



***TWO LOT TORRENS TITLE LAND
SUBDIVISION OF ROYAL NEWCASTLE
HOSPITAL SITE OF LOT 1 DP 1029006
NEWCASTLE
Proposed by LANDCOM***

Director-General's Environmental Assessment
Report
Section 75I of the
Environmental Planning and Assessment Act 1979

December 2006



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December 2006
NSW Department of Planning
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1 EXECUTIVE SUMMARY

1.1 The Proposal

Landcom, on behalf of the NSW Department of Health (Health Administration Corporation) (the Proponent) is proposing a Torrens title subdivision of land at Pacific Street, Newcastle (the proposal). The site is described as Lot 1 DP 1029006, Pacific Street, Newcastle.

The proposal is a project application and seeks approval for the Torrens title subdivision of Lot 1 DP 1029006 into two lots, proposed lots 11 and 12. Minor utility services relocation works also form part of the application. The subdivision is to prepare the site for staged demolition of the former Royal Newcastle Hospital (RNH) site associated with the redevelopment of the site for a mixed-use residential development with ancillary retail and commercial uses and a mixed-use residential development with ancillary retail and commercial uses site the subject of a Concept Plan application. The demolition project application (MP 06_0262) and the concept plan application for the redevelopment of the site (MP05_0062) are currently being assessed.

This proposal is a Major Project under Part 3A of the Act as the land is part of the Minister's declaration for the redevelopment of the RNH site.

Existing development on the site comprises the RNH buildings including the Nickson Wing (used as a hospital ward) and the McCaffrey Wing (used for outpatients and accident and emergency purposes); the David Maddison Building (an educational/medical establishment); and a large decked car park structure.

The estimated project cost of the development is \$777,000 being the cost of relocation of services on the site as a consequence of the subdivision. The proposal will result in five full time equivalent construction jobs.

The Proponent lodged an Environmental Assessment (EA) with the Department on 4 September, 2006 which was publicly exhibited between 18 October to 17 November 2006 and advertised in *The [Newcastle] Herald* and *The Sydney Morning Herald* on 18 October 2006. Notification letters were sent to adjoining properties and two submissions were received from public authorities. No submissions were received from the public.

Key issues considered in the Department's assessment included, justification of subdivision, relationship to Concept Plan and relocation of services. Of note is the density ratios (set by the Concept Plan) across the entire site and the impact on the ratios if the proposed Lot 11 is sold and developed separately.

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Proponent's Statement of Commitments and the Department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

Consequently, the Department recommends that the project be approved, subject to conditions of approval.

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2 BACKGROUND

2.1 The Site

2.1.1 Site Context and Location

The site is located at Pacific Street, Newcastle, in the Newcastle local government area. The site overlooks Newcastle Beach and is on the eastern edge of the Newcastle CBD. The site comprises one parcel of land (Lot 1 DP 1029006) and is located within the street block bounded by Shortland Esplanade to the east and south, Watt Street to the West and King Street to the north. The site locality is illustrated in Figure 1.



(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated September 2006)

Figure 1. Site location

2.1.2 Existing Site Features

Existing development on the site comprises the RNH buildings including the Nickson Wing (used as a hospital ward) and the McCaffrey Wing (used for outpatients and accident and accident and emergency purposes); the David Maddison building (an educational/medical establishment); and a large decked car park structure, and a stratum of the adjoining United Services Club car park (see Figure 2, over).

The site has a total area of 17,206 sqm and is owned by the Health Administration Corporation.

2.1.3 Surrounding development

The United Services Club (USC), which is listed in the Newcastle LEP 2003 as a heritage item of local significance, adjoins the site. The USC development comprises two adjoining buildings located at 55 and 57 Watt Street, Newcastle and consists of a 2-storey club buildings and 2-storey office building respectively.

The Wirraway Flats development is located on a 760 sqm parcel of land on the corner of Watt Street and Shortland Esplanade. This development currently comprises a 7-storey residential flat building and is currently the subject of a Part 3A project application for construction of a 13-storey residential building, currently being assessed by the Department.

Immediately adjacent to the north of the site is a residential development known as York Apartments, a 12-storey residential building approved by Newcastle City Council in 2001.

The surrounding built environment ranges from small scale residential buildings, retail and commercial offices to large multi-storey hotels, residential and public buildings. Building heights in the area immediately adjacent to the site generally range from 4-8 storeys, with building heights of 8 to 12 storeys occurring along Shortland Esplanade.



