

**ORDINARY COUNCIL MEETING
12 DECEMBER 2017**

ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

REPORTS BY COUNCIL OFFICERS

ITEM-145 CCL 12/12/17 - RAIL CORRIDOR LAND - ADOPTION OF
AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL
PLAN 2012, DEVELOPMENT CONTROL PLAN 2012 AND
PLANNING AGREEMENT

Attachments B to I

- Attachment B:** Section 6.01 Newcastle City Centre
- Attachment C:** Newcastle Urban Rail Transformation
Program Planning Agreement
- Attachment D:** Social Pinpoint Survey Results
- Attachment E:** Assessment of main points raised
during Public Voice and in submissions
in relation to Traffic Impact Assessment
- Attachment F:** Copy of Council Resolution of 13
October 2016
- Attachment G:** Copy of Form Letter - Objection
- Attachment H:** Status Report from Revitalising
Newcastle and correspondence from
Minister for Planning
- Attachment I:** Letter from Revitalising Newcastle
Program Director dated 22 November
2017.

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**CCL 12/12/17
RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN
2012 AND PLANNING AGREEMENT**

Attachment B: Section 6.01 Newcastle City Centre

Draft

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	-	September 2014	New
2	TBC	TBC	Amended

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to the Newcastle City Centre as shown in Figure 6.01 - 1 below.

Figure 6.01-1: Newcastle City Centre Land Application Map



Development (type/s) to which this section applies

This section applies to all development consisting:

- New buildings or structures
- Additions or alterations to existing buildings or structures

Applicable environmental planning instruments and legislation

The provisions of the following listed environmental planning instrument/s also apply to development applications to which this section applies:

- Newcastle Local Environmental Plan 2012
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- State Environmental Planning Policy No 71 - Coastal Protection
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- Any applicable land use specific provision under Part 3.00
- 4.04 Safety and Security
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.03 Traffic, Parking and Access
- 7.05 Energy Efficiency
- 7.06 Stormwater
- 7.07 Water Efficiency
- 7.08 Waste Management

Note 1: Any inconsistency between the locality specific provision and the landuse specific provision, the locality specific provision will prevail to the extent of the inconsistency.

Note 2: Provisions within Section 6.01.04 - Key Precincts will have precedence over other sections of the DCP.

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision - where subdivision of land is proposed
- 4.01 Flood Management - all land which identified as flood prone under the Newcastle Flood Policy or within a PMF or area likely to flood.
- 4.03 Mine Subsidence - within mine subsidence area
- 5.01 Soil Management - works resulting in any disturbance of soil and/or cut and fill
- 5.02 Land Contamination - land on register or where risk from previous use
- 5.03 Tree Management - trees within 5m of a development footprint or those trees likely to be affected by a development
- 5.04 Aboriginal Heritage - known/likely Aboriginal heritage item/site and/or potential soil disturbance
- 5.05 Heritage Items - known heritage item or in proximity to a heritage item.

- 5.06 Archaeological Management - known/likely archaeological site or potential soil disturbance
- 5.07 Heritage Conservation Areas - known conservation area
- 7.04 Movement Networks - where new roads, pedestrian or cycle paths are required.
- 7.09 Advertising and Signage
- 7.10 Street Awnings and Balconies - awnings or balconies located over public land

Associated technical manual/s

- [City Centre Public Domain Technical Manual](#)

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.00 - Glossary, of this plan.

Additional information

This Newcastle Development Control Plan (DCP) section provides detailed standards and guidance for development in Newcastle's city centre.

This section forms part of the community vision and is consistent with the provisions of the Newcastle Local Environmental Plan (LEP) 2012. It is to be read in conjunction with the LEP and other relevant sections of the DCP for the assessment of all development applications in the city centre.

This guide has been developed to consolidate and replace sections 6.01 and 6.02 of the Newcastle Development Control Plan 2012. This guide has performance criteria that explain the planning outcomes to be achieved. Accompanying the performance criteria are acceptable solutions that illustrate the preferred way of complying with the corresponding performance criterion. There may be other ways of complying with performance criteria and it is up to the applicant to demonstrate how an alternative solution achieves this.

Development Application requirements

3D modelling: any application to carry out development that exceeds two storeys in height, or development that is in a "Key Precinct" is to be accompanied by a 3D file of the proposed development within in the context of the Newcastle CBD 3D model. The format should be compatible to that used by the City of Newcastle council.

The 3D Model should be used to develop the following information:

- context 'before' and 'after' streetscape drawings/images and/or photomontages;
- shadow diagrams; and
- assessment of impact on view corridors.

Urban Design Consultative Group

Council has established an Urban Design Consultative Group to provide independent urban design and architectural advice on major development proposals within the Newcastle City Centre. The Urban Design Consultative Group is recognised by the Minister for Planning as a SEPP 65 Design Review Panel. In addition to providing advice on SEPP 65 matters, the Group may consider any development matters in accordance with the approved Charter for the Urban Design Consultative Group.

Note : Clause 7.5 (4) of the *Newcastle Local Environmental Plan 2012* requires an architectural design competition for certain types of development.

Clause 7.5 (6) of the *Newcastle Local Environmental Plan 2012* states that the consent authority may grant consent for a variation of up to 10% of the maximum floor space ratio or height control if the proposal has been reviewed by a Design Advisory Panel.

6.01.01 Introduction

The vision

Newcastle City Centre will continue to grow and evolve to strengthen its position as the Hunter Region's capital. The city centre will reflect the Newcastle Community Strategic Plan 2030 vision to be a 'Smart, Liveable and Sustainable City', and the initiatives of the Newcastle Urban Renewal Strategy. Newcastle city centre will be an attractive city that is built around people and reflects our sense of identity.

Image 6.01- 1: Potential public domain improvements to Crown Street, with active uses such as outdoor dining (Impression: Arup 2012)



Purpose of this section

This Development Control Plan section has been prepared as an implementation action of the Newcastle Urban Renewal Strategy. It integrates place-based planning for Newcastle East, Honeysuckle and Newcastle West. The Development Control Plan section contains a comprehensive set of planning and design guidelines. The design guidelines are derived from the characteristic features of distinct areas within the city centre.

Aims of this section

1. To implement the Newcastle Urban Renewal Strategy
2. To integrate planning for Newcastle East, Honeysuckle and Newcastle West
3. To provide a comprehensive set of planning and design guidelines based on the characteristic of distinct areas within the city centre.

6.01.02 Character Areas

A. Character Areas overview

Within the city centre there are a number of areas with distinct characteristics. These 'character areas' each have their own unique setting that provide opportunities for the ongoing renewal and revitalisation of the city centre. They are divided into areas based on their attributes, including topography, landscape, heritage, streetscape, land uses and built form. The character areas are described in the following character statements in this part and are identified in Figure 6.01-2.

In addition to the character areas, **seven** 'key precincts' have been identified. The key precincts are focused around major public spaces in the city centre and have special provisions outlined in Part **6.01.04** of this DCP section that need to be considered.

This part contains the character statements and supporting principles for development within all character areas of Newcastle's city centre. The statements are place-specific and build on the existing urban structure, character of the neighbourhoods and important elements that will

contribute to the future quality of the area. The statements are supported by a number of principles that help reinforce and enhance the character of each locality.

Figure 6.01-2: Character Areas Overview



Overall principles

1. The unique character of each Character Area is enhanced.
2. New development has regard to the fabric and character of each area in scale, proportion, street alignment, materials and finishes and reinforce distinctive attributes and qualities of built form.
3. Heritage items and their setting are protected.
4. Public spaces, including streets, lanes and parks maintain high levels of solar access.
5. Active frontages address the public domain.
6. Existing significant views and vistas to buildings and places of historic and aesthetic importance are protected.

B. West End

This area is the western gateway to Newcastle's city centre and is an area of unrealised potential. It currently has showroom and bulky goods facilities, retail, car dealerships and self storage. The predominance of larger consolidated land holdings and fewer environmental and heritage constraints make this precinct ideally suited to become the future CBD of Newcastle. This precinct has fewer public domain assets. Improvement of public open space is needed to ensure the precinct is well-served as it evolves into a commercial precinct. Public domain opportunities include improvements to Birdwood Park, the Cottage Creek corridor and connections to the river foreshore. Public domain improvements should be in accordance with any adopted public domain plan of Council.

Principles

1. New public spaces are created to meet the demands of the future CBD and existing public open spaces are improved, such as Birdwood Park and Cottage Creek. Opportunities for new publicly accessible spaces are identified.
2. Birdwood Park is recognised as an important element in the public domain network and as the western 'gateway' to the city centre.
3. New development fronting Birdwood Park addresses the park edge and promotes a sense of enclosure by being built to the street alignment. Any new development ensures adequate midwinter lunch time sun access to Birdwood Park.
4. Development along the former rail corridor, Cottage Creek, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.
5. Building entries are inviting with activate frontages that allow visual permeability from the street to within the building.
6. Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed.
7. Heritage items and their setting are protected.

Figure 6.01-3: West End Character Area

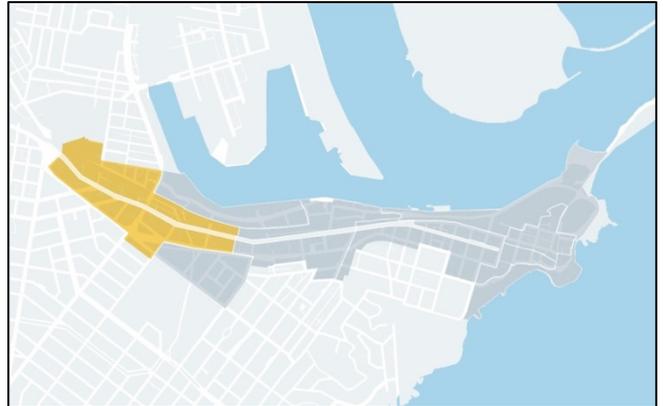


Image 6.01-2: Wood Street, view towards the Stores on Hunter Street



C. Honeysuckle

Honeysuckle is currently the premier locale for A-grade large floor plate commercial office development. A range of complementary uses include higher density residential development, restaurants and hotels which take advantage of Honeysuckle's prime position on the Hunter River foreshore. Honeysuckle has opportunities for significant public domain. The extension of the foreshore park westwards will form a continuous publicly accessible foreshore that extends from Maryville to Merewether around the city centre peninsula.

Principles

1. Development between the former rail corridor and Honeysuckle Drive provides a building address to both frontages.
2. Development along the waterfront, Cottage Creek, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.
3. Heritage items and their setting are protected Principles

Figure 6.01-4 - Honeysuckle Character Area

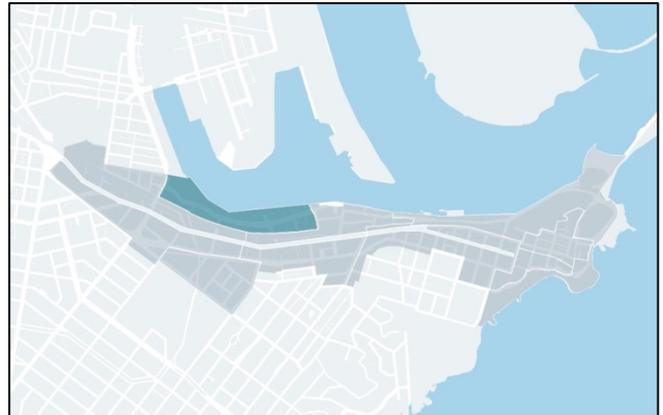


Image 6.01-3: Honeysuckle Drive, A-grade commercial office building



Image 6.01-4: Honeysuckle waterfront, mixed-use development



D. Civic

Civic is the administrative, cultural and educational centre of Newcastle. It includes facilities that reflect Newcastle's importance as a major regional city such as Newcastle Museum, Newcastle Art Gallery and City Hall. It is the location of major public assets such as Wheeler Place and the Civic Theatre.

The relocation of the courts to Civic and the introduction of more educational facilities associated with the University of Newcastle will have a major effect on the future character and activity within this area. Smaller commercial spaces will redevelop as support services for the courts and the university, and an increased student population will create flow-on demand for housing, retail and other services.

Principles

1. The pedestrian connection linking a number of the city's cultural buildings and spaces is reinforced, between Newcastle Art Gallery, through Civic Park and Wheeler Place, past the Newcastle Museum to the foreshore of the Hunter River.
2. Visual and physical connections **through the area and** between Civic and the Hunter River foreshores are opened.
3. Development between the **former** rail corridor and Hunter Street provides a building address to both frontages.
4. **Public open space in the heart of Civic is improved and expanded through the addition of the Civic Link to complement and enhance Wheeler Place.**
5. Development along publicly accessible spaces, lanes or through-site links provide a building address to encourage activity, pedestrian and cycleway movement, and improve safety.
6. Mid-winter lunch time sun access is protected to the footpath on the south side of Hunter Street and to Wheeler Place, **Civic Link**, Civic Park and Christie Place.
7. Distinctive early industrial, warehouse, and retail buildings that contribute to the character of the area are retained and re-purposed.
8. **Development is encouraged that will support the role of Civic as the primary administrative, cultural and educational centre of Newcastle.**
9. **The expansion of Civic should extend northwards to link the Civic public realm to Newcastle Museum.**

Figure 6.01-5: Civic Character Area



Image 6.01-5: Christie Place, between University House and City Hall



E. Parry Street

The area to the north of National Park and south of King Street is currently a mixture of commercial development with some residential and retail development such as the shopping centre, Markettown. In the future, this precinct will be characterised by more high density residential development taking advantage of the good amenity offered by proximity to the city centre and National Park and available services such as retail, entertainment and employment opportunities.

Figure 6.01-6: Parry Street Character Area

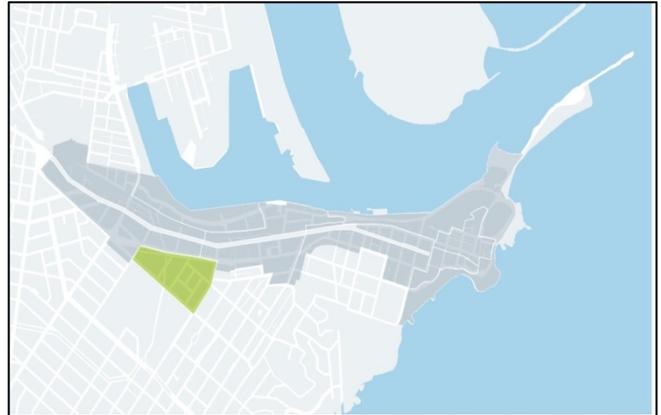


Image 6.01-6: Hall Street, an area in transition



Principles

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

Image 6.01-7: Parry Street, new residential development



F. East End

East End centres on the former Hunter Street Mall (between Perkins and Newcomen Street) and the terminus of Hunter Street at Pacific Park. The precinct is characterised by hilly topography and a mix of uses focusing on the retail spine of Hunter Street Mall. The subdivision is more finely grained than other areas of the city centre. A mix of heritage listed and historic buildings give this part of Newcastle a unique character and offer interesting and eclectic streetscapes.

Principles

1. Hunter Street Mall continues to be the main retail spine of the area, supported by a range of complimentary uses, including residential, commercial, entertainment and dining.
2. Hunter Street Mall is recognised and enhanced as a major pedestrian space and an informal meeting place.
3. The historic fine grain character is maintained and enhanced.
4. Significant views to and from Christ Church Cathedral are protected, including views from Market Street and Morgan Street. Views to Hunter River are protected and framed along Market Street, Watt Street and Newcomen Street.
5. Vistas that terminate at significant heritage buildings are protected, such as Fort Scratchley.
6. Distinctive early industrial, warehouse and retail buildings that contribute to the character of the area are retained and re-purposed, including prominent corner buildings.
7. Existing laneways and pedestrian connections are enhanced.
8. Heritage items and their setting are protected. New buildings respect the setting of heritage buildings.
9. In-fill buildings, additions and alterations to respond to the height, massing and predominant horizontal and vertical proportions of existing buildings.
10. Recreational opportunities are created by establishing public space and pedestrian connections from Scott Street to the Hunter River foreshore.

Figure 6.01-7: East End Character Area

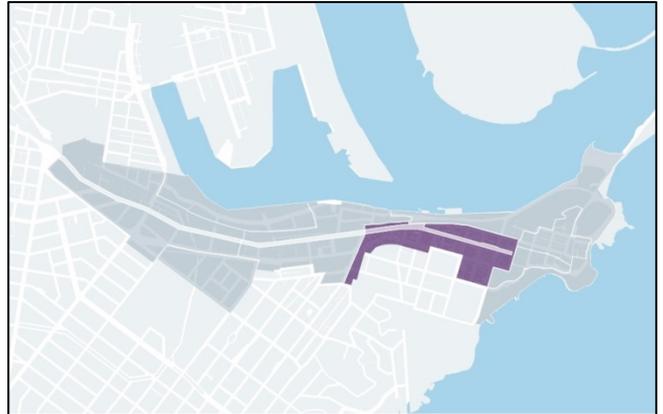


Image 6.01-8: Hunter Street, view east



G. Newcastle Beach

With the redevelopment of Newcastle

Hospital, Newcastle Beach has emerged as the location of a cluster of high rise tourist and visitor accommodation and high quality residential apartments overlooking the beach.

Newer developments have been accompanied by high quality public domain improvements and good pedestrian through-site connections to the beach front. The area adjoins Newcastle East Heritage Conservation Area, so development on this edge must ensure sensitive transitions responding to the lower scale development in Newcastle East Heritage Conservation Area.

Principles

1. The public domain and amenity is enhanced to support the high-density residential and hotel uses.
2. Pedestrian access is improved to Newcastle Beach.
3. New development addresses the street to provide a good interface with the public domain.
4. Development adjoining Newcastle East Heritage Conservation Area creates a transition in scale by aligning the scale, proportion, form and finishes of the associated buildings.
5. The high environmental quality of the area is maintained.

Figure 6.01-8: Newcastle Beach Character Area

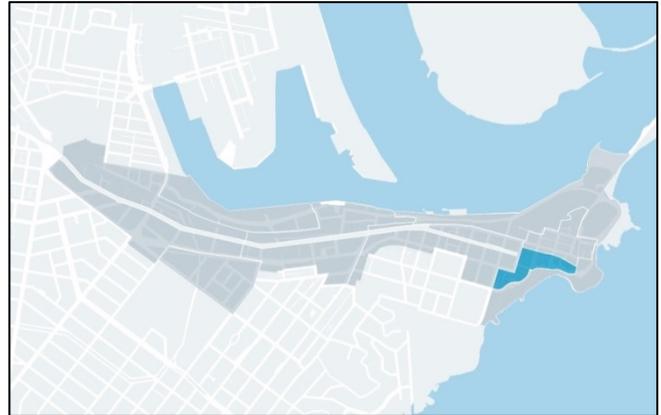


Image 6.01-9: Adaptive reuse of a heritage building



Image 6.01-10: Newcastle Beach



H. Newcastle East Heritage Conservation Area

Newcastle East Heritage Conservation Area is characterised by an intact heritage streetscape which is recognised by its inclusion as a Heritage Conservation Area in Schedule 5 of Newcastle LEP 2012, and by the number of state significant heritage items. It is a highly significant cultural landscape that provides a record of the early development of Newcastle.

The area is primarily residential with terrace housing dating from the late nineteenth century. Small corner shops and other ancillary retail or commercial uses are present. Terrace houses are built to the street boundary, with many featuring first floor verandas that overhang the footpath.

The fringes of the area feature heritage listed warehouses that have been converted for residential and commercial uses, and notable buildings including Fort Scratchley Historic Site, Boatman's Row, the Cohen Bondstore and Coutt's Sailors Home. The north edge of Newcastle East Heritage Conservation Area is bounded by the Coal River Precinct, a place of outstanding heritage significance listed on the NSW State Heritage Register.

Development in this area is subject to the provisions of the Newcastle DCP 2012 heritage provisions and the following principles.

Principles

1. The heritage significance of Newcastle East Heritage Conservation Area is retained and conserved.
2. Development responds to and complements heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
3. New development respects the scale, character and significance of existing buildings.
4. Existing views and vistas are maintained into and out of the area to the water and the foreshore parkland.
5. The continuity of Newcastle East's heritage conservation is retained and the diverse social mix of the area is maintained.

Figure 6.01 - 9: Newcastle East Heritage Conservation Area

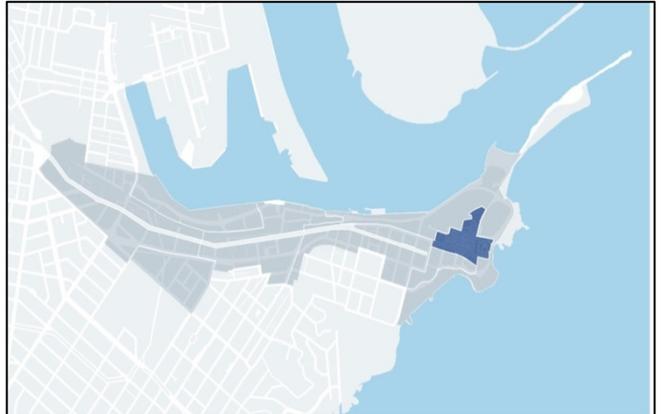


Image 6.01-11: Newcastle East Terraces



Image 6.01-12: Prominent corner building Newcastle East



I. Foreshore

The extensive foreshore is the primary open space asset of Newcastle's city centre. It showcases the city's unique natural setting, between the Hunter River and the Pacific Ocean. The foreshore provides public access linking the river and ocean waterfronts and is also the location of many significant heritage places such as **Newcastle Railway Station buildings**, Fort Scratchley, Customs House, the Ocean Baths and Nobbys Point lighthouse. Key public facilities can also be found in this precinct such as Nobbys Beach, Newcastle Beach, Queens Wharf, Nobbys Beach Surf

Pavilion, and the foreshore cycleway and promenade. Development must complement the leisure, recreation and heritage uses of the Foreshore area.

Principles

1. The area is enhanced and continues to be the city's major recreational open space for Newcastle's workers, residents and visitors.
2. **New public open space provides recreational opportunities for the community and key access links to the foreshore.**
3. New development respects the scale, character and significance of existing buildings, especially heritage items.
4. New development promotes and facilitates the continuity of public access to the whole foreshore.
5. **New development complements the use of public spaces as an events space.**
6. Heritage items and their setting are protected, including the Aboriginal cultural heritage and non-Aboriginal archaeology.
7. **The adaptive re-use of the Newcastle Railway Station maximises the long term potential of the site as a major visitor and community focal point.**

Image 6.01-14: Hunter River waterfront along Foreshore Park



Figure 6.01-10: Foreshore Character Area



Image 6.01-13: Ocean Baths



6.01.03 General controls

A. Building form

A1. Street wall heights

Street wall heights refer to the height of the building that addresses the public street from the ground level up to the first building setback. They are an important element to ensure a consistent building scale in streets that have a mix of uses, heritage items and infill development.

Street wall heights can provide a sense of enclosure to the street and contribute to the city's character through street alignment with appropriate street-width to building height ratios. They can also have a direct impact on sunlight access to the public domain.

Performance criteria

A1.1. Street wall heights of new buildings define and enclose the street, are appropriately scaled and respond to adjacent development.

Acceptable solutions

1. New buildings have a street wall height of 16m unless indicated otherwise in Figure 6.01-12.
2. Any development above the street wall height is set back a minimum of 6m, as shown in Figure 6.01-11.
3. Corner sites may be emphasised by design elements that incorporate some additional height above the nominated street height.

Alternative solutions

- The street wall height of new buildings may vary if the desired future character is to maintain the existing street wall height of neighbouring buildings, such as heritage streetscapes.
- Deeper setbacks above the street wall height may be needed for heritage buildings or conservation areas to maintain the scale of the streetscape and the setting of heritage items.
- **Where it can be demonstrated that there will be no adverse impact in terms of overlooking, overshadowing, or streetscape appearance, a variation to the street wall height setback may be possible.**

Image 6.01-15: Consistent street wall heights help define the street



Figure 6.01-11: Section showing the typical 16m street wall height and typical 6m upper level setback

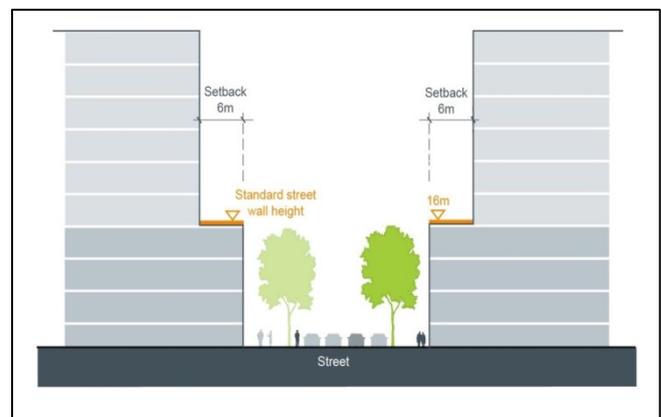
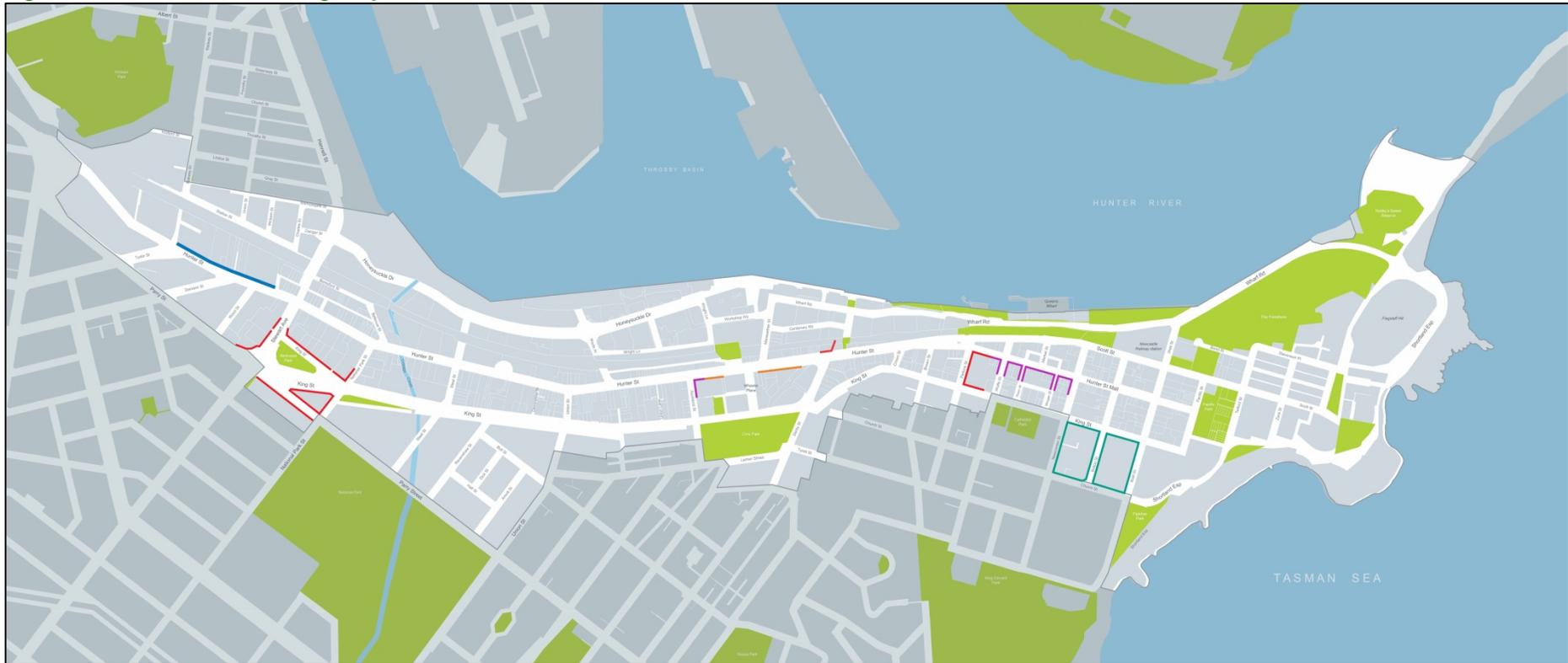


Image 6.01-16: Corners can be emphasised through change in architectural expression, material selection and design elements.



Figure 6.01-12: Street wall heights plan



- 22m street wall height
- 18m street wall height
- 14m street wall height
- 10m street wall height
- 8m street wall height
- block pattern
- public open space
- city centre boundary

A2. Building setbacks

A building setback is the distance between the building and the street boundary, a neighbouring site, waterfront, or any other place needing separation. Building setbacks can enhance development and its relationship with the adjoining sites and the public domain, particularly in terms of access to sunlight, outlook, view sharing, ventilation, wind mitigation and privacy.

In a city centre it is desirable to locate the frontage of lower levels (the podium) on the street boundary to give strong definition to the street and create setbacks in the upper building elements.

Performance criteria

A2.1. Building setbacks define and address the street and public domain spaces, and respond to adjacent buildings.

Acceptable solutions

1. Front setbacks are nil (zero) unless shown otherwise in Figure 6.01-13 and Table 6.01-1.
2. Where it is not possible to meet the setbacks in Figure 6.01-13 and Table 6.01-1 new development aligns with the adjoining front setbacks.
3. When a setback is used, footpaths, steps, ramps and the like may be provided within it.
4. Minor projections beyond the setback are possible for Juliette balconies, sun shading devices, and awnings. Projections into the setbacks are complementary to the style and character of adjoining buildings.

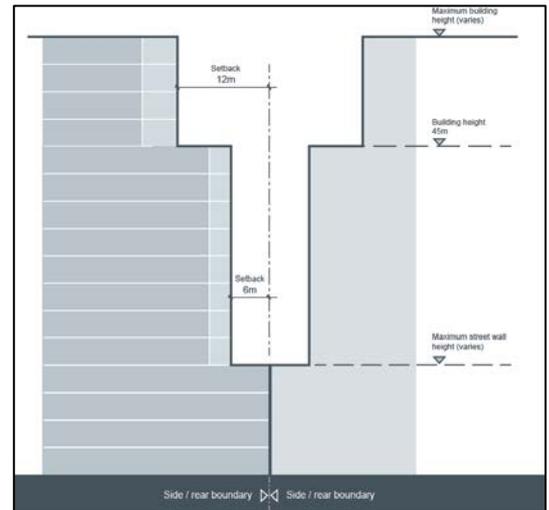
Table 6.01-1: Minimum setback for side and rear boundaries

Minimum setback for side and rear boundaries		
Part of building	Side boundary	Rear boundary
Below street wall height	Nil	Nil
Between street wall height and 45m	6m	6m
Above 45m	12m	12m

Image 6.01-17: Front building line is located on the boundary to define the street.



Figure 6.01-13 Section illustrating minimum side and rear setbacks



Performance criteria

A2.2 Side and rear setbacks enhance amenity and allow for ventilation, daylight access, view sharing and privacy for adjoining buildings.

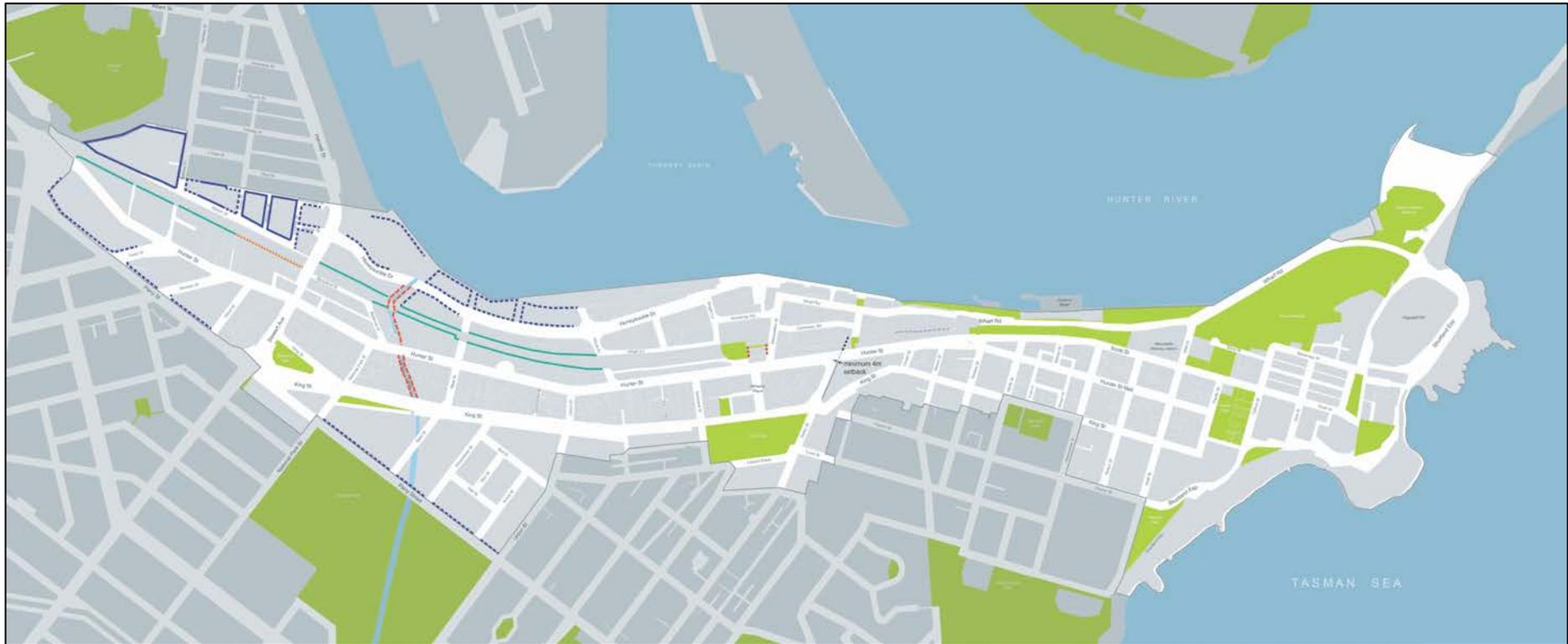
Acceptable solutions

1. Development may be built to the side and rear boundary (a nil setback) below the street wall height.
2. Commercial development above street wall height is consistent with the side and rear setbacks outlined in Table 6.01-1 and Figure 6.01-13.

Alternative solutions

- Where there is no adjoining development to respond to, half the separation distances to boundary recommended in **the Apartment Design Guide** may be acceptable.
- Where there are no openings within the wall, the side setbacks are consistent with Table 6.01-1 and Figure 6.01-13

Figure 6.01-14: Building setbacks plan



- 4.5m setback from boundary
- Align to Darby Street (eastern side)
- Built form to align to museum building
- 6.0m rear setback to allow for access laneway
- 2.5m primary building setback
- 3.5m primary building setback
- 4.0m primary building setback
- 6.0m primary building setback
- 10.0m primary building setback
- Block pattern/cadastre
- Public open space
- Study area boundary
- *minimum setbacks

A3. Building separation

Building separation is the distance between two or more buildings on the same site. Building separation ensures ventilation, daylight access, view sharing and increased privacy between neighbouring buildings. In residential buildings and mixed-use buildings, separation between windows and balconies from other buildings is particularly important for privacy, acoustic amenity, view sharing and sun access.

Building separation can also enhance the built form by visually separating building elements that can result in more usable public domain spaces in terms of mitigating wind impact and ensuring daylight access. Building separation provided at lower levels, between buildings on the same site, can visually break long building frontages and provide opportunities for mid-block through-site links that connect to other streets or open space.

Performance criteria

A3.1. Sites that accommodate more than one building achieve adequate daylight, ventilation, outlook, view sharing and privacy for each building.

Acceptable solutions

- Buildings achieve the minimum building separation for commercial buildings within the same site, as shown in Table 6.01-2 and Figure 6.01-14.
- Building separation distances may be longer for residential and mixed-use developments to satisfy SEPP 65 guidance.
- Sites with a road frontage 100m or greater include separation between buildings to maximise view corridors between the buildings and provide appropriate through-site links.

Table 6.01-2: Minimum building separation

Minimum building separation			
Up to 16m	Up to 45m	Above 45m	
Nil or 6m for link		9m	21m

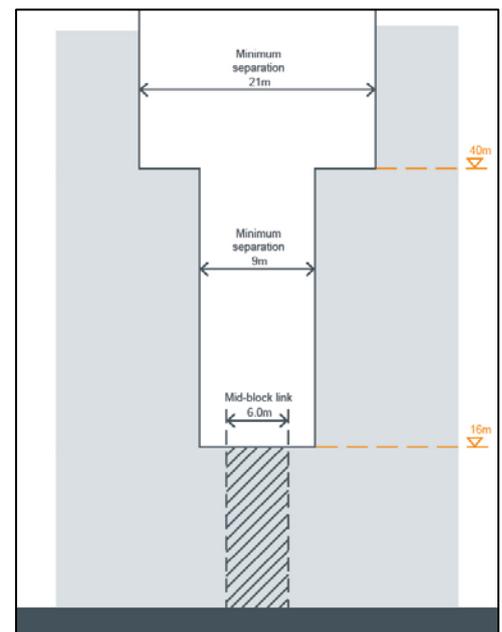
Image 6.01-18: Solid walls with non-habitable room windows are used for end elevations to manage privacy impacts



Image 6.01-19: Building separation in this residential development allows for ventilation, daylight access, view sharing and privacy



Figure 6.01-15: Section showing minimum separation distances between buildings within the same site and a minimum 6m separation where a through-site link is required.



A4. Building depth and bulk

The size of building floor plates has a direct

impact on building bulk and urban form. Setting a maximum size of floor plates is also important to allow for ventilation, daylight access, view sharing and privacy in neighbouring development and the public domain.

Performance criteria

A4.1. Building depth and floor plate sizes relates to the desired urban form and skyline of the city centre.

Acceptable solutions

1. Buildings achieve the maximum building depth and floor plate sizes as outlined in Table 6.01-3.
2. Buildings with large floor plates are expressed as separate building elements, as shown in Figure 6.01-15.
3. Buildings above street wall height have a maximum building length of 50m.
4. Floor plates are flexible and allow adaption for multiple configurations or uses.

Table 6.01-3: Maximum building depth and floor plate size

Maximum building depth and floor plate size			
Building typology	Floor plates affected	Maximum GFA per floor	Maximum building depth
Campus style commercial building	All floor plates Honeysuckle	2500m ²	25m
Commercial tower	Above street wall height	1200m ²	25m
Residential tower	Above street wall height	900m ²	18m

Figure 6.01-16: Commercial buildings with large floor plates expressed as separate building elements of not more than 1200sqm.

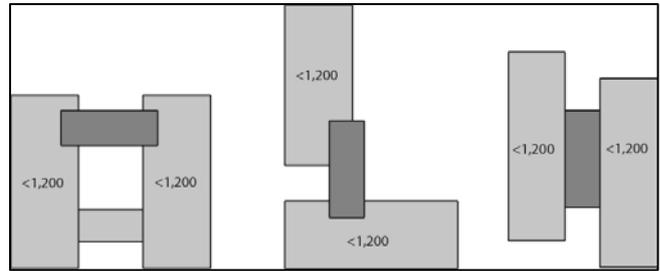
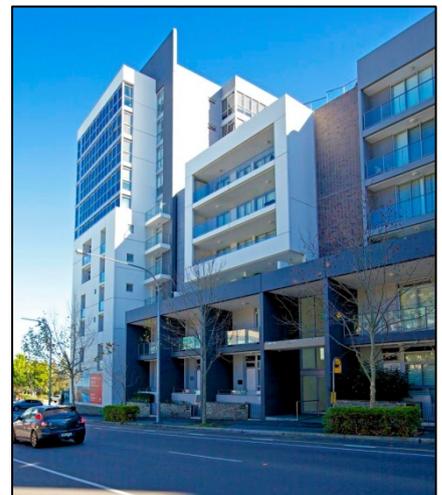


Image 6.01-20: Buildings with large floor plates expressed as separate building elements



Performance criteria

A4.2. Buildings achieve good internal amenity with minimal artificial heating, cooling and lighting.

Acceptable solutions

1. Workspaces in office buildings achieve adequate natural light. Design solutions include windows, atria, courtyards or light wells and by locating workspaces within 10-12m from a window or daylight source.
2. Consider opportunities to incorporate natural ventilation for commercial and mixed use development. Design solutions include the use of cross ventilation or stack effect ventilation via atria, light wells or courtyards to reduce reliance on artificial sources.

A5. Building exteriors

The design of building exteriors create visual interest to the streetscape and unify developments of different styles and lot widths. Detailed architectural treatments, materials, finishes and colour have the potential to reference the history of the precinct and shape the future character of the area.

Performance criteria

A5.1. Building exteriors feature high quality design with robust materials and finishes.

Acceptable solutions

1. Materials and finishes complement the character of the precinct.
2. External walls are constructed of high quality and durable materials and finishes with low maintenance attributes such as face brickwork, rendered brickwork, stone, concrete and glass.
3. An exterior material and finishes sample board and schedule shall be submitted with development application to show the quality of the materials proposed.

Performance criteria

A5.2. Building exteriors make a positive contribution to the streetscape and public domain.

Acceptable solutions

1. Buildings are articulated to differentiate between the base, middle and top.

Image 6.01-21: A well articulated building which differentiates between a base, middle and top, featuring high quality façade materials and adopts materials that are typical of the area.



Image 6.01-22: This building defines the corner and features active uses on the ground floor and a well articulated facade.



2. Visually prominent parts of buildings such as balconies, overhangs, awnings, and roof tops are of high design quality.
3. Roof lines are to be designed to create a visually interesting skyline with roof plant and lift overrun integrated into the overall architectural design of the building.
4. Facades do not incorporate large expanses of a single material, including reflective glass

Image 6.01-23: Balconies and terraces that overlook public spaces contribute to safety and natural surveillance.



Performance criteria

A5.3. Building exteriors are designed to ensure a positive contribution to streets and public spaces.

Acceptable solutions

1. Building exteriors clearly define the adjoining streets, street corners and public spaces, designed with safety in mind and easy to navigate for pedestrians.
2. Where development exposes a blank wall a visually interesting treatment is applied to the exposed wall.
3. Balconies and terraces are provided where buildings overlook parks and squares to contribute to casual surveillance.
4. External building facade lighting is integrated with the design of the building and contributes to the character of the building and surrounding area.

Image 6.01-24: Detailed design and building articulation along the street edge adds interest to the pedestrian environment.



Performance criteria

A5.4. Building exteriors respond to adjoining buildings.

Acceptable solutions

1. Adjoining buildings are considered in terms of:
 - (a) appropriate alignment of building line, awnings, parapets, cornice lines and street wall heights
 - (b) setbacks above street wall heights
 - (c) selection of materials and finishes
 - (d) façade proportions including horizontal or vertical emphasis
 - (e) detailing of the interface with adjoining buildings.

A6. Heritage buildings

This section applies to the assessment of building or alteration work (including demolition) of heritage items listed in Schedule 5 of the Newcastle LEP 2012 that requires development consent.

Additional guidelines for development within Heritage Conservation Areas are provided in the Newcastle DCP 2012, Heritage Technical Manual, City of Newcastle Heritage Strategy and the Newcastle East Heritage Conservation Area City Character Area contained in Part 02 of this Development Control Plan.

Within the city centre there are numerous heritage items of state and local significance that reflect the city's history and culture and make it unique. Retaining heritage buildings is an essential element in revitalising Newcastle.

The city centre contains a concentration of heritage items and streetscapes typified by late 19th and early 20th century buildings of between two and six storeys of a consistent scale, form and character. Many of these buildings have architectural emphasis at the skyline in the form of tower elements and parapet detail. The rich architectural detail of many heritage items is a distinctive characteristic of the Newcastle city centre.

Image 6.01-25 Repurposing of a heritage structure at Honeysuckle into the Newcastle Museum.



Performance criteria

A6.1. Development conserves and enhances the cultural significance of heritage items.

Acceptable solutions

1. A heritage management report, prepared by a suitably qualified heritage specialist, ensures the proposal achieves this performance criteria.
2. New development is consistent with the strategic actions of the City of Newcastle Heritage Strategy and the principles of the Newcastle Heritage Policy 2013
3. New development enhances the character and heritage significance of heritage items, heritage conservation areas, archaeological sites or places of Aboriginal heritage significance.
4. Views and sight lines to heritage items and places of historic and aesthetic significance are maintained and enhanced, including views of the Christ Church Cathedral, T&G Building, Newcastle Courthouse and former Post Office.

Performance criteria

A6.2. Infill development conserves and enhances the cultural significance of heritage items and their settings.

Acceptable solutions

1. Design infill development to respond to the scale, materials and massing of adjoining heritage items. Design solutions include:
 - (a) aligning elements such as eaves lines, cornices and parapets
 - (b) responding to scale proportion, pattern, form or rhythm of existing elements such as the structural grid
 - (c) complementary colours, materials and finishes.
2. Infill development responds to heritage items, historic streetscapes, contributory buildings and the public domain using best practice methods, design philosophies and approaches.
3. Archaeologically excavate and expose the item, and if possible, retain item in situ for permanent public display, allowing for sufficient set back to allow the item to be interpreted by the public. Where items cannot be retained in-situ ensure that the archival recording of the item is of sufficient standard that it can be used for interpretative purposes.
4. Prepare content which communicates and promotes the understanding of the historical context of the archaeological item and allow for content to be provided on an appropriate physical or digital platform.

Image 6.01-26 Combining contemporary infill with heritage buildings creates an interesting relationship between old and new.



Image 6.01-27 The wharf building at Walsh Bay in Sydney is an example of successful adaptive reuse of heritage items.



Image 6.01-28: This historic marine building has been transformed into the Honeysuckle brewery, a popular destination on the waterfront.



Performance criteria

A6.3. Alteration and additions respond appropriately to heritage fabric and the items cultural significance.

Image 6.01-29: The Grand Hotel in Newcastle, built in 1890, has been altered a number of times while retaining its historic integrity.

Acceptable solutions

1. New building work and uses encourage adaption that has minimal impacts and is low maintenance.
2. Internal and external alterations and additions are designed as a contemporary layer that is readily identifiable from the existing building, responding to but not mimicking its forms of architectural details. Design solutions include separating new work from old by:
 - (a) incorporating generous setbacks between existing and new fabric
 - (b) glazed voids between new additions and the existing building
 - (c) using shadow lines and gaps between old and new work
 - (d) using lighting, materials and finishes that enhance and reveal aspects of the heritage item.
3. Employ innovative design strategies to deal with existing physical aspects of heritage buildings that may not be ideal for the proposed new use. Design solutions may include:
 - (a) introducing generously sized voids to improve access to natural light and ventilation when building depth is greater than recommended.
 - (b) facilitate sunlight access in heritage items by using the full depth of rooms and introducing skylights and clerestory windows where ceiling heights are high.
 - (c) expose services, wall and ceiling framing, particularly in public areas and foyers, to reveal the significant internal fabric of heritage items.
 - (d) exposing, re-using and interpreting the fabric of existing interiors.



