

Submission on SSD-89869959 – Technical Compliance and Document-Integrity Review

10 Dangar Street, Wickham NSW 2293

To: The assessment officer, NSW Department of Planning, Housing and Infrastructure, in respect of SSD-89869959 (concurrent rezoning and 43-storey mixed-use development, 10 Dangar Street, Wickham).

OBJECTION. This submission does not repeat the strategic-merit and public-interest arguments others have made. It is confined to a technical, clause-referenced audit of the exhibited documents against the applicable design and statutory standards, and to the internal consistency and completeness of the Environmental Impact Statement (EIS) package. Its purpose is to assist the assessment officer by identifying, item by item, the specific points at which the exhibited material does not demonstrate compliance, is internally inconsistent, or defers a required demonstration to a later stage. Each item is numbered so that the assessment report may respond to it individually.

Request in summary: That the Department treat the items below as matters requiring resolution *on the exhibited evidence* before determination, and that, given their number and cumulative weight, the Department either refuse the application or require a corrected and re-exhibited package. I ask that the assessment report address each numbered item rather than the package as a whole.

Part A – How this submission is organised

This submission is divided into deficiency registers:

- **Register 1 – Apartment Design Guide (ADG) numeric and design-criteria deficiencies** (items 1.1–1.14)
- **Register 2 – SEPP (Housing) 2021 co-living compliance** (items 2.1–2.6)
- **Register 3 – Metric and cross-document inconsistencies** (items 3.1–3.9)
- **Register 4 – Deferred demonstrations ("to be resolved at CC")** (items 4.1–4.11)
- **Register 5 – Document-integrity and template errors** (items 5.1–5.8)
- **Register 6 – Matters not demonstrated in the exhibited material** (items 6.1–6.10)
- **Register 7 – Specific information requested before determination** (items 7.1–7.12)

For each substantive item I state: the control or standard; what the exhibited material says; the deficiency; and the specific resolution sought. I have tried to be precise rather than rhetorical. Where I record a figure, it is taken from the EIS, an appendix, or Council's Pre-DA advice.

Part B – Register 1: Apartment Design Guide deficiencies

The site area used throughout is **2,904 m²**. The proposal is **245 apartments** (mix: 47 × 1-bed, 152 × 2-bed, 44 × 3-bed, 2 × 4-bed) plus 99 co-living rooms, across a 6-storey podium and circular tower to RL150.9m.

Item 1.1 – Deep soil (ADG Objective 3E-1)

Control: ADG 3E recommends a minimum deep soil zone of **7% of site area**. For a 2,904 m² site that is approximately **203 m²**.

Exhibited position: The EIS records **0 m² / 0%** deep soil. Landscaping is provided on structure (794 m² landscaped, 182 m² canopy, podium planters at a claimed 800–1000 mm soil depth).

Deficiency: This is a total (100%) shortfall against the benchmark, not a marginal variation. Podium planters and green roofs are not deep soil within the meaning of 3E and do not deliver the same stormwater, large-canopy or microclimate function. The exhibited material does not contain a merit justification that grapples with *this specific site* (as distinct from a generic statement that deep soil is difficult on constrained sites), nor a compensatory canopy strategy quantified against the lost deep-soil function.

Resolution sought: A specific finding on whether 0% deep soil is acceptable on this site; if it is to be accepted, an explicit compensatory landscape condition with quantified canopy targets, soil volumes and long-term maintenance obligations; otherwise redesign to provide genuine deep soil.

Item 1.2 – Cross ventilation (ADG Objective 4B-3)

Control: ADG 4B design criterion expects **at least 60%** of apartments in the first nine storeys to be naturally cross-ventilated; the underlying objective (naturally ventilated, healthy apartments) applies to the whole building.

Exhibited position: The applicant states the numeric criterion is "not applicable" because residential apartments commence above Level 10 / Level 12, i.e. above the storeys to which the numeric test is directed.

Deficiency: This is a test-avoidance argument, not a demonstration of amenity. Placing dwellings above the tested storeys removes the numeric obligation but does not establish that the apartments are in fact naturally ventilated. No whole-of-tower cross-ventilation percentage is provided; no apartment-by-apartment window/door schedule; no analysis of single-aspect or corner layouts; and no confirmation that balcony doors on a tower with recorded Level 42 wind exceedances can be safely operated for natural ventilation in the relevant wind conditions.