(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated September 2006)

Figure 2. Land to which the subject application applies

2.1.4 Zoning

The subject site is zoned 3(c) City Centre Zone under the Newcastle Local Environmental Plan 2003 (NLEP). The proposed subdivision is permitted with development consent in this zone.

2.2 Site History

Landcom initiated a master planning exercise for the RNH site in early 2004. The RNH Masterplan was submitted to Newcastle Council on 22 December 2004. In 2005 Council prepared its own draft DCP for the site which was exhibited with the Landcom Masterplan in September/October 2005. On 29 November 2005, Council resolved to adopt the draft DCP and it came into force on 19 December 2005.

On 14 August 2006 Landcom submitted a Concept Plan for with Department for the redevelopment of the RNH site. It is currently under assessment.

3 PROPOSED DEVELOPMENT

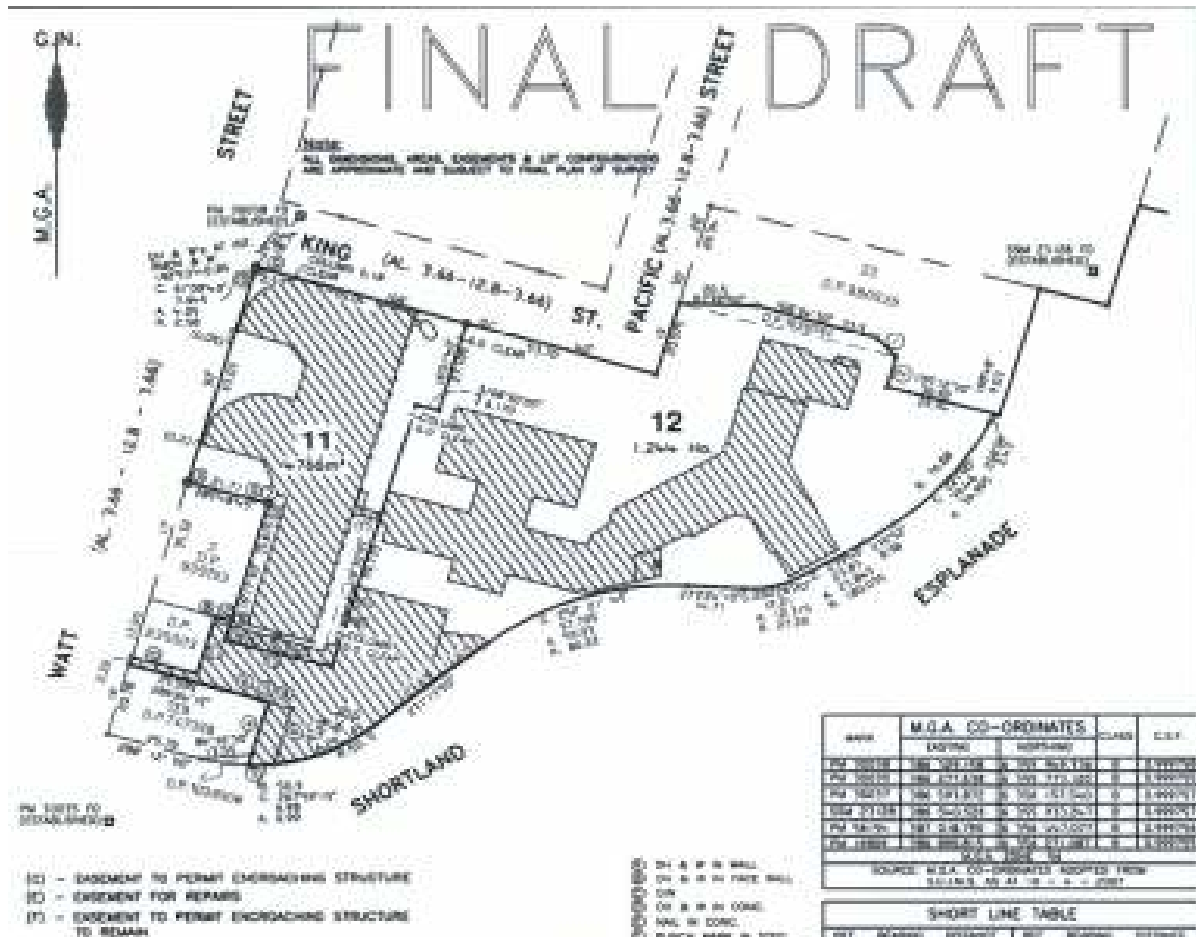
3.1 Project Description

The proposal comprises a project application for Torrens title subdivision of Lot 1 DP 1029006 into two (2) lot being:

- Lot 11 – 4,766 sqm, and
- Lot 12 – 12,440 sqm.

