



URBIS

# STATEMENT OF ENVIRONMENTAL EFFECTS

Stage 3 & 4 East End

Prepared for  
**EAST END STAGE 3 PTY LTD AND EAST END STAGE  
4 PTY LTD**  
November 2024



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Report Number	Revised – V8 11 November 2024

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REVISED STATEMENT OF ENVIRONMENTAL EFFECTS - STAGE 3 & 4 EAST END -  
NOVEMBER 2024

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# EXECUTIVE SUMMARY

This Statement of Environmental Effects ('SEE') has been prepared on behalf of East End Stage 3 Pty Ltd and East End Stage 4 Pty Ltd ('the applicant') and in support of a Development Application (DA) (DA2023/00419) for a mixed-use development at 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle. This SEE has been revised at the direction of CN post the determination of the concurrent modification.

This development has undergone an Architectural Design Competition where four competitors put forward their designs in accordance with a robust Design Excellence Brief and Strategy. SJB in collaboration with Durbach Block Jagers and Curious Practice Architecture (the Design Team) scheme was recommended by the Jury as the winning scheme in the competitive design process. The Applicant were the second private proponent in City of Newcastle (CN) to take on the ambitious task of undertaking an Architectural Design Competition. The applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity.

The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage. In addition, the Chair of CN's Urban Design Review Panel, Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner.

East End is Newcastle's residential and lifestyle precinct. As seen by the success of Stage 1, East End is the next catalyst in the ongoing revitalisation of Hunter Street and the surrounding CBD. The Iris Capital East End development is a critically important project with the purpose of rejuvenating the heart of the Newcastle CBD. A city centre that had been neglected and in decay for many years, the East End development is the single largest investment that has and continues to reshape the Hunter Street precinct. The multi award winning Stage 1 has been widely acclaimed as having produced an exceptional outcome in terms of design, amenity and ground plane experience.

Stage 3 and 4 delivers a remarkable city outcome. Through a series of modifications, the Design Team have shifted the approved built form massing to accommodate the view corridor along Market Street to Christ Church Cathedral, aligned with CN's desired public domain outcome. These subtle changes allow the built form to embrace the geography of place while delivering more residential dwellings with views to the harbour. The proposal delivers a significantly improved public benefit in the form of the connected ground plane and a family of beautifully designed buildings that have achieved design excellence.

The key features of Stage 3 and 4 are summarised below:

- Demolition of existing remaining Contributory 1 structures onsite, except for the Municipal Building and northern and eastern façades of 105 and 111 Hunter Street;
- Construction of a mixed-use precinct forming an active ground level, inclusive of retail and commercial tenancies, with five buildings reaching up to 10 storeys (Building 3 South) and comprising 195 apartments including stratum and strata subdivision;
- Basement car parking comprising 304 car spaces;
- Communal open space for residents located in Building 3 North, Building 4 North and Building 4 South;
- Vehicle access to the site via Thorn Street and Laing Street;
- Associated landscaping and public domain improvements;
- Commercial tenancies will front Hunter Street and the internal Market Plaza to enhance activation of the ground plane and pedestrian traffic. These will be accompanied by appropriate landscaping features to enhance the public domain;
- Market Square forms part of Stage 3 and provides further opportunities for activation. Market Square is aligned with CN's desired public domain outcome and opens the view corridor to the Christ Church Cathedral; and
- Construction of ancillary infrastructure and utilities as required.

A concurrent section 4.55(2) modification was progressed with CN to amend the Concept DA (D/2017/00701) to align with this Detailed DA. It is acknowledged this proposal includes building bulk that

previously fell outside of the approved building envelopes but accommodates amendments to the Concept DA (D/2017/00701) which were requested by CN to establish the Harbour to Cathedral corridor. Therefore, the purpose of the section 4.55(2) modification was to amend the building envelopes approved under the Concept DA to reflect the re-distribution of the massing out of the central view corridor towards other parts of Stage 3 and Stage 4, and the Christ Church Cathedral. The section 4.55 (2) modification was approved by the Hunter and Central Coast Planning Panel on the 28 October 2024 via a section 8.2 review process.

The key benefits of the project can be summarised as follows:

- The proposal delivers a significant public benefit by the redistribution of floor space from within the identified view corridor for the “Harbour to Cathedral Park” to Building 3 South (DBJ) providing a generous and publicly accessible space. CN have a desired public domain outcome for the site, which is reflected in the Newcastle DCP 2012. The desired public outcome is currently restricted by a component of the western end of Building 3 South.
- The Design Team have been driven by delivering a ‘civic response.’ The three buildings on Stage 3 have been combined to form a recognisable civic composition in which the Christ Church Cathedral, remote to the Square, plays a critical role.
- The proposal includes the creation of a new urban plaza “Market Square” and will improve ground plane activation and permeability through the site. The planning of this space is in keeping with the sites historic and originally intended use. Market Square is left open to possibility and will be able to adapt to the community needs including community markets, food festivals, open air cinema, small concerts and the list goes on.
- The redistribution of the approved GFA enhances the characteristic of Newcastle’s silhouette and does not deliver a ‘flat top’ planning envelope. The redistribution of height across Stage 3 reinforces the notion of a playful skyline, creating a positive contribution to Hunter Street when compared to the Concept DA scheme.
- The scheme has been through a Design Excellence process. The SJB, DBJ and Curious Practice scheme was recommended by the Jury as the winning scheme in the competitive design process. The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and public domain; and the Chair of CN’s UDRP. Stage 3 and 4 will complete the staged revitalisation of Iris’ East End project.
- The project is underpinned by Country. Through several community consultations with Dhiira, Teresa Dargin, Dr. Ray Kelly, Dr. John Maynard, and Peter Townsend (Awabakal LALC) the Design Team have developed a series of segments to assist the development to be a more culturally inclusive space for the local First Nations Community, and all.
- Dhiira has endorsed the scheme stating that “the final submission will include and be reflective of community, their voice is now in design. This project not only created new ways of participating for our people, economic outcomes for the project team through ideation, a chance to imagine and shape the future of the city. The outcomes produced broadly through the design process are incredible conceptualisations of a place that was, this tells a story to all people who will be drawn and access this space and preserve this opportunity to engage for future generations in Newcastle.”
- The Municipal Building has been retained as ‘freestanding’ and unencumbered of additional storeys. This is as a result of the redistribution of building mass. This key move provides a positive heritage response.
- The proposal will deliver high-quality residential dwellings in a convenient, accessible, and naturally beautiful location. Future residents will be afforded the opportunity to live in a high-amenity location, with all the benefits of modern apartment living. The proposal provides a variety of apartment types to suit the needs and lifestyles of existing and future residents of Newcastle.
- The proposal is highly consistent with all strategic planning aims and objectives for the Newcastle City Centre and the Hunter region by providing a diversity of housing, and employment opportunities in a well-connected area.
- The proposal is sympathetic to the surrounding context and is a well-designed scheme that unlocks the site’s potential and provide significant community, local and regional social, environmental, and economic benefits.

East End is the next catalyst in the ongoing revitalisation of Hunter Street and the surrounding CBD. Stage 3 and 4 will delivery on the project vision established in the Architectural Design Competition, which was “to

*achieve design excellence that raises the bar higher than what has been achieved to date, such that the final outcome is so compelling that owners in Stage 1 and 2 will want to move into this third and final stage in a location that with harbour on one side and ocean on the other, is second to none."*

In view of the above, we submit that the proposal is in the public interest and that the DA should be approved subject to appropriate conditions.



# 1. INTRODUCTION

## 1.1. OVERVIEW

This Statement of Environmental Effects (SEE) has been prepared on behalf of East end Stage 3 Pty Ltd and East End Stage 4 Pty Ltd (the applicant). It accompanies a Development Application (DA) (DA2023/00419) in accordance with section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to the City of Newcastle (CN) for Stage 3 and Stage 4 of a mixed-use development at 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle. This SEE has been revised at the direction of CN post the determination of the concurrent modification.

This DA will comprise the design, construction, and operation of mixed-use precinct. East End is the next catalyst in the ongoing revitalisation of Hunter Street and the surrounding CBD. As seen by the success of Stage 1, East End is the next catalyst in the ongoing revitalisation of Hunter Street and the surrounding CBD.

The Iris Capital East End development is a critically important project with the purpose of rejuvenating the heart of the Newcastle CBD. A city centre that had been neglected and in decay for many years, the East End development is the single largest investment that has and continues to reshape the Hunter Street precinct.

The key features of Stage 3 and 4 are summarised below:

- Demolition of existing remaining Contributory 1 structures onsite, except for the Municipal Building and northern and eastern façades of 105 and 111 Hunter Street;
- Construction of a mixed-use precinct forming an active ground level, inclusive of retail and commercial tenancies, with five buildings reaching up to 10 storeys (Building 3 South) and comprising 195 apartments including stratum and strata subdivision;
- Basement car parking comprising 304 car spaces;
- Communal open space for residents located in Building 3 North, Building 4 North and Building 4 South;
- Vehicle access to the site via Thorn Street and Laing Street;
- Associated landscaping and public domain improvements;
- Commercial tenancies will front Hunter Street and the internal Market Plaza to enhance activation of the ground plane and pedestrian traffic. These will be accompanied by appropriate landscaping features to enhance the public domain;
- Market Square forms part of Stage 3 and provides further opportunities for activation. Market Square is aligned with CN's desired public domain outcome and opens the view corridor to the Christ Church Cathedral; and
- Construction of ancillary infrastructure and utilities as required.

A concurrent section 4.55(2) modification has been progressed with CN to amend the Concept DA (D/2017/00701) to align with this Detailed DA. The section 4.55 (2) modification was approved by the Hunter and Central Coast Planning Panel (the Planning Panel) on the 28 October 2024 via a section 8.2 review process. The Planning Panel's key reasons for the decision are summarised as (referenced from the Final Determination and Statement of Reasons, dated 28 October 2024):

- The Review Panel is satisfied that the modified Concept Approval is substantially the same development as the originally approved Concept Approval.
- While the proposed building envelopes for Building 3 (West), 3 (South) and 4 (South) exceed NLEP 2012 height controls the Panel is satisfied that the proposed increased heights area reasonable and can be supported.
- The modification facilitates the delivery of a significantly enhanced public domain outcome including opening the visual link between Newcastle Harbour and the Cathedral as envisaged by Newcastle DCP 2012, as well as reconfigured Market Square.

- The Panel considers the additional impacts on the identified public and private views are reasonable when balanced against the considerable public benefits arising from the new built form envelope massing across Stage 3 and 4 of the development site.
- The proposal is fully compliant in terms of providing resident parking for every proposed apartment and the shortfall in commercial parking is attributable to Stages 1 and 3 which are either constructed or under construction. The panel further notes that DCP 2023 adopts a new approach to parking in the Newcastle CBD, moving from prescribing minimum parking rates to a merits-based assessment approach with maximum parking rates to promote sustainable transport choices and increased use of public transport.
- The proposed concept development as modified remains consistent with the objectives for the Newcastle City Centre in clause 7.1 of the NLEP 2012 and relevant provisions of DCP 2012 as it will facilitate the revitalisation of the East End Precinct and the Newcastle City Centre more generally, contributing to employment, other economic growth opportunities and much needed housing stock. The Panel therefore considers that approval of the review application is consistent with the objectives of the Environmental Planning and Assessment Act 1979, and in the public interest.

In summary, the Review Panel formed the view that the modification was in the public interest and worthy of support. This Detailed DA is aligned with the approved Concept Plan (as modified).

## 1.2. PLANNING FRAMEWORK

The proposed development was subject to a Design Competition where three competitors participated to prepare design proposals for the site. The competitive process was undertaken in accordance with clause 7.5 of the Newcastle Local Environmental Plan 2012 (NLEP 2012) and the Government Architect NSW (GANSW) draft Design Excellence Competition Guidelines.

The Design Integrity Panel (DIP) endorsed the lodgement of the Development Applications to CN on the 7 October 2022. The DIP recommended a subsequent DIP meeting post-lodgement during the response to submissions and response to information phase to allow a consolidated review incorporating any potential future changes as a result of these processes.

The cost of works for the purpose of determining the DA fee for the proposed development is calculated in accordance with clause 255 (1) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). This is detailed in the cost estimate report that accompanies this DA.

As the cost of works is more than \$30 million and located in the City of Newcastle LGA, the DA is considered regionally significant will be assessed by CN and determined by the Hunter and Central Coast Planning Panel.

## 1.3. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing development and local and regional context.
- **Section 3 – Project History:** outlines the approvals history and pre-lodgement discussions with key stakeholders.
- **Section 4 – Proposed Development:** provides a detailed description of the proposal including the demolition, construction and operational phases.
- **Section 5 – Strategic Context:** identifies and analyses the State, regional and local strategic planning policies relevant to the site and proposed development.
- **Section 6 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Assessment of Key Issues:** identifies the potential impacts arising from the proposal and recommends measures to mitigate, minimise or manage these impacts.
- **Section 8 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.

- **Section 9 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

This SEE has been revised at the direction of CN post the determination of the concurrent modification.

## 1.4. SUPPORTING DOCUMENTATION

The technical and design documents that have been prepared to accompany this DA alongside this SEE and are identified in **Table 1** below.

Table 1 – Supporting Documents

Appendix	Document Name	Prepared by
A	Architectural Drawings – Precinct	SJB, DBJ & Curious Practice
B	Architectural Drawings – 3 North & 3 South	SJB, DBJ & Curious Practice
C	Architectural Drawings – 3 West	SJB, DBJ & Curious Practice
D	Architectural Drawings – 4 North	SJB, DBJ & Curious Practice
E	Architectural Drawings – 4 South	SJB, DBJ & Curious Practice
F	Housing SEPP and Design Excellence Statement	SJB, DBJ & Curious Practice
G	Revised Design Report	SJB, DBJ & Curious Practice
H	Survey Plan	Monteath & Powys
I	Landscape Plans – Precinct	Cola Studio
J	Landscape Plans – Stage 3	Cola Studio
K	Landscape Plans – Stage 4	Cola Studio
L	Landscape Design Report	Cola Studio
M	View Impact Statement	Urbis
N	View Sharing and View Impact Assessment (DCP View 17)	Urbis
O	Response to Request for Information Section 8.2 Review View A and B Impact Assessment	Urbis
P	Legal Advice on CN Car Park site	Mills Oakley
Q	Approved Demolition and Retention Plan	SJB
R	Addendum Traffic Impact Assessment	CPJ Consulting Engineers
S	Ground Anchors Structural Letter	Xaiver Knight
T	Designing with Country Endorsement Report and Letter	Dhiira
U	Design Report for 92 King Street	SJB



<b>Appendix</b>	<b>Document Name</b>	<b>Prepared by</b>
V	Revised Heritage Impact Statement	City Plan
W	Revised Conservation Management Plan	City Plan
X	Heritage Design Response Study	SJB
Y	Response to Submissions (Mod and DA)	Urbis
Z	Response to Submissions (8.2 Review)	Urbis
AA	Revised Acoustic Report	Renzo Tonin
BB	Cost Report	Altus
CC	Waste Management Plan	MRA Consulting
DD	BASIX – Building 3 West	Ecoplus Consultants
EE	BASIX – Building 3 North and South	Ecoplus Consultants
FF	BASIX – Building 4 North	Ecoplus Consultants
GG	BASIX – Building 4 South	Ecoplus Consultants
HH	Infrastructure Services Report	Xavier Knight
II	Façade Retention Plans	James Taylor + Associates
JJ	Fire Engineering Report	GHD
KK	Detailed Site Investigation	Foundations Earth Sciences
LL	Geotechnical Report	Tetra Tech Coffey
MM	Acid Sulfate Soils Management Plan	Tetra Tech Coffey
NN	Access Report	Projected Design MGT
OO	BCA Report	Philip Chun
PP	EV Charging Provisions	Neuron
QQ	Engineering Report - Structure	Xavier Knight
RR	DCP Compliance Table	Urbis
SS	Clause 4.6 Variation Request – Height	Urbis
TT	Hunter Water Services	Wallace Design Group
UU	Historical Archaeology Report	Umwelt
VV	ACHAR	Umwelt
WW	Remediation Action Plan	Foundation Earth Sciences

Appendix	Document Name	Prepared by
XX	Stormwater Management Report	Xavier Knight
YY	Civil Plans	Xavier Knight
ZZ	Substation Chamber Plans	Power Solutions
AAA	Flood Upstream Catchment Report	Xaiver Knight
BBB	Draft 88B Instrument	LTS Lockley
CCC	Stratum Plans	LTS Lockley
DDD	Road Concept Plan	CJP Engineering
EEE	Strata Plans	LTS Lockley
FFF	GFA Plan per Land Use	SJB, DBJ & Curious Practice

## 1.5. STATUS OF SEE

This SEE has been revised at the direction of CN post the determination of the concurrent modification. DA2023/00419 was lodged on 24 May 2023; and placed on public exhibition between 31 May 2023 to 7 July 2023 and renotified in early 2024.

DA2023/00419 has been subject to numerous Requests for Additional Information (RFIs) since lodgement. This revised SEE captures the information provided in response to the various RFIs, and is summarised below:

### 1.5.1. 12 October 2023 RFI

The partial RFI letter issued by CN primarily related to traffic engineering, environmental issues, heritage, gross floor area, city greening and external agency referrals. The proponent, SJB, DBJ and Curious Practice as well as the consultant team met with Council Officers on several occasions throughout 2022 to 2023 to discuss the proposed works.

The following information was submitted to CN on 10 November 2023 in response:

- Cover Letter prepared by Urbis
- Amended Architectural Package prepared by SJB, DBJ, Curious Practice and Cola Studio
- Heritage Response Letter prepared by City Plan
- Traffic and Parking Letter prepared by CJP Consulting
- Acoustic Assessment prepared by Renzo Tonin

All matters raised by CN have been comprehensively addressed by the Applicant. This additional information has been reflected in this revised SEE.

### 1.5.2. 13 November 2023 RFI

The partial RFI letter issued by CN primarily related to traffic engineering, environmental issues, heritage, gross floor area, city greening and external agency referrals. The proponent, SJB, DBJ and Curious Practice as well as the consultant team met with Council Officers on several occasions throughout 2022 to 2023 to discuss the proposed works.

The RFI received on 13 November from CN, states *Please be advised that the detailed assessment of the application has now been completed and this RFI supersedes the RFI dated 12 October 2023, however,*

Urbis note that most of the information requested by CN in the 12 October 2023 remains relevant to the 13 November 2023 RFI and has been responded to. Considering this, the RFI only response to the 'new' matters and did not recap on the matter already responded to. **Section 2** of this RFI illustrated where each matter has been responded to.

The following information was submitted to CN on 8 December 2023 in response:

- Draft Stratum Plan prepared by LTS
- Parking Breakdown prepared by Urbis and Iris
- Revised Acoustic Report (V2) prepared by Renzo Tonin
- Revised Clause 4.6 Variation Statement prepared by Urbis
- 3D Hourly Shadow Diagrams prepared by SJB, DBJ and Curious Practice
- 2D Shadow Diagrams prepared by SJB, DBJ and Curious Practice
- Revised Landscape Plans prepared by COLA Studio
- Signage Strategy prepared by SJB, DBJ and Curious Practice
- Response to Submissions prepared by Urbis

This RFI response pursuant to clause 113 of the *Environmental Planning and Assessment Regulation 2021* sought to amend DA2023/00419 for Stage 3 and 4 of East End, to include stratum subdivision. The stratum lots will be further subdivided into strata lots for sale.

All matters raised by CN have been comprehensively addressed by the Applicant. This additional information has been reflected in this revised SEE.

### **1.5.3. 23 December 2023 RFI**

The RFI letter issued by CN related to traffic engineering, parking and public domain and heritage matters. The proponent, SJB, DBJ and Curious Practice as well as the consultant team met with Council Officers on 18 January 2023 to discuss the 22 December 2023 RFI in further detail.

The following information was submitted to CN on 24 January 2024 in response:

- Revised Clause 4.6 Variation Statement (Height) prepared by Urbis
- View Sharing Assessment (Private Views) prepared by Urbis
- View Impact Assessment (Public View – DCP View 17) prepared by Urbis
- Revised architectural drawings for Building 4 North to response to the heritage concerns prepared by Curious Practice
- Revised architectural drawings for Building 4 South and Building 3 West to response to the loading and public safety concerns prepared by DBJ and SJB
- Amended Traffic Engineering Response prepared by CJP Consulting
- Amended Heritage Response prepared by City Plan
- Cross section of proposed heritage wall solution for King Street prepared by SJB
- Engineering commentary on ground anchors prepared by Xaiver Knight

All matters raised by CN have been comprehensively addressed by the Applicant. This additional information has been reflected in this revised SEE.

### **1.5.4. 27 September 2024 RFI**

The RFI letter issued by CN related to consistency of documentation including the architectural plans, landscape plans and Statement of Environmental Effects. All matters raised by CN have been comprehensively addressed by the Applicant. This additional information has been reflected in this revised SEE.



## 2. SITE CONTEXT

### 2.1. EAST END PRECINCT

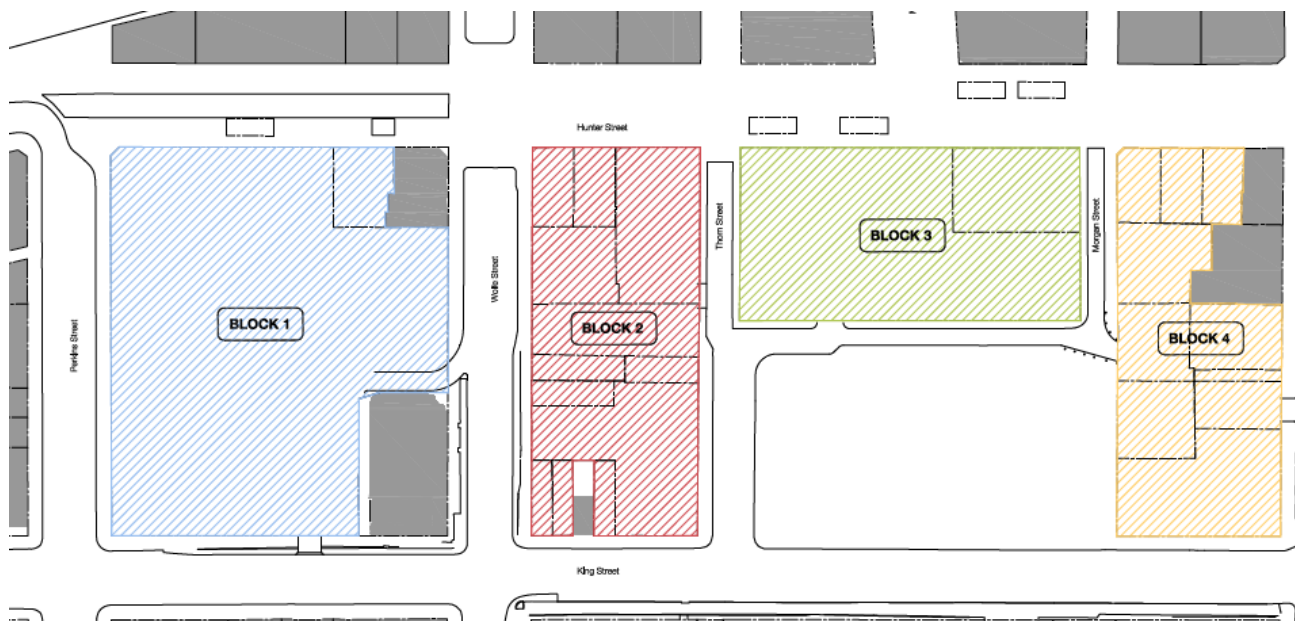
East End is transforming four city blocks into a vibrant urban village. The Iris Capital East End development is a critically important project with the purpose of rejuvenating the heart of the Newcastle CBD. A city centre that had been neglected and in decay for many years, the East End development is the single largest investment that has and continues to reshape the Hunter Street precinct.

Stage 1 has been completed and is critically acclaimed having won numerous awards across Australian Institute of Architects, Urban Development Institute of Australia, Urban Taskforce Australia, and the Urban Developer.

Stage 2 is currently under construction and due for completion at the end of 2023.

This DA relates to Stage 3 and Stage 4. The site is comprised of two separate blocks of land known as Stage 3 and Stage 4 (or Block 3 and Block 4), refer to **Figure 1**. The site addresses are 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle.

Figure 1 – East End Precinct



Source: SJB sourced from the DA Tracker

### 2.2. STAGE 3 AND 4 DESCRIPTIONS

The site is comprised of two separate blocks of land known as Stage 3 and Stage 4. The site addresses are 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle and are legally described as:

- Lot 32, DP 864001 (137 Hunter Street) – Block 3
- Lot 31, DP 864001 (121 Hunter Street) – Block 3
- Lot A, DP 388647 (111 Hunter Street) – Block 4
- Lot B, DP 388647 (109 Hunter Street) – Block 4
- Lot 1, DP 77846 (105 Hunter Street) – Block 4
- Lot 100, DP 1098095 (3 Morgan Street) – Block 4
- Lot 1, DP 331535 (22 Newcomen Street) – Block 4
- Lot 2, DP 331535 (3 Morgan Street, Newcastle) – Block 4

- Lot 98, DP 1098034 (3 Morgan Street) – Block 4
- Lot 96, DP 1098068 (3 Morgan Street) – Block 4
- Lot 1, DP 723967 (3 Morgan Street) – Block 4
- Lot 1, DP 819134 (66-74 King Street) – Block 4

Altogether, Stage 3 and Stage 4 parcels of land have an area of 6,450m<sup>2</sup>.

### **Stage 3 – Hunter Street**

Stage 3 site is approximately 3,365m<sup>2</sup> and has frontages of approximately 81m to Hunter Street to the north, 81m to Laing Street to the south, 42m to Morgan Street to the east and 42m Thorn Street to the west. The site originally accommodated an older style brick, two storey commercial building, which has recently been demolished. The rear of the site has a direct interface with a vacant site, which previously accommodated a five-storey car park owned by City of Newcastle. The car park has since been demolished as it was no longer in use and City of Newcastle are exploring opportunities for redevelopment.

Part of the site is a local heritage item, namely a Municipal Building (No. I403) located at 121 Hunter Street. Directly opposite is a locally listed heritage item, Former Hotel Hunter (No. I405) located at 152-160 Hunter Street and diagonally north-west from the site, another Municipal Building (No. I406) located at 164-170 Hunter Street.

Located south of the site is a state heritage item, known as Christ Church Cathedral, Cemetery and Cathedral Park (No. I562), situated at 52A Church Street.

### **Stage 4 – Newcomen Street**

Stage 4 is approximately 3,085m<sup>2</sup> and has frontages of approximately 30m to Hunter Street to the north, 55m of Newcomen Street to the east, of 40m of King Street to the south and 42m of Morgan Street to the west. The site accommodated multiple mixed-use buildings, exhibiting ground floor retail uses along the Hunter Street frontage with residential use becoming more prominent on the Newcomen Street frontage. The direct middle of the site accommodated a small hardstand car park, with three commercial buildings surrounding (visible via king street frontage), all of these buildings have recently been demolished.

Both Stage 3 and Stage 4 are located within the Newcastle City Centre Heritage Conservation Area.

The site is located within the City of Newcastle's 'East End Precinct' which is characterised by hilly topography and a mix of uses focusing on the retail spine of Hunter Street Mall.

The site area is illustrated in and site photos are provided in **Figure 3**.



Figure 2 – Site and surrounding context



Source: Urbis

Figure 3 – Site photos



Picture 1 – Stage 3

Source: Iris



Picture 2 – Council car park site | Looking North-West toward Stage 1 & 2

Source: SJB





Picture 3 – Stage 4 site | King Street

Source: Google Maps



Picture 4 – Stage 4 | King Street frontage

Source: Google Maps

## 2.3. LOCALITY CONTEXT

The site is located within an area of Newcastle that is principally of commercial use. Development along both sides of King Street and Hunter Street have a mix of scale accommodating residential, retail and commercial development, with various buildings and uses.

- To the **west** of the site directly is Thorn Street. DA2018/00354 was approved by the Hunter and Central Coast Regional Planning Panel on 15 March 2019, for a mixed-use development at 147-153 Hunter Street. The approved development includes residential (121 dwellings), retail and commercial, and associated demolition and site works. This development is Stage 2 of Iris Capital's East End project. Construction is currently underway, with the heritage façade being retained. Further east is the completed Stage 1 of the East End project, consisting of the new QT Hotel Newcastle and new residential and retail facilities.
- The Former Hotel Hunter (I405) is located to the **north** of the site at 152-160 Hunter Street. The building is a three storey, commercial premises of the traditional federation style, with semi-circular arches rendered flush with brick façade. This building adds to the heritage significance of the area.
- Diagonally **north-west** from the site, a Municipal Building (I406) located at 164-170 Hunter Street. DA2019/00331 was approved by CN on 21 October 2019 for alterations and additions to the existing building for adaptive re-use to 5 storey level mixed-use development. Construction is yet to begin on this project.
- Further **north-west** from the site, DA202/01505 is currently under assessment by Council. The proposed development at 182 Hunter Street, is for shop-top housing and includes commercial tenancy and alterations and additions.
- **North** of the site, directly between the Former Hotel Hunter and Municipal Building is public open space, known as the Market Square. Further north is Queens Wharf Hotel, Newcastle Ferry Terminal, Queens Wharf light rail stop and additional public domain.
- To the **east** of the site is the former Newcastle Herald Building. DA2015/10299 was approved by the Hunter and Central Coast Regional Planning Panel on 22 September 2016. The approved development was for alterations and additions to the existing commercial building to include an eight-storey residential flat building, 121 units plus three level basement car parking with 161 parking bays. This development is now built and occupied.
- To the **south** of Stage 3 is King Street and the former CN car park, which is currently vacant.
- Further to the **south** is State heritage item No. I562, Christ Church Cathedral, Cemetery and Cathedral Park. The Cathedral is situated at 52A Church Street, adjacent to Church Street on the southern, highest part of the site with the rest park (former cemetery) laid out on the slope to the north and bounded on its northern edge by King Street. The Cathedral and surrounding grounds are a significant part of the Newcastle East End precinct, and this item was taken into consideration when designing the subject site.

- Located to the **south** of the subject site and adjacent to the Cathedral, is a state heritage item (No. 1437) known as the Newcastle Club. It is located at 40 Newcomen Street.

**Figure 4** below shows the site and surrounding locality.

Figure 4 – Site and surrounding locality.



Source: Urbis

## 2.4. TRANSPORT AND PEDESTRIAN ACCESSIBILITY

### Train Network

The site is located within the Newcastle City Centre where accessibility to the public and active transport network is favourable at the site. It is located approximately 2km from the Newcastle Interchange that provides access to the Central Coast & Newcastle heading south, providing access to Central via Hornsby and connecting lines. Also access to the Hunter Line heading north, providing transport to Dungog and Scone.

### Bus / Light Rail / Ferry Network

The bus network is highly accessible with a bus stop adjoining at the south of the site heading east down King Street (King St at Wolfe St).

The site is also well serviced by the light rail network with Newcastle Light Rail, Queens Wharf stop located less than 200m north of the site. The site is less than 500m walk to the Queens Wharf Ferry stop.

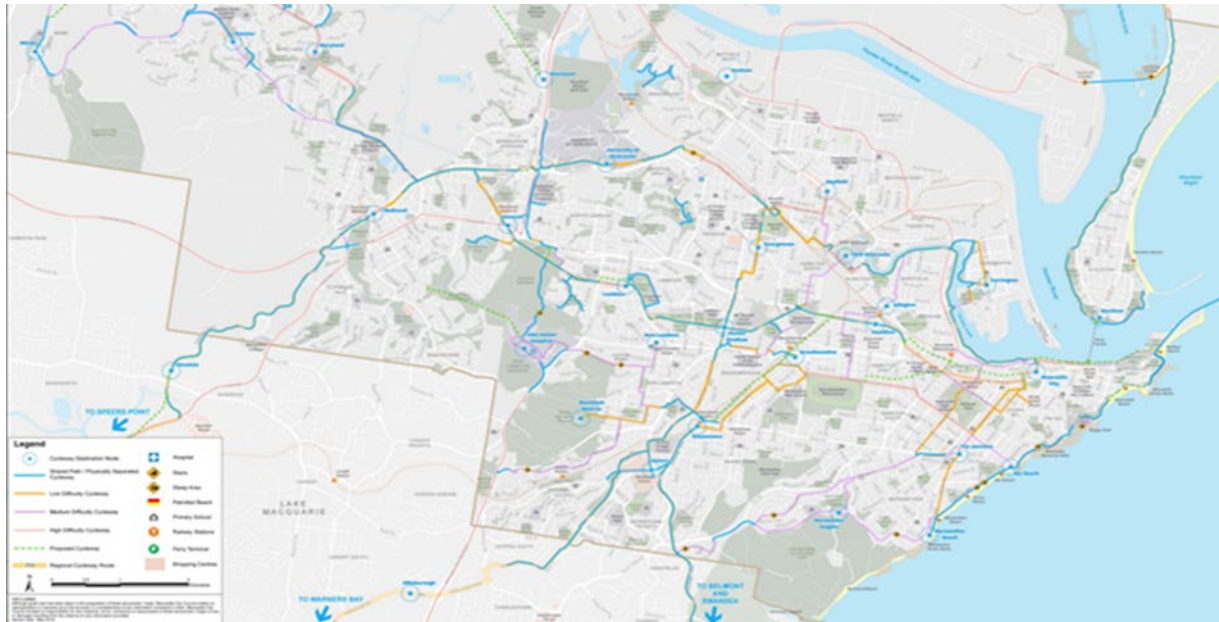
### Road Network

The road accessibility at the site is highly accessible due to its location within the Newcastle CBD. From Sydney the M1 Pacific Freeway heading north is just over an hour from the start at Wahroonga in Sydney's Upper North Shore. The CBD is approximately 30 minutes from the highway turn off. When heading from north the Pacific Highway/A1 provides access directly into the north of the city close by the site.

## Cycling

The Newcastle City Centre and surrounding suburbs are well connected with various cycleways. The network is currently connected with various difficulty levels and shared paths to travel around the area, promoting active transport for the community to save money and reduce impacts on the environment. The network is illustrated in the map at **Figure 5**.

Figure 5 – Newcastle cycleways map



Source: Newcastle Transport

## Walking

The surrounding paths to the site on Hunter Street are readily accessible with safe paths located along the streets streaming into the CBD. Also, accessibility to multiple nearby walking tracks to explore the town and beyond including the Newcastle Architecture walk, Artist's City Way, Makers x traders and more. Other accessible tracks are located nearby with adequate surfaces for ease of accessibility to walk throughout the CBD.

## 3. PROJECT HISTORY

### 3.1. PREVIOUS DEVELOPMENT APPLICATIONS

#### 3.1.1. Concept Development (DA2017/00701) and concurrent section 4.55(2)

On the 02 January 2018, the Hunter and Central Coast Planning Panel granted consent for a Concept Development Application (DA2017/00701) across the site (**Figure 6**), for the following:

*Concept Development Application for a major redevelopment of Hunter Street Mall, a mixed-use development comprising retail, commercial, public spaces, residential (563 apartments), associated car parking & site works.*

A concurrent section 4.55(2) modification has been progressed with CN to amend the Concept DA (D/2017/00701) to align with this Detailed DA. The section 4.55 (2) modification was approved by the Hunter and Central Coast Planning Panel (the Planning Panel) on the 28 October 2024 via a section 8.2 review process. The Planning Panel's key reasons for the decision are summarised as (referenced from the Final Determination and Statement of Reasons, dated 28 October 2024):

- The Review Panel is satisfied that the modified Concept Approval is substantially the same development as the originally approved Concept Approval.
- While the proposed building envelopes for Building 3 (West), 3 (South) and 4 (South) exceed NLEP 2012 height controls the Panel is satisfied that the proposed increased heights area reasonable and can be supported.
- The modification facilitates the delivery of a significantly enhanced public domain outcome including opening the visual link between Newcastle Harbour and the Cathedral as envisaged by Newcastle DCP 2012, as well as reconfigured Market Square.
- The Panel considers the additional impacts on the identified public and private views are reasonable when balanced against the considerable public benefits arising from the new built form envelope massing across Stage 3 and 4 of the development sites.
- The proposal is fully compliant in terms of providing resident parking for every proposed apartment and the shortfall in commercial parking is attributable to Stages 1 and 3 which are either constructed or under construction. The panel further notes that DCP 2023 adopts a new approach to parking in the Newcastle CBD, moving from prescribing minimum parking rates to a merits-based assessment approach with maximum parking rates to promote sustainable transport choices and increased use of public transport.
- The proposed concept development as modified remains consistent with the objectives for the Newcastle City Centre in clause 7.1 of the NLEP 2012 and relevant provisions of DCP 2012 as it will facilitate the revitalisation of the East End Precinct and the Newcastle City Centre more generally, contributing to employment, other economic growth opportunities and much needed housing stock. The Panel therefore considers that approval of the review application is consistent with the objectives of the Environmental Planning and Assessment Act 1979, and in the public interest.

In summary, the Review Panel formed the view that the modification was in the public interest and worthy of support. This Detailed DA is aligned with the approved Concept Plan (as modified).

Table 2 outlines relevant conditions and key built form parameters that are relevant to inform the detailed design parameters. As illustrated, the Detailed DA is consistent with the Concept Approval (as modified).

