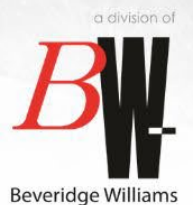


Mixed Use Development Cooks Hill SSD-82276964

SUMBISSIONS REPORT

PREPARED FOR
VIVACITY PROPERTY PTY LTD
JULY 2026



Document Control

Project Title	Mixed Use Development (SSD-82276964)		
Project Address	47 Darby Street, Cooks Hill		
Barr Planning Job No.	25NEW0197		
Client	Vivacity Property Pty Ltd		
Revision No.	Final	Date	24 July 2026
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Signature





ACKNOWLEDGEMENT OF COUNTRY

Barr Planning acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and all Aboriginal and Torres Strait Islander peoples today, through considerate and respectful approaches to our work, and seeking to facilitate a balance between the transformation of land and the preservation of the natural and cultural environment.

'Connection' by Aboriginal Artist, Lauren Freestone

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Executive Summary

This Submissions Report relates to State Significant Development Application (SSDA) SSD-82276964. The development proposal is for mixed use development, located at 47 Darby Street Cooks Hill.

This Submissions Report provides an analysis and written response to the submissions received in relation to the application during the public exhibition period. This includes matters raised by public agencies, and local Council, and public submissions received from the community and other relevant stakeholders.

This Report has been prepared in accordance with Clause 59 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and has regard to the *State Significant Development Guidelines – Preparing a Submissions Report (Appendix C)* prepared by DPHI dated March 2026.

SSD-82276964 was placed on public exhibition from 5 February 2026 to 18 February 2026 inclusive, in accordance with DPHI's Community Participation Plan (updated September 2025).

Within this time, a total of 337 submissions were received from Council, Public Authorities, Community Groups and Individuals. The key matters raised in the submissions related to the Project include:

- Building height and density is excessive for the site.
- Built form and scale are not compatible with local character and heritage conservation area.
- Impact on the public domain and lack of public benefit.
- Transport impacts and parking design issues.
- Waste management and collection arrangements.
- Visual Impact.
- Flooding and Stormwater design impacts.

In consultation with DPHI, the Project has been amended post exhibition to address concerns raised in relation to the building height, scale and built form in relation to the local context. The amended design is described and assessed in the Amendment Report July 2026, submitted in support of the application.

This Report accurately summarises and carefully considers the submissions received, and provides proper responses. The amended design of the Project has responded to a large number of the issues raised in submissions, and adequately addressed those issues. Supporting Technical Reports submitted as part of the SSDA have been updated to reflect the amended design, and these are provided as Appendices to the Amendment Report July 2026.

The remaining issues raised in submissions that are not addressed by the amended design, are responded to in this Report. The information presented with this Submission Report, read in conjunction with the Amendment Report July 2026 and EIS January 2026, demonstrates the suitability of the Project.

1. Introduction

This Submissions Report has been prepared on behalf Vivacity Property Pty Ltd in relation to SSD-82276964 submitted to the Department of Planning, Housing and Infrastructure (DPHI) in January 2026.

The State significant development (SSD) application is for the construction of a mixed-use development on the site, providing retail premises and residential apartments, with associated ancillary elements such as parking, landscaping and common open spaces.

The purpose of this Submissions Report is to provide a written response to the submissions received in relation to the application during the public exhibition period. This includes matters raised by public agencies, and local Council, and public submissions received from the community and other relevant stakeholders.

This Report has been prepared in accordance with Clause 59 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and has regard to the *State Significant Development Guidelines – Preparing a Submissions Report (Appendix C)* prepared by DPHI dated March 2026.

1.1 Details of Exhibition

The SSDA was placed on public exhibition from 5 February 2026 to 18 February 2026, in accordance with DPHI's *Community Participation Plan* (updated September 2025). For residential SSDAs that rely on a concurrent rezoning assessed by DPHI, the details of the proposed amendments to the relevant planning instrument(s) will be publicly exhibited concurrently with the SSDA. This is the case for the current application, which proposes concurrent amendments to Newcastle Local Environmental Plan 2012 (NLEP).

Within this time submissions were received from:

- City of Newcastle Council (CN)
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Water Assessments
 - Conservation Programs, Heritage and Regulation Group (CPHR)
 - Heritage NSW
- Transport for NSW
- Ausgrid
- Hunter Water
- Subsidence Advisory NSW
- Organisations and Community Groups
- Individual members of the community

The project team has reviewed these submissions, carried out further consultation with DPHI, updated documentation (where relevant) and has responded to each item raised. The following

document summarises the responses and directs DPHI to the relevant report/document where each item has been addressed.

1.2 Changes to the Project as Exhibited

In response to the matters raised in submissions, a range of amendments to the design of the project are proposed. These include a reduction to the overall height of both tower elements, a reduction in dwelling yield and associated design and façade changes. These are summarised as below in the table below and outlined in more detail in the accompanying Amendment Report:

Table 1 Amended Project Summary Table

Project Element	Summary of the Original Project	Summary of Amended Project
Project Site Area	3,566m ²	No Change
Site Description	Lot 103, DP 786055 No. 47 Darby Street, Cooks Hill	No change
Development Description	The Project is for the demolition of existing buildings on the site and the construction of shop top housing in the form of ground floor retail unit with residential flat building above and a separate residential flat building, each with basement car parking, communal open space, and associated landscaping.	No change
GFA	Darby Street Building -Retail: 231m ² Darby Street Building – Apartments: 9037m ² Tyrrell Street Building – Apartments: 3141m ² Total: 12409m ²	Darby Street Building -Retail: 260m ² Darby Street Building – Apartments: 8019m ² Tyrrell Street Building – Apartments: 2415m ² Total: 10694m ²
FSR	3.48:1	3.00:1
Building Height	Darby Street Building:13 storeys / 44.95m (12 storeys + rooftop open space)	Darby Street Building: 11 storeys / 39.05m Tyrrell Street Building: 6 storeys / 20.7m

Project Element	Summary of the Original Project	Summary of Amended Project
	Tyrrell Street Building: 8 storeys / 27.7m	
Landscaping	1420m ²	1504.8m ²
Deep Soil	353m ²	394m ²
Setbacks	Darby Street: Built to boundary Tyrrell Street: Built to boundary Eastern Boundary: 6m Southern Boundary: 6m	Darby Street: Built to boundary Tyrrell Street: Built to boundary Eastern Boundary: 6m Southern Boundary: 6m
Apartments	Total Units: 113 <u>Darby Street Building</u> 1 bedroom: 15 2 bedroom: 48 3 bedroom: 20 4 bedroom: 2 <u>Tyrrell Street Building</u> 2 bedroom: 14 3 bedroom: 14	Total Units: 85 <u>Darby Street Building</u> 1 bedroom: 8 2 bedroom: 39 3 bedroom: 17 4 bedroom: 3 <u>Tyrrell Street Building</u> 2 bedroom: 4 3 bedroom: 14
Car Parking Spaces	Total: 155 spaces <u>Darby Street Building:</u> Resident: 107 Visitor: 0 Accessible: 1 EV Charging: Available to be installed to any space. Retail Tenant: 2 (including 1 accessible) <u>Tyrrell Street Building:</u> Resident: 42 Visitor: 4	Total: 137 spaces <u>Darby Street Building:</u> Resident: 87 Visitor: 14 Accessible: 1 EV Charging: Available to be installed to any space. Retail Tenant: 2 (including 1 accessible) <u>Tyrrell Street Building:</u> Resident: 32 Visitor: 4

Project Element	Summary of the Original Project	Summary of Amended Project
	Accessible: 0	Accessible: 0
	EV Charging: Available to be installed to any space.	EV Charging: Available to be installed to any space.
Motor Bike	Total 8 spaces Darby Street Building: 6 Tyrrell Street Building: 2	Total 8 spaces Darby Street Building: 5 Tyrrell Street Building: 3
Bicycle Parking	Total: 136 spaces Darby Street Building: 101 (including 16 on-street racks) Tyrrell Street Building: 35 bicycle spaces	Total: 136 spaces Darby Street Building: 73 in bike storage room (+ 16 on-street racks) Tyrrell Street Building: 47 secure storage
Cross ventilated Compliant Apartments	Total: 64% of dwellings 61% of dwellings in the first 9-floors are cross ventilated.	Total: 64% of dwellings 61% of dwellings in the first 9-floors are cross ventilated.
Solar Access Compliant Units (minimum 2hr mid-winter)	Total: 72% of dwellings 92% of apartments receive between >15 minutes and <2hours 10% of apartments receive 'no sun' – these 'no sun' units are all corner units with dual aspect	Total: 72% of dwellings 11% of apartments receive 'no sun'.
Communal open space	Darby Street Building: Level 12 (Rooftop): 322m ² Ground: 314m ² Tyrrell Street Building: Ground: 189m ² Level 1: 67m ²	Darby Street Building: Level 12 (Rooftop): 136m ² Ground: 342m ² Tyrrell Street Building: Ground: 189m ² Level 1: 67m ²
Tree Removal	22 trees/shrubs from within the site	22 trees/shrubs from within the site
Estimated Development Cost (EDC)	\$114,768,260 (excluding GST)	\$99,098,026 excluding GST

Project Element	Summary of the Original Project	Summary of Amended Project
Number of Construction Workers	270 - 300	270 - 300
Number of Employees (FTE)	13 - 30	13 - 30
Job Creation	30 Ongoing Direct and indirect	30 Ongoing Direct and indirect

1.3 Supporting Documentation

These amendments are detailed in the following updated documentation. These documents are uploaded as separate documents to the Major Projects website.

Table 2 Supporting Documentation

Document	Appendix No.
Estimated Development Cost	D1
Architectural Plans	D2
Apartment Design Guide Assessment Table	D3
Urban Design Letter	D4
Landscape Design Report	D5
Visual Impact Assessment	D6
Access Certificate	D7
Ecologically Sustainable Design Assessment Report	D8
Stormwater Advice and Civil Engineering Plans	D9
Heritage Letter	D10
Transport Statement	D11
Acoustics Letter	D12
Operational Waste Management Plan	D13
Social Impact Assessment Addendum	D14
Embodied Emissions Form	D15

2. Analysis of Submissions

This section provides a summary of the submissions received including a breakdown of respondent type, nature/ position and number of submissions received.

2.1 Breakdown of Submissions

There were 337 submissions received, which includes one (1) from City of Newcastle Council, and 7 from NSW Government agencies or departments, and 329 public submissions including 5 from special interest, local or community groups, and 324 from individual residents or members of the local community.

All submissions were managed by DPHI, which included registering and uploading the submissions onto the 'Major Projects website'.

2.1.1 Type of Submission

The following types of submissions were received.

Table 3 Type and Number of Submissions

Type of Submission	No.
Government agencies	5
Water and Sewer Authority	1
Electrical network Authority	1
Council	1
Special interest, Community Groups or organisations	4
Individual Letters (unique)	325
Form letters*	0
Petitions	0
Total	337

A form letter is an identical standardised letter that is lodged with the Department by multiple people or groups during the public exhibition of an EIS, amendment report, or modification report for an SSD project.

2.1.2 Agency and Local Council Submissions

A total of 8 submissions were received from local government and public agencies/authorities as detailed below:

- City of Newcastle Council
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Water Assessments
 - Conservation Programs, Heritage and Regulation Group (CPHR)
 - Heritage NSW
- Transport for NSW
- Subsidence Advisory NSW
- Hunter Water
- Ausgrid

2.1.3 Level of Local and Broader interest

All public submissions must include the authors post code. The spatial description of submissions can assist to gauge the importance of different issues to different types of stakeholders. The immediate suburb in this instance is Cooks Hill. Submissions considered to be local are those with postcodes that are less than 5km from the site. Regional submissions are those located within 5 - 100km from the site and broader community interest in the project would be from submission authors with a postcode more than >100km from the project site.

Local submissions would be those in postcode 2300, being Newcastle, Newcastle East, The Hill, Cooks Hill and Bar Beach.

Regional submissions were received from postcodes for Blacksmiths, Brandy Hills, Cannonvale, Cardiff, Charlestown, Dudley, East Maitland, Elmore Vale, Mallabula, Teralba, Tuggeranong, Fletcher, Highfields, Maryland, Maryville, Shortland, Toronto, Redhead, Warners Bay, Wallsend, West Wallsend, Woy Woy, Wyee, and Wyong.

Submissions from the broader locality were received from postcodes for Ballina, Blackheath, Cammeray, Chatswood, Darlington, Dubbo, Macquarie Hills, Marrickville, Millers Point, Muscle Creek, Parramatta, Turramurra, Sutherland, and Surry Hills.

The local submission catchment in this instance is depicted in Figure 1.

Table 4 Spatial distribution of Public submissions

Level of interest	No.
Local	207
Regional	107
Broader	15
Total	329

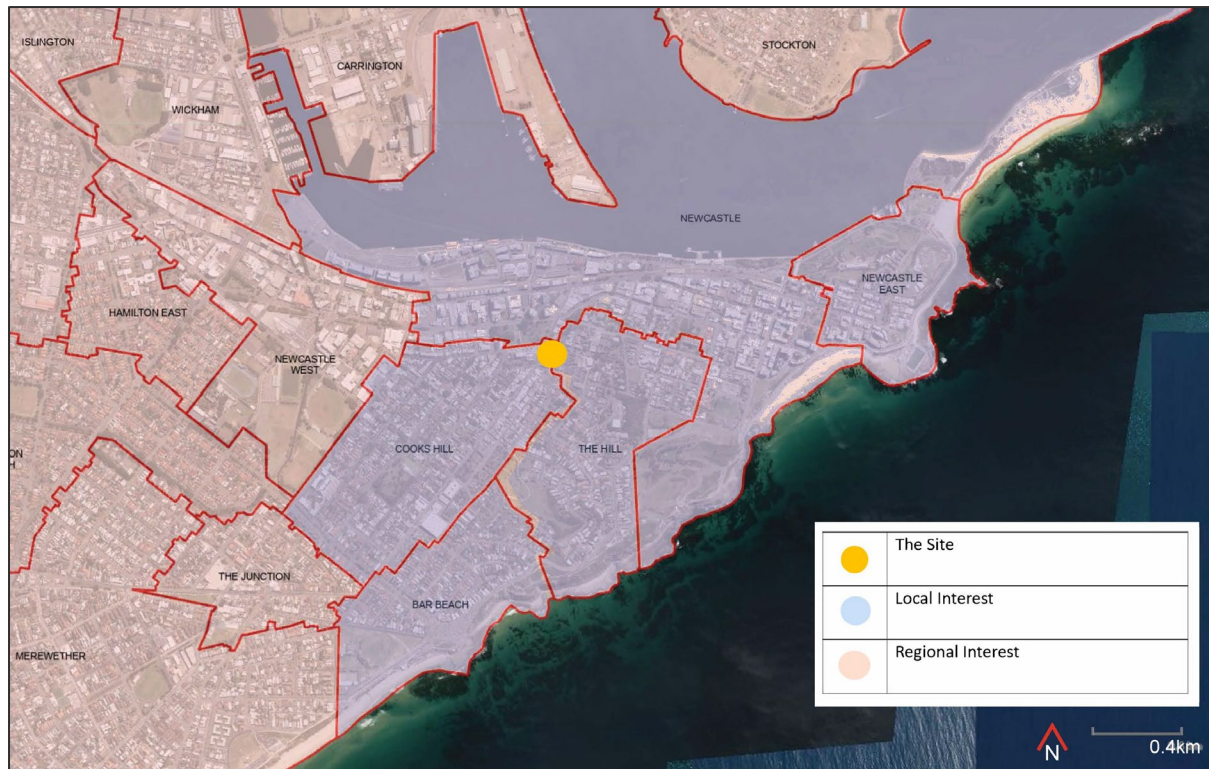


Figure 1 Area of Local Interest. Source: Annotated Map from NSW Spatial Viewer

2.1.4 Project Opposition or Support

The number of public submissions that nominated their opposition, support or commented on the project, is outlined in the table below:

Table 5 Level of Opposition or Support in Public Submissions

	No. of submissions
Opposition	291
Comment	8
Support	30
Total	329

2.2 Matters raised in Support

A total of 29 submissions were submitted in support of the Project. The common matters raised in support included:

- The Project will provide more housing in Newcastle, especially in inner city areas
- Higher density housing close to the CBD, jobs, shops, services, and public transport is needed

- Urban consolidation instead of outward greenfield growth is supported
- The site is suitable due to its location, proximity to transport and amenity for redevelopment.
- Increased housing supply will help affordability and access for younger people, first home buyers, and smaller households
- The site underutilised and existing buildings are not suitable for ongoing occupation
- Additional residents will support local businesses and street activity
- General support for mixed-use development in a centralised location and revitalisation of the city centre
- Growth in Newcastle should include medium and high density housing
- The Project is consistent with the current NSW Government planning policy and housing targets which support this type of development
- Impacts such as traffic, heritage, and design should be managed through assessment and conditions rather than used to refuse the project

2.3 Categorising Key Issues of Objection

The systematic and impartial categorisation of issues is an important aspect of the Response to Submissions stage. The following categories are used to categorise issues raised in all the submissions.

