

# URBAN DESIGN REVIEW PANEL Report



<b>Meeting:</b>	<b>UDRP – 27<sup>th</sup> September 2023</b>
<b>Date</b>	27 September 2023
<b>Chair:</b>	<b>Philip Pollard</b> , Urban Design Review Panel
<b>Attendees:</b>	Colin Brady, Member, Urban Design Review Panel Kerry Hunter, Member, Urban Design Review Panel Kristy Cianci (Ryan), Member, Urban Design Review Panel
	Elle Durrant, Panel Coordinator, City of Newcastle Ellise Redriff, Business Support Officer, City of Newcastle

AGENDA	Item	Description
	<b>2</b>	<b>Matters for consideration.</b>
2:30pm-3:30pm	<b>2.5</b>	<b>UD2023/00349 - DA2023/00886</b>
[60 mins]		<b>1 Brunner Road Broadmeadow</b>
		Mixed use - pub, tourist and visitor accommodation, commercial premises and forty-eight (48) residential dwellings including demolition of existing structures
		<b>Attendees:</b>
		Applicant:
		Architect - Kim Jones, C/- JSA Studio Landscape - CAB Consulting
		Applicant - George Thomas Hotels (Premier) Pty Ltd
		Officer:
		Damian Jaeger Principal Development Officer (Planning), City of Newcastle

*In the interest of providing open access to information to the public this referral will be made available on City of Newcastle's (CN's) Application Tracking system.*

*The content of this advice is intended to provide information for the Assessment Officer to consider in the determination of the relevant application. The Urban Design Review Panel (UDRP) is an advisory Panel only and the advice provided by the Panel is to inform the assessment process. It is not the purpose of the UDRP to have any role in the determination of development applications, nor are its recommendations binding on CN's determination of an application.*

**NOTE: The comments included in this draft document are the view of the Panel at the time of the meeting noting that subsequent information and input may alter the Panels final opinion.**

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## Scope

The following drawings / documents have been reviewed:

Plan No / Supporting Document	Prepared by	Reference/ date
Architectural Drawings – DA2023-00886 1-3 Brunker Road Broadmeadow (33 sheets)	JSA Studio	16.08.2023
Landscape Concept DA2023-00886 1-3 Brunker Road Broadmeadow (1 sheet)	CAB Consulting	June 2023
App 18 - Access Capability Compliance Statement_Premier Hotel_Redevelopment_- 1 Broadmeadow Road Broadmeadow	BlackettMcGuireGoldsmith	
CPTED Report - 1 Brunker Road Broadmeadow	De Witt Consulting	
SEPP Compliance - 1 Broadmeadow Road Broadmeadow	JSA Studio	
SEPP 65 Design Statement_- 1 Broadmeadow Road Broadmeadow	JSA Studio	
Social Impact Assessment - 1 Brunker Road Broadmeadow	De Witt Consulting	
Statement of Environmental Effects - 1 Brunker Road	Blakely Global	
Urban Design Statement - 1 Brunker Road Broadmeadow	De Witt Consulting	
Waste Management Plan – 1 Brunker Road Broadmeadow	De Witt Consulting	

1. Context and Neighbourhood Character
<p>27<sup>th</sup> September 2023</p> <p><u>General</u></p> <ul style="list-style-type: none"> <li>- The UDRP noted that no consultation had occurred with it or CN Officers in respect to the proposal prior to its lodgment as a formal Development Application. Given the considerable departures from the pertaining controls, this was considered to have been an opportunity for introducing the proposal and the context in which it is intended. The proposal has been lodged as a stand-alone DA and proposes significant departures from the public policies, including variations to 185% height, 46% FSR, 21 space deficit for car-parking.</li> <li>- The proposal relies on broad statements of strategic plans and dismisses the existing controls and policies as unsound or unnecessary (e.g. NLEP 2012/NDCP 2012). If this contention has merit, a full holistic urban testing is required of the broader area by Council.</li> <li>- UDRP considers such a proposal better suited to consideration as a planning proposal as working with Council on the needed strategic input is fundamental in determining appropriate development form of such an urban intensification project.</li> <li>- As proposed, the proposition is difficult to justify on merit, and this has not been demonstrated.</li> </ul> <p>a) <u>Response to Country</u></p> <p>i. Urban Statement by Blakely Global and the SJA architectural documents:</p> <ul style="list-style-type: none"> <li>- SEPP 65 Design Response – single cursory paragraph with a single graphic and a predetermined outcome limited to a particular part of the site is inconsistent with meaningful engagement, or as an appropriate design response.</li> <li>- Meaningful engagement needs to be sought early in the concept design stage and guiding through to the final built outcome. The application has not indicated engagement with Awabakal cultural representatives has occurred. The Panel noted the engagement presented was in context of a predetermined development. That is, decisions already made including a location for a predetermined type of cultural response without cultural engagement being sought to guide whether that is either desirable or appropriate. The Panel encourages the applicants to engage with cultural advisors at the concept stage so that the design approach and opportunities are meaningfully integrated.</li> <li>- The Panel notes mandatory annual CPD for registered architects anticipates the profession will translate awareness into practice.</li> </ul> <p>b) <u>Site and Place Analysis</u></p> <p>i. Architectural Analysis</p> <p>The wider place and connectivity needs to graphically describe:</p> <ul style="list-style-type: none"> <li>- water systems</li> <li>- canopy</li> <li>- opportunities for repair of natural systems</li> <li>- Movement and connectivity beyond the broad strategic documents.</li> <li>- Actual LEP and DCP character currently intended and tested</li> </ul>

