboriginal Heritage

The subject site does not include a listed item of heritage significance. However, as indicated in Figure 25 and Figure 33 (below) in this SEE, the site is located in proximity to a number of heritage items. The closest listed items are as below:

- *Miss Porter's Residence* (NLEP Heritage Item 506, of State significance).
- *Former Gasworks Office* (NLEP Heritage Item 507, of local significance).
- *Hunter Water Board Building* (NLEP Heritage Item 497, of local significance).
- *Newcastle Technical College* (NLEP Heritage Item 496, of local significance).
- *Former City Bank* (NLEP Heritage Item 494, of local significance).
- *Former CBC Bank* (NLEP Heritage Item 495, of local significance).
- *Cooks Hill Special School* (NLEP Heritage Item 92, of local significance).
- *Fire Station* (NLEP Heritage Item 108, of local significance).
- *Former Emporium Building* (NLEP Heritage Item 419, of local significance).
- *Former Police Station* (NLEP Heritage Item 420, of local significance).

Figure 33: Location of heritage items in proximity to the site (Source: Appendix 9)

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

To ensure the proposal does not have any detrimental impacts on heritage matters, a *Statement of Heritage Impact* (SoHI) was prepared for the proposal by AMAC and John Carr Heritage Design (see **Appendix 9**).

The SoHI outlines the historical context of the local area and includes a historical description of the nearby heritage items and the subject site. It also includes an assessment of the heritage significance

of the subject site, and an assessment of the proposal's impact on nearby heritage items and the heritage conservation area.

Key findings from the SoHI are as follows:

- The subject site was previously owned by the Hunter District Water Board (HDWB), which had its offices on the northern side of Hunter Street. The existing carpark building on the site was constructed circa 1958 to house the HDWB's transport fleet, before HDWB's 2006 relocation to Honeysuckle.
- Whilst the carpark building's condition is still reasonable, alterations over the years (including demolition of its eastern elevation and southern wing) have compromised the overall presentation of the original design. The SoHI concluded that the building has 'little' heritage significance and would be classified as 'non-contributory' to the Newcastle City Centre Heritage Conservation Area.
- Directly to the east of the site (in the position of the current 'Wests City' building) was the site of the original Newcastle Worker's Club (former 'Trades Hall') building, constructed circa 1948. In 1989 the club was badly damaged in an earthquake, and 9 people died within the club. The proposal includes a memorial to the victims of the earthquake - see Section 3.3.8 of this SEE.
- The SoHI assessed the impact of the proposed development on the closest heritage items to the site. It was determined that the proposal would have minimal impact on the heritage significance of these items due to existing screening, distance from the development and in many cases the dominant aspect of the item (e.g. the main façade) faces away from the subject site.
- The SoHI further found the proposal would have minimal impact on the heritage significance of the Newcastle City Centre Heritage Conservation Area. Key mitigating factors include the emphasis of the 4-storey podium as the dominant element of the overall design, the tower setbacks from both the podium and site boundaries to minimise visual impact, and the screening and distance from nearby individual heritage items.
- It was recommended that *the existing garage should be photographically archivally recorded and copies provided to Newcastle Regional Library* (p53).

In conclusion, the proposal was found to be acceptable with regard to Non-Aboriginal heritage matters.

6.1.7. Overshadowing and Solar Access

Overshadowing

Shadow diagrams have been prepared for the proposal by Fender Katsalidis - see **Appendix 2** (Plans DA500 - DA503). These show the anticipated overshadowing impacts of the proposed buildings at 9am, 12pm and 3pm on June 21 (when the sun is lowest in the sky - the 'worst case scenario' for solar access).

As indicated in the plan extract at Figure 34 below, the proposal would have shadow impacts on development to the south-west, south and south-east. The affected development during this time is predominantly commercial, with the exception of the Westcourt apartment building at Ravenshaw Street. The location of the Westcourt building is shown in Figure 35 below.

While the shadows from the proposed development would affect the Westcourt building before 9am during the winter solstice, the relatively narrow tower forms of the proposal would ensure that shadows would move fairly rapidly away. By 12pm, the proposal would cast no shadows on this development.

Remaining development affected by the proposal's shadows between 9am and 3pm would be commercial, including the Tonella Commercial Centre, the NSW Government Offices building and the various commercial uses within the same block as the subject site (e.g. 'Wests City' loading dock, 'Newcastle Car Services' etc). As these spaces do not contain domestic private open space or other

habitable areas, the impacts of overshadowing are expected to be minimal and in keeping with the expected character of a CBD working environment. Regardless, the relatively narrow forms of the proposed towers ensure shadows would move swiftly.

Overshadowing impacts of the proposal are considered reasonable in the context of its CBD position and desired high-density character of the area.

Figure 34: Annotated shadow diagram extract (Source: Plan DA500 at Appendix 2)

Figure 35: Location of development to the south of the site, including the Westcourt Apartment building (Base source: Nearmap)

Solar Access - within Development

A number of design measures have been implemented to assist in maximising solar access to future residents, including:

- Breakdown of the built form into 2 separate towers with generous separation distances, allowing solar access between.
- Provision of a wide laneway along the eastern boundary, to maximise solar access to apartments on the eastern façade.
- The angling of apartments and private balconies northwards in many apartments, to maximise solar access (while enhancing outward views and maintaining privacy) - see Figure 36 below.
- Corner apartments with a southern frontage are provided with a dual aspect, with living areas fronting the alternative direction.

