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Housing Delivery Authority
Department of Planning, Housing & Infrastructure

Reply via email: ethan.whiteman@dpie.nsw.gov.au

Dear Ethan

MIXED USE DEVELOPMENT - (SSD-89869959) – 10 DANGAR STREET WICKHAM

I refer to the Department of Planning, Housing and Infrastructure's (DPHI) request dated 11 May 2026 via the NSW Major Projects Portal, inviting City of Newcastle (CN) to provide comment on the Environmental Impact Statement (EIS) for the above State Significant Development (SSD) Application (SSD-89869959).

CN has significant concerns regarding the proposal's substantial departures from key development standards under the Newcastle Local Environmental Plan (NLEP 2012) and the concurrent planning proposal, relating to height and Floor Space Ratio (FSR). The 'spot-rezoning' approach adopted through the Housing Delivery Authority (HDA) pathway, especially for this site, lacks sufficient strategic justification and does not demonstrate broader planning merit.

The impacts arising from the proposed height and FSR exceedances are further compounded by extensive non-compliances with the Apartment Design Guidelines (ADG). The resulting character, height, bulk, scale and density of the development, particularly in relation to adjoining sites and setbacks, are excessive and lead to unreasonable and unacceptable impacts. The interface and public domain impacts on the Newcastle Interchange are a poor public interest outcome in this instance. In its current form, the proposal is not in the public interest.

Notwithstanding these concerns, CN has undertaken a detailed review of the EIS, accompanying plans and specialist reports and provides the following comments to inform DPHI's assessment. CN recommends the matters outlined below be resolved by the proponent and fully addressed by the DPHI during the assessment of the application.

1. Strategic Planning – Proposed amendment to NLEP

The proposed amendments to Clauses 7.9 and 7.9A of the NLEP 2012 are not supported in their current form. While the intent of facilitating development uplift through the HDA pathway is acknowledged, the proposed LEP amendments lack the necessary certainty, rigour, and enforceable outcomes, as detailed below:

1.1 Absence of Sunset Clause

The proposed amendments do not include a sunset clause, which is a standard requirement for HDA concurrent rezonings. A sunset clause must be applied to ensure the uplift provisions lapse if

the intended development is not delivered within an appropriate timeframe.

1.2 Failure to Align Public Benefit with the Wickham Incentives Policy

The applicant's reliance on ground plane works and publicly accessible spaces as 'community infrastructure' under Clauses 7.9 and 7.9A is not supported.

While the proposal includes a through-site link, plazas, and public domain elements, these works are driven by the operational requirements of the proposal, rather than delivering a genuine additional public benefit to the wider community. The public domain is fundamentally required to service the scale, density, and intensity of the development, functioning as pedestrian circulation space, building forecourts, arrival areas and spill-out zones for commercial uses.

As identified in the State Design Review Panel (SDRP) advice, significant improvements to the ground plane were required to adequately respond to the proposed height and density. These works are therefore not discretionary community infrastructure, but necessary mitigation measures to address the impacts of the development.

The EIS also emphasises outdoor dining, active frontages and hospitality uses within plazas and through-site link. These elements reinforce the commercial focus of the spaces, introducing privatisation through tenancy spill-out and limiting the extent of genuine public, unconstrained areas.

Accordingly, the proposal does not establish a clear nexus between the infrastructure offered and the uplift sought. It fails to satisfy the intent of the incentives framework. Public benefit must be demonstrably commensurate with the uplift and consistent with Wickham Community Incentives Plan (WCIP) valuation principles and this has not been achieved.

1.3 Site-Specific Provisions

CN supports the creation of a new site-specific clause within Part 7 of the NLEP 2012. This new clause should:

- i. Include clear objectives aligned with the HDA pathway, including affordable housing delivery.
- ii. Explicitly require the provision of public benefit commensurate with the additional development capacity above the existing incentives policy.
- iii. Establish measurable and enforceable development outcomes.
- iv. Clearly articulate the intended built form, scale and character.
- v. Lock in outcomes that achieve the objectives of Part 7 of the NLEP 2012, particularly in relation to heritage, design excellence, sustainability and public benefit.
- vi. Avoid reliance on broad or permissive controls that do not provide certainty of outcome.

The LEP provision must clearly specify:

- i. The minimum requirements that apply where development exceeds the existing 45m height and 6:1 FSR controls
- ii. The nature and quantum of affordable housing, public domain works and/or other public benefits required
- iii. Built form parameters sufficient to guide future development outcomes.

The proposed LEP amendments lack the necessary certainty and rigour expected for site specific planning controls within the Newcastle City Centre.

In addition to embedding these requirements within the LEP framework, it is critical that delivery is secured through the development consent and any associated Planning Agreement.

2. Affordable Housing

While CN supports the delivery of affordable housing in well-located, transit-oriented locations, the proposed affordable housing does not deliver a benefit of sufficient scale, durability, or policy alignment to justify the magnitude of uplift sought through concurrent rezonings, as detailed below:

2.1 Objection to 15% Affordable Housing for 15 Years

The proposal provides 15% of residential gross floor area as affordable housing for a period of 15 years to be retained by Urban Property Group. CN does not support this approach as it results in time-limited discounted market rental housing, rather than delivering enduring affordable housing.

The absence of any mechanism to secure affordability beyond 15 years means the suggested public benefit is temporary, while the uplift in development capacity is permanent, which is a critical concern. At the expiry of the 15-year period, the residential floor space will revert to market-rate housing, creating a predictable and concentrated loss of affordable housing supply and likely displacement of lower-income households. This undermines housing affordability, workforce retention, and social cohesion in the city.

A stable and sustained contribution to housing diversity is not provided. The model does not deliver a lasting public benefit and is insufficient to justify the substantial increase in development rights sought under this application.

2.2 Inconsistency with CN's Affordable Housing Contributions Scheme (AHCS)

The proposal is inconsistent with CN's Affordable Housing Contributions Scheme (AHCS), which requires affordable housing contributions be in perpetuity. The AHCS is supported by a robust economic and feasibility evidence base, was endorsed by the DPHI, and is implemented through the NLEP 2012.

The scheme commenced on 12 September 2025, prior to the issue of SEARs and EIS lodgement. While the proponent references the timing of their HDA Expression of Interest (EOI), CN notes that the draft AHCS was publicly exhibited and identified on planning certificates prior to both site acquisition and submission of the EOI and should have informed the proposal.

Importantly, the HDA Review explicitly recommends that EOIs align with existing council affordable housing schemes, particularly where such schemes are evidence-based and already in force. The current proposal does not align with the AHCS and instead seeks to bypass its requirements and is not supported.

2.3 Disproportionate Uplift Relative to Affordable Housing

The affordable housing offer is not proportionate to the scale of uplift sought. The proposal seeks a height increase from 60m to 150m, an approx. 150% increase, and a floor space ratio (FSR) increased from 7:1 to 14.4:1, an approx. 106% increase beyond what would be achievable by the combination of NLEP and State Environmental Planning Policy (Housing) 2021.

These represent substantial and permanent increases to development capacity. However, the affordable housing contribution remains fixed at 15% for 15 years, with no scaling to reflect the magnitude of uplift.

The HDA Review is explicit in that: *“where concurrent rezonings deliver significant uplift, the affordable housing offering should exceed standard policy requirements and be proportionate to the uplift achieved.”* The proposal does not satisfy this principle.

Further, the proponent relies on the 15% / 15-year affordable housing model derived from the

State's Infill Affordable Housing (IAH) policy. This reliance is inappropriate. The IAH policy permits up to 30% uplift in exchange for 15% affordable housing for 15 years.

The Dangar Street proposal seeks uplift significantly beyond these limits yet does not increase the affordable housing contribution accordingly. CN considers this a misapplication of the IAH framework. Even within the intended 30% uplift cap, developers retain a substantial share of uplift value, particularly in high-value locations.

Applying the same contribution model to a development delivering over 100% uplift materially exacerbates this imbalance and results in a disproportionate transfer of value to the proponent, without sufficient public benefit through appropriate provision of affordable housing or similar.

2.4 Economic Value of Uplift and Under-Capture

CN's feasibility analysis identifies an uplift in residual land value of approximately \$18.2 million arising from the proposed changes to development controls.

Consistent with NSW Government guidelines, the residual land value method is the preferred basis for determining appropriate affordable housing contributions. CN considers 50% of this uplift value should be captured for affordable housing purposes, as provision of dwellings.

The current proposal does not reflect this principle and results in a clear under-capture of public value generated through the planning system.

2.5 EOI Commitment and Delivery Model

CN notes the original Expression of Interest (EOI) committed to the percentage of affordable housing, being 15%, but did not specify the management structure, ownership model, or delivery mechanism by which to achieve it.

The current proposal includes retention of ownership by the proponent (Urban Property Group), and management by a specific nominated Community Housing Provider (CHP). This approach represents the proponent's preferred ownership and management model, rather than a requirement established through the HDA process or any resolved CN policy or approach.

CN requires the affordable housing component to be restructured to align with CN's policy objectives and public benefit expectations. Given the EOI committed to percentage but not delivery structure, CN considers that a revised approach is appropriate. CN recommends the 15% affordable housing provision be restructured as follows:

- A. 4% in-kind affordable housing to be dedicated to CN, secured in perpetuity and transferred via a binding land transfer deed, or 4% monetary contribution for the provision of affordable housing in perpetuity, AND
- B. Remaining 11% affordable housing, delivered for a minimum of 15 years, and managed by an independent CHP.

This approach aligns with the AHCS intention for permanent affordable housing, ensures a durable public benefit proportionate to uplift and maintains consistency with the broader HDA framework, while improving governance integrity.

2.6 Tenure and Rent Policy Concerns

MyLife Community Housing's published rent policy ([How We Calculate Your Rent, Version 3](#)) indicates rent levels are subject to reassessment over time and that tenancy continuation may be influenced by affordability and housing stress considerations. This introduces uncertainty regarding tenant security and raises concerns that households experiencing financial stress may not retain access to housing.

These factors further undermine the reliability and durability of the proposed affordable housing outcome.

2.7 Governance, Independence and Rent Policy Concerns of the CHP

CN does not support the nomination of MyLife Community Housing (MyLife CHP) as the managing CHP due to concerns about governance, independence, transparency and rent setting practices.

There is a direct overlap in governance between the development entity and the CHP. The Chief Executive Officer of Urban Development Group is also a Director of MyLife CHP. This creates both an actual and perceived conflict of interest, and limits confidence that decisions about rents, tenant selection, and allocations would be made independently and in the interests of eligible households.

This structure reflects an affiliated entity arrangement, reducing separation between development interests and affordable housing delivery.

Additional concerns arise from the governance changes following the registration of MyLife CHP, noting the CEO of the development company, Urban Property Group, was appointed as a Director of the CHP only after its registration. This creates uncertainty about whether the governance arrangements now in place align with those originally assessed, and whether the provider has transitioned to an affiliated entity arrangement post-registration.

It is also noted that MyLife CHP appears closely aligned with Urban Property Group's projects, which reinforces the perception it operates as an extension of the development entity rather than an independent housing provider serving a broader community housing function.

Taken together, these issues reduce confidence in the independence, transparency, and durability of the proposed affordable housing outcome. Given the extent to which the affordable housing component is relied upon as a primary justification for significant uplift; the affordable housing component should be delivered and managed by an independent, CHP, with clear governance separation and transparent, enforceable affordability arrangements.

2.8 Public Benefit and Planning Justification

The provision of affordable housing is the central justification for the significant uplift in planning controls sought through this proposal. However, the HDA Review clearly establishes that affordable housing contributions must be aligned with policy, proportionate to uplift, and structured to deliver meaningful, long-term outcomes.

The proposed affordable housing fails to meet these requirements. It is temporary, not secured in perpetuity, not scaled to uplift, and subject to governance and delivery risks. This results in a fundamental imbalance whereby the private benefit is substantial and permanent, and the public benefit is limited and temporary. This outcome is contrary to the public interest and insufficient to justify the proposed uplift.

Any development on the site should deliver perpetual affordable housing through a 4% in-kind dedication to CN to ensure the remaining affordable housing is delivered through an independent CHP arrangement, consistent with CNs adopted AHCS.

3. Development Assessment – SSD Application

3.1 Newcastle City Centre - Design Excellence

The site is located within Newcastle City Centre under Part 7 of the NLEP 2012 and would ordinarily trigger the architectural design competition requirements under clause 7.5(4). While an exemption applies to HDA applications, the proposal must still demonstrate design excellence in accordance with clauses 7.5(2) & (3) of the NLEP 2012.

CN does not consider that the development achieves design excellence. Clause 7.5 requires the highest standards of architectural and urban design quality, which at a minimum includes compliance with the Apartment Design Guide (ADG), which the proposal fails to achieve.

The proposal has been reviewed by the State Design Review Panel on two occasions. Further review is warranted to ensure substantial design improvements are made. In its current form, the amended scheme represents a regression, increasing height while exacerbating existing design issues rather than improving overall design quality.

The applicant has not provided an Alternative Design Excellence Strategy as required under the HDA process. This is critical due to the significant scale of the proposal, the prominent location of the site, and the complexity of pedestrian and bicycle movement near a heavily used public transport interchange.

3.2 Character

The proposal's height, bulk and scale are inconsistent with the strategic planning framework and desired future character under the NLEP 2012 and the broader NSW Government directions.

The site occupies a prominent gateway location at the junction of Newcastle West, Honeysuckle, Newcastle Quay, Wickham and the Newcastle Interchange. The scale of the proposal significantly exceeds what is envisaged for the area and will dominate nearby approved and planned developments, including the 'Store' development and the Newcastle Quay precinct.

Comparisons made by the applicant with the surrounding sites, based on planning incentives on neighbouring sites, which include infill affordable housing, are unrealistic and not accepted. It misrepresents the desired future character of the area and the intended strategic planning outcomes for the locality.

Any consideration of additional height or floor space ratio should be proportionate to the established context, where approved development generally reaches heights of up to approximately 100 metres. The scale proposed is excessive and is further constrained by the limited site area, resulting in compounding design and functionality issues.

