



1. STAGE 3 AND 4 EAST END – SUBMISSIONS MATRIX (8.2 REVIEW)

1.1. EXECUTIVE SUMMARY

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.

Urbis have reviewed all the submissions in detail and have considered them in terms of key themes. Our analysis revealed that no new matters have been raised from the original notification period. We continue to have strong support from members of the public, Government Architect of NSW, Urban Design Review Panel (UDRP – specifically Dr Philip Pollard, Kerry Hunter, Kristy Cianci and Colin Brady), Design Integrity Panel (DIP), and previous the Design Excellence Competition Jury, Dhiira, Teresa Dargin, Dr. Ray Kelly, Dr. John Maynard, and Peter Townsend (Awabakal LALC) as First Nations representatives, City of Newcastle (CN)’s internal divisions including heritage, waste, development engineers, public space and city greening and environmental in addition to the planning assessment team.

In terms of critical context, the below summarises the key considerations that the community should be aware of regarding the history and design development of East End, Stage 3 and 4. The decisions made when the Concept Development Application (Concept DA) was approved, whilst with good intentions at the time, have led to the reasons for the modifications sought by Iris Capital to the East End consent. The key changes to the approved massing are outlined below:

- 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.
- 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.

The modification sought by Iris Capital redistributes building mass across the site to accommodate CNs long held desire to create a link from ‘Harbour to Cathedral’ – that is the change in strategy from CN and for that strategy to be realised, the 2015 Concept DA had to be altered. Iris Capital agreed to the CN

strategy to create a generational space that could be used and enjoyed by the public on the proviso that it would be no worse off in being able to develop what it paid for when the site was acquired.

The background and series of events that have led to Iris Capital seeking modification to the East End Concept DA are as follows:

- CN has been desirous to create a link along the Market Street alignment from the 'Harbour to Cathedral' for decades.
- CN's decision to demolish its King Street car park asset provided the opportunity to deliver this link whilst the Iris Capital site was under design development. This was not contemplated in the Concept DA. The mass of Stage 3 was proposed in front of the car park to block the view to the car park as it detracted from heritage and amenity of the City Centre.
- The link from 'Harbour to Cathedral' was formerly recognised and documented in the NDCP 2012. The link extends over CN's King Street car park site in addition to Iris Stage 3 site.
- When it approved the concept masterplan, there were two fundamental decisions that CN made that are at the core of objections to the modification:
 - Car parking – CN provided a discount to commercial and visitor car parking in the Concept DA. These discounts are reflected in the Stage 1 and 2 approved DA consents. The reason why these discounts were provided was because CN were concerned that patronage of its King Street car park would be lost to the East End development if parking spaces at the full DCP rates were provided. Loss of patronage equates to loss of revenue and CN did not want to lose revenue from its asset, hence the discounted parking rates provided in the Concept DA. *Note: There is a 'deficiency' in Stage 1 and 2 commercial parking however these DAs have now been completed. Regardless of if Stage 3 and 4 proceeds or not, that deficiency will always exist. There is no residential use carparking "deficiency". The proposal (Stage 3 and 4) is fully compliant with the Newcastle DCP 2023. The current Newcastle DCP allows for a merit-based assessment for visitor spaces rather than strict compliance. The DCP 2023 emphasises: That there should not be a minimum or maximum parking rate for visitors, or commercial/retail uses in the Newcastle City Centre. The parking provision should be merits based. This changing context needs to be acknowledged. Residential and commercial car parking across Stage 3 and 4 are fully compliant with the Newcastle DCP 2023.*
 - Building mass – the Concept DA on Stage 3 placed a building along the southern boundary of the land which extended further west than the design competition scheme seeks modification for, and the reason for this is CN wanted the screen the car park building that was seen as an eyesore. With the car park building removed, CN saw no need to proceed with the alignment of that building as approved which blocked its harbour to cathedral vision. CN requested Iris Capital amend its approved concept masterplan consent to deliver a significant public asset, and it's this request from CN that has led to the re-massing of the building that currently as approved, blocks the link to deliver the 'Harbour to Cathedral' corridor.
- Iris Capital undertook a design competition in mid-2022 which complied with the CN endorsed brief to redistribute building mass that would permit the 'Harbour to Cathedral' corridor to be created across the Iris Capital land. The design competition was completed in March 2023, with planning paperwork lodged in May 2023. The Government Architect deemed the competition design achieved design excellence with which a 10% height bonus was awarded. CN's Urban Design Review Panel have endorsed the scheme, as has the local First Nations community whose input was incorporated during the design competition and during detailed design.

Figure 1 illustrates a comparison of the approved Concept DA compared to the proposed modification showing the redistribution of mass. The change context and these key design moves ultimately results in a better outcome from a public benefit perspective.

Figure 1 Comparison of Concept DA and proposed modification showing the redistribution of mass



View from Market Square - Concept DA Scheme

Source: SJB



View from Market Square - Proposed Scheme

1.2. SUMMARY

The standard notification period, as per the Community Participation Plan, was completed between 20 June 2024 and 04 July 2024. The following provides an accurate summary of the valid submissions during the notification period:

- A total of 241 submissions were received during the standard notification period and outside of the standard notification period as of 18 July 2023.
- 134 submissions were received in support of the development, **equating to 55.6% in favour of the development.**
- 107 submissions were received objecting to the development, equating to 44.4% in favour of the development. Of the objections, three (3) were received from Newcastle Club, Newcastle Inner City Residents Alliance, and Newcastle East Residents Group Inc (one submission each).

In addition to the formal City of Newcastle notification period, members of the Newcastle local community has used “Straw Poll” to record their position on RE2024/00002. The results of which can be viewed here: <https://strawpoll.com/poy9kR4M8gJ/results>. 378 votes in support of the proposal have been recorded and 4 votes against the development, **equating to 99% in favour of the development.**

The section 4.55 (2) that is subject to this review, received a total of 24 submissions when it was publicly notified between 13 June to 18 July 2023. Of the 24 submissions, Newcastle Club, Newcastle Inner City Residents Alliance and Newcastle East Residents Group Inc objected. It is noted that 3 submissions were received in support of the application under the Detailed DA which was placed on exhibition concurrently.

This response provides a detailed response to the key themes raised in the submissions. A response per key issue rather than individual submissions is considered appropriate and a standard approach. This approach has been adopted by NSW Department of Planning, Housing and Infrastructure for State Significant Development and Infrastructure projects therefore sets a valid industry standard regarding Urbis’ approach.

This submissions matrix has been structured as follows:

- **Section 2:** Matrix of Each Submission Received
- **Section 3:** Detailed responses to the matters raised in the RE/2024/0002
- **Section 4:** Detailed responses to the Newcastle Club and Community Groups
 - **Table 3:** Detailed direct response to the Newcastle Club
 - **Table 4:** Detailed direct response to the Newcastle Inner City Residents Alliance
 - **Table 5:** Detailed direct response to the Newcastle East Residents Group Inc

Section 1.3 provides a summary of the support and visual representation of the submissions at various points.

1.3. VISUAL REPRESENTATION

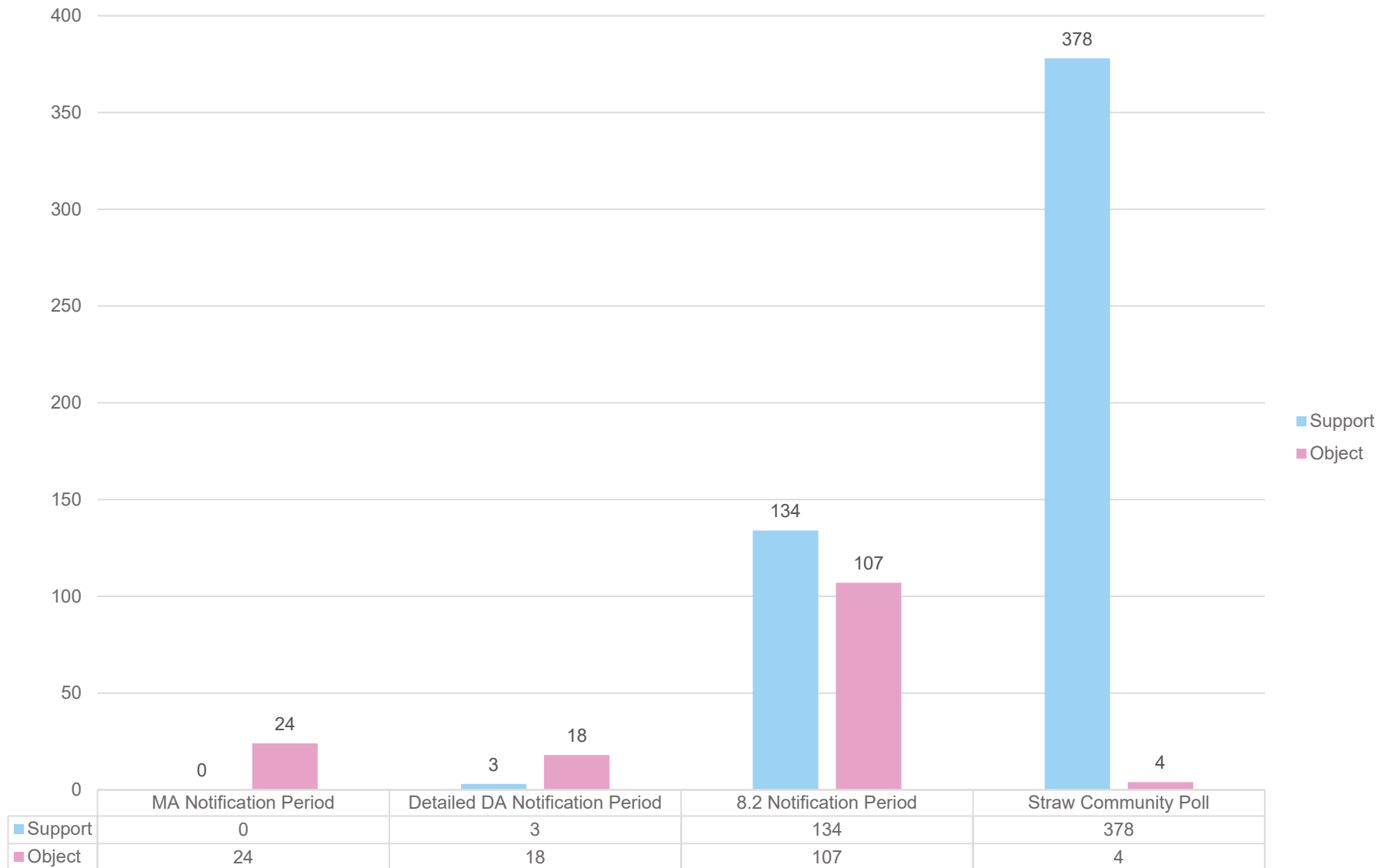
We have reviewed all the submissions in detail and have considered them in terms of themes. Our analysis revealed that no new matters have been raised from the original notification period.