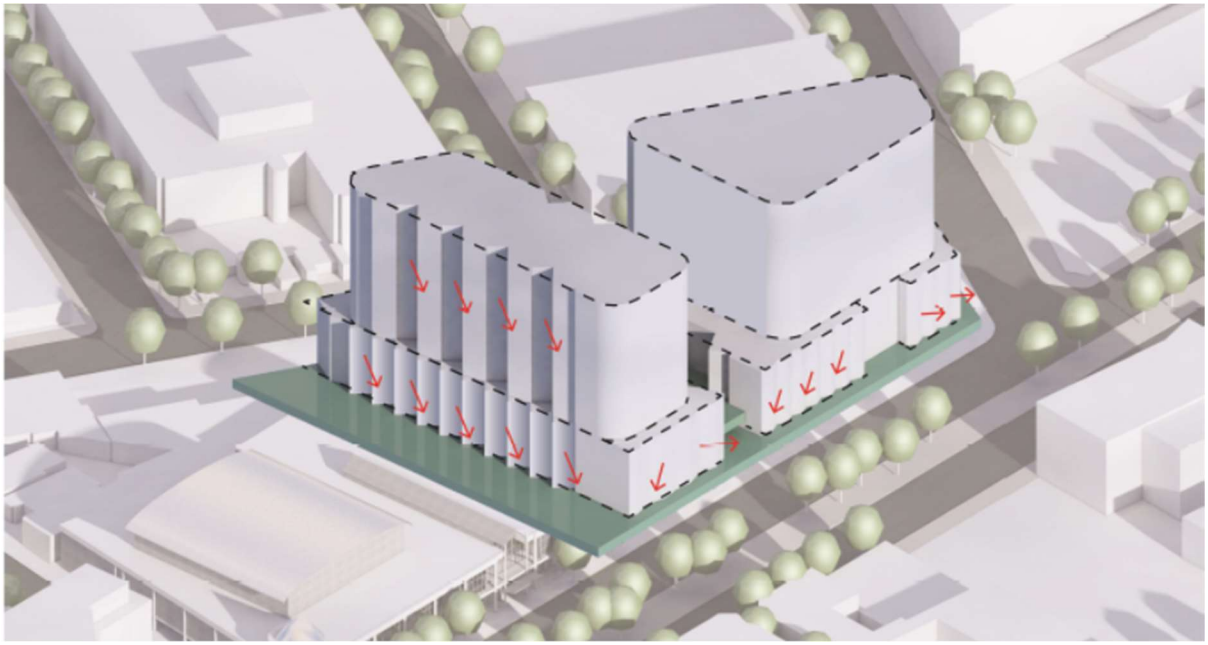


Figure 36: Figure demonstrating angling of balconies northwards to maximise solar access (Source: Plan DA024, Appendix 2)

During the 'worst-case' solar access scenario (June 21) the proposed apartments (ILUs and general residential) would receive the following direct sunlight to living rooms and private open spaces between 9am and 3pm (see Plans DA517 - 519 at **Appendix 2**):

- 72% of the apartments would receive more than 2 hours of sunlight.
- 8% would receive between 0 and 2 hours of sunlight.
- 20% would receive no sunlight.

The *Apartment Design Guide* (ADG) requires that at least 70% of apartments in the Newcastle area receive at least 2 hours of sunlight, which the proposed development exceeds.

Whilst slightly more than the optimal number of apartments would receive no sunlight (the ADG nominates a maximum of 15%), the ADG recognises that achieving the design criteria may not be possible on all sites due to site constraints. In this case, the triangular shape of the site results in a significantly longer southern façade, resulting in a greater number of south-facing apartments.

Notwithstanding, it is noted that approximately 92% of all apartments would receive at least one hour of direct sunlight throughout most of the year.

Regardless, residents would have access to generous areas of communal and publicly accessible outdoor space within the site which would offer solar access at differing times throughout the day, including the Level 5 ILU Terrace and the resident's Rooftop space.

6.1.8. Services and Utilities

A *Services Report* has been prepared for the proposal by GHD (see **Appendix 16**). The Report provided the following key advice with regard to service and infrastructure availability to the proposed development:

- Water: Hunter Water's existing 150 mm diameter main would provide adequate flow to service the proposed development, yet in order to ascertain if adequate pressure is available an onsite pressure and flow test is required to be completed. Dependant on the results of this test a booster pump system may be required. A water meter room would be located at ground level opening directly to the boundary.
- Sewer: Connection to Hunter Water's sewer would be via the existing oviform main located below Ravenshaw Street. The upper levels of the development would gravity feed to the main. Basement levels would drain to a pump out pit located in the basement.
- Electricity: High Voltage (HV) connection would be via the underground HV main in Bull street to a new chamber substation within the development. This would be a new separate supply to the club building and a new connection to Ausgrid's network. The chamber would be accessible from Ravenshaw Street.
- Gas: The site can be adequately serviced by the existing Jemena gas infrastructure within the area. A gas meter room would be located at ground level opening directly to the boundary.
- Telecommunications: A check of the NBN web site indicates that NBN is present within the vicinity. Telstra will not provide communications service to the site. Therefore, an application will need to be made to NBN requesting services to the development.

In summary, the proposed development has adequate access to necessary services and utilities.

6.1.9. Traffic, Transport and Parking

A *Traffic Impact Assessment* (TIA) has been prepared for the proposal by Intersect Traffic (see **Appendix 19**). The TIA assessed the likely impact of the proposed development on traffic and parking matters taking into consideration the current and future local traffic environment, the (former) Road and Traffic Authority's *Guide to Traffic Generating Development* (RTA GTGD) and relevant planning legislation. Key outcomes of the TIA are addressed in the following sections.

In summary, the TIA found that *the proposal can be supported from a traffic impact perspective as it will not adversely impact on the local and state road network and can comply with all relevant Newcastle City Council, Austroads, State Environmental Planning Policy (SEPP) 2004 Part 7 Development Standards - Division 4 Self Contained Units Housing for Seniors and People with a Disability and Division 2 Residential Care Facilities and NSW Roads and Maritime Services (RMS) traffic and parking related requirements* (p26).