These concerns were clearly raised at the pre-lodgement meeting on 16 April 2026 and have not been resolved in the submitted application, see **Attachment 1**.

3.3 Urban Design & Apartment Design Guidelines (ADG) Issues

The proposal represents a significant departure from the ADG and, when combined with the scale of the height and FSR exceedances, results in outcomes that are not in the public interest.

While CN is not the consent authority and has not undertaken a full ADG compliance review, it is critical that DPHI ensures compliance with core requirements, including apartment and room

sizing, solar access, cross ventilation, private open space and storage, to support design excellence and liveable outcomes.

Comments on key ADG non-compliances are provided below for consideration, with further technical comments provided at **Appendix A**.

Public Domain

The proposal fails to integrate with the surrounding public domain and removes connections to adjoining sites, particularly the Newcastle Interchange. The interface between the ground plane and public domain, and the adjoining land is not resolved and results in an unsatisfactory urban design outcome.

The design introduces a 'gully' between the proposal and the access to the Newcastle Interchange, which undermines connectivity. The public domain should support simple, direct, and accessible movement for pedestrians, cyclists, and people with accessibility needs. Instead, the proposal relies on a complex arrangement of ramps and stairs resulting in both poor connection and wayfinding.

There is also concern that the landscaping to the south will be largely overshadowed and unlikely to succeed, leading to substandard public domain outcomes. The submitted documentation is inconsistent, indicating that no work is proposed outside the site, and that works will occur beyond it.

Overall, the public domain design is not acceptable and is not supported. It does not achieve high quality outcomes in terms of amenity, permeability, landscaping, streetscape or visual quality. A redesign of the ground floor and public domain, both on and off site, is required. This redesign should utilise filtering analysis, demonstrating how pedestrians, cyclists and people with accessibility needs, move through and around the site, including connections to the Newcastle Interchange and the surrounding street network.

The above public domain issues must be addressed by an amended design. The amended design is to be reviewed by CN prior to determination to ensure that the issues have been addressed to CN's satisfaction. Failure to resolve the combination of public domain issues raised, to CN's satisfaction, would result in any associated s.138 Roads Act applications not being capable of approval.

Setbacks

The proposal does not comply with the ADG setback requirements. It provides limited or no setbacks to adjoining streets and the Newcastle Interchange.

The design relies on perceived setbacks from surrounding streets, particularly Hannel Street, which is not acceptable. This is compounded by the significant exceedances in height and FSR. In this context, the proposal does not demonstrate design excellence.

The podium setbacks, including at ground level along Station and Dangar Streets, do not provide adequate space around the building. This is particularly important given the site's prominent location at the junction of Wickham, Newcastle West and the Interchange, and its highly pedestrian character.

Amenity, Design Quality and Servicing

Communal open space and deep soil provision are inadequate when assessed against total area, landscaping quality and solar access. The proposal does not satisfactorily demonstrate compliance with solar access and cross ventilation requirements, and further validation is needed. Apartment layouts and storage provision are also inconsistent with ADG requirements. In addition, key architectural elements, including kitchen layouts and glazing, are proposed to be resolved post approval. This is not acceptable, as these details are fundamental to assessing residential amenity.

The proposal also raises concerns regarding functionality and amenity more broadly. The location of air conditioning units has the potential to adversely impact balcony usability, while the circular floorplate results in irregular balcony shapes that may limit functionality of the private open spaces. Servicing arrangements are constrained by the scale of the proposal, with inadequate provision for waste management, loading, vehicle access and plant, along with limited parking and a lack of adequate bicycle parking.

Documentation on materials and finishes is insufficient, and the submitted visual material is inconsistent with the architectural plans. For example, the hotel lobby is depicted as a café in Sheet DA2502, and the photomontage in Sheet DA2004 suggests substantial podium landscaping that is not reflected in the plans or landscape documentation, particularly in the south east corner.

3.4 Co-Living Rooms

CN raises concerns regarding the design of the proposed co-living dwellings and their amenity for future residents. The communal open space and deep soil areas lack sufficient soft landscaping and do not provide adequate access or usability for residents. Soft landscaping is essential for the amenity of future residents. High quality landscaping is essential to support residential amenity, and the current layout does not accommodate a range of user groups or activities.

In addition, all co-living rooms are required to achieve platinum level of accessibility under the Livable Housing standard under NDCP 2023. The proposal does not demonstrate compliance with this requirement and must be amended accordingly. Further technical comments regarding the co-living design are provided in **Appendix A**.

3.5 View impacts

The proposal has not adequately addressed potential view loss impacts, as previously raised in CN's Pre-DA advice.

A comprehensive view impact assessment is required, including consideration of surrounding development, both existing and approved but not yet constructed. This assessment should benchmark the current proposal against the approved scheme for the site.

The additional height now proposed has the potential to adversely affect views from surrounding developments that would otherwise be retained under the height controls set by the NLEP.

3.6 Heritage

Clause 5.10(4) of the NLEP 2012 states that a consent authority must consider the effect of proposed development on the heritage significance of the heritage item or conservation area. The site is located adjacent to the Newcastle City Centre Heritage Conservation Area (HCA). This is

listed as Conservation Area C4 in Schedule 5 of the NLEP 2012.

The area's significance stems from its mix of historic buildings, industrial heritage, and its role in Newcastle's economic and social history. The HCA's key period is circa 1801-1940, emphasising preservation of historic buildings, streetscapes, laneways, and views. Heritage features include early industrial warehouses, contributory buildings, mature trees, and significant views to landmarks like Fort Scratchley and Christ Church Cathedral. Heritage conservation aims to maintain character, streetscape integrity, and visual connections, with emphasis on adaptive reuse and archaeological relics.

The site is not a listed heritage item and is not identified as an archaeological site. Heritage items in the vicinity include:

- Former Castlemaine Brewery - 787 Hunter Street
- Cambridge Hotel - 791 Hunter Street
- St Joseph's Convent and Sacred Heart Church/School - 841 Hunter Street
- Dairy Farmers Building - 924 Hunter Street
- Army Drill Hall - 498 King Street
- Birdwood Park - 502 King Street
- Hamilton College of TAFE - 91 Parry Street
- Residence - 15 Charles Street Wickham
- Wickham Public School - 54 Hannell Street
- Former Infants School - 64 Hannell Street Wickham
- Former School of Arts - 80 Honeysuckle Drive Wickham
- Lass O'Gowrie Hotel- 14 Railway Street Wickham

The proposal's increased height is intended to create a strong visual element within Newcastle; however, it introduces an extreme contrast with surrounding development and would dominate both the immediate and distant skyline. A reduction in height is critical from a heritage perspective, and the current scale is not supported.

The design must also better respond to its heritage context through appropriate façade articulation and material selection, particularly at street level where traditional materials such as brick or ceramic should be used alongside contemporary elements that are compatible with the area's character. Landscaping requires mature planting, pedestrian-friendly edges and heritage interpretation to enhance the public domain and user experience.

The proposal must maintain important sightlines and views, including those to key heritage landmarks and Aboriginal cultural landscapes, while respecting the relationship with nearby heritage items and the Newcastle City Centre Heritage Conservation Area. It should engage more effectively with surrounding development to support the retention and adaptive reuse of contributory buildings and streetscapes, and preserve the integrity of laneways, subdivision patterns and human-scale urban form. Any development on the site must better reflect the established character of the heritage conservation area, while carefully integrating contemporary design in a manner that is contextually appropriate.

3.7 Crime Prevention Through Environmental Design (CPTED) and Plan of Management

The proposal presents Crime Prevention Through Environmental Design (CPTED) concerns that are likely to be difficult to resolve, particularly at ground level and within public domain areas. The design introduces multiple level changes and creates several isolated or inactive spaces, which

may result in poor natural surveillance.

The development combines a range of uses, including retail premises, potentially licensed food and drink venues, a hotel, co-living accommodation and residential apartments. This mix is likely to generate interaction between different and unrelated user groups, increasing the risk of conflict or safety issues if not properly managed. Further technical comments are provided at **Appendix A**.

A Plan of Management (POM) should be prepared to address how these uses will operate together and to identify and mitigate potential conflicts. The POM should be consistent with, and respond to, the recommendations of the required CPTED report.

3.8 Public Art

The proposal is required to incorporate public art within the proposed development in accordance with the provisions under Section E5 Newcastle City Centre – Control 19 of the Newcastle DCP 2023 (i.e. the Newcastle City Centre extends to include Wickham). The provision of quality public art outcomes requires consideration of a Public Art Strategy early in the design process, this is particularly important on this site given its prominent location and need for design excellence. CN requires submission of a Public Art Strategy and endorsement by CN's Public Art Standing Committee (PASC) prior to determination of the application.

Public art offerings must be distinct and separate from architectural design elements of the proposed building and its associated public domain areas. It must constitute a clearly separate and additional feature to the architectural elements of the proposal and must be valued at a minimum of 1% of the capital cost of the development.

3.9 Infrastructure Contributions

CNs Section 7.11 Development Contributions Plan applies to the proposed development. Contributions will be calculated based on the number of bedrooms per unit. Applicable rates are published on CN's website: [Contribution Plans - City of Newcastle](#).

Development contributions are payable in addition to community infrastructure contributions under the Wickham Community Incentives Plan (WCIP) or Affordable Housing Contribution Scheme (AHCS).

4. Engineering

4.1 Servicing, Access, Car parking, and Public Domain

CN has significant concerns regarding parking provision, servicing, traffic impacts and public domain outcomes.

The proposal includes a substantial shortfall in car parking against applicable requirements, approximately 257 spaces across hotel, residential, visitor and ancillary uses. The proposal does not adequately address motorbike or bicycle parking, and it is unclear how parking will be allocated and managed across the development.

In addition, unresolved traffic and safety issues remain, including intersection performance, vehicle access design and pedestrian risk. There are also material gaps in servicing arrangements, including the absence of dedicated facilities for pick up and drop off, deliveries, waste management and emergency access.

Limited detail is also provided on public domain upgrades, cycleway connections and integration with the surrounding street network. Collectively, these matters indicate the proposal does not meet key requirements and requires substantial further resolution. Further detailed technical comments are provided in **Appendix A**.

CN is undertaking a comprehensive assessment of the proposed public domain works and streetscape works due to impacts to CN assets. Following completion of this assessment, further information will be provided under separate cover by 30 June 2026.

4.2 Street Trees

The proposal needs to provide five replacement street trees as compensation for the street trees removed by the proposal to CN's requirements. Additionally, two existing street trees need to be protected during construction. Further detailed conditions can be provided should the proposal be supported by DPHI.

4.3 Flood Management

The Flood Impact Risk Assessment (FIRA) prepared by Stantec has been reviewed. The review compared this current SSD proposal with the previous approved DA. It is confirmed the site is a flood storage area based on the BMT WBM (2012) City Wide Floodplain Risk Management Study, 1 % AEP Flood Impact Category.

The previously approved development for this site had a generous setback to the Charles Street frontage, approx. 2.5m in width and entire length approx. 52.3m, up to the Dangar Street interface, with an area of approx. 131m² being clear of any obstruction. This allowed unrestricted flood storage area. Based on this, the impacts associated with the displacement of the flood storage was deemed minor in nature and within acceptable criteria as set in the DCP 2012.

In comparison, this proposal has zero setback to the Charles Street property boundary. The FIRA report nominates part of the loading dock driveway areas as flood storage, however there are roller doors at both ends of the loading dock, which provides a physical barrier to floodwaters.

Therefore 100% flood storage is diverted onto the surrounding environment and is not supported. The proposal has not adequately addressed the requirements to retain flood storage areas. The 100% loss of flood storage area and the offsets proposed in the FIRA do not justify the loss of flood storage areas. Further, the comparisons in the submitted FIRA between this SSD and the previously approved development, are not equitable or accurate.

CN notes the submitted BG&E Water Cycle Management Report and Civil Plans state provision of flood storage areas and provision of stormwater systems in the basement to discharge the tanks, however how the flood storage tanks will be activated at any flood event is unclear and not sufficiently justified.

CN does not support the proposed zero setback to Charles Street due to its a direct loss of approx. 131m² of unrestricted flood storage area.

4.4 Stormwater Management

The submitted BG&E Water Cycle Management Report and Civil Plans have been reviewed, and the following comments are provided.

The current design does not include stormwater run-off control, and treatment measures have been provided for the loading dock hardstand and vehicle access areas. Direct discharge over the Council footpath is not supported.

In addition, waste management activities within the loading area will require provision of a designated washing and cleaning bay/area. Washing and cleaning water run-off must be bunded, and discharge must be connected to the sewer system. Consideration should be given to stormwater reuse for washing and cleaning at the loading dock.

Similarly, no provision for stormwater run-off control and treatment measures has been provided for the basement car park access areas. Further, the basement level 3 must be provided with stormwater treatment inclusive of potential treatment of seepage ground water into the basement stormwater system. All raised planter beds must be adequately designed with discharge control and appropriately connected to the drainage system. Direct discharge over the Council and publicly accessible footway is not supported.

Further, the proposed new loading dock exit driveway on Charles Street will require an existing kerb inlet pit (KIP) to be relocated and a new KIP constructed at a suitable location. Stormwater plans must indicate the relocation of this pit.

4.5 Stormwater Discharge Connection

Stormwater from the development is proposed to discharge on Charles Street via a new kerb inlet pit (KIP) which is acceptable. However, a second discharge connection is proposed to an existing Council drainage pit located within the Station Street Through Site Link. This section of the Through Link is under TfNSW (Sydney Trains) ownership and concurrence is required for the proposed connection.

4.6 Road Drainage

Proposed new Loading Dock exit driveway on Charles Street will require an existing KIP to be relocated and a new KIP constructed at a suitable location. Other road drainage upgrade works are likely required via a s138 Roads Approval to address public domain works and potentially to mitigate localised flood impacts.

4.7 Groundwater Impacts

Groundwater is likely to be impacted by the proposal. WaterNSW must be consulted and necessary licence agreements must be obtained. If any discharges are required to CN's drainage network, then separate approvals from CN are required. In this regard, the proposal must demonstrate that discharge from dewatering activity will not impact on the environment and provide for dewatering monitoring.