Resolution sought: A whole-of-tower natural-ventilation analysis demonstrating how the 4B objective is met, including the proportion of single-aspect apartments and the operability of openings under the wind regime in Appendix P.

Item 1.3 – Solar access to apartments (ADG Objective 4A-1)

Control: At least **70%** of apartments to receive a minimum 2 hours direct sunlight 9am–3pm mid-winter; a maximum of **15%** to receive no direct sunlight.

Exhibited position: The ESD report claims approximately **76%**. The percentage of apartments receiving **no** direct sun is not stated in the exhibited material.

Deficiency: A 76% result is only **6 percentage points** above the minimum for a yield-led 43-storey tower, and the second limb of the criterion (the no-sun maximum of 15%) is not addressed at all. Council's Pre-DA advice sought 3D point-of-view solar verification at 15-minute intervals; that verification is not in the exhibited package.

Resolution sought: The no-sun percentage; 15-minute 3D solar verification as requested by Council; independent confirmation of the 76% figure.

Item 1.4 – Communal open space solar (ADG Objective 3D-1)

Control: Communal open space of at least **25% of site area**, with at least **50% of the principal usable part** receiving 2 hours sun mid-winter.

Exhibited position: Residential external communal open space recorded at 745 m² (just over 25%), plus 150 m² internal; co-living 627 m² external plus 229 m² internal. The 50%/2-hour solar outcome for the principal usable area is **not demonstrated**.

Deficiency: Area compliance is asserted but the qualitative solar criterion — the part that determines whether the space is usable in winter — is not shown. The Level 6/7 communal areas are described as view-oriented and landscaped without a solar overlay.

Resolution sought: A solar diagram for each communal open space identifying the principal usable area and the proportion receiving 2 hours mid-winter sun.

Item 1.5 – Communal open space capacity and tenure allocation (ADG 3D objective)

Deficiency: The exhibited material provides area figures but no population/capacity analysis across the residential, affordable, co-living and hotel populations that will share podium spaces, no allocation/access-control arrangement between tenures, and no wind-comfort overlay (relevant given Appendix P). Adequacy of communal open space cannot be assessed on area alone.

Resolution sought: A capacity analysis (persons vs usable area), a tenure access/management arrangement, and combined sun/wind comfort overlays for each space.

Item 1.6 – Private open space / balcony usability (ADG Objective 4E-1)

Control: Minimum balcony areas and depths *and* usability.

Exhibited position: Areas asserted as compliant. Council raised concern about curved balcony geometry and wind loading. Appendix P records Level 42 balcony wind results before mitigation of up to **116 km/h** against an 83 km/h safety threshold.

Deficiency: Area compliance does not establish usability where balcony geometry is curved and wind comfort/safety is unresolved (see also Register 4). No furniture-layout or usable-area test is provided for the curved balconies.

Resolution sought: Balcony usability diagrams (furniture tests) and confirmation of wind comfort to the intended-use category for each balcony typology.

Item 1.7 – Storage (ADG Objective 4G-1)

Control: Minimum storage volumes by apartment size, **at least 50% located within the apartment**, and storage additional to (not counted as) bicycle parking.

Exhibited position: Adequacy asserted. Council queried whether external storage is provided in addition to bicycle parking.

Deficiency: No dwelling-by-dwelling storage schedule is provided distinguishing internal storage, external storage cages, and bicycle parking. The risk is double-counting of basement volume as both storage and bike parking.

Resolution sought: A dwelling-by-dwelling storage schedule separating internal storage, external storage and bicycle parking.

Item 1.8 – Common circulation and vertical transport (ADG Objective 4F-1)

Control: Common circulation/lift objectives; buildings over 10 storeys should not overload cores.

Exhibited position: Adequate lifts asserted. Council raised an **insufficient lift-ratio** concern across the multiple uses.

Deficiency: No vertical-transport (lift-traffic) analysis is provided. Residential, affordable, co-living and hotel populations have distinct and partly coincident peak demands; a 148m-effective-height building requires modelled lift performance, not assertion.

Resolution sought: A vertical-transport report modelling peak demand for each population and confirming lift-waiting performance.

