

APPENDIX H – Supplementary Character Report

MILLER UNION DEVELOPMENT

Union Street, Cooks Hill, Newcastle
Supplementary Character Report

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1.0 INTRODUCTION AND PURPOSE

This report presents an urban design character assessment which is supplementary to the Character Statement prepared by ADW Johnson (attached as Appendix B) for the proposed development known as 121 -- 123 Union Street, Cooks Hill in the Newcastle City Council Local Government Area. It includes responses to the relevant principles established for the assessment of context under SEPP 65 and relevant Land and Environment Court principles. While the Hunter Region Joint Regional Planning Panel has requested a Character Statement relative to the boarding house, this report provides commentary in relation to the proposal as a whole.

2.0 THE SITE

The subject site comprises two parcels, Lots 1 and 2 in DP 1050041 and the street address is 121 -- 123 Union Street, Cooks Hill. It has a total area of 10,329 square metres. It was previously low-lying swamp lands and currently contains a building and associated works which will be demolished to make way for the proposed development.

3.0 THE PROPOSAL

The proposal is for the:

- Demolition of all existing structures on the site;
- Construction of a residential flat development containing a total of 102 units
- Construction of a boarding house containing 112 bedrooms and a managers residence
- At grade and basement car parking for the residential flat building containing 115 car parks,
- 21 visitor car parks and bicycle racks (including at grade parking under Building C which is a flood requirement)
- At grade/semi basement car parking for the boarding house containing 13 car parks, 23
- motorcycle parks and 123 bicycle racks/storage

4.0 RELEVANT DEVELOPMENT CONTROLS

The local planning controls applicable to the site are set out in detail in the Statement of Environmental Effects accompanying the Development Application. Under Newcastle LEP 2003, the site is currently zoned 2(b) Urban Core Zone, permitting multi-unit residential development with consent, and will be zoned R3 Medium Density Residential under Council's new LEP. An FSR of 0.9:1 and a height limit of 10m will apply to the site under the new LEP. Under the applicable State Environmental Planning Policy, the boarding house portion of the development has a maximum permissible FSR of 1.4:1. Newcastle DCP 2005 also includes a 10.0m height limit and setback controls.

The site immediately adjoins the Cooks Hill Heritage Conservation Area to the north-east.

It is included within the 'Substantial Growth Precinct' mapped in DCP2005, encouraging the redevelopment of the site for urban housing at higher residential densities.

5.0 EXISTING CHARACTER

Assessing character requires the definition of the local area surrounding the subject site. It is useful to consider two types of local area:

- An inner area defined by points from which the proposed development can be seen (referred to as "visual catchment" in visual impact studies)
- An outer area surrounding the site of approximately a half kilometre radius, which corresponds to about a 10 minute walk.

5.1 EXISTING CHARACTER: INNER AREA

As documented in the ADW Johnson Character Statement (refer context photographs in Appendix B), the existing character of the inner area in terms of land use comprises residential development, the Newcastle Grammar School and Union Park. Built form is very diverse, including:

- Single storey detached dwellings adjoining the subject site and which lie within the Cooks Hill Heritage Conservation Area
- Two storey town houses on Corlette Street
- One and two storey buildings on the adjoining school site
- The YWCA building on the corner of Corlette Street and Parkway Avenue, which is three storeys plus pitched roof
- Flat buildings along Parkway Avenue, which are three storeys plus pitched roof

The architectural character of these developments also varies considerably, largely reflecting the era in which they were built.

The existing character of the inner area is difficult to define because built forms are so diverse. Whilst detached dwellings predominate to the north, three storey buildings with pitched roofs are characteristic to the south.

5.2 EXISTING CHARACTER: OUTER AREA

The existing character of the outer area is defined in part by a wider range of uses, including substantial retail and commercial developments. Built form is even more varied and in addition to the inner area includes:

- Four storey residential and commercial buildings on Darby Street to the east of the site
- An eight storey apartment building further east on Union Street
- Commercial buildings at the Junction

The architectural character of these developments also varies considerably, again largely reflecting the era in which they were built.

The wider Cooks Hill Heritage Conservation Area, according to Council's website, "contains buildings that represent all of the architectural phases of Newcastle's history."

ADW Johnson note that in the Cooks Hill precinct 35% of the housing stock is currently semi-detached dwellings or townhouses, 39% is flats or apartments and 26% is detached houses. The character of the outer area reflects this distribution of residential types.

They also identify other key features of the locality, including:

- Good walkability and connectivity, resulting from the generally flat topography and grid street patterns
- Mostly attractive streetscapes with tree-lined streets
- Good access to shops and services at The Junction and at a greater distance Newcastle City Centre

6.0 FUTURE CHARACTER

Directions for desired future character are contained in the Newcastle Urban Strategy 2009. The broad goal for the city is stated as:

"The aim of Newcastle Urbanism is to provide greater choices to the community, in terms of access to housing, employment, transport, and social and cultural services, while offering reduced travel demand, improved air quality and greater identity for Newcastle, its city centre, and its district and neighbourhood centres."

Achieving this goal requires increasing the intensity of residential development in existing neighbourhoods where there is good access to public transport, employment and social and cultural services. The precinct outside of the Cooks Hill Heritage Conservation Area within which the subject site lies is clearly appropriate for more intense levels of development. Figure 1 shows that in addition to the Cooks Hill Heritage Conservation Area, there are two additional Heritage Conservation Areas to the northeast. These areas are zoned with relatively low Floor Space Ratios and are generally constrained such that little additional development will occur in them. The subject site is located within one of the Substantial Growth Precincts closest to Newcastle City Centre. It is entirely consistent with Council's future planning strategies to see this and similar sites developed to their maximum potential.

ADW Johnson's Character Statement lists the broader aims of Newcastle LEP 2003. These include:

"To encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services, and the like."

They also list the objectives for the 2(b) Urban Core Zone within which the site is located. These include:

"To provide for a diversity of housing types that respect the amenity, heritage and character of surrounding development and the quality of the environment."

Newcastle DCP 2005 locates the subject site within a Substantial Growth Precinct where the highest residential densities in Newcastle apply. The Precinct objectives are:

- Promote a substantial increase in new dwellings, greater housing diversity and new built form.
- Encourage redevelopment or consolidation that allows for more compact and sustainable urban form.
- Create a vibrant place for people to live in proximity to community facilities and services, commercial centres, employment, and transport nodes.
- Encourage public transport, walking and cycling as alternatives to the car.