- Public domain/spaces, street hierarchy and character analysis.
- Mine Subsidence considerations and implications are not outlined in site information.
- See previous comments Response to Country

The SEPP 65 Design Statement is generally helpful as a summary of strategic context but does not provide the design strategy justifying the proposed site response nor fundamental appreciation of the place. EG: The proponent confirmed the DA was developed with no flood information resulting in floor levels being raised late in the design. This results in flow-on implications for the streetscape interface conditions.

c) Site Strategy

- The premise of the proposed development is based on a site arrangement locating the hotel in its current location at the corner apex of the intersection, book-ended by a new retail space in each of Brunner Road and Chatham Road, with hotel entry in Brunner Road, residential entry at the southern end of the site, with servicing from Chatham Road.
- Broadly this arrangement has merit to be tested.
- The proponent confirmed mining tunnels need to be grout-filled adding \$3M+ to construction costs therefore the development strategy is based on 'feasible' development.

However:

- i. The proposed departures from the FSR and height, urban form and site arrangement are not tested against a complying development in an urban setting.
  - There is no strategy derived from the public domain spatial quality of the large Nine-Ways intersection space that could be a high quality light rail transport hub with exemplar public space and pedestrian amenity.
  - No testing of the public domain strategy or outcome was presented. Rather the proposal is private domain focused and limited in scope to a single site
  - No design exploration of street hierarchy and testing decisions for locating residential in the street with the highest amenity was presented – consider noise protection, street tree opportunities, late-night safety being above a hotel etc.
  - Being located on a prominent corner appears is the focus of the spatial dialogue. As a result, no spatial sense of this development speaking to a wider urban context was presented noting that envelopes within the SEPP 65 Design Statement presented were generalized and absent of wider strategic and spatial context.
  - No testing of alternative responses and arrangement of massing was presented. The applicant confirmed the design position is relying on broad strategic objectives – Metro Plan, Hunter Regional Plan, and Renewal Corridor Plans through the lens of the site owner's interpretation. The Panel notes the design intent has dismissed the current public controls as inadequate or inappropriate. The new Growth Corridors DCP is not used to inform the argument for the height and density proposed.
  - While there may potentially be value in urban testing for uplift, the Panel considers this must be part of a coordinated, broader urban testing project for the wider Broadmeadow area, not as a stand-alone single site application.
  - The intent of creating a 'social hub' is not translating into the design response partly due to the development as a stand-alone proposal, and partly due to the functional arrangement on the site. The supposition that the proposed development will act as a major catalyst for the area is not interrogated, nor is it evident that the activation component proposed is materially different to that of the existing Premier Hotel.