Item 1.8a – Apartment depth and single-aspect daylight (ADG 4A / 4B objectives)

Deficiency: The exhibited extraction does not demonstrate apartment-by-apartment depth, habitable-room glazing proportions, borrowed-light reliance or bedroom daylight for the circular floorplate. Circular plans frequently generate deep, wedge-shaped or single-aspect rooms with poor daylight at the core.

Resolution sought: An apartment-quality schedule showing depth, aspect and daylight for a representative sample across each floorplate typology.

Item 1.9 – Building separation against future envelopes (ADG Objective 3F-1)

Control: Habitable-room/balcony separation up to 24m at 9+ storeys, tested against existing **and likely future** envelopes.

Exhibited position: Minimum separation to other buildings asserted at 45m+; tower setback om to Hannell Street.

Deficiency: Separation is tested against current built form, not the approved/likely future envelopes that the applicant's own visual report relies upon elsewhere (the "+30% future height" scenario). The applicant cannot rely on future towers to normalise visual impact while ignoring them for separation/privacy. A om Hannell Street tower interface is not separation-tested for privacy and outlook.

Resolution sought: A separation and privacy test against approved and reasonably anticipated future envelopes, consistent with the future-context assumption used in the visual assessment.

Item 1.10 – Ceiling heights (ADG Objective 4C-1)

Exhibited position: 3.2m floor-to-floor claimed, said to deliver 2.7m habitable ceilings.

Deficiency: 3.2m floor-to-floor is tight once structural slab, services, bulkheads and finishes are deducted, particularly on a tower with extensive mechanical ventilation reliance. The 2.7m clear height is asserted, not sectioned.

Resolution sought: Coordinated building sections demonstrating 2.7m clear habitable ceiling height after services, as a condition if approval is contemplated.

Item 1.11 – Apartment size schedule (ADG Part 4D)

Deficiency: The applicant claims all internal areas meet ADG minimums; sample pages show 1-beds at ~66–67 m² and 2-beds at ~85–90 m². No full independent schedule is verified in the exhibited material.

Resolution sought: A complete apartment area schedule, dwelling by dwelling, against the Part 4D minimums.

Item 1.12 – Landscape viability on structure

Deficiency: With 0% deep soil, the 800–1000 mm podium soil depths must be shown to support the proposed canopy long-term given wind exposure at podium level (Appendix P), maintenance access, irrigation and replacement. The landscape report does not reconcile its planting schedule against the podium wind environment.

Resolution sought: A landscape viability statement reconciled with the wind study, including species suitability at exposed podium levels, soil volumes per tree, and a maintenance/replacement regime.

Item 1.13 – Bicycle parking count and dimensioning (DCP)

Exhibited position: The Transport Impact Assessment identifies a DCP requirement of **320 bicycle spaces**; the applicant relies on private storage on residential levels, public racks and basement capacity, comparing the DCP figure with an older guideline range of 78–129.

Deficiency: No clear count of compliant, dimensioned bicycle spaces is stated; security class and e-bike charging are not specified; and there is a risk that residential storage areas are counted as both ADG storage and bicycle parking (see Item 1.7).

Resolution sought: A dimensioned bicycle-parking schedule stating the compliant number, location, security class and charging, separated from ADG storage.

Item 1.14 – Cumulative ADG position

Deficiency: The above items are individually material and cumulatively decisive: 0% deep soil, a cross-ventilation test avoided rather than met, a 6-point solar margin with the no-sun limb unaddressed, communal-open-space solar/capacity not shown, balcony usability unresolved against recorded wind exceedances, storage and lift performance not demonstrated. Taken together these indicate a yield-optimised envelope rather than a scheme that meets the Housing SEPP Chapter 4 aim of a long-term neighbourhood asset with maximised amenity.

Resolution sought: An independent ADG peer review by an experienced apartment-design assessor before determination.

Part C – Register 2: SEPP (Housing) 2021 co-living compliance

The application proposes **99 co-living rooms** on Levels 7–11.

Item 2.1 – Plan of Management absent from exhibited material

Control: Co-living under SEPP (Housing) 2021 requires a Plan of Management; single-operator management; minimum 3-month tenancies; communal facilities; and ADG-equivalent amenity.