Realisation of these objectives within areas designated as Substantial Growth Precinct will clearly result in residential development which is relatively dense for Newcastle and which will introduce new building types, most notably apartment buildings. The numerical controls for FSR and height to which the site is subject reflect this. They are clearly intended to accommodate multi-unit development well beyond the scale of detached dwellings or town houses.

Increased levels of development outside Heritage Conservation Areas are a natural evolution in the inner parts of cities. In the case of Cooks Hill, the first dwellings were "colliers huts". Building scales, types and architectural styles have been evolving ever since.

7.0 THE PROPOSED DEVELOPMENT

Since the submission of the proposal for Development Approval, two key principles identified in Land and Environment Court cases have been raised as tests of its merit:

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The first principle is addressed in the two Height Reports provided by HBO+EMTB. The second principle has more to do with the relationship between the character of the context and the proposed development.

It is important to note, as the Court has pointed out, that the second principle does not mean that a proposed development should be the same as its neighbours. Harmony can be achieved where differences exist, including differences in density, scale and/or appearance.

7.1 THE PROPOSAL AND EXISTING CHARACTER

The existing character surrounding the site is very diverse and this is perceived most acutely within the inner area, where the proposed development will be visible. The scale of the proposal is clearly different to that of the adjoining dwellings in the Cooks Hill Heritage Conservation Area, however it would be a mistake to attempt to reduce the perceived scale of the development by mimicking architectural elements or features from those houses. Heritage consultants Heritas confirm that the difference between the old and the new should be clearly discernable.

The proposal achieves harmony with its neighbours through massing and architectural treatment. On Union Street the built form is separated into two buildings with a 12 metre gap between them. The smaller building adjoins the neighbouring dwellings in the conservation area, providing a transition in massing. Both proposed buildings have heavily articulated facades, with slots for circulation which penetrate through the full depth of the building. Articulation of the facades is further enhanced with two balcony zones. Gates along the street, which provide access via front courtyards to the ground floor apartments, give the whole composition a more domestic feel.

On Corlette Street a similar massing strategy is adopted, with a gap of 6.1 metres between the two proposed buildings. The larger building has a deep recess 7 metres wide at about its midpoint. This massing again reduces the scale of the development and is complemented by facade modulation using a variety of shading and screening devices and a related diverse palette of finishes and colours. The overall result is a well-mannered presentation to the street. Whilst the scale of the proposal is different to that of the buildings to its north and east, it is considered to be in harmony with them and the character of Corlette Street.

7.2 THE PROPOSAL AND FUTURE CHARACTER

The desired future character of the site's locality, as expressed in Council's planning documents and development controls, clearly anticipates development of the scale and character of the proposal. The permissible FSR and height limit will inevitably lead to apartment buildings. The issue is how well these new developments are designed. The proposal employs contemporary architectural expression. It does not seek to imitate earlier architectural styles which are present in the vicinity and it does not make inappropriately grand or pompous gestures. Its architectural expression derives from a thoughtful approach to context and climate. In time it will be seen to represent the architecture of its time, as do other buildings in its vicinity.

8.0 CONCLUSION

The existing character surrounding the proposed development is very diverse. Within the "Inner Area" (the visual catchment surrounding the site) residential building typologies predominate and range from single storey detached dwellings in the Cooks Hill Heritage Conservation Area to three storey flat buildings with pitched roofs in a higher density residential zone. The architectural character of these developments also varies considerably, largely reflecting the era in which they were built.

The Land and Environment Court test cited in Section 7.0 above -- "Is the proposal's appearance in harmony with the buildings around it and the character of the street?" -- applies most directly to consideration of the relationship between the proposed development and the Inner Area surrounding it. The most sensitive relationship is with the Heritage Conservation Area adjoining the subject site. The proposed development is of course larger in scale than the detached dwellings in the Conservation Area, an inevitable outcome of its higher density zoning. Whilst the proposal is not the same as its heritage neighbours, it is considered to be in harmony with them and the streets in the immediate vicinity of the site by virtue of its massing, articulation and architectural treatment. It is noted that the setbacks from the side boundary which adjoins the Heritage Conservation Area have been increased to as much as 17 metres for the proposed central building.

Importantly, the proposal does not attempt to replicate elements of existing buildings. It stands as contemporary architecture which is sympathetic to its neighbours. Heritage architects Heritas state that it is important to be able to read the Conservation Area separately from development on the subject site. They also note that the Conservation Area has many styles within it and that the proposed development will simply add another adjoining layer.

The desired future character of the Substantial Growth Precinct in which the subject site is located is expressed in the goals and aims contained in Council's Urban Strategy 2009 document and planning instruments. It is also implied in the key numerical controls they contain. With the highest FSR and height limit of any residential zone in Newcastle, it is inferred that the Substantial Growth Precinct is to be developed at or close to its maximum FSR. This is particularly the case for the subject site, which is amongst the potential SGP development sites closest to Newcastle City Centre. To achieve the desired planning outcomes the density of development on the site will be significantly greater than that of the adjoining Heritage Conservation Area. The urban design challenge is to achieve a sympathetic relationship whilst allowing the proposed development to achieve the development potential of the site. The proposed development successfully meets this challenge.

