

**ORDINARY COUNCIL MEETING
27 SEPTEMBER 2016**

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

Attachment B: Letter from Urban Growth NSW demonstrating surplus nature
of corridor

2 September 2016

Interim Chief Executive Officer
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Frank,

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

We refer to your letter dated 19 August 2016, following the Council's Local Environmental Planning (LEP) Advisory Panel meeting as well as the Urban Design Consultative Group (UDCG) meeting on 17 August 2016. We also confirm that we met with Council Officers on 31 August 2016 to further discuss and clarify aspects relating to the Planning Proposal.

To assist the Council in making an informed decision on the proposed rezoning of the rail corridor, we provide the following response summarising the status and outcomes of various studies and management plans demonstrating the corridor is not required for transport purposes.

The Newcastle Urban Transformation and Transport Program (Program) comprises many significant transport components including the introduction of a new transport operator and a new multi-model interchange at Wickham, where heavy rail stops and a new light rail system starts from Stewart Avenue in the west to Pacific Park in the east.

The NSW Government determined the light rail route in 2014. As such, the existing heavy rail corridor from Stewart Avenue through to Worth Place will be used for light rail, with the remaining corridor from Worth Place to Newcastle Station proposed for a mixture of uses including public domain and open space, as well as commercial, retail and residential opportunities.

This outcome reflects what the community told us they wanted during significant community consultation held in 2015, which was managed in close collaboration with Newcastle City Council.

The Program is actively demonstrating that the former rail corridor is not required for future transport needs. This is demonstrated through:

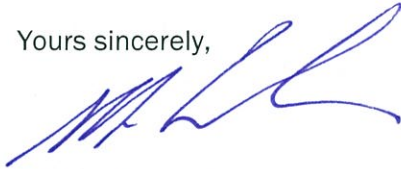
- a) Review of Environmental Factors (REF) submissions report and determination for light rail to proceed
- b) Government has allocated funding for the delivery of the light rail and ordered the light rail fleet

- c) Downer EDI has been appointed as the Managing Contractor to deliver the light rail, with construction commencing at the end of this year
- d) The tender for an Integrated Services Operator has closed, and is due to be appointed later this year. This will deliver a coordinated transport plan for the city of Newcastle that does not include the former rail corridor
- e) The Program is working with Newcastle City Council to develop a parking and cycleway strategy that does not include the use of the former rail corridor.

The NSW Government is committed to delivering an activated city centre and waterfront that attracts people, new enterprises and tourism. To deliver better planning outcomes, UrbanGrowth NSW signed a Memorandum of Understanding with Newcastle City Council in 2015. We remain committed to working closely with Council.

Please do not hesitate to contact me if you have any queries.

Yours sincerely,



Michael Cassel

Program Director

Newcastle Urban Transformation and Transport Program

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STREET NEWCASTLE**

Attachment C: Letter of offer from Urban Growth NSW to enter into a
Planning Agreement

12 September 2016

Interim Chief Executive Officer
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Dear Sir,

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

We refer to your letter dated 19 August 2016, following the Council's Local Environmental Planning (LEP) Advisory Panel meeting as well as the Urban Design Consultative Group (UDCG) meeting on 17 August 2016. We also confirm that we met with Council Officers on 31 August 2016 and 12 September 2016 to further discuss and clarify aspects relating to the Planning Proposal.

1. Introduction

UrbanGrowth NSW confirms it is willing to enter into a voluntary planning agreement (VPA) under s93F of the Environmental Planning and Assessment Act 1979 (EP&A Act) with the City of Newcastle, post the Gateway milestone.

In this regard, UrbanGrowth NSW, as applicant, wishes to deal directly with Council in relation to any VPA over that part of the Land which is currently owned by the Transport for NSW, being:-

- Part of Lot 22 DP1165985
- Lot 1 DP 1192409
- Part of Lot 1001 DP1095836
- Lot 21 DP 1009735
- Lot 22 DP 1009735

2. Voluntary Planning Agreement (VPA) - Commitment to submit a Letter of Offer

We are committed to enter into a VPA with the City of Newcastle in relation to the types of aspects contained below. We wish to enter into discussions with you post Council's support of the planning proposal and Gateway determination.

Based on the submitted Planning Proposal, we believe that the proposed VPA will include, but not be limited to, the following aspects:-

- Dedication of the land proposed for road and pedestrian linkage purposes to Council. Through the VPA, the value of this land should be recognised. The land is to be dedicated to Council with timeframe, works and value to be agreed.
- Dedication of the land proposed to be zoned as RE1 Public Open Space to Council. Through the VPA, the quantum and value of this land should be recognised. UrbanGrowth NSW is committed to work with Council on the planning and design of these spaces. We will also be undertaking additional public consultation to inform the use of the open space. The land is to be dedicated to Council at an agreed time.
- Works to enhance the agreed public open spaces.
- Works to preserve the heritage fabric and repurpose buildings, particularly the Newcastle Railway Station and Signal Box within the corridor, as agreed with Council. We will continue to undertake further engagement and investigations to determine whether to retain or remove Civic Station.
- Undertake remediation works to the proposed public open space land, in accordance with an auditor-endorsed remediation action plan, under terms agreed between Council and UrbanGrowth NSW.
- Commitment to the provision of affordable housing which is linked to the total number of apartments provided in the future rail corridor lands. UrbanGrowth NSW is committed to affordable housing and is also happy to explore other alternatives or agreed implementation options.

Timing of provision of development contributions

As is standard practice, the timing of provision of the development contributions and other public benefits are to be negotiated post Gateway.

Application of s94, s94A and s94EF to the Development

Subject to Council agreement, UrbanGrowth NSW is willing to explore additional works to offset the s94 contributions applicable to future new development. This could include additional works within or adjacent to the corridor (e.g. urban furniture, interpretive signage, lighting, public art) or the acquisition of a strategic parcel of land within Hunter Street to form a mid block connection to Settlement Lane.

Resolution of disputes

Any dispute under the VPA would be resolved by expert determination or mediation in accordance with processes specified in the VPA.

Security and enforcement

The EP&A Act requires the VPA to provide for enforcement of the agreement by a suitable means such as provisions of a bond or bank guarantee. Our proposed will be guaranteed via a Letter of Undertaking. The form of security proposed to apply to the VPA includes security over the land and security for works to be undertaken.

Legal costs

UrbanGrowth NSW will pay the Council's reasonable legal and other costs incurred relating to the VPA up to an agreed maximum amount.

Time when the VPA would be entered into

UrbanGrowth NSW proposes that a principle agreement and all VPA elements be agreed by the end of this year, subject to the proposal proceeding to gateway.

The draft VPA and planning proposal should then be exhibited concurrently.

The final execution of the VPA will be required to be signed prior to gazettal of the LEP Amendment. The VPA would operate from such time as it is executed by the Council.

3. Conclusion

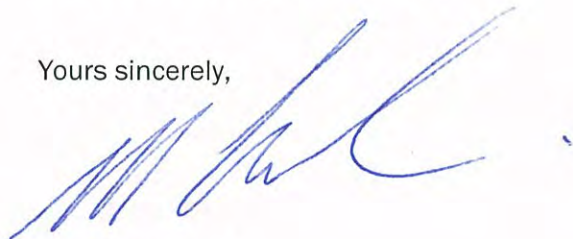
We are committed to work with Council during the rezoning process.

We confirm that we are willing to enter into the VPA with Council, post Gateway, when some certainty about the Council's support and Gateway study requirements are known. The Government is committed to reinvesting revenue outcomes from this project back into the Program. We however need to have more certainty on the likely outcome of the planning proposal before we can progress negotiations. An endorsement by planning staff and Councillors to send the proposal to Gateway would be sufficient.

I trust the above supports your assessment and recommendation to Council. I would be happy to discuss the information with you.

Please do not hesitate to contact me, or Jenny Rudolph from Elton Consulting on 0400 953 317, if you have any queries.

Yours sincerely,



Michael Cassel

Program Director

Newcastle Urban Transformation and Transport Program

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Attachment D: Urban Design Consultative Group reports from 11 July 2016
and 17 August 2016

URBAN DESIGN CONSULTATIVE GROUP MEETING

ITEM No. 1

Date of Panel Assessment: 11th July 2016
Address of Project: Newcastle City
Name of Project (if applicable): Proposed Light Rail Corridor
Rezoning and Redevelopment Options for
the City

Declaration of Conflict of Interest: Nil.

Attendees: Applicant
Michael Cassel (UrbanGrowth NSW)
David Tickle (Hassell)
Council
Peter Chrystal
Murray Blackburn-Smith
Geoff Douglas
Jill Gaynor

Background Summary

The Group received a presentation from David Tickle of Hassell and Michael Cassell of Urban Growth NSW in respect to the future uses of land within the rail corridor east of Worth Place. The consultation with Council and The Group sought input to an appropriate re-zoning for the former rail area in that part of the corridor that will not be used for light rail – ie. East of Worth Place.

The Group supported the six stated objectives of the study- that is:

1. Connect the city to the waterfront
2. Create great spaces linked to transport
3. Create economically sustainable public domain and community assets
4. Preserve and enhance heritage and culture
5. Help grow jobs in the city centre
6. Bring people back to the city centre

While strongly supporting the objectives, the Group identified some areas in which the proposed zonings and their permissible heights and densities were considered to potentially run counter to the stated objectives, particularly the desire to maintain and enhance visual and physical access to the harbor.

Open Spaces: The Master Plan for the “Key Projects” as follows:

The Group did not address in detail, the notional layouts shown for the Key Project “nodes” or public spaces, as it was advised by the presenters that Landscape Architects had been engaged to develop the schematic designs for these public spaces. The spaces were therefore considered broadly in respect to their functions as open spaces, and as visual and physical connections between the city and the harbor:

01 Civic Link

The Group welcomed the additional access and public space connecting the Civic buildings with the Museum and the foreshore. The detailed landscape plan will hopefully explore further opportunities beyond the indicative design, which appears somewhat fractured. The Group was of the view that only the elements of the Civic station that relate to its heritage listing should be retained – as the space is relatively tight and the building tends to visually fill it.

02 Darby Plaza

Whilst it is unlikely that a direct view to the harbor from Darby Street will be obtained through this link, negotiations with the landholder at the eastern end of Centenary Road should aim at opening this space to expose a view from Darby Street of the heritage listed “Argyle House”.

03 Hunter Street

Revitalisation (opposite the northern ends of Crown and Brown Streets):

The aim of continuing a strong landscaped theme from the open green spaces to the east westwards into and along Hunter Street was strongly supported by the Group. This element was considered crucial to achieving a cohesive urban outcome. However, the narrowness of the strip east of Derby Street that will be available from the railway closure, was such that any residential use above small ground-floor retail spaces was likely to offer very poor amenity because of lack of aspect or solar access. The site(s) also offer difficult access for residential/ retail uses. The existing apartment building and office blocks to the north of the corridor that are accessed from Wharf Road, look directly onto the rail corridor site at minimal setback. The Group was of the view that this narrow strip would better be utilized for other, non-residential uses. Potentially, a low rise, attractively detailed car parking structure of

say three levels maximum could be inserted, which could be set back from Hunter Street by a landscaped area sufficient in depth to visually continue the open green spaces to the east.