Deficiency: No co-living Plan of Management is in the exhibited EIS. The Social Impact Assessment answers community concern by stating the use "will operate as per the Plan of Management" — a document that is not exhibited. The use cannot be assessed for compliance against a plan that is not before the Department or the public.

Resolution sought: Pre-determination exhibition of a co-living Plan of Management; the use should not be assessed in its absence.

Item 2.2 – Operator identity and minimum tenancy not confirmed

Deficiency: No operator is identified and no evidence confirms the 3-month minimum tenancy policy. Without these, the co-living component is not demonstrably distinct from short-stay/serviced-apartment use, which has different planning, parking and amenity implications.

Resolution sought: Identification of the operator and a binding minimum-tenancy condition.

Item 2.3 – Co-living communal area adequacy

Deficiency: Co-living communal areas (627 m² external / 229 m² internal) are stated as areas only, without demonstration against SEPP (Housing) communal-space requirements for the co-living resident population, and without solar/wind testing (cross-reference Items 1.4–1.5).

Resolution sought: A co-living communal-space adequacy assessment against SEPP (Housing) standards for the resident population.

Item 2.4 – Co-living room ADG-equivalent amenity

Deficiency: Room sizes, natural light, ventilation and storage for the co-living rooms are not demonstrated against the applicable minimums in the exhibited material; the SDRP recorded co-living amenity as unresolved at its second review.

Resolution sought: A co-living room amenity schedule.

Item 2.5 – Co-living parking merit (cross-reference Register 3)

Deficiency: Zero co-living car spaces are proposed. The applicant correctly notes the SEPP co-living parking standard is not mandatory, but uses that to imply zero provision is acceptable without a use-specific merit assessment for 99 rooms.

Resolution sought: A merit assessment of zero co-living parking specific to 99 rooms, including a behaviour-change basis.

Item 2.6 – Co-living/hotel functional distinction

Deficiency: With 171 hotel rooms and 99 co-living rooms in the same building under a single developer, and no exhibited operator/management distinction, there is an unaddressed risk that co-living operates as de facto additional short-stay accommodation, altering the parking, servicing and amenity assessment.

Resolution sought: Conditions binding the co-living use to its statutory definition for the life of the development.

Part D – Register 3: Metric and cross-document inconsistencies

These items matter because the assessment relies on the EIS being internally consistent. Where the same metric differs between documents, the Department cannot know which figure it is assessing.

Item 3.1 – FSR inconsistency

Appendix M (Urban Design Report) states FSR as **14.3:1**, while the EIS/rezoning material states **14.2:1** with rezoning sought to **14.4:1**. Three different figures appear for the central control of the application.

Item 3.2 – Car-share spaces

Appendix M states **no car-share** is proposed; Appendix S (Transport) identifies **2 car-share spaces**.

Item 3.3 – Motorcycle parking

Appendix M states no motorcycle parking is provided due to site constraints; the Transport Impact Assessment records a motorcycle shortfall of 11 spaces, implying a requirement the urban design report treats as nil.

Item 3.4 – Site frontage / street naming

Appendix M refers to a **55.2m frontage to Stewart Avenue**; other material refers to **Hannell Street**. The frontage street is not consistently identified.

Item 3.5 – Height expression

Building height is variously expressed as RL150.9m and as "approximately 149m" in Council Pre-DA material. The relationship between RL, AHD and metres-above-ground is not consistently stated, which affects every height-dependent assessment (OLS/aviation, visual, overshadowing).

Item 3.6 – Parking totals composition

The 215-space total is variously broken down (e.g., 197 residential / 6 retail / 10 hotel / 2 car-share in one source). The composition should be reconciled, particularly given the car-share inconsistency at Item 3.2.

Item 3.7 – Affordable housing area vs percentage

Affordable housing is expressed both as 42 dwellings, as 3,956 m², and as "15% of residential GFA." Against a residential GFA of 26,119 m², 3,956 m² is **15.1%**; the consistency of the dwelling count, area and percentage should be confirmed and tied to the binding mechanism.

Item 3.8 – Bicycle parking requirement basis

The Transport Impact Assessment cites both a DCP requirement of 320 and a guideline range of 78–129 without stating which standard governs (cross-reference Item 1.13).