1. **The Project.** This includes matters such as the site, the project area, the physical layout and design, key uses and activities, and timing.
2. **Procedural Matters.** This include matters such as level or quality of engagement, compliance with the SEARs, and identification of relevant statutory requirements.
3. **The Economic, Environmental and Social impacts of the Project.**
4. **Justification and evaluation of the project as a whole.** This is concerns with issued relating to the consistency of project with Government plans, policies or guidelines.
5. **Issues that are beyond the scope of the Project or not relevant to the Project.**

The issues are then grouped into sub-issues and the related stakeholders who raised these issues nominated.

Table 6 Categorisation of Issues

Category	Issue	Stakeholder
1. The Project		
1.1	The Project is of excessive height, scale and bulk	CN, Public, Heritage NSW

Category	Issue	Stakeholder
1.2	Setbacks to Tyrrell Street should be increased	CN, Public
1.3	Street activation and improved connection to Newcastle Art Gallery is required	CN, Public
1.4	Design Excellence	CN, Public
2. Procedural Matters		
2.1	Lack of community consultation	Public
2.2	Concern with the HDA approval pathway and the bypassing of Council	CN, Public
2.3	Flooding Assessment Report to be updated to address the latest flood model and mapping	DCCEEW – CPHR
2.4	Confirmation of the maximum water take due to aquifer interference activities required.	DCCEEW – Water Group
2.5	Deficiencies /unclear information within subconsultant reports	CN, Public
3. The Economic, Environmental or Social Impacts of the Project		
3.1	The Project would negatively impact on traffic, parking and local congestion	Public
3.2	The Project would negatively impact on heritage values and surrounding cultural precinct	Public, Council, Heritage NSW
3.2	The Project would negatively impact on Civic Park, Newcastle Art Gallery and the public domain	Public
3.4	The Project would negatively impact on amenity of adjoining residents including shadowing, and privacy	Public
3.5	The Project would negatively impact on neighbourhood character, and village feel of the locality and streetscape of Darby Street	Public
3.6	The Project would generate construction and operational disruption, including noise and dust	Public

Category	sue	Stakeholder
3.7	Stormwater management requirements are to satisfy Council DCP	CN, Public
3.8	Waste management and kerbside collection design	CN, Public
3.9	Overburden local water and sewer infrastructure.	Public
3.10	Mine Subsidence and Earthquake Risk	Public
3.11	Aboriginal Cultural Heritage Significance	Public
3.12	Potential for contaminated land	Public
3.13	Impact of wind tunnelling along Darby Street	Public
3.14	Capacity of schools for the increase in people	Public
3.15	Impacts of grouting works and easements on adjoining land	Public
3.16	Impacts on the Adjoining Approved Development	Public
3.17	Loss of views	Public
3.18	Loss of green space	Public
3.19	Increased noise, antisocial behaviour and safety	Public
4. Justification and evaluation of the project as a whole.		
4.1	Inconsistency with Planning Strategies	CN, Public
4.2	Inconsistency with planning controls, height limits and planning precedent	Public, CN
4.3	The Project does not contribute to the supply of affordable housing	Public, CN
4.4	Financial viability should not justify height and scale increase	Public
4.5	Newcastle has too many large high-rise buildings	Public
4.6	No public benefit	Public, CN

Category	Issue	Stakeholder
5. Issues that are beyond the scope of the project or not relevant to the Project.		
5.1	Surrounding property values will be impacted	Public
5.2	The submission process is arduous	Public
5.3	Increased pet population	Public

3. Actions Taken Since Exhibition

This section outlines the Since the SSDA was exhibited to address the issues raised in submissions.

3.1 Project Refinement

This has included refining the project to address the issues raised in submissions. This refinement will result in an amended design, reducing the height of both buildings, reducing the street wall podium height to two levels, aligning the tower setback to the site boundaries, and increasing the retail floor area to support greater street activation. These amendments will result in decreased yield, height, floor space ratio (FSR) and gross floor area (GFA) of the Project.

Further details of the amended design have been outlined in the Amendment Report July 2026 submitted in support of the application.

3.2 Further Engagement

This has included undertaking further engagement to discuss the issues raised within their submissions, as follows:

- Meeting with DPHI on 30 March 2026. This meeting was attended by key Project Design team and DPHI Officers. The key feedback provided by DPHI was as follows:
 - Request to reduce Darby Street Building by 3 storeys
 - Request to reduce Tyrrell Street Building by 3 storeys

- Follow up meeting with DPHI held on 2 April 2026. At the meeting the Project Design team presented an amended design with the following proposed changes:
 - Darby Street Building:
 - The tower component has been reduced by three storeys. Resulting in a 9 storey primary form.
 - The upper level, level 10 is designed as a recessive form with greater setbacks.
 - The podium level has been reduced to one storey to reduce perceived bulk and scale, and to better respond to the Art gallery.
 - Revised core arrangement to align with updated typical apartment levels.
 - Reduction in number of car parking spaces to reflect decreased apartment numbers.
 - Increased retail area and frontage to Darby Street to activate streetscape.
 - Relocated waste and egress to increase retail frontage.
 - 3m setback to Tyrrell Street provided.
 - Revised building envelope has been undertaken following street setbacks.

- 2 x 4 bedroom apartment and rooftop communal open space provided on Level 9.
- Tyrrell Street Building:
 - The tower component has been reduced by three storeys.
 - The transition building has been reduced by two storeys, with increased upper level setbacks to improve the transition to the surrounding residential area.
 - 2 x three-bedroom apartment provided in increased setback on Level 6.

An email received from the DPHI on 30 April 2026 advised that their support of the proposed amendments subject to undertaking further assessment of amended plans and supporting documentation.

- Follow up meeting with DPHI was held on 19 June 2026. At the meeting the Project Team presented revised plans incorporating DPHI's previous comments. The revised scheme for the Darby Street Building included utilising the Kingsley Hotel height datum as reference height. Amendments included the following:
 - Further refinement of the ground floor arrangements to increase the retail floor area, provide opportunities for increased street activation and further consolidate waste facilities.
 - Darby Street Tower to 11 storeys.
 - GFA of 8019 m² and height of 39.05m.

DPHI provided follow up comments to the revised design in an email dated 24 June 2026 advising that *The Department is supportive of the proposed amendments, subject to undertaking further assessment of amended plans and supporting documentation. Please note that no further increases to height or GFA will be considered.*

3.3 Addition Impact Assessment

This has also included additional assessment of the amended Project design. This assessment is outlined in the Amendment Report July 2026 submitted in support of the application.

4. Response to Submissions

This section provides a detailed summary of the applicant's response to the issues raised in submissions.

4.1 Public Submissions

The following section provides a summary of each issue identified in Table 4 together with the applicant's response. Appendix A provides a summary of all submissions together with an indication of how the specific matters raised in the submission have been addressed in this report.

4.2 Category 1 - The Project

Issue 1.1 Height and Scale

This issue relates to the height and scale of the project being considered excessive, and not adequately justified in the Rezoning Report. In considering the issue, the following is noted:

- The development and renewal of Newcastle City Centre has been influenced by the completion of the Transport Interchange, Light Rail network, post-COVID employment and workplace trends, and a now nationally-recognised housing crisis. The NSW state government's various initiatives to encourage and incentivise private sector housing supply, are predominantly transport-focused and inclusive of affordable housing.
- The project aligns with the NSW government's Housing Delivery Authority pathway, offering to provide an increased yield of housing on a site that exhibits excellent transport accessibility, is well serviced, is located within a city centre, and will make a contribution toward affordable housing. The HDA pathway is targeted to help meet the housing target by streamlining the assessment and approval process for large housing projects.
- The NSW Government has more recently released 5-year housing completion targets for local councils to respond to the National Housing Accord commitment to deliver 377,000 new well-located homes across the state by 2029. Local, State, and Federal Governments are all signatories to the National Housing Accord and are working together to respond to the national housing crisis. The NSW Housing target for Newcastle LGA is 11,100 new dwellings by 2029.

These housing targets for LGAs consider existing infrastructure and housing activity already underway, providing essential infrastructure (schools, parks and open space, health and transport) to align with more homes. *'The NSW Government is committed to providing infrastructure like hospitals, schools, roads, active transport and open spaces to support the delivery of more well-located, well-designed, and well-built homes.'* (NSW Government).

In response to the issue, the applicant has reduced the overall height and scale of the Project.

As described within the Amendment Report, the amended design responds to the context and setting by reducing the height of both towers, to enable a transition to the neighbouring lower scale development precinct, as well as to achieve improved design outcomes within the site and to the

neighbouring residential area. Whilst the land to the east, west and south is predominantly residential and lower density, the site is within the edge of the mapped Newcastle City Centre.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 1.2 Setbacks

This issue relates to the Project's relationship with the surrounding public domain, specifically that the setbacks are not adequate and have negative impact on public domain amenity.

In response to the issue, the applicant has amended the setbacks of the Project to both Tyrrell Street and Darby Street above the podium. The increased setbacks enable a better spatial relationship with the surrounding streets and public domain and will contribute positively to the streetscape.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 1.3 Street Activation and Art Gallery Connection

This issue relates to the Project's relationship with the Art Gallery and that the ground floor design should be amended to improve activation along Darby Street.

In response to this matter the applicant has amended the Ground Floor Plan to provide increased retail frontage for an active streetscape. The ground floor of the Project will facilitate a commercial/retail use to complement the Art Gallery use and patronage. The proximity not only to the Art Gallery but also to the Civic Park makes the project a suitable location for a retail operation.

The amended design has also amended the upper levels have been setback and the height of the podium level lowered to respond to the human scale and height of the Art Gallery. The Project as amended will contribute positively to the streetscape and relate with the Art Gallery across the street, connection augmented with construction of a new pedestrian crossing.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 1.4 Design Excellence

This issue relates to the architectural merit of the proposal and whether it exhibits design excellence. In considering this issue, it is noted that Clause 7.5 of NLEP requires that all new development in Newcastle City Centre exhibit design excellence.

In this regard a design competition for this Project is not required under the current provisions of NLEP. There is also no Environmental Planning Instrument requirement for a design competition to be held, or a Design Excellence Strategy to be prepared for this project. The design of the Project has been designed by local, experienced and award-winning Architectural design team *CKDS Architecture*, and the design has also been reviewed by an independent Urban Design consultant *Curzon Design*, for iterative feedback and advice during the design phase.

To respond to the design excellence requirements, the applicant has amended the design of the Project, in response to input and advice from DPHI Urban Design expert.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

4.3 Category 2 - Procedural Matters

Issue 2.1 Lack of community consultation

This issue is concerned with the level of community engagement, and the lack of design response to matters that were raised during project consultation. In considering this issue, the following is noted:

- Engagement and consultation occurred in accordance with the DPHI *Undertaking Engagement Guidelines (March 2024)*.
- Proponent-led engagement was undertaken from early in the design of the project. Feedback was sought through letterbox drops, emails and project briefings. Early engagement with residents and community stakeholders provided the opportunity for design refinement and technical testing, specifically in relation to relating to massing, setbacks, façade treatment, privacy, overshadowing performance and landscaping.
- Further community and stakeholder engagement was conducted as part of an independent Social Impact Assessment (SIA) prepared for the project SIA Guidelines (July 2025). The SIA engagement included an online community survey, targeted interviews, and observation at key stakeholder meetings and community briefings.
- The SEARs issued in respect of the proposed development specified that engagement and consultation activities be undertaken in accordance with the Undertaking Engagement Guidelines for SSD Projects. Chapter 5 of the EIS provides an overview of the engagement activities undertaken in preparation of the EIS.
- The public exhibition of the SSDA has allowed the formal opportunity for public participation, and this report addresses the concerns raised in submissions.

The pre-lodgment engagement activities informed design changes and refinement during preparation of the EIS, to minimise and address social impacts. These included matters such as:

- Reducing the number of units in the Tyrrell Street Building (from 33 to 18) to enable increased setbacks to the eastern and southern boundaries.
- Relocating the Tyrrell Street Building further off the southern boundary to allow for a deeper soil zone along the Regency Park interface.
- Refining the façade to distinguish between the contextual conditions of Cooks Hill, Civic Park and Tyrrell Street, including adjustments to vertical blades, curved elements and upper-level recessive treatments.
- Expanding the central courtyard to improve natural light, outlook and communal amenity.
- Modifying window placement, glazing treatments and screening to increase privacy for nearby residents.

- Providing a landscaped buffer atop the textured podium wall which runs along the eastern boundary. This wall is lower in scale than the existing warehouse structure along that boundary; and is provided with substantial landscaping and cascading plants to improve the appearance.
- Introducing additional deep-soil planting along the south-eastern boundary to strengthen landscape separation.

The level of community engagement and consultation throughout preparation of the EIS and assessment of the SSDA, is consistent with the applicable Guidelines and statutory requirements under the EP&A Act 1979.

In direct response to submissions received during the public exhibition period, the applicant has amended the design of the Project, as summarised in Section 3 of this Report, and detailed within the Amendment Report. This has included the reduction in height of the two buildings, and a corresponding reduction in the number of units. In this context the community participation has been in accordance with the statutory requirements and appropriate for the Project.

Issue 2.2 Concern with the Housing Delivery Authority Approval Pathway

This issue relates to the recently established Housing Delivery Authority (HAD) which identifies certain housing projects as SSD for which the Minister is the consent authority, and not local Council. In considering the issue the following is noted:

- The HDA was established in December 2024 by the NSW Government, with the intention to provide a fast-tracked approval pathway for large scale, well-located, housing projects. The HAD is constituted under section 2.3 of the EP&A Act. A mechanism for amending LEPs has been established as part of this process, to facilitate projects which also require LEP amendment/s.
- SSD housing projects are assessed by the DPHI in accordance with the issued SEARs. The current Project was accepted by the HDA and declared by the Minister to be an SSD. The industry-specific Housing SEARs were issued and the EIS was prepared accordingly. The Project has followed due process, will undergo merit assessment by the DPHI, and is permissible under the EP&A Act.

No further information or amendment is provided in response to this issue.

Issue 2.3 Flooding Assessment

This issue relates to the potential overland flowpath, and that the flood information provided for the Project has not adequately considered recent flood studies, which may lead to significant impacts. A detailed investigation with associated plans and reports would need to justify the proposed relocation of stormwater infrastructure, to demonstrate its suitability.

In response to this issue, the applicant is undertaking a site-specific flood assessment, using the 2023 Rhelm flood model. This model will provide a more detailed depiction of the site and surrounding catchment flood behaviour. The assessment will include a review of the existing flood studies, including the Royal HaskoningDHV (2015), BMT WBM (2012) and Rhelm (2023) investigations, and its

relevance to the site flood behaviour. The intention of the flood assessment is to develop an outcome for the development which does not have adverse impacts on surrounding properties and maintains flow behaviour where feasible.

Issue 2.4 Confirm Maximum Water Take due to Aquifer interference activities

This issue relates to a discrepancy between the maximum water take described in the EIS and in the Groundwater Impact Assessment Report. In response to this issue the following is noted:

The water take is correctly reported in the Groundwater Impact Assessment Report, provided as Appendix G15 exhibited with the EIS.

‘Based on the calculations, the upper estimate which represents the worst-case scenario predicts a maximum likely extraction groundwater take over the proposed construction period of approximately 8.98 ML.’

Issue 2.5 Deficiencies within Subconsultant Reports

This issue relates to whether information within the Remedial Action Plan and the Visual Impact Assessment Reports was accurate. In response to this issue, it is noted that:

- Within the Remedial Action Plan Report (RAP), the reference to ‘Sydney’ is the location of the laboratory testing which was undertaken for the samples.
- A typographical error on the footer of pages 42 and 44 is acknowledged, although this has no bearing on the quality of assessment undertaken, or the results.
- Updated Technical Reports which reflect the amended design of the Project have been submitted with the Amendment Report.

4.4 Category 3 - The Economic, Environmental or Social Impacts of the Project

Issue 3.1 Impact on Traffic, parking and local congestion

This issue relates to concerns that the project will have negative impacts on the immediate surrounds in terms of traffic, congestion, road safety and parking. A specific matter raised was the impact on parking on the existing Synagogue and potential for the development to dedicate spaces for the Synagogue congregation.

In considering this issue it is noted that:

- The Transport Impact Assessment exhibited with this SSDA determined that the likely impacts on the surrounding local road network are not considered to be significant. Surveys conducted of the current scenario of vehicle trip generation from the site, result in a moderate increase when the project is occupied. The Project separates vehicle access for the project to each street frontage, thereby reducing the vehicle movements at any one access point. Good sight lines are achievable from the site access points, and the inclusion of pedestrian access crossings at the street frontages of the site will improve pedestrian safety and connectivity.