5. Waste Management & Servicing

The submitted details have not resolved the issues raised in CN's previous Pre-DA advice in terms of waste, loading and servicing. Notably, the submitted Waste Management Plan (WMP) does not address how CN's waste services could adequately be collected from the site. This is an essential statutory requirement, and the development cannot rely solely on private contractors due to the provisions of the Local Government Act, 1993 (LGA). The LGA requires that CN provide waste services to the site if requested and, as such, a development cannot be made to solely rely on servicing by a private waste contractor. CN requires that all development is designed demonstrating how waste collection via CN's waste service is achieved to CN's satisfaction. CN uses heavy rigid vehicles (HRV) to collect waste. The development must be designed for waste collection using HRV and must be designed to meet HRV access in accordance with Australian

Standards AS2890.2. An amended WMP is required to address the issues raised within this advice.

The design must address safe vehicular access for HRV trucks to be able to enter and exit in a forward direction inclusive of associated vehicular turning diagrams (i.e. addressing movements within the site plus to and from adjoining streets). Waste collection will only be allowed from within the proposed building and under no circumstances will waste bins be allowed to be presented to the street as part of waste collection (this includes all waste types including residential and commercial waste).

The development must be designed in accordance with NDCP Traffic, Parking and Access and Australian Standard AS/NZS2890 series and industry guidelines for access by HRV. The design needs to ensure that sufficient waste storage is provided including the required waste streams splits for general, recycling and FOGO wastes. The design is to ensure that all waste storage is located solely within buildings and incorporates sufficient area and access for the necessary waste volumes generated by the development and the associated sized bins. It is recommended that any design be reviewed by CN's Manager Service Delivery (David Thomas 4974 6046)

The applicant must provide vehicle turning (manoeuvring) diagrams for waste/loading access to the development demonstrating that access can be satisfactorily achieved for HRV access. In addition, clear details of access arrangements for the site including HRV vehicles for waste/loading servicing.

The plans indicate a separated loading and waste collection area on the ground level however, there is no information to confirm that the ground floor has been designed to be accessed and serviced by HRV. The waste/loading area proposed is required to satisfy elements for multiple discrete uses and significant concern is raised to its suitability and ability to meet all the requirements for the proposal.

6. Environmental Health

The submitted acoustic assessment does not address the operation of the proposed retail tenancies, the hotel (and associated ballroom and function area) along with the outdoor cinema which may include licensed premises, across any time periods. Attempting to implement mitigation measures after construction can be complex and costly.

The applicant needs to provide a detailed acoustic assessment that considers the operation of these retail premises and potential licensed premises and any other businesses seeking consent to trade during the evening and night-time periods.

Further, in addition to mechanical ventilation, the design should include grease arrestors to facilitate food and drink premises as a use into the future to avoid food and health conflicts in the future.

Conclusion

CN has significant concerns regarding the impacts of the proposed development and does not support it in its current form. While CN is supportive of the broader objectives of increasing housing supply and improving housing affordability, this cannot be achieved at the expense of appropriate planning outcomes for the city.

The proposal does not represent an appropriate outcome given the range of significant issues identified. These include substantial proposed variations to height and FSR without sufficient strategic justification to support amendments to the NLEP 2012. Considerable further strategic

analysis is required to establish a clear and demonstrable nexus between increased development capacity and public benefit, and appropriately respond to the site's heritage context and strategic role within the Newcastle City Centre. CN recommends these matters be resolved prior to any progression of the proposed concurrent planning proposal.

In addition, CN does not support the proposed built form due to multiple non-compliances with the ADG, resulting in unacceptable setback, bulk, scale and massing impacts. CN raises significant concerns regarding the proposal's urban design response, especially in terms of the public domain outcomes, view impacts, architectural quality, engineering considerations (especially parking), and overall amenity outcomes. As a HDA development located within the Newcastle City Centre, the proposal is required to demonstrate design excellence; however, the combination of identified issues reflects an outcome contrary to this requirement.

CN provides the above comments for DPHI to incorporate into its assessment of the SSD. CN is available for further consultation as required. If you have any questions about the matters raised in this letter, please contact Damian Jaeger Principal Development Officer (Planning) on 02 4974 2768 or on djaeger@ncc.nsw.gov.au

Yours faithfully



Priscilla Emmett
DEVELOPMENT ASSESSMENT MANAGER

Appendix 1 – Appendix A – Additional Technical Comments
Attachment 1 – Pre-Development Application Advice – PR2026/01016

APPENDIX A – ADDITIONAL TECHNICAL COMMENTS

ENGINEERING

Servicing, Access, Car parking

The proposed development includes insufficient provision of car parking, motorbike and bicycle parking relative to the parking generation, as outlined below:

- i. There is a lack of on-site parking spaces (approx. 257 as per item ii below) for a very large-scale development, which will result in unreasonable impacts on street parking demand within the surrounding streets of Wickham, Hannell Street, Honeysuckle and Newcastle West end areas.
- ii. Non-compliance with TfNSW and CN car parking rates as indicated in the SEAR's as follows:
 - a) lack of car parking provisions for 171-bedroom hotel and 30 expected staff (required 101 (based on CN rates as per traffic report), proposed -10 spaces - lack of 91 car spaces)
 - b) lack of car parking for residential units (required – 291, proposed – 197, lack of 94 car spaces)
 - c) Zero parking proposal for Co-living (lack of 20 car spaces)
 - d) Zero parking for residential visitors (lack of 49 car spaces)
 - e) Retail (TfNSW guide – required 13 spaces, proposed 10 spaces - lack of 3 car spaces)
 - f) Lack of car share parking
 - g) Only two disabled parking spaces are proposed, which may not be adequate for this large-scale development. Compliance with BCA and AS2890.6 is questionable.
 - h) Overall, there is a shortage of approximately 257 car parking spaces based on the SEAR's guidelines, which is not acceptable.
- iii. Non-compliance with TfNSW parking guidelines and CN's DCP for servicing of the entire development as follows:
 - a) The development has not provided any specifically purpose designed provisions for hotel pick/up/drop-off taxi/Uber.
 - b) Lack of consideration of servicing for hotel and commercial/retail for purposes such as laundry, deliveries of goods/food etc. and other servicing requirements
 - c) Lack of consideration of servicing for residential and co-living use for purposes such parcel/Aust. Post delivery, uber eats etc.
 - d) No provision of wash bays – this is a critical servicing aspect for any large mixed-use development.
 - e) The development must also consider emergency services such as ambulance access, fire, health specialist etc.
- iv. Non-compliance with TfNSW Motorbike parking guidelines and CN's DCP for the entire development. Zero motorbike parking is not supported, as an alternative transport mode, there has been no consideration of this aspect which is not supported.

- v. Lack of commitment for Bicycle parking guidelines compliances and CN DCP for the entire development as follows:
 - a) The proposal has not committed to a specific bicycle parking number for all types of development, and the architectural plans do not detail this either. It is therefore inconclusive of how many and where the bicycle parking will be provided. Vague references to bicycle storage occurring on residential levels within general storage areas is unacceptable.
 - b) Provisions for bicycle parking in the public domain (private and public spaces) must be carefully located and demonstrated on plans, as the locations will be sensitive for traffic, pedestrian and cyclist movements in the area.
 - c) End user facilities including showers, change rooms and lockers must be considered for hotel staff and retail use.
- vi. Parking allocation, design and technical traffic comments are as follows:
 - a) CN is concerned there could be an inequitable distribution of residential parking spaces as there are no specifics information provided for how parking allocation will be managed.
 - b) Basement Levels B3 and B2 have five stacked parking spaces each (that is, total of 20 car spaces on two basement levels). The stacked parking allocation is critical as this could potentially imply more residential units are without car parking.
 - c) There is inadequate set-back for the roller door entry gate. Gates are required to be located at least 6m within the site to allow for security access and clear sightlines.
 - d) Concern is raised that HRV and other large vehicle entry access from Dangar Street may cause traffic safety issues at the intersection of Dangar Street/Charles Street (as per swept path plans). Noting that Charles Street between Danger Street and Bishopsgate Street will be retained a two-way and Dangar Street will remain as existing with right turn out movements onto Charles Street. It is critical that road safety and path of travel to access the Dangar Street loading dock entry access be designed to mitigate risks on the road.
 - e) The submitted traffic report has not adequately considered the traffic movements at critical intersections, being, Throsby Street signals, Wickham Street, Union Street and Railway Street, leading to/from Throsby Street, which is deemed to be critical for direct access to/from this site.
 - f) Driveway sightlines must be demonstrated for all driveways. The exit driveway on Charles Street does not have adequate sightlines with a solid wall on the north.
 - g) The methodology to implement the set recommendations as per Table 4.3 and Monitoring and Maintenance strategy in the green travel plan must be clarified.
- vii. Traffic Report (consideration of traffic generation from schools) - Concern is raised the social report has not reviewed the local public school locations based catchment areas (noting that public primary and high public school are based in the catchment area). The travel patterns to and from local primary and secondary schools therefore challenges the peak AM and PM travel patterns and such must also be considered. The lack of available parking also places an added challenge to the development.
- viii. The proposal has not met the criteria within the SEAR's in relation to public domain, streetscape, cycleway and public access and amenity works and how the development will enhance and coexist with its surrounds. The following comments are provided:

- a) There are multiple doors on Charles Street and Dangar Street opening straight onto the road reserve, thus raising pedestrian risk concerns.
- b) The submitted traffic report has not provided any detail on how the cycleway links will be formed with the surrounding road network and future planning.
- c) Landscape and architectural plans clearly lack details on how the surrounding streets will be upgraded with public domain works.
- d) The applicant's response to the Pre-DA states the approved Roads Act application will be modified and approved DAs for the site will be withdrawn. CN is not supportive of any modifications to the approved Section 138 Roads Act application which was lodged by a different party to the current applicant. This development is significantly different to the previous approved DAs/Mods. CN foresees this SSD development proposal will require major changes to the scope of road works, therefore resulting in a significantly different road design. Concern is also raised that the Roads Act approval cannot be transferred. Therefore, a separate new Roads Act application is deemed necessary, and the proponents must lodge a new Section 138 Roads Act application with Council. Noting that CN has the ability to revoke a Section 138 Roads Act approval and this may be enacted if deemed appropriate.
- e) There has been no consideration of on-street parking implications on Dangar Street and the need to provide facilities such as drop-off/pick-up zones.
- f) Concern is raised the Station Street Through Link interface to the development creates level differences and does not promote clear accessibility and pedestrian movement in the area.
- g) At minimum pedestrian setbacks must be considered for Charles Street (1.5 metres) and Dangar Street (2.5 metres).

Recent Approved SSD Comparisons

Several large-scale SSDs and DAs in Honeysuckle Precinct, Newcastle West, and Wickham have been approved and constructed in the vicinity of this site in recent years. The majority of these applications demonstrated a sustainable development by understanding the growth pattern in Newcastle and managing a balanced approach towards parking provisions.

The following recent approved SSDs are noted, which have been successfully constructed:

- a) 21-25 Honeysuckle Dr – Shop top with residential
- b) 31-35 Honeysuckle Dr – Shop top with residential
- c) 41-45 Honeysuckle Dr – Shop top with residential
- d) 42 Honeysuckle Dr – Hotel

These approved SSDs within Honeysuckle were supported with specialist traffic and parking reports, justifying why additional on-site car parking was warranted for the resident component of the proposal and made provisions for residential visitors. The reports demonstrated there is a continued dependency for high car use and on-site parking demand.

The SSD at 42 Honeysuckle Drive for a Hotel addressed how to manage and balance travel patterns for visitors, and also had a clear perspective of car parking provisions and bicycle use.

CN considers the above approved and constructed SSDs are great examples where a sustainable and balanced approach to transport planning is demonstrated, and a similar philosophy must be considered by DPHI for this proposal.

PLANNING

ADG - Residential Apartments

Communal Open Space

CN raises significant concerns regarding the adequacy and functionality of the proposed communal outdoor space for the residential apartments. The tower form overhangs in the vicinity of 50% the communal open space area.

Based on the submitted details, the proposal does not meet the requirements of the ADG in terms of the area required for communal open space. The submitted documentation does not demonstrate the communal open space is fit for purpose, nor does it provide sufficient detail to enable a comprehensive assessment. In particular:

- There is no sectional information provided to establish the vertical dimensions or spatial quality of the outdoor communal area (needs at least an additional level of height over to support the height of space required for intended purpose).
- There is an absence of analysis demonstrating the extent of solar access, as follows:
 - hours of direct sunlight received; including the extent of how deep within the space this is achieved, and
 - the extent of overshadowing, including the depth of building overhang into the space.

Without this information, it is not possible to verify whether the communal outdoor space will achieve acceptable levels of amenity, usability, or environmental quality, particularly in the context of a high-density residential development.

Internal Communal Space (Level 17)

The inclusion of a secondary communal indoor space at Level 17 is supported in principle, as it provides an alternative shared facility for residents, particularly those located at upper levels of the building. However, CN has concerns regarding its siting and resultant amenity.

The space is located on the south-western corner of the tower, resulting in limited or negligible solar access; and restricted outlook, with no meaningful views toward the harbour or coastline. Given some apartments within the development do not benefit from high-quality solar access or views, communal facilities should be strategically located to offset these deficiencies. In its current form, the Level 17 communal space does not achieve this objective and is unlikely to provide a high-quality shared amenity for residents.

The affordable housing apartments within the development are located on Levels 12-16. As the Level 17 communal space is located above these apartments, all residents of these apartments within the development must be provided with access to this space.

CN considers that communal open space must be designed to support passive recreation, social interaction, and resident wellbeing, and these outcomes must be clearly evidenced through appropriate architectural documentation and environmental analysis.

Apartment Design

Apartment Layout

The apartment layouts are not consistent with the ADG. Bedrooms are not to be located with direct access from living space (i.e.. Apt 41.01, 3 bedroom penthouse has two of the 3 bedrooms with doors providing access directly from the living room).