Existing Traffic Environment

Some of the key characteristics of the existing traffic environment are as follows:

- Surrounding streets:

- King Street to the north is a major urban local collector road and classified regional road (MR188). Paid parking (2-hour limited) is available on both sides of King Street in the vicinity of the site. An existing bus stop along the King Street frontage of the site is not currently in use.
- Union Street to the east is a major local road. On-street parking, generally limited to 2 hours, is available.
- Bull Street and Ravenshaw Streets are urban local roads, with restricted parking including areas of 1-hour timed parking.

- Existing mid-block peak traffic volumes for selected surrounding streets were recorded during a survey on 15 March 2018. The TIA adopted 2019 and 2029 peak traffic volumes based on these survey results utilising a background traffic growth rate of 1.5% per annum, as outlined within the TIA.

  The TIA considered that the adjacent road network is currently operating within its technical mid-block capacity and has scope to cater for additional traffic.
- The site has good access to public transport options. Numerous bus routes connecting the greater Newcastle region provide frequent services along King Street, Hunter Street and Union Street. The closest bus stops are approximately 270m east on King Street and 200m north on Union Street.

  The Newcastle Transport Interchange - including heavy rail, light rail, local buses, regional buses, and taxis - is located to the north-west of the site, approximately 900m walking distance. The Honeysuckle light rail stop is less than 500m walking distance from the site.
- Pedestrian connections around the site are considered good with formed footpath networks existing along both sides of surrounding streets, and pedestrian crossing facilities are within a short walk of the site. Marked on-road cycleways exist along both sides of King Street.

Proposed Development - Traffic Generation & Impacts on the Road Network

With reference to the *RMS' Guide to Traffic Generating Developments* the TIA calculates that the proposed development would result in the following additional traffic:

- 1,045 vehicle trips per day
- 124 vehicle trips per hour (AM peak)
- 105 vehicle trips per hour (PM peak)

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

The TIA found that the additional traffic generated by the proposal would not result in the capacity thresholds for the surrounding roads to be reached, as illustrated in Table 17 below. Therefore, it can be concluded that the local and state road network (subject to suitable intersection controls being in place - see below) has spare capacity to cater for the proposed development.

The TIA notes the following with regard to intersection capacity:

- The King Street / Union Street intersection currently operates satisfactorily during both the AM and PM peak periods and would continue to do so post development and with 10 years traffic growth to 2029 with and without development.
- The Union Street / Bull Street intersection would continue to run satisfactorily to 2029 with the proposed development. Whilst some delays to right turning traffic do occur, the proposed development would contribute little, if any, traffic to this manoeuvre and any upgrades associated with existing traffic flows are anticipated to be managed by Council.

- The additional traffic at other intersections north, south, east and west of the development is not expected to have significant impact as the traffic would be distributed over a large number of intersections.

Table 17: Road Capacity Assessment

Road	Section	Capacity vtph	2018 AM peak vtph	2018 PM peak vtph	2028 AM peak vtph	2028 PM peak vtph	Development AM	Development PM
King Street	West of Union Street	5600	1650	1949	1900	2249	93	80
King Street	East of Union Street	5600	1473	1742	1709	2020	6	10
Union Street	North of King Street	1800	579	658	669	759	19	28
Union Street	South of King Street	1800	735	897	848	1033	33	50
Union Street	North of Bull Street	1800	851	1010	982	1164	33	50
Union Street	South of Bull Street	1800	760	934	878	1077	24	46
Bull Street	West of Union Street	1800	224	244	259	283	9	4
Bull Street	East of Union Street	1800	313	420	363	487	0	0

Source: TIA at Appendix 19

Proposed Vehicle Access

All vehicle access to the site would be via a proposed combined entry / exit driveway at the King Street frontage, with a width of approximately 6m. The driveway would include a security gate set well back from King Street, providing at least 4 vehicle queuing spaces.

Vehicular sight distances and pedestrian sight lines to the proposed driveway were found to be appropriate. Proposed internal circulation aisles would need to comply with minimum widths set out in the Australian Standard, which would be confirmed at detailed design stage.

Overall, the TIA found that the proposed access arrangements are safe and suitable and would comply with Newcastle City Council's and Australian Standard *AS2890.1-2004 Parking facilities – Part 1 - Off-Street Car Parking* requirements.

Proposed Servicing and Loading

Key aspects of the proposed servicing and loading arrangements are as follows:

- A loading bay is proposed within the Ground Floor, in close proximity to the bin room. This bay could service 'Small' and 'Medium Rigid Vehicles', with all vehicles entering and exiting the site in a forward direction, as indicated in the *Swept Path Analyses* prepared by GHD at **Appendix 16.**
- The key servicing requirements of the development are for weekly waste collection. This would be undertaken by a private contractor using a Small Rigid Vehicle (approximately 6.4m in length, requiring only 2m clearance) that would empty the bins within the internal loading bay.
- 4 short-term 'drop-off' zones are proposed on King and Bull Streets, in association with each of the 4 residential lobbies. The proposed ACF and ILU 'drop-off zones' would be suitably sized to accommodate ambulances and mini buses.

The TIA concludes that the proposed servicing arrangements are suitable.

Proposed Vehicle Parking

All proposed vehicle parking would be within the Basement Levels 1 and 2, and the basement portion of the Ground Level.

The vehicle parking requirements pursuant to the relevant planning controls, and proposed provision, are outlined in Table 18 below. In summary, the proposal exceeds its parking requirements with the exception of bicycle provision, as follows:

- Exceeds car parking requirements by 19 spaces.
- Proposes a technical deficit of 1 bicycle storage space. However, the TIA notes *it is not realistic to expect all residential apartments to have a bicycle particularly when bicycle hire hubs are provided in the CBD. The* (proposed provision) *is considered suitable and compliant with the objectives of the DCP* (p22).
- Exceeds motorbike parking requirements by 3 spaces.

