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Environmental Impact Statement

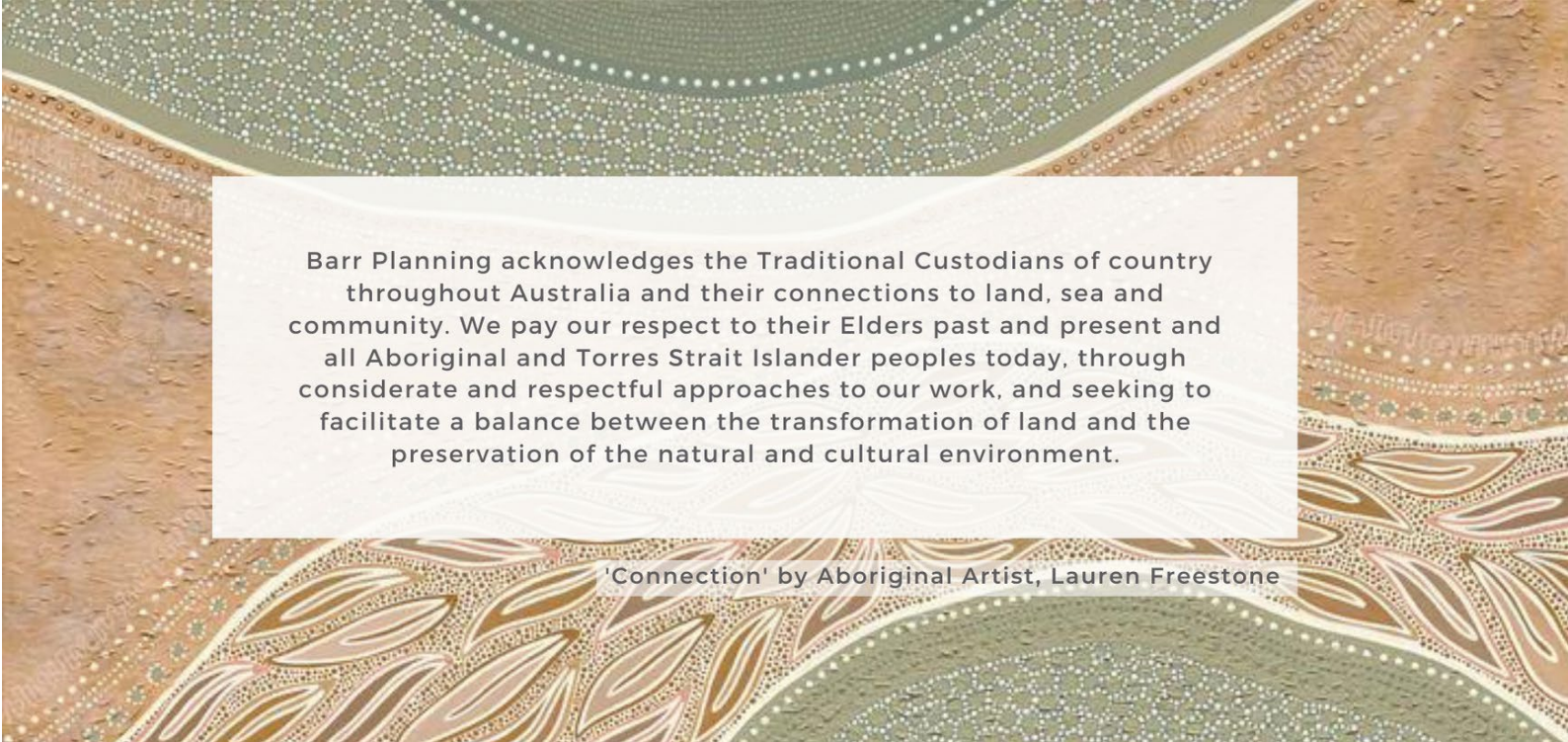
Mixed Use Development Cooks Hill
SSD-82276964

Prepared by Barr Planning

for Vivacity Property Pty Ltd

January 2026



The background of the page is a large, intricate Aboriginal artwork. It features a central white rectangular box containing text. The artwork itself is composed of various patterns, including concentric circles of dots in shades of green and brown, and larger, more complex designs with organic, leaf-like shapes in earthy tones. The overall style is traditional and detailed.

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

Document Control

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Job No.	25NEW0197
Client:	Vivacity Property Pty Ltd

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Glossary and Abbreviations


Terminology	Meaning
ACHA	Aboriginal Cultural Heritage Assessment
ADG	Apartment Design Guide
AHCS	Affordable Housing Contribution Scheme
AHIMS	Aboriginal Heritage Information Management System
AS	Australian Standard
ASS	Acid Sulfate Soils
BC Act	Biodiversity Conservation Act 2016
BC SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021
BCA	Building Code of Australia
CMP	Construction Management Plan
Council	City of Newcastle Council
CPTED	Crime Prevention Through Environmental Design
CTMP	Construction Traffic Management Plan
DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
DCP	Development Control Plan
DP	Deposited Plan
DPHI	NSW Department of Planning, Housing and Infrastructure
DSI	Detailed Site Investigation
EDC	Estimated Development Cost
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPA	NSW Environment Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GANSW	NSW Government Architect's Office
GNMP	Greater Newcastle Metropolitan Plan 2036
HDA	Housing Development Authority
HCA	Heritage Conservation Area
HIS	Heritage Impact Statement
HMS	Hazardous Materials Survey
Housing SEPP	State Environmental Planning Policy (Housing) 2021
LGA	Local Government Area
LHS	Newcastle Local Housing Strategy
LSPS	Newcastle Local Strategic Planning Statement 2021
m	metre

Terminology	Meaning
m ²	Square Metres
N/A	Not applicable
NCC	National Construction Code
NIA	Noise Impact Assessment
NDCP	Newcastle Development Control Plan 2023
NLEP	Newcastle Local Environmental Plan 2012
NPW Act	National Parks and Wildlife Act 1974
NSW	New South Wales
OEH	Office of Environment and Heritage
PS SEPP	State Environmental Planning Policy (Planning Systems) 2021
PSI	Preliminary Site Investigation
RAP	Remediation Action Plan
RH SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021
RMS	Roads and Maritime Services
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment
SSD	State Significant Development
SSDA	State Significant Development Application
SSP SEPP	State Environmental Planning Policy (State Significant Precincts) 2005
TfNSW	Transport for New South Wales
The Minister	the Minister for Planning and Public Spaces
TIA	Transport Impact Assessment
TI SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021
TPZ	Tree Protection Zone
WSUD	Water Sensitive Urban Design

Project Details

Project Details	
Project Name	Mixed Use Development Cooks Hill
Application Number	SSD-82276964
Address of the Land in respect of which the development application is made	47 Darby Street, Cooks Hill Lot 103, DP 786055
Applicant Details	
Applicant Name	Vivacity Property Pty Ltd
Applicant Address	PO Box H72 Australia Square NSW 1215
Details of person by whom the EIS was prepared	
Name	Erin Beattie
Qualifications	B.A, Post Grad Dip URP, Cert IV Architectural Technology, Member PIA
Name	Rebecca Johnston
Qualifications	BTP (Hons), Cert IV Project Management MBA Registered Planner +EIA PIA

Declaration

Declaration by registered environmental assessment practitioner	
Name:	Robert Dwyer
Registration number:	7608
Organisation registered with:	Barr Property and Planning Pty Ltd
Declaration:	<p>The undersigned declare that this EIS:</p> <ul style="list-style-type: none"> ▪ has been prepared in accordance with Section 190 the Environmental Planning and Assessment Regulation 2021; ▪ contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates; ▪ does not contain information that is false or misleading; ▪ addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project; ▪ identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments; ▪ has been prepared having regard to the Department's State Significant Development Guidelines - Preparing an Environmental Impact Statement; ▪ contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development; ▪ contains a consolidated description of the project in a single chapter of the EIS; ▪ contains an accurate summary of the findings of any community engagement; and ▪ contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.
Signature	
Name	Robert Dwyer
Date	15 January 2026

Executive Summary

This Environmental Impact Statement (EIS) has been prepared by Barr Property and Planning Pty Ltd (Barr Planning), on behalf of Vivacity Property Pty Ltd (the Applicant). The EIS is submitted to the New South Wales (NSW) Department of Planning, Housing and Infrastructure (DPHI), in support of an application for State Significant Development (SSD), (SSD-82276964) the redevelopment of 47 Darby Street, Cooks Hill, being Lot 103, DP 786055 ('the Site'), to deliver a high-quality mixed-use development

The Site

The site is located within the City of Newcastle local government area (LGA) and is on the traditional lands of the Awabakal and Worimi people.

The site is zoned MU1 Mixed Use Zone pursuant to the *Newcastle Local Environmental Plan 2012* (NLEP). The maximum height of buildings permitted is 14m and the maximum FSR is 2.5:1 under the NLEP.

The site is within the Newcastle City Centre, approximately 460m from the water's edge of Newcastle Harbour (north of the site) and approximately 1km from Newcastle Beach (east of the site). The site is located directly across the road from the recently redeveloped Newcastle Art Gallery, and diagonally opposite Civic Park, an important open space and centre of the Newcastle City Civic precinct.

Nearby transport infrastructure includes regular bus services along Darby Street, Light Rail along Hunter Street with Civic Station within 270m walking distance from the site, and Newcastle Interchange 1.5km from the site, accessible via the Light Rail network.

Immediately adjoining the site is the following development:

- To the north of the site on the opposite corner of Tyrrell Street is the Darby Street Early Learning Centre, a childcare centre and preschool for children aged 6 weeks to 6 years.
- Surrounded by the site on its eastern, southern and western boundary is a single-storey booster station building owned by Hunter Water. A redundant water pipeline connects to the property from south, bisecting the site. A corresponding Hunter Water easement for water exists. The pipeline and easement are to be retained.
- To the east and southeast is a residential estate referred to as Regency Park. It comprises 50 townhouses and villas across a combined site area of approximately 1.9 hectares, within a gated community having common garden areas and recreational facilities including pools and a tennis court. The development was constructed in 2000 and has been subdivided under community title.

- To the south at 59 Darby Street, there is a two-storey commercial building and at-grade car park. The property is currently used by a number of commercial tenants. This site is also the subject of a Land and Environment Court approval (DA2018/01301) granted on 25 November 2020 (Appeal No. 2020/171024). The approved development is described as a six-storey mixed use development with one basement level of parking; including commercial premises, serviced apartments and residential apartment, across five combined allotments. The approved development has a height of 20.4m, exceeding the NLEP 14m maximum height limit.
- To the west opposite Darby Street, is the newly renovated and reopened Newcastle Art Gallery. The art gallery is owned by City of Newcastle, with support from the Newcastle Art Gallery Foundation and Newcastle Art Gallery Society. The gallery first began in 1945 and has a permanent collection of 7,000 works of art celebrating past and present, both local and global artists and honouring the thriving continuation of Awabakal and Worimi culture through song, story, dance and art. The Newcastle Art Gallery is a significant cultural facility that also engages the community with art through education and public programs.

The Project

The Project involves the demolition of existing buildings on the site and the construction of shop top housing in the form of a ground floor retail unit with residential flat building above (Darby Street Building), and a separate residential flat building (Tyrrell Street Building), each with basement car parking, communal open space, and associated landscaping.

The Project will involve the demolition of existing buildings, mines grouting work, remediation works and the relocation of existing infrastructure including electrical and stormwater.

The proposed development will result in an FSR of 3.48:1. The Darby Street Building is 13 storeys (12 storeys + rooftop open space) and 44.99m in height and the Tyrrell Street Building is 8 storeys and 27.7m in height.

The Darby Street Building contains units / dwellings as follows:

- 1-bedroom apartments: 15
- 2-bedroom apartments: 48
- 3-bedroom apartments: 20
- 4-bedroom apartments: 2
- Retail GFA: 231m²
- Car parking spaces as follows:
 - Resident: 107
 - Visitor: 0
 - Accessible: 1
 - EV Charging: Provision to 5% of apartments (4)
 - Retail Tenant: 2 (including accessible)

- 85 bicycle spaces + 16 on-street rack
- Communal open space

The Tyrrell Street Building will contain units / dwellings as follows:

- 2-bedroom apartments: 14
- 3-bedroom apartments: 14
- Car parking spaces as follows:
 - Resident: 42
 - Visitor: 4
 - Accessible: 0
 - EV Charging: Provision to 5% of apartments (1)
- 35 bicycle spaces
- Communal open space

Ancillary development will include:

- Associated landscaping
- Plant rooms and equipment
- Storage areas
- Waste storage areas
- Associated infrastructure and services

Planning Framework

In accordance with the newly established Housing Delivery Authority (HDA) pathway, Vivacity Property Pty Ltd on behalf of the property owners made an Expression of Interest (EOI) Application 235079 on 29 January 2025, which was considered by the HDA 24 March 2025. The HDA recommended that this project be declared SSD under s4.36(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). SSD Declaration Order No.4 was signed by the Minister on 2 April 2025, declaring development specified in the EOI at the site to be SSD.

The Secretary's Environmental Assessment Requirements (SEARs) for the Project were issued on 10 April 2025. Accordingly, the applicant engaged a project team to commence working on the Project for the site as a HDA project.

The development aligns with key state, regional and local strategies including:

- National Housing Accord, supporting well-located, diverse new housing supply.
- Hunter Regional Plan 2041, through urban consolidation and delivery of "15-minute neighbourhoods".
- Greater Newcastle Metropolitan Plan 2036, by providing housing within a strategic centre close to jobs and services.

- Newcastle Local Strategic Planning Statement 2021, which identifies the site within a catalyst area for growth and supports infill housing, active transport and high-quality urban design.
- Newcastle Local Housing Strategy 2025, through provision of diverse apartment types, accessible dwellings and contributions to affordable housing.

The proposal is consistent with SEPP (Housing), SEPP (Biodiversity and Conservation), SEPP (Sustainable Buildings) and the NLEP, noting that building height and FSR controls are proposed to be amended concurrently under the HDA process to facilitate a well-designed, strategically supported increase in residential density.

EDC and Job creation

The Project has an Estimated Development Cost (EDC) of \$114,768,260 (excluding GST) which exceeds the SSD threshold of \$30 million and 40 dwellings for a project in regional NSW.

The Project will contribute substantially to local employment and economic activity through the following:

- Construction phase: approximately 270 - 300 workers, supporting local jobs and supply chains.
- Operational phase: approximately 13 - 30 full-time equivalent jobs, including retail, building management and maintenance roles.
- Broader economic benefits include increased local expenditure, activation of surrounding businesses and support for the city centre's role as a mixed-use destination.

Assessment

A comprehensive suite of technical studies has been prepared to assess the environmental, social and economic impacts of the Project. Key findings include:

Built Form and Urban Design

The development responds appropriately to topography, heritage context and surrounding built form. The massing, articulation and materiality achieve design excellence and contribute positively to the character of the area within Newcastle City Centre. The Darby Street frontage delivers activation, while the Tyrrell Street interface descales in transition to the adjoining residential areas.

Visual Impact

The development is sympathetic in character with the broader region and also within the context of the immediate environment, characterised by the cultural and legal precinct of the inner Newcastle City historic centre, but also on the edge of surrounding medium density housing.

Environmental Amenity

Solar access, wind effects, visual impact and overshadowing have been assessed and found to be acceptable. View loss impacts are minimal and reasonable in an infill urban context.

Heritage and Archaeology

Although the site is within a heritage conservation area, no heritage fabric of high significance will be lost. Investigations confirm no Aboriginal archaeological sensitivity and low potential for European relics.

Traffic, Access and Parking

The Project provides basement parking, rationalises two existing driveways, and improves pedestrian and cycling conditions. Traffic modelling confirms acceptable impacts on the local road network with traffic from the Project distributed across the two separate street access points.

Flooding and Stormwater

The site is subject to very minor shallow overland flow. Mitigation measures incorporated into the design ensure flood resilience. Stormwater is appropriately managed for the site.

Contamination and Geotechnical

Contamination and geotechnical risks, including mine subsidence, can be effectively managed through mine grouting works, remediation and detailed construction design.

Noise and Vibration

The design ensures that acoustic amenity is upheld for surrounding receivers upon occupation of the project, and suitable mitigation measures are to be incorporated to minimise the temporary noise impacts during demolition and construction.

Ecologically Sustainable Development (ESD)

The project is consistent with the principles of ecologically sustainable development and incorporates numerous design measures to achieve significant reductions in energy and water required by the development both in construction and ongoing operation.

Waste Management

Upon occupation of the project, waste will be collected, stored and managed within the buildings in a sustainable way and collected from the street by a contractor weekly. Waste management during demolition and construction will be managed within the site and transported to the appropriate facility as needed.

Social and Economic Impacts

The Project will increase housing supply in a strategic location, improve public domain quality, support local business activity, enhance community safety through activation, and contribute to a supply of diverse housing types.

Overall, the likely impacts are manageable and appropriately mitigated, and the Project will deliver strong social, environmental and economic outcomes for Newcastle.

Stakeholder Engagement

A comprehensive engagement process has been undertaken with Council, Government agencies, residents and local businesses. Engagement included targeted consultation with the adjoining residents, and preparation of specialist community and stakeholder reports.

Key themes raised included heritage considerations, parking and access, building height, overshadowing, and construction management. These matters have been addressed through design responses and refinement, additional analysis, and integration of mitigation measures. Ongoing engagement will continue through the assessment and construction phases to ensure transparent communication and responsiveness to community expectations.

Project Justification and Recommendation

Given the above reasons and the satisfaction of the objects of the EP&A Act and the aims of the NLEP, it is recommended that the Project, for the purposes of a mixed-use development providing housing be supported subject to relevant and reasonable conditions.

1. Introduction

This Environmental Impact Statement (EIS) has been prepared by Barr Planning on behalf of Vivacity Property Pty Ltd to support State Significant Development Application (SSDA) SSD-82276964. The purpose of this report is to assess the economic, environmental and social impacts of the project and proposed mitigation measures. It has been prepared in accordance with the Appendix B to the State Significant Development Guidelines -Preparing an Environmental Impact Statement, as required by Section 190 of the Environmental Planning & Assessment Regulation 2021 (EP&A Regulation).

1.1 Project Summary

The Project summary is as follows:

Table 1 Project Summary

Project Element	Summary of the Project
Application	SSD-82276964
Project Site Area	3,566 m ²
Site Description	Lot 103, DP 786055 No. 47 Darby Street, Cooks Hill
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.
GFA	Darby Street Building -Retail: 231m ² Darby Street Building – Apartments: 9037m ² Tyrrell Street Building – Apartments: 3141m ² Total: 12409m ²
FSR	3.48:1
Building Height	Darby Street Building:13 storeys / 44.95m (12 storeys + rooftop open space) Tyrrell Street Building: 8 storeys / 27.7m
Car Parking Spaces	Darby Street Building: Tyrrell Street Building:
Estimated Development Cost (EDC)	\$114,768,260 (excluding GST)
Number of Construction Workers	270 - 300
Number of Employees (FTE)	13 - 30
Job Creation	30 Ongoing Direct and indirect

1.2 Applicants Details

Applicant Name	Vivacity Property Pty Ltd
Applicant Address	PO Box H72 Australia Square NSW 1215
ABN	53 629 979 237
Nominated Contact	Tom Copping
Contact Details	0425 555 383 tom@vivacityproperty.com.au

1.3 Land owner

The owner of the site is Premitev Pty Ltd, Stegmen Pty Ltd, Ottawa & Co Pty Ltd.

In accordance with the Clause 23(1)(a) of the EP&A Regulations, a development application may be made by the owner of the land to which the development relates. The consent of the land owner to lodge the application is submitted with the SSDA.

It is noted that in accordance with Clause 23(4A) of the EP&A Regulations that the consent of the owner of the land is not required for a development application for development involving mine grouting works if the works

- (a) will be carried out at a depth of 10m or more below the surface of the land, and*
- (b) are ancillary to other development requiring development consent.*

The Project includes mine grouting works that are ancillary to the construction of the proposed buildings. The mine grouting works will be carried out at a depth greater than 10m below the surface. Accordingly, the consent of any other land owner is not required.

1.4 Project Overview

The Project is mixed use development at 47 Darby Street, as described in the SEARS.

The Project relates to construction of a new 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 Project will involve:

- Site Establishment, Demolition and Preliminary works including the demolition of existing buildings, mines grouting work, remediation works to remove contamination and the relocation of existing infrastructure including electrical and stormwater.
- Construction works including excavation of basements, construction of two separate buildings each with basement car parking, apartments, and communal open space and associated landscaping and public domain works.

- The provision of Ground Level retail premises within the Darby Street Building. Provisions and servicing have been incorporated to accommodate a future food and drink premises, given the suitability for this on the prominent corner and proximity to Darby Street Eat Street.
- Waste servicing and loading will occur on Darby Street and Tyrrell Street for each respective building.
- General building maintenance, landscape maintenance and management of the common facilities.

1.5 Project History

1.5.1 Council Consultation

On 28 January 2025 a preliminary planning proposal meeting was held with CN Planning Officers. The purpose of the meeting was to seek Council's guidance on a preferred pathway to facilitate the Applicant's intended redevelopment of the site. Design options were presented to redevelop the site including demolition of existing buildings, to construct new development up to 45m in height.

Council recognised the desirable accessible location of the site with access to services and infrastructure, capacity for increased residential densities, and the need for delivery of more housing in the Newcastle LGA. However, the extensive variation to the height and FSR that would be required pursuant to Clause 4.6 Exceptions to Development Standards in the NLEP, was in Council's opinion, beyond the scope of a 4.6 variation. Instead, Council considered there being merit in proceeding with a Planning Proposal to amend the site's FSR and building height.

On 28 February 2025 Council's officers provided advice that Council does not support demolition of the warehouse building on site as it is considered to be a contributory building under Newcastle Development Control Plan 2023 (NDCP):

Demolition of a contributory building is only considered in situations where irrefutable evidence is provided that the contribution of the building to the significance of the Heritage Conservation Area has been destroyed or lost; or where there is demonstrated overwhelming structural instability that cannot be rectified.

Council recommended that a Heritage Consultant be engaged in the first instance to undertake a heritage assessment of the building.

1.5.2 Housing Delivery Authority

To accelerate the delivery of much needed homes and help meet the NSW target to deliver 377,000 new homes over five years by July 2029, the NSW Government established the Housing Delivery Authority (HDA) in December 2024, which is leading a new streamlined SSD pathway with a concurrent rezoning process.

In accordance with this newly established pathway, Vivacity Property Pty Ltd made Expression of Interest (EOI) Application 235079 on 29 January 2025, which was considered by the HDA on 24 March 2025. The HDA recommended that this project be declared SSD under s4.36(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). SSD Declaration Order No.4 was signed by the Minister on 3 April 2025, declaring development specified in the EOI at the site to be SSD. The EOI specified the following proposal:

Proposed is for a 6 to 12-storey shop top housing development, including 114 dwellings. The proposal includes a concurrent rezoning to increase the Floor Space Ratio (FSR) from 2.5:1 to 3.48:1 (39.2% increase) and Height of Buildings (HOB) from 14m to 45m (221.43%)

The Secretary's Environmental Assessment Requirements (SEARs) for the Project were issued on 10 April 2025. Accordingly, the applicant engaged a project team to commence working on the HDA Project for the site. The submission of the SSDA is required within 9 months following the issue of SEARs, being 10 January 2026.

1.6 Report Structure

This EIS provides the following:

Table 2 EIS Structure

Chapter	Content
1. Introduction	<ul style="list-style-type: none"> ▪ Applicants' details and project objectives ▪ Site map ▪ Project background and history
2. Strategic Context	<ul style="list-style-type: none"> ▪ Key strategic issues and relevance and support to Government strategies, policies and plans ▪ Key features of the site and regional surrounds, environment and landscapes. ▪ Assessment of potential cumulative impacts ▪ Analysis of alternatives
3. The Project	<ul style="list-style-type: none"> ▪ Comprehensive project description and area ▪ Summary of development including works, use of land and description of project details
4. Statutory Context	<ul style="list-style-type: none"> ▪ Assessment of the Project against relevant legislation and environmental planning instruments
5. Engagement	<ul style="list-style-type: none"> ▪ Summary of consultation processes and activities with community, Government agencies and Aboriginal stakeholders. ▪ Details of proposed ongoing consultation
6. Environmental Impact Assessment	<ul style="list-style-type: none"> ▪ Condition of the existing environment ▪ Assessment of impact of proposal on environment ▪ Identification of mitigation measures

Chapter	Content
7. Project Justification	<ul style="list-style-type: none"> Provides justification for project as a whole, having regard to the environmental, social and economic impacts of the project and the principles of ecologically sustainable development
8. References	
9. Appendices	
Appendix A	SEARs Compliance Table
Appendix B	Details Maps and Plans
Appendix C	Statutory Compliance Table
Appendix D	Community Engagement Table
Appendix E	Mitigation Measures
Appendix F	Planning Certificates
Appendix G	Technical Reports

1.7 Supporting Technical Reports

This EIS is supported by the following documentation including Technical Reports and Plans which have been prepared by the following specialised consultants, as outlined below.

Table 3 Consultant Team

Document	Consultant	Appendix
Estimated Development Cost Report	APLAS	G1
Architectural Plans	CKDS Architecture	G2
Design Report and Verification Statement	CKDS Architecture	G3
Urban Design Report	Curzon and Partners	G4
Landscape Design Report	Xeriscapes	G5
Visual Impact Assessment	Distinctive	G6
Public Domain Works Plan	Xeriscapes	G7
Survey Plan	DeWitt Consulting	G8
Access Report	Accessed	G9
BASIX Certificate	SLR Consulting Australia	G10
BCA Assessment Report	Jensen Hughes	G11
Ecologically Sustainable Design Assessment Report	SLR Consulting Australia	G12
Preliminary Geotechnical Assessment	Stratum Consulting Engineers	G13
Mine Subsidence Assessment	Tetra Tech Coffey	G14
Groundwater Impact Assessment	EP Risk	G15
Detailed Site Investigation and Remediation Action Plan	Compliance Health & Environmental Consulting (CHEC)	G16
Site Investigation Report	Indesco	G17

Document	Consultant	Appendix
Civil Engineering Plans and Stormwater Management Report	Indesco	G18
Flood Report	Indesco	G19
Biodiversity Development Assessment Waiver Report and Waivers	Anderson Environmental and Planning and DCCEEW	G20
Arboricultural Impact Assessment Report	Arborrative	G21
Statement of Heritage Impact	John Carr Heritage Design	G22
Historical Archaeological Assessment	Artefact	G23
Environmental Wind Impact Assessment	SLR Consulting Australia	G24
Transport Impact Assessment	Ason Group	G25
Noise Impact Assessment	Rodney Stevens Acoustics	G26
Construction Noise and Vibration Management Plan	Rodney Stevens Acoustics	G27
Waste Management Plan – Demolition, Construction and Operations	Elephants Foot	G28
Social Impact Assessment	AAP Consulting	G29
Stakeholder Engagement and Consultations Outcomes Report	Reputation Edge	G30
Employment and Economic Impacts	Vivacity	G31
Embodied Emissions Form	APLAS	G32

2 Strategic Context

This Chapter provides an overview of the importance of the project within the strategic planning context. It identifies the relevant policies or plans which demonstrate the strategic planning context and need for the project and provides a description of how the project complies with the relevant policies and plans.

