

16 April 2026

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Reply by Email: m.choi@urbanpropertygroup.com.au

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*.

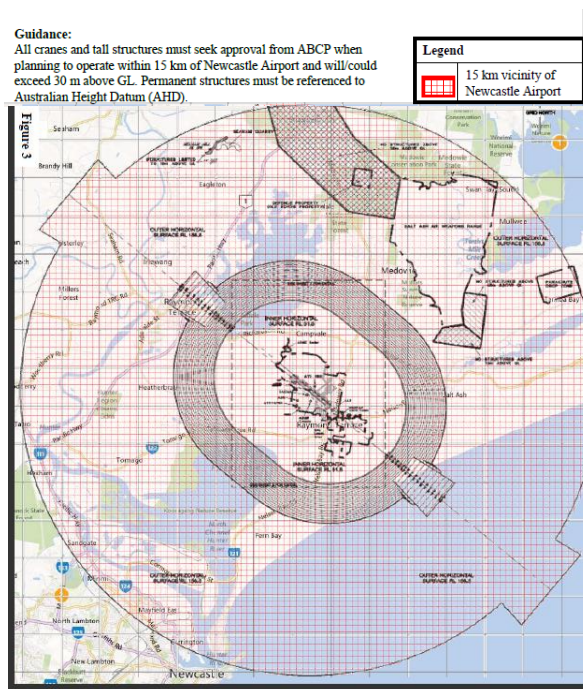
A further complicating factor is that CN has entered into a Voluntary Planning Agreement in connection with the Alterations and Additions Development Consent. Under the Planning Agreement the developer of the site, Dangar St Wickham Pty Ltd, agrees a monetary contribution of \$1,587,976.50 (plus indexation) 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

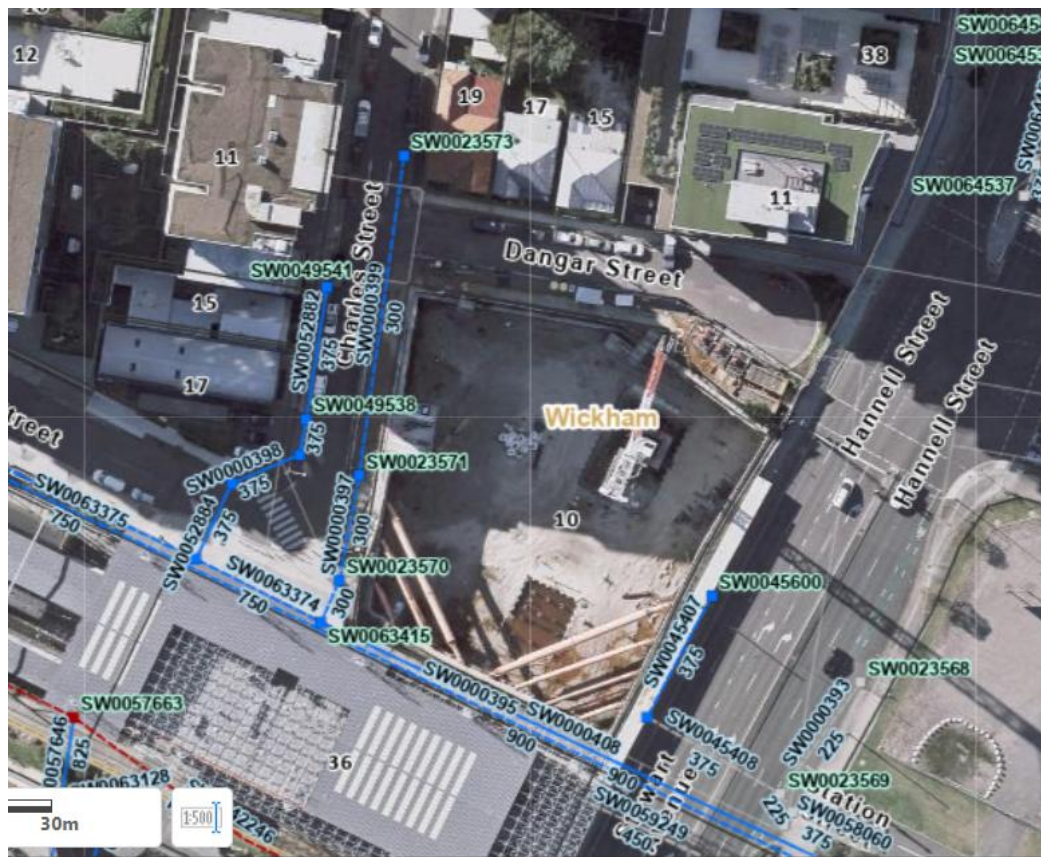


Figure 1 – Extract of existing stormwater details Source Onemap

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

Damian Jaeger
PRINCIPAL DEVELOPMENT OFFICER (PLANNING)