- The Project impacts on-street parking by having one existing space designated for loading, between 6:00am – 9:00am Mondays to Saturdays. This arrangement was supported in-principle by the Local Transport Forum at its meeting 15 December 2025.
- The Project provides sufficient parking spaces within the site for the land uses proposed, including retail staff, residents and visitors.
- The applicant does not propose to provide additional parking spaces for the Synagogue to use within this Project, and there is no nexus to do so given that this development does not directly impact the Synagogue's existing parking.
- A Green Travel Plan was not a requirement of the SEARs for the Project. The site is highly accessible, being within walking distance of employment, education, health services, commercial and retail zones, public bus services and the light rail network, as well as having a high level of pedestrian connectivity on generally flat terrain. The Project incorporates sufficient parking for bicycles, as well as available storage areas for the residential apartments.

The design of the Project has been amended to reduce the overall height and density, which has resulted in a reduction in the traffic generation and parking demand of the Project. An updated Transport Statement is provided with the Amendment Report July 2026.

Issue 3.2 Impact on heritage and surrounding area

This issue relates to the design of the project not being adequately sensitive or responsive to the site's heritage conservation context and nearby heritage items and contributory items. In considering this issue, it is noted that during preparation of the EIS and evolution of the project design, a Heritage Consultant has been engaged to advise and assess the potential for heritage impact and ensure works are undertaken with proper understanding and assessment of the heritage significance of the existing buildings, adjoining buildings and heritage conservation area. Within the exhibited Statement of Heritage Impact (SoHI) the context, history and character of the area are explained and an analysis provided of the proposed development impact in the area, and of the significance of the buildings proposed to be demolished.

The Newcastle Heritage Technical Manual (2020) contains a map of Contributory Buildings within the Newcastle City Centre HCA. The Newcastle DCP (2023) contains provisions relevant to Heritage Conservation Areas and Heritage. The DCP provides exceptions for Newcastle City Centre, as follows:

- *Ensure modifications to existing heritage items or contributory buildings in heritage conservation areas does not adversely impact the heritage significance of the item or place.*
- *Ensure development of heritage items and contributory buildings in heritage conservation areas in the Newcastle city centre are respectful and do not dominate or diminish the prominence of the host building or adjoining contributory or heritage item building.*
- *Ensure development contributes to the economic revitalisation and strengthens the regional position of the Newcastle city centre, but otherwise respects and does not distort or obscure the heritage significance of the place.*

The Project as amended, is consistent with the DCP, as it does not dominate or diminish the prominence of any adjoining contributory or heritage-listed items; offers a contribution to the economic revitalisation of the Newcastle City Centre, and does not distort or obscure the heritage significance of the area.

Demolition of Existing Buildings

The site has been identified by Council as “Contributory 2” to the surrounding HCA within the Newcastle Heritage Technical Manual (2020). However, the remaining structure does not contribute in a significant way to the history of the area. The Heritage Consultant’s assessment finds that the contribution of the structure to the local heritage area is not significant. The Statement of Significance for the HCA states the important period of development is up to 1940, with the remnant Workshop constructed in the 1930s, later extended in the 1940s to over double its length. This building has been extensively disfigured by a major reduction in its length and replacement of fabric at both ends of the building with the face brickwork at the ends painted. The remaining face brickwork to the western wall has minor cracking and the former large openings to this elevation have been altered with one opening made larger compromising a nearby window opening in the masonry.

The 1980s office complex was also assessed in the SoHI to be of a very ordinary design for the period, appearing to reflect the "Brutalist" style of architecture but not reaching the threshold for individual heritage listing as far better examples are found in Newcastle including the nearby former council administration building. The building construction date also falls outside the dates described in the Statement of Significance for the HCA.

Impact on Nearby Heritage Items

There is one nearby listed heritage item, Item 608, a Synagogue which is of Local heritage significance. The item stands out in its location opposite the proposed Tyrrell Street building, and does not appear to be overwhelmed by the Project, but rather highlighted by its design and detail from the Inter War period of architecture.

The impact of the Project on Civic Park was determined as minimal, based on the existing tree cover in the park with regard to views between the Project and the Park. The shadow impact from the building affecting the park and its users is also not significant, as a result of the Civic Park being located to the north-west of the Project.

Other nearby heritage items and contributory buildings have been addressed within the Statement of Heritage Impact, most of which surround Civic Park and have also been partially screened from view in both directions by the existing, substantial Civic Park trees.

Impact on the Heritage Conservation Area

The site is within the Newcastle City Centre HCA, is nearby to The Hill HCA and is a city block away from the Cooks Hill HCA in the Darby Street commercial area. The Hill HCA rises sharply from Darby Street up Tyrrell Street providing a background to various views to the site from the Civic Park. The park itself has a number of mature large trees that screen the view to the site, noting that the main view corridor in the park is from City Hall to the Cultural Centre on Laman Street and vice versa. Up

until the 1970s, the Darby Street side of Civic Park had a number of light industrial buildings on it (refer to Plate 10 on page 10 of the SoHI). The City of Newcastle landscaped the balance of the park between the former railway corridor and Darby Street in the 1970s with the trees now nominally fifty years old. During that period, the following buildings were constructed on sites around the park including the former Council Administration Office, now the Kingsley Hotel, The Tax Office, and the Art Gallery (with a recent addition scaled to complement the original) and the Cultural Centre. The nineteenth century Baptist Tabernacle and St Andrews Presbyterian Church are located on the south western corner of the park with the western side on Auckland Street having the University of Newcastle's Conservatorium of Music (1988) and another university building soon constructed. On King Street, the former Northumberland House and the former NESCA House and Christie Park complete the link to the City Hall, with the recently constructed University House on Hunter Street clearly seen above these buildings.

The amended design has responded to the context and setting by reducing the height of both towers, to enable an improved transition to the neighbouring lower scale development precinct, as well as to achieve improved design outcomes within the site and to the neighbouring residential area. The reduced building height is responsive to the heritage context and results in improved outcomes.

Updated Heritage Advice is provided with the Amendment Report July 2026, as well as updated contextual analyses and updated Visual Impact Assessment. The Project demonstrates that the height, scale and design of the project, as amended, does not result in a significant impact on the surrounds, or the heritage significance of the area; and that the project does not compromise the desired future character.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 3.2 Impact on Civic Park, Newcastle Art Gallery and public realm

This issue relates to the height and scale of the project being considered detrimental to the nearby civic buildings and public areas. In consideration of this issue, it is noted that the shadow analyses were included with the exhibited documents for this SSDA. The Project does not unreasonably overshadow the Civic Park. The Project does not unreasonably overshadow the Art Gallery, as it remains capable of achieving sunlight between the hours of 9am and 3pm during the winter solstice.

In response to this issue, the applicant has amended the design of the Project to reduce the overall height of the Project which will have improved outcomes in terms of visual impact and shadowing, increases setbacks to the streets, as well as amending the podium to better relate to the built form of the Art Gallery and human scale at the street. The Civic Park, Art Gallery and public realm are located to the north-west and west of the Project, resulting in no unreasonable overshadowing by the Project.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 3.4 Amenity impacts of overshadowing, sunlight access, privacy

This issue relates to concerns that the project is considered excessive and would cause unreasonable loss of sunlight, daylight and privacy, which is detrimental to the surrounding properties and public spaces. In considering this issue, it is noted that the SSDA was accompanied

by Shadow Analyses, as well as detailed site sections to demonstrate the impact on privacy at the interface of the site and neighbouring development.

The amended design has reduced the height and scale of the Project, and increased setbacks. The amended design results in reduced shadowing impacts and addresses the maintenance of privacy through building separation distances and specific design features. Refer to the Amendment Report July 2026.

Issue 3.5 Impact on Neighbourhood Character, village feel and streetscape

This issue relates to the impact of the design on the existing and future character of the area, the village feel and streetscape; and that the project is not in keeping with this. In consideration of this issue, it is noted the site is mapped within the Newcastle City Centre under NLEP. Many adjoining properties, including those to the east in The Hill suburb, and further south along Darby Street in Cooks Hill suburb, are not mapped as being part of the Newcastle City Centre. The site exists at a point of converging character areas and heritage conservation areas, each with distinct desired future character and objectives.

The amended design better responds to the character of the area and surroundings, through the reduction in height and scale, as well as increased setbacks. It is also noted that the amended design has reduced the podium height to two levels, to provide more human scale at street level. It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 3.6 Construction and operational disruption, including noise and dust

This issue relates to the disruption and inconvenience of the construction phase of the Project, and potential safety issues. In considering this issue it is noted that all construction phases of new development have temporary impacts on the immediate surrounding locality. The site works for the Project, including excavation, drilling, grouting and construction, will be managed to minimise the impacts on the surrounding local traffic and pedestrian access network, as well as upholding residential amenity.

Management of noise and vibration during construction is to be achieved through the implementation of a Construction Noise and Vibration Management Plan as detailed in the EIS and recommended mitigation measures. In terms of operational management, the Noise Impact Assessment provided with the exhibited documents concluded that the impacts of the project ongoing occupation on neighbouring properties are not likely to be significant. For work health and safety, it is a requirement that construction sites in NSW be provided with temporary fencing to prevent unauthorized entry, and therefore prevent avoidable injury.

Refer to the Amendment Report July 2026 and updated Acoustics Letter in respect of the amended design.

Issue 3.7 Stormwater Management

This issue relates to the management of stormwater in accordance with Newcastle DCP 2023 and not to have impact on adjoining properties.

In response to this issue, it is noted that conceptual hydraulic calculations and drainage modelling have been completed for both the existing drainage alignment and the proposed diversion.

The amended design has provided additional stormwater reuse capacity in line with Section C4 'Stormwater' of NDCP 2023 by incorporating the following:

- Reuse in Toilets and Washing for residential units up to Level 2 (9x1 Bed, 8x 2 Bed & 9x 3 Bed)
- Reuse in toilets for the commercial units (3x Toilets)
- Reuse in landscaped areas for irrigation (819m² 2L/m²/day)

The amended design also provides amended rainwater reuse, as follows:

- Building 1 – 48kL Rainwater Tank for Reuse and 55kL OSD
- Building 2 – 15kL Rainwater Tank for Reuse and 34kL OSD

The applicant has undertaken additional modelling to determine the pre and post developed flows with specific attention paid to the detention volumes and overall site discharge. Amended Civil Plans are provided with the Amendment Report including limited flows from the Site to be able to satisfactorily discharge into the Tyrrell Street drainage network. A detailed response to issues raised in the Stormwater Advice and Civil Engineering Plans provided with the Amendment Report.

Issue 3.8 Waste Management

This issue relates to the arrangements for waste collection not being provided on-site, and this having the potential to cause vehicle congestion and safety concerns. In considering this issue, the following is noted:

Council was consulted during preparation of the SSDA and was supportive of the proposed loading strategy for the site subject to installation of signage for a loading zone (6am-9am, Monday to Friday or Monday to Saturday, if deliveries occur on Saturday) on Darby Street to better facilitate waste collection and retail deliveries in the morning when such activities typically take place.

A separate application was made to Council and the Local Transport Forum to obtain in-principle support for the proposed loading zone on Darby Street. Such support has subsequently been granted by Council and the Local Transport Forum.

The pre-DA meeting minutes from Council (November 2025) regarding this project provided as follows:

“It is advised waste management should be based on all waste being collected on site by a Heavy Rigid Vehicle (HRV) achieving forward entry and exit in accordance with the NDCP 2023. Any alternative, such as the collection and return option proposed by the development reliant on a future dedicated on-street loading/services zone would need to demonstrate and justify why on-site collection is not proposed. It is additionally confirmed that presentation of bins to the street for collection is allowed/supported.”

The Newcastle DCP 2023 allows collect-and-return waste collection arrangements for large residential developments, as follows:

Table 7 Newcastle DCP Section C6

Section C6 Waste Management		
Section 9.0 Residential Development of Two or More Dwellings		
Control	Acceptable Solutions	Explanatory Notes
C-2. When kerbside collection is not appropriate the following may be used: Collect-and-return, or Onsite collection for apartments with more than 50 dwellings.	AS-2. In certain circumstances, where site constraints are present, collect and return services may be considered as an alternative to onsite collection for apartments with more than 50 dwellings.	There are three types of waste collection: on-site, kerbside and collect-and-return. On-site collection is when the collection activity occurs on the private site. Collect-and-return is when the collection vehicle parks at the property frontage, and the operators enter the property and retrieve the bins for collection from the presentation point. A presentation point is the area where bins can be collected by operators near the street entry. In some situations, this is separate to the communal waste storage area. Kerbside collection is conducted by CN's collection vehicle from the street. It is the resident's or strata's responsibility to move the bins to and from the street.

In response to this issue the applicant has reviewed the possibility of providing on-site waste collection. However, this is confirmed not to be achievable for the following reasons:

- The site is affected by flooding and this requires a ramped-up basement entry to prevent floodwaters from entering the basement of the proposed Darby Street building. This is problematic for designing basement entry that can accommodate a waste servicing vehicle height.

- The space required to accommodate the turning circle of a waste servicing vehicle is problematic for the small basement footprints available for basement design on this H-shaped site. To design this Project to accommodate a waste servicing vehicle within the basement, would result in a significant loss of available parking area and therefore require additional basement level excavation.

The Project as amended proposes to have waste collected from the kerbside at a presentation point for each building, and this will be managed by the Building Manager. This arrangement is consistent with other recently approved residential developments in Newcastle where Council has supported on-street waste collection and servicing. Waste collection is designed as suitable for collection by Council's waste contractor.

Refer to the Amendment Report July 2026 and the updated Waste Management Plan which reflects the amended design.

Issue 3.9 Overburden water and sewer infrastructure

This issue raised in Public submission, relates to the yield of the project placing too much pressure on the capacity of the existing infrastructure. In considering this issue, it is noted that a Site Investigation Report was exhibited with this SSDA, addressing the servicing of the Project and included assessment of network capacity in relation to water, sewer, electricity, communication, gas and stormwater. In relation to sewer infrastructure, the preliminary calculations completed in accordance with AS3500.2.2021, indicate that the outgoing sewer service will not exceed the size of the existing authority mains.

There is also sufficient capacity within the existing water infrastructure to avoid the need for water supply storage tanks for the Project. A response was received from Hunter Water, as addressed in Section 4.7 of this Report. Hunter Water raises no concern or objection to the Project regarding water and sewer servicing capacity. Final confirmation and approval for water and sewer works for the Project is required from Hunter Water.

Issue 3.10 Mine Subsidence and Earthquake Risk

This issue relates to the Project not being suitable given the risk of mine subsidence and earthquake risk, and that there are other alternate sites available for redevelopment. In considering this issue it is noted that the project has been designed to address mine subsidence risk.

A Mine Subsidence Assessment Report was submitted with the SSDA and acknowledges that following grouting works there is some potential for settlement, which requires numeric modelling to be undertaken. Subsidence Advisory NSW has reviewed the SSDA and provided recommended conditions for consent.

The potential for earthquake activity has been considered in the Preliminary Geotechnical Assessment which was exhibited with the SSDA. Considering the expected depth and composition of the soil profile at the site, the following site seismic parameters would be applicable to the Project in accordance with AS1170.4-2007: *Hazard Design Factor (Z): 0.11 – for Newcastle locality Site Sub-Soil Class: Class Ce – shallow soil site.*

The final structural design for the Project will be informed by further geotechnical investigations as recommended in the mitigation measures for the Project (refer to Appendix B).

No further information or amendment is provided in response to this issue.

Issue 3.11 Aboriginal Cultural Significance

This issue raises awareness that adjacent land is culturally significant to Awabakal peoples. In considering this issue, it is noted that an initial assessment of the environmental impacts of the project on Aboriginal heritage was undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. This assessment found that the proposed development is unlikely to impact Aboriginal cultural heritage. An Unexpected Finds Protocol shall be adopted for the site during the preliminary site works, excavation and construction, as recommended in the mitigation measures for the Project.

No further information or amendment is provided in response to this issue.

Issue 3.12 Potential for Contaminated Land

This issue relates to the potential for the site to contain contaminants related to historic use of the Site. In considering this issue it is noted that the Detailed Site Investigation (DSI) exhibited with the SSDA identifies the potential for contamination at the site, including asbestos material, imported fill in the form of coal wash reject and gravelly sand and the potential presence of an underground petroleum storage tank. This will need to be confirmed with further investigations of currently inaccessible areas of the Site, made possible following demolition works. Sampling from the closest possible location did not suggest that surrounding soils had been impacted by spills or leaks. Further, the sampling of groundwater did not detect petroleum hydrocarbons, indicating that there has been no migration of contaminants.

Remediation of the site is proposed to address any existing or potential contamination. Mitigation measures to address the risks of contamination are detailed in the EIS and to be upheld to safeguard the environment and public health and safety.

No further information or amendment is provided in response to this issue.