In addition, it is noted that 11 carparking spaces accessible to people with disabilities are currently proposed at the Ground Floor. Advice within the *Access Review* (**Appendix 17**) suggests that up to 15 accessible spaces would be required, for the reasons outlined within that report (see pp25-26). Due to the excess of car parking spaces provided for the development (i.e. 19 spaces), the additional 4 disability-accessible spaces can be accommodated within the development as the detailed design progresses (i.e. Construction Certificate stage).

The TIA notes that *whilst the current concept plan is not suitably detailed with dimensions there appears to be sufficient compliant parking spaces and manoeuvring areas could comply with the requirements of both Australian Standard AS2890.1-2004 Parking facilities – Off-street car parking and State Environmental Planning Policy (SEPP) (Housing for Seniors and People with a Disability) 2004* (p22).

In summary, the TIA concluded that the provision of proposed parking would comply with the relevant requirements, subject to verification of the car parking layout dimensions at Construction Certificate stage.

Table 18: Summary of parking requirements and proposed provision

Applicable Rate		Development Requirement	Proposed Provision
Car parking - ILUs (@212 bedrooms)	0.5 car spaces / bedroom[1]	106 spaces	-
Car parking - ACF (@114 beds + 10 staff)	1 space / 10 beds + 1 space / 2 employees + 1 ambulance[1]	17 spaces + 1 ambulance	-
Car parking - Commercial + Medical (Non-Residential) (@562m² GFA)	1 space / 60m² GFA[2]	10 spaces	-
Car parking - General Residential (@ 69 x studio / 1-bed units; 70 x 2-bed units; 27 x 3-bed units = total 166 units)	▪ 0.4 spaces / 1-bed unit; ▪ 0.7 spaces / 2-bed unit; ▪ 1.2 spaces / 3-bed unit; ▪ 1 space / 7 units (visitor parking)[3]	134 spaces (including 24 visitor)	-
	SUBTOTAL	**267 spaces + ambulance**	**286 spaces + ambulance**
Bicycle storage - shops (@281m² GFA)	1 space / 200 m² GFA - split 50 / 50 Class 2 & Class 3[2]	2 spaces	-
Bicycle storage - offices (@134m² GFA)	1 space / 200 m² GFA - Class 2[2]	1 space	-

Applicable Rate		Development Requirement	Proposed Provision
Bicycle storage - residential (@166 dwellings)	1 space / dwelling[2]	166 spaces	-
	SUBTOTAL	**169 spaces**	**168 spaces**
Motorbike parking (@267 car spaces)	1 space / 20 carparking spaces[2]	14 spaces	17 spaces

1 - Pursuant to Seniors Housing SEPP via Newcastle DCP
2 - Pursuant to Newcastle DCP
3 - Pursuant to SEPP 65 and the ADG

Alternate Transport Mode Facilities

The TIA considers that, due to the suitability of existing facilities and the level of demand generated by the proposal, no nexus would exist to provide additional pedestrian and cycling facilities. Similarly, whilst the proposal may generate an increase in patronage of the public transport system, no changes to the existing system and infrastructure would be required.

A *Green Travel Plan* has been prepared for the proposal by Graph Property (see **Appendix 27**). It includes a number of proposed initiatives to encourage alternate transport use by occupants of the development, including the issue of free Opal cards with $10 credit to the building residents' to encourage familiarisation with local public transport, the establishment of informational and directional signage around the site to encourage public transport use, and the preparation of a 'Sustainable Travel Plan' for issue to building occupants.

It is noted that the proposed development includes suitable end of trip facilities (secure bike storage, showers, lockers etc) which would encourage the use of bicycles and similar modes of transport, particularly by staff.

6.1.10. Accessibility for People with Disabilities

An *Access Review* has been prepared for the proposal by Morris-Goding Access Consulting - see **Appendix 17**. The Review involved an analysis of the architectural plans to ensure the proposal complies with statutory and enhanced project benchmark requirements, and in doing so it *attempts to eliminate, as far as possible, discrimination against persons on the ground of disability* (p6).

The Review assessed the proposal against various criteria, including accessible paths of travel for people with disabilities, adaptable unit design, and compliance with specific requirements of the Seniors Housing SEPP.

The Review found that *accessibility requirements, pertaining to external site linkages, building access, common area access, sanitary facilities, parking and the differing classes of residential buildings can potentially be achieved, however clarifications and amendments need to be carried out prior to endorsement* (p30).

6.1.11. Waste Management

A *Waste Management Plan* (WMP) was prepared by Graph Property and is attached at **Appendix 18**. It outlines in detail the waste management regime for the demolition, construction and operational phases of the development. It also makes reference to the *Remediation Action Plan* (see **Appendix 15**) which provides guidance with regard to the disposal of excavated material during the construction phase.

Key components of the operational management regime include the following:

- General waste would be delivered to one of two Ground Floor bin rooms via chutes or by manual delivery (for Ground Floor tenants).
- Recycling bins would be provided on each building level for temporary storage before emptying by the Building Manager.
- A caged area within the basement levels would be available for the temporary storage of discarded residential bulky items before collection.
- Commercial waste would be managed in accordance with the needs of the individual tenancy, including provision for the appropriate disposal of medical waste from the Medical Centre.
- Garbage and recycling would generally be collected twice weekly, whilst medical waste would be collected weekly.
- Garbage collection would be via a private contractor using a low-clearance, rear-loading collection truck, which would enter the Ground Floor level and park in the internal loading bay. Collection would typically occur between 7am and 9am.

6.1.12. Sustainability

The proposal includes a number of features to minimise its environmental footprint, including the following:

- Rainwater harvesting and re-use for landscaping irrigation purposes.
- Significant landscaping of the buildings and surrounds to mitigate urban heat island effects and provide shade for site users, purify the air (including mitigating traffic fumes from King Street), and provide urban habitat for local wildlife.
- Maximisation of natural cross-ventilation of apartments wherever possible, including the use of 'winter gardens' with operable louvres in addition to balconies.
- The use of louvres on the external face of glazing to combat excessive heat gains from the sun.
- The use of energy and water efficient fixtures and services (see the *Services Report* at **Appendix 16**).
- The angling of selected apartments to the north, to maximise solar access. Louvres on the adjacent glazed side allow additional natural ventilation inside.