City of Newcastle (CN) support the proposal, as demonstrated by their recommendation for approval. In addition to the support from CN's Planning Officer, East End Stage 3 and 4 has received support from the follow individuals, agencies, and groups:

- Government Architect of NSW.
- Urban Design Review Panel (UDRP), specifically Dr Philip Pollard, Kerry Hunter, Kristy Cianci and Colin Brady.
- Design Integrity Panel (DIP), and previous the Design Excellence Competition Jury, specifically Paulo Macchia (Director, Design Governance – Government Architect NSW), Dr Philip Pollard (Director & Nominated Architect 5241 – AMENITY urban & natural environments) and Sandra Furtado (Director, Furtado Sullivan Architects).
- Dhiira, Teresa Dargin, Dr. Ray Kelly, Dr. John Maynard, and Peter Townsend (Awabakal LALC) as First Nations representatives. The proposal engaged heavily with First Nations persons to ensure connection with Country, which has received glowing endorsement from the First Nations community who assisted with evolving the scheme.
- CN's internal divisions including heritage, waste, development engineers, public space and city greening and environmental health teams.

East End Stage 3 and 4 has significant community, agency and government support. This is also reinforced by the number of submissions received in support, this is visually shown in the below graph. The supporters comprise of business owners, other property owners in adjacent vicinity of the development site and residents.

Comparison of Submissions Received at Various Stages



2. SUBMISSIONS MATRIX

Table 1 matrix of each submission

#	Name	Date	Response
1	Ben Small	21 June 2024	Support
2	Elizabeth Hodgins	22 June 2024	Support
3	Sarah Garves	22 June 2024	Support
4	Kylie Haddow	22 June 2024	Support
5	Lachlan Frewin	22 June 2024	Support
6	Jason Haddow	22 June 2024	Support
7	Nick Haddow	22 June 2024	Support
8	Richard Woolveridge	22 June 2024	Support
9	Colleen Hodgins	22 June 2024	Support
10	Chris Hodgins	22 June 2024	Support
11	Hemi Mizrahi	23 June 2024	Support
12	Grace Haddow	23 June 2024	Support
13	Bradley Borg	23 June 2024	Support
14	Martin Murphy	23 June 2024	Support
15	Jan Millar	23 June 2024	Support
16	Jackson Howard	24 June 2024	Support

#	Name	Date	Response
17	Howard Laughton	24 June 2024	Support
18	Lorraine Thompson	24 June 2024	Support
19	Julian Morton	25 June 2024	Support
20	Jack Stoker	25 June 2024	Support
21	Tony Calder Mason	25 June 2024	Support
22	Jason Poole (Submission 1 & 2 – same content, should not be counted twice)	25 June 2024	Object
23	John Harrington	23 June 2024	Support
24	Lynda Gilbert	24 June 2024	Support
25	Maria Mitrevska	24 June 2024	Support
26	Ashley and Susan Mills	24 June 2024	Object
27	Paul Burchell (submission 1 and 2 considered same)	26 June 2024	Object
28	Baha QoraAn	26 June 2024	Support
29	Diana Calman	26 June 2024	Support
30	Emily O'Brien	26 June 2024	Support
31	Andrew Greentree	26 June 2024	Support
32	Behren Schulz	26 June 2024	Object
33	Alex Newton (submission 1 and 2 are the same and should not be counted twice)	26 June 2024	Object

#	Name	Date	Response
34	Nicholas Cook	26 June 2024	Object
35	William Saddington	26 June 2024	Object
36	Pawarisa Lertaromrat	24 June 2024	Support
37	Michelle Barker	26 June 2024	Support
38	Damien Good	26 June 2024	Object
39	Tanya Morgan	26 June 2024	Object* *However, the contents of the submission indication support. <i>“Kids and drug adults hang out cause its empty cause dramas and damage. This need to stop and the development needs to go ahead I work 12hr shifts in the mall and see it all.”</i>
40	Daniel Sfeir	26 June 2024	Support
41	Jennifer Sfeir	26 June 2024	Support
42	CJT Kroeze	26 June 2024	Object
43	Joanne Bright	26 June 2024	Object
44	Daniel James	26 June 2024	Support
45	Andrea Masi	26 June 2024	Object

#	Name	Date	Response
46	Richard Lees	26 June 2024	Object
47	Matilda Calderwood	26 June 2024	Support
48	Gary Foster (double up submitted, one submission counted)	26 June 2024	Object
49	Peter and Jane Ztgadlo	25 June 2024	Support
50	Lynnette Tyason	25 June 2024	Support
51	Bella Gough	26 June 2024	Support
52	Nigel Donovan	26 June 2024	Object
53	Kimberley Archibold-White	26 June 2024	Support
54	Denise McKeough	26 June 2024	Object
55	Trevor Williams (submitted two unique submissions, as these are unique they have been counted twice)	26 June 2024	Object
56	Reginald Moroney	25 June 2024	Support
57	Greg Harris	27 June 2024	Object
58	John Whitaker	27 June 2024	Object
59	Kevin McConkey (double up submitted, one submission counted)	27 June 2024	Object
60	Darren Dimmock	27 June 2024	Support
61	Beverley Taperell	27 June 2024	Object

#	Name	Date	Response
62	Mark Breasley	27 June 2024	Object
63	Anthony Dormer	27 June 2024	Support
64	Shane Mattiske	27 June 2024	Object
65	Paul and Julie Anderson	27 June 2024	Support
66	Robin Gordon	27 June 2024	Object
67	Nicholas Bedggood (Submission 1 and 2 – same content, one submission counted)	27 June 2024	Object
68	Daniel Isenhood	27 June 2024	Object
69	Geoffrey Barnett (Submission 1 and 2 – same content, one submission counted).	27 June 2024	Object
70	Emma Newton	27 June 2024	Object
71	Jonathan Finch	27 June 2024	Object
72	Jill Lowe (Submission 1, 2 and 3 – same content, one submission counted).	27 June 2024	Object
73	Noelene Fletcher	28 June 2024	Object
74	Michael Graham (Submission 1 & 2 – same content, should not be counted twice)	26 June 2024	Object
75	Shane Deguara	26 June 2024	Object
76	Jan Bourke	27 June 2024	Support

#	Name	Date	Response
77	Noel Bourke (Submission 1, 2 & 3 – same content, one submission counted)	27 June 2024	Support
78	Jason Woods	27 June 2024	Object
79	Mark Hickey	27 June 2024	Support
80	Peter Clark	27 June 2024	Object
81	Darren Calman	27 June 2024	Support
82	John Kindler	27 June 2024	Object
83	Michael Nesbitt	27 June 2024	Object
84	James Orpe (Submission 1 & 2 – same content, one submission counted)	26 June 2024	Object
85	Bradley Abbott	28 June 2024	Support
86	Norman Fletcher	28 June 2024	Object
87	Leo Della-Grotta	28 June 2024	Support
88	John Sippe	28 June 2024	Object
89	Tommy Casha	28 June 2024	Support
90	Jacquelyn Linde	28 June 2024	Support
91	Gerald Linde	28 June 2024	Support
92	William Cant	29 June 2024	Object
93	Michael Lowe	30 June 2024	Object

#	Name	Date	Response
94	Mike Roycroft	24 June 2024	Support
95	Phillip Antonuccio	30 June 2924	Object
96	Jonathan Finch	30 June 2024	Object
97	Frankie Cotter	30 June 2024	Support
98	Patrick Cooper	1 July 2024	Object
99	Hilary Chapman	1 July 2024	Support
100	Peter Barton Burgess	1 July 2024	Object
101	Jeff Bell	1 July 2024	Support
102	Glen Greedy	1 July 2024	Support
103	Kim Scoular	1 July 2024	Support
104	Luke Stoodley	1 July 2024	Object
105	Matthew Kearney	1 July 2024	Support
106	Brendan and Anne Pell	2 July 2024	Object
107	Graeme Clayton	2 July 2024	Support
108	Jordan Mizrahi	2 July 2024	Support
109	Katya Raccanello	3 July 2024	Support
110	Paul Scott	3 July 2024	Object
111	Dale Slater	2 July 2024	Support

#	Name	Date	Response
112	Rachel Papworth	3 July 2024	Support
113	David Rogers	3 July 2024	Object
114	Lydia Bells	3 July 2024	Support
115	Joe Clayton	3 July 2024	Support
116	Mark an Huisstede	3 July 2024	Support
117	Johanna Anderson	3 July 2024	Support
118	Chloe Wells	3 July 2024	Support
119	Veronica Parker	3 July 2024	Support
120	Karen Pinchen	3 July 2024	Support
121	Kristal Sawtell	2 July 2024	Support
122	Bronwyn Rauch	30 June 2024	Object
123	Danielle Carnley	30 June 2024	Support
124	Michael Griffiths	30 June 2024	Object
125	Paul Hannan	30 June 2024	Object
126	Juliet Maher	30 June 2024	Object
127	Susan McMaster	1 July 2024	Object
128	James Lalor	1 July 2024	Support
129	John Beach	1 July 2024	Object