Performance criteria

A6.4. New building elements support future evolution of the heritage item

Acceptable solutions

1. Alterations are reversible and easily removed.
2. Primary and significant fabric is retained including structure.
3. New work is physically set-off the existing fabric.
4. Alterations and additions allow the ongoing adaptation of the heritage item in the future.

Performance criteria

A6.5. Employ interpretation treatments when altering, adapting or adding to a heritage item.

Image 6.01-30: Example of a supermarket integrated into a heritage building in Pyrmont Sydney

Acceptable solutions

1. Expose the fabric of heritage items by removing later additions that obscure and detract from heritage fabric.
2. Incorporate contemporary insertions in the building in a manner that allows the building layers to be readily identifiable and appreciated.
3. Provide interpretive treatments. Design solutions include:
 - (a) displays of artefacts and objects associated with the heritage item in foyers and public areas.
 - (b) public art that references the cultural significance of the heritage item.



Performance criteria

A6.6. Encourage new uses for heritage buildings.

Acceptable solutions

1. Employ innovative design strategies to enable heritage items and contributory buildings to accommodate new uses. Design solutions may include new building elements/additions that expand the existing envelope of the heritage building while still respecting and minimising impact on cultural significance.
2. Use innovative approaches to provide car parking where the provision of a basement or other onsite car parking is not possible. Design solutions include:
 - (a) allowing heritage building to provide less car parking than is normally required for that land use, or no car parking where not physically possible
 - (b) using car share schemes
 - (c) sharing space within existing nearby car parking structures

Alternative solutions

Key development controls or standards may need to be varied for adaptive re-use residential projects to facilitate appropriate heritage responses and development viability.

Standards and controls that may need to be varied relate to:

- building and room depths
- building separation
- visual privacy
- deep soil requirements
- car parking requirements
- common circulation in apartment buildings

A7. Awnings

Awnings increase the usability and amenity of public footpaths by protecting pedestrians from sun and rain. They encourage pedestrian activity along streets and in conjunction with active edges, such as retail frontages, support and enhance the vitality of the local area. Awnings, like building entries, provide a public presence and interface within the public domain and contribute to the identity of a development.

Performance criteria

A7.1. Awnings provide shelter for public streets where most pedestrian activity occurs.

Acceptable solutions

1. Continuous street frontage awnings or weather protection to entrances are provided for all new developments in areas requiring an active frontage on Figure 6.01-25 (B3 Active street frontages).
2. Awnings are continuous to ensure pedestrian amenity.

Performance criteria

A7.2. Address the streetscape by providing a consistent street frontage in the City Centre.

Acceptable solutions

1. Awnings are generally flat or near flat and similar to the prevailing awning of each particular streetscape and in keeping with the design of the building.
2. Awnings that break the continuity of the edge fascia with strongly geometrical forms such as triangular or barrel vaulted shapes are avoided.
3. First floor verandahs are permitted in the East End and Newcastle East Character Areas where they are designed to be sympathetic with the overall form, proportion and division of bays of the buildings to which they are attached.
4. Awnings attached to residential terraces are designed in a manner that responds to the division of buildings into vertical bays.

Image 6.01-31: Simple awning design that responds to the building proportions.



Image 6.01-32: Awning contributes to the character of the heritage building.



A8. Design of parking structures

On-site parking includes underground (basement), surface (at-grade) and above ground parking, including parking stations. Underground and semi-underground parking minimises the visual impact of car parks and is an efficient use of the site, which creates the opportunity to increase communal and private open space.

High water table and mine subsidence and the impact of these on development feasibility means that above ground car parking structures are often the only way to accommodate on-site parking in Newcastle. A well designed car parking structure is an opportunity to introduce innovative design to the city, whether it is a new build, freestanding, retrofit or part of an integrated mixed use development.

Parts of Newcastle city centre are flood prone. In these areas, if basement car parking is provided, it should be designed to minimise the potential for inundation during a flood event.

Note: Traffic, parking and access controls for the city centre are covered by Newcastle DCP 2012 Section 7.03. This section contains additional provisions for managing the visual impact of car parking in the city centre.

Performance criteria

A8.1. At-grade or above-ground parking structures are well designed.

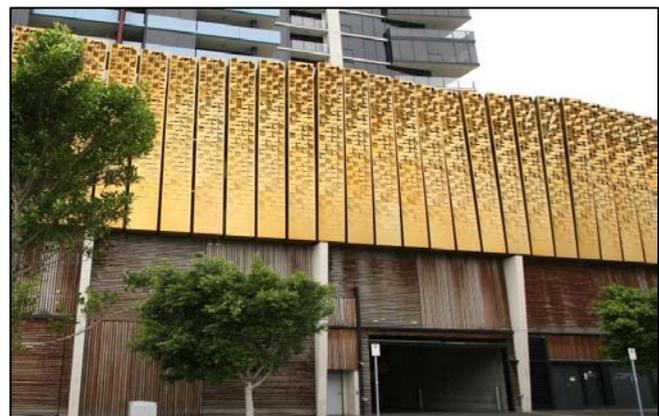
Acceptable solutions

1. Proposed at-grade or above-ground parking structures whether freestanding or part of larger developments in the city centre are to be reviewed and endorsed by Council's Urban Design Consultative Group prior to be lodged for development consent as:
 - (a) having fulfilled the requirements of Newcastle DCP 2012 Section 7.03.04 Clause B Parking areas and structures
 - (b) being well designed and well integrated with the streetscape and ground plane of the particular site and minimise the visual impact of parking structures
 - (c) Consultative Group confirms that development meets the performance criteria.

Image 6.01-33: Example of a screened above-ground carpark within a commercial development with ground floor uses in Parramatta. The screen could be improved with a custom art work or green cover.



Image 6.01-34: Example of above-ground car park screening addressing the side street, Melbourne



Performance criteria

A8.2. Minimise the visual impact of at grade or above-ground parking structures.

Acceptable solutions

1. All parking is provided within the building footprint either within basements or well integrated into the building's design using materials and architectural façade treatments that are common to the rest of the development.
2. Where on-site parking cannot be provided within the building footprint it is located to the side or rear and not visible from the primary street frontage.
3. Access to above ground car parking is located in side or rear streets or lanes.
4. At-grade or above-ground car parking is screened from view from public spaces. Design solutions include:
 - (a) green walls and roofs
 - (b) solar panels incorporated into screens and awnings over car parking
 - (c) architecturally designed façade treatments that incorporate artworks
 - (d) using car park roof tops for community facilities such as tennis courts
 - (e) sleeved by active and/or other uses as per Figure 6.01-16 and Figure 6.01-17.

Performance criteria

A8.3. Basement car parks are designed to provide protection against flooding.

Acceptable solutions

1. The design of entry ramps, ventilation points and pedestrian exits prevents water entering the basement until the last possible moment in a flood event, as shown in Figure 6.01-18. Design solutions include warning signage of the hazard and the route to safe refuge affixed in prominent locations.

Figure 6.01-17: Diagram showing sleeved car parking

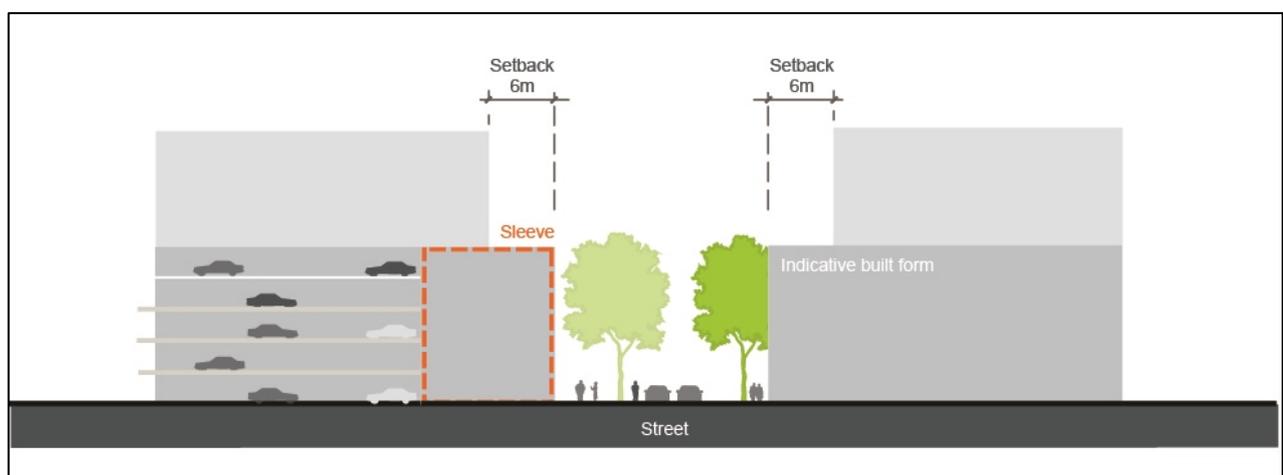


Figure 6.01-18: Diagram showing screened car parking

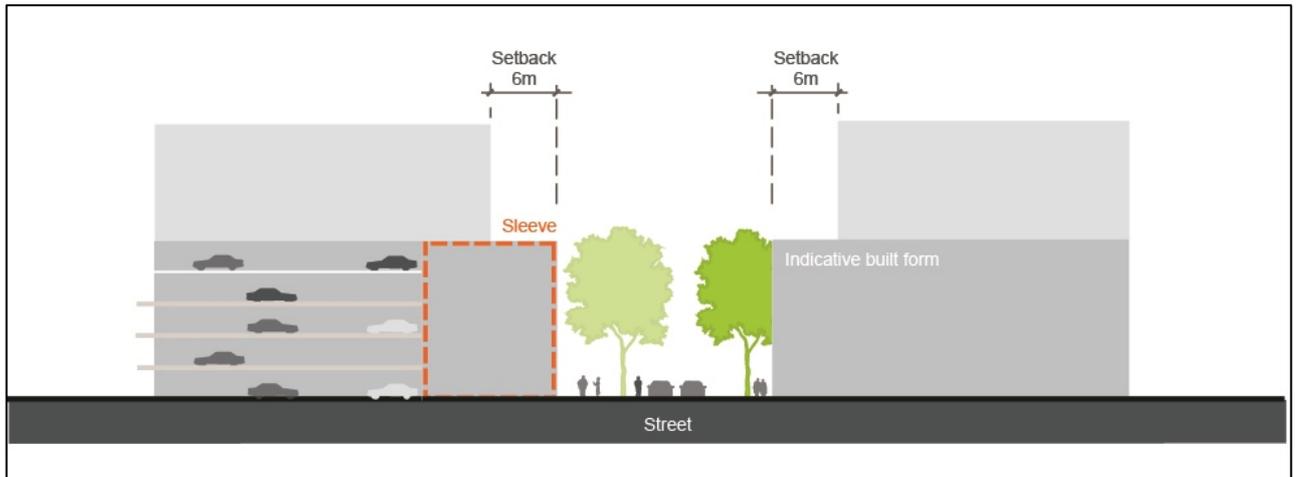
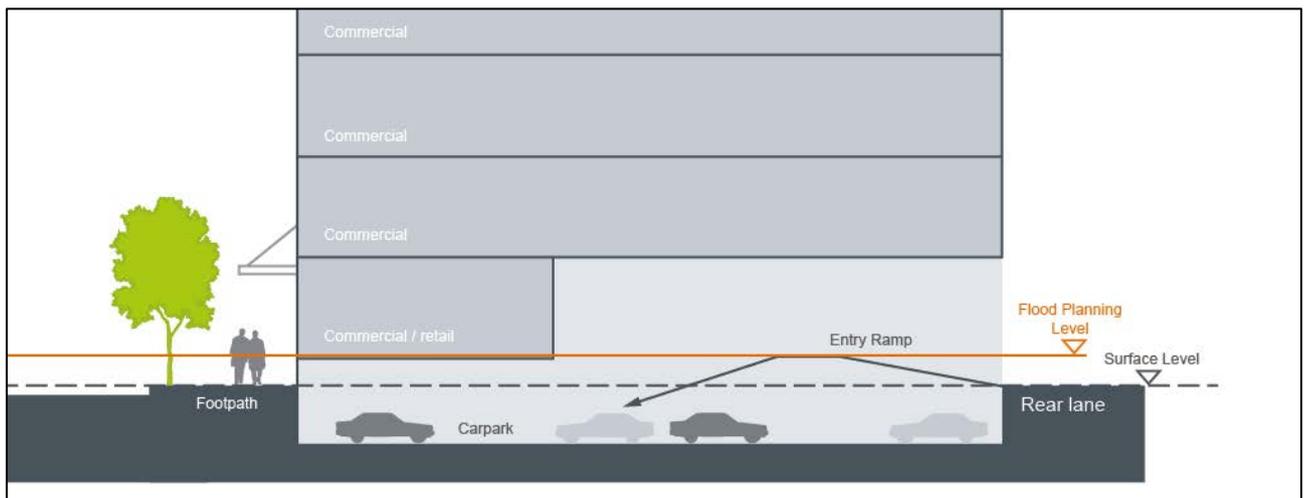


Figure 6.01-19 Basement ramp design to minimise inundation



A9. Landscaping

Performance Criteria

A9.1 New development incorporates landscaping and communal open space that respects the desired character of the streetscape, adjoining land and public spaces.

Acceptable solutions

1. Landscaping and communal open space is provided having regard to the desired streetscape character, building setbacks and relationship to public open space.
2. Landscaping on upper levels and roof tops through the use of roof and wall gardens is encouraged in compliance with Section 7.02.07 Green walls and roof space.
3. Private open space areas which adjoin public open space complement the landscape character of the public open space.
4. Residential buildings in the city centre do not require the provision of a deep soil zone.

B. Public domain

B1. Access network

Streets and lanes provide pedestrian and vehicle connections through the city at all hours. The structure of the access network determines how permeable movement is through the city. Pedestrian activity can be encouraged by developing a fine-grain, connected and legible street and lane network that integrates pedestrians, cycling and public transport.

The promotion of active transport (walking and cycling) increases activity in the city centre by increasing the opportunities for people to move around. More activity equates to a higher retail spend. Active transport promotes well-being and reduces the environmental impacts of congestion. It is critical that streets and bike networks are safe, attractive and well connected to promote active transport.

Performance criteria

B1.1 Streets prioritise pedestrian, cycling and public transport users to support sustainable travel behaviour.

Acceptable solutions

1. Improved and new pedestrian connections are as shown in Figure 6.01-19 and are designed in accordance with the City Centre **Public Domain** Technical Manual.
2. Sites with a street frontage 100m or greater incorporate additional pedestrian connections to improve access and permeability.
3. New pedestrian connections are within comfortable walking distance to public transport.
4. Streets and lanes are connected to encourage pedestrian use.
5. Way finding signage is incorporated and clearly defined.

Image 6.01-35: Streets need to provide space for cars but also cater for pedestrians, cyclists and public transport users.



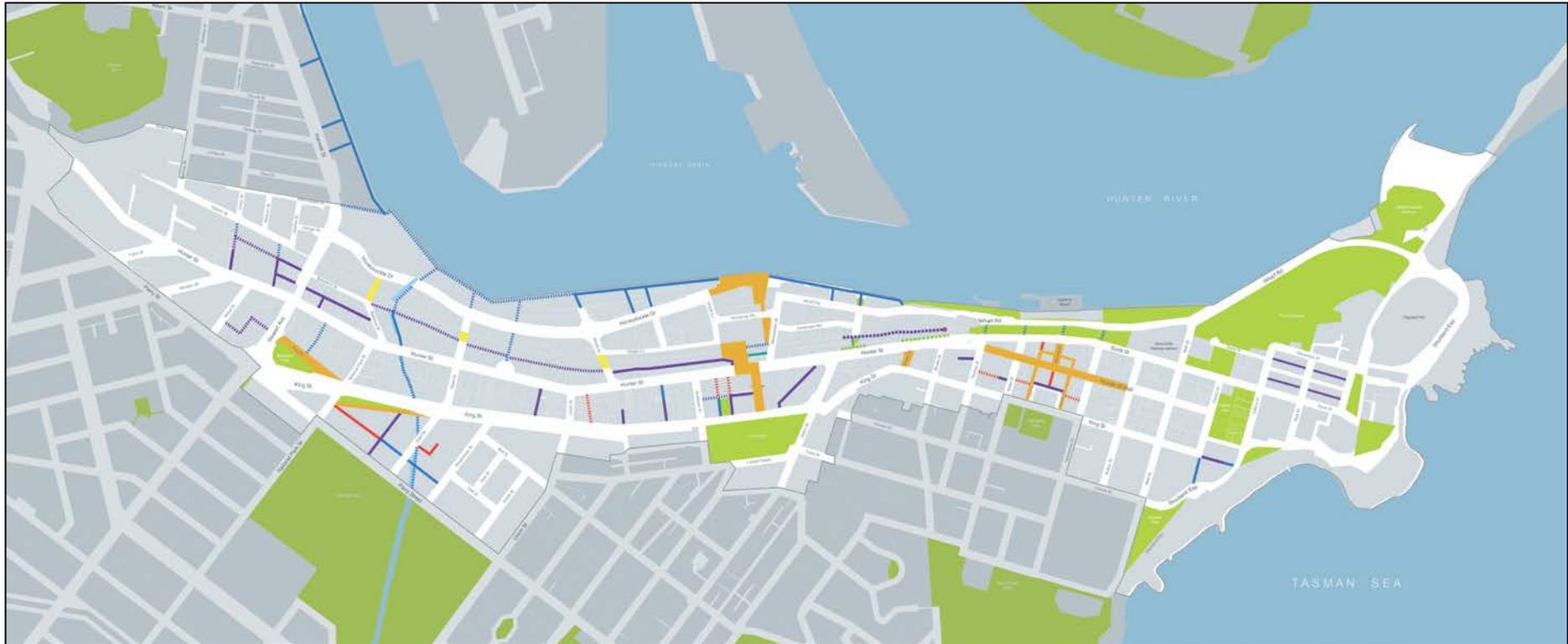
Image 6.01-36: A network of integrated and legible connections link the city's public spaces and destinations.



Image 6.01-37: Pedestrian-only lanes provide a safe environment with opportunities for active frontages.



Figure 6.01-20: Network Access Map



- Proposed new streets
- Improve existing pedestrian spaces
- Existing pedestrian link
- ⋯ Proposed pedestrian link
- Existing arcade / through-site link
- ⋯ Proposed arcade / through-site link
- Existing service / shared lane
- ⋯ Proposed new service / shared lane
- Vehicle entry not permitted
- Proposed new service / shared lane
- Potential 10m diameter vehicle turning head (if laneway link to north cannot be provided)
- Maintain access way
- Study area boundary

Performance criteria

B1.2 Lanes, through-site links and pedestrian paths are retained, safe and enhanced to promote access and public use.

Acceptable solutions

1. Retain existing laneways
2. New streets, lanes, through-site links and pedestrian paths are provided as shown in Figure 6.01-19 and designed in accordance with the City Centre **Public Domain** Technical Manual.
3. Lanes and through-site links maintain clear sight lines from each end.
4. Dead-ends or cul-de-sacs are avoided. Where they exist they are extended to the next street, where possible. Where unavoidable, way finding signage should be provided.
5. Pedestrian bridges are avoided over public spaces, including lanes.
6. Development adjacent to a lane or pedestrian path includes:
 - (a) active uses at the ground level
 - (b) appropriate lighting
 - (c) access for service vehicles if necessary.
7. Streets, lanes and footpaths include lighting and illumination in accordance with the requirements of the City Centre Technical Manual.
8. Blank walls and solid fencing that inhibit natural surveillance and encourages graffiti should be avoided.
9. Laneways, paths and through site links incorporate Crime Prevention Through Environmental Design Principles.

Image 6.01-38: Retail arcade with active frontages and access to daylight.



Performance criteria

~~B1.3 New development improves permeability between Civic Lane and Hunter Street through the provision of a new through-site link which is safe, useable and attractive.~~

Acceptable solution

- ~~1. An additional through-site or mid-block link is provided from Hunter Street to Civic Lane where it can align with existing pedestrian and vehicular access ways, or where it can provide connections to pedestrian and cycle networks, public open space and public facilities. The general location of the preferred link is shown in Figure 6.01-19.~~

Performance criteria

B1.4 Street and block network is permeable and accessible to promote pedestrian use.

Acceptable solutions

1. A permeable pedestrian network from the city centre to the foreshore is provided as shown in Figure 6.01-20.
2. Through-site connections on privately owned land:

- Have a public character, are easily identified by users, safe, well lit, highly accessible and have a pleasant ambience;
 - Have a minimum width of 5m with no obstructions;
 - Have buildings which address the frontage and/or contain active uses to provide opportunities for natural surveillance.
 - Have clear and direct through-ways;
 - Are open to the sky and publicly accessible at all times;
 - Are clearly distinguished from vehicle access ways;
 - Align with breaks between buildings so that view corridors are extended and there is less sense of enclosure;
 - Do not contain structures such as electricity substations, carpark exhaust vents, swimming pools etc or the like);
 - Incorporate signage at street entries indicating public accessibility and the street to which the through-block connections ends; and
 - Are designed in accordance with the Crime Prevention Through Environmental Design principles.
3. Residential developments with a frontage to a through site link incorporate windows, doors and verandahs facing the through-site link at ground level.
 4. Arcades in retail and commercial developments:
 - (a) Are a minimum width of 3m; and
 - (b) Include ground level active uses; and
 - (c) Have access to natural light, and
 - (d) Provide public access during business hours; and
 - (e) Have clear connections to streets and lanes with a direct line of sight between entrances.
 5. Pedestrian crossings are located to enable a direct line of travel for pedestrians.

Figure 6.01-21: Through-site connections on privately owned land.

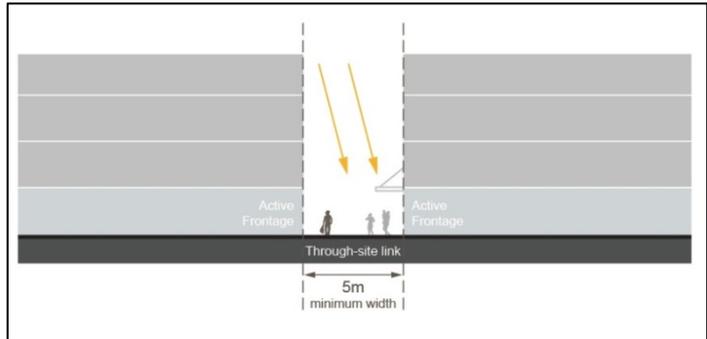
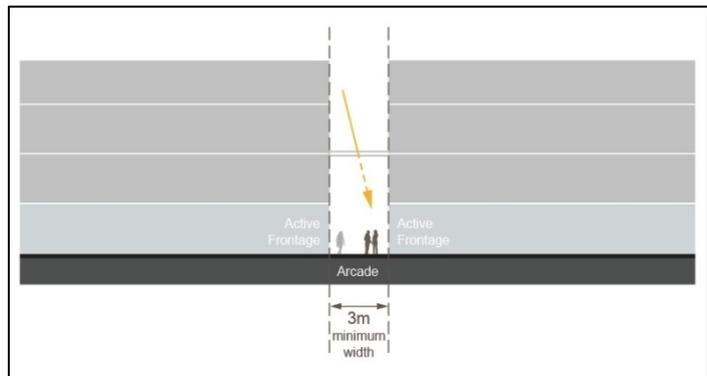


Figure 6.01-22: Arcades in retail and commercial



- Pedestrian-only public lanes are designed in accordance with the City Centre Technical Manual.

Performance criteria

- B1.5 Public transport facilities are integrated into the access network.

Acceptable solutions

- Pedestrian access to public transport stops is convenient, safe and accessible.
- Light rail and bus stop locations are coordinated to enable convenient mode change, i.e. stops are located within walking distance from each other.
- Cycling routes and cycle parking are coordinated and integrated with the location of public transport stops to enable convenient mode change.
- The design of public transport facilities **has** regard to Crime Prevention through Environmental Design Principles.

Performance criteria

- B1.6 Cycle routes are safe, connected and well-designed.

Acceptable solutions

- Separated cycle ways are provided on Hunter Street as shown in Figure 6.01-19 and designed in accordance with the City Centre Technical Manual.
- Cycle ways are connected into the network indicated in the City of Newcastle Cycling Strategy and accessible to public transport stops.
- Safety is maximised through active street frontages. Buildings that adjoin pedestrian and cycle paths are designed to address the path and provide passive surveillance opportunities.
- Signage should be provided along cycle routes identifying key destinations, transport stops, bicycle parking, travel times and distances.
- Commercial development includes end of trip cycling infrastructure. Design solutions include:
 - secure bike parking
 - shower and change room facilities.

Image 6.01-39: Example of dedicated cycle lanes



Image 6.01-40: Bicycle parking should be conveniently located and secure.



Image 6.01-41: Undercover bicycle parking off a shared public link.



B2. Views and vistas

Preserving significant views around the city is critical to place-making, **wayfinding** and for

retaining the unique character of Newcastle. Significant views include views from public places towards specific landmarks, heritage items or areas of natural beauty. The most important views in Newcastle tend to be along streets leading to the water or landmark buildings, including Christ Church Cathedral and Nobby's Head.

With the redevelopment of the former rail corridor lands, key views and vistas are to be established and will create a visual connection and link the city to the foreshore.

Image 6.01-42: View corridor along Morgan Street to Christ Church Cathedral

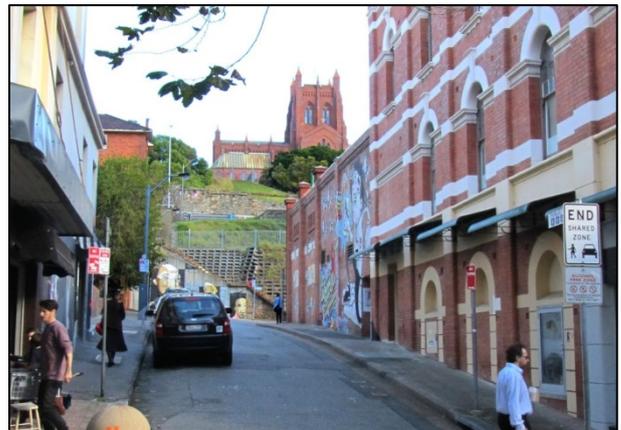
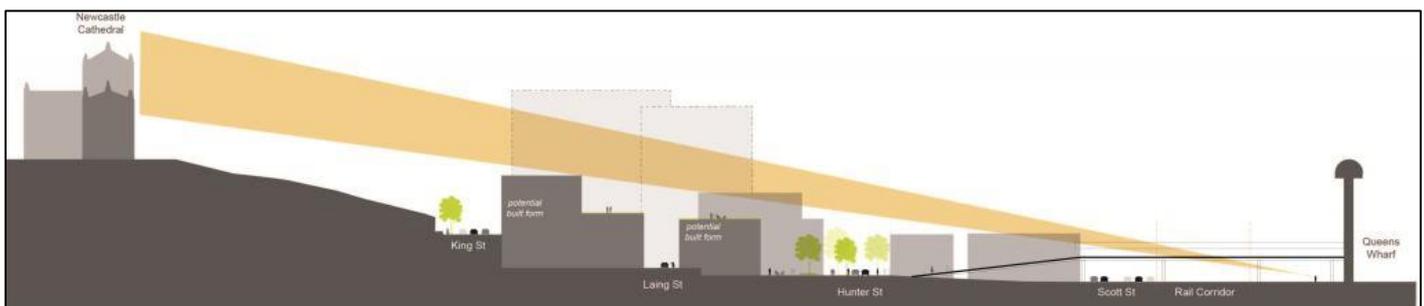


Figure 6.01-23: View axis to Christ Church Cathedral



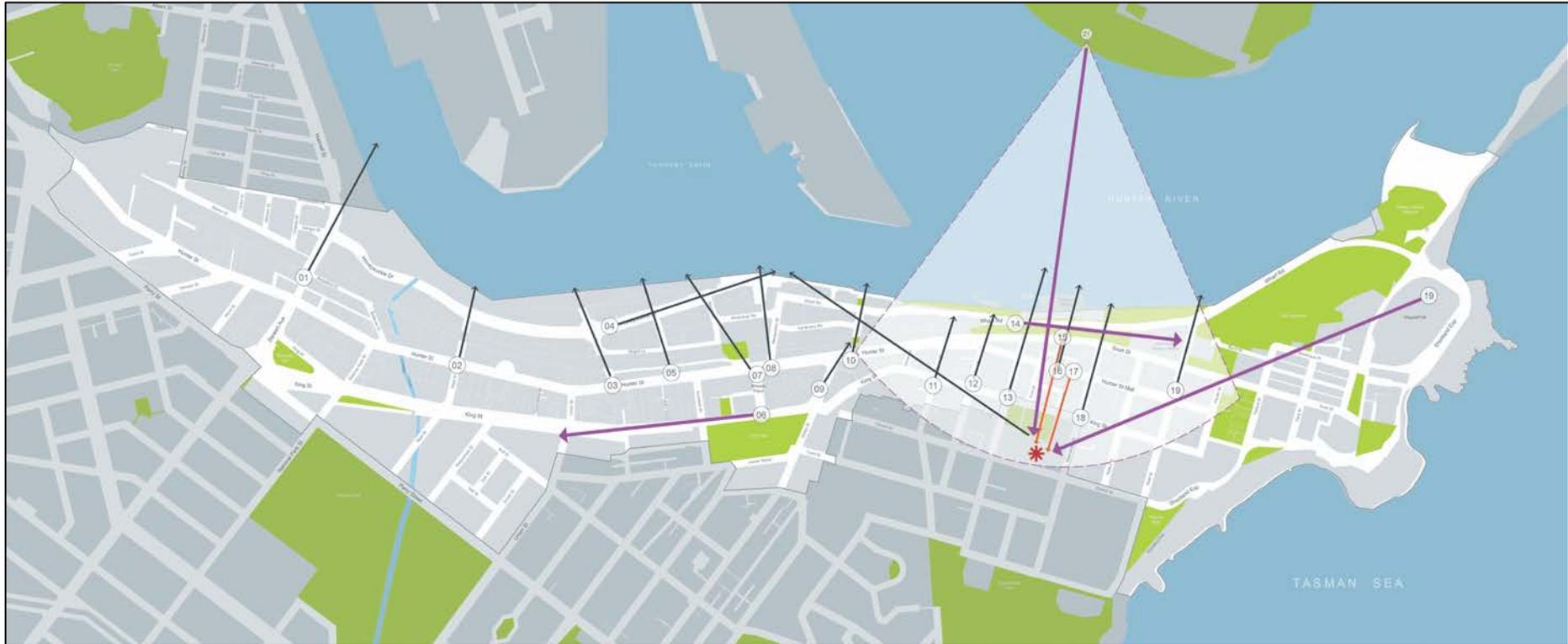
Performance criteria

B2.1 Public views and sight lines to key public spaces, the waterfront, prominent heritage items and landmarks are protected.

Acceptable solutions

1. New development protects the views nominated in Figure 6.01-23.
2. New development in the vicinity of views to Christ Church Cathedral nominated on Figure 6.01-23 must ensure that vistas of the Cathedral's tower, roof-scape and pinnacles of the buttresses are preserved.
3. **Open space and breaks in the built form align with existing streets and view corridors as identified in Figure 6.01-23.**
4. A visual impact assessment accompanies the application and confirms that this performance criteria has been met.

Figure 6.01-24: Views and Vistas Map



- | | | |
|---|---|--|
| <ul style="list-style-type: none"> — Vista towards harbour — Vista terminating in built form / landmark * Christ Church Cathedral — View terminating in Cathedral — City skyline with Cathedral — Block pattern/cadastral — Public open space — Study area boundary | <p>View locations</p> <ul style="list-style-type: none"> 01 - Steward Av cnr Beresford St 02 - Hunter St cnr Steel St 03 - Hunter St cnr Wright Lane 04 - Honeysuckle Dr cnr Worth Pl 05 - Settlement Ln cnr Civic Ln 06 - King St cnr Wheeler Pl 07 - Wright Lane at Hunter St 08 - Merewether St to Harbour Square 09 - Darby St to Darby Plaza 10 - Argyle St at Hunter St 11 - Browne St cnr King St | <ul style="list-style-type: none"> 12 - Perkins St cnr King St 13 - Wolfe St cnr King St 14 - Wharf Rd to Customs House Tower 15 - Wharf Rd cnr Market St 16 - Hunter St Mall cnr Market St 17 - Hunter St Mall cnr Morgan St 18 - King St cnr Newcomen St 19 - Hunter St Mall cnr Watt St 20 - Parade Ground, Fort Scratchley 21 - Stockton Ferry Wharf |
|---|---|--|

Performance criteria

B2.2 New development achieves equitable view sharing from adjacent development.

Acceptable solutions

1. Align new development to maximise and frame view corridors between buildings, taking into account topography, vegetation and surrounding development.
2. Where there is potential impacts on views an assessment of the following principles should be submitted with the application:
 - (a) the views to be affected
 - (b) what part of the property the views are obtained
 - (c) the extent of the impact
 - (d) the reasonableness of the proposal that is causing the impact.

Image 6.01-43: View along Honeysuckle Drive towards Nobbys Head



Note: Visual Impact Assessments

A visual impact assessment identifies and analyses the affected views in their existing state, includes photomontages of the view once the proposed development is in place and then assess the impact on that view.

B3. Active Street Frontages

Active street frontages promote an interesting and safe pedestrian environment. Shops, studios, offices, cafes, recreation and community facilities provide the most active street fronts. Residential buildings can contribute positively to the street by providing a clear street address, direct access from the street and outlook over the street.

Image 6.01-44: Shopfronts activate the street edge



Performance criteria

B3.1 In identified activity hubs, ground floor uses add to the liveliness and vitality of the street.

Acceptable solutions

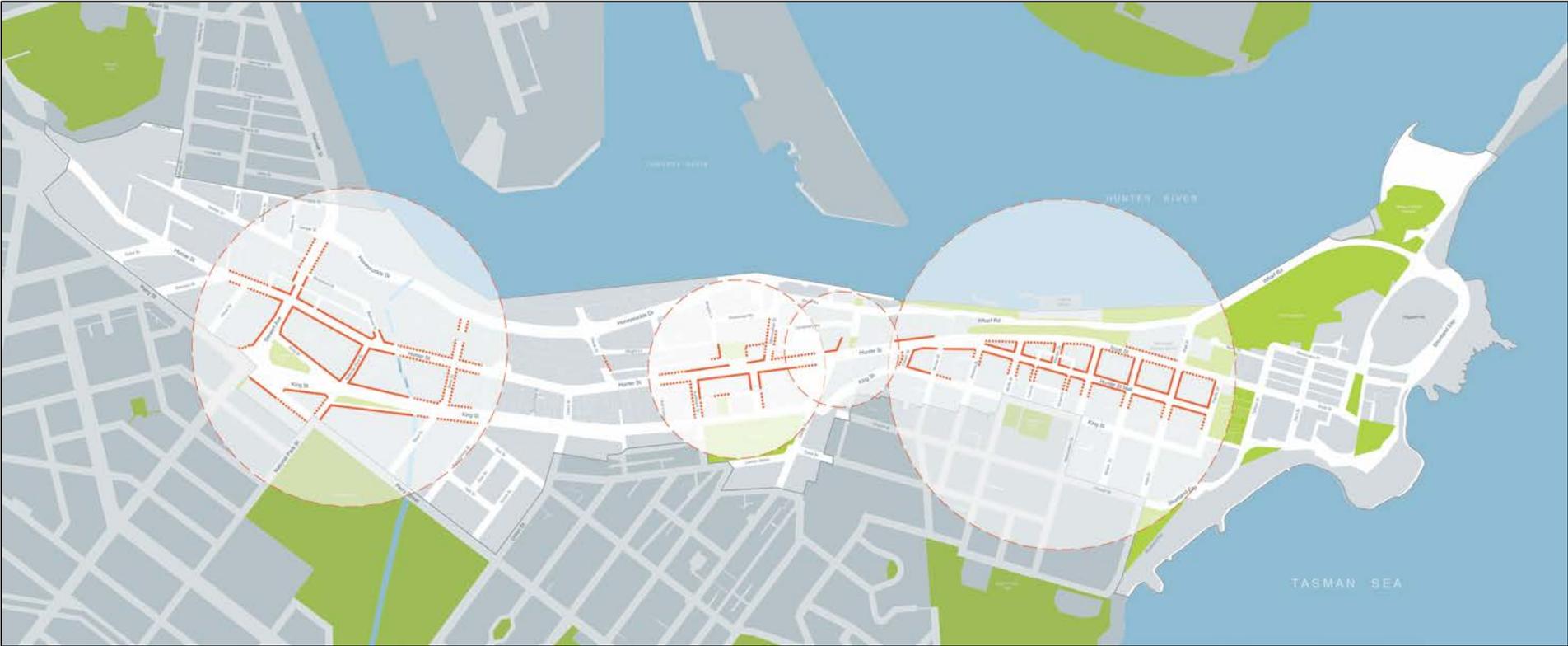
1. Active frontages are a minimum 70% of the primary street frontage. They have transparent glazing to allow unobstructed views from the adjacent footpath to at least a depth of 6m within the building.
2. Active frontages are to be provided in activity nodes:
 - (a) in the locations shown in Figure 6.01-24
 - (b) on through block links, pedestrian only lanes and arcades
 - (c) on all other streets where possible.
3. New development:
 - (a) maximises entries or display windows to shops and/or food and drink premises, customer service areas and activities which provide pedestrian interest and interaction.
 - (b) minimises fire escapes, service doors, car park entries and plant and equipment hatches and grilles, to the active frontage
 - (c) provides elements of visual interest such as display cases, or creative use of materials where fire escapes, service doors and plant and equipment hatches cannot be avoided.
 - (d) provides a high standard of finish for shop fronts.
 - (e) avoid blank walls that inhibit natural surveillance and encourage graffiti.
4. Street frontages are activated through one or more of the following:
 - (a) retail and shop fronts
 - (b) cafés or restaurants
 - (c) active office uses, visible from the street
 - (d) public building or community facilities where activities inside the building are visible from the street
 - (e) entries and lobbies
 - (f) multiple entries for residential buildings
 - (g) uses that overlook the street

- (h) uses that screen or sleeve car parks to a minimum
 - (i) avoiding porte cochères
5. Ground levels of buildings in commercial core and mixed zones have a minimum 4m floor to ceiling height on the ground floor to ensure flexibility for a variety of active uses.
 6. Foyer and lobby spaces are no more than 20% of the street frontage where active frontages are required as shown in Figure 6.01-24, or no more than 8m of a street frontage elsewhere.
 7. The ground floor level is at the same level as the footpath.
 8. Shopfronts are enclosed, unless they are food and drink premises.
 9. Security grills, where provided, are fitted internally behind the shop front, are fully retractable and at least 50% transparent when closed
 - 10 **Active uses in existing and new laneways are encouraged.**

Image 6.01-45: Cafes and restaurants enliven the street edge.



Figure 6.01-25: Active Street Frontages Map



- Active frontage - required
- - - Active frontage - highly desired
- Activity nodes
- Block pattern/cadastre
- Public open space
- Study area boundary

B4. Addressing the street

Addressing the street' relates to all development outside the "active frontage areas" shown on Figure 6.01-24 or where a continuous 'active frontage' cannot be achieved.

A positive building address to the street contributes to the safety, amenity and quality of the public domain. The way buildings interface with the public domain also has a direct influence on the urban character of the city. It defines the relationship between the building and the street edge and can determine how accessible and functional a building is. All development adjoining the public domain needs to be well designed, using high quality durable materials.

.Performance criteria

B4.1 Buildings positively address streets, footpaths, lanes and other public spaces.

Acceptable solutions

1. Acceptable design solutions include:
 - (a) maximise the number of entries onto the street
 - (b) ground floor internal uses are visible from the street
 - (c) building name and / or street number signage is well designed and easily identifiable
 - (d) well lit building entries
 - (e) well designed efficient external lighting to non-residential buildings
 - (f) building frontages to incorporate Crime Prevention through Environmental Design entries are at the same level as the adjacent footpath on sites not flood affected
 - (g) finished floor levels are no greater than 500mm above or below the adjacent footpath or public domain
 - (h) finished floor levels are no greater than 1.2m above the adjacent footpath or public domain on sites with a cross fall of greater than 1 in 10
 - (i) high quality finishes and public art that is visible from the public domain
 - (j) opportunities for direct surveillance from the building to the adjacent street
 - (k) ground floor residential uses can be elevated up to 1.0m above ground level for privacy

Image 6.01-46: Shopfront and apartments overlooking the street to add to the urban character of the city and contribute to the quality of the public domain.



Image 6.01-47: Ground floor residential elevated up to 1m above the footpath with semi-transparent screening.



Performance criteria

B4.2 Ground levels are designed to mitigate flood risk while ensuring accessibility and a positive relationship to the public domain.

Acceptable solutions

1. Equitable access to a building is provided where the lowest level is elevated above the flood planning level.
2. Locate accessibility ramps from the footpath to the lowest level of buildings above the flood planning level so that a positive address to the street and activated frontages are maintained.

B5. Public artwork

Public art is a defining quality of dynamic, interesting and successful cities. More public artworks are needed in private developments and in the public domain. Public art can be integrated with essential infrastructure, such as stormwater treatment and water collection or aboveground car park screening.

Performance criteria

B5.1 Significant development incorporates public artwork.

Acceptable solutions

1. Public and civic buildings, development on key sites and development over 45m in height are to allocate 1% of the capital cost of development towards public artwork for development.
2. Council is consulted on the location and proposal for public art.

Performance criteria

B5.2 Artworks in new buildings are to be located so they can be appreciated from streets and public spaces

Acceptable solutions

1. Design solutions include:
 - (a) locating artworks in a public foyer so that they are visible from the street
 - (b) integrating public artwork into the design of the building such as its façade or roof features
 - (c) integrating public artworks with the delivery of essential open space infrastructure such as stormwater treatment or rainwater collection.

Performance criteria

B5.3 Public artworks are used to interpret heritage components or recognise former uses of large development sites

Acceptable solutions

1. Work with a heritage consultant and/or a public artist to develop innovative ways to interpret heritage using public art.

Image 6.01-48: Bespoke street furniture in the East End of Newcastle



Image 6.01-49: A sculpture designed to invite interaction, Brisbane.



B6. Sun access to public spaces

Good sun access is a key contributor to the amenity of public spaces, particularly during winter. Sun access in public spaces is becoming more important as more people move into apartments in the city centre. Good sun access ensures that public spaces such as squares and parks are inviting and well utilised. This section should be read in conjunction with section A1 Street wall heights and Part 3 Key precincts (where applicable).

Performance criteria

B6.1 Reasonable sunlight access is provided to new and existing significant public spaces.

Acceptable solutions

1. Sunlight access is provided to significant public spaces for at least 2 hours during mid-winter between 9am and 3pm, demonstrated by shadow diagrams. Significant public spaces in the city centre include:
 - (a) Civic Park
 - (b) Civic Link
 - ~~(c) Darby Plaza~~
 - (d) Wheeler Place
 - (e) Birdwood Park
 - (f) Little Birdwood Park
 - (g) Cathedral Park
 - (h) Pacific Park
 - (i) National Park
 - (j) Christie Place
 - (k) Fletcher Park
 - (l) Church Walk Park.

Image 6.01-50: Good sun access ensures that public spaces such as parks



Note: Shadow diagrams submitted with the development application are to indicate the existing condition and proposed shadows at each hour between 9am and 3pm on 21 June. Shadow diagrams are not to include vegetation. If required, the consent authority may require additional detail to assess the overshadowing impact.

Image 6.01-51: Good sun access is a key contributor to the amenity of public spaces.



B7. Infrastructure

Performance Criteria

B7.1 Stormwater, water and sewerage infrastructure is integrated into each site and does not create negative off-site impacts.

Acceptable Solutions

1. Drainage, overland flow paths and infrastructure easements are generally as shown in Figure 6.01.26
2. Stormwater management facilities comply with Section 7.06 Stormwater of this DCP.
3. New development has water and sewer links into the existing network with suitable capacity.

B8. Site Amalgamation

To prevent the isolation and fragmentation of former rail corridor land, sites between Worth Place and Darby Plaza should conform to the amalgamations shown in the Figure 6.01-26.

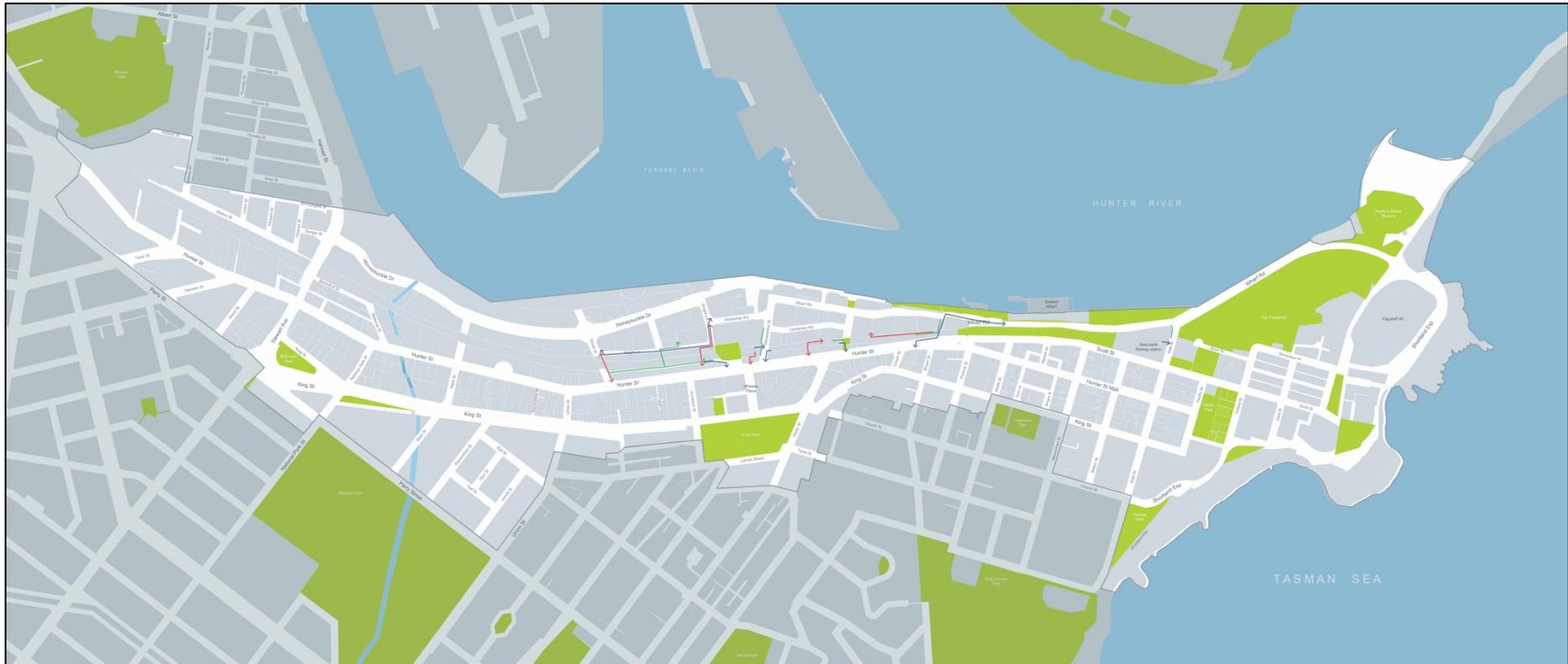
Performance Criteria

B8.1 ~~Surplus~~ Former rail corridor land is amalgamated with adjoining land to create useable sites that are consistent with the desired character of the area.

