

Meeting Date	Wednesday, 26 June 2024
Panel Chair:	Dr Philip Pollard
Panel Members:	Kerry Hunter Kristy Cianci
CN Officers:	Elle Durrant, Urban Design Review Panel Coordinator Ellise Redriff, Business Support Officer

AGENDA	Item	Description
	2	Matters for consideration
10:45am-12:45pm [60 mins]	2.2	<p>UD2017/00028.02 - RE2024/00002 121 Hunter Street Newcastle Sec 8.2 Review of MA2023/00175 - CONCEPT Staged development comprising of retail, commercial, residential and shop top housing - changes to design</p> <p>Attendees: Applicant: Naomi Ryan, Urbis - Associate Director Jane Maze-Riley, Urbis - Director Andrew Harvey, Urbis - Director Warren Duarte, Iris - Development Manager Nathan Dawes, DBJ - Architect Greg Lee, Curious Practice - Architect Wesley Grunsell, SJB - Architect Adam Haddow, SJB - Architect Rachel Yabsley, SJB - Architect Chris Palmer, CJP Consulting - Director</p> <p>Officer: Amy Ryan, City Significant & Strategic Planning Manager Mason Stankovic, Patch Planning Georgia Quinn, Patch Planning</p>
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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.

URBAN DESIGN REVIEW PANEL Report



Scope:

The following drawings / documents have been reviewed:

Plan No / Supporting Document / No. of Pages	Prepared by	Reference/ date
UDRP Report - Meeting 5 July 2023 (11 pages)	UDRP	5 July 2023
Stamped Approved Plans - DA2017/00701.02 (23 pages)	SJB	Revision 03 19 Sep 2019
HCCRPP Determination and Statement of Reasons - MA2023-00175	HCCRPP	15 May 2024
Determination Report - MA2023-00175 (59 pages)	City of Newcastle	4 March 2024
Supplementary Report - MA2023-00175 (15 pages)	City of Newcastle	6 May 2024
Addendum to View Impact and View Sharing (304 pages including attachments)	Urbis	Unknown
Division 8.2 Review Report		
Architectural Drawings (13 pages)	SJB Architects	23 Feb 2024
Designing with Country Endorsement Letter (1 page)	Dhiira	Unknown
Designing with Country Report (1 pages)	Dhiira	April 2023
Landscape Drawings - Stage 3 & 4 Public Domain (15 pages)	Cola Studio	Issue F 5 April 2023
Landscape Drawings - Stage 3W+E (10 pages)	Cola Studio	Issue F 5 April 2023
Landscape Drawings - Stage 4N+S (39 pages)	Cola Studio	Issue F 5 April 2023
Landscape Report (68 pages)	Cola Studio	April 2023
SEPP 65 Design Statement (238 pages)	SJB, DBJ, and Curious Practice	March 2022
View Sharing & Visual Impact Assessment - Combined Private-Public Views (189 pages)	Urbis	Feb 2024

Background:

The overall East End Site incorporating Stages 1 to 4, was acquired in separate parcels over time by the Developer GPT, and in the early 2000s, a series of Pre-DA presentations were provided by GPT and their architects ARM [Ashton Ragatt McDougall] to the City of Newcastle's then design review panel, the Urban Design Consultative Group [UDCG]. The GPT proposal was for a large-scale mixed use development, comprising a full sized supermarket and specialty shops, extensive commercial space, and residential apartments. GPT cited its "Melbourne Central" development as a comparable retail and commercial offering. The proposed development was of a significantly greater scale, and of a monolithic character as compared to either the approved Concept plan or the currently proposed modification to it and over a series of consultations, the UDCG recommended a considerable reduction to the proposal's bulk and scale. The Global Financial Crisis precipitated a reassessment of the project and GPT's then capacity to deliver it, and the company was considering selling off individual lots. Many businesses in the area also closed their doors due to the GFC.