Issue 3.13 Impact of Wind Tunnelling

This issue relates to the potential impact of the Project on wind tunnelling effects. In considering this issue it is noted that an Environmental Wind Assessment was undertaken to assess the likely impacts of the Project, and this was exhibited with the SSDA. The assessment found that the overall effect of the proposed development on the local wind microclimate is predicted to be “not significant” and the proposed development should satisfy the nominated Wind Acceptability criteria. Recommended mitigation measures for ground level were incorporated into the design and are detailed in the EIS.

No further information or amendment is provided in response to this issue.

Issue 3.14 Capacity of Social Infrastructure and Schools

This issue relates to the capacity of local schools in particular, to provide for the increase in population and families that will occupy the development. In response to this issue, it is noted that the SIA considered existing social infrastructure such as schools, health facilities, public transport, open space, recreation and cultural facilities. To reflect the reduction in unit numbers and change in types of units an Addendum to the SIA has been prepared and submitted with the amended design.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 3.15 Impacts of Grouting works on private lands

This issue relates to the uncertainty of impacts on surrounding properties as a result of the proposed grouting works. The scope and methodology is not clear, the locations of boreholes appear to be on private properties and the grouting taking place beneath private properties.

In considering this issue it is noted that grouting is required to protect the development and prevent unacceptable surface subsidence, given the presence of underground mine seams. Whilst a preliminary grout plan was provided within the Mine Subsidence Report exhibited with the SSDA, a final plan is yet to be produced and approved by Subsidence Advisory NSW.

The following mitigation measures are recommended for the Project as outlined in the EIS, and are to be upheld:

- Final numerical modelling for the grouting will need to be prepared and submitted to Subsidence Advisory NSW post-demolition of existing structures and prior to commencement of all other works.
- Prior to Construction Certificate a Grouting and Verification Plan is to be submitted to Subsidence Advisory NSW.

It is noted that in accordance with Clause 23(4A) of the EP&A Regulations, the consent of the owner of the land is not required for a development application for development involving mine grouting works where the works are ancillary and carried out at a depth of 10m or more below the surface of the land. The mine grouting works that are ancillary to the construction of the proposed buildings will occur at below 10m. Accordingly, the consent of any other land owner is not required.

No further information or amendment is provided in response to this issue.

Issue 3.16 Impacts of the Project on adjoining approved development at 59 Darby Street

This issue relates to the EIS not giving adequate consideration and assessment of the impact of the Project on the approved development at 59 Darby Street. In considering this issue it is noted the EIS acknowledges that the adjacent property benefited from a Land and Environment Court Approval for six storey mixed-use development. It also noted that regardless of whether the Development Consent has lapsed, the approved design is representative of a likely future development outcome. Consideration of the approved built form was used as a tool to the potential consider the impacts of

the Project on adjoining property amenity and demonstrate the suitability of the site for building height exceeding the maximum building height of 14m applicable under the NLEP.

Issue 3.17 Loss of Views

This issue relates to the loss of views for The Hill residents, toward the city and Civic Park (west and southwest). In considering this issue it is noted that the site is located west of The Hill and the outlook in this direction captures the cityscape. Within the Newcastle DCP, key public views and vistas are identified for the Newcastle City Centre. However, no views or vistas have been identified as significant in this location.

Furthermore, there is no significant view from adjoining properties that would be impacted or lost as a result of the Project. Distant views of the city and harbour vistas achieved from properties up to a hundred metres away from the site may be partially impacted, however, this is not unreasonable.

The Project has been amended including reduction in height and scale, and the impact of the project on outlook is addressed within the Amendment Report July 2026 and updated Visual Impact Assessment. The design as amended includes massing relief between two buildings, appropriate street setbacks, and reduced height of each building. The amended design demonstrates that the scale and massing is appropriate and will not cause significant likely impact on view sharing.

Issue 3.18 Loss of Green Space

This issue relates to the loss of green space by the project as a result of demolition and redevelopment of the site, and that the landscaping of the Project is not enough. In considering this issue it is noted that the current condition of the site provides minimal landscaped area, being majority building or hardstand with a few garden beds. The Project as amended results in 1504.8m² of landscaped area open space, of which 11% of site area is deep soil zone (394m²). This is an improvement and aligns with the Apartment Design Guide which recommends 7% site area as a minimum deep soil zone. The provision of open space in the amended design is addressed within the Amendment Report July 2026.

Issue 3.19 Antisocial behaviour, Noise and Safety

This issue relates to the increased likelihood of anti-social behaviour, particularly late at night, as a result of increased population in this location. In considering this issue it is noted that the surrounding area has a higher than state average rates of crime. Accordingly, the design of the Project includes secure and controlled access to the building and carparks, good lighting, passive surveillance from upper level apartment balconies as well as the Ground Level retail space, and secure common areas which have been designed to minimise the risk of crime opportunity.

The Project provides opportunities to support cultural and commercial activity through additional residents and an active ground floor retail premises which can contribute to street activation and local business viability. The Project provides opportunity for an inclusive and accessible public realm through high-quality public interface and universal access which can improve safety and amenity for a wide range of users. The provision of residents in the Project living alongside a concentration of hospitality, retail and civic land uses in the immediate locality, is likely to contribute positively to the night time economy and vibrancy of the local area.

In response to this issue the applicant has included an assessment of Crime Prevention Through Environmental Design (CPTED) principals of the Project as amended, within the Amendment Report. The CPTED assessment demonstrates that the design of the Project has thoughtfully considered the principles of safer design to minimise the risk of crime.

It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

4.5 Category 4 - Justification and Evaluation of the Project as a whole

Issue 4.1 Inconsistency with Planning Strategies

This issue relates to the Project being inconsistent with the Hunter Regional Plan 2041 and Local Housing Strategy 2025 in terms of diversity of housing options and the location of housing in an inner-city setting. In considering this issue the following is noted:

The EIS addresses strategic documents applicable to the Project, including the Hunter Regional Plan 2041 and Local Housing Strategy 2025. These are addressed in the Amendment Report July 2026, to reflect the amended design.

4.2 Inconsistency with planning controls, height limits and planning precedent

This issue relates to the height and scale of the project being considered unsuitable in isolation from the strategic planning framework and LEP controls. In considering this issue it is noted that:

- the planning justification for the project lies in its alignment with the state government's planning initiatives, specifically in terms of meeting the criteria for Housing Delivery Authority projects in accessible locations to contribute to the supply and delivery of much-needed housing. Furthermore, the project has demonstrated that it is consistent with the strategic policies and the specific objectives for Newcastle City Centre, albeit whilst exceeding the specific development standards for the site.
- In terms of setting a precedent, the HDA pathway is available to sites within NSW that are located with good transport access and satisfy the HDA criteria. The site of the Project is a short walking distance from the light rail and public bus services, as well as commercial land. The height and scale of the Project are to be assessed on merit in accordance with the NSW EP&A framework.
- The project's suitability is demonstrated through its reasonable and proportionate impacts.

In response to this issue the applicant has reduced the building height and FSR of the Project. It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 4.3 Affordable Housing

This issue relates to the lack of affordable housing provision on site as part of the Project, whether the monetary contribution figure is sufficient, and that the apartments are going to be marketed as expensive, luxury housing. In response to this issue, it is noted that the project is eligible as a HDA

project including the proponent's expressed intention to make a monetary contribution towards provision of Affordable Housing in the Newcastle LGA.

The Project will make a meaningful contribution to the Council's newly adopted Newcastle Affordable Housing Contributions Scheme, which provides an option to dedicate dwellings within the Project, or pay a monetary contribution. The monetary contribution rate is based on the indicative cost that Council would expect to pay for a new apartment or land in the area, supported by market evidence. According to the Scheme, funds are administered as follows:

- Contributions will be pooled and managed by CN. As sufficient funding becomes available through the Scheme, CN will seek proposals from nominated CHPs for the development of affordable housing in the Newcastle LGA.
- CN may use cash reserves from monetary contributions to build purpose built, mixed tenure housing. The housing is to be designed for long term affordable rental accommodation (e.g. durable fixture and fittings, more storage instead of more car spaces, improved energy efficiency and reduced body corporate fees by excluding items such as heated pools, communal gardens or reading rooms).
- Such a development may be undertaken by CN or in a joint venture with a nominated CHP or government entity that is experienced in the delivery of affordable housing.
- CN may also use cash reserves to purchase suitable properties with low maintenance costs and strata fees. Cash reserves may also be used to manage the affordable housing portfolio.

The amount payable toward affordable housing will be adjusted to reflect the amended design, which has reduced the yield of the project. It is considered that this matter has been adequately addressed in the amended design. Refer to the Amendment Report July 2026.

Issue 4.4 Financial viability does not justify the increased height and FSR

This issue relates to the mention of financial viability for the project justification. In considering this issue it is noted that the project's merits and justification are outlined in the EIS, and include:

- The Project aligns with state, regional and local planning objectives
- The Project is justified on environmental, social and economic grounds, with impacts suitably managed through mitigation measures
- The Project will provide much needed residential housing in the Newcastle City Centre and contribute to the activation of Darby Street
- The amenity of neighbouring properties is upheld and not significantly impacted
- The Project is compliant with statutory requirements (with the exception of FSR and building height, allowable for HDA)
- The Project has involved genuine community and stakeholder engagement
- The Project promotes the principles of ecologically sustainable development through a responsive design that is energy and water efficient and reduces landfill waste
- The site is serviced, well-located and accessible for new housing

- The Project exhibits design excellence
- There will be limited cumulative impacts associated with construction as the general locality is not subject to extensive construction activity; and temporary impacts likely to be experienced during construction can be suitably managed and mitigated.

The viability and feasibility of the Project is dependent on the dwelling yield achieved. The updated EDC report reflects the cost of delivering the amended Project. It is noted that the cost of grouting is a significant contributor to the cost of developing land in Newcastle as a result of the area's mining legacy.

Issue 4.5 Newcastle has too much High-Rise Development

This issue relates to the perceived overdevelopment of Newcastle already, and the need to stop further high-rise projects from being developed.

This opinion is contrary to the local and regional strategic and statutory planning framework for Newcastle, which provides for increased building heights and scale of development in Newcastle City Centre to accommodate projected future growth in population and employment; and also conflicts with the state government planning initiatives and targets for housing supply near transport and services.

No further information or amendment is provided in response to this issue.

Issue 4.6 No Public Benefit

This issue relates to the inadequacy of public benefit from the Project. In considering this issue the following is noted:

- The Project contributes to affordable housing in the LGA through direct monetary contribution at a rate determined by the Newcastle Affordable Housing Contribution Scheme
- The Project contributes to the State Government's Housing and Productivity Contribution
- The Project contributes to Newcastle Council Section 7.11 Contributions toward local infrastructure and community facilities

These are discussed in the submitted EIS and the Amendment Report July 2026.

4.6 Category 5 - Issues that are beyond the scope of the project

Issue 5.1 Surrounding Property Values will be impacted

This issue relates to the impact of the project on market property values. This is not a relevant planning matter for consideration of the project under the EP&A Act. No further information or amendment is provided in response to this issue.

Issue 5.2 The Submission Process

This issue is related to the process of making a submission online being arduous for members of the public, inadequate being for 14 days, and not an accessible process. In considering this issue it is noted this is a matter for the DPHI to consider, as it is beyond the scope of the current Project and beyond the applicant's control. The exhibition of the SSDA is undertaken by DPHI, in accordance with its adopted Community Participation Plan.

Issue 5.3 Increased Pet Population

This issue relates to the impact of increased pet ownership in the area as a result of the development, and the increased animal waste being a public health concern. In considering this issue it is noted that pet ownership will be governed by the future owner's corporation for the building. This is not a relevant planning matter for consideration of the project under the EP&A Act. No further information or amendment is provided.

4.7 Agency Submissions

The following table provides a summary of issues or comments raised by Agencies in their response to the SSDA.

Table 8 Response to Agency Submissions

City of Newcastle Council

1. Strategic Planning - Proposed amendment to NLEP

1.1 Inadequate and insufficient information

This issue relates to the level of information provided in the rezoning report being insufficient, not justifying the strategic or site-specific merit of the proposed LEP amendments. The rezoning report should be updated to address the following matters.

The Concurrent Rezoning Report has been prepared in accordance with the direction from DPHI, as outlined in its advice issued with the SEARs for the Project. Refer to Section 4.5

Whilst referred to as "concurrent rezoning", the Report aims to vary the building height and FSR standards for the site, instead of utilizing LEP clause 4.6 *-exceptions to development standards*.

Section 3.22 of the EP&A Act enables the amendment of an EPI to deal with matters the HDA considers reasonably necessary to enable the carrying out of a state significant development.

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The NSW Government has provided its strategic justification for its various planning initiatives, providing new pathways and processes to encourage higher density, higher-yield housing projects in accessible locations, typically located around rail corridors and in proximity to commercial land. The site for this Project meets the criteria for HDA pathway projects.

1.2 Strategic Justification

This issue relates to the proposed amendment not being justified at a strategic or city-wide level. In particular, the significant height uplift sought for a single site within the Newcastle City Centre lacks a clear strategic rationale; and that there is insufficient justification that the proposal will protect or enhance the area's heritage significance and character.

The special location of the site on the civic edge, and within the city centre, is recognised within the EIS, and this context has been responded to in the project design. The building height and FSR of the Project have been carefully devised for the site, and the fact that the project exceeds these current LEP development standards does not in itself mean that a project lacks strategic or site-specific merit.

Refer to 4.1.5 and 4.1.6

The project has been justified at a state level (as described above), and has demonstrated that it is in fact consistent with the objectives for Newcastle City Centre, and the site is mapped as being within the city centre. The Newcastle City Centre provisions of the LEP have not been reviewed in NLEP since 2012. In the last couple of decades Newcastle has evolved, particularly with the light rail network installation, Transport Interchange completion; post-covid workplace changes which are impacting the function of city centres; and a now nationally-recognised housing crisis.

1.3 Strategic direction and intent

This issue relates to incremental amendments of this nature are not appropriate and should only

This SSDA does not require a precinct-wide approach. Site specific amendments are allowable under the state government's planning initiatives for housing delivery.

Refer to 4.1.6

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be considered through a holistic, precinct-wide approach.

The City of Newcastle has not comprehensively reviewed or revised the strategy or planning controls for Newcastle City Centre since the Newcastle LEP 2012.

The NSW Government policies target the supply and delivery of housing in well-located and transport-oriented sites. The project aligns with this approach and the HDA.

1.4 Lack of Clear Nexus Between LEP Amendment & Development Outcomes

This relates to the absence of a clear and enforceable link between the increased planning controls and the delivery of defined development outcomes. Also, the additional development capacity must achieve delivery of affordable housing, publicly accessible open space and meaningful public domain improvements, and appropriate built form, for the public benefit.

The project has been lodged as SSD under the HDA pathway, as one of the state government's initiatives to encourage fast delivery of large housing projects. The EIS has demonstrated that the built form outcome proposed is appropriate in the context of the site, and as a result of reasonable impacts.

The project includes:

- Built form that is responsive and appropriate,
- provision of public domain works surrounding the site including pavement works, pedestrian crossings and street trees;
- payment of local development and infrastructure contributions,
- payment of state public contributions, and
- payment of affordable housing contributions.

These are all meaningful contributions with public benefit.

The amendments to NLEP are to be made in accordance with Section 3.22 of the EP&A Act.

1.5 Key Site Identification and HDA Pathway

The ramification of nominating the site as a "key site" in NLEP would be a N/A

City of Newcastle Council

This issue relates to Council request that the site be identified as a Key Site on the Newcastle City Centre Map.

required design competition process. This is irrelevant to the current SSDA, as the site has not been nominated as a “key site” under the current applicable NLEP. The project is not required under an EPI to undertake a competitive design process.

The proposed amendments to NLEP are lawfully permitted in accordance with Section 3.22 of the EP&A Act.

1.6 Height of Buildings and Built Form Response

This issue relates to the height being excessive and not supported. A more nuanced and context-sensitive height framework is required to achieve appropriate heritage-responsive built form outcomes.

The project originally expressed interest in 45 metre building height for the site. However, as a result of the design process including detailed consideration of the context and surrounding development, only one portion of the project has been designed to a height of 45 metres. The other tower element of the project has been designed to 25 metres, appropriately responding to the site context, surrounding development, transition to the lower scale Cooks Hill residential precinct, and consideration of amenity impacts on adjoining neighbours.

The project has been amended, including reduction in height (refer to the Amendment Report).

Refer to 4.1.1

1.7 Site-Specific Provisions

This issue relates to Council request that a new site-specific clause be included in the LEP for the site related to future development outcomes..

The mechanism for permitting the proposed amendments to NLEP 2012 will be determined by the consent authority; and will allow only the project.

N/A

1.8 Public benefit

This issue relates to the need for the project to identify public benefit. The project does not assess the impacts on schools and social and economic infrastructure. A comprehensive

The NSW Government housing targets for LGAs consider existing infrastructure and housing activity already underway, providing essential infrastructure (schools, parks and open space, health and transport) to align with more homes. ‘The NSW

Refer to 4.1.35

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Community & Social Assessment should be required.