2.1 National Housing Accord

Established by the Australian Federal Government, the National Housing Accord (NHA) sets the policy platform for the various state government planning departments to enact housing planning policy reforms, such as the Transport-Oriented-Development (TOD) State Environmental Planning Policy; and HDA pathway in NSW. The Accord included an initial aspirational target to build one million new well-located homes over 5 years from mid-2024. The Commonwealth and states and territories agreed to update this target at National Cabinet in August 2023 to 1.2 million new well-located homes over 5 years from 1 July 2024.

The target equates to 377,000 well-located new homes in NSW, to address the housing crisis in NSW and ensuring that residents have access to affordable and well-located homes.

The DPPI released five-year housing targets for each LGA within NSW to accommodate the growing population and demand for housing. For Newcastle the target is 11,100 homes.

The Project aligns with the intended outcomes of the NHA by providing new, well-located housing with increased density.

2.2 Better Placed

Better Placed is an integrated design policy for the built environment of NSW. It sets objectives for urban design aimed at enhancing all aspects of our environments, to create better places, spaces and buildings, and thereby better cities, towns and suburbs. Better Placed sits alongside other Government Architect NSW policies and is supported by design guides, manuals and case studies which describe the objectives in more detail.

Better Placed serves as a high-level reference for spatial and strategic frameworks, master plans, urban design, landscape architecture and architectural projects. The Project is consistent with the seven principles of the Better Placed framework as outlined below.

Table 4 Consideration of Better Placed Framework Principles

Principle	Project Response
1. Better fit: contextual, local and of its place	The built form of the Project has evolved since its original form in direct response to the site location, context and social setting. The

Principle	Project Response
	<p>height of the eastern building has been descaled significantly as a transition toward the residential area and slope of the site, and the building mass setback for privacy and solar access for the residential neighbours. The western building has been positioned to hold the prominent corner of the site and form the missing edge to the Civic Park. The upper levels of this building are setback in alignment with Tyrrell Street, as well as for solar access.</p> <p>The building form is appropriate for the site and aligns with the likely future development of the Newcastle City Centre and evolving form of the surrounding area, particularly to the north. It is place-based and relevant, responding to the setting within a heritage conservation area and will contribute positively to the local setting.</p>
<p>2. Better performance: sustainable, adaptable and durable</p>	<p>The positioning and orientation of the two buildings on the site balances and optimises access to solar and key views. All apartments are provided with natural ventilation with the vast majority of apartments are also dual aspect cross ventilated.</p> <p>A total of 72% of apartments receive minimum 2 hours mid-winter and 92% of apartments receive between >15 minutes and <2 hours. Thermal mass in concrete and use of balcony overhangs throughout will provide optimised passive solar design throughout the year. The apartments satisfy the targets for building sustainability under BASIX.</p> <p>Retention of trees and the substantial new plantings, wide setback areas that are landscaped, deep soil zones and planting on structures will contribute to a comfortable environment and contribution to neighbourhood.</p> <p>A total of 22% of apartments incorporate the livable housing guidelines silver level universal design features, in excess of the standard stipulated for residential apartment buildings. Adaptable apartments allow flexibility for occupants as well as the opportunity to age in place.</p>
<p>3. Better for community: inclusive, connected and diverse</p>	<p>The Project incorporates a range of apartment types and sizes, from one bedroom to four bedroom (16 different unit types within the design). The communal spaces (indoor and outdoor) within the Project allow for connection between occupants and social interaction. The ground floor retail premises also contributes to the local community and as a potential meeting</p>

Principle	Project Response
	<p>place and integrates with surrounding land uses and a vibrant streetscape.</p> <p>There is a bus stop 50m from the site with regular services, and light rail 270m from the site. The site is also accessible via pedestrian and cycle networks, which reduces reliance on private vehicle use and encourages active lifestyle and community interaction.</p>
<p>4. Better for people: safe, comfortable and livable</p>	<p>The built environment must be designed for people with a focus on safety, comfort and the basic requirement of using public space. The many aspects of human comfort which affect the usability of a place must be addressed to support good places for people.</p> <p>Safety for future residents has been designed into the Project with clear delineation between the public and private spaces. The entry point for each building is clear and distinctive, via Tyrrell Street and Darby Street.</p> <p>The Ground Level podium clearly defines the private space for Darby Street Building, and the landscaping and building setbacks define the private space along Tyrrell Street.</p> <p>All communal areas and facilities are designed for ease of physical access, and the private spaces for apartments have been designed to optimise cross-ventilation, natural light and outlook.</p>
<p>5. Better working: functional, efficient and fit for purpose</p>	<p>The proposal is fit for purpose as the apartments have been designed to align with the needs and preferences of modern families. The apartments are designed as open plan with generous proportions and high quality, high amenity adjoining balcony spaces. Apartments are provided with storage spaces and bike storage.</p> <p>The communal areas are designed for purpose, and the layout of each building is functional and user-friendly.</p>
<p>6. Better value: Creating and adding value</p>	<p>The project generates ongoing value for people and the community by adhering to the objectives of the HDA process, which seek better utilisation of available land to supply high-yield housing projects on well-located sites close to transport.</p>

Principle	Project Response
	<p>The project converts the current commercial and carpark use to provide 113 new dwellings, to meet the need of families that wish to continue living in the area or to age in place.</p> <p>This will deliver greater housing choice and affordability in the locality. The apartments exceed the minimum environmental requirements by the ADG, and are ideally located to reduce car dependency, with numerous services and facilities available within walking distance of the site.</p>
<p>7. Better look and feel: engaging, inviting and attractive</p>	<p>The Project exhibits design excellence which contributes positively to the site context and locality. The design has purposefully evolved in direct response to the setting and surrounding development and is aesthetically pleasing.</p> <p>The planting on structures and cascading plants allows for a softening of the podium balcony edges and the curved form of the Darby Street Building is aesthetically pleasing.</p> <p>The visual contribution of this high quality Project will contribute positively to its surroundings and promote positive engagement. The available services, facilities and transport options within short walking distance of the site are abundant. The site is well positioned across from the Civic Park, and within a short distance of nighttime economy precincts, Eat Street, and city CBD.</p> <p>The Ground Level is activated though the provision of retail space, with available space for outdoor dining too, should this be sought. This presents an opportunity to engage the community and offer a meeting place, particularly relevant in the context of the Civic Park, Art Gallery, Library being across the road. The site is a link between the Darby Street precinct and the Civic precinct and will make a valuable contribution to the community here. The upgrade works in the public domain adjoining the site include bike racks and tree planting, which will also improve amenity.</p>

2.3 Connecting with Country framework

The Connecting with Country Framework provides a guide for government, planners, designers and industry to address the legislative requirements of the EP&A Act – specifically objects 1.3 (f) and 1.3 (g):

- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage,*

(g) *to promote good design and amenity of the built environment.*

The NSW Government's Connecting with Country framework provides guidance on responding to Country in NSW planning, design, and delivery of built environment projects, informed by Aboriginal experts. The framework identifies processes of thinking, feeling and behaving in ways that are informed by the cultural practices of communing, sensing and being on Country, and inform a new approach to our built environment projects. The project is consistent with this framework, as discussed in Section 6.1.2 of this EIS.

2.4 Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) is an overarching framework to guide land use planning priorities and infrastructure funding decisions in the Hunter region over the next 20 years. The land use vision is for the Hunter Region to be the leading regional economy in Australia, connected to and caring for Country, with a vibrant metropolitan city and sustainable 15-minute neighbourhoods at its heart. The Project aligns with the objectives and actions identified in the HRP, as follows:

The Project will yield 113 dwellings on the site, which aligns with the desire for higher dwelling density in centralised urban locations. The site is ideal for increased density of housing, given the extensive range of services facilities and infrastructure available. The site is serviced by pedestrian footpaths and shared cycle lane, which connect to local businesses, facilities, daily needs and other forms of public transport. Being approximately 270m walking distance from the light rail network, which also connects directly to the heavy rail network, the site is highly accessible and connected, without relying on private vehicles for transportation. The site is within the Newcastle City Centre, having access to a range of businesses, employment opportunities, services and community facilities and the Project will support desired commercial investment and development in this location. The site is located on the edge of the Darby Street renowned 'Eat Street' and identified night-time economies, with Honeysuckle dining options and venues also located approximately 400m north of the site. Public open space is located directly opposite the site in the form of Civic Park, and the Honeysuckle foreshore is approximately 400m to the north of the site, featuring shared pathways and recreational activities. Community and cultural facilities are located very close by, including the Civic Theatre, Newcastle Art Gallery and the Newcastle Library; and educational facilities are within walking distance of the site, including public and private schools, and the University of Newcastle City Campus.

This is an ideal location for provision of housing.

2.5 Hunter Strategic Regional Integrated Transport Plan

The Hunter Strategic Regional Integrated Transport Plan (HSRITP) sets out a 20-year vision and key transport priorities to support a growing Hunter region.

Key priorities include for the Hunter SRITP include:

- *Improving public transport connections, frequency and accessibility, especially in regional and rural areas.*
- *Supporting the delivery of housing around transport hubs through Transport Oriented Development and Low and Mid-Rise Housing.*
- *Enabling the transition to renewable energy by managing freight movements to renewable energy zones.*
- *Improving safety across the road and waterway networks to work towards zero trauma.*
- *Building resilience into the transport network to withstand natural disasters and climate change impacts.*
- *Accelerating the uptake of electric vehicles and other low-emission transport options.*

The Project represents well-located housing and aligns with the objective to support successful places through sustainable transport options. The Project will enable more people to live near public transport, cycling and walking infrastructure, creating liveable communities.

2.6 Greater Newcastle Metropolitan Plan (GNMP) 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP 2036) was published in September 2018 to achieve the vision of the HRP. This primarily includes the provision of short- and medium-term outcomes for the region and the strategies that will aid in achieving the HRP vision.

The Project supports the goals of GNMP 2036, in particular:

- *Objective 3: Deliver housing close to jobs and services*

The site is located in the Newcastle City Centre, a catalyst area for growth, which will underpin new job opportunities for Greater Newcastle, including in the health, defence and education industries; as well as providing for new homes and help to meet the expected demand for diverse housing options close to jobs and services. Outcome 3 of the GNMP identifies the need for growth to be planned and managed in a way that maintains the city's liveability. A metropolitan approach will make best use of resources, improve planning for transport networks, follow a clear and logical expansion from a strong urban core, and better integrate investment.

The Project aligns with Strategy 16, to prioritise the delivery of infill housing opportunities within existing urban areas, being a site that is located within the Newcastle City Centre catalyst area. The Project also aligns with Strategy 17, to unlock housing supply through infrastructure coordination and delivery, being a site that is already serviced and capable of providing the necessary infrastructure for development.

- *Objective 4: Improve connections to jobs, services and recreation*

Strategic centres like the Newcastle City Centre, are connected to inter-regional road and rail corridors and depend on these transport links to access services and opportunities. Strong road and rail connections between Greater Newcastle and Sydney and air connections to other capital cities in Australia are essential. Options for different transport modes – cars, trains, buses, cycling, walking – are available in most strategic centres. This presents an opportunity to integrate land use policies for a more efficient and equitable transport system that encourages walking, cycling and public transport.

The Project aligns with Strategy 20, to integrate land use and transport planning, by virtue of its highly accessible urban location that has transport options in addition to private vehicle use.

2.7 Local Planning Strategies

The following local strategies are relevant to the project.

2.7.1 Newcastle Local Strategic Planning Statement 2021

The *Newcastle Local Strategic Planning Statement 2021* (LSPS) and accompanying Implementation Plan identifies a program for the delivery of each of the 16 identified planning priorities for Newcastle LGA. The Project aligns with the relevant planning priorities identified in this LSPS, as summarised in the following table:

Table 5 Newcastle LSPS Consideration

Priority		Response
1	<i>Prioritise active transport in our city</i>	The site is connected via pedestrian and cycle movement networks, active transport options and public transport.
2	<i>Support emerging transport opportunities and public transport improvements with continued integration of land use and transport planning</i>	The site is within walking distance of the recently developed light rail network in Hunter Street.
3	<i>Protect freight movement from incompatible land uses</i>	The project has no direct impact on freight movement.
4	<i>Green our neighbourhoods</i>	The project represents high quality urban design which incorporates deep soil planting zones, common green spaces and landscaping, as well as retention of street trees and new street trees. Within the site, the landscaped areas will increase significantly from the current scenario of 5% landscaped site area, to 40% landscaped area; with the provision of deep soil planting, balcony landscaping and Ground Level gardens.

Priority	Response
5 <i>Protect and enhance our bushland, waterways and wetlands.</i>	The Project does not directly impact on natural areas.
6 <i>Reduce carbon emissions and resource consumption</i>	The Project represents sustainable urban design which incorporates suitable waste management, water management and design features to reduce energy consumption.
7 <i>Plan for climate change and build resilience</i>	The Project represents high quality urban design which demonstrates resilience to hazards.
8 <i>Plan for growth and change in Catalyst Areas, Strategic Centres, Urban Renewal Corridors and Housing Release Areas</i>	The site is located within the strategic centre of Newcastle City, where a higher dwelling yield is appropriate and well-suited.
9 <i>Sustainable, healthy and inclusive streets, neighbourhoods and local centres</i>	The Project contributes to an active and vibrant streetscape, with retention of street trees, new street trees and bike racks, a podium level which opens to the street, and incorporation of materiality relevant to its setting. The new retail premises will provide a social meeting point for the local community, contributing to sense of community and connection.
10 <i>Development responds to the desired local character of our communities</i>	The project is consistent with the desired local character of the area, is identified in the NDCP for the "East End Character Area". The Project is also on the outer edge of the adjacent "Civic Character Area," and aligns with the character desired for this area too.
11 <i>Protect and celebrate our heritage</i>	The project has considered Aboriginal cultural heritage, European heritage and archaeological significance in the design, with no significant impact of loss of significance.
12 <i>Sustainable, affordable and inclusive housing</i>	The project represents high quality, sustainable urban design which will provide housing supply for private market of owner-occupiers and/or renters on the site. The Project also makes monetary contribution toward affordable housing in the LGA.
13 <i>Grow our key health and education sectors</i>	The project is well located within proximity of nearby schools, childcare, university and health services.
14 <i>Enable the transition to new economy jobs and grow creative industries.</i>	The project incorporates retail floor space at the ground level for a future small business.
15 <i>Plan for the expansion and diversification of Newcastle Port</i>	The project has no direct impact on port development and activities.

Priority	Response
16	<p><i>Grow our tourism and night-time economies</i></p> <p>The site is located within walking distance of the night-time economies identified in Darby Street and Civic /CBD. Additional residents in this location will contribute positively to these economies. The Project will provide the link between the Darby Street and Civic/CBD precincts by providing active Ground Level retail space located opposite the Art Gallery and the Civic Park.</p>

2.7.2 Newcastle Housing Policy 2022

The Newcastle Housing Policy (NHP) outlines the framework for housing provision in Newcastle. It brings together commitments made in various plans and strategies including a commitment to implement an Affordable Housing Contribution Scheme (AHCS). The NHP aims to facilitate a diversity of housing types, tenures and sizes to support the community's diverse needs as it grows and changes. The NHP is proposed to be implemented through a series of actions, including:

- 4.1.1 *An overall affordable housing target of 15% to work towards, across the city that is monitored using benchmarks for affordable housing, housing diversity and homelessness.*
- 4.1.2 *An evidence based affordable rental housing target for all strategic plans and planning proposals for urban renewal or greenfield development.*
- 4.1.3 *Targets for affordable rental housing in CN established through feasibility analyses as part of the Newcastle Local Housing Strategy.*
- 4.1.4 *An Affordable Housing Contributions Scheme to apply to land within:*
 - *Catalyst areas and strategic centres proposing residential accommodation*
 - *Urban Renewal Corridors*
 - *Any other location where an increase in residential density will occur because of an amendment to planning controls*
- 4.1.5 *Mechanisms to deliver more affordable, private housing implemented through the Newcastle Local Housing Strategy.*
- 4.1.6 *The development industry with a process to facilitate and inform Planning Agreements for an affordable housing component of developments where appropriate.*
- 4.1.7 *Planning controls that diversify housing types and tenure and facilitate affordability of housing with a sensitivity to the character of place.*
- 4.1.8 *Opportunities to deliver affordable rental housing by working with all levels of government, industry experts, Aboriginal Land Councils, private sector, stakeholders, and community housing providers.*
- 4.1.9 *Investigation into the best solutions and opportunities available to support the community in response to immediate housing problems.*

The Project is consistent with the aims of this Policy, as it proposes to make monetary contribution toward provision of affordable housing within the Newcastle LGA, consistent with the AHCS.

2.7.3 Newcastle Local Housing Strategy 2025

The Newcastle Local Housing Strategy (LHS) sets a framework for the provision of housing across Newcastle over the next 20 years. It is a local response to the housing actions within the HRP, GNMP 2036 and Newcastle LSPS and is accompanied by an Implementation Plan. The LHS details six housing priorities, supported by actions in the LHS Implementation Plan. The Project is consistent with all of these priorities, as listed below.

Housing Priority 1: Maintain and encourage housing supply in the right locations

The Project is suitably located close to transport options, commercial development and within the Newcastle City Centre.

Housing Priority 2: Diversify housing type and tenure across the LGA to provide for a range of housing needs.

The Project offers an apartment style housing, offering a variety of sizes and layouts.

Housing Priority 3: Increase the availability of accessible and adaptable housing

The Project represents high quality design that includes accessible and adaptable apartment types.

Housing Priority 4: Increase the supply of affordable rental housing

The Project will make a contribution toward affordable housing in the LGA, in accordance with the AHCS.

Housing Priority 5: Ensure new housing and changes to existing housing reflect the desired future local character

The site is within an identified East End Character Precinct. The desired character of this precinct is described in the NDCP 2023 as:

A mix of historic buildings (both listed and unlisted) give the area rich character and eclectic streetscapes. Infill development and adaptive reuse of historic buildings breathe fresh excitement into the area, including unique offerings from small bars and other complementary late night venues. Streets and open spaces are cooled by dappled canopies of trees while outdoor diners and live performers fill the air with sounds of chatter and music. Access to the foreshore has been opened with safe and inviting connections through the area.

The Project will 'breathe fresh excitement to the area' with a form, materiality and relationship with the public domain that is unique yet complementary. The development will contribute to a vibrant locality, with new residents frequenting the nearby retail premises and businesses, using the

cycleways, pedestrian paths and public transport options, and enjoying the public open spaces. This increase in density of human activity will be a positive addition to the local area.

Housing Priority 6: Homes are designed to be ecologically sustainable and to reduce resource requirements through the life cycle of the dwelling

The Project achieves the principles of ESD and complies with the relevant statutory requirements for apartment design under SEPP (Sustainable Buildings) 2022.

2.7.4 Newcastle Affordable Housing Contribution Scheme

An Affordable Housing Contributions Scheme (AHCS) was adopted by Council in March 2025 to satisfy commitments to increase the supply of affordable housing under Council's Housing Policy 2022, Local Housing Strategy 2021 and Local Strategic Planning Statement 2021. The scheme is consistent with the NSW Government's Guideline for Developing an Affordable Housing Contribution Scheme, which sets out how contributions for affordable housing will be levied on new development.

The scheme applies to the Newcastle LGA. It identifies specific areas where an affordable housing contribution may apply, otherwise a rate of 1% applies. The scheme applies to all residential and mixed-use development in Newcastle, where a development results in an additional dwelling (or potential dwelling), and more than or equal to 540m² residential GFA on the site.

The site is not within a specific nominated area but is subject to the contribution rate under the AHCS.

The Project incorporates increases in building height and FSR, allowable under the HDA approval pathway by way of an accompanying Rezoning Report. This is specifically nominated as the mechanism for amending NLEP development standards for HDA projects. Accordingly, this is not a Planning Proposal and differs essentially in that it is the fast delivery of housing, commenced within 12 months of consent.

This SSDA will include a monetary contribution toward affordable housing, at a rate calculated in accordance with the AHCS. Under the AHCS the suburb rate for development within Cooks Hill is \$126, charged by the residential GFA, which is 12,178m² for the Project. This would equate to a \$1.534 million contribution.

2.8 The Site and Key Features

The site is located at 47 Darby Street, Cooks Hill, within the Newcastle LGA. This site is on the traditional lands of the Awabakal and Worimi people, within the boundary of the Awabakal Local Aboriginal Land Council.

The site is zoned MU1 Mixed Use Zone pursuant to the NLEP. The maximum height of building permitted is 14m and the maximum FSR is 2.5:1 under the NLEP.

Detailed Maps including the Locality and Regional Context Maps are provided at Appendix B.



Figure 1 Locality Plan. Source: Nearmap, August 2025

2.8.1 Site Context

The site exists within the context of Newcastle City Centre, and is accessible via bus services, light rail network, heavy rail network, as well as cycle lane and pedestrian connectivity. The Newcastle City Centre is identified in the LSPS as a catalyst area for growth, which will underpin new job opportunities and housing help to meet the expected demand for diverse housing options close to jobs and services. Images illustrating the site context are provided on the following page.



Image 1: Corner Darby and Tyrrell Street



Image 2: Darby Street Frontage



Image 3: Tyrrell Street Frontage



Image 4: Eastern boundary from within adjoining property



Image 5: Tyrrell Street Frontage



Image 6: View to site from Civic Park

Figure 2 Images illustrating the site context. Source: Author

2.8.2 Site Features

The key features of the site and surrounds that could affect, or be affected by, the project have been identified in the following section.

Table 6 Summary of Site Features

Site Feature	Comment
Biodiversity	<p>The site is predominantly hardstand surface, supporting a large commercial building with on-site parking area, a warehouse building that is being used for carparking, and the front setback area between commercial building and Darby Street features a minor extent of ground level planting.</p> <p>A number of palm trees along the southern and eastern property boundaries; scattered tree specimens within the site and a number of street trees along both frontages being six (6) tuckeroo species in Tyrrell Street and one (1) oriental plane tree species in Darby Street.</p>
Topography	<p>Topographically, the site is located on the west facing foot slopes of a local hill, with the western portion of the site transitioning to near level terrain associated with the Hunter River floodplain. Extensive modification to the natural terrain has occurred within the site to establish level platforms for the existing structures; and extensive disturbance has occurred under the surface of the site for services and infrastructure.</p> <p>A retaining wall of approximately four (4)m height has been constructed through the middle of the site in a north-south axis, which likely provided the necessary cut into the sloping site for the commercial building at the time of its construction. Surface drainage is expected to occur in the direction of the existing site slopes and ultimately directed into formalised public stormwater network in Tyrrell and Darby Streets.</p>
Soil and Geology	<p>The site is located within the Hamilton landscape and borders the Killingworth landscape to the east. The Hamilton landscape typically comprises:</p> <ul style="list-style-type: none"> ▪ Quaternary-aged sediments up to 38 m in depth, consisting of 1-3 m of sand overlying stiff estuarine clays. ▪ Level to undulating terrain, with elevations up to 12 m and slope gradients generally <2%. <p>The Killingworth landscape is reported to comprise:</p> <ul style="list-style-type: none"> ▪ Permian-aged rock formations of the Newcastle Coal Measures, with lithology comprising coal, tuff, conglomerate, sandstone and shale. ▪ Rolling low hills to hills, with elevations predominantly ranging from 50-160 m and slope gradients generally 3-20%.

Site Feature	Comment
	<p>The area surrounding the site is known to be undermined by two coal seams, being:</p> <ul style="list-style-type: none"> ▪ The Dudley Seam (also referred to as Yard Seam) at a depth of approximately 27m. These workings were undertaken by the Australian Agricultural Company and are generally unmapped, except for areas which have been investigated for developments. ▪ The Borehole Seam at a depth of approximately 78m. This seam was mined by the Australian Agricultural Company from their New Winning Pit.
<p>Hydrology, Flooding and Drainage</p>	<p>The site is partly affected to a minor extent, by overland flow associated with a nearby major flow path and adjacent roadways. A varying peak flood level of flooding occurs within the site during a 1%AEP flood event, from 7.0mAHD in the northwest corner, to 7.9mAHD in the southwest corner.</p> <p>For the site, having existing surface levels of 7.0m in the southwest corner rising to 15.0m AHD in the east, flood depths for the 1%AEP flood event across the site are maximum 100mm, located in the southwestern corner, and flood velocities through the site are described as negligible.</p> <p>Based on the local geology, groundwater in the locality is expected to be unconfined, occurring in sediments overlying deeper regolith. Flow would generally be in the northerly direction toward the Hunter River, with localised variations due to geological features and urban development. Registered bores in the vicinity of the site are generally positioned within the floodplain area and appear limited to monitoring purposes.</p> <p>The existing site has an established drainage system of pits and pipes that manage stormwater and discharge to Tyrrell and Darby Streets respectively. There is also an existing stormwater pipe/culvert that traverses the site from the southeast corner to Darby Street, which is an approximately 1200 diameter pipe connected to a 1500mm wide culvert.</p>
<p>Built Form</p>	<p>A large warehouse-style building previously existed on the site on the western corner of Darby and Tyrrell Streets, until it was demolished in the 1980s to make way for the existing commercial building, designed in the "Brutalist" architectural style. The "brutalist" commercial building exists on the site, approved in 1980.</p> <p>A secondary building remains on the site in the east, estimated to have been constructed in the 1930s with additions in the 1940s, originally used as an industrial machine shop. This building has since been significantly altered and demolished in its overall length at its southern end. Internally the building retains its open space roofed by trusses which allow it to be used as a car park.</p>

Site Feature	Comment
	<p>The building is in poor condition and has lost its northern entry and the southern wall has been replaced by precast concrete tilt panels. The remaining face brickwork is showing signs of decay as the dry-pressed clay ages and supports fine cracking of the outer surface.</p>
<p>Heritage and Archaeology</p>	<p>The site is not listed on the state heritage register and is not listed on a Section 170 heritage and conservation register under the <i>Heritage Act 1977</i>.</p> <p>The site is not listed as a local item of heritage significance under the NLEP.</p> <p>The site is within the Newcastle City Centre Heritage Conservation Area, under the NLEP. The Tyrrell Street boundary also bounds the Newcastle East Heritage Conservation Area.</p> <p>The site is not an archaeological site under Schedule 5 Part 3 of the NELP. Recent Aboriginal Heritage Information Systems (AHIMs) searches did not identify any known Aboriginal objects recorded on or within 200m of the site.</p> <p>The site is noted as being a contributory 2 in the NDCP Heritage Technical Manual. Whilst DCPs are not strictly applicable to SSD, the NDCP and its Heritage Technical Manual is referenced in relation to the heritage conservation area context of the site.</p> <p>There are a number of individual heritage items listed as locally significant in the NLEP, within proximity to the site.</p>
<p>Hazards and Risks</p>	<p>The site has a history of land uses that involves ownership by the Australian Agricultural Company (AACo) and construction of associated coal railway, as well as substantial modifications to the landform associated with industrial use and building construction. This past ownership and land use potentially involved storage of agricultural chemicals related to the processing or transportation; as well as imported fill and a suspected underground petroleum storage tank, likely associated with the water boosting station which was once part of the same land ownership.</p> <p>The site is not listed on the loose-fill asbestos insulation register; and not subject to any orders made under Part 3, or notices available to the public under section 58, of the <i>Contaminated Land Management Act 1997</i>.</p> <p>The site is identified as being within a Mines Subsidence District, in which there is possible subsidence risk due to historical mine workings.</p> <p>The site is identified as being within the NSW Coastal Zone, being approximately 400m from the Newcastle Harbour foreshore. The site is identified as being</p>

Site Feature	Comment
	within the coastal environment area within the NSW coastal zone under the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP).
Services	<p>The site is currently serviced by reticulated water supply, reticulated wastewater services, power, telecommunications, gas and stormwater infrastructure.</p> <p>Sewer infrastructure is available in Tyrrell and Darby Street reserves, with a current service tie located along the Darby Street frontage of the site. Water supply infrastructure is available in both in Tyrrell and Darby Street reserves. Natural gas is available within both Darby and Tyrrell streets. Power supply is provided underground, and an easement for electrical cables currently bisecting the site.</p> <p>A substation is located 100m east of the site within Tyrrell Street.</p> <p>The site is currently affected by the following easements:</p> <ul style="list-style-type: none"> ▪ Easement for underground electricity cables and access thereto (3m wide) ▪ Easement for water pipeline (3.66m wide), ▪ Easement to Drain Water over Line of Existing Covered Concrete Drain (2.3 wide and limited in height to RL 7.35 AHD)

2.8.3 Transport, Roads and Vehicle Access

Darby Street is a regional road managed by Council, extending from Bar Beach Ave to Hunter Street, being single lane with a large portion of it speed-limited to 30km/hour. Pedestrian and cyclist activity along this street is high and prioritised, given the mixed-use development on either side of the street which includes various retail and food and drink premises. Darby Street also accommodates an identified night-time economy.