#	Name	Date	Response
130	Robert Caddies	2 July 2024	Object
131	Alicen Lewis	2 July 2024	Support
132	Margaret Smithson	2 July 2024	Object
133	Craig Thompson	2 July 2024	Support
134	Christian Booth	2 July 2024	Support
135	Gary Webb	2 July 2024	Object
136	John Lewis	3 July 2024	Object
137	Lisa Montgomery	3 July 2024	Support
138	Ryan Foulis	3 July 2024	Support
139	Jacqueline Shone	3 July 2024	Support
140	Gregory McCosker	3 July 2024	Object
141	Lisa O'Brian	3 July 2024	Support
142	Glenn O'Brian	3 July 2024	Support
143	John Teague	2 July 2024	Object
144	Ian Jones	2 July 2024	Object
145	Paul Thompson	3 July 2024	Support
146	Guy Streeter-Smith	3 July 2024	Support
147	Jamie Boswell	3 July 2024	Support

#	Name	Date	Response
148	Lucy Boswell	3 July 2024	Support
149	Susie Boswell	3 July 2024	Support
150	Cheryl Emtage	3 July 2024	Support
151	Geoff Sharrock (Submission 1 & 2 – same content, should not be counted twice)	3 July 2024	Object
152	Rachel Papworth	3 July 2024	Support
153	Emily Goldman	3 July 2024	Support
154	Helen Sharrock	3 July 2024	Object
155	Michael Combs	3 July 2024	Support
156	Brian Kelly	3 July 2024	Object
157	Kenneth Parker	3 July 2024	Support
158	Annaliese Jackson	3 July 2024	Support
159	Ruth O'Brian	3 July 2024	Support
160	Jonathon Smith	3 July 2024	Support
161	Mick Innes	3 July 2024	Object
162	Leah Stevens	3 July 2024	Support
163	Stacey Sykes	3 July 2024	Object
164	Les Brennan	8 July 2024	Object
165	Terese Innes	3 July 2024	Object

#	Name	Date	Response
166	Hilton Seskin	3 July 2024	Support
167	Grant Jackson	3 July 2024	Support
168	Robert Gulliver	3 July 2024	Object
169	Keran Davies	3 July 2024	Object
170	Osvaldo Vallati	3 July 2024	Object
171	Mun Suk Chong	3 July 2024	Support
172	Clare Del Rosario	3 July 2024	Support
173	Elizabeth Bourke	3 July 2024	Support
174	Sarah Del Flamingh	4 July 2024	Support
175	Steve Cox	4 July 2024	Support
176	Corey Morgan	4 July 2024	Support
177	Alex Tyree	4 July 2024	Support
178	James Tyree	4 July 2024	Support
179	Stafford Bosak	4 July 2024	Support
180	Amber Mitchell	4 July 2024	Support
181	Jack Papworth	4 July 2024	Support
182	Vanessa Sharpe	4 July 2024	Support
183	Brian Lad OAM	4 July 2024	Object

#	Name	Date	Response
184	Melinda Diemar	4 July 2024	Support
185	Henry Hawcroft	4 July 2024	Support
186	Angela Orpe	4 July 2024	Object
187	Brennan Turnbull	4 July 2024	Support
188	Des Sullivan	4 July 2024	Support
189	Neil Petherbridge (Submission 1 & 2 – same content, only one submission counted)	4 July 2024	Support* *Submission notes generally in support of the proposal other than the car parking deficiency.
190	Mark Metrikas	4 July 2024	Object
191	Catherine Whelan	4 July 2024	Object
192	Annette Wright	4 July 2024	Support
193	Louise Mackay	4 July 2024	Support
194	Emily Sharpe	4 July 2024	Support
195	Toni Cowan	4 July 2024	Object
196	Murray Statham	4 July 2024	Support
197	Wendy Carnley	4 July 2024	Support
198	Nathan David Mulley	4 July 2024	Object
199	Wendy Byrne	4 July 2024	Support

#	Name	Date	Response
200	Jack Zygodlo	4 July 2024	Support
201	John Stephens	4 July 2024	Support
202	Segenhoe Committee (Maralyn Foureur)	4 July 2024	Object
203	Cheng Smart	4 July 2024	Support
204	Ross Kerridge	4 July 2024	Object
204	Farzan Raeissinia	4 July 2024	Support
206	Arezoo Ajoudani	4 July 2024	Support
207	Rose Cogger Collins	5 July 2024	Object
208	Kerrie Kerr	5 July 2024	Object
209	Jack Di Tommaso	5 July 2024	Support
210	Luke Griffiths	5 July 2024	Support
211	Peter Spencer	5 July 2024	Object
212	Marcelle Putnam	5 July 2024	Support
213	Robert Putnam	5 July 2024	Support
214	Johanna Trainor	8 July 2024 - late	Object
215	Kathleen White	8 July 2024 - late	Object
216	Carol Roussos	8 July 2024 - late	Object
217	Kate Rabbitt	8 July 2024 - late	Object

#	Name	Date	Response
218	Ann Burstal	8 July 2024 - late	Object
219	Barbara Ferris	8 July 2024 - late	Object
220	Paul King	9 July 2024 - late	Support
221	Neil Allen	9 July 2024 - late	Object
222	Sue Outram	9 July 2024 - late	Object
223	Max Astri	9 July 2024 - late	Support
224	David Blyth	9 July 2024 - late	Object
225	Anne Dougherty	10 July 2024 - late	Object
226	Angela Maxwell	10 July 2024 - late	Object
227	Michael Lavis	11 July 2024 - late	Support
228	Michael Sharpe	11 July 2024 - late	Support
229	Elisabeth Thwaites	12 July 2024 - late	Object
230	Therese Doyle	13 July 2024 - late	Object
231	Stephen Ferris	14 July 2024 - late	Object
232	Wendy Dickinson	14 July 2024 - late	Object
233	Glenn Burgess	6 July 2024	Object
234	Joan Browning	6 July 2024	Object
235	Joanne Jaworowski	7 July 2024	Object

#	Name	Date	Response
236	Gael Davis	17 July 2024 - late	Object
237	Newcastle Inner Residents Alliance (Brian LADD)	18 July 2024 - late	Object
238	Newcastle East Residents Grouping (NERG)	No date – late	Object
239	Alice Noble	17 July 2024 - late	Support
240	Nicole Geoghegan	17 July 2024 - late	Object
241	Newcastle Club	18 July 2024 - late	Object
241	Trevor Williams (submitted two unique submissions, two submissions counted)	27 June 2024	Object

3. STAGE 3 AND 4 EAST END SUBMISSIONS TABLE

Table 2 detailed responses to the matters raised in the RE/2024/0002

Matter	Summary of Key Issues	Response to Key Issues
Support		
Opportunity for Newcastle	<ul style="list-style-type: none"> Newcastle has so much potential. The change Stage 1 has made is unbelievable and so positive. Businesses, the community, tourists need the development. Support for more residents in Newcastle. Bringing more people to live in the city will bring more variety and improved facilities, infrastructure, inclusion, culture, sport and entertainment, in line with modern city life, improving the city centre for all including existing Newcastle city residents, 	<p>Agreed.</p> <p>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.</p>

Matter	Summary of Key Issues	Response to Key Issues
	plus the greater Lake Macquarie and Hunter residents who also access the centre of Newcastle.	The proposal will deliver dwellings in a convenient, accessible, and naturally beautiful location. The proposal also provides a variety of apartment types to suit the needs and lifestyles of existing and future residents of Newcastle.
Improvements to Hunter Street Mall (vibrancy, safety) and overall revitalisation	<ul style="list-style-type: none"> Significantly improves the Hunter Street Mall precinct. The development aligns with the City of Newcastle's vision for the Hunter Street Mall. The development will provide a huge financial benefit for local small businesses. The commercial spaces that will form part of the development will enhance Newcastle. This application for the apartment building complex will greatly benefit the community on a social-economic benefit as well as a community benefit. This will further enhance the area and bring a vibrant and activated street environment where people will want to live, shop and linger. Numerous calls for the East End area to be completed. The Hunter Street Mall is run down and needs progress to make it beautiful again. Newcastle city is so in need of revitalisation. It will make it safe place to walk down and enjoy. 	<p>Agreed.</p> <ul style="list-style-type: none"> 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 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 and small concerts as well as being a meeting place for individuals and small groups.
Housing Crisis	<ul style="list-style-type: none"> The development will provide 195 homes in Newcastle in the middle of a sever housing crisis. 	<p>Agreed.</p> <p>There is a strong need for this project to assist in responding positively to the pent-up demand for high quality housing within</p>

Matter	Summary of Key Issues	Response to Key Issues
	<ul style="list-style-type: none"> Questions regarding how in times of a housing shortage crisis can this development be not approved. Gives purchasers an opportunity to live in their dream location. 	<p>New South Wales. The project is completely aligned with the recent guidance from the State Government around increasing housing supply, and the applicant looks forward to progressing with the project to assist with this response to the housing crisis.</p> <p>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.</p>
Improvements to public domain	<ul style="list-style-type: none"> The public domain will be great for the area. The open public space looks great. This would have such a positive impact on the city for visitors and members or the greater Newcastle area. 	<p>Agreed.</p> <ul style="list-style-type: none"> 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 and small concerts. 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.
Design	<ul style="list-style-type: none"> The plans are interesting with a range of building designs and height. 	<p>Agreed.</p>