Acceptable Solutions

1. Former rail corridor lands identified in the Figure 6.01-26 are wholly or partially amalgamated with the adjoining land to the north or to the south.
2. The former rail corridor lands are subdivided by an east/west and/or north/south split, to create an amalgamated lot.
3. Potential amalgamated site 1 shown on Figure 6.01-26 does not mean all sites need to be amalgamated but rather a combination of sites that utilises the former rail land effectively.
4. The amalgamation of former rail corridor lands identified in the 'Amalgamated Parcels Map' does not result in the creation of an isolated lot unless it is demonstrated that:
 - (a) The orderly, economic use and development of separate sites can be achieved; and
 - (b) The lots are of a suitable size and dimensions to facilitate new development that is consistent with the desired character of the area; and
 - (c) The Planning Principles outlined by the NSW Land and Environment Court for redevelopment resulting in isolated sites are satisfied.

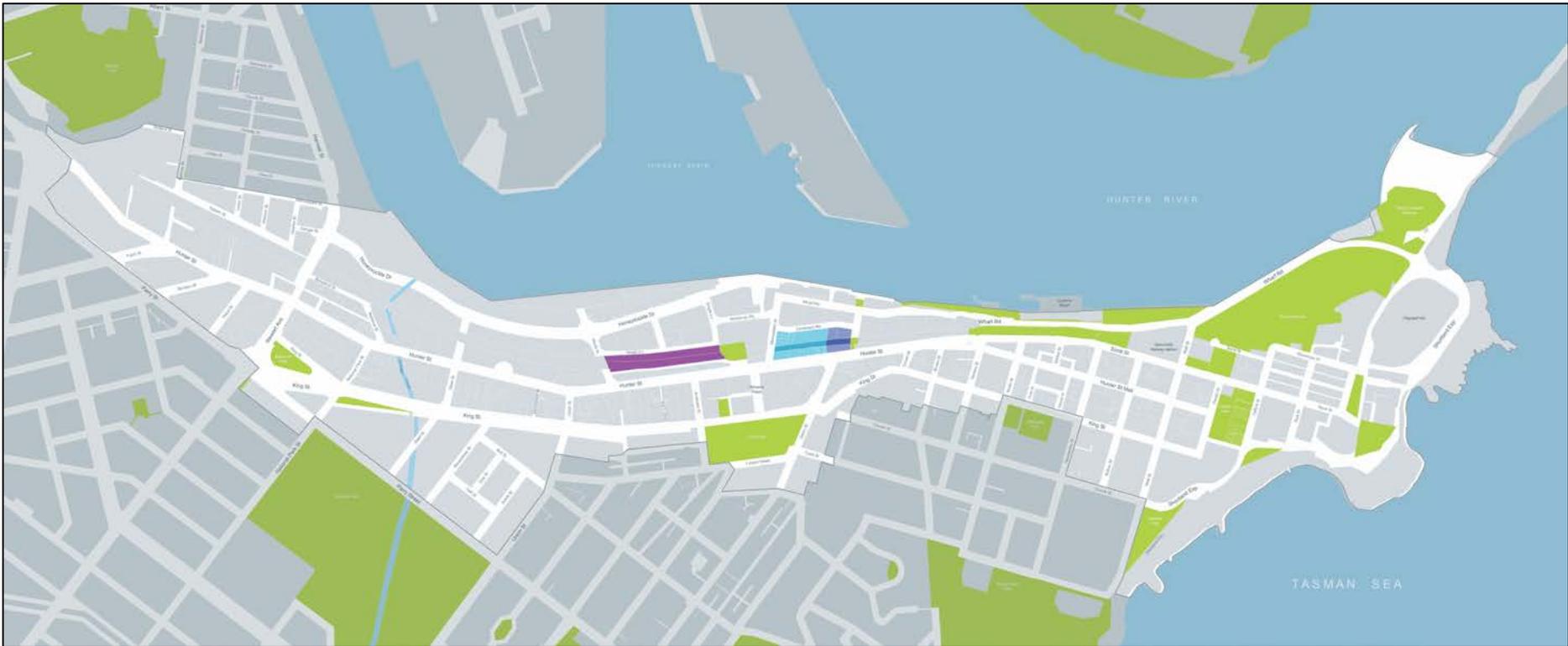
Figure 6.01-26: Infrastructure Plan



Proposed indicative location of:

-  Sewer
-  Link into existing sewer system
-  Water
-  Link into existing water system
-  Stormwater drainage network

Figure 6.01-27 Amalgamated Parcels Map



- Preferred Amalgamation Site 1
- Preferred Amalgamation Site 2
- Preferred Amalgamation Site 3

6.01.04 Key Precincts

A. Overview

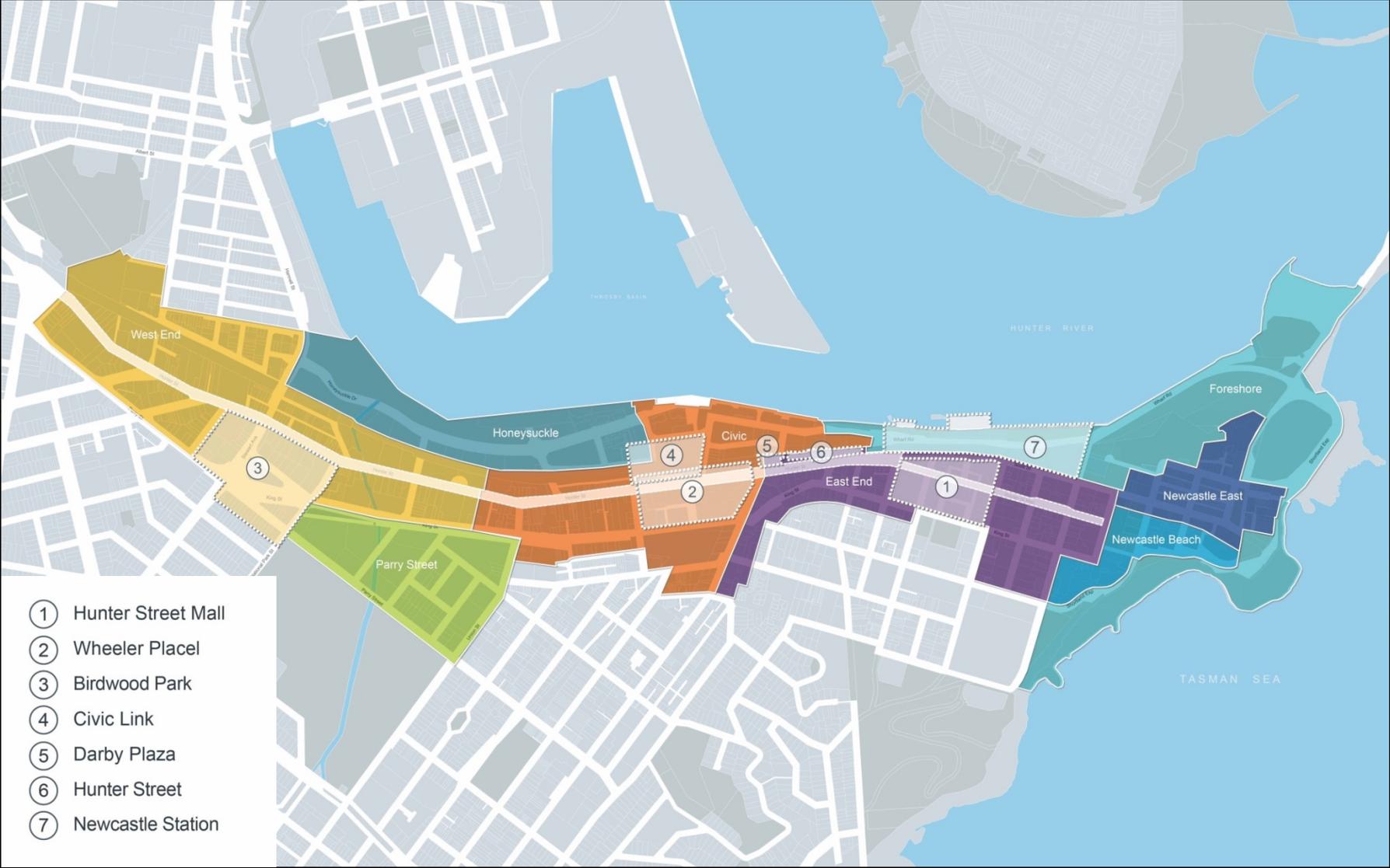
Seven key precincts have been identified within the Character areas of Newcastle's city centre. They are:

- Hunter Street Mall
- Wheeler Place
- Birdwood Park
- Civic Link
- Darby Plaza
- Hunter Street Live-work units
- Newcastle Station and Foreshore Park

These seven key precincts have their own set of objectives and performance criteria designed to achieve specific outcomes related to particular development and public domain opportunities of that precinct. These specific performance criteria and acceptable solutions must be considered in addition to the general controls in this section.

The key precinct guidelines in this section prevail over the more general guidelines in Section 6.01.03 in the event of any inconsistency.

Figure 6.01-28: Key Precincts



Objectives

1. Strengthen the sense of place and urban character of the east end as a boutique retail, entertainment and residential destination.
2. Diversify the role of Hunter Street Mall precinct as a destination for many activities including retail, dining, entertainment, nightlife and events, additions to regular day-to-day services for local residents.
3. Promote active street frontages.
4. Protect heritage items and contributory buildings.
5. Protect views to and from Christ Church Cathedral.
6. Promote a permeable street network in Hunter Street Mall precinct with well connected easily accessible streets and lanes.
7. To create a space that is safe, comfortable and welcoming for pedestrians.

Image 6.01-52: Potential public domain upgrades to Hunter Street Mall (Impression: JND Design 2012)



Performance criteria

- B1 Pedestrian permeability and amenity is improved.

Acceptable solutions

1. New lanes and through-site links are provided in the locations identified in Figure 6.01-28. They are designed in accordance with the Public Domain section of this Development Guide and the City Centre Technical Manual.
2. New links include:
 - (a) a continuous pedestrian connection between Newcomen and Perkins Streets mid block between Hunter and King Streets.
 - (b) a minimum 3m wide pedestrian only link between Newcomen and Laing Streets connected to the Laing Street alignment.

- (c) a new pedestrian link or arcade between Thorn and Wolfe Street.
- (d) a pedestrian connection between Morgan and King Street.

Performance criteria

B2 Significant views and protected (refer to section B3).

Acceptable solutions

1. Development between Thorn and Morgan Street provides an opening on the Market Street alignment to preserve views of Christ Church Cathedral.

Performance criteria

B3 Building form integrates with existing heritage character and retains contributory buildings.

Acceptable solutions

1. Street wall heights ensure a minimum two hours of sunlight between 9am and 3pm in mid-winter to the southern side of Hunter Street ~~Mall~~.
2. Large scale new development is articulated so that large expanses of building form are broken down into smaller elements to relate to the fine grain of the precinct.
3. Retain and adaptively re-use existing character buildings that are not heritage items but contribute to the historic identity of the precinct.

Performance criteria

B4 Hunter Street ~~Mall~~ is a pedestrian and vehicular thoroughfare and a place of activity.

Acceptable solutions

1. Remove existing lightweight and concrete freestanding awnings structures.
2. Define clear pedestrian spaces along the fronts of buildings.
3. Provide a centrally located one way share-way for vehicles with threshold treatments ~~at the entry and exit to Hunter Street Mall between Perkins and Newcomen Streets~~.
4. Provide limited short stay car parking with priority given to accessible parking spaces.
5. Provide a centrally located space that is relatively clear of obstructions that can be used for special events.
6. Remove the pedestrian bridge along Market Street to promote connections to the waterfront and future light rail stops.
7. Integrate Market Street into the mall using common public domain materials and treatments.
8. Provide additional street trees, new street furniture, new lighting, bike rings and way finding signage.

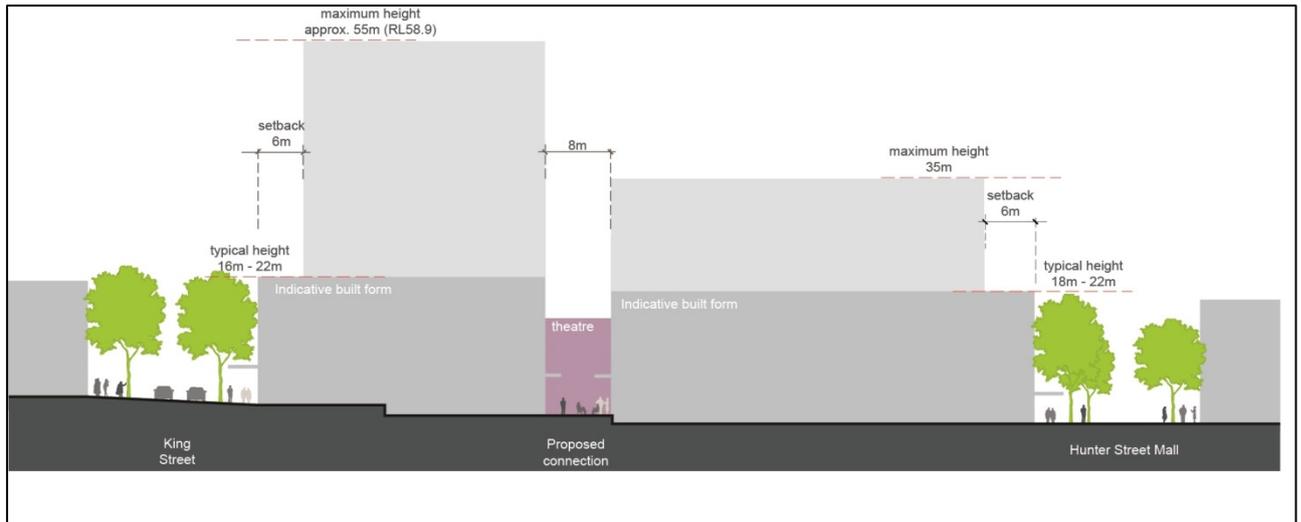
Performance criteria

B5 Servicing and access is designed to minimise conflicts with pedestrians.

Acceptable solutions

1. Hours for service deliveries from Hunter Street Mall are restricted to minimise potential conflicts with other activities.
2. Vehicle access and servicing is located to minimise conflicts with pedestrians.
3. Loading docks and their access points are not located on Hunter Street Mall.

Figure 6.01-30: Section through the former David Jones building, showing a proposed connection terminated by the view of Victoria Theatre.



C. Wheeler Place

Figure 6.01-31: Wheeler Place Key Precinct



- | | |
|---|---|
| — Urban block, nil setback to street boundary | ----- Active frontage required |
| — 18m maximum street wall height | ■ Heritage building |
| — 16m maximum street wall height (typical) | ■ Contributory building (desired reuse) |
| — 14m maximum street wall height | ▨ Site currently under construction / in planning phase |
| ▨ Solar access setback zone | ▨ Carpark entry/exit (Council Administration building) |
| — Proposed new open pedestrian link (preferred location) | ■ Heritage building outside precinct boundary |
| ▨ Through-site link to be retained (Undercroft Fred Ash bldg) | ■ Civic open space |
| ▨ Connection to be retained and improved | ■ Public green open space |
| ▨ Shared zone to be retained and improved | — Cadastre boundary |
| — Special emphasis on corner building | — Key precinct boundary |

Existing character

The Wheeler Place precinct contains the primary administrative and cultural facilities of Newcastle. These facilities reflect Newcastle's importance as a major regional city and include the City of Newcastle Administration Building, Newcastle Courts Complex, Newcastle Art Gallery, ~~the Newcastle Museum~~, Civic Theatre and City Hall. The precinct also contains major public open space in the form of Wheeler Place and Civic Park.

Future character

The civic importance of the precinct will be reinforced by improving pedestrian access through the precinct and linkages to Newcastle Museum and the foreshore in the north and Darby Street to the

south east. Major new education facilities will be provided through the redevelopment of the Civic Arcade site for new faculties for the University of Newcastle.

Objectives

1. Promote Wheeler Place precinct as the civic, administrative, education and cultural heart of Newcastle.
2. Promote a permeable street network and enhance pedestrian connections to Newcastle Museum and the foreshore in the north and Newcastle Art Gallery and Darby Street to the south via Wheeler Place and Civic Park.
3. Promote active frontages to streets and public spaces along the pedestrian route through the precinct.
4. Protect heritage items and contributory buildings.
5. Protect sunlight to Christie Place, Wheeler Place, Civic Park and the southern side of Hunter Street.

Image 6.01 1-53: Potential public domain upgrades to Wheeler Place (Impression: JMD Design)



Performance criteria

- C1 Pedestrian permeability and amenity is improved.

Acceptable solutions

1. New lanes and through-site links are provided as shown in Figure 6.01-30.
2. The pedestrian crossing on Hunter Street linking Wheeler Place and Civic Station Link is enhanced by increasing the width of the crossing.
3. ~~Pedestrian connections between Hunter Street, Civic Station Link and the Newcastle Museum are improved and enhanced. Design solutions include:~~
 - ~~(a) redesign Civic Station forecourt as a pedestrian space that has common fixtures, materials and details to those in Wheeler Place.~~

~~(b) adapt Civic Station so that it addresses the new pedestrian forecourt, providing an activated frontage.~~

~~(c) link the pedestrian route across the rail corridor at Civic Station to pedestrian paths across the forecourt to Newcastle Museum.~~

3. A new through site-link or arcade from Christie Place to Hunter Street is provided.
4. A new through-site link or arcade is provided from Christie Street to Auckland Street.
5. New development provides an address to Christie Place with active frontages.

Performance criteria

C2 Building form integrates with existing heritage character and retains contributory buildings.

Acceptable solutions

1. Redevelopment of the former Civic Arcade site on the corner of Hunter and Auckland Street provides (as shown in Figures 6.01-31 and 6.01-32):
 - (a) a slender tower located near the corner of Hunter and Auckland Streets, no wider than University House (former Nesca House)
 - (b) ensure the clock tower of City Hall retains its prominence in the precinct
 - (c) an appropriate curtilage is provided to Civic Theatre
 - (d) protect sunlight access to Christie Place
 - (e) a 6m setback to the tower from the rear façade of University House.
2. ~~New buildings and alterations to existing buildings along the rail corridor have double frontages with active frontages to Hunter Street and rear frontages designed to address the rail corridor.~~

Performance criteria

C3 Wheeler Place is designed to support a range of uses and events.

Acceptable solutions

1. A light weight stage can be erected to host events in accordance with any adopted public domain plan of Council.
2. Wheeler Place is redesigned to improve pedestrian amenity by increasing shade and providing a water feature, seating and bike rings.
3. Bespoke street furniture, fixtures and public art is provided to distinguish Wheeler Place from other public places in Newcastle city centre and in accordance with any adopted public domain plan of Council.
4. A Water Sensitive Urban Design Strategy is developed for landscaping to sustainability manage stormwater.
5. The quality of public domain treatments is improved, with materials, finishes and fixtures, including bespoke fixtures and public art, selected in accordance with the performance standards and specifications of the City Centre Technical Manual.

Performance criteria

C4 Servicing and access minimises conflicts with pedestrians.

Acceptable solutions

1. Service deliveries are not to be made from Hunter Street for development which has access to another street frontage.
2. For development that has no other frontage than Hunter Street, hours for service deliveries are restricted to minimise potential conflicts with other activities.
3. Vehicle access and servicing is located to minimise conflicts with pedestrians.
4. Loading docks and their access points are not permitted on Hunter Street.

Figure 6.01-32: Section through Christie Place and the University site showing building form and setbacks.

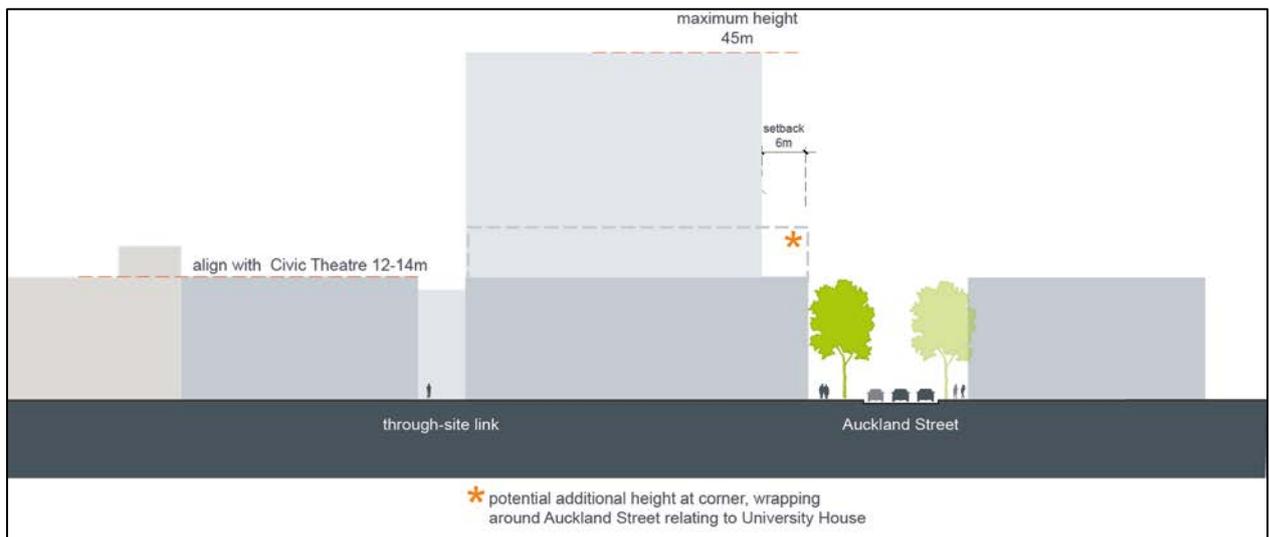
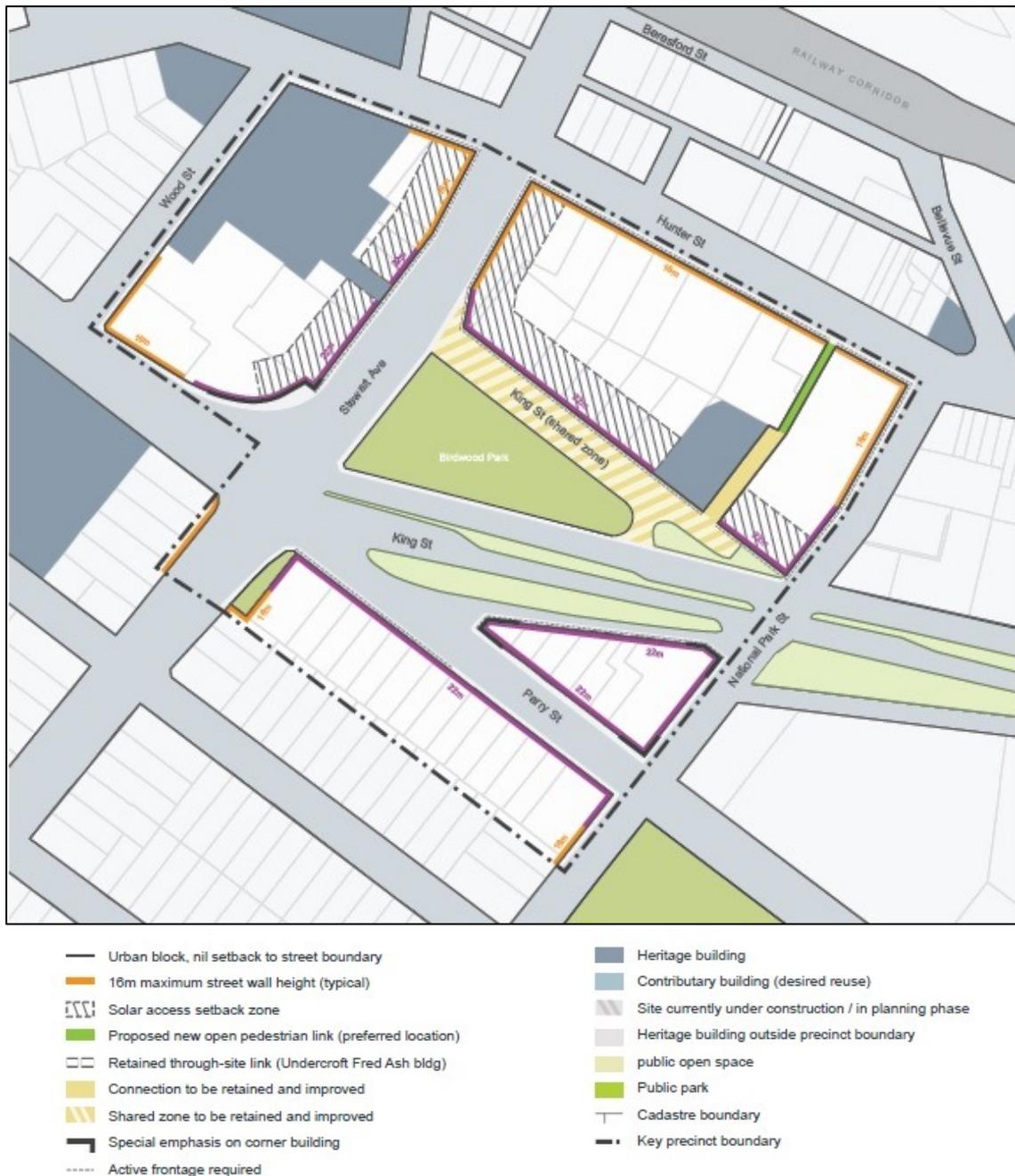


Figure 6.01-33: Section through the University site showing building form and setbacks.



D. Birdwood Park

Figure 6.01-34: Birdwood Park Key Precinct



Existing character

The Birdwood Park precinct is the western gateway to Newcastle city centre and currently houses a range of uses including showroom and bulky goods retail, car dealerships and self storage. This precinct contains the major heritage assets, including the former brewery.

Birdwood Park is the primary open space but is currently surrounded by busy roads resulting in sub-standard amenity.

Future character

This precinct has the potential to become part of the future central business district of Newcastle. This is due to the location of the new transport interchange in the precinct. There is also a predominance of larger consolidated land holdings and fewer environmental and heritage constraints combined with generous floor space and height allowances. Improvements to streetscapes and Birdwood Park will raise the quality of the public domain, while adaptive re-use of the former brewery will enrich built form character in this precinct.

Objectives

1. Guide development that contributes to the realisation of a future commercial core.
2. Create a sense of arrival into the city centre from the western approach.
3. Promote active street frontages.
4. Protect heritage items and contributory buildings.
5. Promote a permeable street network in Birdwood Park precinct with well connected easily accessible streets and lanes.
6. Provide new public spaces and improve pedestrian amenity, particularly to Birdwood Park.
7. Improve Birdwood Park with a strong built edge and protecting sunlight access.

Image 6.01-54: Potential transformation of King Street edge alongside Birdwood Park (Impression Arup, 2012)



Performance criteria

- D1 Pedestrian permeability and amenity is improved.

Acceptable solutions

1. New lanes and through-site links are provided in the locations identified in Figures 6.01-33 and 6.01-34. They are designed and constructed in accordance with the Public Domain section of this Development Guide and the City Centre [Public Domain](#) Technical Manual.

2. The design of the laneway network integrates with the ground floor uses of adjoining buildings and provides opportunities for external activities.

Performance criteria

- D2 The bulk of building form is managed to promote good amenity for pedestrians and neighbouring buildings and to integrate well with heritage items and contributory buildings.

Acceptable solutions

1. Large scale new development is articulated so that large expanses of building form are broken down into smaller elements to reduce building bulk.
2. Taller buildings are set back from Hunter Street, to provide a gradual increase in scale from Hunter Street.

Performance criteria

- D3 Public domain - promote Birdwood Park as the primary open space asset in the precinct.

Acceptable solutions

1. New development in the precinct ensures that a minimum of 3 hours of sunlight is provided to 50% of Birdwood Park between 9 am and 3pm on 21 June.
2. Reshape King Street, along Birdwood Park, as a shared pedestrian and vehicular street and a place of pedestrian activity by:
 - (a) reducing the road carriageway to minimum widths to maximise space on the footpath for pedestrians, landscaping, public art or outdoor dining.
 - (b) raising the level of the carriageway and marking the space with indicators to slow drivers and signal arrival into a shared space.
 - (c) incorporating other traffic calming measures such as landscaping and low speed limits.
 - (d) restricting service vehicle access at certain times of the day to allow for other activities.
3. Public domain works including tree planting, furniture, lighting and materials, is carried out in accordance with the City Centre [Public Domain](#) Technical Manual.

Performance criteria

- D4 Servicing and access minimises conflicts with pedestrians.

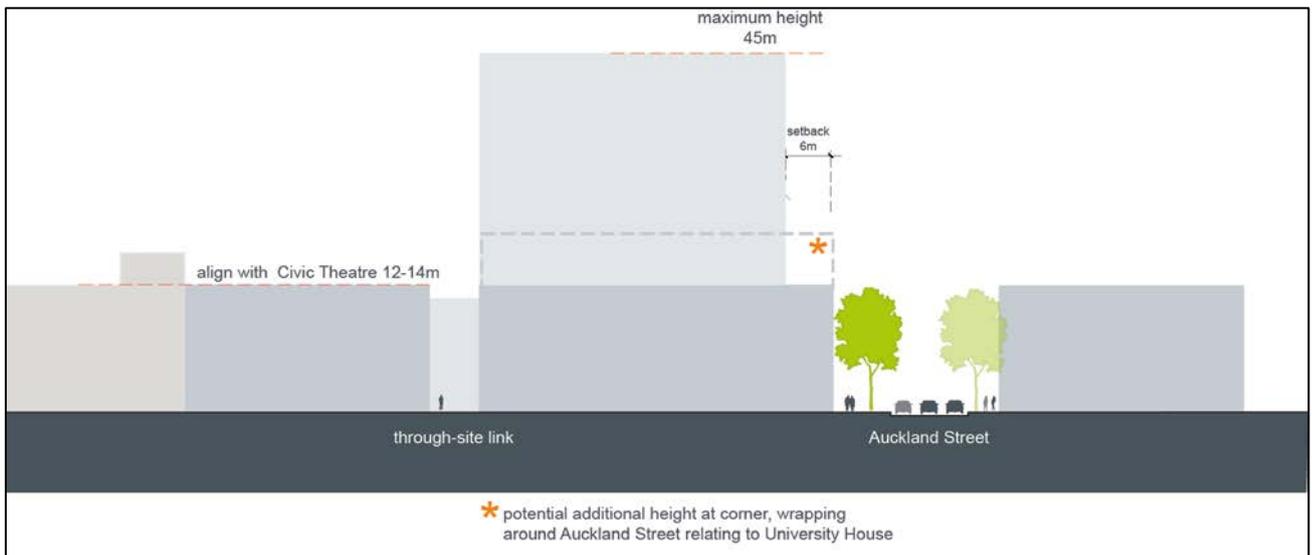
Acceptable solutions

1. Service deliveries are not to be made from Hunter Street or Stewart Avenue for development which has access to another street frontage.
2. For development that has no other frontage than Hunter Street, hours for service deliveries are restricted to minimise potential conflicts with other activities.
3. Vehicle access and servicing is located to minimise conflicts with pedestrians.
4. Loading docks and their access points are not permitted on Hunter Street.

Figure 6.01-35: Section through the former brewery/regional museum site between Stewart Avenue and Wood Street.

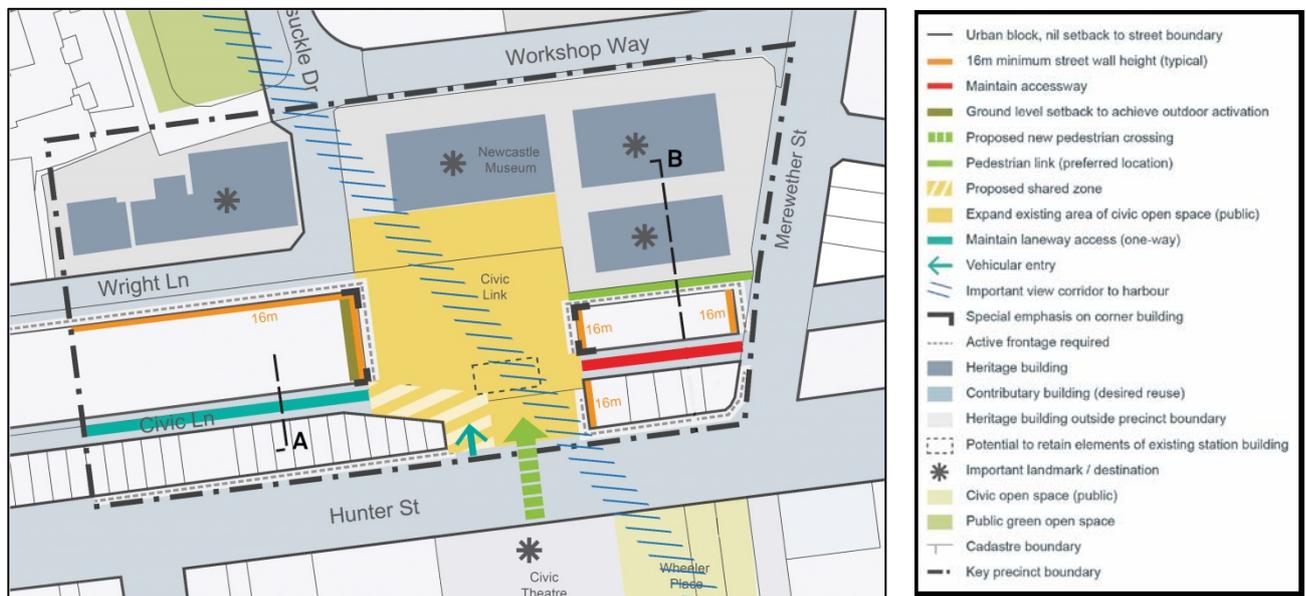


Figure 6.01-36: Section through buildings fronting King Street and Birdwood Park showing 20m solar access plane setback



E. Civic Link

Figure 6.01-37: Civic Link Precinct



Existing character

Civic Link Precinct sits within the Civic Character zone to the north of Hunter Street and is bound by Workshop Way and Merewether Street. The Precinct encompasses the former Civic Station and railway corridor, and the Newcastle Museum.

Future character

This part of the city is intended to form part of the civic heart of Newcastle and will provide an important link between some of the region's most important civic and cultural assets, including Civic Park, City Hall, Civic Theatre, Newcastle Museum and the foreshore.

The focus on Civic is to leverage the best value from new investments by creating open space and walking and cycling connections that link Newcastle's civic buildings to the waterfront and the light rail system.

Creating a new civic focused public space, linking Hunter Street to the museum will provide a direct visual and physical connection from Wheeler Place to the harbour and meet the needs of the incoming populations.

Objectives

1. Provide a new public space that links the civic, administrative, education and cultural heart of Newcastle to the foreshore.
2. Guide development surrounding the new Civic Link and along Civic Lane that contributes to the realisation of the area as the civic heart of Newcastle.
3. Promote a permeable street network and enhance pedestrian connections from Hunter Street to the foreshore.
4. Promote active frontages to streets and public spaces.
5. Respect heritage items and contributory buildings.

Performance Criteria

- E1. Civic Lane provides an accessible, attractive link between Civic Link/Hunter Street and Wright Lane/Workshop Way. Vehicular and service access to the properties on the northern side of Hunter Street and the new developments between Civic Lane and Wright Lane is from Civic Lane.

Acceptable solutions

1. Civic Lane provides vehicular access, including basement carpark access to properties on the northern side of Hunter Street and the new developments between Civic Lane and Wright Lane.
2. Civic Lane provides one-way vehicular movement in an east to west direction with an entry via a shared way through Civic Link onto Hunter Street.
3. A minimum 1.2m wide footpath is provided on the southern side of Civic lane.
4. Consolidated access points are provided to building lots along Civic Lane to reduce the dominance of driveways.
5. Pedestrian access along the northern side of Civic Lane is integrated within the building setback of the associated development.

Performance criteria

- E2. Pedestrian permeability and amenity is improved by the connection of the Wheeler Place Key Precinct through Honeysuckle to the waterfront.

Acceptable solutions

1. New lanes and open pedestrian links are provided in the locations identified in Figure 6.01-36.
2. New or enhanced links include:
 - (a) Direct pedestrian connection between Hunter Street and Wright Lane / Honeysuckle Drive.
 - (b) A minimum 4.5m wide pedestrian only link on the

Figure 6.01-38: Civic Lane

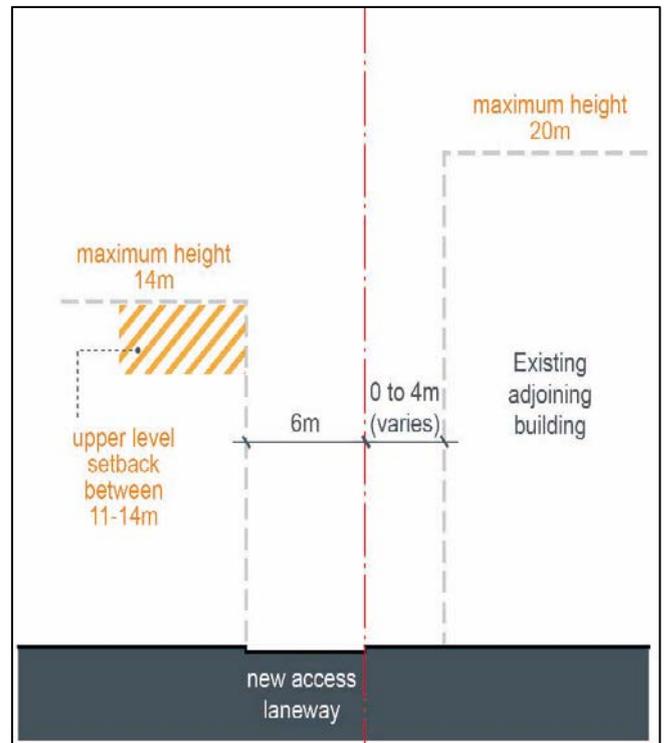
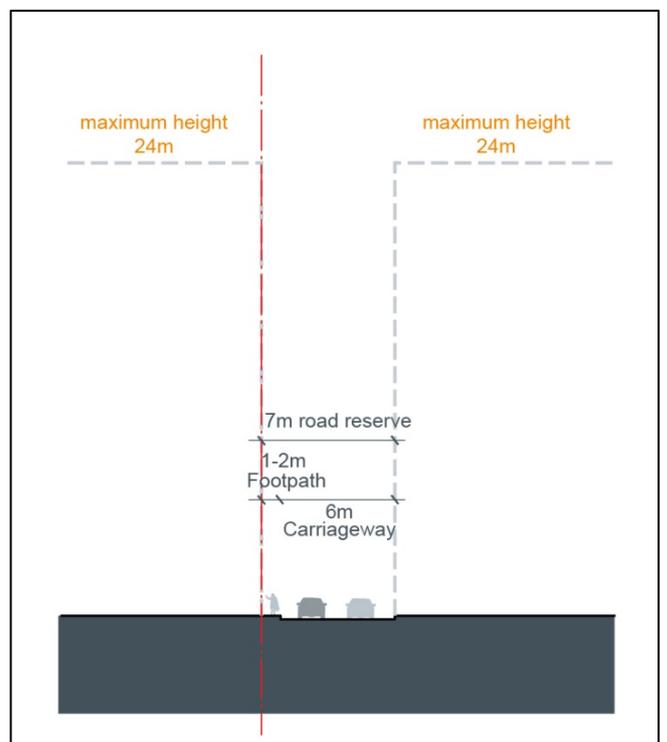


Figure 6.01-39: New accessway way between Merewether Street and Civic Link



northern side of the former railway corridor between Civic Link and Merewether Street.

- (c) A minimum 8m wide vehicular accessway adjoining the southern boundary of the former railway corridor accessed from Merewether Street ~~and a pedestrian link adjoining the northern boundary, between Civic Link and Merewether Street.~~

Performance Criteria

E3. Servicing and vehicular access minimises conflicts with pedestrians.

Acceptable solutions

1. Service deliveries and garbage collection hours are restricted to minimise potential conflict with pedestrians and other activities within the shared zone of the Civic Link open space.
2. Vehicle access and servicing to the sites adjoining Civic Lane is provided from Civic Lane to minimise conflicts with pedestrians.

Performance Criteria

E4. The bulk of building form is managed to achieve good amenity for pedestrians and neighbouring buildings, and to respect and integrate well with nearby heritage items and contributory buildings.

Acceptable solutions

1. New development is articulated so that large expanses of building form are broken down into smaller elements.
2. Taller buildings are set back from Civic Link, to provide a gradual increase in scale along the former railway corridor from Civic Link to the east and from Civic Link to the west.
3. Street wall heights ensure a minimum two hours of sunlight between 9am and 3pm in mid-winter to at least 50% of the Civic Link open space.
4. Buildings facing Civic Link include prominent architectural features or design on corners.
5. Buildings with a secondary frontage to a laneway incorporate setbacks that enable ground floor active uses, vehicular access and off-street loading zones. Upper level setbacks enable compliance with the Apartment Design Guide.
6. A reduced setback above the street wall height of 3m may be appropriate within sites bounded by Civic Link and Merewether Street.

Figure 6.01-40: Civic Link Section View Wheeler Place to Newcastle Museum



F. Darby Plaza

Figure 6.01-41: Darby Plaza Key Precinct



Existing character

Darby Street is the main dining centre of Newcastle and offers a mix of shops, cafes and restaurants and night life. At present Darby Street ends at the intersection with Hunter Street.

Future character

Darby Plaza will form a new community focused public space, providing a pedestrian and cycle connection from Hunter Street to the harbour.

Objectives

1. Provide new open space and improve pedestrian amenity.
2. Promote a permeable street network and enhance pedestrian connections from Darby Street to the foreshore.
3. Promote active street frontages.
4. Respect heritage items and contributory buildings.
5. Provide a strong built edge to Darby Plaza and create an integrated space between the public and private land.

Performance criteria

- F1. Pedestrian permeability and amenity is improved with the capacity to generate safe public movement from Darby Street and Argyle Street to the waterfront.

Acceptable solutions

1. Adjacent mixed use development provides active frontages to both Hunter Street and the new Darby Plaza with active ground floor uses and natural surveillance from floors above.
2. Extension of view corridors from the eastern side of Darby Street and Argyle Street improves lines of sight increasing safety and wayfinding.

Performance criteria

- F2. Darby Plaza supports a range of uses and activities and is edged by mixed use development along the western edge including active ground floor uses.

Acceptable solutions

1. Buildings adjoining Darby Plaza incorporate a ground floor setback from Darby Plaza as shown in Figure 6.01-40, which aligns with the eastern side of Darby Street.
2. Buildings adjoining Darby Plaza are designed to integrate into the public open space.

Performance criteria

- F3. Servicing and access minimises conflicts with pedestrians.

Acceptable solutions

1. Vehicular access and servicing is from Argyle Street via a shared way within Darby Plaza and located so as to minimise and manage potential conflicts with pedestrians.
2. Hours for service delivery are restricted to minimize potential conflicts with pedestrian activities within the plaza.

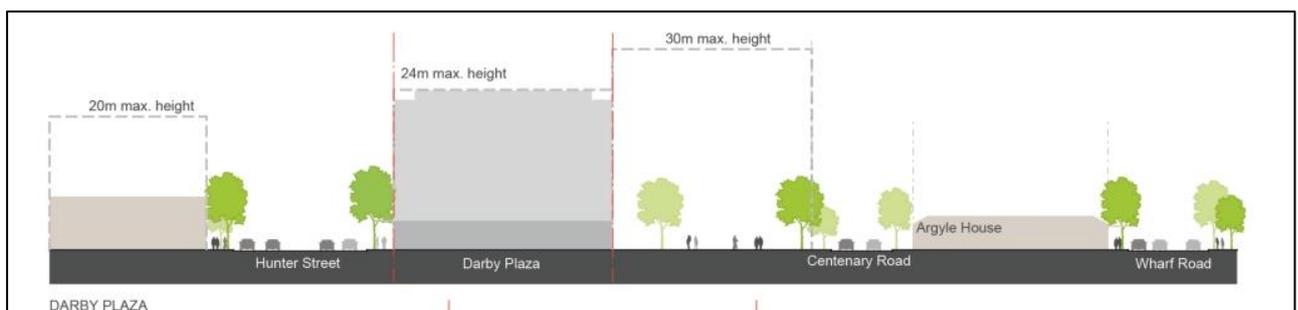
Performance criteria

- F4. Significant views are strengthened (refer to Section B2 View and vistas).