Item 3.9 – Resolution sought for Register 3

A single coordinated design-metrics table reconciling FSR, GFA by use, height (RL/AHD/storeys), parking composition, car-share, motorcycle, bicycle, affordable-housing area/percentage/count, communal open space and frontage across **all** appendices, verified by the EIS author, before determination.

Part E – Register 4: Deferred demonstrations

A recurring feature of this EIS is that matters which determine whether the development is *acceptable* are not resolved in the exhibited material but are instead promised at a later stage – "before Construction Certificate," "during design development," "as the design is further developed," or "if required." Each of the items below is, in substance, part of the impact assessment rather than detailed documentation of an already-accepted impact. Where an assessment question is deferred, the public is denied the opportunity to scrutinise the answer, and the consent authority is asked to

approve on trust. For a 43-storey building of this occupancy mix, that is not an acceptable basis for determination. Each item is set out with the matter, the exhibited position, the reason it cannot lawfully or safely be deferred, and the resolution sought.

The table provides an index; the numbered entries beneath it provide the detail.

Item	Matter	Where deferred
4.1	Flood Emergency Response Plan	"before CC, if required" (Appendix X)
4.2	Loading Dock / Delivery and Servicing Plan	CC stage (Appendix S)
4.3	Level 42 / Level 6 wind-mitigation verification	post-dated one-day drawing review, not re-tested (Appendix P)
4.4	Co-living Plan of Management	not exhibited (Appendix MM / Register 2)
4.5	Alternative Design Excellence Strategy / GANSW endorsement	future submission (cl 7.5 / SDRP Review 2)
4.6	Ocean-flood impact assessment	not undertaken (Appendix X)
4.7	BCA performance solutions (23 items)	"refined and documented during the design process" (Appendix VV)
4.8	Fire-engineering performance solutions (12 items)	"may be identified as the design is further developed" (Appendix XX)
4.9	Liveable Housing / accessibility compliance	"can be compliant at CC stage" (Appendix WW)
4.10	Electrical / substation flood immunity	"to be noted by electrical services designer" (Appendix X)
4.11	Construction Noise and Vibration Management Sub-Plan	post-consent (Appendix V)

Item 4.1 – Flood Emergency Response Plan (FERP)

Exhibited position: Appendix X states that an updated Flood Emergency Response Plan will be prepared "before construction certificate, if required." The 2025 NSW Shelter-in-Place Guideline for Flash Flooding makes off-site evacuation the *primary* strategy and permits shelter-in-place only where specified criteria are met.

Why it cannot be deferred: Whether occupants evacuate or shelter in place is the single most important life-safety determination for a building containing a 171-room hotel (transient occupants unfamiliar with the building), 99 co-living rooms, market and affordable apartments, and 15 NDIS dwellings. It governs the building's egress design, refuge levels and management — matters that cannot be retro-fitted at CC without potentially reopening the architecture. The "if required" qualifier is itself an admission that the need has not been assessed.

Resolution sought: A complete FERP, assessed item-by-item against the 2025 Guideline and aligned with NSW SES and Council, exhibited before determination.

Item 4.2 – Loading Dock / Delivery and Servicing Plan

Exhibited position: Appendix S defers the Loading Dock Management Plan to CC stage and provides no quantified daily/weekly servicing-demand profile for the combined uses.

Why it cannot be deferred: Servicing demand for 245 apartments + 99 co-living rooms + 171 hotel rooms + retail is an *impact* on Dangar Street, Charles Street and the Interchange frontage, not a detail. The site is largely built-to-boundary, so loading is proposed from public road/verge land. Whether simultaneous waste collection, furniture removals, hotel and food deliveries and courier activity can be accommodated without spilling onto the public domain must be demonstrated before approval, because if it cannot, the design — not a management plan — is the problem.

Resolution sought: A quantified Delivery and Servicing Plan with peak-demand modelling, before determination.

Item 4.3 – Level 42 and Level 6 wind-mitigation verification

Exhibited position: Appendix P recorded annual wind-safety exceedances at Level 42 balconies of up to **116 km/h** (threshold 83 km/h) and an uncomfortable Level 6 podium result. Rather than re-testing a mitigated design, RWDI reviewed updated drawings received 30 March 2026 and concluded the next day (31 March 2026) that mitigation "is expected to" resolve the exceedances and "no further wind mitigations are required."