Government is committed to providing infrastructure like hospitals, schools, roads, active transport and open spaces to support the delivery of more well-located, well-designed, and well-built homes.’ (NSW Government).

The Project has been lodged in accordance with the NSW Housing Delivery Authority pathway, specifically targeted to help meet the housing target by streamlining the assessment and approval process for large housing projects on accessible sites in proximity to commercial land and transport.

The Social Impact Assessment for the project was prepared in accordance with the Social Impact Assessment Guideline for State Significant Projects, as required by the SEARs.

In comparison to the demographic profile of the existing community, the incoming population for the Project is identified as likely to:

- include a higher proportion of residents aged 18–39 years
- consist mainly of lone-person and couple households
- include a smaller share of families and some older “downsizer” households, reflecting the
- presence of larger apartments and the area’s walkable access to services
- continue the predominance of rental tenure typical of new apartment stock.

Housing supply will likely have a positive impact on local housing affordability. The proponent has already received enquiries from

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interested purchasers, following the public exhibition of the project.

1.9 Affordable Housing Contribution

This issue relates to the inadequacy of the proposed affordable housing contribution. 4% is recommended without further feasibility testing.

Whilst referred to as “concurrent rezoning”, the report aims to vary the building height and FSR standards for the site, instead of utilizing LEP clause 4.6 -exceptions to development standards. This Project is for development under the EP&A Act, not a planning proposal. The AHCS states that development applications for residential development, will be charged on a percentage of the GFA. Therefore, the greater the GFA of a project, the greater the amount payable.

Whilst some state initiatives have explicit affordable housing requirements, the HDA does not.

The criteria in place for HDA projects at the time of this Project’s acceptance, was that the project *contribute* to affordable housing.

This Project proposes to pay the contribution levied on development for affordable housing in Newcastle LGA. This aligns with the applicant’s expression of interest for the Project, and the criteria for HDA at that time.

Refer to 4.1.33.

2. Development Assessment - Proposed SSD Application

2.1 Zone Objectives (NLEP 2012)

This issue relates to the project not being consistent with the zone objectives.

The suggestion that the proposed mixed-use development comprising permissible land uses - being retail premises and shop top housing - is not consistent with the objectives for the Mixed Use Zone is inaccurate. The objectives for the MU1 Mixed Use Zone, as addressed within the EIS, are:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

No further action.

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- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.

The sole premises on the ground floor of the project facing Darby Street is for retail use, providing an active street frontage which also contributes to local employment and will attract pedestrian traffic. Tyrrell Street is a steep residential street with residential neighbours, where active street frontage is not desired or practical. In this way, the project design is directly responsive to the surrounding land uses and setting, avoiding land use conflict. The project is demonstrably consistent with the objectives for the MU1 Mixed Use Zone.

2.2 Newcastle City Centre - Design Excellence <i>This issue relates to the lack of design excellence, lack of design review, and the need for the site to be identified as Key Site.</i>	A design competition is not required under the current provisions of NLEP. Refer to 4.1.3. There is no EPI requirement for a design competition of Design Excellence Strategy to be prepared for this project.
2.3 Character	The architectural design response and the Urban Design Report provided with Refer to the Amendment Report.

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This issue relates to the height, bulk and scale of the project being out of character with the Heritage Conservation Area and surrounding development.

the SSDA discuss the intentional and appropriate formation of the final site in the civic edge- those buildings that surround the Civic Park edge. The project has no amenity impact on the Civic Park. The ground floor retail premises will be suitably located as a complementary land use for people visiting and recreating in the park.

The transition in scale from the main Darby Street civic edge tower, to the low scale residential development of Cooks Hill has been developed to minimise the amenity impacts and achieves a suitable built form transition.

Refer to the Amendment Report.

2.4 Non-Compliance with Apartment Design Guidelines (ADG)

This issue relates to the project's non-compliance with the ADG, and other design concerns.

Under the Housing SEPP, a consent authority must consider the quality of the design of the development (evaluated in accordance with the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP), and the ADG. However, *compliance* with the design criteria specified in the ADG is explicitly not a requirement (clause 147(3)).

Refer to the Amendment Report and Appendix D3

The ADG provides:

- objectives (the desired outcomes)
- design criteria (measurable ways the objectives can be achieved) and
- design guidance (alternative design responses where design criteria cannot be met)

The project has been designed to align with the Design Objectives of the ADG.

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The design demonstrates that the objectives are satisfied by the design, even for aspects where *compliance* with specific measurable criteria is not achieved.

The project satisfies all of the non-discretionary standards of the Housing SEPP, which relate to car parking, internal apartment area, and ceiling heights.

The design will provide high-quality and high-amenity for future occupants, which aligns with the aims of the ADG.

2.5 Heritage

This issue relates to the inconsistency with the desired future character of the HCA, the impact on heritage items and contributory items, and that the demolition of the existing buildings is not supported.

The design has been amended, addressing this matter. Refer to the Amendment Report and updated Heritage Advice. Refer to 4.1.11 and Amendment Report.

2.6 Visual Impact

This issue relates to deficiencies Visual impact Assessment (VIA) likely viewpoints, viewpoint methodology, understanding of impact, cumulative impacts, and strategic visual landmarks.

The design has been amended, addressing this matter. Refer to the Amendment Report and updated Visual Impact Assessment. Refer to the Amendment Report.

2.7 Insufficient and inadequate information

This issue relates to subconsultant reports being inadequate or missing.

The EIS has been prepared in accordance with the SEARS issued by DPHI, and includes 31 appendices including technical reports, investigations, and design input. In response to Council's specifically mentioned matters:

The SSDA is not a planning proposal and therefore has not been prepared in accordance with the DPHI *LEP Making Guideline*.

An Urban Design Report was not required for the project according to

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the SEARs. However, an Urban Design Consultant was engaged by the proponent for robust peer review and input on the project design from an urban design perspective.

Connecting with Country for the project has involved a desktop understanding of the Aboriginal occupation and use of the area, and early unsuccessful consultation attempts with the LALC. The project team recognizes that the European history of this site has involved development, excavation, underground mining, and railway construction, contributing to the loss of any significant Aboriginal cultural heritage potential. The Landscape Design consultant has intentionally based the landscape design elements around the Aboriginal cultural past, as detailed within the EIS.

DCPs do not apply to state significant development. In addition to economic contribution and housing supply, the project contributes to public benefit through substantial contributions, and public domain works.

The Visual Impact Assessment has been updated to reflect the amended design.

Social Impact Assessment - the tenure mix is private, either owner-occupier or tenanted.

The universal and adaptable design of the project is discussed within the Amendment Report to reflect the amended design. Adaptable apartments allow flexibility for occupants as well as the opportunity to age in place.

Accessibility is detailed within the Access Report (Appendix G9).

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	Mitigation measures have been updated in the Amendment Report. Grouting has been addressed within the Mine Subsidence Assessment (Appendix G14), and SA Advisory has recently granted its approval for the project subject to conditions. The EDC Report was provided with the SSDA. An updated EDC will be submitted with the Amendment Report.	
Attachment A Urban Design <i>This issue relates to the Urban Design Report being insufficient and does not meet the requirements in Attachment C of NSW Government's Local Environmental Plan Making Guideline – August 2023.</i>	The design has been amended. Refer to the Amendment Report and updated Urban Design Report.	Refer to the Amendment Report.
Connecting with Country <i>This issue relates to the Connecting with Country principles not being followed.</i>	As mentioned in the EIS and within this Report, the project aligns with the NSW <i>Connecting with Country</i> framework, and genuine attempts have been made for engagement.	N/A
Public Art <i>This issue relates to the need for a Public Art Strategy in accordance with the DCP.</i>	DCPs are not applicable to SSD, pursuant to <i>State Environmental Planning Policy (Planning Systems) 2021</i>. The project is directly opposite the Newcastle Art Gallery and the project design includes sculptural Art Deco form with high quality materials and finishes.	
Updated Visual Impact Assessment <i>As mentioned earlier, this issue relates to the Visual Impact Assessment being inadequate.</i>	An updated Visual Impact Assessment has been provided to reflect the amended design.	Refer to the Amendment Report.
Crime Prevention Through Environmental Design (CPTED)	A CPTED assessment is provided within the Amendment Report.	Refer to 4.1.31

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This issue relates to the need for a CPTED Assessment.

Social Impact Assessment (SIA)

This issue relates to the need for the Social Impact Assessment to be amended to address additional matters.

An updated Social Impact Assessment is provided with the Amendment Report addressing these comments.

Refer to the Amendment Report.

Consolidated Mitigation and Treatment Report

This issue relates to the need for a Consolidated Mitigation and Treatment report to be provided.

Mitigation measures are detailed within the Amendment Report to reflect the amended design.

Construction/Mine Subsidence

This issue relates to the impacts of grouting works not being addressed.

Proposed grouting works are discussed and addressed within the EIS based on the preliminary grouting plan for the Project. Grouting works are to be approved by Subsidence Advisory NSW.

Refer to 4.1.19 and 4.1.24

Estimated Development Cost (EDC)

This issue relates to no EDC report being available.

An EDC Report was submitted with the application and is referenced in the EIS. An updated EDC is provided with the Amendment Report.

Refer to the Amendment Report.

3. Engineering - Servicing, Access, Car parking, and Public Domain

3.1 Servicing

This issue relates to the kerbside garbage collection not being supported by Council, and that the management procedures and collection contractor are unclear.

The design has been amended. Refer to the Amendment Report.

Refer to 4.1.17.

3.2 Parking

This issue relates to the Traffic Impact Assessment (TIA) not being consistent with the EIS, parking aisle widths inadequate, visitor parking not compliant with DCP, EV charging not compliant with DCP. Bicycle racks on Darby Street not supported.

The design has been amended, satisfying these matters.

Refer to the Amendment Report and Section 3.2.

AS2890.1 states that residential uses (which infers all residential spaces including residents and visitors) are Class 1A, which allows 2.4m wide spaces. The majority of residential developments typically design residential visitor spaces as 2.4m wide spaces (and it is common in Newcastle LGA). Design of visitor

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parking spaces can be amended to comply with 2.5m width.

The plans indicate a max 5% is provided at both access points for at least 5 metres.

Green Travel Plan was not required by the SEARs. The TIA exhibited with this SSDA includes assessment of available modes of transportation, connectivity and impact on the local network.

3.3 Public Domain

This issue relates to the need for footways to be upgraded, a 3m x 3m splay required at the corner of the site, and pedestrian crossing required to both streets, and additional street trees required.

Footways shall be upgraded in accordance with the current Public Domain Plan, as indicated on the Landscape Design plans.

The site is not affected by road widening acquisition, but the amended design has incorporated a 3m x 3m splay for clear sightlines.

The Draft Civic Public Domain Plan (CPDP) has not been adopted by Council. The Council resolution on 9 December 2025 recognised that *while the draft CPDP did receive general support during public exhibition, it is not a current high community priority at the scale and cost proposed*. The CPDP was deferred until funding pathways are clearly identified.

There is insufficient room along the street frontages of the Site for additional trees. Refer to the Amendment Report.

Refer to the Amendment Report.

3.4 Insufficient information – Engineering

This issue relates to the need for additional information within the Traffic Impact Assessment: SIDRA results, driveway profiles, driveway sightlines, Green Travel Plan.

The design has been amended, addressing these matters.

SIDRA modelling is provided with the Transport Statement provided with the Amendment Report.

The architectural plans show a 1:20 grade is provided for a minimum 5m within the property boundary for both car parks.

Refer to the Amendment Report and updated Transport Statement.

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The sight lines presently comply with AS2890.1. The adjoining development- (whilst approved) - appears not to have commenced and therefore there is no interference with the sight lines from the project.

4. Flood Management

4.1 Impacts due to Drainage Diversion and overland flow path

An updated Flood Assessment is being prepared.

Refer to the Amendment Report.

This issue relates to the proposed diversion of the existing City of Newcastle drainage system via Queen Street and Darby Street, and that the recent major flood study for the area has not been considered and there is a potential overland flow path impacted. The project must ensure the upstream and downstream properties are not impacted.

4.2 Drainage Diversion Proposal and associated Easements

Council was consulted in the early design phase of the Project, in relation to the Council's stormwater drainage upgrade works being undertaken in this immediate area, and to explore options to relocate the stormwater culvert to benefit the project as well as future maintainability of the stormwater asset. The preferred option, which was explored in detail for the Project, is to divert the existing culvert along Queen and Darby Streets.

Refer to the Amendment Report and updated civil plans.

This issue relates to Council's lack of support for the proposed drainage diversion and the proposal to extinguish the easements. Furthermore, CN does not support the development as the proposed buildings, basement parking and landscaping will directly impact the CN's drainage infrastructure and potentially restrict the overland flow paths. A detailed investigation and environmental assessment would be required. CN also notes the major development at Mosbri Crescent (former NBN site) within the upper most catchment area, which could be impacted by the

Amended civil plans are provided with the Amendment Report. Detailed design plans will be produced incorporating the results of the Flood Assessment.

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diversion process. This needs to be addressed by the applicant.

The adjoining owner's consent to easements has not been agreed.

5. Stormwater Management

5.1 DCP requirements

This issue relates to the need for the development to be designed in accordance with Section C4 'Stormwater' of NDCP2023. In addition, there are several issues with the current design that must also be addressed such as OSD and reuse.

The design has been amended.

The project satisfies BASIX requirements for water efficiency, and incorporates on site detention and reuse.

Refer to the Amendment Report and updated civil plans.

5.2 Discharge connection

This issue relates to concerns with the discharge connections to the road drainage network.

In response to this matter the applicant has undertaken additional modelling to determine the pre and post developed flows with specific attention paid to the detention volumes and overall site discharge. Amended Civil Plans are provided with the Amendment Report including limited flows from the Site to be able to satisfactorily discharge into the Tyrrell Street drainage network.

Refer to the Amendment Report and updated civil plans.

5.3 Detention

This issue relates to insufficient OSD and the need to address potential nuisance flow impacts from the adjoining properties on to the proposed development and make additional provisions to control such run-off.

The design has been amended and civil plans updated. OSD has been updated for the amended design to ensure suitable design and reduced stormwater flows from the site.

Refer to the Amendment Report and updated civil plans.

5.4 Groundwater Management and Ground Anchors

This issue relates to the likely impacts of the development on groundwater, and basement excavation may require anchors to protect the adjoining roads and properties.

Likely impacts in relation to groundwater have been assessed within the Groundwater Impact Assessment (Appendix G15), submitted with EIS.

The preliminary Geotechnical Investigations for the Project exhibited with this SSDA, acknowledge that

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“given the likely subsurface materials within the excavations, including probable shoring heights, the use of anchors or props may be required to manage deflections along the site boundaries.”

Recommended mitigation measures were expressed in the EIS and include:

- Detailed geotechnical investigations are required across the site to support detailed designs and inform construction requirements and activities, as recommended in the preliminary geotechnical assessment.
- Geotechnical construction phase support involvement by a Geotechnical Engineer, including routine inspection, supervision, and monitoring to confirm construction meets design requirements and to provide geotechnical support where latent or unexpected conditions arise.

DCCEEW has provided response below in relation to groundwater impacts.

6. Environmental Health

6.1 Acoustic Impacts/Hours of Operation

This issue relates to details for the retail premises operation.

The proposed retail premises at ground level is an appropriate use within a Mixed Use Zone, with amenity impacts being manageable through conditions of consent for the use. The fit out and operation of the retail premises will be subject to a separate application as the operational details are not known at this stage.

No further action.

6.2 Grease Arrestor

This issue relates to the need for grease arrestors to facilitate food and drink premises at the retail premises.

A grease arrestor for future food premises will be detailed at construction certificate stage.

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7. Conditions of Consent

<i>Council declines to provide draft conditions but would review draft conditions.</i>	Noted.	N/A
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Subsidence Advisory NSW

<i>Subsidence Advisory does not object to amendments to the Newcastle LEP (2012) to allow an increase in building height and floor space ratio provided that the risk of subsidence is managed or eliminated in accordance with our current assessment framework.</i>	Noted. The conditions of consent are to be applied.	No further action.
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Subsidence Advisory has recently finalised a building application for the development. The desktop geotechnical report accompanying the EIS has recommended bulk grouting of the Dudley seam and strategic grouting of the Borehole seam along with structural design for residual subsidence. The conditions of approval in this application incorporate the remediation and design in the geotechnical report.

NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Water Assessments

<i>NSW DCCEEW Water Group has reviewed the EIS Group about the above matter. and makes recommendations in regard to:</i>	To clarify, the maximum water take figure is 8.98 ML, as described in the Groundwater Assessment Report exhibited with the SSDA.
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- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ Confirming the maximum water take from aquifer interference activities as two differing values have been provided. ▪ Water licensing requirements for the construction period. | <p>However, the design has been amended, reducing the extent of basement excavation. This will reduce the water take for the project below 8.98 ML.</p> |
|---|---|

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Please see **Attachment A** for more detail.