Table 2 – DA2017/00701 Conditions of Consent

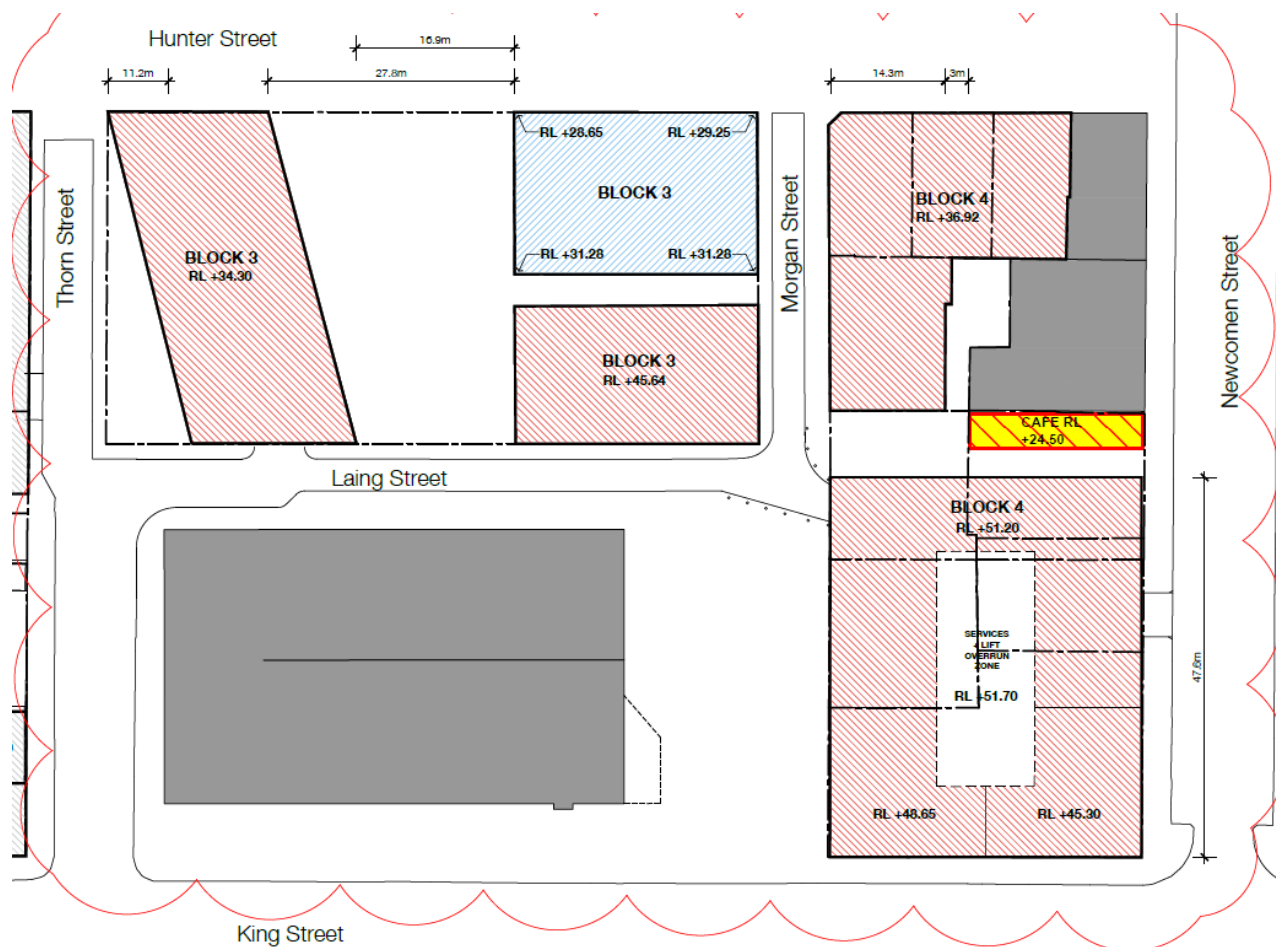
Item	Conditions	Details	Commentary Relevant to this DA
Floor Area	4	This consent permits a maximum gross floor area of 64,750m <sup>2</sup> over all stages. The allocation of gross floor area across the site shall generally be 10,916m <sup>2</sup> for Stage 3 and 13,414m <sup>2</sup> for Stage 4.	The Detailed DA is consistent with the Concept Approval (as modified).
Floor Space Ratio	5	This consent permits a maximum floor space ratio (FSR) on the total site of 3.90:1. The allocation of FSR across the site shall generally be 3.24:1 for Stage 3 and 4.35:1 for Stage 4.	The Detailed DA is consistent with the Concept Approval (as modified).
Height	6 and 6A	Condition 6 addresses maximum building heights. The condition references the specific architectural drawings that provide details of the maximum building heights permitted, including the building envelope plan and elevations	The Detailed DA is consistent with the Concept Approval (as modified).
Communal Spaces	7	Roof gardens and communal spaces (both enclosed and open) shall be incorporated within new buildings.	<p>The Detailed DA is consistent with the Concept Approval (as modified).</p> <p>Noted and complies, roof gardens and communal spaces are proposed. A mix of enclosed and open are proposed.</p>
Façade and Materials	8 & 9	<p>Architectural plans which are submitted in respect of the southern building in Stage 4 shall detail the provision of a vertical opening in the building's northern facade to demonstrate a reduction the building's bulk and to provide improved cross ventilation to the central courtyard.</p> <p>A colour palette utilising warm earthy tones and mid-toned neutrals shall be utilised, with the use of more vibrant primary colours limited to smaller accents at ground level to assist with the visual identification of entries and retail boutiques.</p>	<p>The Detailed DA is consistent with the Concept Approval (as modified).</p> <p>Noted and complies, architectural plans illustrate how the southern building in Stage 4 includes a vertical opening. The colour palette also uses warm earthy tones and mid-toned neutrals. The colours and materiality have been endorsed by the DIP.</p>
Setbacks and Street	12	Where the building envelope is above a retained heritage facade, then it shall be set back in	The Detailed DA is consistent with the



Item	Conditions	Details	Commentary Relevant to this DA
Wall Height		<p>accordance with Newcastle DCP 2012, being 6 metres, unless otherwise justified.</p> <p>With the exception of the Thorn Street and Laing Street frontages of Block 3, where the building envelope exceeds the maximum street wall height identified in the Newcastle DCP 2012, then the section of any building above that height shall be set back in accordance with the DCP, being 6 metres, unless otherwise justified.</p>	<p>Concept Approval (as modified).</p> <p>The locally listed heritage item has been retained and built form setbacks are consistent with the existing development. Any non-compliance is justified in the DCP Table accompanying this report.</p>
Parking and Access	18, 19 & 20	On-site car parking is to be provided for a minimum of 735 vehicles across the four (4) stages of the development. The number of car parking spaces shall be provided within each stage in accordance the requirements of Section 7.03 of NDCP 2012.	<p>The Detailed DA is consistent with the Concept Approval (as modified).</p> <p>Noted and complies, the proposed car parking provision across the four (4) stages will accommodate 735 spaces.</p>
Waste	26	Waste servicing shall be undertaken on site, where new buildings are proposed, unless it can be demonstrated that on street arrangements are acceptable to the consent authority and will not conflict with vehicular/pedestrian movements and availability of on street parking.	Noted and complies, all waste servicing shall be undertaken on-site.
Public Domain	42, 42A, 43 and 44	<p>The development application for Stage 3 and Stage 4 shall include a public right of carriageway over the publicly accessible private land, in accordance with the 'Privately Owned Public Access' plan prepared by SJB Architects (Job No. 5614, Drawing No. DA2902, Revision 04, dated 23.02.2024) and be inclusive of an associated public lift located between Newcomen and Laing Streets.</p> <p>The development application for each stage must address the relevant principles and design requirements of the following documents:</p> <p>a) 'Indicative Public Domain Strategy' (Aspect Studios);</p>	Noted and complies, the proposed scheme provides additional public domain provisions than approved under the Concept DA.

Item	Conditions	Details	Commentary Relevant to this DA
		<p>b) 'Hunter Street Plan' prepared for Newcastle City Council, (Aspect Studios) (as adopted);</p> <p>c) 'City of Newcastle's Technical Manual City Centre Public Domain' (September 2014); and</p> <p>d) 'Newcastle East End Stage 3 -4 Landscape Development Application Design Report' (Cola Studio April 2023).</p> <p>Through-site connections on privately owned land shall be a minimum of 5m in width and shall be clear of obstructions, except for the pedestrian only link between Newcomen and Laing Streets which shall be a minimum of 3m in width, and the Market Square and Morgan Street which shall be 2.4m in width, clear of obstructions</p>	
Adaptable Housing	54	10% of residential units within each stage must be developed as adaptable housing.	Noted and complies, 10% of residential units are adaptable housing.
Energy Efficiency	56	Consider the use of PV solar generation, roof gardens, rainwater capture and utilisation and other measures for reducing the environmental footprint.	Noted and complies, the proposed scheme includes energy efficient fixtures and fittings.
Flood Mitigation	66	The minimum floor level for the ground level of the development should be RL 2.6 metres AHD. Similarly, vehicular access to any basement parking areas should also be at or above RL 2.6metres AHD	Noted and complies, the proposed ground level is at RL 2.6 metres AHD. Similarly, vehicular access to basement parking areas is at or above RL 2.6metres AHD.

Figure 6 – Envelope Plan



Source: SJB

### 3.1.2. Stage 1

Stage 1 of East End comprises of two (2) separate Development Applications (and subsequent modifications), as outlined below:

- On 04 January 2018 Hunter and Central Coast Planning Panel granted consent for a Development Application (DA2019/01150) for “Mixed use development incorporating retail premises, shop top housing, car parking and associated works.” Specifically, the mixed-use development comprises of three (3) multi storey buildings ranging from 10 to 11 storeys in height with retail uses at ground level and residential above. The proposal also included the retention of heritage facades on Hunter and Wolfe Street.

All three (3) buildings have been built and are occupied, namely:

- Perkins and King (Corner of Perkins Street and King Street) – **Picture 5**
- Washington House (fronting Hunter Street) – **Picture 6**
- Fabric House (Wolfe Street) – **Picture 7**

The public domain at ground level includes a centralised “meeting place” public courtyard with numerous retail tenants surrounding including Woolworths. Public art and landscaping is also a key feature of the public domain.

- On 26 April 2020 the Hunter and Central Coast Planning Panel granted consent for a Development Application (DA2019/01150) for “Tourist and visitor accommodation.” The tourist and visitor accommodation is branded QT Hotels and is now completed and trading (**Picture 8**).

QT Newcastle will be contained with the heritage listed, David Jones building fronting Hunter Street Mall. The property will be the first QT hotel in regional New South Wales and will contribute to the revitalisation of East End and provide additional visitor accommodation. The QT also has a roof top bar which is open to guests and the public.

Figure 7 – Stage 1 components



Picture 5 – Perkins and King as viewed from central courtyard in Lyrique Lane

Source: Urbis



Picture 6 – Washington House

Source: Urbis



Picture 7 – Fabric House

Source: Urbis



Picture 8 – QT Newcastle

Source: Iris Capital



### 3.1.3. Stage 2

Stage 2 of the East End (DA2018/00354) located at 147 Hunter Street, Newcastle was approved by Hunter and Central Coast Planning Panel on 31 August 2021 for the following:

*Mixed-use development, residential (121 dwellings), retail and commercial, and associated demolition and site works*

This consent has been acted upon and Stage 2 is currently under construction. Once constructed, it is intended that the proposal (refer to **Figure 8**) will deliver two (2) modern buildings which embrace views to the harbour and acknowledge the history of the site with the retention of the heritage facades.

The Stage 2 proposal is split into two distinct buildings known as 'Soul' and 'Lyrique'.

The 'Soul' building, named due to the incorporation of the original Soul Patterson Building façade contains a mix of modern elements as well as the historical finishes. It contains 1-, 2- and 3-bedroom apartments within the contemporary design.

The 'Lyrique' component of the proposal retains the façade of the original Lyrique Theatre and is designed heavily to mimic the intricate neighbouring heritage buildings. It also incorporates the heritage façade of the former Masonic Hall entry off Thorn St, and residential adaption of the terrace housing on King Street. Similar to the 'Soul' building, heritage as well as modern elements are incorporated into the fabric of the design and it contains 1-, 2- and 3-bedroom apartments and terrace houses.

A through-site link is proposed to connect from Stage 1 to Stage 3, and Stage 4 beyond.

Figure 8 – Stage 2 East End



Picture 9 – Corner of Wolfe Street and Hunter Street | Soul Patterson Building Façade

Source: CKDS



Picture 10 – View looking north down Wolfe Street

Source: CKDS



Picture 11 – View looking east from Stage 1 | Lyrique Building Façade

Source: CKDS



Picture 12 – Corner of Wolfe Street and King Street

Source: CKDS

### 3.1.4. Demolition DA for Stage 3 and 4

DA2023/00336 was lodged on 21 April 2023 for the demolition and removal of existing non heritage and non-contributory buildings and structures at 137-145 Hunter Street, 3 Morgan Street, and 66-74 King Street, Newcastle. The locally significant heritage item 'Municipal Building' (No. 1403) and the contributory buildings at 105-111 Hunter Street and 22 Newcomen Street (Blackall Hall) were excluded from the proposed demolition and removal works.

After consultation with CN, CN committed to expedite the assessment of this DA over concerns the abandoned sites pose a safety risk. CN and Iris are committed to bringing forward demolition and securing the site after reported antisocial behaviour in and around the buildings that both business owners and members of the public had reported to police.

DA2023/00336 was determined on 28 April 2023 with demolition expected to commence in May 2023, subject to commercial negotiations with contractors and satisfaction of consent conditions. No excavation or groundworks were approved as part of this DA.

## 3.2. PRE-LODGEEMENT ENGAGEMENT AND CONSULTATION

The Proponent, Urbis and consultant team met with Council officers on several occasions throughout 2022 and 2023 to discuss the proposed works. The below provides a summary of the consultation meetings:

- **20 May 2022:** Meeting between CN and Urbis to discuss the Design Competition Brief and Strategy.
- **20 May 2022 to 29 June 2022:** Ongoing engagement between CN, GANSW, Urbis and Iris to agree on the Design Competition Brief and Strategy and general competition procedure.
- **29 June 2022:** Meeting between CN, GANSW and Urbis to discuss the Design Competition Brief and Strategy.
- **29 June 2022 to 06 July 2022:** Ongoing engagement between CN, GANSW, Urbis and Iris to agree on the Design Competition Brief and Strategy and general competition procedure.
- **06 July 2022:** GANSW endorsed the Design Competition Brief and commencement of the Competition.
- **08 July 2022:** Commence of Design Excellence Competition.
- **30 August 2022:** Conclusion of Design Excellence Competition.
- **14 October 2022:** Design Integrity Panel #1 as detailed in **Section 3.4** of this SEE.
- **26 October 2022:** Design Integrity Panel #2 as detailed in **Section 3.4** of this SEE.
- **8 November 2022:** Meeting between CN and consultant team to discuss public domain concerns and priorities.
- **14 November 2022:** Design Integrity Panel #3 as detailed in **Section 3.4** of this SEE.
- **09 December 2022:** Design Integrity Panel #4 as detailed in **Section 3.4** of this SEE.
- **20 January 2023:** Design Integrity Panel #5 as detailed in **Section 3.4** of this SEE.
- **24 February 2023:** Design Integrity Panel #6 as detailed in **Section 3.4** of this SEE.
- **18 and 20 April 2023:** Meeting between CN and Urbis to discuss the demolition of non-heritage and non-contributory buildings. CN committed to expedite the assessment of the demolition DA over concerns the abandoned sites pose a safety risk.

The design is a result of iterative detailed engagement and input from various CN teams including planning, engineering, and public domain. In addition, the Chair of CN's Urban Design Review Panel (UDRP), Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner. Feedback received from Council during these meetings has been incorporated into the final scheme.

Overall, the project team undertaken extensive engagement with the CN, GANSW and the DIP. In addition, SJB, COLA Studio's and Umwelt have engaged with relevant Aboriginal parties to inform the design development and the overall understanding of the site.

## 3.3. DESIGN COMPETITION

### 3.3.1. CN's Desired Public Domain

During the preparation of the Design Competition Brief, CN articulated they have a desired public domain outcome for the site that is inconsistent with the approved Concept DA. This desired public domain outcome is reflected in the Newcastle DCP 2012 and in **Figure 9** below. The blue hatched area is an 'important view corridor to Christ Church Cathedral'. The Newcastle DCP 2012 states the future character as:

*This precinct has the potential to develop as boutique pedestrian-scaled main street shopping, leisure, retail and residential destination. Infill development is encouraged that promotes activity on the street and which responds to heritage items and contributory buildings. Views to and from Christ Church Cathedral and the foreshore are retained and enhanced. Foreshore access is improved.*

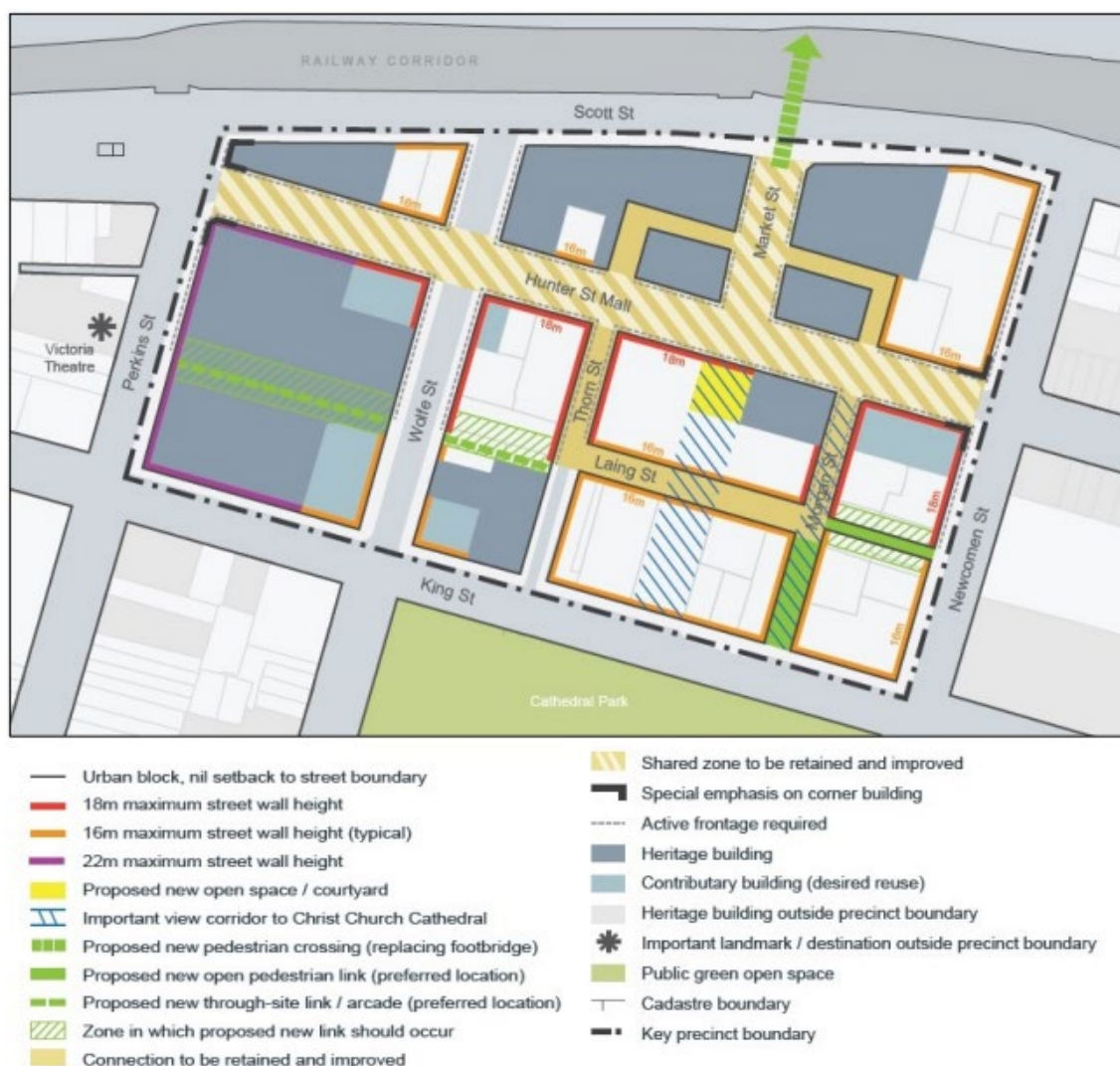
CN see the Harbour to Cathedral Park (previously called the Stairway to Heaven) concept as the pathway to achieve the desired future vision.

The Harbour to Cathedral Park was first imagined by EJE Architecture in 2006 but related to a different site and some different sites. The concept was delivered by a group of Novocastrian architects and proposed to link Cathedral Park to the south of the site to Newcastle Harbour to the north of the site. The concept would result in view lines from the Harbour foreshore and Hunter Street Mall to Cathedral Park and the northern transept of the cathedral.

The desired public outcome is currently restricted by a small component of the western end of Building 3 South (refer to **Figure 10**). For context, Building 3 South was placed and approved in the current location with CN's endorsements to obscure the existing CN carpark to the south of the site. This context for CN has changed since the approval of the Concept DA, and demolition of the car park is now complete with exploration of redevelopment opportunities being explored by CN.

The mass of the Building 3 South was redistributed during the Architectural Design Competition to achieve a balance between preserving the approved massing and amenity from the Concept DA and CN's desired outcome of establishing the Harbour to Cathedral corridor.

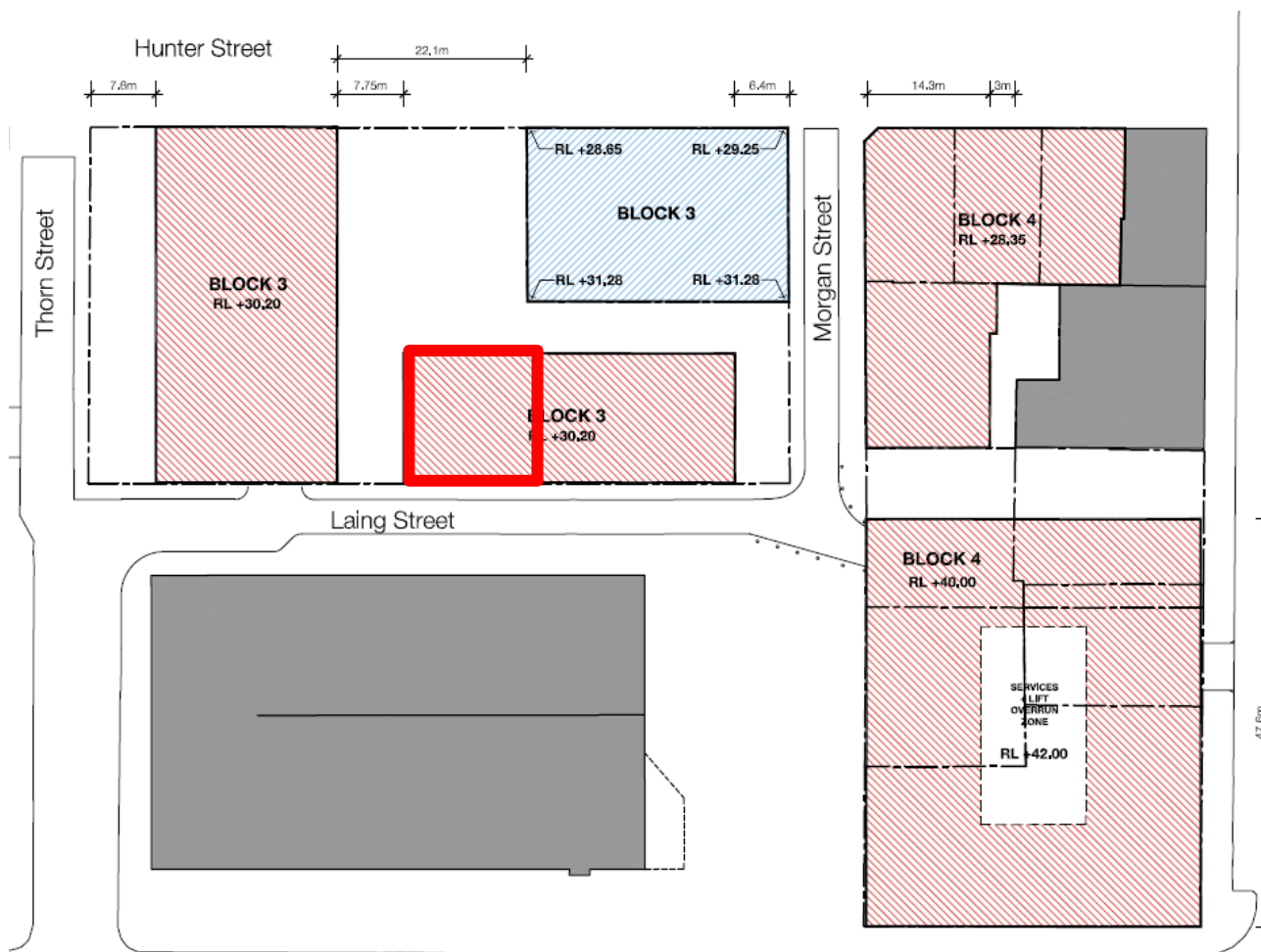
Figure 9 – Hunter Street Mall Precinct



Source: Newcastle DCP



Figure 10 – Previous Concept DA Building 3 South envelope in view corridor



Source: SJB (annotated by Urbis in red)

### 3.3.2. Design Competition Process

An Architectural Design Competition (Competitive Process) was undertaken for the redevelopment of Stage 3 and 4 East End. The vision was to develop a mixed-use precinct which achieves design excellence through its high-quality built form, high amenity dwellings and has an overall positive public domain benefit. The competitive process was the second competition undertaken within the Newcastle LGA.

The Applicant were the second private proponent in CN to take on the ambitious task of undertaking an Architectural Design Competition. The Applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity.

The Applicant engaged in a collaborative consultation process with GANSW and CN, including with Dr Philip Pollard. Prior to the endorsement of the Design Brief, numerous meetings were held to discuss Competitive Process as a whole and the details of the Design Brief. As noted above, prior to the commencement of the Design Competition the following consultation meetings occurred:

- **20 May 2022:** Meeting between CN and Urbis to discuss the Design Competition Brief and Strategy
- **20 May 2022 to 29 June 2022:** Ongoing engagement between CN, GANSW, Urbis and Iris to agree on the Design Competition Brief and Strategy and general competition procedure.
- **29 June 2022:** Meeting between CN, GANSW and Urbis to discuss the Design Competition Brief and Strategy
- **29 June 2022 to 06 July 2022:** Ongoing engagement between CN, GANSW, Urbis and Iris to agree on the Design Competition Brief and Strategy and general competition procedure.

The process from May to July 2022 involved numerous rounds of comments on the Design Brief, with CN inputting significantly into the details prescribed in the Design Brief.

The prepared of the Design Competition Brief was a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage (via the planning team). In addition, the Chair of CN's Urban Design Review Panel (UDRP), Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner.

Subsequently GANSW and CN endorsed the Design Brief on 06 July 2022, and the competition commenced on the 09 July 2022. During the Competition Process, CN were invited at all stages to observe the process.

The proponent invited four Architectural firms to undertake competitive process in accordance with clause 7.5 of the NLEP and the GANSW draft Design Excellence Competition Guidelines (GANSW draft Guidelines). The four firms that participated were:

- EJE Architecture
- SJB
- PTW
- Plus Architecture.

The Competition Brief was prepared in July 2022 by the Proponent and Urbis and endorsed by GANSW and CN. The Competition was undertaken over a six-week period.

The Jury assessed each scheme against the brief to select the highest quality architectural and urban design approach for the development. Following consideration of the four schemes, SJB in partnership with DBJ and Curious Practice was the winning scheme noting it demonstrated an appropriate response design, planning, and commercial objectives of the Brief. In the opinion of the Jury, this scheme is the most capable of achieving design excellence.

The Jury identified the following elements that contributed to the success of the scheme and are essential to be retained throughout this process:

- The demonstrated alignment with the Concept DA and the re-distribution of the massing out of the central view corridor towards other parts of Stage 3 and Stage 4.
- The overall urban arrangement, and the spatial relationships between each building.
- The distinct character of each building which results in a composition of complementary group of buildings, including the Stage 3 South building's unique relationship to the sky.
- The arrangement of Market Square and the perimeter colonnade.
- The address of the Stage 4 South building to the corner of Newcomen and King Streets and its relationship with the Newcastle Club.
- The consolidation of basement access to enable optimal activation opportunities.
- The internal amenity of the apartments.

The Jury also outlines several matters which were to be further considered and refined as part of the Detailed DA. These matters and the relevant responses prepared by SJB are summarised in **Table 3**.

Table 3 – Response to Jury Recommendations from Design Competition Report

Jury Recommendation for Design Development	SJB, DBJ & Curious Practice Response
<p>In addition to continuing to inform the design through the Indigenous design team member, as the design is developed, further First Nations community consultation and response as outlined in the Connecting with Country Draft Framework should be pursued.</p>	<p>The Design Team provided a strong Connecting with Country response. This was strengthened by the engagement of Cola Studio after the design competition concluded.</p>
<p>A Landscape Architect should be immediately integrated into the design team. The landscaping and planting indicated in the public domain and on buildings requires further consideration. Adequate soil volumes, sufficient structure to support landscape loads and drainage penetrations, safe and practical access for maintenance, and automatic watering should be incorporated.</p>	<p>The Design Team integrated Cola Studio, landscape architects into the broader team to ensure landscaping and planting within the public domain was given careful consideration.</p> <p>The landscaping strategy now shows appropriate soil volumes, drainage and practical for maintenance, systems have been put into place to support the overall precinct.</p> <p>The Panel were very supportive of how the overall landscape scheme has been progressed and refined over the sessions.</p>
<p>Vehicle and pedestrian arrangements need to be considered further, particularly concerning universal accessibility and the relationship to other stages of East End.</p>	<p>The Design Team considered the precinct as a whole specifically vehicular and pedestrian mobility. The level changes across the site have been carefully considered and responded to.</p>
<p>The relationship between Hunter Street and Market Square requires further consideration and with the aim of provide a seamless ground level transition, eliminating the need for steps and ramps.</p>	<p>After further design refinement, the Panel were satisfied with the level transitions throughout the site and surrounding precinct. The relationship between the site and surrounding City of Newcastle land, will be further progressed with the input of the UDRP and Council's officers.</p>
<p>The height exceedance of the Stage 3 South building in particular should be further considered. The way this building met the sky was unique and successful however the height of the building may be reduced by further distributing the GFA across other buildings on-site. While there is some variation to the height limit, this is was potentially warranted given the benefits afforded by the change to the approved Concept DA the Jury notes that view impacts have not been fully explored or demonstrated, and there may need to be further resolution of heights and the location of any exceedances. The Jury notes that the relative height variation between Municipal building and the Stage 3 South building are successful. If a distribution of height is explored, a height difference</p>	<p>After a rigorous assessment and refinement process, the Panel supported the height exceedance of Building 3 South subject to further view impact assessment, required for DA stage. A Visual Impact Assessment has been completed by Urbis and accompanies this application.</p>

Jury Recommendation for Design Development	SJB, DBJ & Curious Practice Response
between these buildings must be retained to create to architectural and scale variety.	
The stepped facade of the Stage 3 South building requires further consideration in terms of maintenance and increased potential for bird roosting.	The 3 South Building will continue to be stepped in nature; however, management strategies have been proposed to reduce the potential for bird roosting. The Panel supported the proposed design and management techniques.
The Design Team should further consider the use of the Municipal building. If this building is converted from commercial to residential, the apartments must have the same high-quality amenity as the apartments provided across the precinct.	The Design Team refined their design to now include apartments within the upper levels of the Municipal Building. The Panel was satisfied that the apartments achieve a high level of amenity
The Stage 3 West building requires further resolution in terms of the interface with Thorn Street.	<p>The Panel supported the design development of the Stage 3 West Building which now provides continuous retail activation from the corner of Thorn Street and Hunter Street, and extends along Hunter Street, Market Square and Laing Street.</p> <p>The retail tenancy along Hunter Street provides activation with full height glazing that can be operable. Accessible entry to the retail tenancy is provided from Market Square. At the corner of Hunter Street &amp; Thorn Street the retail glazing is recessed providing an entry space, and greater permeability for the public domain.</p> <p>Landscape is provided selectively along Thorn Street. It is set out to provide a buffer to the carpark entry but maintains sight lines and connection to the residential lobbies.</p>
The materiality of the Stage 4 North building requires further refinement. The Jury recommends as it pre-cast and in-situ approached are explored and notes that any colouring should aim for the successful outcome evident at 'Perkins and King' in Stage 1.	The Panel supported the refined design and materiality of Stage 4 North.
The Design Team should further explore the Stage 4 North building's approach to prospect and refuge to balance apartment amenity.	<p>The Panel supported the design development of Building 4 North. The building now provides a compelling design response and the Design Team have provided a good rationale to 'prospect and refuge.'</p> <p>The Panel were satisfied that the 4 North Building achieves a high level of apartment amenity.</p>

Jury Recommendation for Design Development	SJB, DBJ & Curious Practice Response
<p>The Stage 4 South building requires further consideration of the building's articulation.</p>	<p>The Panel supported the design development of Building 4 South.</p>
<p>The courtyard of the Stage 4 South building should be secure for residents, but visually open to the exterior. The success of the internal courtyard and internal circulation is critical and needs to be designed in conjunction with a landscape architect.</p>	<p>The Design Team have refined the courtyard of the Stage 4 South Building, the Panel support the internal courtyard and circulation arrangement.</p> <p>The residential entry for the Stage 4 South Building includes a double height space with arched soffit that leads from King Street through to the courtyard space. A covered awning is provided to the residential lobbies, with continuous planting along the transition from King Street to dwelling.</p> <p>The residential lobbies have been further investigated and now accommodate an opening in the fire stair to allow additional light and views from the residential lobby into the courtyard.</p> <p>The walkway between the lobbies has also been refined with additional glazing and a narrowing of the walkway to reduce bulk. The gallery and courtyard still allows for ventilation to apartments with high level windows along the walkway.</p>
<p>The heritage wall on the King Street should be further discussed with City of Newcastle with consideration given to the removal of the wall and resultant stairs to create a typical footpath condition that improves pedestrian amenity.</p>	<p>The Design Team have given consideration to the heritage wall on King Street and are proposing to remove the existing stairs located along King Street and lower the footpath to integrate with the existing kerb which will allow for a continuous footpath along King Street.</p> <p>Stage 4 South has also been designed to allow for the adjustment of the public domain levels in consultant with council during the assessment period.</p> <p>The Panel supports the design development and the relationship between the site and surrounding City of Newcastle land, should be further progressed with the input of the UDRP and Council's officers.</p>

### 3.4. DESIGN INTEGRITY PROCESS

The proposal has gone through six Design Integrity Panel meetings, as outlined below:

- **14 October 2022:** Design Integrity Panel #1
- **26 October 2022:** Design Integrity Panel #2
- **14 November 2022:** Design Integrity Panel #3
- **09 December 2022:** Design Integrity Panel #4
- **20 January 2023:** Design Integrity Panel #5
- **24 February 2023:** Design Integrity Panel #6

The DIP comprises of three Panel members. In accordance with the endorsed Terms of Reference (ToR), this includes three members of the Competition Jury and has been selected in consultation with the GANSW and CN. The members of the DIP are as follows:

- Paulo Macchia (Chair and GANSW Representative) – Director, Design Governance – Government Architect NSW
- Dr Philip Pollard (City of Newcastle Representative) – Director & Nominated Architect 5241 – AMENITY urban & natural environments.
- Sandra Furtado (Proponent Representative) – Director, Furtado Sullivan Architects

The DIP sessions were held online and attended by key members of the SJB, DBJ and Curious Practice Architecture team and the applicant. Key stakeholders were also invited to attend the DIP session via Microsoft Teams as observers (including representatives from CN). Urbis as the DIP manager were also in attendance.

After the six sessions, the DIP endorsed the lodgement of the DA to CN. The design team have addressed the comments relating to design refinement and resolution from the DIP. A summary of the DIP sessions is provided within the Letter of Advice and Endorsement prepared by Urbis and endorsed by GANSW attached to this DA.

## 4. PROPOSED DEVELOPMENT

A concurrent section 4.55(2) modification has been progressed with CN to amend the Concept DA (D/2017/00701) to align with this Detailed DA. The section 4.55 (2) modification was approved by the Hunter and Central Coast Planning Panel (the Planning Panel) on the 28 October 2024 via a section 8.2 review process. The Planning Panel approved the following:

- Re-distribution of building massing out of the central view corridor towards other parts of Stage 3 and Stage 4 and toward the Christ Church Cathedral. This amendment will ensure the proposal remains in accordance with the NDCP 2012 and aligns with CN's vision of the view corridor.
- Realignment of Market Square as per the Design Excellence Competition scheme. Market Square is aligned with CN's desired public domain outcome and opens the view corridor to the Christ Church Cathedral.
- Amendment to the height of building envelope as a result of the redistributed mass and addition 10% design excellence provision, as per below:
  - Building 3 West: RL + 34.40
  - Municipal Building: RL+20.43
  - Building 3 South: RL + 45.65
  - Building 4 North: RL + 36.92
  - Building 4 South: RL + 51.70
- Amendment to the floor space ratio as a result of the redistributed mass and addition 10% design excellence provision, as per below:
  - Stage 3: 3.24:1
  - Stage 4: 4.35:1
  - Total: 3.90:1

Note: the Newcastle Local Environmental Plan 2012 (NLEP) prescribed an FSR of 4:1 (excluding design excellence bonuses).

The key features of Stage 3 and 4 Detailed DA are summarised below:

- Demolition of existing remaining Contributory 1 structures onsite, except for the Municipal Building and northern and eastern façades of 105 and 111 Hunter Street;
- Construction of a mixed-use precinct forming an active ground level, inclusive of retail and commercial tenancies, with five buildings reaching up to 10 storeys (Building 3 South) and comprising 195 apartments including stratum and strata subdivision;
- Basement car parking comprising 304 car spaces;
- Communal open space for residents located in Building 3 North, Building 4 North and Building 4 South;
- Vehicle access to the site via Thorn Street and Laing Street;
- Associated landscaping and public domain improvements;
- Commercial tenancies will front Hunter Street and the internal Market Plaza to enhance activation of the ground plane and pedestrian traffic. These will be accompanied by appropriate landscaping features to enhance the public domain;
- Market Square forms part of Stage 3 and provides further opportunities for activation. Market Square is aligned with CN's desired public domain outcome and opens the view corridor to the Christ Church Cathedral; and
- Construction of ancillary infrastructure and utilities as required.

The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage. In addition, the Chair of CN's Urban Design Review Panel, Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner.

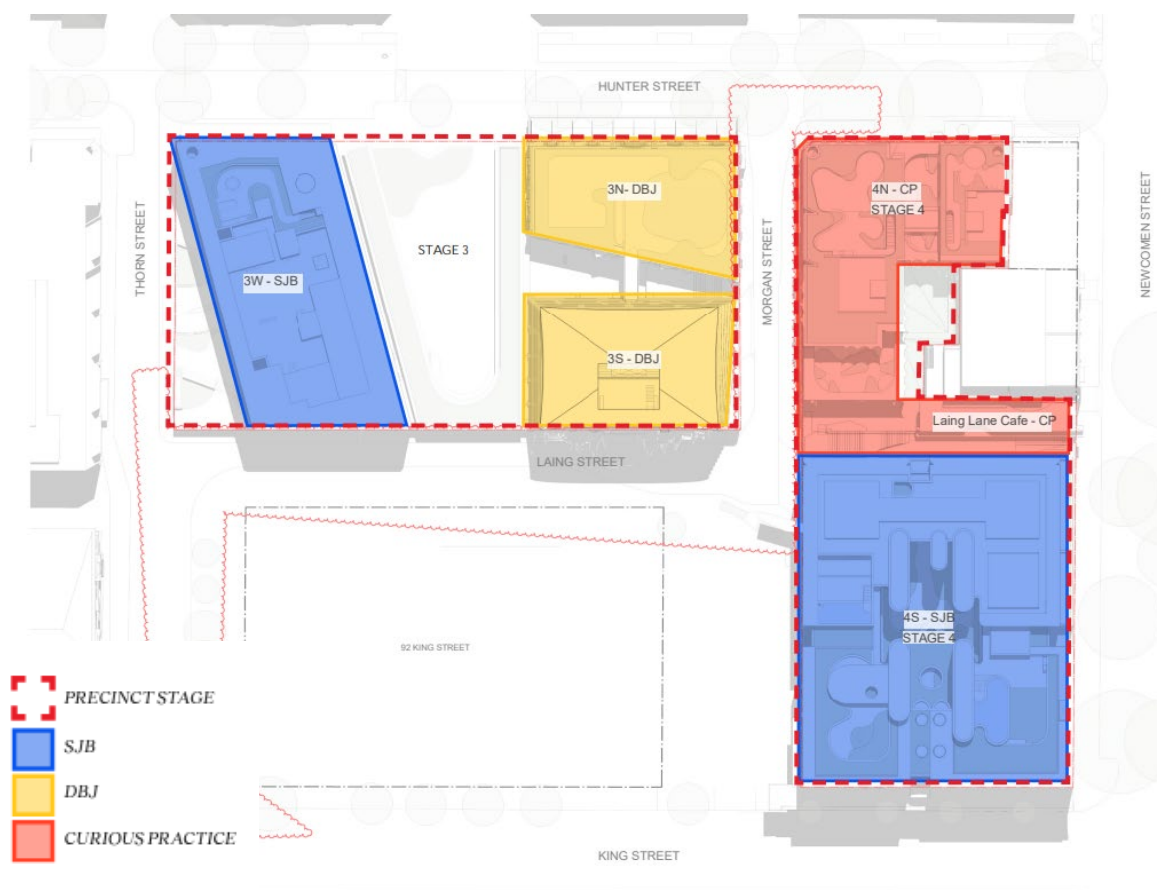
## 4.1. DEVELOPMENT SUMMARY

The proposal comprises of five separate buildings across 2 street blocks. The Concept DA refers to the street blocks as Stage 3 and Stage 4. The building names and designers are:

- Building 3 West named “Gibbs and Moore” designed by SJB;
- Building 3 North named “Civic” designed by DBJ;
- Building 3 South named “Bluebell” designed by DBJ;
- Building 4 North named “Portline” designed by Curious Practice;
- Building 4 South named “Kingston” designed by SJB; and
- Laing Lane Café designed by Curious Practice.

**Figure 11** and **12** illustrates the site arrangement plan notating the location of the above buildings and **Section 4.3** provides an overview of the proposed development per individual building.