The subdivision is required to excise the current David Maddison building (on proposed Lot 11) and a small curtilage from the main development lot, proposed Lot 12. This will safeguard the current tenant's (University of Newcastle) rights as owner of 50% of the David Maddison Building. The University also is the beneficiary of a

caveat applying to Lot 1 DP 1029006 which restricts the demolition of buildings on the RNH site. The proposed subdivision would result in the caveat applying to the David Maddison Building only, allowing the demolition of the remaining buildings on proposed Lot 12. It is understood negotiations are underway to relocate the University's medical research and morgue facilities to join the Hospital at the John Hunter site. The subdivision layout is illustrated at Figure 3 below.



(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated September 2006)

Figure 3: Proposed subdivision



(Source: Part 3A Environmental Assessment, prepared by JBA Urban Planning Consultants dated August 2006)

Figure 4: Draft Concept Plan Application for former RNH site

4 STATUTORY CONTEXT

4.1 Major Project

The proposal is subject to assessment under Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) and the approval of the Minister for Planning is required to carry out the project. The Minister formed the opinion that the redevelopment of the former RNH site is one to which Part 3A of the Act applies on 8 November 2005. Although a 2 lot subdivision would not generally be assessed under Part 3A of the Act, this proposal is captured by the Minister's declaration for the RNH site and determined as a major project application.

4.2 Permissibility

The site is located in the Newcastle local government area and is zoned 3(c) under the Newcastle Local Environmental Plan 2003 (NLEP). Subdivision of the site for the purposes of staged redevelopment of the site is permissible with development consent under Newcastle LEP 2003. The proposed subdivision is also consistent with the draft Royal Newcastle Hospital Concept Plan dated August 2006.

4.3 Minister's Approval Power

The Department has exhibited the EA in accordance with Section 75H(3) of the Act as described in Section 5 below. The project is entirely permissible and meets the requirements of the Major Projects SEPP. Therefore, the Department has satisfied its legal obligation and the Minister has the power to determine this project.

The Director-General's Environmental Assessment Requirements (DGR's), issued on 26 May 2006, and required the following key issues to be addressed:

- Consideration of all relevant statutory and non-statutory requirements;
- A draft Statement of Commitments outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project.

4.4 Environmental Planning Policies

The assessment of the proposed development is subject to the following environmental planning instruments and strategies:

- *State Environmental Planning Policy (Major Projects) 2005;*
- *State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71);*
- *Newcastle Local Environmental Plan 2003;*
- *Hunter Regional Environmental Plan 1989 (HREP); and,*
- *Lower Hunter Regional Strategy.*

The Proposal has been considered against the following non-statutory documents:

- *Newcastle Development Control Plan 2005 (NDCP)*

The proposed development has been assessed against these controls in Appendix F to this report.

4.5 Current Project Application relating to the site

Separate project applications have been submitted to the Department for the demolition of all structures on the site (MP06-0262) and a concept plan application for a predominantly residential development with ancillary non-residential uses such as retail and commercial uses; base floor space ratio; building envelopes (footprints and heights); public domain improvements; vehicle access points; and site design principles for future project applications MP05-0062. The demolition Project Application is currently under assessment and the assessment of the Concept Plan has been finalised and is awaiting determination.

5 CONSULTATION AND ISSUES RAISED

5.1 Public exhibition

The Major Project application was exhibited from 18 October to 17 November 2006 and was published in *The Sydney Morning Herald* and *The Newcastle Herald*. The Environmental Assessment (EA) was made available to the public in the Department's Information Centre and at Newcastle City Council.

5.2 Public Authorities

The Department received a total of two (2) submissions in response to the public exhibition of the project from the following agencies:

- The City of Newcastle;
- Energy Australia.

A summary of all agency submissions received can be found in **Appendix A**. Where necessary, key issues have been discussed in detail in Section 6, below.

5.3 Public Submissions and Special Interest Groups

No submissions were received from the public or special interest groups.

6 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment include the following:

- Justification of subdivision;
- Relocation of power cables to service proposed Lot 11.