Matter	Summary of Key Issues	Response to Key Issues
	<ul style="list-style-type: none"> ▪ Highly impressed with the architectural design, which not only aligns well with the modern aesthetic but also respects and sympathizes with the heritage of the area. ▪ The current plan has different building heights and view breaks, designed to bring Newcastle into the 21st Century for all to enjoy. ▪ Individuality of each building and how the proposed development relates to the first two stages. ▪ It will be a focal point for the CBD of Newcastle and the Hunter Region. ▪ It could leave a legacy for generations to come for those who supported and created it ▪ The quality of design, use of experienced renowned architects and the creation of the significant cathedral view corridor via the developer's reconfiguration of the site is going to regenerate and transform our city as a leading regional cultural neighbourhood. 	<ul style="list-style-type: none"> ▪ 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 and endorsed by the NSW Government Architect as having achieved Design Excellence. ▪ 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."
Economic	<ul style="list-style-type: none"> ▪ Support this project as a small business owner in Newcastle, who helps other small businesses in the Newcastle East area 	<p>Agreed.</p> <ul style="list-style-type: none"> ▪ The proposal is highly consistent with all strategic planning aims and objectives for the Newcastle City Centre and the

Matter	Summary of Key Issues	Response to Key Issues
	<p>who all want the project to happen. It would be detrimental to local businesses if it does not proceed.</p> <ul style="list-style-type: none"> ▪ The prospect of increased foot traffic and economic activity that this development could bring is truly exciting. ▪ It will create hundreds of jobs, new businesses, clean up the Hunter Street Mall which has been sitting in degradation now for decades. ▪ This development will undoubtedly attract numerous visitors, contributing significantly to the local economy. ▪ Believe that this development is crucial for the growth and prosperity of the city. As seen with Stage One, which brought in reputable tenants like Commonwealth Bank, Woolworths Metro, and QT Hotel, and with stage two soon opening more apartments, the positive impact is already evident. ▪ The current plan is outstanding and will make this the most important part of the city giving it vibrance and bringing life back to the city, this is a great opportunity for shopkeepers, hotels cafes and restaurants. ▪ The tourism factor. This currently is not somewhere you would bring a visitor to brag about Newcastle. ▪ The project will bring economic activity, improved use of the currently empty space and alignment with councils' vision and financial investment into the former Hunter Mall area. The development is expected to generate substantial economic activity both during the construction phase and post-completion. It will create numerous jobs and attract businesses, contributing to the local economy. 	<p>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.</p> <ul style="list-style-type: none"> ▪ 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. ▪ The proposal will provide significant job opportunity during the short term construction phase but also the long term providing opportunity for retail and commercial sector.

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	<ul style="list-style-type: none"> The current conditions within Hunter Street are so degraded, my business will need to shut should this development not go ahead. 	
Heritage	<ul style="list-style-type: none"> Maintains heritage values. Respectful heritage design. The heritage structures on the site have been treated with respect and will enhance the development. 	<p>Agreed.</p> <ul style="list-style-type: none"> The modification does not change the approved heritage conservation strategy and instead results in an improved heritage conservation strategy. The Municipal Building is proposed to be retained; no addition is proposed atop of the building resulting in an improved heritage response. 105 and 111 Hunter Street facades are also proposed to be retained. Conservation of the façade was only envisaged or 105 Hunter Street, however Iris is also retaining the façade of 111 Hunter Street. Therefore, there is an improved heritage response.
Hill to Harbour View Corridor	<ul style="list-style-type: none"> The design for this corridor is simply remarkable and promises to become a landmark for Newcastle. It opens the view to the Christ Church Cathedral beautifully. The Cathedral was hidden by the carpark. There has been a very restricted view of the Cathedral spire or no view at all from the Hunter Street Mall and Market Street for generations. This proposal showcases the Cathedral for generations to come. We were glad that the Council has decided to remove the carpark and negotiated with the developer to amend their design to open and keep the view corridor exposing the Cathedral prominently towering above Newcastle. For the first 	<p>Agreed.</p> <ul style="list-style-type: none"> 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.

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	time we could see the Cathedral in its full glory from as far as Stockton.	
Social	<ul style="list-style-type: none"> Enhance the social fabric of the area by providing high-quality residential, commercial, and public spaces. It will foster a vibrant community and improve the quality of life for residents. For the city to be held back by an arbitrary objection concerning view impediments to the Newcastle Club is not in the best civic interests of the City. 	<p>Agreed.</p> <ul style="list-style-type: none"> 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 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.
Safety	<ul style="list-style-type: none"> Hunter Street Mall often feels unsafe, especially after dark. This sense of danger is a major deterrent for us and many others who would otherwise enjoy what Newcastle has to offer. The proposed development promises to revitalise this crucial part of the city, transforming it into a vibrant and secure environment. Enhanced lighting, better infrastructure, and new businesses and amenities will significantly improve the sense of safety and security. East End Stage 3 and 4 development is not just a project: it's a necessary step toward creating a safer, more dynamic city for all residents and visitors. 	<p>Agreed.</p> <ul style="list-style-type: none"> The new scheme will provide a renewed sense of security and safety for visitors and residents of the area, as the previously derelict site will be transformed into a high quality mixed use precinct.

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Object		
Visual impact and amenity impacts for the Newcastle Club	<ul style="list-style-type: none"> ▪ The proposed modification is clearly unacceptable as it significantly adversely affects the visual amenity of the Newcastle Club. ▪ Club grounds will be impacted by negatively amending the view and social fabric of these areas by removing one of the most important parts of socialising in these areas, the view. ▪ The additional view losses are not acceptable and are not in the best interests of the public. The developer and the council if the proposal is approved will be placing the short term monetary gain of a developer ahead of a significant historical building and the users of that building. ▪ One of the reasons the Newcastle Club is so popular is the amazing view from the terrace, the bar and many other areas within the Club grounds. To block this unique view will have an enormous detrimental impact on the Club's popularity. ▪ The City of Newcastle is extremely fortunate to have such a flourishing private Club and it would be a huge loss if its patronage was to suffer as a result of a such a high development. ▪ Given the Newcastle Club has been on this site for a very long time and enjoyed views of the richly associated working harbour, to have this impeded by another Development is nothing short of profiteering and outrageous. 	<p>Visibility (or a high level of visual effects- quantitative change as demonstrated in photomontages) does not directly equate to a visual impact.</p> <p>Urbis feel the claims that the impacts to and from the Newcastle Club are unacceptable are not well founded considering the Land and Environment Court Planning Principal for view sharing.</p> <p>The View Sharing and Visual Impact Assessment concluded the following regarding the Newcastle Club private views:</p> <ul style="list-style-type: none"> ▪ 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-northwest, 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. View loss is on all occasions caused by the approved Concept DA and / or permissible building envelope. ▪ 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.

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		Overall, the acceptability and reasonableness is determined to be moderate.
Inaccuracies in documentation	<ul style="list-style-type: none"> ▪ Urbis Report revealed so many inaccuracies that its usefulness as a decision-making tool should be void and the effects on our building by the concept modification proposal cannot possibly be described as “substantially the same”. 	The submissions that note inaccuracies did not point to specifics. Mills Oakley have provided a legal opinion that clearly states that they have reviewed Urbis’ documentation and arrived at a position that the development is substantially the same development. If there are inaccuracies, they are minor in nature and do not have a fundamental impact on decision making.
Substantially the same	<ul style="list-style-type: none"> ▪ The assertion that the concept modification proposal is “substantially the same” as the original consent proposal should be questioned. ▪ The use of modifications to push through developments that would otherwise face rejection undermines the integrity of the planning process. 	<p>A detailed assessment of substantially the same has been provided by Mills Oakley and Urbis in the submitted 8.2 documentation. The below provides a high-level summary. Some objectors’ claims are unfounded and do not rely on an assessment against relevant Case Law, therefore as simply opinion.</p> <p>In both <u>quantitative</u> and <u>qualitative</u> terms, the proposed development as modified will remain substantially the same as the development for which consent was originally granted.</p> <p>In our opinion and the opinion of CN, the proposal will remain the same ‘essentially’ or ‘materially’, being a mixed-use precinct. It is acknowledged that the proposed seeks to change the envelopes, increase the floor space ratio (but remain compliant with the prescribed under the Newcastle LEP 2012), and increase the height of the buildings. These changes have been deemed to be within the boundaries of a modification in Court cases, therefore in our opinion the proposed modification can be considered substantially the same.</p> <p>The proposed modification scope has been reviewed by both the DIP and UDRP. Both acknowledge the direction set in the Architectural Design Excellence Brief and the existing planning</p>

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		<p>controls and have provided their endorsement of the winning competition scheme.</p> <p>In qualitative terms, the land use remains to be a mixed-use development comprising of retail, commercial, public spaces residential apartments associated car parking & site works.</p> <p>The proposed modification will still deliver the vision and objectives established at DA2017/00701. In fact, the reason for the modification proposed to improve compliance with the vision and objectives established in the Newcastle DCP 2012 by re massing building envelopes to deliver the Harbour to Cathedral Park link and view corridor. This link was never contemplated to be delivered when the Concept DA consent was issued. If it had been, it is expected that the Concept DA consent would have reacted with changes to the concept massing similar or same as that sought in the modification before CN for assessment today.</p> <p>The proposed modification will improve the visual relationship to the Christ Church Cathedral from the Newcastle Harbour.</p> <p>The refinements improve the public domain experience, improve compliance with the ADG and Newcastle DCP 2012, and will generally improve internal amenity of apartments. The proposed modifications will not substantially change the overall precinct site composition and arrangement, alter the building type, heritage response or road network approach.</p>
Purchasing property based upon the approved Concept DA	<ul style="list-style-type: none"> Many property owners have purchased with an understanding of the proposed future development as outlined in the original consent and the concept modification significantly departs from these plans. 	<p>This is not a planning matter under the EP&A Act – this is supported by various LEC cases. Specifically, in <i>Alphatex Australia v The Hills Shire Council (No 2)</i> [2009], the Commissioner dismissed arguments regarding property values simply saying, “<i>I pay no regard to the fears about loss of property values as,</i></p>