Tyrrell Street is a local road, managed by Council. Its extends from Darby Street east to Newcomen Street.

The intersection of Tyrrell Street and Darby Street is unsignalised. However, signalised traffic intersections with pedestrian crossings exist nearby at Darby Street/Queen Street intersection 50m south of the site, and Darby Street/ King Street 100m north of the site, and new pedestrian crossings are proposed in the immediate vicinity of this site under the Council's Draft Civic Public Domain Plan as illustrated in the figure below.

The site currently benefits from two vehicle access crossings, one to each street frontage. Vehicle access is unrestricted in and out of the site. The existing onsite carparking arrangement provides 47 car spaces accessed via the Tyrrell Street driveway and a further 4 spaces accessed via the Darby Street

driveway. These are allocated to the commercial tenants and are utilised intensively in the morning and evening peak periods, around office hours.

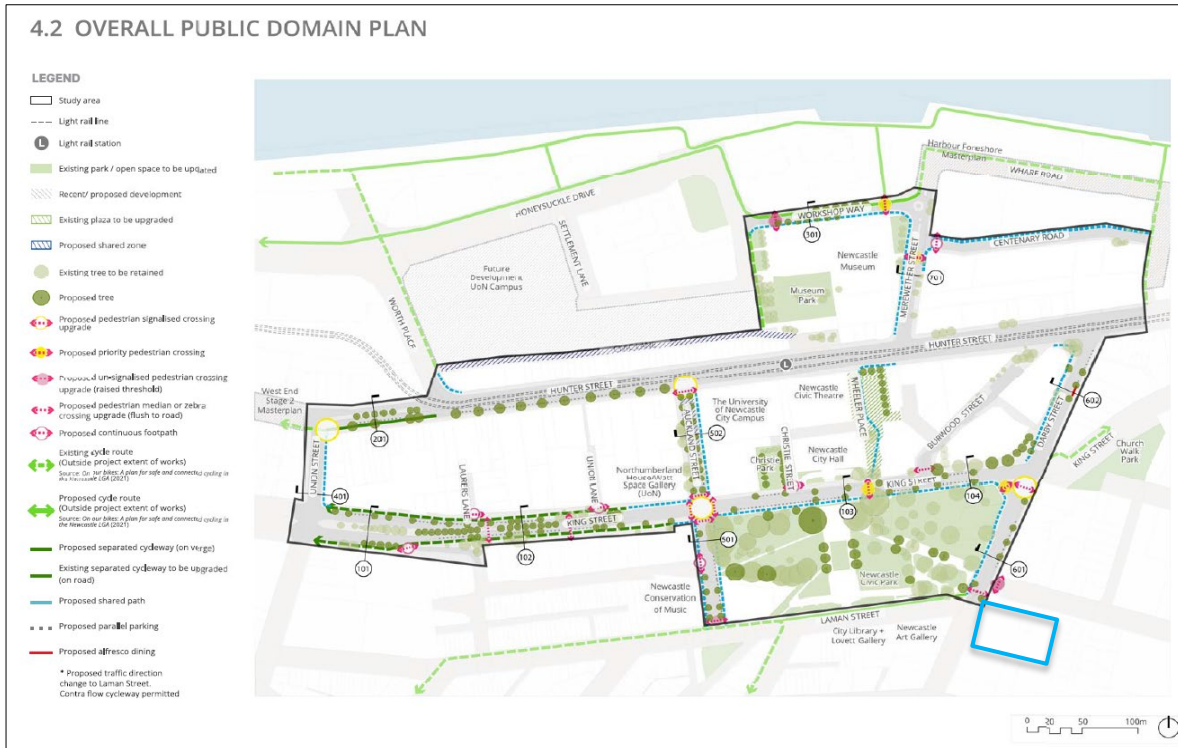


Figure 3 Draft Civic Public Domain Plans, site location shown in blue. Source: City of Newcastle

Well established pedestrian footpaths are provided on both sides of the surrounding roads, as well as signalised pedestrian crossings at nearby intersections. Proposed new cycling routes have been identified by Council in close proximity to the site, as well as identified pedestrian crossings for improved connectivity in the immediate vicinity of this site.

2.9 Adjoining Development

The development adjoining the site is as follows:

2.9.1 Hunter Water Site

The adjoining Hunter Water property, being Lot 2, DP 524644, fronts Tyrrell Street and is surrounded by the site on its eastern, southern and western boundary. It contains a single-storey pump station building and a shipping container for storage. A redundant water pipeline connects to the property from south, bisecting the site. A corresponding Hunter Water easement for water exists. The pipeline and easement are to be retained.

2.9.2 59 Darby Street

The property immediately to the south of the site is zoned MU1 Mixed Use Zone under NLEP, with the same building height and FSR controls as the site. It currently contains a two-storey commercial building and at-grade car park accessed from Darby Street via a driveway crossing adjacent to the site's existing driveway crossing. The property is currently used by a number of commercial tenants include a private college known as the Kings Own Institute.

The site was the subject of a Development Application (DA2018/01301) which was refused by Council on 8 April 2019. The Land and Environment Court granted approval for the development on 25 November 2020 (Appeal No. 2020/171024). The development is described as a six-storey mixed use development with one basement level of parking; including commercial premises, serviced apartments and residential apartment, across five combined allotments. The approved development is built to the boundary along Queen Street and Darby Street, and has a height of 20.4m, exceeding the NLEP 14m maximum height limit.

It is unknown as to whether the Development Consent has lapsed or commenced. However, notwithstanding the status of that consent, the approved design is representative of likely development of that property and has been useful in considering the potential impacts of the Project on adjoining property amenity. It also demonstrates the suitability of the site for building height exceeding the maximum building height of 14m applicable under the NLEP.

2.9.3 1 Queen Street

This property is located to the south and east of the site, being a residential estate referred to as Regency Park. It comprises approximately 50 townhouses and villas across a combined site area of approximately 1.9 hectares, within a gated community having common garden areas and recreational facilities including pools and a tennis court.

This residential estate was constructed in 2000 relying on the demolition of part of the warehouse building that existed on the site at the time; and has been subdivided under community title. The property is outside any Heritage Conservation Area, zoned R3 Medium Density Residential, and

experiences NLEP standards of 10 metre height limit and 0.9:1 FSR limit. It is unlikely that this well-established estate will be redeveloped in the short term without uplift in planning controls.

2.9.4 Other nearby Development

To the north of the site on the opposite corner of Tyrrell Street is the Darby Street Early Learning Centre, a childcare centre and preschool for children aged 6 weeks to 6 years, owned by Council. However, at the time of writing it has recently been reported in the media that this childcare centre is closing. Opposite Darby Street to the west is the newly renovated Newcastle Art Gallery.

Both of these sites are zoned MU1 Mixed Use Zone under NLEP and experience the same building height and FSR controls as the site, with exception of the Art Gallery site which has a FSR of 2:1.

Diagonally opposite the site is the Newcastle Civic Park, a 2.5ha open space containing large shady trees, tiered garden beds, war memorials and the Captain Cook Memorial Fountain.



Figure 4 Adjoining Development. Source: Nearmaps, August 2025

2.10 Cumulative Impacts

To determine whether the project is likely to generate cumulative impacts with other development in the area, a review of approved and proposed developments on adjoining and nearby properties within a 200m radius was undertaken.

The Cumulative Impact Assessment Guidelines for State Significant Projects’ (DPE, 2022b) (Cumulative Guidelines) provides a framework for assessing project-level cumulative impacts in an EIS and Social Impact Assessments (SIA). To evaluate the cumulative impact the key questions outlined in Section 3.1 of the Cumulative Guidelines have been considered, as demonstrated below.

Table 7 Consideration of Cumulative Impact Scoping Questions

Scoping Question	Considerations	Comment
What to assess?	<i>The government's strategic planning framework for the area, having regard to any relevant legislation, plans, policies or guidelines.</i>	Consideration of the NSW Government planning strategies and the key legislation is provided in Section 2 and Section 4 of the EIS.
	<i>The project and other potentially relevant future projects that may be developed over the same time period or similar timeframes as the project.</i>	Other future projects that may be developed over the same time period. The EIS will consider the cumulative impacts of traffic, noise, visual and air quality.
	<i>Potential material impacts on features including National Parks and other protected areas, environmentally sensitive areas, threatened species and ecological communities, important natural resources, culturally significant resources, key infrastructure and industries, sensitive land use zones, population centres, settlements and residential areas.</i>	Section 2.8.2 and 2.9 identify the key features of the site including proximity to sensitive residential receivers.
	<i>The likely scale and nature of the cumulative impacts of these projects.</i>	The cumulative impacts of this and future projects is considered in Section 6 for each specific aspect where relevant.
What study area?	<i>The study area selected for the cumulative impact assessment of each matter will vary depending on the specific characteristics of the assessment matter and the scale and nature of the potential impacts on the matter resulting from the project with other relevant future projects.</i>	The study area for cumulative assessment was limited to future projects that are approved or currently being assessed that are located within 200m of the site. This is considered broad enough to capture all relevant cumulative impacts but is not unnecessarily larger or include areas where the cumulative impacts are likely to be negligible.
Over what time period?	<i>Like the study area, the time period selected for the cumulative impact assessment on each matter will vary depending on the characteristics of the matter and the scale and nature of the potential impacts on the matter.</i>	The Project timeframe is outlined in Section 3.6. The construction period is a fixed period. The project will operate for an open-ended period.

Scoping Question	Considerations	Comment
What other projects to include?	<p>The following types of development need to be identified for inclusion as 'relevant' future projects:</p> <ul style="list-style-type: none"> ▪ other SSD projects ▪ projects that are classified as designated development and require an EIS ▪ projects that require assessment under division 5.1 of the EP&A Act that are likely to significantly affect the environment and require an EIS ▪ projects that have been declared to be controlled actions under the EPBC Act ▪ any major greenfield and urban renewal developments that are scheduled for the area 	<p>See projects included in the cumulative impact assessment.</p> <p>It is noted that there are no projects that:</p> <ul style="list-style-type: none"> ▪ are proposed as SSD ▪ are classified as designated development and require an EIS ▪ require assessment under Part 5.1 of the EP&A Act ▪ have been declared controlled actions under the EPBC Act ▪ are greenfield or urban renewal developments

Projects with potential for cumulative impacts are described in the table below:

Table 8 List of nearby projects with a potential for cumulative impacts

Project	Location	Status	Potential Impact
Newcastle Art Gallery Redevelopment (DA2010/1278 and MA2025/00080) - changes to the upper floor façade and changes to conditions of consent	1 Laman Street Cooks Hill	Development completed	No cumulative construction impacts.
Mixed use development of 6 storeys and basement, including 3 commercial premises, serviced apartments and residential apartments (DA2018/01301, LEC Appeal 2020/171024).	59 Darby Street, Cooks Hill	DA approved	If the consent is acted upon and construction commenced, there is potential for overlap of construction impacts.
Shop top housing (MA2023/00391) (Approved DA2022/01494)- ground floor commercial and dwelling above - changes to design and conditions of consent	9 Queen Street Cooks Hill	Modification under assessment. Construction works commenced on site.	Construction underway. Likely to be completed before this Project commences works on site and therefore unlikely to overlap.

Based on the above assessment the project is not likely to generate significant cumulative impacts with other development in the area.

2.11 Voluntary Planning Agreement

The Applicant has not entered into any voluntary planning agreements, other agreements with any landowners or benefit-sharing schemes

2.12 Project Justification

The project is justified in the context of biophysical, social, and economic environments, as well as the proposal's alignment with the objects of the EP&A Act and other statutory instruments applicable to the Site.

2.13 Consideration of Alternatives

Schedule 2, clause 7 of the EP&A Regulation requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.

The identified project alternatives that were considered with respect to the identified need for high quality housing that is well located within the Newcastle City Centre.

The following options were considered to address the strategic need, project objectives, and Site constraints and opportunities. Each of the options considered and the process and analysis that led to the preferred concept are summarised below.

2.13.1 Do Nothing

The first option would be a 'do nothing' approach. This would mean not developing the site and instead continuing the commercial building operation that exists within the site. The existing building is only partially leased and is approximately 45 years old. This scenario would mean loss of potential new housing supply, and continuation of an inactive / closed off street presence by the commercial development, lacking vibrancy and activity and being predominantly hardstand with no contribution to streetscape or amenity.

A 'Do Nothing' scenario would not address this critical need and would constitute a missed opportunity in the context of the National Housing Accord and the delivery of additional housing in sustainable locations.

This option does not adhere to the objectives of section 1.3(c) of the EP&A Act in relation to orderly planning and economic use of land. This option was duly not considered by the Applicant.

2.13.2 Alternate Location

Alternative locations for a similar mixed-use development may be located elsewhere within Newcastle City Centre, with close proximity to services and transport being the key requirement. Higher building heights and densities are currently available in the city centre concentrated along Hunter Street. However, many of these sites would require amalgamation to form suitably sized development sites.

2.13.3 Alternative Design

In examining feasibility of redevelopment of the site initially, a development scheme that reflects the existing maximum building height of 14m and FSR of 2.5:1 as per the NLEP, was prepared.

This scheme provided 48 x one-, two- and three-bedroom dwellings in two buildings achieving an FSR of 1.03:1 with a minor exceedance above the 14m height maximum. This scheme, whilst compliant with the maximum building height, could not achieve the allowable FSR. It also did not deliver a suitable and desirable density and dwelling yield for this well-located, city site and would not be economically viable to deliver, considering the feasibility constraints such as mine grouting, service relocations and construction costs.

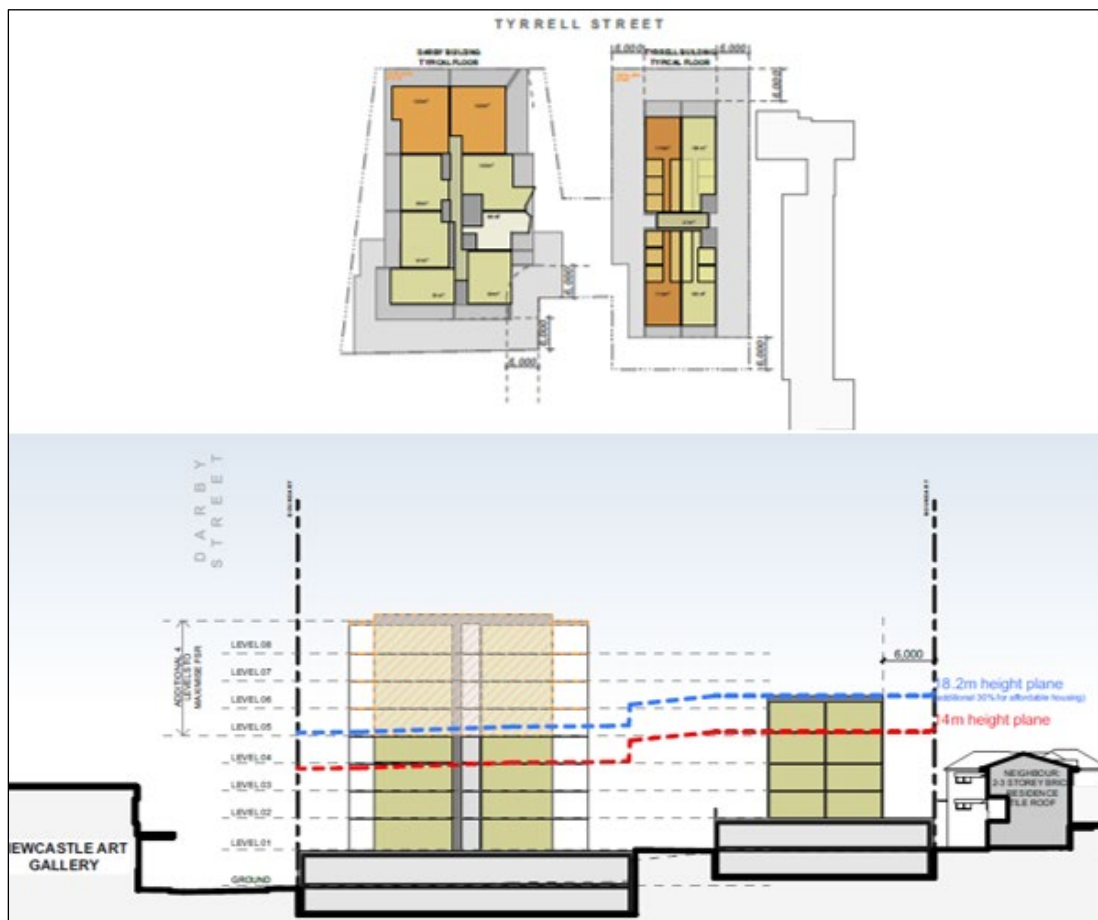


Figure 5 Section of a Compliant scheme having height 14m. Source: CKDS 2025

This scheme highlighted the misalignment between the maximum height of building and FSR controls applying to the site under NLEP, as the height was prohibitive to achieving the allowable FSR. The alternative design generates significantly less housing than the preferred option and this does not represent economic, orderly use of land in such close proximity to transport, social infrastructure and a city centre. Its feasibility is no better than the 'Do Nothing' approach.

In consultation with Council, it was determined that a higher residential density was desirable in this location and that an amendment to the NLEP planning controls would be required to achieve a viable redevelopment of the site.

2.13.4 Preferred Option

With the concurrent rezoning allowing a maximum height of 45m and FSR of 3.48:1, the Project can deliver an increased dwelling yield of 84 additional dwellings for the site in comparison to the alternative design option discussed above.

The site is located 270m from the light rail station and along a topographically flat Darby Street with an assortment of dining, retail, entertainment, community, social, civic and commercial options within close proximity. The site is one of the few remaining large sites within the city location.

The site exists within proximity to land having current allowable FSR of 4:1 and allowable building height of 45m, and the Project's height and form is therefore not out of visual context. The site is a suitable location for the Project having building height of maximum 45m and FSR of 3.48:1, bringing urban design benefits of completing the civic edge and holding the prominent corner of Darby and Tyrrell Streets.

The suitability of this proposal in the context of nearby development is demonstrated throughout this EIS, particularly having regard for the scale and form of buildings which surround the Civic Park as this site does; and being in the Newcastle City Centre setting. The uplift in building height and FSR is suited to this location particularly given the accessibility and walkability of the location, and the design of the Project has achieved minimal adverse impacts as a result of high-quality design. The Ground Level retail premises integrates with surrounding land uses including Newcastle Art Gallery, providing the missing link between Darby Street and Civic Precinct.

The urban design merit of the preferred option is discussed further in the Urban Design Report enclosed at G4.

3 The Project

3.1 Project Summary

The Project is for the construction of a new mixed-use development comprising residential housing and retail components. The table below provides a summary of the main attributes of the Project.

Table 9 Project Summary

Project Element	Summary of the Project
Application	SSD-82276964
Project Site Area	3,566m ²
Site Description	Lot 103, DP 786055 No. 47 Darby Street, Cooks Hill
GFA	Total: 12409m ² <ul style="list-style-type: none"> ▪ Darby Street Building -Retail: 231m² ▪ Darby Street Building – Apartments: 9037 m² ▪ Tyrrell Street Building – Apartments: 3141 m²
FSR	3.48:1
Site Coverage	3,111m ²
Building Height	Darby Street Building: <ul style="list-style-type: none"> ▪ 13 storeys (12 storeys + rooftop open space) ▪ 44.99m Tyrrell Street Building: <ul style="list-style-type: none"> ▪ 8 storeys ▪ 27.7m
Landscaping	1420m ²
Deep Soil	353m ²
Setbacks	Darby Street: Built to boundary Tyrrell Street: Built to boundary Eastern Boundary: 6m Southern Boundary: 6m
Apartments	Total Units: 113 Darby Street Building <ul style="list-style-type: none"> ▪ 1 bedroom: 15 ▪ 2 bedroom: 48 ▪ 3 bedroom: 20 ▪ 4 bedroom: 2 Tyrrell Street Building <ul style="list-style-type: none"> ▪ 2 bedroom: 14

Project Element	Summary of the Project
	<ul style="list-style-type: none"> 3 bedroom: 14
Car Parking Spaces	<p>Total: 155 spaces</p> <p>Darby Street Building:</p> <ul style="list-style-type: none"> Resident: 107 Visitor: 0 Accessible: 1 EV Charging: Available to installed to any space. Retail Tenant: 2 (including 1 accessible) <p>Tyrrell Street Building:</p> <ul style="list-style-type: none"> Resident: 42 Visitor: 4 Accessible: 0 EV Charging: Available to installed to any space.
Motor Bike	<p>Total 8 spaces</p> <ul style="list-style-type: none"> Darby Street Building: 6 Tyrrell Street Building: 2
Bicycle Parking	<p>Total: 136 spaces</p> <p>Darby Street Building: 101 (including 16 on-street racks)</p> <p>Tyrrell Street Building: 35 bicycle spaces</p>
Cross ventilated Compliant Apartments	<p>Total: 64% of dwellings</p> <ul style="list-style-type: none"> 61% of dwellings in the first 9-floors are cross ventilated. Additional 17% have openings facing multiple directions through popouts and dual access balconies.
Solar Access Compliant Units (minimum 2hr mid-winter)	<p>Total: 72% of dwellings</p> <ul style="list-style-type: none"> 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
Communal open space	<p>Darby Street Building:</p> <p>Level 12 (Rooftop): 322m²</p> <p>Ground: 314m²</p> <p>Tyrrell Street Building:</p> <p>Ground: 189m²</p> <p>Level 1: 67m²</p>
Tree Removal	22 trees/shrubs from within the site
Estimated Development Cost (EDC)	\$114,768,260 (excluding GST)
Number of Construction Workers	270 - 300

Project Element	Summary of the Project
Number of Employees (FTE)	13 - 30
Job Creation	30 Ongoing Direct and indirect

3.2 Project Details

This section provides a detailed description of the scope of works for which approval is sought and the basis on which the EIA has been undertaken.

3.2.1 Site Establishment, Demolition and Preliminary works

Site establishment works include the erection of temporary site fencing, site office, and amenities. Site construction works shall be undertaken in accordance with a CEMP for the project and the Pedestrian and Vehicle Traffic Construction Management Plan (PVTCMP) provided as part of the Traffic Impact Assessment at Appendix G25.

The proposal involves the demolition of all the existing structures, including the hardstand structures and existing redundant infrastructure. The scope of the proposed demolition works is outlined by the Demolition Plan that is included with the Architectural Drawings at Appendix G2. Waste management during demolition and construction phases of the Project are detailed within the Demolition and Construction Waste Management Plan at Appendix G28.

Final site investigations in relation to contamination will be carried out following demolition of existing structures, and remediation works undertaken in accordance with the RAP at Appendix G16. Final geotechnical investigations will also be carried out following demolition, to inform the final detailed structural design.

Remediation works will include removal of contaminated soils from the site to an appropriate facility, and the decommissioning and removal of the suspected underground storage tank. Further details are provided in the RAP.

Mine grouting work involves grouting of both sides of coal pillars including 26 locations with a total length of 480m) and drilling around the site boundary at 3m centres, with boreholes offset 2m from the boundary fence for the second seam. Further details are provided in the Mine Subsidence Report provided at Appendix G14 and final grouting studies will be undertaken following site demolition works.

Existing stormwater drainage infrastructure that traverses the site is to be removed and relocated to the road reserve.

Existing electricity cables that traverse the site within a registered easement, are to be removed and relocated to the road reserve. The preliminary approval for these works has been granted by Ausgrid

and final detailed design plans are being prepared. These works are detailed within the Site Investigation Report at Appendix G18.

Excavation of the site will involve shoring as recommended in the Preliminary Geotechnical Report at Appendix G13 and groundwater dewatering during construction in accordance with the Groundwater Impact Assessment at Appendix G15.

3.2.2 Building Design

The project is designed in the form of two separate buildings as follows:

- **Darby Street Building:** A 13-storey building (12 storeys + rooftop open space) with podium on the corner of Darby and Tyrrell Streets. This building comprises shop top housing, having 231m² ground floor retail premises and parking; 85 residential apartments, with two levels of basement. The topmost storey is rooftop communal space.
- **Tyrrell Street Building:** An 8-storey residential flat building comprising 28 residential apartments and parking, with one level of basement, and communal landscaped areas.

The retail premises will be constructed as a cold shell and provide connections for future mechanical extraction and trade waste. The GFA is 231m², as well as adjoining outdoor dining space available.