There are privacy concerns between apartments, for example Apt. 41.03, 3 bedroom penthouse has window from living room on a shared wall with neighbouring apartment balcony, where residents of the neighbouring apartment can directly look into the apartment from the balcony. These design outcomes are not acceptable.

Solar Access & Cross Ventilation

Solar access and cross ventilation achieved needs to be validated and confirmed. It is reinforced that compliance with the solar access requirements of the ADG is not achieved until at least 2 hrs of direct sunlight to both balconies and living room windows is met. This is required to be demonstrated via the submitted documentation.

Apartment Storage

No storage has been identified in the documentation external to the apartments.

Additionally, all apartments need to demonstrate that 100% of the volume required internally per apartment, based on the number of bedrooms, is to be provided excluding any storage within bedrooms, bathrooms and the kitchen. This needs to be clearly demonstrated for all apartment types within the building outlining the storage location and volume. Currently the documentation does not demonstrate the required storage volumes are able to be achieved within the apartments.

Air Conditioning Units

Provide confirmation that air conditioning units are not located on individual apartment balconies. Originally, as presented to the SDRP, air conditioning units were not located on individual balconies. The submitted details appear to show the proposed air conditioning units in conflict with structural columns required by the design.

Location of the air conditioning units are to be specified within the documentation to confirm these are not located on the balconies. The positioning of the air conditioning units on the proposed balconies, considering their shape and layout, would only have further impact on their amenity and functionality for future residents. The option of condenser rooms on each floor should be considered, or the air conditioning should be located on the roof in the services area, which formed part of an earlier proposal for this site.

ADG Design Excellence

Considering that the proposal is seeking significant uplift in height and FSR, 100% compliance with the ADG should be achieved. Development should be of a very high standard of design excellence, and provide a high standard of amenity, rather than limited compliance. Based on the current design, the proposal does not warrant support having regard to the urban design and ADG issues and, more so, the proposed significant exceedances of height and FSR should not be entertained.

Co-Living Rooms

Communal Open Space

CN has reviewed the proposed communal open space provisions for the co-living component of the development and raises concerns regarding the quality, functionality, and amenity outcomes of these spaces.

Based on the submitted details, the proposal does not meet the requirements of the ADG in terms of the area of required communal open space. Inaccessible roof top gardens should not be included within the communal open space area calculations.

The proposed communal open space areas do not incorporate meaningful landscape planting within accessible areas. The current design relies on a green roof that appears to be physically or functionally disconnected from the usable communal space, limiting its benefit to residents.

The communal open space should include integrated soft landscaping, such as planting, to achieve improve environmental quality and microclimate, enhance visual amenity; and provide a tangible and accessible benefit to residents. The absence of planting results in a space that is overly hard-surfaced and unlikely to support comfortable, high-quality communal use.

Further, the spatial arrangement of the communal open space does not demonstrate it is designed to accommodate a range of user groups and activities. Communal areas within co-living developments should be articulated and broken up into smaller zones, capable of supporting both group interactions and individual use; and designed to provide choice and flexibility for residents. In its current form, the space appears overly generic and does not provide the diversity of settings expected in a co-living environment.

CN also notes concerns regarding the smaller communal deck spaces located on the other co-living levels. Based on the submitted information these areas do not appear to include landscape elements or integrated design features; and they rely primarily on loose furniture to achieve amenity outcomes.

This approach is not supported, as it does not demonstrate a durable or well-considered design response. Communal spaces should incorporate built-in elements and landscape design to ensure long-term functionality, usability, and visual quality.

Co-living room layouts

DCP 2023 requires livable housing platinum level standard to be provided to all co-living rooms. The documentation provided does not demonstrate this is achieved.

General Comments

Materials & Finishes

Materials and finishes of the building are not adequately identified and documentation is ambiguous, for instance details of the elevations and the tower external walls being “a concrete look finish”. There is no clarity on what this means and how it is proposed to be achieved.

Architectural details

The notes on the architectural documentation, on the detailed apartment layout sheets suggest the kitchen layout to be approved following approval of layout, and glazing arrangement to be approved following approval of the layout. These details must be considered and included in the documentation.

The kitchen layout for instance needs to demonstrate how the apartment can be utilised and what may or may not be satisfactory when considering all the amenity elements of an apartment. Leaving a significant portion of the apartment layout or living layout such as a kitchen which is “the hub of the home” does not demonstrate how this works within the overall apartment layout space and should not be excluded from the current assessment. It is essential aspect of the floor layout design and consideration of the ADG criteria. It is integral to the successful amenity of the design and the future residents.

Connecting with Country

The proposed needs to provide for actual meaningful and genuine Connecting with Country components that have been incorporated into the proposal observing Government Architect’s Connecting with Country Framework 2023. It is unclear what actual elements have been submitted demonstrating these principles are addressed within the submitted development.

CRIME PREVENTATION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Proposed laneway adjacent to Newcastle Interchange

The proposed laneway is in a highly sensitive location due to its direct relationship with Newcastle Interchange, the proposed residential lobby, retail frontages and future pedestrian movement towards the waterfront and Honeysuckle West.

The laneway is a pedestrian extension of Railway Street, and should not be understood as a minor pedestrian connection or residual space between buildings. It forms part of a broader movement corridor between Newcastle Interchange, Hannell Street, Station Street, and the waterfront, and is expected to see increased pedestrian movement as surrounding development intensifies. This means the laneway will serve as a significant movement predictor at a major transport interchange.

Movement predictors require particularly careful CPTED consideration because they attract predictable pedestrian movement through confined spaces and increase interaction between commuters, residents, visitors and people moving through the city centre. This risk has been clearly outlined in the CPTED report.

Importantly, users of the space are not choosing whether to enter it. People will be required to move through the laneway to access surrounding destinations, including the station.

The current arrangement creates a risk that the laneway will operate as a partially concealed transitional space directly adjacent to:

- a major transport interchange;
- residential lobby entries;
- retail frontages;
- bicycle parking and storage areas; and
- future late-night pedestrian movement associated with the station and waterfront precinct.

- Poorly resolved transport-adjacent spaces can become locations where:
- antisocial behaviour occurs outside passive surveillance;
 - offenders utilise concealment opportunities created by level changes, planting, columns and shadow;
 - people feel trapped or unable to move away from conflict due to narrow spaces;
 - vulnerable users avoid the space, particularly at night;
 - graffiti and malicious damage increase due to reduced visibility and guardianship which in turn increases negative perceptions of the space; and
 - residential security is compromised through tailgating and excuse-making opportunities.

These risks are amplified where concealment occurs directly adjacent to movement corridors. The issue is therefore not simply whether the laneway is technically compliant. The issue is whether the public-domain design creates a space that people can intuitively understand and feel safe and be safe in.

For this reason, the laneway needs to be designed as a primary public domain interface associated with Newcastle Interchange rather than as two spaces between the station and the proposed development as currently proposed.

Key design concern

The current design appears to create two visually and physically separated laneway spaces:

- a lower level adjacent to the station and its access point from the laneway, noting the lack of passive surveillance opportunities from the station due to blank walls that flank this laneway; and
- a higher level adjacent to the proposed development, which includes the residential lobby and retail frontages.

The proposed planter between these two levels appears to obstruct sightlines into the lower part of the laneway and vice versa. The level change in conjunction with the planter, results in reduced visibility between users within the space. The CGI representing the laneway clearly demonstrates this breakdown of sightlines alongside the plans.

Combined with the level change, large-format columns and landscape treatment, the design creates layered visual obstruction and is likely to form a concealed space along the movement predictor to the station entry. This outcome is inconsistent with the CPTED objective of creating a safe, legible and well-surveilled public domain.

Comments on the CPTED report

The CPTED report provides a useful and thorough crime risk analysis for the development typology. However, it does not appear to analyse the detailed spatial risks resulting from the design of the laneway itself.

A more detailed CPTED analysis in the report of the proposed spatial arrangement would have helped identify the risks associated with the current design and informed more direct recommendations for redesigning the space. Several statements in Section 5.2.1, Public Domain, appear to rely on assumptions not supported by the current design. In particular:

- The report states that the public domain enhancements unify permeability and activation. However, the level changes and visual separation between the station edge and the proposed development compromise the quality and safety of that permeability.

- The report states that the public domain has been designed to reduce blind spots and concealment opportunities. However, the planter, level change and columns appear to create a concealed lower area adjacent to the station access.
- The report states that the through-site link enables seamless and intuitive transitions across the ground plane. The current level changes do not appear to provide a seamless or intuitive pedestrian experience, either visually or physically.
- The report refers to demarcating public and private areas. However, the laneway should be understood and designed as a single cohesive public movement corridor. Emphasis on territorial differentiation between the station-side and development-side interfaces should not undermine the readability, visibility and cohesion of the laneway as one continuous public space.
- The report states that planting edges and walls are at or below seated height to preserve sightlines. While some individual elements may be low, the combined effect of the level change, the seating and planting appears to obstruct views into the lower part/station side of the laneway.
- The recommendation to maintain landscaping to avoid obstruction of views appears to be inconsistent with the proposed planter arrangement.

CPTED risks if unresolved

If the design is not resolved holistically between the applicant, Council and TfNSW, the laneway may create:

- a concealed and poorly supervised space on or adjacent to TfNSW land;
- increased risk of assault, steal from person, sexual offences and malicious damage;
- increased graffiti and maintenance costs;
- reduced perceived safety for station users, residents, retail users and pedestrians and avoidance of the area;
- increased risk of tailgating at the residential lobby if the entry is obscured or poorly managed;
- wayfinding issues where visibility to the station access is reliant on signage rather than viewlines to the entry;
- accessibility risks if movement through the link is not direct, legible and reasonably accessible;
- potential DDA related claim if accessible movement is restricted, overly complicated or poorly resolved;
- increased pedestrian conflict and safety concerns associated with fastmoving e-bikes and scooters, particularly if the space includes tight turns, blind corners, constrained paths, level changes or areas that encourage tricks.

Design requirements

The laneway must be redesigned and coordinated as a single integrated public domain space between the development and Newcastle Interchange.

The following design matters require resolution:

1. Sightlines through the laneway

- The station access must remain clearly visible from Hannell Street and from within the laneway itself. Wayfinding should not rely primarily on signage where direct visibility can be achieved through design.

- The current planter arrangement should be redesigned or removed as it visually separates the laneway into two spaces and obstructs surveillance between the upper and lower levels.
- The combined impact of level changes, planter walls, planting, trees and oversized columns must be reassessed collectively, rather than as individual elements, due to their cumulative impact on surveillance and concealment.
- The applicant should provide 3D modelling demonstrating pedestrian sightlines through the laneway portraying the landscape lifecycle (from installation to maturity) and in conjunction with night-time lighting conditions.

2. Resolution of level changes

- The current level arrangement creates a visually and physically separated lower level space adjacent to the station entry.
- The level transition between the station side component and development side component of the laneway must be redesigned to maintain direct visibility across the space and provide intuitive pedestrian movement.
- Further coordination with TfNSW is required to investigate whether the station side levels can be modified to better align with the proposed development levels.
- The current justification that the station levels are “fixed” is not sufficient where the resulting public domain creates unresolved CPTED and accessibility risks.

3. Single cohesive public space

- The laneway must function and read as a single public movement corridor.
- The current design and CPTED assessment appear to treat the station side and development side portions of the laneway as separate environments. This approach is not supported.
- Public/private differentiation measures should not create visual or physical separation within the laneway itself.

4. Residential lobby interface

- The residential lobby entry must remain clearly visible from the laneway.
- Oversized columns adjacent to the lobby should be reviewed as they create opportunities for concealment and tailgating.

5. Lighting and concealment

- Lighting design must be integrated with the architectural and landscape design during the early design phase.
- Lighting and landscape design should be coordinated concurrently to ensure vegetation, columns and structures do not create shadowed concealment spaces.
- Concealment spaces are not limited to physical barriers/alcoves and can also be created through shadow, poor illumination and inconsistent lighting conditions.

- Lighting should support facial recognition by other pedestrians, passive surveillance and CCTV performance. As a guide, lighting conditions should enable identification of a person's face from approximately 15 metres away.
- Bollard lighting alone is not supported as it primarily illuminates the ground plane rather than faces and vertical surfaces.

6. Accessibility and pedestrian movement

- The laneway must provide direct, legible and reasonably accessible pedestrian movement between Hannell Street, Newcastle Interchange and Station Street.
- The current arrangement appears to create unnecessary complexity in movement through the laneway.
- Accessibility should not rely on indirect or secondary paths of travel where a more intuitive and equitable outcome can be achieved through redesign.

7. E-bike and scooter conflict

- The laneway should be designed acknowledging the increasing use of fast moving e-bikes and scooters within the public domain.
- Adequate space must be provided for pedestrians to safely move through and avoid conflict.
- Tight turns, concealed corners, abrupt level changes and constrained movement zones should be avoided.

Construction and hoarding

- The existing hoarding and black fabric screening adjacent to the station currently creates concealment spaces and should be reviewed from a CPTED perspective.
- There are no sightlines to either end of the tunnel, and the Station Street exit cranks to the right, then left, increasing perceptions of fear. Mirrors or other measures to improve sightlines and wayfinding are needed.
- The black fabric is not visually permeable, and while views to the construction site are not necessary, a more transparent material could allow for views into the current concealment spaces, bike storage space and towards the station entry. A lighter colour would also boost natural and artificial lighting outputs and can reduce the visible of graffiti.
- The lighting was not on at 4:30pm in the afternoon during the site visit when it was heavily overcast and raining. The black hoarding increased the perception of darkness and should either be turned on earlier or include a light sensor.
- Temporary works and construction arrangements should not be treated separately from public domain safety outcomes.
- Temporary path of travel arrangements should have the same level of visibility, lighting and passive surveillance throughout the construction phase as the post construction phase.

CPTED recommendation

Further negotiations with TfNSW are recommended to resolve the levels, sightlines, accessibility and public domain design of the through-site link as one integrated space.

The current arrangement should not be accepted on the basis that the station level is “fixed” and unable to change, unless the resulting public domain is demonstrated to be safe, legible, accessible and capable of supporting clear surveillance between the station, laneway, residential entry and surrounding streets.