Additional features are listed in the BASIX documentation at **Appendix 13**.

6.2. Natural Environment

6.2.1. Tree Removal

Two existing street trees along the King Street frontage of the site are proposed to be removed. These comprise mature 'London Plane' trees (*Platanus xhybrida*) positioned within land owned by Newcastle City Council (see Plate 14 below).

As noted by Oculus Landscape Architects (see **Appendix 4**), King Street is identified in the *Newcastle City Council Street Tree Selection Manual* as containing a Class F3 footpath, based on a verge width of 4.3m. Accordingly, Oculus considers the existing street trees too large to be accommodated within the desired footpath width (proposed to be upgraded as part of this proposal). In addition, Council in its *Pre-Development Application Minutes* (see **Appendix 7**) advised that *retention of the existing London Plane trees is not desirable* (p5).

To compensate for the loss of the 2 trees and to maximise the amenity of the site, the proposal involves the planting of 9 new street trees along King Street (*Caesalpinia ferrea*), 3 new street trees on Ravenshaw Street (*Elaeocarpus eumundii*) and 14 new street trees on Bull Street (*Lophostemon*

confertus). The proposed tree species and spacings have been designed in accordance with the Manual.

Plate 14: View of 2 London Plane trees proposed for removal (on right of photograph, showing no leaves)

6.2.2. Stormwater, Sediment and Erosion Management

In order to address stormwater management issues, a *Services Report for Development Application* (SR) was prepared for the proposal by GHD (see **Appendix 16**).

Stormwater management, as outlined in the SR, includes the following key components:

- Stormwater would be collected and drained into:
  - 2 x rainwater tanks on building rooftops (20KL for 'Building A' and 10KL for 'Building B')
  - 1 x rainwater tank within the Ground Floor (10KL beneath 'Building B') for re-use in landscaping irrigation.
- Overflow from the rainwater storage tanks, and runoff from the basements and podium, would be directed via gross pollutant traps and oil separation devices into the existing road drainage system on King Street.
- Lower basement level stormwater would drain to a pit, to be pumped to the Ground Floor.
- Ground Level stormwater would be directed through a gross pollutant pit and stormwater treatment system (package unit).
- All site stormwater would discharge to the stormwater system on King Street near the corner of Ravenshaw Street.

In addition, the SR includes a *Soil and Erosion Control Plan* and *Soil and Erosion Details* which outlines measures to be implemented during the construction phase to manage sediment transport and erosion, including straw bale filters and sediment basins.

6.2.3. Geotechnical

A *Geotechnical Investigation and Targeted Site Investigation (Contamination)* (GITSI) of the site has been prepared by Douglas Partners (see **Appendix 14**). The purpose of the investigation was to provide comments and recommendations on a range of geotechnical parameters. Fieldwork for the GITSI included observation of site features, logging and sampling of 7 boreholes, rising head tests within groundwater wells, and 3 Cone Penetration Tests to assess foundation conditions.

Regional mapping shows the site is generally underlain by alluvial soils which overlie strata of the Newcastle Coal Measures of Permian age. The GITSI utilised the results of the investigation to develop a general model of the subsurface profile up to a depth of approximately 39m, identifying a range of sand, silty and clay soils underlain by sandstone / siltstone.

Groundwater was recorded at depths ranging from 4.3m to 8.1m below ground level. The flow regime is anticipated to be towards Cottage Creek approximately 180m to the west which discharges to the Hunter River approximately 350m north of the site.

As outlined in Section 3.3.1 of this SEE, key aspects of the proposed earthworks are as follows:

- Existing ground levels are between approximately RL 5m to 7.5m AHD. The lowest basement slab level proposed is RL -2.4m AHD. Allowing for slab thickness and other factors, the base level of bulk excavation is likely to be around RL -3m AHD or lower.
- Construction of pile caps, lift wells and other components would require locally deeper excavations.
- Accordingly, bulk excavations would be approximately 7.5 to 10m deep relative to current ground levels.
- Dewatering would be required for basement construction in order to draw down the groundwater level to at least RL -3m AHD (about 0.5m below basement floor slab), and locally lower at lift wells and large pile caps (if used).

The GITSI provides a range of design parameters in relation to proposed works, including in relation to excavation support, dewatering methods, footings and earthquake design. These recommendations will be taken into account during the detailed design of the proposal. In summary, there are not likely to be any significant geotechnical constraints to the feasibility of the proposed development.

Note that contamination matters, mine subsidence and acid sulfate soils are addressed separately at Sections 6.2.5, 6.2.4 and 6.2.6 of this SEE.

6.2.4. Mine Subsidence

The site is within a proclaimed mine subsidence district. GHD consulting engineers have commenced discussions with Subsidence Advisory NSW on the applicant's behalf, to ascertain requirements (if any) to deal with subsidence issues. An application for approval to erect a building within a mine subsidence district under Section 22 of the *Coal Mine Subsidence Compensation Act 2017* will be sought as part of this development application (i.e. integrated development).

6.2.5. Contamination

A *Report on Geotechnical Investigation and Targeted Site Investigation (Contamination)* (GITSI) was prepared for the proposal by Douglas Partners (see **Appendix 14**). This investigation was informed by

an earlier Stage 1 *Report on Preliminary Site Investigation (Contamination)* prepared by Douglas Partners (February 2016), which can be provided to Council upon request.