04 Entertainment Precinct

An active open-air entertainment precinct was seen as a very positive inclusion. This could incorporate active spaces such as half basketball and/or half tennis courts, and ongoing programmed activities along the lines that the open spaces around Federation Square (Melbourne) are used for performances and other occasions.

05 Newcastle Station

The Group strongly supported the suggestion that the Station and the land surrounding it should retain some meaningful public access, and if possible, should serve a civic function such as a gallery of modern art.

The heritage station building was an important element of the city's cultural and transport history, and any redevelopment should, as proposed, fully acknowledge its heritage and treat any new insertions in a sensitive manner. The scale of the station and of the Customs House and its tower (opposite) should inform the height of any new development on the site.

Master Plan

The recent history of planning instruments in the city of Newcastle since the 1980s indicates that successive plans have generally taken their cue from the ground breaking work of Professor Barry Maitland in his urban design analysis of the city, and the detailed recommendations that formed the basis of the LEP 1988. Some of the principles underlying successive plans have been to allow sunlight into Hunter Street's southern footpath in mid-winter; to generally step building heights down towards the harbor to allow for view-sharing; to ensure that site amalgamations and provision of new roadways (largely within the Honeysuckle redevelopment) allowed for sufficiently wide streets; and to ensure these layouts permitted good solar access and building separations. Professor Maitland also examined the relationship of "solid to void" in the grain of the city, both in the original heritage street-grid area of Newcastle between The Hill and the harbor, as well as the mid-city and western city areas. Although the scale of the buildings in the HDC area is somewhat greater than that of most of the older parts of the city on the southern side of the former rail line, the proportion of building footprint to open space (solid to void) remains fairly similar to the finer-grained older development.

The HDC development sites within the exception of the Crowne Plaza Hotel have successively been awarded to respective developers following a tender process that included a mandatory design proposal submitted by each tenderer, and an assessment of urban design merit as a significant component of the tender

evaluation process. The result of this has been a better quality built urban environment resulting, and an abundance of open space. Buildings in the HDC area have typically averaged six storeys in height, with quite a few lower, and one building reaching 9 storeys (in part). Very few of these developments utilize the current maximum heights in the area, and very few appear to utilize their maximum site density. All buildings are stepped and articulated to reduce their apparent scale.

The Group noted the importance of the planning for the former railway corridor land to integrate with the existing street patterns and to continue the established proportion of solid to void that the surrounding older city and the HDC developed land demonstrates. In that respect, the narrow laneway (Civic Lane) between the rail corridor and the Hunter Street existing development was constructed only as a rear service lane to the existing development. If this is to serve the newly released area of the corridor, the roadway needs to be substantially wider, as does Wright Lane, if this is to serve as the street address for substantial developments.

As a principle, the Group did not support imposing a greater permissible height to the north of the Hunter Street existing development, than is permissible on the Hunter Street sites. This would mean that no building on the corridor land should exceed 24m in height, and that buildings should preferably step down (not up) in height towards the harbour and towards the eastern end of the corridor.

The Group noted that the limited component of development incorporating A-grade office in the area of Honeysuckle Drive, appears to have satisfied existing demand at this stage for larger floor-plate corporate office space, and it does not appear likely that a significant new uptake in demand will occur in the short or medium term. The ongoing demand for new space in the city has been primarily for residential units, and this preference of the market is likely to continue. While much has been made of the potential catalytic influence that the University might exert in expanding some of its functions into the city, it is probable that once the major NewSpace initiative is complete, the capacity for the University to make further significant capital expenditures in the face of 20% federal government funding cuts will be fairly limited. That said, the Group strongly supports UrbanGrowth's stated objective of helping to grow jobs in the city centre, and supports strategies of ensuring that at the least, a significant proportion (by floor area) of every development should be directed at retail, commercial, creative, startup, educational or performance activities. As with the Urban Growth/GPT Hunter Street sites, any non-residential space provided in a development should be targeted contractually to ensure the spaces are quickly utilized by creative, education or business tenants / users. The Group also strongly supported the initiative of Urban Growth's ensuring that this occurs through the tender process for the sale of the land to developers, whereby the developer is obliged to "meet the market" with the price of rents for non-residential space, to ensure that it is not left unoccupied.

The Group recommended that the street layout for accessing land proposed to be re-zoned within the corridor be established as a priority, and this layout should include similarly generously proportioned roads to those nearby, including provision for sunny footpaths with outdoor dining potential, and room for on street

parking and safe cycling. This should integrate seamlessly with the existing street patterns. A more detailed analysis for building massing is needed, that recognizes the probability that most of the demand for development land will include proposals for residential development above street level. Separation distances between all buildings, and solar access for both proposed new and existing buildings, need at a minimum, to reflect the requirements of the Apartment Design Guide. This will inevitably produce a development pattern that is more open than shown on the presentation plans, and more consistent with the existing solid to void patterns.

Master Plan: Proposed Planning Amendments:

Corridor east of Brown Street intersection with Hunter Street:

The Group identified an opportunity for a significant “interface” on a site that could incorporate both the corridor and the space currently occupied by a Council owned at-grade car park near Harry’s Café de Wheels. This building, to the east of the existing glass-walled office structure, could be orientated to the green space to its east, and could mark the easternmost end of the established line of development on the northern side of Hunter Street, as it meets the new public open spaces. A 17m height limit was considered potentially acceptable on this site. The three small, low rise sites to the east of this, shown on the “Master Plan: Proposed Planning Amendments” page, are isolated and provide very limited development opportunity, while potentially shutting down both views and access to the harbor and interrupting the historic street grid. These three small sites should be included in the proposed open space.

Corridor Between Worth Place and Civic:

Civic Lane should be widened substantially from the 12m width proposed, to allow for adequate footpaths, and to increase setbacks of new development from the existing and future development on Hunter Street. Solar access and view sharing for the existing and approved development on the northern side of Hunter Street, which includes recent residential components, should observe Apartment Design Guide provisions. Building massing for new development should orientate windows primarily to the north, which also offers some attractive harbor views past the existing and approved HDC development. South-facing apartments on the block between Civic Lane and Worth Lane should be avoided, and building massing should assume apartments face north, east or west.

Transport and Parking:

While the proposed light rail line has potential to be a useful addition to the transport mix, this should not be at the expense of short-term on-street car parking and safe, user friendly cycleways in Hunter Street. Encouraging cycle use for both recreational and commuter purposes has a multiplicity of benefits,

and any change of use of the former rail corridor should not cut off crucial transport opportunities. While some limited parts of the rail corridor might usefully be utilized for some shorter duration (2 hour or less) car parking, this should be part of a properly planned transport and parking strategy. The use of the corridor as a short term “band-aid” at-grade parking response to loss of parking elsewhere simply defers the problem, and any proposed use of corridor land should be properly planned as part of a longer term strategy for the best and highest uses of this valuable community resource.

The Group suggested that while pedestrian-friendly cycle access to the Hunter Street retail areas is essential, there is also a need for faster commuter cycleways that is currently unmet. The corridor, including the section to the west of Worth Place that will be used in part by the light rail, offers an opportunity to provide for commuter cyclists in a location where there is reduced conflict with cars, buses and pedestrians.

Summary Recommendation

The City of Newcastle has finite resources for the maintenance of public infrastructure, and The Group appreciates that the more the City takes on in respect to new land for public use, the more thinly available resources for ongoing maintenance of public assets are spread. The Group therefore supports the process identification of land within the former heavy rail corridor that can appropriately be used for future development, while at the same time ensuring that once in a lifetime opportunities for improving the public realm are not foregone.

The commitment by the NSW Government outlined by Mr Cassel to ensure that any capital funds raised by the sale of developable land in the rail corridor, will remain in the city and will be reinvested in the overall renewal program, is welcome advice. However, the key focus of the re-zoning considerations remains to be, planning for the best urban outcome for the city overall. While all six of the program’s stated objectives are considered to be positive and appropriate, it is important that the initial motivator for the removal of the heavy rail – connecting the city with the waterfront – is not lost in the process.

The following summarises the Group’s recommendations:

- The corridor offers an opportunity for improving transport and access in the city. Potential routes for a bi-directional commuter cycleway, in addition to provision for cyclists in Hunter Street should be explored.

- A road network that provides adequate vehicular access to sites, as well as pedestrian-friendly, wide, sunny footpaths, and which integrates seamlessly with the existing city road network should be planned. Parking also should be provided for in a planned, orderly manner, with an emphasis on readily accessible shorter term parking. (“At-grade” parking, other than on-street parking, is not considered to be the best or highest use of the corridor land.
- The pattern of development should reflect the established proportions of “solid to void” that exist in both the recent HDC area and the older city.
- New development should step down in height from Hunter Street.
- Building siting needs to take into account:
 - winter solar access to existing buildings
 - view sharing from existing buildings
 - appropriate building separations ensuring the ADG minimum separation distances can readily be met
 - provision for apartment orientation primarily to the north, with some apartments orientated east and west, and virtually no south facing dwellings
 - building floor plates that optimise the above
- An area of expanded public open space east of Perkins Street
- Further development for a variety of activities and a managed program of events in the new public spaces
- The landscaping of the entire area needs to be considered as part of an integrated whole, and the landscaping of the eastern parklands needs to thematically continue along Hunter Street
- Opportunities for quality public art – both temporary and permanent installations - should be built into the design brief

The Group welcomed the stated intent, of ensuring that, at a minimum, ground floor spaces of new development would be identified for active uses that add to the vitality, social wealth, creative and job creating endeavours of the city. To that end, the proposal is strongly supported, to ensure that spaces identified for activation are utilized without delay via contractual obligations written into the sale of the land by Urban Growth.

URBAN DESIGN CONSULTATIVE GROUP MEETING

ITEM No. 5

Date: 17th August 2016

Address of Project: Newcastle City

Name of Project (if applicable): Rail Corridor Rezoning Associated DCP Guidelines

Declaration of Conflict of Interest: Nil.

Attendees:

Applicant
Michael Cassel (UrbanGrowth NSW)
Steve Aebi (UrbanGrowth NSW)
Jenny Rudolph (Elton Consulting)

Council
Murray Blackburn-Smith
Steven Masia

Background

- On July 11 2016, the Urban Design Consultative Group (UDCG) were provided with a presentation from David Tickle of Hassel and Michael Cassell of UrbanGrowth NSW, in respect to the future uses of land within the former heavy rail corridor, east of Worth Place in Newcastle. In response to this presentation, the UDCG provided comments about: (i) transport planning; (ii) built form, including height, FSR and urban design considerations; (iii) public domain and landscape; (iv) specific projects or sites.
- Following a meeting on July 20 2016, the UDCG prepared a preliminary report to council on the Rail Corridor master plan.
- On August 17 2016, the UrbanGrowth NSW project team presented a response to the July 11 minutes. This response identifies seventeen issues which were raised by the UDCG. It classifies each of these in terms of level of response or solution proposed. In several significant cases, the response is that any new DCP controls must take various factors into account to ensure a reasonable outcome in terms of the project's goals.

- The present report reiterates and refines the content of the July 20 UDCG preliminary report to council, taking into account, where relevant, new information provided by UrbanGrowth NSW at the August meeting.