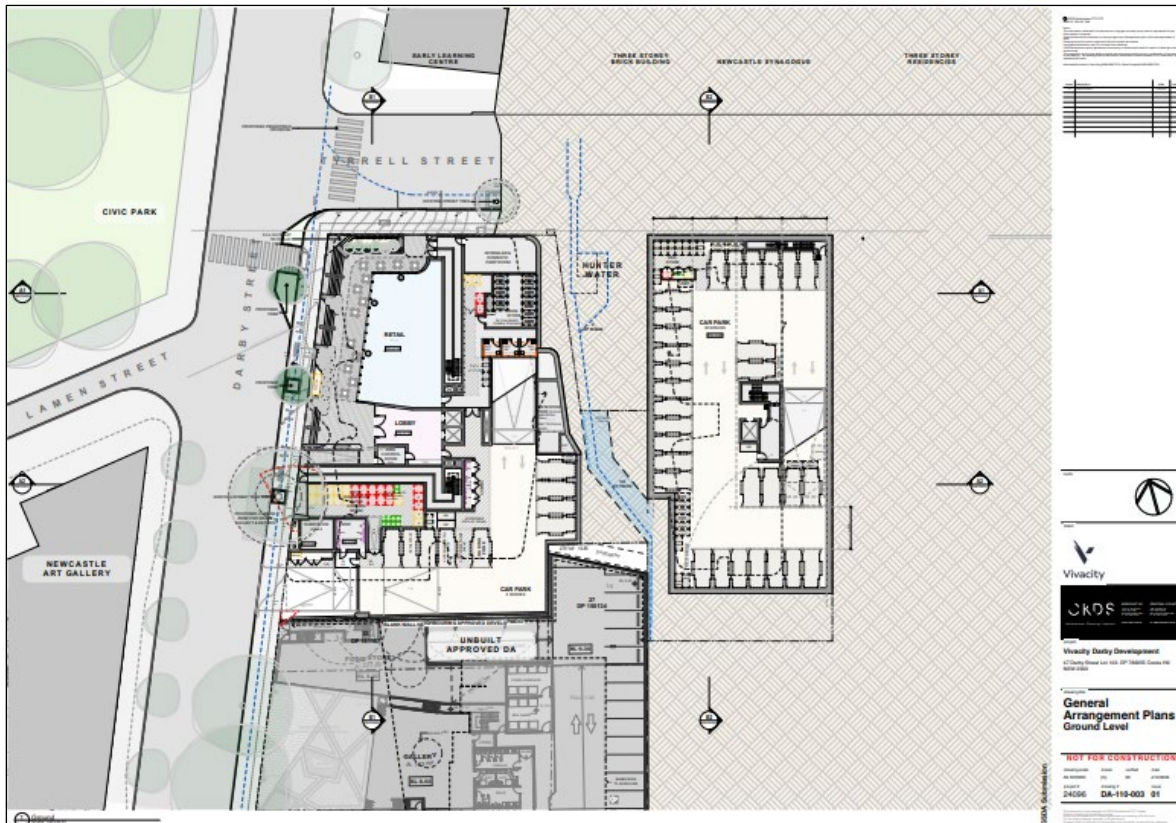


Figure 6 Ground Floor Darby Street Building. Source: CKDS December 2025

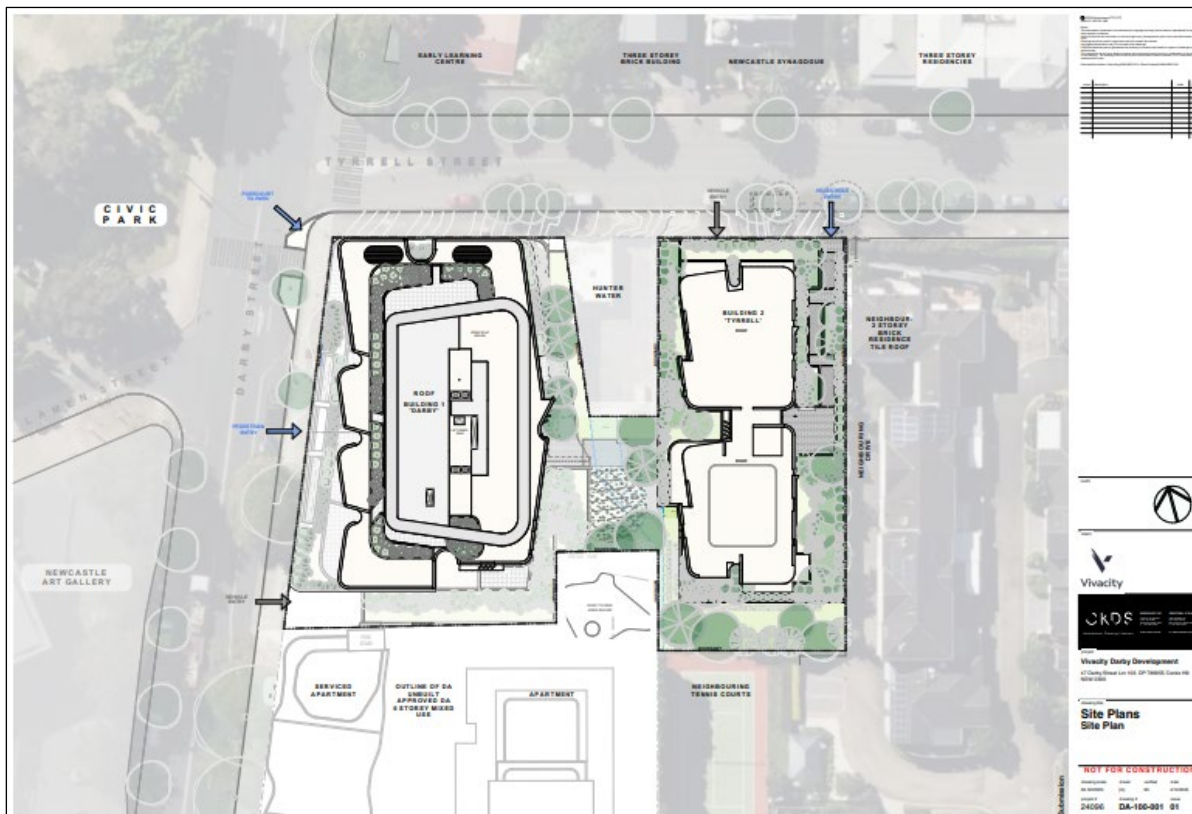


Figure 7 Site Plan. Source: CKDS December 2025

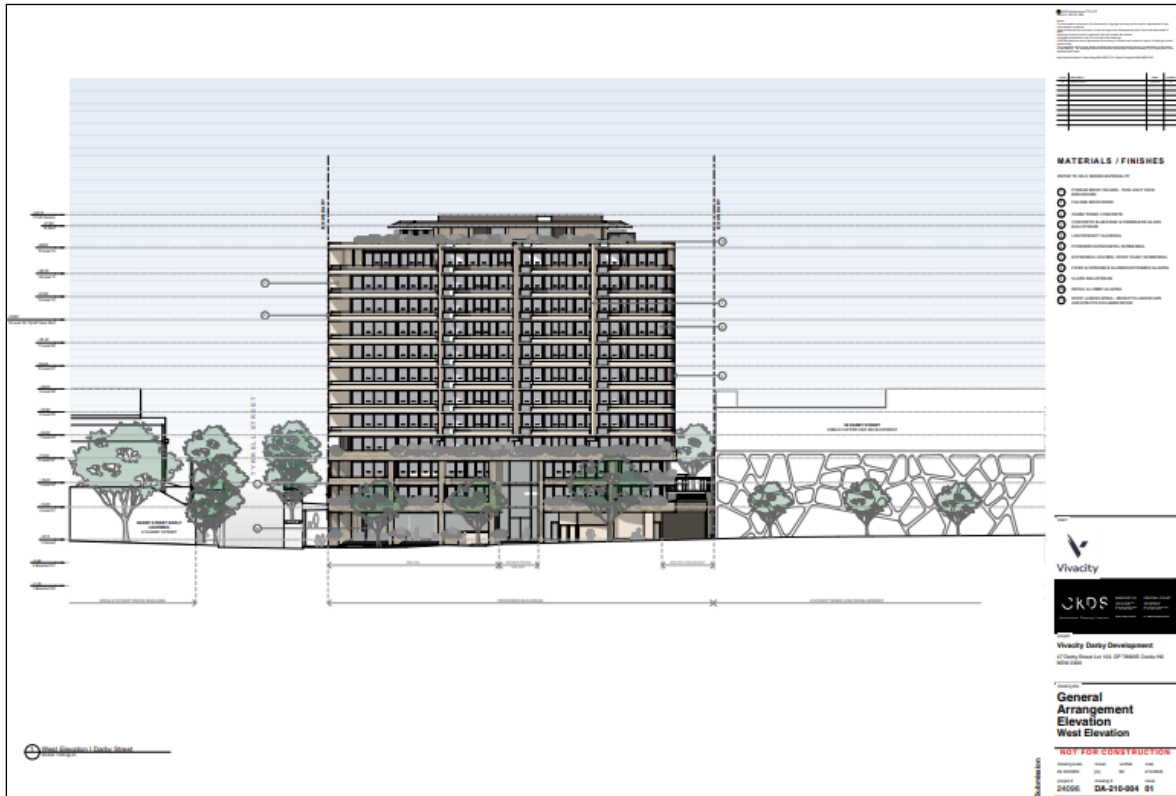


Figure 8 Darby Street Elevation. Source: CKDS December 2025

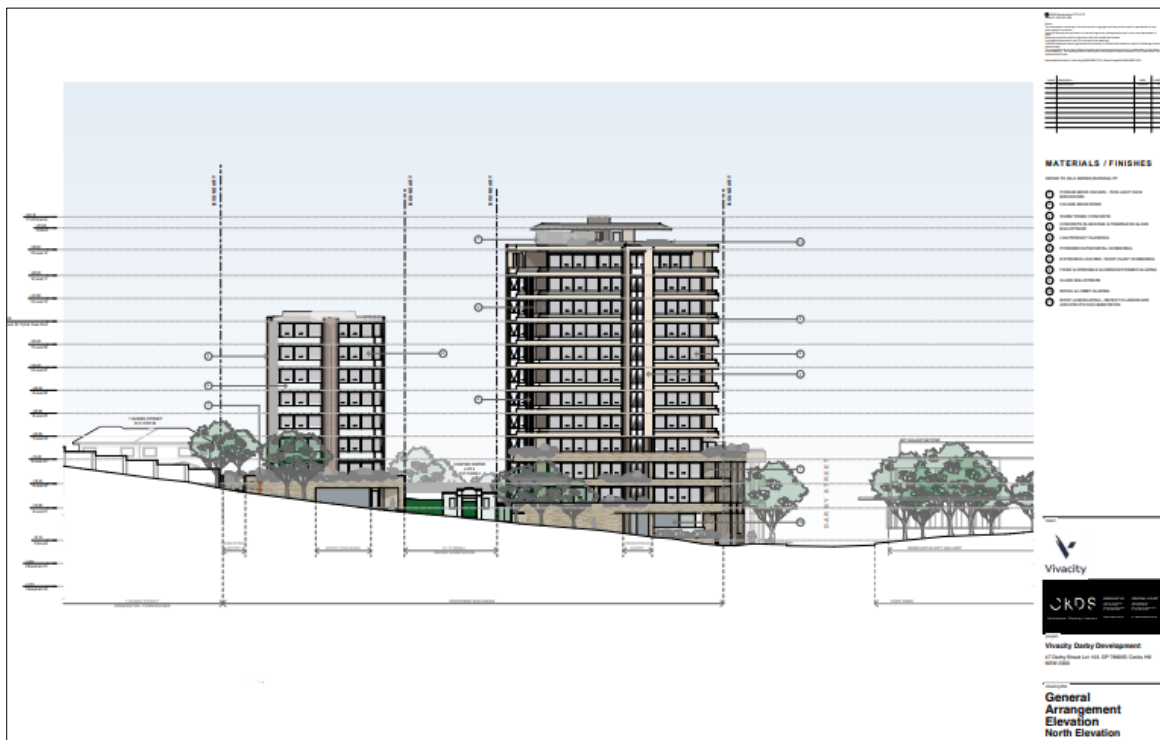


Figure 9 Tyrrell Street Elevation. Source: CKDS December 2025



Figure 10 Tyrrell Street Building Perspective. Source: CKDS December 2025



Figure 11 Darby Street Building Perspective. Source: CKDS December 2025

The proposed Site Plan and Architectural Plans including floors plans, elevations, sections, perspectives are provided at Appendix G2.

3.2.3 Access and Parking

The Project involves two separate buildings, each containing separate vehicle access and parking arrangements via the two separate streets.

- **Darby Street Building:** Two-way vehicle access is provided directly from Darby Street, into three levels of carpark. The carpark provides 107 resident parking spaces for the 85 apartments within this building; as well as 2 retail parking spaces (including 1 accessible space) as well as a small van-sized designated loading space.
- **Tyrrell Street Building:** Two-way vehicle access is provided directly from Tyrrell Street, into two levels of carpark. The carpark provides 42 car spaces for the 28 apartments in this building and 4 spaces for visitors.

The carparks have been designed to comply with the relevant Australian Standards to ensure safe and functional ongoing use for the development. Given the minor affectation of flooding at the Darby Street frontage of the site, the vehicle access ramp into the Darby Street Building has been designed to prevent floodwater entry.

An on-street loading bay is proposed to be designated along the Darby Street frontage of the site, to facilitate waste servicing vehicles, and loading associated with the ground level retail premises. This space will be time-limited for loading purposes, so as to remain available for public parking outside of the loading times. An additional, van-sized loading zone is provided within the Darby Street Building carpark.

This is further described in the Traffic Impact Assessment provided at Appendix G25.

3.2.4 Servicing and Utilities

An assessment has been undertaken to determine the capacity for the Site to be serviced by the following utilities and services. Further details are provided in the Site Investigation Report and the Civil Engineering Plans and provided at Appendix G17 and G18. Concept and detailed designs, and delivery strategies will be subject to further discussion with each service provider.

Electricity

All existing electrical cables will be relocated to the road reserve. Following consultation with Ausgrid, a new chamber substation will be located at the south-west corner of the Project to supply power to the Darby Street Building.

Water

Water supply infrastructure currently exists within Darby and Tyrrell Streets and each new building will connect via a service tie to its corresponding street water main. Each of the buildings will have its own:

- Cold water booster pump
- Fire Hydrant Booster
- Fire Sprinkler Booser
- Fire Pumpsets.

Based on the current calculations it is expected that there is sufficient capacity within the existing water mains to avoid the need for water storage tanks for this project. Hunter Water approval will be required.

Sewer

Existing sewer mains exist within Darby and Tyrrell Streets. The Project will connect to the reticulated sewer network via new service ties, to each building. Each building will connect via a service tie to its corresponding street sewer main. Based on the current fixture unit calculations and in accordance with AS3500.2.2021, the outgoing sewer service will not exceed the size of the existing authority mains. Hunter Water Approval will be required.

Natural Gas

A gas main exists within Darby and Tyrrell Streets, with one existing service tie via Darby Street. A new service tie will be provided in Tyrrell Street for the Tyrrell Building.

Telecommunications

Telstra, NBN, Optus and TPG Telecom have available services in proximity to the site including fixed cable and optic fibre. The Project will include new connection.

Detailed designs, and delivery strategies will be subject to further discussion with each service provider.

3.2.5 Stormwater and Drainage

Stormwater from the Project will be collected in separate underground detention tanks, one for each building. These will each provide water for landscaping irrigation and ultimately connect to the existing stormwater drainage infrastructure in Tyrrell Street. The drainage of the basement levels of each building will be achieved via pump-out system which connects to the street system.

The proposed stormwater management philosophy can be summarised as follows:

- All roof water is to be connected to an underground rainwater harvesting system. A minimum reuse volume of 15kl is to be provided for landscape irrigation and washing tap points in waste room, common property carpark levels, storage cage room, ground floor and communal toilets
- Overflow from the reuse tanks and podium level runoff is to be directed separate detention tanks
- Overflow from the detention tank will be connected to the council stormwater network via an existing stormwater pit in Tyrrell Street
- A total of 13 spelfilters (or equivalent) are proposed to be installed within the detention tank to remove sediment, gross pollutants and chemicals such as phosphorous and nitrogen from the stormwater prior to discharging from site
- Approximately 165m² (-4%) of external pathway surrounding the building is proposed to bypass the treatment network and enter councils stormwater system in railway street via sheet flow

The existing stormwater drainage pipe that traverses the site within a registered easement, is to be removed and relocated to the road reserve along Queen Street and Darby Street. These works require Council approval and will marry in with the recently commenced update works to the stormwater infrastructure by Council in this area.

Further details are provided in the Civil Engineering Plans and Stormwater Management Report provided at Appendix G18.

3.2.6 Landscaping

The landscape design includes suitable size and species selection for privacy within the project as well as to neighbouring dwellings along the eastern and southern boundary. The design features cascading planter edges to soften balconies and a tropical garden to the southern portion of the site in keeping with the existing tree species being retained there.

At the ground level, meandering landscaped pathways are designed to building entry points, and built-in seating provided; curved garden bed forms and rock paving patterns and materiality; and within the centre of the site a communal turfed area.

The landscape design for the project achieves a softening of the podium balconies and edges, visual privacy to the south and east, wind attenuation, amenity and natural areas within the site's common areas, and contributes to the amenity along the street frontages with additional tree planting to enhance the existing street trees. Planting includes a variety of species and indigenous plantings of suitable sizes to achieve the design intent. The Landscaping Design is provided at Appendix G5.

3.2.7 Subdivision

The Project will relocate existing electrical and stormwater infrastructure. The corresponding rights and easements will be extinguished from the title.

Strata subdivision of the Project will be subject to a future DA.

3.2.8 Operation

The operation of the development is as follows:

Retail premises

The fit-out of the retail premises and the hours of operation will be the subject of a separate application. The retail premises will be constructed as a cold shell and provide connections for future mechanical extraction and trade waste. The GFA is 231m², being 201m² internal leasable space and 30m² available for staff and customer amenities. There is also an area available for outdoor dining that adjoins this retail premises to activate the Ground Level street frontage.

Deliveries will occur in morning times, utilising the dedicated service/loading space along Darby Street. A separate waste room is provided for the retail premises, and waste will be managed in accordance with the Waste Management Plan at Appendix G28.

Parking for the retail premises will be located within the Darby Street Building, as well as a bike rack to be provided in the public domain for visitor use and secure bike spaces within the building for staff.

Darby Street Building

Bin storage rooms are provided on each basement level, serviced by 20 x 1100L bins for general waste and recycling, and 9 x 240L organic waste bins. The Building Manager will manually transport the bins from basement level bin rooms to the Ground Level holding room. The waste bins are manually transported to the designated loading zone in Darby Street to be collected by a waste contractor.

Tyrrell Street Building

Bin storage rooms are provided on each carparking level (Ground Level and Level 1), serviced by 8 x 1100L bins for general waste and recycling, and 3 x 240L organic waste bins. The Building Manager will manually transport the bins to the Level 1 holding room. The waste bins are manually transported to Tyrrell Street to be collected by a waste contractor.

General building maintenance, landscape maintenance and operations will be carried out by the responsible future Strata Company and Building Manager.

3.3 Staging and Timing

The indicative sequencing of the project is as follows:

- Site establishment.
- Additional remediation investigation work and grouting work to be undertaken.
- Enabling works in relation to the relocation of Ausgrid and Council stormwater infrastructure.
- Excavation of basements.
- Construction of buildings.
- Public domain works and landscaping.

The SSDA will be lodged in January 2026. The targeted assessment period of 275-days applies from the date the DA is lodged to the final decision, being the end of 2026. The expectation of the HDA process is that construction can commence within 12 months of determination.

Accordingly, construction is likely to commence in 2028, and the construction program will be approximately 24 months.

4 Statutory Context

This Chapter provides a brief description of how the project aligns with statutory approval requirements relevant to the project. It considers whether the proposal is permissible and if there are any other statutory approval factors to be considered.

4.1 Planning Pathway

The EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) provide the framework for the statutory environmental planning in NSW. They include provisions relating to approval of development to ensure that proposals which have the potential to impact the environment are subject to detailed assessment.

Under Section 4.36(c) of the EP&A Act the Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development. On 2 April 2025 the Minister published State Significant Development Declaration Order (No.4) 2025, declaring the following to be State Significant Development:

Development specified in EOI application 235079 dated 29 January 2025 including development for the purpose of shop top housing with provision of affordable housing at 47 Darby Street, Cooks Hill, being Lot 103/DP786055.

Accordingly, the proposal will be submitted to DPHI for assessment and determination as State Significant Development (SSD).

Section 4.15 Matters for consideration, are addressed in Section 4.4 of this EIS.

4.2 Permissibility

The site is zoned MU1 Mixed Use under the NLEP. The project is categorised as a mixed-use development, delivered in two separate buildings. The first building contains retail premises at ground floor with shop top housing; and the second building contains dwellings only, being a residential flat building.

Each of these defined land uses is permissible in the Mu1 Mixed Use Zone under NLEP, either expressly listed in the zone table as permitted with consent (commercial premises and shop top housing), or by not being expressly listed as prohibited (residential flat building). The project will also involve demolition of all existing structures from the site.

The relevant land use definitions under NLEP are:

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Where:

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

and

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

4.3 Pre-Conditions

The formal Pre-Conditions that must be satisfied prior to the consent authority granting consent to the SSD application are summarised in the following table.

Table 10 Pre-conditions table

Statutory Reference	Pre-condition	Relevance	Section in EIS
Section 2.10(3), SEPP Biodiversity & Conservation 2021	<i>A permit under this Part cannot allow the clearing of vegetation within a heritage conservation area, unless the consent authority is satisfied that the proposed activity is of a minor nature and would not adversely affect the heritage significance of the heritage conservation area.</i>	Proposed tree removal from the site is of a minor nature.	4.8.1
Section 147, SEPP (Housing) 2021	<i>Development consent must not be granted to residential apartment development, unless the consent authority has considered the following—</i> <i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> <i>(b) the Apartment Design Guide,</i>	The proposed development is residential apartment development, to which this applies.	4.8.2
Section 2.10 SEPP (Resilience & Hazards) 2021	<i>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has</i>	The site is within the coastal environment area of the coastal zone	4.8.4

Statutory Reference	Pre-condition	Relevance	Section in EIS
	<i>considered whether the proposed development is likely to cause an adverse impact on certain matters.</i>	but is not likely to cause adverse impacts.	
Section 2.12, SEPP (Resilience & Hazards) 2021	<i>Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.</i>	The site is within the coastal zone but is not likely to cause increased risk of coastal hazards.	4.8.4
Section 2.13, SEPP (Resilience & Hazards) 2021	<i>Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.</i>	The site is within the coastal zone.	4.8.5
Section 4.6(1), Chapter 4, SEPP (Resilience & Hazards) 2021	<i>A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i>	An assessment of whether the land is contaminated, has been undertaken and finds that the site will be suitable for the project after remediation.	4.8.4
Section 3.2(2), Chapter 3, SEPP (Sustainable Buildings) 2022	<i>A consent authority must not grant development consent to residential development unless the consent authority is satisfied that the embodied emissions attributable to the development have been quantified.</i>	The proposal is for residential development to which this applies.	4.8.5

Statutory Reference	Pre-condition	Relevance	Section in EIS
Section 2.48, SEPP (Transport & Infrastructure) 2021	<p><i>(2) Before determining a development application for development to which this section applies, the consent authority must—</i></p> <p><i>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</i></p> <p><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p>	The development involves works near underground power lines.	4.8.6
Clause 5.21, NLEP	<p><i>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development addresses flood planning criteria specified in subclause (a) to (e).</i></p>	The site is partly within the flood planning area.	4.9.2
Clause 7.5(2), NLEP	<p><i>(2) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</i></p>	The proposed new buildings must exhibit design excellence.	4.9.2

4.4 Matters for Consideration

This section considers relevant Commonwealth and NSW legislation.

4.4.1 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a framework for protecting and managing nationally and internationally significant environmental matters. Any action, which includes a development, project or activity that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) must be referred to the Commonwealth Minister for the Environment for approval.

The Project does not impact on MNES and referral to the Commonwealth Minister is not required.

4.4.2 Biodiversity Conservation Act 2016

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. Section 7.9(1)(a) of the *Biodiversity Conservation Act 2016* provides that an application for SSD is to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless there is a determination that the development is not likely to have any significant impact on biodiversity values.

The Secretary of the DPHI has determined that the proposed development is not likely to have any significant impacts on biodiversity values and that a BDAR is therefore not required to accompany the SSDA. Refer to the BDAR Waiver provided at Appendix G20.

4.5 Environmental Planning and Assessment Act

The proposal has been assessed in accordance with the matters for consideration listed in Section 4.15 of the EP&A Act, as outlined below:

Table 11 Section 4.15 Matters for Consideration

Consideration	Comments
<i>Environmental Planning Instruments (4.15(1)(a)(i))</i>	State and Local Environmental Planning Instruments have been assessed in Chapter 4 of this EIS.
<i>Draft Environmental Planning Instruments (4.15(1)(a)(ii))</i>	No relevant Draft EPIs.
<i>Development Control Plans (4.15(1)(a)(iii))</i>	Not applicable to this project, as outlined in Section 4.10 of this EIS.
<i>Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (4.15(1)(a)(iiia))</i>	No planning agreement is proposed.
<i>Any matters prescribed by the Regulations (4.15(1)(a)(iv))</i>	This EIS has been prepared in accordance with Section 190 of the EP&A Regulations.
<i>Significant Likely Impacts of the Development (4.15(1)(b))</i>	Likely Impacts are discussed in Chapter 6 of this EIS.
<i>Suitability of the Site (4.15(1)(c))</i>	The suitability of the site is discussed in Chapter 6 of this EIS.
<i>Any Submissions made in accordance with this Act or Regulations (4.15(1)(d))</i>	Following formal exhibition of this SSDA, consideration will be given to the matters raised in any submissions.

Consideration	Comments
<i>The Public Interest (4.15(1)(e))</i>	The project is in the public interest as discussed in Chapter 6 of this EIS.

4.6 Objects of Environmental Planning and Assessment Act 1979

The proposed development demonstrates consistency with the objects of the EP&A Act, as discussed in the below table:

Table 12 Objectives of EP&A Act

Object	Consideration
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</i>	The project respects the state’s resources including water resources and the natural environment. In this way the economic and social welfare of the community is promoted.
<i>(b) to promote the supply, delivery and maintenance of housing, including affordable housing,</i>	The project delivers housing and offers a monetary contribution toward affordable housing.
<i>(c) to promote productivity through the development and management of the State and its resources,</i>	The project represents an efficient housing project, with a commitment to commencing construction within 12 months.
<i>(d) to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,</i>	The project has no impact on native animals, ecological communities or habitats. The tree removal will be mitigated by suitable replacement plantings as identified in the Landscape Design.
<i>(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,</i>	The project incorporates design measures to ensure resilience against climate change, including flood resilience, water management, landscape design and sustainable building design.
<i>(f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,</i>	The proposal has considered built and cultural heritage and is unlikely to have any significant impact.
<i>(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,</i>	The project has been designed to align with the design principles of Better Placed and the ADG, exhibits design excellence and incorporates a high level of amenity and functionality for future occupants including accessibility.