Attachment A

1.0 Water take and licensing

1.1 Recommendation – pre-determination

The Department of Planning, Housing and Infrastructure (DPHI) should request the proponent to confirm the maximum water take due to aquifer interference activities and the validity of the impact assessment provided against the NSW Aquifer Interference Policy.

Explanation

The Groundwater Impact Assessment states maximum groundwater inflows of 8.98 ML during construction of the project, whereas the EIS refers to total groundwater take of 10.49 ML. Clarification is required of the correct volume and the validity of the assessment provided.

1.2 Recommendation – post-approval

The Department of Planning, Housing and Infrastructure (DPHI) should request the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 20 25.

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Explanation

Groundwater take is required due to the project of either 8.98 ML or 10.49 ML which needs confirming as requested in Recommendation 1.1. No ongoing water take is proposed during the operation period as the basements are to be tanked. Under the Water Management Act 2000, if groundwater is intercepted a WAL must be obtained prior to any water take occurring unless an exemption under the Water Management (General) Regulation 20 25 applies. An exemption may be available for water take during construction activities in coastal water sources under Clause 6 of Schedule 4 of the WM Reg. To claim this exemption certain requirements must be met, such as

- *the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year; and*
- *the records are kept for 5 years.*

The above WAL exemption does not apply to the operation period of the project. Further information on these requirements and other information on licensing and approvals and exemptions, including a form to report and record water taken can be found at:

<https://water.dpie.nsw.gov.au/licensing-and-trade> and

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Groundwater access licence
exemptions | NSW Government
Water.

Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Conservation
Programs, Heritage and Regulation Group (CPHR)

CPHR consider that the EIS requires further work to meet the Secretary's requirements for flooding. A summary of our assessment and advice is provided in **Attachment 1**.

An updated Flood Assessment is being undertaken.

Refer to the Amendment Report.

CPHR consider that the EIS meets the Secretary's requirements for biodiversity. CPHR determined that the proposal did not need to be accompanied by Biodiversity Development Assessment Report (BDAR) on 30 May 2025. On review of the EIS the proposed development is consistent with what was previously described. Therefore, the determination provided on 30 May 2025 is still relevant and we have no further comments on biodiversity.

Attachment 1

In preparing this advice CPHR has reviewed the following documents:

- Environmental Impact Statement – Mixed Use Development Cooks Hill SSD-82276964 (Barr Planning, 14 January 2026)
- Flood report – 47 Darby Street, Cooks Hill (Indesco, December 2025)
- BDAR Waiver Request – 47 Darby Street, Cooks Hill NSW (AEP, 16 May 2025)

Updated Flood Report to be provided.

City of Newcastle Council**Key Assessment Issues**1. Incomplete flood assessment

The flood assessment report produced by Indesco (December 2025) relied on an old flood model by BMT WBA dated 2019. This does not reflect the latest flood model and mapping available for the site, i.e. Throsby, Styx and Cottage Creek Flood Study 2023, although references were made in the report. Flood maps and raw model results for Throsby, Styx and Cottage Creek Flood Study 2023 are available for download on the NSW Flood Data Portal and should be used for assessing the proposed development as it reflects the most recent flood information.

The flood assessment report lacks detail to adequately assess flood risk at the site. It does not address the full range of flood events, from frequent to PMF, nor consider climate change effects on flood behaviour for the relevant planning horizon. Moreover, information currently provided is limited to the 1% AEP design event and corresponds to flood elevation (including existing ground level) rather than flood depth hindering meaningful interpretation of flood risk at the site. The report has also not provided any assessment of adverse flood impacts that may arise from the proposed development both on and off site.

Recommended action:

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Update the flood assessment report based on the most recent flood information available (Throsby, Styx and Cottage Creek Flood Study 2023). The assessment should also demonstrate consistency with Flood Impact and Risk Assessment Guideline LU01 and Understanding and Managing Flood Risk FB01. The report should:

- *outline existing flood behaviour, flood constraints and risks for the full range of flood events up to the PMF, covering short and long duration storms as well as climate change considerations.*
- *assess the impact of the development on flood behaviour;*
- *assess the impact of flooding on the safety of people for the full range of possible floods including accessibility for emergency services during times of flood, and feasibility for future occupants to safely evacuate or shelter in place*

Extent and Timing: Pre-determination

2. Flood emergency management has not been considered

The proposal stated that access and egress for the proposed Darby Street building is via Darby Street, which is a floodway subject to high flood hazard (H5) during the probable maximum

An updated Flood Assessment is being undertaken.

City of Newcastle Council

flood (PMF). H5 is considered unsafe for vehicles and people.

The proposal has not considered any flood emergency management strategy to minimize risk to life during flood events. This may involve off-site self-evacuation or shelter-in-place depending on the duration of flooding. The proposal should consider providing safe access and egress for people onto Tyrrell Street if the need to evacuate arises. Considerations should also be made for occupants on the proposed ground-floor retail shop who may not be able to access higher floors reserved for residents while seeking flood refuge in the building.

Recommended action:

Update the flood assessment report to address flood emergency management requirements including safe access and egress from the building in all flood events up to and including the PMF.

Extent and Timing: Pre-determination

Department of Climate Change, Energy, the Environment and Water (DCCEEW) Heritage NSW

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> ▪ The current height of buildings around the park is 30m west corner and 14 m on the northern side, 17 m in the south on the east and southern sides. The proposed development 27.7m (8 storeys) and 44.99m (12 storeys) creates a new | <p>The design has been amended, addressing these matters.</p> | <p>Refer to the Amendment Report and updated Heritage Advice.</p> |
|--|---|---|
-

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benchmark for height of buildings around the park, that continues to diminish the prominence of the existing key civic buildings that surround Civic Park.

- The location of the proposed development to the south of the SHR items means that solar access will not be impacted. The location of several local heritage items to the west of the proposed development means that the impact on solar access would only be in the morning, and current solar access would be maintained between 12 pm and 2 pm.
- The proposed development will result in the demolition of a locally significant contributory building in an HCA. This is a negative outcome for local heritage values.
- The introduction of a new building on the southern side of the park with a height more than triple the current height of buildings' development standard will have an impact on the highly significant civic precinct, including the State heritage values.
- The treed skyline of Civic Park is a defining feature. It is a heritage landscape attribute that reinforces the park's role as an open civic foreground to the surrounding State heritage listed buildings. Development that visually intrudes above this treeline

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risks diminishing the park's spatial hierarchy and the landmark status of the adjacent SHR items and local heritage items.

- The Historical Archaeological Assessment (HAA) found that the project area has a nil to low potential for archaeological remains. Any archaeological remains that may be present are unlikely to meet the threshold for local or State significance. Heritage NSW support the conclusions of the HAA.

Heritage NSW note that while there is no objection to the overall development, it is recommended that:

1. The proposed height be reduced to a maximum of 30 m (8 storeys) to ameliorate the impact on the prominence of the culturally significant buildings and ameliorate the negative cumulative impact of densification in and around the highly significant civic precinct.

As the site contains a local heritage item, and other local items are in the vicinity, advice should be sought from the relevant local council.

*Please refer to **Attachment A** for recommended consent conditions.*

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***Attachment A - Recommended
Draft Conditions for
Environmental***

*Below are our recommended
draft conditions for the protection
of Environmental Heritage.*

Standard conditions

1. All reasonable steps must be taken to avoid harm, modification of or impact to heritage items and relics except as authorised by this approval.
2. Ensure workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.

Unexpected finds procedure

3. A procedure for the management of unexpected relics and human remains must be developed in consultation with Heritage NSW. This procedure must:
 - a. be prepared in accordance with Heritage NSW guidelines and codes of practice
 - b. include a hold point requiring the development of a detailed historical archaeological assessment in the event an unexpected relic is identified.

- (i) The
Archaeological

City of Newcastle Council

Assessment must be prepared in accordance with the guideline Archaeological Assessments (1996) and Assessing Significance for Historical Archaeological Sites and Relics (2009) to inform and guide archaeological mitigation measures.

- (ii) If harm cannot be avoided in whole or part, an Archaeological Research Design and Excavation Methodology with a nominated Excavation Director should also be prepared to guide any proposed excavations or salvage program.

- (iii) The Archaeological Assessment must be provided to the Secretary of the Department of Planning, Housing and Infrastructure for approval in consultation with Heritage NSW.

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- c. must be implemented for the duration of the project.

Transport for NSW (TfNSW)

TfNSW has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

Noted.

1. Consistent with the NSW Road Management Arrangements, it is appropriate for local councils to consider and determine whether traffic and access arrangements associated with development proposals on classified Regional roads are acceptable from a safety, efficiency, and network-operation perspective.

At this location, Darby Street is a classified Regional road for which City of Newcastle Council is the Roads Authority under Section 7 of the Roads Act 1993.

As the Roads Authority, Council sets the relevant standards, determines priorities, and undertakes works on this road. It is therefore appropriate for Council to assess and determine whether the arrangements proposed as

City of Newcastle Council

part of the development are suitable, taking into account the applicable standards and guidelines.

On this basis, Transport for NSW entrusts Council to assess and manage the transport impacts arising from this development application.

- | | |
|--|---|
| <p>2. Approval of regulatory devices on Regional and Local roads, including signs and line marking, are delegated to local councils in accordance with the Transport for NSW 'Prescribed Traffic Control Devices and Regulation of Traffic'.</p> | <p>The Local Transport Forum has reviewed and provided support in principle for the proposed loading/service bay in Darby Street for the Project.</p> |
|--|---|

As per the Delegation, it is recommended any design plans for road upgrades associated with the development are referred to the Local Transport Forum for consideration of regulatory devices.

- | | |
|--|---------------|
| <p>3. Given the proximity of the subject site to light rail and bus corridors, the Construction Pedestrian Traffic Management Plan (CPTMP) should address public transport priority protection (e.g. no queuing across platforms or bus stops and no stop closures in peak times without substitute measures).</p> | <p>Noted.</p> |
|--|---------------|

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4. Should the development application be approved, any proposed or conditioned works on Darby Street (MR188) will require consent from Council under Section 138 of the Roads Act 1993. Provided Council is satisfied the design for the works is acceptable (taking relevant standards and guidelines into consideration), TfNSW would issue its concurrence under Section 138 of the Roads Act 1993.

Noted.

Ausgrid

Environmental statement **Impact** Noted.

Ausgrid requires that any extension or upgrade (augmentation) of electrical infrastructure be subject to an appropriate environmental assessment. This assessment ensures compliance with relevant environmental legislation.

There are two acceptable pathways for this assessment:

- Third - Party Approval

The environmental assessment may be undertaken as part of a broader development application (DA), review of environmental factors (REF), or other planning approval. In such cases, Ausgrid requires written confirmation from the consent or determining authority that the augmentation

City of Newcastle Council

works are included in the scope of the approved environmental assessment.

▪ Ausgrid's-Summary

Environmental Report (SER)

For minor works, including new distribution works that often involve augmentation, Ausgrid requires a Summary Environmental Report (SER) prepared in accordance with:

- NS174A – SER Template
- NS174B – Environmental Assessment Guidelines
- As outlined in Table 1.4-2 of NS174C, Part 5 SER applies to “new distribution works” and must be accompanied by any other relevant approvals.

This approach ensures that environmental risks are appropriately identified and managed, and that all works comply with Ausgrid's Environmental Management System.

Supply Of Electricity

Noted.

It is recommended for the developer to engage an electrical consultant/contractor to complete an Connection Application via <https://www.ausgrid.com.au/Connections/Get-connected> “Connection Application – Large, Multiple and Remote Connections” for the connection of the opposed development to

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the adjacent electricity network infrastructure. An assessment will be carried out based on the information provided which may include whether or not the existing network can support the expected electrical load of the development. For some developments, a substation may be required on-site.

If an upgrade to the electricity network is necessary, the timeframe between the submission of the connection application and availability to connect the development will vary and may be exposed to a lengthy design and construction period. The submission of the Connection Application will allow us to begin planning and processing the connection and hopefully minimise any delays.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au for information regarding connecting to Ausgrid's network.

Proximity to Existing Network Noted.

Assets During Construction

There are existing electricity network assets in the footpath adjacent to the development.

Workcover Code of Practice 2006 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction

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process. It is a statutory requirement that these distances be maintained throughout construction.

It is recommended that the developer should email Ausgrid at servicesupport@ausgrid.com.au with potential compliance issues regarding the relevant Workcover Code of Practice 2006 – Work Near Overhead Powerlines at their earliest convenience.

Clearance to ‘As Constructed’ Development assessed to be Compliant

Based on the design of the development provided, it was identified that the “as constructed” minimum clearances to the Ausgrid network will not be encroached by the development. However, it remains the responsibility of the proponent to ensure the building complies with Ausgrid network standard NS220.

The existing overhead mains may require relocating should the minimum safety clearances be compromised during construction, this relocation work is generally at the developers cost.

Noted. There are no existing overhead mains affecting this site.

Underground Mains

Noted.

The works described in your notification are also in the vicinity of underground electricity assets. In addition to DBYD searches I recommend that you to conduct a ground search to locate electricity assets immediately prior to

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commencing work to check for updates of installed utilities.

Please refer to Ausgrid's Network Standard 156 - Working near or around underground cables which can be found on Ausgrid's website at www.ausgrid.com.au and Workcover Document- 'Work Near Underground Assets'

Any alterations to Ausgrid's underground electricity mains will be Contestable Works and funded by Developer.

Existing Electricity Easements

A title search of the development site should be completed to check for existing electricity easements. If easements are present, Ausgrid must assess the proposed activity within the easement. Please direct the developer to Ausgrid's website, www.ausgrid.com.au to download our "Living with Electricity Easements" brochure.

Noted. As described within the EIS there is an existing electrical easement within the site.

As part of the Project, all electrical cables will be relocated to the road reserve and the easement extinguished.

Hunter Water

Hunter Water raised no objection as adjoining land owner, subject to all works being within the property and not affecting the Hunter Water land.

Noted. Applications for the Works will be made to Hunter Water.

Hunter Water provided its requirements for the project, including financial and works which include Major Works and Complex Works.

5. Updated Project Justification

This section provides an updated justification and evaluation of the project as a whole, incorporating any relevant issues raised in submissions and the Applicant's response to these issues.

- Addresses the matters raised within submissions, in accordance with Section 4.15(1)(d) of the EP&A Act. This accords with Section 4.15(1)(b) of the EP&A Act.
- Confirms that subject to implementing the proposed mitigation measures, no significant adverse impacts will result from the development.
- Confirms the suitability of the Project site for the proposed development including consistency with state and local strategic planning policies, with the exception of building height and FSR exceedances.
- Demonstrates that the project remains consistent with the objects of the EP&A Act, particularly through promoting the supply, delivery and maintenance of housing; promoting good design; and promoting a proportionate and risk-based approach to environmental planning and assessment.

Considering the information presented with this Submission Report and the content contained within the EIS, it is recommended that the Department approve this SSDA subject to appropriate conditions.

6. References

- Australian Government (2022) National Housing Accord. Canberra: Commonwealth of Australia.
- City of Newcastle (2020) Newcastle Affordable Housing Contribution Scheme. Newcastle: City of Newcastle.
- City of Newcastle (2020) Planning Newcastle 2040: Global City, Local Character — Local Strategic Planning Statement, City of Newcastle, Newcastle NSW.
- City of Newcastle (2021) Newcastle Local Strategic Planning Statement 2021. Newcastle: City of Newcastle.
- City of Newcastle (2022) Newcastle Housing Policy. Newcastle: City of Newcastle.
- City of Newcastle (2025) Newcastle Local Housing Strategy 2025. Newcastle: City of Newcastle.
- Department of Planning and Environment (2018) Greater Newcastle Metropolitan Plan 2036. Sydney: NSW Government.
- Department of Planning and Environment (2022) Hunter Regional Plan 2041. Sydney: NSW Government.
- Department of Planning, Housing and Infrastructure (2024). Undertaking Engagement Guidelines. NSW Government, Sydney.
- Department of Planning, Housing and Infrastructure (2025). SIA Technical Supplement. NSW Government, Sydney.
- Department of Planning, Housing and Infrastructure (2025). Social Impact Assessment Guideline. NSW Government, Sydney.
- Department of Planning, Housing and Infrastructure State Significant Development Guidelines – Appendix C State Significant Development Guidelines – Preparing a Submissions Report (March 2026): NSW Government, Sydney.
- Government Architect NSW (2017) Better Placed: An Integrated Design Policy for NSW. NSW Government.
- Government Architect NSW (2020) Connecting with Country Framework. Sydney: NSW Government.