Summary

The proposed rezoning broadly encompasses the former heavy rail corridor to the east of Worth Place, along with some adjacent sites. In general, the UDCG supports the stated objectives of the proposal, which are to:

1. connect the city to the waterfront
2. create great spaces linked to transport
3. create economically sustainable public domain and community assets
4. preserve and enhance heritage and culture
5. grow jobs in the city centre
6. bring people back to the city centre

Despite generally supporting these objectives, the UDCG identified some areas in which the proposed zonings and their permissible heights and densities were considered to potentially run counter to the stated objectives. In particular, the desire to maintain and enhance visual and physical access to the harbour could be compromised by some aspects of the plan.

The following comments are divided into those associated with the main public or open spaces, and those concerned with the urban fabric, although the two are necessarily interconnected.

Open Spaces

The UDCG notes that Landscape Architects have recently been engaged to develop the schematic designs for the major public spaces. As such, the notional layouts shown were not examined in detail, rather the spaces were considered more broadly in respect to their functions, and as visual and physical connections between the city and the harbour.

• 01 Civic Link

The Group welcomed the additional access and public space connecting the Civic buildings with the Museum and the foreshore. The detailed landscape plan will hopefully explore further opportunities beyond the indicative design, which appears somewhat fractured. The Group was of the view that only the elements of the Civic station that relate to its heritage listing should be retained – as the space is relatively tight and the building tends to visually fill it, reducing the potential for visible through-site links.

The proposed open space is potentially a major new asset, but the indicative plan shows it being enclosed by the *ends* of a disparate array of buildings to the east and west, and open to the constant traffic in Hunter Street. This space requires a detailed urban design study to demonstrate how it can be contained and developed into a vital new place. ‘Parcel 4’ and the adjoining

two parcels in public ownership should not be disposed of until there are clear controls in place to ensure that the outcome will achieve excellence.

In terms of the amenity of this space, there is concern that the proposed FSR (3:1) and height-limits (30m) for Parcel 3 (immediately to the west of the Civic link area) will create overshadowing and amenity problems during the year and lead to a scale-disjunction at the western edge of the public space. A lower height limit (24m) for this parcel, combined with a street wall control (say four storeys, then set back to any higher elements) should limit such problems.

- 02 Darby Plaza

Whilst it is unlikely that a direct view to the harbour from Darby Street will be obtained through this link, negotiations with the landholder at the eastern end of Centenary Road should aim at opening this space to expose a view from Darby Street of the heritage listed “Argyle House”. The UrbanGrowth (August 17 presentation) response to the UDCG acknowledges that this may be desirable.

- 03 Hunter Street Revitalisation (opposite the northern ends of Crown and Brown Streets)

The aim of continuing a strong landscaped theme from the open green spaces to the east, westwards into and along Hunter Street was strongly supported by the Group. This element was considered crucial to achieving a cohesive urban outcome.

The narrowness of the strip of land east of Darby Street (Parcel 11) that will be available from the railway closure, was such that any residential use above small ground-floor retail spaces was likely to offer very poor amenity because of lack of aspect or solar access. The site(s) also offer difficult access for residential/ retail uses. The existing apartment building and office blocks to the north of the corridor that are accessed from Wharf Road, look directly onto the rail corridor site at minimal setback.

The sketch sections and plans provided by UrbanGrowth (August 17 presentation) to test the feasibility of shop-top housing on Parcel 11 confirm that such an approach may be viable (in the form of ground floor commercial with two storey walk-up apartments above), but the amenity of these apartments is likely to be compromised by multiple site factors. Furthermore, this location is not ideal for housing of any type, although a hotel may be more appropriate. The UDCG also raised the possibility that Parcel 11 might be able to accommodate a narrow carpark, but sketch plans provided by UrbanGrowth suggest that there is insufficient site width for a double-loaded carpark, potentially undermining its feasibility.

Given the problems inherent in using Parcel 11, it may be better to investigate an alternative, landscape and pedestrian focused urban space, to visually continue the open green spaces along this length of corridor, towards the east.

- 04 Entertainment Precinct

An active open-air entertainment precinct was seen as a positive inclusion. It could incorporate active spaces such as half basketball and/or half tennis courts, and ongoing, programmed, activities along the lines that the open spaces around Federation Square (Melbourne) are used for performances and other occasions.

- 05 Newcastle Station

The Group strongly supported the suggestion that the Station and the land surrounding it should retain some meaningful public access, and if possible, should at least partially serve a civic function. The heritage station building is an important element of the city's cultural and transport history, and any redevelopment should, as proposed, fully acknowledge its heritage and treat any new insertions in a sensitive manner.

The scale of the station, and of the Customs House and its tower (opposite) should inform the height of any new development on the site. Ideally, any new development should have a height which is less than that of the heritage tower.

Parcel 16, which encompasses the heritage station building, has a proposed FSR of 1.5:1 with a height limit of 20 metres to the southern edge of the site and 10 metres to the north. The visual impact assessment diagrams raise some concern about these heights. The UDCG recommends a 10m height limit to allow the heritage towers to remain visible elements in the urban fabric of the city and to limit overshadowing and view losses to the south.

Master Plan

The history of planning instruments in the city of Newcastle since the 1980s indicates that successive plans have generally taken their cue from the ground-breaking urban design analysis of the city undertaken by Professor Barry Maitland, which formed the basis of the 1988 LEP. Some of the principles underlying successive plans have been to allow sunlight into Hunter Street's southern footpath in mid-winter; to generally step building heights down towards the harbour to allow for view-sharing; to ensure that site amalgamations and provision of new roadways (largely within the Honeysuckle redevelopment) allowed for sufficiently wide streets; and to ensure these layouts permitted good solar access and building separations.

Professor Maitland also examined the relationship of "solid to void" in the grain of the city, both in the original heritage street-grid area of Newcastle between The Hill and the harbour, as well as the mid-city and western city areas. Although the scale of the buildings in the HDC area is somewhat greater than that of most of the older parts of the city on the southern side of the former rail line, the proportion of building footprint to open space (solid to void) remains fairly similar to the finer-grained older development.

The HDC development sites (with the exception of the Crowne Plaza Hotel) have successively been awarded to developers following a tender process that includes a mandatory design proposal submitted by each tenderer, and an assessment of urban design merit as a significant component of the tender evaluation process. The

result of this has been a better quality built urban environment and sufficient volume of open space. Buildings in the HDC area have typically averaged six storeys in height, with quite a few lower, and one building reaching 9 storeys (in part). Very few of these developments utilize the current maximum heights in the area, and very few appear to utilize their maximum site density. All buildings are stepped and articulated to reduce their apparent scale. This approach has generally been very successful for the city.

- Parcels 1, 2, 3 and 7

The Group noted the importance of the planning for the former railway corridor land to integrate with the existing street patterns and to continue the established proportion of solid to void that the surrounding older city and the HDC developed land demonstrates. This consideration is especially pertinent to Parcels 1, 2 and 3 which are north of the narrow laneway (Civic Lane) between the rail corridor and existing development in Hunter Street. This lane was constructed only as a rear service lane to the existing development. If this is to serve the newly released area of the corridor, the roadway needs to be substantially wider (12m), as does Wright Lane, to allow for adequate footpaths, and to increase setbacks of new development from the existing and future development on Hunter Street. However, widening these lanes reduces the potential footprint for development across Parcels 1, 2 and 3. Furthermore, as residential apartment buildings are already to the south of Civic Lane, and to the north of Wright Lane (some of which are eight storeys in height), substantial setbacks will be required for any development on these parcels of land and especially if they incorporate residential components. In addition, building massing for new development on these parcels should orientate windows primarily to the north and harbour views past the existing and approved HDC development.

In principle, the Group does not support imposing a greater permissible height to the north of the Hunter Street existing development, than is permissible on the Hunter Street sites. This would mean that no building on the corridor land (Parcels 1, 2, 3 and 7) should exceed 24m in height, and that buildings should preferably step down (not up) in height towards the harbour and towards the eastern end of the corridor.

A lower FSR than proposed, coupled with a lower height limit for these Parcels (say, 24m), would also allow for view sharing and solar access to the existing residential and commercial properties adjacent to the rail corridor. Without reduced FSR and height controls, the danger is that a solid 'wall' of development will be constructed across these parcels of land, dividing the city from its harbour.

Parcel 4, and Parcels 3 and 5 where they interface with the proposed new public space must be considered together to ensure that an integrated design of high quality for the new space is achieved

- Parcels 12, 14

There is an opportunity to create a significant "interface" on this parcel that could incorporate both the corridor and the space currently occupied by a

Council owned at-grade car park near Harry's Café de Wheels. A building on this parcel, to the east of the existing glass-walled office structure, should be orientated to the green space to its east, and could mark the easternmost end of the established line of development on the northern side of Hunter Street, as it meets the new public open spaces. A 17m height limit was considered potentially acceptable on this site. The three small, low rise sites to the east of this, shown on the "Master Plan: Proposed Planning Amendments" page, are isolated and provide very limited development opportunity, while potentially shutting down both views and access to the harbour and interrupting the historic street grid. These three small sites (Parcel 14) should be included in the proposed open space.

Strategies

The UDCG strongly supports UrbanGrowth NSW's stated objective of helping to grow jobs in the city centre, and supports strategies of ensuring that at the least, a significant proportion (by floor area) of every development should be directed at retail, commercial, creative, start-up, educational or performance activities. As with the UrbanGrowth/GPT Hunter Street sites, any non-residential space provided in a development should be targeted contractually to ensure the spaces are quickly utilized by creative, education or business tenants / users. The Group also strongly supported the initiative of UrbanGrowth's ensuring that this occurs through the tender process for the sale of the land to developers, whereby the developer is obliged to "meet the market" with the price of rents for non-residential space, to ensure that it is not left unoccupied.

The UDCG recommends that the street layout for accessing land proposed to be re-zoned within the corridor be established as a priority, and this layout should include similarly generously proportioned roads to those nearby, including provision for sunny footpaths with outdoor dining potential, and room for on street parking and safe cycling. This should integrate seamlessly with the existing street patterns. A more detailed analysis for building massing is needed, that recognizes the probability that most of the demand for development land will include proposals for residential development above street level. Separation distances between all buildings, and solar access for both proposed new and existing buildings, need at a minimum, to reflect the requirements of the Apartment Design Guide. This will inevitably produce a development pattern that is more open than shown on the presentation plans, and more consistent with the existing solid to void patterns.

While the proposed light rail line has potential to be a useful addition to the transport mix, this should not be at the expense of short-term on-street car parking and safe, user-friendly cycleways in Hunter Street. Encouraging cycle use for both recreational and commuter purposes has a multiplicity of benefits, and any change of use of the former rail corridor should not cut off crucial transport opportunities. While some limited parts of the rail corridor might usefully be utilized for some shorter duration (2 hour or less) car parking, this should be part of a properly planned transport and parking strategy. The use of the corridor as a short term "band-aid" at-grade parking response to loss of parking elsewhere simply defers the problem, and any proposed use of corridor land should be properly planned as part of a longer term strategy for the best and highest uses of this valuable community resource.

Summary Recommendation

The City of Newcastle has finite resources for the maintenance of public infrastructure, and The Group appreciates that the more the City takes on in respect to new land for public use, the more thinly available resources for ongoing maintenance of public assets are spread. The Group therefore supports the identification of land within the former heavy rail corridor that can appropriately be used for future development, while at the same time ensuring that a 'once in a lifetime' opportunity for improving the public realm is not wasted.