Object	Consideration
<i>(h) to provide opportunities for participation in environmental planning and assessment,</i>	Engagement with the community has been undertaken during the design process and will continue with formal exhibition after lodgement.
<i>(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The design aligns with the principles of ESD. The project has been designed with input from stakeholders including Council and state government agencies.
<i>(j) to promote a proportionate and risk-based approach to environmental planning and assessment,</i>	The project identifies risks and adopts mitigation measures to ensure a positive and balanced outcome. The positive impacts of the project outweigh the minor risk and hazards identified.
<i>(k) to promote the orderly and economic use and development of land</i>	The project will deliver a high yield of new dwellings in a highly accessible and desirable location.

4.7 Environmental Planning and Assessment Regulation 2021

This EIS has been prepared in accordance with Section 173 & Section 175 of the EP&A Regulation.

Section 193 of the EP&A Regulations outlines the four principles of ESD that have been considered in this EIS.

Table 13 ESD Considerations

ESD Principal	Comment
<p><i>The precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.</i></p> <p><i>In the application of the precautionary principle, public and private decisions should be guided by careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and an assessment of the risk-weighted consequences of various options.</i></p>	<p>The project will occur on land that has been granted a BDAR Waiver. The tree removal will be mitigated by replacement plantings of suitable species as part of the Landscape Design.</p> <p>The project will not result in serious or irreversible damage to the environment. An assessment of environmental impacts is detailed in Chapter 6 of this EIS.</p>

ESD Principal	Comment
<p><i>inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.</i></p>	<p>The project includes works that will enhance environmental attributes of the site including remediation of historic contamination of the site, grouting of the historic underground mining areas, and planting of additional trees and landscaping, which will benefit future occupants and generations; as well as design initiatives including solar access, natural cross ventilation, daylight, building thermal mass and insulation, active energy and water efficiency, reduced waste and indoor environmental quality.</p>
<p><i>conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.</i></p>	<p>The project will not adversely impact on the biological or ecological environment. The development will occur on land which has already been disturbed, mined and developed over time. The project includes new native planting and rainwater irrigation.</p>
<p><i>improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as</i></p> <ul style="list-style-type: none"> ▪ <i>polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,</i> ▪ <i>the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, established environmental goals should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.</i> 	<p>The impacts attributed to the Project have been assessed including services infrastructure, noise, traffic, stormwater and waste management to ensure that impacts associated with the Project are managed by the development. Mitigation measures have been identified in Chapter 6 of the EIS to minimise the impacts of the Project, and such works are at the cost of the developer.</p> <p>Additional use and demand for services and infrastructure in the locality as a result of additional dwellings is addressed through the local 7.11 Development and Infrastructure Contributions, as well as the State Housing and Productivity Contribution.</p> <p>The proposed ESD initiatives of the project will reduce energy, waste and water demands and will deliver improved valuation and beneficial outcomes.</p>

4.8 Environmental Planning Instruments

The following sections outline the environmental planning instruments relevant to the proposed development.

State Environmental Planning Policies (SEPPs) are environmental planning instruments administered under the EP&A Act. SEPPs deal with issues considered to be of significance for the State and the people of NSW. In the determination of the development application, the consent authority will consider these matters pursuant to section 4.15(a)(i) of the EP&A Act. The SEPPs relevant to the proposed development, and the land on which the development is situated, are considered below.

4.8.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

This Chapter is applicable in Newcastle LGA and on land within the equivalent MU1 Mixed Use Zone.

2.9 Vegetation to which Part applies

- (1) This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.*
- (2) A development control plan may make the declaration in any manner, including by reference to any of the following—*
 - (a) the species of vegetation,*
 - (b) the size of vegetation,*
 - (c) the location of vegetation (including by reference to any vegetation in an area shown on a map or in any specified zone),*
 - (d) the presence of vegetation in an ecological community or in the habitat of a threatened species.*

The NDCP defines declared vegetation as the following:

- a. any native vegetation that is a threatened species, endangered ecological community, or*
- b. provides habitat for threatened species, or*
- c. any tree equal to or greater than 3m in height, or with a diameter (measured at 1.4m above ground level) equal to or greater than 15cm for a single trunk tree or equal to or greater than 10cm for one of the trunks of a multi-trunk tree, or*
- d. any shrub that is equal to or greater than 3m in height, or*
- e. a tree that is required to be retained or planted as a condition of a complying development*
- f. certificate, permit or development consent, or*
- g. any vegetation on land managed by CN.*

All of the trees proposed to be removed for the project are declared trees, requiring a permit to remove, as they meet the height and size descriptions above. The SSDA seeks development consent

for the removal of trees pursuant to Clause 2.6 of the BC SEPP. This is further described in the Arboricultural Impact Assessment Report provided at Appendix G21.

Chapter 4 - Koala Habitat Protection 2021

This Chapter is applicable to Newcastle LGA, being within the Central Coast Koala Management Area. As the site is less than one hectare in area and there is no Koala Management Plan applying to the land, clause 4.10 applies, which provides as follows:

A council is not prevented from granting consent to a development application for consent to carry out development on land if—

- (a) the land does not have an approved koala plan of management applying to the land, or*
- (b) the council is satisfied that the land is not core koala habitat.*

The site does not contain any of the recommended tree species listed in the Central Coast Koala Management Area, and the removal of trees from the site as part of the development is therefore not likely to have any impact on koala management.

4.8.2 State Environmental Planning Policy (Housing) 2021

The *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) facilitates development of diverse housing types, and include provisions for affordable housing, diverse housing, residential apartment development, transit-oriented development, and low to midrise housing. Chapter 2 Affordable Housing and Chapter 4 Design of Residential Apartment Development, are relevant to the Project.

Chapter 2 Affordable Housing

This Chapter identifies that there is a need for affordable housing within each area of the State. Before imposing a condition under section 7.32 of the EP&A Act, the consent authority must consider the following:

Before imposing a condition under the Act, section 7.32, the consent authority must consider the following

- (a) affordable housing must aim to create mixed and balanced communities,*
- (b) affordable housing must be created and managed so that a socially diverse residential population, representative of all income groups, is developed and maintained in a locality,*
- (c) affordable housing must be made available to very low-, low- and moderate-income households, or a combination of the households,*
- (d) affordable housing must be rented to appropriately qualified tenants and at an appropriate rate of gross household income,*
- (e) land provided for affordable housing must be used for the purposes of the provision of affordable housing,*

- (f) *buildings provided for affordable housing must be managed to maintain their continued use for affordable housing,*
- (g) *affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the area.*

The project includes monetary contributions toward affordable housing, in accordance with the recently adopted Newcastle AHCS. This is consistent with the considerations of Chapter 2.

Chapter 4 Design of Residential Apartment Development

The aim of this chapter is to improve the design of residential apartment development recognising that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.

The Project is consistent with the aim of the chapter, as the design exhibits environmentally and socially sustainable housing that will, by virtue of its quality and contribution to the streetscape and public domain, be a long-term asset to the neighbourhood. The Project is consistent with the strategic plans and policies for the region as described in Chapter 2 of the EIS, achieving a high quality urban development that will be an asset for future occupants in terms of amenity, safety and security.

The design of the project has considered the needs of a diverse range of potential future occupants, incorporating accessible apartments, silver-status liveable apartments and a mix of types from one-bedroom to four-bedroom apartments. The inclusion of communal areas and recreation facilities within the development, coupled with the range of public spaces and facilities in the vicinity of the site, will contribute to a high quality of living and wellbeing for the future occupants.

The design incorporates energy efficient design principles that achieve the thermal performance target and exceed the water and energy targets for residential development in the locality.

Table 14 Assessment against Chapter 4 of Housing SEPP

Clause	Comment
144 - Application of chapter	
(2) <i>This chapter applies to the following—</i> (a) <i>development for the purposes of residential flat buildings,</i> (b) <i>development for the purposes of shop top housing,</i> (c) <i>mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is</i>	This chapter applies as the Project includes shop top housing and a residential flat building

Clause	Comment
<p><i>residential apartment development for this chapter.</i></p>	
<p>(3) <i>This chapter applies to development only if—</i> <i>(a) the development consists of—</i> <i>(i) the erection of a new building, or</i> <i>(ii) the substantial redevelopment or substantial refurbishment of an existing building, or</i> <i>(iii) the conversion of an existing building, and</i> <i>(b) the building is at least 3 storeys, not including underground car parking storeys, and</i> <i>(c) the building contains at least 4 dwellings.</i></p>	<p>This chapter applies as the Project is in excess of three storeys and four dwellings.</p>
<p>147 Determination of development applications and modification applications for residential apartment development</p>	
<p>(1) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i> <i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i> <i>(b) the Apartment Design Guide,</i></p>	<p>The Project has been assessed against the design quality principles set out in Schedule 9, as addressed below. An evaluation of the project in accordance with the Apartment Design Guide is also addressed below.</p>
<p>(3) <i>To avoid doubt, subsection (1)(b) does not require a consent authority to require compliance with design criteria specified in the Apartment Design Guide.</i></p>	<p>Noted</p>
<p>148 - Non-discretionary development standards for residential apartment development—the Act, s 4.15</p>	
<p>(1) <i>The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i> <i>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</i></p>	<p>Noted.</p>
<p>(2) <i>The following are non-discretionary development standards—</i></p>	<p>Car parking numbers are provided in accordance with the Council parking requirements, and provided off street.</p>

Clause	Comment
<p>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>The internal area for each apartment achieves the recommended area for the apartment type.</p> <p>All habitable rooms have ceiling heights of $\geq 2.7\text{m}$. All non-habitable rooms have ceiling heights of $\geq 2.4\text{m}$.</p>

The assessment of the proposed development against the design principles for residential apartment development under Schedule 9 is provided within Appendix G3.

The Project has been designed to provide a development that is respectful of local planning and design controls and that responds to the best practice design principles of the Housing SEPP.

The Project Architect has verified that the design quality principles set out in Schedule 9 of the Housing SEPP – *Design Principles for Residential Apartment Development*, are achieved for the proposed residential development.

The following table provides a summary of assessment of the proposed development against the design principles for residential apartment development under Schedule 9.

Table 15 Assessment of the Project against the Design Principles. Source: CKDS December 2025

Design Principle	Response	Compliance
1 Context and Neighbourhood Character	<p>The proposal responds to its civic context on the corner of Civic Park, Darby and Tyrrell Streets and transitions sensitively to Tyrrell Street.</p> <p>The podium reinforces the Civic Park edge and engages the public domain, while the towers contribute to the evolving skyline. The concept design has been developed in collaboration with various specialist consultants and is considered a response to the scale and character of the site and the area's evolving urban landscape.</p>	Yes

Design Principle	Response	Compliance
2 Built Form and Scale	A tower and podium form has been adopted following rigorous options testing. Articulated façades, setbacks and stepped massing reduce bulk and respond to surrounding civic and residential scale. The design defines the civic edge and public domain, contributes to the character of the area and incorporates internal amenity and outlook.	Yes
3 Density	The development delivers 113 apartments within an MU1 zone, supported by infrastructure, public transport and amenities, access to jobs and community facilities and is consistent with the area's projected population. The mix of dwelling types supports a diverse demographic.	Yes
4 Sustainability	The project results in positive environmental, social and economic outcomes: Passive design strategies underpin the proposal, including optimised orientation, cross ventilation (63.7%), and solar access (71.7%); which improve the amenity and livability for residents. Waste management optimizes resource recovery and waste avoidance, with estimated 99% construction waste capable of being diverted from landfill, and during occupation waste is separated to facilitate recycling and organic waste composting, reducing landfill. Deep soil zones are incorporated in the landscape design.	Yes
5 Landscape	Communal landscaped spaces are provided at podium and rooftop levels, complemented by deep soil zones and landscape buffers to neighbouring properties for optimal privacy and amenity. The landscape design contributes to an attractive and high amenity streetscape with improved street tree canopy.	Yes
6 Amenity	All apartments achieve good internal amenity with private balconies, access to sunlight and natural ventilation, appropriate storage and liveable housing features.	Yes
7 Safety	Passive surveillance, clear entries, defined public and private realms, and secure access points support safety for residents and the public domain.	Yes
8 Housing Diversity & Social Interaction	A mix of 1, 2, 3 and 4 bedroom apartments are provided. Generous communal rooftop spaces encourage social interaction and community connection.	Yes
9 Aesthetics	The architectural expression uses massing, vertical articulation and recessed balconies to create a refined, civic-facing response appropriate to the site's prominence. The form of the	Yes

Design Principle	Response	Compliance
	Tyrrell Street Building responds to the eastern surrounding development by descending the building height.	

NSW Apartment Design Guide

As referenced within the Housing SEPP, the Apartment Design Guide (ADG) must be considered by a consent authority before granting consent to residential apartment development.

Overall, the Project is consistent with the ADG Objectives. An assessment of the Project against the ADG is provided at Appendix G3. The following objectives are satisfied through a merit-based approach:

Objective 3F-1: Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

The design criteria specifies that adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy. The Architectural Plans include 1:100 boundary sections outlining building separation, and devices incorporated to mitigate impacts within the constraints of the inner-city context. A series of sections along the eastern, southern and internal boundaries demonstrate the proposal reasonably addresses visual privacy between the proposal, neighbouring developments and between the two proposed apartment buildings within the site.

Objective 4D2: Environmental performance of the apartment is maximised.

78% of units comply with the design criteria that habitable room depths are limited to 2.5m x the ceiling height. Of the units which are non-compliant, 10% of rooms are located on the eastern side of the Darby Street Building, with unit type D3.1 and D3.2 exceeding the maximum depth. However, these units are provided with a corner balcony, minimising the length between the habitable room and glazing to comply with the depth. The other 12% of units that exceed the depth, are located on the western side of the Darby Street Building and are all provided with generous glazing. The units will also be finished with light colours to ensure vibrant interiors. This is considered to be compliant on merit as it achieves the design objective.

With regard to the open plan layouts requiring a maximum habitable room depth of 8m from a window, Unit type D6 slightly exceeds living room depth of 8m from the glazing. This unit type has a west to north-westerly orientation with generous glazed sliding door running the extent of the living room ensuring excellent natural lighting is provided.

Objective 4F-1: Common circulation spaces achieve good amenity and properly service the number of apartments.

The design criteria is that for buildings 10+ storeys, maximum number of apartments sharing a single lift is 40. The Darby Street Building has 42 and 43 units per lift. This is slightly over the 40 units per single lift maximum. The design has centrally located the lifts to increase efficiencies, and the speed of the lifts will meet the objectives of this requirement.

Overall, the Project will create a high-quality residential environment for future residents, with a high level of amenity for future residents.

4.8.3 State Environmental Planning Policy (Planning Systems) 2021

The *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) applies to the land. Clause 2.10 - Application of development control plans to State significant development specifies the following:

- (1) *Development control plans (whether made before or after the commencement of this Chapter) do not apply to—*
 - (a) *State significant development, or*
 - (b) *development for which a relevant council is the consent authority under section 4.37 of the Act.*

Accordingly, no Development Control Plans are applicable to the project.

4.8.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP) specifies provisions related to coastal management, hazardous and offensive development and remediation of land. Chapter Coastal Management and Chapter 4 Remediation of Land are relevant to the Project, and the applicable clauses have been assessed below.

Chapter 2 Coastal Management

This Chapter aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.

Clause 2.10(1) specifies that development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters listed in the clause.

The site is located 400m from the nearest water's edge, being the Newcastle Harbour. By virtue of its location, the proposal is unlikely to adversely impact marine vegetation, public open space and access to the coastline, Aboriginal cultural heritage, or the surfzone. The Project incorporates suitable design measures including water sensitive urban design and waste management to ensure that any potential to adversely impact the coastal environmental values and natural processes is avoided. Mitigation

measures identified in this EIS will ensure that potential impacts on the hydrological environment as a result of excavation works, are minimised. Refer to Chapter 6 for detailed environmental impact assessment.

Clause 2.12 Development in coastal zone generally, requires that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. In this regard the proposed development is not likely to increase risk of coastal hazards.

Clause 2.13 Development in coastal zone generally coastal management programs to be considered, requires that development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

The Newcastle Coastal Zone Management Plan 2018 includes the management objectives for the Coastal Environment. Whilst there are no specific provisions relating to the site or the Project, the project is consistent with the overall principles of water sensitive urban design which are highly desirable within the coastal environment.

Chapter 4 Remediation of Land

Chapter 4 of the RH SEPP seeks to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment. The Chapter applies to the whole of the State. Pursuant to Section 4.6 of the SEPP:

- (1) A consent authority must not consent to the carrying out of any development on land unless—
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.**

- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed*

investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Table 1 of the *Managing Land Contaminated Land Guidelines* prepared by Department of Urban Affairs and Planning 1998, lists a number of potentially contaminating activities that could cause a site to become contaminated.

In order to establish whether there is potential risk of contamination at the site and whether the site is suitable for the proposed use, a Detailed Site Investigation (DSI) Report was prepared. The DSI found contaminated material and recommended the preparation of a Remediation Action Plan (RAP) to consider an appropriate remediation strategy, and this has been undertaken. On the basis of the site investigations the DSI concluded that the site will be made suitable for the proposed development following remediation works in accordance with the RAP.

Refer to Section 6.12 of this EIS for further discussion regarding contamination and remediation. The DSI and RAP are provided at Appendix G16.

4.8.5 State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* (SB SEPP) aims to encourage the design and delivery of sustainable buildings for residential and non-residential development.

The Project is consistent with the aims of the SB SEPP, comprising sustainable buildings that have been designed to achieve a reduction in energy consumption, reduce greenhouse gas emissions, reduce water demand and optimise thermal performance.

Schedule 1 of the SB SEPP sets out the standards that apply to BASIX development which means the erection of a BASIX Building in accordance with the definition in Schedule 7 of the EP&A Regulations. The project has been assessed against the standards for *'residential flat buildings and shop top housing*

with 6 or more storeys set out in Schedule 1 and is consistent with each of the applicable standards for energy, water use and thermal performance, as detailed within the ESD Report at Appendix G.

As required by Clause 2.1(5) embodied emissions have been quantified within the Embodied Emissions Form provided at Appendix G32.

4.8.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP) specifies provisions related to transport and infrastructure including educational establishments, childcare facilities, major infrastructure corridors and ports. Chapter 2 Infrastructure of the TI SEPP is relevant to the Project, and the relevant provisions have been assessed below.

Chapter 2 Infrastructure

Chapter 2 of the TI SEPP aims to facilitate the effective delivery of infrastructure across the state. Section 2.48 (1)(a) of the TI SEPP specifies that a development application (or an application for modification of a consent) for development comprising or involving the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.

The site is affected by an easement which houses underground electricity cables. The Project includes relocating these external to the site and the easement will be extinguished. Consultation with the relevant electricity authority being Ausgrid, during the EIS preparation has informed the project design. Details of engagement with Ausgrid is provided in Chapter 5. It is expected that Ausgrid will be formally notified of the SSDA during the exhibition of the SSDA.

4.9 Newcastle Local Environmental Plan 2012

The NLEP is the primary EPI that applies to the site.

4.9.1 Zoning and Permissibility

The site is zoned MU1 Mixed Use under NLEP. Each of these defined land uses is permissible in the MU1 Mixed Use Zone under NLEP, either expressly listed in the zone table as permitted with consent (commercial premises and shop top housing), or by not being expressly listed as prohibited (residential flat building).

The objectives of the MU1 Mixed Use Zone are as follows:

1 Objectives of zone

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

- *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 project is consistent with the express objectives for the MU1 zone. The project incorporates retail floor space within the ground floor of the development, which will offer employment and small business opportunities in this location.

This new development will provide active streets on the corner; which will likely attract pedestrian traffic and contribute to the already vibrant, diverse and pedestrian-focused Darby Street Precinct and surrounding public spaces. The project has been designed to minimise conflict with adjoining developments, particularly through early engagement with adjoining land owners in the design process, to achieve satisfactory outcomes for all. Assessments of potential impacts such as noise, traffic, privacy, shadowing have been conducted and these demonstrate that the conflict is minimised through various mitigation measures, addressed in Chapter 6 of this EIS.

Non-residential retail floor space is provided on the Ground Floor of Darby Street Building, including adjacent outdoor dining space, which will contribute to a vibrant precinct and a mix of compatible land uses. Further the project is well positioned to support the nearby Darby Street retail precinct and nearby commercial centres and nighttime economies without detracting from the viability of nearby commercial centres given their small scale.

4.9.2 Development Standards and Clauses

The table below provides an assessment as to the consistency and compliance of the Project with regard to the relevant clauses in the NLEP.

Table 16 Consistency and Compliance with NLEP Development standards and clauses

Clause	Comment
Clause 2.6 Subdivision—consent requirements	No subdivision is proposed. Strata subdivision will be subject to a future DA.
Clause 2.7 Demolition requires development consent	The project includes demolition of all existing buildings and structures from the site.

Clause	Comment
Clause 4.3 Height of buildings	<p>The maximum height shown for the site is currently 14m in accordance with the Height of Buildings Map.</p> <p>The Project is be declared SSD under s4.36(3) of the EP&A Act. The HDA noted that the proposal sufficiently satisfied the objectives and criteria of the HDA and recommended that the to the Minister that this project be declared SSD in accordance with the EOI application 235079 dated 29 January 2025 including development for the purpose of shop top housing with provision of affordable housing.</p> <p>A Concurrent Rezoning Report has been submitted with the SSDA to provide for the increase in maximum height of buildings to 45m.</p>
Clause 4.4 Floor space ratio	<p>The maximum FSR for the site is 2.5:1, in accordance with NLEP FSR Map.</p> <p>The Project is be declared SSD under s4.36(3) of the EP&A Act. The HDA noted that the proposal sufficiently satisfied the objectives and criteria of the HDA and recommended that the to the Minister that this project be declared SSD in accordance with the EOI application 235079 dated 29 January 2025 including development for the purpose of shop top housing with provision of affordable housing.</p> <p>A Concurrent Rezoning Report has been submitted with the SSDA to provide for the increase in FSR of 3.48:1.</p> <p>The Project incorporates a total GFA of 12 415m², which equates to FSR of 3.48:1. The calculation of GFA and FSR for the Project has been undertaken in accordance with this clause.</p>
Clause 4.6 Exceptions to development standards	<p>Whilst there are exceedances to the development standards of building height and FSR, the project does not seek to utilise clause 4.6. Instead, a Rezoning Report accompanies this SSDA to amend NLEP specifically for this project. This is in accordance with the advice of DPHI upon issue of the SEARS in accordance with the HDA approval pathway.</p>
Clause 5.6 Architectural roof features	<p>Whilst the roof feature does contribute positively to the overall design, being a decorative curved form that provides shading and weather protection for the rooftop communal area, a variation to building height is <i>not</i> sought under this clause.</p>
Clause 5.10 Heritage (2) Requirement for consent Development consent is required	<p>The site is located within an identified Newcastle City Centre HCA.</p> <p>The Project is consistent with these objectives by conserving the significance of the heritage conservation area, setting and views. The proposal does not have any impact on Aboriginal objects, places of</p>

Clause	Comment
<p><i>for any of the following—</i></p> <p><i>(e) erecting a building on land—</i></p> <p><i>(i) on which a heritage item is located or that is within a heritage conservation area, or</i></p>	<p>heritage significance or archaeological sites. The Project proposes to demolish existing buildings, remove trees and erect new buildings from the site, which exists within the Newcastle City Centre Heritage Conservation Area.</p>
<p><i>(4) Effect of proposed development on heritage significance</i></p> <p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	<p>The site is not listed as a heritage item, however, there are individual listings of local heritage significance near to the site under NLEP, including a synagogue in Tyrrell Street (Item 608), and the public open space of Civic Park (Item 430) diagonally across the road in Darby Street.</p> <p>The Project will not detract from the significance or appreciation of these nearby items and does not result in any direct overshadowing or obstruction, given the location of those items in relation to the site.</p> <p>In relation to the Newcastle City Centre Heritage Conservation Area the Project incorporates new plantings of endemic tree species within the site and adjacent public domain. The Project will provide street furniture and elements such as sandstone kerbing is retained, street trees are retained, the buildings that are to be demolished from the site are not considered significant buildings for this HCA, and the project does not alter the existing subdivision pattern. The water boosting station building that is enveloped by the site, is unaffected by the proposed development. The proposed mixed-use development preserves the human scale of development in this Heritage Conservation Area, providing a podium of sandstone for street wall height. The new buildings incorporate design elements of visual interest that also celebrate the special character of the area, including the use of face brick and sandstone, scalloped detailing, the curved balconies and roof elements and heritage colour (Design Report at Appendix G3). The proposed development is likely to have a positive relationship and impact on the heritage significance of the area.</p> <p>A Statement of Heritage Impact has been prepared with this SSDA, examining the existing buildings on site to be demolished and the proposed new buildings to be constructed, in the context of impacting the</p>

Clause	Comment
	<p>heritage conservation area. A Heritage Management Document is not relevant to this project. A Heritage conservation management plan is not relevant for this project.</p>
<p>Clause 5.21 Flood planning</p>	<p>The site is partly flood affected to a minor extent. The Project is consistent with these objectives, as flood risk to life and property is minimised in the design, and the proposal is unlikely to contribute to a cumulative impact of flooding given the minor flooding affectation and minimal impact of proposed works in the flood path.</p> <p>The Flood Report identifies a minor flood affectation of part of the site and determines the suitable floor level for the Project, to ensure sufficient freeboard above the identified flood level for safety.</p> <p>The Project has been designed to minimise the impact of and upon flooding and is therefore consistent with this clause. (Refer to Section 6.7 of this EIS and Appendix G19).</p>
<p>Clause 6.1 Acid sulfate soils</p>	<p>The site is identified on NLEP maps as being affected by potential acid sulfate soils. Part of the site is mapped as class 4 risk and the remainder of the site is class 5. For class 4 land, consent is required for works more than 2m below the natural ground surface; or works by which the watertable is likely to be lowered more than 2m below the natural ground surface.</p> <p>Sampling undertaken as part of the Detailed Site Investigation determined that neither potential nor actual ASS exist at the site. An Acid Sulfate Soil Management Plan is therefore not required. Further details is provided in the DSI at Appendix G16.</p>
<p>Clause 6.2 Earthworks</p>	<p>The project involves earthworks to excavate for each proposed basement, to a maximum depth of approximately 10m. Groundwater and Geotechnical investigations have been undertaken to assess the site conditions and the likely impacts of the earthworks. Refer to Section 6.12 of this EIS.</p>
<p>Clause 6.10 - Affordable housing contributions</p>	<p>This clause enables the imposition of conditions relating to the provision of affordable housing. The site is identified on land within Area E. Area E refers to the remainder of the LGA that is not specifically identified as Areas A to D.</p> <p>To satisfy this clause, the applicant will provide a monetary contribution to affordable housing paid to Council and calculated in accordance with the Newcastle Affordable Housing Contributions Scheme adopted by the Council on 25 March 2025.</p>

Clause	Comment
	Refer to Section 2.7.4 of this EIS.
Clause 7.4 Building separation	This clause specifies that a building on land to which this Part applies must be erected so that the distance from the building to any other building is not less than 24m at 45m or higher above ground level. The project has a building height up to 45m. At no point does it exceed 45m; and therefore, satisfies this clause.
Clause 7.5 Design excellence	<p>This clause applies to the Project as it is for a new building on land to which this clause applies, being within the Newcastle City Centre.</p> <p>In accordance with this clause, the consent authority must be satisfied that the development exhibits design excellence. The proposed development is accompanied by an Urban Design Report at Appendix G4, addressing the matters specified in subclause (3), as follows:</p> <ul style="list-style-type: none"> ▪ a high standard of architectural design, materials and detailing appropriate to the building type and location are provided. ▪ the form and external appearance of the development will improve the quality and amenity of the public domain, including locally suited, durable and attractive materials, solar access and amenity maintained, landscape softening, as well as additional public domain works including street tree planting. ▪ The development does not detrimentally impact on any of the significant view corridors identified in the NDCP. See Figure below. ▪ A Visual Impact Assessment has been conducted and found that the development is sympathetic in character with the broader region and also within the context of the immediate environment, and to the Newcastle General Conservation Area and General Heritage Items (buildings) and General Landscapes have not been compromised as a result of Project <p>Further demonstration of design excellence is provided in the Urban Design Report Appendix G4 and the Design Report at G3.</p> <p>A design competition is not required for the proposed development under subclauses (4) and (5), as the site and proposed development do not meet the express triggers.</p> <p>The proposed development does not seek to utilise the bonus provisions, as it is instead a development allowable as SSD by Ministerial Order under the newly introduced HDA pathway. Therefore, the clause (6) bonus provisions for development that exhibits design excellence and has been reviewed by a design review panel, is not applicable.</p>



Figure 12 Figure E5.13 Views and Vistas Map, site outlined in blue. Source: Newcastle DCP 2023

4.10 Newcastle Development Control Plan 2023

The Newcastle Development Control Plan (NDCP) 2023 provides detailed planning and design guidelines to support the planning controls of the NLEP.