Significant issues are discussed in detail, below.

6.1 Compliance with BCA regarding fire separation

Issue: Fire services and BCA separation

Raised by: Department of Planning

Consideration: The proposed line of subdivision is located a minimum of 6m of the eastern and southern edges of the David Maddison building. The proposed line of subdivision will dissect a car park structure located to the south of the David Maddison building, and will dissect a pedestrian bridge between the David Maddison building and the existing McCaffrey Wing building. The subdivision allows for this structure to encroach across the boundary, but this will be only until such time as the car park is demolished. The pedestrian bridge will also be demolished (subject to separate project application approval).

Resolution: The proposed subdivision will therefore not alter compliance with the BCA regarding fire separation from existing buildings on the site. The proposed subdivision layout will comply with the provisions of the BCA regarding fire separation. As lot 12 may be redeveloped with the David Maddison building still standing, compliance with the BCA is also required with regards to separation between this building and any new residential buildings on lot 12. The required separation will be maintained any building developed on the proposed lot 12 will need to satisfy and comply with the provisions of the BCA.

6.2 Justification for subdivision

Issue: Justification of subdivision

Raised by: Department of Planning

Consideration: The subdivision of one lot into two lots is required to excise the current David Maddison building (on proposed Lot 11) and a small curtilage from the main development lot, proposed Lot 12. This will safeguard the current tenant's (University of Newcastle) rights as owner of 50% of the David Maddison Building. The University also has caveat rights for the entirety of the RNH site. Negotiations are underway to relocate the University's medical research and morgue facilities to join the Hospital at the John Hunter site. If this negotiation is not possible the David Maddison Building could be sold as a separate parcel of land.

6.3 Compliance of future buildings on lot 11 with SEPP 65 and the Concept Plan approval

- Issue:** Compliance of future development on lot 12 and the Concept Plan approval
- Raised by:** Department of Planning
- Consideration:** It is understood that if proposed Lot 11 is sold and developed separately to lot 12, the building footprints illustrated in the proposed Concept Plan (the subject of MP05-0062) for building W4 would not comply with the requirements of SEPP 65 – Design Quality of Residential Flat Development or possibly with the BCA. The proponent has provided two possible scenarios for amendment to the concept plan, should this be the case demonstrating that building footprints could be modified to satisfy SEPP 65.
- The site is the subject of a Concept Plan which has set the density ratios across the entire site, being GFA 53,971 sqm and FSR 3.07:1. However, if proposed Lot 11 is sold and developed as a separately there is a possibility for either lots to exceed the total density ratios.
- Resolution:** In the first scenario building W4 in the Concept Plan (if approved) would be moved to the east, away from proposed Lot 11 boundary to provide adequate setback. This would result in the partial deletion of building P1 (see Figure 4).
- In the second scenario (Figure 5) the western section of W4 tower would be deleted and provide the necessary setback to satisfy SEPP 65 requirements. The Department is satisfied with the justification for the subdivision and that should proposed Lot 11 be sold and developed separately the proposed building footprints could be amended to accommodate the requirements of SEPP 65. However, it should be noted if the building footprints are to be amended, modifications would be required to be made to the Concept Plan, subject to approval from the Minister. An advisory note is recommended to be imposed on this approval to the effect that this subdivision project application has been considered in conjunction with possible scenarios for development on lot 12 as part of a concept plan, but that as the draft concept plan itself has not proposed the alternative to building W4, if the subdivision is registered, modification to the (assuming approved) concept plan will be required, in accordance with figure 4 and 5, or other complying alternative.
- Conditions have been imposed that will limit development if the proposed lots are developed separately to a maximum GFA of 12,055 sqm being FSR 2.5:1 on proposed Lot 11 and a maximum GFA of 41,916 sqm being FSR 3.27:1 on proposed Lot 12.