The commitment by the NSW Government to ensure that any capital funds raised by the sale of developable land in the rail corridor, will remain in the city and will be reinvested in the overall renewal program, is welcome advice. However, the key focus of the re-zoning considerations should be, planning for the best urban outcome for the city overall. While all six of the program's stated objectives are considered to be positive and appropriate, it is important that the initial motivator for the removal of the heavy rail – connecting the city with the waterfront – is not lost in the process.

The following summarises the Group's recommendations:

- For Parcels 1, 2, 3 and 7, a maximum height 24m be allowed, coupled with a reduced FSR (perhaps, 2.5:1, to be tested) unless substantial site amalgamation occurs to the north. A DCP that reinforces an approximately four storey street wall adjacent to the new civic public space and the two laneways, would also be desirable to limit overshadowing.
- If Parcel 4 is to provide the focus for a new public space, the interface of Parcel 3 to the west and Parcel 5 to the east will be critical to the success of the space. The form of any development on these sites must conform to a cohesive design for the new space.
- For Parcel 12, a development of 17m in height, orientated to the east and incorporating part of the adjacent council carpark, would effectively 'book-end' the new rail corridor redevelopment in a positive way.
- Parcel 14 should be public open space. Any development on this parcel will unnecessarily separate the city and the harbour. It would be more valuable to extend the public realm plan from Parcel 15, to include Parcel 14.
- It has not yet been convincingly demonstrated that Parcel 11 is developable for any appropriate function (commercial or residential). As such, it too might benefit from being reconceptualised as a narrow, open urban space to accommodate temporary urban functions and events (markets, performances, etc.).
- A road network that provides adequate vehicular access to sites, as well as pedestrian-friendly, wide, sunny footpaths, and which integrates seamlessly with the existing city road network should be planned. Parking also should be provided for in a planned, orderly manner, with an emphasis on readily accessible shorter term parking.

- The general pattern of development supported by the rezoning should reflect the established proportions of “solid to void” that exist in both the recent HDC area and the older city.
- New development should step down in height from Hunter Street.
- Building siting needs to take into account:
 - winter solar access to existing buildings
 - view sharing from existing buildings
 - appropriate building separations ensuring the ADG minimum separation distances can readily be met
 - provision for apartment orientation primarily to the north, with some apartments orientated east and west, and virtually no south facing dwellings
 - building floor plates that optimise the above

**ORDINARY COUNCIL MEETING
27 SEPTEMBER 2016**

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

Attachment E: Master Plan (Urban Growth NSW) and detailed parcel analysis of submitted proposal (NCC August 2016)

Attachment E

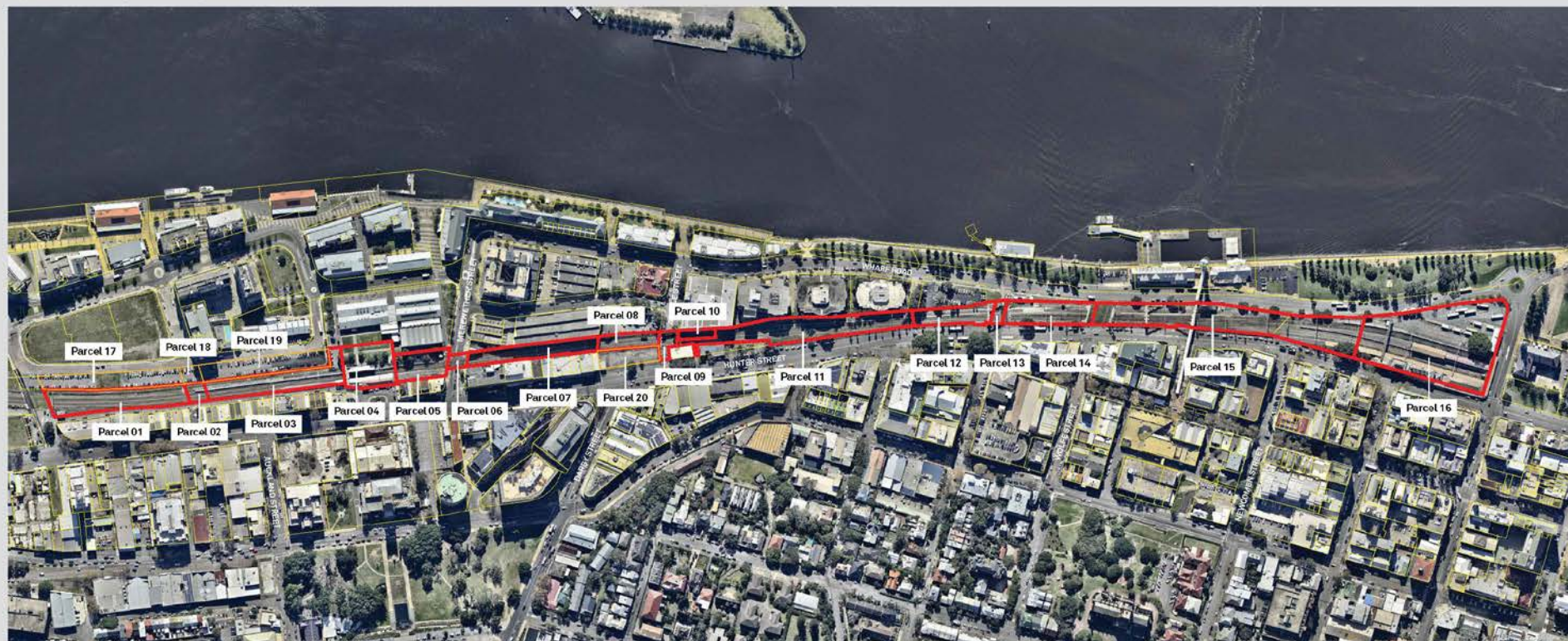
Master Plan (Urban Growth NSW) and detailed analysis of submitted proposal (NCC August 2016)

Figure 1 Newcastle Rezoning concept plan



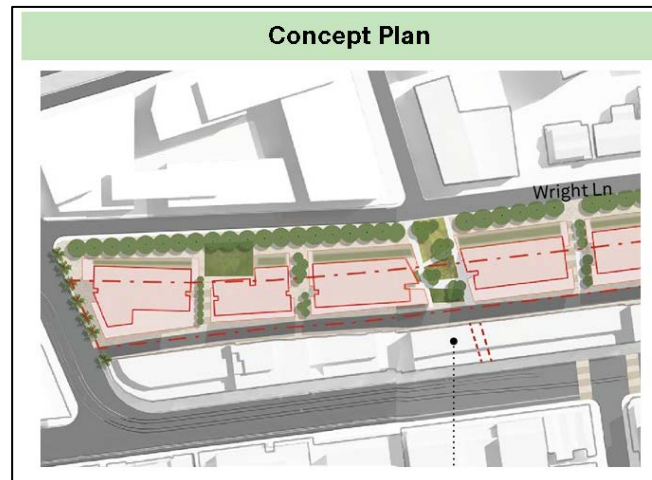
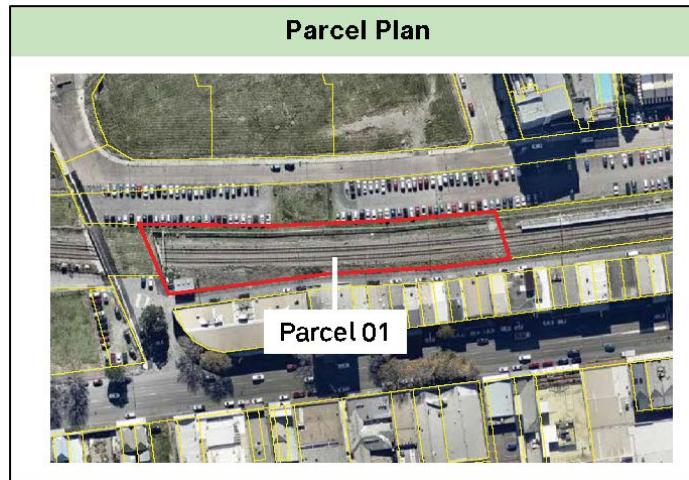
Master Plan as submitted by Urban Growth NSW

Figure 5 Rezoning area forming a number of parcels



The following analysis provides a detailed assessment of the Master Plan (see above) and associated requested LEP amendments as submitted by Urban Growth NSW. The parcel number is for assessment purposes only and does not represent actual allotments. An extract of the Master Plan above has been included for reference.

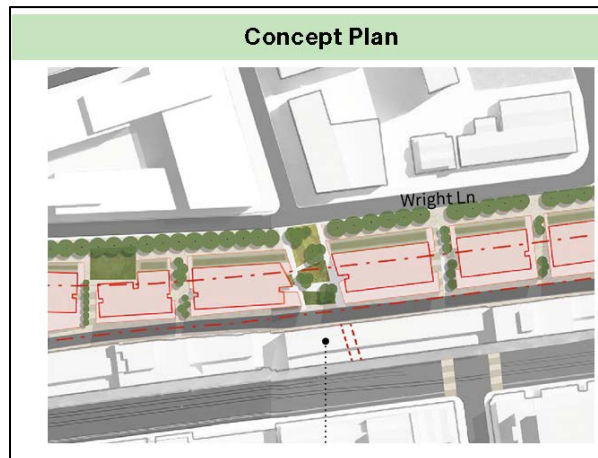
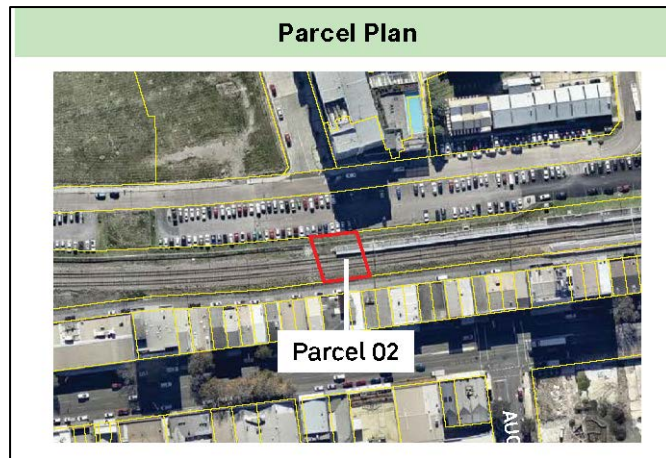
Parcel 01



Parcel No. 01	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification • Adjacent to current car park which is likely to be developed in future. • Therefore likely to be amalgamated with land to the north. • Directly adjacent to, and at back of buildings fronting Hunter Street. • Access to Worth Place, Wright Lane and Civic lane. • Opportunities for Mixed Use development.	Recommend maximum height 24m. Test FSR at 2.5:1, having regards to need to achieve Apartment Design Guidelines (ADG) separations, and also possible street widening of Civic Lane and Wright Lane.	In response to UDCG, applicant has provided further justification: • Will be amalgamated north with combined width of approximately 39m, therefore could support good design outcome and meet the Apartment Design Guide. • Civic Lane proposed at 9m and Wright Lane 16m, providing sufficient access. • Overshadowing diagrams indicate minimal amenity impact.