Matter	Summary of Key Issues	Response to Key Issues
		<p><i>consistent with the position long taken in the Court, this is not a relevant planning consideration."</i></p> <p>Further, "Grollo v City of Melbourne" in Victoria, Australia found that the potential impact on property values was not a relevant planning consideration. The court stated that planning decisions should be based on planning merits, not economic impacts on individual property owners. Another example is the case of "Pradolin v Manningham CC" where the Victorian Civil and Administrative Tribunal (VCAT) stated that the potential for a development to affect property values is not a relevant planning consideration.</p>
<p>Impacts to the community enjoyment of view corridors to significant landmarks</p>	<ul style="list-style-type: none"> ▪ Directly impacts the community enjoyment of view corridors to significant landmarks. ▪ The longstanding Newcastle master plan deliberately and clearly states a clear visual corridor from the Cathedral to the Town Hall and to Customs House. This appeal completely ignores the panel's recent decision that the extended development by IRIS Capital would contravene these long held conventions. ▪ There was to be an open corridor from Hunter Street to the Cathedral. That benefit to Newcastle has gone. There is proposed more height in the development what benefit is that to Newcastle. ▪ The excessive modification application submitted by IRIS Capital will have a significant cumulative effect on the already significant view loss to and from the Newcastle Club to the north, as well as impacting other neighbouring properties such as the Cathedral. 	<p>55.6% of submissions are supportive of the development, most of these submissions highlight the public benefit of opening up the view corridor and the improved public open space.</p> <p>Documented Public Views (DCP) are protected and enhanced, and other public views are retained, protected and unaffected. The modification will not impact views to the Christ Church Cathedral as claimed by objectors.</p> <p>The claims that the proposal will impact significant landmarks including the Christ Church Cathedral are unfounded. The Cathedral will still be the prominent landmark it is from the Harbour or Stockton – claims that the Cathedral will be dwarfed or blocked by the Iris development are unfounded and not correct. 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 2012. Views to and from in the matter of the Newcastle Club were lost as part of the master plan approval.</p>

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	<ul style="list-style-type: none"> ▪ The iconic buildings of Nobbys lighthouse, The Cathedral (1902) and The Newcastle Club (1885) that face the Harbour are the best immediate visual representations of the early Newcastle establishment. They should be respected for their iconic longevity and visual representation of early Newcastle and not have the heritage screened from view when looking up from the Harbour. ▪ The development will detract from the vista of Christ Church Cathedral which should remain a focal point when looking up from the harbour. ▪ The proposed development by IRIS Capital will completely obscure the current cathedral skyline (an iconic view of Newcastle) and the views of all surrounding properties towards the Port. ▪ The height of the proposed development is inconsiderate to the heritage of the iconic buildings, residences, club and parkland to the southwest blocking all harbour and Stockton aspects. ▪ The promised view from the Newcastle Harbour to the top of "The Hill" must remain. To block this vision, this view is lost. The blocked view is NOT what was promised and planned and our Council must act to protect our heritage, in this case, the view from the Harbour, to the majestic "crowning" of Newcastle, that is, the entire part of "The Hill", as is now, and must remain so. 	
Traffic impacts	<ul style="list-style-type: none"> ▪ Impacts to the flow of traffic. 	<ul style="list-style-type: none"> ▪ No change is proposed, vehicular access for Stage 3 is from Thorn Street and Laing Street as per the Concept DA.

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		<ul style="list-style-type: none"> ▪ The road network is unchanged, the site is still bound by Hunter, Laing, Morgan, King and Newcomen streets. ▪ The traffic impacts of the overall proposal were considered as part of the original Concept DA and are acceptable and an expected strategic planning outcome for the area.
Reduced standard of living for precinct residents and businesses	<ul style="list-style-type: none"> ▪ Impacts to the standard of living for precinct residents and businesses. ▪ It impacts truly historic locations such as the hillside residents. 	<p>55.6% of submissions are supportive of the development, a core reason for support is the increase in standard for residents and businesses in East End including increased foot trade, improved safety and overall revitalisation of Hunter Street.</p> <p>The proposal will improve the standard of living for reasons as outlined above, given the proposal includes significant public benefits. The Hunter Mall Street precinct, east of Thorn Street is in a state of disrepair and is derelict. The area is in desperate need of investment which the Iris development will initiate. Property owners on the north side of Hunter Street are waiting for the Iris project to commence before committing to their own sites to – to suggest the standard of living will fall is nonsensical. The proposed results in benefits to the wider precinct residents and businesses as well as the future residents of Stage 3 and 4 East End. Any impacts to hillside residents are limited, the proposal provides broader public benefit.</p>
Height Exceedance	<ul style="list-style-type: none"> ▪ The application goes well in excess of the already approved DA2017/00701 building envelope. ▪ Iris Capital should not be granted additional height as requested in the modification application. The amenity provided to residents and businesses should be retained in line with the original submission, there is no clear reason for 	<p>As discussed above, a Clause 4.6 Variation Request has been submitted outlined the reasons for the exceedance. The proposed variation to the height standards demonstrates that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient planning grounds to justify this variation.</p> <p>In summary, these circumstances can be summarised as follows:</p>

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	<p>the modification being approved other than the Developer pushing for additional profit from the site's footprint.</p> <ul style="list-style-type: none"> ▪ Height must be sympathetic to all residents of King and Newcomen streets and park lovers. 	<ul style="list-style-type: none"> ▪ The proposed height variation will assist in delivering a <u>better heritage and conservation outcome for the Municipal Building</u>. The Concept DA and LEP controls allow for additional built form to be constructed on top of the Municipal Building. The Municipal Building has been retained 'freestanding' and unencumbered of additional storeys. This is because of the redistribution of building mass. Given this key move, the building mass above the Municipal Building was distributed and contributed to the height variation. The heritage benefit outweighs the impacts associated with the additional height of Stage 3. ▪ The proposed height variation allows for a significantly <u>improved public domain experience, enhanced public views, and pedestrian experience by the redistribution of massing</u>. The Concept DA and LEP controls allowed for a smaller 'Market Square.' In conjunction, with unlocking the view corridor, the reconfiguration improves the public domain experience and improves solar access to the City of Newcastle site to the south which will also be required to contribute to the Harbour to Cathedral link and vastly improves the view of the Cathedral to what otherwise would have been the case had the approved masterplan been implemented. ▪ The re-massing of the Stage 3 <u>unlocks the view corridor between the Harbour and the Cathedral, which was not envisaged in the Concept DA</u>. The Concept DA and LEP controls approved building mass across the view corridor. This building mass has been moved and located atop of the proposed building 3S to deliver CN's desired public domain outcome and preserves the amenity that was inherent in the approved building mass scheme. Put simply, the movement of the building to facilitate the Harbour to Cathedral corridor and a

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		<p>better public plaza has been placed on other building's on the premise that Iris is no worse off accommodating the corridor.</p> <ul style="list-style-type: none"> ▪ The proposed variation <u>does not result in any unreasonable impacts to surrounding private and adjacent properties</u>. The additional building height (above the Concept DA) will not result in unreasonable impacts to public spaces adjacent residential developments. Most overshadowing falls within the approved concept DA massing with only small increments of shadow falling outside of the approved envelopes. <p>Overall, the additional height as a result of the re massing of the Concept DA is considered justifiable from an environmental planning perspective as it delivers a significant public benefit.</p> <p>Furthermore, a key driver for the proposal is to strategically redistribute height and floor space from the part of the approved Concept DA (specifically the part of the building envelope which impeded the visual and pedestrian links to the Cathedral).CN were not supportive of a competition brief for proposals which would have maintained the building envelope/form of the approved Concept DA, however Iris maintained a fundamental right to the developable floor space it was committed to when it purchased the site with the masterplan DA in place. Therefore, the competition winning scheme (and subsequent DIP and UDRP meetings following this) have reviewed the appropriateness of this change to the original Concept DA in a very detailed manner from a design, form and impact perspective.</p>
Significant cumulative	<ul style="list-style-type: none"> ▪ The application submitted will have a significant cumulative effect on view loss. 	<p>Documented Public Views (DCP) are protected and enhanced and other public views are retained, protected and unaffected including Nobbys Beach and the breakwater. Further, the modification will</p>

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effect on view loss	<ul style="list-style-type: none"> Vista from as far as the Nobbys beach and Breakwater will also be negatively impacted on. 	<p>not impact views to the Christ Church Cathedral as claimed by objectors.</p> <p>Impacts have been determined to be reasonable by Jane Maze-Riley and CN. It is not considered that a "...more skilled design.." could reasonably provide for a better outcome balancing the "...same development potential and amenity.." against a reduction in "...the impact on the views of neighbours."</p>
Impacts to skyline	<ul style="list-style-type: none"> The skyline is as iconic as it is historic. The vista of the ridge line of Church Street is majestic when looking up from the Harbour. There is an increasing visitation from cruise ships. What visual experience will visitors get with higher buildings blocking this vista. Our city being irretrievably harmed by over development. 	<p>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 Church Street ridge and the cathedral will retain its prominence at the top of the hill for visitors when entering the Harbour.</p>
Development only benefits the developer not Newcastle	<ul style="list-style-type: none"> Benefits to the developer, increased financial gain in an already profitable development or they would not have started. Benefits to Newcastle none. 	<p>55.6% of submissions are supportive of the development and highlight the significant public benefit of the proposal therefore this position is not reflectivity of the entire community. As noted above, the proposal results in significant public benefits which will provide opportunities to the wider public and not just those within Stage 3 and 4 East End.</p> <p>The developer simply seeks to retain was approved under the masterplan consent. The Harbour to Cathedral corridor required movement of building mass and retaining the mass and amenity could only be achieved from a variation to height.</p>
View impacts to residents on Newcomen	<ul style="list-style-type: none"> The excessive modification application submitted by IRIS Capital will have a significant cumulative effect on the already significant view loss to and from establishments on Newcomen Street to the north. 	<p>Visibility (or a high level of visual effects- quantitate change as demonstrated in photomontages) does not directly equate to a visual impact.</p>

