

18 February 2026

Mixed Use Development 47 Darby St Cooks Hill NSW 2300 - Objection

We wish to object to the above proposed development for a broad range of reasons including being inconsistent with the public interest and rule of law.

Our neighbourhood

We have been residing in the adjacent Kitchener Pde for around 30 years. We raised our daughter here and she attended Newcastle East Public School (NEPS) the oldest continuing public school in Australia).

I was also the School Council President at NEPS for some time. This provided me a sound appreciation of community sentiment and key tangible and intangible facets that contributed to the creation and sustainability of a wonderful local but diverse community – a real sense of place – social cohesiveness.

The proposed opportunistic gross over-development exemplifies a case of unreasonable developer demands that far exceed permissible agreed height and related obtrusive demands by a factor of **3**.

No matter how much gloss and public relations spin is applied, the development is far too intrusive and out of keeping with the size and shape of our adjacent city's major war memorial library and brand-new world-class art gallery. It is also adjacent to Civic Park and contrary to the developer's assertions and paid advice, effectively and symbolically 'gives the finger' to the existing key structural forms of our sandstone Town Hall and significant churches along Laman St.

Spot rezoning

This development undermines the cohesiveness and purpose of the basic purpose of proper property and other forms of related/integrated planning including environmental, social, health, economic planning, etc.

Those officers involved in the approval process may be aware of the general risks associated with spot rezoning that we understand have previously drawn the attention of the ICAC on several previous occasions elsewhere (see <https://www.icac.nsw.gov.au/newsletter/issue53/workshop.html>). See also the 2016 link to the ICAC 'FACTS' for *Operation Spicer* that included a number allegations against some Newcastle developers.

<https://www.icac.nsw.gov.au/ArticleDocuments/551/Fact%20Sheet%20Operation%20Spicer.pdf.aspx>

I am not suggesting or implying that the current development proponents of 47 Darby street or any independent assessor, have done anything inconsistent with their legal obligations.

These new lop-sided *laissez faire* NSW property laws enabling this form of application, completely undermine the coherency and consistency of property regulations that provide some symmetrical governance safeguards involving procedural and substantive fairness for residents and families.

Residents and the broader community appear to lose any important sense of fairness, predictability and certainty of the ongoing shape and design of their neighbourhoods.

Any evaluation of the impact of the controversial development must also include the cumulative impact of the nearby, very large Sovereign Hill development already under way.

If existing important standards and safeguards may appear to so easily, unilaterally extinguished as evident in this proposal, what hope is there for sufficient and meaningful public social infrastructure build with its long lead times?

The approval of this mixed development application in its current grossly exaggerated form, may represent an abrogation of good government.

The approval would set an unwelcomed precedent, a black hole, a super nova that sucks in all previous democratic approval processes that provided some former sense and practices of order, certainty and predictability.

This may appear where the regulatory process may be effectively captured by an industry.

Sentinel factors such as transparency, procedural and substantive fairness, community inclusiveness, impartiality, lack of impartial appeal rights and, genuine social impact assessments, become just tokenistic shells of their former selves.

View corridors

Residents south and east of the proposed development will have small views of our working harbour blocked by the obtrusive residential development.

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Those officers involved in the approval process, may be aware of the general risks associated with spot rezoning that we understand have drawn the attention of the ICAC on several previous occasions elsewhere. These new *laissez faire* NSW property laws enabling this form of application, appears to undermine the coherency and consistency of property regulations that provide some governance safeguards involving procedural and substantive fairness for residents and families.

Residents and the broader community appear to lose any important sense of fairness, predictability and certainty of the ongoing shape and design of their neighbourhoods. If existing important standards and safeguards can be so easily, unilaterally extinguished as evident in this proposal, what hope is there for meaningful public social infrastructure build with its long lead times. The approval of this mixed development application in its current grossly exaggerated form, could represent an abrogation of good government.

The approval in its current form would set an unwelcomed precedent, a black hole, a super nova that sucks in all previous democratic approval processes that provided some sense and practices of order, certainty and predictability.

We may risk in general creating an environment conducive to corruption. This may emerge where the regulatory process may be captured by an industry and, sentinel factors such as transparency, procedural and substantive fairness, community inclusiveness, impartiality, lack of impartial appeal rights and, genuine social impact assessments, become just tokenistic shells of their former selves.

Following are extracts from the developer submissions.

I believe the following extracts from the developer's justification for the gross exceedance of the existing planning site controls should be seriously challenged and rejected.

This is an outrageous over-development far in excess of existing height and density zones constructed within a **rules - based order**. The same rules for everyone. There was an understanding that there would be some constraint in height east of Union st in order for Newcastle to retained some charm, subtly and proportionality, as opposed to a bland and overly obtrusive high rise to hell, that is inconsistent with the current general roof line including the new regional art gallery, and our important maritime connection and topography.

ARCHITECTURAL RESPONSE

Form Articulation

Street frontage and entry

The masonry forecourt area creates a robust form which engages directly with the street, providing a strong sense of enclosure, human scale, and street-level activation.

Podium mass

The podium units and balconies are solid elements responding to the proximity of the street and adjacent buildings to mitigate acoustic and privacy issues.

Tower mass

The vertical articulation in the tower reflects and responds to the rhythm and scale of local architecture. Voids and terraces are carefully carved into the façade to reduce visual bulk, allow natural light to penetrate deep into the building, and provide visual interest through shadow and depth.



4.3 Overall

The proposed Mixed-Use development on the subject land, is considered a local noteworthy project both economically and socially. Finding a balance between the benefits to the local and broader community, and that of visual impacts, is not the purpose of this report, however should form part of considerations when providing any independent cost-benefit analysis taken from these conclusions. From a visual perspective, the development is sympathetic in character with the broader region and also within the context of the immediate environment, characterised by the cultural and legal precinct of the inner Newcastle City historic centre, but also on the edge of surrounding medium density housing. The existing mature street tree planting along Darby Street will provide some visual relief to the building facing the road reinforcing the human scale and built form consistencies with the existing mixed use (MU1) character and streetscape. View loss from the elevation position on Tyrell is localised and limited to a very small and low frequency receptor group. Conventional mitigation controls, such as landscape screen buffers, will not have the desired effect in this instance that would mitigate the visual impact of this development in any meaningful way. Tighter planning controls outside of those in the DCP would not be expected to yield any further visual benefits. The Landscape design proposal supporting the development would have a reasonable mitigating effect on softening the built form especially from the public domain. Finally, it is determined that the visual impacts on, and to the *Newcastle General Conservation Area* and *General Heritage Items* (buildings) and *General Landscapes* have not been compromised as a result of this development proposal that would necessitate the need for any alternative or reduced scheme, and therefore no further visual mitigation measures are recommended outside of the local development controls.

Dr Tony Brown

Newcastle