<b>2.</b>	<b>Built Form and Scale</b>
	<p>27<sup>th</sup> September 2023</p> <p>a) <u>Urban Strategy</u></p> <ul style="list-style-type: none"> <li>- It is unclear why 10-storeys suitable here when that is not the intended future character under the current public policies.</li> <li>- The SEPP 65 Design Statement testing is provided to support the stand-alone DA, however, there is no supporting masterplan strategy which appears is needed for such a proposal.</li> <li>- Currently, the site appears is some distance removed from the intended higher density areas, therefore such a development proposal requires significant strategic urban testing.</li> <li>- No information was presented regarding further amalgamation or interface with remaining lots within the zone given the site is close to the lower zone transition.</li> <li>- There are no meaningful alternative design responses to justify why this design is superior to a complying development – either in scale and site arrangement, testing of envelopes, or capacity for activation.</li> <li>- As proposed, the development results in excessive bulk in scale within the current policy context and likely future development at this point in time.</li> </ul> <p>b) <u>Urban Form</u></p> <ul style="list-style-type: none"> <li>- It is unclear why there is no massing along Chatham defining the road - single storey proposed then broken by the ramped residential entry and landscape to L1 with the street definition limited to an extension of the podium edge that provides cover for the ramp.</li> <li>- No real spatial interrogation of the current permitted maximum building heights. This goes back to the lack of a public domain/space strategy driving the sought change. What are the public benefits and public space implications for LEP variations needed for 10-storeys for all or most Nine-Ways intersection corner sites, compared to LEP compliant urban form, or minor variations for uniform 11m for corner elements?</li> <li>- This stand-alone DA significantly changes the urban form of the Nine-Ways intersection character in isolation.</li> <li>- Proposed arrangement of massing loses the street definition intended – Chatham Road appears as Ground Floor massing that becomes a ribbon extension of the podium although it is unclear how the podium relates spatially to the development program and then in the street.</li> <li>- The Panel notes that the massing tests submitted tend to demonstrate why the proposed is not appropriate. EG: Fig 29 of the SEPP 65 Design Statement demonstrates the subject site benefits more than other sites despite their similar spatial context within the intersection and in the absence of a developed public domain and urban plan strategy to base it on.</li> <li>- While north-aspect residential is positive in principle, loading this onto Brunner Road results in a loss of built definition for Chatham Road.</li> </ul> <p>c) <u>Massing and program</u></p>

	<ul style="list-style-type: none"> <li>- The program strategy and its resolution is unclear.</li> <li>- Ground floor internal program &amp; podium arrangements appear disordered, landscape and internal/external relationships then become disparate and disjointed, the entry sequencing presents significant CPTED concerns, These require reconsideration.</li> <li>- The ground floor arrangement, movement and interrelationship between hotel and residential spaces also requires reconsideration. The differing security and access needs of the hotel, gaming, hotel accommodation, retail spaces and their interfaces with residential considerations should inform overall site planning and access points. Carparking and access to it, also needs to be considered in this regard. <ul style="list-style-type: none"> <li>o Eg: Why is the gaming area along any street front instead of located internally? The proponent confirmed this space would be open screening for smokers. This is not considered acceptable – an outdoor smoking area can be provided separately particularly in context of recent regulation prohibiting lights, sounds and any public ‘advertising’ of gaming in the streets.</li> <li>o Plant, loading, egresses, extensive residential ramps and the gaming room present a poor interface resolution.</li> <li>o How does waste get from the basement to collection? Note that Residential waste collection must be in conformity with CN policies – irrespective of whether it is intended to be privately contracted. How do the swept paths work for the waste pickup?</li> <li>o Note a substation also likely needed.</li> </ul> </li> <li>- The pedestrian movement strategy is unclear.</li> <li>- What is the street presence and character of the hotel entry and separately for the residential – neither are communicating a clear address or street presence – noting the residential massing is located along Brunner Road, while the residential entry is dislocated at the far southern corner of the site. This is indicative the site strategy requiring further consideration.</li> <li>- As proposed, hotel guests access the hotel lift via a long dog-legged corridor also shared by the only entry to the gaming room. This is not supported.</li> <li>- It is unclear how the gaming room is surveilled within the pub program with access separate from the main hotel area.</li> <li>- The residential entry proposes a series of constructed 1:14 ramps across the Chatham Road boundary that has the effect of creating a barrier to the intended ramped landscape interface beyond. It is further disengaged from the street by the podium structure limiting the view into the site. These cross-ramps then continue via the internal path rising in a series of uncomfortable 1:10 ramps. It is unclear how this is a superior public domain interface outcome compared to a visible street entry to a lift lobby for the residential in Chatham Road, noting that deep soil landscape can be incorporated with alternative responses and more directly engage with the street?</li> <li>- The podium strategy is unclear. Somewhat dislocated from the residential users being associated with the hotel level. The purpose of the skylights to the driveway and loading dock below is unclear.</li> <li>- The underlying site strategy has not demonstrated why decisions have loaded the residential massing along Brunner Road while the more residential character of Chatham Road is largely ignored without interrogating whether the single storey with ‘ribbon’ extension of the podium is an appropriate adequate form.</li> </ul>
<b>3. Density</b>	
	27 <sup>th</sup> September 2023