APPENDIX A: FIGURES

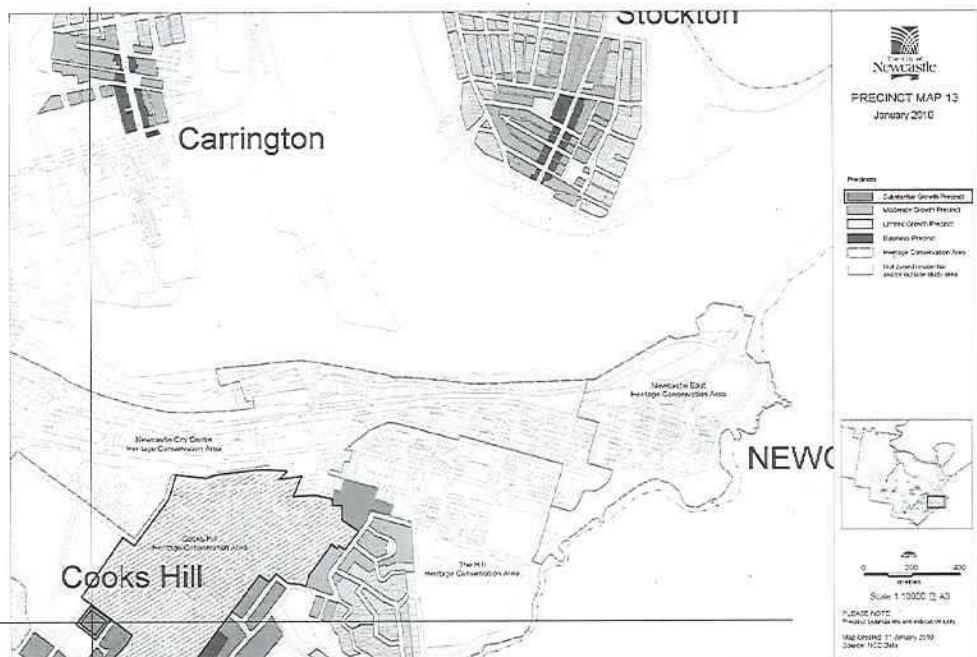
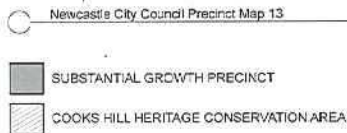


Figure 1 The site in relation to Heritage Conservation Areas and Strategic Growth Precincts



CHARACTER STATEMENT

PROPOSED DEVELOPMENT OF RESIDENTIAL FLAT BUILDING AND BOARDING HOUSE 121 - 123 UNION STREET, COOKS HILL

INTRODUCTION

The JRPP at its meeting of 28th July 2011 requested that a character statement be prepared for the boarding house component of the proposed development at 121 - 123 Union Street, Cooks Hill as required by SEPP Affordable Rental Housing. Specifically Clause 30A of Division 3 Boarding Houses says:

"A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area."

Clause 30A applies to the proposed development through the operation of the savings and transitional provisions contained in Clause 54A.

The assessment report prepared by Newcastle Council's Senior Development Officer discusses character under a number of headings however it is appropriate for a consolidated statement to be presented to the JRPP.

This Character Statement has been prepared with input from the Project Team.

EXISTING CHARACTER

The existing character of an area is informed by many things including site location and topography, land use and building types.

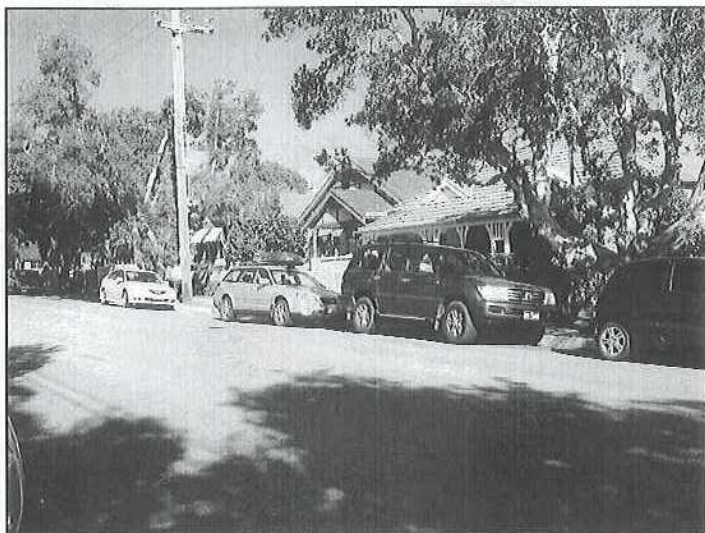
The existing character of this particular locality, relevant to the consideration of the proposed boarding house can be described following consideration of the below aerial photograph and photos.



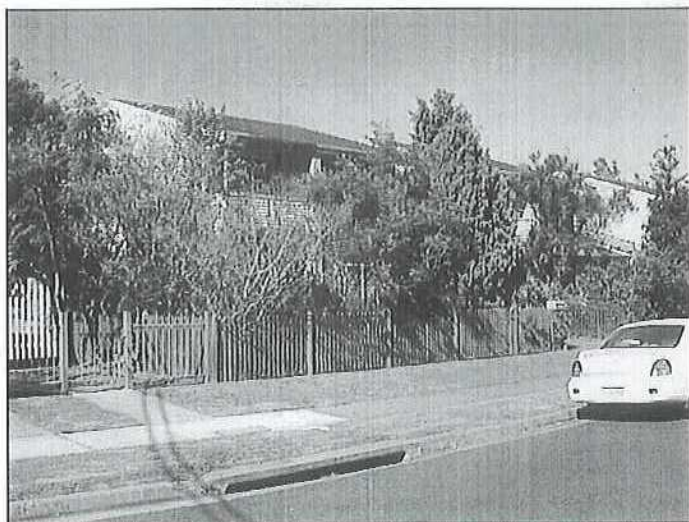
Aerial of Site and Surrounds



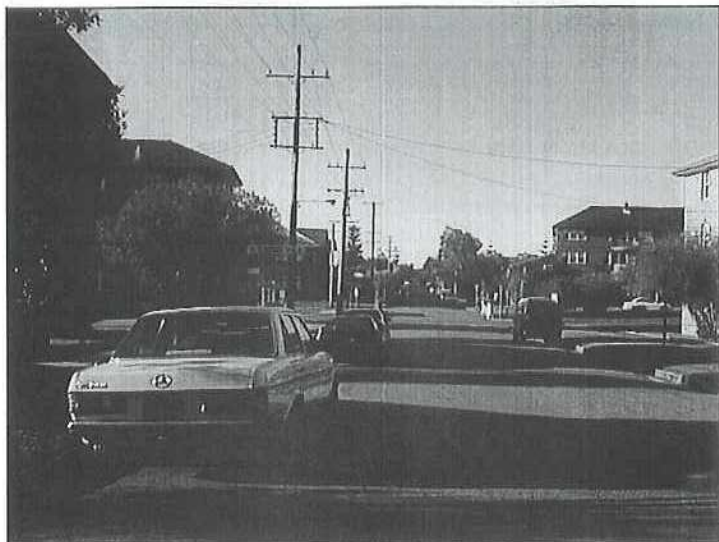
Single Storey Homes Cnr Tooke and Corlette Streets