Acceptable solutions

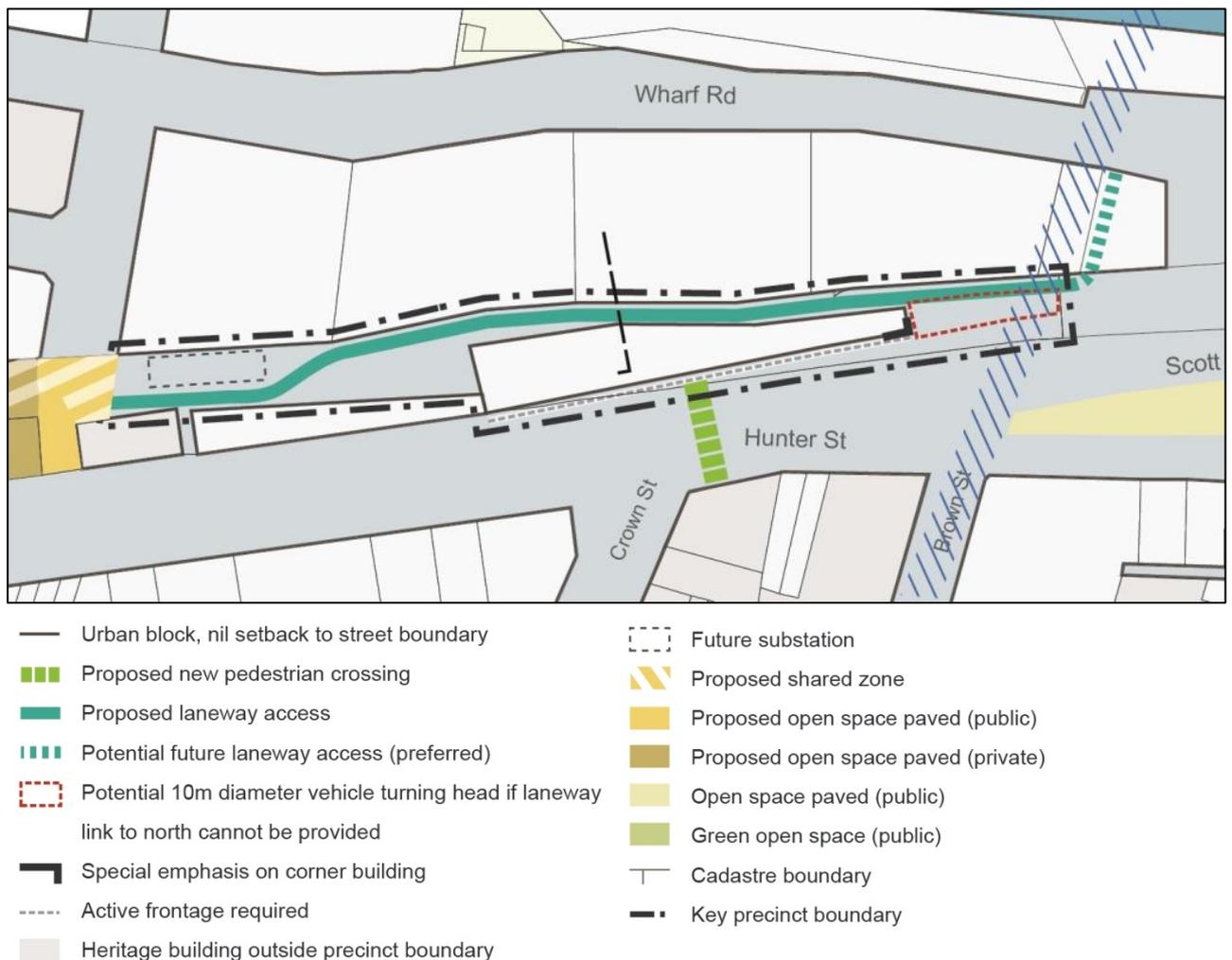
1. Buildings adjoining Darby Plaza complement the view corridor through Darby Plaza.

Figure 6.01-42 Section through Darby Plaza



G. Hunter Street Live-Work Units

Figure 6.01-43: Hunter Street Live-Work Units Key Precinct



Existing Character

Hunter Street features some of Newcastle's best heritage buildings and offers a mix of shops, cafes, restaurants and other local businesses.

The former rail line ran directly to the northern edge of Hunter / Scott Streets between Crown and Newcomen Streets creating a poor and inactive interface. The former rail corridor at this location is heavily overshadowed by the existing commercial and residential buildings fronting Wharf Road.

Future Character

New mixed use development, greater pedestrian priority and future transport improvements contribute to the potential for Hunter Street / Scott Street to be strengthened as Newcastle's 'main street'. Infill development is encouraged on the northern side of Hunter Street between the alignments with Crown and Brown Streets to promote activity and improve the pedestrian interface and street edge definition. New built form at this location is sensitively scaled to allow for the maintenance of significant view lines from the adjoining residential apartments to the north. It is envisaged that this site, will be suitable for live-work style units fronting onto Hunter Street with ground floor commercial retail or office uses.

Objectives

1. Improve the pedestrian interface and street edge definition of Hunter Street.
2. Promote active street frontages.
3. Respect heritage items and contributory buildings.
4. Ensure development responds to and respects the amenity of adjoining residential development.

Performance criteria

- G1. Hunter Street is strengthened as Newcastle's 'main street.'

Acceptable solutions

1. Active ground floor frontages supporting small office or retail uses are created along Hunter Street.
2. Built form is scaled to maintain a comfortable, human scaled streetscape.
3. Pedestrian amenity and walkability is enhanced by the provision of wide footpaths.
4. Windows and balconies overlook Hunter Street increasing natural surveillance and sense of safety.

Performance criteria

- G2. The built form is appropriate to the land size and dimensions, provides streetscape definition and activation, **minimises amenity impacts to** and respects views from adjoining residential apartments.

Acceptable solutions

1. New development in this section of Hunter Street:
 - (a) Incorporates active uses at ground level,
 - (b) Provides individual pedestrian entries off Hunter Street,
 - (c) Is of good quality contemporary design that complements nearby terrace development; and
 - (d) Avoids monotonous design by incorporating articulation and a variety of materials and colours
2. New development respects views from the adjoining residential apartments located to the north of the former rail corridor, through the use of appropriate setbacks, building heights, roof form and building articulation.

Note: The NSW Land and Environment Court Planning Principle describes the process for assessing view impacts and will need to be considered in the design of the development.

4. **New development incorporates upper level setbacks on the northern side to achieve the separation distances detailed in the Apartment Design Guide, minimise amenity impacts to and respect views from adjoining residential apartments.**
5. Continuous street frontage awnings do not need to be provided in areas requiring an active frontage on Figure 6.01-42.

Alternative Solutions

- Alternate forms of development that are compatible with the narrow site width and surrounding development may be considered on the [site portion of the site east of Crown Street](#).

Performance criteria

- G3. Vehicular access and servicing minimises conflicts with pedestrians

Acceptable solutions

1. Vehicle access and car parking is provided via a rear laneway from Argyle Street.
2. A 10m Vehicle turning head is provided at the eastern end of the rear access lane to allow vehicles to exit the site to Argyle Street.

Alternative Solutions

- The laneway may be extended north at the eastern end to link with Wharf Road.

Performance Criteria

- G4. Live Work Units provide adequate parking accessed from the laneway.

Acceptable Solutions

1. Required car parking may be provided within the access laneway, rather than individual lots.
2. Variation to car parking rates may be considered in accordance with Section 7.03 Traffic, Parking and Access.

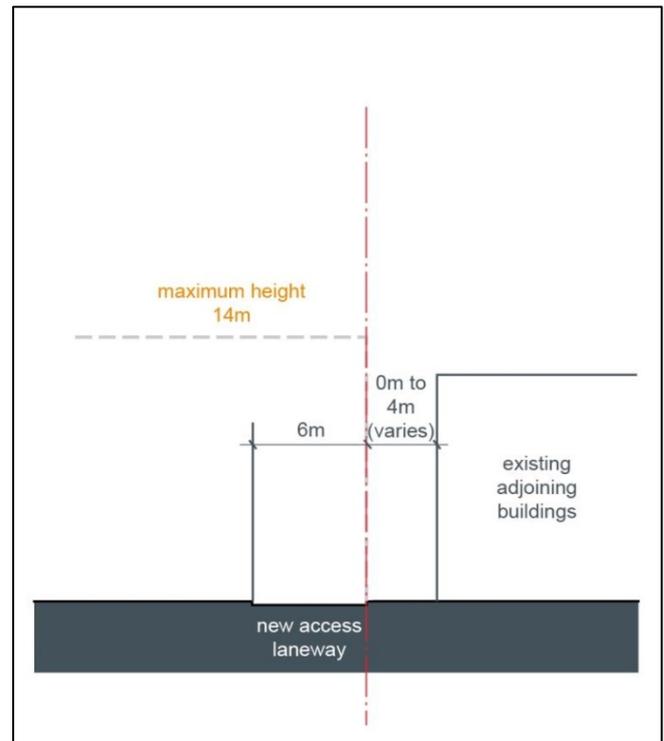
Performance Criteria

- G5. New development respects and maintains heritage items - AA Company Abutment and Bridge

Acceptable Solutions

1. New development incorporates sufficient setbacks from the AA Company Bridge abutment so that it is retained in situ for permanent public display.
2. A physical interpretation is prepared which communicates and promotes the understanding of the historical context of the AA Company Bridge Abutment and its relationship to the early railways. The interpretation allows for content to be provided on an appropriate physical or digital platform.

Figure 6.01-44: Section through Hunter Street Live Work Units

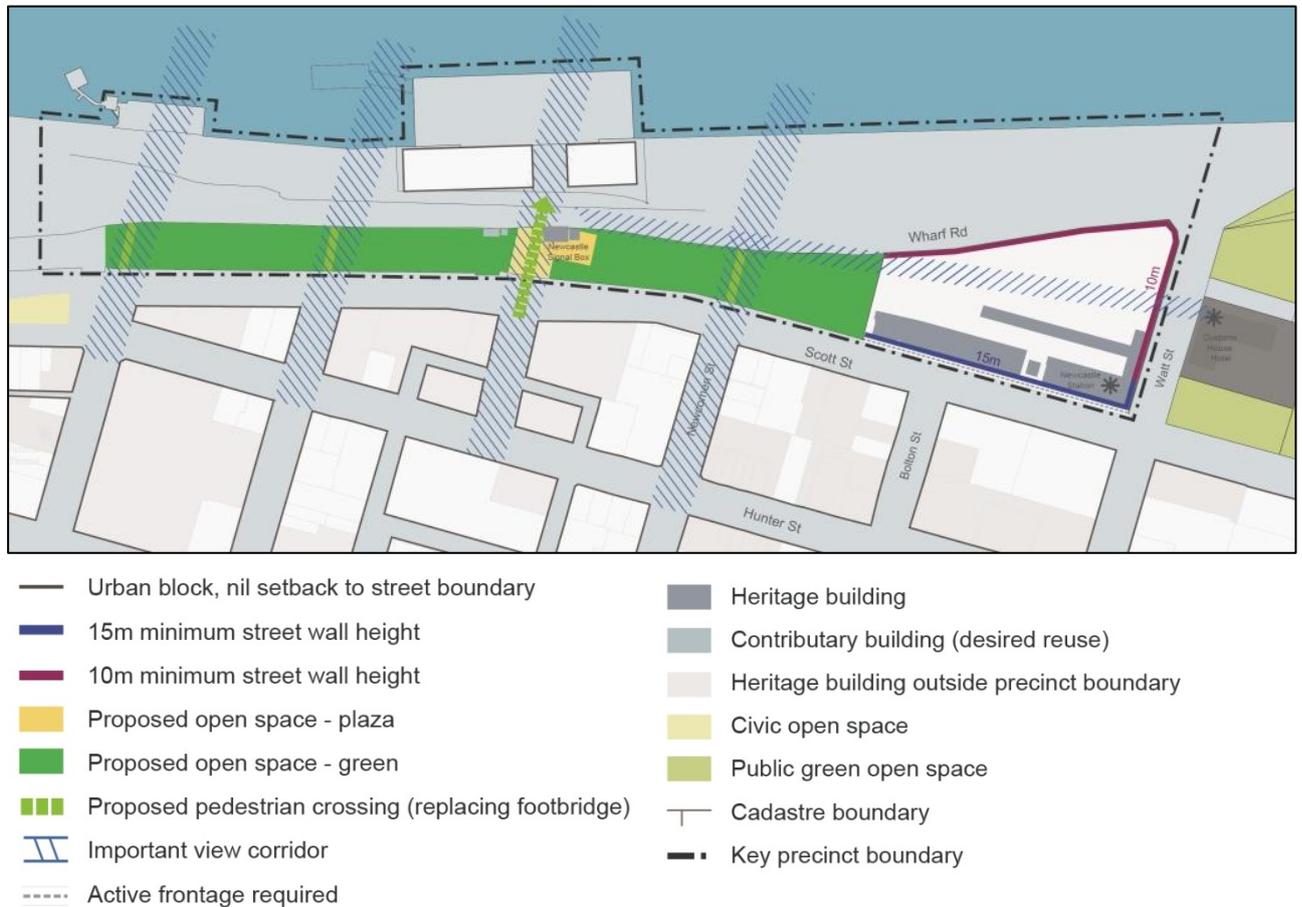


Alternative Solutions

- If the bridge abutment cannot be retained in situ, options for its removal and re-installation where it can be kept on public display are to be developed in consultation with Newcastle City Council.

H. Newcastle Station and Foreshore Park

Figure 6.01-45: Newcastle Station and Foreshore Park



Existing character

Newcastle Railway Station, built in 1859, has State heritage significance due to its historical associations with the Great Northern Railway as its second terminus.

The Station site is central to Foreshore Park, located along Wharf Road, which provides vast open space for activities, recreation and community uses.

Future character

The Newcastle Railway Station forms a key position in the development of the urban environment in this part of the city, including views of the building itself and key built forms in its surrounds. The space between the platforms has historically been naturally lit and this should be considered in the redevelopment, as a way of retaining the history of the item as a station.

The future character of Newcastle Station and Foreshore Park Key Precinct will fully respect and celebrate the heritage integrity of the Station, and could accommodate a range of different activities including community, tourism, retail, leisure and commercial uses.

Newcastle Railway Station is proposed to be repurposed into a hallmark destination, retaining and adapting the heritage character with a mix of uses and providing a focal point for the East End. It will accommodate enterprises and activities that attract visitors, activate the area and stimulate the economy.

The future use of the station will be supported and enhanced by the expansion of the Foreshore Park to the west of the station. Development adjoining this area will complement and support the use of this area as an event space.

Objectives

1. Provide a new focal point for the community in the East End.
2. Promote a permeable street network and enhance pedestrian connections from Hunter Street to the foreshore.
3. Promote active frontages to streets and public spaces.
4. Respect heritage items and contributory buildings.

Performance Criteria

- H1. Newcastle Station and Foreshore Park is a regional tourist and leisure destination for both residents and tourists.

Acceptable Solutions

1. Improve pedestrian permeability and amenity by providing a link from Scott Street between the significant Station buildings to the foreshore.
2. Protect the heritage and history of the Newcastle Station through its adaptive re-use.
3. Create a public open space area that is safe and well-utilised.
4. Promote the Foreshore Park as a regional open space asset.
5. The built form and land use considers noise impacts on nearby residential uses.
6. The built form of the Newcastle Station buildings provides frontages to Scott Street and to the north facing Foreshore Park.
7. View corridors identified in Figure 6.01-23 are retained.

Performance Criteria

- H2. The Newcastle Railway Station group of buildings integrate with the public domain and encourage pedestrian access and permeability.

Acceptable Solutions

1. The use of the site, including the adaptive reuse of heritage items maintains the human scale of the buildings to the street and public spaces.
2. Pedestrian movement networks are developed around, and through, the heritage buildings.
3. Heritage items located adjacent to public open space, integrate with the public domain.
4. Development of the Newcastle Railway Station site:
 - (a) Maintains views of Newcastle Station along Scott Street, particularly the main building and the Western Wing.
 - (b) Maintains the view corridor from the harbour front to the roof elements on the main building and Western wing from a pedestrian level.

- (c) Ensure that the general bulk of any new development on the site does not compete with, impede or detract from the current tiered elevation and depth created by the built form in its current configuration.
- (d) Maintains the view corridor from the west to Customs house. The bulk of new structures does not obscure views to and from the clock element on Customs house, beyond what has already been established.
- (e) Ensures that the form, massing, scale and bulk of new development are complementary to the existing built form of the Newcastle Railway Station.

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**ORDINARY COUNCIL MEETING
12 DECEMBER 2017**

**CCL 12/12/17
RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN
2012 AND PLANNING AGREEMENT**

Attachment C: Newcastle Urban Rail Transformation Program Planning Agreement

Deed

**Newcastle Urban Rail Transformation
Program**

Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Newcastle City Council

Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

[Insert Date]

Newcastle Urban Rail Transformation Program Planning Agreement

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DRAFT

Newcastle Urban Rail Transformation Program Planning Agreement

Summary Sheet

Council:

Name: Newcastle City Council

Address: 282 King Street, Newcastle NSW 2300

Telephone: 02 4974 2000

Facsimile: [Insert Details]

Email: [Insert Details]

Representative: [Insert Details]

Developer:

Name: Landcom (t/a UrbanGrowth NSW)

Address: Level 14, 60 Station Street Parramatta NSW 2150

Telephone: (02) 9841 8600

Facsimile: (02) 9841 8688

Email: [Insert Details]

Representative: [Insert Details]

Landowner:

Name: Hunter Development Corporation

Address: Suite B, Level 5, 26 Honeysuckle Drive, Newcastle NSW 2300

Telephone: 02 4904 2750

Facsimile: 02 4904 2751

Email: [Insert Details]

Representative: [Insert Details]

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See clause 9 and Schedule 2.

Application of s94, s94A and s94EF of the Act:

See clause 8.

Security:

Part 4

Restriction on dealings:

See clause 32.

Dispute Resolution:

Expert determination and mediation. See clauses 29 and 30.

DRAFT

Newcastle Urban Rail Transformation Program Planning Agreement

Under s 93F of the *Environmental Planning and Assessment Act 1979*

Parties

Newcastle City Council ABN 25 242 068 129 of 282 King Street, Newcastle NSW
2300 (**Council**)

and

Landcom (t/a UrbanGrowth NSW) ABN 79 268 260 688 of Level 14, 60
Station Street, Parramatta NSW 2150 (**Developer**)

and

Hunter Development Corporation ABN 94 688 782 063 of Suite B, Level 5,
26 Honeysuckle Drive, Newcastle NSW 2300 (**Landowner**)

Background

- A The Developer is established as a corporation under s5(1) of the *Landcom Corporation Act 2001* with the corporate name of Landcom.
- B The Developer trades under the name of *UrbanGrowth NSW*.
- C The Landowner is a statutory corporation constituted under the *Growth Centres (Development Corporations) Act 1974*.
- D The Landowner is the owner of the Land and leases the Land to the Developer.
- E The Landowner and Developer have agreed that the Developer will redevelop the Land.
- F The Developer has requested the Council to adopt a Planning Proposal to facilitate the LEP Amendment so as to make permissible the carrying out of the Development on the Land.
- G The Developer has made or proposes to make a Development Application to carry out the Development on the Land.
- H The Developer offers to make Development Contributions to the Council on the terms set out in this Deed in connection with the LEP Amendment.

Operative provisions

Part 1 - Preliminary

1 Definitions & Interpretation

1.1 In this Deed the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approval includes approval, consent, licence, permission or the like.

Affordable Housing has the same meaning as in the Act.

Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

Civic Link Land means the land defined as such in Item 1 of the table to Schedule 2.

Civic Station Land means the land marked 'Civil Station Land' on the Civic Station Land Plan

Civic Station Land Plan means the plan in Schedule 6.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action but does not include proceedings to enforce this Deed in the Land and Environment Court or any Court on appeal from that Court.

Construction Certificate has the same meaning as in the Act.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

Council Specification Documents means:

- (a) *City Centre Public Domain Technical Manual*;
- (b) *Urban Forest Technical Manual*; and
- (c) *Standard Drawings*,

and any amendment or replacement of those documents notified to the Developer within 6 months of the date of this Deed.

Darby Plaza Land means the land defined as such in Item 6 of the table to Schedule 2.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Design Intent means the design intent for the relevant Work Item in Schedule 7.

Development means the development of the Land which is facilitated by the LEP Amendment.

Development Application has the same meaning as in the Act.

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Development Consent means a development consent within the meaning of the Act.

Development Contribution means any of the following, or any combination of them, to be used for, or applied towards, a public purpose:

- a monetary contribution,
- the dedication of land free of cost,
- the carrying out of Work,
- the provision of any other material public benefit,

but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s93F(3)(g) of the Act.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

Final Lot means a lot to be created in the Development for separate residential occupation and disposition, not being a lot created by a subdivision of the Land:

- (a) that is to be dedicated or otherwise transferred to the Council, or
- (b) that may be further subdivided, or
- (c) on which is situated a dwelling-house that was in existence on the date of this Deed

Foreshore Park Concept Plan means the concept plan in Schedule 4.

Item means the object of a Development Contribution specified in Column 1 of Schedule 2.

Land means the land specified or described in Schedule 1.

LEP means the *Newcastle Local Environmental Plan 2012*.

LEP Amendment means a local environmental plan which amends the LEP in the manner sought in the Planning Proposal.

Planning Proposal means planning proposal (Department Ref: PP_2016_NEWCA_007_00) to rezone the surplus portion of the rail corridor between Worth Place and Watt Street Newcastle, the Newcastle Train Station and certain adjacent land.

Party means a party to this Deed, including their successors and assigns.

Land Dedication Plan means the plan in Schedule 3 showing the location of the land to be dedicated.

Rectify means rectify, remedy or correct.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Remediation Action Plan means the remediation action plan in Schedule 5.

Residential Dwellings means dwellings or dwelling houses but does not include:

- (a) student accommodation;
- (b) a boarding house;
- (c) group home;

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Hunter Development Corporation

(d) hostel; or

(e) seniors housing,

and all terms used in this definition have the same meaning as in the LEP. **Security** means a letter of undertaking from the Developer to the Council containing a commitment to comply with this Agreement on terms satisfactory to the Council.

Subdivision Certificate has the same meaning as in the Act

Work means the physical result of any building, engineering or construction work in, on, over or under land, required to be carried out by the Developer under this Deed.

Work Items means Items which require Works to be carried out under this Deed.

- 1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:
- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
 - 1.2.2 A reference to a business day means a day, other than a Saturday or Sunday, on which banks are open for business generally in Sydney.
 - 1.2.3 If the day on which something is to be done under this Deed is not a business day, then it must be done on the next business day.
 - 1.2.4 A reference to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
 - 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
 - 1.2.6 A reference to any legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
 - 1.2.7 A reference to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
 - 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
 - 1.2.9 A reference to a person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
 - 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form for that word or phrase has a corresponding meaning.
 - 1.2.11 The singular includes the plural, and the plural includes the singular.
 - 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
 - 1.2.13 A reference to a Party to this Deed includes a reference to the Party's employees, agents and contractors, and the Party's successors and assigns.
 - 1.2.14 Any schedules, appendices and attachments form part of this Deed.

2 Status of this Deed

2.1 This Deed is a planning agreement within the meaning of s93F(1) of the Act.

3 Commencement of this Deed

3.1 This Deed commences on the date on which it has been executed by all Parties.

3.2 The Party who executes this Deed last is to insert on the front page the date they did so and provide a copy of the fully executed and dated Deed to any other person who is a Party.

4 Application of this Deed

4.1 This Deed applies to the LEP Amendment and the Land.

5 Commencement of Development Contributions obligations

5.1 The Developer is under no obligation to make the Development Contributions to the Council in accordance with this Deed unless the LEP Amendment is made.

6 Warranties

6.1 The Parties warrant to each other that they:

6.1.1 have full capacity to enter into this Deed, and

6.1.2 are able to fully comply with their obligations under this Deed.

7 Further agreements relating to this Deed

7.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

8 Application of s 94, s 94A and s 94EF of the Act to the Development

8.1 This Deed does not exclude the application of s 94, s94A or s94EF of the Act to the Development.

9 Provision of Development Contributions

- 9.1 The Developer and Landowner are to make Development Contributions to the Council in accordance with Schedule 2 and any other provision of this Deed relating to the making of Development Contributions.
- 9.2 The Council is to apply each Development Contribution made by the Developer or Landowner under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.

Part 2 – Provisions relating to dedication of Land

10 Procedures relating to the dedication of Land

- 10.1 A Development Contribution comprising the dedication of land is made for the purposes of this Deed when:
- 10.1.1 a deposited plan is registered in the register of plans held with the Registrar General that:
- (a) dedicates land as a public road (including a temporary public road) under the *Roads Act 1993*, or
 - (b) creates a public reserve or drainage reserve under the *Local Government Act 1993*, or
- 10.1.2 the Council is given an instrument in registrable form under the *Real Property Act 1900* duly executed by the Landowner as transferor that is effective to transfer the title to the land to the Council when executed by the Council as transferee and registered.
- 10.2 For the purposes of clause 10.1.2:
- 10.2.1 the Landowner is to give the Council, for execution by the Council as transferee, an instrument of transfer under the *Real Property Act 1900* relating to the land to be dedicated, and
- 10.2.2 within 7 days of receiving it from Landowner, the Council is to execute it and return it to Landowner, and
- 10.2.3 within 7 days of receiving it from the Council (properly executed), the Landowner is to lodge it for registration with the Registrar General, and
- 10.2.4 the Developer and Landowner are to do all things reasonably necessary to enable it to be registered.
- 10.3 Land required to be dedicated under this Agreement is to be dedicated free of all registered and unregistered encumbrances and affectations, except as otherwise agreed in writing by the Council.
- 10.4 If, having used all reasonable endeavours, the Landowner cannot comply with clause 10.3, the Landowner may request that Council agree to accept the land subject to those encumbrances and affectations, and:
- 10.4.1 Council cannot withhold its agreement unreasonably if the encumbrance or affectation does not prevent the future use of the land for the purpose for which it is to be dedicated under this Deed,

unless the encumbrance or affectation is a charge arising as a result of unpaid taxes or charges, and

10.4.2 in all other cases, Council may withhold its agreement in its absolute discretion.

11 Civic Station Works and Dedication

- 11.1 The Parties acknowledge that at the time of entry into this Deed, the Developer had not determined the extent to which buildings and structures comprising Civic Station would be demolished or retained.
- 11.2 Despite anything to the contrary in this Deed, the Developer is under no obligation to retain or demolish any part of Civic Station under this Deed, and the Council is under no obligation to accept dedication of the Civic Station Land.
- 11.3 The Developer must notify the Council within 14 days of obtaining all relevant Approvals for any works it proposes to carry out to Civic Station (**Civic Station Works**).
- 11.4 Within 90 days of the Developer providing the notice pursuant to clause 11.3, the Council must notify the Developer whether it will accept dedication of the Civic Station Land, having regard to the Civic Station Works.
- 11.5 If Council notifies the Developer that it will not accept dedication of the Civic Station Land, the Developer and Landowner may give Council notice of any additional part of the Civic Link Land which the Landowner and Developer require to be retained in the ownership of the Landowner for the purposes of any proposed use to which the Landowner and Developer may put the Civic Station Land.
- 11.6 The Civic Link Land required to be dedicated under this Deed excludes the Civic Station Land if Council determines that it does not wish to accept dedication of that land pursuant to this clause, and any additional land required to be retained by the Developer and Landowner under clause 11.5.

Part 3 – Provisions relating to the carrying out of Work

12 Design and Consultation

- 12.1 At the time of entry into this Deed the Developer had not prepared concept plans for the Works Items comprising embellishment works, other than in respect of Work Item 11 for which the Foreshore Park Concept Plan has been prepared.
- 12.2 The Developer will prepare concept plans for all Work Items comprising embellishment works, other than Work Item 11, in accordance with the Council Specification Documents and will submit them to Council.
- 12.3 The Parties acknowledge that the Foreshore Park Concept Plan and any other concept plans submitted to Council pursuant to this clause 12, are

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Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

preliminary only and are subject to variation in consultation with Council and as a result of Approvals required for the relevant Work Items.

- 12.4 No amendment to this Deed is required if there is a variation to the Work Items comprising embellishment works as described in this Deed and as shown in concept plans submitted to Council pursuant to this clause, provided that:
- 12.4.1 the varied Work Item complies with the Council Specification Documents;
- 12.4.2 any key elements of the Work Item noted in Column 3 of the table to Schedule 2 in respect of the Work Item are included in the varied Work Item; and
- 12.4.3 in respect of the Civic Link Land and Darby Plaza Land embellishment works, the Work Item is consistent with the objectives outlined in the Design Intent for that Work Item.
- 12.5 The Developer must not lodge any Development Application or seek any other Approvals for a Work Item comprising embellishment works unless it has first submitted a concept plan to Council for the Work Item in accordance with this clause and considered any comments in respect of the Work Item from Council.
- 12.6 The Developer must not apply for any Construction Certificate or seek any other Approvals for a Work Item (other than lodging a Development Application) comprising embellishment works unless it has first submitted the construction drawings for the Work Item to Council and considered any comments in respect of the Work Item from Council.

13 Standard of construction of Work

- 13.1 Any Work that the Developer is required to carry out under this Deed is to be carried out in accordance with:
- 13.1.1 the requirements of any relevant Approval issued by a relevant Authority,
- 13.1.2 any Australian standards and other laws applicable to the Work,
- 13.1.3 the Council Specification Documents and
- 13.1.4 in a proper and workmanlike manner, complying with current industry practice and standards relating to the Work.
- 13.2 If there is any inconsistency between the requirements of any relevant Approval, any Australian standards or laws, or the Council Specification Documents, then the requirements of any relevant Approval, Australian standards and other applicable laws prevail to the extent of the inconsistency.
- 13.3 The Developer must appoint Council as the certifier in respect of any Works comprising embellishment works for the purpose of issuing a Construction Certificate in respect of those Works.

14 Variation to Work

- 14.1 The design or specification of any Work that is required to be carried out by the Developer under this Deed may be varied in accordance with this clause without the necessity for an amendment to this Deed.
- 14.2 For the purposes of clause 14.1, the Developer may make a written request to the Council to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.
- 14.3 The Council is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 14.2.

15 Maintenance and management of Works

- 15.1 The Parties may, by agreement in writing, specify Work Items to which the Maintenance Period applies and the standard and other particulars of maintenance required.
- 15.2 If the Maintenance Period applies to a Work, the Developer is to maintain the Work during that Period, in accordance with the standard and other particulars of maintenance agreed between the Parties.
- 15.3 Despite any other provision of this Deed, if the Developer has complied with its obligations under this clause, the Council cannot make any claim, objection or demand about the state or condition of a Work referred to in clause 15.1 after the end of the Maintenance Period for that Work.
- 15.4 In this clause, Maintenance Period means the period of 24 months commencing on and from the date that Council accepts responsibility for a Work under clause 16

16 Acceptance of risk in Works

- 16.1 Subject to anything to the contrary in this Agreement, the Council accepts responsibility for a Work on the later of:
- 16.1.1 when Work located on land to be dedicated to Council is completed for the purposes of this Deed in accordance with clause 21, or
- 16.1.2 when land on which that Work is located is dedicated to the Council.
- 16.2 The Developer, at its own cost, is to repair and make good to the satisfaction of the Council (acting reasonably) any loss or damage to a Work from any cause whatsoever which occurs before completion of the Work.

17 Access to land by Council

- 17.1 The Developer and Landowner are to permit the Council, its officers, employees, agents and contractors to enter the Land or any other land owned or controlled by the Developer or Landowner at any time, upon giving reasonable prior notice, to:
- 17.1.1 inspect, examine or test any Work, or
- 17.1.2 remedy any breach by the Developer in carrying out a Work.

18 Access to land by Developer

- 18.1 The Council is to permit the Developer, its officers, employees, agents and contractors to enter and occupy any land owned or controlled by the Council, including any part of the Land dedicated to the Council, to
- 18.1.1 enable the Developer to carry out any Work under this Deed that is required to be carried out on that land, or
- 18.1.2 perform any other obligation imposed on the Developer by this Agreement.

19 Council's obligations relating to Work

- 19.1 The Council is not to unreasonably delay, hinder or otherwise interfere with the performance by the Developer of its obligations under this Deed in relation to Work.

20 Protection of people and property

- 20.1 The Developer is to ensure to the fullest extent reasonably practicable in carrying out any Work that:
- 20.1.1 all necessary measures are taken to protect people and property, and
- 20.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
- 20.1.3 nuisances and unreasonable noise and disturbances are prevented.

21 Completion of Work

- 21.1 The Developer is to give the Council written notice of the date on which it will complete Work required to be carried out under this Deed.
- 21.2 The Council is to inspect the Work the subject of the notice referred to in clause 21.1 within 14 days of the date specified in the notice for completion of the Work.
- 21.3 Work is completed for the purposes of this Deed when the Council, acting reasonably, gives a certificate to the Developer to that effect, and Council can only withhold the certificate if the Work is not completed in accordance with this Deed..

22 Rectification of Defects

- 22.1 During the Defects Liability Period, the Council may give to the Developer a Rectification Notice.
- 22.2 The Developer is to comply with a Rectification Notice at its own cost according to its terms and to the satisfaction of the Council.
- 22.3 The Council is to do such things as are reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given to it under clause 22.1

22.4 In this clause:

22.4.1 **Defect** means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work.

22.4.2 **Defects Liability Period** means the period of 12 months commencing on the day immediately after the Council accepts responsibility for a Work under clause 16.

22.4.3 **Rectification Notice** means a notice in writing

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

23 Works-as-executed-plan

23.1 No later than 60 days after a Work is completed for the purposes of this Deed, the Developer is to submit to the Council a full works-as-executed-plan for the Work.

23.2 The Developer, being the copyright owner in the plan referred to in clause 23.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Deed.

Part 4 – Security and Enforcement

24 Provision of Security

24.1 The Developer is to give the Security to the Council when it executes this Deed.

25 Security for dedication of land

25.1 If the Landowner does not dedicate the land required to be dedicated under this Deed, or any part thereof, at the time at which it is required to be dedicated, the Landowner consents to the Council compulsorily acquiring that land for compensation in the amount of \$1 without having to follow the pre-acquisition procedures under the Just Terms Act.

25.2 The Council is to only acquire land pursuant to clause 25.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Landowner to dedicate the land required to be dedicated under this Deed.

25.3 Clause 25.1 constitutes an agreement for the purposes of section 30 of the Just Terms Act.

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- 25.4 If, as a result of an acquisition referred to in clause 25.1, the Council is required to pay compensation to any person other than the Landowner, the Landowner is to reimburse the Council for that amount upon a written request being made by the Council or the Council can call on any Security for that purpose.
- 25.5 The Landowner indemnifies and keeps indemnified the Council against all claims made against the Council as a result of any acquisition by the Council of the whole or any part of the land that is required to be dedicated under this Deed.
- 25.6 The Developer and Landowner are to promptly do all things necessary, and consent to the Council doing all things necessary, to give effect to this clause 25, including without limitation:
- 25.6.1 signing any documents or forms,
 - 25.6.2 giving land owner's consent for the lodgement of any Development Application,
 - 25.6.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
 - 25.6.4 paying the Council's costs arising from this clause 25.
- 25.7 In this clause, Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

26 Breach of obligations

- 26.1 If the Council considers that the Developer or Landowner (**Relevant Party**) is in breach of any obligation under this Deed it may give a notice to the Relevant Party:
- 26.1.1 specifying the nature and extent of the breach,
 - 26.1.2 requiring the Relevant Party to Rectify the breach to the Council's satisfaction, and
 - 26.1.3 specifying the period within which the breach is to be rectified, being a period that is reasonable in the circumstances.
- 26.2 A notice given under clause 26.1 is to allow the Relevant Party not less than 28 days (or such further period as the Council considers reasonable in the circumstances) to Rectify the breach.
- 26.3 If the Relevant Party does not comply with the notice given under clause 26.1 relating to the carrying out of Work under this Deed, the Council may step-in and remedy the breach.
- 26.4 Nothing in clause 26.3 affects the Council's other rights to enforce this Deed.
- 26.5 Any costs incurred by the Council in remedying a breach in accordance with clause 26.3 may be recovered by the Council under this Deed or as a debt due in a court of competent jurisdiction.
- 26.6 For the purpose of clause 26.3, the Council's costs of remedying a breach the subject of a notice given under clause 26.1 include, but are not limited to:
- 26.6.1 the costs of the Council's servants, agents and contractors reasonably incurred for that purpose,

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- 26.6.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
- 26.6.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.

27 Council to consult before enforcing this Deed

- 27.1 This clause applies to any of the Developer's or Landowner's obligations under this Deed.
- 27.2 If the Council reasonably forms the opinion that the Developer or Landowner (**Relevant Party**) has failed to comply with an obligation to which this clause applies, it is not to enforce this Deed against the Relevant Party unless it has first notified the Relevant Party in writing of its intention to do so and has consulted with the Relevant Party as to:
 - 27.2.1 the reason for the non-compliance,
 - 27.2.2 the likely effects of the non-compliance, and
 - 27.2.3 the Relevant Party's capacity in all of the circumstances to reasonably Rectify the non-compliance.
- 27.3 The Council is not to enforce this Deed against the Relevant Party unless, after having consulted with the Relevant Party:
 - 27.3.1 it has reasonably formed the opinion the Relevant Party has no reasonable excuse for the non-compliance,
 - 27.3.2 it has notified the Relevant Party in writing that it intends to enforce the Deed not earlier than 14 days from the date of the notice, and
 - 27.3.3 the notice specifies the enforcement action it intends to take.
- 27.4 At any time between the date of the notice referred to in clause 27.3 and the time when the Council takes action to enforce this Deed, the Relevant Party may notify the Council of a Dispute under clause 29 or 30.
- 27.5 If the Relevant Party notifies the Council in accordance with clause 27.4, the Council is not to enforce this Deed against the Relevant Party in relation to the relevant non-compliance unless and until the dispute resolution process under clause 20 or 30 has been exhausted without resolution between the parties.

28 Enforcement in court

- 28.1 Without limiting any other provision of this Deed (other than clause 27), the Parties may enforce this Deed in any court of competent jurisdiction.
- 28.2 For the avoidance of doubt, nothing in this Deed (other than clause 27) prevents:
 - 28.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates,
 - 28.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

Part 5 –Dispute Resolution

29 Dispute resolution – expert determination

- 29.1 This clause applies to a Dispute between any of the Parties to this Deed about a matter arising in connection with this Deed that can be determined by an appropriately qualified expert (**Expert Determination Dispute**) if:
- 29.1.1 the Parties to the Dispute agree that it can be so determined, or
- 29.1.2 the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- 29.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 29.3 If a notice is given under clause 29.2, the Parties are to meet within 14 days of the notice to try to resolve the Dispute.
- 29.4 If the Dispute is not resolved within a further 28 days, the Dispute must be referred to the President of the NSW Law Society to appoint an expert to determine the Dispute.
- 29.5 The expert determination binds the Parties, except in the case of the expert's fraud or misfeasance.
- 29.6 Each Party must bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 29.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

30 Dispute resolution - mediation

- 30.1 This clause applies to any Dispute under this Deed other than a Dispute to which clause 29 applies.
- 30.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 30.3 If a notice is given under clause 30.2, the Parties are to meet within 14 days of the notice to try to resolve the Dispute.
- 30.4 If the Dispute is not resolved within a further 28 days, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time, and must request the President of the Law Society, or the President's nominee, to select a mediator.
- 30.5 If the Dispute is not resolved by mediation within a further 28 days, or any longer period that may be needed to complete any mediation process which has been started, then the Parties may exercise their legal rights in relation to the Dispute, including by taking legal proceedings in a court of competent jurisdiction in New South Wales.
- 30.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.

- 30.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 6 –Restriction on Dealings

31 Registration of this Deed

- 31.1 In this clause 31, **Dedication Land** means any part of the Land which is to be dedicated to Council.
- 31.2 The Parties agree to register this Deed for the purposes of s93H(1) of the Act on the title to the Dedication Land, after the Lot 2 in DP1226145 (**Lot 2**) is subdivided to create the part of Lot 2 which comprises Dedication Land as a separate lot.
- 31.3 Within 10 business days of the Developer being notified by LPI of the creation of the part of the Dedication Land on Lot 2 as a separate lot, the Developer is to deliver to the Council in registrable form:
- 31.3.1 an instrument requesting registration of this Deed on the title to each lot containing any Dedication Land, executed by the Landowner and any other person required by the Registrar-General to execute such instrument, and
- 31.3.2 the written irrevocable consent of each person referred to in s93H(1) of the Act to that registration.
- 31.4 The Developer and Landowner at their cost are to:
- 31.4.1 do such other things as are reasonably necessary to enable registration of this Deed to occur, and
- 31.4.2 provide the Council with evidence of registration within 5 days of being notified by the Land and Property Information of such registration.
- 31.5 If this Deed is registered on the title to a lot which contains Dedication Land and that lot is subsequently subdivided such that any of the newly formed lots do not contain any part of the Dedication Land then the Parties agree to do all things as are reasonably necessary to ensure that the Deed is not registered on the title to those newly formed lots which do not contain the Dedication Land, including by instructing the Registrar-General not to register this Deed on the title to those lots.
- 31.6 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:
- 31.6.1 in so far as the part of the Land concerned is not Dedication Land, and
- 31.6.2 in relation to any other part of the Dedication Land, once the Developer has completed its obligations under this Deed to the reasonable satisfaction of the Council or this Deed is terminated or otherwise comes to an end for any other reason.

32 Assignment, sale of Land, etc

- 32.1 The Landowner is not to sell or transfer the Land, other than a Final Lot to any person unless,:
- 32.1.1 the Landowner has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred, of a deed in favour of the Council on terms satisfactory to the Council, and
 - 32.1.2 the Council has given written notice to the Landowner stating that it reasonably considers that the purchaser, is reasonably capable of performing its obligations under the Deed, and
 - 32.1.3 the Landowner is not in breach of this Deed, and
 - 32.1.4 the Council otherwise consents to the transfer, such consent not to be unreasonably withheld.
- 32.2 The Developer and Landowner are not to assign their rights or obligations under this Deed, or novate this Deed to any person unless:
- 32.2.1 the Developer or Landowner has, at no cost to the Council, first procured the execution by the person to whom the Developer's or Landowner's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms satisfactory to the Council, and
 - 32.2.2 the Council has given written notice to the Developer or Landowner stating that it reasonably considers that the assignee or novatee is reasonably capable of performing its obligations under the Deed, and
 - 32.2.3 the Developer and Landowner are not in breach of this Deed, and
 - 32.2.4 the Council otherwise consents to the assignment or novation, such consent not to be unreasonably withheld.
- 32.3 Clauses 32.1 and 32.2 do not apply:
- 32.3.1 in relation to any sale or transfer of any land if this Deed is registered on the title of that land at the time of the sale or transfer; or
 - 32.3.2 in relation to any sale or transfer by the Landowner of any part of the Land to the University of Newcastle, provided that the relevant part of the Land does not include any Dedication Land.
- 32.4 Nothing in this Deed prevents:
- 32.4.1 the Landowner selling or transferring any part of the Land, assigning its rights and obligations under this Deed or novating this Deed to the Developer; or
 - 32.4.2 the Developer assigning its rights and obligations under this Deed to the Landowner or novating this Deed to the Landowner,
- provided that the Developer and Landowner jointly provide Council with 10 business days written notice of the proposed transfer, sale, assignment or novation and written notice of the date of settlement of any sale or transfer of the Land within 10 business days after the settlement has occurred.
- 32.5 If a sale, transfer, assignment or novation under clause 32.4 occurs, then on and from the date of the sale, transfer, assignment or novation (**Effective Date**):
- 32.5.1 the Transferor is released from its obligations under this Deed;

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- 32.5.2 the Transferee is substituted for the Transferor under this Deed and is bound to perform the obligations of the Transferor under this Deed including those which arose before the Effective Date and which have not yet been performed; and
- 32.5.3 the Transferee indemnifies the Council against all Claims which the Council suffers or incurs in relation to this Deed which arise or relate to acts or omissions of the Transferor occurring after the Effective Date; and
- 32.5.4 if the Transferor is the Developer, then the Council will return the Security to the Transferor within 10 business days of the Effective Date.
- 32.6 In clause 32.5:
- 32.6.1 **Transferor** means the Party which is selling or transferring part of the Land or assigning, its rights or obligations under this Deed or novating this Deed; and
- 32.6.2 **Transferee** means the party to whom Land is being sold or transferred, or to whom rights and obligations under this Deed are being assigned or to whom this Deed is being novated;

Part 7 – Indemnities & Insurance

33 Release

- 33.1 Each Party releases the other Party from any Claim it may have against the other Party arising in connection with the performance of their obligations under this Deed except if, and to the extent that, the Claim arises because of the other Party's negligence or default.

34 Indemnity

- 34.1 Each Party indemnifies the other Party from and against all Claims that may be sustained, suffered, recovered or made against the other Party arising in connection with the performance of their obligations under this Deed except if, and to the extent that, the Claim arises because of the other Party's negligence or default.

35 Insurance

- 35.1 This clause only applies if Landcom is the Developer under this Deed.
- 35.2 The Developer warrants, and Council acknowledges, that:
- 35.2.1 the Developer is a member of the NSW Treasury Managed Fund (**Fund**); and
- 35.2.2 the Fund provides the Developer with insurance cover against any liability arising from a breach by the Developer of its obligations under this Deed.

Part 8 - Other provisions

36 Review of Deed

- 36.1 The Parties are to review this Deed every 5 years, and otherwise if either Party considers that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 36.2 For the purposes of clause 36.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits, or enables the Council or any other planning authority to restrict or prohibit, any aspect of the Development.
- 36.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 36.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 36.4 A Party's failure to agree to take action requested by the other Party as a consequence of a review referred to in clause 39.1 is not a Dispute for the purposes of this Deed, and is not a breach of this Deed.

37 Notices

- 37.1 A notice, consent, information, application or request (**Notification**) that must or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
- 37.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
- 37.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
- 37.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 37.2 A Party may change its address or fax number by giving the other Party 3 business days' notice of the change, in which case the new address or fax number is treated as the address or number in the Summary Sheet.
- 37.3 A Notification is to be treated as given or made if it is:
- 37.3.1 delivered, when it is left at the relevant address,
- 37.3.2 sent by post, 2 business days after it is posted,
- 37.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error-free transmission to the correct fax number, or
- 37.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 37.4 If a Notification is delivered, or an error-free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

38 Approvals and consent

- 38.1 In this clause, a reference to an approval or consent does not include a reference to a Development Consent.
- 38.2 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- 38.3 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

39 Costs

- 39.1 The Developer will pay the Council's costs of preparing, negotiating, executing and stamping this Deed and any document related to this Deed, up to a maximum amount of \$1,000.00. To the extent that the Council's costs exceed this maximum amount, Council will be responsible for paying that excess amount.

40 Entire Deed

- 40.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 40.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

41 Further acts

- 41.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

42 Governing law and jurisdiction

- 42.1 This Deed is governed by the law of New South Wales.
- 42.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them, and are not to object to the exercise of jurisdiction by those courts on any basis.

43 No Fetter

- 43.1 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

44 Illegality

- 44.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

45 Severability

- 45.1 If a clause or part of a clause can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 45.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part of it is to be treated as removed from this Deed, but the rest of this Deed is not affected.

46 Amendment

- 46.1 No amendment of this Deed has any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with clause 25D of the Regulation.

47 Waiver

- 47.1 A Party does not waive any of the other Party's obligation or breach of obligation merely by failing to do, or delaying in doing, something under this Deed.
- 47.2 A waiver by a Party is effective only if it is in writing.
- 47.3 A written waiver by a Party is effective only in relation to the particular obligation or breach for which it is given. It is not to be taken as an implied waiver of any other obligation or breach, or as an implied waiver of that obligation or breach in relation to any other occasion.

48 GST

- 48.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable for the Taxable Supply.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a Party includes an Input Tax Credit for an acquisition made by that Party but to which another member of the same GST Group is entitled under the GST Law.

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Taxable Supply has the meaning given by the GST Law, excluding (except where expressly agreed otherwise) a supply for which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 48.2 Subject to clause 48.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 48.3 Clause 48.4 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- 48.4 No additional amount is payable by the Council under clause 48.4 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 48.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 48.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies before issuing Tax Invoices for those Supplies;
- 48.5.2 that any amounts payable by the Parties in accordance with clause 48.2 (as limited by clause 48.4) to each other for those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 48.6 No payment of any amount under this clause 48, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided the recipient with a Tax Invoice or Adjustment Note as the case may be.
- 48.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a Party, must exclude the amount of any Input Tax Credit entitlement of that Party in relation to the relevant cost, expense or other liability.
- 48.8 This clause continues to apply after expiration or termination of this Deed.