Figure 5. Proposed subdivision Impact – Amendment to concept plan Option 1 Relocation of W4 tower

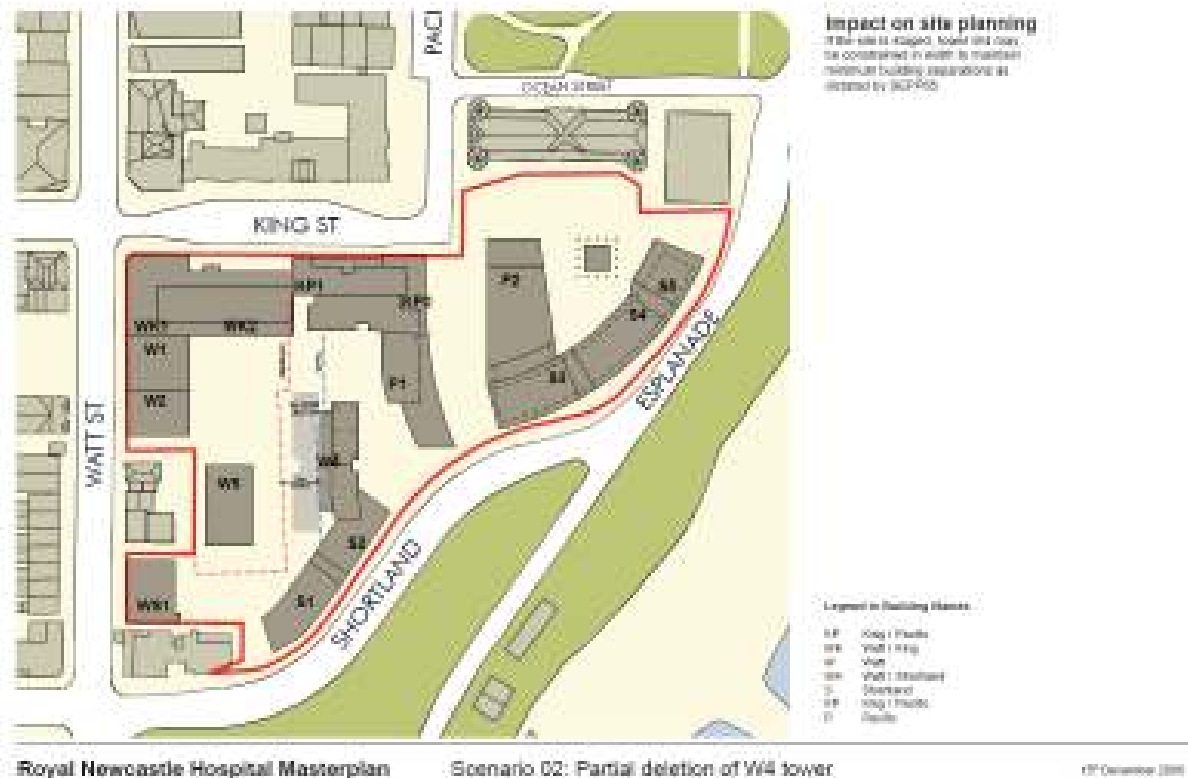


Figure 6. Proposed subdivision impact – Amendment to concept plan Option 2 – Partial deletion of W4 tower

6.4 Relocation of power cables

- Issue:** The relocation of power cables to service proposed Lot 11
- Raised by:** Energy Australia
- Consideration:** The David Maddison Building, situated on proposed Lot 11 currently is serviced by power cabling which passes underneath the south tip of the McCaffrey Wing building, located on proposed Lot 12, which is to be demolished in the near future. The David Maddison Building will remain operational until such time it is demolished and redeveloped as part of the overall RNH redevelopment.
- Resolution:** Conditions have been imposed to ensure the proponent negotiates with Energy Australia to carry out relocation works prior to lodgement of linen plans.

6.5 Car parking for the David Maddison building

- Issue:** Provision of adequate car parking for David Maddison building
- Raised by:** Department of Planning
- Consideration:** The proposed subdivision will not result in any change to the traffic and access arrangements for the David Maddison building. It is considered that the existing 44 car parking spaces will be sufficient for the continued use of the David Maddison Building for a medical research facility with limited educational facilities.

6.6 Other matters

(i) Public benefits and the public interest

The proposal is considered to provide many public benefits summarised below and is considered to be in the public interest: The proposed subdivision will provide for staged demolition of the site and allow the continuing operation of the David Maddison Building (Lot 11) until such time it is demolished and redeveloped as part the RNH site or sold and developed separately.

(ii) Suitability of the site

The site is considered suitable for the proposed subdivision as it forms part of the preparatory work for the future redevelopment of the former RNH. Should the RNH site not be developed, there are no adverse planning consequences of the subdivision and this assessment has contemplated both the scenario of subdivision both the with existing buildings and with new buildings on the site.

(iii) Future opportunities

The proposal will provide opportunities for future development of the former RNH which consist of predominately residential development with ancillary commercial/retail space and public domain improvements.