Parcel No. 01	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Requested LEP amendments • Zone B4 Mixed Use. • Height 30m. • FSR 3:1. Potential yields • Parcel area 3,370m². • Non-residential 1,000m². • Dwellings 110.		<u>Outcome</u> Support the submitted proposal. Retain the height as proposed at 30m as it is agreed that the land is likely to be consolidated with land to the north (up to Wright Lane) which is currently owned by Hunter Development Corporation. This adjoining land is currently a maximum height of 30m, and should ideally be consistent. An analysis of constructed buildings within the vicinity identify that the following are built to approximately 30m. • 18 Honeysuckle Drive (south-west corner of Honeysuckle Drive and Worth Place. • 14 Honeysuckle Drive (Chifley apartments) Therefore a consistent height limit would facilitate compatible forms. The DCP guidelines developed post Gateway would need to detail road and building sections to ensure appropriate built form within the height limit. The shadow analysis indicates shadowing to public open space would be acceptable. Shadowing to individual buildings would need to be assessed in greater detail at the development application stage, as would building separation distances. Proposed LEP amendments • Zone B4 Mixed Use. • Height 30m. • FSR 3:1.

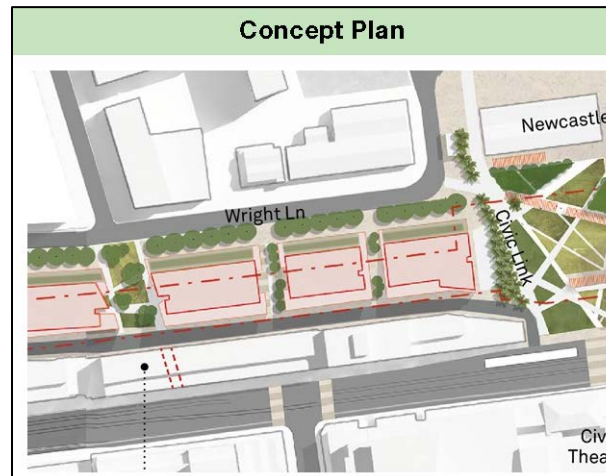
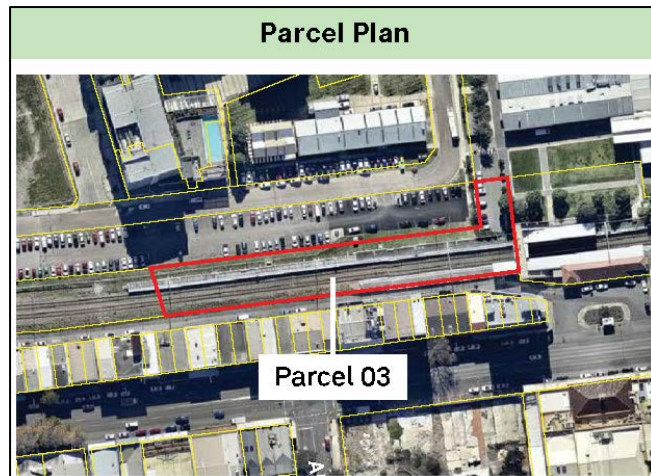
Parcel 02



Parcel No. 02	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification • Substantial public realm improvement. • Landscaped pedestrian connection linking Civic and Wright Lane to harbour • Potential future link to Hunter Street. • Potential amalgamation with land to north to form public realm linkage. • Dedication to Council. Requested LEP amendments • Zone B4 Mixed Use • Height 30m. • FSR3:1.	Maximum height 24m.	Support the submitted proposal. Smaller parcels such as these are generally not included in RE1 Public Recreation zone, but rather take surrounding zone and controls. Further work on whether Council would take ownership or whether it should stay part of the private allotment will be undertaken post gateway. Support height at 30m as proposed as this is consistent with adjoining land which is currently a maximum height limit of 30m. The requirement to keep this Parcel for the public connection would be specified under site DCP guidelines developed post Gateway. Note that the Planning Proposal includes acquisition of parcels to the south of Parcel 02 to complete a link between Hunter Street through to the harbour. The funding for such

Parcel No. 02	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Potential yield - Parcel area 408m². - No buildings proposed.		can be negotiated through a Planning Agreement with Urban Growth NSW.. Proposed LEP amendments - Zone B4 Mixed Use. - Height 30m. - FSR 3:1.

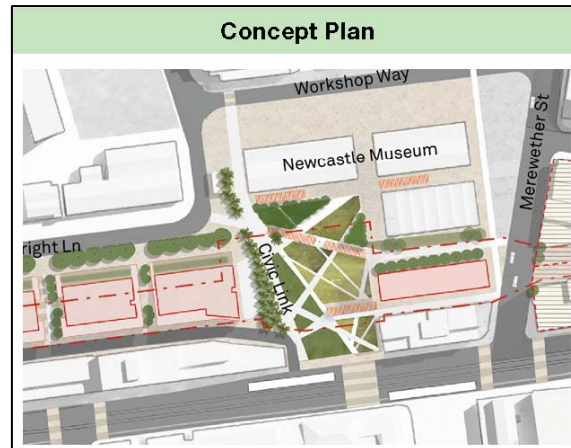
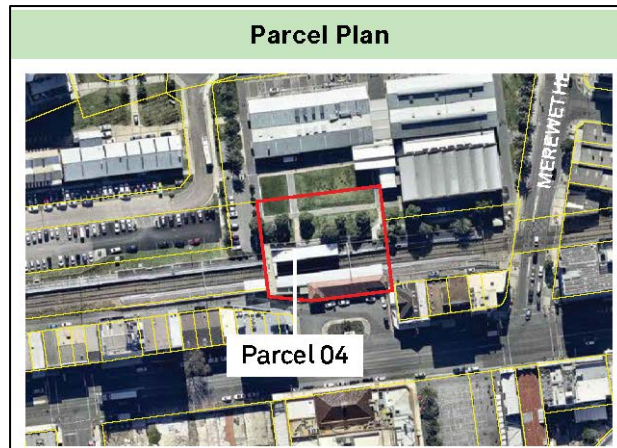
Parcel 03



Parcel No. 03	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Potential amalgamation between Parcel 3 and land to the north. - Access to Wright Lane and Civic lane. - Proposed mixed use development to compliment Hunter Street and an active edge to Civic Link. - Buildings to the south have their backs to the site thus building likely to orientate northwards. Requested LEP amendments - Zone B4 Mixed Use. - Height 30m. - FSR 3:1.	Maximum height 24m. Test FSR at 2.5:1, having regards to need to achieve ADG separations, and also some street widening of Civic Lane and Wright Lane. Needs to integrate well with adjacent open space. Refer also advice below for Parcel 04.	In response to UDCG applicant has provided further justification similar to Parcel 01, principally that it will be amalgamated with land to the north. <u>Outcome</u> Generally support submitted proposal. The UDCG suggestion of a height reduction to 24m for the eastern portion can be tested post Gateway with the work done on the FSR. The eastern building edge would likely require a lower scale with upper levels set back, to be detailed under DCP guidelines developed post Gateway.

Parcel No. 03	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Potential yield • Parcel area 3,146m². • Non-residential 1,000m². • Dwellings 100.		Proposed LEP amendments • Zone B4 Mixed Use and RE1 Public Recreation. • Height 30m • FSR 3:1.

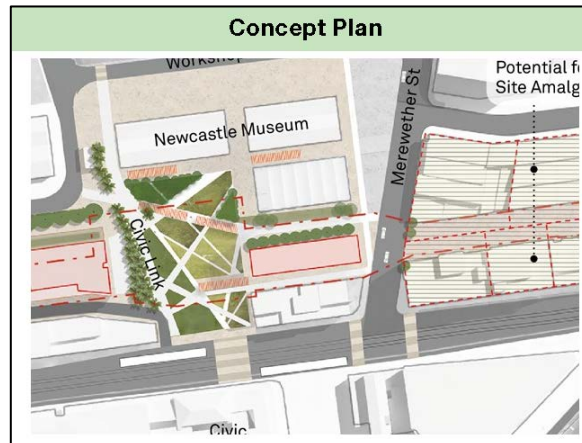
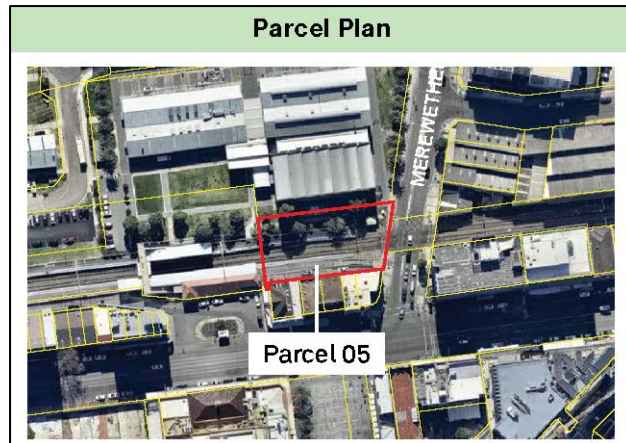
Parcel 04



Parcel No. 04	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Proposed Civic and public open space. - Significant public domain improvements to compliment Newcastle Museum. - Pedestrian connectivity and through site linkage connecting the Civic Precinct to Honeysuckle and Hunter Street. - Access the parcel from Hunter Street and Wright Lane. Requested LEP amendments - Zone RE1 Public Recreation. - No height or FSR proposed for open space.	Support new open space. Consider in context with proposed adjacent on Parcel 03 due to overshadowing and scale-disjunction.	In response to UDCG applicant has provided further justification indicating acceptable shadow analysis. <u>Outcome</u> Support submitted proposal for additional open space, as the 'Civic Link' concept will provide significant public benefit. Unchanged from submitted proposal. Rationalising the western edge to correspond with Parcel 03 can be detailed with DCP Guidelines post-Gateway. Also proposed to expand proposal north to include the RE1 Public Recreation zone over the open space area at the rear of the Newcastle Museum (this land is not in council ownership), that is currently zoned B4 Mixed Use. These open space areas need to seamlessly integrate and should share the same zone.

Parcel No. 04	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Potential yield - Parcel area 2,464m². - No development proposed.		The embellishment and dedication of land to Council to be subject of a Planning Agreement. Proposed LEP amendments - Zone RE1 Public Recreation. - No height or FSR proposed for open space.