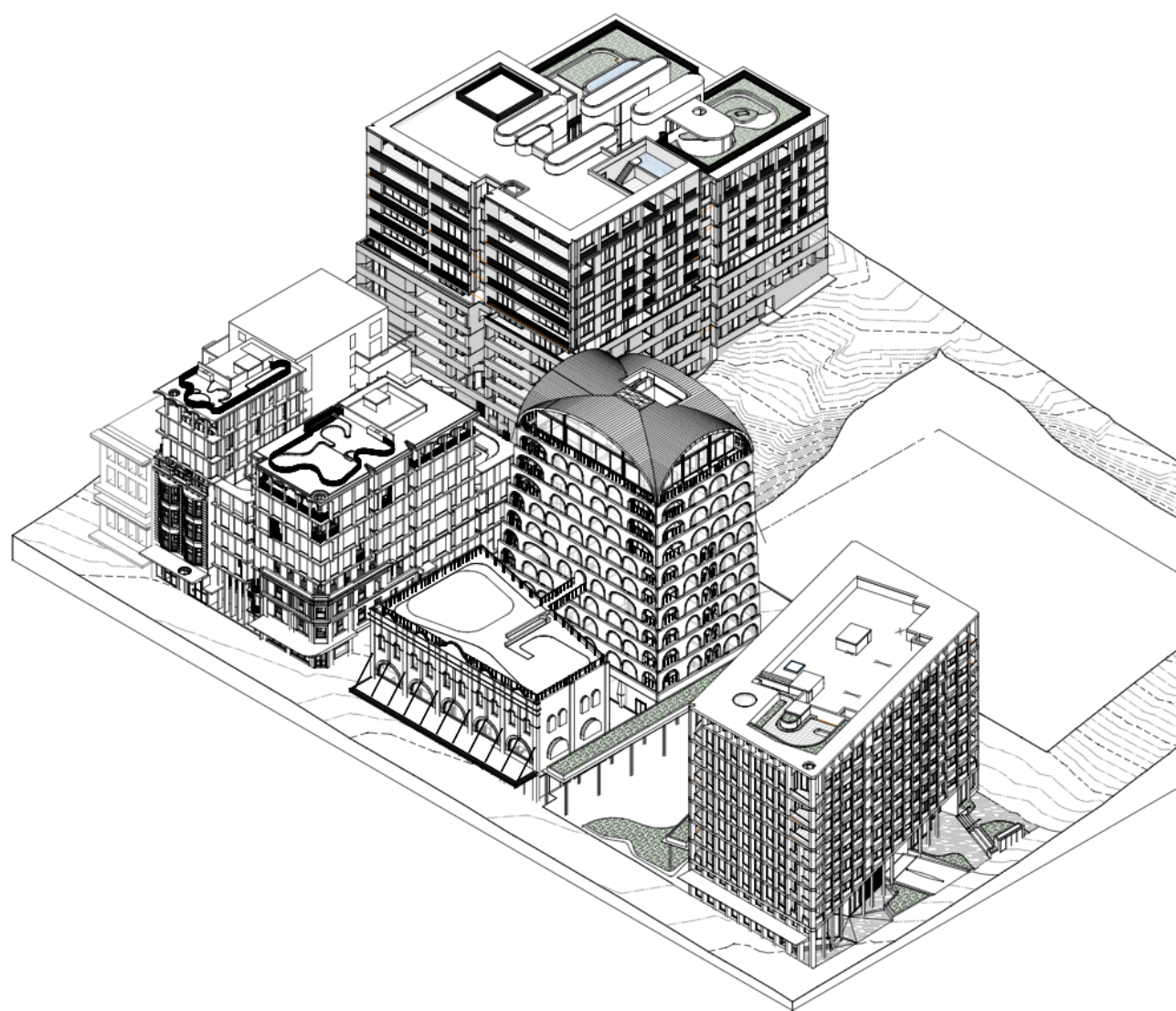
Figure 11 – Building Allocation Plan



Source: SJB



Figure 12 – Overall Precinct Plan



Source: SJB

## 4.2. NUMERICAL OVERVIEW

Key numeric aspects of the proposal are summarised below in **Table 4**.

Table 4 – Numeric Overview of Proposal

Descriptor	Proposed
Land Use Activity	<p>Shop top housing</p> <p>Residential flat building</p>
Site Area	<ul style="list-style-type: none"> <li>Stage 3: 3,365m<sup>2</sup></li> <li>Stage 4: 3,085m<sup>2</sup></li> <li>Total: 6,450m<sup>2</sup></li> </ul>
Total GFA	<p><b>Building Breakdown:</b></p> <ul style="list-style-type: none"> <li>Building 3 West: 5,867m<sup>2</sup></li> <li>Building 3 North and South: 5,049m<sup>2</sup></li> <li>Building 4 North: 3,609m<sup>2</sup></li> <li>Building 4 South: 9,805m<sup>2</sup></li> <li>Total: 24,330m<sup>2</sup></li> </ul> <p><b>Stage Breakdown:</b></p> <ul style="list-style-type: none"> <li>Stage 3: 10,916m<sup>2</sup></li> <li>Stage 4: 13,414m<sup>2</sup></li> <li>Total: 24,330m<sup>2</sup></li> </ul> <p><b>Land Use Breakdown:</b></p> <ul style="list-style-type: none"> <li>Residential: 22,648m<sup>2</sup> <ul style="list-style-type: none"> <li>Building 3 West: 5,414m<sup>2</sup></li> <li>Building 3 North and South: 4,429m<sup>2</sup></li> <li>Building 4 North: 3,000m<sup>2</sup></li> <li>Building 4 South: 9,805m<sup>2</sup></li> </ul> </li> <li>Retail/Commercial: 1,682m<sup>2</sup> broken down as follows: <ul style="list-style-type: none"> <li>Building 3 West: 453m<sup>2</sup></li> <li>Building 3 North and South: 620m<sup>2</sup></li> <li>Building 4 North (including Laing Street): 609m<sup>2</sup></li> </ul> </li> <li>Total: 24,330m<sup>2</sup></li> </ul>

Descriptor	Proposed
Maximum Height of Building	<ul style="list-style-type: none"> <li>Building 3 West: 34.30 RL</li> <li>Municipal Building: 20.43 RL</li> <li>Building 3 East: 45.65 RL</li> <li>Building 4 North: 36.92 RL</li> <li>Building 4 South: 51.70 RL</li> </ul>
Floor Space Ratio	<p>Stage 3: 3.24:1</p> <p>Stage 4: 4.35:1</p> <p>Total Concept Plan: 3.90:1</p>
Parking Spaces	<ul style="list-style-type: none"> <li>Stage 3: 168</li> <li>Stage 4: 136</li> <li>The total parking provision across all four stages equates to 735 spaces. Inclusive of 21 space commercial / retail re-allocation</li> </ul>
Motorcycle Parking	9 spaces
Bicycle Parking	209 spaces plus private residential storage cages (note: 26 visitor bicycle parking spaces are to be provided with Stage 3 and Stage 4 of the development. Visitor bicycle parking is required to be provided at grade near key access points to the development, and in locations with good passive surveillance, as per Condition 20A of the Concept Approval)
Open Space	<ul style="list-style-type: none"> <li>Stage 3: 1,358m<sup>2</sup></li> <li>Stage 4: 510m<sup>2</sup></li> <li>Total: 1,868m<sup>2</sup> (28.6%)</li> </ul>
Communal Open Space	<ul style="list-style-type: none"> <li>Stage 3: 473m<sup>2</sup></li> <li>Stage 4: 311m<sup>2</sup></li> <li>Total: 784m<sup>2</sup> (12%)</li> </ul>
Loading and Servicing Bays	Loading dock and/or turntables for heavy rigid vehicles are located within both Stage 3 and Stage 4 of the proposal.
Dwellings	<ul style="list-style-type: none"> <li>Building 3 West: 52 apartments</li> <li>Building 3 East: 38 apartments</li> <li>Building 4 North: 23 apartments</li> </ul>

Descriptor	Proposed
	<ul style="list-style-type: none"> <li>▪ Building 4 South: 82 apartments</li> <li>▪ Total: 195 apartments</li> </ul>

## 4.3. INDIVIDUAL BUILDING SUMMARY

### 4.3.1. Building 3 West (Gibbs and Moore)

Building 3 West comprises the redevelopment of the western portion of the Stage 3 site as outlined below.

- Demolition of the existing buildings and structures (not subject to demolition under DA2023/00236);
- Excavation works to accommodate the proposed 3 level basement and earthworks to level the site in readiness for the proposed structure;
- Construction of 7 storey mixed use building, comprising:
  - Ground floor retail premises (3 x tenancies) and awning above along Hunter Street;
  - Across 3 basement levels beneath Stage 3 accommodating 102 residential parking spaces including car wash and car share EV spaces, 58 retail, 6 visitor and 9 motorbike;
  - Vehicular access from Thorn Street to the basement car parking;
  - Total GFA 5,867m<sup>2</sup> comprising residential and retail uses;
  - 52 apartments including 11 one bedroom, 38 two bedroom and 3 three bedroom;
  - Services including substation are consolidated within the basement car parking;
  - Two residential lobbies accessed from Thorn Street;
  - Public lobby and lift is provided from the public space to access the retail parking below;
  - Public space between Thorn Street and the building;
  - Landscaped zone fronting Thorn and Laing Streets;
- An urban plaza fronting Hunter Street, located between Building 3 West, 3 North and 3 South. The plaza and landscape strategy enhance the site providing opportunities for activation.

The proposed design of Building 3 West is shown below in **Figure 13**.

Figure 13 – Proposed Building 3 West



Source: SJB



### 4.3.2. Building 3 North and South (Civic and Bluebell)

#### New Build (Bluebell) – Building 3 South

Building 3 South comprises the redevelopment of the eastern portion of the Stage 3 site and includes the includes Municipal Building as outlined below.

- Demolition of the existing buildings and structures (not subject to demolition under DA2023/00236);
- Excavation works to accommodate the proposed 3 level basement and earthworks to level the site in readiness for the proposed structure.
- Construction of 10 storey mixed use building, comprising:
  - Ground floor retail premises (1 x tenancies);
  - Across 3 basement levels beneath Stage 3 accommodating 102 residential parking spaces including car wash and car share EV spaces, 58 retail, 6 visitor and 9 motorbike;
  - Vehicular access from Thorn Street to the basement car parking;
  - Loading dock level;
  - Total GFA 3,735m<sup>2</sup> comprising residential and retail uses;
  - 29 apartments including, 22 two bedroom, 6 three bedroom and 1 four bedroom;
  - Services located within the basement car parking, and on the building rooftop;
  - Two residential lobbies including one accessed from the proposed Laneway;
  - Landscaped zone along the laneway;
- An urban plaza fronting Hunter Street, located between Building 3 West and 3 East. The plaza and landscape strategy enhance the site providing opportunities for activation.

#### Adaptive Reuse (Civic) – Building 3 North

The Municipal Building and is a locally listed heritage item. This building structure will remain onsite however the internal layouts will be amended to suit the proposed mixed use development. Building works will include:

- Internal demolition works including floors, and retention of North and East facades;
- Ground floor retail, (1 x tenancy) EOT facilities for Stage 3, a lift to access retail parking and upper level Morgan street from the laneway and public space;
- Across 3 basement levels beneath Stage 3 accommodating 102 residential parking spaces including car wash and car share EV spaces, 58 retail, 6 visitor and 9 motorbike;
- Public lobby is provided from the laneway to access the retail parking below;
- Vehicular access from Thorn Street to the basement car parking;
- Total GFA 1,314m<sup>2</sup> comprising residential and commercial uses;
- 9 apartments including 3 one bedroom, 5 two bedroom, and 1 three bedroom;
- 473m<sup>2</sup> communal open space.

The proposed Building 3 South and 3 Est is shown below in **Figure 14** and **15**.

Figure 14 – Proposed Building 3 East



Source: DBJ

Figure 15 – Proposed Building 3 North, Municipal Building



Source: SJB

### 4.3.3. Building 4 North (Portline)

Building 4 North will comprise the redevelopment of the northern portion of Stage 4 site. Works will consist of the following:

- Demolition of the existing buildings and structures onsite except for the façade retention of number 105 Hunter Street. Buildings located at 103 and Hunter Street and 16-18 Newcomen Street are also to be retained as these are not part of 'the site'.
- Construction of 8 storey mixed use building, comprising:
  - Ground floor and level 1 retail premises (3 x tenancies);
  - Courtyard and landscaping;
  - 112m<sup>2</sup> communal open space;
  - Residential lobby accessible from Morgan Street and Hunter Street;
  - Vehicular access from Laing Street to the basement car parking;
  - Basement car parking comprising 121 residential spaces (including 10 shared EV charging spaces), 5 commercial / retail spaces and 7 visitor car spaces, 1 car wash bay and 2 residential common property EV parking spaces;
  - Total GFA 3,601m<sup>2</sup> comprising residential and retail uses;
  - 23 apartments including 3 one bedroom, 15 two bedroom and 5 three bedroom;
  - Services and plant room located on level 1 or building rooftop;
  - Ancillary landscaping works, including rooftop gardens for penthouse apartments.
- Construction of the Laing Lane Café

The proposed Building 4 North is shown below in **Figure 16**.



Figure 16 – Proposed Building 4 North

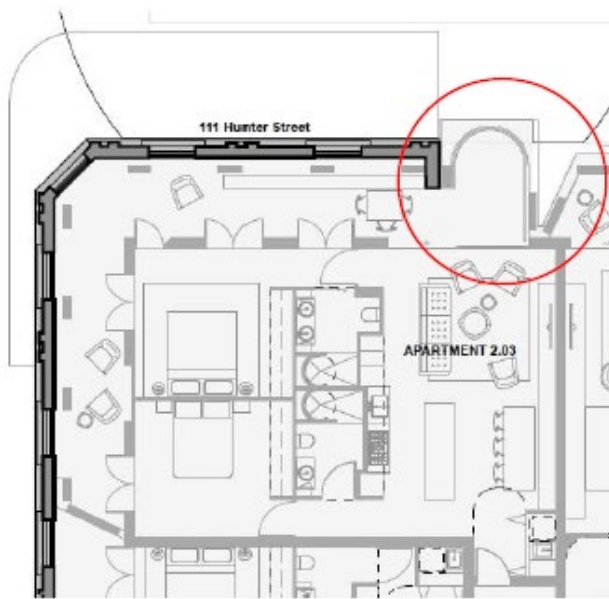


Source: Curious Practice

The design allows for the retention of the return walls at both Hunter Street and Morgan Street elevations of 111 Hunter Street maintaining its three-dimensional appearance harmonising the existing Contributory façade with the infill buildings on both sides and the new residential addition above. The heritage façade return wall approach is illustrated in the below Figure.

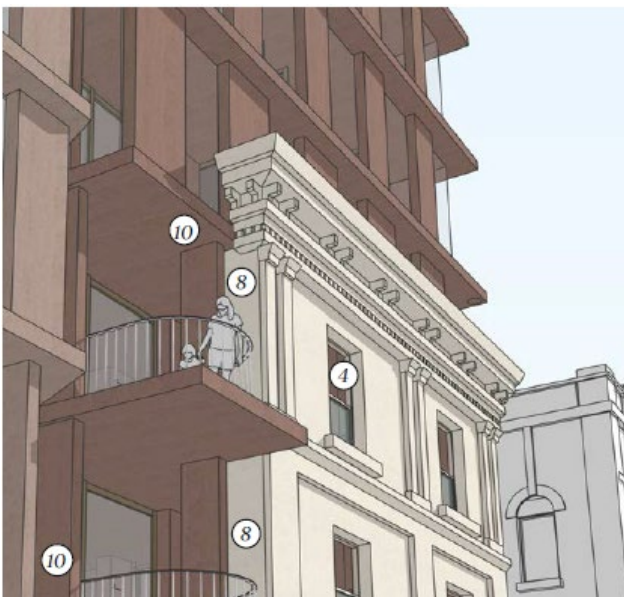
The existing facade (111 Hunter Street), including decorative parapets are maintained. The returns length is retained and sleeves behind a new column pulled back from the edge giving the appearance that the existing building has depth. This is consistent with the approach undertaken to 105 Hunter Street. The column aligns and extends to the ground floor historic tenancy wall further emphasising building depth whilst also maintaining a barrier free entry to Building 4N. Operable windows will be refurbished and retained.

Figure 17 – Building 4 North Heritage Response



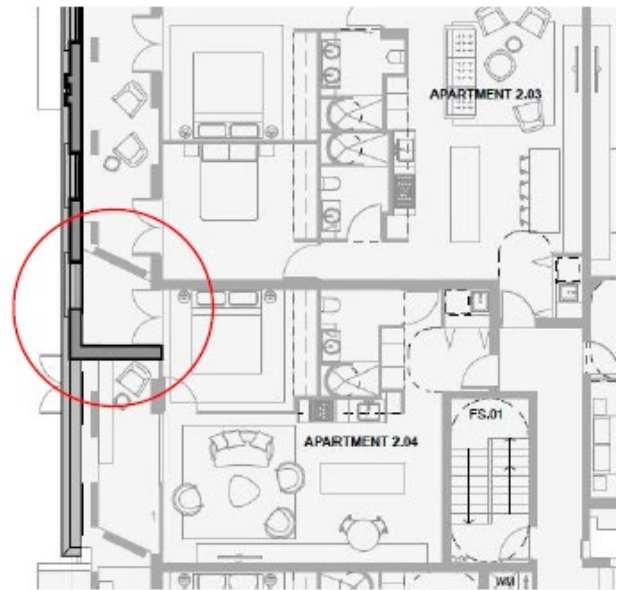
Picture 13 – Hunter Street façade return

Source: Curious Practice



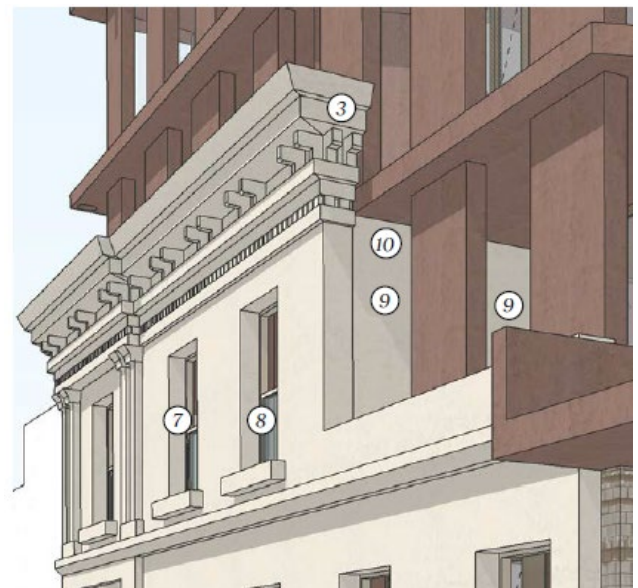
Picture 15 – Hunter Street façade return

Source: Curious Practice



Picture 14 – Morgan Street façade return

Source: Curious Practice



Picture 16 – Morgan Street façade return

Source: Curious Practice



#### 4.3.4. Building 4 South (Kingston)

Building 4 South Building comprises the redevelopment of the southern portion of the stage 4 site as outlined below. The following works are proposed:

- Demolition of the existing buildings and structures (not subject to demolition under DA2023/00236);
- Excavation works to accommodate the proposed 3 level basement and earthworks to level the site in readiness for the proposed structure.
- Construction of 9 storey mixed use building, comprising:
  - Basement car parking comprising 121 residential spaces (including 10 shared EV charging spaces), 5 commercial / retail spaces and 7 visitor car spaces, 1 car wash bay and 2 residential common property EV parking spaces;
  - Vehicular access from Laing Street to the basement car parking;
  - Turntable and loading dock located in Basement Level 1
  - Services such as waste room, plant rooms etc. are consolidated within the basement level 1 and lower ground floor;
  - Total GFA 9,805m<sup>2</sup> comprising residential and commercial uses;
  - 82 apartments including 6 one bedroom, 65 two bedroom and 11 three bedroom;
  - Residential lobbies accessed from Laing Street Laneway and King Street;
  - 199m<sup>2</sup> communal open space;
  - Landscaped courtyard within centre of the building and ancillary landscaping throughout building.

The proposed Building 4 South is shown below in **Figure 18**.

Figure 18 – Proposed Building 4 South



Source: SJB

### 4.3.5. Laing Lane Café

The separation between Stage 4 South and North extends Laing Street providing a secondary fine-grain connection from Newcomen Street to Thorn Street. This area is proposed to be activated by the small cafe building addressing Newcomen Street that acts as a marker.

Disabled accessible lift access is proposed to mitigate the steep change on level and softens the 5-storey expanse of blank wall created by the removal of Blackall House.

The material intent for the Laing Lane building was for the building to form part of the base for Building 4 South. In this way, the building is integrated with the character of the precinct.

This application seeks use approval for these tenancies as described on the plans. All tenancies seek consent to operate from 7:00am to 10:00pm, 7 days per week to allow future tenants greater flexibility. The Laing Lane Café has an approximate area of 125m<sup>2</sup>.

Figure 19 – Laing Lane Café



Source: Curious Practice

## 4.4. SITE PREPARATION AND CIVIL WORKS

The following site preparation works will be undertaken to ready the site for the proposed development:

- Demolition of the existing structures on site.
- Excavation works to accommodate the proposed basement levels.
- Earthworks to level the site in readiness for the proposed structures.

A Detailed Site Investigation (DSI) prepared by Foundation Earth Science accompanies this development application and concludes, the site can be made suitable for the proposed development subject to the preparation of a Remediation Action Plan (RAP).

A RAP is required as asbestos was identified in two borehole locations. The fill material across the proposed basement area will also need to be removed off site. The adopted remedial strategy is the removal of contaminated material to a licensed landfill.

The remediation of the site is to take place in the following stages:

- Stage One – Site Preparation
- Stage Two – Site Walkover
- Stage Three – Test Pit Investigation (Post Demolition)
- Stage Four – Classification and removal of fill across proposed basement area and Asbestos impacts areas (BH115 & BH118)
- Stage Five – Validation basement and landscape areas
- Stage Six – Asbestos Clearance
- Stage Seven – Validation Report Preparation

Hence, with the RAP in place, the site will be suitable for the proposed development.

## 4.5. LAND USES ELEMENTS

The proposed development supports a 'shop-top housing' scheme, with commercial tenancies at the ground level and residential apartments above. The building is divided into two land uses comprising:

- **Retail** – the retail plan proposes a mix of small retail tenancies responding to the Retail Strategy Group advice that formed part of the Architectural Design Competition. This application seeks use approval for these tenancies as described on the plans. The Laing Street Café tenancies seek consent to operate from 7:00am to 10:00pm with consent for operation between 7:00am-12:00am for all other retail tenancies, 7 days per week to allow future tenants greater flexibility.
- **Residential** – located within 5 buildings across Stage 3 and 4, comprising 195 dwellings and communal open space.

### 4.5.1. Retail

Retail uses are proposed at ground level, which aim to encourage an activated ground plane and street frontages.

In addition, the separation between Stage 4 South and North extends Laing Street providing a secondary fine-grain connection from Newcomen Street to Thorn Street. This area is proposed to be activated by the small cafe building addressing Newcomen Street that acts as a marker. Disabled accessible lift access is proposed to mitigate the steep change on level and also softens the 5-storey expanse of blank wall created by the removal of Blackall House.

This application seeks use approval for these tenancies as described on the plans. The Laing Street Café tenancies seek consent to operate from 7:00am to 10:00pm with consent for operation between 7:00am-12:00am for all other retail tenancies, 7 days per week to allow future tenants greater flexibility.

Retail Strategy Group, a retail consultant, were engaged during the Architectural Design Competition to provide expert input into the curation and makeup of the retail and commercial spaces. These spaces are underpinned by the local market demand for small business opportunities, the desire for an activated ground plane and delivery of a high-quality mixed-use streetscape.

### 4.5.2. Residential

The proposed development comprises 5 residential buildings offering a mix of apartment types and sizes. The proposal includes 195 dwellings with the following unit breakdown:

- 23 x 1-bedroom
- 145 x 2-bedroom
- 27 x 3-bedroom

The proposed residential is spread across the 5 buildings proposed with Stage 3 and 4. The basement levels will contain car parking and some plant services.

The proposed mix of apartment types provide for the market demand identified in the Newcastle City region, most commonly consisting of millennial families, young couples and mature middle-aged couples that are moving for a change of lifestyle and down-sizers.

The proposed apartments have been designed in regard to the design principles of and the objectives identified within the Housing SEPP and Apartment Design Guide (ADG). The buildings have been designed to achieve the greatest views to the water, solar access and private open space for the variety of apartment mixes.

## 4.6. LANDSCAPING AND COMMUNAL OPEN SPACE

The proposed development comprises extensive landscaping and communal open space offering for a variety of uses, framed by high-quality well considered landscaping. The proposal includes:

- A new 1,125m<sup>2</sup> public open space “Market Square” located in Stage 3, oriented in a north-south direction to visually and physically connect the Harbour to Christ Church Cathedral. The plaza will accommodate retail, and community uses that can spill out into the public realm and will be bordered by tree canopy cover. The landscaped elements contained within this central plaza include themed grasses and civic-scaled tree species which respond to the character and embellish the site with elements supported by First Nations community members.
- An additional 233m<sup>2</sup> of public open space on the western street frontage of Stage 3 for commercial and community events allowing operations to spill out onto the street.
- 510m<sup>2</sup> of public open space on Stage 4, comprising on a new lane between Newcomen Street and Morgan Street, as well as internal communal courtyards in Building(s) 4N and 4S. Of the 119m<sup>2</sup> of public open space provided in Building 4N, 98m<sup>2</sup> will be classified as deep soil, allowing for mature tree planting and growth.
- 360m<sup>2</sup> of communal space on Level 2 of Building 4S; 473m<sup>2</sup> and 112m<sup>2</sup> of communal open space on Level 4 of Building 3E and Building 4N, respectively; and 119m<sup>2</sup> of communal open space on Level 12 of Building 4S.
- An additional east-west through-site link between Newcomen Street and Morgan Street which includes horizontal landscaping, incorporating a variety of trees, shrubs and ground cover which suitably activates the laneway without reducing accessibility.

The proposed landscaping is spread across the 5 buildings proposed with Stage 3 and 4. In total, communal and open space comprises 3,012m<sup>2</sup>, or 46% of the total site area.

Further private open space is provided on the rooftop of the buildings, including water play and swimming pools, grassed areas, and shaded seating.

## 4.7. VEHICULAR ACCESS AND PARKING

### Vehicular access

Access is proposed to be provided via three separate driveways, as outlined below:

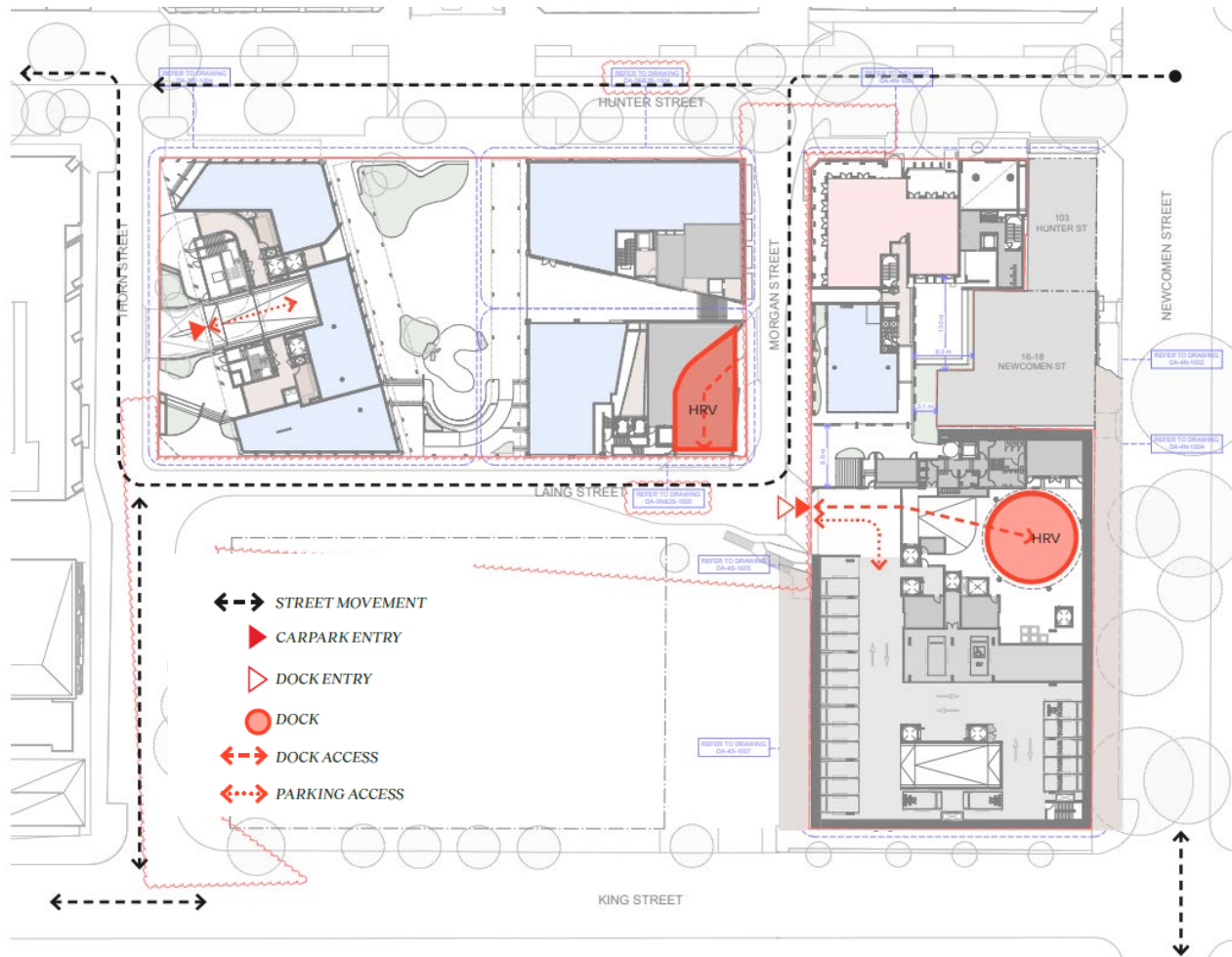
- Stage 3 basement access driveway is proposed to be located towards the southern end of Stage 3’s Thorn Street frontage. Internally, residential, and non-residential parking is to be securely separated, whilst penthouse parking is to be further secured in private garages.
- Stage 3 service driveway and loading dock is proposed to be located at the eastern end of Laing Street site frontage.
- Stage 4 access driveway is proposed to be located at the southern end of the Morgan Street (lower) site frontage, which access both the car parking area and the loading bay. Penthouse parking is to be further secured in private garages.
- Public car parking on level(s) B1 and B2 is accessed from lifts in Buildings 3W and 3N.

No vehicular access is proposed off King Street, Newcomen Street, or Hunter Street frontages.



The proposed vehicular access and internal circulation arrangements have been designed in accordance with Australian Standards. The swept turning path requirements of the B99 design vehicle as specified in AS2890.1 have been considered by the design, allowing the vehicles to circulate through the respective basement parking areas without difficulty, pass other vehicles, and to enter and exit the site in a forward direction. **Figure 20** illustrates the carpark entry points.

Figure 20 – Vehicular Entries



Source: SJB

## Parking

The total parking provision across all four stages equates to 735 spaces. Table 5 provides a breakdown of the proposed carparking allocation, which is aligned with the approved Concept Plan.

Table 5 – Parking Requirements for stages 1 to 4

Stage	Parking
Stage 1	<ul style="list-style-type: none"> <li>42 hotel (38 guest + 8 staff)</li> <li>178 resident (inclusive 18 accessible)</li> <li>26 commercial/retail</li> </ul> <p><b>Total: 273 spaces</b></p>
Stage 2	<ul style="list-style-type: none"> <li>138 residential (inclusive 14 accessible)</li> </ul>

Stage	Parking
	<ul style="list-style-type: none"> <li>10 commercial / retail</li> <li>3 spaces for 176 Hunter Street</li> <li>7 residential visitor</li> </ul>
	<b>Total: 158 spaces</b>
Stage 3	<ul style="list-style-type: none"> <li>1 car wash bay</li> <li>2 residential common property EV parking spaces</li> <li>101 residential (inclusive 14 accessible and 10 EV charging spaces)</li> <li>6 residential visitor</li> <li>17 commercial / retail (inclusive 3 common EV parking spaces)</li> <li>10 commercial/retail from Stage 1</li> <li>11 commercial/ retail from stage 2</li> <li>11 residential visitor from Stage 1</li> <li>5 hotel from Stage 1</li> <li>4 commercial / retail from Stage 4</li> </ul>
	<b>Total:168 spaces</b>
Stage 4	<ul style="list-style-type: none"> <li>1 car wash bay</li> <li>2 residential common property EV parking spaces</li> <li>121 residential (inclusive 11 accessible and 10 EV charging spaces)</li> <li>7 residential visitor</li> <li>5 commercial / retail</li> </ul>
	<b>Total: 136 spaces</b>
Overall	<p>The total parking provision across all four stages equates to 735 spaces.</p> <p>* Inclusive of 21 space commercial / retail re-allocation</p>

In addition, to encourage people to utilise EV, the development is proposed to introduce EV charging 100% of parking spots to have either EV charging stations that will comply with the requirements of NDCP or a general power unit (GPO).

### Loading, unloading and servicing

The proposed development has been designed to ensure it is able to be serviced by a variety of commercial vehicles. Both Stage 3 and 4 have a dedicated service area which is capable of accommodating trucks up to and including 12.5m long HRV with 4.5m clearance. Both Stage 3 and 4 service areas allow all service vehicles to enter and exit the site in a forward direction.

CN has provided their 50% public domain plans for the road network surrounding Stages 3 and 4 which are reproduced in Revised Traffic Impact Assessment. CN have also mandated the use of a 12.5m long HRV



truck to service both Stages 3 and 4. Furthermore, the following is noted with respect to the flow of traffic throughout the Morgan, Laing and Thorn Streets network:

- Morgan Street – one-way southbound between Hunter Street & Laing Street
- Laing Street – one-way westbound between Morgan Street & Thorn Street
- Thorn Street – one-way northbound between Laing Street & Hunter Street, and two-way between King Street & Laing Street

A Road Concept Plan has been developed by CJP Consulting Engineering. The Road Concept Plan is illustrates the following:

- Kerb returns at the intersection of Hunter and Morgan Street.
- The HRV left turn (LT) at the intersection of Laing and Thorn Streets command the road.
- Beyond the required taper for the HRV to enter Morgan Street, a 3.5m wide Morgan Street carriageway has been adopted with a 2.0m wide western footpath and a 3.5m wide eastern footpath.
- A 3.5m wide Laing Street carriageway has been adopted, maintaining the existing 1.9m wide northern footpath and a variable width southern footpath to Council's former car park site opposite,
- Road widening at the eastern end of Laing Street to facilitate the HRV's right turn (RT) from Morgan Street onto Laing Street as well as the HRV's RT exit from Building 3 East loading dock back onto Laing Street.
- Both loading docks capable of accommodating forward entry and exit movements for 12.5m long HRV trucks.
- Both loading docks capable of accommodating 12.5m long HRV trucks with closed roller doors (for acoustic control), maintaining sufficient loading/unloading area at the rear of the truck.

The Road Concept Plan was agreed in principle with CN on 9 April 2024.

Splays have been provided on the corner of Laing and Morgan Street for Building 3 South, and on the exit points only. CN have confirmed that no splays are required at the entry point of the Building 3 South. In addition, a 3.0m x 3.0m splay at the intersection of Laing and Thorn Streets has been provided to improve sight lines and to ensure the provision of an adequate footway width for pedestrians.

In respect to Stage 4, SJB architects have proposed a modified sight distance splay for the Stage 4 Loading dock- southern side acknowledging that pedestrians are not approaching the loading dock entry /exit from the south but rather the west along Laing Street. The modified solution has been reviewed and considered acceptable by CN. The Applicant has chosen to utilise a vertical bar arrangement to maintain driver sight lines for the Stage 4 loading dock - northern side. This option is considered acceptable on the basis that the proposed vertical bar arrangement provides adequate sightlines with the design achieving at least 50% of its area as clear openings. It is agreed with CN that this aspect can be addressed through an appropriate condition of consent.

The proposed loading dock arrangement does not alter the acoustic mitigation outcomes given in the submitted acoustic report. The 'closed roller door' for the loading dock relative to the open bar design proposed achieves the required acoustic mitigation outcomes. An appropriate condition of consent is acceptable.

### **Pedestrian access, bicycle parking and end of trip facilities**

Market Square provides an accessible path from Hunter Street through to Laing Street. The square has a maximum 1:40 grade ramp throughout with accessible entry into retail tenancies. A stair and ramp is provided at the south of Market Square to provide a accessible connection to Laing Street.

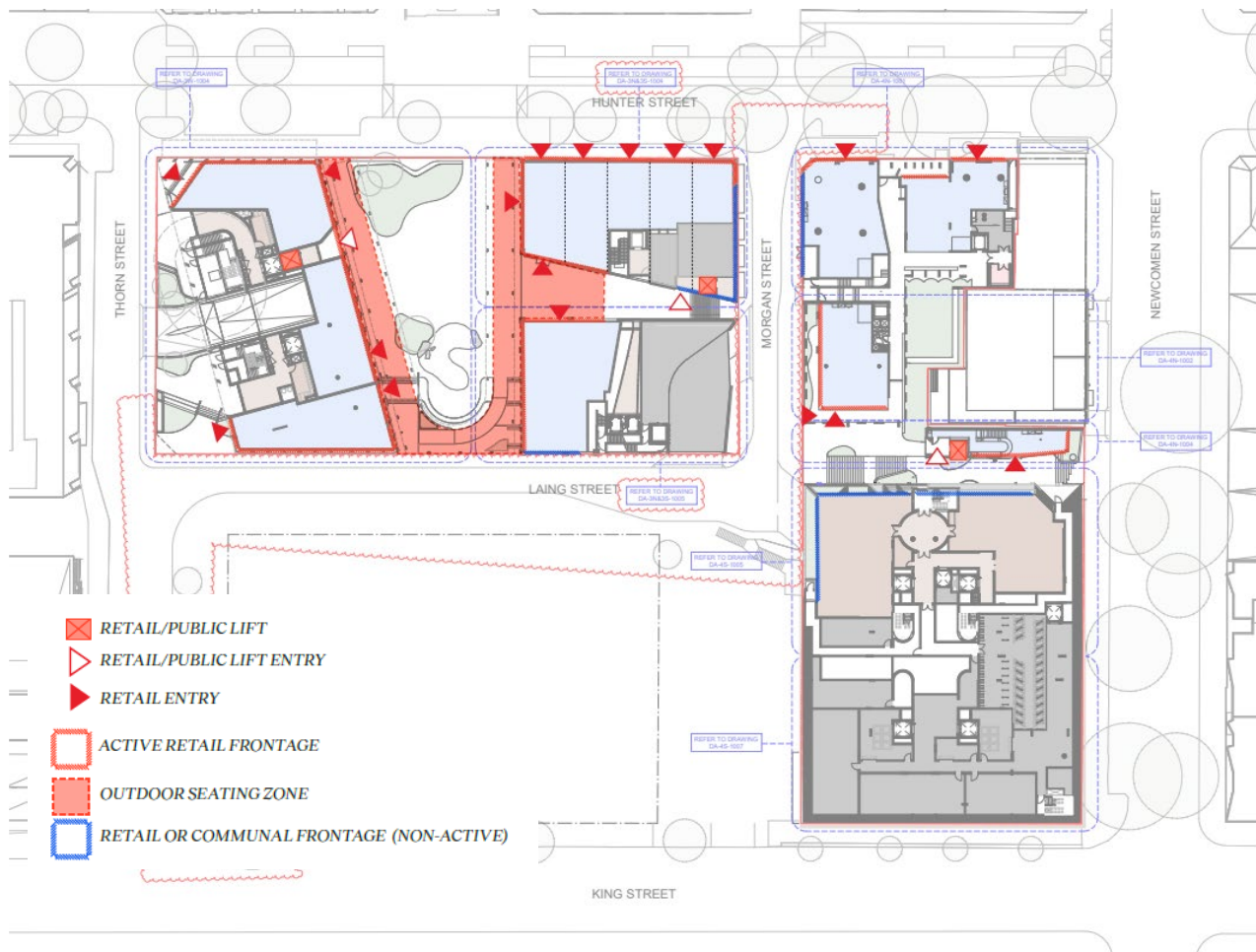
A public lift is provided within Building 3 North to provide an accessible path from Morgan Street to the residential lobbies of Building 3 North and South, and Market Square. The residential lobbies of 3W are accessible from Thorn Street.

The new walkway between Laing Street and Morgan Street includes a public lift which provides an accessible path and mediates the 5m level difference between the Streets. **Figure 21** illustrates the retail entries and activation points.

205 bicycle spaces plus private residential storage cages are proposed. Commercial and retail staff bicycle parking is provided within a secure room located in Basement Level 01 of Stage 3 and Level 01 of Stage 4. End-of-trip facilities are also proposed demonstrating a sustainable commitment to travel.