7 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to non-compliance of subdivision and the relocation of services to proposed Lot 11. The Department has considered these issues and a number of conditions are recommended to ensure the satisfactory addressing of these issues and minimal impacts as a result of the proposal.

The proposed subdivision of the site from one lot into two lots will allow the staged demolition of the former Royal Newcastle Hospital buildings as part of the redevelopment of the site for a mixed-use residential development. The project application complies with the existing environmental planning instruments and meets the intent of the existing approved Concept Plan.

On these grounds, the Department considers the site to be suitable for the proposed development and that the project is in the public interest. Consequently, the Department recommends that the project be approved, subject to conditions of approval.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the project application, subject to conditions, under Section 75J of the *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the Determination of Major Project (**tagged A**).

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APPENDIX A. SUBMISSIONS

2 Lot Torrens Title Subdivision MP06_0263

Summary of all agency submissions received for this application

NB. Because of the varying degree of detail provided in agencies' submissions from DGR's stage to exhibition stage (i.e. some agencies submitted detailed comments at DGR's stage yet did not respond during exhibition), this summary seeks to record all matters raised by agencies as well as provides a Departmental response.

Date	Stage of process	Agency comment	Department's response
The City of Newcastle			
	Exhibition	- Supports the proposal	
		Include a 1 metre easement to drain stormwater being created within proposed lot 12, in favour of the adjacent Lot 22 DP 880526, along the existing stormwater drain as well as along the new stormwater line to Shortland Esplanade at the north-eastern corner of proposed Lot 12	Conditions applied
Energy Australia			
	Exhibition	- Ensure alternative network connection arrangements for the David Maddison Building are in place prior to proposed subdivision.	Conditions applied


APPENDIX B. ENVIRONMENTAL ASSESSMENT

To be provided on disk.

APPENDIX C. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

Environmental Planning Instruments considered in the assessment of the proposal:

Provisions of Environmental Planning Instrument	Consideration
State Environmental Planning Policy (Major Projects) 2005	
Clause 13, Schedule 1 - Capital Investment Value (CIV) of more than \$50 million	Although a 2 lot subdivision would not generally be assessed under Part 3A of the Act, this proposal is captured by the Minister's declaration for the RNH site and determined as a major project application.
Newcastle Local Environmental Plan 2003 (NLEP 2003)	
<p>Zone 3 (c) City Centre Zone</p> <p>(a) To promote the Newcastle City Centre as the pre-eminent regional centre of the Hunter providing for activities of a higher functional order and development intensity than is provided for in District Centre and Local Centre zones under this plan.</p> <p>(b) To accommodate a diverse and compatible range of uses and activities within the City Centre, within its street blocks and within individual buildings and sites, including high density residential development and a wide range of employment generating activities, such as:</p> <ul style="list-style-type: none"> (i) commercial and retail development, and (ii) cultural and entertainment facilities, and (iii) tourism, leisure and recreation functions, and (iv) social, education and health services, and (v) small scale light industries and service industries. <p>(c) To accommodate compatible mixed use development above or adjacent to core retail and commercial street frontages that contributes to a safe, attractive and efficient pedestrian environment.</p> <p>(d) To conserve and enhance the rich cultural and built heritage of the City Centre to reinforce its unique character and improve its vitality and viability.</p> <p>(e) To enable development of waterfront sites to take advantage of the harbour while avoiding a continuous built edge along the waterfront, and not compromising or devaluing the scale and operations of the Port of Newcastle.</p> <p>(f) To provide for the creation and maintenance of easily located public access and view corridors.</p> <p>(g) To provide for development that is consistent in scale and character with:</p> <ul style="list-style-type: none"> (i) other development in the locality and the City Centre generally, and (ii) the landscape and streetscape context of the City Centre including, but not limited to, the city skyline, the foreshore, the coast and the Port of Newcastle. 	<p>The subdivision is required to excise the current David Maddison building (on proposed Lot 11) and a small curtilage from the main development lot, proposed Lot 12. This will safeguard the current tenant's (University of Newcastle) rights as owner of 50% of the David Maddison Building. The University also has caveat rights for the entirety of the RNH site. Negotiations are underway to relocate the University's medical research and morgue facilities to join the Hospital at the John Hunter site. If this negotiation is not possible the David Maddison Building could be sold as a separate parcel of land.</p> <p>The final outcome – the redevelopment of the RNH site will provide a mixed use development, an active public domain while enhancing the cultural and built heritage of the city centre.</p>
Newcastle DCP 2005	
6.7.2 a) Access Corridors	Compliance
<p><i>Objectives</i></p> <p><i>Ensure development provides connections within the site and to surrounding streets.</i></p>	The subdivision is required to excise the current David Maddison building (on proposed Lot 11) and a small curtilage from the main development lot, proposed Lot