The results of the Stage 1 assessment indicated the site had been used for commercial land uses for the last 50 - 80 years (including a former hardware store, Hunter Water depot, and possible Masonite manufacture), following possible uses for residential purposes. The previous uses present possible sources of soil and groundwater contamination including vehicle maintenance and washing, workshop activities, possible fuel / oil storage, possible chemical storage, demolition of structures and general fill across the site. The Stage 1 assessment recommended a detailed site investigation be undertaken to further assess the potential for contamination.

A detailed investigation was undertaken as part of the GITSI, which included concrete core drilling at borehole locations within paved areas, drilling of 7 boreholes to depths of up to 10.4m, collection of soil samples, installation of groundwater wells for groundwater assessment, and laboratory analysis of soil and groundwater samples.

The results of the detailed investigation indicated the following:

- General absence of gross petroleum hydrocarbon, PAH, pesticide and PCB impacts;
- Presence of contaminated (likely imported) filling within the site, generally comprising sand with ash and slag components (encountered in Bores 4 and 7). Heavy metal concentrations in the filling exceeded the adopted health-based land use criteria;
- A moderate propensity for lead to leach from the heavy metal-impacted filling, based on leachability testing results;
- Some minor building rubble was encountered in filling across the site. Fibre cement fragments, possibly containing asbestos, were also observed at the site surface during the previous Stage 1 assessment. The fragments were located in an area that has subsequently been paved for car parking;
- The majority of soil samples tested are classified as ‘General Solid Waste’ based on total and leachable concentrations of contaminants, however, some fill samples from Bores 4 and 7 indicated total and/or leachable concentrations above ‘General Solid Waste’ and ‘Restricted Solid Waste’ criteria (i.e. ‘Hazardous Waste’). The possible depth and extent of impacted soils has not been confirmed.
- The absence of gross impact in groundwater at the sampled locations;
- Presence of elevated concentrations of heavy metals (namely chromium, copper and zinc) in all groundwater water samples above the adopted criteria. It is noted that previous groundwater testing in the Newcastle area has identified heavy metal impact (i.e. results typical of regional groundwater quality); and
- The general absence of elevated concentrations of lead in groundwater.

Based on the results of the investigation, the GITSI suggests that soil remediation / management will be required to render the site suitable for the proposed development due to the presence of localised heavy metal impacted fill plus previously identified fibre cement sheeting (i.e. likely asbestos) contamination at the site surface. Active groundwater remediation was not considered to be necessary, based on the results of testing.

Following the GITSI, a *Remediation Action Plan* (RAP) was prepared by Douglas Partners - see **Appendix 15**. The RAP presents the clean-up objectives, remediation acceptance criteria, principles, methods and procedures by which the remediation and validation of the site will be achieved. Essentially, the RAP provides for the removal of contaminated soils and their appropriate disposal off-site, and the validation of remaining soils on-site, along with unexpected finds protocols and other relevant procedures.

In conclusion, the RAP presents the appropriate pathway to *remediate the site in an acceptable manner, with minimal environmental impact, to a condition suitable for the proposed residential/aged care development* (p1).

6.2.6. Acid Sulfate Soils

As indicated in Figure 26 in this SEE, the site is mapped as containing 'Class 4' soils on the NLEP *Acid Sulfate Soils Map*.

An *Acid Sulfate Soil Assessment* (ASSA) was prepared for the proposal by Douglas Partners (see **Appendix 23**). It notes that the *Acid Sulfate Soil Risk Map* prepared by the Department of Land & Water Conservation indicates there is a low risk of Acid Sulfate Soils (ASS) occurring, and if present would occur below 3m in depth. Therefore, the risk of ASS would only occur below 3m below ground level.

The ASSA involved the undertaking of field work, including the drilling of boreholes to depths of between 1.5m and 10.4m below ground and collection of soil samples for analysis. The results of screening tests suggested the absence of actual ASS at the site.

Several of the sample results were indicative of Potential ASS (PASS). Additional detailed analysis was undertaken on a number of samples. The results indicated that *the soils analysed… are acidic rather than acid sulfate soils with reference to the QASSIT guidelines* (p6). On this basis, the soil samples tested could be considered for classification as Virgin Excavated Natural Materials (VENM) from an ASS perspective, subject to appropriate segregation of upper filling and subsequent validation. However, the *pHKCl ≤ 5.5 measurements in all samples indicates that some precautionary management with a neutralising agent (i.e. agricultural lime) should be conducted during excavation or alternatively during loading (where materials are taken off site). Liming rates in the order of 2 kg lime per tonne of soil should be considered* (p6).

The *Services Report* at **Appendix 16** suggests that in the order of 50,000 - 60,000m³ of material would need to be excavated from the site during bulk earthworks, with approximately 5,000m³ to remain on site as fill. The ASSA suggests VENM could be re-used on another site (or presumably, re-used within the development site) subject to the lime treatment discussed above and confirmatory testing on lime-treated soils to confirm the absence of acidity, as well as any relevant planning approvals. In addition, the soils could be disposed to an appropriately licensed landfill as 'General Solid Waste' without the requirement for lime treatment, subject to the confirmation of VENM classification as noted above.

6.2.7. Wind

The Newcastle area is subject to strong winds, particularly during winter (see the wind rose at Plan DA003 - **Appendix 2**). As with all tall buildings with large surface areas, there is the potential for proposed buildings to influence winds, including the creation of downward drafts on the façade impacting on the ground plane below.

A number of design features are proposed to help mitigate wind effects for residents and other users of the site, as follows:

- The corners of both buildings have been curved to allow wind to pass around the form more smoothly, as shown in Figure 37 below. This is expected to result in less wind loads on the building, and on the public domain at ground level.
- The presence of the podiums would assist in deflecting tower wind downdraft from the ground plane at the street frontages.
- The presence of overhanging floor levels above proposed outdoor dining areas would provide diners with protection from downdrafts.
- Proposed awnings would assist in deflecting downdrafts from building entries.