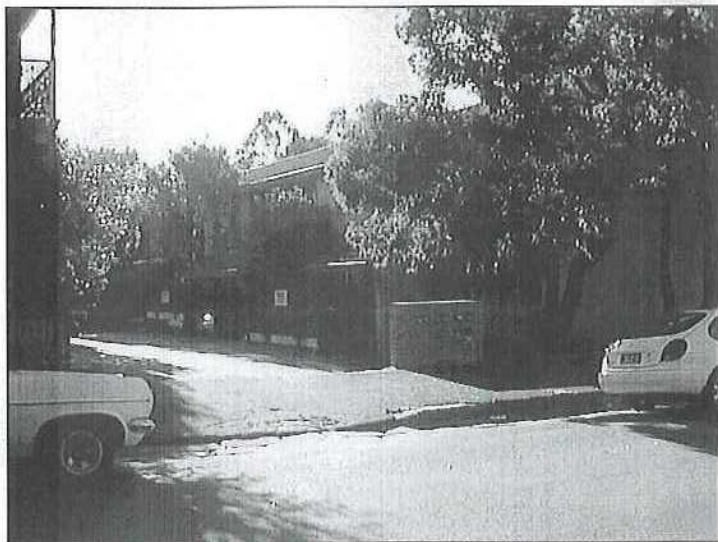
Single Storey Homes In Tooke Street (the rear yards of which adjoin the development site)



Two Storey Medium Density Housing Opposite the subject Site in Corlette Street

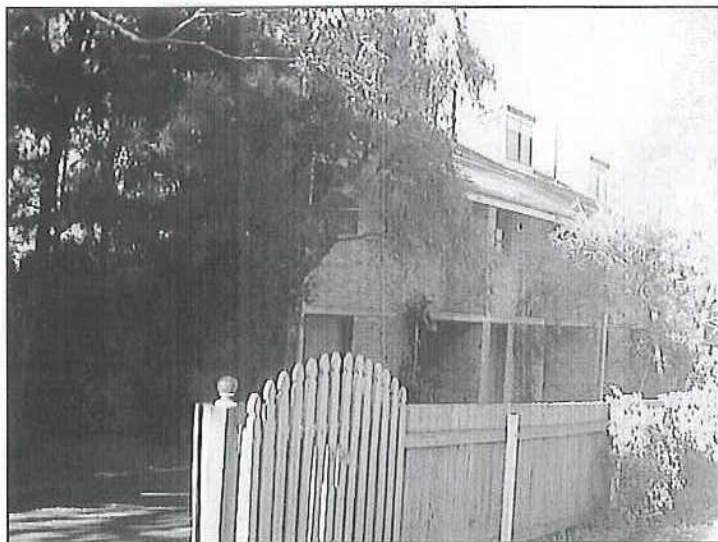


Corlette Street looking north near Parkway Avenue

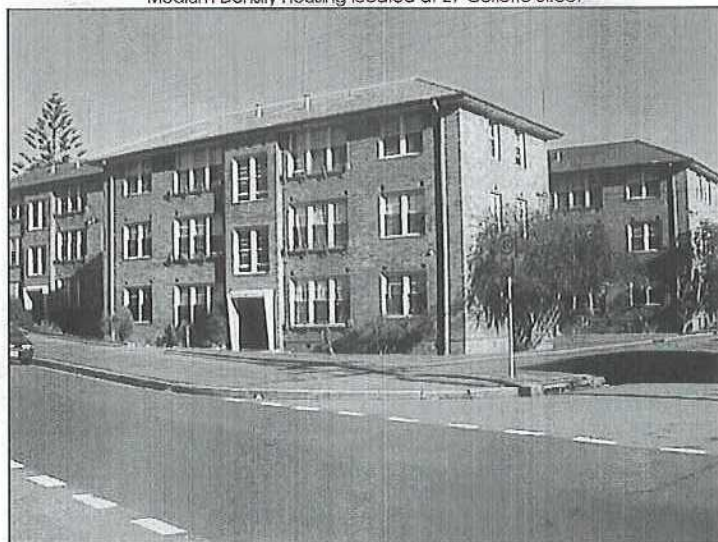


Medium Density Housing located at the Cnr of Corlette & Bull Streets

*Proposed Residential Flat Building and Boarding House
Union Street, Cooks Hill
(Ref: 238435)*



Medium Density Housing located at 27 Corlette Street



Example of Higher Density Housing at 89 Parkway Avenue Cnr Corlette Street,
The Junction 'Rewo'



Higher Density Housing at 97 Parkway Avenue Cnr Corlette Street, The Junction 'Rewo



Example of Built Form contained within the Newcastle Grammar School Landholding at the Cnr of Corlette Street & Parkway Avenue



YWCA Building which presents as four storeys to the street located at the Cnr of Corlette Street and Parkway Avenue, Cooks Hill