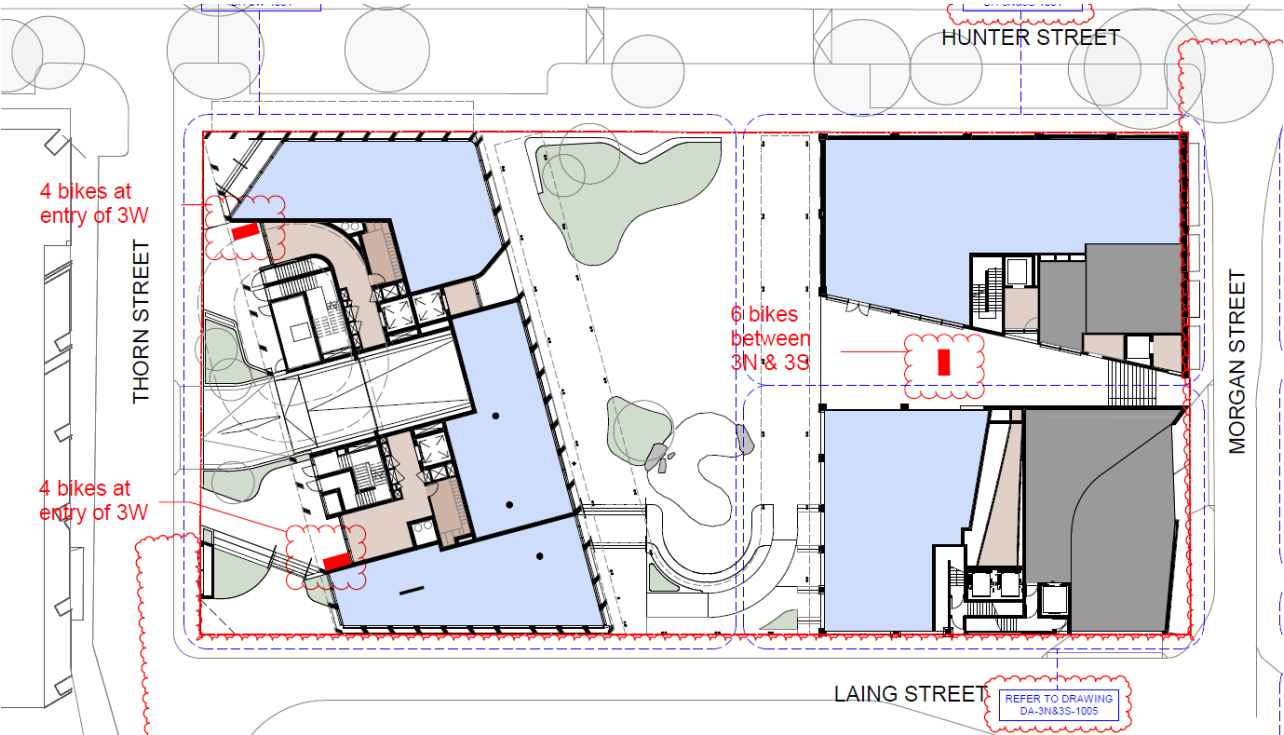
26 visitor bicycle parking spaces will be provided with Stage 3 and Stage 4 of the development. As per Condition 20A of the Concept Approval, visitor bicycle parking is required to be provided at grade near key access points to the development, and in locations with good passive surveillance. Figure 22 illustrates the locations of the proposed visitor spaces.

Figure 21 – Retail Entries and Activation

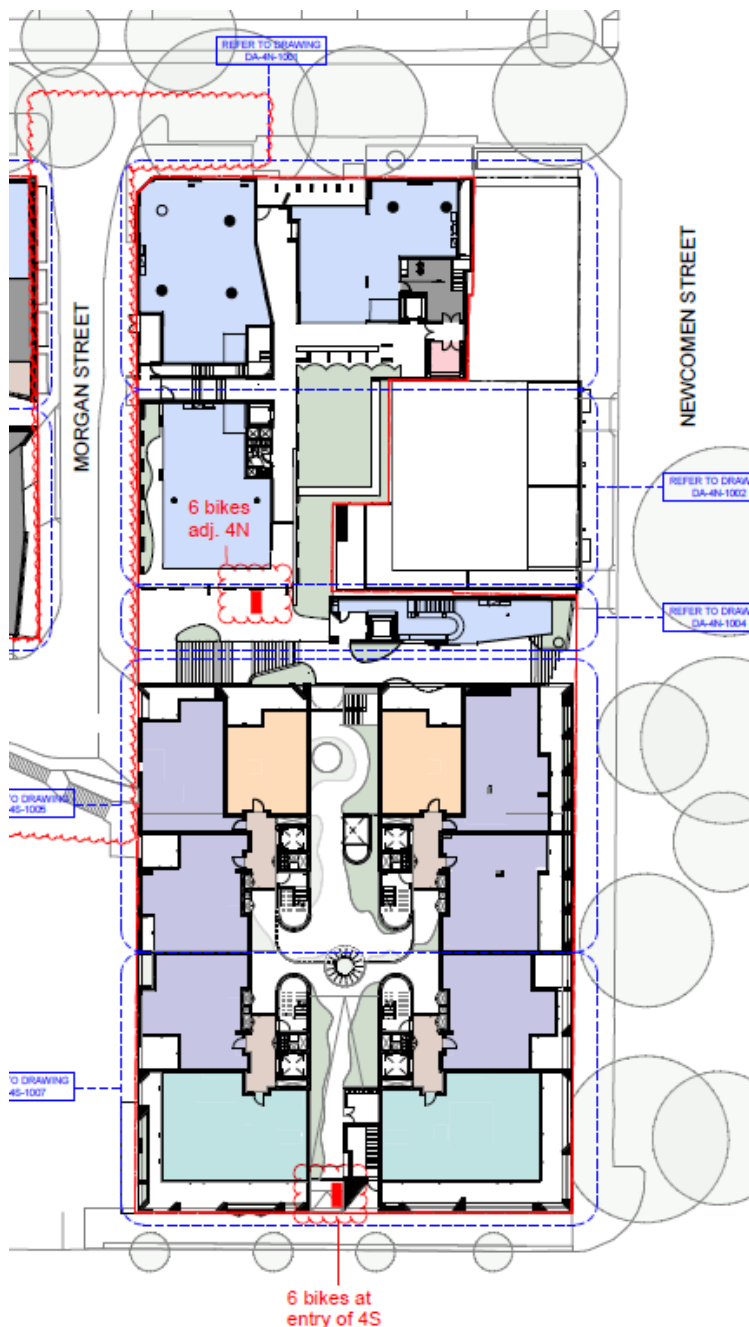


Source: SJB

Figure 22 – Visitor Bicycle Parking Locations



Picture 17 – Stage 3 Visitor Bicycle Parking



Picture 18 – Stage 4 Visitor Bicycle Parking

Source: SJB

## 4.8. INFRASTRUCTURE WORKS

### Sewer

Hunter Street sewer augmentation and sewer diversion works are proposed. Sewer diversion works are proposed. There is an existing 225 VC Sewer main running between pits 19H and 17K through the existing lots within the site of Stage 4 that will need to be relocated.

As part of discussions with Hunter Water Corporation (HWC), this sewer main will have to be rerouted to its current discharge point due to lack of capacity in the network along King Street. Scott Street or in Newcastle-2 Water Pump Station. HWC have been supportive of a solution where a special design would allow the sewer main to run along the basement walls of the Stage 4 building through Polyethylene (PE) pipes. HWC will be granted 24/7 access to the basement for maintenance purposes.

## Electricity

In order to accommodate the intensification of electricity demand on site, two (2) chamber substations are required. A chamber substation is proposed on the Ground Floor of Stage 3 and in the Basement 01 of Stage 4.

Ground distributing works will be required to connect these chamber substations to the Ausgrid network. As a result, some works within the public domain will be required and subject to a section 138 application under the Roads Act 1993.

## Telecommunications

Communication rooms are located within Basement 01 of Stage 3 and the Ground Floor of Stage 4. Telecommunications providers will be liaised with to determine the best connection points to the development and advice on any, service, relocation, removal, or upgrades required.

## Water and Stormwater

The water main on Hunter and King streets are 200mm Cast Iron Cement Lined (CICL) and suitable for connection for a high-density residential development.

Upgrades to the storm drainage system in the vicinity of the site have already been proposed as part of the "Stages 3, 4, 6, 7 and 8" Civil Engineering package by Northrop, however, upgrades to Laing and Morgan streets are not part of the package. As part of this DA, new storm drainage infrastructure will be proposed, where required, on Hunter and Morgan Streets, subject to an S138 approval as part of a future submission.

## 4.9. HERITAGE RETAINING WALL AND SANDSTONE STEPS

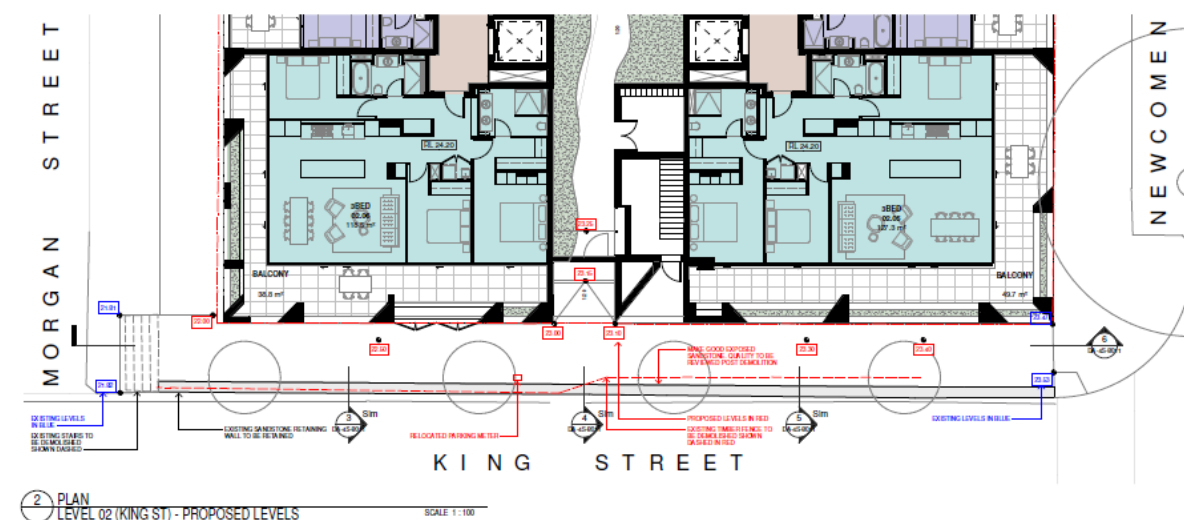
The existing stone retaining wall along King Street is proposed to be retained. The footpath between the stonewall and new Building 4 South is proposed to be regraded to allow for a continue path of travel.

A Heritage Wall Plan has been prepared by SJB and appended to this Statement of Environmental Effects, extracted below in **Figure 23**. The existing timber fence is retained and made good with slight realignment to suit the new arrangements across the footpath behind the retaining stonewall. The cut-off side of the stonewall will be made good with the details of this scope to be finalised following removal of the existing footpath/infill behind the retaining stonewall. The amended design and treatment will ensure the preservation of the heritage item 'Retaining Walls and Sandstone Steps' (NLEP Item 477).

The footway crossfall is not to exceed 2.5% and is to be confirmed by a detail note on the footway sections. An appropriate condition of consent is recommended to address this matter.

The design of the proposed public domain works concentrates surface flows against the back of the wall and therefore suitable drainage works will be required. An appropriate condition of consent is recommended to address this matter.

Figure 23 – Heritage Retaining Wall Plan





## 4.10. CONSTRUCTION STRATEGY

Stage 3 and 4 will be constructed concurrently.

Indicative timing to complete each stage of works will be confirmed by the appointed contractor. The proposed working hours of the site are:

- Monday to Friday – 7am to 6pm.
- Saturday – 8am to 4pm.
- No work is proposed on Sundays and Public Holidays.

Refer to Section 8, which describes the proposed management of noise, vibration, and traffic during the construction phase of the development.

Xaiver Knight have provided a detailed response regarding the use of ground anchors during construction, and it is appended to this response.

It is noted that ground anchors are a standard construction practice and were supported by CN in Stage 1 and 2. Ground anchors are temporary and required only until such a point that the basement structure is build up to existing ground level, engaging the capping beam around the perimeter of the excavation.

Once this stage of construction is achieved, the temporary ground anchors are redundant and will be destressed by a competent contractor. The basement structure is not reliant on the ground anchors long-term.

It is expected that East End Stage 3 and 4 will progress well ahead of any public domain works required in the Morgan Street unformed road reserve and thus, no impediment will exist to the delivery of the public domain works as a result of the temporary ground anchors.

Any works within the Morgan Street Road reserve can then progress unimpeded and without limitation. Excavation may take place within the road reserve and if the anchors are encountered, they may be easily cut and removed, without financial burden, at any point beyond the boundary of the Stage 3 and Stage 4 basements.

## 4.11. STRATUM AND STRATA SUBDIVISION

### 4.11.1. Stratum Subdivision

Stage 3 and 4 will comprise various stratum. Stage 3 proposed two (2) stratum and Stage 4 proposed two (2) stratum. Stratum Plans have been prepared by LTS Lockley and appended to this SEE.

### 4.11.2. Strata Subdivision

Stage 3 and 4 will comprise various strata lots. Stage 3 proposes 90 strata lots and Stage 4 proposes 105 strata lots. Draft 88B Instruments and Strata Plans have been prepared by LTS Lockley and appended to this SEE.

## 4.12. SIGNAGE

A Signage Strategy has been prepared by SJB and is included in the Architectural Plans – Precinct. The Signage Strategy identifies five (5) different signage types:

- Type 1: Residential Lobby Signage
- Type 2: Retail Glazing Decal
- Type 3: Retail Transom Signage
- Type 4: Retail Under Awning Signage
- Type 5: Retail Wall Mounted Signage

The signage strategy includes the locations, dimensions, colours, and finishes, for signage across Stage 3 and 4. It is acknowledged that future commercial tenants at ground floor will be required to adhere to the Signage Strategy and signage may be subject to future approvals.

## 5. STRATEGIC CONTEXT

### 5.1. HUNTER REGIONAL PLAN 2041

The Hunter Regional Plan 2041 sets the strategic land use framework for continued economic transformation in one of Australia's most diverse and liveable regions. The plan builds on the previous Hunter Regional Plan 2036 to curate a more current plan, responding to this era of rapid change to promote sustainable growth, connected communities, resilience and a region that all residents have a stake in. The plan sets out nine objectives:

- *Objective 1 – Diversify the Hunter's mining, energy and industrial capacity.*
- *Objective 2 – Support the right of Aboriginal residents to economic self-determination.*
- *Objective 3 – Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant local communities.*
- *Objective 4 – An inter-connected and globally focused Hunter without car dependent communities*
- *Objective 5 – Plan for “nimble neighbours”, diverse housing and sequenced development*
- *Objective 6 – Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking catchments.*
- *Objective 7 – Reach net zero and increase resilience and sustainable infrastructure.*
- *Objective 8 – Plan for businesses and services at the heart of healthy prosperous and innovative communities*
- *Objective 9 – Sustain and balance productive rural landscapes.*

The proposal facilitates the delivery of these objectives as listed below:

- Providing a mixed-use precinct in a well-connected location of the east end area in the Newcastle City CBD, limiting the need for mobility and supporting goals for the 15-minute neighbourhoods.
- The location of the site is within walking distance to public transport, commercial and social premises, a short light rail ride to the City beach and other areas of the CBD and safe and established paths for cycling and walking around the city and its surrounds.
- Supporting trends towards housing density and downsizing, whilst accommodating for diverse demographics that are identified as prevalent in seeking to buy and rent. Whilst efficiently using the land, supporting changing lifestyles and facilitating needs of the market.
- The retail offerings within the proposal will provide businesses and services which help support the community by enabling them to meet their social and cultural needs.
- The adaptive reuse of the Municipal Building will help preserve heritage within the Newcastle's city centre while also enabling the opportunity to diversify the building's purpose. The proposal also respects surrounding heritage items and is conscious of their significance.
- In designing and planning the proposal, it has been through a conscientious design process to ensure connection with Country is at the core of the design.
- Providing a quality public domain along the ground plane for use of community members and landscaping that will improve green the space within the area.
- The mixed-use precinct will help to deliver business and services with a mix of retail store sizes to promote diversity of services.

## 5.2. GREATER NEWCASTLE METROPOLITAN PLAN 2036

The Greater Newcastle Metropolitan Plan 2036 sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle. The Plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The plan envisions Newcastle to be Australia's newest and emerging economic and lifestyle city, connected with northern NSW and acknowledged globally as:

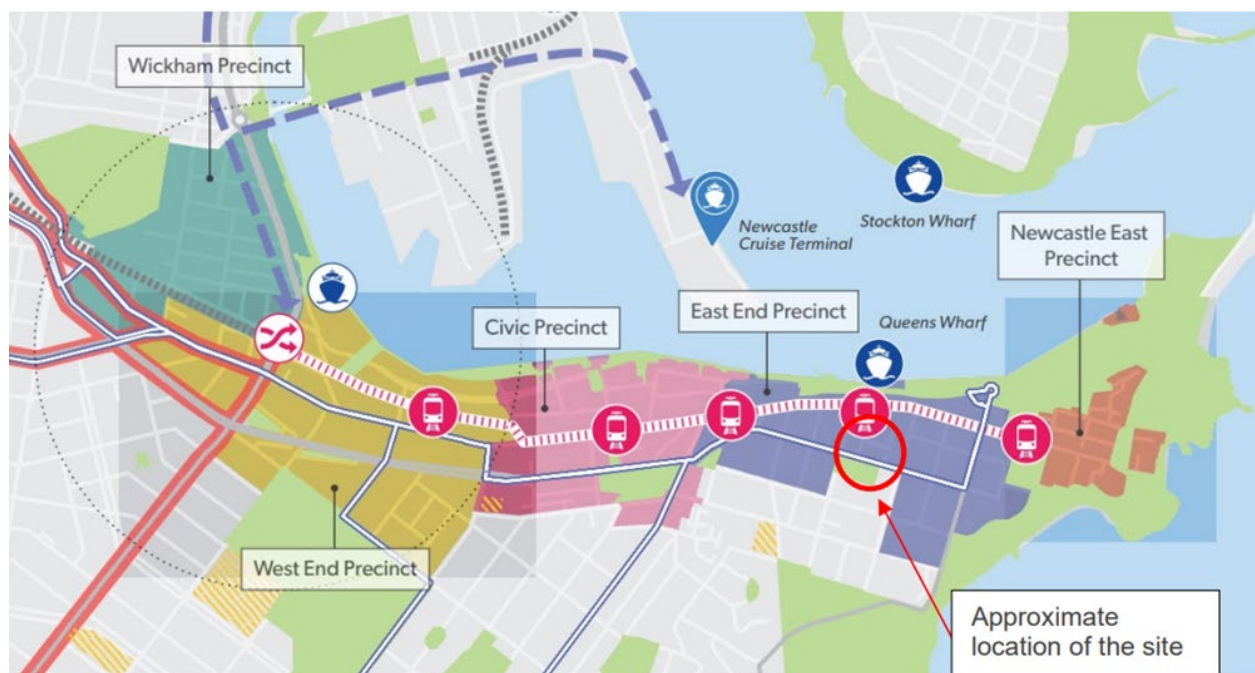
- dynamic and entrepreneurial, with a globally competitive economy and the excitement of the inner city and green suburban communities.
- offering great lifestyles minutes from beaches or bushland, the airport or universities, and from the port to the lake; and
- a national leader in the new economy, with smarter cities and carbon neutral initiatives, and with collaborative governance that makes it a model to others in creating and adapting to change.

The proposal aligns with the outcomes that the plan intends to achieve as follows:

- Providing diversity of housing choices close to jobs and services, whilst suiting a diversity of people, including university students that are upskilling to potentially become the future workforce within the region.
- The Mixed-use precinct has undergone a competitive design competition with various design reviews to ensure the final design enhances the space and delivers the best outcome for the future residence, community and visitors.
- Located within the CBD accessibility to transport, cycle routes and walking are all simple modes of transport to the beaches and the bushland. Also, delivering additional public space and a positive interface with Market Place to the north of the site.
- The adaptive reuse of the Municipal Building onsite will help preserve heritage within the Newcastle's city centre while also enabling the opportunity to diversify the building's purpose. The proposal also respects surrounding heritage items and is conscious of their significance.
- A significantly improved ground plane experience with a mix of retail, business and food and beverage offers supporting an improved lifestyle in Newcastle East; creating a more desirable place to live and work.
- Provides opportunities to enhance the night-time economic, activation and passive surveillance of the immediate vicinity.

**Figure 24** illustrates the location of the site within the context of the Newcastle City Centre catalyst area.

Figure 24 – Catalyst area, Newcastle City Centre



Source: GNMP, 2036

### 5.3. NEWCASTLE LOCAL STRATEGIC PLANNING STATEMENT 2040

The Newcastle Local Strategic Planning Statement (LSPS) is City of Newcastle's (CN) plan to guide land use planning over the next 20 years. The LSPS implements priorities from the Community Strategic Plan, Newcastle 2030, and brings together land use planning actions in other CN adopted strategies. The LSPS also gives effect to the State Government strategic directions for the Hunter region, outlined in the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036.

Through community consultation programs the values and concerns were shared by community members, these were contributory to establish the planning priorities of the LSPS. The proposal aligns with most of the planning priorities, some of the ways they achieve this are listed as follows:

- Planning Priority 1: Prioritise active transport in our city – the proposal is located in a highly accessible location through active transport and will provide bicycle parking for secure bike parking.
- Planning Priority 2: Support emerging transport opportunities and public transport improvements with continued integration of land use and transport planning – The site is located a short distance from Newcastle Light Rail, Queens Wharf Ferry stop and numerous Bus Stops along King Street.
- Planning Priority 7: Plan for climate change and build resilience – the proposal includes electric car charging spaces, end of trip facilities to encourage active transport, a 4 Star Greenstar Building rating.
- Planning Priority 8: Plan for growth and change in Catalyst Areas, Strategic Centres and Urban Renewal Corridors – The proposal will support growth in the Newcastle City Strategic Centre by providing housing, job opportunities and public activation.
- Planning Priority 9: Create inclusive streets and spaces in our neighbourhoods and local centres – Activation of the ground plane and public domain at the site will welcome community members and visitors to access and enjoy the public amenities provided, as well as offer retail service options.
- Planning Priority 11: Protect and celebrate our heritage – The design has incorporated elements to acknowledge the traditional custodians of the land within building materiality. Further efforts have been made in the building design to positively respond to the heritage conservation area that the site is located within and conscious design choices have been made to ensure the Municipal Building's heritage value is retained.

## 6. STATUTORY CONTEXT

This section identifies the relevant environmental planning instruments applying to the site and the proposed development and includes an assessment of the proposal against the relevant provisions. The environmental planning instruments relevant to the proposed development are as follows:

- *Environmental Planning and Assessment Act 1979* (EP&A Act) – section 4.55 assessed in **Section 8** of this SEE.
- *Coal Mines Subsidence Compensation Act 2017* (Subsidence Act).
- *Water Management Act 2000* (WM Act).
- *Heritage Act 1977* (Heritage Act).
- *State Environmental Planning Policy (Planning System) 2021* (Planning Systems SEPP).
- *State Environmental Planning Policy (Transport and Infrastructure)* (SEPP Transport and Infrastructure).
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards).
- *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP). Note at the time of lodgement *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX SEPP) applied.
- *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Note at the time of lodgement *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) applied.
- *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP).
- *Newcastle Local Environmental Plan 2012* (NLEP).
- Newcastle Development Control Plan 2012 and 2023 (NDCP).

In October 2022, City of Newcastle adopted revised sections of the NDCP, it is understood these revisions came into effect 1 November 2022 therefore are relevant to this DA.

### 6.1. COAL MINES SUBSIDENCE COMPENSATION ACT 2017

The site is identified as being in a Mine Subsidence District. Therefore, under section 4.46 of the EP&A Act the DA is classified as 'integrated development.' A Summary of Potential Ground Issues has been provided by Tetra Tech Coffey and appended to this SEE, and provides the following summary of mines impacts:

- The Dudley Seam will be about 12 m or more below the cut level and has a high likelihood of containing mine workings due to the likely presence of the Market Shaft below the site for Stage 3. There are also mapped workings below this part of the site in the Borehole Seam.
- The Dudley Seam will be about 10 m to 15 m below the cut level and has a high likelihood of containing mine workings for Stage 4. There are no mapped workings below this part of the site in the Borehole Seam, however they are located immediately to the west.

Section 22 of the Subsidence Act requires an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made in a form approved by the Chief Executive.

Under the Integrated Development Consent DA2018/00354, Subsidence Advisory NSW granted conditional approval for mine subsidence remediation grouting for Stage 2, Stage 3 and Stage 4 of the Staged approval via General Terms of Approval ('GTA') and stamped plans dated 10 September 2018 (TBA18-02098).

The GTA's issued by Subsidence Advisory NSW for DA2022/00439 do not reflect the future development as per the approved Concept DA. Therefore, Urbis request that CN request revised GTA's from Subsidence Advisory NSW which directly reflect the advice received previously pertaining to Stage 3 & 4 of the East End development (TBA18-02098).

Subsidence Advisory NSW is directed to the previous GTA's, Concept DA Notice of Determination and Stamped Plans. Referral to Subsidence Advisory NSW will be required as part of the DA assessment



process but acknowledgement should be given to the previous GTA's for DA2018/00354. GTA's have been provided for DA2023/00419.

## 6.2. HERITAGE ACT 1977

An Historical Archaeology Assessment has been prepared by Umwelt with the aim of providing supporting documentation for a section 140 excavation permit under the Heritage Act) to investigate subsurface areas of the site as part of the proposed development; in order to identify and record any archaeological remains that may be present.

Historical archaeological assessment, as supporting documentation for a Section 140 excavation permit relating to Stages 1 and 2 of the Newcastle East End Project, has previously been prepared, submitted and approved by Heritage NSW (then Heritage Division Office of Environment and Heritage). Relevant section 140 application numbers are:

- Stage 1: Application number 2017/S140/33
- Stage 2: Application number 2021/s140/003

The site area has potential to contain subsurface deposits and features that would be considered relics under the Heritage Act. Umwelt recommend that an excavation permit for archaeological monitoring of bulk excavation and detailed archaeological excavation as required be applied for under section 140 of the Heritage Act. GTA's have been provided for DA2023/00419.

## 6.3. WATER MANAGEMENT ACT 2000

The proposed basement, grouting, piling and foundation work may penetrate the water table, therefore may need an activity approval under section 91 (3) of the WM Act 2000 due to aquifer interference. Accordingly, the proposed development is classified as Integrated Development pursuant to section 4.46 of the EP&A Act.

Referral to Waste NSW for any potential penetration of the aquifer and interface with water in the aquifer (and potential dewatering) will be required as part of the DA assessment process. GTA's have been provided for DA2023/00419.

## 6.4. STATE ENVIRONMENTAL PLANNING POLICIES

### 6.4.1. State Environmental Planning Policy (Planning Systems) 2021

Schedule 6 of the *State Environmental Planning Policy (Planning System) 2021* (Planning Systems SEPP) requires that a Regional Planning Panel (RPP) determine general development over \$30 million in value.

The capital investment value of the DA will exceed \$30 million; therefore, this DA will require determination by the Hunter and Central Coast Planning Panel.

### 6.4.2. State Environmental Planning Policy (Transport and Infrastructure) 2021

*State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP Transport and Infrastructure) aims to facilitate the effective delivery of infrastructure across the State. The SEPP Transport and Infrastructure identifies matters for consideration in the assessment of types of infrastructure development, including all new development that generates large amounts of traffic in a local area.

The following clauses are relevant to this application:

#### Clause 4.8 Determination of development applications – other development

Clause 2.48 of requires the consent authority to give written notice to the electricity supply authority and consider comments about potential safety risks within 21 days. The application may be referred to the electricity supply authority seeking concurrence and inviting comments about potential safety risks. The proposal involves the construction of substations at ground floor level.

#### Clause 2.122 Traffic-generating development

The proposed development will not require referral to Transport for NSW under clause 2.121 as the proposed does not adjoin a classified road (or located within 90 metres of a classified road) and does not exceed the traffic-generating development criteria in Schedule 3 of the SEPP Transport and Infrastructure. The proposed development does not propose more than 300 dwellings or 10,000m<sup>2</sup> of commercial GFA.

### **6.4.3. State Environmental Planning Policy (Resilience and Hazards) 2021**

*State Environmental Planning Policy (Resilience and Hazards) 2021* aims to promote a state-wide approach for the remediation of land to reduce the risk of harm to human health or any other aspect of the environment. A consent authority is required to consider whether land is contaminated prior to determining a development application.

A Detailed Site Investigation (DSI) prepared by Foundation Earth Science accompanies this development application and concludes, the site can be made suitable for the proposed development subject to the preparation of a Remediation Action Plan (RAP).

A RAP is required as asbestos was identified in two borehole locations. The fill material across the proposed basement area will also need to be removed off site. The adopted remedial strategy is the removal of contaminated material to a licensed landfill.

The remediation of the site is to take place in the following stages:

- Stage One – Site Preparation
- Stage Two – Site Walkover
- Stage Three – Test Pit Investigation (Post Demolition)
- Stage Four – Classification and removal of fill across proposed basement area and Asbestos impacts areas (BH115 & BH118)
- Stage Five – Validation basement and landscape areas
- Stage Six – Asbestos Clearance
- Stage Seven – Validation Report Preparation

The recommendations of this report are considered appropriate to be accommodated as a condition of development consent, to be addressed prior to the issue of the relevant Construction Certificate. With the RAP in place, the site will be suitable for the proposed development.

Considering the above, CN can be satisfied that the land is suitable for the proposed development under clause 4.6 of the SEPP Resilience and Hazards.

### **6.4.4. State Environmental Planning Policy (Sustainable Buildings) 2022 and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* was gazetted on 25 June 2004. The policy applies to proposed BASIX affected or BASIX optional development across the State. The aim of the policy is to provide consistent implementation of the BASIX Scheme across the State.

A BASIX Certificate (Certificate Number: 1386031M) accompanies this DA. The certificate confirms the proposed development meets the NSW Government's requirements for sustainability and achieves the water and thermal performance requirements.

It is noted that the Sustainable Buildings SEPP came into force post lodgement of DA2023/00419. As per Section 4.2(1)(a) of the Sustainable Buildings SEPP, the policy does not apply to a development application submitted on the NSW Planning Portal but not finally determined before the 1 October 2023. DA2023/00419 was submitted in May 2023, therefore the savings provisions apply.

### 6.4.5. State Environmental Planning Policy (Housing) 2021 (formerly State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings)

*State Environmental Planning Policy (Housing) 2021* (Housing SEPP) aims to improve the design quality of residential flat buildings, shop top housing and the residential component of mixed-use developments. It applies to any building that comprises 3 or more storeys and 4 or more dwellings.

The proposed development is therefore required to be assessed in accordance with the requirements of Section 147 of Housing SEPP, which requires the consent authority take into consideration:

- *The advice obtained from the design review panel;*
- *The design quality of the development when evaluated in accordance with the design quality principles; and*
- *The Apartment Design Guide.*

An assessment of the proposal against the Housing SEPP design quality principles and the Apartment Design Guide has been prepared by SJB and is included in the Urban Design Report that accompanies this DA. Overall, the proposed development achieves a high level of compliance with the relevant provisions of the Apartment Design Guide as detailed **Table 6**.

Table 6 – Housing SEPP compliance table

Design Criteria	Proposal
<i>Solar Access (min 70%)</i>	<p>The overall development meets the required solar access by carefully positioning and orientating the build form and apartments within the optimize the amenity. Across Stage 3 and 4, 73% of apartments will receive at least 2 hours of solar access.</p> <p>The following provides an overview of solar access:</p> <ul style="list-style-type: none"> <li>▪ <b>Building 3 North and Building 3 South:</b> 73.7% of apartments receive a minimum of 2 hours direct sunlight in mid-winter.</li> <li>▪ <b>Building 3 West:</b> 71.2% of apartments receive a minimum of 2 hours direct sunlight in mid-winter.</li> <li>▪ <b>Building 4 North:</b> 87% of apartments receive a minimum of 2 hours direct sunlight in mid-winter.</li> <li>▪ <b>Building 4 South:</b> 69.5% of apartments receive a minimum of 2 hours direct sunlight in mid-winter.</li> </ul> <p>The orientation of apartments has been designed to maximise solar access needs. Therefore, comply with the requirements of the ADG.</p>
<i>South Facing Apartments (max 15%)</i>	<p>The following provides an overview of south facing apartments:</p> <ul style="list-style-type: none"> <li>▪ <b>Building 3 North and Building 3 South:</b> Only 2 x apartments in 3E are single aspect units. All other units have a minimum of two aspects with the upper floor 3- &amp; 4-bedroom apartments have 3 &amp; 4 aspects respectively. Where south facing units are proposed in 3N, windows are orientated to the west through 'ear' type bay windows for privacy, views and sunlight.</li> <li>▪ <b>Building 3 West:</b> There are no single orientation south facing apartments proposed. 0% of apartments receive no solar in mid-winter.</li> </ul>

Design Criteria	Proposal
	<ul style="list-style-type: none"> <li>▪ <b>Building 4 North:</b> 4 of the 38 apartments (11%) of apartments receive no will receive no solar in mid-winter.</li> <li>▪ <b>Building 4 South:</b> 12 of 82 apartments (15%) will receive no solar in mid-winter.</li> </ul> <p>Apartments across the development achieve the ADG recommendation and therefore comply.</p>
<i>Natural Cross Ventilation (min 60%)</i>	<p>Across Stage 3 and 4, 85% of apartments will be cross ventilated. The following provides an overview of naturally cross ventilated apartments:</p> <ul style="list-style-type: none"> <li>▪ <b>Building 3 North and Building 3 South:</b> 95% of apartments are naturally cross-ventilated.</li> <li>▪ <b>Building 3 West:</b> 79% of apartments are naturally cross ventilated.</li> <li>▪ <b>Building 4 North:</b> 78.3% of apartments are naturally cross-ventilated.</li> <li>▪ <b>Building 4 South:</b> 86.6% of apartments are naturally cross-ventilated.</li> </ul> <p>Overall, the buildings across the development achieve above the minimum ADG recommendations and therefore comply.</p>
<i>Livable Housing (min 20%)</i>	<p>Silver level adaptable dwellings are provided to allow choices for people with disabilities, 20% of apartments have been designed to be Silver level Livable dwellings.</p> <p>Within the 20%, the proposal includes 22 apartments which are capable of adaptation in accordance with the essential features of AS4299 (Class C), complying with the ADG minimum of 10% adaptable housing.</p>
<i>Deep Soil (min 7%)</i>	<p>This proposal carefully integrates architecture and landscaping into a sympathetic balance in which the landscape expression helps to carve and define the built form.</p> <p>The location and building typology have limited or no space for deep soil at ground level given the site is located in the Newcastle central business district, is constrained and located in a highly dense urban area.</p> <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management has been achieved and alternative forms of planting provided such as on structure within the public domain.</p> <p>The site is located in the city which is a dense urban environment. The project proposes extensive urban landscape, tree canopy, rooftop landscape and public space. Deep soil is associated with 4N to provide a buffer between developments.</p> <p>Overall, the Stage 4 proposal achieves a of 1.5% of deep soil which is considered appropriate given the significant public benefit of the urban plaza and overall ground plane response.</p>
<i>Communal Open Space (min 25%)</i>	<p>Stage 3 and Stage 4 of development are supported by 12% communal open space.</p>

Design Criteria	Proposal
	<p>The two stages have been designed to provide occupants with excellent amenity through a diverse collection of communal and open space. As the site is located in the city, a large proportion is allocated to public space, a benefit to both the public and residents.</p> <p>The resident's communal spaces are located in, and on the rooftops of the buildings providing space that is a retreat from the city.</p> <p>When considered as an orchestrated set, the space provided to residents as a consequence of Stage 3 and Stage 4 is over, 3,000m<sup>2</sup> of usable open and communal area, this represents 46% of the site.</p>
<i>Building Separation</i>	<p><b>Stage 3:</b></p> <p>Stage 3 has an improved building separation between 3W / 3S (17.3m vs 7.75m in Concept DA). The building separation proposed between Building 3N and 3S does not comply with the ADG, however rear type windows are used to redirect views and ensure privacy between apartments when separation requirements are not met. The building separation Building 3W (8 storeys) and 3E complies with the ADG, having a building separation distance of 18 metres at its narrowest and gradually increasing further north.</p> <p>The deviation to the standard distances between 3N &amp; 3S are mediated through the introduction of ear type windows. These are used to redirect views and ensure privacy between apartments when separation requirements are not met. When the distances are met as the laneway widens to the west, the ear type windows are replaced with standard window openings, maintaining the 6m to habitable rooms &amp; 3m to non-habitable rooms separation standard (up to 12m - 4 Storeys).</p> <p><b>Stage 4:</b></p> <p>Stage 4 also has an improved building separation between 4N / 4S above Level 4 (16.4m vs 8.3m in Concept DA). The proposed building separation between Building 4N and 4S ranges from 9m (Upper Ground Level) to 17m (Level 02 and above). The building separation to the east and west towers is 7.3m and additional privacy screens and wider façade column placement have been integrated to achieve visual privacy.</p> <p>During the assessment phase, glazing to the study nook to units 4N-2.01, 4N-3.01, 4N-4.01, and 4N-5.01 have been removed and footprint adjusted in line with the floor plan diagrams. Adjustments to the 'LOBBY 2' core to achieve a secure lobby and provision for escape to fire stair whilst maintaining the minimum ADG bedroom dimensions have seen the minor adjustment to building footprint and glazing (refer to floor plans). These changes do not provide any greater impact or decrease building separation.</p> <p>The existing residential flat building at 16-20 Newcomen Street is primarily built to all boundaries which does not allow equitable shared</p>



Design Criteria	Proposal
	<p>separation distances between the neighbouring sites. This constraint does not allow compliant building separation to Building 4N's non-compliant neighbour. The eastern setback of Building 4N's lobby from the non-compliant building at 16-20 Newcomen Street is 8.3m, and 4.1m from the south-west built to boundary balconies of 16-20 Newcomen Street. The separation between Building 4N and 105 Hunter Street is 0.0m as a continuation of the party wall and to allow the future redevelopment of the site at 105 Hunter Street. The separation provisions nominated to 16-18 Newcomen Street are to a primarily blank wall with no windows and a single balcony that is not the primary outdoor space (primary balconies are located to the Newcomen Street elevation). In dense inner city environments where strict numerical compliance would extinguish development potential, careful management to allow privacy and amenity to each building through partial screening (refer to Material Schedule and Elevations) to LOBBY.1 is proposed that allows equitable amenity to each building. The setback from 4N's LOBBY.1 to the neighbouring (0.0m setback) balconies of 16-18 Newcomen Street is 8.3m. This represents a minor deviation from the required 9m separation over 12m (or 4 storeys) high. The first 4 levels (up to 12m) exceed the minimum 6m building separation - 8.3m achieved. The building separation to 16-18 Newcomen Street also exceeds that nominated in the Concept DA. LOBBY.1 is primarily for circulation only with occupants moving through to their respective units or lift access. It is not anticipated that occupants will dwell in this area.</p> <p>The proposed development generally complies with the provisions of the Apartment Design Guide and where non-compliance is displayed, appropriate mitigation measures have been integrated in the proposed design.</p>
Ceiling Heights	<p><b>Building 3 West – Ground Floor</b></p> <p>Southern tenancy (Laing Street) – due to the significant level difference between Laing Street and Hunter Street the ceiling height is less than 4m. The floor level of the retail tenancy has been raised to accommodate an accessible interface with the public spaces to the East and West. By adjusting the floor level of the retail tenancy higher (reducing the ceiling level) the interface with the public domain is greatly improved.</p> <p><b>Building 3 West – Level 1</b></p> <p>Level 1 – the proposed heights of level 1 allow compliance to be achieved with the ADG minimum ceiling heights. A higher floor to floor to achieve a 3.3m ceiling is not required. Future conversion of level 1 into a non-residential use (that requires additional height) is undesirable given the requirements for additional servicing, BCA compliance, waste requirements and a separate lobby.</p> <p><b>Building 4 South – Residential Levels</b></p>

Design Criteria	Proposal
	<p>There is a 14m level difference between King Street and Hunter Street which is a significant constraint on the design and layout of site 4S. Creating 4m ceiling heights for the floors that interface with the ground level is unnecessary given the residential use – which had been supported in the design excellence competition and subsequent DIP review process. The proposed heights for residential levels allow compliance to be achieved with the ADG minimum ceiling heights. A higher floor to floor to achieve a 4.0 or 3.3m ceiling is not required to achieve compliance. Future conversion residential uses into a non-residential use (that requires additional height) is undesirable given the requirements for additional servicing, BCA compliance, waste requirements and a separate lobby. There are no retail uses proposed in 4S. Non-residential uses are proposed on lower ground floor which will fit within the proposed 3m floor to floor height.</p> <p><b>Building 3 South – Level 1:</b></p> <p>The additional height over the ground floor tenancy is due to the level 2 slab being set by the height of the HRV loading dock accessed off Laing St. The apartments on Level 1 are offset from level 2 - 3.15m, matching the floor to floor heights of the other apartments in 3S. This height allows compliance to be achieved with the ADG minimum ceiling heights. The slab level for level 1 currently aligns with the top of the public awning structure. If we were to drop the level 1 slab to achieve 3.3m floor to ceiling heights, the slab level would sit lower than the top of the awning structure, decreasing the amenity of the apartments. As it is currently proposed, there is a consistent rhythm of stepping to the facade at 3.15m increments. By increasing this height for this floor only creates inconsistency in the architecture and facade presentation to the street and market square. A higher floor to floor to achieve a 3.3m ceiling is not required to achieve compliance for apartments. Future conversion of level 1 into a non-residential use (that requires additional height) is undesirable and will never happen given the requirements for additional servicing, BCA compliance, waste requirements and a separate lobby. There is also only 2 x apartments located on level 1 (due to the additional height required over the loading dock), with a total floor area of 187m<sup>2</sup> of floor area (if combined into one tenancy). This floor plate is therefore quite limited for future conversion into commercial tenancy/tenancies.</p> <p><b>Building 4 North – Ground Level:</b></p> <p>Northern tenancies (C.01, C.02) addressing Hunter Street achieve a range of ceiling heights from 3.47m to 5.37m (measured to underside of slab) This is in keeping with the existing ceiling levels of the heritage building and their openings.</p> <p>Southern tenancy (C.03) - Due to the significant level difference along Morgan Street between Laing and Hunter Streets, the ceiling height is less than 4m (3.9m achieved). The floor level of the retail tenancy has been raised to accommodate an accessible interface with the public spaces to Laing Lane and the pedestrian connection to Newcomen Street.</p>

Design Criteria	Proposal
	<p><b>Building 4 North – Level 1:</b></p> <p>The proposed heights of level 1 have been determined by the existing heritage building and their respective openings as recommended by the CMP. Accordingly residential units within the existing 105 Hunter Street building maintain a ~3.5m ceiling height and units behind and adjacent 111 Hunter Street maintain a ~2.9m ceiling. The heights allow compliance to be achieved with the ADG minimum ceiling heights. A higher floor to floor to achieve a 3.3m ceiling is not required.</p> <p>Future conversion of level 1 into a non-residential use (that requires additional height) is undesirable given the requirements for additional servicing, BCA compliance, waste requirements and a separate lobby.</p>
<p><i>Apartment Size and Mix</i></p> <p>1 bed (50sqm)</p> <p>2 bed (70sqm)</p> <p>3 bed (90sqm)</p> <p>4 bed (102sqm)</p>	<p>The development proposes the following apartment sizes and mix:</p> <ul style="list-style-type: none"> <li>▪ Studio Apartments 0%</li> <li>▪ 1 Bedroom Apartments 8% 50 to 60sqm</li> <li>▪ 2 Bedroom Apartments 71% 79 to 107sqm</li> <li>▪ 3 Bedroom Apartments 18% 157 to 177sqm</li> <li>▪ 4 Bedroom Apartments 3% 330sqm</li> </ul> <p>Overall, the proposal has a good mix of apartment types and sizes, thereby being compliant with the ADG. All apartments have been dimensioned on the architectural plans to confirm alignment with the ADG.</p>

#### 6.4.6. State Environmental Planning Policy (Industry and Employment) 2021

A Signage Strategy has been prepared by SJB and is included in the Architectural Plans – Precinct. The signage strategy includes the locations, dimensions, colours, and finishes, for signage across Stage 3 and 4. It is acknowledged that future commercial tenants at ground floor will be required to adhere to the Signage Strategy and signage may be subject to future approvals.