Why it cannot be deferred: A safety exceedance of 30%+ above threshold is a current, tested failure. The conclusion that it is resolved is *not* tested — it rests on a one-day desktop review and on landscaping that was never modelled and is subject to maturity, maintenance and storm damage. Deferring verification to CC means the building could be approved, and possibly built, before anyone confirms the balconies are safe to occupy.

Resolution sought: Re-testing or independent certification of the mitigated Level 42 and Level 6 design before determination, with all mitigation geometry locked into the approved plans.

Item 4.4 – Co-living Plan of Management

Exhibited position: No co-living Plan of Management is exhibited; Appendix MM states the use "will operate as per the Plan of Management."

Why it cannot be deferred: The Plan of Management is the instrument that makes co-living a distinct, assessable use under SEPP (Housing) 2021 (operator, 3-month minimum tenancy, communal-facility management). Without it the 99-room component cannot be distinguished from short-stay accommodation, which changes the parking, servicing and amenity assessment for the whole building (cross-reference Register 2).

Resolution sought: Exhibition of the Plan of Management before determination.

Item 4.5 – Alternative Design Excellence Strategy (ADES) and GANSW endorsement

Exhibited position: Newcastle LEP clause 7.5 (design excellence) was amended on 6 February 2026 and now applies. The applicant states an ADES *will be* submitted to Government Architect NSW. SDRP Review 2 (Appendix K2) records only that the scheme "retains the potential" to demonstrate design excellence, subject to numerous unresolved matters.

Why it cannot be deferred: Design excellence is a statutory prerequisite to a tower of this scale, not a post-consent formality. Determining the application before GANSW has endorsed an ADES would approve a 43-storey building whose central design-quality justification is incomplete, and would deny the public any opportunity to see the final design-excellence advice.

Resolution sought: GANSW endorsement of the ADES and an item-by-item response to SDRP Review 2, publicly exhibited, before determination.

Item 4.6 – Ocean-flood impact assessment

Exhibited position: The 2025 City of Newcastle Flood Information Certificate identifies **both** ocean and local-catchment flooding as affecting the site. Appendix X states the ocean-flood impact assessment "could not be undertaken" because Council could not supply the 2012 model and data files, yet still reaches a general "complies with flooding requirements" conclusion.

Why it cannot be deferred: One of the two flood mechanisms the Council's own certificate says affects the site has not been assessed at all. A compliance conclusion that omits a known mechanism

is incomplete on its face and cannot be cured by a condition, because the unassessed mechanism may affect flood planning levels, basement protection and the FERP.

Resolution sought: An ocean-flood impact addendum, or written Council acceptance that ocean-flood modelling is unnecessary, before determination.

Item 4.7 – BCA performance solutions (23 items)

Exhibited position: Appendix VV identifies **23 items requiring performance solutions** and states the "strategy for ensuring compliance will be refined and documented during the design process," while excluding Liveable Housing, adaptable housing (AS 4299), accessibility (Parts D4/F4D5) and energy (Section J) from its scope.

Why it cannot be deferred: Twenty-three performance solutions represent a substantial cumulative departure from the prescriptive Code on a 148m-effective-height building. Their combined effect on fire safety, egress and amenity should be understood before approval, not assembled afterwards, particularly where major compliance streams are excluded from the report's scope.

Resolution sought: A coordinated BCA compliance matrix and independent review of the cumulative effect of all performance solutions before determination.

Item 4.8 – Fire-engineering performance solutions (12 items)

Exhibited position: Appendix XX confirms **12 performance-based departures**, including travel distances up to 12m to a point of choice (vs 6m prescribed) and 30m/60m in basements; **exits less than 9m apart on Basement 03 and Level 42**; public corridors up to **55m** without smoke-proof subdivision; and a hydrant serving a building over 135m effective height. It warns "additional fire engineering issues may be identified as the design is further developed."

Why it cannot be deferred: Sub-9m exit separation on the topmost occupied residential level and 55m unsubdivided corridors are precisely the conditions in which a fire-engineering error costs lives, especially for NDIS and mobility-impaired occupants on upper floors. The report's own caveat that more issues "may be identified" confirms the fire strategy is not settled.

Resolution sought: An independent fire-engineering peer review addressing the cumulative effect of all 12 solutions, plus egress/refuge protocols for NDIS occupants, before determination.