Photo of Union Towers from Corlette Street,

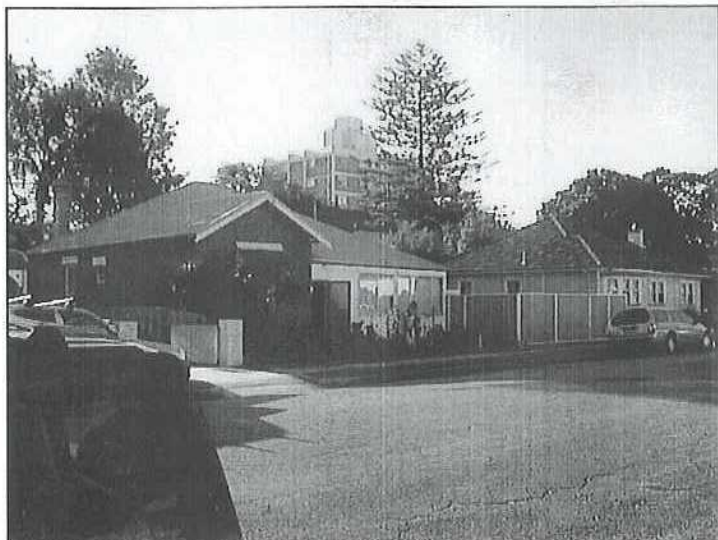
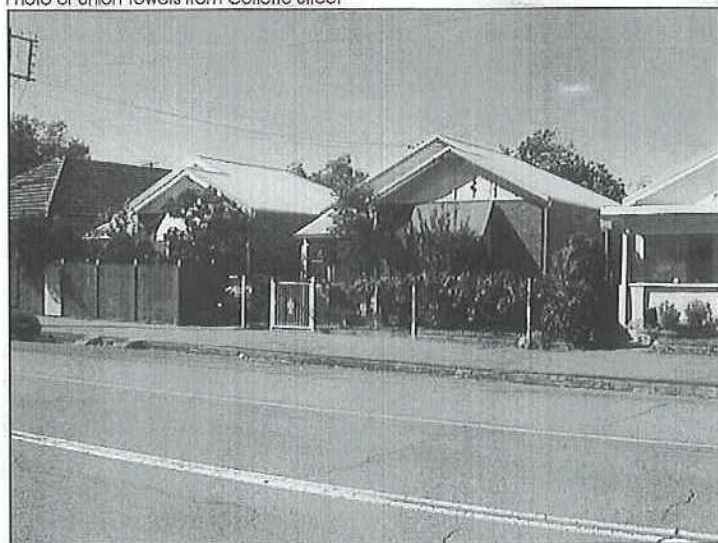
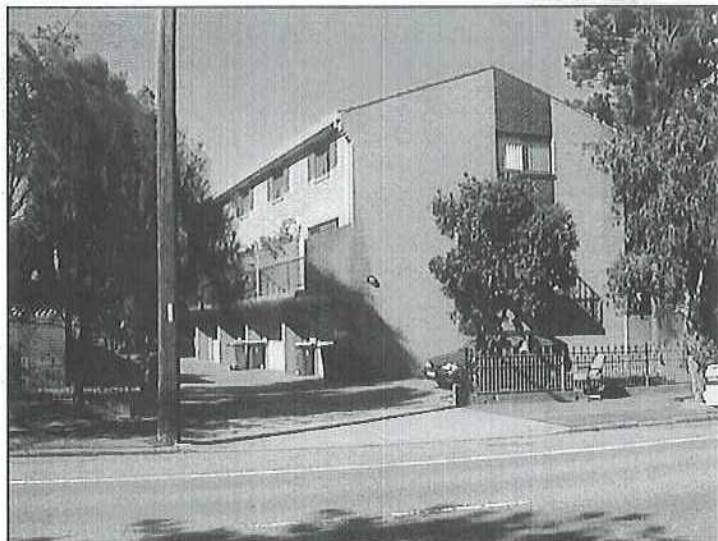


Photo of Union Towers from Corlette Street



Single Storey Detached Dwellings fronting Union Street to the north of the site



Three Storey Medium Density Housing located at 73 Union Street



Eight Storey High Density Housing 'Union Towers' located at 75 Union Street

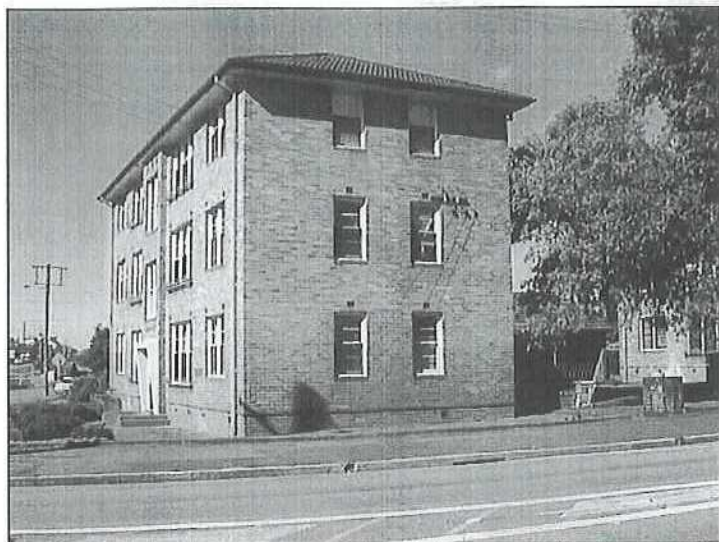


Three Storey High Density Housing at 103 Parkway Avenue Cnr Union Street 'Brewongle'



Three Storey High Density Housing 117 Parkway Avenue Cnr Union Street 'Brewongle'

*Proposed Residential Flat Building and Boarding House
Union Street, Cooks Hill
(Ref: 238435)*



Three Storey High Density Housing at 103 Parkway Avenue Cnr Union Street 'Brewongle' as it directly addresses the street



Residential Flat Building located at the Corner of Parkway Avenue and Bruce Street



Residential Flat Building located on the corner of Parkway Avenue and Bruce Street

It can be seen that the area immediately to the north of the site in Tooke Street (within the Cooks Hill Conservation Area) comprises single storey detached dwellings while opposite the site in Corlette Street is a medium density development comprising predominantly two storey town houses. Land use however is not homogenous with the existing site containing a motel and function centre, land adjoining the site to the south being the former Hunter Institute of Technology Union Street Campus and now owned and occupied by the Newcastle Grammar School and land opposite in Union Street forming part of the substantial National Park open space and recreation areas.

The site is located in close proximity to commercial areas at The Junction and Market Town shopping and also the Newcastle CBD and beaches. These features have made the locality popular and this has assisted to encourage the more dense building forms that are scattered throughout the locality as can be seen in the photographs.

The 1998 version of Council's Newcastle Urban Strategy provides a critique of the identity of all the suburbs that make up the Newcastle LGA. The following extract relates to Cooks Hill:

Cooks Hill

Cooks Hill grew from the AA Company's coal mines in the area. The first houses were a row of collar's huts near the present Brooks Street. Land sales began in 1854 when many lots were sold in Darby Street, at the time known as Lake Macquarie Road and one of the few public access paths through the AA Company land. Significant features include: Darby Street commercial and restaurant centre, Centennial Park, street alignments relating to former railway lines, art galleries, library, conservatorium, federation housing, including terraces, and Civic Park.