	<ul style="list-style-type: none"> <li>- The proposed GFA is not justified on merit of the development as proposed.</li> <li>- Being a corner site and a 'desire' for the quantum of development does not justify the sought variations particularly where the new DCP has not proposed this corner be of the height and scale as other parts of the Broadmeadow urban renewal.</li> <li>- Further urban testing and coordination with NSW housing strategies is required by Council for the wider Broadmeadow area before the proposed density and its urban form could be supported on merit.</li> </ul>
<b>3. Sustainability</b>	
	<p>27<sup>th</sup> September 2023</p> <p><b><u>Carbon Footprint</u></b></p> <p>All new developments need to be considering and addressing their carbon footprints. It is no longer acceptable to be continuing a business-as-usual approach given the rapidly changing conditions and known direction of policy changes – including tightening energy performance requirements.</p> <ul style="list-style-type: none"> <li>• New requirements and support for EV charging: <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> see Subdivision 3 of Division 17</li> <li>• To be addressed: <ul style="list-style-type: none"> <li>a) <u>Decarbonise energy supply</u> <ul style="list-style-type: none"> <li>- No gas connections – stranded assets for redundant pipework have long term impacts of whole life-cycle resource wastage, which will be an issue for all new development.</li> <li>- Heat pumps for units or alternative electric means for hot water</li> <li>- Induction cooktops (if provided in staff/communal areas of commercial tenancies)</li> <li>- Consider hot water storage as a type of 'battery' when heated by solar/PVs.</li> </ul> </li> <li>b) <u>Accommodate on-site power generation and storage</u> <ul style="list-style-type: none"> <li>- Rooftop PVs and battery storage (need for back-up storage as whole energy supply transitions)</li> <li>- Green roofs can help cool roofs for improved PV performance</li> <li>- Potential for feed in</li> </ul> </li> <li>c) <u>EV charging capacity</u> <ul style="list-style-type: none"> <li>- Ensure charge capacity for all residential car spaces, as well as shared rapid charge spaces. (Refer to requirements of NDCP 2012).</li> <li>- New requirements and support for EV charging: see <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> see Subdivision 3 of Division 17</li> </ul> </li> <li>d) <u>Passive design and thermal performance of the building fabric.</u> <ul style="list-style-type: none"> <li>- Note new BASIX performance - <a href="https://pp.planningportal.nsw.gov.au/BASIX-standards">https://pp.planningportal.nsw.gov.au/BASIX-standards</a></li> <li>- Higher BASIX thermal performance standards will require 7 stars based on NatHERS rating system plus flags other changes.</li> </ul> </li> </ul> <p>Visible Light Transmittance through glazing should not be excessively dark, for internal amenity and external appearance reasons. Transmittance through glazing should not be</p> </li></ul>

	reduced by more than 30% by tinting, (ie 0.7 VLT) and external shading should be provided in preference to any tinting.
<b>4</b>	<b>Landscape</b>
	<p>27<sup>th</sup> September 2023</p> <p>The Panel makes the following comments on the proposed landscape strategy:</p> <ul style="list-style-type: none"> <li>- No coordinated landscape strategy was submitted. Landscape comprised a hand-drawn single sheet at concept stage with the DA. This is inadequate detail for a development of the scale proposed.</li> <li>- The podium strategy appears disconnected. It is presented as an element but not well integrated.</li> <li>- The residential entry point and indirect ramping from Chatham Road to a podium space that is ill-defined and unconvincing.</li> <li>- It is not evident why there is there a very large skylight that appears to be situated over the loading dock and basement entry.</li> <li>- Planting on structure should include sufficient soil volumes for long term landscape viability, with minimum volumes to conform with ADG recommendations. Structure should be checked at DA stage by engineers to ensure capacity for loads of soil and impacts of necessary penetrations for drainage. All landscape that contributes to the appearance of the development must be capable of safe, workable access for maintenance on a regular basis – without the need to traverse apartment interiors.</li> <li>- Green facades and screening that contribute to the external appearance of the building must be purpose-designed by experts in the field, who should also prepare detailed maintenance and renewal programs for the longer term viability of the installation. Green facades should not be reliant upon access to private apartments for their maintenance.</li> </ul>
<b>6</b>	<b>Amenity</b>
	<p>a) <u>SEPP 65</u></p> <p>i. Residential</p> <ul style="list-style-type: none"> <li>- SEPP 65 solar and cross ventilation is achievable.</li> <li>- Multiple residential lift cores is positive. Both have natural daylight and potential for natural ventilation.</li> <li>- Unit layouts are generally efficient.</li> <li>- Residential entry sequence and large lobby area require reconsideration including street interface, distance to lifts, scale of the lobby and relationship to the podium communal open space as previously noted.</li> </ul> <p>ii. Pub and Hotel accommodation</p> <ul style="list-style-type: none"> <li>- Hotel lobbies have no natural daylight or ventilation. There is no evident hierarchy of the multiple entry spaces to the hotel, and no entry is generous or inviting.</li> <li>- Ground floor entry to hotel accommodation is indirect and has poor visual connection separated by the gaming room.</li> <li>- Gaming room location is therefore in conflict with the accommodation and streetscape activation requirements – people must pass the gaming room plus travel via furtive</li> </ul>