- Proposed 1.5m-high solid balustrades on the Level 14 rooftop terrace would assist in protecting the space from approach horizontal winds.
- Landscaping throughout the site, including large trees and balcony plantings, would reduce the load of strong winds both through the site and into private and communal open spaces.
- The dense planting of evergreen street trees on Bull Street, directly to the south of the ILU communal open space areas, would help to serve as wind breaks.
- The positioning of densely filled raised planters, including on the rooftop terrace, would assist in mitigating wind loads.

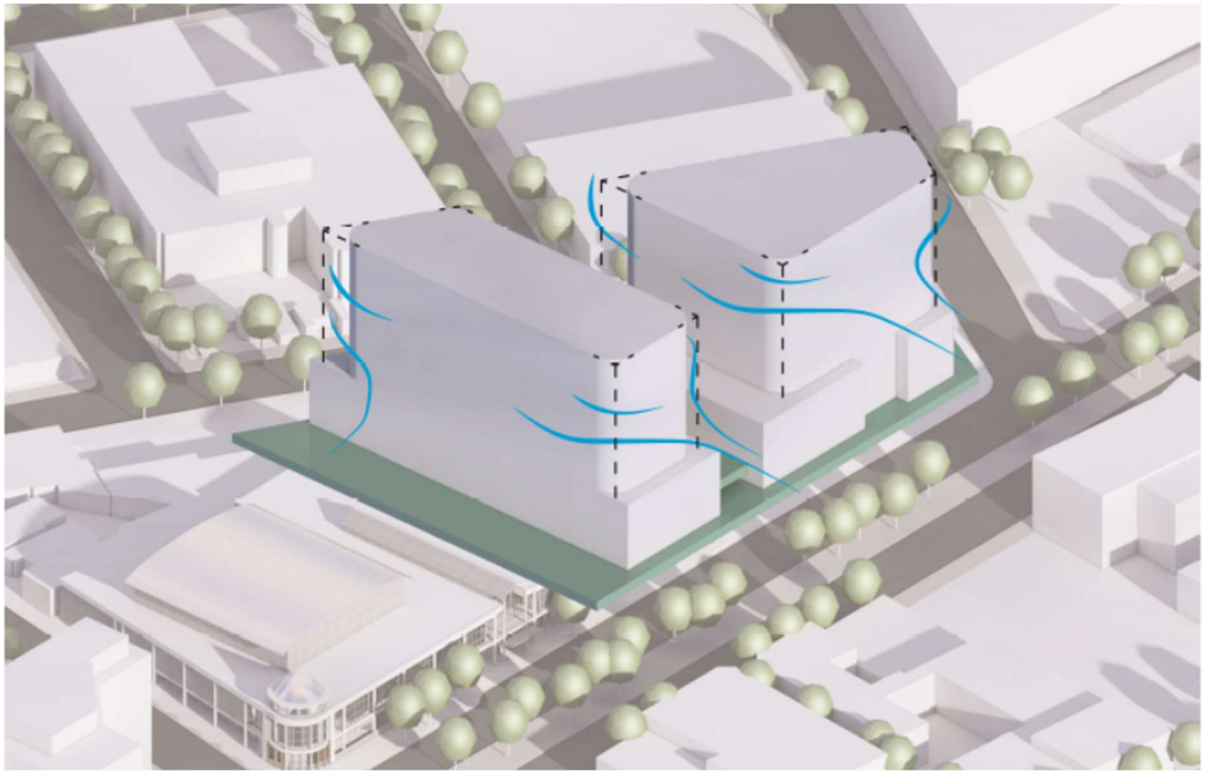


Figure 37: Illustration showing curving of the buildings to assist in reducing wind loads (Source: Plan DA023 at Appendix 2)

6.3. Social and Economic

6.3.1. Social & Economic Impacts

The proposed development is likely to result in a number of positive social and economic impacts, including the following:

- The provision of much-needed seniors and general residential housing in a well-serviced and central location, within walking distance of multiple key destinations and with excellent access to public transport options. Currently most seniors housing is located on the outskirts of Newcastle, at a significant distance from the CBD.
- The provision of co-located ILUs and an Aged Care Facility, which would assist senior residents to 'age in place'. ILU residents would have access to on-site support services as their needs increase and be faced with only a short move within the same building should they no longer be able to live independently and require a higher level of care.
- An exceptional mix of residential apartment types on offer (from studios to large 3-bedroom apartments), offering excellent lifestyle and affordability options catering to a range of demographic groups.

- The creation of up to 35 full-time equivalent jobs (such as nursing, cleaning, medical, Allied Health, maintenance, landscaping and food preparation roles) and up to 50 full-time equivalent construction jobs during the building works.
- Flow-on economic impacts to the local economy, both through the purchase of construction goods and services, and through purchases by residents and staff throughout the operational phase.
- An increase in the CBD population, which may result in an increased number of motivated, time-generous people into local community groups, volunteer organisations and other noteworthy causes.
- An increase in the stock of commercial / retail floorspace within the city, including dining opportunities in an attractively landscaped setting.
- A new community meeting place in the form of the publicly accessible laneway.
- Increased convenience for pedestrians traversing between King Street and Bull Street via the laneway.
- Proposed public domain improvements, including street landscaping, would increase amenity along one of the city's key thoroughfares.
- A new memorial to the victims of the 1989 Newcastle Earthquake, set against the backdrop of the location where the tragedy occurred. This would enhance the cultural life of the city while providing a fitting place for contemplation.
- Proposal is likely to improve safety (real and perceived) in the west end area by upgrading and beautifying the currently underutilised site and activating the area in the daytime and evening with workers, retail patrons, residents and public pedestrians utilising the laneway.

Whilst the proposal would result in an increase in the number of senior citizens in the area, many of the residents' needs would be met by the future ILU / ACF operators, such as the provision of nursing, laundry and cleaning services. Further, the proposed medical centre would assist in meeting the new resident's medical needs as well as the needs of the existing surrounding community. For this reason, it is not anticipated that the proposal would result in a detrimental or unacceptable increase in demand for publicly-funded community services or facilities within the area.