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Street to the north		<p>The View Sharing and Visual Impact Assessment concluded the following regarding Newcomen Apartment private views:</p> <ul style="list-style-type: none"> ▪ The formal presentation of Newcomen Apartments is east, facing Newcomen Street. All views to the south and east will be unaffected by the proposal. All balconies and windows at the eastern elevation will remain unaffected by the proposal. ▪ Views from a limited number of upper-level dwellings on the western side of the building will be affected to the west and south. ▪ The most scenic and highly valued view compositions (in Tenacity terms) to the north-east are retained and remain unaffected by the proposal. <p>Overall, the acceptability and reasonableness is determined to be minor.</p>
Heritage	<ul style="list-style-type: none"> ▪ Newcastle should preserve its heritage and showcase buildings from past eras and include new development with tasteful respect to the assets of our vital city. 	<p>Part of the site is a local heritage item, the Municipal Building (No. 1403) located at 121 Hunter Street. The Municipal Building has been retained as 'freestanding' and unencumbered of additional storeys. This key move provides a positive heritage response as the heritage fabric of the building is able to be maintained and adaptively reused.</p> <p>The proposal also includes the retention of contributory heritage facades on Hunter Street. This ensures the new built form, mixed with the unique and historic facades complements the historical significance of the area by providing a unique mix of architecture within the city centre.</p> <p>Located south of the site is a state heritage item, known as Christ Church Cathedral, Cemetery and Cathedral Park (No. 1562), situated at 52A Church Street. The proposal is very cognisant of</p>

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		<p>the significance of this item and accordingly provides a view corridor from the Harbour all the way up to the cathedral. This view frames the item between the new built form, creating a highly positive heritage and public domain response.</p> <p>The timber building at 74 King Street was approved for demolition by CN is now demolished, therefore this is no longer a valid consideration for this DA.</p>
Property Values	<ul style="list-style-type: none"> ▪ Enormous detrimental impact in several ways with the value of dwellings and public buildings in the area being negatively affected. This area is a high value area with many buildings enjoying a unique view such as the one afforded the Newcastle Club and surrounding properties. They each maintain a premium value as a result of this view which will likely plummet if the IRIS Capital development goes ahead at its current proposed height. 	<p>As above, property values are not a planning consideration. Specifically, in <i>Alphatex Australia v The Hills Shire Council (No 2)</i> [2009], the Commissioner dismissed arguments regarding property values simply saying, <i>"I pay no regard to the fears about loss of property values as, consistent with the position long taken in the Court, this is not a relevant planning consideration."</i></p> <p>Leaving aside planning issues, it is the applicant's view that property values will actually increase as a result of this development as the area will have improved amenity, be safer and received hundreds of millions of investment dollars in an area of the city that should, but in actuality, does not showcase Newcastle.</p>
Parking	<ul style="list-style-type: none"> ▪ Newcastle City Centre is already struggling due to a deficiency in parking places. To allow the current proposal from IRIS Capital to go through is only going to create additional pressure on what is already a struggling resource. Whilst the plans might allow for one parking place per unit, many households have multiple vehicles with tenants of the complex challenging current residents for the existing spaces which are already heavily in demand. ▪ The removal of the council car park coupled has already impacted and with another large influx of residents without 	<p>As discussed within the 8.2 Report lodged with the application, the proposal does not result in a residential use car parking deficiency.</p> <p>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 in Stage 1 and 2 would exist even if Stage 3 and 4 was not approved. There is no deficiency of commercial car parking in Stage 3 and 4. The commercial car parking is fully compliant with the in force Development Control Plan.</p>

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	<p>sufficient additional parking spaces will make traffic and parking even worse.</p> <ul style="list-style-type: none"> ▪ The removal of the King Street carpark made parking impossible. With the proposed development in question this will become even more ridiculous for a developing city. You only have to drive around the east end of town to the north or south to discover that in the late afternoon there are no car park available due to residents of apartment buildings parking their second car in the street as they often only have single parking under their apartments. ▪ There is no sign of adequate parking for the increased number of residents nor visitors. 	<p>The entirety of the precinct is deficient by 76 visitor parking spaces. This 'deficiency' is based on a calculation in the DCP that has now been replaced by a new DCP method of calculation. 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.</p> <p>However, the recent DCP changes specify that visitor parking be assessed on merit based grounds – and on this basis, the visitor car parking provided areas across all 4 blocks were deemed sufficient, the conclusion being that under the current DCP, there is no deficiency in car parking.</p> <p>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. 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.</p> <p>It is also noted the car parking survey which was undertaken following a brief provided by CN 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.</p>

Matter	Summary of Key Issues	Response to Key Issues
Public Interest	<ul style="list-style-type: none"> ▪ This specific development amendment is not in the public interest, it is not in the interest of Newcastle residents, tourists, and working population. 	<p>55.6% of submissions are supportive of the development, demonstrating a large proportion of the community see that the proposal is in the public interest. Key reasons that the proposal is in the public interest are outlined below:</p> <ul style="list-style-type: none"> ▪ The UDRP considers the Concept to be strongly in the Public interest. ▪ 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 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 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

Matter	Summary of Key Issues	Response to Key Issues
		<p>positive contribution to Hunter Street when compared to the Concept DA scheme.</p> <ul style="list-style-type: none"> ▪ 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

Matter	Summary of Key Issues	Response to Key Issues
		<p>redistribution of building mass. This key move provides a positive heritage response.</p> <ul style="list-style-type: none"> ▪ 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.

Matter	Summary of Key Issues	Response to Key Issues
		<ul style="list-style-type: none"> Residents, business owners and other adjacent property owners all want investment in the Hunter Street Mall precinct – the area is derelict and has been void of investment for 30 + years, leading it to become unsightly, unsafe and an awful reflection of the city of Newcastle. The development will accommodate investment, provide desperately needed housing and create jobs during construction and post completion.
Design of buildings	<ul style="list-style-type: none"> The design of the buildings is not timeless. The new modern building is not conducive to the area and spoils the dignity of the location. Object to the design being changed between the first application more recently. Concern about how the building will age and integrate with the timeless charm of Newcastle 	<p>This is an opinion. The UDRP, DIP and Design Competition jury have determined that the proposal is well designed. Key facts below:</p> <ul style="list-style-type: none"> The UDRP strongly supports the Concept Modification proposal in its current form. 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. The UDRP support the application and no further changes are suggested to the Concept. 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 design was developed in coordination with First Nations people who are proud to have partaken in the process and the outcome that has been achieved. 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

Matter	Summary of Key Issues	Response to Key Issues
		<p>Stage 3 reinforces the notion of a playful skyline and the topography of the Hill, creating a positive contribution to Hunter Street when compared to the Concept DA scheme.</p> <ul style="list-style-type: none"> The proposal is sympathetic to the surrounding context and is a well-designed scheme incorporating several heritage elements that unlocks the site's potential and provide significant community, local and regional social, environmental, and economic benefits.
Overshadowing	<ul style="list-style-type: none"> The excessive height and density of the proposed development will also result in overshadowing, depriving surrounding properties of natural light and obstructing views that have been integral to the enjoyment of many historical buildings and homes. 	<p>Shadow Analysis has been prepared by SJB, this analysis demonstrates:</p> <p><u>Residents:</u></p> <p>In terms of key surrounding development:</p> <ul style="list-style-type: none"> The Herald: the Herald apartments in the south-west corner of the site will be slightly impacted by the additional height between 1:00pm and 2:00pm at level 1 only – it is assumed 1 to 2 apartments are impacted briefly. Apartments above Level 02 will receive solar access at 1:00pm (refer to Figure 17). The concept DA massing would have overshadowed The Herald after 2:00pm. 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 (2 hours). Newcomen Street residents (western side): the western side of Newcomen Street will receive morning sun between 9am

Matter	Summary of Key Issues	Response to Key Issues
		<p>and 11am. The modification to the Concept DA will not change the solar access provisions for these buildings.</p> <p><u>Newcastle Club:</u></p> <ul style="list-style-type: none"> the overshadowing impacts are marginally increased, specifically for the northern garden area. The building itself will not be overshadowed after 11am. However, the additional shadowing does not prevent the northern façade of the club receiving solar access between 9am and 3:00pm. <p><u>Public Domain:</u></p> <p>The diagrams 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 worst assessment period, the 21 June time period (winter solstice).</p> <p>In addition, the overshadowing impacts are improved on CN's carpark site with the proposed scheme compared to the Concept DA because of the redistributed building mass. The re massing and inclusion 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.</p>
Impacts to public open space	<ul style="list-style-type: none"> The modification will affect the peaceful enjoyment of the park. Loss of the city's amenities such as the Cathedral and its parkland. 	<p>The proposed modification will not result in any overshadowing to the Cathedral Park or Christ Church Cathedral grounds after 10:00am at the worst assessment day on 21 June (Winter Solstice). The public open space will continue to have high quality solar access, with 6 hours of direct solar access between 9:00am and 3:00pm. The Cathedral Park will still be available for use, and</p>

Matter	Summary of Key Issues	Response to Key Issues
		the proposal does not impact the “peaceful enjoyment” or reduce amenity. The development is significant setback and separate by King Street from the Cathedral Park, this objection is not well founded.