However, Section 2.10 of the Planning Systems SEPP stipulates that DCPs do not apply to SSDs. Where applicable, the NDCP requirements have been addressed, notably in reference to heritage, public domain works, traffic and parking requirements.

4.11 Voluntary Planning Agreement and Contributions

The following contributions are noted as being relevant to the Project.

4.11.1 Housing and Productivity Contribution:

The Lower Hunter region is subject to Division 7.1 of the EP&A Act and is affected by the Housing and Productivity Contribution. The Housing and Productivity Contribution may be imposed as a condition of development consent, with rates adjusted quarterly according to the latest Producer Price Index (Road and Bridge Construction – NSW).

4.11.2 Section 7.11 City of Newcastle Development Contributions Plan 2021-2036

This Plan specifies Section 7.11 contributions that may be imposed as a condition of development consent. These contributions rates applicable will be in accordance with Tables E1 and E2 of the Plan, subject to indexation. A development consent will reflect the indexed rate that applies at the date of consent.

An EDC Report has been prepared (Appendix G1), which indicates an EDC of \$114,768,260 (excluding GST).

4.11.3 Newcastle Affordable Housing Contribution Scheme

The SSDA proposes to contribute toward affordable housing in the LGA of Newcastle, by way of monetary contribution in accordance with this scheme (refer to Section 2.6.4 of this EIS).

Given that the Affordable Housing Contribution Scheme does not apply to development applications lodged on land other than identified areas, this contribution is proposed as a monetary figure as a condition of consent, to be used by Council for the sole purpose of providing and managing affordable housing in Newcastle LGA.

4.11.4 Voluntary Planning Agreement

A Voluntary Planning Agreement is not proposed to be entered into.

4.12 Other Approvals

Table 17 Assessment of Other Approvals

Legislation	Requirement	Response
Coal Mine Subsidence Compensation Act 2017 (CMSC Act)	Part 3 Section 22 of the CMSC Act specifies that an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made.	The site is within a mine subsidence district under the CMSC Act. Early consultation with Advisory NSW has occurred, as discussed in Chapter 5.
Roads Act 1993	Consent from the appropriate roads authority under section 138 of the Roads Act is required for any works undertaken on or under public roads.	Approval for works undertaken within the road reserves of Tyrrell Street and Darby Street is required for the Project. Proposed works include reconstruction of existing vehicle crossovers, public domain upgrades including street tree planting, and a time-limited loading/servicing space within Darby Street.

Legislation	Requirement	Response
<p>Water Management Act 2000 (WM Act)</p>	<p>A water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the WM Act is required where impacts are predicted.</p> <p>Any person or organisation, including a local water utility, taking water from a water source must be authorised to take water by a water access licence and a water supply work approval under section 60A of the WM Act unless an exemption applies.</p>	<p>Dewatering during construction is identified as part of the project, however a water license exemption currently applies to coastal construction projects.</p>

5 Engagement

This chapter provides an overview of the engagement activities undertaken to date by the Applicant as part of the preparation of the EIS, and the future activities proposed in the assessment and post approval phases, as detailed in the Community and Stakeholder Engagement Plan prepared for the project.

5.1 Engagement Process

To support the SSD Application process, including the preparation of the site master planning, architectural and landscape design and the EIS, the project team undertook to engage with key stakeholders from an early stage in the process.

The industry-specific (Housing) SEARs were issued by DPHI on 10 April 2025. In accordance with Undertaking Engagement- Guidelines for State Significant Projects, the SEARS were published by DPHI on the major projects website and Council was notified.

The SEARs specified that in preparing the EIS, engagement and consultation activities are to be undertaken in accordance with the Undertaking Engagement- Guidelines for State Significant Projects and the EIS is to identify how issues raised, and feedback received, have been considered in the design of the project.

Furthermore, if development would have required an approval or authorisation under another Act but for the application of S4.41 of the EP&A Act; or requires an approval or authorisation under another Act to be applied consistently by S4.42 of the EP&A Act, the agency relevant to that approval or authorisation must be consulted.

To ensure the planning and delivery of engagement during the EIS preparation was proportionate and appropriate, the engagement matrix set out in 'Undertaking Engagement Guidelines for State Significant Projects' (DPHI, March 2024) was utilised.

Accordingly, a 'targeted and specific' consultation approach, together with an 'inform and consult' level of engagement as set out in the International Association of Public Participation (IAP2) public participation spectrum was identified. This is considered to be proportionate to the scale of impacts and benefits of the project, their significance during the construction and operation. Accordingly, the objectives of the consultation engagement process undertaken during the EIS preparation was to:

- ensure the key stakeholders are informed of the project.
- obtain feedback from key stakeholders on the project.
- engage with stakeholders on the detailed assessment of key matters.

The consultation techniques utilised to engage with various stakeholders are described in the table below. Refer to the Stakeholder Engagement Report provided at Appendix G. This engagement process was carried out between August and October 2025, ahead of the lodgement of the SSD, and is complementary to the statutory requirements for public exhibition of an SSD.

Table 18 Summary of Engagement Process

Stakeholder	Method and Date	Description
NSW State Government Agencies		
DCCEEW (Water)	Letter to Office of Water via Major Projects Portal and email 8 October 2025.	<ul style="list-style-type: none"> ▪ Preliminary reports in respect of geotechnical and groundwater conditions and potential impacts were provided to the Office of Water, seeking advice or comment.
Subsidence Advisory NSW	Meeting held 21 August 2025.	<ul style="list-style-type: none"> ▪ Seeking acceptance from SA NSW that further investigations are limited prior to DA lodgement.
	Building Application submitted 17 May 2025 (TBA25-01597).	<ul style="list-style-type: none"> ▪ Seeking endorsement.
TfNSW	<ul style="list-style-type: none"> ▪ Letter via Major Projects Portal ▪ Meeting held 11 June 2025. 	<ul style="list-style-type: none"> ▪ Seeking advice in relation to the traffic implications and any advice or comment.
Local Government		
City of Newcastle	Preliminary Planning Proposal Meeting held with CN Planning Officers 28 January 2025, and follow up email correspondence dated 28 February 2025	The purpose of the meeting was to seek Council’s guidance on preferred pathway to facilitate the Applicant’s intended redevelopment of the site. Design options were presented at this meeting including demolition of existing buildings, to construct new development up to 45m in height.
	Email correspondence between Project Engineer and CN Engineer between 17 June, 19 June, 27 June, 30 July, 6 August, 19 August, 21 August, 22 August 26 August 2025.	The purpose of the engagement was to seek CN advice on a range of stormwater design including culvert location, requirements for easement(s) and relationship of the proposed development with CN Assets team drainage work upgrades in Darby Street.
	Letter to Executive Manager Planning and Development	The purpose of this letter is to advise the Planning Department within Council of this upcoming project, and invite any

Stakeholder	Method and Date	Description
	18 September 2025 via Major Projects Portal and email	comment or advice in relation to the following aspects of the project whilst the EIS is being prepared. In particular: <ul style="list-style-type: none"> Proposed Contributions Preliminary Design Plans. Council's Planning Executive Manager advised that a pre-DA meeting must be formally requested and paid for in order for Council to provide comment.
	Letter to City Infrastructure Department 18 September 2025 via Planning Portal and email to Executive Director.	The purpose of this letter is to advise the City Infrastructure / Urban Design division within Council of the proposed public domain works that will form part of this SSDA project; and invite any comment or advice in relation to the works <p>Council's Planning Executive Manager advised that a pre-DA meeting must be formally requested and paid for in order for Council to provide comment.</p>
	Email correspondence Project Transport Engineer and CN Traffic Engineer on 23 September and 3 October 2025	Project Transport Engineer seeking advice regarding a loading zone on Darby Street.
	Pre-DA Meeting held 5 November 2025	Formal Pre-DA meeting with various matters discussed.
	Email correspondence to and from Project Team and Council Planner on 6 November and 12 November 2015	Requested further details of affordable housing contributions scheme and nature of LEP amendment envisaged to facilitate the increase in height and FSR.
Newcastle Local Transport Forum	Meeting held 15 December 2025	Endorsement sought for the proposed loading zone designated in front of 47 Darby Street, for the development.
Utility Providers		
Hunter Water	Phone and Email correspondence 16 and 19 February 2025	Advice sought in relation to relocating the water main infrastructure.

Stakeholder	Method and Date	Description
	11 September 2025 Section 50 Application lodged	Advice sought in relation to requirements for the Project.
Ausgrid	Email 8 September 2025	Advice sought in relation to the existing underground electrical infrastructure, and whether this can be relocated outside of the site.
Endeavour Energy	Email seeking advice regarding the relocation and purchase or release of the easement.	Endeavour Energy provided advice that enabling infrastructure such as electricity works must be included in SSD applications.
NBN	11 June 2025 Dial Before You Dig Enquiry	Advice sought in relation to existing infrastructure.
TPG Telecomms	11 June 2025 Dial Before You Dig Enquiry	Advice sought in relation to existing infrastructure.
Community		
Local Residents	<ul style="list-style-type: none"> Face-to-face meeting held on 27 August 2025. 	Presentation from the project team; and Q&A. Discussed resident concerns and issues. The offer of a second face-to-face meeting times on 25 September 2025 was made
Local Businesses	<ul style="list-style-type: none"> Letter emailed 2 September 2025 Letter emailed 17 September 2025 Project update was hand delivered on 25 September 2025 to approx. 45 businesses along Darby Street (between Bull and Tyrrell Streets) 	<ul style="list-style-type: none"> Included link to Social Impact Survey. Advising that the project team was available to meet on September 25, with link to the project website and Social Impact Survey also provided.
Newcastle Synagogue	Project briefing held on 27 August 2025 in person with 2 board members at Architect's office.	Project briefing provided and Q&A.
Newcastle Spiritualist Church	On site meeting held 25 September 2025 outside the site with church president.	Project update and Q&A.
Newcastle Art Gallery	Project briefing at Architect's office held on 27 August 2025	Project briefing provided and Q&A.

Stakeholder	Method and Date	Description
Newcastle Conservatorium of Music	Letter emailed 7 October 2025	Letter emailed offering a briefing and link to Social Impact Survey.
Newcastle East Public School	<ul style="list-style-type: none"> ▪ Letter emailed 2 September 2025 ▪ Letter emailed 17 September 2025 	<p>Letter emailed offering a project briefing, and link to Social Impact Survey.</p> <p>Letter emailed advising that the project team is available for a project briefing on 25 September</p>
Local Political representatives	Emails to 3 Councillors, Lord Mayor & Deputy Mayor 11 and 20 August 2025	Emails offered project briefings in person, via phone or Microsoft Teams.
	<ul style="list-style-type: none"> ▪ Email 2 September 2025 ▪ Email 2 October 2025 	<ul style="list-style-type: none"> ▪ Project update was emailed with links to the project website and Social Impact Survey. ▪ Further project update emailed advising of the letterbox drop to 1500 homes and businesses in Cooks Hill with a link to the Social Impact Survey.
State Member for Newcastle	Briefing provided face to face 27 August 2025	Project briefing provided and Q&A.
All of the above community groups, local businesses, and the surrounding Cooks Hill community.	Letterbox drop.	1500 letters delivered. The letters provided a project update, link to Social Impact Survey and link to the project website.
Aboriginal Stakeholders		
Awabakal Local Aboriginal Land Council	<ul style="list-style-type: none"> ▪ Email 11 August 2025 sent offering a project briefing ▪ Email sent 17 September 2025 	Advising that the project team is available to meet on 25 September to brief stakeholders.

5.2 Outcomes of Engagement

The following section provides a summary of the outcomes of the above engagement.

Table 19 Summary of Outcomes engagement

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
NSW State Government Agencies			
DCCEEW - Water	Email	DCCEEW advised that due to resourcing they will review the application when it is placed on exhibition. Clarification on available coastal construction exemptions for water licences.	Section 6.14 Groundwater Impact Assessment provided at Appendix G15.
Subsidence Advisory NSW		Advice provided that the investigations undertaken for the site are sufficient for supporting the DA, with grouting works being necessary. Recognising that the buildings on site are currently occupied and unable to carry out further drilling investigation at this time, Advisory NSW accepted that a Grouting Verification Plan be submitted prior to commencement of construction.	Assessment of mine subsidence risk and mitigation measures including grouting works, are discussed in Section 6.12 and Report provided at Appendix G14.
TfNSW	Email	<ul style="list-style-type: none"> ▪ No specific technical studies in addition to the requirements outlined in the industry specific SEARs will be required. ▪ Submitted plans should illustrate connection to public transport, pedestrian and bicycle facilities and services 	Traffic assessment is discussed in Section 6.15. TIA provided at Appendix G25.

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
		<p>within the vicinity of the site; and</p> <ul style="list-style-type: none"> ▪ The TIA is required to be prepared in accordance with Guide to Transport Impact Assessment (GTIA) published by TfNSW. ▪ A travel plan prepared in accordance with Chapter 4.3 is recommended to manage potential impacts of trips generated by the proposed development on the surrounding transport network. This inclusion in the preparation of a TIA would therefore negate the need for a green travel plan. 	
Local Government			
Newcastle Council	Meeting 28 January 2025	Council recognised the desirable accessible location of the site, with access to services and infrastructure, and the need for delivery of more housing in the Newcastle LGA. However, the extensive 4.6 variation was in Council's opinion, beyond the scope of a 4.6 variation, and instead has merit to proceed with a Planning Proposal to amend the site's FSR and building height.	The HDA pathway was initiated in NSW and the Applicant elected this option as an alternative approval pathway instead of preparing a Planning Proposal for the site.
	Email on 28 February 2025	Council provided advice that it did not support	Heritage consultant engaged to assess the

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
		<p>demolition of contributory buildings except in situations where irrefutable evidence is provided that the contribution of the building to the significance of the HCA has been destroyed or lost; or where there is demonstrated overwhelming structural instability that cannot be rectified. CN recommended the engagement of a heritage consultant to undertake a heritage assessment of the building.</p>	<p>impact on heritage conservation area and the suitability of demolition of the existing building from the site. Refer to Appendix G.</p>
		<p>CN Officer provided advice in relation to the availability of on-street parking and access for waste collection vehicle and confirmed that installation of 12m Loading Zone (6AM-9AM, Mon-Fri or Mon - Sat, if deliveries occur on Sat) restriction on Darby Street, north of the driveway to the property may be considered to facilitate waste collections and shop's deliveries.</p>	<p>Loading zone incorporated on-street along the frontage of Darby Street, for use by service and loading vehicles at nominated times. Refer to the TIA at Appendix G25.</p>
	<p>Pre-DA Meeting Minutes provided 6 November 2025. Provided at Appendix D</p>	<p>Council provided detailed advice on the Concurrent Rezoning and all aspects of the Project</p>	<p>A response to the matters raised in relation to the Concurrent Rezoning is provided in the Concurrent Rezoning Report.</p> <p>The keys issues raised in relation to the construction and operation of the Project, specifically compliance with</p>

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
	<p>Email correspondence to and from Project Team and Council Planner on 6 November and 12 November 2015</p>	<p>Council advised agree that a site-specific provision in Part 7 was the most logical approach, however clarification from DPHI and the Parliamentary Counsel's Office would be sought.</p> <p>Council advised that the AHCS allows proponents to either enter into a VPA or amend the Scheme. Council's preference was the preparation of a VPA, noting a letter of offer for the VPA would need to be agreed prior to determination, as this will form part of the conditions on the SSD. The appropriate contribution rate can be determined during the assessment process. Council requested that the rezoning report clearly state the intention to enter into a VPA to address the affordable housing component in accordance with the Newcastle AHCS.</p>	<p>development controls existing infrastructure and public domain are addressed throughout the EIS and in the supporting Technical Reports.</p> <p>The Concurrent Rezoning Report submitted with the SSDA outlines the proposed changes to the NLEP.</p> <p>Given the concurrent rezoning is not a Planning Proposal the Applicant does not intend to enter into a VPA or seek to amend the AHCS clause in the NLEP.</p> <p>A condition of consent requiring a monetary contribution under the AHCS is the appropriate mechanism for the payment of contributions.</p>
Newcastle Local Transport Forum	Meeting held 15 December 2025	The Forum provides in-principle support for the loading zone restrictions (6-9am Mon-Sat) proposed for	The proposed loading zone is described in Section 3.2 of this EIS.

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
		this project along Darby Street.	
Utility Providers			
Hunter Water	19 February 2025	Hunter Water advised that it may consider the relocation of the watermain, subject to conditions. If the relocation is successfully conducted there is a procedure to follow to then extinguish the easement.	The current design allows for the easement and water main to be retained in its current position. Whilst relocation of the main and extinguishment of the easement was initially explored for the Project; this option is not preferred given the cost and the time constraints for commencement and delivery of this Project under the HDA pathway. The Project does not propose any buildings over the easement, and accordingly the existing conditions of the easement can remain in place.
	2 December 2025 response received.	Hunter Water has advised of the requirements to be satisfied before a Section 50 Certificate can be issued for the project.	The current design allows for the easement and water main to be retained in its current position. The remainder of requirements will be satisfied prior to commencement of construction.
Ausgrid	11 June 2025 Dial Before You Dig Enquiry	A Plan of existing Ausgrid assets was provided.	The project involves relocation of the electricity infrastructure.
	8 September 2025 Letter provided.	The requested relocation of the existing Ausgrid network can proceed to the design stage. These works are classified as contestable,	The project involves relocation of the electricity infrastructure. An ASP has been engaged to undertake

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
		meaning the engagement of a suitably qualified contractors, known as Accredited Service Providers (ASP) to undertake the design and construction in accordance with Ausgrid's policies and standards, is required.	the detailed design, and this is underway.
NBN	11 June 2025 Dial Before You Dig Enquiry	A Plan of existing NBN assets was provided.	The Project provides for suitable connection to NBN services.
TPG Telecomms	11 June 2025 Dial Before You Dig Enquiry	A Plan of existing telecommunications assets was provided.	The Project provides for suitable connection to telecommunications services.
Community			
Adjoining land owners	Various	<ul style="list-style-type: none"> ▪ Overshadowing ▪ Building height concerns ▪ Affordable housing contribution ▪ Construction timetable ▪ Parking sufficient for the development 	<ul style="list-style-type: none"> ▪ The design has evolved and shadow diagrams and elevations have been prepared to demonstrate that the impacts are reasonable. ▪ The project makes a monetary contribution to affordable housing. See Section 4.12.4. ▪ Construction details have come to light as the project has evolved, with information provided in Section 3.2.1 of the EIS. ▪ Parking for the project is detailed in Section 3.2.3 of the EIS.
Local Residents /Businesses		<ul style="list-style-type: none"> ▪ Contamination may be an issue as it was for the art gallery. 	<ul style="list-style-type: none"> ▪ Contamination has been investigated, refer to Section 6.10 of the EIS.

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
		<ul style="list-style-type: none"> ▪ Questioned who the target market would be ▪ Increase in traffic flows ▪ Questioned why is 45m building height called approved height 	<ul style="list-style-type: none"> ▪ Market conditions will dictate occupants. The project incorporates a mix of apartments sizes and types. ▪ The impacts of traffic generation from the project is assessed in Section 6.14 of the EIS. ▪ The 45m height was explained to be the height proposed under HDA pathway, which is allowable to be increased above the existing controls. The project still requires assessment of impacts and approval for the height; it is not assumed approval.
Local Community Groups		<ul style="list-style-type: none"> ▪ Reduced on street parking ▪ Pedestrian and cyclist safety around the Darby Street carpark entrance 	<ul style="list-style-type: none"> ▪ The proposal utilises one existing parking space for loading and servicing at specified times. This information is detailed in Section 3.2.4 of the EIS. ▪ Pedestrian and cyclist safety is discussed in Section 6.14 of this EIS.
Local Political representatives		<ul style="list-style-type: none"> ▪ Affordable housing ▪ Appropriate height ▪ Community engagement 	<ul style="list-style-type: none"> ▪ The project makes a monetary contribution to affordable housing. See Section 4.12.4. ▪ The building height is justified in the accompanying Rezoning Report. The project demonstrates no unreasonable adverse

Stakeholder	Date and Type of Response	Issues Raised	EIS Response
			impacts as a result of the height. See Section 6.1.1.

Where specific issues have been raised by government agencies or regulators in addition to matters identified in the SEARs or Agency correspondence, these are identified in the table above. Where there was no specific response received, this has also been noted. Further details are provided within the Stakeholder Engagement Report at Appendix G30.

5.3 Aboriginal Stakeholders

An initial assessment of the environmental impacts of the project on Aboriginal heritage was undertaken in accordance with the NSW Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. This assessment, described in Section 4.4.8, found that the proposed development is unlikely to impact Aboriginal cultural heritage.

As part of the EIS preparation consultation with the Awabakal LALC was attempted. The Awabakal LALC did not request a meeting or any further project information.

5.4 Affected Land Owners

Residents, businesses and community groups which may be affected by overshadowing and construction issues related to noise, vibration, parking and traffic changes are described in the Engagement Report as Tier 1 stakeholders. They are typically located near the proposed development, and for this project include:

- Regency Park Residents, 1 Queen Street
- Newcastle Jewish Synagogue 122 Tyrrell Street
- Darby Street Early Learning Centre, 41 Darby Street
- Newcastle Art Gallery,
- King's Own Institute, 59 Darby Street
- Wise Buy Home Loans, 59 Darby Street
- Winning Appliances, 61 Darby Street
- Blankstore, 39 Darby Street
- Darby Street Automotive, 79 Darby Street
- Cooks Hill BNooks and Records, 72 Darby Street
- Coco Monde Chocolateria 80 Darby Street
- Davidson Accountants, 109 Darby Street
- Made on Darby
- 104 Darby Street
- Butler's Business Lawyers, 17 Darby Street

Issues raised by stakeholders are addressed within this EIS, as referenced in the above table. In addition to the stakeholder engagement process, a Social Impact Assessment has been prepared for the project, provided at Appendix G29 and included further community engagement.

Early engagement with residents and community stakeholders provided the opportunity for further design refinement and technical testing, specifically in relation to relating to massing, setbacks, façade treatment, privacy, overshadowing performance and landscaping. The details of the social impact assessment are discussed in Section 6.15 of the EIS.

5.5 Further Engagement

Upon lodgement, the EIS will be placed on public exhibition by the DPHI, and submissions will be invited in accordance with the requirements of Clause 176 of the EP&A Regulations. Public submissions are to be lodged through the NSW Planning Portal.

In accordance with DPHI's Community Participation Plan (updated September 2025) a minimum 14-day exhibition period now applies to residential State Significant Development applications that rely on a concurrent rezoning assessed by the Department. For these applications, the details of the proposed amendments to the relevant planning instrument(s) will be publicly exhibited concurrently with the application.

Upon completion of the public exhibition period the Applicant will receive a copy of all submissions, and a Response to Submission report will be prepared which responds to any issues raised (RTS). Ongoing engagement with stakeholders during the EIS exhibition and assessment phase will continue and may include:

- Continued consultation with regulatory agencies to address issues raised during exhibition phase of the EIS and as part of preparation of the RTS.
- Continued consultation with community and regulatory stakeholders as required.
- Any future media enquiries.
- If the project is approved, further engagement would occur with key stakeholders and any affected or potentially affected landowners regarding expected timing of works and proposed impact mitigation measures. These would include:
- A Construction Environmental Management Plan (CEMP) will be prepared prior to the commencement of construction for the Project that will include a process for receiving and responding to community complaints, including the management response.

The engagement and consultation processes will be relevantly reviewed and updated over the Project duration to ensure it remains effective and encourages community participation.

6 Environmental Impact Assessment

The SEARs identify the need to undertake an assessment of potential environmental risks as part of the EIS. This Chapter describes how the matters identified in the SEARs have been assessed and how any potential significant impacts have been identified and mitigated.

6.1 Built Form, Urban Design and Design Excellence

6.1.1 Built Form and Urban Design

The Architectural Design Report (Appendix G3) conveys the evolution of the project design and its responsiveness to the site, context, neighbouring development and concerns raised in early project consultation and community engagement. The Urban Design Report (Appendix G4) has also been prepared as an initiative to achieve a robust and peer-reviewed design response for the project and assessment of suitability.

The physical form of the project has been designed in two separate building masses, shaped and oriented for optimal solar access and stepping down with the slope of the land to a finer grain, reducing bulk. The separation of two buildings establishes a central view and solar access corridor, and the reduction in height for the Tyrrell Building to 27.7m, allows for improved solar access, better relationship to the landform and suitability in the context of the site and surrounding development.