No major negative social impacts of the proposal are anticipated. Note that safety and security is addressed separately in **Section 6.3.2** below.

Overall, the proposed development is likely to have a positive social impact on the local community, visitors, residents and potential users.

6.3.2. Crime, Safety and Security

A *Crime Risk Assessment* (CRA) was prepared for the proposal by CHD Partners (see **Appendix 24**). It included an analysis of crime statistics in the local area and consultation with key stakeholders, including the local Police and Council's Corporate and Community Planning Officer.

The CRA found that, overall, the proposal is unlikely to adversely affect crime levels in the area. Rather, a number of features are likely to have a beneficial impact on the locality, including:

- The increased population density associated with the mixed-used development will increase the activation of the area during the day.
- The development will maximise surveillance and activity throughout the day and will increase the number residents and pedestrian traffic. The diverse temporal and functional activity in and around the site will stimulate activity and surveillance, which will help to minimise crime and reduce perceptions or fear of crime.

In addition, a number of features of the proposal reflect *Crime Prevention through Environmental Design* (CPTED) principles and address potential crime risks, including the following:

- Clear legibility and clear transition from private to semi-private space. The semi-private areas are distinct from public space which helps promote territoriality. Residential accommodation is clearly distinct from commercial / retail space, with clear and specific entrance points to residential accommodation providing good access control. Moreover, the public areas are distinct from the privately-owned spaces, which help promote territoriality.
- Clear sightlines through the site and good visibility into the site generally.
- No signs of entrapment spots and limited long blank walls that would contribute to crime in the area.
- There are clear sightlines through the public domain. The wide public thoroughfares through the site will draw people in and through the site. The surveillance into these areas from the residential accommodation, the clear sightlines and the considerable width of the public spaces will promote surveillance and safety.
- The site and landscaping plans demonstrate that there is good surveillance of public areas, no sights of entrapment spots and few blank spaces.

In order to further maximise safety, the CRA makes the following recommendations:

- Given the existing 'steal of' and 'steal from motor vehicle' offences in the area, consideration might be given to erecting suitable signage around the development reminding car owners to secure their vehicles.
- Lighting in and around the development needs to be carefully planned such that it exceeds the AS 1158, thus increasing surveillance and promoting feelings of safety.
- Carefully planned landscaping to ensure plants and foliage do not obstruct sightlines and lighting.
- Use of signage and other physical cues to help people find their way around the facility easily.
- Development of space management strategies to include ongoing site maintenance, landscaping, graffiti removal etc.

The CRA notes that specific aggression risk factors associated with drinking patrons of the adjacent 'Wests City' club have been addressed in the club's *Alcohol Security Management Plan*; and the club also provides late night security within its curtilage which would improve safety / perceived level of safety for future residents.

Overall, the CRA concludes that the proposed development has the potential to positively contribute to the Newcastle West area. Note that detailed Plans of Management, including the management of particular uses (e.g. proposed restaurant), can be provided at the detailed design stage as required.

7. SUITABILITY OF THE SITE

As discussed throughout this SEE, the site is considered suitable for the proposed development. In summary, the site:

- has been identified for this scale / form of development through strategic and statutory planning process (i.e. the Newcastle Urban Renewal Strategy, the NLEP, and DCP), and is therefore consistent with the desired future character for the locality;
- is located within walking distance of a large range of shops, services and recreational opportunities within the Newcastle CBD, as well as 2 'Commercial Core' areas accommodating numerous workplaces;
- is located within walking distance of the Wickham Transport Interchange (bus, train and light rail);
- is located on or close to several major roads regularly serviced by buses, and is only a short walk from the nearest light rail stop;
- is of an appropriate size to accommodate the high-density mixed-use development proposed;
- is an identified 'key site' which calls for significant development demonstrating 'design excellence';
- is well serviced for infrastructure and emergency services; and
- is heavily disturbed and not affected by significant environmental constraints.

8. SUBMISSIONS & COMMUNITY CONSULTATION

This DA is anticipated to be notified to the public by Council. Any submissions received in respect of this proposal will be considered by the consent authority, as required under the EP&A Act and Regulation.

9. THE PUBLIC INTEREST

The proposed development would provide housing accommodation in a range of sizes and price points to cater to a wide variety of residents. It includes seniors housing with varying sizes, living configurations and levels of care, to assist seniors to 'age in place'. It would also provide commercial space to activate the street frontage and increase employment opportunities within the Newcastle CBD, in addition to the significant employment opportunities generated by the construction and operation of the development.

The proposal includes a new publicly accessible pedestrian laneway, improving site and block permeability and making provision for a public memorial to the victims of the 1989 Newcastle Earthquake. Significant landscaping is proposed which would serve to beautify key CBD streetscapes and the laneway. The provision of carparking within the site is considered adequate. Overall, the proposal is generally consistent with relevant development controls.

The above attributes are considered beneficial and in keeping with the principles of the 'Parry Street Character Area' of the Newcastle CBD, as outlined within the DCP. The proposal is also considered to be supportive of the principles and relevant objectives of the *Newcastle Urban Renewal Strategy.* Accordingly, the proposal is consistent with the desired future character of the area, as identified by The City Newcastle Council.

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

10. CONCLUDING COMMENTS

This SEE demonstrates that the proposed development complies with the relevant heads of consideration under Section 4.15 of the EP&A Act. It is consistent with the zoning provisions and other key development standards for the site, or otherwise adequately justifies alternative measures.

The proposal is expected to provide a net positive effect with regard to social, environmental and economic impacts, and any potentially detrimental impacts would be effectively managed by mitigation measures outlined in this SEE.

It is recommended that the proposal be granted development consent.