Other Key features include:

- *Walkability and connectivity is very good and streets appealing to walkers;*
- *Topography is generally flat;*
- *Some 35% of the housing stock is semi-detached, or townhouses, and 39% are flats or apartments;*
- *There is good housing choice but the area is becoming less affordable;*
- *Density is comparably high;*
- *Streetscape is interesting with tree lined streets although some insensitive redevelopment, with garage doors and blank walls, has reduced the walkability and attractiveness of some streets.*

The site is within close proximity to the The Junction, being a continuation along Corlette and Union Streets. Accordingly, it is also worth consideration what the Newcastle Urban Strategy says about the The Junction:

The Junction

Named after The Junction of railways serving colliers in the Merewether area, and situated between the substantial estates of the AA Company and the Merewether family, The Junction was described in 1880 as forming, with Burwood and Globe, one large scattered village with a population of 1500. The Junction serves as a local service, district meeting place and retail functions. It does not detract from the city Centre but compliments it, as does Cooks Hill. Significant features include Globe Road/Union Street/Kentick Street commercial centre, high quality streetscapes, cafes and restaurants. Other key features include:

- *Walkability is good. Highly inter-connected streets and relatively flat topography enable easy access to commercial facilities;*
- *Coles Supermarket which is an attractor is relatively easy to access by both pedestrians from Union Street and for shoppers using the basement carpark;*
- *Existing primary schools attract people to The Junction;*
- *Beaches are within close proximity;*
- *Housing is generally expensive. The Department of Housing has an estate along Parkway Avenue which provides an affordable housing component within the local area.*

The site adjoins the Cooks Hill Conservation Area, a contributor to the character of the area. Council's Inventory Listing Sheet advises:

"Cooks Hill is primarily a residential area with commercial uses along Darby Street, Union Street and Bull Street. It is one of the oldest urbanized areas in Newcastle and contains some of the oldest dwellings and buildings. The suburb contains buildings that represent all of the architectural phases of Newcastle's history."

DESIRED FUTURE CHARACTER

The desired future character of the locality is defined by a range of planning documentation and controls, including the Newcastle LEP 2003, Newcastle DCP 2005 & Newcastle Urban Strategy.

THE NEWCASTLE URBAN STRATEGY

The Newcastle Urban Strategy was first completed in 1998 and was updated in 2009 and is the strategic planning document that informs the LEP and DCP.

The key reasons behind the strategy are documented as:

- Existing patterns of urban development are unsustainable;
- Social and economic changes are continuing;
- Change should be managed in a way which respects the unique values and character of Newcastle and its citizens;
- There is a need to articulate how Council believes Newcastle should look and operate;
- The existing planning framework requires comprehensive review.

In 1998 the following strategic directions were identified for Cooks Hill:

- Preserve local services to cater for the needs of residents;
- Facilitate a stronger presence and hence role of public and privately operated cultural facilities;
- Increase housing choice for youth and aged persons;
- Improve the pedestrian accessibility and amenity of Darby Street;
- Facilitate mixed use development in character with existing historical and cultural buildings;
- Facilitate business opportunities on Darby Street in adaptable mixed use buildings.

In 1998 the following strategic directions were identified for The Junction:

- Promote mixed use and medium density development on suitable sites;
- Facilitate compatible, sensitively designed 2 to 3 storey mixed use development on Glebe Road, Union Street and Kenrick Street, in and adjacent to the commercial centre;
- Ensure new development respects the amenity and character of existing housing and streetscapes.

The updated 2009 version of the Strategy remains consistent with these directions. In 2009 the document was expanded to include precincts for residential development and this identified the site within the Substantial Growth Precinct, this is further detailed below.

NEWCASTLE LEP 2003

The LEP has a number of broader aims that inform the overall strategic direction for the city:

- To respect, protect and complement the natural and cultural heritage, the identity and image, and the sense of place of the City of Newcastle;
- To conserve and manage the natural and built resources of the City of Newcastle for present and future generations, and to apply the principles of ecologically sustainable development (ESD) in the City of Newcastle;
- To contribute to the economic well being of the community in a socially and environmentally responsible manner;
- To improve the quality of life and well being of the people of the City of Newcastle;
- To facilitate a diverse and compatible mix of land uses in and adjacent to the urban centres of the City of Newcastle, to support increased patronage of public transport and help reduce travel demand and private motor-vehicle dependency;
- To encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial services, and the like.

The site is zoned 2(b) Urban Core under the LEP and has the following zone objectives:

- (a) To provide for a diversity of housing types that respect the amenity, heritage and character of surrounding development and the quality of the environment;
- (b) To accommodate a mix of home-based employment generating activities that are compatible in scale and character with a predominantly residential environment;
- (c) To accommodate a limited range of non-residential development of a scale and intensity compatible with a predominantly residential environment which does not unreasonably detract from the amenity or character of the neighbourhood or the quality of the environment;
- (d) To require the retention of existing housing stock where appropriate, having regard to ESD principles.

NEWCASTLE DCP 2005

The Newcastle DCP 2005 identifies the site within the Substantial Growth Precinct, this is the highest density precinct available. The DCP outlines the following objectives for the

SUBSTANTIAL GROWTH PRECINCT:

- The Substantial Growth Precinct promotes a significant increase in the number and diversity of dwellings and new built form;
- Encourage redevelopment or consolidation that allows for more compact and sustainable urban form;
- Create a vibrant place for people to live in proximity to community facilities and services, commercial centres, employment, and transport nodes;
- Encourage public transport, walking and cycling as alternatives to the car.

ASSESSMENT OF PROPOSED DEVELOPMENT

State Environmental Planning Policy Affordable Rental Accommodation requires an assessment of the compatibility of the proposed boarding house with the character of the area.

It can be concluded that it is a clear planning objective that this site is to make a contribution to compact settlement by providing for a significant increase in the number of dwellings consistent with the Substantial Growth Precinct. Such a desired outcome requires a different built form than detached dwellings or town house and villa forms of housing that are found adjoining and adjacent the site to the north and east. Indeed it is the reason that Residential Flat Buildings are a permissible use within the zone.

The range of planning controls at the same time requires consideration to be given to the existing character of the area. This creates a challenge for redevelopment of the site.