After the area had become degraded over several years, rather than see the amalgamated sites broken up and the opportunity lost for a significant reinvigoration of the old city centre, the NSW Government moved to acquire a majority share in the overall site, with GPT maintaining a minority share. The NSW Government's wholly-owned entity, Landcom, proceeded to undertake broad consultation, including with the community, Council and the UDCG which contributed to the process of informing a design brief. Over a series of iterations prepared by lead consultants SJB, which included Pre- Concept Application presentations to the UDCG, a proposal was arrived at which was developed into the Concept Application. The LEP for the area was also reviewed by the Department of Planning, which identified the Stage 1 section of the Site on the corner of King Street and Perkins Street for a substantially taller building than the completed building that has since been erected on the site. The UDCG formed the opinion that the proposed height control invited a building that was out of scale in the precinct, and recommended a reduction in height in the order of 4 storeys. The adopted LEP included the greater height control, but a well organised and concerted lobbying of the Department and Minister by a local resident group, which cited the strong recommendations of the UDCG, ultimately saw the height control lowered in line with the UDCG's recommendations.

Stage 1 of the Development was completed around 2021, and its outstanding design excellence was recognised in the 2022 Institute of Architects NSW awards with multiple awards, including – the Lloyd Rees Award for Urban Design, the NSW Premier's Award and – AIA Award for Multi Housing. Stage 2 of East End is very close to completion, and carries forward the design excellence standards that have been established in Stage 1. The acknowledged standard of excellence demonstrated in Stage 1 can partly be attributed to the commissioning, design and delivery process for the project, to which the UDCG constructively contributed.

The design review and design excellence processes that were applied consistently by the UDCG and more recently by the UDRP, have seen extensive Pre-DA presentations and robust feedback to the consultants and proponents for the East End development and others. This has been followed up by multiple presentations at DA stages, Modification Application reviews, and regular on-site inspections and consultations to ensure maintenance of design excellence. Like the UDCG's strongly asserted recommendations in respect to the height of the Perkins/King Street corner building in Stage 1, the UDRP has continued to provide clear and decisive feedback in respect to proposals. In a number of instances the UDRP has declined to support design directions that it considered less than optimal.

A new opportunity has arisen from Council's decision to demolish its King Street Car Park due to it having serious structural issues – that could not viably be repaired. This opportunity was in line with the DCP requirement for an open corridor between the Harbour, south to King Street/ and the Cathedral Park hill. This change would require a Modification to the Approved Concept for Stages 3 and 4, but did not fundamentally change it. An initial Pre-concept schematic response incorporating the Market Street corridor was prepared by a different firm of architects to that which undertook the approved Concept design. This Pre-Concept design was considered inherently flawed by the UDRP, and was inconsistent to the approved Concept. This opinion was frankly communicated to the developer (meetings held 29 September 2021 and 24 November 2021).

Following the UDRP's flagging of fundamental concerns with the Pre-concept schematic response to the Concept Modification, CN facilitated a full day workshop (15 December 2021), attended by key CN assessment staff and all members of the current UDRP, to consider what was the best outcome for the Stage 3 and 4 site, that recognised the strengths of the Approved Concept and integrated the opportunity of including the enlarged public space and Market St corridor. The workshop produced specific design recommendations and recommended that a design competition be undertaken. CN agreed that a competition was the best way forward, and this was also supported by the Government Architects Office.

Iris Capital proceeded to a Design Competition, with the Competition commencing in July 2022. Four design teams produced proposals in response to the Competition invitation and design brief for the remaining stages of the East End development – that being Stage 3 – which is the block between Thorn Street and Morgan Street, and Stage 4 – which is the block between Morgan Street and Newcomen Street.

The Three person competition jury comprised Paulo Macchia (Director Design Governance Government Architects Office, Jury Chair); Sandra Furtato (Principal Furtato Sullivan); and Dr Philip Pollard (CN UDRP Chair). All entries were considered to achieve a commendable standard. However, the Jury was unanimous in its selection, with the winning design considered to be an outstanding proposal.