Item 4.9 – Liveable Housing and accessibility compliance

Exhibited position: Appendix WW records most accessibility items as able to "be compliant at CC stage" and expressly excludes the Liveable Housing Guidelines and adaptable housing from scope, despite 57 Silver and 28 Platinum Liveable Housing units and 15 NDIS dwellings being proposed.

Why it cannot be deferred: The Liveable Housing and NDIS provisions are part of the development's claimed public benefit and social-housing function. Excluding them from the exhibited assessment means the very dwellings intended for residents with the greatest accessibility needs are the ones whose compliance is least demonstrated.

Resolution sought: A Liveable Housing and NDIS accessibility assessment covering the Silver/Platinum units and the full accessible common-area pathway, before determination.

Item 4.10 – Electrical / substation flood immunity

Exhibited position: Council's Pre-DA advice noted substations at approximately **1.8m AHD, below the flood planning level**. Appendix X addresses electrical fixtures only by stating the requirement is "to be noted by electrical services designer."

Why it cannot be deferred: If critical electrical infrastructure sits below the flood planning level, flood resilience and post-flood habitability of the whole building are affected. "To be noted by the designer" is not an assessment; it is a deferral of a life-safety and habitability question to an unnamed future party.

Resolution sought: A certified critical-infrastructure schedule (substations, switch rooms, pumps, fire systems, generators, lift equipment) with flood-immunity levels, endorsed by the relevant designers, before determination.

Item 4.11 – Construction Noise and Vibration Management Sub-Plan

Exhibited position: Appendix V predicts construction noise at nearby residential receivers will be non-compliant with Noise Management Levels and above the **Highly Noise Affected Level** during standard hours, with the detailed sub-plan left to post-consent. The uplift adds approximately 18 months, bringing remaining works to roughly **43 months**.

Why it cannot be deferred: A ~43-month build that is predicted, on the applicant's own figures, to exceed the Highly Noise Affected Level for surrounding residents is a major amenity impact whose mitigation (respite periods, hours, monitoring, consultation) should be settled and enforceable before works begin, not drafted after consent when leverage to require respite has gone.

Resolution sought: A Construction Noise and Vibration Management Sub-Plan with respite, consultation and monitoring commitments, plus an updated Construction Traffic Management Plan with Council/TfNSW approval of road-reserve occupation, before any works.

Resolution sought (Register 4 overall): That each deferred item above be brought forward and resolved on the exhibited evidence before determination, consistent with the established principle that a consent authority may not defer to conditions a matter that is essential to the assessment of whether the development should be approved at all.

Part F – Register 5: Document-integrity and template errors

These confirmed errors are recorded not as pedantry but because they bear on whether the EIS can be relied upon as a complete and accurate assessment instrument for a development of this scale.

Item 5.1 – Appendix D: wrong water authority

Wastewater is to drain to sewer per "**Sydney Water**." The relevant authority for Newcastle is **Hunter Water**. This casts doubt on whether servicing has been confirmed with the correct utility.

Item 5.2 – Appendix EE: wrong location

The NABERS Embodied Emissions Materials Form records "**Town/city: Sydney**" against a Wickham address — relevant to whether embodied-emissions inputs used the correct location and climate data.

Item 5.3 – Appendix H: impossible engagement dates

The Engagement Report states engagement occurred "**between September 2026 – February 2026**," a chronologically impossible sequence that calls the stated engagement period, and its adequacy, into question.

Item 5.4 – Appendix X: multiple substantive errors

The flood report refers to the wrong catchment ("**Fairy and Cabbage Tree Creek**" rather than Cottage Creek / Throsby / Styx); cites "**Newcastle LEP 2009**" rather than the current 2012 instrument; describes the PMF as a "**1 in 10,000,000 AEP event**" (the PMF is conventionally the largest credible flood, not a precise AEP); and captions a figure "**1% AEP in 20250.**"

Item 5.5 – Appendix M: metric and typographical errors

FSR is stated inconsistently (14.3:1 here vs 14.4:1 in the rezoning material — cross-reference Item 3.1), alongside typographical errors including "**House Delivery Authority,**" "**Dapartment,**" "**windened**" and "**recieved.**"

Item 5.6 – Pattern of error

The errors span at least **five appendices (D, EE, H, X, M)**, indicating a systemic quality-control failure rather than isolated typographical slips.