49 Explanatory Note Relating to this Deed

- 49.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 49.2 Under clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Deed

Schedule 1

(Clause 1.1)

Land

The land comprised in the lots set out below:

- Lot 2 in DP1226145
- Lot 2 in DP1226551
- Lot 4 in DP1226551
- Lot 6 in DP1226551

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Schedule 2

(Clause 9)

Development Contributions

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Public Purpose	Manner & Extent and Key Elements	Timing	Responsible Party
Civic Link				
1	Civic Link - Public Open Space	Dedication of the approximately rectangular portion of Lot 2 in DP1226145 shown bounded in red on the Land Dedication Plan (Civic Link Land), subject to clause 11	Dedication after completion of Work Items 2, 3, and 4	Landowner

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2	Civic Link - Public Open Space	Full or partial demolition of any buildings/structures on the Civic Link Land as determined by the Developer	Works to commence within 6 months of the grant of Approval for those Works.	Developer
3	Civic Link - Public Open Space	Remediation of the Civic Link Land in accordance with the Remediation Action Plan	Works to be completed within 6 months of the grant of Approval for those Works	Developer
4	Civic Link - Public Open Space	Embellishment of the Civic Link Land with a minimum value of \$2,285,000 up to a maximum value of \$2,795,000 including the following key elements: <ul style="list-style-type: none">• soft landscaping• footpaths• trees• furniture (benches, bins, bike rack, drink fountain)• lighting• public art	Works to commence within 6 months of the grant of Approval to those Works and provided the Council has remediated the land referred to in Item 5, if required, and Works to be carried out in association with the Work Item 5	Developer

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5	Civic Link - Public Open Space	<p>Embellishment of the land being Museum Square and the Civic Station forecourt adjacent to the Civic Link Land identified within the <i>'boundary for embellishment'</i> in the Design Intent for Civic Link in Schedule 7 with a minimum value of \$1,290,000 up to a maximum value of \$1,575,000, including the following key elements:</p> <ul style="list-style-type: none"> • soft landscaping • footpaths • trees • furniture • lighting 	Works to commence within 6 months of the grant of Approval for those Works and completion of the remediation works being Item 3, and the remediation by Council of the land on which these Works are to be located, if required.	Developer
Darby Plaza				
6	Darby Plaza - Public Open Space	Dedication of land being the small portion of Lot 2, DP1226551 as shown bounded in red on the Land Dedication Plan (Darby Plaza Land).	Dedication after completion of Works being Items 7 and 8	Landowner

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7	Darby Plaza- Public Open Space	Remediation of Darby Plaza Land in accordance with the Remediation Action Plan	Works to commence within 6 months of the grant of Approval for the Works	Developer
8	Darby Plaza -Public Open Space	Embellishment of Darby Plaza Land with a minimum value of \$360,000 up to a maximum value of \$440,000, including the following key elements: <ul style="list-style-type: none">• soft landscaping• footpaths• trees• furniture (benches, bins)• lighting	Works to commence within 6 months of the grant of Approval for those Works	Developer

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Foreshore Park				
9	Expanded Foreshore Park - Public Open Space	Dedication of the long strip of part of Lot 4 and part of Lot 6 (between western alignment with Perkins Street and eastern extent of the proposed RE1 zone) in DP 1226551 shown bounded in red on the Land Dedication Plan (excluding land required for light rail alignment to southern boundary of lot) (Foreshore Park Land).	Dedication after completion of Work Items 10, 11, 13 and 14	Landowner
10	Expanded Foreshore Park - Public Open Space	Remediation of Foreshore Park Land and part of Lots 3 and 5 in DP 1226551 in accordance with the Remediation Action Plan (between western alignment with Perkins Street and eastern extent of the proposed RE1 zone)	Works to commence within 6 months of the grant of Approval for those Works	Developer

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11	Expanded Foreshore Park - Public Open Space	<p>Embellishment of Foreshore Park Land and part of Lots 3 and 5 in DP 1226551 (between the western alignment with Perkins Street and the eastern extent of the proposed RE1 zone) with a minimum value of \$4,205,000 up to a maximum value of \$5,140,000, including the following key elements:</p> <ul style="list-style-type: none">• three new pedestrian crossings between Wharf Road and Hunter/Scott Street at locations to be determined (potentially at Wolfe, Market and Newcomen Streets)• shared road aligned with Perkins Street, between Wharf Road and Hunter Street• soft landscaping• footpaths• trees• furniture (benches, bins, bike rack, drink fountain)• lighting• public art• streetscape works to north side of Scott Street and Hunter Street and south side of Wharf Road	Works to commence within 6 months of the grant of Approval for those Works	Developer
----	---	---	--	-----------

Newcastle Urban Rail Transformation Program Planning Agreement

Newcastle City Council

Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

Civic Lane Widening				
12	Streetscape Improvement	Dedication of land to north side of Civic Lane being the strip of land marked in red on the Land Dedication Land being part of Lot 2, DP1226145, with dimensions of approximately 1m wide and 154m long	Within 6 months of the registration of the plan of subdivision to create the land to be dedicated as a separate lot	Landowner
Heritage Conservation				
13	Signal Box Heritage conservation	Signal Box - Works to make good heritage fabric of building to enable the fit-out by others, up to a maximum value of \$300,000 (Excludes alterations or additions to building)	Works to commence within 6 months of the grant of Approval for the Works or the written advice from Council that the works do not need development consent (under clause 5.10(3) of the LEP).	Developer

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Newcastle City Council

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14	Signal Box Heritage conservation	Signal Box toilet block - Redevelopment of building to provide public toilets for use by park and signal box use in accordance with DA2016-01081.	Works to be completed within 6 months of the making of the LEP Amendment	Developer
15	Civic Station Heritage conservation	Works to maintain the building in good order until full or partial demolition (Excludes alterations or additions to building)	Works to commence within 6 months of the grant of Approval or the written advice from Council that the works do not need development consent (under clause 5.10(3) of the LEP).	Developer
16	Civic Station Heritage conservation	Civic Station - Dedication of any retained buildings or structures comprising Civic Station to Council subject to clause 11.	Dedication after completion of Work Items 2,4 and 5	Landowner

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17	Newcastle Station heritage conservation	Newcastle Station - Works to heritage fabric to enable temporary uses up to a maximum value of \$1,500,000 (Excludes alterations or additions to building considered beyond maintenance and making good)	Works to commence within 6 months of the grant of Approval or the written advice from Council that the works do not need development consent (under clause 5.10(3) of the LEP).	Developer
18	Newcastle Station heritage conservation	Newcastle Station - Ongoing maintenance of building and site	Upon completion of Works being Item 17 and for a period of not more than 24 months from commencement or until control of the site is relinquished by Hunter Development Corporation, whichever comes sooner.	Developer

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Hunter Development Corporation

Affordable Housing				
19	Affordable Housing	Provision of a minimum of 10% of total Residential Dwellings on the land the subject of the Planning Proposal as Affordable Housing	To be confirmed at completion of the development of all sites	Developer

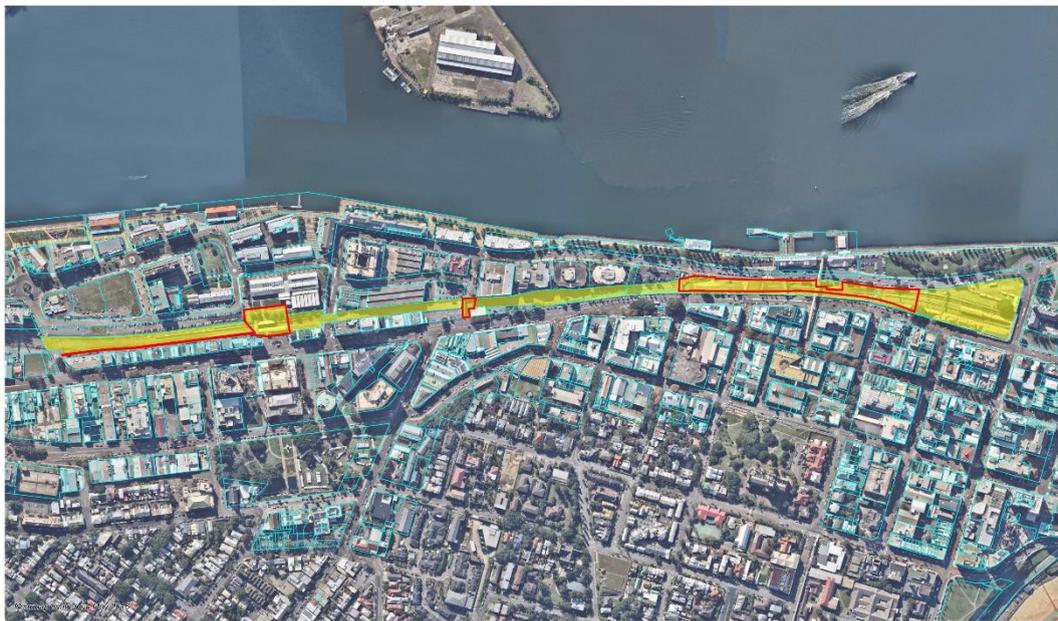
DRAFT

Schedule 3

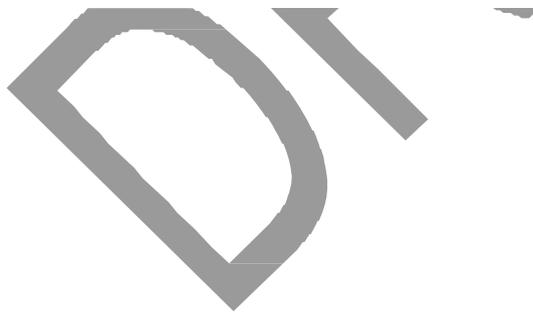
(clause 1.1)

Land Dedication Plan

REVITALISING NEWCASTLE



 Dedication Of Land  Land parcels
 Rail corridor



Schedule 4

(clause 1.1)

Foreshore Park Concept Plan

DRAFT

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Newcastle City Council

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Hunter Development Corporation



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Newcastle City Council

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Hunter Development Corporation

DRAFT

Schedule 5

Remediation Action Plan

(Clause 1.1)

DRAFT

Schedule 6

(clause 1.1)

Civic Station Land Plan

DRAFT

Newcastle City Council

Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

Schedule 7

(clause 1.1)

Design Intent

DRAFT

Darby Plaza Design Intent



The Darby Plaza is identified as a Character Area within the draft amendment to the Newcastle Development Control Plan 2012. The objectives for this area are to:

1. Provide new open space and improve pedestrian amenity along Hunter Street and Darby Plaza.
2. Promote a permeable street network and enhance pedestrian connections from Darby Street to the foreshore.
3. Promote active street frontages.
4. Protect heritage items and contributory buildings.
5. Provide a strong built edge to Darby Plaza and create an integrated space between the public and private land

Within the broader character area, the Darby Plaza public open space will facilitate pedestrian and cycle access between Hunter Street and Argyle Street, at the alignment with Darby Street. The public domain will be integrated with the future private open space on the adjacent sites and the design will allow for this.

The objectives of the Darby Plaza public open space are to provide a space which:

1. facilitates linkages and accessibility between Darby Street and the harbor foreshore, enhanced by visual links and signage
2. provide opportunities for people to rest, walk and cycle in a safe and comfortable environment, including through the provision of:
 - a) sealing and shade
 - b) high quality paving treatments
 - c) lighting and passive surveillance opportunities, and
 - d) indigenous plant and tree species.
3. includes restricted access to neighbouring development sites through a shared vehicular/pedestrian zone from Argyle Street, delineated through landscape treatments
4. may be fronted by active uses include café/retail uses to the western edge, incorporating opportunities for alfresco dining.

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Embellishment is to be in accordance with a development approval and generally compliant with the Newcastle Development Control Plan 2012 and Newcastle City Council's relevant Technical Manuals including City Centre Public Domain, Urban Forest, and Landscape

Civic Link Design Intent



Boundary for embellishment

Civic area is identified as a Character Area within the draft amendment to the Newcastle Development Control Plan 2012. The objectives for this area are to:

1. Provide a new public space that links the civic, administrative, education and cultural heart of Newcastle to the foreshore.
2. Guide development surrounding the new Civic Link and along Civic Lane that contributes to the realisation of the area as the civic heart of Newcastle.
3. Promote a permeable street network and enhance pedestrian connections from Hunter Street to the foreshore.
4. Promote active frontages to streets and public spaces.
5. Respect heritage items and contributory buildings.

Within the broader character area, the focus of Civic Link is to create a new open space, and walking, cycling and visual connections that link Newcastle's Civic buildings to the waterfront. The public domain will provide for passive recreation with the potential to accommodate intimate community events. It will be integrated with the private open space or public realm paving areas on the adjacent sites and the design will allow for this.

The objectives of the Civic Link public open space are to provide a space which:

- a) facilitates linkages, continuity and accessibility within and between the Civic Precinct and the harbour foreshore, enhanced by visual links and signage
- b) enables recreation opportunities that provide opportunities for people to meet, rest, walk, and cycle in a safe and comfortable environment, including through the provision of:
 - a. formal and informal seating and shade
 - b. high quality landscaping and design
 - c. shade structures of good quality
 - d. lighting and passive surveillance opportunities, and

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- e. deep soil planting with indigenous plant and tree species.
- c) allows for a formalise 3m pathway from Hunter Street to Worth Place to ensure easy pedestrian movement as well as a visual linkage.
- d) Public art piece within the Civic Link space
- e) incorporates the interpretation of the former significant uses of the site and structures located above and below the ground
- f) is capable of supporting smaller public gatherings
- g) is fronted by active uses include cafe/retail uses to the western edge, incorporating opportunities for al-fresco dining.
- h) includes restricted access to Civic Lane in the south-west corner of the site through a shared vehicular/pedestrian zone, delineated through landscape and other appropriate street furniture (bollards) treatments.

Embellishment is to be in accordance with a development approval and generally compliant with the Newcastle Development Control Plan 2012 and Newcastle City Council's relevant Technical Manuals including City Centre Public Domain, Urban Forest, and Landscape.

Newcastle Urban Rail Transformation Program Planning Agreement

Newcastle City Council

Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

Execution

Executed as an Deed

Dated:

Executed on behalf of the Council

General Manager

Witness/Name/Position

Executed on behalf of the Developer

Executed on behalf of Landcom (t/a UrbanGrowth NSW) by me, _____ as delegate of Landcom (t/a UrbanGrowth NSW) and I hereby certify that I have no notice of revocation of such delegation:

Name/Position

Witness/Name/Position

Newcastle Urban Rail Transformation Program Planning Agreement

Newcastle City Council

Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

Executed on behalf of the Hunter Development Corporation by its authorised delegate in the presence of:

Witness Signature

Signature of Authorised Delegate

Witness Name

Full Name of Authorised Delegate

DRAFT

Newcastle Urban Rail Transformation Program Planning Agreement

Newcastle City Council

Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

Appendix

(Clause 49)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Newcastle City Council ABN 25 242 068 129 of 282 King Street, Newcastle NSW 2300
(Council)

and

Landcom (t/a UrbanGrowth NSW) ABN 79 268 260 688 of Level 14, 60 Station Street, Parramatta NSW 2150 (Developer)

and

Hunter Development Corporation ABN 94 688 782 063 of Suite B, Level 5, 26 Honeysuckle Drive, Newcastle NSW 2300 (Landowner)

Description of the Land to which the Draft Planning Agreement Applies

- Lot 2 DP 1226145
- Lot 2 DP 1226551
- Lot 4 DP 1226551
- Lot 6 DP 1226551

Newcastle Urban Rail Transformation Program Planning Agreement

Newcastle City Council

Landcom (t/a UrbanGrowth NSW)

Hunter Development Corporation

Description of Proposed Instrument Change

Rezoning of the surplus portion of the rail corridor between Worth Place and Watt Street Newcastle, the Newcastle Train Station and certain adjacent land to enable mixed use, public open space and tourist uses.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to provide increased public open space for the Newcastle community and to retain, maintain and improve heritage aspects of the former Newcastle CBD rail corridor.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s93F of the Environmental Planning and Assessment Act 1979 (Act). It is an agreement between the Council, the Landowner and the Developer. The Draft Planning Agreement is a voluntary agreement under which Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) are made by the Developer for public purposes (as defined in s93F(3) of the Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the LEP Amendment (as defined in clause 1.1 of the Draft Planning Agreement),
- does not exclude the application of s94, s94A or s94EF of the Act to the Development,
- provides for embellishment of open space to create a new Civic Link, Darby Plaza and expanded Foreshore Park;
- provides for dedication of the above mentioned open space, including buildings within;
- provides for the maintenance and restoration of heritage buildings and facilitates adaptive reuse of Newcastle Station and Signal Box;
- provides for remediation works to be carried out in accordance with a Remediation Action Plan,
- provides for the widening of Civic Lane;
- provides for the funding of an affordable housing project on a specified site with a fallback position of a minimum of 10% of total residential development as affordable housing,
- is to be registered on the title to those parts of the Land to be dedicated to Council,,
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning, or novating an interest under the agreement, subject to exceptions,
- provides two dispute resolution methods for a dispute, being expert determination and mediation,

Newcastle Urban Rail Transformation Program Planning Agreement

Newcastle City Council

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Hunter Development Corporation

- provides that the agreement is governed by the law of New South Wales, and
- provides that the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to the agreement.

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the land to which it applies,
- provides land for public purposes,
- provides for the provision and maintenance of affordable housing, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the Draft Planning Agreement Promotes the Public Interest

The draft Planning Agreement promotes the public interest by promoting the objects of the Act as set out in s5(a)(ii), (iv) and (viii) and (c) of the Act.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The Draft Planning Agreement promotes the elements of the Council's charter by:

[Drafting Note. To be Completed]

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program

[Drafting Note. To be Completed]

All Planning Authorities - Whether the Draft Planning Agreement specifies that certain requirements must be complied with before issuing a construction certificate, subdivision certificate or occupation certificate

**ORDINARY COUNCIL MEETING
12 DECEMBER 2017**

**CCL 12/12/17
RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN
2012 AND PLANNING AGREEMENT**

Attachment D: Social Pinpoint Survey Results



Results for Rail Corridor Rezoning Social Pinpoint Survey

**Exhibition Period: 11 September - 23 October
2017**

October 2017

Prepared by: Executive Management, Newcastle City Council

Enquiries: engage@ncc.nsw.gov.au or phone 4974 2238

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Introduction

Newcastle is undergoing unprecedented change and renewal. More than \$1billion worth of development has been approved across the city in the last 12 months. Overhead cranes are a common sight in the city centre and the infrastructure needed to support our growing city is also being built with new roads, light rail, better footpaths and cycle ways and improvement to our green spaces.

The next phase of the renewal is the former rail corridor and planning for this space. The proposal outlines the zones for each parcel of land between Worth Place and Watt Street, Newcastle and it includes a mix of green spaces, pathways and development sites. This was on public exhibition from Monday 11 September until Monday 23 October 2017.

During this time two information sessions were held Monday 18 September 6pm-8pm and Tuesday 19 September 10am-12pm. In total we had 49 attendees.

The information sessions gave the community the option to view all documents on exhibition, complete a submission, fill in surveys and talk to the project team regarding any queries they had.

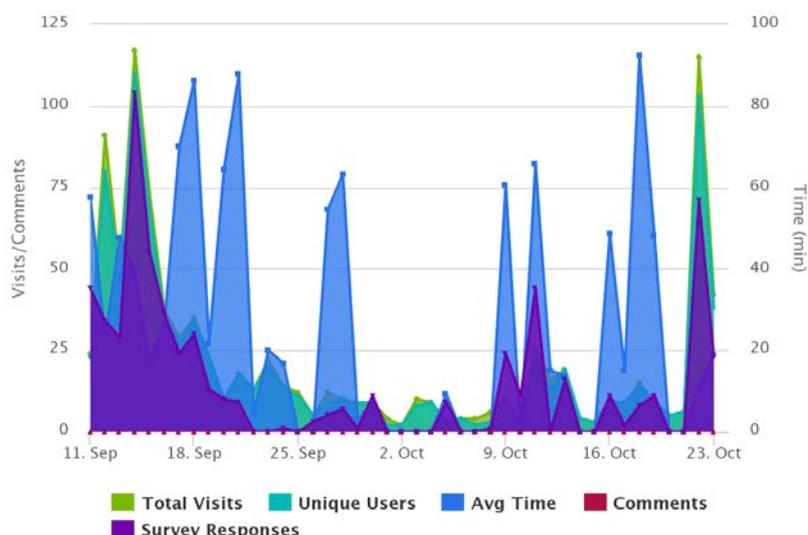
The following is an account of the survey results and comments received. Where participants have identified themselves, names have been removed and marked with **XXXXX**. Verbatims have been updated only where there were spelling errors. Commentary surrounding graphs have been rounded to nearest percentage.

Social Pinpoint survey results overview

Social Pinpoint participation



Please note: As the Rail Corridor Rezoning project has been set up and used as an information sharing and survey platform only, comments were disallowed this is why the figure above is nil. All comments are being captured with in the survey responses.



Rail corridor rezoning proposal survey map

This image is an overview only, there are zoomed in images broken down into each of the sections for easier reading.

Figure 1 Rail corridor rezoning proposal survey map



Education (University)

Figure 2 Proposal Education (University) map image



Participants were given the opportunity to rate their level of agreement with building heights (45% agree), floor space ratio (31% agree) and whether the area should contain student accommodation (47% agree). Participants were also able to leave comments if they wished, verbatim in table 1.

Figure 3 Education proposal results

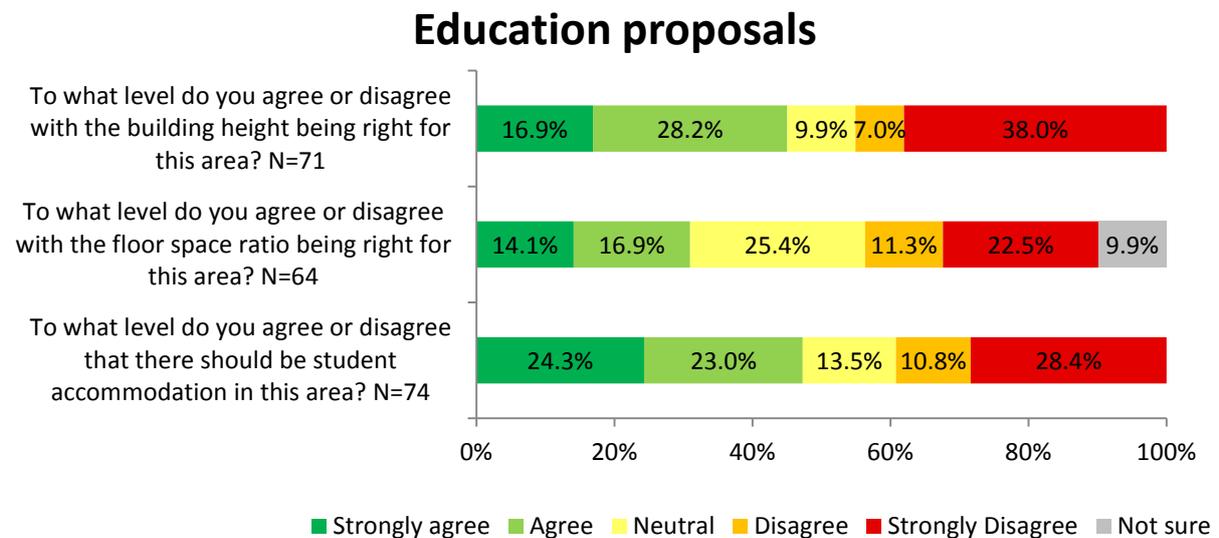


Table 1 Education proposal results with verbatim

Education mix of dwellings	Education floor space	Education building height	Do you have any comments you wish to make surrounding the Education proposal?
Agree	Neutral	Strongly Disagree	Don't overshadow the glorious University Building. Buildings must not shadow the vineyard. No higher than existing Chifley.
Neutral	Not sure	Strongly Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area should remain open space, reserved for public use and kept for future transport needs
Strongly Disagree	Strongly Disagree	Strongly Disagree	I was under the impression that the whole point of removing the rail corridor was to open up the city to the harbour if this proposal goes ahead the original plan will not have any chance of being realised.
Neutral	Disagree	Strongly Disagree	This is a huge space to be proposing to build such a large building. It will close this area right up again. It should have public access through, even if it is student accommodation or another building. There should be public opportunities to share light and air and lifestyle.
		Strongly Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	Maintain the rail corridor for future revision if necessary as a transport corridor. Given we are a peninsula with few transport corridor options design buildings to straddle the corridor as in Chatswood to future proof Newcastle against traffic problems. Reserve area for a dedicated cycle track and pick up/drop off transport hub.
Disagree	Neutral	Strongly Disagree	
Strongly Disagree	Neutral	Strongly Disagree	Keep the nature of the city low - the hunter Water & NIB buildings are already blocking the city from view. This is prime land - students can live anywhere.
Strongly Agree	Strongly Disagree	Strongly Disagree	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the

			infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Strongly Disagree	Strongly Disagree	Strongly Disagree	I disagree with the idea of student accommodation, or any move to have the rail corridor rezoned for low cost accommodation. This is a furphy to encourage rezoning of the land along the corridor.
Strongly Disagree	Strongly Disagree	Strongly Disagree	It should be kept for transport and parking.
Neutral	Neutral	Strongly Disagree	Buildings should be designed to preserve the viewing corridors to the harbour from Hunter Street.
Strongly Disagree	Disagree	Strongly Disagree	This should mostly be public open space with some low rise building. No high rise. Put a cycle path here.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor must be retained for rail transport. (light or heavy) The rail corridor is the logical place for the light rail if congestion and parking problems in Hunter Street are to be avoided. The business community has expressed concern about how the light rail will affect their businesses during construction and when it is in operation. If development is to take place on this site it must be designed so that trains can run under it.
Strongly Disagree	Disagree	Strongly Disagree	This area of honeysuckle is not appropriate for student accommodation. The building height level is also too high for the area.
			Developers and the University have ample opportunity to provide student accommodation elsewhere. Reading the old corridor should be for a more inclusive and city changing purpose.
Strongly Disagree	Strongly Disagree	Strongly Disagree	This was meant to be open space for the community.
			Student accommodation is great - however, now that the University of Newcastle is essentially a private for-profit business, the privatisation of public land to support the private customer base of the UoN (i.e.. students) is a scandal. The only way this area should be developed is if it is over the top of the transport corridor and provides a cavity for the rail. There are plenty of buildings on Hunter Street that could be re-zoned for shop-top student accommodation.
Disagree	Disagree	Disagree	

			<p>There are also huge suburbs outside this part of Newcastle in which students can live and travel to this area by public transport - such that it remains.</p> <p>Ultimately this site should remain in public hands.</p> <p>This development proposal is the epitome of short-term thinking and should be put back to the drawing board with the future in mind - and broader public benefit.</p>
Agree	Agree	Agree	
Disagree	Agree	Agree	
Disagree	Disagree	Strongly Disagree	
Strongly Agree	Agree	Agree	make the accommodation affordable
Strongly Disagree	Strongly Disagree	Strongly Disagree	Park use only
Disagree	Neutral	Agree	
Agree	Disagree	Neutral	
Neutral	Agree	Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor is not for commercial or any other development other than transport. Open recreation for the people of Newcastle as an interim use is acceptable.
Agree	Disagree	Disagree	
Neutral	Neutral	Disagree	Parking spaces for students? Or will they, and building staff like cleaners, be expected to use public transport always and never have visitors?
Strongly Agree	Strongly Agree	Strongly Agree	
Agree	Agree	Agree	
Neutral	Strongly Disagree	Strongly Disagree	
Strongly Disagree	Neutral	Agree	In general, I favour the creation of facilities in this area which will encourage businesses towards Newcastle city centre, and those who work and live in the city to have excellent green space, activities and entertainment available. We should create a couple of kilometres of Newcastle that is a pleasure to walk or ride through on a sunny weekend. I don't think we should be dedicating much of this space at all, to additional residents in town. I definitely don't think student accommodation in the city centre is

			appropriate. I do think we need a plan for parking additional vehicles.
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Agree		Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The building height proposal is not in keeping with the city's heritage. It is way too high!
Strongly Disagree	Strongly Disagree	Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant increases in the CBD resident population that will happen over the next few years.
Disagree	Strongly Agree	Strongly Agree	
Neutral	Neutral	Strongly Disagree	Supported only if this proposal aligns with document nom 220817

Additional Land at the Museum Proposal



Participants were given the opportunity to rate their level of agreement with the area being used for recreation (91% agree). Participants were also able to leave comments if they wished, verbatims in table 2.

Figure 4 Additional land at the Museum results

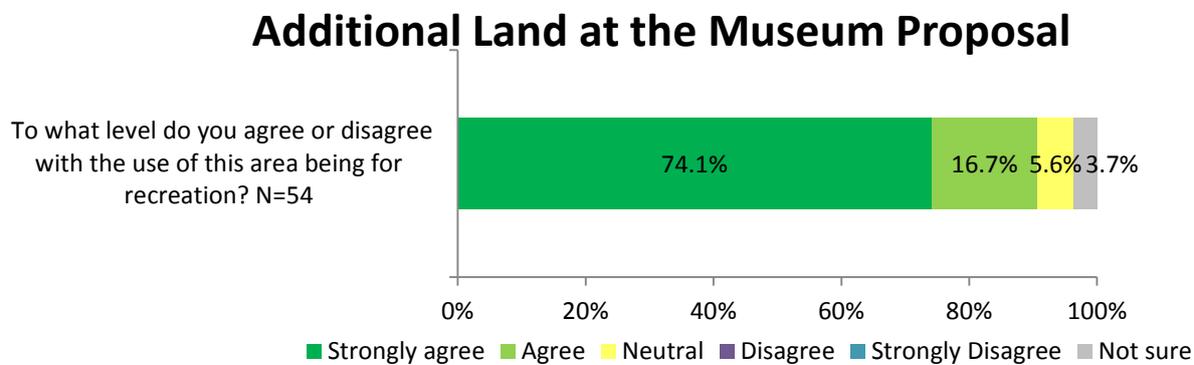


Table 2 Additional land at the Museum results with verbatims

To what level do you agree or disagree with the use of this area being for recreation?	Do you have any comments you wish to make surrounding the additional land at the Museum proposal?
Strongly Agree	Green spaces are good for all and especially with number of units being built in the city people need green space for their mental and physical health!
Strongly Agree	
Strongly Agree	Well lit, well designed public space which reflects the historic precinct
Strongly Agree	
Strongly Agree	
Agree	Maintain the rail corridor for future revision if necessary as a transport corridor. Reserve area for a dedicated cycle track and possible future pick up/drop off transport hub.
Strongly Agree	
Strongly Agree	
Strongly Agree	
Agree	
Not sure	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Agree	more parking
Agree	better configuration of the space to encourage the utilisation
Agree	
Not sure	The question that needs to be answered is what type of use of the land is being considered? Purpose recreation? Does this mean open space? Or is the land to be incorporated into larger premises for the museum?
Strongly Agree	

Neutral	This land should be used to improve the functioning of the museum.
Agree	Again, this space should be reserved for Museum development
Strongly Agree	
Neutral	More parking surely is a must to be considered now you have destroyed direct links into the CBD for the outer suburbs by train
Strongly Agree	
Strongly Agree	Maybe a playground? Families could use the museum; kids could have a play, and continue on to the cafes/restaurants for lunch/dinner. Put in more trees to make it a more relaxing place to spend time
Strongly Agree	
Strongly Agree	
Strongly Agree	
Agree	As a recreational site it does have merit. However the site is small and its use for recreation may be limited
Strongly Agree	
Strongly Agree	
Strongly Agree	
Neutral	
Strongly Agree	
Strongly Agree	Park use only
Strongly Agree	
Agree	
Strongly Agree	Good. Museum needs more resources.
Strongly Agree	
Agree	This area is suitable for recreational purposes
Strongly Agree	
Strongly Agree	
Strongly Agree	Open it up for clear open sight through to the Honeysuckle area.
Strongly Agree	This allows for a possible future public transport corridor

Civic Link



Participants were given the opportunity to rate their level of agreement with the area being used for recreation (84% agree). Participants were also able to leave comments if they wished verbatims in table 3.

Figure 5 Civic Link results

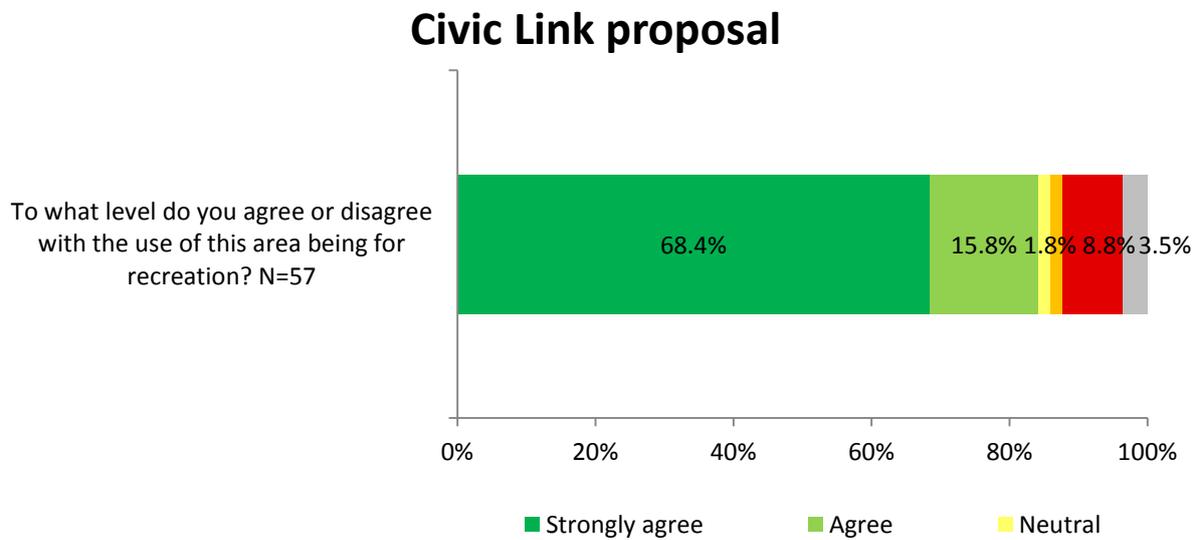


Table 3 Civic Link results and verbatims

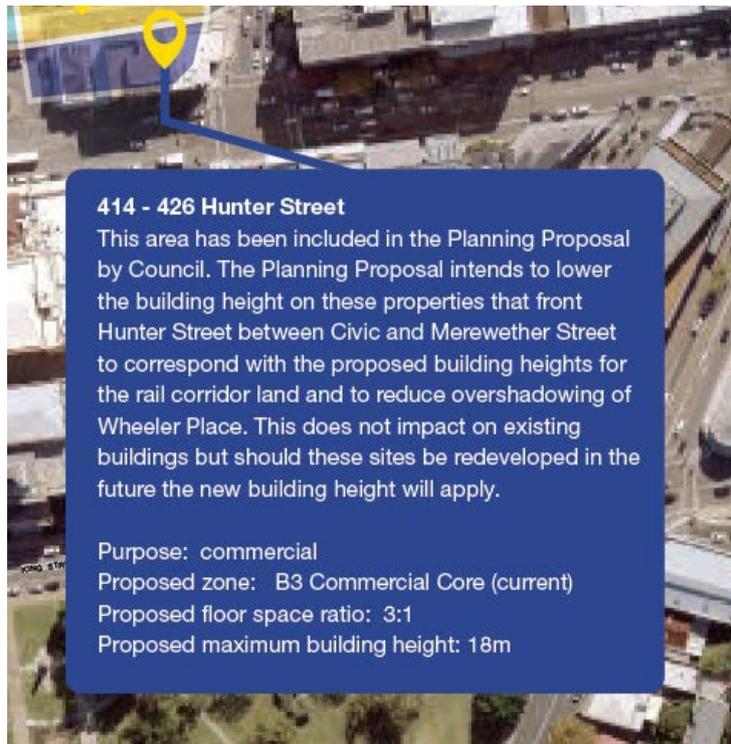
To what level do you agree or disagree with the use of this area being for recreation?	Do you have any comments you wish to make surrounding the Civic Link?
Agree	the light rail should travel along the existing rail corridor
Strongly Agree	
Strongly Agree	
Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	Knock down this ugly building an incorporate into the heritage museum precinct. Could leave a section of railway line here with train exhibit as a piece of public art / outdoor museum exhibit.
Strongly Agree	reserve for future rail corridor
Strongly Agree	There is an excellent opportunity to remove the former Civic Station to create a superior link between the Honeysuckle and Civic precincts. The benefit of creating such a link vastly outweighs any spurious heritage value of some elements of the former Civic Station.
Agree	Maintain the rail corridor for future revision if necessary as a transport corridor. Given we are a peninsula with few transport corridor options design buildings to straddle the corridor as in Chatswood to future proof Newcastle against traffic problems. Reserve area for a dedicated cycle track and pick up/drop off transport hub.
Strongly Agree	
	Should be reopened as a railway so students at the new university do not have to bring their cars into the city.
Strongly Agree	
Strongly Agree	
Strongly Agree	
Agree	

Not sure	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Agree	
Not sure	What does this descriptor mean?
Disagree	It should be kept for transport use and any that is not needed for that could be used for recreation.
Agree	
Strongly Agree	
Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	Please put a bike path along the old rail corridor. Please open up the space so there is line of sight between Wheeler Place and the Honeysuckle area.
Strongly Disagree	The site in question is small and its value for recreation would be limited. The rail corridor must be retained for rail transport. (light or heavy) The logical place for the light rail is the rail corridor if congestion and parking problems in Hunter Street are to be avoided. The business community has expressed concern about the impact of light rail upon their businesses during construction and when it is in operation. The Civic station is of considerable heritage value and as such it must be retained. Too many buildings of heritage value have already been lost.

Strongly Agree	There needs to be substantial car-parking available adjacent to this area.
Strongly Agree	
Strongly Agree	Knock down Civic station and build the Civic Link!
Strongly Agree	
Neutral	<p>If this area is to be for recreation to create a spill area to make up for the overdevelopment of the public transport corridor, then this is essentially tacit privatisation of public space.</p> <p>I wish to see the public mass transport corridor remaining as a transport corridor - with development over the line only if it incorporates a rail cavity.</p>
Strongly Agree	
Strongly Agree	
Agree	
Strongly Agree	
Strongly Agree	Knock down Civic station, it is an eye sore with no use to the community now
Strongly Disagree	Civic Station should not be demolished as I believe it holds heritage value - something which is being lost in Newcastle as of late. Because of this and its location adjacent Newcastle Museum, it should be used as part of the museum, perhaps to house a rail museum (the Museum's steam locomotive would look right at home between the platforms!).
Strongly Agree	
Strongly Disagree	The existing rail corridor should be used for the light rail not recreation. We have many parks and beaches for recreation. People do not want to sit in the middle of the road surrounded by cars, buses, and trains to enjoy recreation. Look at Market Lawn, no one uses it

	and it is ugly.
Strongly Agree	
Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant increases in the CBD resident population that will happen over the next few years.
Strongly Agree	
Strongly Agree	Knock Civic down, create open space through to Honeysuckle
Strongly Agree	This allows for a possible future public transport corridor

414 - 426 Hunter Street



Participants were given the opportunity to rate their level of agreement with the building heights for the area (56% agree). Participants were also able to leave comments if they wished verbatims in table 4.

Figure 6 Hunter Street Results

414 - 426 Hunter Street proposal

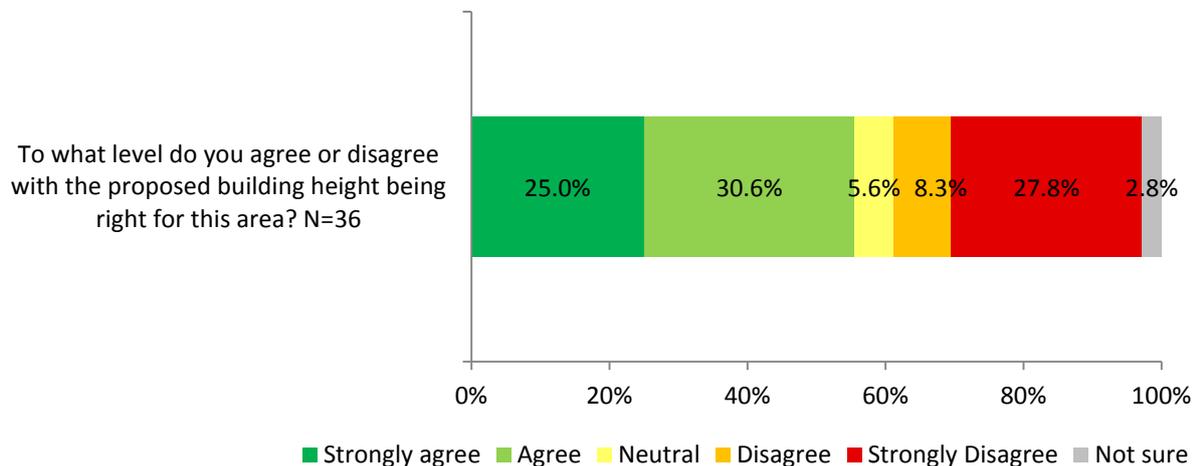


Table 4 Hunter Street Results with verbatims

To what level do you agree or disagree with the proposed building height being right for this area?	Do you have any comments you wish to make surrounding the 414 - 426 Hunter Street proposal?
Strongly Disagree	Future redevelopment should not allow for increased building heights to block Wheeler Place.
Neutral	Agree that the height should be reduced. It should be reduced even further to single storey.
Strongly Disagree	These heights would adversely impact on heritage buildings in the area, dwarfing them.
Strongly Disagree	
Agree	
Strongly Disagree	Maintain the rail corridor for future revision if necessary as a transport corridor. Given we are a peninsula with few transport corridor options design buildings to straddle the corridor as in Chatswood to future proof Newcastle against traffic problems. Reserve areas for a dedicated drop off/pick up point.
Strongly Agree	
Not sure	
Strongly Disagree	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Strongly Agree	
Agree	
Strongly Disagree	There should be no rezoning of the land for commercial/residential uses. Newcastle has very little open space so what open space has been created with the removal of the rail line should stay in public hands as open space. How much land does the public have to give

	up?
Disagree	This area in the civic precinct should be progressively opened up for public space.
Agree	
Agree	
Agree	106/15 Quarter Sessions Road
Disagree	
Strongly Agree	
Agree	2 Alley Street
Agree	
Strongly Disagree	I regularly frequent wheeler place and this is not an issue at the current heights. Suspect another motive so I disagree.
Strongly Agree	
Strongly Agree	
Agree	
Disagree	
Strongly Disagree	Park use only
Agree	
Strongly Agree	
Agree	
Neutral	
Strongly Agree	
Agree	
Strongly Agree	
Strongly Disagree	The existing buildings should not be reduced. Wheeler place does not have any shade at present and the comment about overshadowing does not sound true.
Strongly Agree	
Strongly Disagree	Wheeler Place should not be shadowed from buildings on the north side of hunter street

Civic



Participants were given the opportunity to rate their level of agreement with building heights (40% agree), floor space ratio (33% agree) and with the mix of dwelling and non-residential being right for the area (43% agree). Participants were also able to leave comments if they wished verbatims in table 5.

Figure 7 Civic results

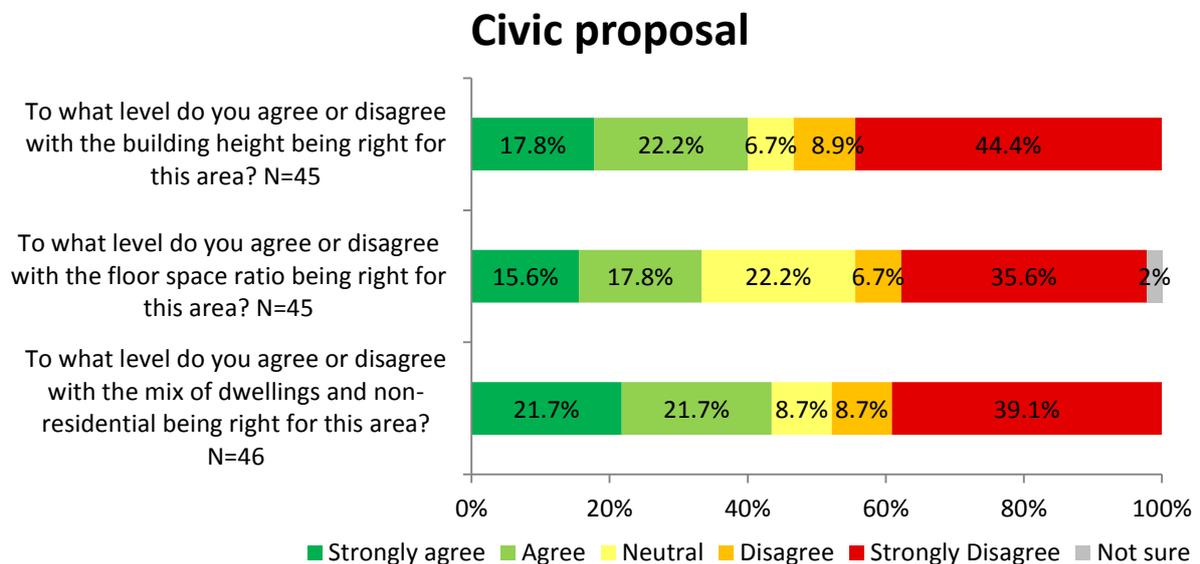


Table 5 Civic Results with verbatims

To what level do you agree or disagree with the mix of dwellings and non-residential being right for this area?	To what level do you agree or disagree with the floor space ratio being right for this area?	To what level do you agree or disagree with the building height being right for this area?	Do you have any comments you wish to make surrounding the Civic proposal?
Agree	Neutral	Strongly Disagree	Keep building heights down to no higher than existing units at the end of Merewether St. Keep Hunter Street bright and light.
			whatever is built the light rail should travel through the existing rail corridor
Disagree	Neutral	Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area should remain open space, reserved for public use and kept for future transport needs
Disagree	Neutral	Neutral	This should be for night time as well as weekend entertainment. The city will be dead after dark. I understand that residential will mean that people will be around, but this should be the entertainment heart of Newcastle here.
Strongly Agree	Agree	Neutral	
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Agree	Strongly Agree	Strongly Agree	Excellence in design required to enhance this historic area.
Strongly Disagree	Strongly Disagree		
Agree	Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	Maintain the rail corridor for future revision if necessary as a transport corridor. Given we are a peninsula with few transport corridor options design buildings to straddle the corridor as in Chatswood to future proof Newcastle against traffic problems. Reserve area for a dedicated cycle track.
Neutral	Neutral	Agree	
Strongly Disagree	Not sure	Strongly Disagree	Keep the land public! It should be used as green space in the city. Please don't be short-sighted and blinded by greed. Have some foresight for the long term benefit of our city.
Agree	Neutral	Agree	
	Disagree	Strongly Disagree	keep it open

Results for Rail Corridor Rezoning Social Pinpoint Survey

Strongly Disagree	Strongly Disagree	Strongly Disagree	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Agree	Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area is too valuable for budget residential and should be used for public space.
Strongly Disagree	Strongly Disagree	Strongly Disagree	It should be kept as a transport corridor for light rail, cycleway
Disagree	Disagree	Disagree	The Museum will need expansion & this site should be served for this purpose.
Strongly Agree	Strongly Agree		
Agree	Agree	Agree	
Disagree	Disagree	Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	This are should be open space and recreation with a bike path through it.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor must be retained for rail transport (light or heavy) The rail corridor is the logical place for the light rail if congestion and parking problems in Hunter Street are to be avoided. The business community has expressed concern about how the light rail will affect their businesses during construction and when it is in operation. The Civic station is of considerable historic significance and as such it must be retained.
Neutral	Neutral	Neutral	This is not a good location for residential as there is too much traffic congestion in that location. Not providing car-parking doesn't mean residents won't have cars.
Strongly Agree	Strongly Agree	Strongly Agree	
Agree	Agree	Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	This was meant to be open space for the community.
Strongly Disagree	Strongly Disagree	Strongly Disagree	This site should remain in public hands and for the purposes of mass transit.