Parcel 05

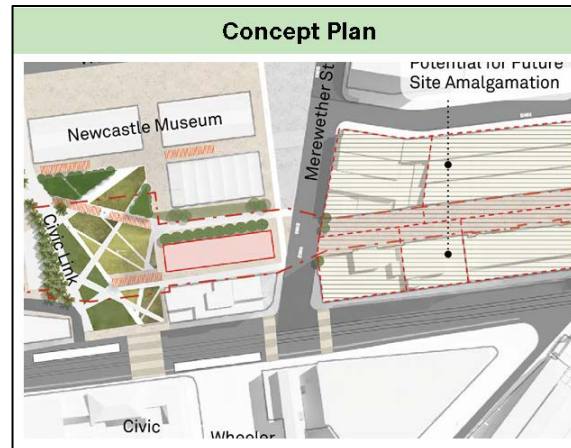
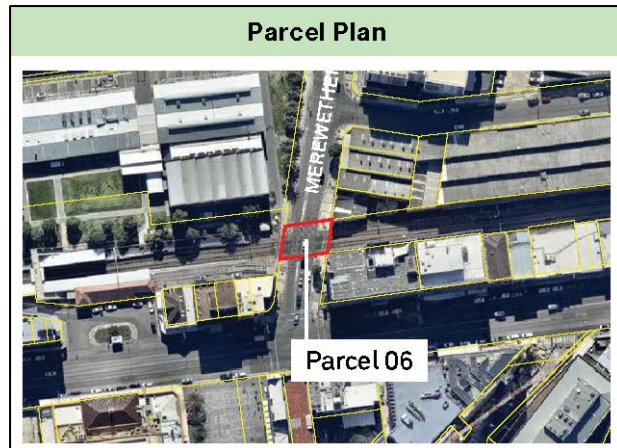


Parcel No. 05	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Planning controls consistent with adjacent lot to south to enable amalgamation. - Mixed use development to respect heritage character. - Pedestrian connectivity to and between Merewether Street at eastern extent and public open space at western extent. - Further built form controls proposed to be included in Newcastle DCP. - Access to Merewether Street. Requested LEP amendments - Zone B4 Mixed Use. - Height 24m. - FSR 3:1.	Need to ensure integrates well with adjoining open space.	In response to UDCG applicant has provided further justification: - Parcel is 28.5m wide. - Allows for pedestrian link to Merewether Street. - Adequate setback achievable, including from museum. - Overshadowing acceptable. <u>Outcome</u> The requested height for Parcel 05 is consistent with the adjoining height limit to the south, being 24m. However, the land to the south of Parcel 05 (414 to 426 Hunter Street, Lot 1 & 2 DP18256, Lot 31 & 32 DP534638, Lot 100 DP809262) is being included into the Planning Proposal. The current height limit of 24m is proposed to be reduced to 18m for this land. The current height

Parcel No. 05	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Potential Yield - Parcel area 1,603m² - non-residential 500m² - Dwellings 45 @ 24m height.		limit of 24m is consistent with that recommended under the Newcastle Urban Renewal Strategy (NURS), noting that the NURS did not alter the height for this location. However, the NURS did not envisage the new 'Civic Link' initiative outlined under the Master Plan which now requires a reinvestigation of the height limit within this location. It is noted that the existing building forms which currently extend up to 18m above ground maintain sunlight at present to Wheeler Place in mid-winter (based upon 32.5 degrees winter sun angle the shadow reaches southern side of road reserve at midday). If these sites were to be redeveloped in the future to the current maximum height limit of 24m this would create more significant overshadowing of Wheeler Place. Given the increased emphasis on the 'Civic Link' concept it is important that these open spaces maintain high levels of amenity. This could be achieved with a reduced height limit to 18m. Having regards to the above the height limit for Parcel 05 is also proposed to be reduced to 18m. This would provide a more compatible scale for the combined block and also ensure minimal overshadowing of Wheeler Place and the 'Civic Link'. A height reduction to 18m would also produce more appropriately scaled development to relate to the adjoining heritage listed museum, which extends to 13m above ground, along with providing a more human scaled edge to the 'Civic Link'. It is anticipated that a lower scale to the edge of 'Civic Link' with upper levels setback, will be

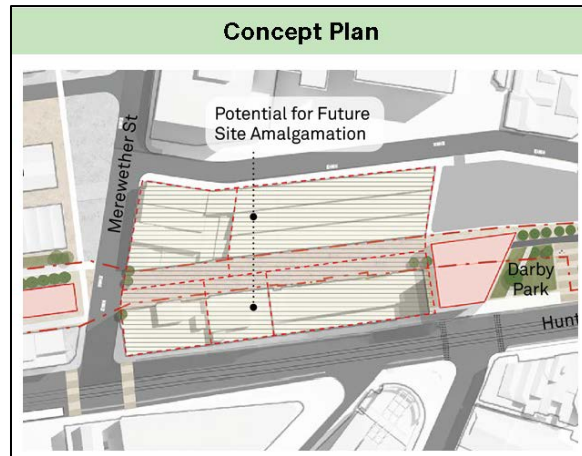
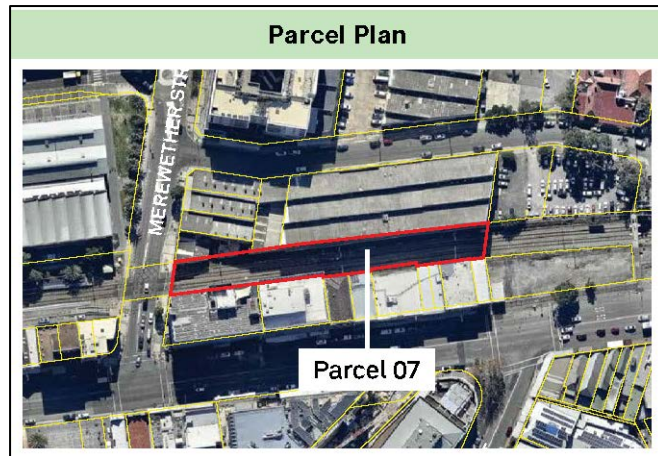
Parcel No. 05	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
			detailed under DCP guidelines developed post Gateway. The pedestrian connections from the 'Civic Link' to Merewether Street, as per the Master Plan, would also be detailed in DCP guidelines developed post Gateway. Proposed LEP amendments • Zone B4 Mixed Use • Height 18m • FSR 3:1

Parcel 06



Parcel No. 06	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Formalise existing road access between Hunter Street and Merewether Street. - Access to Hunter Street and Merewether Street. - Dedication to Council. Requested LEP amendments - Zone B4 Mixed Use - Height 30m - FSR 2.5:1 Potential Yield - Parcel area 295m² - No development (road).	No comments as this is road.	Support submitted proposal. Roads apply equivalent zoning and controls from adjoining land. Proposed LEP amendments - Zone B4 Mixed Use - Height 30m - FSR 2.5:1

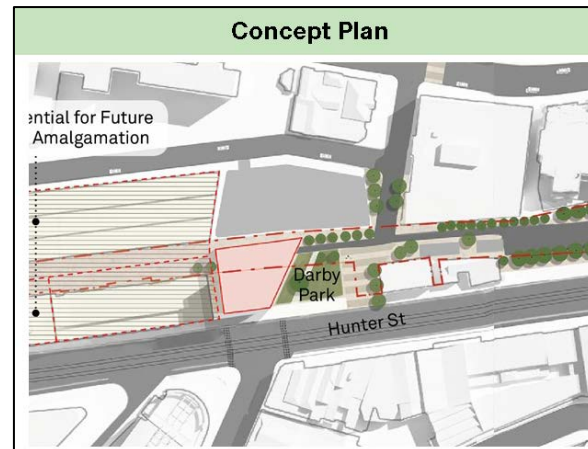
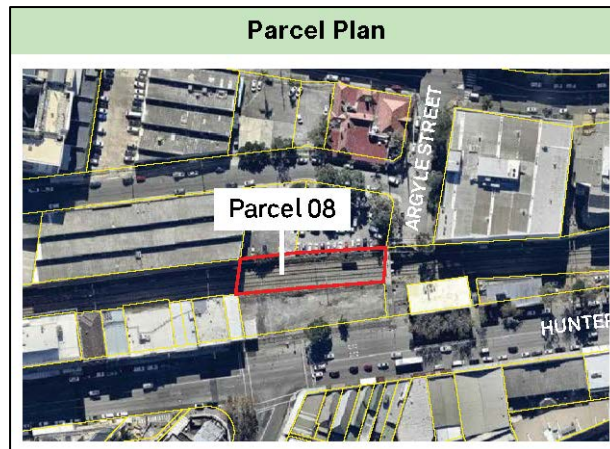
Parcel 07



Parcel No. 07	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Proposed mixed use development. - Proposed planning controls consistent with adjacent lot to the north to allow amalgamation. - Built for controls in the DCP. - Access to Merewether Street. Requested LEP amendments - Zone B4 Mixed Use - Height 30m - FSR 2.5:1 Potential yield - Parcel area 2,040m² - Non-residential 500m² - Dwellings 55.	Reduce height to 24m, and adjust FSR as required (test FSR2.5:1).	In response to UDCG applicant has provided further justification: - Parcel is 15m wide and unlikely built as an isolated site. - Likely to be amalgamated with land to north. <u>Outcome</u> Support submitted proposal. The corridor within this location is approximately 15m wide meaning that the extent of future development within this Parcel is quite constrained, and would unlikely to be developed as an individual parcel. It is more probable to consolidate with adjoining land to the north, as this land is in single ownership. Therefore it is considered more appropriate to apply consistent controls of 30m and FSR 2.5:1 as already apply to the north.

Parcel No. 07	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
			It is noted that the Newcastle DCP 2012 would require as a minimum, a 6m setback from the rear boundary of the buildings fronting Hunter Street. Should residential development be proposed this distance would increase further in accordance with the Apartment Design Guide, up to at least 9m. The corridor within this location is approximately 15m wide meaning that the extent of future development within this parcel, in any regard, will be somewhat limited. Proposed LEP amendments • Zone B4 Mixed Use • Height 30m • FSR 2.5:1

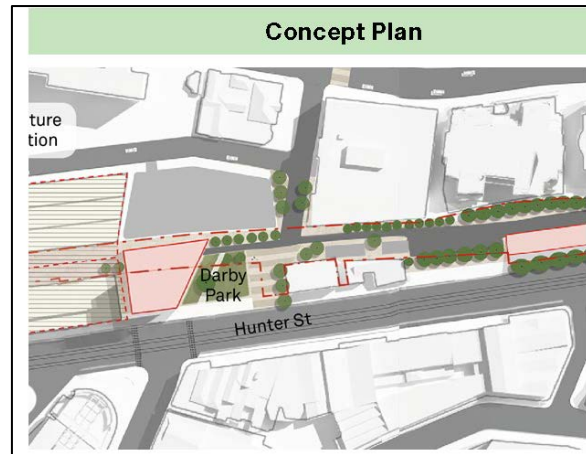
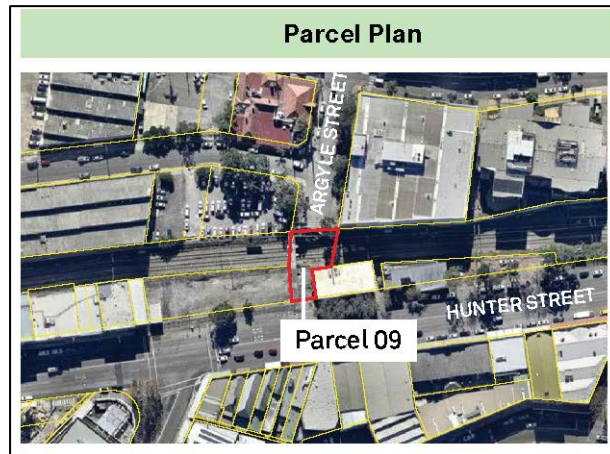
Parcel 08



Parcel No. 08	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Proposed mixed use development that can be amalgamated with the lot to the south. - Proposed planning controls are the same as the lot to the south to assist amalgamation. - Adjacent to 'Darby Plaza' providing surveillance of space and activation opportunities. - Access to Hunter Street and Argyle Street. Requested LEP amendments - Zone B4 Mixed Use - Height 24m - FSR 4:1	The 'Darby Plaza' concept was supported and ideally land to north would be developed in such a manner to improve connections through to harbour.	Support submitted proposal. The proposed 'Darby Park' falls partly onto this Parcel and would need to be detailed under DCP guidelines developed Post Gateway. The requested FSR at 4:1 may potentially be difficult to achieve due to restricted building footprint to achieve the 'Darby Park'. Through the investigation of DCP controls the FSR may require further refinement post Gateway. This site combined with the adjoining site to the south (on Hunter Street) is included on the key sites map to ensure a high degree of design excellence would be achieved for the 'Darby Park'.