It is considered that the proposed boarding house development is consistent with the character of the area noting the following:

- The proposed land use is for residential accommodation consistent with the existing use of the site for provision of accommodation, with the proposed residential flat building fronting Union Street and with the surrounding area. Arguably the proposed boarding house is more consistent with the residential land use character of the area than the existing motel accommodation which was the first step to residential use of the site following the former use of the site as a teachers college.
- The site is not within the Cooks Hill Heritage Conservation Area, however, the conservation area adjoins and so contributes to the character of the locality. As pointed out by Heritas in the submitted Heritage Report, the conservation area contains buildings that represent all of the architectural phases of Newcastle's history and that the proposed development respects this by adding another layer of architectural history adjacent to the area. The proposal does not attempt to mimic cottage forms.

The Statement of Heritage Impact prepared by Heritas is attached to this submission and provides more detailed analysis as to why the proposed development is appropriate relative to the Cooks Hill Heritage Conservation Area.

- The proposed form of development (Residential Flat Building) is not foreign to the character of this inner city area. As pointed out in the discussion above on existing character there are a number of examples of this form of development throughout the area. This is noted in the Newcastle Urban Strategy which indicates that for Cooks Hill some 35% of the housing stock is semi-detached, or townhouses, and 39% of flats or apartments.

- The design of the proposed development whilst seeking to provide for the identified significant increase in housing has very carefully considered the existing housing form nearby. The proposed development has achieved this, noting the following:
 - Site Planning has provided for modulation, good setbacks and separation of the building form. This respects the existing site planning and layout of other forms of housing within the area and is in contrast to a single mass of building that could be placed on the site. This planning approach has been commented upon favorably in the minutes from the UDCG.
 - The modulation, setbacks and separation of the building mass has allowed for good landscape opportunity (including deep soil landscaping) that will compliment the established landscape quality of the locality.
 - The modulated forms are consistent in scale with other forms of residential flat buildings in the locality as can be seen in the photos above, however, are proposed to be more effectively articulated through the variation of solid and void.
 - It is noted that a two storey development exists opposite in Corlette Street. The boarding house buildings have been designed as two storey elements raised up on a landscape and glass podium. This creates a three storey building element that forms somewhat of an introduction to the higher building forms on the site beyond whilst still relating to the scale of surrounding buildings.
 - The architectural expression, whilst clearly residential, has purposefully avoided including mimicking features of small cottage architecture. This has been done so as not to diminish the value of those nearby forms particularly within the nearby conservation area.
 - The building mass is further reduced by avoiding a repetitive street façade. No one modulated form is exactly the same as the other, however the building is appropriately tied together with a consistent theme.
 - The colours and materials have been selected with input from council's heritage adviser to compliment rather than detract from the existing character of the area. The building has been designed with masonry corners that use dry pressed bricks from the Namoi Valley Federation Range. The sunhoods and other painted elements are proposed to be modern in form with colours selected from the Dulux Heritage colour palette.
 - Car parking has been concealed under the building in an existing excavation to ensure that the parking of cars on site is not a strong visual element within the locality.
 - Access points have been kept to a minimum, consistent with design throughout the locality.

- The proposed landscape planter boxes to Corlette Street are a modern interpretation of the small front garden of many of the homes within the locality.

Council's Urban Design Consultative Group, also a committee constituted under SEPP 65 for the purpose of considering Residential Flat Buildings comprises Architectural Professionals with substantial experience. This Group has independently considered the proposed development in its entirety and in consideration of the design principle relating to Context made the following comments (as extracted from the minutes of its meeting relating to the proposed development):

"The proposal adjoins a school to the south of the subject site, and a heritage conservation (residential) area to the north. This adjacent heritage conservation area consists of five single residential buildings which face Tooke Street and whose back fences abut the development site, in addition to three single-storey residences facing Union Street, one of which has its southern side fence abutting the subject site. Across Union Street to the west lies a large park and sporting fields (National Park), while across Corlette Street there is generally one and two storey medium density residential accommodation.

While the proposal is for a level of development which is of a higher density and of greater height and scale than most nearby existing development, the site is located in an area which has been designated in the Newcastle Urban Strategy as a 'substantial growth precinct' because of its proximity to a substantial district-level centre.

The Group was of the view that the proposal was consistent with the likely future context of the area, and providing the interface with the single storey residential area to the north is managed sensitively, the proposal was considered appropriate in this context."

CONCLUSION

The existing character of the locality is predominantly residential in nature, however, this is not completely uniform with the Grammar School adjoining the site to the south west and the extensive National Park open space lands located opposite the site to the north west. The residential building types vary throughout the locality from single storey detached dwellings, through medium density two storey town house developments up to larger 3 storey residential flat buildings. The adjoining Cooks Hill Heritage Conservation Area is not uniform with a diversity of architectural expression reflecting the full range of design change over time.

The desired future character according to the relevant planning documents centres around taking advantage of the location relative to commercial centres of The Junction and Market Town as well as the Newcastle CBD. Access to shops and services is an opportunity to make a significant contribution to compact settlements and the benefits that follow. The site has been included within a substantial growth precinct for this reason. The planning controls however require consideration to be given to the existing character in achieving these planning objectives and the design has implemented a number of elements to achieve this.

In summary, it is considered that the proposed boarding house will be consistent with the existing and desired future character of the area and at the same time contribute to desired planning outcomes for affordable housing and compact settlements.

7 Statement of Heritage Impact

This is the statement of heritage impact for:

Proposed development of the sites known as 121-123 Union Street, Cooks Hill NSW, with property description Lots 1 & 2, DP 1050041.

Date:

September 2010; amended October 2010.

Reference:

The property is located within the Cooks Hill Heritage Conservation Area, defined under the Newcastle Local Environmental Plan 2003.

The material upon which this statement has been based is the following drawings:

- CKDS Architecture
Miller Union Development
Union Street, Cooks Hill Newcastle NSW
1013: DA-201 Issue V
1013: DA-202 Issue V
1013: DA-203 Issue V
1013: DA-204 Issue V
1013: DA-205 Issue V
1013: DA-301 Issue X
1013: DA-302 Issue X
1013: DA-303 Issue X
1013: DA-304 Issue X
1013: DA-601 Issue Q
1013: DA-602 Issue Q
various informal perspective views
- Terras Landscape Architects
Landscape Concept
8728.5 Typical Section Through Walkway
Miller Development Union Street

Prepared by:

Heritas Architecture (Linda Babic, B.A., B.Arch., M.Herit.Cons.)
173 Russell Road, New Lambton NSW 2305, (ph) 4957 8003.