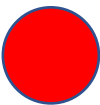
	<p>spaces created with dog-legged configuration and lift location also not visible from the street.</p> <p>b) <u>FL-FL heights</u></p> <ul style="list-style-type: none"> <li>- 3m has not been supported for SEPP 65 development for many years. This is further considered in context of waterproofing issues as a significant contributor to the Design and Building Practitioners Act being established.</li> <li>- FL-FL of 3m is inconsistent with the ADG as accepted by NSWLEC at 3.1m noting it is now increasingly accepted industry practice to provide FL-FL clearances of 3.2m for DBP Act compliance post any DA approval. Note: LEC Commissioners are increasingly requiring the additional height in s34 agreements where FL-FL height is raised as a contention.</li> </ul> <p>Note: The Panel is aware of hob details with step over thresholds and unequal internal and external FLs between living room and balconies. This is not supported as good design outcome by the CN UDRP due to issues for: general residential amenity, potential as a trip hazard, and for equitable DDA where that may be a requirement. The Panel strongly recommends a minimum floor-to-floor of 3.2m for residential.</p>
<b>7.</b>	<b>Safety</b>
	<p>27<sup>th</sup> September 2023</p> <ul style="list-style-type: none"> <li>- Given the potential for CPTED issues arising from different uses on site, their different needs, and the intended late trading hours of the hotel, it is essential that the physical design of the complex provides management with operational ease, and capacity to reasonably adapt over time, to ensure the ongoing optimal safety of residents, guests, staff and patrons. The physical layout and access to different areas, including car parks and back of house, need to be such that they are inherently safe, with layers of security restricting permeability into more sensitive areas. As presented, there is no evident site strategy to ensure this will occur. Such a strategy cannot be optimally applied as a retrospective action – it needs to inform site planning.</li> <li>- As documented, the Ground level arrangements are introducing poor CPTED outcomes in many respects. Eg. – gaming and retail straddle what appears to be the main hotel entry. It is not clear which entry is intended for use Hotel accommodation guests.</li> <li>- Many furtive areas for the loading dock and car park. There appears to be a fundamental vulnerability of back-of-house areas from the shared entry with the car parks.</li> <li>- Interaction of the pub parking and resident access is unclear.</li> </ul>
<b>8.</b>	<b>Housing Diversity and Social interaction</b>
	<p>27<sup>th</sup> September 2023</p> <ul style="list-style-type: none"> <li>- The Panel notes a general mix of units is proposed.</li> <li>- No accessible / Platinum Level type units are proposed. While currently not required in CN's policies, the Panel notes this should be considered for consistency with equitable offering of housing types for DDA.</li> </ul>

9.	Aesthetics
	<p>27<sup>th</sup> September 2023</p> <ul style="list-style-type: none"> <li>- The Panel agrees that this is a prominent site with an important cultural history. There is potential for a high-quality development on this site.</li> <li>- Architectural rigor is needed for materials with high quality edge detailing to achieve architectural quality and character intended and to demonstrate a high-quality public contribution.</li> <li>- Use of high-quality durable materials is critical. Over-reliance on applied finishes and/or low-quality façade finishes requiring frequent maintenance would not be supported.</li> </ul>

**Recommendation:**

27<sup>th</sup> September 2023

The UDRP was not convinced on the basis of the submitted proposal that it has demonstrated capacity to act as a catalyst to the immediate area for creating a vibrant locality that supports a range of quality residential and entertainment functions.

Selected Recommendation	Description	Action
<p><b>Red</b></p> 	<p>The UDRP does not support the proposal in its current form.</p> <p>The UDRP advises that there are significant issues with the proposal.</p>	<p>Significant design changes are required. The applicant and design team are required to contact City of Newcastle to discuss the required next steps.</p>