			I disagree with the framing of the above questions and the no-development option should be more honestly canvassed.
Agree	Agree	Agree	
Agree		Strongly Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	Park use only
Strongly Disagree	Neutral	Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor is not for commercial or any other development other than transport. Open recreation for the people of Newcastle as an interim use is acceptable.
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Agree	Agree	Agree	I hope that a unique architectural design is used for the building on this land which is at a standard to the New Space and law courts; there is too much generic boxy architecture being used along Honeysuckle.
Neutral	Neutral	Agree	In general, I favour the creation of facilities in this area which will encourage businesses towards Newcastle city centre, and those who work and live in the city to have excellent green space, activities and entertainment available. We should create a couple of kilometres of Newcastle that is a pleasure to walk or ride through on a sunny weekend. I don't think we should be dedicating much of this space at all, to additional residents in town.
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Strongly Agree	Strongly Agree	Strongly Agree	
Agree		Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The existing rail corridor should be maintained for the light rail. Civic should be used as a light rail station with the possibility of some retail/amenities
Strongly Disagree	Strongly Disagree	Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant increases in the CBD resident population that will happen over the next few years.
Agree	Neutral	Disagree	Building height should be lower to remove overshadowing or recreation area.
Strongly Agree	Agree	Agree	
Neutral	Neutral	Strongly Disagree	Supported only if this proposal aligns with document NOM 220817

Civic East



Participants were given the opportunity to rate their level of agreement with building heights (47% agree), floor space ratio (33% agree) and with the mix of dwelling and non-residential being right for the area (48% agree). Participants were also able to leave comments if they wished, verbatims in table 6.

Figure 8 Civic East results

Civic East proposal

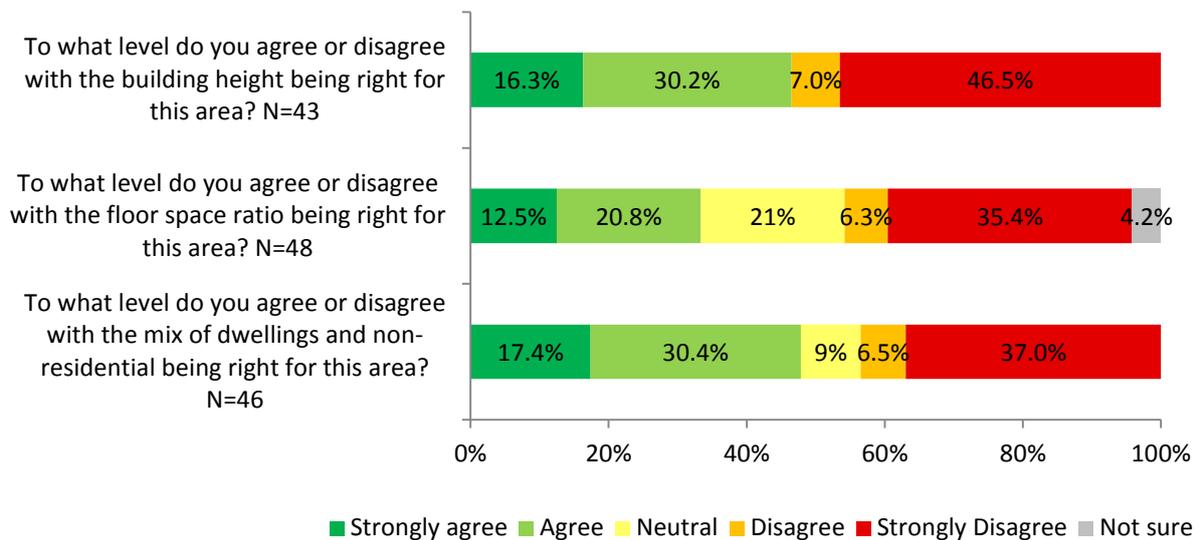


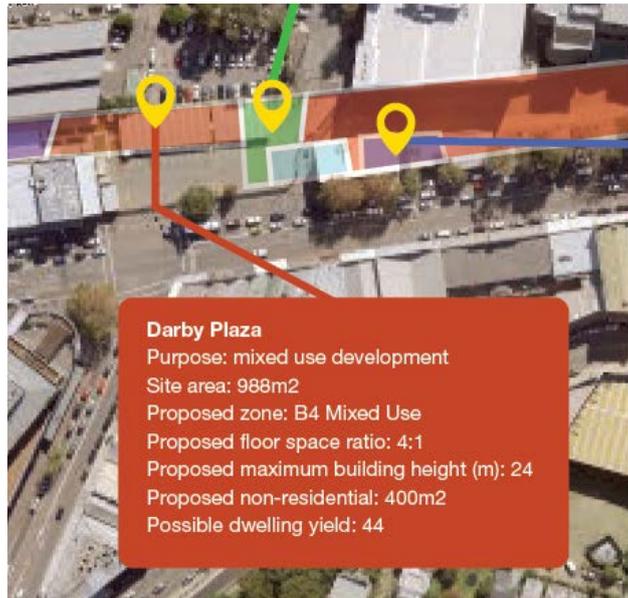
Table 6 Civic East results with verbatims

To what level do you agree or disagree with the mix of dwellings and non-residential being right for this area?	To what level do you agree or disagree with the floor space ratio being right for this area?	To what level do you agree or disagree with the building height being right for this area?	Do you have any comments you wish to make surrounding the Civic East proposal?
Neutral	Neutral	Strongly Disagree	Oh no! Not a high rise. Do not detract from the beautiful court house building or the nearby University building with a high rise block of units. Keep the sun shining on the court house. Don't make the city dark and dull!
			whatever is built the light rail should travel through the existing rail corridor
Disagree	Neutral	Strongly Disagree	Inappropriate division and barrier between foreshore and city.
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area should remain open space, reserved for public use and kept for future transport needs
Strongly Agree	Strongly Agree	Strongly Agree	Please activate the area and make sure that any development makes the area feel safe.
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree		
Agree	Neutral	Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	Maintain the rail corridor for future revision if necessary as a transport corridor. Given we are a peninsula with few transport corridor options design buildings to straddle the corridor as in Chatswood to future proof Newcastle against traffic problems. Reserve area for a dedicated cycle track.
Agree	Neutral	Agree	
Strongly Disagree	Not sure	Strongly Disagree	Keep the land public! It should be used as green space in the city. Please don't be short-sighted and blinded by greed. Have some foresight for the long term benefit of our city.
Agree	Neutral	Agree	
	Disagree	Strongly Disagree	keep it open

Strongly Disagree	Strongly Disagree	Strongly Disagree	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Agree	Disagree	Disagree	lower the max building height to 18m
Agree	Agree		This building height will fit in with others around it. The land would be unsuitable for park and recreation in my opinion
Strongly Disagree	Strongly Disagree	Strongly Disagree	Again, this whole project regarding the removal of the rail line has been to release precious public land for redevelopment. Newcastle Council should deny any application for the rezoning of the land, apart from public open space.
Agree	Agree	Disagree	This height would be likely to block out more of the harbour. When viewed from the southern side.
Strongly Disagree	Strongly Disagree	Strongly Disagree	Should be kept as a transport corridor.
Strongly Agree	Strongly Agree		Perfect for this busy hub
Neutral	Neutral		Night markets & amenities
Agree	Agree	Agree	
Strongly Disagree	Strongly Disagree		Make it all green space
Agree	Neutral	Agree	
Disagree	Disagree	Disagree	Please ensure that there is a cycle path along the old rail line.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor must remain for rail transport (light or heavy) The rail corridor is the logical place for light rail if congestion and parking problems are to be avoided. If development is to take place on this site the provision must be made for trains to run under it.
Strongly Agree	Not sure	Strongly Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Agree	Agree	Agree	
Strongly	Strongly		This was meant to be open space for the community.

Disagree	Disagree		
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area must remain in public hands - ideally for public mass transit. The privatisation of Newcastle public land is a scandal. The no-development option should be canvassed more honestly. It is not being presented in this framed question set.
Strongly Disagree	Strongly Disagree	Strongly Disagree	should not be built upon
Agree	Agree	Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	Park use only
Disagree	Neutral	Strongly Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor is not for commercial or any other development other than transport. Open recreation for the people of Newcastle as an interim use is acceptable.
Strongly Agree	Agree	Agree	
Agree	Agree	Agree	
Neutral	Neutral	Agree	In general, I favour the creation of facilities in this area which will encourage businesses towards Newcastle city centre, and those who work and live in the city to have excellent green space, activities and entertainment available. We should create a couple of kilometres of Newcastle that is a pleasure to walk or ride through on a sunny weekend. I don't think we should be dedicating much of this space at all, to additional residents in town.
Strongly Disagree	Strongly Disagree	Strongly Disagree	
		Strongly Agree	
Strongly Agree	Strongly Agree	Strongly Agree	There should be a parking station here.
Agree	Agree	Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The building height proposal is ridiculous and not in keeping with the heritage nature of the city.
	Strongly Disagree	Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant increases in the CBD resident population that will happen over the next few years.
Agree	Agree	Agree	
Agree	Agree	Agree	
Neutral	Neutral	Strongly Disagree	Supported only if this proposal aligns with document NOM 220817

Darby Plaza



Participants were given the opportunity to rate their level of agreement with building heights (35% agree), floor space ratio (27% agree) and whether the area should contain student accommodation (39% agree). Participants were also able to leave comments if they wished, verbatims in table 7.

Figure 9 Darby Plaza results

Darby Plaza proposals

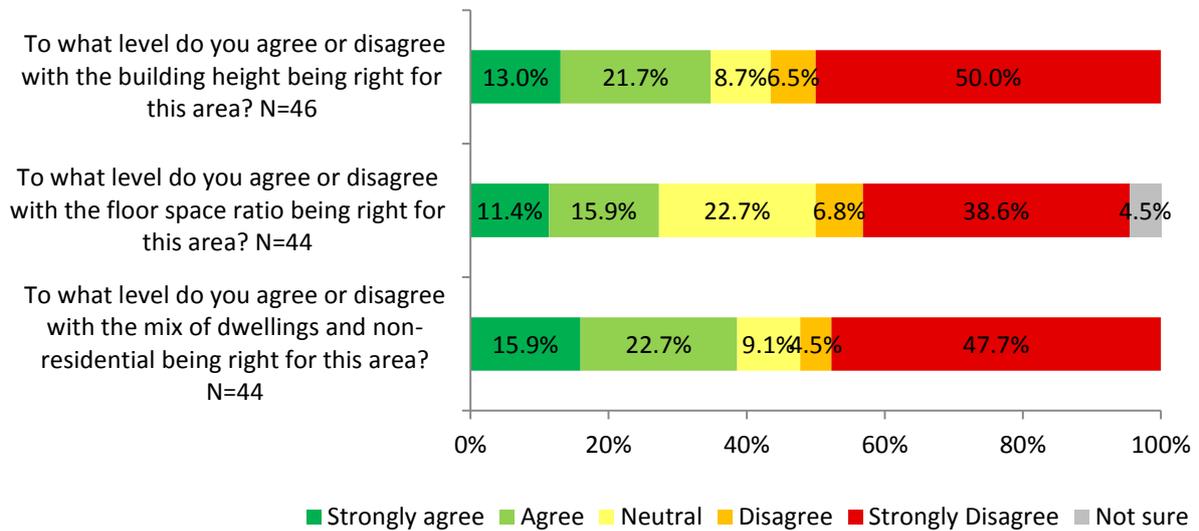


Table 7 Darby Plaza results with verbatims

To what level do you agree or disagree with the mix of dwellings and non-residential being right for this area?	To what level do you agree or disagree with the floor space ratio being right for this area?	To what level do you agree or disagree with the building height being right for this area?	Do you have any comments you wish to make surrounding the Darby Plaza proposal?
Neutral	Neutral	Strongly Disagree	Don't make a dark city with high rise! Keep buildings low along the rail corridor. Keep our city open and light! Don't enclose us under tall structures making our streets dark during daylight.
			whatever is built the light rail should travel through the existing rail corridor
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area should remain open space, reserved for public use and kept for future transport needs
Strongly Agree	Strongly Agree	Strongly Agree	We need shops that people want to visit. Can we please have some high-end flagship stores as well as smaller boutiques? Make this area a destination. It can complement Hunter St Mall and Darby St, but be unique. This could be a mix of retail similar to Double Bay or Mosman in Sydney.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The promise was made-and I believed it would be kept-that the rail corridor would be green space for the city, with a cycleway as well. There is so little green space remaining and with an increase in population, more public green space is vital
Strongly Disagree	Strongly Disagree	Strongly Disagree	This should be another open area. A city square open to provide access to the waterfront. Well-lit with parking for bikes
Disagree	Neutral	Neutral	
Strongly Disagree	Strongly Disagree	Strongly Disagree	Maintain a transport corridor. Design buildings to straddle the corridor to allow for future reversion as a transport corridor if needed. Allow for a dedicated cycleway connecting beaches with transport hub.
Agree	Neutral	Neutral	
Strongly Disagree	Not sure	Strongly Disagree	Keep the land public! It should be used as green space in the city. Please don't be short-sighted and blinded by greed. Have some foresight for the long term benefit of our city.
Agree	Neutral	Disagree	
Strongly Disagree		Strongly Disagree	Keep it open. we may get rail again when council & government see sense

Strongly Disagree	Strongly Disagree	Strongly Disagree	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Agree	Agree	Agree	
Agree	Agree	Agree	The height is not out of place given the heights across the other side of Hunter St and there will be no view disruption from Hunter St towards the Harbour. It is not a great view now
Strongly Disagree	Strongly Disagree	Strongly Disagree	The land should remain as public open space.
Neutral	Neutral	Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	should be retained as a transport corridor to accommodate cycle ways, light rail etc.
Agree	Agree	Agree	
Neutral	Neutral	Neutral	These questions don't make sense to me.
Strongly Disagree	Strongly Disagree	Strongly Disagree	Keep it as green space
Strongly Agree	Strongly Agree	Strongly Agree	This has always been one of Hunter Street's ugliest intersections, which is a shame given its role as the gateway to the popular Darby Street. Darby Street Plaza seems like a great addition to the streetscape.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor must be retained for rail transport (light or heavy) This is the logical place for the light rail. Light rail in Hunter Street will cause problems for traffic congestion and parking. The business community has expressed concern about this. If development must take place on this site then provision must be made for trains to run under it.
Strongly Agree	Not sure	Strongly Agree	Affordable housing here would be great!
Strongly Agree	Strongly Agree	Strongly Agree	

		Strongly Disagree	building height too high
Strongly Disagree	Strongly Disagree	Strongly Disagree	This was meant to be open space for the community.
			This is a transport corridor in public hands and should remain so. The privatisation of Newcastle public land is a scandal which will be regretted in future when we are seeking better mass public transport.
Strongly Disagree	Strongly Disagree	Strongly Disagree	Think of the future - and by that I mean, next week! We need this transport corridor.
Agree	Neutral	Neutral	
Agree	Agree	Agree	
Strongly Disagree	Neutral	Agree	
	Disagree	Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor is not for commercial or any other development other than transport. Open recreation for the people of Newcastle as an interim use is acceptable.
Strongly Disagree	Disagree	Strongly Disagree	
Agree	Agree	Agree	
			In general, I favour the creation of facilities in this area which will encourage businesses towards Newcastle city centre, and those who work and live in the city to have excellent green space, activities and entertainment available. We should create a couple of kilometres of Newcastle that is a pleasure to walk or ride through on a sunny weekend. I don't think we should be dedicating much of this space at all, to additional residents in town.
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Strongly Agree	Strongly Agree	Strongly Agree	
Agree	Agree	Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
			This proposal of a 24m high building is not in keeping with the rest of the city area. It is far too high. Any building built on the rail corridor should allow for the light rail to pas underneath as the existing rail corridor should be used for the light rail
Strongly Disagree	Strongly Disagree	Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this!

Results for Rail Corridor Rezoning Social Pinpoint Survey

			Save it for future transport needs.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant increases in the CBD resident population that will happen over the next few years.
Disagree	Disagree	Disagree	Should be reserved for additional car parking.
Strongly Agree	Agree	Agree	
Neutral	Neutral	Strongly Disagree	Supported only if this proposal aligns with document NOM 220817

Darby Park



Participants were given the opportunity to rate their level of agreement with the area being used for recreation (86% agree). Participants were also able to leave comments if they wished, verbatims in table 8.

Figure 10 Darby Park results

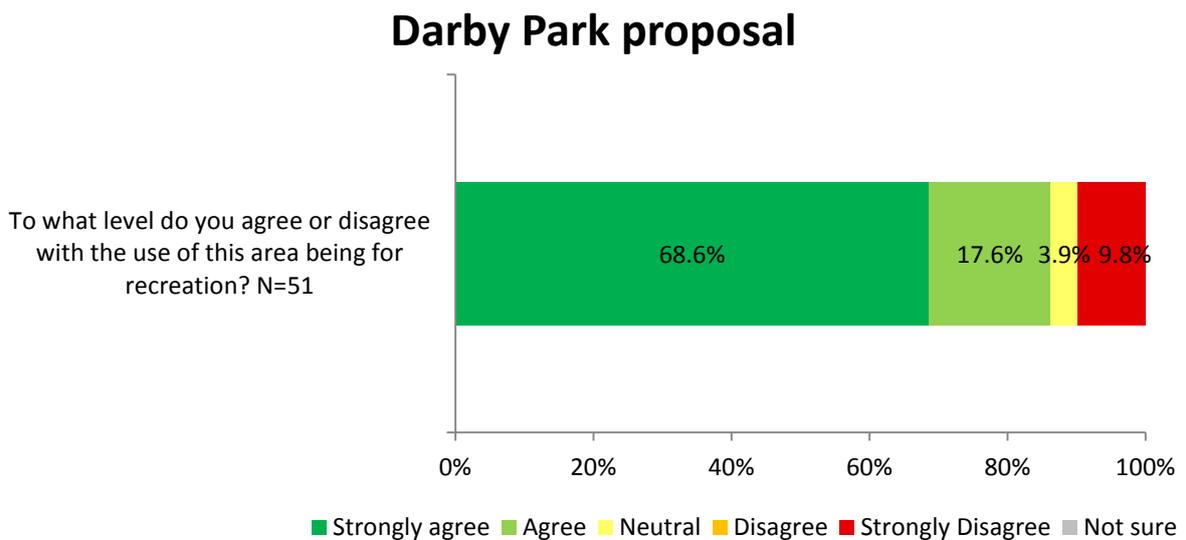


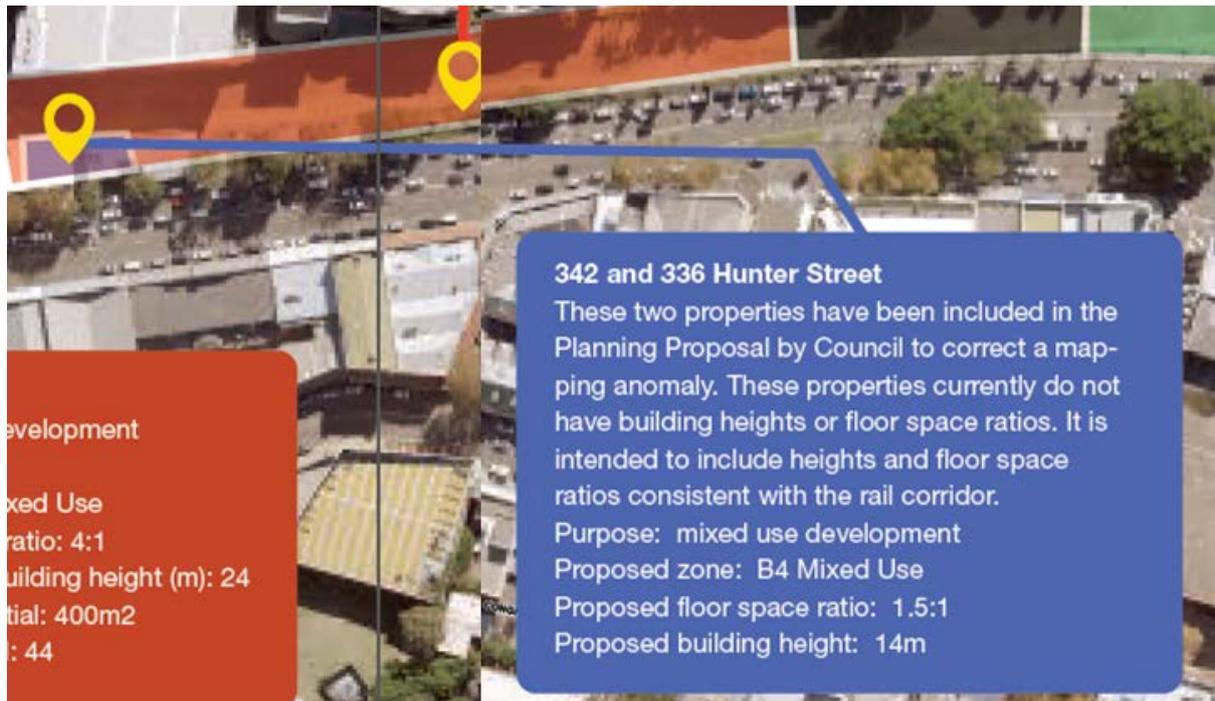
Table 8 Darby Park results with verbatims

To what level do you agree or disagree with the use of this area being for recreation?	Question
	All survey questions are invalid. Questions are asked without giving me any information on current use or planned land use. Calling it a park is misleading if you are planning activities within the park. E.g. where is a passive water park for kids? Does it include food vans or coffee carts?
	whatever is built the light rail should travel through the existing rail corridor
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	This area has so much potential! I can't wait to see this area open up and become a usable place.
Strongly Agree	Good solar lighting required in this area for safety at night.
Strongly Agree	
Strongly Agree	
Strongly Agree	Maintain a cycle corridor. Plant trees.
Strongly Agree	
Strongly Agree	
Strongly Agree	
Agree	
Strongly Disagree	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Strongly Agree	

Agree	I think this is a good idea allowing straight through access
Agree	The size is laughable. So far I have added comments as I have moved east along this interaction map. Finally, some open public recreation!
	There is insufficient information to comment further.
Agree	It should be kept to accommodate transport usage e.g. cycle ways, light rail
Strongly Agree	A little gem
Agree	
Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	I think it should be larger
Strongly Agree	
Strongly Agree	
Strongly Disagree	A park of this size will be of very limited benefit. The rail corridor must be used for rail transport (light or heavy). Light rail in Hunter Street is going to cause considerable congestion during construction and during operation. The light rail must run along the rail corridor. If there must be development the provision must be made so trains can run under it.
Strongly Agree	
Neutral	A park that remains in public hands is ok for the short-medium term.
Strongly Agree	
Strongly Agree	
Strongly Disagree	Trees, grass, general bin and mixed recycling bins, shade, fill your drink bottle at a water station.
Strongly Agree	
Strongly Agree	
Agree	
Strongly Agree	
Agree	
Strongly Agree	
Strongly Agree	

Strongly Agree	There should be green walls along here.
Agree	
Strongly Agree	
Neutral	
Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant increases in the CBD resident population that will happen over the next few years.
Strongly Agree	
Strongly Agree	
Strongly Agree	This allows for a possible future public transport corridor

342 and 336 Hunter Street proposal



Participants were given the opportunity to rate their level of agreement with building heights (51% agree) and level of agreement with the area being used for recreation (47% agree). Participants were also able to leave comments if they wished, verbatims in table 9.

Figure 11 342 and 336 Hunter Street results

342 and 336 Hunter Street proposal

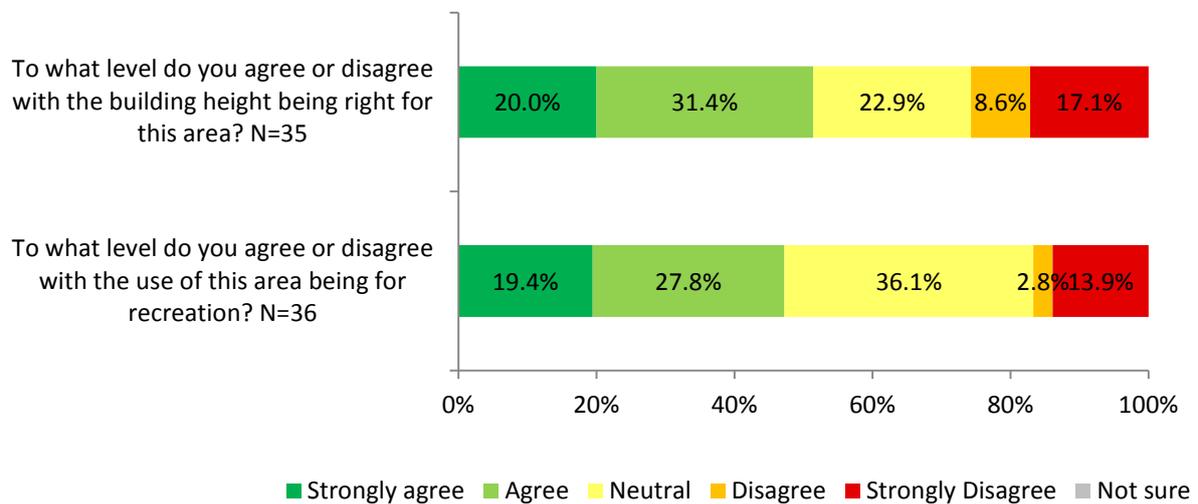


Table 9 342 and 336 Hunter Street results with verbatims

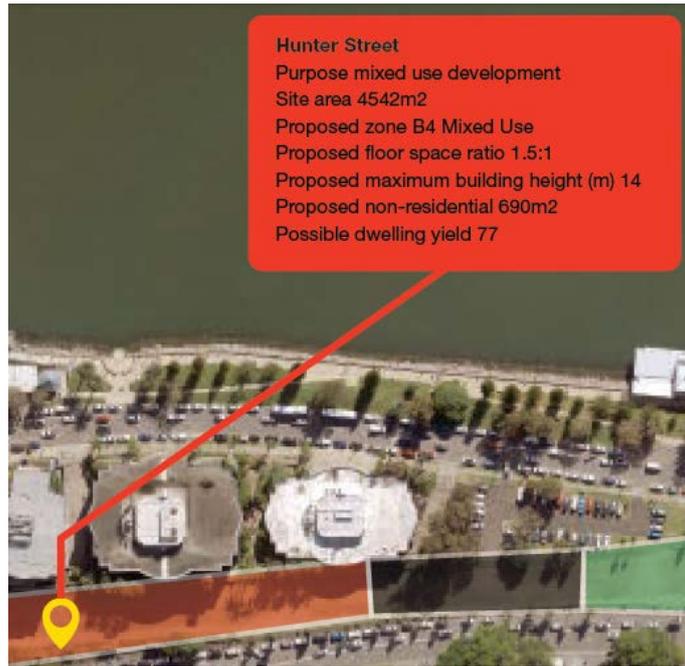
To what level do you agree or disagree with the floor space ratio being right for this area?	To what level do you agree or disagree with the building height being right for this area?	Do you have any comments you wish to make surrounding the 342 and 336 Hunter Street proposal?
		Show me a street view of the buildings so I know what they are currently used for and specifically located.
Strongly Disagree	Strongly Disagree	<p>Totally disagree strongly on all levels of this proposal/new , Information marker ,not just height,rezoning,floor ratio etc.,</p> <p>In my opinion refer to all the below stated relevant comments :-</p> <p>The council planners, (&Proposed council changes to the LEP,DCP) are now extending the use of the term rail corridor zone .Where will this over development & " boundary Creep changes start, or stop or does anything go ??? How the council and planners can allows the boundaries to change and be extended, and anything thrown in the mix under the guise of Rail corridor rezone. There is no evidence of ,timely, due notice and APPROPRIATE open PUBLIC CONSULTATION -2 quick briefing sessions (new lap, new dcp proposals with "amended, repealed and new on the 10.07.2017")& released in my opinion under the area, rushed, very quickly amended whilst the council was undergoing a new local election process is totally inadequate.</p> <p>New Proposed amendments Mid July 2017 ,council elections August 2017 .Ruched amendments were not available to the public arena until 18,or 19.9.2017 (2 by 2 quick show and no tell sessions without any open briefing &, the website. not available till 19.09.2017 Compounding this inadequate consultation process is Objection / submissions to be submitted by the 23.10.2017. ,Any consultation with 2 ,2 hour briefing sessions totally inadequate. Needless to say the council created a complete element of surprise with new proposed LEP plans/DCP, rushed, with no avenue for public dialogue, nor question and answers in a public forum but there is an expectation that newly elected Newcastle councillors make a decision by December 2017. This poor and inadequate process of communication does not represent best practice nor is there an open, consultation, communication process. If we are co jointly working towards the best future for Newcastle in a coordinated fashion. Without Chaos.</p> <p>Instead the council and town planners have failed to</p> <p>Clarify if the planning process is about the rail corridor or</p>

		<p>anything that anyone or vested party decides to throw into the mix to extend the boundaries and change any controls without any consideration to surrounding residents and current ratepayers caught within the existing rail corridor. Is the council's attitude is that anything goes? Without an appropriate impact assessment on surrounding residents then the council should be prepared to economically compensate surrounding established owners who have bought their established units without any council/planning justification for a loss in lifestyle, amenities, loss of view corridors, loss of airflow and air space, loss of privacy, loss of security ,increase in noise level, loss of wellbeing and safety ,loss of a coordinated and cohesive parking and transport solutions, structural damage (council planners at the 19.09.briefing stated that this not their responsibility-One must then ask what is the councils planners responsibly that endorses amendments without consideration of surrounding established residents but endorses/proposes changes without any impact structural/audit assessments available in the public domain to underpin new LEP, new DCP rules)</p> <p>Existing residents will be exposed to Massive decline in the economic value of current residential properties, loss of privacy, loss of air flow, loss of security, loss of solar access, overshadowing, loss of view corridors, increase in noise levels, structural damage to established homes etc. All this over development without a platform of sustainability, without established coordinated transport, with inadequate parking solutions. A so called replacement light rail transport solution of approved funding for 2km does not replace an extensive coordinated rail/transport corridor which fully serviced Newcastle and surrounding areas with total transport connectivity. Allowing more buildings and over development to be included under the banner of rail corridor zoning is not justifiable. Where will boundary changes start and stop. The un-coordinated adhoc attitude of anything goes does not in any way represent good business, planning and social practices for gatekeepers responsible for steering Newcastle into a progressive, open ,sustainable, socially responsible future interested in seeing Newcastle grow & prosper in a positive, coordinated and non-chaotic fashion. Where is council's justifications .Hence I strongly object in all ways to this new marker there is no justification for Information Marker labelled as under the guise of rail corridor rezone, I and other owners are strongly affected by this new marker .hence there is a strong objection.</p> <p>342 and 336 Hunter Street</p> <p>These two properties have been included in the Planning Proposal by Council to correct a mapping anomaly. These properties currently do not have building heights or floor space ratios. It is intended to include heights and floor space ratios consistent with the rail corridor.</p>
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		<p>Purpose: mixed use development</p> <p>Proposed zone: B4 Mixed Use</p> <p>Proposed floor space ratio: 1.5:1</p> <p>Proposed building height: 14m</p> <p>Survey questions for 342 and 336 Hunter Street.</p> <p>Objection for the total concept of this new marker not just height, and rezoning but everything demonstrated above.</p> <p>I am requesting this to be forwarded to the new local councillors and this is a formal objection, being submitted. Please justify your logic as councillors/town planners in a process that should require appropriate, rigour, stringent justification for all. Awaiting council comment XXXX</p>
Agree	Neutral	
Strongly Agree	Strongly Agree	
Neutral	Strongly Disagree	no more than 4 stories
Strongly Agree	Strongly Agree	
Neutral	Neutral	As there is already development on these sites I am not against development but expect that buildings with a heritage value be added in keeping with the original design-not a modern building just tacked onto the facade.
Neutral	Agree	
Neutral	Disagree	
Neutral	Neutral	
Neutral	Agree	not at the moment
Strongly Disagree	Strongly Disagree	<p>Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with</p>

		more people not having homes.
Strongly Disagree	Strongly Disagree	
Agree	Agree	
Disagree	Disagree	I've viewed the street view. These changes would have the potential to further create congestion as well as remove sunlight from the area.
Neutral	Neutral	Not enough information to comment further.
Neutral	Neutral	
Strongly Agree	Strongly Agree	
Agree	Agree	
Agree	Agree	106/15 Quarter Sessions Road
Neutral		
Agree	Agree	
Strongly Disagree	Strongly Disagree	
Strongly Agree	Strongly Agree	
Agree	Agree	
Neutral	Neutral	
Agree	Agree	
Agree	Agree	
Neutral	Neutral	
Strongly Agree	Strongly Agree	
Neutral	Neutral	
Strongly Agree	Strongly Agree	
Agree	Agree	
Strongly Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Agree	Agree	
Neutral	Disagree	

Hunter Street



Participants were given the opportunity to rate their level of agreement with building heights (36% agree), floor space ratio (32% agree) and with the mix of dwelling and non-residential being right for the area (37% agree). Participants were also able to leave comments if they wished, verbatims in table 10.

Figure 12 Hunter Street results

Hunter Street proposal

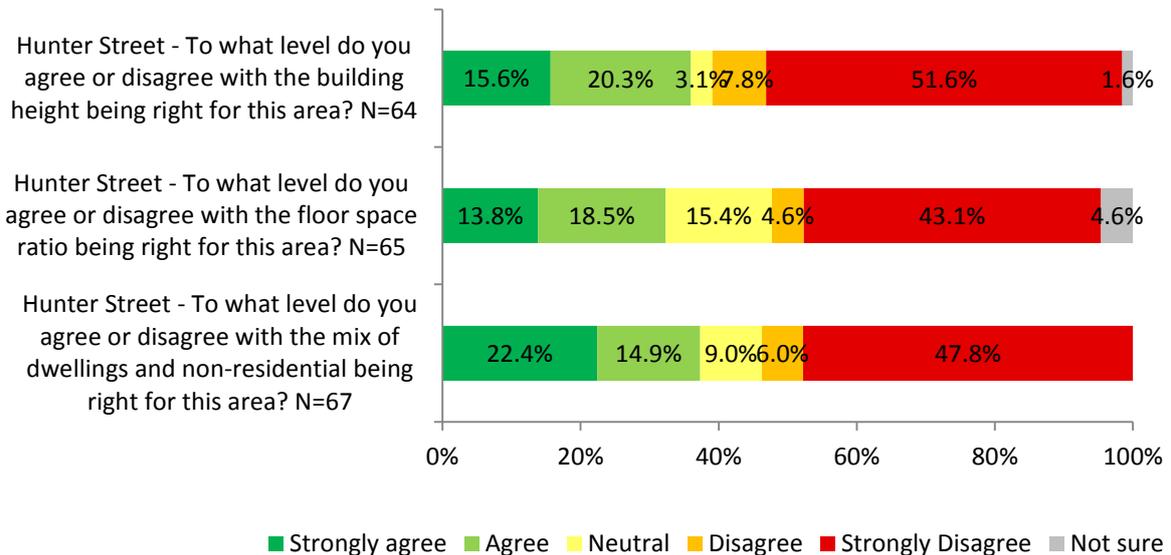


Table 10 Hunter Street results with verbatims

Hunter Street - To what level do you agree or disagree with the mix of dwellings and non-residential being right for this area?	Hunter Street - To what level do you agree or disagree with the floor space ratio being right for this area?	Hunter Street - To what level do you agree or disagree with the building height being right for this area?	Do you have any comments you wish to make surrounding the Hunter Street proposal?
Neutral	Neutral	Strongly Disagree	No high rise buildings along the rail corridor.
Neutral	Neutral	Disagree	Don't invite anyone into the city without parking, or redesign tourist activity to include park and ride that is convenient for all.
Strongly Disagree	Strongly Disagree	Strongly Disagree	There is no need for anymore buildings to be built here! The need for green space is far more important! Give the people who visit the city, work in the city & live in the city some green areas to sit & enjoy! No more buildings in this area!!!!
			whatever is built the light rail should travel through the existing rail corridor
Disagree	Strongly Disagree	Disagree	Prefer more open space.
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area should not be developed. It should be reserved as open space for future transport use.
Strongly Agree	Strongly Agree	Strongly Agree	
Neutral	Disagree	Disagree	There is enough high rise Keep it ALL to single storey along this corridor
Strongly Disagree	Strongly Disagree	Strongly Disagree	The people of Newcastle were promised d that the rail corridor would be retained as green space for the people. With the loss of so many trees and green space, this promise must not be broken. Trust would be lost
Agree	Agree	Agree	The proposed buildings must maintain the current view corridors down to the river.
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Strongly Agree	Strongly Agree	Strongly Agree	

Strongly Disagree	Strongly Disagree	Strongly Disagree	Any development along the rail corridor prevents future use as a transport corridor. Given we are on a peninsula with so many residential developments, I think selling off the corridor for short term gains is short sighted. (Unless buildings are designed to straddle the corridor as in Chatswood that would be forward thinking!) A cycleway connecting Newcastle to Maitland was proposed. What a great tourist attraction.
Strongly Agree	Neutral	Agree	It is very important to have the office space in the city along with the residential, it's a mistake that many planners don't think about.
Strongly Disagree	Not sure	Strongly Disagree	Keep the land public! It should be used as green space in the city. Please don't be short-sighted and blinded by greed. Have some foresight for the long term benefit of our city.
Disagree	Neutral	Strongly Disagree	
Neutral	Neutral	Neutral	
Disagree	Neutral		no tower blocks
Strongly Disagree	Strongly Disagree	Strongly Disagree	Save our rail conspiracy indeed you fucking lying dogs
Strongly Disagree	Strongly Disagree	Strongly Disagree	Medium density cities (affordable housing without being high density) are faster (spread out suburbs are inefficient and get people addicted to cars) and cost benefit ratios for pushbike paths show increase in society health and increase in business/shops near them. Train transport through the bush linking up higher density cities. Stop urban sprawl causing social isolation and wasted travel time and making housing unaffordable (Costs quarter million dollars of taxpayer's money for infrastructure for new housing developments (road, water, sewage, phone/NBN, electricity etc.). Curtin university has done a study that shows the infrastructure costs for a new suburb are \$684,000 per dwelling (Curtin_Sustainability_Paper_0209). The choice is clear, do you want your fellow Novocastrian safe and happy in a home OR do you want more homeless people and your own home that you are lucky to own to continue to increase in price to unethical prices. Continuing with new suburbs opening up towards Maitland will continue with more people not having homes.
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	It would make liars out of the State Government and Council to now support development suggestions. The public might be gullible but we've had enough - no more lies!
Strongly Disagree		Strongly Disagree	With unfettered devt, the intrinsic historical architectur of the inner city will be lost. Lack of specifics on devt have one despondent about the aesthetics of the 'remaking' of our city centre
Strongly Disagree	Strongly Disagree	Strongly Disagree	Expand the recreation space please to include this area

Strongly Agree	Strongly Agree	Strongly Agree	
Agree	Agree		This is a good use of the area. I feel it is unsuitable for parkland or a green area
Strongly Disagree	Strongly Disagree	Strongly Disagree	I reiterate that this is public land that should stay in public ownership.
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area is close to the waterfront and should be left as open space to protect the linkage to the harbour.
Strongly Disagree	Strongly Disagree	Strongly Disagree	It should be kept as a transport corridor, e.g. cycleway.
Strongly Agree	Strongly Agree	Strongly Agree	
Agree		Agree	
Agree	Agree	Agree	106/15 Quarter Sessions Road
Strongly Disagree	Strongly Disagree	Strongly Disagree	We need more parking!!! It is not a feasible strategy to rely solely on the light rail and cycling dreams - we need to consider the future and the fact that people will continue to drive and that we will continue to attract MORE people to Newcastle CBD. Short term and all day parking.
Strongly Disagree	Strongly Disagree	Strongly Disagree	Keep it as green space
Agree	Neutral	Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The site should be for rail transport (light or heavy). Much has been said by motorists, commuters and the business community about problems that will be caused by the light rail in Hunter Street during construction and when it is in operation. The rail corridor is the only logical place for the light rail. If development must take place then provision should be made for trains to run under them.
Strongly Agree	Not sure	Strongly Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Agree	Strongly Agree	Neutral	
Strongly Agree	Agree	Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	This was meant to be open space for the community.
Strongly Disagree	Strongly Disagree	Strongly Disagree	This is a transport corridor and we would be foolish to destroy this opportunity. I wish to see this site remain a transport corridor for the future. Developments - if any, should incorporate a cavity for rail/mass transport underneath. I also object to the framing of the above questions which are for development only - with the no development option not being canvassed.

Strongly Disagree	Strongly Disagree	Strongly Disagree	
Agree	Agree	Agree	
Agree	Agree	Agree	
Strongly Disagree	Neutral	Strongly Disagree	Park use only
Strongly Disagree	Disagree	Disagree	Public space should be park land or cycle ways or tram lines
Strongly Disagree			
Strongly Disagree	Strongly Disagree	Strongly Disagree	This should be used for the light rail.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor is not for commercial or any other development other than transport. Open recreation for the people of Newcastle as an interim use is acceptable.
Disagree	Disagree	Strongly Disagree	Why is there development along the corridor at all? What happened to the gold plated promise? Why bother asking for community submissions if all expert advice and the community are ignored in favour of the pre-made decisions? What difference will this surveys responses achieve?
Strongly Agree	Agree	Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Neutral	Neutral	Strongly Agree	I think we should be encouraging businesses to move to Newcastle. I'm not convinced that we need more residential in the centre of town
Strongly Disagree	Strongly Disagree	Strongly Disagree	
Strongly Agree	Agree	Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Agree	Agree	Agree	
Strongly Agree	Strongly Agree	Strongly Agree	
Strongly Disagree	Strongly Disagree	Strongly Disagree	The rail corridor should be maintained for the light rail
Strongly Disagree	Strongly Disagree	Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Strongly Disagree	Strongly Disagree	Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant

Results for Rail Corridor Rezoning Social Pinpoint Survey

			increases in the CBD resident population that will happen over the next few years.
	Agree		
Strongly Disagree	Strongly Disagree	Strongly Disagree	This area should be zoned recreational so it can link Hunter St with the foreshore. Putting up buildings along this stretch cuts off the both areas as much as the rail line di - in fact more so as the harbour cannot be viewed from Hunter St and the cathedral cannot be viewed from the foreshore with this zoning.
Strongly Disagree	Strongly Disagree	Strongly Disagree	<p>The new identification marker/classification Hunter St (previously Parcel 11) within the amended LEP 2012 has substantial, impact on the residents of the Nautilus. The Nautilus is the only full time 24/7 occupied residential building within this precinct of the corridor. In addition it is evident there are wider ramifications with the proposed amendments to the LEP & DCP to include adjoining land parcels at 342 & 366 hunter St/adjoining open car park - lot DP1008183 without specifying total potential site coverage is misleading and a failure to inform the residents of the potential impact of including these amendments .The information marker on the social pinpoint interactive LEP lacks the information of total available land area. In my opinion the council has not undertaken/provided a transparent informed consultative process with the public & residents who will be mostly impacted. I will repeat that there has been failure to inform in a transparent manner to all residents of the Nautilus and the public of the full implications to amend the Lep/dcp to incorporate adjoining land within the rail corridor as late as mid sept 2017. There have been no interactive open public question/answer briefings, no PowerPoint presentations or superimposed diagrams/photo montage or topography diagrams to inform residents of the total impact, this is totally inappropriate. The potential scale of the impact cannot be dismissed. This is over development, highlighted even more so with the mid sept 2017 LEP amendment to include adjoining land (e.g. 342,366 hunter St and open car space etc.). The NCCC process has lacked proper appropriate public consultation with unrealistic time frames. Formal submissions are required by 23/10/17 but public voice sessions (PV) scheduled on 18/10/2017.It is our understanding that normally PV is scheduled after the full submission expiry date. Why has this now changed?& why choose a week day where Residents who work will have difficulty in attending by 5.30.pm.Registration electronically is also restrictive and makes an assumption that the public & all residents have access to technology and the Social PINPOINT interactive map.</p> <p>The final date of 23.10.2017 to submit all submissions is not appropriate and residents and the public should be given a longer lead in period & council should extend the date for all concerned to understand fully the mid-</p>

			<p>September 2017 LEP/dcp changes/amendments,</p> <p>Inclusive of the above concerns as a resident /owner of the Nautilus, we will be directly impacted ,All other concerns are substantial e.g. ,a 14 metre height development within 6 metres from the rear boundary will be very restrictive to air flow/ creating loss of airspace ,loss of privacy, increased noise ,overshadowing, loss of sustainable solar access and natural ventilation. The potential for14 m high, long building mass and visual bulk without allowance for appropriate setback, will be greatly impacted by no evident allowance for rear stepped down architecture within the context of a 14m building on the rear of the Nautilus,</p> <p>Our concerns cannot be easily dismissed. Especially within the context of a residential block occupied 24/7. As stated allowance of 14 m height, creates overshadowing, loss of sustainable solar access and natural ventilation, loss of view corridor, economic loss, financial impact to existing residents, loss of relevant compliance standards within proposed dcp and LEP changes, no longer offer any real voice or certainty to residents. In addition Nautilus residents cannot ignore the impact of loss of private open space within a residential complex on the amenities available i.e. the swimming pool/spa area.</p> <p>A mandatory 6 metre setback without any clarity of usage as well as lack of proposed parking for any potential new development at the rear. The noise and Acoustic impact of mixed use development and the actual building /structural impact without an appropriate impact audit on the rear development is distressing. The lack of preservation of heritage /cultural history is also unclear, The original advice by the UDCG relating to parcel 11 (now hunter St on info marker) stating the inappropriateness of any development therefore this site was more suited to open public space,</p> <p>This original written report should not be ignored.</p> <p>I am also seeking a public voice attendance for the 18.10.2017 and I will also submit a further submissions by 23.10.2017</p> <p>Thank you</p> <p>XXXX</p> <p>Nautilus owner</p>
Agree	Agree	Agree	

Strongly Agree	Agree	Agree	Anything west of Perkins St, with the exception of the Civic Station precinct which should be cleared and landscaped, should be developed.
Agree	Not sure	Not sure	do it
Neutral	Neutral	Disagree	

Entertainment Precinct



Participants were given the opportunity to rate their level of agreement with the area being used for recreation (84% agree). Participants were also able to leave comments if they wished, verbatims in table 11.