Prepared for:

Parkway Accommodation Pty Ltd, c/o CKDS Architecture, PO Box 958 Newcastle NSW 2300.

The following aspects of the proposal respect or enhance the heritage significance of the item for the following reasons:

- The proposed residential use of the site is one that was earmarked by government in the 1980s, and one that sits comfortably within the context.
- The site has a history of a more intense use than that typical of the nearby single dwelling allotments, as an educational facility catering for hundreds of students and staff.
- The breakdown of forms along both street frontages results in a massing that respects the context of smaller residential blocks in the area. The spaces between the buildings, achieved through physical separation and through setbacks, also sympathetically reflect the context. The dwelling and driveway

widths of the adjacent context have informed the streetscape massing of the proposed development.

- The setback of structure along both street frontages respects a traditional suburban front yard pattern, and that of the immediate residential context.
- The proposed landscaping along the Union Street boundary, and the wide landscaped pedestrian access into the site from Union Street, both respect the National Park frontage opposite, which helps to merge the proposed development into that green context. The inclusion of large trees, particularly highlighted with again larger species at the two entry points to the development, will also soften the development within the streetscape. The large depth of landscaped terracing against Union Street is positive. This also continues the architectural approach of varied setbacks and massing. The development proposal respects the heritage values of National Park in this way with a substantial green edge setback to Union Street.
- The positioning of four large scale trees at the pedestrian site access entrance on Union Street serves to minimise the built form to the north of that access point, reducing the bulk at that end of Union Street to a scale more in keeping with the existing residential pattern in the southern end of the Heritage Conservation Area. This softening of the interface between the conservation area and the site is positive.
- The site figure/ground form of the structure along the northern boundary reflects the smaller repetitive allotment plan pattern of Tooke Street.
- The flat roof design of the units provides simple forms for the 'backdrop' to the Heritage Conservation Area. The contrast is a positive interpretive element against the HCA, which helps highlight and distinguish the edge of the HCA.
- The use of the presently vacant part of the site will infill a long vacant hole in the streetscape, creating and completing a strong eastern edge to National Park and to this section of Union Street generally.
- Carparking is not visible at site boundaries, i.e. there are not garages facing the street.
- Although the single storey cottage form of the dwellings facing Union Street is representative of the greater Heritage Conservation Area, the fabric and condition of these cottages does not well represent the general qualities of the Heritage Conservation Area.
- The view of the development from Tooke Street will be minimal, buffered by the deep north/south orientated lots and the generous setback of the proposed development from the northern boundary. Views will be gained however through the rear yards of the Union Street cottages, from Tooke Street.
- The Heritage Conservation Area "contains buildings that represent all of the architectural phases of Newcastle's history."¹⁷ The proposed development respects this by adding another layer of architectural history adjacent to the area, and not attempting to mimic cottage forms.
- The proposal is for a development of higher density than that directly adjacent in Tooke Street, however similar circumstances of density exist along other boundaries of the Heritage Conservation Area, notably along Darby Street, and without detriment to the integrity of the heritage values of Cooks Hill. The scale of the development is softened by the expanse of National Park opposite.
- The development is outside of the Heritage Conservation Area, and therefore consideration as an 'infill' is debatable. The position of the site is not considered to be within a particularly strong

¹⁷ Newcastle City Council website, www.newcastle.nsw.gov.au, Heritage Conservation Areas, Cooks Hill HCA.

architectural context of either the edge of the HCA or the immediate context to the east, west and south.

- The greater context of the Heritage Conservation Area, on its western and eastern boundaries particularly, has a history of larger scale community support/residential developments. For example National Park and No.1 Sportsground, commercial development bounded by Parry, Arnott and Bull streets, Newcastle Workers Club, the Cooks Hill Commercial Centre, and warehouse residential apartments. The current proposal is not out of scale with these existing contextual developments.
- The views into and out from the Heritage Conservation Area in this area are predominantly of the residential fabric within the IICA, i.e. not panoramic landscape views or the like.
- The development site does not impede on the former rail line as it exists the southern boundary of the Heritage Conservation Area. In addition, the former tramway corridor is conserved by Union Street.
- The materials proposed - predominantly render and paint finish, with hardwood timber screening to masonry planters - are considered to be sympathetic. The integration of these with the extensive landscaping will create a whole with multi-layered detail. However, the detail of the glass balustrading needs further consideration in the detailing phase of the project, in order to determine its visual impact. A completely frameless balustrade with clear glass, or the incorporation of timber elements in the balustrade, is suggested.
- The incorporation of mosaic walls depicting elements relating to the former use of the site is positive. These proposed interpretive elements - while not all readily accessible to the public - are a sympathetic means of understanding the history of the site. Similar elements should also be introduced on the Corlette Street boundary, in locations such as the 1200mm high masonry wall, the main entries, and the screened substation kiosk.

The following aspects of the proposal could detrimentally impact on the heritage significance of the area:

- The interface of the proposed development with the southern boundary of the Heritage Conservation Area presents a localised height difference. Although this does occur in more dramatic examples within the boundary of the HCA, a softening at this interface has been achieved by the setback from the northern site boundary. Existing and established vegetation along the northern site boundary is also proposed for retention.

It is considered that views to the taller centre building on the development site will be largely obscured.

The following sympathetic solutions have been considered and discounted for the following reasons:

- A less intense development of the site was discounted as being unviable.
- A reduction in height was considered unattainable due to current flood level restrictions on the site.
- A reduction in height coupled with the same density produced greater massing of forms, greater encroachment on boundaries, and hence a reduction in streetscape rhythm to Union Street.

The following aspects of the development are not shown on the documents and should be considered prior to approval:

- A colour scheme for the development has not been proposed. Neutral tones are preferable.
- The finer detailing of fencing and other semi-public landscaping elements, during the design documentation phase, can add detail to the development that will help to better engage the proposed development with the fabric of the Heritage Conservation Area.

Summary

With confirmation of external detailing, and the detailing of interpretive elements, the development is generally considered to respect the values of the Cooks Hill Heritage Conservation Area.