The Signage Strategy identifies five (5) different signage types:

- Type 1: Residential Lobby Signage
- Type 2: Retail Glazing Decal
- Type 3: Retail Transom Signage
- Type 4: Retail Under Awning Signage
- Type 5: Retail Wall Mounted Signage

The Signage Strategy will remain consistent with the matters for consideration set out in Schedule 5 of the Industry and Employment SEPP. For completeness, an assessment of the signage proposal against the signage assessment criteria set out in Schedule 5 of the Industry and Employment SEPP at **Table 7** below.

Table 7 – Assessment against SEPP Industry and Employment Schedule 5 assessment criteria

Assessment criteria	Assessment	Compliance
<b>1 Character of the area</b>  Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?  Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The Signage Strategy is for building, and retail tenancy identification signage. The signage has been designed to be simple and reflect the building's design to ensure it is appropriate to the character of the area. A cohesive approach to signage is proposed across the East End precinct.	Yes
<b>2 Special areas</b>  Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The Signage Strategy will provide cohesive and complementary signage across the East End precinct.  The Signage Strategy is sympathetic to the heritage context and visual corridor will not detract from the amenity or visual quality of the area.	Yes
<b>3 Views and vistas</b>  Does the proposal obscure or compromise important views?  Does the proposal dominate the skyline and reduce the quality of vistas?  Does the proposal respect the viewing rights of other advertisers?	The Signage Strategy is sympathetic to the heritage context and visual corridor will not detract from the amenity or visual quality of the area. Future signage will not compromise important views.  Future signage will integrate into the building façade. Therefore, will not impact the viewing rights of surrounding advertisers.	Yes
<b>4 Streetscape, setting or landscape</b>  Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?  Does the proposal contribute to the visual interest of the streetscape, setting or landscape?  Does the proposal reduce clutter by rationalising and simplifying existing advertising?  Does the proposal screen unsightliness?  Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The scale, proportion and form of the proposed signage, as nominated in the Signage Strategy, has been designed in a way that is appropriate to the surrounding streetscape and will contribute to the visual interest and activation of the site. The size, type, and character of the future signage will be consistent with other signs within the site and will contribute to a high-quality streetscape.  The proposal does not screen unsightliness but rather is subservient to the architectural form of the building.  The future signage will not screen any unsightliness.	Yes

Assessment criteria	Assessment	Compliance
Does the proposal require ongoing vegetation management?	The future signage will be affixed to the building's façade, it will not protrude above buildings or tree canopies within the locality and does not require any ongoing vegetation management.	
<b>5 Site and building</b>  Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?  Does the proposal respect important features of the site or building, or both?  Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The future signage will remain compatible with the scale and proportion of the building. The location and design of each of the signs have specifically considered the location and unique characteristics of the area by exhibiting a compatible design that is integrated with the architectural features of the building.  The future signage will achieve a balance between identifying the building and respecting features of the public domain.  The future signage will continue to show innovation and imagination through the colours, fonts and scale used for the signs.	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>  Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A to the proposed Signage Strategy. This detail will form part of future fit out DA's or CDC's.	N/A
<b>7 Illumination</b>  Would illumination result in unacceptable glare?  Would illumination affect safety for pedestrians, vehicles or aircraft?  Would illumination detract from the amenity of any residence or other form of accommodation?  Can the intensity of the illumination be adjusted, if necessary?  Is the illumination subject to a curfew?	The proposed illumination will be in accordance with Australian Standards, thus ensuring it will not result in unacceptable glare nor detract from the environmental amenity of the area. This detail will form part of future fit out DA's or CDC's.  The proposal will be in accordance with Australian Illumination Standards thus ensuring it does not affect the safety of pedestrians, vehicles or aircrafts.	Yes

Assessment criteria	Assessment	Compliance
<b>8 Safety</b>  Would the proposal reduce the safety for any public road?  Would the proposal reduce the safety for pedestrians or bicyclists?  Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The future signage will not reduce the road safety of any public roads for vehicles, pedestrians or cyclists.  The future signage will not obscure lightness from public areas and sit within the approved building façade.	Yes

## 6.5. NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

NLEP 2012 is the primary environmental planning instrument applying to the site and the proposed development.

### 6.5.1. Land Use and Zoning

The site is zoned MU1 Mixed Use in accordance with the NLEP, refer to **Figure 25**. The proposed development is consistent with the zone objectives as outlined below:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

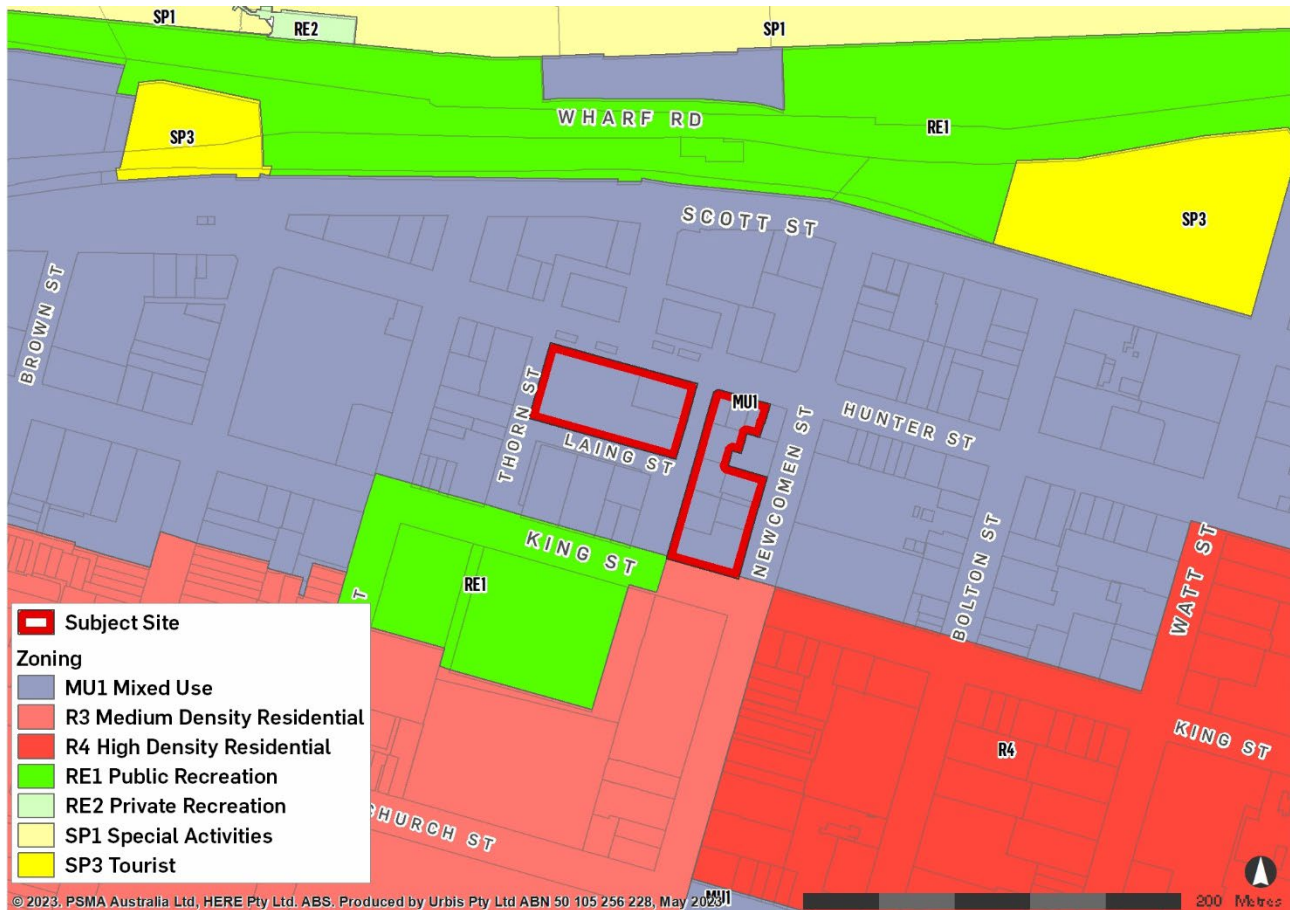
The proposed development is defined as *Shop top housing* and *Residential flat building* in accordance with the LEP. *Shop top housing* means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities. *Residential flat building* means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Both land uses are permitted with development consent in the MU1 zone.

The proposed development fulfils the objectives of the MU1 Mixed Use zone as the development provides a wide range of retail, business and residential uses in an accessible location. The proposed development will revitalise an underutilised key site in the Newcastle City Centre and help to reactivate the public domain.



Figure 25 – Zoning map



Source: Urbis

## 6.5.2. Building Height

NLEP prescribes the maximum heights across the site as:

- Building 3 West: RL + 30.00
- Municipal Building: RL + 20.00
- Building 3 East: RL + 30.00
- Building 4 North: RL + 29.00
- Building 4 South: + 42.00

**Figure 26** below illustrates the maximum height of building provisions in the NLEP 2012. It is noted that some inconsistencies exist between the approved building heights in the Concept DA and the height of buildings map in NLEP.

Additionally, subject to achieving design excellence however, clause 7.5(6) of the LEP provides for an additional 10% bonus either height or FSR. Subclause (6) reads:

The consent authority may grant an additional 10% of building height subject to demonstrating design excellence and the building being reviewed by a design review panel.

- Building 3 West: RL + 33m
- Municipal Building: RL + 22m
- Building 3 South: RL + 33m
- Building 4 North: RL + 31.9m
- Building 4 South: RL + 46.2m

The degree of variation has been approved under the Concept Approval; all built form will be contained within the approved building envelope.

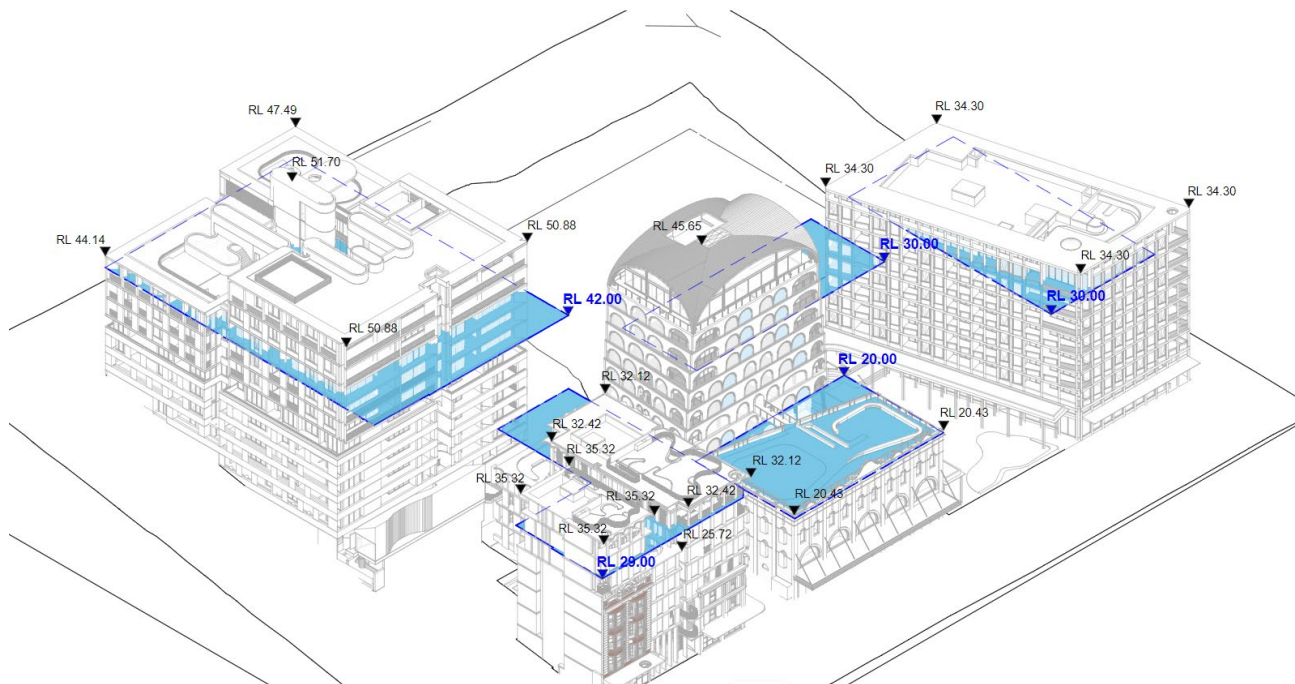
Table 8 – Numeric Overview of Various Height Controls

Building	LEP Height RL	LEP Height RL + 10%	Proposed Height RL	Variation in metres	Variation in %
Building 3 West	RL + 30	RL + 33	RL + 34.30	1.30 metres	3.94%
Municipal Building	RL + 20	RL + 22	RL + 20.43	1.57 metres Decrease from the LEP height standard and Concept DA.	-7.136% Decrease from the LEP height standard and Concept DA.
Building 3 South	RL + 30	RL + 33	RL + 45.65	12.65	38.33%
Building 4 North	RL + 29	RL + 31.9	RL + 36.92	5.02 metres	15.74%
Building 4 South	RL + 42	RL + 46.2	RL + 51.70	5.50 metres	11.9%

The below figures illustrate:

- **Figure 27:** Concept DA RL in blue compared to proposed height in white.
- **Figure 28:** LEP Height RL in blue compared to the proposed height in white.
- **Figure 29:** LEP Height RL + 10% design excellence bonus in green compared to the proposed height in white.

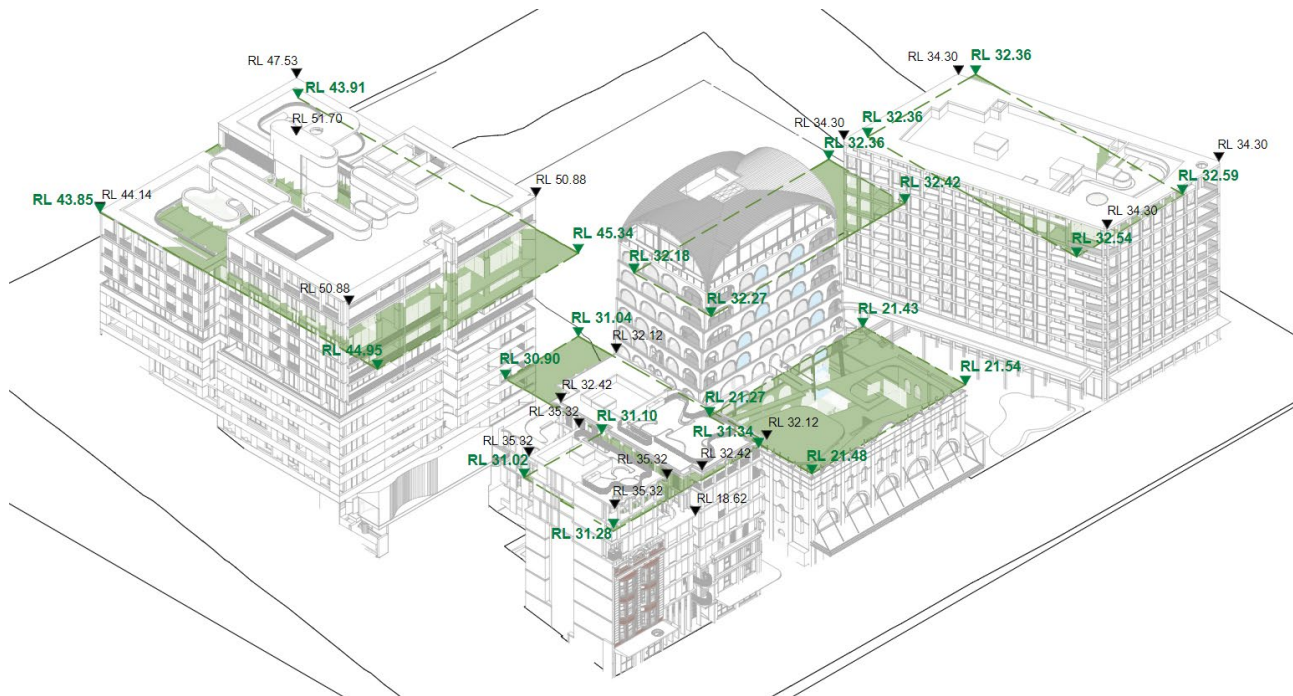
Figure 28 – LEP Height RL and Proposed Height



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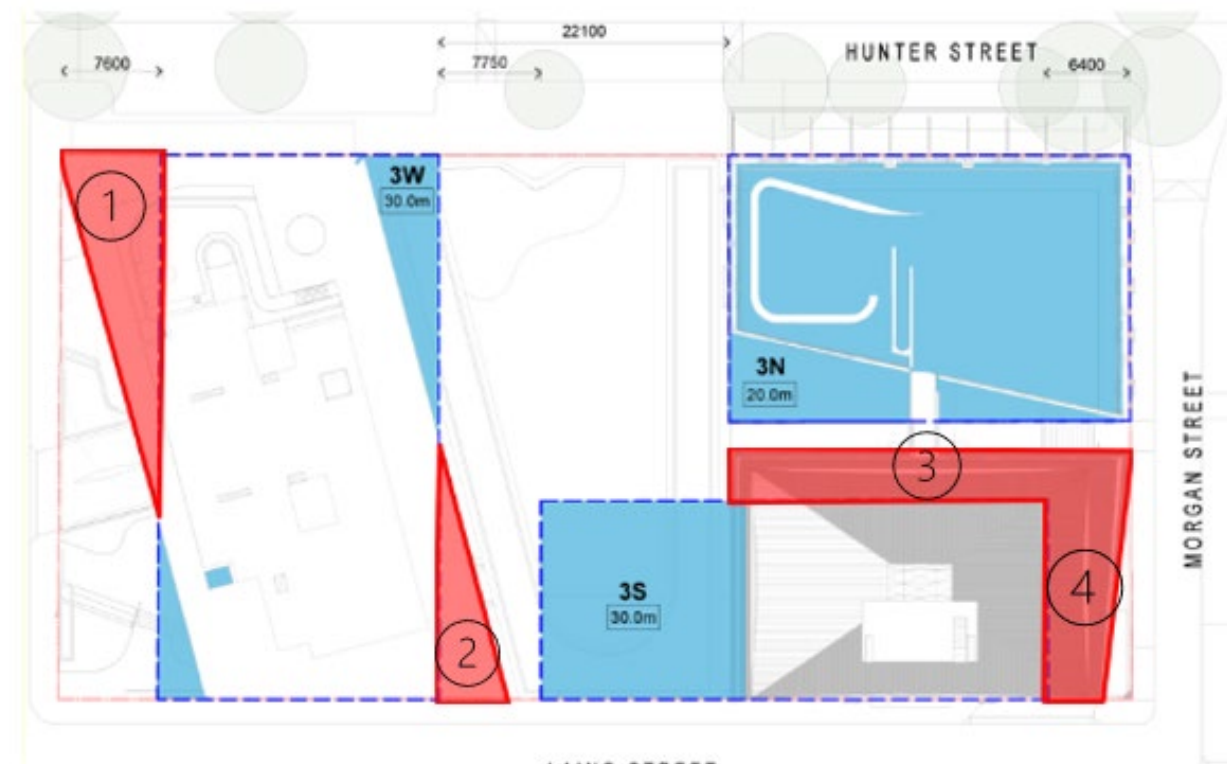
Figure 29 – LEP Height RL + 10% and Proposed Height



Source: SJB

As a result of CN requiring the re massing of the Concept DA to deliver their desired public domain outcome, built form sits outside of the LEP height RL polygons specifically for Building 3 West and Building 3 South. The areas outside of the EP height RL polygons are identified below in red.

Figure 30 – Areas outside of the LEP height RL polygons identified in red



Source: SJB (modified by Urbis)

Table 9 – Numeric Overview of Various Height Controls (outside of LEP height RL polygons)

#	Building	LEP Height	LEP Height + 10%	Proposed Height	Variation in metres	Variation in %
1	Building 3 West (north west corner)	24 metres	26.4 metres	30.45 metres (RL 34.30)	4.05 metres	15.34%
2	Building 3 West (south east corner)	24 metres	26.4 metres	27.88 metres (RL 34.300)	1.48 metres	5.6%
3	Building 3 South	24 metres	26.4 metres	39.157 metres (RL 45.65)	12.757 metres	48.157%
4	Building 3 South	24 metres	26.4 metres	37.844 metres (RL 45.65)	11.44 metres	43.35%

In addition to the 10% provision, the reasons for the additional building height are outlined below:

- The redistribution of the approved GFA enhances the characteristic of Newcastle’s silhouette and does not deliver a ‘flat top’ planning envelope. The redistribution of height across Stage 3 reinforces the notion of a playful skyline, creating a positive contribution to Hunter Street when compared to the Concept DA scheme.
- The scheme has been through six Design Integrity Panel (DIP) sessions with Paulo Macchia (GANSW), Dr Philip Pollard and Sandra Furtado. During DIP Session 1 the following observations regarding the height exceedance were made:
  - *The DIP commented that removing a storey from Building 3 South does not improve the urban design outcome of the proposal based upon the information presented.*
  - *The DIP supports the Competition Scheme height exceedance and arrangement based on the illustrated views from Hunter Street, and Newcomen Street provided. However, the visual impacts need to be further explored via a robust a view assessment.*
- After a rigorous assessment and refinement process, the DIP are comfortable with the height exceedance of Building 3 South subject to further view impact assessment, required for DA stage. The DA is accompanied by a Visual Impact Assessment prepared by Urbis. The DIP has confirmed that the fundamental elements of design excellence have been retained and in the opinion of the Panel the scheme can achieve design excellence.
- The proposal delivers a significant public benefit by the redistribution of floor space from within the identified view corridor for the “Harbour to Cathedral Park” to Building 3 South (DBJ) providing a generous and publicly accessible space. CN have a desired public domain outcome for the site, which is reflected in the Newcastle DCP 2012. The desired public outcome is currently restricted by a small component of the western end of Building 3 South. For context, Building 3 South was placed and approved in the current location with CN’s endorsements to obscure the existing CN carpark to the south of the site. This context for CN has changed since the approval of the Concept DA, and demolition of the car park is now complete with exploration of redevelopment opportunities being explored by CN.



- The additional height is supportable from a visual impact perspective due to the limited impacts from a public and private view perspective. The proposed redistribution of massing from the view corridor, as approved by the Concept DA, results in an improved public view.

The additional building height has been supported by the Planning Panel and CN>

### 6.5.3. Floor Space Ratio

A maximum FSR of 4:1 is applicable to the site under clause 4.4 of NLEP 2012, refer to **Figure 31**. As demonstrated within the architectural plans prepared by SJB, DBJ and Curious Practice which accompany this application, the proposal has an overall FSR of 3.90:1.

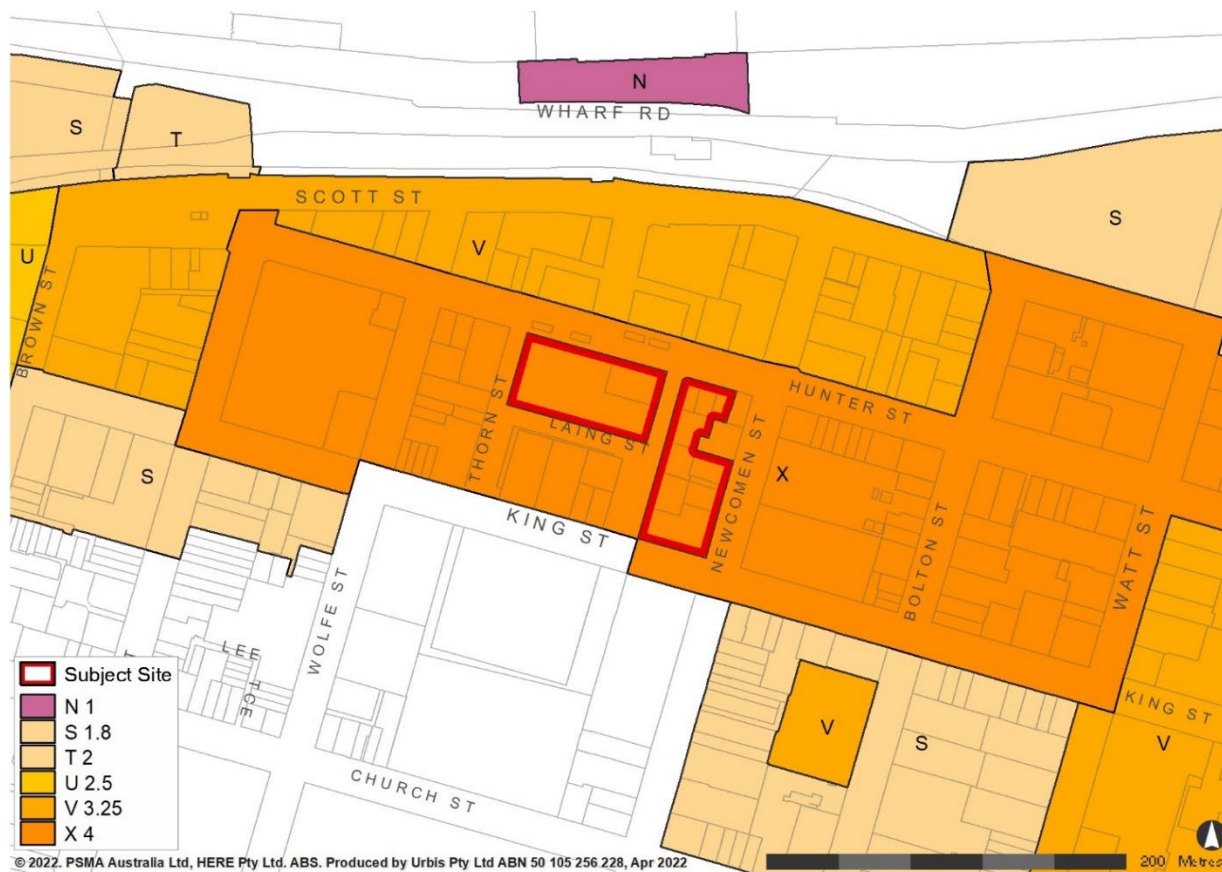
The approved Concept DA permits a maximum floor space ratio (FSR) on the total site of 3.90:1. The allocation of FSR across the site shall generally be '3.2341' for Stage 3 and '4.35:1' for Stage 4.

East End will comply with the NLEP 2012, and the Detailed DA seeks to aligned with the approved GFA and FSR allocation of the Concept Approval.

Table 10 – Summary of FSR

	<b>DA2017/00701</b>	<b>DA2017/00701.03 (latest approval)</b>	<b>Proposed Modification</b>	<b>Variation (%) to original approval</b>	<b>Variation (%) to latest approval</b>
<b>Gross Floor Area</b>					
Stage 1	26,244m <sup>2</sup>	27,466m <sup>2</sup>	27,466m <sup>2</sup>	4.7%	2.38%
Stage 2	11,709m <sup>2</sup>	12,954m <sup>2</sup>	12,954m <sup>2</sup>	10.7%	0%
Stage 3	11,034m <sup>2</sup>	11,034m <sup>2</sup>	10,916m <sup>2</sup>	-1.07%	-1.07%
Stage 4	12,163m <sup>2</sup>	12,163m <sup>2</sup>	13,414m <sup>2</sup>	10.29%	10.29%
<b>Total</b>	<b>61,150m<sup>2</sup></b>	<b>63,617m<sup>2</sup></b>	<b>64,750m<sup>2</sup></b>	<b>5.89%</b>	<b>1.78%</b>
<b>Floor Space Ratio</b>					
Stage 1	4.0:1	4.19:1	4.19:1	4.75%	0%
Stage 2	3.2:1	3.55:1	3.55:1	10.94%	0%
Stage 3	3.3:1	3.3:1	3.24:1	-1.82%	-1.82%
Stage 4	4.0:1	4.0:1	4.35:1	8.75%	8.75%
<b>Total</b>	<b>3.68:1</b>	<b>3.83:1</b>	<b>3.90:1</b>	<b>5.98%</b>	<b>1.82%</b>

Figure 31 – Floor space ratio map



Source: Urbis

#### 6.5.4. Heritage Conservation

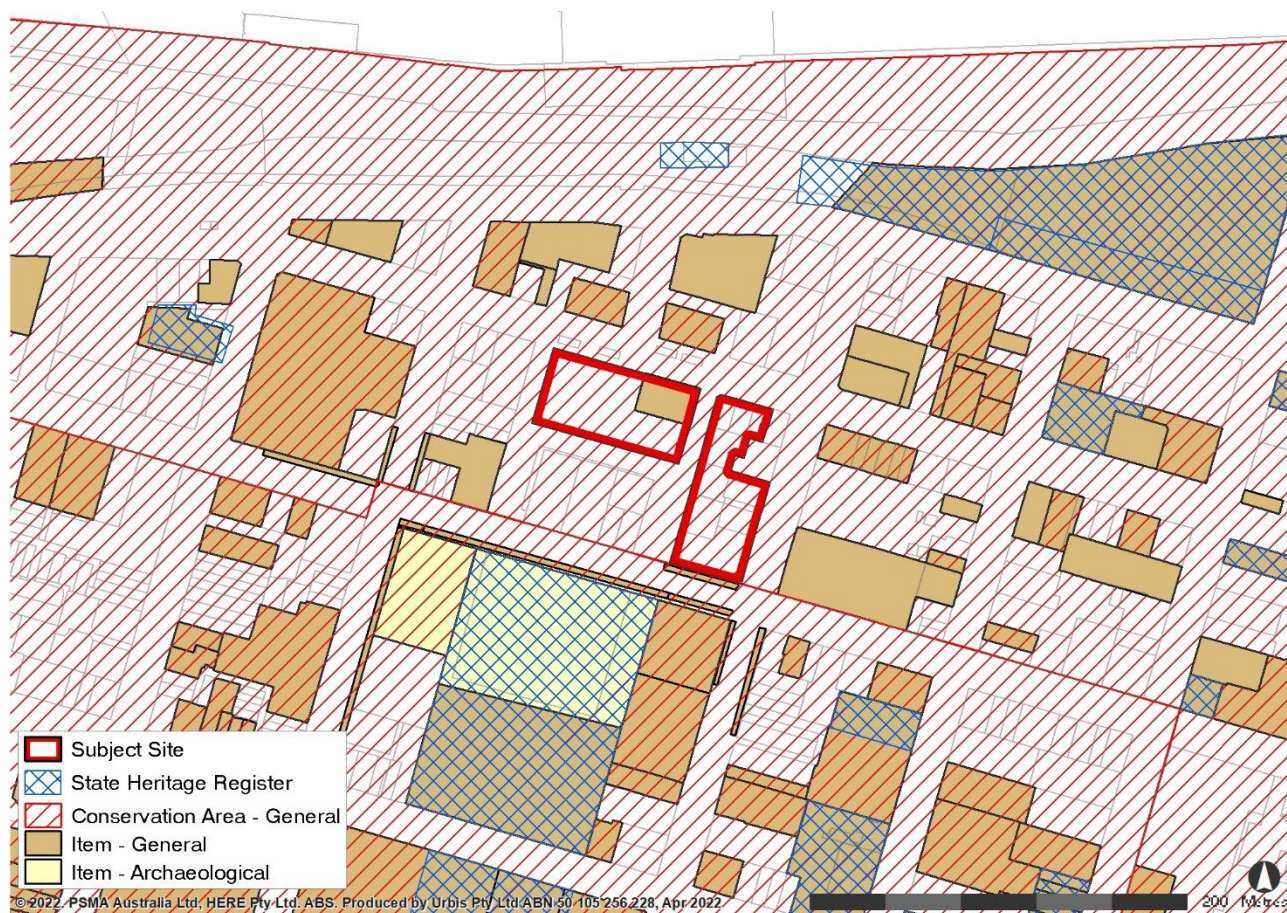
Clause 5.10 of the NLEP 2012 details where consent is required for works involving a heritage item or building, work, relic or tree within a heritage conservation area. The site is located within the Newcastle City Centre Heritage Conservation Area. Part of the site is also a locally listed heritage item (No. 1403) at 121 Hunter Street, the item is known as a Municipal building, as illustrated in the heritage map below.

The proposal has been through a design excellence process to ensure it is appropriate to the surrounding heritage context and will not cause any detrimental impacts to the heritage item. The proposal is also accompanied by a Heritage Impact Statement, prepared by City Plan which confirms the design of the proposal is appropriate to the surrounding heritage items.

Further commentary regarding heritage conservation has been provided in **Section 7** of this SEE.



Figure 32 – Heritage map



Source: Urbis

### 6.5.5. Flood Planning

Given the steeply sloping nature of the site, the site is not known to be flood prone. Notwithstanding, flood mitigation conditions apply to the site under the Concept Approval and the proposed works within this application area compliant with the minimum ground level at 2.6 AHD.

### 6.5.6. Acid Sulfate Soils

The site is mapped as Class 5 Acid Sulfate Soils (ASS) and accordingly no further investigation is required.

Nevertheless, an Acid Sulphate Soil Assessment has been prepared by Foundation Earth Sciences. The laboratory testing confirms that the site is not impacted by Actual Acid Sulphate Soil or Potential Acid Sulphate Soil in the vicinity of borehole locations (BH1 to BH4) investigated at the site to a maximum depth of 8.5m BGL.

The site is appropriate for the proposed development therefore complies with clause 6.1 of the NLEP.

### 6.5.7. Earthworks

The proposal will include basement works within Stage 3 and 4. The proposed works are accompanied by a geotechnical report prepared by Tetra Tech Coffey, which deems that the works can safely occur.

### 6.5.8. Building Separation

Clause 7.4 discusses the requirement for buildings at a height of 45 metres or higher to have a building separation of a minimum 24 metres.

Given the development does not propose any buildings above 45 metres, the proposal is compliant with this clause of the NLEP 2012.

## 6.5.9. Design Excellence

The proposed development is the result of an Architectural Design Competition that was endorsed by Council and the Jury on the 4 July 2022.

Following consideration of each scheme based on the assessment criteria contained within the Brief, the Jury noted the SJB, DBJ and Curious Practice Architecture scheme had demonstrated design merit that could achieve design excellence. The key merits of the scheme have been retained during design development.

Subclause (6) of clause 7.5 outlines:

*(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of not more than 10% greater than that allowed by clause 7.10 or a height of not more than 10% greater than that allowed by clause 4.3, but only if the design of the building or alteration has been reviewed by a design review panel.*

Subject to achieving design excellence, clause 7.5(6) of the LEP provides for an additional 10% bonus either height or FSR. Subject to achieving design excellence, as determined by the consent authority, additional height permissible would result as per Error! Reference source not found. above.

It is anticipated the proposal will achieve design excellence, as determined by the consent authority, given the comprehensive Architectural Design Competition and extensive design development.

Further discussion of the Architectural Design Competition is provided in **Section 3.1**.

**Table 11** demonstrates how the proposal meets the design excellence provisions outlined within clause 7.5 of the NLEP.