The winning design team constituted architects SJB, Durbach Block Jagers and Curious Practice, in collaboration. Landscape Architects were Cola Studios. Each architectural practice was responsible for specific buildings, with SJB maintaining a master planning lead role and each team, including the Landscape Architects, contributing collaboratively to the overall design.

A Design Integrity Panel (with members constituting the Jury) met on six occasions following the selection of the winning proposal. At these DIP meetings, the further developed design was presented in response to DIP and CN input, and as a result of further consultation with local First Nations representatives in respect to Design for Country. Through the DIP process, in the view of the DIP members, there were no significant departures by the winning competition design from the design brief, and no identified aspects of the revised Master Plan proposal that were considered less than satisfactory. The suggested refinements to the design made by the DIP were responded to positively by the design team and presented over the six post competition DIP reviews, with no outstanding issues remaining, in the opinion of the DIP, at the conclusion of the DIP processes.

Current application:

A section 8.2(1) review of determination application (RE2024/00002) has been received seeking to review the reasons for refusal of modification application MA2023/00175 for changes to the Concept DA approval (DA2017/00701), known as the 'East End' development, which comprises the major redevelopment of four city blocks bound by Hunter, King, Perkins, and Newcomen Streets located at the East End of Newcastle.

Modification application MA2023/00175 was refused by the Hunter Central Coast Regional Planning Panel (HCCRPP) on 15 May 2024.

In requesting a review, the applicant has not amended the proposed development the subject of the original application for modification of development consent (MA2023/00175).

The Concept Modification was considered by the UDRP during the assessment of modification application MA2023/00175 at the meeting of the UDRP held 5 July 2023, with the UDRP supporting the proposal.

The UDRP considered its earlier advice, in addition to the following documents, in particular the:

- *Addendum to View Impact and View Sharing* (prepared by Urbis) - provided by the Applicant to support the Review of Determination Application
- *View Sharing & Visual Impact Assessment - Combined Private - Public Views* (prepared by Urbis February 2024) - provided by the Applicant in response to specific requests from the HCCRPP
- HCCRPP's Determination and Statement of Reasons of 15 May;

The comments below have been organised to address the reasons for refusal:

Reason For Refusal:

- 1. The consent authority is not satisfied that the modification application is substantially the same development as the concept approval pursuant to Section 4.55 (2)(a) of the *Environmental Planning and Assessment Act 1979*.**

The UDRP and the Urban Design Consultative Group, which preceded it, have been regularly consulted, and have provided detailed and frank expert input in respect to proposed development on the East End Site since the original Site amalgamation circa 2000 by the developer GPT. Two longstanding members of the UDCG were reappointed to serve on the current UDRP, and attest to the consistency of the land-use, design excellence and overall design and planning approaches across the life of the project from prior to the Concept approval to the current Modification Application.

The only changes to the approved Concept Plan have been in direct response to the demolition of Council's former car park, which previously obstructed the view corridor from the Harbour to the Hill, and CN's intent advised to Iris Capital, of its desire to activate the *existing* provision in the DCP to open up the Market Street corridor to connect the waterfront to the Hill. The UDRP strongly supported this initiative, on the condition that public views to the landform of The Hill were enhanced, and that compared with the Concept Approval, there should be no erosion of the quality of public views obtained within the area. A further condition of UDRP support related to views from private properties, which the Panel considered should not be severely impacted in terms of view sharing as compared with the existing Concept Approval. These conditions were not only met by the subject Concept Modification design, but exhibited outstanding design excellence while meeting them.

The only other relatively minor changes to the Concept also arose from the existing DCP provision, and relate to the new public space that in both the Approved Concept and the Modification, extend the Market Street opening southwards across Hunter Street into the Site. The relocation of built form, which had previously been used to screen the ugly car park, was essential to achieve the intent of the DCP provision, but the public space was further enhanced by placing the 3W building at an angled setback to its northern end, widening the mouth of the public space and inviting people into it. This space, and the retained Municipal heritage building, were further refined by removing the bulk of the approved addition above the parapet of the Municipal building, allowing the public space greater volume and solar access.