7. Appendices

Appendix A Submission Register

Table 9 Submissions Register

Appendix A – Submission Register 29 July 2026			
Group		Submission ID	Section where issues are addressed in the Submissions Report
Council		City of Newcastle	4.7
Government Agency		Heritage NSW	4.7
Government Agency		DCCEEW Water	4.7
Government Agency		DCCEEW CPHR	4.7
Government Agency		TfNSW	4.7
Government Agency		Ausgrid	4.7
Government Agency		Subsidence Advisory NSW	4.7
Government Agency		SE-105986971	4.7
Community Groups or Organisations		SE-106627957 - Newcastle East Residents Group Inc.	1.1, 1.3–1.4, 2.2, 2.5, 3.1–3.5, 3.15, 3.17, 3.19, 4.1–4.4, 4.6

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Community Organisations	Groups	or	SE-106801212 - National Trust of Australia (NSW)	1.1, 1.4, 2.5, 3.2–3.5, 3.17, 4.2
Community Organisations	Groups	or	SE-106801708 - National Trust of Australia (Hunter Branch)	1.1, 1.4, 2.2, 2.5, 3.2–3.5, 3.17, 4.1–4.2
Community Organisations	Groups	or	SE-106806211 - Cooks Hill Community Group Inc.	1.1–1.2, 1.4, 2.5, 3.1–3.5, 3.10, 3.15, 4.1–4.2, 4.6
Individuals			SE-105559458	2.5, 3.1, 4.1
Individuals			SE-105644707	2.2
Individuals			SE-105669731	3.1–3.2, 3.5, 4.2
Individuals			SE-105676960	1.1, 3.5
Individuals			SE-105683211	1.1, 3.1, 3.4–3.5, 3.17, 4.2
Individuals			SE-105684209	1.1–1.2, 1.4, 2.1–2.2, 3.1–3.3, 3.6, 3.10, 3.17, 4.1–4.2, 4.6
Individuals			SE-105700973	1.4, 3.1–3.4, 4.2
Individuals			SE-105701971	3.3–3.5

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Individuals	SE-105702220	1.1, 3.5, 3.17
Individuals	SE-105702458	1.1, 3.1
Individuals	SE-105702474	1.1, 2.2, 2.4, 3.1–3.6, 3.10, 3.12–3.13, 3.15, 3.19, 4.2
Individuals	SE-105708459	4.5
Individuals	SE-105708461	1.1, 2.1–2.2, 3.1–3.3, 3.5, 3.10, 4.2–4.3
Individuals	SE-105708957	3.1–3.2, 3.10
Individuals	SE-105712707	1.1, 2.5, 3.1–3.5, 4.2
Individuals	SE-105729707	1.1, 2.2, 3.2–3.3, 3.10, 4.2
Individuals	SE-105729959	3.5, 4.1
Individuals	SE-105732457	2.2
Individuals	SE-105737457	3.1–3.2, 3.5

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Individuals	SE-105738712	2.2
Individuals	SE-105739708	2.1–2.2, 4.2
Individuals	SE-105742207	1.1, 3.1–3.5, 3.19, 4.2, 4.6, 5.3
Individuals	SE-105747207	
Individuals	SE-105749707	
Individuals	SE-105752957	2.2
Individuals	SE-105761707	3.1–3.2, 4.2
Individuals	SE-105770238	3.1–3.3
Individuals	SE-105773210	3.5
Individuals	SE-105773212	1.1, 1.4, 3.1–3.5, 3.19, 4.1–4.2
Individuals	SE-105773471	1.1, 3.1–3.3, 3.10, 3.15, 4.2
Individuals	SE-105776207	1.1, 3.3, 4.2–4.3

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Individuals	SE-105778958	3.1–3.3, 3.5
Individuals	SE-105780957	3.1–3.3, 3.5
Individuals	SE-105781216	1.1, 2.2, 3.2, 4.2
Individuals	SE-105781707	1.1, 3.1, 3.3–3.4, 3.14, 4.1–4.2
Individuals	SE-105783457	1.1, 3.3, 3.5
Individuals	SE-105786218	3.2–3.3, 3.5
Individuals	SE-105786957	1.1–1.2, 1.4, 2.1–2.2, 2.5, 3.1–3.4, 3.10, 3.19, 4.1–4.2, 4.6
Individuals	SE-105791473	3.2–3.3
Individuals	SE-105794207	3.2, 4.2
Individuals	SE-105796970	3.2–3.3, 3.5
Individuals	SE-105798964	1.1, 1.3, 2.1–2.2, 2.5, 3.1–3.5, 4.1–4.2

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Individuals	SE-105813978	3.5, 4.5
Individuals	SE-105821708	1.1, 3.1, 3.5
Individuals	SE-105843456	1.1, 3.2, 3.5
Individuals	SE-105849208	3.1, 3.3, 3.5, 4.2
Individuals	SE-105869221	1.1–1.2, 3.2–3.3, 3.5, 4.1–4.2, 4.6
Individuals	SE-105878722	1.1, 4.2
Individuals	SE-105896207	3.3, 3.5
Individuals	SE-105898465	1.1, 3.5
Individuals	SE-105902982	1.1, 1.4, 2.2, 3.2–3.3, 3.5, 4.2, 4.4
Individuals	SE-105903732	3.2–3.3, 3.5, 4.1
Individuals	SE-105903734	1.1, 3.1, 3.3, 4.2

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Individuals	SE-105904207	1.1, 2.2, 3.1–3.2, 3.4–3.5, 3.17, 4.1–4.2
Individuals	SE-105905972	3.1–3.2
Individuals	SE-105913707	3.1, 4.1
Individuals	SE-105914207	1.1, 3.1–3.5, 3.10, 3.12, 3.15, 3.19, 4.3–4.4
Individuals	SE-105916459	3.3–3.4
Individuals	SE-105918707	1.1, 2.2, 3.2–3.5
Individuals	SE-105933958	1.1, 3.2, 4.2
Individuals	SE-105953707	1.4, 2.1, 3.5, 4.2
Individuals	SE-105955957	3.1–3.2, 3.5, 4.1
Individuals	SE-105959467	1.1, 3.1, 3.3–3.5, 4.3
Individuals	SE-105961957	3.2, 3.5

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Individuals	SE-105972018	3.1–3.3, 3.5
Individuals	SE-105976222	2.2
Individuals	SE-105987002	2.2
Individuals	SE-105988457	1.1, 3.1, 3.5, 4.2
Individuals	SE-105997207	1.1, 3.2–3.3, 3.5, 3.18, 4.3
Individuals	SE-105997710	2.2
Individuals	SE-106004458	3.2
Individuals	SE-106016482	3.5
Individuals	SE-106021207	3.1, 3.3
Individuals	SE-106023457	1.1, 3.1–3.3
Individuals	SE-106025957	2.2

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Individuals	SE-106026210	1.1–1.2, 2.1, 3.1–3.3, 3.5, 3.10, 3.19, 4.1–4.2
Individuals	SE-106028223	2.2
Individuals	SE-106031491	3.1, 3.3
Individuals	SE-106053960	2.2
Individuals	SE-106061721	1.1, 3.2–3.3, 3.5, 4.2
Individuals	SE-106063462	2.2
Individuals	SE-106064457	3.1–3.2
Individuals	SE-106074707	3.1, 3.3
Individuals	SE-106076457	4.3
Individuals	SE-106083708	1.1, 2.1–2.2, 3.1–3.3, 3.5, 4.2
Individuals	SE-106092960	2.1, 3.3, 4.1, 4.3

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Individuals	SE-106094707	1.1, 3.3–3.5
Individuals	SE-106097956	1.1, 4.1
Individuals	SE-106103208	1.1, 3.1, 3.3, 3.5
Individuals	SE-106106960	1.1–1.2, 3.2–3.3, 3.5, 4.2
Individuals	SE-106111961	1.4, 3.5
Individuals	SE-106127470	1.1, 3.3, 3.18
Individuals	SE-106128957	2.2
Individuals	SE-106131957	1.1, 3.5
Individuals	SE-106132460	1.1, 2.2, 3.2–3.3, 4.2–4.3
Individuals	SE-106134957	1.1, 3.1–3.3, 3.5, 4.6
Individuals	SE-106135977	2.2

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Individuals	SE-106145461	1.1, 1.4, 3.2–3.3, 4.2–4.3
Individuals	SE-106168207	1.4, 3.1, 3.4, 3.17
Individuals	SE-106180208	2.2
Individuals	SE-106184481	3.3, 3.5, 4.2
Individuals	SE-106184957	3.5, 4.5
Individuals	SE-106191722	1.1, 3.2–3.3, 3.5, 4.2
Individuals	SE-106192957	1.1, 1.4, 3.1–3.3, 3.5
Individuals	SE-106195457	3.1, 3.5
Individuals	SE-106213460	1.1, 1.4, 3.1–3.2, 3.10, 4.2–4.3
Individuals	SE-106249207	3.1–3.3, 4.1–4.2
Individuals	SE-106250457	1.1, 3.1, 3.3, 3.5, 4.2

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Individuals	SE-106252209	3.2, 3.11
Individuals	SE-106255208	1.1, 3.2, 3.4–3.5, 4.2
Individuals	SE-106255461	2.2
Individuals	SE-106257209	1.1, 3.2, 3.5, 4.2
Individuals	SE-106280457	3.1, 4.3
Individuals	SE-106287210	3.2–3.5
Individuals	SE-106303479	3.1
Individuals	SE-106306957	1.1, 2.2, 3.2–3.3, 3.5, 4.2–4.3
Individuals	SE-106312207	1.1, 3.1–3.2, 4.2–4.3
Individuals	SE-106316215	2.2
Individuals	SE-106340708	3.1

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Individuals	SE-106348982	3.1, 4.5
Individuals	SE-106350209	2.5, 3.1–3.3, 3.5, 3.17, 4.1–4.2
Individuals	SE-106363209	3.1–3.3, 4.1–4.2
Individuals	SE-106367207	1.1, 3.2–3.5, 4.1–4.3
Individuals	SE-106372207	2.2
Individuals	SE-106376710	1.1, 3.1–3.2, 4.2
Individuals	SE-106384973	3.5
Individuals	SE-106384990	1.1, 1.4, 2.5, 3.1–3.6, 3.17, 4.1–4.2
Individuals	SE-106385225	1.1
Individuals	SE-106385957	3.2, 4.2
Individuals	SE-106386457	1.1, 2.2, 4.2

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Individuals	SE-106386957	2.2, 3.1, 3.5, 3.7, 3.10, 3.15, 4.2
Individuals	SE-106391959	2.2
Individuals	SE-106392707	2.2
Individuals	SE-106393207	1.1–1.2, 1.4, 2.1–2.2, 3.1–3.3, 3.19, 4.2–4.3
Individuals	SE-106394210	3.3
Individuals	SE-106396709	1.1
Individuals	SE-106398457	1.1, 3.3, 4.3
Individuals	SE-106405460	1.1, 1.3–1.4, 2.2, 2.5, 3.1–3.5, 3.15, 3.17, 3.19, 4.1–4.4, 4.6
Individuals	SE-106406707	1.1, 1.3–1.4, 2.2, 2.5, 3.1–3.5, 3.15, 3.17, 3.19, 4.1–4.4, 4.6
Individuals	SE-106409960	2.2, 3.2–3.5, 4.1–4.3
Individuals	SE-106414457	1.1, 3.1–3.2, 3.4–3.5, 3.19, 4.1–4.2

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Individuals	SE-106418207	1.1, 2.5, 3.1–3.3, 3.5, 4.1–4.3, 4.6
Individuals	SE-106429218	1.4, 3.3
Individuals	SE-106430721	1.1, 1.4, 4.1
Individuals	SE-106430738	1.1, 2.5, 3.1–3.2, 3.5, 3.10, 4.2, 4.6
Individuals	SE-106432459	2.2
Individuals	SE-106432708	4.3, 4.5
Individuals	SE-106436457	1.1, 2.5, 3.1, 3.3–3.5, 4.2
Individuals	SE-106436958	1.1, 3.2–3.5, 4.1–4.2
Individuals	SE-106439474	1.1, 1.4, 2.2, 3.1–3.2, 3.5, 3.10, 4.2
Individuals	SE-106442207	3.1–3.2, 3.5, 3.8–3.9, 3.18, 4.2–4.3
Individuals	SE-106442459	1.1, 3.2–3.3, 3.5

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Individuals	SE-106443207	1.1, 3.2–3.3, 3.5, 4.1
Individuals	SE-106444985	1.1, 2.1–2.2, 3.1–3.2, 3.5, 3.7, 4.2
Individuals	SE-106446457	1.1, 3.3
Individuals	SE-106446707	1.1, 1.4, 3.2–3.5, 4.2
Individuals	SE-106449457	1.1, 2.2, 2.5, 3.1–3.6, 3.8–3.9, 3.19, 4.1–4.6
Individuals	SE-106449958	1.1, 3.1–3.3, 3.6, 4.2
Individuals	SE-106450209	1.1, 3.1, 3.4–3.6, 3.8, 3.19, 4.2–4.3, 4.6
Individuals	SE-106458474	3.2–3.3, 4.1
Individuals	SE-106461456	2.2, 3.5, 4.2
Individuals	SE-106462707	3.2–3.5, 4.2
Individuals	SE-106462970	3.2, 3.4, 3.10, 3.12, 3.19

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Individuals	SE-106465457	1.1, 2.5, 3.2–3.3, 3.5, 4.1–4.2
Individuals	SE-106483457	2.2, 3.2, 3.5
Individuals	SE-106498207	1.1, 2.2, 3.4, 4.1–4.2
Individuals	SE-106498468	2.2
Individuals	SE-106501708	2.2
Individuals	SE-106502207	1.2, 2.3, 2.5, 3.4, 3.6–3.7, 3.15, 4.2
Individuals	SE-106502477	1.1, 3.2–3.5, 4.2
Individuals	SE-106505722	1.1, 3.1–3.3, 3.5, 4.1–4.2
Individuals	SE-106509463	2.2
Individuals	SE-106521708	1.1, 4.2
Individuals	SE-106527208	1.1, 3.1, 3.3, 3.5, 4.2

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Individuals	SE-106529709	1.1, 3.2–3.5, 3.17, 4.1–4.2, 4.6
Individuals	SE-106536710	1.1–1.2, 3.1–3.3, 3.5, 3.10
Individuals	SE-106544972	1.1, 3.1, 3.3–3.4, 4.2–4.3, 5.1
Individuals	SE-106550709	1.1–1.2, 1.4, 2.1, 3.1, 3.3, 3.5, 3.10, 3.15, 4.2, 4.6
Individuals	SE-106557207	3.2, 3.5, 4.2
Individuals	SE-106562207	1.1, 3.2–3.3, 3.5, 4.1–4.2
Individuals	SE-106562467	1.1–1.2, 2.1, 3.1–3.3, 3.5, 3.19, 4.1–4.2, 4.6
Individuals	SE-106562959	1.1, 3.1–3.2, 4.2
Individuals	SE-106564457	1.1, 3.1, 3.3, 4.2–4.3
Individuals	SE-106566208	1.1, 2.5, 3.5, 3.16, 4.1–4.4
Individuals	SE-106573459	1.1, 2.2, 3.1–3.4, 3.17, 4.1–4.3

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Individuals	SE-106576960	1.1, 3.2–3.3, 4.2
Individuals	SE-106588707	1.1, 3.2–3.3, 4.2
Individuals	SE-106596214	2.2, 3.3, 4.2
Individuals	SE-106597211	2.2
Individuals	SE-106601457	3.1, 3.3–3.6
Individuals	SE-106607207	3.1–3.3, 4.2
Individuals	SE-106616207	1.1
Individuals	SE-106627715	3.6
Individuals	SE-106629712	1.1, 3.1–3.3, 4.2
Individuals	SE-106632254	1.1, 3.1–3.4, 3.14, 3.19, 4.2
Individuals	SE-106638708	3.2–3.3, 3.5

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Individuals	SE-106639974	3.2–3.3, 4.2
Individuals	SE-106655489	3.3
Individuals	SE-106660221	3.5
Individuals	SE-106661721	1.1, 3.1
Individuals	SE-106668222	3.3, 3.5, 4.3
Individuals	SE-106672959	1.1, 1.4, 3.2–3.3, 4.2
Individuals	SE-106679462	1.1, 2.1–2.2, 3.2–3.5, 4.1–4.3, 4.6, 5.2
Individuals	SE-106681957	2.2
Individuals	SE-106683210	1.1, 2.5, 3.1–3.4, 3.6–3.7, 3.10, 3.15, 3.19, 4.2–4.4, 4.6
Individuals	SE-106683229	3.1, 4.1–4.2
Individuals	SE-106685224	2.2

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Individuals	SE-106685987	1.1, 3.2–3.3, 3.5, 4.1–4.2, 4.6
Individuals	SE-106686735	1.1, 3.3, 4.1–4.2
Individuals	SE-106691033	1.1, 2.1, 3.1, 3.5
Individuals	SE-106692019	3.1, 3.14, 3.19, 4.2
Individuals	SE-106692470	3.5
Individuals	SE-106692733	1.1, 3.5
Individuals	SE-106692988	1.1, 3.1–3.4, 4.1–4.2
Individuals	SE-106692991	1.1, 2.1
Individuals	SE-106693020	3.5
Individuals	SE-106694471	3.1–3.3
Individuals	SE-106694478	1.1