Item 5.7 – Consequence for reliance

Where a flood appendix mis-names both the catchment and the governing LEP, the Department cannot assume the underlying analysis used the correct inputs without verification. Document errors of this kind shift the burden to the assessor to confirm, rather than assume, that each analysis is sound.

Item 5.8 – Resolution sought (Register 5)

A full errata schedule verified by the EIS author before assessment proceeds; written Hunter Water confirmation of servicing; and, if the corrected engagement dates differ materially from those exhibited, re-exhibition of the engagement report.

Part G – Register 6: Matters not demonstrated in the exhibited material

The following are simply not in the exhibited package and cannot be assumed in the applicant's favour:

- **6.1** Whole-of-tower cross-ventilation percentage (cross-reference Item 1.2).
- **6.2** Apartment-by-apartment no-sun percentage at mid-winter — the ADG 4A-1 second limb (Item 1.3).
- **6.3** 15-minute 3D solar verification for apartments, public domain and neighbours, as requested by Council (Items 1.3–1.4).
- **6.4** Proof that 50% of each principal communal-open-space area receives 2 hours mid-winter sun (Item 1.4).
- **6.5** A full storage schedule separating internal storage, external storage and bicycle parking (Items 1.7, 1.13).
- **6.6** A vertical-transport (lift-traffic) analysis across the residential, affordable, co-living and hotel populations (Item 1.8).
- **6.7** Independent wind verification of the *mitigated* Level 42 and Level 6 design (Items 1.6, 4.3).
- **6.8** A future-envelope separation and privacy test consistent with the visual report's own future-context assumption (Item 1.9).

- **6.9** A co-living Plan of Management, operator identity and minimum-tenancy terms (Register 2, Item 4.4).
- **6.10** OLS / PANS-OPS clearance calculations and crane-tip RLs — Appendix SS provides none (cross-reference the aviation deficiencies).

Resolution sought: That the absence of each be treated as a gap to be filled before determination, not as implied compliance.

Part H — Register 7: Specific information requested before determination

For the assessment officer's convenience, the discrete information requests are consolidated below. Each corresponds to a numbered item above.

1. Independent ADG peer review (Item 1.14).
 2. Whole-of-tower cross-ventilation analysis (Item 1.2).
 3. No-sun percentage and 15-minute 3D solar verification (Items 1.3, 6.2–6.3).
 4. Communal-open-space solar, capacity and tenure-allocation analysis (Items 1.4–1.5).
 5. Balcony usability diagrams and post-mitigation wind verification (Items 1.6, 4.3).
 6. Dwelling-by-dwelling storage schedule (Item 1.7).
 7. Vertical-transport report (Item 1.8).
 8. Coordinated design-metrics reconciliation table across all appendices (Item 3.9).
 9. Co-living Plan of Management, operator and tenancy confirmation (Register 2, Item 4.4).
 10. EIS errata schedule and Hunter Water servicing confirmation (Items 5.1, 5.8).
 11. Bring-forward and resolution of all Register 4 deferred items (Items 4.1–4.11).
 12. OLS / PANS-OPS clearance table and crane methodology (Item 6.10).
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Part I — Conclusion

I object to SSD-89869959. I have confined this submission to technical compliance and document integrity, and I have tried to make each point specific and checkable. On the exhibited material:

- the ADG position is partial and, in several respects (deep soil, cross-ventilation, communal-open-space solar, storage, vertical transport), not demonstrated;
- the co-living component lacks the statutory Plan of Management required to assess it at all;
- the central metrics of the application are not internally consistent across the appendices;
- a substantial list of essential matters — including flood emergency planning, ocean-flood assessment, Level 42 wind verification and 35 combined BCA and fire performance solutions — is deferred to a post-consent stage; and
- the EIS contains confirmed errors across at least five appendices, undermining its reliability as an assessment instrument.

Individually, several of these would warrant a request for further information. Cumulatively, they indicate that the exhibited package is not in a state capable of supporting a lawful, evidence-based determination. I ask the Department to refuse the application, or alternatively to require a corrected, completed and re-exhibited package, and to address each numbered item above in its assessment report.