The UDRP considers the relatively minor changes to the Approved Concept to be entirely consistent with the Concept Approval, and has no doubt that the Modification continues to be substantially the same development as was approved in the Concept, as defined by Section 4.55 (2) (a) of the E P & A Act 1979.

Reason For Refusal:

- 2. The modification application will have unacceptable cumulative impacts on both the public and private views and is therefore unacceptable pursuant to Section 4.15(1)(b) *Environmental Planning and Assessment Act 1979*.**

The UDRP is able to provide expert comment in respect to public and private view impacts, as well as impacts upon Landscape Character. In addressing the issues around view impacts and visual impacts, the UDRP were provided the updated document: *View Sharing & Visual Impact Assessment - Combined Private - Public Views*. The updated Assessment prepared by Urbis and dated February 2024, was carefully considered by the UDRP. This 189 page document included additional photomontages as requested by the HCCRPP during the assessment of the Concept Modification, which were supplementary to the locations previously reviewed by the UDRP.

The procedures by which base photographs were taken, the camera equipment utilised, including lens focal length, the necessary location certifications by a registered Surveyor, and the technical preparation of montages, including utilising required redundancies and certified geolocations to demonstrate accuracy of the prepared photomontages, were all demonstrated to have been executed to a high standard. The UDRP is confident as to the reliability and accuracy of the images, and their compliance with relevant LEC Guidelines.

Public Views

The locations selected are extensive and are a comprehensive representation of the views currently available, and include both the comparative effects arising from both the Approved Concept and the proposed Concept Modification. It is noted that views to the south from Market Street, which will be extensively opened up by the Modification, necessarily include the image of the existing 1990s retail addition to the western side of the Municipal Building. This post-earthquake addition was previously granted development approval for demolition, as proposed under both the Approved Concept and the Proposed Modification to create the public plaza. Photomontages prepared of this view, because of the inclusion of the existing building that has now been demolished, do not fully reveal the extent of views, and the outstanding qualities of the expanded space as it will be under the Modification.

While the montages are accurate and fully compliant, renderings of the completed landscaped space will offer a clearer indication of the character and generosity of this new open space which is also able to be viewed in reality since the 1990s building was recently demolished.

The UDRP also recognises the importance of the Awabakal, Worimi and broader First Nations cultural Response to Country that is embedded within the concept design. The modification reflects and respects the great importance of the Hill on which the Cathedral is located. This cross-cultural Response to Country further enriches the new public view that is revealed.

Having carefully considered all public view impacts, and cross checked images on site, the UDRP is confident that Public Views are not adversely impacted, but rather are enhanced under the Modification. This conclusion is not heavily reliant upon the Market Street view corridor, which is enabled under the Modification, but is informed by consideration of the broad range of closer, middle distance and more distant views illustrated, and an established local knowledge of, and physical familiarity with, the site.

Private Views

Private views in a limited number of instances are impacted. However, it is important to note that no property's views are impacted to beyond a 'low' to 'moderate' range at most.

Those private properties that have any impacts:

- in all instances have visual access to other views and vistas; and
- in most instances continue to enjoy panoramic views across the city.

This is an important consideration in relation to the *Tenacity* principles, which assess any impacts in terms of the whole property. The Urbis report's weightings of the assessed impacts to private property views are in all instances considered conservative, fair and reasonable. Where views to landscape elements that can be potentially be considered "iconic" are concerned, these views have been photographed and assessed - even in circumstances in which a stricter application of the guidelines would preclude them - for example where the camera has to be located very close to the glass-line to take in a particular view not available generally in the room. Such a situation arises in some views that take in Nobbys landform which are obtained obliquely, across multiple properties' side boundaries, and across undeveloped sites that have current capacity for compliant development that would obstruct the particular view.