Table 11 – Design Excellence Provisions

Clause	Response
(3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—	
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	<p>The proposal has undertaken a competitive design process followed by 6 design integrity panel meetings with advice that interrogated the architectural design, materials and detailing.</p> <p>Feedback has been taken on board and through collaboration with technical consultants and members of First Nations communities, the materials and detailing of the proposal has resulted in a high standard of design for the buildings and the locality.</p> <p>The proposed development will contribute to the continued renewal of the Newcastle City Centre and the East End precinct.</p>
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	<p>The built form, façade expression of all buildings carefully considers the context, scale and appearance, responding to both heritage and design for country, whilst celebrating the public domain. The accompanying diagrams also reveal that the proposed overshadowing does not fall onto public open spaces and the proposed Market Square will receive plenty of sunlight during mid-</p>

Clause	Response
	winter making it a pleasant space for residents and visitors to enjoy.
(c) whether the development detrimentally impacts on view corridors identified in the Newcastle City Development Control Plan 2012,	<p>All relevant view corridors have been examined; none are detrimentally impacted.</p> <p>The proposal, results in a significant improvement to the identified view corridors – specifically the “Harbour to Cathedral Park” connections.</p> <p>The proposal delivers a significant public benefit by the redistribution of floor space from within the identified view corridor for the “Harbour to Cathedral Park” to Building 3 South (DBJ) providing a generous and publicly accessible area. CN have a desired public domain outcome for the site, which is reflected in the Newcastle DCP 2012. The desired public domain outcome is currently restricted by a component of the western end of Building 3 South. By redistributing the bulk and mass of the building throughout the precinct, the proposal creates a positive outcome delivering the Harbour to Cathedral through site link, both a physical connection and achieving the view corridor as desired by the NDCP 2023.</p>
<p>(d) how the development addresses the following matters—</p> <p>(i) heritage issues and streetscape constraints,</p>	<p>The proposed modification including the redistributed scale and mass will have marginal change (in respect to views to heritage items) a positive way due to the opportunity of creating the 'Harbour to Cathedral' visual corridor and link that was not available in the Concept DA.</p> <p>The proposal has responded to the Municipal Building, a local heritage item, by retaining it as a ‘freestanding’ building, unencumbered by additional storeys. This key move provides a positive heritage response and is within the public interest as it enables the heritage item to be retained.</p> <p>The proposed street frontage heights of the proposal were appropriate to the site and surrounding development.</p>
(ii) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	<p>The development does not propose any towers nor is it located near other tower developments.</p> <p>However, the proposal provides adequate building separation distances between the buildings onsite and those neighbouring, to ensure it achieves an</p>



Clause	Response
	acceptable relationship with surrounding developments.
(iii) bulk, massing and modulation of buildings,	<p>Through a series of modifications, the Design Team have shifted the approved built form massing to accommodate the view corridor along Market Square to Christ Church Cathedral, aligned with CN's desired public domain outcome. These changes allow the built form to embrace the geography of place while delivering more residential dwellings with views to the harbour. The proposal delivers a significantly improved public benefit in the form of the ground plane and views (opening up the view corridor).</p> <p>The built form of the proposed development is coherent with the endorsed design scheme of the Design Excellence Competition. The built form outcome directly responds to its surrounding context, urban setting, orientation, and CN's desired public domain outcome.</p> <p>The proposed built form effortlessly connects with Stage 1 and 2 of East End through offering an alike, high quality architectural style and design intent, producing a distinct yet unique family of buildings which have been designed by a suite of architectural firms to give the impression that they have been built at different moments in time.</p> <p>The UDRP noted their strong support for the Concept modification in its current form, specifically <i>"The Panel advises that this is a well-considered and presented scheme and that the architectural, urban design and landscape is of a very high standard."</i></p>
(iv) street frontage heights,	<p>In this location of the city, there are limited street wall heights.</p> <p>The proposal does not comply with the street wall heights as set out within the NDCP 2023. However, during the design excellence competition and subsequent design integrity panels, the Panel were in agreeance that the proposed street frontage heights of the proposal were appropriate to the site and surrounding development. The proposed built form has been through a rigorous design process and was agreed by the Panel, has potential to</p>

Clause	Response
	achieve design excellence, despite being non-compliant with street wall heights.
(v) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	The Urban Design Report prepared by SJB has carefully considered the proposals environmental impact and includes details on sustainable design, wind, reflectivity and overshadowing.
(vi) the achievement of the principles of ecologically sustainable development,	<p>The proposal includes a number of ecologically sustainable development principles incorporated into the design, including:</p> <ul style="list-style-type: none"> <li>▪ Extensive landscaping to roofs and over structure, minimising storm water run-off;</li> <li>▪ On-site rainwater detention and re-use;</li> <li>▪ Natural ventilation to the majority of apartments (95% of apartments are cross-ventilated);</li> <li>▪ Maximising direct sun to apartments while utilising overhangs to control summer heat gain (79% of apartments receive a minimum of 2 hours direct sunlight in mid-winter);</li> <li>▪ Materials demolished to be reused or recycled where possible;</li> <li>▪ Predominantly constructed from locally produced, sustainable materials chosen favouring longevity and minimising maintenance;</li> <li>▪ Energy-efficient lighting and appliances;</li> <li>▪ Water-efficient fixtures; and</li> <li>▪ Proximity to public transport and local shops.</li> </ul> <p>Overall, the proposal is highly sustainable and will achieve a 4-star Greenstar buildings rating.</p>
(vii) pedestrian, cycle, vehicular and service access, circulation and requirements,	A Traffic Report has been prepared by CPJ Consulting and accompanies this application. The Report shows that through swept path analysis, achieving requirements for parking, outlining adequate circulation zones and provision of a loading zone, the proposal will achieve the requirements as listed.
(viii) the impact on, and any proposed improvements to, the public domain.	The development has proposed an activated public domain with a Market Square that creates a generous giveback and amenity with retail, landscaping and the 'harbour to cathedral' link. The

Clause	Response
	public domain also creates an exceptional ground floor plane that integrates the Connecting with Country framework.

## 6.6. NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

Newcastle Development Control Plan 2012 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided as an attachment.

The Detailed DA aligns with the provisions and improves the design response to Section 6.01 of the Newcastle DCP 2012.

As outlined previously, Figure 6.01-29 of the Newcastle DCP 2012 outlines the preferred structure plan for the Hunter Street Mall precinct. The blue hatched area is an 'important view corridor to Christ Church Cathedral'. The Applicant initially submitted a Design Competition Brief to CN which complied with Concept DA. Subsequently, CN advised of their desired public domain vision and requested the Applicant amend the Design Competition Brief to encourage competitors to explore variations to the approved Concept DA.

However, subsequently competitors in the design competition were encouraged to carefully examine the current approved building envelope configuration in Block 3 and present creative and sensitively designed responses that provide an alternative massing arrangement in the precinct.

The key moves identified by the Design Team to facilitate this outcome where:

- The concept DA proposes 3 buildings in Stage 3 of commensurate height, size, type and yield. This includes building a substantial addition on the Municipal Building. This proposal retains the Municipal Building without an addition over. This allows the Municipal Building to be a hinge for Stage 3 and Stage 4 along Hunter Street. The built form surrounding the Municipal building creates a Square.
- Stage 3 West twists to hold the corner of Hunter Street and Thorn Street, increase setback to Stage 2, create views to harbour for apartments, and most importantly creates a visual corridor to the Christ Church Cathedral. The Christ Church Cathedral axis is created by pulling back Stage 3 South. The view corridor is further re-enforced by subtly tapering Stage 3 South (reducing its footprint as it becomes taller) and twisting Stage 3 West.
- Stage 3 South pulls in from the west to align with Municipal Building, establish view corridor to the cathedral and form a new public space.

In responding positively to the opportunity to unlock the public domain improvements in Stage 3, the design response achieves an equivalency in the provision of ADG compliance, views, aspect, and residential amenity from the distributed massed. The redistributed mass makes a positive contribution toward the desired built form, consistent with the established centres hierarchy. It also results in a better daylight access to both the public domain.

The Detailed DA will remain consistent with the objectives of the Hunter Street Mall precinct, being:

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

Based on the assessment, it is considered that the proposal complies with the relevant provisions within the DCP.

## **6.7. INFRASTRUCTURE CONTRIBUTIONS**

The proposed development is subject to the City of Newcastle Section 7.11 Development Contributions Plan 2021-2036. The purpose of this plan is to authorise a payment levy of contributions that will assist Council to provide transport and social infrastructure required to meet the demands of development and satisfy the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.

It is understood that a development contribution equal to the value of 1% of the total development CIV will be provided to CN for public art. The future public art strategy will acknowledge and integrate the Connecting with Country principles outlined in the “Designing with Country” report, accompanying this application.

## 7. ASSESSMENT OF KEY ISSUES

### 7.1. VISUAL IMPACT

A detailed View Sharing and Visual Impact Assessment has been prepared by Urbis and accompanies this application. This provides an assessment of potential impacts on public domain views and provides views because of the development. This assessment has been informed by a review of architectural plans, field work observations and an analysis of CGIs prepared by SJB.

- Views were inspected, surveyed and modelled to produce accurate and certifiable photomontages that satisfy the requirements of the photomontage policy established by the Land and Environment Court of NSW. This modelling was verified by fieldwork observations including in relation to potentially affected private domain locations, documented DCP views and sensitive public domain locations.
- The preparation of photomontages from private domain view locations has informed our analysis and application of the view sharing Planning Principle established in the *Land and Environment Court Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, commonly referred to as Tenacity.
- The extent and significance of the potential visual change to View Corridor 17 has been informed by the preparation of one photomontage and assessed against our well-established and accepted visual impact assessment methodology.
- Private domain view impacts for all nominated buildings were rated as either Moderate or Minor-Moderate.
- In Urbis' opinion, the proposed development creates low visual effects on the majority of baseline factors such as visual character, scenic quality and view place sensitivity for View Corridor 17. The overall view impact rating was found to be low.

Based on observations and the use of multiple analytical photomontages, the view sharing outcome for each of the nominated buildings, as whole, is reasonable, based on consideration of all relevant matters, and the following key reasons:

- The public domain benefit of the creation of a wide north-south view corridor which extends and protects DCP view corridor 15 and 21 (to Christ Church Cathedral), via part of the subject site is a relevant consideration in relation to Step 4 of Tenacity.
- Inclusion of the view corridor in the scheme constrains development potential across part of the site which has been re-distributed to compensate. Tenacity recognises the need for reasonable development potential across a site to be achieved notwithstanding that some view impacts may arise.
- The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features is therefore contemplated by the Approved Concept and LEP controls.
- The extent of view loss caused by the additional height and massing sought under the Clause 4.6 Variation is minor.
- For the majority of private domain compositions affected, views to be lost are fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). Further, the majority of views are obtained via side or rear boundaries. In Tenacity, the expectation to retain views via a side boundary is said to be unrealistic.
- The Tenacity assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration and should be afforded some weight.
- On balance, when all relevant matters are considered, as is required in Tenacity, we find that the proposed development and Clause 4.6 Variation Application, can be supported on view sharing grounds.
- The report considered the visual impacts to View Corridor 17 low and acceptable, based on consideration of all relevant matters and the following key reasons:



- The re-massed built forms results in lower visual impacts and a better public domain view sharing outcome by prioritising views between the Hunter River and Cathedral from a highly accessible, activated and sensitive viewing location.
- The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features is therefore contemplated by the Approved Concept and LEP controls.
- Where additional massing is sought, blocking of features that are scenic or highly valued, was found to be minor.
- Considering the visual effects of the proposal and improved public view outcomes, the proposal is considered reasonable, acceptable and can be supported on visual impact grounds.

### 7.1.1. Private Views

Urbis determined that three close neighbouring developments were likely to be affected to some extent by potential view loss.

#### Segenhoe:

- 16 units across levels 1, 2, 3 and 4 retain all existing views in all directions and are unaffected by the proposal.
- 12 north facing units at levels 5, 6 and 7 have potential views to the proposal via the north-east edge of the building's side (north boundary). These units are partially affected, from some rooms by a low/minimal extent of view loss per dwelling.
- 3 east facing units at levels 5, 6 and 7 have potential views to the proposal via the junction of the side and front boundary. These units are partially affected, from some rooms by a low/minimal extent of view loss per dwelling.

#### Herald Apartments:

- 61/64 units across levels ground, basement 1, floors 1, 2, 3, 4, 5, 6 & 7 retain all existing views.
- The west end of levels 5 and 6 are occupied by 2 units. The northernmost unit includes 3 bedrooms and 1 living which present to the western elevation. Loss of scenic compositions affects 1 room only per dwelling in one view direction, via a side boundary to the north-west to a low/minimal or less extent.
- The west end of level 7 is occupied by one penthouse unit. Loss of scenic compositions affects 1 room only per dwelling in one view direction, via a side boundary to the north-west to a low/minimal or less extent.
- 3 rooms out of 3 dwellings, out of 64 units at the Herald Building are affected. As demonstrated in the VIA, of the 3 dwelling the view loss is low/minimal.

#### Newcastle Club:

- All rooms and outdoor spaces with north side boundary views from ground, level 1 and 2 will be affected by view loss. View loss of scenic compositions in northerly views from ground, level 1 and 2 is caused by the approved concept and/or permissible envelope.
- All rooms and outdoor spaces with existing views to the east, north-east and west-north-west, south and west from ground 1, and 2 are not affected and retain all existing views.
- One room or space occupies the north end of the Newcastle Club floorplate at each floor. Only northerly views via a side boundary, from 3 rooms (at ground, 1 and 2) out of all rooms within the Club are affected by view loss in northerly (side) views.
- The extent of view loss is shown in photomontages 03, 04 and 05 (Urbis VIA), where blocking of scenic compositions is caused by the approved concept and/or permissible envelope.

### 7.1.2. Public Views

Public views are enhanced. The modification will not impact views to the Christ Church Cathedral as claimed by objectors.

The modification does not result in any significant loss of public views. In fact, there is an improvement to key DCP viewpoints, specifically the view to the Christ Church Cathedral from Market Street and the Harbour. All DCP views (plus additional) have been modelled to demonstrate this, refer to **Table 12**.

Table 12 – Summary of Public View Findings

Location	Overall rating of significance of visual impact
View South Towards Newcastle CBD from Stockton Ferry Wharf	Low
View South-West Towards Site from Fort Scratchley Parade Ground	Low
View South-West Towards Site from Nobbys Pedestrian Walkway	Low
View South Towards Cathedral from Market Place	Low-medium
View South Towards Cathedral from Queens Wharf Promenade (Cathedral to Harbour Corridor)	Medium
View South Towards Cathedral from Queens Wharf Promenade (Cathedral to Harbour Corridor)	Medium
View North Towards Site from North Side of the Cathedral	Low
View East Towards Site Along Hunter Street	Low
View South Towards Cathedral from the Station Public Domain	Low
View North Over Site from Cathedral Park Steps	Medium
View from centre of Laing Street towards Christ Church Cathedral	Medium
<ul style="list-style-type: none"> <li>View towards site from intersection of Wharf Road and Watt Street x 2</li> <li>View towards site from pedestrian link between carpark and park.</li> </ul>	Negligible or will not be visible
<ul style="list-style-type: none"> <li>View towards the site from Obelisk.</li> <li>View towards the site from Reserve Road pedestrian path.</li> <li>View from central open space in King Edward Park.</li> </ul>	Negligible or will not be visible

The modification to the Concept DA has arisen from a desire by both CN and Iris to drive a stronger public benefit outcome. **Figure 33** illustrated the improved public views from Market Street. The Concept DA would block the entirety of the view to the Christ Church Cathedral.

Urbis are confident that the proposal is acceptable in terms of its cumulative impacts on both public and private views. Urbis agree with CN that whilst the modification alters views from the public domain, on balance the views within have been enhanced, noting the significant public benefit of the view corridor from the harbour to the Christ Church Cathedral.

Figure 33 – Improved public view from Market Street



Source: Urbis

## 7.2. BUILT FORM, BULK AND SCALE

### 7.2.1. Design Development Commentary

This development has undergone an Architectural Design Competition where four competitors put forward their designs in accordance with a robust Design Excellence Brief and Strategy. The SJB, DBJ and Curious Practice scheme was recommended by the Jury as the winning scheme in the competitive design process. The Applicant were the second private proponent in CN to take on the ambitious task of undertaking an Architectural Design Competition. The Applicant sort to ensure the highest level of design excellence for this highly strategic site by providing a variety of design responses to respond positively to the opportunity.

The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and heritage. In addition, the Chair of CN's UDRP, Dr Philip Pollard, inputted into the Design Brief and competition process to ensure that this provided the best framework for design responses that balanced the public and private interests in an appropriate manner.

The DIP supported the design development, and specifically commended the following areas of development:

- The Panel were highly supportive of the level of engagement and approach towards Connecting with Country.
- The Panel supported the precinct diagram and general arrangement.
- The Panel felt the Design Team found a good balance between the civic nature of the square and ambition of connecting with Country.
- The Panel supported the way Building 3 West comes to ground on the west and the way the landscape guides pedestrians toward the entrances.
- The Panel were highly supportive of the materiality and tonality of the Building 3 East.

- The Panel were highly supportive of the Laing Lane café on Newcomen Street, believing it will be a positive space that will activate the area and supported the curve roof gesture to the neighbouring property.
- The Panel were very supportive of the pedestrian experience.

Once the design integrity process concluded, the DIP endorsed the lodgement of the DA to City of Newcastle and recommended it for approval.

## 7.2.2. Built Form and Scale

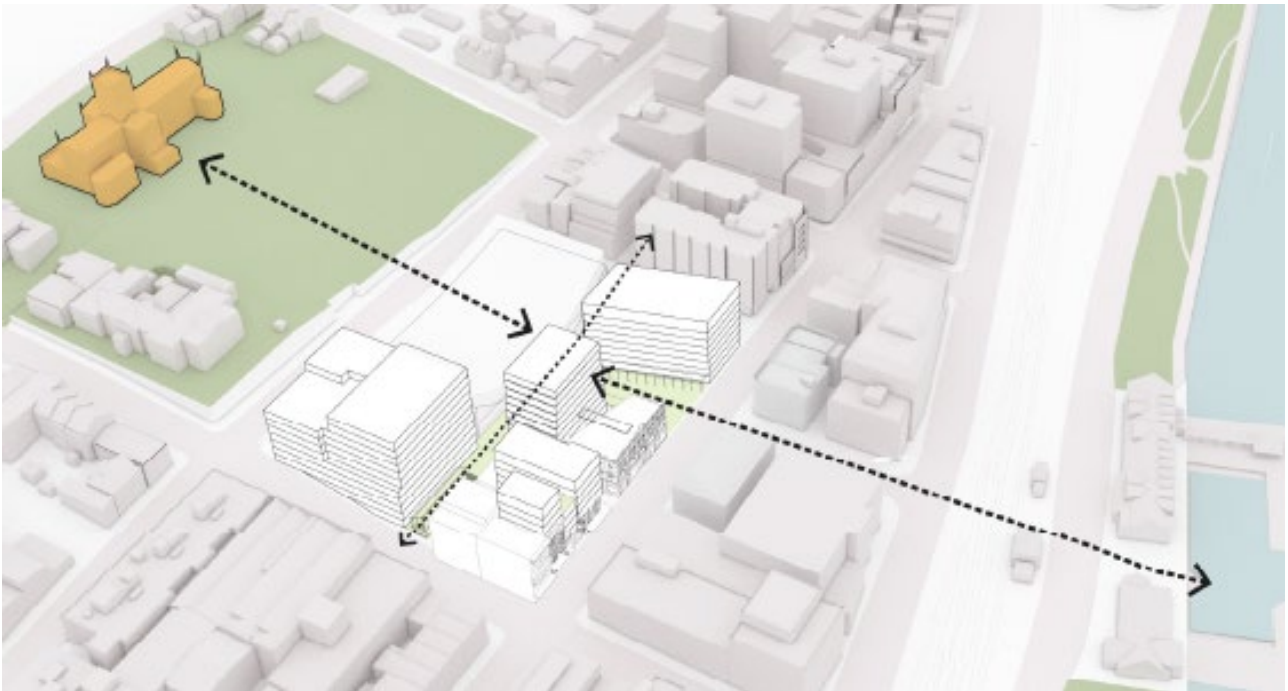
A Design Report has been prepared by SJB Architecture and is included in the accompanying documentation for this DA.

The built form of the proposed development is coherent with the endorsed design scheme of the Design Excellence Competition. The built form outcome directly responds to its surrounding context, urban setting, orientation, and CN's desired public domain outcome. This desired public domain outcome is reflected in the Newcastle DCP 2012 and seeks to enhance public views to and from Christ Church Cathedral and the Newcastle Harbour. The proposed built form directly responds to this vision through the building orientation, separation and design which allows for the construction of extensive public open space between Hunter Street and Laing Street, and eventually King Street following the redevelopment of the Council owned former carpark site.

The proposed built form effortlessly connects with Stage 1 and 2 of East End through offering an alike, high quality architectural style and design intent, producing a distinct yet unique family of buildings which have been designed by a suite of architectural firms to give the impression that they have been built at different moments in time. The Municipal Building at 121 Hunter Street is proposed to be retained without additional built form above, to present as a freestanding building to Hunter Street, also in alignment with CN's intentions to preserve heritage items.

**Figure 34** illustrates the connection from the Harbour to the Cathedral through the new Market Square and the future public domain activation resulting from through site links and public domain upgrades.

Figure 34 – Built Form



Picture 19 – Harbour to Cathedral Connection

Source: SJB



Picture 20 – Public Domain Activation

Source: SJB

### 7.2.3. Connecting with Country

The proposal strongly adheres to the NSW Government Architect's "Connecting with Country" framework which aims to recognise the value of First Nations knowledge in the intersection of Country and architecture. A Connecting with Country Report has been prepared by COLA Studio, led by Dhiira in collaboration with SJB, which strives to establish an enduring mutually beneficial partnership with First Nations peoples and embedding Connecting with Country principles beyond the lifespan of the project.



COLA Studio commenced early-engagement with the First Nations community to explore the Connecting with Country methodology and introduce the project; which was well received. Subsequent workshops explored collaborative ideas and concepts built on the discussions of the initial workshop. These workshops revealed the following community member interests, which have been embedded into the proposal;

- Integration of Aboriginal History, Culture and Language
- Materiality and material responsibility
- The use of place and First Nations participation in the life of the project
- Landscape architecture and native plant specification

The following elements were informed by the above design principles;

- Material choice on Building 3W which frames the first floor with a midden-like shell colour to connect the ground plane to Country principles of 'shoreline' and 'river and rock pool'.
- A Connecting with Country Strategy has been developed for Building 4N which reveals the midden story through material selection. The midden story was heard through First Nations engagement when preparing the Connecting with Country Strategy whereby community members encouraged the use of midden-like materials to integrate history and culture into the project. Similarly, Building 4S will incorporate elements of the midden story in the through-site link to extend Connecting with Country elements into private lobbies and landscaped courtyard.
- The use of a Country Wall on Building 4S, including midden and artefacts will be designed in collaboration with an artist and community members to express the country story and potentially reincorporate First Nations archaeological elements removed from Country in Stage 1 and 2.

It is therefore shown that the proposal can be supported on Connecting with Country grounds as it has successfully and collaboratively incorporated the design elements suggested by First Nations community members.

Dhiira have provided an endorsement letter, which is appended to this DA, it is summarised below:

- This process is unfamiliar to our community here in Newcastle with developers on both private and government have not entered into such deep practices where community were brought on a journey to truly co-design the future of the built environment.
- The Community members, whilst initially sceptical of the process and their engagement, were able to see value in the project.
- There were no rules for our community counterparts, meaning that community led the process. This highly effective process and model has not only been endorsed by our community partners but has now be observed by architecture firms with many looking to this process in particular to understand how they too can embed the practice and principles of this designing with country model.

Further Dhiira has endorsed the scheme stating that "the final submission will include and be reflective of community, their voice is now in design. This project not only created new ways of participating for our people, economic outcomes for the project team through ideation, a chance to imagine and shape the future of the city. The outcomes produced broadly through the design process are incredible conceptualisations of a place that was, this tells a story to all people who will be drawn and access this space and preserve this opportunity to engage for future generations in Newcastle."

#### **7.2.4. View Corridor**

The Design Team have shifted the approved built form massing to accommodate a view corridor along Market Street to Christ Church Cathedral, aligned with CN's desired public domain outcome. These changes allow the built form to embrace the geography of place while delivering more residential dwellings with views to the harbour. The proposal delivers a significantly improved public benefit in the form of the ground plane.

- The proposal retains the Municipal Building without an addition over. This allows the Municipal Building to be a hinge for Stage 3 and Stage 4 along Hunter Street. The built form surrounding the Municipal building creates a Square.
- Stage 3 West twists to hold the corner of Hunter Street and Thorn Street, increase setback to Stage 2, create views to harbour for apartments, and most importantly creates a visual corridor to the Christ

Church Cathedral. The Christ Church Cathedral axis is created by pulling back Stage 3 South. The view corridor is further re-enforced by subtly tapering Stage 3 South (reducing its footprint as it becomes taller) and twisting Stage 3 West.

- Stage 3 South pulls in from the west to align with Municipal Building, establish view corridor to the cathedral and form a new public space.
- Stage 4 North pulls in from the south and carves out the middle to create an urban courtyard. This improves the relationship with existing residential development and Stage 4 South improving amenity.
- Stage 4 South pushes and pulls to establish relationships with the Newcomen Street context, adjacent developments and corner of King and Newcomen Street.

Overall, the changes to the concept DA result in an improved built form which is able to deliver a significant public benefit in the form of the Harbour to Cathedral view corridor.

## 7.3. GROUND PLANE

The proposal intends to form an active ground plane to increase the vitality of the streets and activate the public domain. The proposal celebrates creativity, well-being, sustainability, and diversity to enhance the user and vendor experience.

The built form strategy establishes a clear connection from the Harbour to the Cathedral with Market Square at the centre, as well as the introduction of a secondary fine grain connection from Newcomen Street to Thorn Street through the extension of Laing Street. The introduction of “Market Square” and “Laing Lane” provides ample frontage for a variety of retail offering, public use and ground floor activation whilst ensuring land is developed efficiently.

The proposed ground plan intends to:

- Be designed for the space users including the creative community, artists, musicians, and students, as well as local residents and tourists
- Create connection visually, socially and physically through the connectivity of Hunter Street with Laing Street and King Street through the proposed “Market Square” and the “Laing Laneway”, passive and active open spaces, and wayfinding to enhance social connections.
- Frame the “Market Plaza” using a canopy-like structure which unifies the built form and public open space in a subtle yet intentional fashion. The design of the canopy structure will be further developed in its materiality and profile as part of the public art strategy for the site, suitably activating the public domain.
- Respond to the existing character of the East End through offering fine-grain retail and commercial tenancies which have the opportunity to spill out into the public domain.
- Activate ground floor public domain spaces through providing ample frontage for a variety of retail offerings at the ground plane.
- Utilise generous landscaping and green spaces at the ground plane which respond to the existing character of the East End and embodies a similar landscaping strategy to Stage 1 and 2.
- Create an improved ground plane to ensure the diversity of experience through materials, façade, spaces, uses and events, this will help to create a more engaging ground plane experience and differentiate to other Newcastle developments.

A new 1,125m<sup>2</sup> public open space “Market Square” located in Stage 3, oriented in a north-south direction to connect the Harbour visually and physically to Christ Church Cathedral.

The square will accommodate commercial, and community uses that can spill out into the public realm and will be bordered by tree canopy cover. The landscaped elements contained within this central plaza include themed grasses and civic-scaled tree species which respond to the character and embellish the site with elements supported by First Nations community members.

The approved (as modified) public domain arrangement delivers a significant public benefit. It will improve ground plane activation and permeability through the site. The planning of this space is in keeping with the site's historic and originally intended use. Market Square is left open to possibility and will be able to adapt to the community needs including community markets, food festivals, open air cinema, small concerts and the list goes on.

Market Square provides an accessible path from Hunter Street through to Laing Street. The square has a maximum 1:40 grade ramp throughout with accessible entry into retail tenancies. A stair and ramp are provided at the south of Market Square to provide an accessible connection to Laing Street.

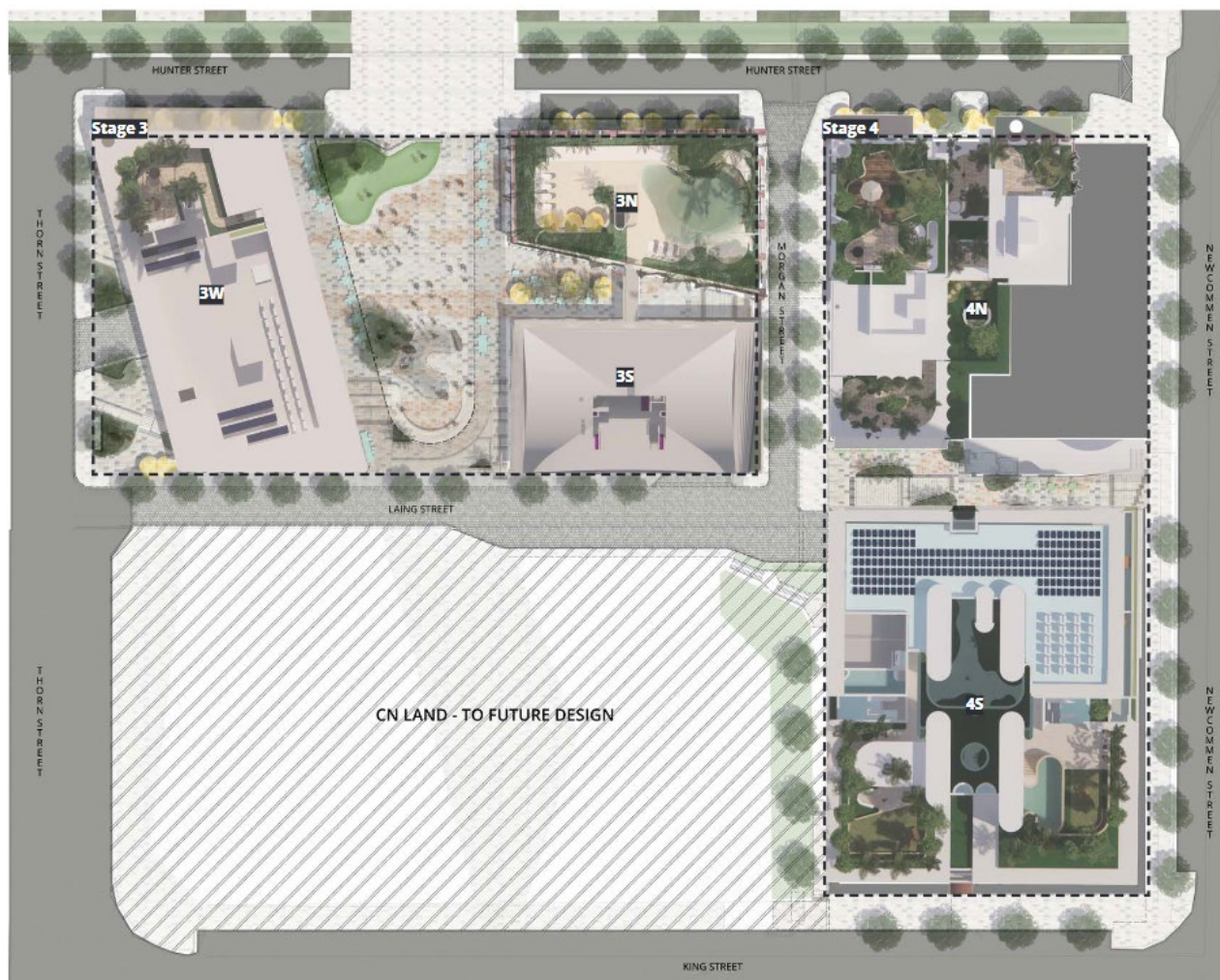
A comparison between the 'Indicative Public Domain Strategy' and the proposed landscape and public domain arrangement for Stage 3 and 4 is illustrated below.

Figure 35 – Aspect Studio Public Domain following Concept DA



Source: Aspect

Figure 36 – Proposed Public Domain



Source: COLA Studio

## 7.4. LANDSCAPING AND COMMUNAL OPEN SPACE

The proposal integrates landscaping that has been designed to help carve and define the built form, communal and public open space. This is detailed in the architectural drawings and Landscape Plan prepared by COLA Studio which accompany this DA. The Landscape Plans have been guided by the NSW Government Architect's "Connecting with Country" and "Designing with Country" frameworks to strengthen the relationship between the architecture and the coastal character of Mulubinba Country. The landscaping plan is guided by the following principles;

- Understanding of Place
- Sensing Place
- Remembering Country
- Textures of Country

The landscaping design incorporates the above framework principles through:

- Revitalising the permeability of the site through providing retail access points on Hunter Street, Thorn Street, Newcomen Street and Morgan Street. A central plaza has been incorporated in Stage 3, granting a north south connection between Hunter Street and Laing Street to provide commercial and community uses with the opportunity to spill out and inhabit the public realm. The landscaped elements contained within this central plaza include themed grasses and local native species which respond to the civic character and embellish the site with elements supported by First Nations community members.

- Reactivation of street frontages which incorporate landscaped elements such as street trees to ensure ambient temperatures are reduced and incorporate native endemic species which represent Mulubinba Country.
- An additional east to west through-site link between Newcomen Street and Morgan Street which includes horizontal landscaping, incorporating a variety of trees, shrubs and ground cover which suitably activates the laneway without reducing accessibility. The through-site link ensures accessibility to Stage 3 and the central plaza from Newcomen Street and Stage 4.
- Including rooftop planting to offer a sequence of landscaping rooftop spaces. Rooftop gardens and planting draws on the hanging coastal ecologies through incorporating the textures and colours of Mulubinba Country. The planting will ensure that landscaped area is maximised and the views to the Hunter River and Christ Church Cathedral are appreciated.

The future landscaping and communal open space in East End Stage 3 and 4 strongly connects with the principles of Mulubinba Country and provides high-quality and well considered open space and landscaped elements. It is therefore considered that the proposal can be supported on landscaping and open space quality grounds.

## 7.5. PUBLIC AMENITY

### 7.5.1. Overshadowing

A Shadow Analysis has been prepared by SJB. As pictured below in **Figure 37**, most overshadowing falls within the approved Concept DA massing with only small increments of shadow falling outside of the approved envelopes.

In terms of key surrounding development:

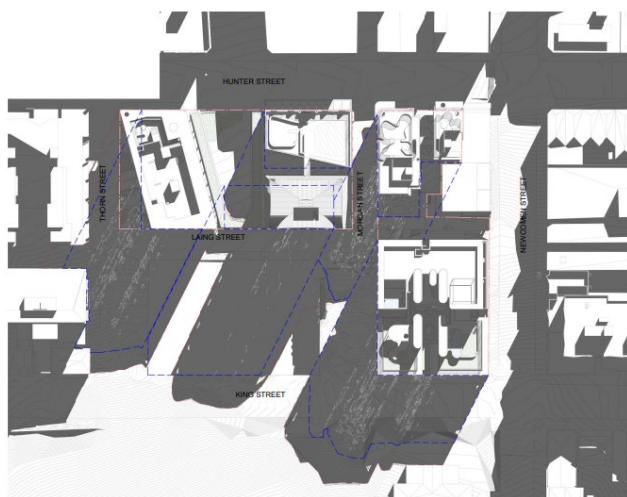
- **CN's carpark site:** the overshadowing impacts are improved with the proposed scheme compared to the Concept DA because of the redistributed building mass. The retention of the view corridor improves solar access between 9am and 1pm. Considering this, the proposed scheme does not impact the developability of this site more than that identified in the Concept DA assessment, and results in an improved outcome.
- **The Newcastle Club:** the overshadowing impacts are marginally increased, specifically for the northern garden area. However, the additional shadowing does not prevent the northern façade of the club receiving solar access between 9am and 3:00pm.
- **The Herald:** the Herald apartments in the south-west corner of the site will be slightly impacted by the additional height, however they will receive more than 3 hours of morning sun between 9am and 1pm.
- **Newcomen Street residents (eastern side):** the eastern side of Newcomen Street will be self-shadowed between 9am and 10am. These residents will receive solar access between 11am and 1pm (3 hours).
- **Newcomen Street residents (western side):** the western side of Newcomen Street will receive morning sun between 9am and 11am. The modification to the Concept DA will not change the solar access provisions for these buildings.

The diagrams also reveal that the proposed overshadowing does not fall onto public open spaces and the proposed Market Square will receive plenty of sunlight during mid-winter making it a pleasant space for residents and visitors to enjoy. This assessment is based upon the winter solstice and improved solar access would be experienced during the summer solstice.

Of importance, whilst there are minor overshadowing increases to The Newcastle Club and The Herald Apartments, the proposal remains compliant with the Apartment Design Guidelines and Newcastle DCP: However, the additional shadowing does not prevent these premises receiving adequate solar access primarily in the morning. The increase in overshadowing does not result in any non-compliances to these premises under the Apartment Design Guidelines or Newcastle DCP.

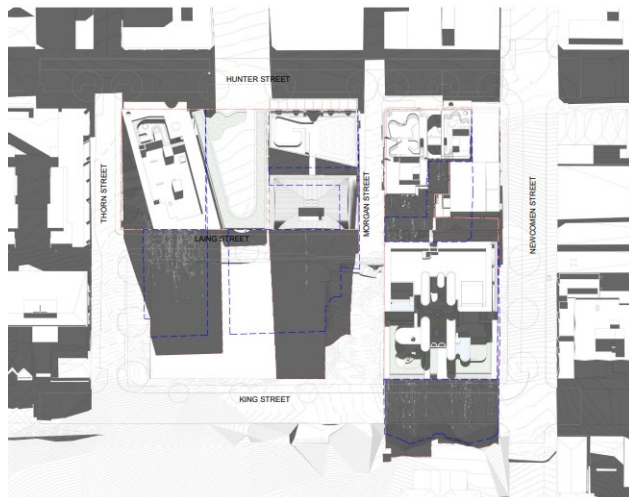


Figure 37 – Shadow Diagrams



Picture 21 – 9am

Source: SJB



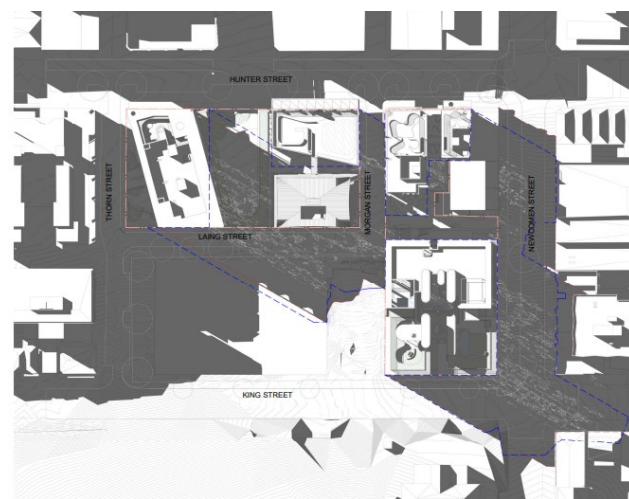
Picture 22 – 11am

Source: SJB



Picture 23 – 1pm

Source: SJB



Picture 24 – 3pm

Source: SJB

Specifically, the following conclusions are made:

- At 9am the additional shadow created primarily falls within the road reserves of Kings Street and Laing Street and Morgain Street. The Stage 2 development will still retain adequate solar access and the Herald apartments will not be impacts. The impacts to Newcastle Club will be marginally increased, primarily within the northern garden. The Newcastle Club is a commercial premises and will adequate solar access during the day.
- At 1pm the additional shadow will have some impact on the demolished CN car park site, although most of the site will not be impacted by the shadow. The Stage 2 development will still retain adequate solar access, with no afternoon sun impacts from Stage 3 and 4. The Herald apartments in the south-west corner of the site will be slightly impacted by the additional height, however they will receive more than 3 hours of morning sun between 9am and 12pm. The impacts to Newcastle Club will be marginally increased, primarily within the northern garden. The Newcastle Club is a commercial premises and will adequate solar access during the day.
- At 3pm the additional shadow will have some impact on the demolished CN car park site, although most of the site will not be impacted by the shadow. The Stage 2 development will still retain adequate solar access, with no afternoon sun impacts from Stage 3 and 4. The Herald apartments in the south-west corner of the site will be slightly impacted by the additional height, however they will receive more than 4 hours of morning sun between 9am and 12pm. No impacts to the Newcastle Club will occur. Minor

increase to overshadowing impacts to properties on the southern side of King and Newcomen Street. These properties are mixed use in nature. These properties will receive more than 4 hours of morning sun between 9am and 12pm.

The shadow impacts of the proposed development are suitable and consistent with the anticipated level of development envisaged by the LEP. In addition, solar access within the precinct has been improved within the public domain, with minor increased impacts to The Herald apartments.

## **7.6. TRANSPORT, TRAFFIC AND PARKING**

A Traffic Impact Assessment (TIA) has been undertaken by CJP Consulting Engineers for the proposal.

### **7.6.1. Traffic**

#### **Traffic Impact**

The TIA which accompanies this DA comprises a traffic study, predicted traffic generation, its impacts and car parking demand assessment against the statutory requirements.

The site is located with the surrounding roads including Scott Street and Hunter Street (between Telford Street and Worth Place), a state road which is a key east-west road link through the City centre. Hunter Street is also local road which runs along an east-west alignment through the City Centre, between Pacific Park and Crown Street. It is restricted to one-way westbound traffic flow only and is highly pedestrianised. It is also subject to Shared Zone restrictions between Newcomen Street and Perkins Street. King Street is a local road which performs the function of an east-west collector route through the City Centre, linking Newcastle Beach to the Pacific Highway. Newcomen Street, Thorn Street, Laing Street and Morgan Street are also local roads which provide vehicular and pedestrian access to frontage properties.

#### **Traffic Generation**

The report prepared by CPJ Consulting Engineers demonstrates that based on the trip rates applied (which are based on the RMS Guide & TDT trip rates), the proposed development on Stages 3 & 4 within Newcastle East End, has a traffic generation potential of 83 vehicle trips (vph) during the weekday morning peak hour and 100 vph during the weekday afternoon peak hour.

Given the approved Concept DA scheme estimated a traffic generation of 328 vph during the weekday morning speak and 465 vph during the weekday afternoon peak hour, the impact of the proposal is seen to be consistent or less than when compared with the pro-rata allocation.

#### **Alternative Transport Facilities**

Public transport is highly accessible at the location including light rail, heavy rail, bus services and ferry services. All public transport options are within a few hundred metres of the development and have regular services. According to the report, research has shown proximity to public transport services influence the travel mode choice for areas within 400m walking distance (approximately 5 minutes) of a bus stop, ferry wharf or light rail stop. Given this, CPJ Consulting conclude the proposed development has excellent potential for future employees and residents within the development to utilise public transport for their commute to/from work or other key journeys.