Parcel No. 08	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Potential yield - Parcel area 988m² - Non-residential 200m² - Dwellings 25		Proposed LEP amendments - Zone B4 Mixed Use - Height 24m - FSR 4:1

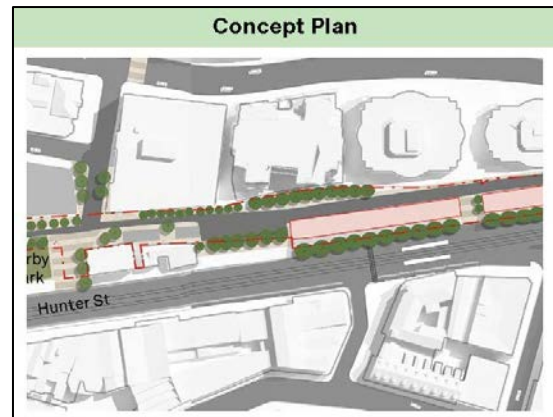
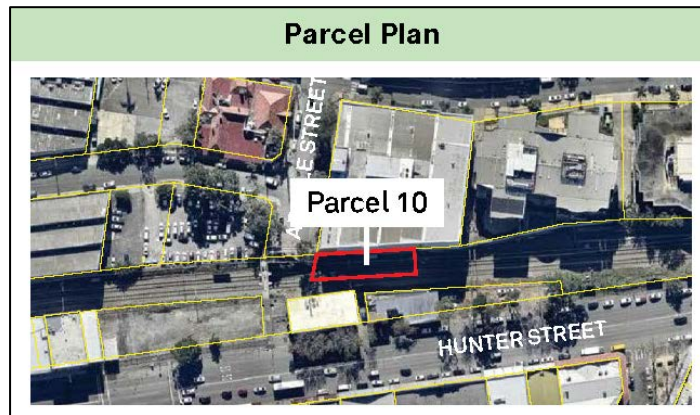
Parcel 09



Parcel No. 09	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification • Creation of new public realm linkage and visual connection between the city and Honeysuckle. • Pedestrian linkage to Argyle Street. • Significant public realm improvements. • Provide access to Hunter Street and Argyle Street. • Adjacent proposed developments can activate the area and provide surveillance. • Part of this parcel on the east will provide access laneway to Parcel 10 and 11.	The 'Darby Plaza' concept was supported and ideally land to north would be developed in such a manner to improve connections through to harbour.	Support submitted proposal It is noted that the open space requirements to achieve the 'Darby Park', along with any vehicular access from Argyle Street to rear of Parcel 11, would need to be detailed in the DCP guidelines developed post Gateway. Proposed LEP amendments • Zone B4 Mixed Use • No height or FSR

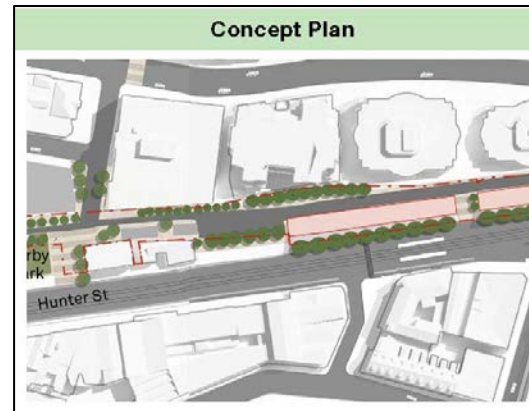
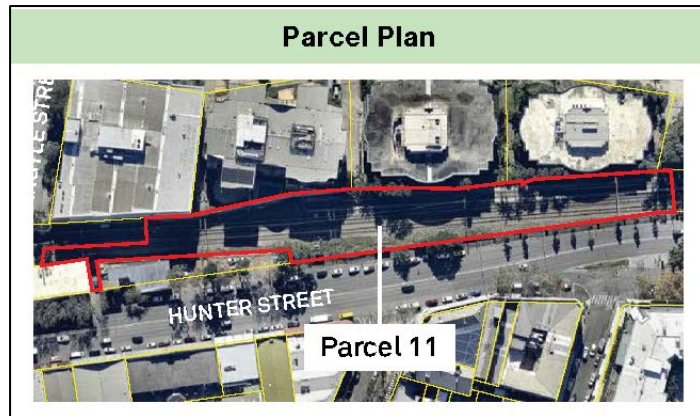
Parcel No. 09	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Requested LEP amendments • Zone B4 Mixed Use • No height or FSR Potential yield • Parcel area 467m² • No development proposed.		

Parcel 10



Parcel No. 10	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Parcel 10 is not to be rezoned but will retain the current SP2 zoning - Site is to be used for infrastructure and utility purposes, particularly associated with the light rail.	No comment.	Support submitted proposal. Propose as SP2 Infrastructure (Electricity Generating Works Facility)

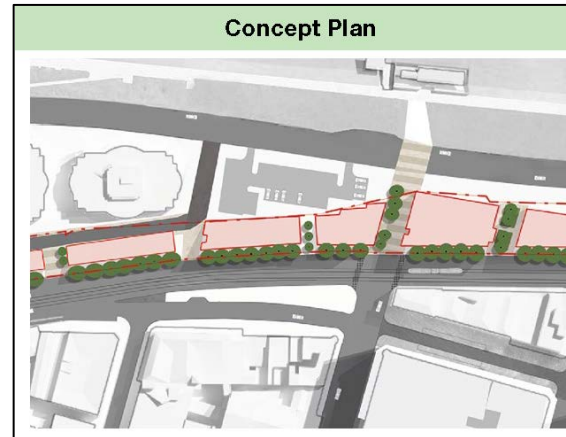
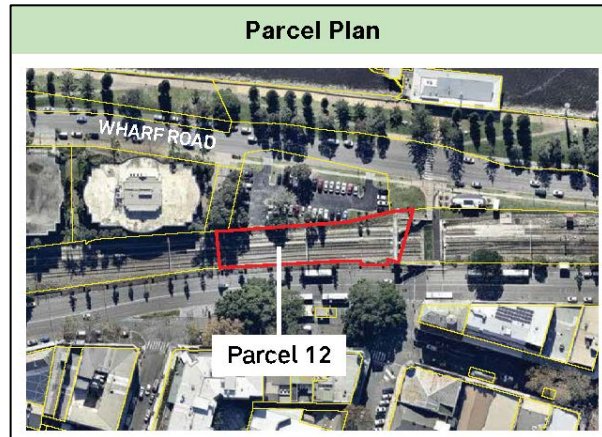
Parcel 11



Parcel No. 11	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Proposed mixed use development, including residential terraces. - Location for substation at western end on the adjacent Parcel 10. - Provides rear access from Argyle Street to development parcel fronting Hunter Street. - Activates and responds to built form to the south side of Hunter Street. - Buildings to the north are taller and front onto Wharf Road. Proposed backs of buildings to be to the north.	Due to narrow depth development of parcel will be challenging to support residential with adequate amenity and access.	In response to UDCG applicant has provided further justification: Given need to achieve better building separation and access suggest reducing FSR to 1.5:1 which is also consistent with land to the north. <u>Outcome</u> Support the submitted proposal, but with the reduced FSR at 1.5:1. Due to the narrow depth of this parcel the redevelopment of this parcel will be challenging. It is considered that lower building forms, such as terraces, could be accommodated. This parcel contains the heritage listed AA Co, bridge and fence and would ideally be integrated with future built form and will be detailed in the DCP guidelines developed post

Parcel No. 11	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Requested LEP amendments • Zone B4 Mixed Use • Height 14m • FSR 2.5:1 Potential yield • Parcel area 4,542m² • Non-residential 1,000m² • Dwellings 95		Gateway. The access to rear of development will also be detailed in the DCP guidelines. Proposed LEP amendments • Zone B4 Mixed Use • Height 14m • FSR 1.5:1

Parcel 12



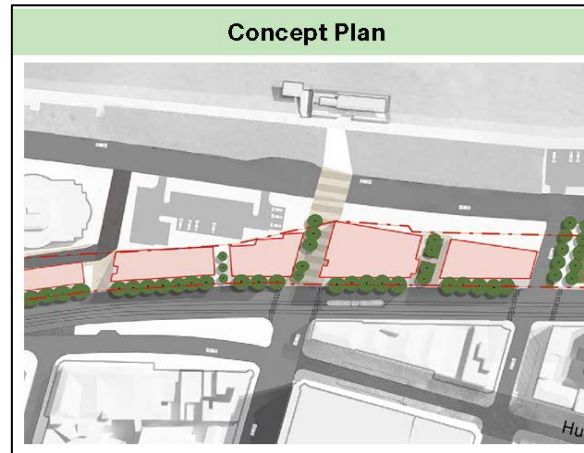
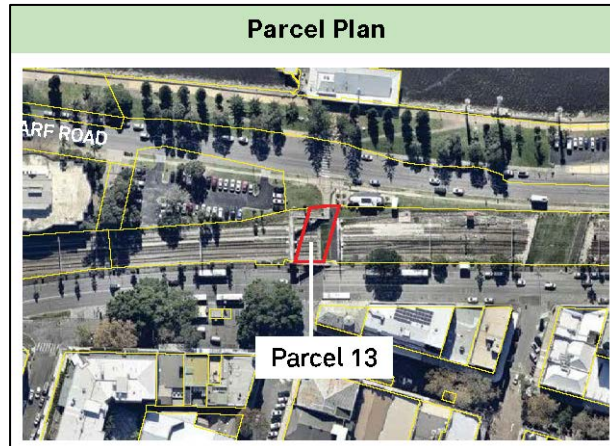
Parcel No. 12	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification Proposed to be a mixed use development to reflect and frame the development south of Hunter Street. Revitalises and activates Scott Street and respects built form surrounding the site to the west and south. New linkage will be created from Parcel 13. Proposed development can provide activation and surveillance to Parcel 13. Built form will respond to retaining visual connection. Pedestrian connectivity and through site linkage between Hunter Street and Wharf Road. Access to Scott Street and Wharf Road.	There is an opportunity to create a significant “interface” on this parcel that could incorporate both the corridor and the space currently occupied by a Council owned at-grade car park. A building on this parcel, to the east of the existing glass-walled office structure, should be orientated to the green space to its east, and could mark the easternmost end of the established line of development on the northern side of Hunter Street, as it meets the new public open spaces. A 17m height limit was considered potentially acceptable on this site. The three small, low rise sites to the east of this, shown on the	In response to UDCG applicant has provided further justification: Rezoning of Council car park to north is a matter for Council to consider. If Council is of a mind to do so Urban Growth could consider a land swap through a planning agreement to achieve improved configurations. <u>Outcome</u> The submitted proposal is supported with modification. It is proposed to zone the western portion of Parcel 12 SP3 Tourist Zone with the remainder to be zoned RE1 Public Recreation. A key objective to the revitalisation of the Newcastle City Centre has consistently been to enable development that contributes to improving the connection between the City and the waterfront. Such aspirations are included within the NURS, the neighbourhood visions