Landscape Character

Landscape character is established within a zone, not only from specific viewing locations, but from a layered perception of the area built up over time by moving about in the area, and developing a cognitive map or understanding of the space. There are common elements between a recognition and appreciation of landscape character, and an appreciation of Country – albeit the latter having much deeper and more complex Cultural roots in the First Nations community – from which we can all learn. Landscape character of the Site involves the landform of the Hill, the immensely rich archaeological values of the immediate and broader areas, and the flora, fauna, human and other beings that inhabit the area or have done so in its past. Designing for Country has been a key component informing the modification to the Concept design of the from the outset, and although the Stage 3 and 4 revised Concept remains essentially the same development, the design approach that has embraced Designing for Country has enriched the outcome in a meaningful manner. The spaces between buildings, their massing and spatial arrangement, the experience of transitioning between spaces, have all been enhanced as a result of key input from First Nations designers and benefit from their close relationship with this Country.

Reason For Refusal:

- 3. The development will create unacceptable impacts given the deficiency in car parking and is therefore acceptable pursuant to Section 4.15(1)(b) *Environmental Planning and Assessment Act 1979*.**

The Concept's parking provisions are consistent with CN's current controls, which in the UDRP's experience are functioning as anticipated, and which reflect the City's adopted strategies to reduce car dependency over time.

The Panel considered the 26 visitor parking space deficit for Stages 3 and 4, being the basis of the Concept Modification, to raise no significant impacts on the basis of being adequately accommodated by available on street parking.

Reason For Refusal:

- 4. The development is not in the public interest having regard to impacts on views and the deficiency of car parking spaces pursuant to Section 4.15(1)(e) *Environmental Planning and Assessment Act 1979*.**

The UDRP is unanimously of the opinion that the Concept Modification is strongly in the public interest.

The Panel, and its predecessor the UDCG, have been closely involved in the Site over two decades, and in providing expert guidance to its redevelopment. This input has been anything but a "rubber stamp" to development proposals, some of which at various times have been strongly criticised when reviewed. The Panel reiterates one of the recommendations coming from the workshop as identified in the Background and items 1 and 2 within this report was that a design competition should be undertaken to inform an amendment to the Concept for Stage 3 and 4.

While the approved Concept plan was considered to be an excellent one, the demolition of Council's car park presented a fortuitous public opportunity that further strengthens the ability of the East End Stages 3 and 4 to fulfill the objectives of the DCP. This was an opportunity that the Panel considered should not be missed.

Furthermore, it was apparent that this could be achieved while not departing substantively from the approved Concept, and if sensitively undertaken, could make an excellent scheme even better in delivering to the public benefit.

The Design Competition jury was unanimous in its selection of the design that went forward as the winning scheme, and commended its excellence. It was also the scheme that was most faithful to the approved Concept Plan, and was led by the same architectural team (SJB) that were the authors of the Concept. Notwithstanding the quality and resolution of the competition scheme, design development continued across a total of six Design Integrity Panel presentations and reports, each of which represented a further refinement to an already strong design.


As discussed above, the Designing for Country input, clearly embedded into the whole design response further strengthens the positive contribution proposed to the public interest. The Panel recognises the importance of this cross-cultural and Community work to the endeavour. Both the process and the outcome have spurred the overwhelming support from the First Nations community. Of particular note have been the massing of forms, and sensitive response to the landform of the Hill, embedded into the public benefit.

While there has been some change from the original approved heights, including some reductions – the changes are relatively modest and the result from an urban design perspective is considered a positive one – and one which has been supported by the First Nations community.

The UDRP considers the Concept to be strongly in the Public interest.

Recommendation:

Having carefully reviewed the proposal, additional information and the Statement of Reasons for the HCCPP’s determination, the UDRP offers its wholehearted support of the Modification to Concept plan.

Selected Recommendation	Description	Action
<p>Green</p> 	<p>The UDRP strongly supports the Concept Modification proposal in its current form.</p> <p>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.</p>	<p>The UDRP support the application and no further changes are suggested to the Concept.</p>