4. RESPONSE TO NEWCASTLE CLUB AND COMMUNITY GROUPS

4.1. NEWCASTLE CLUB

Table 3 Detailed response to Newcastle Club

Matter and Key Issue	Response
<p>Lack of Engagement with Neighbouring Stakeholders by City of Newcastle and Iris</p> <p>Had the applicant and/or CN sought to undertake a more collaborative good will approach with the Newcastle Club and other concerned community organizations as opposed to their chosen adversarial path; I am confident that enough common ground could have been found so that all parties could have been satisfied and in the best interest of the city.</p>	<p>The community was invited to provide comment on the following occasions:</p> <ul style="list-style-type: none"> 13 June 2023 to 18 July 2023 20 June 2024 to 04 July 2024 <p>Consultation has occurred as per City of Newcastle’s Community Participation Plan and the EP&A Act 1979.</p>
<p>Conflict of Interest</p> <p>The strategic and commercial ambitions of both the applicant and CN are so harmoniously intertwined that it is impossible to distinguish any discernible differences.</p> <p>With CN being a beneficial neighbouring landowner to the applicant and being the local consent authority charged with producing an unbiased, objective and arm’s length final application assessment to the HCCRPP, they remain in an impossibly compromised and conflicted situation.</p>	<p>Iris and City of Newcastle act independently and have no financial connection or familial relationship. All development applications require significant coordination between the consent authority and the Applicant to ensure the delivery of an outcome that benefits the community. This 8.2 review is being independently assessed and will be considered by an independent Planning Panel.</p> <p>Any conflicts of interest would be dealt with under City of Newcastle’s “Managing conflicts of interest for City of Newcastle-related development – Policy.” No such conflict has arisen.</p>

Matter and Key Issue	Response
<p>Cumulative Effect of the view loss to the Newcastle Club and other effect residents</p> <p>There is misleading and self-serving VIA deliberately gives no mathematical weighting to any view loss suffered by the Newcastle Club already approved under DA2017/00701, by deceptively asserting that it forms no part in the baseline calculation of the quantitative cumulative effect on the Club's total view loss when the MA2023/00175 height increases and new Building 3S view losses are combined with DA2017/00701 approved heights.</p>	<p>Visibility (or a high level of visual effects- quantitate change as demonstrated in photomontages) does not directly equate to a visual impact.</p> <p>Urbis feel the claims that the impacts to and from the Newcastle Club are unacceptable are not well founded considering the Land and Environment Court Planning Principal for view sharing.</p> <p>The View Sharing and Visual Impact Assessment concluded the following regarding the Newcastle Club private views:</p> <ul style="list-style-type: none"> ▪ 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-northwest, 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. View loss is on all occasions caused by the approved Concept DA and / or permissible building envelope. ▪ 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. <p>Overall, the acceptability and reasonableness is determined to be moderate.</p>
<p>CN car park site</p>	<p>Iris Capital does not have a financial interest or control over the CN car park site – therefore this matter is out of the Applicant's control. This</p>

Matter and Key Issue	Response
<p>The replacement of the 380 lost car parking spaces created by the opportunistic strategic demolition of CN's own King Street car park was never definitively articulated to the previous planning panel despite being specifically requested to present details prior to the previous HCCRPP assessment.</p> <p>It is clearly understood by us that IRIS Capital technically, has no responsibility for what will replace the old CN car park, however, should there be any planning or design element contained within MA2023/00701 reliant on having an unequivocal and guaranteed commitment from CN about what will be replacing the old car park, then consideration of approval of MA2023/00175 should not be contemplated by the panel. You cannot put the cart before the horse, regardless if the horse is owned by the endlessly conflicted CN.</p>	<p>development does not have a reliance on the redevelopment of the CN car park site, and therefore these sites should not be tied together. CN have indicated that the plans for the site are still be explored.</p> <p>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 in Stage 1 and 2 would exist even if Stage 3 and 4 was not approved. There is no deficiency of commercial car parking in Stage 3 and 4. The commercial car parking is fully compliant with the in force Development Control Plan.</p> <p>The entirety of the precinct is deficient by 76 visitor parking spaces. This 'deficiency' is based on a calculation in the DCP that has now been replaced by a new DCP method of calculation. 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.</p> <p>However, the recent DCP changes specify that visitor parking be assessed on merit based grounds – and on this basis, the visitor car parking provided areas across all 4 blocks were deemed sufficient, the conclusion being that under the current DCP, there is no deficiency in car parking.</p> <p>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. 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.</p>

Matter and Key Issue	Response
	It is also noted the car parking survey which was undertaken following a brief provided by CN 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.
Media Attention Since the HCCRPP's first rejection of MA2023/00175 on 14th May 2024, the applicant IRIS Capital has been very public in vocalizing their understandable disappointment at the rejection decision. Seemingly, in an orchestrated attempt to build public pressure on the new planning panel to overturn the rejection decision through RE2024/00002, they have been quoted in numerous media articles with the applicant making comments such as, the recent planning panel decision "could leave the centre of Newcastle with a hoarded-up hole in the ground for years to come,"	This is not a planning matter and is simply an opinion by objection. No further comment.

4.2. NEWCASTLE INNER CITY RESIDENTS' ALLIANCE

Table 4 Detailed response to Newcastle Inner City Residents' Alliance

Matter and Key Issue	Response
Substantially the Same The applicant has failed to address a chief concern of the HCCRPP – that Iris's Stage 3 & 4 modifications are NOT substantially the same as those approved in the 2017 DA. Iris Capital ignores this obvious fact and continues to re-state falsehoods that its modifications are substantially the same as the already approved 2017 master plan, which they are not.	As above. A detailed assessment of substantially the same has been provided by Mills Oakley and Urbis in the submitted 8.2 documentation. The below provides a high-level summary. Some objectors' claims are unfounded and do not rely on an assessment against relevant Case Law, therefore as simply opinion.

Matter and Key Issue	Response
<p>Adverse Impacts on many public vistas and private views</p> <p>There will be severe adverse impacts on many public vistas and private views to and from Christ Church Cathedral, The Hill, Segenhoe Flats, Nobby's headland, Fort Scratchley, the harbour foreshore and Stockton. The proposed elevated maximum building heights and increased building envelopes in the amended plans are excessive. Iris is seeking to privatise iconic public views and vistas for greedy profit. This reinforces NICRA's position that the Iris plans cannot be considered essentially the same development as the approved Master Plan protects significant iconic views of landmark heritage buildings. If approved the amended plans will take the public's iconic views and vistas forever.</p>	<p>Documented Public Views (DCP) are protected and enhanced, and other public views are retained, protected and unaffected. The modification will not impact views to the Christ Church Cathedral as claimed by objectors.</p> <p>Urbis are confident that the proposal is acceptable in terms of its cumulative impacts on both public and private views. This is a view supported by Councils Urban Design Review Panel. 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.</p>
<p>The previous HCCRPP panel was concerned about the cumulative impact of all East End - Stages 1, 2, 3 and 4).</p> <p>This aspect has not been adequately addressed by the applicant. Taken individually, each of the stages could appear to be appropriate for a Heritage Conservation Area, but together they are too imposing and too dominating to respect the existing heritage stock of adjacent buildings. The cumulative effects will certainly cause lasting damage to the heritage area. Large modern buildings will dominate and re-define this part of the city. The major loss of iconic public and private view across a wide area; the reliance on already stressed street parking across the four stages, and combined with narrowed corridor views of the landmark Christ Church Cathedral from multiple locations will represent a significant degradation of the area's heritage value.</p>	<p>The comment from the Planning Panel regarding 'cumulative impact' was in regard to views and limited to Stage 3 and 4 which was the matter under assessment. It is completely misleading to suggest the previous HCCRPP was concerned about the cumulative impact of all of the East End Development. Urbis are confident that the proposal is acceptable in terms of its cumulative impacts on both public and private views for Stages 3 and 4. 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.</p>
<p>The demolition of Council's King Street car park raises two major issues.</p> <p>The original (approved) Iris Capital DA and the later amended modification depend on the use of the council car park for Iris's parking shortfall. Now the car park is no available, CN and Iris are saying the 75% overflow parking</p>	<p>Iris Capital does not have a financial interest or control over the CN car park site – therefore this matter is out of the Applicant's control. This development does not have a reliance on the redevelopment of the CN car park site, and therefore these sites should not be tied together. CN have indicated that the plans for the site are still be explored.</p>

Matter and Key Issue	Response
can easily be accommodated on surrounding streets! Is this magical thinking?	
Furthermore, there is no certainty about what will be built on the former King Street car park site . Will it add even more density to this small historic fragment of Newcastle? Will the claimed view corridor – a tunnel view of Christ Church Cathedral – be blocked by whatever is built on the former King Street car park site? In all probability, CN will sell this land to a developer who could expect to build to the same size and height as Iris Capital's proposed Stages 3 & 4 buildings.	Iris Capital does not have a financial interest or control over the CN car park site – therefore this matter is out of the Applicant's control. This development does not have a reliance on the redevelopment of the CN car park site, and therefore these sites should not be tied together. CN have indicated that the plans for the site are still be explored.
The proposed large apartment buildings will dwarf Christ Church Cathedral, and provide corridor views only. They block views to and from three State significant heritage buildings – Christ Church Cathedral; Segenhoe Apartments in Wolfe Street, and Newcastle Club, Cr King and Newcomen Streets . The only view of the Cathedral in context on The Hill, behind the harbour, will be seen from Stockton. All other views will be glimpses framed by enormous modern buildings.	This is a misleading and incorrect statement. Documented public views (DCP) are protected and enhanced and other public views are retained, protected and unaffected. The modification will not impact views to the Christ Church Cathedral as claimed by objectors.
Also, if Iris's amended proposal is approved by a new Hunter Central Coast Regional Planning Panel, the Cathedral Park Revitalisation Project (including installing public viewing platforms looking to the north-east (Nobby's headland) and north-west (Wickham) will be severely impacted.	<p>The proposal will not impact the Cathedral Park Revitalisation Project. The proposed modification will not result in any overshadowing to the Cathedral Park or Christ Church Cathedral grounds after 10:00am on 21 June (Winter Solstice). The public open space will continue to have high quality solar access, with 6 hours of direct solar access between 9:00am and 3:00pm. The Cathedral Park will still be available for use, and the proposal does not impact the "peaceful enjoyment" or reduce amenity. The development is significant setback and separate by King Street from the Cathedral Park, this objection is not well founded.</p> <p>The Cathedral Park Revitalisation Project states:</p> <p><i>The Newcastle DCP Element 6.2 which covers City East - identifies that the view corridor from the Cathedral to the foreshore, and vice versa, from the foreshore and Hunter Street Mall to the Cathedral, is of the highest</i></p>