It is in the interests of both the developer and TfNSW to integrate their adjoining spaces to ensure neither entity is exposed to claims in relation to inequitable accessibility or victims of crime that a coordinated public domain design could have prevented.

PRE-DEVELOPMENT APPLICATION

16 April 2026

UPG Wickham Pty Ltd
[REDACTED]
[REDACTED]
[REDACTED]

Reply by Email: [REDACTED]

Dear Matthew

Pre-Development Application No:	PR2026/01016 (SSD-89869959)
Land:	Lot 1 DP 1197377
Property Address:	10 Dangar Street Wickham
Proposed Development:	Construction of a 43-storey (plus plant) mixed use tower, comprising residential apartments, co-living apartments, ground floor retail, hotel component and concurrent rezoning proposal via a SSD application.

1.0 Introduction

I refer to the Pre-Development Application meeting held online 31 March 2026 with City of Newcastle ('CN') officers in respect of the above development.

The following planning advice and information is provided to assist in the preparation of a development application for a State Significant Development (DA-SSD). The advice consists of:

- Responses to the key issues nominated on the application form, as well as other matters that are considered to warrant further detail, consideration, or amendments prior to the submission of a DA, and
- Statutory matters that will be considered during the assessment of a DA, including the category of development according to the *Environmental Planning and Assessment Act 1979*, ('EP&A Act 1979') options for integrated development, applicable planning controls, submission requirements and methods of determination that apply to the proposal.

The comments and views expressed in this letter are based on the plans and information submitted for preliminary assessment and any information gathered at the above meeting.

The views expressed may vary once detailed plans and information are submitted and formally assessed in the DA process, or because of issues contained in submissions by interested parties.

CN has significant concerns regarding the development's substantial departures from key development standards under the Newcastle Local Environmental Plan (NLEP2012) and the outcomes achieved in terms of affordable housing and the intent of *State Environmental Planning Policy (Housing) 2021*. The proposal increases the height and density (FSR) of the development resulting in greater impacts on the locality.

The impacts arising from the proposed height and FSR increases are further compounded by design issues arising from the Apartment Design Guidelines (ADG), engineering, public domain, waste and servicing issues. The resulting character, height, bulk, scale and density, particularly in relation to adjoining sites, are excessive and lead to unreasonable and unacceptable impacts. In its current form, the proposal is not considered to be in the public interest.

Notwithstanding these concerns, CN has undertaken a review of the application and provides the following advice in relation to the submitted information.

It is further noted that during the PreDA meeting the applicants presented an architectural design which was slightly taller than the plans submitted with the PreDA application. It is confirmed that this advice is based solely on the submitted details.

2.0 Key Issues

In response to the key issues stated on the application form and discussed at the meeting, the following advice is provided:

2.1 Height & FSR

The allowable height and FSR under the NLEP is 45 metres and 6:1 respectively. The proposal is located within 'Area E' under the NLEP and, via clauses 7.9 and 7.9A, the allowable height can be increased to 70 metres and FSR to 7:1 where the consent authority is satisfied sufficient community infrastructure for Wickham has been included (see Wickham Masterplan 2021, Wickham Community Infrastructure Plan 2023 & Community Infrastructure Incentives Policy 2025) and the proposal is consistent with the objectives of the clause.

The proposed additional height and FSR is very significant and would represent the tallest building within the Local Government Area. Despite this, no comprehensive assessment has been undertaken giving regard to the wider combination of the Newcastle City Centre, Honeysuckle and Wickham areas and the context of this proposed height and FSR increase. Conversely, the proposal appears to be largely developed in isolation of the existing comprehensive planning controls and the strategic planning intent for the wider area. CN considers that the proposed height and FSR increases are far too great to be justified in this instance having regard to the wider urban form context and planning outcomes allowed.

The proposal has height of approximately 149 metres and a FSR of 14.4:1 (it is noted that a slightly taller proposal was presented at the Pre-DA meeting which did not form part of this PreDA assessment). It is confirmed that the height needs to be measured in accordance with the *building height* definition under the NLEP, ensuring height is measured from existing ground level.

CN advises that the proposed height in respect to cl7.9 and cl7.9A does not provide sufficient community infrastructure, nor meet the clause objectives. The applicant's submission references

Wickham Community Infrastructure Plan 2023 but this Plan is in context of a proposal at the 70m/7:1 'bonus' level and does not address a development which is now proposed at more than double the 'bonus' provisions. It has not been demonstrated that sufficient community infrastructure necessary for Wickham has been proposed commensurate with the scale of the proposal and its exceedances beyond the intended strategic outcomes adopted within the NLEP. Additionally, the proposal at more than twice the intended height and FSR, is not consistent with the objectives of the clauses as the height and FSR is well beyond the intended desired future character. The intensity of the development is not proportionate with the capacity of the existing and planned infrastructure.

It is further noted that the 'zone for services' (i.e. plant) is considered to be excessive at 4.7 metres in height and this should be minimised within the design.

2.2 Design Excellence/Architectural Design Competition

The proposal is within the Newcastle City Centre under NLEP and Part 7 of the NLEP applies to the development in terms of design excellence and related design competition.

The proposal exceeds the height for an architectural design competition under cl 7.5 of the Newcastle LEP 2012 (i.e. 48 metres). No waiver to a competition has been provided under cl7.5(5) NLEP. Similarly, no draft Alternative Design Excellence Strategy (ADES) has been provided nor any endorsed ADES.

It is further confirmed that the proposal needs to demonstrate that it achieves design excellence provisions under Part 7 of the NLEP including cl7.5 and the objectives and the criteria under cl7.5(3). It is confirmed that cl7.9 and 7.9A does not exclude cl7.5 applying to the proposal, these clauses only specifically exclude the 'bonus provisions' under cl7.5(6) as additional height and FSR is already available via cl7.9 and cl7.9A (i.e. so to avoid 'double dipping').

Based on the issues raised within this advice, it is considered that the proposal does not meet the design excellence provisions of Part 7 of the NLEP.

2.3 Waste Management, Servicing & Public Domain

General comments

Waste collection and waste storage must be appropriately designed within the site. Under the *Local Government Act*, 1993 CN charges waste levies and therefore has an obligation to service the development for waste collection.

CN uses heavy rigid vehicles (HRV) to collect waste. The development must be designed for waste collection using HRV and must be designed to meet HRV access in accordance with Australian Standards AS2890.2.

The design must address safe vehicular access for HRV trucks to be able to enter and exit in a forward direction inclusive of associated vehicular turning diagrams (i.e. addressing movements within the site plus to and from adjoining streets).

Other services such as loading/unloading must be considered for the entire building needs including commercial and hotel use.

The development must be designed in accordance with *NDCP Traffic, Parking and Access* and Australian Standard AS/NZS2890 series and industry guidelines for access by HRV.

The design needs to ensure that sufficient waste storage is provided including the required waste streams splits for general, recycling and FOGO wastes.

It is recommended that the proposal be discussed with David Thomas (Manager Service Delivery from CN's Waste Management (4974 6046) regarding waste collection and waste design requirements.

General Design Comments

The design must address the following requirements:

- a) Vehicle turning (manoeuvring) diagrams are required for waste/loading access to the development demonstrating that access can be satisfactorily achieved for HRV access.
- b) Clear details of access arrangements for the site including HRV vehicles for waste/loading servicing. It is unclear of the directions of travel proposed and the resulting impacts such as on the street system and suitability of vehicular access.
- c) Loading bay provisions for different sized vehicles (HRV/MRV/SUV) needs to be detailed, demonstrating adequate length/width and clearances be provided in accordance with AS2890.2.
- d) Mail area is noted to be accessed from southern entry adjoining Station St (through link). The design should consider how service providers such as Australia Post will undertake regular mail and parcel delivery.
- e) Parcel drop-off area should be detailed within the design.
- f) The Hotel component of the development must consider how patrons and other users will be dropped off/picked up including access constraints through the train corridor. Any design which increases conflicts in this respect would not be supported.

Overall, the plans indicate a separated loading and waste collection area on the ground level however, there is no information to confirm that the ground floor has been designed to be accessed and serviced by HRV. The waste/loading area proposed is being required to satisfy elements for multiple discrete uses and concern is raised to its suitability and ability to meet all the requirements for the proposal.

Please also see further comments below under 'Driveway and Access Design' for issues relating to the location of the proposed loading bay driveway on Dangar St.

Other Servicing

CN assumes that other service vehicles for commercial uses, the hotel and other users of the site such as removalist vehicles etc, requiring larger vehicles, will be co-using the proposed waste/loading bay. The multi-use of loading bay for other services is supported.

Furthermore, recent traffic studies have shown that new developments must consider the provision for parcel/package drop-off and mail services and removalist access vehicles – these aspects must be addressed in the design of the proposal.

Driveway and Access Design

Two new driveways are proposed from Dangar St and one new driveway from Charles St frontage. The southwest Dangar St driveway and Charles St driveways are for loading/waste collection purposes, while the southeast Dangar St driveway is a two-way access for the basement level car parking use.

Driveway locations are generally set from tangent points as indicated in Figure 3.1 of AS2890.1 and heavy vehicle access driveways must be designed to AS2890.1.

The development must demonstrate compliance with the Australian Standards via use of existing road alignment scenario, rather than dependency on public domain approaches.

The following design issues need to be addressed:

- a) Dangar St southwest driveway for the loading dock seems to be within a critical location and the following concerns are raised.
 - HRV movements to/from Charles St into/out of the Dangar St loading dock driveway may pose added risks to other road users (noting that a two-way cycleway will be required on Dangar St as per Wickham Public Domain Plan).
 - The southwest loading dock driveway location does not meet AS2890.1 Figure 3.1 compliance based on existing kerb alignment.
- b) All three proposed driveways do not meet AS2890.1 Figure 3.3 minimum sightlines compliance requirements, and compromises safety at the driveways and footway areas. Splays must be provided in accordance with Australian Standards.
 - At the corner of Dangar St/Charles St, the Ground Level building footprint extends to the property boundary. Proposed building design compromises sightlines and safety at this corner for pedestrian, cyclist and vehicles.
 - Setbacks and splays are recommended.
- c) There are doors to the west of the loading dock and basement driveway on Dangar St driveways and a door on the north of Charles St driveway. Safety concerns are raised as the doors will lead pedestrians directly onto the driveway area and hinder sightlines.
- d) The public domain streetscape proposal has not been endorsed by CN. Dependency on the kerb extensions and footpath widening to achieve compliance for driveway locations and sightlines compliance are not supported. (Note: flooding constraints also affect the road areas).
- e) Dangar St driveways are approx. 6.5 – 7m in width with overall length of over 13.5m. Dangar St is to be designed as a civic street, with cyclist and pedestrian amenity. Thus, the driveways and vehicular traffic generated by this development will generally dominate Dangar St at street level.
 - CN require that alternative driveway design options should be explored which mitigates impacts to streetscape and dominance of driveways in a civic street.

As no vehicular turning and manoeuvring plans have been submitted, with no information on HRV and service vehicle parking layout within the loading area, it is difficult to provide further comments.

- Public domain and streetscape works, including kerb and footway widening and associated works, as indicated in the landscape plans, requires further consultation and endorsement by CN.

In this regard, proposed development depends heavily on the streetscape works and kerb extension to achieve compliance for driveways, sightlines and safety purposes.

- CN requires that the development be redesigned to not place high dependency on streetscape works to achieve Australian Standards compliance for driveways and sightlines requirements.

Public Domain and Streetscape

Submitted landscape plans detail that proposed public domain streetscape works within the road reserve will be completed by others, whereas the Pre-DA information states that public domain will be completed by the applicant.

CN requires that the proposed public domain road works must be undertaken by the applicant as part of the development, as a requirement under the Roads Act.

A review of the landscape and architectural plans highlights that landscape features and structures have been designed over the road reserve (including features such as planter boxes, leading steps and other associated structures). Achieving these outcomes may be difficult and requires the applicant to undertake further detailed consultation with CN.

The proposal's public/private coordinated streetscape design approach will require many internal and external stakeholders to be involved in the overall decision-making process. Subsequently, additional comments and issues may arise as a result. Additional associated approvals may also be required by the relevant statutory committees/agencies in this respect.

Public notification and consultation may also be required as legislated under the Roads Act. Further to this, TfNSW consultation and concurrence will be required for the design (e.g. along the train station and Hannell St frontages).

The assessment and approval of the proposed public domain works may take considerable time which is further exacerbated by the extent to which the development is dependent on the public domain outcomes for aspects such as driveway design (see above) and associated environmental impacts to be addressed such as flood impacts (see flood management).

CN recommends that the applicant undertake further investigation and consultation with CN early to progress any concept public domain proposal.

Issues to be designed in terms of the public domain:

- There are a number of doors opening onto the road reserve, which poses danger to pedestrians and added risks. Doors must be designed to fully be located and opening within the site and must not encroach on the public road reserve.
- Handrails and tactile measures associated with the private steps at the Charles St/Station St and Dangar St/Hannell St interfaces will require redesign to avoid unduly encroaching over the road reserve. The design must be amended to address these impacts.

Concern is raised that Dangar Street will be dominated by vehicles (esp. HRV and service vehicles). This will be exacerbated in terms of streetscape where roller security gates for the basement access and the loading dock roller gate (at 4.5m height) are proposed.

The Wickham Public Domain Plan and Wickham Masterplan provide detailed streetscape design criteria (see https://newcastle.nsw.gov.au/getmedia/261ea8d8-7d10-4472-b78e-070d895d957c/Wickham-Public-Domain-Plan-Final-December-2023_web.pdf) which must be considered in the design.

3.0 Other Issues

In addition to the key issues discussed above, the following matters are considered to warrant further detail, consideration, or amendment prior to the submission of a development application (DA):

3.1 PLANNING

3.1.1 Strategic Planning

Key Site Identification and HDA Pathway

As the HDA pathway is being utilised for the concurrent planning proposal (CPP) and SSD, CN requests that the site be identified as a Key Site on the Newcastle City Centre Map, to ensure:

- a) Site-specific provisions are transparent and clearly justified,
- b) Development outcomes are secured through the LEP framework, and
- c) Strategic objectives for the Newcastle City Centre are maintained.