Figure 13 Entertainment Precinct results

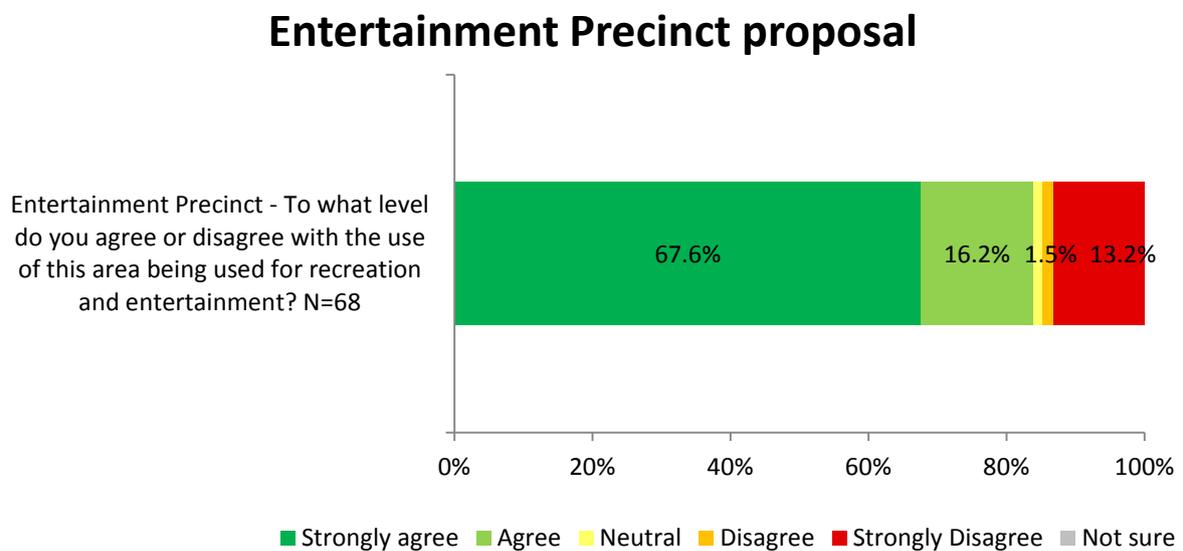


Table 11 Entertainment Precinct results with verbatims

Entertainment Precinct - To what level do you agree or disagree with the use of this area being used for recreation and entertainment?	Do you have any comments you wish to make surrounding Entertainment Precinct proposal?
Strongly Agree	Height restrictions NEED to be defined but kept low.
Strongly Agree	
	whatever is built the light rail should travel through the existing rail corridor
Strongly Disagree	Beneficial and essential to expand the existing recreational areas of the foreshore reserve due to the popularity and increasing usage especially with increasing residents moving into the CBD.
Strongly Agree	
Strongly Agree	...as long as it is OUTDOOR entertainment, water park for kids, picnic areas etc. NO BUILDINGS there's already too many.
Strongly Agree	Good solar lighting esp. at night needed for this area
Strongly Agree	
Strongly Agree	
Agree	Some more play equipment for children I think would be an attraction. An area for replacing some trees cut down for supercars track. Allocating space for a dedicated cycleway as originally proposed would also be a positive.
Strongly Agree	The open green space planned will be fantastic.
Strongly Agree	
Strongly Agree	
Agree	
Agree	Keep it open to run trams or trains

Strongly Disagree	
Strongly Disagree	
Strongly Agree	The existing Market Lawn has become a valuable public space, extending it East and West as marked will further enhance its credentials for the community and open conductivity between the mall and the harbour.
Strongly Agree	Gaining this space is one of the greatest benefits of removing the heavy rail
Agree	
Strongly Agree	
Agree	I think this is a good use of the land and the area will benefit from
Agree	I presume that this means that the land would remain open space.
Disagree	It should be kept as a transport corridor but could incorporate some open space and kiosk shops.
Strongly Agree	Green recreation area - wonderful. Hope lots of events will be planned for here
Neutral	Definitely no dwellings. garden space with plenty of trees and amenities
Agree	
Strongly Agree	
Strongly Agree	
Strongly Agree	For community to use this space in the intended manner, e.g. recreation, risk management strategies, more crossings for pedestrians, shared equipment and consideration for the feasibility of use to be provided. Lighting could be done in an interesting manner - e.g. permanent festoon lighting, and elements such as truss structures are helpful in the space. Onsite storage such as a shipping container for shared resources that can be used on the space for public events. Incorporation of hostile vehicle mitigation so that the onus is not on event managers to retrofit a site each time a community event or activity occurs. Power, water and amenities to be built into site.
Strongly Agree	
Strongly Agree	
Strongly Agree	This space could be used for more regular community events and markets. Live music events.
Strongly Agree	Have shared travel routes for pedestrians and cyclists. The development at the Homebush Olympic site may help with some ideas for success.
Strongly Agree	Fabulous idea, love the various entertainment items already being conducted such as croquet and ten pin bowling.

Strongly Agree	My family has already been enjoying this new space and we are very excited for the further upgrades and adaptive reuse of the signal box.
Strongly Disagree	The area in question is not wide enough. Major streets are located on both sides so safety is an issue, particularly for young children. The area should be for rail transport (light or heavy) to avoid congestion in Scott Street. Considering the close proximity of the fore shore and safety concerns. The need for a park on the land in question is questionable.
Strongly Agree	Wholeheartedly agree, go forth
Strongly Agree	
Strongly Agree	signal box would make a fabulous small bar
Strongly Agree	
Agree	
	It makes a lot of sense divert all Wharf Road traffic onto a widened Scott Street, allowing the Market Street Lawn / Station precinct to run right to the harbour. The two roads (current) make the lawn a bit like a median strip.
Strongly Disagree	This is a transport corridor and at most should be developed into open space. My view is that Newcastle is undergoing a land grab with public land being privatised, and I am very concerned for the future of Newcastle's public transport and open space. Possible dwelling ratio: Nil.
Strongly Agree	
Strongly Agree	
Agree	make pop up friendly spaces
Strongly Disagree	More trees planted and lights for safety. Widen the path for two way foot traffic.
Strongly Agree	
Agree	The rail should never have been closed. At least this keeps the land free for a decent future government to reinstate proper transport to town. Or when the light rail needs to be redirected after the main road causes too many issues.
Strongly Agree	
Strongly Agree	
Strongly Agree	I support the idea that we create and maintain a lot of green space up this end of town
Strongly Agree	

Strongly Agree	
Strongly Agree	
Strongly Agree	
Agree	
Strongly Agree	
Strongly Disagree	The rail corridor should be maintained for the light rail
Strongly Agree	
Strongly Disagree	Should be reserved for public access/transport corridor/green corridor/bike trail. Do not build on this! Save it for future transport needs.
Strongly Disagree	The light rail should run on the rail corridor not on Hunter St. Failing this, the rail corridor should be retained as a transport corridor as there are significant reasons to be concerned about traffic congestion problems on Hunter St with the light rail running there and the significant increases in the CBD resident population that will happen over the next few years.
Strongly Agree	
Strongly Agree	
Strongly Agree	Love all concepts released that show public and open space from Perkins St east toward the coast.
Strongly Agree	This allows for a possible future public transport corridor

Newcastle Station



Participants were given the opportunity to rate their level of agreement with the area being used for tourist-oriented development (78% agree). Participants were also able to leave comments if they wished, verbatims in table 12.

Figure 14 Newcastle Station results

Newcastle Station proposal

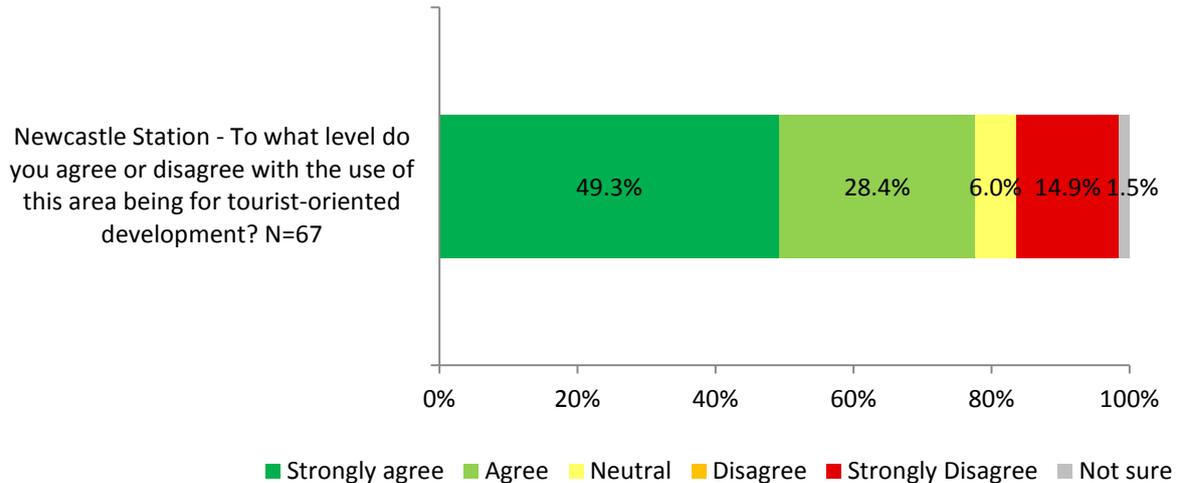


Table 12 Newcastle Station results with verbatims

Newcastle Station - To what level do you agree or disagree with the use of this area being for tourist-oriented development?	Do you have any comments you wish to make surrounding the Newcastle Train Station proposal?
Strongly Disagree	Hands on activities, Tourist interaction. Not static displays.
Strongly Agree	Do not build any further buildings in this area that are higher than existing train station height! They are not needed! There are enough high rises already - keep the views as they are, otherwise you'll end up with wind tunnel corridors!
	whatever is built the light rail should travel through the existing rail corridor
Strongly Agree	Important to preserve the history and aesthetic of the site. It would be good to see it used as a railway history museum.
Strongly Agree	Food Markets are a bad idea because people don't like to carry heavy bags full of food on public transport. The light rail should continue past the station to the beach.
Strongly Agree	
Agree	
Agree	It would be nice to have a permanent 'market' feel like James St Market in Brisbane.
Strongly Agree	This area needs to be developed - make it the best it can be. Attract locals and tourists alike. Please make this a useable, engaging space that we can all be proud of.
Strongly Agree	Fantastic opportunity to create a blend of indoor / outdoor dining and entertainment for everybody, using the historic buildings as a backdrop..
Strongly Disagree	It should be a train station or a light rail terminus along with the mixed use. ENSURE that height restrictions are well met. It should be single storey...leave views to Customs House intact from the west.
Strongly Disagree	
Strongly Agree	
Agree	A tourist information centre with bike hiring facilities available. Kids hands on science centre. Perhaps a section for the Marine rescue group given they have had to relocate.
Agree	Having talked with people about it the common feel is that it could be turned into open green space around the existing station with the building being converted into a historical/cafe space as a cultural hub.
Agree	Parking, prime impotence
Strongly Agree	

Agree	
Agree	A weekend or night market would be a brilliant idea.
Strongly Agree	I request the very successful Renew Newcastle be involved in all facets of the revitalised Newcastle Station.
Neutral	Make it vibrant and unique. Art!
Strongly Disagree	There is no cultural precinct in any of the sites along the corridor. Please consider this space as offering such an opportunity.
Strongly Agree	
Strongly Disagree	Why does this historic building require the addition of a maximum building height of 10 and 15? The area should be made into a museum for rail, including the surrounding terminus. By and large we do not value our historic buildings or areas. We need to preserve the Newcastle Railway Station to encourage tourism to this area, perhaps rail tourism, which is highly attractive to many people throughout the country and the world.
Agree	I think it is a good idea to utilise the building and area as well as using it for tourism
Agree	No there is nothing to comment on.
Strongly Agree	This will fill a hole in the tourism sector for this part of Newcastle
Agree	It needs to be a creative arts space with public facilities
Agree	
Agree	
Neutral	I would like this to be for tourism and for public space and recreation. Definitely do not just want it to be a big hotel. Make it mixed tourism, arts, culture and recreation.
Strongly Agree	Ensure that is an INCLUSIVE, welcoming space that pays respect to the cultural heritage of the Awabakal people, has public art, considers HUMAN-CENTRIC smart city features (note: refer to Melbourne City Council Smart City strategies) and incorporates subsidised/affordable rent for local creatives - be they manufacturers of creative products, performers, producers etc. Perhaps a permanent renew model that rolls through tenancies after 12-18 months so that genuine and authentic commercial ventures are able to be featured with the focus on quality, creativity and relevance as opposed to the most viable financial model (i.e. one that only looks to profits as a mark of success). Programmed free public arts and events, beautifully designed public areas, exercise station, tourist information hub, outdoor cinema, pop up bars.
Agree	The site should be kept as is and be used for public and tourist open space with the use of original buildings and open piazza style dining.
Strongly Agree	
Strongly Agree	Retain the existing station as part of any new building
Agree	Having a use that is a tourist attractions whole also being useable for the Newcastle population would be awesome.
Strongly Agree	

Strongly Agree	This area could be a great space for markets, live music events, cafes, weekly farmers/food markets
Strongly Agree	Love the idea of an architectural competition to design this space. Make it international to put Newcastle on the map!
Strongly Agree	I fully support the restoration of all Newcastle Station buildings to original. I do not support any further development of the buildings, i.e. I do not want any height increase over the existing height of any of the buildings. I would like to see day-time use of this site for tourist information, cafes, outdoor areas used for dining in the platform area, museum use, etc., but DEFINITELY NOT for alcohol service establishments, and DEFINITELY NOT late night venues, due to the proximity of the residential units directly opposite Newcastle Station. Late night noise from Customs House is already a problem in this area, so we don't want any addition to this noise at night. Any development of the current bus stabling area should consist of either adding this area to the Foreshore Park or using this area as a parking area.
Strongly Disagree	Any proposals should allow the railway station to have rail access (light or heavy) to the platforms. There would be space for rail vehicles (light or heavy) to lay over without causing congestion. This will be important if the light rail is extended beyond Wickham. The current light rail proposal for Hunter Street will only cause problems with traffic congestion and parking. The light rail must run along the rail corridor and into the railway station if access to the city is to be quick and easy without congestion. Scott Street is not wide enough to allow light rail to run in the traffic.
Strongly Agree	Make sure whatever goes there has broad appeal
Strongly Agree	
Strongly Agree	
Strongly Agree	
Agree	I have attended every community consultation session and have been active in every debate and putting forward proposals, but I definitely believe the community hasn't been consulted effectively. Being talked at by outside experts and then not having every proposal explained, or given context at the last session was an exercise in futility. I knew there were some good proposals that had been submitted, but presenting them to the community as a title without any background was useless. We needed to be presented with the full ideas.
Strongly Disagree	This is a historic station and the head of the transport corridor. I wish to see this site remain a transport corridor for the future. Any medium term development should provide for the opportunity to reinstate this station as a transport terminus in future.
Strongly Agree	
Agree	
Agree	free exercise equipment
Agree	

Neutral	Park use
Strongly Disagree	This should be used as the rail terminal for a light rail up the rail corridor.
Not sure	Genuine involvement and consideration of community opinion would be great - will believe it when there isn't some dark of night underhand move like the rail closure.
Strongly Agree	
Strongly Agree	Cafes, art galleries, food markets, performance venues, bed and breakfast hotel and other such unique uses of the space would be ideal to bring people into the east.
Strongly Agree	Please don't just put a roof over it. the rooflines of those platforms and sun streaming down can make an iconic indoor outdoor space
Neutral	
Strongly Agree	
Strongly Agree	
Strongly Agree	
Agree	
Strongly Agree	
Strongly Agree	
Strongly Disagree	Newcastle train station should be maintained as light rail station. This could include some retail options however there are no facilities or parking to warrant a tourist-oriented development
Strongly Agree	
Strongly Agree	
Strongly Disagree	Supported only if this proposal aligns with document NOM 220817

Where to from here?

Feedback gained during public exhibition will be considered and implemented where applicable. The Planning Proposal, draft Development Control Plan and draft Planning Agreement will be reported back to Council in December 2017.

**ORDINARY COUNCIL MEETING
12 DECEMBER 2017**

**CCL 12/12/17
RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN
2012 AND PLANNING AGREEMENT**

Attachment E: Assessment of main points raised during Public Voice and in submissions in relation to Traffic Impact Assessment

Public Voice 18 October 2017: Issues raised and responses

Theme	Issue	Response
1 Chris Chapman		
	No issues raised to address	
2 Ron Brown		
Public Open Space	1. The proposed recreational areas are no better than anything we already have in the CBD. The funds to be spent on developing and activating these sites would be better spent on the existing parking land and public spaces in the City. We need to promote and protect the existing activation areas within the CBD that support the existing business and commercial areas of the City.	An increase in residents in the City from the significant redevelopment of the East End/Hunter Street Mall area, will be supported by the provision of significant new open spaces, including enhanced access to existing spaces along the harbour from the central area. The additional residents and works will also mean additional patronage for the local businesses, and the activation of the city.
University	2. The University has been allocated a total area of 21,000 m ² of which only 6500 m ² (30%) is part of the corridor rezoning. The University will be able to continue to develop its plans for the CBD without requiring land on the corridor.	<p>The planning proposal identifies appropriate land use zones and built form controls for the corridor sites. It is beyond the scope of determining the planning proposal to consider whether the potential future uses could be accommodated elsewhere.</p> <p>A reduction in the development site earmarked for the University by 30% would significantly impede the development of this site. The reduction would not only impact the overall quantum of area, but would also hamper the development of the sites adjoining the corridor to the north. These sites would become too narrow (at approximately 20m) to provide for the large footprints required by development for the purposes of university and education uses.</p>



Mixed Use development	3. The Mixed Use development on the corridor will divert resources and investment away from the existing business districts of the CBD. Newcastle will again be competing against itself.	The development of mixed uses on the corridor will augment and support development within the city centre. It provides for appropriate infill development within the CBD. Studies have demonstrated that the proposed mixed use can support the population and will not detract from current business.
Business Impacts	4. While, Newcastle is being “Revitalised” surrounding shopping and commercial centres will be absorbing and accommodating the businesses that will be forced to leave.	The planning proposal will enable the redevelopment of redundant spaces within the city, including the creation of a tourism destination, which will encourage business and visitors to the city in the longer term.
Revitalisation	5. When the disruptions to life in the CBD stop the City will not need “Revitalisation” it will need “Resuscitation”.	As above
Parking	6. The Parking Strategy has been rejected by everyone. Council, Newcastle NOW, the Newcastle Independents are all talking about having a summit to develop a parking plan. The plan provided by TfNSW is irrelevant.	The planning proposal is not dependent upon the adoption of the parking strategy
Transport - Cycleways	7. The Cycleway Plan with separated on-road cycle lanes in Hunter St and King St has been rejected by Newcastle cycleway Movement and Council’s Cycle Committee.	The planning proposal is not dependent upon the adoption of the cycle strategy
Transport – bus plan	8. The Newcastle Bus Plan has been partially revealed in the Wickham Bus Interchange REF without details of how many buses it will accommodate. The true impact of the proposal to have buses terminate at Wickham has not been explained	The planning proposal is not dependent upon the release or adoption of a bus plan. The proposed zoning of the existing bus interchange at Newcastle Station does not preclude the maintenance or redevelopment of this area for buses.
Transport – Integrated transport plan	9. The Integrated Transport Plan has not been delivered.	The planning proposal is not dependent upon the development or release of the Integrated Transport Plan



No development on corridor	<p>10. The community was told that development would not happen on the corridor.</p> <p>11. There is a wide cross section of the community who accepted this to be the outcome when the heavy rail line was cut.</p>	<p>Community engagement undertaken by Revitalising Newcastle and technical studies to support the planning proposal have demonstrated that development on the corridor is appropriate. The planning proposal provides for appropriate infill development within the CBD. Public space is not appropriate everywhere as some sites have little overlooking or surveillance, or is undesirable due to overshadowing. Other public benefits are more appropriate such as education, affordable housing or mixed-use development.</p>
No development on corridor	<p>12. The community will accept the option of having no development on the corridor.</p>	<p>Preventing any development on the corridor will not be a good planning outcome and is contrary to the Hunter Regional Plan to support infill development in existing urban areas.</p>
No development on corridor	<p>13. The Council Resolution of the 22nd August was I believe effectively aiming to allow this option to be realised.</p>	<p>Council's resolution of 22 August resolved to put DCP and planning proposal on public exhibition for 40 days</p>
No development on corridor	<p>14. Opening the corridor to development at this time puts at risk the viability of the developments that has in part been stimulated by the removal of Heavy Rail from the corridor. Also any plan to increase the building stock within the CBD needs to be carefully managed to ensure that existing businesses are not put under further pressure that will diminish their chances of surviving.</p>	<p>The development of the corridor will provide additional residential and business development which can support existing businesses. It will also enable an appropriate mix between mixed use development, public open space and other uses which will support and enhance the environment for both existing and future residents and businesses.</p>
Public Open Space	<p>15. The proposed green space developments along the corridors are not critical to the viability of the CBD. Activation of these areas offers little real benefit to existing businesses and may take business away from existing businesses.</p>	<p>The proposed green spaces provide vital links between the city and harbour and will provide an enhanced environment for the existing and new residents of, and visitors to, the city. The limited additional retail spaces will complement the existing uses and provide for the increased number of residents and visitors in the city. The use of the interim public open space at Market Street Lawn has already demonstrated that the community have a place</p>



		to enjoy and that there are benefits to the city of the additional open space.
Traffic impacts	16. Trips generated by the proposed development on the corridor will add to congestion on both Hunter St and King Street as reported in the Traffic Impact Assessment prepared by GHD in May 2017. This issue is covered further in the attached Power Point Presentation.	The proposed development will not significantly increase the overall traffic in the city as demonstrated by the associated Traffic Impact Assessment and given the corresponding development of public transport options and the accessibility of the sites to the services and employment opportunities within walking distance of the new development site.
Transport - Cycleways	<p>Question Cllr Mackenzie – speak more about cycleways proposal given that it will be integrated into the corridor and won't put a fence around the area</p> <p>Response RB – the corridor should provide passive area available for pedestrian and cycleways and recreation activities. Existing cycle strategy isn't connected as goes up Devonshire Lane and switches from Hunter to King Street. It's not the only option</p> <p>We were only given one option about development on corridor and should have a proper debate about potential uses on corridor to come up with something that could work well for city</p>	<p>The proposed cycle strategy was developed in consultation with stakeholders including Newcastle City Council and included considerations around impacts on parking, traffic movements, destination and crossing points. The cycle strategy can continue to evolve as the expectations of the city's residents and workers change in relation to car usage and parking, and this may include additional routes along the existing road network. The provision of an additional cycleway along the corridor would provide for a poor utilisation of the land, providing a significant burden on Council for long-term maintenance.</p> <p>In relation to options for development on the corridor, UrbanGrowth NSW undertook extensive consultation on the potential for development of the corridor, including requesting feedback on four alternative options. The planning proposal reflects this extensive consultation with the exception of the development sites removed by Council along Scott Street, which were supported, through the consultation process, by the community.</p>
Transport – Light Rail works	Question Cllr Mackenzie - Also speak about observations of impact of closure of Hunter Street on traffic.	A reduction of traffic in the city centre is as a result from the road closures associated with the development of the light rail. It is unrelated to the potential for development on the corridor, which



	<p>Response RB – from my own research. There was an error in planning by not controlling pedestrian traffic at civic park. Also, RMS need to fine tune traffic signals. Traffic survey across cordon of King Street, Hunter Street and Workshop Way indicate traffic has dropped by 25% since the closure of Hunter Street. Leakages occurring by Newcommen and Bolton street leading to overall loss of traffic of 10% in city centre. Reaction to congestion. Zoning of corridor will add to queue lengths at intersections. GHD report downplays significance in its conclusions. The report failed to properly emphasise faults in what’s proposed.</p>	<p>has not yet commenced and is therefore not associated with this planning proposal.</p>
3 Bob Hawes		
Business Impacts	<p>Question Cllr Church - around short-term pain for long-term gain for businesses in area.</p> <p>Response BH - Difficult to address business concerns. Working with Newcastle Now to support and promote opportunity for businesses to get through period.</p>	<p>No response required</p>
Business Impacts	<p>Question Cllr Clausen – undertaken any surveys of business community?</p> <p>Response - businesses love certainty</p>	<p>No response required</p>
Question on Notice	<p>Response LM – clarify allowable uses in SP2 zone. If corridor remains SP2 can public uses of corridor remain – question on notice</p>	<p>No response required</p>
4 Elaine Street		



Impact of proposed height changes – outside of corridor	<p>Property owned at 426 Hunter Street – outside of corridor. Height reduced from 24m to 18m. Height of two adjoining buildings exceed heights.</p> <p>Requested shadow plans but not received. Impacts of proposal to rezone corridor imposing impacts on adjoining sites.</p>	<p>The planning proposal has been amended to address this issue. Please refer to Council report for further information.</p>
Transport – integrated transport plan	<p>Has to be future transport plan for Newcastle and adjacent areas – integrated public transport plans are essential. Corridor could provide a strategically important parcel for future public transport. Critical that proposed LEP amendments are not made until holistic transport investigation is undertaken, including city centre and surrounding suburbs.</p>	<p>The provision of an integrated public transport plan is beyond the remit of consideration of the planning proposal which should be concerned with the potential impacts of the land uses and development proposed on the currently vacant site.</p>
Transport – under buildings	<p>Transport on corridor under buildings - would enable transport to move quickly and not be held up by intersections.</p>	<p>The development of light rail under the buildings on the corridor would have significant impacts on the feasible development of the sites unless there was a significant increase in the heights of the buildings. There are also safety implications of the provision of light rail under buildings which restrict sightlines for pedestrians and would likely result in a reduction in the number of access options across the corridor. This proposal would also reduce ground floor amenity and future retail potential.</p> <p>Further, it is unlikely that a duplicate light rail route would be required within 30m of the existing route.</p>
Business Impacts	<p>Difficult to replace tenants.</p>	<p>Not associated with rezoning of corridor.</p>
Business Impacts	<p>Unhealthy environment for businesses and employees of Council and UG who have to toe the line to support something they don't want to</p>	<p>Comment</p>



Transport - general	Ill-informed as transport needs to be considered.	As above - unrelated
Impact of proposed height changes – outside of corridor	<p>Question Cllr Mackenzie – about problems with own property – elaborate</p> <p>Response ES– can’t get shadow diagrams before submissions close. Tenant has left because of road works and trouble finding tenant.</p>	
Transport – under buildings	<p>Question Cllr Mackenzie – mentioned idea of transport going under buildings. Compromise with transport route integrated with existing buildings – what do you envisage and zoning</p> <p>Response ES– Comparison with St Leonards and Chatswood and works there. Compromise should be made. Could be branch of light rail straight down corridor for tourists and business people as well as that down Hunter Street. Like to see mediation and maybe compromise could be reached.</p>	The development densities of Chatswood and St Leonards are significantly different to those proposed on the corridor. There is also no pedestrian or vehicular crossing of the heavy rail lines in the area. However, the current planning proposing rezoning does not prevent the future development of rail under the buildings should this be a future desired outcome. However, it is unlikely that a duplicate light rail route would be required within 30m of the existing route.
5 Chelsea Beach		
	No issues raised to address	
6 David Stewart		
Transport - general	<p>Transport engineer with business in Newcastle East. Not a good plan.</p> <p>Not a good plan as misses crucial things – provides very little development.</p>	Comment
Temporary use	<p>No urgency. Interim uses can be made of the sites.</p> <p>Temporary uses can be done until timing and plan are right</p>	Temporary uses are restricted and do not give certainty of development or future outcomes. A robust planning process has been undertaken to ensure that appropriate land uses and built



		form are included in the planning proposal and this has demonstrated that the development of the site is appropriate.
Corridor as access route	No continuity of access and cities about moving through cities. Talks of walkway and cycleway through slither would make sense. Hunter Street as people place will not be great due to intense traffic, no sitting street space. So could use slither with continuum of walkway, cycleway with active and passive recreation spaces.	<p>The improvements to Hunter Street associated with the implementation of the light rail also include improved pedestrian and cycle access. The foreshore also provides a high amenity pedestrian and cycle path adjacent to the corridor.</p> <p>The rezoning of the site does not preclude the inclusion of appropriate pedestrian access along parts of the corridor, integrated into any proposed development. The DCP controls include improved pedestrian access along a widened Civic Lane (with additional width to be dedicated to Council as part of the VPA), a pedestrian path linking the new public open space at Civic with Merewether Street and pedestrian access within the extensive public open space at the Market Street Lawn.</p>
More development	Could have more development than shown on plan.	Additional development was included as part of the original planning proposal, after extensive public engagement, and was removed by Council.
Traffic impacts	Problem of pace of development in Newcastle, forced into traffic and building which not accustomed to and makes it difficult for existing businesses to function. When developed there will be gridlock and something has to be done. Need to get transport strategy across city and suburbs right. Newcastle will have to come to terms with less parking than used to but need public transport system that will enable that. One light rail system is not a PT system. New operator needs to settle down before we know what's needed.	The development proposed in the planning proposal provides for a minor increase in traffic in the city centre. The site is appropriate for additional development due to the central location and its access to services and amenities. Transport for the broader city is not an issue for the planning proposal.

Traffic impacts	City rebuild under IRIS will cause significant disruption. Lots going on and more to happen and this corridor can arrange to get it right and better than it is. No rush	The planning proposal is not associated with other developments that are occurring within the city or wider area. The Traffic Impact Assessment considered the implications for other significant developments in terms of traffic impacts associated with the planning proposal.
Corridor as access route	Would be great need for corridor away from traffic and busyness of foreshore.	Comment
Newcastle Station	Railway station as good place for 6-star hotel	The development of the station as a hotel would be permissible under the proposed new SP3 Tourism zone. It is not permissible under the current SP2 zone.
Newcastle Station	Cllr Mackenzie – get update on status of station development mentioned by speaker, LM LM Responses - any development dependent upon rezoning. Still in SP2 zone but will go to SP3 tourism. Currently temporary use DA and infill between platforms to provide large public open space and then out for 18 months for temporary use.	No response required
7 Neil Slater		
Business Impacts	Good economic policy – 1/3 retail premises in honeysuckle vacant and development on corridor will stimulate the business here with proximity to university.	No response required
Transport – Integrated Transport Plan	Question Cllr Church – comment and question through LM. Talking about integrated public transport plan and previous council committed to seeing it.	No response required

	LM Response– input to TfNSW from DPE and HDC. Number of plans due for release in 4 th quarter. Expect plan to be presented back before Council considers planning proposal	
8 Barbara Ferris		
Consultation	Poor quality of UrbanGrowth consultation and misrepresentation of results	Significant consultation has been undertaken by UrbanGrowth NSW since 2014, to inform the development of the planning proposal. The consultation strategy was developed with and endorsed by Newcastle City Council.
Newcastle Station	Artist impressions of station imply open space between station buildings and wharf road, but proposing buildings of 3 storeys over station parcel	The controls may enable some appropriate development within the broader station site, including on the existing bus depot area. However, the detail of this development will be subject to a rigorous development assessment process and Heritage Council approval process.
Consultation	Not one of ideas from community discussed at workshop included new buildings of any sort for this parcel.	The responses to the community consultation for the Newcastle Station included a wide variety of outcomes for the station, some of which could require appropriate development on the site to realise the vision.
Subdivision at Market Street Lawn	Parcel 14 – Market Street Lawn- Original plan wanted half to have residential units. As light rail doesn't fit on Scott street, parking and loading zones are to be removed and street will encroach into corridor by 7m.	<p>The subdivision of the site is not a matter for the planning proposal. The proposal applies to the land regardless of the underlying lot boundaries.</p> <p>The subdivision plan for the Market Street Lawn/Scott Street parcels registered by Transport for NSW prior to the transfer of the corridor to HDC indicated a slither of the Market Street Lawn area was subdivided from the main parcels and retained by TfNSW. The entirety of this area is not required for the provision of light rail, but rather the site was retained to facilitate the realignment of services within the area of Scott Street. The actual width of Scott Street has not increased significantly in this area however, the</p>



		public footpath has been included within the public domain area rather than adjacent to the roadway, providing separation for pedestrians from the vehicular and light rail traffic.
University	University site should be zoned SP2 University not for mixed use. Light rail could run alongside buildings in corridor	The assessment of the development sites on the former corridor has identified that B4 Mixed Uses development is appropriate for the sites. This zoning enables development for the purposes of the University (under the strict definitions of this use) but would also enable supporting businesses and accommodation options.
Subdivision at Market Street Lawn	Subdivision of sites and no explanation as to why	The subdivision of the site is not a matter for the planning proposal. The proposal applies to the land regardless of the underlying lot boundaries.
Number of dwellings	Number of dwellings reduced and estimate 232 dwellings and 439 including parcels 1-4 but UG state reduced to 100-150	<p>It is difficult to assess the exact number of dwellings on the corridor until detailed development plans are drawn up taking into consideration the full remit of planning controls and site constraints. However, the estimation of 100-150 dwellings is based on the potential for approximately 30 dwellings on the site to the west of Merewether Street, 80 on the site at the end of Darby Street (which also includes the site at 352 Hunter Street, outside of the planning proposal area) and 13 dwellings at the Hunter Street live-work units site.</p> <p>A maximum figure of 448 dwellings represents the likely maximum number of dwellings on these three sites, plus the maximum residential development on the University sites both within and outside of the corridor. Excluding sites outside of the corridor was not considered to appropriately represent the number of potential dwellings due to the likely inability to develop the sites at the western end of the corridor without site amalgamation, and where the potential yield would be significantly lower due to the need for setbacks and accessways.</p>

Public Open Space	Also, UG state increase on open space by 3.238m ² but in calculated increase of 754m ²	<p>The change of public open space between the publicly exhibited planning proposal and the original proposal was calculated based on an increase on the RE1 public recreation zone to the west of the Market Street Lawn area, to include the previously proposed development site in this location.</p> <p>The current planning proposal has the Market Street Lawn area from the west alignment of Perkins Street to the western boundary of the Newcastle Station site. In total, the Market Street Lawn areas would be approximately 1.2ha (some of this includes road reserve area).</p> <p>In contrast, the carriageway of Scott Street will encroach into the former corridor by approximately 475m².</p>
Subdivision at Market Street Lawn	Cllr Clausen – comment on notice around subdivision. has there been any DA to subdivide it since planning proposal Taken on notice	Responded to through Questions on Notice
9 Courtney Dolan		
	No issues raised to address	
10 Allen Squires		
Light rail on corridor	Pushing for zoning for light rail and not incompatible with development on corridor and proposal	Light rail would be permissible under the proposed zoning for the former corridor sites should this be desired.
Subdivision at Market Street Lawn	Looks as though Scott Street is not wide enough for light rail so encroaching 7m onto corridor. Would it not make more sense to put light rail on corridor – Corridor is necessary for light rail	The light rail is not encroaching significantly into the corridor at Scott Street but the subdivision pattern is to enable the relocation of services and the construction of light rail on land owned by TfNSW rather than HDC.



Light rail on corridor	Opportunity for light rail to go on corridor without going under buildings as enough space there. More problematic Merewether to Crown but likely only part needed to go under buildings.	The development of light rail on the corridor is not prohibited by the proposed zoning, however providing an additional route along the corridor would significantly impact upon the viability of the sites for any development.
Light rail on corridor	Zoning needs to be there for light rail.	Light rail is not prohibited by the proposed zoning
Traffic Impacts	Problem for Hunter Street – disruption, traffic congestion.	Development enabled by the planning proposal would not significantly increase the traffic to Hunter Street as demonstrated by the accompanying Traffic Impact Assessment.
Transport – Integrated Transport Plan	Master plan for transport will have light rail on Hunter Street so won't be a good plan No evidence based study to prove conclusively that rail corridor not needed for light rail	Light rail is currently being developed on Hunter Street and therefore it is appropriate that any transport plan or impact assessment represents this.
Light rail on corridor	Offer solution to have zoning which allows light rail to operate in corridor and where necessary buildings built to enable light rail to go underneath. Just rezone part that is actually needed for rail tracks (10m) and rest of corridor can be rezoned for reasonable activities in reasonable locations. Faster, safer more reliable rail journey if in corridor and Scott Street can be freed up for parking traffic and locating zones with wider footpaths etc.	The development of light rail on the corridor is not prohibited by the proposed zoning, however providing an additional route along the corridor would significantly impact upon the viability of the sites for any development and the revitalisation of Newcastle.
Light rail on corridor	Question Cllr Church – are you proposing some form of hybrid zoning which would allow development and light rail along corridor. Does this existing Response AS – must exist at Chatswood and casino	The development of light rail on the corridor is not prohibited by the proposed zoning.

	PC response – combination of planning instrument and SEPP – taken on notice	
Light rail on corridor	<p>Question Cllr Mackenzie – construction has already started – given that limitation. What your proposal is in relation to that commenced construction. Scott street not wide enough to support light rail – can you provide evidence?</p> <p>Response AS– examined it and had surveyor and town planner look at it and thinks that’s the way to go. Development in Hunter Street - mediation and discussion could be appropriate here. Look at facts and outcomes and avoid problems of development on Hunter Street and switch it over. Should discuss with HDC.</p>	No response required
Light rail on corridor	<p>Question Cllr Mackenzie - If conversation were had and light rail stays on hunter. Would zoning still be good outcome to allow light rail on corridor.</p> <p>Response AS– we need corridor as transport corridor now and shouldn’t pass up opportunity</p>	A secondary public transport corridor is not needed along the former heavy rail corridor given the development of light rail along Hunter/Scott Street and public bus routes along King Street and Honeysuckle Drive/Wharf Road.
11 David Wallace		
Planning Proposal – general	Rezoning separate application to planning proposal and should be considered separately	No response required
VPA	<p>VPA allows council to come onto land to inspect work with defect liability after accepted by Council and deed has guarantee that will be honoured.</p> <p>Recommends to Councillors as to whether term ‘work’ is suffice and meaning of ‘encumbrances and affectations’ should be included in definitions</p>	The legally binding Voluntary Planning Agreement has been drawn up in consultation with Council’s legal officers and in accordance with the Department of Planning <i>Draft Practice Note on Planning Agreements</i> . The format and terms of the planning agreement are in accordance with legislative requirements and best practice, and will form a legal agreement between HDC and Council.

Number of dwellings	Number of dwellings proposed is approximately 4% of those needed in area over next 25 yrs based on Hunter Regional Plan	No response required
Public amenities	Short fall in provision of public toilets particularly provided with hoists to meet needs of people with severe and profound disabilities.	The provision of public toilets for the public domain is in accordance with the development approval for toilets at Market Street Lawn, and in accordance with current Council policy. The planning proposal or VPA does not prevent negotiations for the provision of additional facilities through the development assessment process.
Parking	Rezoning doesn't affect parking in way other decisions have affected it. Need reduction of 407 spaces over region but 475 removed by light rail and shouldn't confuse issue	No response required
Affordable Housing	Question Cllr Clausen – question around affordable housing – what are views around delivery of affordable housing Response DW – greater initiative to provide more affordable housing. Supportive and needed in city.	No response required.
Light rail on corridor	Question Cllr Mackenzie – possibility of hybrid dev model with development and light rail. Can you comment on compatibility between that model and rezoning Response DW – whether you need two corridors for transport. Land needs to be zoned outside of rail zoning anyway to enable any development. Could be covered by easement or DCP controls to allow light rail to pass. Unlikely to want ground based transport in 30-40yrs – will be other options not even known now.	No response required



VPA	<p>Question LM – are you recommending that council should look to amend planning agreement?</p> <p>Response DW – land contamination- land should be handed over to ensure can be used by all members of public</p> <p>Definition of works is likely to have arguments so need to ensure definition is adequate to ensure work is suitable to last next 30 years.</p>	The development of the public domain will be in accordance with required standards, Council approved development approvals and in consultation with Council in relation to the final treatments.
12 Therese Doyle		
Transport - general	<p>Role of transport – if there should be any transport along the transport corridor. People have not been allowed to discuss the issue.</p> <p>\$570m of tax payers money has been spent in moving rail from corridor to where it's going to be – significantly more than the money promised to go to the revitalisation of Newcastle from proceeds of port. Told that money is revitalisation but seen no revitalisation as a result of that spending.</p> <p>When I see no revitalisation, there are plans for a short tram 2.2km along hunter street but will talk about what revitalisation should be</p> <p>Transport and urban planning indivisible. Told it's not a transport issues but a revitalisation issue but seen no revitalisation. There is a boom in development in Newcastle but no link to revitalisation.</p>	No response required
Transport - general	How do we ensure that people can get in and out of city easily and with maximum interaction	The planning proposal is not associated with the provision of public transport. However, the provision of public transport will enable people to interact more with the urban environment than using private transport. Discouraging private transport use into the city



	<p>Need fast reliable integrated public transport with key dedicated corridors.</p>	<p>centre will enhance the pedestrian environment for all users through reduced traffic and parking impacts. This will be further enhanced by the improvements made through the redevelopment of the corridor enabled by the proposed land use changes contained in the planning proposal.</p>
Cycleways	<p>Separated cycleways and good pedestrian access. Not included except for plan rejected by cycle routes and no money for cycleway.</p> <p>Modern cities are accessible cities</p>	<p>The planning proposal is not associated with the provision of cycle ways in the wider city. Pedestrian linkages are proposed through the significant public domain areas included in the proposed planning controls.</p>
Transport – general	<p>City designed to max interaction with welcoming streetscapes – no money</p> <p>Instead ripping up railway line to put it somewhere else.</p>	<p>No response required</p>
Revitalisation	<p>Not revitalisation</p> <p>What will be left for future – promised rev. Newcastle URS produced with lots of elements described an emphasises importance of transport and cycleways.</p>	<p>The planning proposal is generally consistent with the NURS including the enhanced connection between the city and the waterfront.</p>
No development on corridor	<p>Rail truncation announced after release but issue of what was to be done with unused land was hot potato. Brad Hazzard said 100% that the intent was that the corridor stayed in public ownership for long haul and should stay in public ownership. Why did he say it if not needed for transport?</p> <p>Andrew Fletcher said no feasibility study that development on corridor was appropriate – should be retained for public uses.</p>	<p>The planning proposal should be considered on its own merits.</p> <p>After further consideration of the poor planning outcomes which would result should the corridor be left vacant and the financial burden which would result from the maintenance of this significant space, development on the corridor is considered appropriate, and this has been demonstrated by the planning proposal and supporting studies.</p>

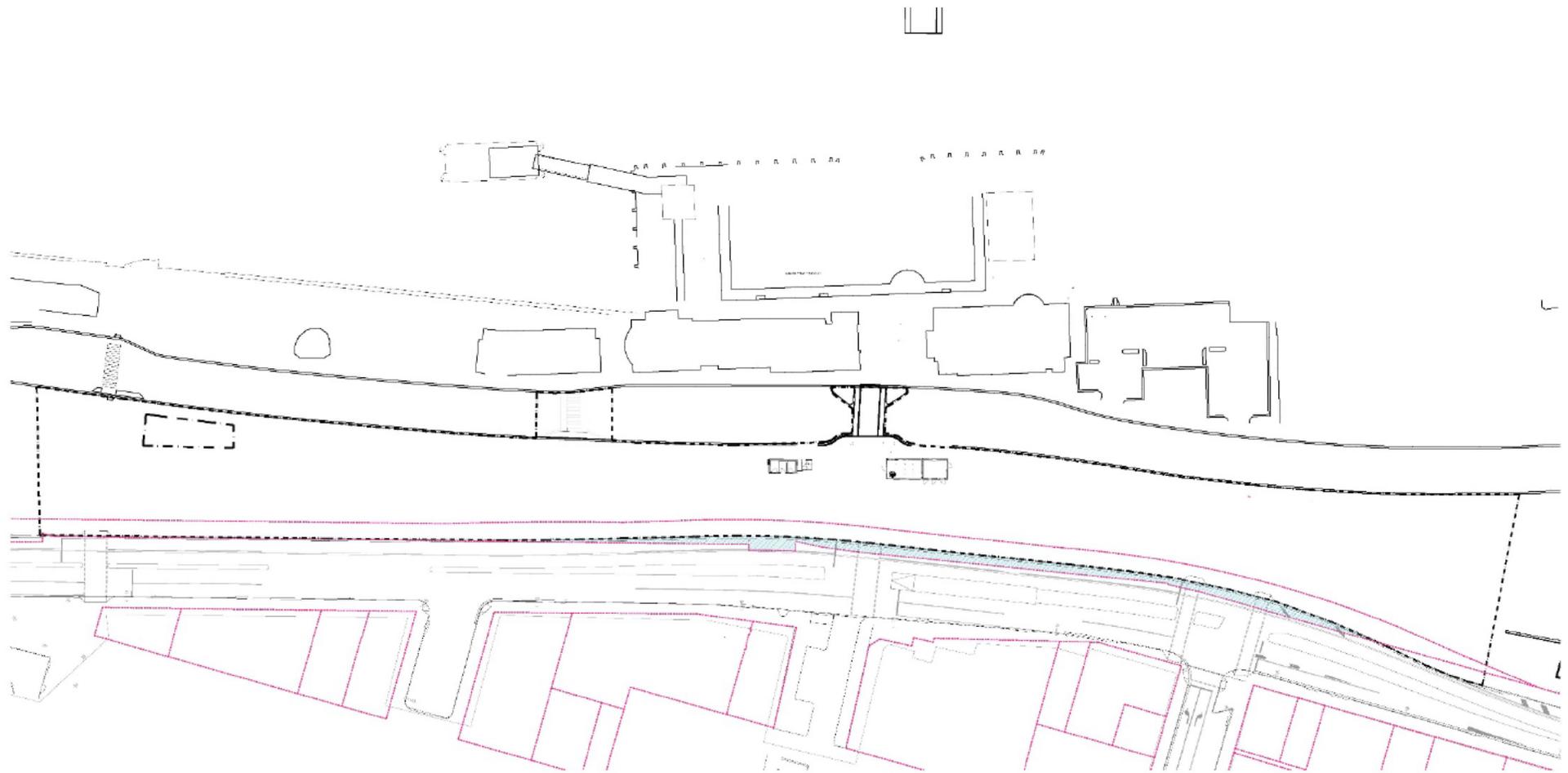


Transport – Integrated Transport Plan	<p>What needs revitalising – city or corridor?</p> <p>Planners warning about use of corridor – stupid idea and will have future ramifications for future design of the city. Zoning should make corridor to be kept for transport purposes.</p> <p>Need comprehensive integrated transport plan setting out detailed operation arrangements for buses and ferries and conclusively establish not needed for transport. Need to hold government to account and make sure get transport plan which will carry city into future.</p>	<p>The planning proposal is not associated with the development of an integrated transport plan for the city, but should be reviewed in relation to the appropriateness of the proposed land use zones and built form controls in the corridor with the adjacent lands.</p>
University Affordable Housing	<p>Question Cllr Mackenzie – Proposal includes university and affordable housing – ingredients for revitalisation. Can you talk about those aspects?</p> <p>Response TD – wonderful to have NewSpace and will be great to have further campuses but why smack in middle of corridor? Uni has significant space off corridor itself so possible to build on less space. Newcastle is not without other parcels of land and there are spaces for accommodation that HDC could be providing.</p> <p>BBC committee tasked with spending money on housing for disadvantaged – HDC under similar obligation, HDC never gave viable proposal for spending money or building 17 units they were supposed to. Offering miserable little corner of corridor for affordable housing. HDC offering a lot of properties by harbour but why not available for affordable housing. Why can't they fulfil their obligations before now?</p>	<p>The University has expressed an interest in acquiring the site including former corridor land to enhance the inner-city presence of the University. The site is ideally located in proximity to the existing university sites on Auckland Street, and with excellent public transport access.</p> <p>The issue of the development of affordable housing over the past 20 years by Council or HDC is not the subject of this planning proposal.</p> <p>The planning proposal should be considered on its merits as proposing appropriate built form and land uses for the sites, and not based on the potential future owner of the site, or assumptions about the built form outcomes which will be subject to future development applications.</p>
Revitalisation	<p>Question Cllr Church – should be grateful for government investment. As result of investment and confidence has resulted in \$1dn DAs. How do you justify saying no</p>	<p>No response required</p>



	<p>revitalisation or benefit when you see private investment is improving city?</p> <p>Response TD – have promise of lots of money in development. Not recent theme but told under McCloy that investment would be great. Unemployment in Hunter is higher than state average so not all translated into employment or good architectural design, renewal of heritage buildings, supply of vibrant cultural spaces.</p>	
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Market Street Lawn lot boundaries and site areas



- KEY
-  EXTENT OF WORKS
APPROX. AREA 12085m²
 -  PROPERTY BOUNDARY
APPROX. AREA 5995m²
 -  AREA REQUIRED FOR SCOTT STREET
CARRIAGEWAY WIDENING
APPROX. AREA 475m²



03 November 2017



Our ref: 22/17818/65774
Your ref:

Dear [REDACTED]

NUTTP Rezoning of Surplus Rail Corridor Lands Response to Submissions - Traffic Impact Assessment

As requested, please find below a response to the submission received via Newcastle City Council for the above project, entitled "Review of GHD Rezoning of surplus rail corridor land, Traffic Impact Assessment (October 2017)". Our response to the individual issues raised in that submission are contained in Table 1.