For the Darby Street Building, located at the prominent corner of the site, a solid podium street wall is established in response to the context. The masonry forecourt area creates a robust form which engages directly with the street, providing a strong sense of enclosure, human scale, and street-level activation and connection to Civic Park and the Newcastle Art Gallery. The podium units and balconies are solid elements responding to the proximity of the street and adjacent buildings to mitigate acoustic and privacy issues. The vertical articulation reflects and responds to the rhythm and scale of local architecture. Voids and terraces are carefully carved into the façade to reduce visual bulk, allow natural light to penetrate deep into the building, and provide visual interest through shadow and depth. The tower element above the podium is recessive in form to respond to the orientation of Tyrrell Street, enhance articulation between the podium and tower, and allow solar access and views to neighbouring development.

Privacy has been achieved through the building setbacks from neighbouring development and massing relief. Solid masonry walls are incorporated along the southeastern facades to maintain privacy from neighbours; and additional privacy design elements include vertical louvres to decks and windows where oriented to neighbours.

The project incorporates ecologically sustainable design principles through water and energy efficient design, water sensitive design which considers downstream quality and reuse, design for wind and solar amenity, tree retention and additional tree plantings. The architectural design has thoughtfully considered the design elements of the ADG and NSW Better Placed principles, to produce a project

that offers high level of amenity for diverse future occupants through considered apartment design, provision of communal facilities and quality landscaped spaces. The ground floor retail premises will also inject a vibrancy and convenience at the site for future residents as well as the local community.

The project is demonstrably suited to the walkability and urban context of the site within the Newcastle City Centre, being of a height and bulk that contributes to the civic edge and complements the city form. The design of the project has evolved in response to the site and surrounding development that exists, and that is likely in future as the Newcastle City Centre develops, in line with the strategic planning for this locality and state government initiatives that encourage new housing development on well-located, accessible sites. The project relies on increases to the current building height and FSR controls which apply to the site under NLEP, and this is addressed within the accompanying Rezoning Report.

6.1.2 Connecting with Country

The Project formation and design process has involved gathering of information in relation to historic use of the land and the area, Aboriginal cultural heritage items known to exist, and local endemic species for incorporation in landscape design.

The site is located on Awabakal land and was once an open and windswept coastal forest. Views from the new building at the rooftop level are oriented toward Shepherd's Hill at King Edward Park (Khanterin), Pirate Point at Stockton (Burrabihngarn), Redhead Bluff (Kintirrabin) and Mount Sugarloaf (Warrawelong). These landscape features provided initial cues for a Country-centred design approach which includes significant use of indigenous plant species, materiality and landscape layout.

The plant species selected, including Coastal Tea Tree (paiyabaara), Coast Banksia (kararkarmatara), Myall Wattle (watalong) and Gynea Lily (minmai) are from the indigenous coastal forest plant communities (Hunter Coast White Mahogany Low Forest & Coastal Creekflat Layered Grass-Sedge Swamp Forest) and were commonly used for food and medicine by Awabakal people. The Gynea Lily and Wattle species are particularly important as seasonal indicator plants which signal the start of whale (berabakaan) migrations along the coast in Winter (Takarir). To reflect this connection, a variety of these indicator plants will be selected for the rooftop landscaping design, as a visual connection to the ocean visible beyond which sustained the Awabakal way of life for thousands of years.

As the Awabakal are saltwater people, they have a deep connection with the ocean and its species. Fish such as Mullet (kirul) and Salmon (parimankaan) as well as shellfish such as oysters (munboonkaan) were a significant part of local diets and their migration and lifecycles determined the rhythms of Awabakal people's activity throughout the year. This important relationship has influenced the choice of materiality and interpretation in the Landscape Design for the Project with the opportunity to include paving layouts, inlays or lighting which reflects this.

6.1.3 Disability Discrimination Access

An assessment of the proposed buildings has been carried out to demonstrate consideration of access for people with a disability. Refer to the Access Report provided at Appendix G9. The assessment considers the applicable access and liveable housing requirements including the Building Code of Australia (BCA), Disability (Access to Premises – Buildings) Standards 2010, Australian Standards, Disability Discrimination Act (DDA), and the Liveable Housing Design Guidelines.

Generally, the plans assessed show that compliance with requirements for access for people with a disability is achievable subject to incorporation of specific details outlined in the Access Report at construction certificate stage.

Mitigation measures

The recommendations for compliance with the Premises Standards, Building Code of Australia, and Australian Standards for accessibility are to be addressed during detail design prior to the issue of a Construction Certificate.

6.1.4 National Construction Code Compliance

The National Construction Code (NCC) is Australia's primary set of technical design and construction provisions for buildings. As a performance-based code, it sets the minimum required level for the safety, health, amenity, accessibility, and sustainability of certain buildings. An assessment of the Project has been carried out against the Deemed-to-Satisfy Provisions of the NCC Series Volume One – Building Code of Australia, 2022 Edition (BCA) Amendment 2. Refer to the BCA Assessment Report at Appendix G10.

The proposed design responded to early design review and discussion with regard to building compliance matters.

The architectural design documentation has been assessed against the applicable provisions of the Building Code of Australia, (BCA) and it is considered that such documentation complies or is capable of complying with that Code, subject to all matters for further consideration identified in this report being addressed in the design, and subject to compliance with all appendices and Specifications included with this report.

Mitigation measures

Construction to comply with the BCA and NCC in accordance with the BCA Report. Detailed plans to be prepared prior to construction.

6.2 Environmental Amenity

The following aspects of environmental amenity have been considered in the design of the Project.

6.2.1 Solar

The Project has been designed to maximise the solar access of residential apartments by maximising the apartments' solar exposure from at least two directions to the majority of apartments throughout the day, year-round; ensuring that primary facade glazing is attached to habitable spaces for all apartments; and ensuring attention to design details (e.g. glazing seals) so that these rooms can act as highly efficient solar collectors, especially during winter months; and incorporating deep balconies to reduce summer thermal loads on the apartments.

The Project achieves compliance with the ADG daylight access criteria for residential apartment development. The Project has also been designed to ensure that reasonable sunlight access is maintained to neighbouring residences, as demonstrated on the detailed shadow diagrams and shadow elevations within Appendix G2

The stepped tower form place height away from the adjacent properties to the east with the topography of the hill rising towards the east further mitigates overshadowing effects of the tower forms.

6.2.2 Wind

An Environmental Wind Assessment has been undertaken to assess the likely impacts of the Project (Appendix G24). The predicted wind environment at the site is examined in terms of both the existing winds, and future winds with the addition of the proposed development.

The Assessment recommended various mitigation measures, which have been incorporated in the design as follows:

- Retain the proposed trees and landscaping within and around the development, ensuring all planting is evergreen and densely foliated to provide effective year-round wind mitigation.
- Increase the planter height to 1.8 m at the northwest corner of the development site, as this enhancement will provide greater shielding and help reduce the predicted wind acceleration.
- Maintain the proposed ground-level setbacks at building entrances and along the retail frontage of Building 1, as these features help mitigate façade downwash and redirect airflow away from pedestrian pathways.

The Wind Assessment also recommended vertical windbreaks at least 1.8 m high along the outer edges of the rooftop communal space as an appropriate mitigation measure. This mitigation measure was considered by the Applicant, however given the communal rooftop serves as secondary or incidental spaces it was determined that use of the space can be managed operationally during windy periods.

As a result of the design response, the overall effect of the Project on the local wind microclimate is predicted to be not significant.

No further mitigation measures are required.

6.2.3 Privacy

The maintenance of visual and acoustic privacy for adjoining development has been a key component in the design, affecting the eastern and to a lesser extent southern, interfaces of the site. The design response includes suitable building setbacks, along with façade treatment to avoid openings, orientation of proposed openings, physical devices to obscure visual overlooking from some openings on upper levels, and substantial landscape plantings within the setback areas.

The Project achieves privacy within the development as well as to neighbouring properties and takes into consideration the potential for future redevelopment of the neighbouring lands. Refer to the Design Report and Verification Statement provided at Appendix G3.

6.3 Ecologically Sustainable Development

An Ecologically Sustainable Design Assessment Report is provided at Appendix G12 to outline the ESD features of the Project. Further, the principles of ESD pursuant to Section 193 of the EP&A Regulation are outlined in Section 4.7.

The Project includes many ecologically sustainable design features, summarised as follows:

- Passive and active energy-saving measures such as operable windows to enhance natural ventilation through the apartments and solar access.
- Concrete slab construction is proposed for all floors throughout the development providing the highest thermal mass capacity of a range of common building products. The proposed development's external walls, structural internal walls, and slabs should be predominantly high thermal mass materials.
- LED energy-efficient lighting for all spaces and light efficiency measures in the lobby using time clock and motion sensors.
- Centralised energy-efficient gas-fired instantaneous hot water system.
- Gearless traction with variable voltage variable frequency (VVVF) motor lifts.
- Individual 1-phase air-conditioning system for all living areas and bedrooms in the dwelling units with Energy Efficiency Ratio (EER) of 3.0 – 3.5 for heating and cooling requirements.
- For non-residential spaces, high efficiency air conditioning system complying with Section J requirements is proposed.
- Achievement of BASIX targets in Water (Target 40) and in Energy (Target 58) and an average 7 NatHERS star rating.
- Landscaped areas are within the residential development throughout the designated communal areas. Proposed planting provides added cooling during the summer months through the leaf transpiration process and is also useful for wind amelioration.
- The installation of a 20 kW PV solar system to reduce greenhouse gas emissions.

The ESD Report confirms that these features will help achieve significant reductions in energy and water required by the development both in building and operation, in addition to ensuring that the residential units are pleasant spaces to reside.

6.4 Visual Impact

Visual Impact Assessment (VIA) has been provided at Appendix G6 to assess to analyse the general visual character of the landscape and built environment and considering the scenic and landscape qualities both within the immediate context, but also more broadly when considering any distant visual response in the local and regional context.

The VIA has conducted a visual survey and sensitivity assessment to test the visual impacts in relation to the proposed development from various key viewpoints. Further, the VIA provides generalised visual impact ratings and mitigation measures on how potential development could be improved from a visual and landscape perspective. The methodology employed is consistent with, and makes reference to, the industry standard for assessing visual amenity, as set out in the Australian Institute of Landscape Architects, Guidance Note for Landscape and Visual Assessment, 2018.

A total of 5 viewpoints were analysed, three of which were rated as low (Viewpoint 2 – 4) and two of which were rated as Moderate (Viewpoint 1 and 5). Of the viewpoints rated moderate, the VIA noted that visual sensitivity from Viewpoint 1, being the elevated position on Tyrrell Street would have moderate exposure but low frequency as receptors would be limited low levels of motorist and pedestrians.

For viewpoint 5, being the view from Civic Park, the VIA noted that the lower levels of the Darby Street Building will be viewed through the tree canopies, while the upper floor will be captured above the treeline, although well below the highest canopies observed, making this a moderate visual impact. It was also noted that similar scaled buildings overlook the Civic Park on the periphery when observed from the same location in Civic Park.

The VIA concluded that from a visual perspective the development is sympathetic in character with the broader region and also within the context of the immediate environment, characterised by the cultural and legal precinct of the inner Newcastle City historic centre, but also on the edge of surrounding medium density housing. Further, the VIA determined that the visual impacts on, and to the Newcastle General Conservation Area and General Heritage Items (buildings) and General Landscapes have not been compromised as a result of Project, and an alternative or reduced scheme is not necessitated. Accordingly, no further visual mitigation measures are recommended outside of the local development controls, other than the implementation of the landscape design proposed as part of the Project.

6.5 Trees

The site has previously been completely cleared for urban development and only contains a few small, mature exotic tree species. There are several native mature trees on the adjacent properties to the east and south, however these are not remnant endemic species.

A total of 35 trees were assessed in the AIA provided at Appendix G21 for potential impact by the proposed development, including 26 trees within the site, 2 neighbouring trees, 1 street tree along Darby Street frontage and 6 trees along Tyrrell Street frontage.

The AIA includes the findings of a ground based visual assessment conducted primarily using the Visual Tree Assessment (VTA) guidelines; (Mattheck & Breloer, 1994). A landscape significance rating was applied to each tree to determine the tree retention value. This landscape significance rating considers the tree's amenity, environmental and heritage values. The following was observed in the assessment:

- All trees were observed in good health
- There are no trees that are listed on the Significant Tree Register
- Most of the trees observed are exotic species and the Australian native species include 6 Tuckeroos (street trees), 1 x Kentia Palm (neighbouring property) and 2 x Brush Cherry trees
- There are no indigenous (regional) species or endemic (local) species located within the subject site

The Project proposes to retain four (4) trees within the site, and all seven (7) street along the frontages of the site. The retention of these street trees, as well as the proposed additional street tree planting, will contribute to a shaded public domain for improved amenity and minimisation of urban heat.

The remaining 22 trees within the site are to be removed, and these range from moderate to very low retention value.

Mitigation measures

- Trees being retained shall be protected with fencing around the drip line to protect the trunk, the canopy and root zones of these trees, in accordance with AS4970:2009 Protection of Trees on Development Sites. If tree protection fence to the extent of tree protection zones is not practical then specific branch, trunk and root plate protection measures are required.
- The Darby Street tree is to be retained and stormwater relocation in this location shall use horizontal directional drilling, non-destructive excavation methods such as hydro-vacuum, Air Spade or manually excavated trenches to ensure that street tree can be protected.
- The Project Arborist is to be on site to identify the 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.

6.6 Biodiversity

The development site comprises approximately 0.36ha and includes existing buildings, hardstand areas, and approximately 0.04ha of planted ornamental vegetation. The assessment found that the site does not contain any remnant native vegetation or habitat features that would likely support threatened species. Vegetation present is limited to highly modified plantings of exotic and native ornamental species with negligible ecological value.

An assessment was undertaken in accordance with Section 7.3 of the Biodiversity Conservation Act 2016 (the test of significance), which concluded that the proposed development is unlikely to result in significant impacts on threatened species or ecological communities. Further assessment against the biodiversity values outlined in the BDAR Waiver Guidelines confirmed that the site's highly urbanised context, absence of native vegetation, and lack of habitat connectivity mean the proposal will not have a significant impact on biodiversity values.

Determination was made by DPHI, on 30 May 2025 that under clause 7.9(2) of the Biodiversity Conservation Act 2016, that the Project is not likely to have any significant impact on biodiversity values; and therefore, a Biodiversity Development Assessment Report is not required. Refer to the BDAR Report and Waiver within Appendix G20.

The proposed landscaping design for the Project includes new plantings of native tree and plant species within the site and along the street frontage, as detailed in the Landscape Design Report at Appendix G5.

There are no further mitigation measures required.

6.7 Flooding, Stormwater and Drainage

6.7.1 Flooding

The site is partly affected by overland flow associated with a nearby major flow path and adjacent roadways. A varying peak flood level of flooding occurs within the site during a 1%AEP flood event, from 7.0m AHD in the northwest corner, to 7.9m AHD in the southwest corner. The maximum flood depth for the 1%AEP flood event is 100mm, located in the southwestern corner, and flood velocities through the site are described as negligible.

An assessment of the impacts of flooding for the site including a review of relevant local Flood Study data and site survey levels. This information has informed the design levels and design response for the Project. See Appendix G19.

The NDCP requires a minimum of 500mm freeboard above the 1% AEP for habitable rooms and 500mm freeboard for entries to underground car parks. The finished floor level of the Darby Street Building ground level has been designed as 8.1m AHD to provide freeboard and thus prevent the entry of water into the building during a flood event. Similarly, the access ramp into the basement of the

same building has been designed to prevent the entry of water during a flood event, by grading up to a level of 8.4m AHD before grading down into the basement.

There are no further mitigation measures required.

6.7.2 Stormwater and Drainage

The Project's stormwater management design has been developed in accordance with NDCP and Stormwater and Water Efficiency for Development Technical manual. It is intended for the sites predeveloped stormwater flows will be managed through site detention to ensure that the capacity of the existing stormwater network is not impacted by the Project.

The drainage of the basement levels of each building will be achieved via pump-out system which connects to the street system. The building management will be responsible for the effective operation and maintenance of the basement pump out system.

This design reduces the impact of post-development flows on the existing stormwater network, as well as satisfying water efficiency requirements of the BASIX certification. Water Sensitive Urban Design (WSUD) principles have been incorporated including erosion control measures such as soil stabilisation, landscaping, planting native vegetation and mulching.

With regard to Council's stormwater pipe that traverses the site further consultation with Council is required to coordinate and design diversion to be located within Queen and Darby Streets. This will allow the removal of the existing drainage pipe within the site and existing easement to be extinguished. The works within the public domain will be the subject of a separate approval process and integrated with the recently commenced update works to the stormwater infrastructure by Council in this area.

Further details are provided in the Civil Engineering Plans and Stormwater Water Quality Report and accompanying modelling provided at Appendix G18.

Mitigation Measures

The following mitigations measures are proposed:

- 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 Council will be required to complete these works.

6.8 Aboriginal Cultural Heritage

Awabakal Country traditionally stretched from Lake Macquarie to Newcastle, and parts of the lower Hunter Valley region. The Awaba people on the south side of the Hunter River had close connections

with the Worimi whose lands extended north from Stockton to Port Stephens, and also with the Wonnarua in the Hunter Valley and coastal Darkinjung on the Central Coast.

The SEARs specify that:

Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by:

- *Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or*
- *Providing an initial assessment of the potential impacts.*

If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which:

- *Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site.*
- *Is prepared in accordance with relevant guidelines.*

In order to determine if there is reasonably likely to be Aboriginal cultural heritage on or near the site, the following was considered:

- The current conditions of the site and historical uses, and the results of site investigations
- The results of an extensive AHIMS Search
- The Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW (2010),
- The likely impacts of the proposed development

The following was determined based on the above considerations:

Existing site conditions

The site has been completely cleared for urban development since the early twentieth century, as evidenced within historical images in the Statement of Heritage Impact at Appendix G22. The site is heavily disturbed, with existing buildings, structures and hardstand surfaces situated above ground; and below ground the site has been disturbed in associated with physical drainage and water pipes, that have been installed, as well as a suspected underground fuel storage tank likely associated with the Hunter District Water Board booster station site, which occupied the site since the early twentieth century.

The historical archaeological assessment determined that the archaeological potential of the site is generally nil to low, due to extensive disturbance associated with 20th-century industrial development, construction of the Water Board boosting station in 1929, and the 1984 commercial redevelopment.

The geotechnical investigations confirmed that subsurface conditions comprise fill materials to depths of 3.4m below ground; underlain by silty sandy soils to depths of up to 7m; with an unmined coal seams 12m beneath the site and mined coal seams at depths of 28.5m and 78m below ground level.

AHIMS Search

- An extensive AHIMS search was undertaken which indicated that the site does not contain any items of significance. There were no sites found within 200m of the site.
- The site is not an Aboriginal place under Section 84 of the *National Parks and Wildlife Act* (NPWS Act) 1974
- The site is not identified as containing an Aboriginal object or an Aboriginal place of heritage significance within the NELP.

Due Diligence Code of Practice

In accordance with the *Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW* (Due Diligence Code of Practice) 2010, the following approach was taken to investigate Aboriginal heritage values and archaeology in relation to the Project:

Table 20 Assessment against the generic due diligence process Section 7.8 Due Diligence Code of Practice

Steps	Assessment
<p>1. <i>Will the project disturb the ground surface or any culturally modified trees?</i></p>	<p>Yes. The site will disturb the ground surface. The trees impacted by the Project are not identified as culturally modified.</p>
<p>2. <i>Are there any:</i> (a) <i>relevant confirmed site records or other associated landscape feature information on AHIMS? and/or</i> (b) <i>any other sources of information of which a person is already aware? and/or</i> (c) <i>landscape features that are likely to indicate presence of Aboriginal objects?</i></p>	<p>No. An AHIMS search has been conducted and revealed no known Aboriginal sites or places within a 200-metre radius of the site.</p> <p>The nearest recorded AHIMS site is located approximately 650m to the north of the site near the Harbour foreshore.</p> <p>The surrounding landscape has been significantly transformed to an urban environment since the establishment of colonial settlement in the early nineteenth century. There is an absence of such typical landscape features as rock shelters, sand dunes, waterways, waterholes or wetlands.</p>

Consultation with the Awabakal Local Aboriginal Land Council (LALC) during the EIS preparation for this Project has been attempted to further clarify the context of cultural significance of the site / area.

This has included provision of information and invitation to meet with the Project team; however, no response was received. See the Engagement Report at Appendix G30.

The likely impacts of the proposed development

The site will be remediated upon demolition of buildings, in accordance with the RAP at Appendix G16. Following remediation works including removal of the suspected underground fuel storage tank, the site will be largely excavated to a maximum depth of 10m, in order to construct the basement levels and also to reroute infrastructure within the site.

On the basis of the above assessment, it was determined that no Aboriginal objects are likely to be present within the site and no further Aboriginal heritage assessment or investigation are required. An ACHAR is not required, and the proposed works can proceed, subject to the below mitigation measures.

Mitigation measures

The following mitigations measures are proposed:

- 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 by Artefact at Appendix G23.

6.9 Environmental Heritage

A Statement of Heritage Impact has been prepared to assess the significance of the site and buildings within the site and the impact of the Project on the HCA (refer to Appendix G).

Heritage Conservation Area

The site is within the Newcastle City Centre Heritage Conservation Area. The key period of significance for the Newcastle Heritage Conservation Area is 1801-1940. Whilst DCPs are not strictly applicable to SSD, the NDCP Heritage Technical Manual (updated 2020) guidance in relation to the character of the HCA, in the following order of significance:

- Heritage listed items
- Contributory 1
- Contributory 2.

The overall Project design was found to have minimal impact on the heritage significance of nearby individually listed heritage items and the surrounding heritage conservation area as a result of:

- The quality of the design and its presentation to Civic Park.
- The selection of materials and colours.
- Modelling of the external designs of the buildings.
- Improvement benefits the proposed buildings make to the surrounding heritage conservation areas by adding to the impressive architecture surrounding Civic Park.

- Creation of a podium to allow an effective setback of each of the towers it supports.

The Project also incorporates design references to the key period of significance for the HCA, including the use of masonry which references the materiality and texture of nearby heritage buildings, reinforcing the HCA character. See Design Report at Appendix G3.

Adjoining the Site

The water boosting station on the adjoining land at Lot 2, DP 524644 is identified as Contributory 1. The water boosting station has been well preserved over time under public authority ownership. The Project respects this contributory building and provides sufficient setback of buildings, allowing the building and curtilage to be appreciated from the street. This is illustrated in the figure below.

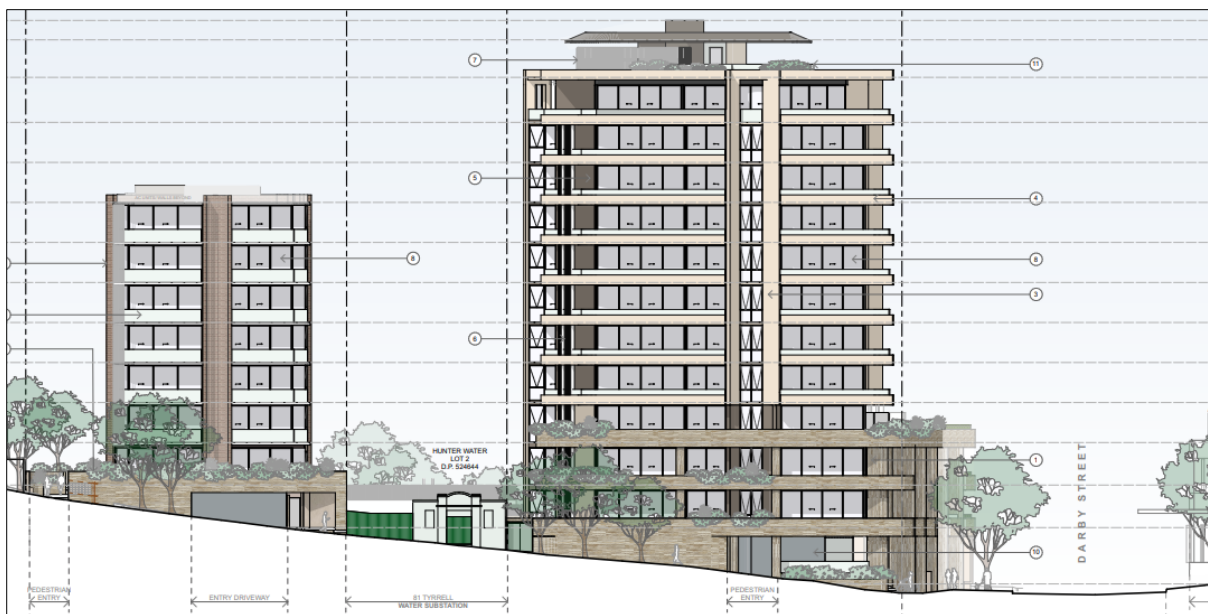


Figure 13 Image from Tyrrell Street northern elevation. Source: CKDS 2025

Within the Site

The entire site has been identified as Contributory 2. The buildings on site are not listed as items of heritage significance under NLEP 2012, nor are any buildings on the immediately adjoining land listed as heritage items.

The proposed demolition of the existing buildings on the site was assessed for impact and found that neither of the two existing buildings on this site qualifies for retention as contributing to the conservation area for the following reasons:

- The existing commercial building on Darby Street is late 20th century construction of unremarkable aesthetics, in an area of distinctive architecture surrounding Civic Park and the Civic Precinct.

- The HCA identifies elements to be preserved which relate largely to heritage character and detailing of 19th and early 20th century buildings. The emerging commercial core of tall and landmark mixed-use retail, office and residential apartment buildings of the Newcastle West End Precinct are referenced as worthy of retention showing the more recent growth of the city.
- The remains of the mid-century former Warehouse/Machine Shop on Tyrrell Street is half the length it was following subdivision of its site for new housing in the 1990s. This resulted in alterations to the Tyrrell Street facade and a new strengthened southern wall on the boundary with the neighbouring housing. These alterations have rendered the remains of the former Warehouse/Machine Shop as no longer distinctive.

Mitigation measures

The following mitigations measures are proposed:

- The former Warehouse/Machine Shop building should be externally and internally archivally recorded prior to its demolition.

6.10 Archaeological European Heritage

The archaeological potential of the study area has been assessed in the Historical Archaeological Assessment (Appendix G23) with reference to its historical development, documented land use, and known physical impacts resulting from modern infrastructure and construction. The analysis is informed by the site's initial association with the 1837 AACo railway, subsequent phases of private and industrial use, and observed modifications to the original topography.

Having regard for the following, the archaeological potential of the study area has been assessed as generally nil to low. While the site has historical associations with one of New South Wales's earliest railways, and with the early industrial expansion of Newcastle, the likelihood of intact archaeological remains surviving within the study area is extremely limited.

