

Department of Planning, Housing and Infrastructure



Our ref: Mixed Use Development - Darby Street Cooks Hill (SSD-82276964)

Vivacity Property
C/-Ms Rebecca Johnston
92 Young Street
CARRINGTON NSW 2294
25 March 2026

Subject: Request for Information

Dear Ms Johnston,

The exhibition of the development application and environmental impact statement (EIS) for the Mixed Use Development Darby Street Cooks Hill (SSD-82276964) ended on 18 February 2026.

The Department is now seeking additional information as set out in Appendix A. All agency advice received to date is available via the Major Projects page. Please note that this request is in addition to the Response to Submissions (RtS) request dated 9 March 2026.

The Department requests a single consolidated response to this RFI request and the previous RtS letter by Friday 1 May 2026.

Note that the time between the date of this letter and the date the Planning Secretary receives your response is not included in the 'assessment period' under section 94(1) of the Environmental Planning and Assessment Regulation 2021.

If you have any questions, please contact Fiona Dowler on 02 4904 2705 or via email at fiona.dowler@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Trent Wink'.

Manager, Housing Delivery Assessments
as delegate for the Planning Secretary

Appendix A

1. Concurrent rezoning

The Department has significant concerns over the concurrent rezoning and the resulting impacts that it creates:

Height

Future development of the site is required to satisfy the objectives of the Newcastle City Centre, in particular:

- to facilitate the development of building design excellence appropriate to a regional city,
- to protect and enhance the environmentally sensitive areas and natural and cultural heritage of Newcastle City Centre for the benefit of present and future generation

The proposed maximum height of 45m should be reduced to maintain an appropriate height, bulk and scale, taking into account the existing and envisaged urban streetscape in the immediate locality.

FSR

The FSR is to be reconsidered to ensure the development is compatible with the urban streetscape in the immediate locality.

Clause 7.4

Clause 7.4 applies to development exceeding 45m. The removal of the clause is not required.

Information required – Detailed strategic justification and urban design analysis is required to support the proposed height and FSR.

2. Built form & urban design

Design review

The Development is required to achieve Design Excellence in accordance with Newcastle Local Environmental Plan 2012 (NLEP 2012). The Department is happy to organise a meeting within a week of receiving this letter to discuss options to achieve Design Excellence and to positively contribute towards the urban streetscape in terms of height, bulk and scale.

Height, bulk & scale

The proposed height of both buildings is to be reduced to address the Departments concurrent rezoning advice, and the advice from City of Newcastle.

A consistent tower setback is required to improve the bulk, scale and perceived density of the proposed development. The development should provide a minimum 3m tower setback to both the Darby Street and Tyrrell Street frontages, resulting in a clearly defined podium.

Information required – Amended plans are required to address the above. An updated Urban Design study is required to demonstrate in further detail how the development is compatible with the immediate area, the existing and envisaged urban streetscape, and the surrounding precincts. The Urban Design study should also address the concerns raised in submissions regarding the height of the development.

Street activation

The proposal has insufficient ground floor activation of Darby Street. The location of services and utilities are required to be revised to provide opportunities for ground floor activation and an improved interface with the Newcastle Art Gallery.

Residential entry and street address

The Tyrrell Street interface provides an undesirable street address and architectural response to Tyrrell Street and the heritage conservation area. The design is to be revised to incorporate a residential lobby with a clear and legible entry to the development.

Public domain

The proposed development is to be revised to clearly address the public domain issues outlined in advice from City of Newcastle.

3. Heritage impact

Concern is raised with the impact of the proposed development on the significance of the Heritage Conservation Area. The consolidated RTS/RFI response is to address advice from City of Newcastle and Heritage NSW.

4. Visual Impact

The Visual Impact Assessment is to reconsider the assessment of the visual impact from key Civic and public spaces and should also address the concerns raised in submissions regarding the visual impact of the development.

5. Waste management

Kerbside collection is not supported for the development. The waste management plan is to be updated to enable on-site waste collection in consultation with City of Newcastle. Refer to City of Newcastle submission, 3.1 Servicing.

6. Transport impact

The car park swept path diagrams indicate encroachment within the two-way circulation space. As a result, the design does not fully comply with AS2890.1 which requires simultaneous B85/B99 two-way vehicle movements. This is especially problematic in areas with limited sight lines. The proposal is required to be revised or further information provided to justify the current design and consider any improvements or mitigation measures.

Additional information is also required to address the submission provided by City of Newcastle.

7. Crime Prevention Through Environmental Design

A Crime Prevention Through Environmental Design (CPTED) assessment is required to be prepared providing an analysis of the relevant principles with respect to the proposed development and is to include recommendations for the on-going management of the site. The consolidated RTS/RFI response is to address the submission provided by City of Newcastle.

8. Stormwater

Further detail is required to demonstrate how the development complies with City of Newcastle's water management requirements. Refer to the submission provided by City of Newcastle.

9. Flood management

Further detail is required to demonstrate how the development complies with City of Newcastle's flood management requirements. Refer to the submission provided by City of Newcastle.

10. Agency advice

All agency advice received is available via the Major Projects page. A response to all the issues raised within the agency referrals and submission of revised documentation where relevant, is required.