In addition to public transport, the vicinity of the site has a high level of pedestrian connectivity and includes safe, convenient footpaths. The existing bicycle network is also of a high quality with a number of formal and informal cycle routes throughout the surrounding development. Overall, the existing public transport facilities and active transport opportunities within the area are considered to be suitable for the development.

#### **Green Travel Plan**

A Green Travel Plan (GTP) has also been prepared by CJP Consulting Engineers to accompany this DA, which concludes that the site is well-served by sustainable transport services including the public transport, walking, cycling, which provides practical alternatives to private motor vehicle travel. The GTP also demonstrates the site is well serviced by key facilities such as a post office, bank and shops. Overall, it outlines actions and incentives that aim to encourage and achieve changes to travel behaviour which are considered appropriate to the development.

## 7.6.2. Parking

### Car Parking

The parking policy and requirements for the proposal are specified in the NDCP 2012. The car parking requirements for Stage 3 and Stage 4 have been summarised in the **Table 13** below.

Table 13 – Stage 3 and 4 Proposed Car Parking Provision

Stage	Parking
Stage 1	<ul style="list-style-type: none"> <li>42 hotel (38 guest + 8 staff)</li> <li>178 resident (inclusive 18 accessible)</li> <li>26 commercial/retail</li> </ul> <p><b>Total: 273 spaces</b></p>
Stage 2	<ul style="list-style-type: none"> <li>138 residential (inclusive 14 accessible)</li> <li>10 commercial / retail</li> <li>3 spaces for 176 Hunter Street</li> <li>7 residential visitor</li> </ul> <p><b>Total: 158 spaces</b></p>
Stage 3	<ul style="list-style-type: none"> <li>1 car wash bay</li> <li>2 residential common property EV parking spaces</li> <li>101 residential (inclusive 14 accessible and 10 EV charging spaces)</li> <li>6 residential visitor</li> <li>17 commercial / retail (inclusive 3 common EV parking spaces)</li> <li>10 commercial/retail from Stage 1</li> <li>11 commercial/ retail from stage 2</li> <li>11 residential visitor from Stage 1</li> <li>5 hotel from Stage 1</li> <li>4 commercial / retail from Stage 4</li> </ul> <p><b>Total:168 spaces</b></p>
Stage 4	<ul style="list-style-type: none"> <li>1 car wash bay</li> <li>2 residential common property EV parking spaces</li> <li>121 residential (inclusive 11 accessible and 10 EV charging spaces)</li> <li>7 residential visitor</li> <li>5 commercial / retail</li> </ul>
	<b>Total: 136 spaces</b>

Stage	Parking
Overall	<p>The total parking provision across all four stages equates to 735 spaces.</p> <p>* Inclusive of 21 space commercial / retail re-allocation</p>

In summary, there is no residential use car parking deficiency.

Stage 3 and 4 will not be deficient in respect to commercial and retail car parking spaces. The deficiency for commercial and retail car parking spaces is because of Stage 1 and 2, which are already approved, built, and deemed acceptable by the previous Panel. The deficiency would exist even if Stage 3 and 4 was approved.

The entirety of the precinct is deficient by 76 visitor parking spaces. However, of the 76 spaces, 50 spaces are attributed to Stage 1 and 2, which are already approved, built, and deemed acceptable by the previous Panel. The deficiency claimed results from a subsequent event being CN's decision to demolish its King Street car park building. A decision the applicant has no control over in circumstances alone CN has publicly stated it will reinstate all spaces that are currently lost. The majority deficiency would exist even if Stage 3 and 4 was approved – strictly speaking, the argument is related to 26 car parking spaces. Despite this, the Panel have not considered the changing context in relation to the Newcastle DCP, which allows for a merit-based assessment for visitor spaces rather than strict compliance. The DCP also states a desire to keep vehicles out of the city centre and encourages other forms of transport including the light rail, cycling or walking.

It is also noted the car parking survey which was undertaken revealed there is copious on street parking for visitors and the 2018 Concept DA said any parking discounted by the consent would be accommodated by the King Street car park building and on street car parking.

The proposed modification involves amendments to the approved parking and its allocation across the various stages and the proposed uses of the overall development. The changes proposed to the parking conditions under this modification application are consistent with the approved Concept DA (as modified) and the requirements of the NDCP.

The parking deficiency associated with DA 2023/00419 (Stages 3 & 4) is confined to 26 residential visitor parking spaces as the application provides for the full quota of commercial / retail spaces required at 1 space per 60m<sup>2</sup> GFA.

As the CN owned King Street has now been demolished, a parking occupancy survey has been undertaken by Trans Traffic Surveys. The results confirm that there is an extensive amount of parking remaining available for visitors within walking distance of the development, even during peak periods, should they be unable to source an on-site visitor space. Based on the results of the survey, it can be concluded:

- 31 visitor spaces across 530 apartments is, on merit, acceptable.
- The worst case analysis/peak period for parking shows there are a total of 845 on and off-street parking spaces available
- Under the old DCP (NDCP 2012), approximately 106 visitor parking spaces would be required based on apartment numbers - under that DCP, City of Newcastle would conclude on a strict reading of that planning document that a shortfall of 75 car spaces results (106 less 31 = 75 spaces).
- The conditions of the concept consent, based on greater certainty of actual and proposed apartments, would have placed the onus on Iris to provide for 27 visitor parking spaces – with the balance 75% DCP requirement to be provided by the King Street car park or on-street parking.
- This report has referenced that the discount provided in the concept consent meant that 75% of visitor car parking would be provided by the now defunct King St car park and on-street parking. It has been demonstrated that:
  - There is ample on and off street parking through the parking survey to cater for the old DCP parking rates for visitor parking, and if the full assessment/peak requirement for visitor parking of 106 spaces (per the rates of the old DCP) were required at the same exact time that general parking demand (on and off-street) was at its peak, CN's claimed shortfall of spaces (net 75) would only consume 8.9% of available on and off-street public parking.

- CN has a commitment to honour the conditions of the concept consent and in terms of its undertaking to the local community to replace the parking lost as a result of its decision to demolish the community asset that was the King Street car park –that the CN car park when rebuilt will further reduce pressure on the surrounding infrastructure in terms of parking demand and availability.
- The CN King St car park did not operate in a manner that the author believed would have provided any significant relief for casual visitor parking (or casual any type of parking). It closed at 7pm weekdays, closed at 4.30 on Saturdays and was closed all day Sunday – even if the car park was still standing, the contribution that asset would have made to accommodating the parking arising from the DCP visitor parking discount would have been minimal at best and on-street parking would have provided most, if not all, of the “shortfall” parking would have defaulted to on street anyway

Overall, we are the parking occupancy survey results confirms that there is an extensive amount of parking remaining available for visitors within walking distance of the development, even during peak periods.

### **Electric Vehicles**

The NDCP 2023, sets out requirements for electric vehicle charging points in new developments. In response to this, the proposed development is required to allocate Level 2 EV charging stations. The proposal will include provision of 25 EV spaces. The proposal thereby satisfying the requirements of the NDCP 2012 of 5% of parking spaces to be Level 2 EV charging capable.

### **Bicycle Provisions**

Residential bicycle parking will be provided either in the form of a private storage cage per unit or a dedicated bicycle storage room or located through the basement parking levels. The NDCP2012, set outs requirements for bicycle parking spaces in new developments. The proposal will include provision for 205 public bicycle parking spaces and space for a minimum of one (1) private bicycle parking space per dwelling. The proposal thereby satisfied the requirements of the NDCP 2012.

### **Motorcycle Parking**

7 motorcycle parking will be provided. The NDCP 2012 sets out requirements for motorcycle parking spaces in new developments. In response to this, the proposed development is required to allocate 14 motorcycle spaces across Stage 3 and 4. The proposal will include 7 motorcycle spaces, and thereby does not comply with the provisions of the NDCP 2012. The proposal grants is closely located to public transport infrastructure and is therefore considered acceptable.

## **7.6.3. Access, Internal Circulation and Servicing**

### **Servicing**

The proposed development has been designed to ensure it is able to be serviced by a variety of commercial vehicles. Both Stage 3 and 4 have a dedicated service area which is capable of accommodating trucks up to and including 12.5m long HRV with 4.5m clearance. Both Stage 3 and 4 service areas allow all service vehicles to enter and exit the site in a forward direction.

CN has provided their 50% public domain plans for the road network surrounding Stages 3 and 4 which are reproduced in Revised Traffic Impact Assessment. CN have also mandated the use of a 12.5m long HRV truck to service both Stages 3 and 4. Furthermore, the following is noted with respect to the flow of traffic throughout the Morgan, Laing and Thorn Streets network:

- Morgan Street – one-way southbound between Hunter Street & Laing Street
- Laing Street – one-way westbound between Morgan Street & Thorn Street
- Thorn Street – one-way northbound between Laing Street & Hunter Street, and two-way between King Street & Laing Street

A Road Concept Plan has been developed by CJP Consulting Engineering. The Road Concept Plan is illustrates the following:

- Kerb returns at the intersection of Hunter and Morgan Street.
- The HRV left turn (LT) at the intersection of Laing and Thorn Streets command the road.



- Beyond the required taper for the HRV to enter Morgan Street, a 3.5m wide Morgan Street carriageway has been adopted with a 2.0m wide western footpath and a 3.5m wide eastern footpath.
- A 3.5m wide Laing Street carriageway has been adopted, maintaining the existing 1.9m wide northern footpath and a variable width southern footpath to Council's former car park site opposite,
- Road widening at the eastern end of Laing Street to facilitate the HRV's right turn (RT) from Morgan Street onto Laing Street as well as the HRV's RT exit from Building 3 East loading dock back onto Laing Street.
- Both loading docks capable of accommodating forward entry and exit movements for 12.5m long HRV trucks.
- Both loading docks capable of accommodating 12.5m long HRV trucks with closed roller doors (for acoustic control), maintaining sufficient loading/unloading area at the rear of the truck.

The Road Concept Plan was agreed in principle with CN on 9 April 2024.

Splays have been provided on the corner of Laing and Morgan Street for Building 3 South, and on the exit points only. CN have confirmed that no splays are required at the entry point of the Building 3 South. In addition, a 3.0m x 3.0m splay at the intersection of Laing and Thorn Streets has been provided to improve sight lines and to ensure the provision of an adequate footway width for pedestrians.

In respect to Stage 4, SJB architects have proposed a modified sight distance splay for the Stage 4 Loading dock- southern side acknowledging that pedestrians are not approaching the loading dock entry /exit from the south but rather the west along Laing Street. The modified solution has been reviewed and considered acceptable by CN. The Applicant has chosen to utilise a vertical bar arrangement to maintain driver sight lines for the Stage 4 loading dock - northern side. This option is considered acceptable on the basis that the proposed vertical bar arrangement provides adequate sightlines with the design achieving at least 50% of its area as clear openings. It is agreed with CN that this aspect can be addressed through an appropriate condition of consent.

The proposed loading dock arrangement does not alter the acoustic mitigation outcomes given in the submitted acoustic report. The 'closed roller door' for the loading dock relative to the open bar design proposed achieves the required acoustic mitigation outcomes. An appropriate condition of consent is acceptable.

### **Vehicular Access and Circulation**

The proposed vehicular access and internal circulation arrangements have been designed in accordance with Australian Standards. The swept turning path requirements of the B99 design vehicle as specified in AS2890.1 have been considered by the design, allowing the vehicles to circulate through the respective basement parking areas without difficulty, pass other vehicles, and to enter and exit the site in a forward direction.

### **Unformed Road Reserve**

No public pedestrian links are proposed from Building 4 South to the unformed Road Reserve of Morgan Street. All access to Building 4 South will be from the central lobby points. Fire egress discharge onto public streets i.e., Morgan Street.

The stairs illustrated on DA-4S-1004 are existing publicly accessible stairs. No new structures are proposed within the unformed road reserve.

## **7.7. HERITAGE AND ARCHAEOLOGY**

### **7.7.1. Built Heritage**

A Heritage Impact Statement (HIS) has been prepared by City Plan to accompany this application. One of the buildings onsite is a locally listed heritage item and the site is also located within the Newcastle City Centre Heritage Conservation Area.

#### **7.7.1.1. Municipal Building**

The site in particular, Stage 3 is known for having locally listed heritage item onsite, the Municipal Building. The Municipal Building is categorised as a contributory building and is particularly important for its external

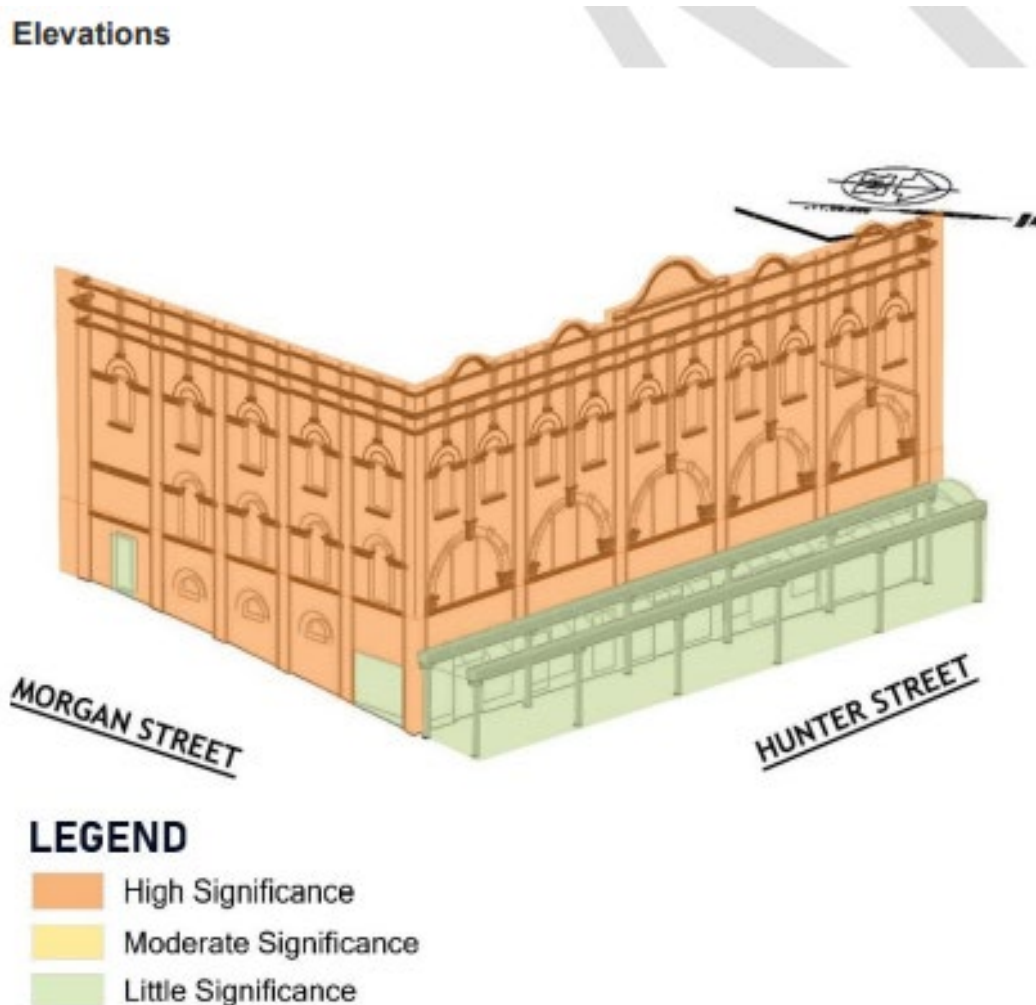
appearance. The below provides a summary of the history of the site in relation to the building, and a summary of the current condition.

*Originally designed by T.W. Silk in the Federation Free style in 1908, the Municipal building was one of the last buildings erected by the Newcastle Borough Council in an attempt to revitalise the retail hub of the city. It is significant for its siting over a portion of the market square reserve set aside in Henry Dangar's town plan of 1822. Dangar's plan organised Newcastle by planning out areas for schools, churches, municipal buildings, of which this is one, and the surrounding streets of Hunter, Thorn, and Morgan Streets.*

*The former Municipal building is externally considered an exceptional example of a building designed in the Federation Free Classical style. It is also considered of significance due to its association with other early municipal buildings. Of particular note of the façade detailing is the arched window fenestration and decorative parapet detailing.*

As noted above and shown in **Figure 38** below, the façade is of a high significance. For this reason, the proposed design of Stage 3 East End will include the retention of the Municipal building. The interiors which have been heavily modified will be redesigned to accommodate residential apartments, however the façade as detailed in the HIS, will remain as is existing.

Figure 38 – Heritage significance



Source: City Plan

Further images of the Municipal Building throughout the years are shown in **Figure 39** and **Figure 40** overleaf.

Figure 39 – Municipal Building in 1972



Source: Newcastle Region Library

Figure 40 – Municipal Building in 1986



Source: Coalfields Heritage Group

The proposed form of the Municipal Building allows for the building to be read and viewed all-around, which is not currently available due to the 1980s additions. The roof of the Building is not an integral part of its

Edwardian architectural style and does not contribute to the heritage significance of the Municipal Building as it is obscured behind the decorative parapet of the item with no visibility from the public domain. The concept approval, as noted in the architectural response by DBJ Architects, did not intend to retain the building in its current form but rather allowed for additional levels over it. The current design with roof terrace ensures the building remains as a stand-alone building and viewed in its entirety from all street frontages, and as such it is an improvement from the Concept DA. The values identified in the Statement of Significance of the Municipal Building including its contribution to the overall character of the Hunter Street Mall as an interesting example of an Edwardian commercial building will not be affected by the proposed design.

Investigation into the existing fabric and elements of the Municipal Building have been subject to several site surveys by the undersigned both as part of the preparation of the CMP, which was dating from the Stage 1 of NEE project initially as a combined CMP and as part of the recent block specific CMP for Stage 3 and 4 (March, 2023). The interiors of the building, as noted in the Heritage Impact Statement (CPH, April 2023) and as seen in the images provided as an attachment to this RFI response letter, have been subject to a number of modifications and patching with limited number of original masonry walls remaining. In the absence of original or early floor plans of the building, establishment of the internal layout was not easily identifiable including whether the arched openings between the combined tenancy spaces are original or not, but rather identification is based on the perpendicular masonry walls and external window bays of the building fronting Hunter Street. An addendum in relation to the current state of condition will be provided by COB Monday, 13 November 2023, which will incorporate an amended fabric construction period and type identification to assist the Council. The investigation during the design competition phase revealed further that part of these perpendicular walls and the corridor walls including the arches were built in lightweight partitions with timber or metal framing. The two masonry walls that are perpendicular to the Hunter Street façade appeared to be the only original walls, which were also subject to an ad-hoc modifications and patching. The remainder of the walls perpendicular to Hunter Street façade are later partition walls.

The investigation of the western wall at the same time revealed that it contains relatively new bricks when compared with the exposed bricks of the perpendicular masonry walls of the building. The recent damage by vandal activity has further revealed the construction and materials behind the cladding of the interiors of the building as a whole confirming the two original masonry walls perpendicular to the front façade, and the western wall as being rebuilt most likely during the 1980s addition of 113-121 Hunter Street. While the CMP has identified the front portion of the masonry walls perpendicular to Hunter Street façade as being High significance, the recent vandal damage further revealed that only two of these walls were masonry, which were also already modified, repaired/in-filled in an ad-hoc manner and new materials. In some areas it was apparent that the building had some fire damage where the fabric was replaced and lost making it even more difficult to establish the original layout of the interiors of the building. The building does not feature any internal decorative detailing nor presents any significant spaces that would reflect its original layout hence the interiors were ranked in the CMP as being of Little significance. Notwithstanding, the proposed adaptive reuse layout for the residential apartments with central common corridor to apartments as well as the maintained floor levels reflect the existing layout to the Hunter Street frontage of the building. It is therefore concluded that the treatment of the interiors in the context of the limited significant fabric and further damaged internal structural elements that require replacement of the majority of the internal elements including walls, floors and ceilings will not adversely affect or compromise the relationship of the interiors and the Municipal Building's relationship with its context. The significant aspects of the Building are essentially its Edwardian architectural detailing to the facades along Hunter and Morgan Streets of which are retained and made good under the proposed development.

Only two walls on Level 1 were bisecting the window mullions of Hunter Street façade of which both are within one unit respectively. It is evident that the existing configuration of the building also has a few partition walls that abut the windows and they are not visible from the exterior. Following the meeting with the Council's Heritage officer, further design changes have been made to the layout of Unit 101 to avoid bisecting partition walls from the windows, subject to purchaser's confirmation of the proposed changes (this unit has been sold). Except for Unit 102 there is no other window that is bisected by a partition wall. Two of four units (Units 101 and 103) on Level 1 have already been sold. As suggested by the Council's Heritage Officer, consideration of creation one-bed units to allow for each window bay to be in one room was given; however, it was revealed that the floor plate of Municipal Building is too big for a one-bed unit layout and become unfeasible from a development perspective in terms of realisable value. Also, increasing numbers of units on Level 1 to accommodate one-bed units would not meet the residential requirements and standards. While not ideal solution, it is not uncommon to have such configuration in adaptively reused buildings similar to the Municipal building and warehouses. The arched timber windows of the building have wide mullions and deep reveals that are capable of accommodating such bisecting partition wall of Unit 102 to allow provision of functional residential amenity without effecting the external integrity of the subject window and the building's overall architectural composition. Carefully detailed window specific junction has been

developed by the Architects to ensure no visibility from outside. Refer to the details in the architectural response for details, and images of existing partitions within the Municipal Building provided below.

Balconies behind the retained existing timber windows would not appear as 'façade only retained' configuration. The balconies are designed in a winter gardens form with ceilings (ie. not open to the sky) with the internal full-height glazed walls that would allow for a deep room configuration. Examples of such balconies have been successfully used in the Stage 1 adaptively reused 'Fabric House' also designed by DBJ Architects. The western elevation of the building will be a simple facebrick façade with arched vertically proportioned windows reflecting the width of the windows on each level of the front elevation as seen in the image below. None of the Edwardian cornices or decorative mouldings of the existing front facades will be imitated.

The western elevation of the building as noted previously was built as part of the 1980s additions to the west resulting in a new external configuration that is unclear if it was reflecting the original detailing of the building or not. The western elevation was adjacent to the demolished Strand Theatre as seen in a 1972 photograph taken from Market Street. An aerial of Block 3 taken after the demolition of Strand Theatre reveals the western elevation of the Municipal Building. Drawings and renders will be amended to reflect this consistent approach. The proposed treatment of the western elevation of the Municipal Building is considered acceptable from a heritage perspective as it will clearly be understood as a new element.

A conditions assessment of the Municipal Building forms part of the HIS.

### 7.7.1.2. Market Square

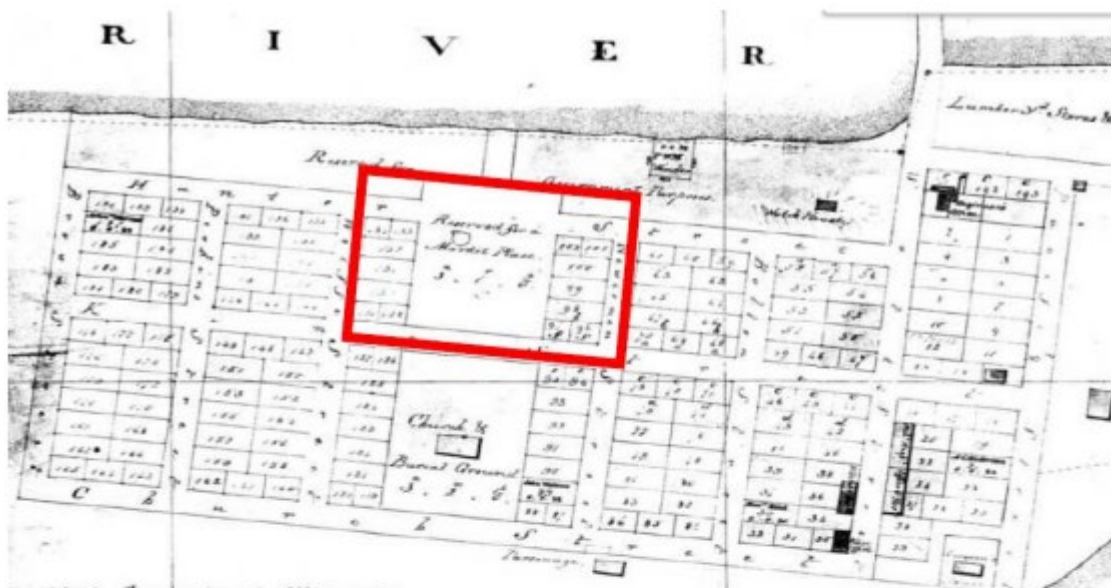
Henry Dangar's town layout as noted in the description of the Newcastle City Centre HCA (SHI form No. 2173904) is based on a grid street system laid out in street widths with the specific emphasis given to Market Place, refer to **Figure 41**. This grid street layout is clearly maintained under the current form of the Stage 3 design as well as the configuration Building 3W as it defines the corner of Hunter Street and Thorn Street maintaining the street wall configuration along Hunter Street Mall. The proposed development does not change the grid structure; no changes to the existing road network layout is proposed. The through-site link does not undermine the Henry Dangar's town layout. While acknowledging that the development in the 20th century has reinforced the 1828 street grid, the buildings within the original city blocks remained largely scattered within these block as evident from the 1886 plan. The emphasise of the original grid pattern of the city centre, especially in the vicinity of Thorn, Keightley (Market Place), Hunter and Market Streets, will not be adversely effected by the orientation of Building 3W as it follows the alignment of the Hunter Street Mall then continues to meet the corner of the building lot at 92 King Street, which is setback from both sides at the Laing Street corner and at the Morgan Street corner towards King Street.

The SOHI by TKD notes in section 3.2 Town grants that "*Consolidation of the town allotments has been ongoing since the 1950s and in places earlier and today there are no blocks where the boundaries demonstrate an original town allotment.*" The current layout of Block 3 containing the 1980s additions and the Municipal Building does not allow interpretation of the market place where the regularity of the grid laid out by Dangar was only broken. As the TKD SHOI notes (section 2.3, p.13), the market place now traced by Thorn, Morgan, Laing and Keightley Streets, and the church and cemetery reserves, now forming the grounds of Christ Church Cathedral. Although the boundaries were made regular from the core of the Christ Church grounds predating Dangar's plan the whole town plan is focussed and future expansion was intended to radiate. By the proposed orientation of Building 3W, the focus would be brought back to opening up the market place frontage along Hunter Street while framing the view to Christ Church Cathedral in the centre of the block and opening up views to the Cathedral from Hunter Street along Thorn Street. As noted earlier, the ground floor plane of Building 3W will ensure the Thorn Street frontage of the street boundary is defined by landscaping and alignment of driveway to basement car parking with both Hunter and Laing Street frontages align with the street boundaries.

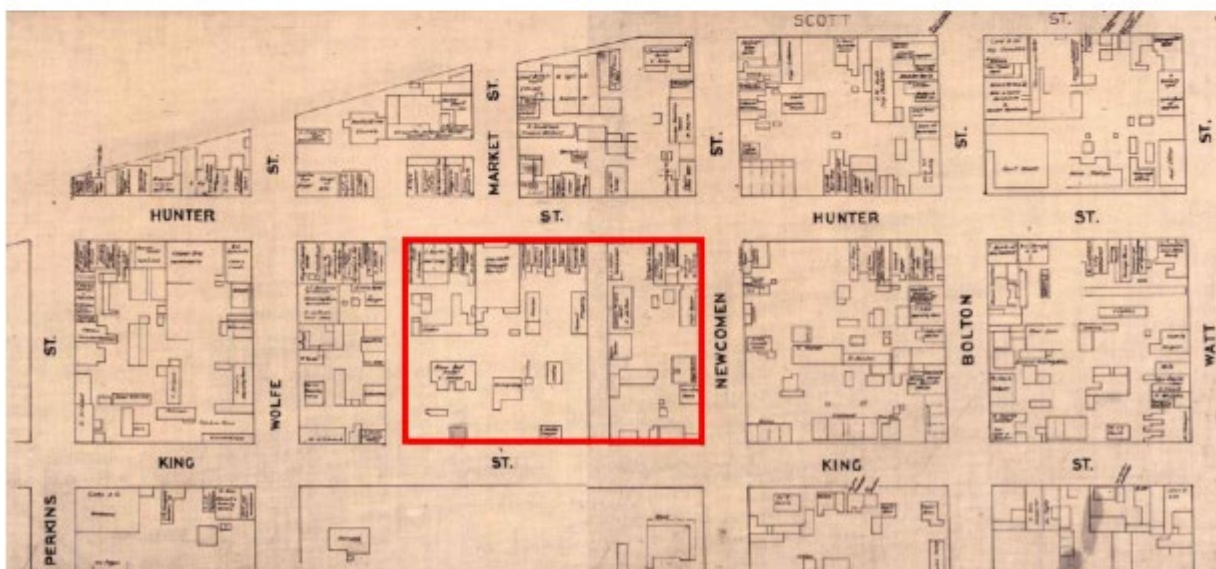
It is noted that the skewed alignment of Building 3 West was a key part of the precinct strategy to create the Market Plaza and frame views towards the Cathedral. Amenity is improved to apartments, with solar access to the north-eastern frontage and increased building separation towards the south-western corner for privacy. The move of this building is arguably more successful in reinforcing the original town layout, as the proposal holds the corner of Hunter and Thorn Streets.



Figure 41 – Henry Dangar Town Centre Layout



Map of Newcastle township (c. 1823-1826) copied from the TKD SOHI highlighting the market place and development site as the core of the grid street pattern radiating from the Church grounds.



1886 plan of Newcastle showing the extent of NEE Stage 3 & 4 and the scattered buildings within the grid street pattern (Source: University of Newcastle Cultural Collections - Sheets 8 & 9)

### 7.7.1.3. Former Sanitarium Building (111 Hunter Street)

The former Sanitarium Building is located within Stage 4 of the East End project. Although not a heritage item itself, the building is considered to be a contributory building within the overall heritage conservation area. The below provides a summary of the history of the site and a summary of the building's current condition.

*The facades of the former Sanitarium building are considered of High significance as a contributory building dating from c.1890. Aesthetically it is a representative example of the Victorian Free Classical style and directly reflects the characteristics of heritage items located in proximity.*

*Ground floor façade and shop windows have been heavily modified and therefore are not considered of significance. The awning is also a later addition. Interiors of the building were not accessible and therefore have been ranked as being of moderate significance to allow for appropriate archival recording in a future internal demolition.*

Given the building's significance, the proposed stage 4 works will include the retention of the building's façade for incorporation into Building 4 North. The façade significance and detailing are further shown below in **Figure 42** and **Figure 43**.

Figure 42 – Former Sanitarium Building 1891



Source: University of Newcastle Cultural Collections

Figure 43 – Former Sanitarium Building 2023



Source: City Plan

Design changes have been negotiated to Building 4 North to respond to CN's comments. These solutions have been discussed and agreed between CN's heritage officer Isabelle Rowlette and City Plan. The changes are summarised as:

- Maintain extent of return walls to 111 Hunter Street.

- Additional building return to the ground floor extent of 111 Hunter Street, further emphasise depth at public domain.
- Due to loss of amenity to primary balcony of unit 2.03 along Hunter Street facade, the column to east of balcony has been pushed back to the main building line and aligns above and below for structural adequacy. This further amendment, in fact, opens up views to the façade of 111 Hunter Street building, which has never been exposed previously.
- 111 Hunter Street return wall sleeves behind rotated column maintaining three-dimensional appearance to 111 Hunter Street.
- The rotated column maintains alignment to ground floor party wall (between entry and C.02 - retail) allowing barrier free entry for occupants of Building 4 North.

The amended design allows for the retention of the return walls at both Hunter Street and Morgan Street elevations of 111 Hunter Street maintaining its three-dimensional appearance harmonising the existing Contributory façade with the infill buildings on both sides and the new residential addition above. The amended design for the building edges adequately respond to the heritage concerns raised in this regard.

In respect to the existing lift and lift shaft, the lift shaft was subject to further investigation as detailed in the CMP under explanatory notes of Policy 35. Its retention would not be possible in the new layout of a compliant residential building. Therefore, only the lift car is considered for retention in a public domain of the new building for interpretive purposes. Notwithstanding, the new lift shaft is essentially in the same location as the existing shaft.

Although every effort was made and it was desired to maintain the existing lift and shaft, they have been required to be replaced to facilitate a safe and compliant new residential "at building - in particular requirements for prevention of spread of fire and smoke.

However, in response to the "high" significance the lift shaft and car is identified by in the CMP and to maintain the existing buildings internal character, the proposed new lift shaft has been maintained as freestanding within and servicing a single room and landing to the Hunter Street façade, and has been located in the same position. Interpretive reliefs of the existing decorative ornamental shaft will be detailed within 105 Hunter Street ground floor tenancy, refer to **Figure 44**.

Figure 44 – Lift care in ground floor public tenancy



Lift car in ground floor public tenancy - 105 Hunter Street

Source: *Curious Practice*



#### 7.7.1.4. 105 Hunter Street

Located at 105 Hunter Street, is an inter-war terrace style building which dates from the late 1910s and early 1920s. The building is rectangular shaped and occupies the entire allotment, located between 109 and 103 Hunter Street. The primary elevation of the building is to Hunter Street and there is no rear access to the building. The below provides a summary of the building's current condition.

*105 Hunter Street has been externally modified below the awning and this has resulted in the western section being clad in timber panelling. The two shops which are located at the ground level are not equally divided, with the eastern side store being slightly larger. 105 Hunter Street is also the only building within Block 4 that does not have an awning, however, as shown below in **Figure 45**, an awning was once located above the ground floor shopfronts.*

*The façades above the ground floor shopfronts to the first, second and third stories are identical and highly symmetrical. On each level there are two faceted bay windows at each level separated by a dentilated pattern under the windowsill above. Underneath the first-floor windows are three triangular corbels and on either side of the windows are vertical bands of quoining, particularly evident in the corners of the building. Atop the building is a geometric parapet and a flat roof, set behind the parapet.*

Given the buildings significance, the proposed stage 4 works will include the retention of the building's façade for incorporation into Building 4 North.

Figure 45 – 105 Hunter Street | 2023 and 1938



Source: Newcastle University Cultural Collection

#### 7.7.1.5. Blackall House

Blackall House is proposed to be demolished, consistent with the approved Concept Plan.

The Hunter Street Mall Precinct plan with well-connected easily accessible streets and lanes. It nominates “a continuous pedestrian connection between Newcomen and Perkins Streets mid-block between Hunter and King Streets” with “a minimum 3m wide pedestrian only link between Newcomen and Laing Streets connected to the Laing Street alignment”. The Hunter Street Mall Precinct shows Blackall House removed to achieve this - by nominating the preferred location of the new open pedestrian link, and the zone in which it should occur, within the location of the Blackall House footprint extents.

The proposed Laing Lane Café provides a better amenity outcome of the existing residential building to the north of Blackall House as it will reduce impact from potential overlooking from the future Building 4S and improve acoustically. The proposed Laing Lane building and the adjacent laneway is proposed to continue

Blackall House's function as a place for public and social gatherings. Architecturally, the proposed was designed to be sympathetic to the former Blackall House's character as a predominant brick freestanding single building. The proposed has maintained contrasting brickwork for the buildings base and horizontal banding over. The raised and recessed entry and pitched roofs were also developed from the existing building. The retention and re-use of the bricks of Blackall House have been considered for all or part of the new Laing Lane building and is to be developed, in conjunction with community, as part of the applicant's commitment to designing with country.

#### **7.7.1.6. Christ Church Cathedral**

The State and local heritage values of the Cathedral as being an extraordinary piece of architecture in a most dramatic setting, providing evidence of the early town planning of Newcastle city centre, and its visual dominance defining its city skyline will be respected and preserved while significantly enhancing its appreciation as a landmark through the 'Harbour to Cathedral' visual corridor This follows the central axis seen in Dangar's 1823 plan.

Additional view corridor has also been created through tapering the new building (3W) to open a new view corridor from the corner of Thorn Street, which did not exist to date. The Creation of these additional and significant view corridors were made possible by the demolition of the Council car park and by the redistribution of the mass and scale to the other parts of the Stages 3 and 4. Considering the positive and enhanced benefits to the heritage context and State level significance of the Cathedral having marginally increased height and scale towards the north of the Cathedral is an acceptable compromise.

The foreground of the Rest Park was already partially blocked under the Concept DA and the slight increased obscuration does not adversely affect the dominance and landmark qualities of the Cathedral.

The relatively smaller footprint of Building 3 South and its tapering form allows the building moves more quickly through the sky as one moves around the site. Furthermore, the building continues to diminish as it gets taller to open up the view to the Cathedral more quickly than otherwise larger/latter block form as it was under the Concept DA.

The eastern end of the city is built on and into The Hill, with existing buildings vary in height, scale and proportion. This forms an undulating urban fabric especially when viewed from a distance across the Harbour.

By adopting a playful skyline, the proposed buildings blend in and are disguised within the pre-existing assembled urban fabric. They are complementary to the cityscape rather than competing with it. The Building 3 South tower adds to the memorable silhouette of Newcastle, although always subservient to the profile of the Cathedral.

The distance between the Cathedral and the closest Buildings 3 South and Building 4 South, which are separated by King Street and the Rest Park coupled with the Cathedral being at the south end of the rounds at the top of The Hill, allows for an appropriate buffer zone for the appreciation of the landmark qualities and dominant presentation of the Cathedral across the close public domain and at distant views and vistas.

The proposal will not impede views to the Cathedral.

#### **7.7.1.7. Summary of Built Heritage**

In summary, according to the Heritage Impact Statement prepared by City Plan, the proposed integration of the heritage and contributory buildings as a mixed use and redevelopment of Stage 3 & 4 is of a high quality. City plan believe the design will renew and reactivate the Hunter Street Mall area, while also enhancing the appearance and functionality of the existing heritage and contributory items.

### **7.7.2. Aboriginal Archaeology**

A Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Umwelt to accompany this application. In preparing the ACHAR, consultation was, and is currently being conducted with relevant stakeholders of the Aboriginal community with respect to the development area in accordance with the *Aboriginal Consultation Requirements for Proponents 2010*, since March 2023.

In consultations with the Registered Aboriginal Parties (RAPs), the site is determined to have social and cultural, and scientific (archaeological) value.

The site is identified as having social and cultural value due its important location between Hunter River and Pacific Ocean and association with key physical and spiritual aspects of Aboriginal culture, including key oral



traditions. As a result, there is moderate to high potential for evidence of this connection, resulting from occupation of varying intensity.

Due to this social and cultural value, the site has potential for archaeological value including middens, hearths and ancestral remains. However, the site is predominantly an area of archaeological potential, as it contains limited numbers of archaeological objects recovered from previous development. Ultimately, the site is considered to have moderate to high archaeological potential.

The following measures are proposed to ensure best practice processes are followed:

- A copy of the final ACHAR must be provided to all project RAPs. Continued consultation should be undertaken in the event RAPs express the desire for further consultation on the project.
- In the unlikely event that human remains are uncovered during any site works, a Human Remains Procedure should be implemented.
- Should any archaeological resources be uncovered during any site works, an Archaeological Chance Find Procedure should be implemented.
- An Archaeological Research Design (ARD) and Excavation Methodology (EM) should be developed to inform and guide archaeological test excavation and, if required, salvage excavation at the subject site.

Should historical archaeological remains, features or distinct historical fill lenses be observed at any stage during Phase 1 activities, excavation would immediately cease. The project archaeologist (or a qualified historical archaeologist, if required) would then record the find and determine the nature and extent of any associated deposit in accordance with any approval under section 140 of the Heritage Act.

### **7.7.3. European Archaeology**

A Historical Archaeology Report has been prepared by Umwelt to accompany this application. The Historical Archaeology Report identifies and records any archaeological remains that may be present in the Stage 3 and Stage 4 East End development site.

The report assesses the nature and extent of the area's potential archaeological resources through an analysis of the historical information relating to urban development and occupation of the site and a detailed inspection of the current conditions of the site.

The potential for archaeological resources at the site is a result of its use and occupation associated with the expansion and commercial development of Newcastle in the early to mid-19<sup>th</sup> Century. Therefore, there is the potential for intact archaeological resources to be present, particularly in Stage 3, relating to the occupation, use, and development of the Newcastle CBD. The significance of these resources has been assessed as having local significance, with low potential for remains of state significance.