Parcel No. 12	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Requested LEP amendments • Zone B4 Mixed Use • Height 17m • FSR2.5:1 Potential yield • Parcel area 1,544m² • Non-residential 500m² • Dwellings 50	'Master Plan: Proposed Planning Amendments' page, are isolated and provide very limited development opportunity, while potentially shutting down both views and access to the harbour and interrupting the historic street grid. These three small sites (Parcel 14) should be included in the proposed open space.	under Council's Local Planning Strategy, and also carried forward into Urban Growth NSW own NUTTP. The available land in this locality should be taken as an opportunity to improve the relationship from the public domain of the waterfront back to the historic northern edge of City East (along Scott Street). While the master plan proposes to maintain corridors based upon extension of the 'Dangar street grid' and to provide an extension of the street wall/activation of Hunter Street in this location, the opportunity to maintain the openness between the waterfront and the historic northern edge of City East is available. It is important that the new 'Harbour Lawns' of the 'Entertainment Precinct' have active and vibrant edges. Therefore a balance is required between enabling some development while also ensuring adequate connection between city and waterfront. Therefore it is considered that the introduction of built form on Parcel 12 would assist in achieving activation of this space. It is recommended that any development needs to be positioned and orientated to the east to enhance the north-south connection and provide passive surveillance and activation/integration opportunities with the adjoining open space. In this manner Parcel 14 would serve greater public benefit as open space. Given the prominent nature of Parcel 12 now 'book-ending' the open space it is proposed to

Parcel No. 12	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
			include the site on the key sites map to ensure a high quality design outcome is achieved. There is an opportunity to include Council's current at-grade car park on Wharf Road, adjacent to Parcel 12, into a consolidated development lot to achieve an improved design outcome. This would provide an improved interface with Wharf Road, improved activation to the open space, provide for public car parking within the development and could also assist in balancing some development yield lost, from the deletion of development on Parcel 14. The UDCG support this carpark consolidation opportunity as it would enable improved built form outcomes and better enable orientation of building forms to the east. To include the Council site within this Planning Proposal would require a reclassification and rezoning of public land. It is considered that doing so may complicate the proposal and potentially add to community confusion during any public exhibition/public hearing process post Gateway. The proposed B4 Mixed Use zone for Parcel 12 is considered problematic. This zone would tend to encourage residential development which would remove this space from the public realm and conflict with the aim for a vibrant entertainment precinct adjacent. To address this issue an SP3 Tourist zone is proposed for part of the land. It is therefore proposed to zone approximately half of Parcel 12 to SP3 Tourist zone with

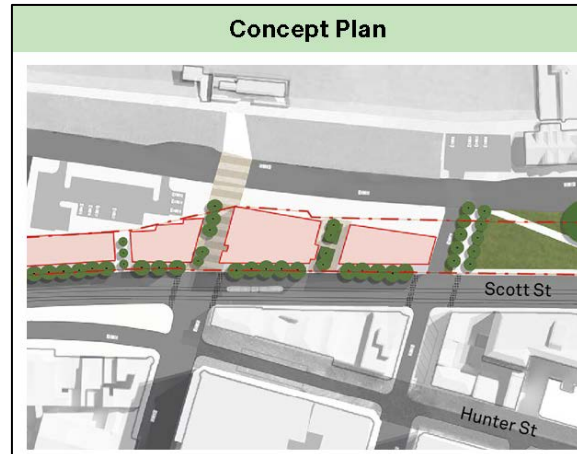
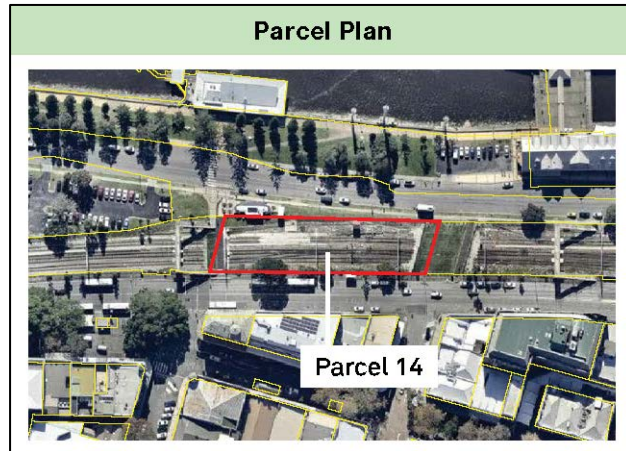
Parcel No. 12	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
			further investigations into the adjoining car park land to occur separately. Proposed LEP amendments: • Zone SP3 Tourist and RE1 Public Recreation • Height 17m • FSR 2.5:1

Parcel 13



Parcel No. 13	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification • Creation of a new formal public recreation and linkage area. • Significant public realm improvements. • Create pedestrian connectivity between Scott Street and the harbour via an extension of Perkins Street. • Through site and visual linkages. • Can be dedicated to Council. Requested LEP amendments • Zone RE1 Public Recreation Potential yield • Parcel area 303m² • No development proposed	Support open space.	Submitted proposal supported. Zoned for RE1 Public Recreation zone.

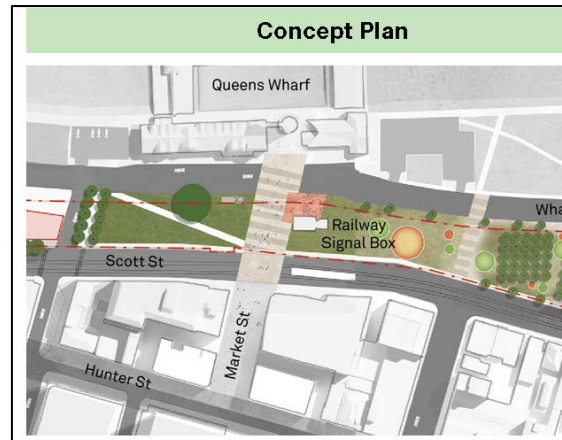
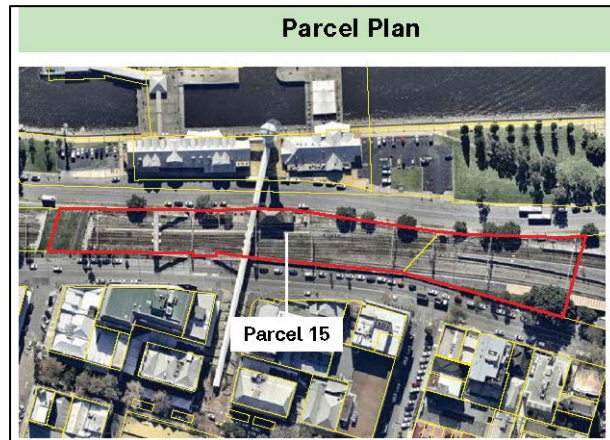
Parcel 14



Parcel No. 14	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Proposed to be a mixed use development that fronts Wharf Road, Scott Street and Wolfe Street. - Supports and retains surveillance over the public realm improvements. - Provides a frame for Parcel 15 which would otherwise be long and unactivated. - Built form controls will be in NDCP to ensure view corridor. - Assists to activate Scott Street at the east end. - Access to Scott Street and Wharf Road. - Revitalises, activates and defines the public space at the east end.	Parcel 14 should be public open space. Any development on this parcel will unnecessarily separate the city and the harbour. It would be more valuable to extend the public realm. See also comments for Parcel 12.	In response to UDCG the applicant has provided further justification: - The development of B4 Mixed Use would assist activating Scott Street. The existing section between Perkins and Wolfe Streets offer no ground level activation. - Without this parcel developed the extent of open space is excessively long and would be difficult to activate. Would assist focussing open space on the Market Street connection. - Provides a transition of scale to the open space of Parcel 15. - View corridors between parcels is maintained. <u>Outcome</u> Submitted proposal not supported. To be zoned RE1 Public Recreation.

Parcel No. 14	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Request LEP amendment • Zone B4 Mixed Use • Height 14m • FSR 2.5:1 Potential yield • Parcel area 2,251m² • Non-residential 500m² • Dwellings 70		Proposed LEP amendment • Zone RE1 Public Recreation • No height or FSR

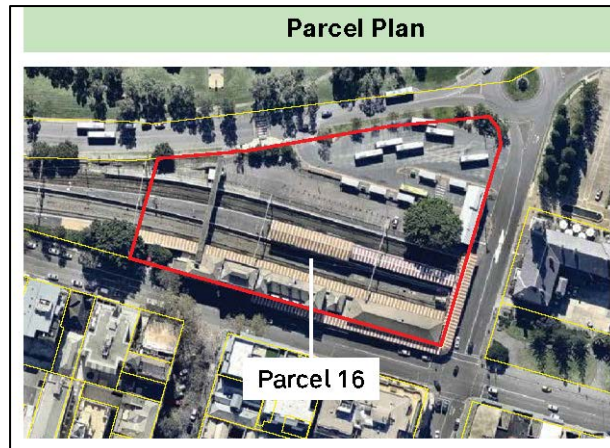
Parcel 15



Parcel No. 15	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Proposed to be public recreational space. - Significant public realm and landscaping. - improvements for the community with community activities. - Pedestrian connectivity between Scott Street and Queen's Wharf. - Pedestrian linking and visual corridor from Market Street to Queens Wharf. - Access to Scott Street and Wharf Road. - Allowing for repurposing of the Signal Box to support community events.	An active open-air entertainment precinct was seen as a positive inclusion. It could incorporate active spaces such as half basketball and/or half tennis courts, and ongoing, programmed, activities along the lines that the open spaces around Federation Square (Melbourne) are used for performances and other occasions.	Submitted proposal supported. Proposed RE1 Public Recreation zone.

Parcel No. 15	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Requested LEP amendment • Zone RE1 Public Recreation Potential yield • Parcel area 7,713m² • No development proposed		

Parcel 16



Parcel No. 16	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Justification - Adaptive reuse of Station to respond to heritage significance. - Significant public realm improvements to create a 'destination place' predominantly for tourists. - Protection and conserve heritage. - Access to Scott Street, Wharf Road and Watt Street. - Current heritage clauses in LEP will apply. Requested LEP amendment - Zone SP3 Tourist - Height 10m and 20m - FSR 1.5:1	Strongly supported the Station and the land surrounding retaining meaningful public access, and if possible, should at least partially serve a civic function. Future development to respect the heritage and history of the site. Development should, as proposed, fully acknowledge its heritage and treat any new insertions in a sensitive manner. Parcel 16, which encompasses the heritage station building, has a proposed FSR of 1.5:1 with a height limit of 20m to the southern edge of the site and 10m to the north. The visual impact assessment diagrams raise some concern about these heights. The	In response to UDCG the applicant has provided further justification: - Existing heights of the station range from 7.5 to 16.5m above ground, including architectural roof features. - Height limit could be reduced to 15m. <u>Outcome</u> Submitted proposal supported. The inclusion of the SP3 Tourist zone is supported and would ensure vibrant and active use of the land. The height limit over the southern buildings (adjoining Scott Street) to be reduced from 20m to 15m. This height would accommodate existing buildings without giving an expectation that additional development is desired. The SP3 Tourist zone is supported.

Parcel No. 16	Submitted Proposal (Urban Growth NSW)	Urban Design Consultative Group	Council Planning Proposal (Attachment A)
	Potential yield - Parcel area 10,698m² - Non-residential - adaptive reuse of building and surrounds - Dwellings - Nil	UDCG recommends a 10m height limit to allow the heritage towers to remain visible elements in the urban fabric of the city and to limit overshadowing and view losses to the south.	Proposed LEP amendment - Zone SP3 Tourist - Height 10m and 15m - FSR 1.5:1