Site-Specific Provisions

CN supports the creation of a new site-specific clause within Part 7 of the NLEP 2012. This new clause should:

- a) Include clear objectives aligned with the HDA pathway, including affordable housing delivery.
- b) Explicitly require the provision of public benefit commensurate with the additional development capacity above the existing incentives policy.
- c) Establish measurable and enforceable development outcomes.
- d) Clearly articulate the intended built form, scale and character.
- e) Lock in outcomes that achieve the objectives of Part 7 of the NLEP, particularly in relation to heritage, design excellence, sustainability and public benefit.
- f) Avoid reliance on broad or permissive controls that do not provide certainty of outcome.

If the site-specific provision does not directly reference an approved development scheme (for example, “development in accordance with SSD-XXXX, including approved architectural plans and a Voluntary Planning Agreement”), then the LEP provision must clearly specify:

- a) The minimum requirements that apply where development exceeds the existing 45m height and 6:1 FSR controls.
- b) The nature and quantum of affordable housing, public domain works and/or other public benefits required.
- c) Built form parameters sufficient to guide future development outcomes.

CN considers the proposed LEP amendment lacks the necessary certainty and rigour expected for site-specific planning controls within the Newcastle City Centre.

Planning Agreement for public benefit

The site is mapped as 'Area E' in Floor Space Ratio Map - Sheet FSR_004G and Height of Buildings Map Sheet HOB_004G. It is subject to Clause 7.9 of Newcastle Local Environmental Plan 2012 which triggers community infrastructure contributions for additional residential floor space (above existing controls e.g. HOB of 45m). Refer to Wickham Community Infrastructure Plan December 2023.

The incentive GFA rate for certain development sites in Wickham is \$617.37 per square metre. This reflects the December 2025 CPI quarter.

3.1.2 Character/Planning Outcomes

The design of the proposal is situated on a relatively small site considering the scale of the proposal and the resultant planning and character outcomes achieved on the site are not consistent with the strategic planning outcomes envisioned by the NLEP and the future desired character for the area. The various issues arising from the design of the proposal are symptomatic of the site's constraints and limitations (especially access and servicing).

3.1.2 Urban Design/Apartment Design Guidelines ADG)

The proposal raises a number of concerns in terms of its design/ADG outcomes as detailed below. These issues should be considered in conjunction with the previous advice from the State Design Review Panel (i.e. 28 November 2025 and 20 February 2026):

- a) Interchange – Concern is raised in terms of the proposal's interaction with the Newcastle Interchange. The development needs to be designed to promote public domain, pedestrian and visual interaction with the Newcastle Interchange as opposed to the design dominating the Interchange.
- b) Communal Open Space – Concern is raised that sufficient open space is provided for the residential apartment residents. Additionally, how open space is provided and managed between the differing elements (i.e. hotel, co-living and residential apartments) needs to be addressed. It would not be appropriate that these communal open space areas be combined or overlapped, especially by hotel guests in what would otherwise be private resident spaces.
- c) Deep Soil Areas – The proposal has not sufficiently demonstrated that the proposed achieves the 7% deep soil areas.
- d) Universal Housing – It is confirmed under NDCP that 20% of the residential apartments and 100% of the co-living is to achieve platinum level liveable housing.
- e) Cross Ventilation - The design details have not demonstrated how cross ventilation is achieved including window design details.
- f) Solar Access & Shadowing – It has not been sufficiently demonstrated that the proposal achieves the 70% solar access to proposed dwellings under the ADG. Concern is raised with the number of dwellings achieving two hours of direct sunlight. Further details are to be submitted to demonstrate the accuracy of the results/ calculations stated on the shadow views (for example, 3D solar access 'point of view' visualisations at 15min internals) and overshadowing analysis during the June 21 winter solstice is required. Concern is raised regarding shadowing impacts on surrounding development (e.g. on The Store and the Government building adjacent the Interchange).

Landscaping – The ground floor landscaping adjacent the Newcastle Interchange will be in constant shadow from the proposed tower. Concern is raised that suitable landscape outcomes cannot be achieved in this instance as shown in the submitted landscape details.

The landscaping is to ensure year-round usability of the site and communal open spaces should be of high quality, with adequate landscaping being essential. In line with Part 3D Communal and public Open Space of the ADG, well-considered landscaping design is crucial for supporting a variety of activities for both individuals and groups, while also responding to site-specific conditions by providing shade and shelter.

- g) Balconies/Private Open Space & Wind Loading – Concern is raised, resulting from the round design of the floorplates, regarding the shape and functional use of the balcony spaces. This may need to be rationalised to ensure effective usable spaces for future residents. The overall design of the balconies, inclusive of any structures such as fins/blades, will need to be considered in combination with wind loading impacts which will be substantial in this location and at the heights proposed.
- h) Storage – The proposal needs to be compliant with ADG in terms of storage and must provide this storage as a combination of space internal to the dwellings and external to the dwellings (e.g. within basement areas). It is confirmed that this required external storage is in addition to the required bicycle parking. Concern is raised that the proposal does not include the required external storage for dwellings.
- i) Lifts – The proposal does not appear to incorporate sufficient ratio of lifts in terms of ADG considering the multiple separate uses on site and their respective lifts.
- j) Connecting with Country – No substantial details been submitted how the proposal's design is addressing Connecting with Country.

3.1.3 View impacts

The development needs to undertake a view impact assessment on surrounding development including approved but yet to be built proposals. It is recommended that this assessment contrast the proposal against the approved development on the site. The additional height proposed by the development has the potential to now impact developments that otherwise would have achieved views having regard to the height standards under the NLEP.

3.1.6 Visual Impacts

The proposal will need to undertake a comprehensive visual impact assessment that includes view corridors detailed within the NDCP and ensuring that prime views from the Harbour, Honeysuckle, Hannell Street and Hunter Street are addressed. This visual impact assessment needs to address the proposals possible impacts on prime features within the skyline/topography including heritage items (e.g. Christ Church Cathedral and Nobbys). This visual impact assessment needs to address the cumulative impacts of the proposal in combination other approved or proposed developments in the neighbourhood (i.e. Wickham, Honeysuckle and Newcastle West). This visual impact assessment should include detailed photomontages addressing these details.

3.1.7 Heritage

Clause 5.10(4) of the Newcastle Local Environmental Plan 2012 (NLEP) requires that Council must consider the effect of proposed development on the heritage significance of the heritage item or conservation area.

Although in NSW Development Control Plans (DCP's) do not formally apply to State Significant Development (SSD) the DCP has been considered to demonstrate that local impacts are addressed.

The site is not a listed heritage item and is not identified as an archaeological site. Heritage items in the vicinity are identified below in **Table 1**.

Table 1 Heritage items in the vicinity of the subject site.

Item	Address		Significance	Listing	Listing No.
Former Castlemaine Brewery	787 Street	Hunter	Local State	NLEP 2012 NSW SHR	1501 SHR#00312
Cambridge Hotel	791 Street	Hunter	Local	791 Hunter Street	1502
St Joseph's Convent and Sacred Heart Church and School	841 Street	Hunter	Local		1503
Dairy Farmers Building	924 Street	Hunter	Local	NLEP 2012	1505
Army Drill Hall	498 King Street		Local	NLEP 2012	1508
Birdwood Park	502 King Street		Local	NLEP 2012	1509
Hamilton College of TAFE	91 Parry Street		Local	NLEP 2012	1510
Residence	15 Charles Street Wickham		Local	NLEP 2012	1161
Residence	15 Charles Street Wickam		Local	NLEP 2012	1681
Wickham Public School	54 Hannell Street		Local	NLEP 2012	1685
Former Infants School	64 Hannell Street Wickam		Local	NLEP 2012	1686
Former School of Arts	80 Honeysuckle Drive Wickham		Local	NLEP 2012	1690
Lass O'Gowrie Hotel	14 Railway Street Wickham		Local	NLEP 2012	1691

The site is located adjacent to the Newcastle City Centre Heritage Conservation Area (HCA). This is listed as Conservation Area C4 in Schedule 5 of the Newcastle LEP.

Heritage Considerations and Recommendations for the Proposed Development

Design of Podium

- a) Height -The proposed increase in height of the podium will create a strong visual base to the

tower.

- b) Facade and fenestration - Articulation of the facade with wide apertures and change of materials at street level should be considered to break down the mass and scale of the podium element.
- c) Material selection - Non reflective cladding such as traditional brick or ceramic cladding is preferred at street level.

Relationship to heritage items in the vicinity and the adjacent Newcastle City Centre HCA

- a) Contemporary design and materials are suitable in the context a mix of different style in the Wickam area and along Hannell Street - and Honeysuckle Drive.
- b) Provide clear sightlines for views and vistas to and from heritage items and main thoroughfares as well as distant views from the Harbour should be retained where possible.

Landscaping

- a) Develop the landscape design to integrate with the 'eroded podium' concept and respond to opportunities for Country.
- b) Consideration should be given to the transitional qualities of the lane, to allow adequate space around the podium and ensure it is safe, pleasant and attractive for pedestrians.
- c) Avoid steep or abrupt edge-conditions to maximise space for pedestrian movements and to ensure pedestrian safety.
- d) Optimise and maximise mature tree planting ensuring planting selections are appropriate to the consistent year-round shade.
- e) Develop heritage interpretation of the site e.g. the water story within robust spatial and safety parameters

Aboriginal Cultural Heritage and Due Diligence

An Aboriginal Cultural Heritage Assessment Report (ACHAR) is to be submitted with the development application and is to be a complete and final document prior to determination in accordance with the EP&A Act 1979 and Section B4 of the NDCP 2023.

3.1.8 CPTED/Plan of Management

The proposal would be required to undertake a Crime Prevention Through Environmental Design (CPTED) assessment. Concern is raised that the design creates many CPTED issues that will be difficult to resolve in this instance especially at the ground floor level. There will be potential for interaction of many unrelated users within the site considering the proposed retail premises (potentially licenced food and drink premises), hotel, co-living and residential apartments. The proposal is to prepare a plan of management (POM) addressing the interaction between these uses and addressing potential issues which may arise. This POM should align with any recommended measures within the required CPTED report.

3.1.9 Social Impact Assessment

The proposal would be required to undertake a Social Impact Assessment. This needs to address (but not limited to):

- a) Tenure mix (private, affordable, social or co-living where applicable) and clarify further the extent and mechanism of affordable housing contribution.

- b) Discuss universal design and adaptable housing provisions.
- c) Address accessibility for people with disability, age- and family-friendly design elements, including suitability for ageing in place.
- d) Consider cultural inclusion and responsiveness to the cultural demographic profile of the locality.
- e) Consider impacts on vulnerable or priority populations.
- f) Propose mitigation or enhancement measures where relevant.
- g) Respond to CPTED Report findings for community safety and perceptions of safety where relevant.

3.1.10 Public Art

The proposal is required to incorporate public art within the development in accordance with the provisions under Section E5 Newcastle City Centre – Control 19 of the Newcastle DCP 2023 (i.e. the Newcastle City Centre extends to include Wickham). The provision of quality public art outcomes requires consideration of location and design early within the design and assessment process. CN requires submission of a Public Art Strategy and endorsement by CNs Public Art Standing Committee (PASC) prior to determination of the application.

3.1.11 Affordable Housing Contributions

CN does not support the proposed 15% affordable housing for 15 years, as it is considered to function as discounted market rental, rather than meeting the statutory meaning of affordable housing.

As noted in the EOI criteria for the HDA pathway, proposals must:

“contribute a measurable quantity of affordable housing (as defined in s1.4(1) of the EP&A Act)”

Under the EP&A Act, affordable housing must be affordable to households within the defined income bands, not simply discounted below market rent. Time-limited discount rental does not meet this definition.

In CN's view, the proposed offering:

- a) does not satisfy the EP&A Act definition,
- b) is not secured in perpetuity, and
- c) does not provide a lasting public benefit that would justify the scale of uplift sought.

CN supports a lower proportion of affordable housing where the housing is genuinely affordable and secured in perpetuity. CN's Affordable Housing Contributions Scheme (AHCS) provides a clear and enforceable mechanism for delivering such long-term affordable housing outcomes.

In the absence of a site-specific feasibility analysis agreed with CN, and having regard to the magnitude of the proposed uplift and CN's evidence base for identified areas, CN recommends a 4% in-kind affordable housing contribution (dedicated to CN).

This 4% in-kind rate is consistent with the identified-area residential contribution settings for Broadmeadow, which sit within the endorsed 3.3%–5% band, and supported by robust economic and feasibility modelling. The 4% should be secured in-kind and dedicated to CN in accordance with the - AHCS, via either a VPA or LEP/AHCS amendment that specifies the rate for this site.

Given the major development incentives requested, CN's position is that any uplift of this magnitude should be matched by permanently secured affordable housing, not a short-term discounted rental product.

3.1.12 Infrastructure Contributions

The development is required to make Section 7.11 development contributions per additional residential units. This will be based on the number of bedrooms per unit. The rates are published on CN's website: [Contribution Plans - City of Newcastle](#).

Note. Development contributions are in addition to community infrastructure contributions under the incentive scheme.

3.1.13 Ausgrid

It is recommended that early consultation be undertaken with Ausgrid.

Two issues which are important to address early in the design of the proposal include:

- Safe separation of proposal from existing adjoining substations.
- The proposals need for substations to support the development (an upgrade often arises due to the scale of a proposal and/or extra demand to facilitate EV charging).

Addressing these issues late in the design process or at the Construction Certificate stage can result in very poor outcomes for the development and unreasonable impacts on surrounding properties.

3.1.14 Wind Tunnelling

A wind tunnelling report must be prepared and must consider any impacts and associated mitigation measures for the public domain and publicly accessible areas in accordance with the advice of the State Design Review Panel.

3.1.15 Existing consents/VPA

Based on the extent and scale of works, the development should be pursued based on a standalone consent and not, in any way, be reliant on previous consents. Concern is raised how this HDA proposal can be leveraged against the existing approvals (DA2018/01197 and subsequent modifications). It is recommended that these previous consents should be surrendered under s4.63 of the *Environmental Planning and Assessment Act, 1979*.