<p><i>Provide clearly defined communal, private and public domains.</i></p> <p><i>Integrate the site into City East.</i></p> <p>Specific Provisions</p> <p>The following publicly accessible links are to be provided through the site:</p> <p>a public road (nominally consisting of two travel lanes, with parking and footpaths on each side) from Pacific Street to Church Street (shown as No. 1 on Map 2: Gateway and Access Corridors) in accordance with the requirements of Council and the outcomes of a detailed traffic analysis;</p> <p>a pedestrian access from King Street to Shortland Esplanade (with limited vehicle access permitted and no through traffic) (shown as No. 2 on Map 2); and</p> <p>an access lane from Watt Street to the extension of Pacific Street (shown as No. 3 on Map 2) is desirable (but not mandatory) allowing pedestrian access through the site but not through vehicular traffic.</p> 	<p>12. This will safeguard the current tenant's (University of Newcastle) rights as owner of 50% of the David Maddison Building. The University also has caveat rights for the entirety of the RNH site. Negotiations are underway to relocate the University's medical research and morgue facilities to join the Hospital at the John Hunter site. If this negotiation is not possible the David Maddison Building could be sold as a separate parcel of land.</p>
<p>6.7.2 b) Land Use and Character Areas</p> <p>Objectives</p> <p><i>Ensure that new development is sensitive to the character of its local land use context.</i></p> <p><i>Ensure that the coastal precinct is developed in a manner which complements City East in terms of uses, built form, and access between the City and its ocean foreshores.</i></p>	

Ensure that new development on this edge of City East contributes to the character of the coastal edge.

Specific Provisions

i) Development should have a positive relationship with the character area of which the site forms a part and respond to the preferred building types specified (see Map 3: Preferred Building Types).



ii) The ground floor of buildings should address the street. The Watt and King Street frontages should have retail/commercial/café or community use where Map 8: Activation of Street Frontages indicates that active frontages are required. Pacific Street and Shortland Esplanade / Church Street may include residential uses at street level. Above ground uses may be mixed use and could include commercial, retail, tourist accommodation and residential uses.

iii) Development on the edge of the city centre should positively contribute to and reinforce the desired character of the coastal edge.

iv) Development should aim to maximise ocean views without significant overshadowing of the beach.

Lower Hunter Regional Strategy

The Department prepared a draft Lower Hunter Regional Strategy (draft Strategy) which was released to the public on 4 November 2005 and placed on public exhibition until 20 January 2006 for comment.

In general terms the key features of the draft Strategy at a Regional level include:

- population increase of 5000 people/year with an expected population of 125,000 by 2031;
- housing demand for 95,000 new dwellings (35,000 for the existing population);

The subdivision is required to excise the current David Maddison building (on proposed Lot 11) and a small curtilage from the main development lot,

<ul style="list-style-type: none"> ○ housing split of new versus infill is expected to be 50/50; ○ employment for an additional 50,000 jobs (30,000 in commercial centres); ○ promotes Newcastle as the Regional City; ○ promotes increased population around commercial centres and transport nodes; and ○ promotes the limiting of rural residential development. <p>At a local level, for Newcastle, the draft Strategy indicates:</p> <ul style="list-style-type: none"> ○ two new release areas – Dan land and Xstrata; ○ the importance of port related industrial land and its protection; ○ one new industrial release area – Beresfield; and ○ support for a Regional Conservation Plan. <p>(Source: Newcastle City Council website, City Strategy Group meeting, February 2006)</p>	<p>proposed Lot 12. This will safeguard the current tenant's (University of Newcastle) rights as owner of 50% of the David Maddison Building. The University also has caveat rights for the entirety of the RNH site. Negotiations are underway to relocate the University's medical research and morgue facilities to join the Hospital at the John Hunter site. If this negotiation is not possible the David Maddison Building could be sold as a separate parcel of land.</p> <p>The final outcome – the redevelopment of the RNH site will satisfy the demand for new dwellings, increase population around the commercial centre and transport nodes and therefore limit the rural residential development.</p>
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