Matter and Key Issue	Response
	<p><i>importance to the City and should be retained and enhanced in any public or private development.</i></p> <p>The proposal delivers a better outcome that is more aligned with this objective.</p>
<p>The City of Newcastle appears to have significant Conflict of Interest issues when it comes to working with Iris Capital. By endorsing Iris Capital's amended East End – Stages 3 & 4 plan, which is clearly not substantially the same as the 2017 Master Plan, CN has demonstrated a cosy relationship with Iris Capital in support of the developer's vision. This is a professional relationship lacking in sufficient transparency and accountability. A apparent lack of objectivity and impartiality on the part of CN is also evident when CN has publicly celebrated the amended Stages 3 & 4 plans.</p>	<p>Iris and City of Newcastle act independently and have no financial connection or familial relationship. All development applications require significant coordination between the consent authority and the Applicant to ensure the delivery of an outcome that benefits the community. This 8.2 review is being independently assessed and will be considered by an independent Planning Panel.</p> <p>Any conflicts of interest would be dealt with under City of Newcastle's "Managing conflicts of interest for City of Newcastle-related development – Policy." No such conflict has arisen.</p>
<p>Many in the community are dissatisfied with Newcastle council ignoring its own Master Plan for this sensitive heritage precinct and favouring Iris's greedy amended vision. Also council's 2023 demolition approvals for the King Street car park and selected East End - Stage 4 heritage properties, including the important c.1862 wooden house, clearly demonstrate that the CN is prepared to weather any adverse publicity to support Iris Capital. The responsibility for these major planning blunders rests with CN.</p>	<p>This is not a consideration for this 8.2 review.</p>
<p>For the last HCCRPP panel determination, Newcastle council wrote a glowing endorsement of Iris Capital's amended East End – Stages 3 & 4 design and concluded there were no negative effects. Fortunately, HCCRPP panel members made up their own minds and rejected Iris's MA application. Council is again tasked with writing a so-called 'independent' report. This time for the new Hunter Central Coast Regional Planning Panel which will make a determination on this Review and the earlier ruling. Will</p>	<p>Iris and City of Newcastle act independently and have no financial connection or familial relationship. Claims of poor governance are unfounded and simply incorrect. All development applications require significant coordination between the consent authority and the Applicant to ensure the delivery of an outcome that benefits the community. This 8.2 review is being independently assessed and will be considered by an independent Planning Panel.</p>

Matter and Key Issue	Response
CN again try to demonstrate why the earlier HCCRPP ruling rejecting Iris Capital's proposed development occurred and was wrong?	Any conflicts of interest would be dealt with under City of Newcastle's "Managing conflicts of interest for City of Newcastle-related development – Policy." No such conflicts have arisen.

4.3. NEWCASTLE EAST RESIDENTS GROUP INC

Table 5 Detailed response to Newcastle Inner City Residents' Alliance

Matter and Key Issue	Response
<p>Development is not substantially the same</p> <p>The development changed significantly through various modifications to stages 1 and 2. NERG argues that there is nothing to suggest that stages 3 and 4 will be different. Concerns arise that the developer is conflating the stages artificially to reduce the apparent impact of stages 3 and 4.</p> <p>Changes in the modification application relating to contravention of the existing grid layout and heritage considerations are distinctions that NERG recognise as not substantially the same development.</p> <p>Original concept plan has been ignored in favour of spot rezoning and increased heights. This significantly alters the view of the precinct from outside of the Newcastle city centre.</p>	<p>As above. A detailed assessment of substantially the same has been provided by Mills Oakley and Urbis in the submitted 8.2 documentation. The below provides a high-level summary. Some objectors' claims are unfounded and do not rely on an assessment against relevant Case Law, therefore as simply opinion.</p>
<p>Cumulative Impacts not addressed</p> <p>The applicant nor the City of Newcastle report supporting the approval to the modification address the cumulative impacts of stages 1,2,3 and 4.</p>	<p>The comment from the Planning Panel regarding 'cumulative impact' was in regard to views. 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.</p>
<p>Heritage Considerations Ignored</p>	<p>Heritage has been a key focus. The Municipal Building is proposed to be retained; no addition is proposed atop of the building resulting in an</p>

Matter and Key Issue	Response
<p>The Municipal building will not have a stand-alone perception due to the bulk and scale of the adjoining modern building. Municipal building will also be altered with new banks of windows on the western end.</p> <p>Historic buildings are subsumed by more modern, larger buildings in the HCA. This reduces the 'visual character' of the city centre.</p>	<p>improved heritage response. The heritage response has been accepted by the Planning Panel (not a key reason for refusal), Heritage NSW and City of Newcastle's Heritage Advisor.</p> <p>Part of the site is a local heritage item, the Municipal Building (No. I403) located at 121 Hunter Street. The Municipal Building has been retained as 'freestanding' and unencumbered of additional storeys. This key move provides a positive heritage response as the heritage fabric of the building is able to be maintained and adaptively reused.</p> <p>The proposal also includes the retention of contributory heritage facades on Hunter Street. This ensures the new built form, mixed with the unique and historic facades complements the historical significance of the area by providing a unique mix of architecture within the city centre.</p> <p>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. The proposal is very cognisant of the significance of this item and accordingly provides a view corridor from the Harbour all the way up to the cathedral. This view frames the item between the new built form, creating a highly positive heritage and public domain response.</p> <p>The timber building at 74 King Street was approved for demolition by CN and now demolished, therefore this is no longer a valid consideration for this DA.</p>
<p>Parking</p> <p>There are several flaws and faulty assumptions on the parking report which have not been address or explained within the Addendum to Traffic and Parking Studies.</p> <p>Key parking matters include:</p>	<p>There is no residential use car parking deficiency.</p> <p>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 or was not approved.</p>

Matter and Key Issue	Response
<ul style="list-style-type: none"> ▪ 10 additional parking spaces mandated in conditions have been modified down to 5 with no explanation. ▪ Parking survey used as a base assumption was taken in winter during construction – leading to a lower parking rate required than reality would dictate. ▪ Parking as far as 700m was included in the parking survey. This is considered unrealistically far for more people parking to walk. ▪ Parking rates should be consistent with previous DCP provisions as the original approved was under the old DCP and not the new NDCP. The shortfall of 113 car spaces has not been addressed. 	<p>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.</p> <p>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.</p> <p>The DCP does not have any saving provisions, therefore DCP 2023 is the most appropriate basis for assessment.</p>
<p>View Impacts and Public Domain</p> <p>Bulk and scale of buildings will alter the pedestrian domain experience and diminish views of the Cathedral. In contrast to the original approved concept plan, the only view from the Cathedral will be from Stockton, not the rest of the city. This undermines the role of the Cathedral sitting on the highest topography of the city.</p> <p>Buildings 3S and 4S should be reduced in height as they block existing views of Nobbys and have a more significant impact than the modification</p>	<p>Documented public views (DCP) are protected and enhanced and other public views are retained, protected and unaffected. The modification will not impact views to the Christ Church Cathedral as claimed by objectors.</p> <p>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.</p>

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<p>report indicates. This can be avoided by redistributing the additional height among other buildings.</p> <p>As Nobbys is the most iconic view in Newcastle, the significant view loss to Nobbys should be classified as more significant than that of a 'minor impact'.</p>	
<p>Development is not in the public interest</p> <p>Council is not remaining impartial and objective in their assessment of the development, and has been assisting the applicant in gaining approval of the development when it contravenes the LEP.</p> <p>The approval of the modification will set a dangerous precedent for all HCAs and does not properly consider external impact outside of the site in question.</p> <p>No indication the proponent will honour the consent and not seek further extensions/modifications as was previously done in stage 1 and stage 2 of the development.</p>	<p>55.6% of submissions are supportive of the development, demonstrating a large proportion of the community see that the proposal is in the public interest. Any conflicts of interest would be dealt with under City of Newcastle's "Managing conflicts of interest for City of Newcastle-related development – Policy." No such conflicts have arisen.</p> <p>Key reasons that the proposal is in the public interest are outlined below:</p> <ul style="list-style-type: none"> ▪ The UDRP considers the Concept to be strongly in the public interest. ▪ 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 sites historic and originally intended use. Market Square is left open to

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	<p>possibility and will be able to adapt to the community needs including community markets, food festivals, open air cinema and small concerts.</p> <ul style="list-style-type: none"> ▪ 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."

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	<ul style="list-style-type: none"> ▪ 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. ▪ Residents, business owners and other adjacent property owners all want investment in the Hunter Street Mall precinct – the area is derelict

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	<p>and has been void of investment for 30 + years, leading it to become unsightly, unsafe and an awful reflection of the city of Newcastle. The development will accommodate investment, provide desperately needed housing and create jobs during construction and post completion.</p>