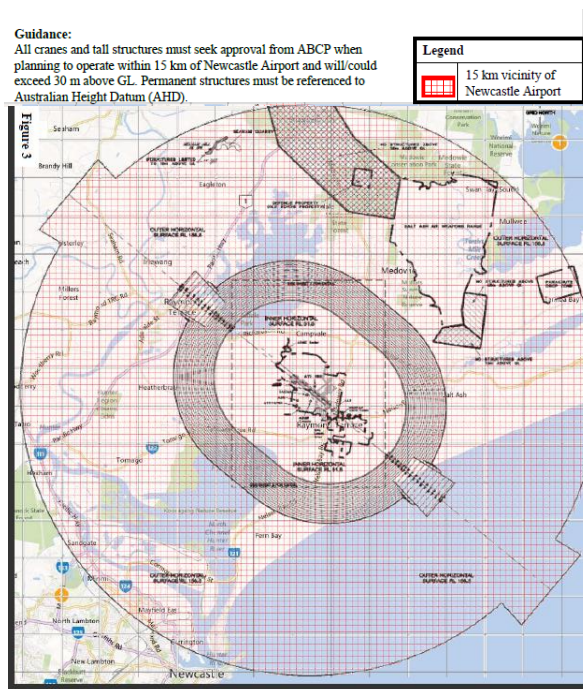
A further complicating factor is that CN has entered into a Voluntary Planning Agreement in connection with the Alterations and Additions Development Consent. Under the Planning Agreement the developer of the site, Dangar St Wickham Pty Ltd, agrees a monetary contribution of \$1,587,976.50 (plus indexation) be paid to CN in connection to the development approved under the DA2022/00448 development consent. This monetary contribution will be used toward the provision of local public amenities or infrastructure that supports the implementation of the Wickham Masterplan (WMP) 2021 Update (July 2022).

A condition of consent was imposed on the development consent requiring the planning agreement be registered on the title of the land prior to the issue of any Occupation Certificate. It is CN's expectation that a VPA planning agreement be entered into with the developer that reflects the existing agreement plus any additional uplift increases in the building height and FSR included in the proposed development.

3.1.16 Height, Cranes & Interaction with Protected Air Space

The subject site is located within the protected airspace of Newcastle Airport. If it is proposed to erect a structure or use a mobile crane having a height exceeding 30m above ground level, it will be necessary to obtain the prior approval of the Air Base Command Post of RAAF Base Williamtown in

accordance with the 'The Operation of Cranes and Tall Structures in the Vicinity of Newcastle Airport' (Department of Defence, 2013) A copy of which can be found on CN's web site. For further enquiries about the document or the requirements please contact RAAF Base Williamtown by phone: 02 4034 7888 or email at WLM.ABCP@defence.gov.au



3.2 ENGINEERING

3.2.1 Flood Management

Newcastle Development Control Plan 2023 – Section B1(a) and B1(b)

According to information provided in the Throsby, Styx & Cottage Creek Flood Study (Rhelm, 2023), the subject allotment is affected by Local Catchment and Ocean flooding during both the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events.

The site is noted to be a flood storage area and the surrounding roads act as flood storage.

Sections B1(a) 'Flood Management - Pre 2019' and B1(b) 'Flood management' of the Newcastle Development Control Plan 2023 (NDCP) and LEP Clauses 5.21 and 5.22, is applicable.

Submitted Pre-DA statements indicates that flood management aspects will be addressed by the applicants in detail as part of future submission of a development application.

The proposed ground level proposal is considerably different from the previously approved development footprint.

CN have reviewed the landscape and architectural plans, which indicates major layout changes are required for HRV access, driveway access to the basement, together with proposed streetscape changes to Dangar St and Charles St/Station St interface.

Dangar St road reserve areas have been conceptually designed as a civic street with the entire road reserve being raised approx. to kerb height as shown on the landscape plans. Charles St, from Dangar St and up to the interface of Station St, is proposed to have a widened kerb and footway areas.

Western end of Dangar St, Charles St and Station St are at lower levels relative to the local drainage. The existing roads act as overland flow paths and flood storage, with the local drainage being very shallow and limited in size and capacity.

The proposed changes to the design and streetscape will likely impact on the flood behaviour in the area and could impact the surrounding properties and environment.

The proposed development must demonstrate that changes to the flood regime will not impact on environment and its surrounds.

Comparisons of the proposed Ground Floor levels and approved development indicate considerable differences in the set-up of flood planning levels.

Approved MA2023/00331 has FPL at approx. 2.6m AHD. CN notes that similar levels have been set within other approved DAs for this site.

The proposed loading areas, including associated critical infrastructure such as proposed kiosk substations, are only at a level of 1.8m AHD, which is well below the Flood Planning Level (FPL).

Further design investigation needs to be undertaken, in consultation with CN, to demonstrate that a suitable outcome in accordance with the NDCP can be achieved in relation to flooding. It is advised that levels for critical infrastructure such as substations will typically need to meet requirements directed by the service authority (i.e. usually the FPL or higher).

Based on these issues, CN requires that a site-specific flood impact and risk assessment report be prepared by a flood consultant to address the flood management, planning and risks aspects associated with the development. The report is to be in accordance with the NSW Flood Planning guidelines including recent Circulars by Dept. of Planning and CN Flood Risk Management Plan, policies, LEP and DCP and at a minimum demonstrate the following:

- Assessment of existing flood behaviour including impact of sea level rise and climate change aspects.
- Assessment of potential flood impacts due to the proposed development and measures to mitigate any potential flood risks.
- Assessment of potential impacts on flood behaviour from the development on the surrounding environment and properties, including roads, overland flow path and measures to mitigate any potential flooding.
- Demonstrate compliance for flood planning level including setting up of levels for building and accessible entries points, garage and basement level access and potential impacts due to any openings leading from ground areas to the basements
- Preparation of a flood risk management plan, including provision of shelter in place and emergency response plan and flood awareness.
- Demonstrate compliance with CN Flood Policy, LEP and DCP.
- Any openings which lead to access to the Basement levels must be designed to be protected to PMF levels.

3.2.2 Stormwater

Stormwater for the development must be designed in accordance with NDCP and the Stormwater and Water Efficiency technical manual. NDCP provisions regarding stormwater reuse, detention/retention and water sensitive Urban design (WSUD) and MUSIC modelling needs to be satisfied.

Any proposal needs to address, but not be limited to, the following details:

- A comprehensive Stormwater Management Plan addressing *Newcastle City's Development Control Plan and industry standards*, with hydrological and hydraulic modelling assessment.
- Water cycle management plan along with soil and water management plan.
- Stormwater quantity and quality to meet at minimum NDCP requirements. Full detailed calculations, stormwater modelling and MUSIC model demonstrating compliance with the NDCP and Water Quality Targets.
- Stormwater discharge connections and associated works which must ensure that local drainage infrastructure and capacity is not undermined.
- A stormwater maintenance plan.
- Full details for sediment and stormwater controls for demolition and construction phases must be demonstrated as the site is in an environmentally sensitive location with very close proximity to Hunter River.

Groundwater Impacts

Groundwater is likely to be impacted by the proposal. WaterNSW must be consulted and necessary licence agreements must be obtained.

If any discharges are required to CN/TfNSW drainage network, then separate approvals will be required to allow these discharges. In this regard, the development must demonstrate that discharge from dewatering activity will not impact the environment (e.g. detail water quality controls and dewatering monitoring).

Road Drainage Information

There is existing underground road drainage along Station St and the through link (see **Figure 1** below). CN notes that the previous approved developments on this site were designed to retain the existing drainage pipe and structures.

This proposal seeks to undertake major road and streetscape works, which will directly impact the road and associated drainage infrastructure.

CN recommends that future development application must demonstrate how the drainage infrastructure will be managed.

It is expected that, at minimum, concept civil and stormwater plans will be prepared and submitted to relevant authorities for review and approval including CN.

It is advised that approval to alter existing drainage outside the site (e.g. s138 road approval) can be lengthy and requires necessary consultation with relevant internal and external stakeholders. It is therefore recommended that this process be started early including providing early information package (pre-submission) to relevant authority's for review.

Road Drainage Information is provided below and is also available in the Wickham Public Domain Plan.

https://newcastle.nsw.gov.au/getmedia/261ea8d8-7d10-4472-b78e-070d895d957c/Wickham-Public-Domain-Plan-Final-December-2023_web.pdf

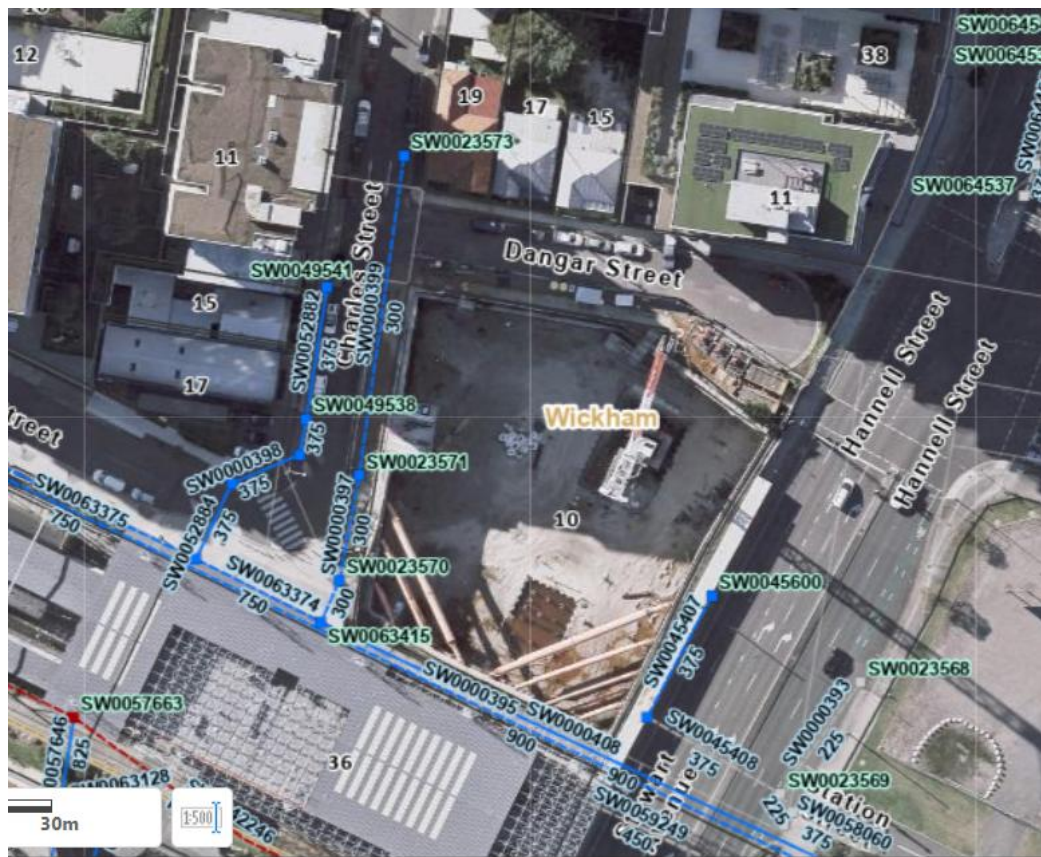


Figure 1 – Extract of existing stormwater details Source Onemap

3.2.3 Traffic & Parking

Section C1 Traffic, Parking and Access of NDCP2023

The development is to be designed in accordance with *Section C1 'Traffic, Parking and Access' of NDCP2023, TfNSW, other industry guidelines* and the relevant Australian Standard AS/NZS 2890.series.

It is noted that the proposal's scope of on-site parking maybe limited to ground and basement levels that may have been pre-fixed by previous developments activities. Concern is raised that the combination of proposed uses and the overall scale of the development will result in traffic, parking and servicing issues for the proposal and the surrounding streets.

Traffic, Parking and Transport Planning

A comprehensive traffic and parking impact assessment will be required for the development. This report must analyse the surrounding intersections and vehicular, traffic, cycle and pedestrian movement network and meeting the requirements as set out under TfNSW Traffic Generating Development guidelines.

The report must also address impacts on off-street parking, EV requirements and ensure that the vehicular access and parking compliance meets with relevant Australian Standards.

In terms of on-road traffic movements and proposed streetscape changes, the traffic report must demonstrate how the development plans to manage any impacts on the on-street parking, vehicles turning and movements, with no impact on current road use. CN notes that buses may also be potentially accessing Bishopsgate St/Charles St and Station St as part of TfNSW Train Station operations, therefore the proposal must demonstrate any impacts on such operations.

Risk management

CN recommends that a full road risk analysis be undertaken indicating road risks with different road users, especially between Charles St and Dangar St, which will be designed as a Civic St with cycle, heavy vehicles and pedestrian movements expected in the area. The report must be able to demonstrate that road risks can be appropriately managed as part of the development and long-term sustainable use of the road areas.

On-street Parking

CN expects that a detailed on-street parking analysis will be undertaken in the immediate surrounding area including a detailed survey of the on-street parking, peak/off-peak use, analysis of the availability and most importantly, the developments dependency on this parking.

The report needs to address any changes required for long term sustainable use of the available on-road parking, any enhancement/change options that may assist in managing the development at this critical location.

Relating to this, CN recommends that on-street parking on Dangar St and Charles St to be retained and/or modified in a way that appropriately maintains these spaces.

Charles St has parking on both sides including a loading zone on the west side of Charles St. Streetscape changes will likely impact on the on-street parking and traffic movements.

A separate approval from CN's Local Traffic Forum (CNLTF) will be required to alter the roadway or change the traffic conditions (e.g. including altering signage and parking changes).

Parking Demand

Off-street car parking is to be provided in accordance with *Section C1 Traffic, Parking and Access of NDCP2023*.

CN requires off-street car, bicycle and motorbike at minimum, meet the NDCP rates. EV charging should also be provided in conjunction with on-site parking. Resident bicycle parking cannot be provided as part of the required resident storage areas under the ADG.