Discussion of potential for bus access along Civic Lane is addressed following the table.

Table 1 Response to Submission

Comment	Response
Annual Traffic Growth rates on all CBD roads are considered very low at less than 1%.	Growth rates were agreed with RMS, Council and TfNSW as part of the development of the Paramics microsimulation model for the Newcastle Light Rail assessment. Future traffic volumes were informed by the Public Transport Project Model ("PTPM", outputs supplied by TfNSW) which takes into account forecasts of population and land use changes. It is also noted that peak hour growth rates are generally less than growth in all-day volumes.
Trip Generation from several major proposed Land Use developments has not been included.	Trip generation assumptions were agreed with RMS and Council, to inform the future base case, as well as the characteristics of the proposed development. Future traffic volumes were informed by the PTPM, which considers future changes in population and land use. For some development sites, it was agreed with RMS and Council to replace the PTPM assumed traffic activity with specific traffic generation.



Comment	Response
<p>Parking assessment uses numbers provided in the Parking Strategy published earlier this year. The Parking Strategy significantly underestimates the loss of parking in CBD</p>	<p>The Parking Strategy was nominated by TfNSW as the most appropriate document to be used with regard to parking.</p>
<p>Parking survey results are reported selectively and do not present a valid representation of areas where parking is scarce.</p>	<p>This refers to another study.</p>
<p>Traffic Assessment reports major intersection failures but fails to highlight the network impact of these failures.</p>	<p>The Paramics model considers the full CBD road network and, as a microsimulation model, takes into account individual vehicles and the interaction between them.</p> <p>Traffic is assigned to the “least coast” route, in terms of travel time, taking into account prevailing traffic conditions.</p> <p>SIDRA modelling also took into account the network effects, including the impact of queuing at adjacent intersections on capacity and performance.</p>
<p>The report suggests that major intersection congestion problems can be mitigated but fails to acknowledge the limited opportunity for Intersection Capacity Upgrades to be achieved.</p>	<p>The analysis in the Project Case retained the same traffic signal timing parameters (cycle time, phase lengths etc) as the base case, to provide a clear comparison between the two. The adopted signal timing is not necessarily the most efficient in all cases, and there is opportunity to improve performance of some movements through signal timing changes, rather than physical works to increase capacity.</p>
<p>The SIDRA Modelling is only reported for a select few intersections.</p>	<p>The reported intersections are the major routes and intersections.</p> <p>Additional indication of network performance through other intersections is indicated by the travel time results for the 3 routes reported.</p>

Comment**Response**

Overall network performance measures simulated by the Paramics Model have not been reported.

The Paramics modelling undertaken for this project indicates that the proposed rezoning will result in an increase in total Vehicle Kilometres Travelled (across the modelled network) of some 4% compared to the base case (with Light Rail), and with a 6-7% increase in Vehicle Hours Travelled. These figures indicate that average vehicle speeds across the network will reduce by 0.6 km/hr in the 2028 AM peak hour, and by 0.3 km/hr in the 2028 PM peak hour. These results are indicative of the network continuing to operate well, with no significant deterioration in overall performance.

The impact of Congestion on the liveability of the City has not been assessed.

The question of liveability is part of a bigger assessment of the rezoning, not just traffic and transport.

This plan shows AM Peak Hour Queue Lengths for only 8 Key intersections in the CBD. Other key intersection such as Auckland /King and Steel /King and Hunter/Steel have not been report. It is expected that these intersections would have similar queue lengths that will overlap with adjacent intersections. It is important that the network impacts of the predicted traffic flows are assessed rather than just look at each intersection in isolation. Most of these intersections are in an unstable state may fail dramatically resulting in congestion problems similar to those observed recently with the closure of Hunter St.

•This plan also shows that the proposed developments on the corridor will add significantly to the queue lengths on Union St.

The Paramics model does not indicate queuing from these intersections will impact on the performance of adjacent intersections. The reported SIDRA model results also take into account network impacts.

The comparison with the impacts of closing Hunter Street are not entirely appropriate. The Hunter Street closure required a significant volume of traffic to change route, on a given day. The proposed development does not involve any such changes to the network, and the additional traffic generated will be added to the network over time, rather than in one hit. This will allow drivers to incrementally adjust their behaviour if necessary, including route choice and timing, in response to changing conditions.

While the modelling does show an increase in queue lengths on Union Street, the modelling also assumes no change in traffic signal timing. It is expected that adaptive control of the signals will see some adjustments to signal timing parameters in response to changes in traffic volume demand at the intersection.

Comment**Response**

This plan shows PM Peak Hour Queue Lengths for only 8 Key intersections in the CBD. Other key intersection such as Auckland /King and Steel /King and Hunter/Steel have not been report. It is expected that these intersections would have similar queue lengths that will overlap with adjacent intersections. It is important that the network impacts of the predicted traffic flows are assessed rather than just look at each intersection in isolation.

As above

- Queues in King St east of Union St extend past Auckland St back to City Hall. Therefore Auckland St traffic will not be able to flow.

- This plan also shows that the proposed developments on the corridor will add significantly to the queue lengths on Union St, King Stand Hunter St. Unreported queues associated with Auckland / Hunter and Auckland / King will overlap with these extended queues.

This SIDRA report shows that the Intersection [King / Union] will fail in 2028 with the proposed Light Rail and Rezoning. These performance results show that the intersection is unstable with long Queue Lengths, Delay Times and High Degrees of Saturation.

The SIDRA modelling was undertaken using the Network functionality within the software, which takes into account the implications of upstream and downstream intersection operation when calculating performance parameters.

The subject intersection was assessed as operating with a poor Level of Service even without the proposed rezoning, with a relatively small marginal increase in delays as a result of the proposal.

Comment**Response**

The Traffic Report makes no reference to the impact of the proposed Cycleway Network Strategy on congestion and parking. The Cycleway Network Strategy prepared by Revitalising Newcastle proposes a separated on-road cycleway along King St from Devonshire Lane to Perkins St with a poor connection to the separated on-road cycleway on Hunter Street. This King St Cycleway would add to congestion problems along King St by removing options for enhancing intersection capacity and also remove a significant number of parking spaces that have not been included in the Parking Assessment This alternative plan shows a Cycleway/Shared path along the corridor from Worth Place to Perkins Street. This will provide a safe connected Cycleway to the CBD and Foreshore. The on-road Cycleway on Union St has been extended through to Hunter Street. Consideration should also be given to running a Cycleway in the corridor between Stewart Ave and Worth Place adjacent to the Light Rail track.

Parking restrictions along King Street in the PM was included in the Newcastle Light Rail REF, and has been retained in the base model for this project. Subject to further design development there may be opportunity to provide both the cycleway and sufficient traffic capacity. However the cycleway proposal will be subject to a separate approvals process, and is not related to the current rezoning proposal.

Any loss of on-street parking to enhance capacity would generally be required during peak periods only. These on-street spaces are prioritised for short-stay parking.

Opportunities to provide for cyclists within the former rail corridor will be considered during subsequent design stages. It is noted that existing off-street cycle facilities are available along the foreshore, which is relatively nearby to the corridor.

Bus Access in Civic Lane

The potential for future bus access along Civic Lane has been raised in the context of future connectivity for the University of Newcastle sites located between Civic Lane and Honeysuckle Drive.

Civic Lane currently performs a local service and access function for business fronting Hunter Street. Car parking is accommodated on one side of the laneway. The current proposal is for this function to be retained when the surplus rail corridor is rezoned. The nature of connections at Hunter Street (Civic Station) and at Worth Place will be such that access by any other than local traffic will be discouraged and in most cases unnecessary.

Physically, Civic Lane is likely to be able to accommodate a bus moving into and along it, although this may depend on the extent of integration between Civic Lane and the development on the northern side of the laneway, and on the configuration of any parking in Civic Lane.



**ORDINARY COUNCIL MEETING
12 DECEMBER 2017**

**CCL 12/12/17
RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN
2012 AND PLANNING AGREEMENT**

Attachment F: Copy of Council Resolution of 13 October 2016

ITEM 84 CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE - LAID ON THE TABLE AT 27 SEPTEMBER 2016 ORDINARY COUNCIL MEETING. RESOLVED AT THE EXTRAORDINARY COUNCIL MEETING 13 OCTOBER 2016

[CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDM...](#)

SUBJECT: CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE

MOTION

Moved by Cr Nelmes, seconded by Cr Clausen

PART A:

- i) Note the Media Release from Premier Mike Baird dated 4 December 2014 titled "Revitalising Newcastle: The People's Project" which states that: *"We have always said we would involve the community in any decisions regarding the future of the rail corridor in Newcastle and we are now delivering on that commitment. Under our plan Newcastle Council will have the final say about what development occurs on the former rail corridor and it must tick off on any proposal before it proceeds. I know the council and some in the community have concerns about this project. We want to ensure we get the best outcome for Newcastle, which is why we are taking this step."*
- ii) Note its unanimous decision of 22 September 2015 titled "Item 7 LMM 22/09/15 – Integrated Transport Plan" where Council *"Call[s] for the expansion of any proposed light rail project for Newcastle to connect the inner city with the University at Callaghan, the John Hunter Hospital, Hunter Stadium, the Newcastle Airport, beaches, and the proposed Glendale Interchange; and ensure any light rail network integrates with car parking, cycle-way, pedestrian, bus and heavy rail operations."* and for Council to: *"Collaborate with Transport for NSW to establish an integrated transport management plan including forward planning of the next stage of any light rail project, including community consultation on the proposed routes."*
- iii) Note Minister Duncan Gay's closing statement on the Second Reading of the Transport Administration Amendment (Closure of Railway Line at Newcastle) Bill 2015 that: *"I can confirm that the Government will augment the \$460 million already allocated to building infrastructure in the Hunter by a further \$50 million, bringing the total investment to \$510 million towards the Newcastle light rail project. We will implement legislation as soon as possible to hypothecate 100 per cent of the proceeds of the rail corridor development to the Newcastle urban renewal; all the money that we realise will go back into urban renewal."*

- iv) Note its decision of 26 July 2016 titled "NOM 26/07/16 – Zoning of Rail Corridor for Public Use" that: *"1. Newcastle City Council determines to retain the current zoning of the Rail Corridor as Special Purpose 2 (SP2). 2. Council convey to the State Government its intention that such zoning remain until the NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets, and such plans conclusively establish that the corridor land is not needed for transport purposes" and that "In the interim, Council consult with relevant State Government agencies to explore appropriate temporary uses of the corridor land."*
- v) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 5 September 2016 stating that: *"Light rail will travel east along the former heavy rail corridor from the new transport interchange at Wickham before moving into Hunter Street at Worth Place, then onto Scott Street before terminating at Pacific Park. This route was reiterated in the Newcastle Light Rail Review of Environmental Factors released in April 2016, and the Submissions Report released in August 2016, and is not subject to change."*
- vi) Note the letter from Minister for Transport and Infrastructure, the Hon Andrew Constance MP, dated 27 September 2016 stating that: *"[L]ight rail is an integral part of the Hunter Regional Transport Plan. This Plan, combined with the creation of the Transport for Newcastle integrated services operator, provides a transport strategy for the region that will improve operational efficiency. In the next 12 months, Transport for NSW will work together with the new integrated service operator, the Department of Planning, UrbanGrowth NSW and Newcastle City Council on an updated transport plan for the region."*
- vii) Note that the Gateway process is where *"The Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without conditions of this nature. The conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage."*
- viii) Note UrbanGrowth NSW's letter of offer referred on page 23 of the Planning Proposal (Attachment A of officer's report) which states that UrbanrGrowth NSW wishes to enter a Planning Agreement to *"facilitate delivery of the following aspects:-*
- a) Dedication of the land proposed to be zoned RE1 Public Recreation*
 - b) Enhancement of the public open space*
 - c) Repurposing heritage buildings, particularly Newcastle Railway Station and Signal Box*
 - d) Remediation of the open space*
 - e) Commitment to provision of affordable housing"*

THE CITY OF NEWCASTLE

PART B:

- i) Endorse the attached Planning Proposal (Attachment A), prepared in accordance with *Section 55 of the Environmental Planning and Assessment Act 1979(EP&A Act)*, to amend Newcastle LEP 2012 to enable mixed use development, public recreation and tourist uses on surplus rail corridor land between Worth Place and Watt Street, Newcastle, including amendments on adjoining land listed in the following table:

Title	Address
Part Lot 22 DP1165985	430 Hunter Street, Newcastle
Part Lot 3 DP1111305	6 Workshop Way, Newcastle
Lot 100 DP809262	426 Hunter Street, Newcastle
Lot 31 DP534638	418 - 422 Hunter Street, Newcastle
Lot 1 DP18256	414 - 416 Hunter Street, Newcastle
Lot 1 DP1192409	1R Merewether Street, Newcastle
Lot 1001 DP1095836	280 Hunter Street, Newcastle
Lot 21 DP1009735	150 Scott Street, Newcastle
Lot 22 DP1009735	110 Scott Street, Newcastle
Lot 15 & 16, DP21503	484 - 486 Hunter Street, Newcastle
Lot 17 DP21503	488 Hunter Street, Newcastle

- ii) Forward the Planning Proposal to the Minister for Planning and Environment for Gateway Determination pursuant to Section 56 of the EP&A Act.
- iii) Advise the Secretary of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act.
- iv) Consult with the community and relevant government agencies as instructed by the gateway determination.
- v) Receive a report back on the Planning Proposal, including the draft planning agreement, following the public exhibition as per the requirements of Section 57 of the *EP&A Act*.

PART C:

Require the following commitments prior to a report to back to Council under Part B v) (*receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP& A Act.*) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets including;
 - a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and
 - b. A revised Traffic Report of traffic impacts in the CBD based on:
 - i. Current and forecast land use development proposals for the CBD.
 - ii. The Integrated Transport Plan for the CBD.
 - iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).
 - iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access
 - c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.
 - d. An integrated transport plan setting out the detailed operational arrangements for Busses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.
2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle.

Carried

**ORDINARY COUNCIL MEETING
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Attachment G: Copy of Form Letter - Objection

RAIL CORRIDOR REZONING PROPOSAL TO GO ON EXHIBITION
KEEP RAIL ON THE CORRIDOR (KROC) - SUBMISSION GUIDE
FINAL CHANCE TO MAKE YOUR VOICE HEARD

The Government's proposal to develop the rail corridor between Worth Place and Watt Street Newcastle is on exhibition from 11.9.2017 for 40 days.

You can do a submission to Council to say **NO** to development of the corridor and **NO** to light rail in Hunter and Scott Sts. It's not too late.

Council has promised that your voice will be heard this time.

An example of a submission is included overleaf. It can be as long or short as you wish.

Examples of points to use in your objection/submission:

- This public land should remain zoned SP2 (Infrastructure : Railway)
- A railway corridor capable of direct mass transport is vital for the future.
- In past submissions over 70% of the people supported rail in the corridor.
- Transport experts said to keep the corridor for rail (NCC public voice)
- In 2013 Govt Document 71 says light rail in Hunter St will cost \$100m more.
- The development also lacks sufficient parking for residents.
- No provision for healthy and safe cycling and walking access.

The development will :

- create more traffic congestion with increased trip times
- create a visible barrier to the harbour
- cause overshadowing of Hunter Street properties and loss of solar access
- cause removal of hundreds of current parking spaces
- threaten the heritage of the city -Newcastle/Civic Stations, Signal Box , The Store
- Cause loss of significant views between Newcastle Station and the harbour.
- Cause overdevelopment of the city - 2,000 apartments already underway.

Light rail in Hunter/ Scott Sts will cause removal of hundreds of parking spaces loading zones, etc; more traffic congestion and pollution, (with 3 extra sets of traffic lights), longer travel time than on the corridor, businesses to fold, widening of Scott Street into Market Street Lawn.

- Council could also alter the proposal to remove light rail from Hunter St and build over the rail in the corridor.

Please send this guide to your friends & networks, encourage all to put in an objection - this is an important step to reinstate rights for communities across the Hunter.

Follow KROC on Facebook

**ORDINARY COUNCIL MEETING
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Attachment H: Status Report from Revitalising Newcastle and
correspondence from Minister for Planning

29 May 2017

Jeremy Bath
Chief Executive Officer
Newcastle City Council
PO Box 489
Newcastle, NSW 2300

Dear Mr Bath,

**PROPOSED AMENDMENT TO NEWCASTLE LEP 2012 – SURPLUS RAIL CORRIDOR
LAND BETWEEN WORTH PLACE AND WATT STREET IN THE CITY CENTRE**

I am writing to you in relation to Newcastle City Council's resolution of the meeting of 9 May 2017 regarding the proposed repurposing of the former heavy rail corridor from Worth Place to Scott Street, Newcastle.

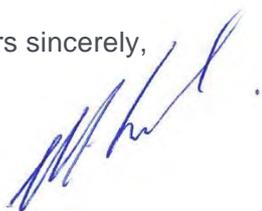
The resolution identified three items that are required by Council prior to the consideration of the reports recommending the public exhibition of the draft development control plan (DCP) amendment and draft voluntary planning agreement (VPA). These items relate to the transport requirements of the resolution of 13 October 2016, the quantum of affordable housing and the development of a community engagement plan.

Please find attached a report addressing our response to these issues, including a commitment to amend the quantity of affordable housing to 10%. This commitment recognises the recent Greater Sydney Commission's draft policy target of between 5% and 10% at rezoning stage, subject to a range of factors including financial feasibility. The report also includes the following attachments:

- letter from Clare Gardiner-Barnes, Deputy Secretary, Freight, Strategy and Planning, Transport for NSW relating to the *Greater Newcastle Future Transport Plan*
- letter from the Hon Anthony Roberts MP, Minister for Planning relating to the hypothecation of funds from the development of the corridor.

I believe we have now satisfied all the requirements from the resolution and trust that the reports relating to the draft DCP and draft VPA will be considered at the next available Council meeting enabling the public exhibition of the planning proposal, draft DCP and draft VPA to commence as soon as possible. I would also like to reiterate the offer to provide Councillors a briefing on the matters contained in the attached response report, or other issues relating to the draft DCP, draft VPA or planning proposal.

Yours sincerely,



Michael Cassel
Program Director, Revitalising Newcastle

cc Councillor Nuatali Nelmes, Lord Mayor

UrbanGrowth NSW Response

to the Newcastle City Council Resolution of 9 May 2017

For more information please call 1800 359 545
or email info@revitalisingnewcastle.com.au
revitalisingnewcastle.nsw.gov.au



Background

On 13 October 2016 Newcastle City Council considered a report recommending the progression of a draft planning proposal for the rezoning of part of the former heavy rail corridor, between Worth Place and Scott Street, Newcastle for Gateway determination. The resolution noted several previous resolutions of Council, and media releases, letters etc. relating to the Newcastle Urban Transformation and Transport project, and the provision of light rail in Newcastle CBD.

In addition to progressing the proposal to Gateway, the resolution also committed to consultation with community and relevant government agencies in accordance with the Gateway determination. It also required a report back to Council on several aspects relating to transport planning, after public exhibition and prior to the progression of the proposal to the Minister for Planning for the LEP to be made.

UrbanGrowth NSW and Council have been developing draft development control plan (DCP) amendments and a draft voluntary planning agreement (VPA) to support the planning proposal. The draft DCP provides additional detailed controls to guide the development of the former heavy rail corridor sites while the draft VPA proposes the embellishment and dedication of significant public open space. These aspects form part of the planning package for the site and it is considered preferable for them to be placed on public exhibition together. This has resulted in a delay to the public exhibition of the planning proposal while the draft DCP and draft VPA are developed and considered by Council for progression to public exhibition.

At the meeting on 9 May 2017 Council resolved to lay on the table the consideration of reports recommending the public exhibition of the draft DCP and draft VPA, pending a report back on the status of the transport issues from the 13 October 2016 resolution and negotiations to maximise the provision of affordable housing within the VPA. The purpose of this report is to provide a status update on these items to fulfil the requirement of the 9 May 2017 resolution of Council.

RESOLVED: (Councillors Clausen/Osborne)

That both motions applying to Item 50 - Exhibition of Draft Amendment to Section 6.01 Newcastle City Centre of Newcastle Development Control Plan 2012 and Item 51 - Exhibition of Draft Planning Agreement for Rail Corridor Land Between Worth Place and Watt Street Newcastle, lay on the table until Council:

1. Receives a report on progress of Council's unanimous motion of 13 October 2016 (Part C).

"PART C:

Require the following commitments prior to a report to back to Council under Part B v) (receive a report back on the Planning Proposal, including draft planning agreement, following the public exhibition as per the requirements of Section 57 of the EP& A Act.) of this motion:

1. The NSW Government develops a comprehensive, evidence based plan for public transport and active transport in the Lower Hunter consistent with achieving Council's current transport targets including;
 - a. An update of the Regional Transport Plan with clear objectives to be achieved for Public Transport in the region and
 - b. A revised Traffic Report of traffic impacts in the CBD based on:
 - i. Current and forecast land use development proposals for the CBD.
 - ii. The Integrated Transport Plan for the CBD.
 - iii. The Parking Strategy being prepared by Transport for NSW (TfNSW).
 - iv. The Active transport Strategy Plan being prepared by TfNSW and NCC including cycleways and pedestrian access
 - c. A comparison between the land use assumptions used in the REF compared with rezoning proposal.
 - d. An integrated transport plan setting out the detailed operational arrangements for Busses and Ferries in conjunction with the proposed Light Rail and such plans conclusively establish that the corridor land is not needed for transport purposes.
2. A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle."
2. *Negotiations are undertaken with the State Government (Urban Growth and HDC) to maximise provision of affordable housing through the draft planning agreement.*
3. *A community engagement plan be developed for the planning proposal outlining how consultation will be undertaken.*

Newcastle City Council Resolution Ordinary Council Meeting 9 May 2017

Integrated Transport Strategy Update

Status of resolution items

Transport for NSW is committed to long term transport planning and is in the process of updating the *NSW Long Term Transport Master Plan (2012)*, *Hunter Regional Transport Plan (2014)* and other Regional Transport Plans to create a new *Greater Newcastle Future Transport Plan*. The new plan will consider the transport network, including public and active transport. The development of the plan will continue to involve consultation with Newcastle City Council and other stakeholders, and it is anticipated that community engagement on the plan will occur in September- October 2017.

Further information on the preparation of the *Greater Newcastle Future Transport Plan* was included in the letter dated 12 May 2017 from Clare Gardiner-Barnes, Deputy Secretary Freight, Strategy and Planning, Transport for NSW. A copy can be found at Attachment A.

The Traffic Impact Assessment prepared to support the planning proposal has been updated to reflect the changes to the proposed land uses for the corridor sites. It also clarifies that the traffic modelling of the assumed traffic generation for the Light Rail REF has been used to form the basis of the traffic impact assessment. This modelling confirms that the traffic generated by the proposed rezoning can be accommodated within the future road network.

The *Newcastle City Centre Parking Strategy* was released in April 2017, and the active transport strategy is currently being finalised. Both strategies have been developed in response to the resolution and involved significant stakeholder input. These strategies outline principles and opportunities relating to parking operations and the development of a comprehensive active transport network for the city centre.

The appointment of the integrated public transport services provider in late 2016 has enabled work to commence on developing detailed operational arrangements for buses, ferries and light rail. Plans are being advanced for the development of the bus and coach interchange at Wickham to provide a fully integrated transport hub, connecting heavy rail, buses and the future light rail.

UrbanGrowth NSW and Hunter Development Corporation have negotiated a draft planning agreement with Council associated with the proposed rezoning. This planning agreement commits to land dedication of almost 1.5 hectares, with remediation, landscaping and heritage works of over \$16 million in value. The value of the land and works will far exceed any value gained from the proceeds of the sale of the non-public domain areas of the former rail corridor, and will augment the \$500 million committed by the NSW Government for the revitalisation of the city centre.

Status summary

Item	On Track?	Comment
1. Comprehensive, evidence based plan for public transport and active transport in the Lower Hunter (see letter at Attachment A)		
1. a. Update of the Regional Transport Plan	✓	Included within new <i>Infrastructure and Services Plan</i> - draft due for community engagement October 2017
1. b. Revised Traffic Report of traffic impacts in the CBD	✓	Included in updated Traffic Impact Assessment to support planning proposal - complete
1.b.i. Current and forecast land use development proposals	✓	Included in updated Traffic Impact Assessment to support planning proposal - complete
1.b.ii. Integrated Transport Plan -	✓	Included within new <i>Infrastructure and Services Plan</i> - draft due for community engagement October 2017
1.b.iii. Parking Strategy	✓	Complete - released April 2017
1.b.iv. Active Transport Strategy Plan	✓	Complete - released May 2017
1.c. Comparison between land use assumptions	✓	Included in updated Traffic Impact Assessment to support planning proposal - complete
1.d. Integrated transport plan setting out operational arrangements for busses and ferries	✓	Being developed with integrated public transport services provider
2. Legislative commitment that all proceeds will be reinvested into the revitalisation of Newcastle		
Draft VPA committing over 1.5ha of land, and works valued at over \$16m	✓	The draft VPA has been submitted to Council for endorsement for public exhibition
Letter from Minister for Planning	✓	Sent May 2017 - see Attachment B

Affordable Rental Housing Commitment

UrbanGrowth NSW is currently reviewing its policy on affordable housing in consultation with a number of other NSW Government agencies including the Greater Sydney Commission, Department of Planning and Environment, and Family and Community Services, as well as community and industry stakeholders. To create consistency with the Greater Sydney Commission, the draft policy currently proposes to adopt an affordable rental housing target of 5-10% of new residential floorspace. In line with the Commission's District Plans, this commitment will be applied at the rezoning stage across the planning proposal area, subject to development feasibility, and in accordance with any relevant guidance developed by the Department of Planning and Environment.

During the negotiations for the draft VPA, UrbanGrowth NSW proposed the dedication of a site on the former heavy rail corridor at Merewether Street, and the co-ordination of a project to develop affordable housing on the site, along with funding from Hunter Development Corporation and Building Better Cities federal funding held by Council.

The proposal, for approximately 30 units, was based on the developable area of the site which is constrained by the maintenance of appropriate setbacks from the Newcastle Museum site to the north, and properties to the south. The number of units is also guided by the proposed planning controls for the site outlined in the planning proposal and proposed DCP amendment, which include height, floorspace and building setback controls, in addition to compliance with the *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

With the allocation of over 75 per cent of the land on the former heavy rail corridor for public open space, university and tourism uses, there is limited opportunity for mixed use development (see Attachment C – Proposed uses of the former corridor). The total number of units for the developable sites of the corridor is estimated to be 110 - 130 units, based on proposed planning controls. Therefore, the approximately 30 units proposed for the Merewether Street site would constitute around 25 per cent of the total number of units.

Alternative development sites at Darby Plaza and Hunter Street are constrained by greater construction and maintenance costs associated with, for example, the provision of laneway access to the Hunter Street sites and significant open space required to provide the building setback for the Darby Plaza site. This makes these sites less suitable for affordable rental housing development. However, the provision of affordable housing on these sites may be required as part of future development, in line with any adopted Council policy at the time of seeking development approval, and outside of the process of this current planning agreement.

UrbanGrowth NSW is committed to maximising the provision of affordable rental housing on the former heavy rail corridor at Merewether Street. In order to fulfil the requirements of the Council resolution of 9 May 2017 to maximise the provision of affordable housing through the draft planning agreement, it is proposed to increase the commitment to approximately 10% of new residential floorspace as affordable rental housing, subject to development feasibility. An amendment to the draft planning agreement will be made in this regard.

Community Engagement Plan

UrbanGrowth NSW is committed to providing the community with the opportunity to comment on the planning proposal at the earliest opportunity and will endeavour to support Council in the preparation and implementation of any community engagement processes relating to the public exhibition of the planning proposal, draft DCP amendment and draft VPA. It is a statutory requirement that the public exhibition of the draft documents is designed and delivered by Council and we understand that the communications plan and engagement strategy has been developed.

Previous engagement

Between 10 August and 18 September 2015, UrbanGrowth NSW in partnership with Newcastle City Council ran the Revitalising Newcastle community engagement program. The program was outlined in a community engagement plan prepared jointly by UrbanGrowth NSW and NCC and endorsed by the elected Council in July 2015. This provided the opportunity for community and other stakeholders to have input into deciding the program objectives and opportunities for the development of the former heavy rail corridor, and ultimately guide the land uses and development standards which form the basis of the planning proposal.

Public exhibition of the planning proposal

The planning proposal, adopted by Council through the resolution of 13 October 2016 for progression to Gateway determination, included a commitment for community consultation. This provided:

Planning Proposal – Rail corridor land between Worth Place & Watt Street Newcastle (page 47)

Part 5 – Community Consultation

In accordance with the Department of Planning and Environment's guidelines, 'A guide to preparing local environmental plans' the Planning Proposal should be exhibited for a minimum 28 day period. This would also ensure consistency with the exhibition of the accompanying draft DCP guidelines and planning agreements which are required to be exhibited for a minimum of 28 days.

This is consistent with the Environmental Planning and Assessment Regulation 2000, and also with the Newcastle Development Control Plan 2012, Part 8 Public Participation.

The planning timeline outlined in the planning proposal proposed that public exhibition would occur in March 2017, with consideration of submissions and a report back to Council in June 2017. As the anticipated timeframe for public exhibition has been deferred, it would be disappointing if the revised timeframe, for public exhibition in May/June 2017, was further delayed. We understand the communications plan and engagement strategy has been prepared meaning there should not be any further delay to implementation of the consultation process.

The public exhibition of the planning proposal forms a statutory part of the plan making process, and reinforces the previous rounds of community consultation which have guided the program and subsequent planning proposal. *A Guide to preparing local environmental plans* (Department of Planning and Environment 2016) provides the notice requirements for public exhibition and the specifications for materials that must be publicly available along with the planning proposal. It is anticipated that any community engagement plan would reiterate these requirements.

Attachment A – Transport for NSW letter re Greater Newcastle Future Transport Plan



12 May 2017

Councillor Nuatali Nelmes
Lord Mayor
Newcastle City Council
Level 2, City Hall
PO Box 489
NEWCASTLE NSW 2300

Dear Lord Mayor

I write to you in relation to the Council resolution of the meeting on 9 May 2017 on the Exhibition of Draft Planning Agreement for Rail Corridor Land between Worth Place and Watt Street Newcastle.

In 2012 the NSW Government committed to a five year review of the *NSW Long Term Transport Master Plan*. To meet that commitment, Future Transport has been developed to provide a high level visionary and integrated direction for transport infrastructure and services in NSW over the next 40 years.

The Greater Newcastle Future Transport Plan is currently being developed as part of Future Transport. The Greater Newcastle Future Transport Plan will provide an integrated transport strategy for Greater Newcastle for all modes to 2056.

In parallel with this work, Transport for NSW is preparing a Newcastle Transit Network Plan. This Plan will investigate transit corridors for buses, ferries and light rail. Outputs from the Plan will be included in the Greater Newcastle Future Transport Plan. Other key inputs to this planning work will include the Parking Strategy prepared by Transport for NSW and the Active Transport Strategy Plan being prepared jointly by Transport for NSW and Newcastle City Council which is almost complete.

Transport for NSW is working alongside the Department of Planning and Environment, Urban Growth and Hunter Development Corporation in the preparation of the Greater Newcastle Future Transport Plan and the Newcastle Transit Network Plan to ensure alignment of the Plans.

I would like to extend an offer to provide a briefing to you and your fellow Councillors on the status of this planning work at your earliest convenience. My office will be in contact with you to arrange a suitable time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Gardiner-Barnes', written in a cursive style.

Clare Gardiner-Barnes
Deputy Secretary
Freight, Strategy and Planning
Transport for NSW

Attachment B – Minister for Planning letter re hypothecation of funds



Anthony Roberts MP

Minister for Planning, Minister for Housing, Special Minister of State

Cr Nuatali Nelmes
Lord Mayor
The City of Newcastle
PO Box 489
NEWCASTLE NSW 2300

Dear Lord Mayor

**PROPOSED AMENDMENT TO NEWCASTLE LEP 2012 – SURPLUS RAIL CORRIDOR
LAND BETWEEN WORTH PLACE AND WATT STREET IN THE CITY CENTRE**

I am writing to you in relation to Newcastle City Council's resolution of the meeting of 13 October 2016 regarding the proposed repurposing of the former heavy rail corridor from Worth Place to Scott Street, Newcastle.

Council's endorsement of "CCL 27/09/16 - ENDORSEMENT OF PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2012 - RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET NEWCASTLE" on 13 October 2016 included requiring the NSW Government to make several commitments prior to the matter being considered by Councillors, but after the public exhibition of the proposal.

While the proposal is yet to be exhibited, it is considered timely to provide an update on the progress of the commitments required by Part C section 2 of the resolution: "A legislative commitment from the NSW Government that all proceeds from Newcastle Urban Transformation Project will be reinvested into the revitalisation of Newcastle".

The NSW Government remains committed to reinvesting all former heavy rail corridor land sales revenue back into the Revitalising Newcastle program. Our current estimates of land sales at the following locations:

- West of Civic Link (UoN)
- East of Civic Link (Affordable Housing site)
- Darby Plaza site
- Between Argyle and Brown street alignments

This amounts to approximately \$15 million. Given it is not possible to accurately predict the exact amount, we further commit to reconciling the amount received on each sale using the price recorded by the Office of State Revenue. Should further revenue be received justification on how this money was spent will be provided to Council.

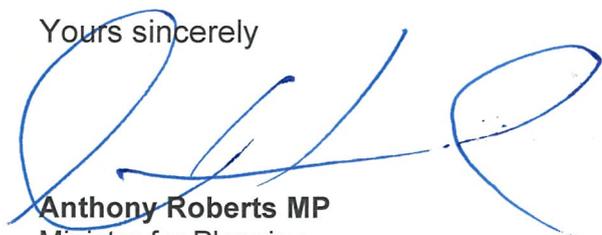
I am advised that to ensure the sales revenue is spent on revitalising Newcastle, UrbanGrowth NSW and Hunter Development Corporation have negotiated a minimum amount in the draft planning agreement associated with the proposed rezoning that exceeds \$15 million.

The planning agreement also commits to land dedication of almost 1.5 hectares. The value of this land has not been included in the minimum spending agreements.

It is also important to note the value of the land and works will far exceed any value gained from the proceeds of the sale of the non-public domain areas of the former rail corridor, and will augment the \$500 million committed by the NSW Government for the revitalisation of the city centre.

I trust this information will help to clarify the position of the commitments outlined in Part C section 2 of the 13 October resolution, and the work that the NSW Government has been undertaking to ensure that these commitments are realised.

Yours sincerely

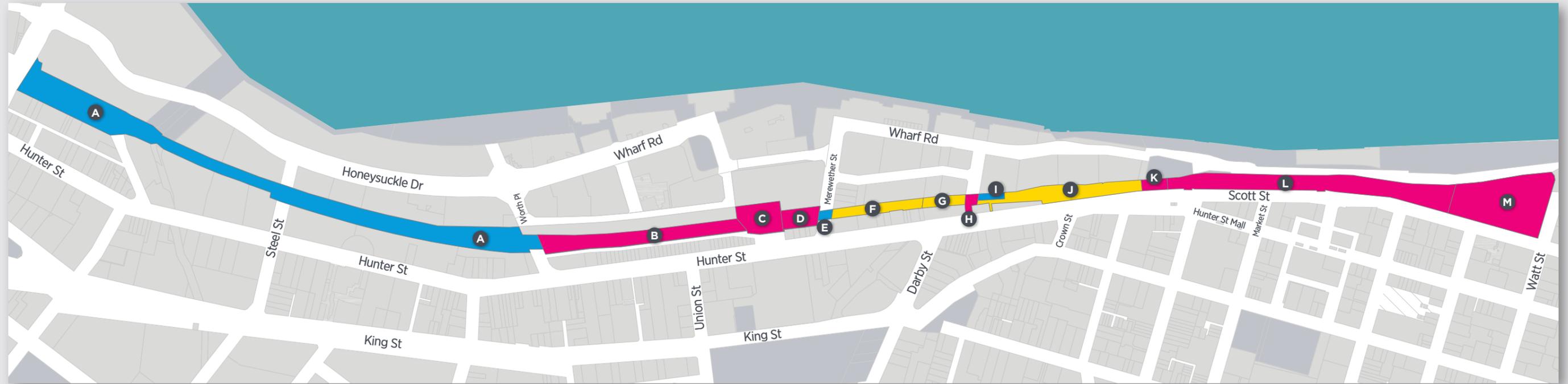


Anthony Roberts MP
Minister for Planning,
Minister for Housing,
Special Minister of State

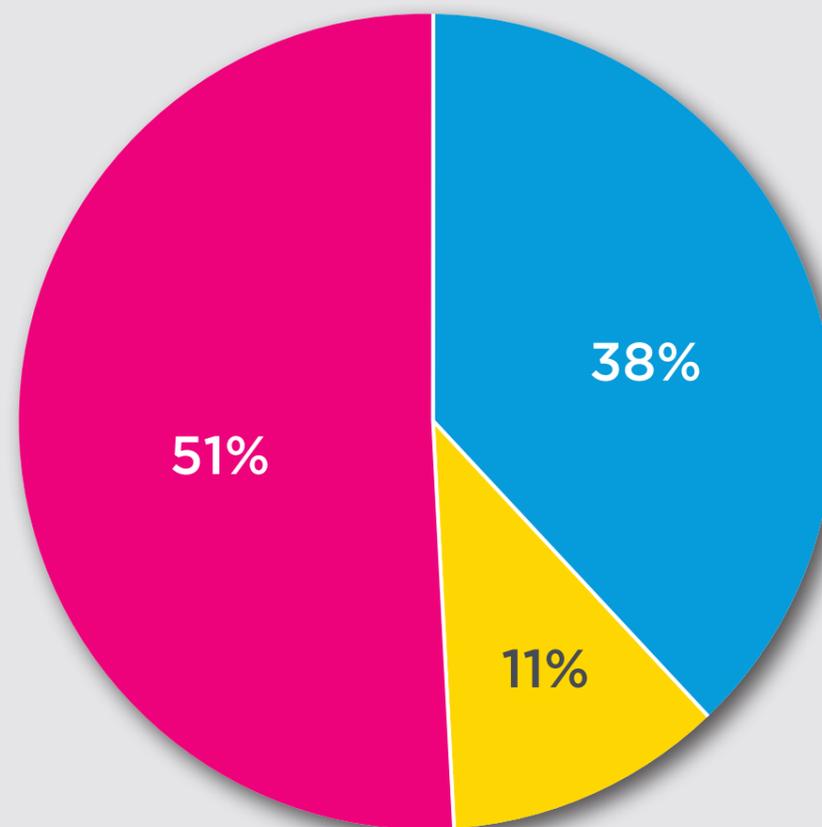
cc. Mr Jeremy Bath – Interim CEO, Newcastle City Council

Attachment C – Proposed uses of the former corridor

How the former corridor land is proposed to be used



ZONE	PROPOSED LAND USE
A	Transport - light rail
E	Transport - road
I	Transport - light rail (electrical)
B	Community benefit - education (University)
C	Community benefit - public recreation (Civic)
D	Community benefit - Affordable Housing
H	Community benefit - public recreation (Darby Plaza)
K	Community benefit - tourism
L	Community benefit - public recreation (Market Street Lawn)
M	Community benefit - tourism
F	Homes, retail and commercial
G	Homes, retail and commercial
J	Homes, retail and commercial



Approximate area (m²)

- **Community benefit:** 34,000m²
- **Transport:** 25,500m²
- **Homes, retail and commercial:** 7,600m²



The Hon Andrew Constance MP
Minister for Transport and Infrastructure

Councillor Nuatali Nelmes
Lord Mayor
Newcastle City Council
Level 2, City Hall
PO Box 489
NEWCASTLE NSW 2300

Dear Lord Mayor *Nuatali*

I write to provide you and your fellow Councillors with further clarification about the repurposing of the former heavy rail corridor in Newcastle following your recent meeting with the Premier and Minister for Planning.

As outlined in my letter of 5 September 2016, the light rail route announced in May 2014 is the final route. Light rail will travel east along the former heavy rail corridor from the new transport interchange at Wickham before moving into Hunter Street at Worth Place. This decision was made after an assessment of several options, considering current and future transport needs. The route also supports Council's desire to move the CBD to the west.

As such, the former rail corridor east of Worth Place will be free of transport infrastructure and no longer required as a transport corridor. It is important to note this section of land is only 1500 metres in length and sits between a number of east-west road corridors. It is also in an area that is extremely well serviced by roads and pedestrian networks, and presents opportunities to improve local cycleways. Consistent with the Government's commitment to revitalising Newcastle, the former rail corridor is now available to be repurposed for a mixture of uses including recreational, tourism, education, retail, commercial and residential.

It is important to note that light rail is an integral part of the Hunter Regional Transport Plan. This Plan, combined with the creation of the Transport for Newcastle integrated services operator, provides a transport strategy for the region that will improve operational efficiency. In the next 12 months, Transport for NSW will work together with the new integrated services operator, the Department of Planning, UrbanGrowth NSW and Newcastle City Council on an updated transport plan for the region.

The NSW Government is firm in its commitment to Newcastle, and looks forward to continuing to partner with Newcastle City Council to deliver lasting benefits for the community through the Newcastle Urban Transformation and Transport Program.

Yours sincerely

Andrew Constance 27/9/16

THE HON ANDREW CONSTANCE MP

**ORDINARY COUNCIL MEETING
12 DECEMBER 2017**

**CCL 12/12/17
RAIL CORRIDOR LAND - ADOPTION OF AMENDMENT TO NEWCASTLE
LOCAL ENVIRONMENTAL PLAN 2012, DEVELOPMENT CONTROL PLAN
2012 AND PLANNING AGREEMENT**

Attachment I: Letter from Revitalising Newcastle Program Director dated 22 November 2017.

22 November 2017

Mr Jeremy Bath
Interim Chief Executive Officer
Newcastle City Council
PO Box 489
Newcastle, NSW 2300

Dear Jeremy,

**PROPOSED AMENDEMENT TO PLANNING CONTROLS RELATING TO THE SURPLUS
RAIL CORRIDOR LAND BETWEEN WORTH PLACE AND WATT STREET, NEWCASTLE**

I write in relation to the progression of the planning proposal to rezone the former rail corridor and the proposed amendment to the Newcastle City Centre Development Control Plan (DCP), and associated Voluntary Planning Agreement (VPA).

Council's resolution of 13 October 2016, identified several issues to be addressed prior to the consideration of the responses to the public exhibition of the planning proposal, draft DCP and draft VPA. This included several items related to the development of a 'comprehensive, evidence based plan for public transport and active transport in the Lower Hunter'.

The Gateway determination issued on 13 December 2016 identified that the transport planning matters included in the Council resolution were beyond the scope of the LEP amendment process. Notwithstanding this, Hunter Development Corporation and Transport for New South Wales have worked closely with Newcastle City Council and other stakeholders to deliver an integrated transport plan.

On 21 November 2017, the *Draft Greater Newcastle Future Transport Plan* was released. It provides a detailed plan for all forms of transport in Greater Newcastle, within the framework created by the *Draft Future Transport Strategy 2056*, and the *Regional NSW Services and Infrastructure Plan*. The plan also supports and considers the *Newcastle City Centre Parking Strategy* and *Cycleway Network Strategy* released earlier this year.

With the release of this integrated transport strategy, I believe that the requirements of the Council resolution of 13 October 2016 have been fully addressed, and refer to my letter of 26 May outlining the conclusion of the other matters raised.

I would like to reiterate my offer to provide Councillors with a briefing on any matters raised during the public exhibition of the planning proposal, draft DCP and draft VPA, or any other matters required to ensure the timely progression of the planning proposal.

Yours Sincerely,

per 

Michael Cassel
Program Director, Revitalising Newcastle

CC Councillor Nuatali Nelmes, Lord Mayor