The following measures are proposed to ensure best practice processes are followed:

- It is recommended that an excavation permit for archaeological monitoring of bulk excavation and detailed archaeological excavation as required be applied for under section 140 of the Heritage Act.
- In the event that any Aboriginal objects are identified during historical archaeological investigations, works within the immediate vicinity of the Aboriginal object should cease and the RAPs for the Project be contacted so that the appropriate management strategies in accordance with the Heritage NSW approved AHIP can be implemented.
- In the unlikely event that potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, a physical anthropologist, Heritage NSW (and potentially the local police) will be contacted to determine an appropriate course of action.

The project area has been assessed as having a potential archaeological resource of local significance, with low potential for remains of possible state significance. Archaeological monitoring of proposed bulk excavation of the Project area and detailed archaeological excavation as required of areas of high archaeological integrity should be undertaken in order to recover information through the excavation and recording of the archaeological remains and thus realise the archaeological research potential of the site.

## 7.8. COUNCIL CAR PARK SITE

A Design Response has been prepared by SJB and appended to this response. This Design Response should be read in conjunction with the below summary.

From the outset, Mills Oakley (in the appended legal opinion) have confirmed that the HCCRPP must assess the impacts of the development proposed on the environment existing at the time of determination of the application. This is reinforced by the Chief Judge of the Land and Environment Court's decision in *Tuite v Wingecarribee Shire Council (No 2) [2008] NSWLEC 321* ('Tuite') at [55].

To remove all doubt, Iris Capital do not have a financial connection or ability to influence the outcome of the development of the CN carpark site at 92 King Street. However, all development applications require significant coordination between the consent authority and the Applicant to ensure the delivery of an outcome that benefits the community. Therefore, SJB and Urbis have considered this RFI matter from the HCCRPP in detail.

For completeness, the relationship between 92 King Street and the site have been through a thorough review process. The likely highest and best use for this site was modelled by SJB and presented to both the DIP and the Urban Design Review Panel (UDRP).

The UDRP provided the following comments in their minutes post the Wednesday 26 June 2024 meeting, with reference to the removal of the car park and the opportunity it presents:

- *A new opportunity has arisen from Council's decision to demolish its King Street Car Park due to it having serious structural issues – that could not viably be repaired. This opportunity was in line with the DCP requirement for an open corridor between the Harbour, south to King Street/ and the Cathedral Park hill. This change would require a Modification to the Approved Concept for Stages 3 and 4, but did not fundamentally change it. An initial Pre-concept schematic response incorporating the Market Street corridor was prepared by a different firm of architects to that which undertook the approved Concept design. This Pre-Concept design was considered inherently flawed by the UDRP, and was inconsistent to the approved Concept. This opinion was frankly communicated to the developer (meetings held 29 September 2021 and 24 November 2021).*
- *The only changes to the approved Concept Plan have been in direct response to the demolition of Council's former car park, which previously obstructed the view corridor from the Harbour to the Hill, and CN's intent advised to Iris Capital, of its desire to activate the existing provision in the DCP to open up the Market Street corridor to connect the waterfront to the Hill. The UDRP strongly supported this initiative, on the condition that public views to the landform of The Hill were enhanced, and that compared with the Concept Approval, there should be no erosion of the quality of public views obtained within the area.*
- *The only other relatively minor changes to the Concept also arose from the existing DCP provision and relate to the new public space that in both the Approved Concept and the Modification, extend the Market Street opening southwards across Hunter Street into the Site. The relocation of built form, which had previously been used to screen the ugly car park, was essential to achieve the intent of the DCP provision, but the public space was further enhanced by placing the 3W building at an angled setback to its northern end, widening the mouth of the public space and inviting people into it.*

Like East End Stage 3 and 4, 92 King Street will be subject to the planning controls outlined in the Newcastle LEP 2012 and the Newcastle Development Control Plan (DCP) 2023, specifically, 92 King Street will be required to continue the through site link. The through site link and 'Hill to Harbour' view corridor is enriched in both the Newcastle LEP 2012 and the Newcastle DCP 2023.

From a planning compliance perspective, 92 King Street is subject to the controls outlined in the Newcastle LEP 2012 and Newcastle DCP 2023.

The Design Response has assumed compliance with the controls in Option 1. A residential scheme has been massed and documented; however, the same built form outcome would apply to non-residential developments. Within the planning controls, as illustrated in the indicative built form plan at **Figure 46**, an FSR of 3.6:1 and potential residential yield of 70 apartments could feasibly be achieved.

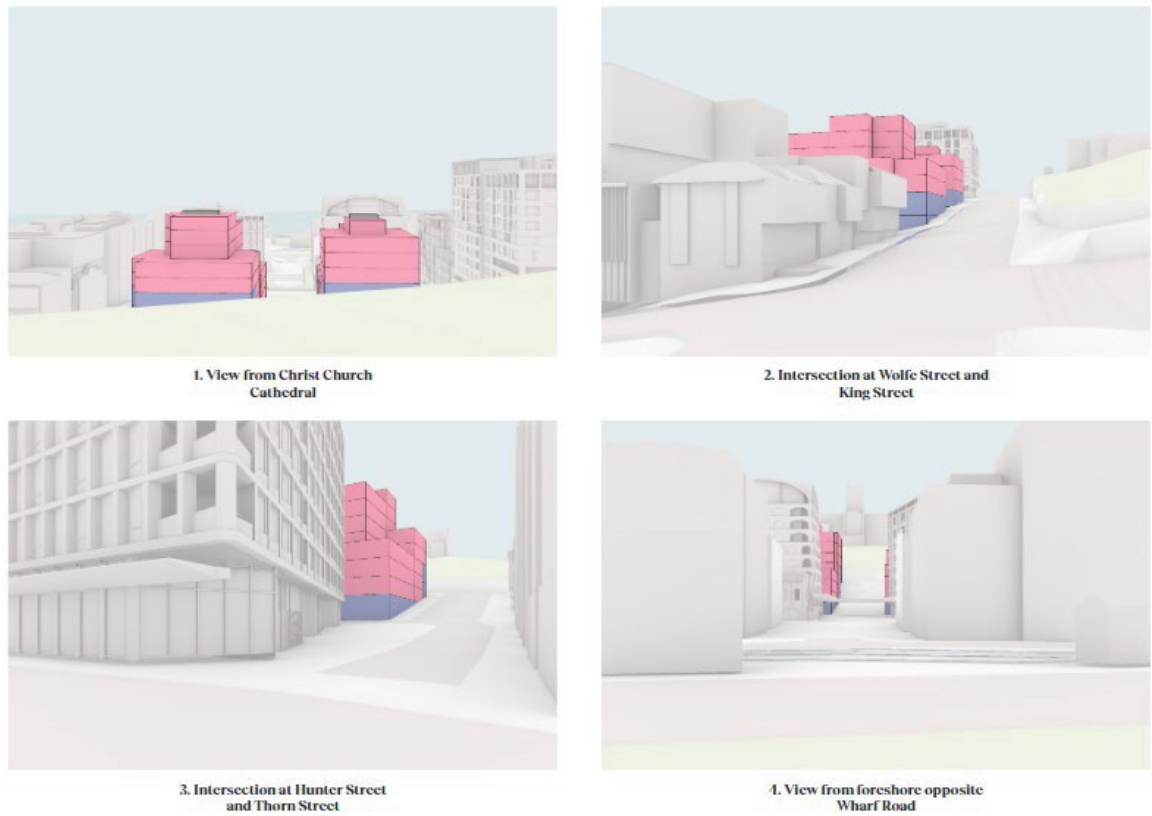
Of importance, the street view images demonstrate, refer to **Figure 47**, the relationship of the future massing in the context of Stage 3 and 4 and shows the view corridor continuation.

Figure 46 – Option 1 Indicative Built Form Plan



Source: SJB

Figure 47 – Option 1 Street view analysis



Source: SJB

SJB have also modelled an alternative option, Option 2. An FSR of 4:1 and potential residential yield of 86 apartments could feasibly be achieved if variations to the Newcastle DCP 2023 are explored through a design excellence process.

In summary, the application has made assumptions in relation to the arrangement of future development within the former Council Car Park site. These assumptions have heavily informed the submitted Visual Impact Assessments and the concluded overall planning balance of the proposed modification.

The detailed analysis and explanation of the planning assumptions above, confirm that any future development of the former Council Car Park site, must maintain the view corridor of the Harbour to Christ Church Cathedral as it is enriched in the Newcastle LEP 2012 and Newcastle DCP 2023.

Considering this, the submitted Visual Impact Assessment remains accurate, and fair, and the conclusions remain valid. The proposed development does not erode any identified DCP public views to the Cathedral.

## 7.9. WASTE MANAGEMENT

A Waste Management Plan has been prepared by MRA Consulting to accompany this application. The Waste Management Plan addresses the construction and operational waste management requirements for the proposed Stage 3 and Stage 4 East End development.

### 7.9.1. Construction Waste

Throughout the development of Stage 3 and 4, a range of construction waste will be produced. It is proposed that all materials will be reused and recycled, where possible to ensure minimal landfill disposal. The following is proposed to ensure success:

- Waste storage during construction operations: stockpiling of reusable material, as well as placement of wheeled bins for the separation of construction materials for recycling.
- A bin for residual waste or contaminated material will also be made available.
- Bins may require alternative placement across construction operations to facilitate the safe and efficient storage of materials and will be retained within property boundaries to avoid illegal dumping.
- A waste storage area shall be designated by the construction contractor and shall be sufficient to store the various waste streams expected during operations.
- The waste storage area will retain multiple bins to allow for source separation of waste to ensure ease of recovery and reuse of materials.
- Waste management principles, management measures and facilities in use on the site shall be included as part of the site induction for all personnel working on the site.

#### Waste Contractors and Facilities

To ensure best waste management practice, MRA Consulting recommend the following waste services and contractors, refer **Table 14**.

Table 14 – Waste service contractors and facilities

Role	Details
Recommended waste collection contractor	<p>The following are local skip bin operators for consideration in the management of excavation and construction waste for the site:</p> <ul style="list-style-type: none"><li>▪ Central Waste Skips;</li><li>▪ Newcastle Skip Bin Hire; and</li><li>▪ All Town Skips.</li></ul> <p>Or another supplier as elected by the building contractor.</p>

Role	Details
Principal off-site recycler	<p>The following are local C&amp;D processing facilities for consideration in the management of C&amp;D waste generated at the site:</p> <ul style="list-style-type: none"> <li>▪ Regyp - Newcastle;</li> <li>▪ Concrush - Teralba; and</li> <li>▪ Central Waste Station – Kurri Kurri.</li> </ul> <p>Or another appropriate facility as elected by the waste management contractor.</p>
Principal licensed landfill site	Summer Hill Waste Management Centre, or other appropriate facility as elected by the waste management contractor.

## 7.9.2. Operational Waste

The Waste Management Plan recommends the following quantities and collection frequencies:

### Residential Waste

- Recycling and general waste chutes for the management of waste across level for each building.
- Each dwelling will maintain smaller bins within each unit capable of storing a days' worth of waste.
- Residential waste disposal via waste and recycling chutes will be deposited into the residential waste room located on ground floor.
- The residential waste room of each building has direct access to the ground floor loading dock.
- A bulky waste storage area will also be accessible to residents and is proposed in each Stage of development.

**Table 15** below demonstrates the waste generation profile for the residential components of Stage 3 and 4.

Table 15 – Residential Waste Generation by Stage

Stage	Waste Stream	Units	Weekly Waste Generation (L)	Bins Required / Collection Schedule
Stage 3	General waste	90	8,960	9 x 1,100L bins
	Recycling		8,960	9 x 1,100L bins
	FOGO		2,500	3 x 1,100L bins
Stage 4	General waste	105	10,840	11 x 1,100L bins
	Recycling		10,840	11 x 1,100L bins
	FOGO		3,075	3 x 1,100L bins

Collection of residential waste bins as detailed above, will occur via a weekly collection service. Collection frequencies are subject to Council availability however it is proposed that the different waste streams are to be collected on different days.



## Commercial Waste

- In total, the retail component of Stage 3 and 4 is expected to generate 3,784L of general waste, 8,324L of recycling and 1,892L of food waste.
- Retail tenancies will retain smaller bins in their back of house areas to capture one days' worth of generated waste.
- Waste will be transferred between temporary bins and the retail waste storage areas by retail staff at the end of each day.
- Retail waste storage will require 44sqm across both stages.

**Table 16** below demonstrates the waste generation profile for the retail components of Stage 3 and 4.

Table 16 – Retail Waste Generation by Stage

Stage	Use	Area (sqm)	Waste Stream	Waste Generation Rate	Generation per week (L)	
Stage 3	General Retail	490	General Waste	50L/100sq/day	1,715	
			Recycling	100L/100sqm/day	3,430	
	Food & beverage / café	490	General Waste	50L/100sqm/day	1,715	
			Recycling	120L/100sqm/day	4,116	
			Food Waste	50L/100sqm/day	1,715	
Total:			General Waste		3,430	
			Recycling		7,546	
			Food Waste		1,715	
Stage 4	General Retail	268	General Waste	50L/100sqm/day	938	
			Recycling	100L/100sqm/day	1,876	
	Food and Beverage / café	268	General Waste	50L/100sqm/day	938	
				Recycling	120L/100sqm/day	2,251
				Food Waste	50L/100sqm/day	938
	Total:			General Waste		1,876
				Recycling		4,127
				Food Waste		938

Collection of commercial waste bins as detailed above, will occur 1-2 times per week by a private contractor from the loading dock. Collection will be co-ordinated and staged to ensure no conflict with Council's collection of residential waste days.

## 7.10. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposal includes a number of ecologically sustainable development principles incorporated into the design including:

- Extensive landscaping to roofs and over structure, minimising storm water run-off;
- On-site rainwater detention and re-use;
- Natural ventilation to the majority of apartments (95% of apartments are cross-ventilated);
- Maximising direct sun to apartments while utilising overhangs to control summer heat gain (79% of apartments receive a minimum of 2 hours direct sunlight in mid-winter);
- Materials demolished to be reused or recycled where possible;
- Predominantly constructed from locally produced, sustainable materials chosen favouring longevity and minimising maintenance;
- Energy-efficient lighting and appliances;
- Water-efficient fixtures; and
- Proximity to public transport and local shops.
- The proposal is accompanied by a BASIX Certificate (No. 1386053M\_02) which confirms the proposed developments compliance with the BASIX requirements for sustainability.

Overall, the proposal is highly sustainable and will achieve a 4-star Greenstar buildings rating.

## 7.11. STORMWATER

A Stormwater Management Plan and Flood Upstream Catchment Report has been prepared by Xavier Knight and accompanies this DA. The report addresses stormwater management associated with the proposed development.

### 7.11.1. Stormwater Management

Stormwater Controls will be located wholly within the first stage of the development. The stormwater management plan provides stormwater controls that satisfy provisions of the DCP and is designed as per the Stormwater and Water Efficiency for Development Technical Manual.

Treatment measures will be implemented to ensure stormwater runoff for waterborne pollutants are achieved. The plan will provide three on-site detention tanks are proposed, rainwater stored in these tanks will be re-used for retail toilet flushing and irrigation purposes. Regular inspections of control systems are planned to be carried out to ensure satisfactory performance of the drainage systems proposed.

New stormwater is also being proposed on streets to connect the building runoff to Council's underground system. Refer to the Infrastructure Services Report prepared by Xavier Knight for further discussion on street stormwater drainage.

### 7.11.2. Flooding

The Upstream Catchment Report prepared by Xavier Knight analyses the existing stormwater drainage major system at the frontages of the development for its ability to safely convey stormwater runoff generated by local catchment upstream of the development.

Overall, the report identified underperforming areas of the development, the findings of the report are summarised below:

- *Flows are safe on King, Hunter and Laing Streets and the runoff does not overtop the kerbs at max depth.*
- *The Western side of Newcomen Street has a kerb height of approximately 100mm. This has caused the 1% AEP runoff to overtop the kerb.  $D*V = 0.41$ . This is considered to be negligible since the results are conservative since the street pits have not been modelled.*

- *The flow on Eastern side of Morgan Street is unsafe ( $D*V = 0.65$ ). This is caused by the steepness of the road and to the large contributing catchment area.*
- *The Western side of Thorn Street has a very shallow kerb height, assumed to be 50mm. This has caused the 1% AEP runoff to overtop the kerb. Flows are otherwise safe ( $D*V = 0.11$ ).*

To combat these underperforming areas, recommendations for upgrades have been provided by Xavier Knight to prevent nuisance storm runoff from affecting pedestrian activity and setting finished floor levels.

The recommendations are shown below:

- *The kerb on the western half of Newcomen street to be upgraded to a 150mm High Kerb. Our review of 20% Concept design for the “Stages 3, 4, 6, 7 AND 8” by Northrop has shown that the kerb is proposed to be upgraded as part of that package.*
- *The kerb on the western half of Thorn street to be upgraded to a 150mm High Kerb. Our review of the stamped S138 drawings for East End Stage 2 has shown that the kerb is proposed to be upgraded as part of that package.*
- It is recommended that roof rainwater discharge from the Stage 4 building be connected directly to the underground pit and pipe system instead of discharging into Morgan Street. This will reduce the  $D*V$  product of the Runoff and improve safety.

In conclusion, provided the proposed development follows the recommendations and suggested upgrades given in Xavier Knight’s report, the proposal will be acceptable in terms of flooding and stormwater issues.

## 7.12. NOISE AND VIBRATION

An Acoustic Assessment Report has been prepared by Renzo Tonin & Associates and accompanies this application.

The below provides a summary of key findings from the Acoustic Assessment:

- Noise levels were calculated for each building facade to account for any variation in the external noise levels affecting different parts of the building.
- In the case of apartments fronting Hunter Street, glazing has been provided to also mitigate future noise increase from Hunter Street as a result of increased activation of ground plane retail tenancies (outdoor dining).
- External walls consisting of masonry or concrete elements will not require further upgrade for acoustic purposes.
- all external roof elements are proposed to be concrete and no further upgrade is required for acoustic purposes.
- In rooms where suitable internal noise are only met by closing windows/external doors, supplementary fresh air should be provided to the rooms to meet the requirements of AS1668.

### Food and Drink Premises

In respect to the food and drink premises, the Acoustic Assessment address operation of outdoor areas up to 10pm (evening). It included assessment of outdoor areas and shows that the site was capable of outdoor dining use up to this time. There is no reason for Council to suggest it should be limited to 6pm.

Food and drink premises can be fit out under the Codes SEPP; therefore, this DA seeks consent for trade until 10:00pm outside, which continued trade inside until 12:00 midnight. Any DA for use on an outdoor area past 10:00pm would be subject to separate DA and acoustic assessment, to address specific time of use and patron numbers.

The Acoustic Assessment does include a sleep disturbance assessment. However, the Noise Policy for Industry 2017 without ambiguity, specifically excludes; noise ‘from amplified music/patrons in both licenced and non-licensed venues’ and is therefore not applicable to the operation of venues.

The Policy goes on to advise more relevant and applicable noise criteria have been established for these uses. Given there is no specific EPA guidelines for all venues, the guideline for licenced venues (Liquor and Gaming noise emission guidelines) prepared specifically for patron noise and amplified sound is the

accepted practice to assess acoustic impacts for both licenced and non-licenced venues in NSW. The acoustic modelling was prepared on this basis.

The Acoustic Report concludes that:

- The site should be capable of accommodating food and drink uses for ground level retail tenancies on Hunter, Newcomen Street and the public domain corridor between Buildings 3E and 3W. This would involve:

- Usage of outdoor areas until 10pm and
- Usage of Indoor Areas until 12am

provided that the management controls identified below are adopted. These management controls provide protection on existing residences (Newcomen Street) and future residences within the Stage 3 and 4 site itself.

- The assessment is made on the assumption that there is a moderate level of music provided to internal areas of the F+B tenancies (75dB(A)L10 sound pressure). It would be feasible that higher music noise levels/performance can be accommodated however this would potentially necessitate further acoustic treatment by the operator (and would be the subject of a separate Development Application for Use).

With respect to noise impacts on the future apartments in the Stage 3 and 4 site:

- Acoustic treatments have been determined for food and drink tenancies on the assumption that satisfactory noise levels are achieved at the future apartment façade. This enables a suitable level of amenity for those apartments, regardless of whether their windows are open or closed.
- The Hunter Street façade for buildings 3W, 3N, 4N are proposed to have upgraded glazing as an additional protection against Hunter Street noise which will have a further benefit with respect to Food and Beverage tenancy noise emissions. With the glazing systems proposed, internal noise levels within apartments will be below 30dB(A) as a result of external noise from food and drink tenancies.

The following recommendations were provided by Renzo Tonin for the food and drink premises:

- Base building retail tenancies are to have minimum 10mm thick shop front glazing.
- Outdoor Dining:
- To be limited to
  - 20 patrons per retail tenancy.
  - To be permitted up to 10pm.
  - Not to be adopted on the Newcomen Street frontage unless a DA for use lodged by the operator.
  - After 6pm, outdoor dining areas to be limited to areas that have an awning over.
  - If larger patron numbers, later trading or outdoor areas or use on an outdoor area on Newcomen Street is proposed, a Development Application for use should be lodged by potential operator detailing proposed trading times, times of use and patron numbers for outdoor areas, (and assessment of noise impact).
- Internal areas:
  - Cease trading at 12am unless DA for use is lodged to permit later trading.
  - Windows and doors to be kept closed after 10pm generally, (6pm on Newcomen Street).
  - Music in internal areas is to be limited to 75dB(A)L10 within the space (moderate background music). If louder music/performance are proposed, a Development Application for use should be lodged detailing any additional noise mitigation measures, including any ceiling construction necessary within the tenancy to ensure that noise through slab into an apartment above will be less than 25dB(A)L10 if operating up to 12am and inaudible if trading after 12am.

## Outdoor Dining

- The site should be capable of accommodating outdoor dining for ground level retail tenancies on Hunter, Newcomen Street and the public domain corridor between Buildings 3E and 3W.
- If the outdoor area is intended to be used in the evening, the operator may need consider an awning/shade structure to provide noise screening to the apartments above.
- Detailed information about outdoor dining numbers and trading times and associated noise would be the subject of subsequent development applications.
- The Hunter Street façade for buildings 3W, 3N, 4N are proposed to have upgraded glazing as an additional protection against operational noise from outdoor activity on Hunter Street. With the glazing systems proposed, internal noise levels within apartments will be below 35dB(A), even in the event there is no awning/shade system installed over the outdoor dining areas.

## Plant Noise Emissions

- Major fans located in the basement (car park ventilation, typically 75dB(A) at 3m), and utilities fans (typically 65dB(A) at 3m distance) are likely to require induct acoustic treatment between fan and external intake/discharge. This will consist of lined ducting or acoustic attenuators. The extent of treatment will depend on fan selection and position relative to the nearest apartment.
- Given the proposed buildings are typically taller than existing residential development in the vicinity, it is unlikely that significant acoustic treatment will be required to address roof top plant and equipment noise to existing residences.
- Solid fence/screen should be used around plant areas when separating plant areas from occupiable roof space.
- Apartments located below roof top plant will require a minimum 180mm thick concrete slab thickness required and to have suspended ceiling with minimum 75mm thick insulation to ceiling cavity.

## Loading

The acoustic report notes that the worst-case scenario for residential noise receivers would be if the proposed loading docks serviced supermarkets as they operate late at night and have high levels of pallet jack use. However, both loading docks within Building 3 South and Building 4 South will be used for waste removal and for deliveries to the retail tenancies (which would occur between 7am and 10pm) and would not require use of pallet jacks.

To ensure noise to residential receivers is minimal, the report makes the following recommendations:

- Dock usage to be limited to 7am to 10pm, unless for Council residential rubbish removal.
- Loading dock doors to be vibration isolated (Embelton NRD mount to lift motor). Dock door to have a soft stop/start mechanism.
- Wall separating the dock from residential apartments to consist of minimum 140mm concrete block with stud lining on the apartment side (stud spaced 20mm from blockwork, 13mm plasterboard lining and 75mm thick 14kg/m<sup>3</sup> insulation to cavity).

## Construction Noise

- The predicted noise levels presented above indicate that:
- Hammering and sawing operations associated with the demolition works are likely to results in the highest levels of noise impacts to the identified surrounding nearest affected receivers.
- The residential property at 16-18 Newcomen Street is located immediately adjacent to the eastern section of the development sites, has windows along the western façade of the building (overlooking the development sites) and hence are predicted to be the worst affected residential receiver.
- The mixed-use property at 103 Hunter Street is located immediately adjacent to the development site, however, no windows are located along the western façade of the upper residential levels. It is proposed to retain the heritage northern façade of the properties at 105, 109 & 111 Hunter Street (part of the development sites) and this structure and the building structure of MU1 are likely to provide some



screening from the proposed demolition activities to the windows of MU1 along the northern façade, hence lower noise impacts are predicted for this receiver when compared to R1.

- Based on the assessment for the receivers surrounding the site, adjoining properties MU1 and R1 would be most at risk from vibration impacts associated with the proposed demolition works. The main risks are from machine mounted pneumatic hammering operations (excavator mounted hydraulic hammers).

The following recommendations are provided within the report to mitigate and manage the noise:

- Neighbourhood notification and consultation;
- Equipment selection;
- Vehicle management
- Respite periods; and
- Noise shielding.

Overall, the report concludes that provided the recommendations in this report are adopted, noise impacts on the development, and from the development onto other sites, will be satisfactorily addressed.

## **7.13. BCA AND ACCESS**

### **7.13.1. BCA Compliance**

The BCA Assessment prepared by Phillip Chung which accompanies this application confirms that the proposed development is capable of compliance with the Building Code of Australia (BCA) and relevant Australian standards.

### **7.13.2. Access Compliance**

The Access Report prepared by Projected Design Management assesses the proposal against the Deemed-to-Satisfy provisions of the requirements relating to Access for Persons with a Disability.

As is stated within the conditions of DA2017/00701.03, the development applications for new buildings on the site will be accompanied by adaptable building solutions addressing access for people with disabilities and the elderly. It is also noted that 10% of residential units are to be developed as adaptable housing.

Within the development there are 195 residential apartments. Therefore, the proposal includes 20 apartments which are capable of adaptation in accordance with the essential features of AS4299 (Class C). This proposal is above and beyond the planning controls of the NDCP yet aims to meet the underlying DCP intent of promoting flexible housing options for a broad spectrum of the community rather than limiting the community's options by proposing all Sole Occupancy Units (SOUs) to be Silver Level Liveable Housing dwellings.

Overall, Projected Design Management is satisfied the access provisions within the proposed design are suitable for DA submission.

## **7.14. BUILDING CONSTRUCTION**

Stage 3 and 4 will be constructed concurrently.

Indicative timing to complete each stage of works will be confirmed by the appointed contractor. The proposed working hours of the site are:

- Monday to Friday – 7am to 6pm.
- Saturday – 8am to 4pm.
- No work is proposed on Sundays and Public Holidays.

## **7.15. SERVICES**

An Infrastructure Services Report has been prepared by Xavier Knight to examine the available services and potential upgrades required to infrastructure to facilitate the proposal. Wallace Infrastructure Design have

prepared detailed infrastructure services drawings for required upgrade works, these are appended. The following outlines the existing services nearby the site:

- **Water:** Water Services Associated of Australia (WSAA) design guideline recommends a 200mm Cast Iron Cement Lined pipe size for high density developments. Given the watermain on Hunter and King streets are 200mm Cast Iron Cement Lined (CICL) they are therefore suitable for connection to the East End Stage 3 and 4 developments. A Statement of Pressure and Flow (SAP) will be required to confirm any requirements for water or fire service booster pumps. A Section 50 Development Requirements letter has been issued by HWC.
- **Gas:** Based on BYDA information provided by Jemena the site is in the vicinity of gas line infrastructure. To support the proposed development, an application to the gas supply authority Jemena will be required to confirm the connection.
- **Sewer:** According to BYDA information, there is an existing 225 VC Sewer main running between pits 19H and 17K through the existing lots within the site of Stage 4 that will need to be relocated. As part of discussions with Hunter Water Corporation (HWC), this sewer main will have to be rerouted to its current discharge point due to lack of capacity in the network along King Street. Scott Street or in Newcastle-2 Water Pump Station. HWC have been supportive of a solution where a special design would allow the sewer main to run along the basement walls of the Stage 4 building through Polyethylene (PE) pipes. HWC will be granted 24/7 access to the basement for maintenance purposes. For further detailed information regarding sewer works, refer to the Services Infrastructure Report prepared by Xavier Knight. Hunter Street sewer augmentation and sewer diversion works are proposed.
- **Telecommunications:** Based on BYDA information, it is indicated that there are telecommunications assets in the vicinity of the site owned by NBN, Telstra, Optus, TPG and Vocus. There will be a communication room located within Basement 01 of Stage 3 and the Ground Floor of Stage 4 developments. Telecommunications providers will be liaised with to determine the best connection points to the development and advice on any, service, relocation, removal or upgrades required.
- **Electrical:** According to the Ausgrid Energy Authority BYDA data there are existing assets in the vicinity of the site. A custom chamber substation with 3 x 500kVA transformers and is supplied by the triplex high voltage network is within close proximity to the site. However, to support the proposed development, new chamber substations are being proposed on the Ground Floor for the Stage 3 and on Basement 01 for the Stage 4.

In summary, the site is situated within an established area such that access to existing services and infrastructure is readily available. These include electricity, gas, water, telecommunications and drainage for stormwater and sewerage, which will be enhanced to accommodate for the proposed development as required. On-going engagement is required with service providers post the lodgement of this DA.

## 8. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act 1979.

### 8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed against the relevant state, regional and local environmental planning instruments as follows:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)
- *Coal Mines Subsidence Compensation Act 2017* (Subsidence Act).
- *Water Management Act 2000* (WM Act).
- *Heritage Act 1977* (Heritage Act).
- *State Environmental Planning Policy (Planning System) 2021* (Planning Systems SEPP).
- *State Environmental Planning Policy (Transport and Infrastructure)* (SEPP Transport and Infrastructure).
- *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP Resilience and Hazards).
- *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP). Note at the time of lodgement *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX SEPP) applied.
- *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Note at the time of lodgement *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) applied.
- *Newcastle Local Environmental Plan 2012* (NLEP).
- Newcastle Development Control Plan 2012 and 2023 (NDCP).

This SEE demonstrates that the proposed development is consistent with the objectives and provisions of the relevant environmental planning instruments. The proposal will contribute to the ongoing development of Newcastle West and will enable the delivery of high-quality retail and commercial floor space and highly amenable residential dwellings within an accessible location.

### 8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no Draft Environmental Planning Instruments relevant to this application.

### 8.3. DEVELOPMENT CONTROL PLAN

Newcastle Development Control Plan 2012 (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided as an attachment.

The Detailed DA aligns with the provisions and improves the design response to Section 6.01 of the Newcastle DCP 2012.

### 8.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

### 8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

### 8.6. NATURAL AND BUILT ENVIRONMENT IMPACTS

As outlined within the construction management plan, all appropriate measures will be implemented during the construction phase to ensure there is no adverse environmental impacts in terms of dust, soil erosion,

air, vibration or noise. The proposal will not result in the removal of significant flora and fauna on the site, nor have any adverse impacts on Newcastle Harbour or other waterways and natural landscapes.

The proposed development is largely consistent with the LEP and DCP controls.

## 8.7. SOCIAL AND ECONOMIC IMPACTS

It is considered the following social and economic benefits will be realised during both the construction and occupation stages, as a result of the proposed development:

- The proposed development will result in the immediate generation of employment during the construction phase and increase to the long-term employment capacity of the area once the commercial offerings are operable.
- The proposed development includes a range of one, two and three-bedroom apartment options in a prominent location in proximity to existing and future services that will contribute to Newcastle's residential market. The buildings will deliver high-quality residential dwellings in a convenient, accessible and naturally beautiful location. Future residents will be afforded the opportunity to live in a high-amenity location, with all the benefits of modern apartment living. The proposal provides a variety of apartment types to suit the needs and lifestyles of existing and future residents of Newcastle.
- The design excellence demonstrated through the proposal will contribute to the urban transformation of Newcastle's East End and set a high standard for future developments and urban renewal in the area.
- The proposal involves a number of architectural strategies to improve the ground floor pedestrian experience and activation of site frontages which will encourage heightened social activity within the area.
- The proposal successfully achieves a high level of security, with design elements that will deter criminal behaviour.
- The proposal includes the creation of a new Market Square and will improve ground plane activation and permeability through the site.
- The Design Team invested significant time to ensure the 'Hill to Harbour' link is a highlight of the proposal, adding to the high amenity public domain and creating a meaningful visual connection for residents and visitors to enjoy.

In summary, the proposal is sympathetic to the surrounding context and is a well-designed scheme that unlocks the site's potential and provide significant community, local and regional social, environmental, and economic benefits.

## 8.8. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The site is zoned MU1 mixed use and the proposed '*shop top housing*' is permitted with consent in the zone. Furthermore, the proposal is consistent with the objectives of the zone.
- The proposed development achieves design excellence and provides a high-quality built form approach with an appropriate relation to the surrounding sites.
- The application has proactively sought extensive engagement with City of Newcastle and the established Design Integrity Panel. The development has undergone an Architectural Design Competition where four competitors put forward their designs in accordance with the brief. The SJB, DBJ & Curious Practice scheme was recommended by the Jury as the winning scheme in the competitive design process and provides a high-quality design response.
- The project will catalyse the urban renewal of a key site in Newcastle's East End, helping to revitalise the city centre and bring about renewal of a previously dormant site.
- The proposal is highly consistent with all strategic planning aims and objectives for the Newcastle City Centre and the Hunter region by providing a diversity of housing, and employment opportunities in a well-connected area.
- The site is situated within an established area such that access to services and stormwater infrastructure is readily available. These include electricity, gas, water, telephone services and drainage for stormwater

and sewerage, which will be enhanced to accommodate for the proposed development as required. Plans will be lodged for review by Hunter Water upon lodgement of this DA.

- The site is not in an area recognised as being subject to landslip. Bushfires, or any other particular hazards, and has a low level of potential site contamination. The proposal will not increase the likelihood of hazards occurring on the site or within the surrounding vicinity.
- The site will not cause significant overshadowing impacts to any sensitive areas or open space.
- The subject site is considered well suited to accommodate the proposed level and density of commercial and residential development.

The site has been envisaged as a mixed-use precinct for over a decade. The site is suitable for the proposed development.

## **8.9. SUBMISSIONS**

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council. A comprehensive Response to Submissions was prepared by Urbis and is appended to this SEE.

## **8.10. PUBLIC INTEREST**

The proposal as modified is in the public interest as it will result in an increased public domain outcome for the local community. The key benefits of the project can be summarised as follows:

- The proposal delivers a significant public benefit by the redistribution of floor space from within the identified view corridor for the “Harbour to Cathedral Park” to Building 3 South (DBJ) providing a generous and publicly accessible space. City of Newcastle have a desired public domain outcome for the site, which is reflected in the Newcastle DCP 2012 (and NDCP 2023). The desired public outcome is currently restricted by a small component of the western end of Building 3 South.
- The Design Team have been driven by delivering a ‘civic response.’ The three buildings on Stage 3 have been combined to form a recognisable civic composition in which the Christ Church Cathedral, remote to the Square, plays a critical role.
- The proposal includes the creation of a new urban plaza “Market Square” and will improve ground plane activation and permeability through the site. The planning of this space is in keeping with the site’s historic and originally intended use. Market Square is left open to possibility and will be able to adapt to the community needs including community markets, food festivals, open air cinema and small concerts.
- The redistribution of the approved GFA enhances the characteristic of Newcastle’s silhouette and does not deliver a ‘flat top’ planning envelope. The redistribution of height across Stage 3 reinforces the notion of a playful skyline, creating a positive contribution to Hunter Street when compared to the Concept DA scheme.
- The scheme has been through a Design Excellence process. The SJB, DBJ and Curious Practice scheme was recommended by the Jury as the winning scheme in the competitive design process. The design is a result of iterative detailed engagement and input from various CN teams including planning, waste, engineering, and public domain; and the Chair of CN’s UDRP. Stage 3 and 4 will complete the staged revitalisation of Iris’ East End project.
- The project is underpinned by Country. Through several community consultations with Dhiira, Teresa Dargin, Dr. Ray Kelly, Dr. John Maynard, and Peter Townsend (Awabakal LALC) the Design Team have developed a series of segments to assist the development to be a more culturally inclusive space for the local First Nations Community, and all.
- Dhiira has endorsed the scheme stating that “the final submission will include and be reflective of community, their voice is now in design. This project not only created new ways of participating for our people, economic outcomes for the project team through ideation, a chance to imagine and shape the future of the city. The outcomes produced broadly through the design process are incredible conceptualisations of a place that was, this tells a story to all people who will be drawn and access this space and preserve this opportunity to engage for future generations in Newcastle.”

- The Municipal Building has been retained as 'freestanding' and unencumbered of additional storeys. This is as a result of the redistribution of building mass. This key move provides a positive heritage response.
- The proposal will deliver high-quality residential dwellings in a convenient, accessible, and naturally beautiful location. Future residents will be afforded the opportunity to live in a high-amenity location, with all the benefits of modern apartment living. The proposal provides a variety of apartment types to suit the needs and lifestyles of existing and future residents of Newcastle.
- The proposal is highly consistent with all strategic planning aims and objectives for the Newcastle City Centre and the Hunter region by providing a diversity of housing, and employment opportunities in a well-connected area. As well as the directions of the State Government is aiming to provide more housing to NSW residents.
- The views within the public domain are significantly enhanced via the creation of the view corridor from the Harbour to the Christ Church Cathedral, providing an attractive outlook which benefits the wider community.
- The parking occupancy survey results show that there is an extensive amount of parking available for visitors within walking distance of the development, even during peak periods demonstrating that the development will not create unacceptable impacts.
- The proposal is sympathetic to the surrounding context and is a well-designed scheme that unlocks the site's potential and provide significant community, local and regional social, environmental, and economic benefits.

East End is the catalyst in the ongoing revitalisation of Hunter Street and the surrounding CBD. Stage 3 and 4 will deliver on the project vision established in the Architectural Design Competition, creating a development which results in significant public benefit by providing an activated, pedestrian focused ground floor precinct, with high quality-built form that will deliver residential apartments for the City of Newcastle.

**Delivering public benefit has been at the heart of the design response, particularly the 'Harbour to Cathedral' connection and a civic square. The Design Team have been driven by delivering a 'civic response.' The three buildings on Stage 3 have been combined to form a recognisable civic composition in which the Christ Church Cathedral, remote to the Square, plays a critical role.**



## 9. CONCLUSION

This proposed development seeks consent for the construction of a mixed-use development at 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle. The proposed development has been assessed against all relevant items of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The overall outcome of the proposal aims to develop a mixed-use precinct with high amenity-built form providing a positive relationship to the immediate surrounds and acknowledging the heritage context. The proposal intends to act as a landmark for Newcastle's East End with high quality public domain as well as a variety of commercial opportunities activating the ground levels.

The proposal is considered appropriate for the site and locality as summarised below:

- **The proposal is consistent with State, Regional and Local strategic planning policies** – the proposal will contribute toward growing the Newcastle City East through the delivery of a quality mixed use precinct with an activated ground level, providing a positive relationship to the immediate surrounds.
- **The proposal is largely consistent with the applicable State and Local planning controls** – The assessment provided indicates that the proposal is in accordance with the State and Local Planning Controls, it is permissible within the MU1 Mixed Use zone and will deliver retail, business and community uses in response to the zone objectives. The proposal displays a high degree of compliance with the objectives.
- **The proposal will offer a high standard of amenity and net community benefit** – the proposal is providing a high-quality mixed-use precinct that will significantly improve the public domain with community uses along the lower floors of the proposed development.
- **Design excellence has been achieved** – The proponent conducted a comprehensive Architectural Design Competition to inform the detailed design of the proposed development during late-2022. The proposed scheme retains the key architectural elements nominated by the Jury as contributing to design excellence, developed through a series of DIP meetings.
- **The proposal will provide a positive economic impact** – The proposal will create a curation of smaller tenancies to deliver a diversity of offerings. The grouping of these businesses will act as a catalyst for future economic growth of the Newcastle East area.
- **The proposal achieves a high level of residential amenity** - The residential element of the proposed development has been designed in accordance with Housing SEPP and the Apartment Design Guide.
- **The proposal is in the public interest** – The proposal will significantly benefit the community providing an activated, pedestrian focused ground floor precinct in the neglected heritage centre of Newcastle, with high quality-built form that will deliver residential apartments for the City of Newcastle.

Having considered the above we conclude that the proposed development will not cause any unreasonable social, environmental or economic impacts, it is within the public interest and will deliver an excellent design outcome. The proposal is appropriate for the site and approval is recommended, subject to appropriate conditions.

# DISCLAIMER

This report is dated November 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of East End Stage 3 Pty Ltd and East End Stage 4 Pty Ltd (**Instructing Party**) for the purpose of Statement of environmental effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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