Visitor car and bicycle parking for residential visitors is critical and shall be appropriately provided. Staff parking provisions must be addressed by the proposal.

Any alternative transport provisions relating to hotel and co-living use needs to be addressed in terms of the traffic and parking report (e.g. other use such as Uber/taxi services, car share and provision of drop-off areas within the site).

Disabled parking must be addressed for the proposal. The retail and commercial uses will need to be addressed separately to the residential uses. The proposed apartments and co-living need to provide disabled parking consistent with the number of accessible dwellings.

For commercial and hotel use, secured bicycle parking (including hire options) and end user facilities including showers and lockers should be provided for staff and visitors. NDCP provides a guide to the design requirements for these aspects. Similarly, adequate motor bike parking must be provided.

Concern is raised that bicycle and motor cycle parking has not been adequately addressed by the proposal (especially the co-living element within the development). Additionally, the commercial uses within the proposal (i.e. the proposed retail premises and hotel) need to be provided with associated 'end of trip' facilities.

The proposal needs to address how any emergency management aspects will be managed such as access by ambulances, fire, SES during a flood or fire.

CN confirms that the proposal must not increase demand for on-street parking.

Alternative Transport

It is required that the proposal provide details on how alternative transport options are promoted and implemented including longer-term incentives to encourage staff and patrons to use alternative transport (e.g. Green travel plans). The lack of bicycle parking within the proposal is a concern in this respect.

Construction Traffic Management

Demolition and construction activity are expected to generate traffic impacts and parking demand. Such activity must not impact on the availability of on-street parking. The development must pre-plan to ensure that adequate provision for building staff and trades is provided and to ensure the surrounding streets are not impacted.

Provision of Works Zone and use of on-street parking or similar will require separate approval from CN's Traffic and Transport team. Details for works zones could be resolved at construction stage in consultation with CN Traffic and Transport Section.

The proposal will be required to prepare a preliminary construction traffic and pedestrian management addressing, at minimum, the above comments.

General Design Comments

The following issues must be addressed within the design:

- a) Provision for adequate lighting within car parking and driveway areas. Ensure that entry lighting to parking and driveways is appropriately designed.
- b) Any security gates and access mechanisms for basement parking areas to be set back at least 5.5m to ensure that vehicles do not encroach over the footway.
- c) Loading and Waste with HRV access will be required a minimum 4.5m clear height clearances and generous side and rear clearances will be required.
- d) Provision for access to service vehicles such a removalist truck, hotel servicing, parcel drop-off and waste collection etc. shall have designated parking provision.
- e) On-street car parking must be retained and any redundant driveways are to be removed.
- f) Parking gates and security access points must be appropriately designed to ensure ease of access.
- g) A parking and operation management plan is to be provided.

TfNSW

Hannell St is a Classified Road and TfNSW must be separately consulted with respect of their concerns with the proposal.

3.3 ENVIRONMENT

3.1 Acoustics

In any submitted DA an acoustic assessment addressing the following would need to be submitted:

- Noise impacts from other inner Central Business District (CBD) noise (such as the impact of entertainment venues, music noise\patron noise travelling to and from the venues and other inner city noise sources such as from the operational harbour) to provide appropriate amenity with the proposed residential units.
- Noise impacts from common areas\ gyms\ outdoor cinemas (such as the area on level 6) on the residential units and any surrounding residential or accommodation uses.
- Noise impacts on adjoining sites from car parking\ plant and equipment.
- Consideration of building design to minimise the potential for wind generated noise from building elements (i.e. louvre elements that may reverberant\general tonal noise during higher wind conditions).

Additionally, the SEPP (Transport and Infrastructure) 2021 requirements regarding acoustic reporting and amenity criteria will need to be addressed. These include:

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

Hunter Steet is identified on the RMS 'Traffic Volume Maps for Noise Assessment' as having traffic volumes between 20,000 and 40,000AADT and is therefore recommended for noise assessment of buildings on adjacent land to satisfy the provisions of s2.119 of the policy. Additionally, it is recommended that the road noise from other sources such as Hannell Street/Stewart Avenue be assessed and 35/40 dB(A) criteria also be met in this respect by the development.

Considering the proximity of the proposed residential units to the roadway/ railway an acoustic assessment would be considered necessary in accordance with NSW Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline and the Infrastructure SEPP. This is required to confirm that noise levels in residential areas will meet appropriate standards and outline any acoustic attenuation measures which may be required to be integrated into the development. The acoustic assessment must be prepared by a qualified acoustic professional.

Sub-clause 2.119(2) provides that the consent authority must take into effect any guidelines that are issued on the impact of road/ rail noise or vibration for the purpose of this clause.

Development for the purpose of residential accommodation must have appropriate measures incorporated to ensure the following noise levels are not exceeded:

- a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

An acoustic report would need be submitted with any development application to demonstrate compliance with these requirements.

Licensed Premises

The architectural plans propose various retail premises which would be prime food and drink premises in this location and which may include a licensed premises.

Potential noise sources associated with these types of premises include:

- Amplified music or sound
- Patron noise generated within the premises and from entry/exit movements (including raised voices associated with music and alcohol consumption)
- Noise from plant and mechanical equipment

Given the proximity of the proposed residential receivers, together with any night-time operating hours, there is potential for unreasonable noise impacts if appropriate controls and mitigation measures are not demonstrated.

It is recommended that the applicant engage a suitably qualified acoustic consultant to undertake a detailed noise assessment. The consultant should be a member of the Association of Australasian Acoustical Consultants (AAAC) or the Australian Acoustical Society.

Any acoustic report should reference relevant NSW EPA and AAAC guidelines. As the premises maybe licensed to serve alcohol, the assessment must also address the Liquor & Gaming NSW LA10 noise criteria for amplified music and patron noise at residential receivers.

An acoustic report should be submitted with any development application to demonstrate compliance with these requirements. Addressing these issues prior to commencement of any construction facilitates these uses into the future.

3.2 Food Construction Standards

The architectural plans propose various retail premises which would be prime food and drink premises in this location. Any *food and drink premises* needs to comply with AS 4674:2004 - *Design, Construction and Fit-Out of Food Premises*. Even if the *food and drink premises* did not proceed at this time, CN would recommend the inclusion of grease arrestors and mechanical ventilation (or appropriate service ducting to allow for mechanical ventilation) to allow a *food and drink premises* into the future, as subsequent retrofitting these elements can be impracticable and effectively limit this land use proceeding. The grease arrester should not be in areas where food, equipment or packaging materials are handled or stored. The grease arrester should be located outside the food handling area with direct vehicle access for cleaning purposes.

Additionally, provision for either an internal or external garbage areas to store all putrescible waste and recyclable material will be required. The garbage area should be constructed of an impervious material, graded, and drained to the sewer and provided with a hose tap connected to the water supply.

4.0 Integrated Development

The following approvals available under the integrated development system are applicable to the development:

Coal Mine Subsidence Compensation Act 2017 - s 22:

Approval is required to alter or erect improvements, or to subdivide land in a Mine Subsidence District.

The site is located within a Mine Subsidence District ('MSD'). Sites located in MSD are required to gain an approval from the Subsidence Advisory NSW for the proposed development. Before lodging a DA, you are advised to liaise with the Subsidence Advisory NSW by phone on (02) 4908 4300.

The Subsidence Advisory NSW development guidelines can be accessed at www.subsidenceadvisory.nsw.gov.au/development-guidelines.

Water Management Act 2000 - s 89, 90, 91:

An approval from the NSW Office of Water of the Department of Planning and Environment may be required, where the development involves the following work:

- a water use approval
- a water management work approval (water supply work approvals, drainage work approvals and flood work approvals
- or an activity approval and aquifer interference approval.

Typically, a question arises as to whether removal and discharge of ground waters needs consent. It is recommended that you consult early in this respect.

If you wish to apply for an integrated approval, the relevant section of the development application should be completed. Except for the Subsidence Advisory NSW, a processing fee is payable, plus an additional fee per approval body must be included with the fees for the development application.

The required approvals can be obtained after the assessment of the development application; however, it may be more efficient to address any requirements of the permit in your development.

5.0 State Environmental Planning Policies

The following State environmental planning policies (SEPP) apply to the development:

5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of land.

To address statutory preconditions of the Environmental Planning and Assessment Act 1979, site suitability for the development must be considered. The subject site has undergone several contamination investigations, which identified the need for remediation; however, the full extent of the required works remains unknown. Earthworks have commenced on the site and may include, or may already have incorporated, elements of the remedial works.

Given the limited information available regarding the extent and timing of any remedial works that may have been undertaken during the current earthworks, CN is unable to verify whether these works align with recommendations from previous contamination investigations. The applicant should ensure that any remediation carried out is consistent with past advice and adopted NSW EPA guidelines and provide documentation where necessary to demonstrate this.

As such, the applicant should address the contamination status of the site to confirm its suitability for the proposed development having regard to the provisions of cl4.6 of State Environmental Planning Policy (Resilience & Hazards) 2021.

Any contamination investigation reports or advice must be prepared by appropriately qualified and experienced persons, commensurate with the contamination issues under assessment.

5.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2– Infrastructure

This policy facilitates the effective delivery of infrastructure across the State. The development is subject to the following requirements of the policy:

5.2.1 Development impacted by an electricity tower, electricity easement, substation, power line

Clause 2.48 of the policy requires the consent authority to give written notice to the electricity supply authority and invite comments about potential safety risks when applications for the following development are received:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower*
- (b) *development carried out:*
 - i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - ii) *immediately adjacent to an electricity substation, or*
 - iii) *within 5m of an exposed overhead electricity power line,*
- (c) *installation of a swimming pool any part of which is:*

- i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
- (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.'*

It is recommended that you liaise with Ausgrid regarding any requirements your application may be subject to.

5.2.2 Development in or adjacent to rail corridors—notification and other requirements

CN recommends early consultation with Sydney Trains having regard to the provisions of Subdivision 2 of the SEPP. Typically, Sydney Trains will have very detailed technical requirements to be addressed which may affect the design and/or engineering of the proposal.

5.2.3 Traffic Generating Development

The proposal would constitute traffic generating development under s2.122 of the SEPP and TfNSW should be consulted in terms of the proposal.

5.3 State Environmental Planning Policy (Housing) 2021

The proposal will need to demonstrate that it has complied with the provision of Part 3 Co-living. It is confirmed that Part 3 includes various development standards related to the design elements of co-living including room dimensions, minimum/maximum room areas, communal space and parking requirements.

6.0 Newcastle Local Environmental Plan 2012

The site is zoned E2 Commercial Centre and the proposed development is characterised as a mixed use development consisting of *shop top housing, retail premises, co-living and hotel* and is permitted with consent under the Newcastle Local Environmental Plan 2012 (NLEP 2012).

6.1 Clause 7.4 – Building Separation

The proposal is required to provide 24 metre separation to other buildings at 45 metres and above.

6.2 Clause 6.1 – Acid Sulfate soils

The proposed development is affected by acid sulfate soils and will be subject to an assessment against clause 6.1 of the LEP. CN's records indicate that the land contains Class 3. The following table summarises when an Acid Sulphate Soils Management Plan is required to be submitted with the DA.

Class of soil	Works to which this clause applies
3	Works more than 1 metre below the natural ground surface.

	Works by which the water table is likely to be lowered beyond 1 metre below natural ground surface.
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Development consent is not required under this clause to carry out any works if:

- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams, and detention basins), foundations or flood mitigation works, or
- (b) the works are not likely to lower the water table.

7.0 Newcastle Development Control Plan 2023 and Technical Manuals

The proposal must consider all relevant sections of NDCP 2023, and the technical manuals as listed below:

7.1 Newcastle Development Control Plan 2023 (NDCP)

- i. Section B1(b) Flood management – POST 2019
- ii. Section B3 Mine subsidence
- iii. Section B4 Aboriginal cultural heritage
- iv. Section B5 Historical archaeology
- v. Section B7 Land contamination
- vi. Section C1 Traffic parking and access
- vii. Section C4 Stormwater
- viii. Section C5 Soil management
- ix. Section C6 Waste management
- x. Section C7 Safety and security
- xi. Section C8 Social impact
- xii. Section C9 Advertising and signage
- xiii. Section C10 Street awnings and balconies
- xiv. Section C12 Open space and landscaping
- xv. Section C13 Liveable housing
- xvi. Section D4 Commercial
- xvii. Section E1 Built and landscape heritage
- xviii. Section E2 Heritage conservation areas
- xix. Section E5 Newcastle city centre
- xx. Section E7 Wickham

7.2 Technical Manuals and Additional Information

- i. Contaminated Land Policy
- ii. Contaminated Land Management Technical Manual
- iii. Heritage Technical Manual
- iv. Stormwater and Water Efficiency for Development Technical Manual

8.0 Advisory Matters

8.1 Hunter Water Act 1991

Plans will be required to be stamped by Hunter Water prior to submission to CN. It will be necessary to complete a Building Plan Assessment Application and pay the associated fee. Hunter Water can be contacted on 1300 657657. For more information regarding this process and to download an application form go the Building and Development portal of the Hunter Water website at www.hunterwater.com.au.

8.2 Coal Mine Subsidence Compensation Act 2017

Plans will be required to be stamped by Subsidence Advisory NSW prior to submission to CN.

9.0 Conclusion

A preliminary assessment of your proposal has identified several departures from CN's planning controls. The proposed development is not supported in its present form. The issues raised in this report would need to be appropriately addressed prior to the submission of a development application.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based on the plans and information submitted for preliminary assessment and discussion with the pre-development application.

You are advised that:

- the views expressed may vary once detailed plans and information are submitted and assessed in the development application process, or because of issues contained in submissions by interested parties.
- amending one aspect of the proposal can result in changes which can create, different set of impacts from the original plans: and
- the comments do not bind CN Officers, the elected Council members, or other bodies beyond CN, in any way whatsoever.

For further enquiries please contact me on 4974 2768 or by email at djaeger@ncc.nsw.gov.au

Yours faithfully

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PRINCIPAL DEVELOPMENT OFFICER (PLANNING)