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Individuals	SE-106695228	1.1, 3.1–3.2, 3.4–3.5
Individuals	SE-106695709	1.1, 1.3–1.4, 2.2, 2.5, 3.2–3.5, 3.7, 3.15
Individuals	SE-106695712	1.1, 1.4, 2.2, 3.2–3.5, 4.1–4.3
Individuals	SE-106696238	2.2
Individuals	SE-106696253	1.1
Individuals	SE-106697218	3.1–3.2, 3.4–3.5, 4.2
Individuals	SE-106698710	1.1, 1.4, 3.2–3.4, 4.2–4.3
Individuals	SE-106699708	3.1–3.4, 4.2
Individuals	SE-106700235	3.2, 4.3
Individuals	SE-106700707	2.2
Individuals	SE-106700957	1.1–1.2, 2.2, 2.5, 3.4, 3.7, 3.15, 4.2

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Individuals	SE-106701457	1.1, 3.2–3.3, 3.5, 4.1–4.2
Individuals	SE-106701707	1.1, 2.2, 3.3, 4.2
Individuals	SE-106705727	2.1, 2.5, 3.1–3.7, 3.10, 3.13, 3.15, 3.19, 4.3
Individuals	SE-106706222	1.1, 2.2, 3.2–3.3, 4.1–4.2
Individuals	SE-106715972	1.1, 1.4, 3.3, 4.2–4.3
Individuals	SE-106719966	2.3, 3.1–3.6, 3.10, 4.2
Individuals	SE-106723707	3.1, 3.3–3.5, 4.1–4.2
Individuals	SE-106726461	1.4, 3.2, 3.5
Individuals	SE-106727961	1.1–1.2, 2.1–2.3, 3.2–3.5, 3.7, 4.2–4.3, 4.6
Individuals	SE-106732708	1.1, 3.1, 3.3, 3.18
Individuals	SE-106733958	1.1, 2.1–2.2, 3.2–3.3, 3.5, 4.2–4.3

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Individuals	SE-106741218	1.1, 4.2
Individuals	SE-106742208	1.4, 3.1, 3.3, 3.6, 4.2
Individuals	SE-106746461	1.1, 3.3
Individuals	SE-106755478	3.2, 4.2
Individuals	SE-106755707	1.2, 2.1–2.3, 2.5, 3.1–3.4, 3.10, 3.15, 4.1–4.3
Individuals	SE-106764457	1.1–1.2, 1.4, 2.1, 3.1–3.4, 3.10, 3.14–3.15, 3.19, 4.1–4.2, 4.6
Individuals	SE-106765210	3.1–3.3, 3.5, 4.2
Individuals	SE-106766464	1.1–1.2, 1.4, 2.1, 3.1–3.3, 3.5, 3.10, 4.1–4.2
Individuals	SE-106771231	1.1, 3.1–3.3, 3.5, 3.17
Individuals	SE-106771707	1.1, 1.4, 2.2, 3.2–3.3, 3.5, 3.17, 4.1–4.3
Individuals	SE-106776457	2.2, 3.1–3.3

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Individuals	SE-106777708	1.1, 3.1–3.2
Individuals	SE-106779457	2.5, 3.2, 3.4, 4.2
Individuals	SE-106779459	1.1, 2.2, 3.3, 4.1
Individuals	SE-106780961	3.2–3.5, 3.13, 4.2
Individuals	SE-106781207	1.1, 1.4, 2.1, 3.1–3.3, 3.5, 3.10, 3.19, 4.1–4.2, 4.6
Individuals	SE-106781463	3.2–3.4, 4.1, 4.3
Individuals	SE-106781957	1.1, 2.1–2.2, 3.2–3.5, 4.1–4.3, 4.6, 5.2
Individuals	SE-106785460	1.1, 1.4, 4.1
Individuals	SE-106786472	4.3
Individuals	SE-106790209	3.1, 4.2–4.3
Individuals	SE-106790958	1.1, 2.2, 3.2–3.3, 3.5

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Individuals	SE-106793482	1.1, 1.4, 3.2–3.5, 4.1–4.2, 4.6
Individuals	SE-106793487	1.4, 3.1, 3.3, 3.5, 3.13, 4.2
Individuals	SE-106795731	3.2, 4.2–4.3
Individuals	SE-106795987	1.1, 3.2–3.5, 4.2
Individuals	SE-106802211	3.3, 4.2
Individuals	SE-106802227	1.1, 1.4, 3.2–3.4, 4.2–4.3
Individuals	SE-106804459	1.1, 3.2–3.3, 3.5
Individuals	SE-106804461	1.1, 3.2–3.3, 4.2
Individuals	SE-106806458	2.2
Individuals	SE-106806962	1.1, 1.4, 3.3, 3.5, 4.2
Individuals	SE-106808208	3.1, 4.1

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Individuals	SE-106808228	3.3
Individuals	SE-106811959	3.1, 3.3
Individuals	SE-106812458	3.5, 4.3, 5.2
Individuals	SE-106812460	1.1, 3.1, 4.3
Individuals	SE-106812482	4.2
Individuals	SE-106812721	1.1, 2.1, 3.1, 3.3, 4.6
Individuals	SE-106813724	3.2, 4.1
Individuals	SE-106813957	1.1, 2.5, 3.2–3.3, 4.2
Individuals	SE-106814237	3.1–3.2, 4.2
Individuals	SE-106814457	1.1, 2.5, 3.2–3.3, 3.5, 3.17, 4.1–4.2, 4.6
Individuals	SE-106815957	1.2, 2.1, 3.1–3.3, 3.5, 3.10, 4.1–4.3, 4.6

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Individuals	SE-106816228	3.5
Individuals	SE-106816707	1.1, 2.5, 3.5, 3.16, 4.1–4.4
Individuals	SE-106818494	1.1, 1.4, 3.18
Individuals	SE-106819473	1.1–1.2, 2.5, 3.4, 3.7, 3.15, 4.2
Individuals	SE-106820207	1.4, 4.6
Individuals	SE-106820223	1.1, 1.4, 3.2–3.5, 4.1–4.2, 4.4, 5.1
Individuals	SE-106821242	3.1–3.2, 3.5, 4.1–4.3
Individuals	SE-106823957	3.1–3.4, 4.1–4.3
Individuals	SE-106826221	1.1, 3.2–3.3, 3.5, 4.1–4.2
Individuals	SE-106826721	
Individuals	SE-106826725	1.1, 3.1, 3.3–3.5, 3.17, 4.1–4.2

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Individuals	SE-106827707	1.1, 3.2–3.3, 3.17, 4.3
Individuals	SE-106828711	3.2–3.4, 4.1–4.3
Individuals	SE-106829459	1.1, 3.1, 3.4
Individuals	SE-106830459	3.5, 4.1
Individuals	SE-106830973	1.4, 4.3
Individuals	SE-106893707	2.2
Individuals	SE-107118957	1.1, 3.2–3.3, 3.5, 4.1–4.2
Individuals	SE-107119211	1.1, 3.1–3.2
Individuals	SE-107119217	1.1, 3.2–3.5, 4.1–4.2
Individuals	SE-107119457	1.1, 1.4, 2.1, 2.5, 3.1–3.6, 3.10, 3.19, 4.1–4.2, 4.4
Individuals	SE-107119461	1.4, 3.2

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Individuals	SE-107119462	3.2, 4.2
Individuals	SE-107121458	1.1, 2.5, 3.1, 3.3
Individuals	SE-107128957	1.1, 3.3, 3.5, 4.2
Individuals	SE-107128960	1.1, 3.1, 3.19
Individuals	SE-107128963	1.1, 3.3
Individuals	SE-107129208	3.2, 4.2
Individuals	SE-107129214	4.2–4.3
Individuals	SE-107129218	
Individuals	SE-107129460	1.1–1.2, 1.4, 2.1, 3.1–3.3, 3.5, 3.10, 3.14–3.15, 3.19, 4.1–4.2, 4.6
Individuals	SE-107129465	1.1, 2.2, 3.2–3.3, 4.2–4.3
Individuals	SE-107129467	4.1

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Individuals	SE-107129469	3.1, 3.5
Individuals	SE-107129957	1.1, 3.2–3.5, 4.2
Individuals	SE-107131217	1.1, 2.2, 3.2–3.3, 4.2
Individuals	SE-107131457	3.3, 4.2
Individuals	SE-107131459	1.1, 3.1
Individuals	SE-108264207	1.1, 2.2, 3.1, 3.3, 4.1, 4.3, 4.6
Individuals	SE-108264221	1.4, 3.5, 4.3

Appendix B Updated Mitigations measures

Table 10 Summary of Updated Mitigation Measures

Impact	Potential Impact	Approach	Timing	Residual Impact
Trees	Damage to or loss of retained trees and street trees during construction.	Trees being retained should be protected prior to the commencement of works, and for the duration of site works.	Prior to commencement of works.	Low
		The stormwater relocation and upgrade works for Darby Street in close proximity to street trees should be undertaken using non-destructive excavation methods, such as hydro-vacuum, Air Spade or manually excavated trenches, to ensure that street trees are protected.	During construction.	
		The Project Arborist should be on site to identify any conflicting roots that requiring pruning, and these roots must be pruned with a clean, preferably sterile, sharp implement such as secateurs, pruners or handsaw back to undamaged root tissue.	During construction.	
Stormwater	Impacts associated with the relocation of the existing stormwater culvert and drainage easements.	Detailed design solution and consultation is required to facilitate the relocation of the existing stormwater culvert and associated drainage easements outside of the proposed development site. A separate approval from the City of Newcastle	Detailed design prior to commencement of works.	Low

Impact	Potential Impact	Approach	Timing	Residual Impact
		Council will be required to complete these works.		
Heritage	Loss of heritage information or disturbance of unexpected archaeological remains.	The former machine shop building shall be externally and internally archivally recorded prior to its demolition.	Prior to demolition works.	Low
		A Heritage Site Induction is provided to all persons on site prior to works commencing.	Prior to commencement of works.	
		An Unexpected Finds Protocol shall be adopted for the site during the preliminary site works, excavation and construction. Refer to the recommended Unexpected Finds Protocol within the Historical Archaeological Assessment	During construction.	
Remediation	Exposure to contaminated land or underground infrastructure.	A Construction Environmental Management Plan must be prepared, in accordance with the Remediation Action Plan (RAP).	Prior to commencement of works.	Low, following validation
		Following demolition of existing structures additional contamination investigations are to be undertaken on the western portion of the site to comprehensively identify any contaminants and whether additional remediation works are required.	Following demolition of existing structures.	

Impact	Potential Impact	Approach	Timing	Residual Impact
		Following demolition of existing structures, additional soil investigations are required to confirm the presence of the suspected underground storage tank. If confirmed, decommissioning and removal of this tank is required and impacted soils are to be identified and removed, in accordance with the RAP.	Following demolition of existing structures.	
		A Site Validation Report by a qualified Remediation Consultant must be prepared following completion of the remediation works.	At the completion of remediation works, prior to commencement of construction.	
		All excavated soils must be classified in accordance with <i>EPA Waste Classification Guidelines 2014</i> , or an appropriate exemption as created under the Protection of the Environment Operations (Waste) Regulation 2014, for appropriate disposal.	During construction.	
Mine subsidence	Ground movement or instability associated with historical mine workings.	Final numerical modelling for the grouting will need to be prepared and submitted to Subsidence Advisory NSW.	Prior to commencement of works.	Low, subject to agency requirements
		A Grouting and Verification Plan is to be submitted to Subsidence Advisory NSW.	Prior to construction.	

Impact	Potential Impact	Approach	Timing	Residual Impact
Water	Sediment, pollutants or changes to groundwater levels and water quality.	A Soil and Water Management Plan (SWMP) will be prepared and implemented and include measures to manage and reduce the risk of water quality impacts associated with the works. SWMP will be prepared as part of the Construction Environmental Management Plan (CEMP) for the Project.	Prior to commencement of works.	Low
		Ongoing monitoring of the groundwater level and water quality parameters during the first 12 months after construction of the basement.	Post-completion.	
Geotechnical conditions	Instability, settlement, erosion or unexpected ground conditions.	Erosion and Sediment Control Plan be implemented, having regard for the results of the detailed geotechnical investigations and following best practice guidelines such as the Blue Book (Landcom 2004 / DECC 2008).	Prior to commencement of works.	Low
		Detailed geotechnical investigations are required across the site to support detailed designs and inform construction requirements and activities, as recommended in the preliminary geotechnical assessment. It is suggested that detailed investigations occur post-	Prior to construction.	

Impact	Potential Impact	Approach	Timing	Residual Impact
		demolition of existing structures, to facilitate access across the complete building envelopes.		
		Geotechnical construction phase support involvement by a Geotechnical Engineer, including routine inspection, supervision, and monitoring to confirm construction meets design requirements and to provide geotechnical support where latent or unexpected conditions arise.	During works.	
Construction impacts	Temporary impacts on pedestrians, traffic, neighbouring properties and the surrounding community.	Final Construction Pedestrian Traffic Management Plan to be prepared and implemented.	Prior to commencement of works and during works.	Temporary and low
		Site Communication and Engagement Plan prepared and implemented.	Prior to commencement of works and during works.	
		Complaints and Enquiries Procedure prepared and implemented.	Prior to commencement of works and during works.	
		Construction Noise and Vibration Management Plan and implemented.	Prior to commencement of works and during works.	
		Work site health and safety measures to be implemented on site and managed at all times	During works.	

Impact	Potential Impact	Approach	Timing	Residual Impact
		throughout the construction of the project, in accordance with current NSW Safe Work requirements.		
Construction	Inadequate access for people with disability or non-compliance with applicable access requirements.	Compliance with the Premises Standards, Building Code of Australia, and Australian Standards for accessibility, are to be addressed during detailed design. For construction certification.	Prior to construction.	Negligible
Waste Management	Unsafe or inefficient bin movement and kerbside waste collection.	Loading zone signage is to be installed on Darby Street to facilitate waste collection and retail deliveries. Suitable tow-tugs are to be provided for each building, having regard to driveway gradients and bin weights. The Building Manager is to manage bin movements in accordance with the Operational Waste Management Plan.	Prior to operation. Prior to operation. During operation.	Low
Transport and Access	Vehicle and pedestrian safety impacts and inadequate public domain outcomes.	Convex mirrors are to be provided where necessary to improve sightlines around solid basement walls. The 3m by 3m sightline splay, footway upgrades, pedestrian crossings and additional street tree	During detailed design and construction. Prior to occupation.	Low

Impact	Potential Impact	Approach	Timing	Residual Impact
		planting are to be provided.		
Crime Prevention and Safety	Actual or perceived crime risks to residents, visitors, retail staff and property, including break and enter, theft, vehicle-related crime, assault and malicious damage.	Pedestrian entrances and shared areas are to incorporate white lighting, illumination levels compliant with relevant Australian Standards and vandal-resistant light fittings.	Detailed design	Low to moderate following implementation of the CPTED measures
		Motion-sensing lighting is to be programmed to maintain suitable illumination from dusk until dawn, including along the Tyrrell Street pedestrian entry and internal pathway.	Detailed design	
		Provide lighting and signage at fire exit discharge points, wayfinding signage within communal areas, and signage identifying access restrictions within shared service areas.	Prior to occupation	
		The Building or Strata Manager is to prepare and implement a regular cleaning and maintenance schedule, including landscape maintenance, rubbish and graffiti removal, replacement of light bulbs and repair of damaged fixtures.	Prior to occupation and during operation	
		Residents and retail staff are to be encouraged to report identified crime	During operation	

Impact	Potential Impact	Approach	Timing	Residual Impact
		risks and antisocial behavior.		

Appendix C Supporting information

The Amendment Report and the following Appendices have been provided as separate documents with the NSW Major Projects Portal.

Table 11 Supporting Documents

Appendix	Document	Consultant	Revision	Date
D1	Estimated Development Cost	Aplas Quantity Surveyors	-	31/07/2026
D2	Architectural Plans	CKDS Architecture	3	31/07/2026
D3	Apartment Design Guide Assessment Table	CKDS Architecture	C	31/07/2026
D4	Urban Design Report	Curzon and Partners	1	31/07/2026
D5	Landscape Design Report	Xeriscapes	D	31/07/2026
D6	Visual Impact Assessment	Distinctive	E	07/2026
D7	Access Certificate	Accessed	C	31/07/2026
D8	Ecologically Sustainable Design Assessment Report	SLR Consulting	2	31/07/2026
D9	Stormwater Advice and Civil Engineering Plans	NEWENG Consulting	2	30/07/2026
D10	Heritage Letter	Heritage Design	2	31/07/2026
D11	Transport Statement	ASON Group	1	16/07/2026
D12	Acoustic Letter	Rodney Stevens Acoustics		31/07/2026
D13	Operational Waste Management Plan	Garbology	2	31/07/2026
D14	Social Impact Assessment Addendum	AAP Consulting	1	13/07/2026
D15	Embodied Emissions Form	Aplas Quantity Surveyors		31/07/2026