Mitigation measures

The following mitigations measures are proposed:

- An Unexpected Finds Protocol shall be adopted for the site during the preliminary site works, excavation and construction; and a Heritage Site Induction be provided to all persons on site prior to works commencing. Refer to the recommended Unexpected Finds Protocol and Heritage Induction within the Historical Archaeological Assessment by Artefact at Appendix G23.

6.11 Noise and Vibration

Noise and vibration has been assessed and modelled for the Project in terms of impact on nearby receivers during construction in the Construction Noise and Vibration Report at Appendix G27. Impact on nearby receivers when occupied and operational; and the impact of noise intrusion that may

impact the proposed dwellings within the Project, has been assessed in the Noise Impact Assessment at Appendix G26.

Construction Noise and Vibration Impacts

The assessment found that during construction the potential direct and cumulative construction noise impacts of the project was predicted to exceed the 'noise affected' management level at the majority of considered receiver locations.

However, construction noise impacts are temporary, and the implementation of feasible and reasonable work practices and best practice methods utilised on construction and demolition sites can mitigate and manage adverse noise. The recommended mitigation measures are outlined below.

The predominant sources of vibrations associated with the proposed construction includes piling operations and excavations within rock (if encountered). Assessment of vibrations during construction should consider the effects on nearby structures (including architectural finishes) and effects on humans. The assessment notes that situations exist where motion magnitudes above the dose levels given in relevant guidelines, can be acceptable, particularly for temporary disturbances and infrequent events of short-term duration.

Construction Noise and Vibration Mitigation Measures

The following mitigations measures are proposed:

- Construction Hours: Works will be carried out within the approved construction hours.
- Deliveries will be carried out within the approved construction hours.
- Construction Site Layout: Where possible, plant and equipment will be located and orientated to direct noise away from sensitive receivers.
- Quietest Suitable Equipment Plant and equipment will be selected to minimise noise emission, where possible, whilst maintaining efficiency of function.
- Residential grade silencers will be fitted, and all noise control equipment will be maintained in good order.
- Reversing Alarms Mobile plant and trucks operating on site for a significant portion of the Project will have reversing alarm noise emissions minimised, where possible, recognising the need to maintain occupational safety standards.
- No public address system will be used at this site.
- Vibration Monitoring Vibration monitoring will be carried out where any vibration intensive activities are required to be carried out where there is considered to be a risk that vibration levels may exceed the relevant structural damage criteria.
- All trucks regularly used for the Project are to have mufflers and all noise control equipment will be maintained in good working order. Trucking routes will use main roads, where feasible.
- A community liaison and complaint response protocol will be implemented.
- Training Site induction training will include a noise awareness component.

These mitigation measures will be implemented through the preparation of a Construction Noise and Vibration Management Plan.

Operational Noise

The design of the Project has considered the acoustic privacy within and external to the site, having regard for the provisions of the ADG in particular. Window locations, orientation and distances have been carefully considered in respond to surrounding development.

The noise impact of mechanical plant has been considered in the Noise Report at Appendix G26. The location of all air conditioning condensers on the building rooftops results in compliance with noise criteria for all sensitive receivers surrounding the site.

Loading and servicing activities will occur predominantly on street. Vehicle movements occur from similar locations as the existing site access points, and the generation of vehicle movements is not dissimilar to that currently experienced at the site. Current peak hour traffic generation to and from the site is 20-21 vehicles. The modelled peak hour traffic from the Project is an increase of 40 vehicle movements in the morning peak hour and 17 vehicles in the evening peak hour.

The retail operation is located on the ground floor corner of the Darby Street Building, for street activation which is desirable in the MU1 Mixed Use Zone and compatible with surrounding development. Operational details including hours and specific details of tenant will be subject to a separate DA.

There are no specific mitigation measures proposed for the operation of the development.

Intrusive Noise to proposed Apartments

Traffic noise on the surrounding road network has been modelled and suitable glazing upgrades recommended for specific apartments that face toward the Darby Street frontage of the site. These glazing upgrades have been incorporated into the design and the BASIX Certificates. The traffic noise impact on the Project is acceptable and consistent with the relevant noise criteria.

6.12 Contamination

Assessment of qualitative and quantitative data through a desktop study and soils and groundwater testing was necessary in order to determine whether the site is suitable for the proposed use in accordance with the National Environment Protection (Assessment of Site Contamination) Measure, (2013, as amended).

The Detailed Site Investigation (DSI) identifies the potential for contamination at the site. The site was found to contain asbestos material within one garden bed toward the southern boundary, imported fill in the form of coal wash reject and gravelly sand was found across the site extending to approximately 1-2m below ground level and the potential presence of an underground petroleum storage tank in the middle of the site. This will need to be confirmed with further investigation 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.

The DSI determined that the site can be made suitable for its intended use, subject to the remediation of contaminated parts of the site following the demolition works. The Remediation Action Plan (RAP) prepared for the SSDA specifies the remediation methodology to ensure that contaminated fill material, asbestos material and the suspected underground storage tank are removed from the site and the site is appropriately remediated. The RAP recommends excavation and off-site removal of impacted material. The DSI and RAP are provided at Appendix G16.

Mitigation measures

Implementation of the RAP will ensure that the site is suitably remediated to suit the intended use and prevent any environmental health impacts. Accordingly, the following mitigation measures identified in the RAP are to be implemented:

- A Construction Environmental Management Plan must be prepared prior to commencement of site works, in accordance with the RAP.
- Upon demolition of existing buildings, additional inspections be undertaken on the western portion of the site to confirm whether remediation works are required.
- Upon demolition of existing buildings additional investigation to confirm the underground storage tank. If confirmed, decommissioning and removal of this tank is required, and impacted soils identified and excavated.
- Remediation works involving the removal of asbestos fibres and contaminated fill materials from the site be carried out in accordance with the provisions specified in the RAP
- A Site Validation Report by a qualified Remediation Consultant must be prepared following completion of the remediation works.

6.13 Mine Subsidence

As the site is identified as being with a mine subsidence district, subject to Surface Development Guideline 2, an assessment was necessary to ascertain the existing conditions and the potential for mine subsidence impact on the Project.

The area surrounding the site is known to be undermined in two seams, being:

- The Dudley Seam (also referred to as Yard Seam) at a depth of approximately 28.5m. These workings were undertaken by the AACo. and are generally unmapped, except for areas which have been investigated for developments.
- The Borehole Seam at a depth of approximately 78m. This seam was mined by the AACo from their New Winning Pit.

A further, unmined seam (Nobbys Seam) exists beneath the site at a depth of 12m below ground. Grouting for the Dudley Seam has occurred in proximity to the site, including the Newcastle Art Gallery site across the road in 2024.

In their current state, it was assessed that failure of each coal seam has the potential to contribute up to 500mm of surface subsidence. These values, particularly when combined, are unlikely to be tolerable for the economical design of the proposed structure. Grouting is therefore required to protect the development and prevent unacceptable surface subsidence. A preliminary grout plan is provided within the Mine Subsidence Report at Appendix G14.

Even after grouting, some residual subsidence may still occur. Numerical modelling will need to be prepared to verify the preliminary subsidence parameters that have been provided within the Mine Subsidence Report, to account for settlement of grouted pillars after failure of ungrouted pillars.

As discussed with Subsidence Advisory NSW in early consultation, the buildings on site are currently occupied and therefore will be undertaken after the demolition of existing structures has occurred. Subsidence Advisory NSW accepted that the Grouting Plan is to be prepared when the site is vacated.

Mitigation Measures

The following mitigation measures are proposed:

- 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.

6.14 Water and Soils

Sampling undertaken as part of the DSI in Appendix G16 determined that neither potential nor actual ASS exist at the site. An Acid Sulfate Soil Management Plan is therefore not required for the Project.

A Groundwater Impact Assessment has been prepared for the site to identify potential impacts of the Project on groundwater resources is provided at Appendix G15. Groundwater was encountered on the site at depths of approximately 3.4 – 3.75m below ground, which will be encountered during the excavations for the proposed basements.

Dewatering operations will be required concurrent to excavation and construction activities. The Groundwater Impact Assessment predicts an approximate maximum extraction groundwater take over the proposed construction period of 10.49 ML. Both buildings will be designed as a fully tanked basement system to prevent ongoing groundwater impacts following construction. Groundwater levels outside the basement footprint should be monitored during construction to confirm groundwater levels stabilise to pre-construction levels.

A preliminary geotechnical investigation was undertaken of the site (refer to Appendix G13) to assess subsurface conditions and identify potential impacts of the Project on soil resources. Whilst several site elements are identified as requiring specific detailed design and construction practices, no geotechnical related constraints which would prohibit development approval were identified.

Excavations for both proposed buildings will intercept both groundwater and water-charged sandy soils. Accordingly, the early works design will make allowance for the installation of a perimeter shoring wall, designed and constructed to provide a relatively watertight seal for the basement excavations.

Potential construction stage impacts include contamination from chemical or hydrocarbon spills and increased sediment loads being discharged to downstream systems as a result of runoff from exposed areas. Construction impacts need to be managed through implementation of a Soil and Water Management Plan (SWMP) in accordance with the Blue Book and detailed planning and management of construction sites to avoid impacting overland flow paths without appropriate mitigation.

Mitigation measures

In order to mitigate the impacts on groundwater, the following mitigations measures are proposed:

- Prior to Construction Certificate, 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-demolition of existing structures, to facilitate access across the complete building envelopes.
- During works - 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.
- Erosion and Sediment Control Plan be implemented prior to commencement of works, having regard for the results of the detailed geotechnical investigations and following best practice guidelines such as the Blue Book (Landcom 2004 / DECC 2008).
- Approval to treat and dispose to stormwater / sewer should be obtained if large volumes are required to be dewatered.
- 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.
- Ongoing monitoring of the groundwater level and water quality parameters during the first 12 months after construction of the basement.

6.15 Transport and Accessibility

A Traffic Impact Assessment has been prepared for the project, see Appendix G25.

The site is currently used for the purpose of commercial offices, with on-site parking, and generates 21 and 20 vehicle trips per hour in the identified peak AM and PM hours.

Traffic counts and surveys were undertaken of existing conditions regarding the surrounding road network and intersections. SIDRA modelling was used to identify that the performance of surrounding network intersections are performing well, within SIDRA service levels A and B.

Parking Provision

The Darby Street Building is provided with 107 car spaces for the 85 apartments, 2 spaces for the retail premises, and 6 motorbike spaces. Tyrrell Street Building is provided with 42 car spaces for the 28 apartments, 4 spaces for visitors and 2 motorbike spaces.

The ADG Objective 3-1 car parking is to be provided at a rate consistent with the Council rate or GTIA requirements, whichever is less. The proposed parking provision is consistent with the NDCP rates, which provides *maximum* parking rates. The proposed parking layout is consistent with the dimensional requirements as set out in the Australian Standard for Off Street Car Parking (AS/NZS2890.1:2004 and AS2890.6:2022) and is expected to operate satisfactorily.

Access

Vehicle access to the basement carpark of each building is provided from each corresponding street, thereby distributing the traffic. Roller shutters proposed at both car park access points and are setback a minimum 6m into the site to allow cars to queue wholly within the bounds of the site while accessing any access controls (i.e. remote or intercom). Driveway widths for both buildings have been reduced to 6m to address the feedback from Council to minimise the crossing widths for pedestrians.

Appropriate sight lines to pedestrians are provided at the Tyrrell Street access in accordance with the requirements of AS/NZS2890.1:2004. While sight lines to pedestrians along the Darby Street frontage are available now, the available sight lines would slightly fall short of AS/NZS2890.1:2004 guidance, if the adjacent development is to be constructed (refer to Section 2.8.2 of this EIS). As such, a convex mirror will be provided on the northern side of the driveway to improve sight lines between pedestrians and drivers exiting the Darby Street access.

Traffic Assessment

Traffic generation rates for the proposed uses have been sourced from the transport for NSW Guide to Transport Impact Assessment. The estimated net change in traffic generation for the site by the Project is an increase of 40 vehicle movements in the morning peak hour and 17 vehicles in the evening peak hour. This is not expected to materially change vehicle delay at any of the study intersections. Overall, the traffic modelling presented above demonstrates that the additional traffic generated by the proposed development is minor and could not be expected to compromise the function of the surrounding road network.

During construction there will be unavoidable disruption to the local conditions however, this is manageable in accordance with the Preliminary Construction Pedestrian Traffic Management Plan (TIA at Appendix G25), utilising management strategies that aim to:

- minimise the impact on pedestrian and cyclist movements
- maintain appropriate public transport access
- minimise the loss of on-street parking
- minimise the impact on adjacent and surrounding buildings
- maintain access to/from adjacent buildings
- restrict construction vehicle movements to designated routes to/from the site
- manage and control construction vehicle activity near the site
- carry out construction activity in accordance with approved hours of works.

Active transport

The latest ABS data available from 2016 indicates that 22 per cent of residents used public or active transport for their typical journey to work. It is likely that the proportion of trips by public transport in the surrounding area has increased in recent years given the opening of the Newcastle Light Rail in 2019 and ongoing improvements to public transport services across Newcastle, and greater acceptance of public transport as an efficient, sustainable and reliable form of daily travel.

As discussed in Section 2.7.3 of this EIS, Council's draft Civic Public Domain Plan indicates new pedestrian crossings on Darby Street and Tyrrell Street near the site, which will further improve connectivity for pedestrians and cyclists in the locality. Given the city centre location of the site, the walkability and available public transport options, there is not likely to be as high a reliance on private vehicle use in this locality.

A total of 120 secure bicycle spaces are provided within the two buildings for use by residents, staff and residential visitors. In addition, 16 bicycle parking spaces in the form of bicycle racks are proposed in the public domain for use by retail visitors and any additional residential visitors. Overall, the proposed bicycle parking provision meets NDCP guidance and represents a strong initiative to improve existing cycling mode share in the area.

Public transport

The site is well serviced by public transport, being located around 50-220m walking distance from bus stops on Darby Street and King Street. These bus stops service high frequency bus routes providing connection to surrounding suburbs and destinations including Charlestown, Newcastle East, Glendale, Newcastle Interchange and John Hunter Hospital. Civic light rail stop is also located 270m to the north of the site along Hunter Street, providing frequent services within the Newcastle city centre. Newcastle Interchange is also located around 1.4km northwest of the site, providing heavy rail services to Sydney and the Central Coast.

Mitigation measures

The following mitigations measures are proposed:

- Final Construction Pedestrian Traffic Management Plan to be prepared prior to commencement of works, and implemented throughout the demolition and construction phases of the Project.

6.16 Waste

Demolition and Construction

A Construction and Demolition Waste Management Plan is provided at Appendix G28.

The majority of the demolition waste for the Project is expected to be diverted from landfill and meet the NSW Waste Avoidance and Resource Recovery Strategy target of 80%. The breakdown of disposal pathways for each waste stream demonstrates the application of industry best practice and compliance with NSW recycling infrastructure capacity.

The majority of construction waste is expected to be diverted from landfill and meet the NSW Waste Avoidance and Resource Recovery Strategy target of 80%. Materials are categorised according to their most suitable management option, including reuse on site, recycling, or landfill disposal where no recovery options are available. This approach ensures construction waste is managed in line with industry practice and contributes to achieving the Project's waste diversion targets.

Site specific operational procedures shall be implemented to ensure the effective sorting and separating, and management of waste within the site during the demolition and construction phases of the Project. Indicative waste storage areas are identified for the site within the Construction and Demolition Waste Management Plan at Appendix G28. The frequency of waste removal from site will be determined by the volume of materials deposited into the dedicated skip bins. All waste collection for construction works will be conducted within the Project construction hours, loads will be covered during transportation, and waste will be transported to an approved and appropriately licensed resource recovery facility and/or landfill site.

Operational Waste

A Waste Management Plan for the management of operational waste is provided at Appendix G28.

Residents of each tower will have access to communal bin rooms containing shared 1100L general waste bins, shared 1100L recycling bins and organic waste bins. Residents are responsible for taking their waste and recyclables to the designated bin areas for their tower as follows:

- Darby Street Building provides communal bin areas on Basement Level 1 and Basement Level 2, with facilities split between both floors. This allows residents to dispose of waste, organic waste and recycling on the level most convenient to where they park their vehicles. All bins will be transported by the Building Manager/ Caretaker to the Ground Level holding room for weekly collection.

- Tyrrell Street Building has communal bin rooms on Ground Level carpark and Level 1 carpark. The Level 1 bin room also functions as the bin holding area and the collection point for all waste and recycling from Tyrrell Street Building.

Collection will occur once weekly, via Darby Street for the Darby Street Building, and from Tyrrell Street for the Tyrrell Street Building.

The retail premises been provided with 1 x 1100L waste and 2 x 1100L recycling bins, and 1 x 240L food waste bins which are stored within the retail waste room at Ground Level. On the days of collection, staff will transport the retail waste and recycling bins from the retail waste room to the designated bin holding area for collection. A private waste collection vehicle will park on Darby Street for this service.

Building management is responsible for ensuring that the communal organic waste bin rooms and all organic waste bins are washed down frequently to ensure that hygiene and odour is managed. Bin washing can occur in bin rooms.

Building Management will be responsible for managing other sources of waste within the site such as sanitary bins, common area waste, landscaping green waste, and bulky waste collection for residents. Each building is provided with a designated bulky waste storage area.

Mitigation measures

The following mitigations measures are proposed:

- Compliance with the Waste Management Plan throughout demolition and construction phases of the Project.
- Compliance with the Operational Waste Management Plan throughout ongoing operation.

6.17 Social Impact

A Social Impact Assessment (SIA) provided at Appendix G29, has been prepared to identify, predict and evaluate how the Project may influence people and communities during the construction and operation of the Project. It has considered both positive and negative social impacts, including effects on amenity, access and movement, local businesses, neighbourhood character and long-term urban change, established through SIA specific community engagement, analysis of the social baseline and the application for the NSW SIA Guidelines prepared by DPHI in 2025.

The SIA led engagement activities included targeted activities undertaken independently by a qualified social impact practitioner to explore emerging themes in greater depth, gather lived-experience insights from directly affected stakeholders and support the assessment of social change and significance. The outcomes of these activities are outlined in Chapter 5 and the SIA. It is noted that the insights gained from engagement activities are not statistically representative as they reflect the

views of participants who chose to engage. In this regard the feedback provided qualitative insight into concerns, expectations, perceived impacts and potential benefits.

The engagement activities further assisted in informing design changes and refinement to minimise and address social impacts. These included matters such as:

- Reducing the number of units in the Tyrrell Street Building (from 33 to 28) 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 SIA has determined that the overall cumulative social risk for the Darby Street redevelopment is considered low.

Following initial design refinement, the SIA identified the following themes with negative medium residual social impacts with either a minor likelihood or moderate possibility,

- Access, movement and parking during construction: Medium (Likely/Minor – B2)
- Amenity and livability during construction: Medium (Likely/Minor – B2)
- Access, movement and parking during operation: Medium (Possible/Moderate – C3)
- Amenity and livability during operation: Medium (Possible / Moderate – C3)
- Neighbourhood character and heritage during operation: Medium (Possible/Moderate – C3)

The significance of these impacts reduces with the application of the proposed mitigation and management measures as outlined in the SIA. The positive social outcomes of the Project are the increase in housing supply and the delivery of well-located housing within the Newcastle CBD and the likely increase in community cohesion and wellbeing. In addition, the Project brings social benefits to the local community through provision of retail space activating the streetscape and integrating with other nearby retail and community spaces, as well as additional public works along the street frontages to improve the amenity and aesthetics of the public domain, and additional housing contributing to a vibrant community.

Mitigation measures

The recommendations of the SIA be included in the Mitigation Measures Table Appendix E. These include the integration of social mitigation actions into relevant plans such as:

- Construction Traffic and Pedestrian Management Plan
- Construction Noise and Vibration Management Plan
- Site Communication and Engagement Plan
- Complaints and Enquiries Procedure

6.18 Economic Impacts

Having regard for residential construction multipliers, hospitality workforce profiles and local economic context, an assessment of the likely economic impact of the Project has been provided at Appendix 31.

The EDC of the Project is \$114,768,260 (excluding GST) as outlined in the EDC Report provided at Appendix G1. This exceeds the SSD threshold of \$30 million and 40 dwellings for a project in regional NSW.

Based on the EDC, the Project is estimated to contribute between 270 and 300 direct construction jobs, and between 80 and 90 support or supplier jobs, with a wider economy contribution estimated to be between 720 and 810 in total by the Project.

The Project is estimated to create a total of 13-30 direct full-time equivalent jobs when operational, through the need for on-site building manager, cleaning, maintenance and landscaping staff, as well as the likely future food and drink premises operation.

In addition to the direct job creation, the residents accommodated by the Project upon completion will play a role in supporting the local economy across a variety of services, trades and business activities.

Further, the Project will be levied local and State contributions and also make a monetary contribution under the AHCS. Under the AHCS the suburb rate for development within Cooks Hill is \$126, charged by the residential GFA, which is 12,178m² for the Project. This would equate to a \$1.534 million contribution.

The Project is therefore considered a positive contributor to the local workforce and economy.

7 Project Justification

This chapter provides a justification and evaluation for the Project as a whole, having regard to the, environmental, social and economic impacts of the Project and the principles of ecologically sustainable development.

7.1 Justification

The EIS and supporting Technical Reports provide an assessment of the environmental, social and economic impacts of the Project. The EIS determines that subject to mitigation measures the Project is justified on environmental, social and economic grounds and is compatible with the locality in which it is proposed. The Project will provide much needed residential housing in the Newcastle CBD and contribute to the activation of Darby Street in this location.

This EIS is submitted on the following basis:

7.1.1 Project Design

The Project has been designed to suit the housing needs of the growing Newcastle City population in a high-quality mixed-use development. The design of the Project has been guided by the NSW Apartment Design Guide, Better Placed, and principles of ESD.

The Applicant had explored the development potential of the site previously, and in particular the suitability of varying the restrictive development standards of building height and FSR that apply to the site. As discussed within Section 6.1.1 of the EIS the Project has been designed in two separate and distinct building masses, shaped and oriented for optimal solar access and stepping down with the slope of the land to a finer grain, reducing bulk. The separation of two buildings established a central view and solar access corridor, and the reduction in height for the Tyrrell Building to 27.7m, allows for improved solar access, better relationship to the landform and suitability in the context of surrounding development.

The Darby Street Building is located at the prominent corner of the site, provided with a solid podium to define the civic edge and respond to the opposing art gallery building. The masonry forecourt area creates a robust form which engages directly with the street, providing a strong sense of enclosure, human scale, and street-level activation and connection to the civic park and art gallery. The podium units and balconies are solid elements responding to the proximity of the street and adjacent buildings to mitigate acoustic and privacy issues. The vertical articulation reflects and responds to the rhythm and scale of local architecture. Voids and terraces are carefully carved into the façade to reduce visual bulk, allow natural light to penetrate deep into the building, and provide visual interest through shadow and depth. The tower element above the podium is recessive in form to respond to the orientation of Tyrrell Street, enhance articulation between the podium and tower, and allow solar access and views to neighbouring development.

The design has considered the amenity of neighbouring residences and achieved minimal impact in terms of privacy and shadowing as a result of the design. Particular attention has been paid to the boundary wall of the eastern façade, to provide an enhanced visual outlook for the adjoining residences through cascading landscaping and substantial planting above.

The Project has demonstrated that through high quality design this site can be suitably developed to the benefit of future occupants and local community, as well as making a positive design contribution to the urban fabric of Newcastle City Centre.

7.1.2 Supports State, Regional and Local Planning Objectives

The Project is consistent with state, metropolitan and local strategic planning objectives with respect to the Hunter Regional Plan 2041 and Newcastle Metropolitan Plan 2036.

The Project will support strategic objectives to have a vibrant metropolitan city and sustainable 15-minute neighbourhoods. The Project will yield 113 dwellings on the site, which aligns with the desire for higher dwelling density in centralised urban locations. The site is serviced by the pedestrian footpaths and shared cycle lane, which connect to local businesses, facilities, daily needs and public transport. Being approximately 270m walking distance from the light rail network, which also connects directly to the heavy rail network, the site is highly accessible and connected, without relying on private vehicles for transportation. The site is also within the Newcastle City Centre, having access to a range of businesses, employment opportunities, services and community facilities.

With respect to local strategic planning objectives, the Project supports the priorities of the LSPS 2021 and the Newcastle Housing Strategy 2025. In particular, the Project involves supply of housing on a site that is accessible and well serviced, being within an urban context that will afford future occupants a high level of access and amenity.

7.1.3 Compliance with Statutory Requirements

The Project's compliance with the relevant statutory requirements has been assessed in Section 4 of the EIS. The assessment concludes that the development complies with the relevant provisions as summarised below:

- The Project has been designed to address the relevant objects of the EP&A Act as defined in Section 1.3 the Act.
- The EIS has been prepared to address the SEARs as required by Part 8, Division 5 of the EP&A Regulation 2021.
- The pre-conditions to approval identified in Section 4.3 of the EIS have been satisfied, and the consent authority is able to grant consent to the Project.
- The SSDA is supported with a BDAR Waiver having been granted for the Project (Appendix G20).
- The Project is consistent with the land use objectives of the MU1 Mixed Use Zone and will facilitate development that is consistent with the strategic land use planning objectives for the site.

- The Project adheres to the relevant provisions of the NLEP, with the exception of building height and FSR which are addressed in the accompanying Concurrent Rezoning Report in accordance with the HDA pathway.

7.1.4 Community Views

Community and stakeholder engagement has been undertaken by the preparation of the SSDA. This has included direct engagement and consultation with surrounding landowners, businesses and Political representatives.

This engagement was consistent with the community participation objectives in the *Undertaking Engagement Guidelines for State Significant Projects* and complied with the community engagement requirements.

The targeted interviews gathered primarily through an opt-in process reaffirmed a strong local attachment to the heritage character, human-scale streetscape and civic identity of the Darby Street / Cooks Hill precinct. It should be noted that a number of residents in the adjoining development had concerns with regards to the Project with feedback centred primarily on scale, height and visual integration within a low-rise heritage setting, construction-related noise, dust and disruption, and traffic and pedestrian safety near schools, childcare centres and residential streets. This feedback has informed the refinement of the design or will be addressed through appropriate mitigation measures implemented during construction.

At the same time, several participants highlighted opportunities to achieve a better balance between growth and character—emphasising design quality, transparent communication and environmental performance as critical to community acceptance.

7.1.5 Mitigation of Environmental Impacts

The environmental constraints of the site including minor flooding, mine subsidence, groundwater and contamination, do not preclude the development of the site and the Project has suitably designed to mitigate the identified risks and constraints.

The Project's construction and operational phases have been designed in a manner which respond to the constraints of the site and adjoining and surrounding development. The supporting technical reports have assessed the potential impacts of the proposed development, determining that the Project can be undertaken with minimal environmental impacts. Suitable mitigation measures have been proposed to address the potential cumulative construction impacts and cumulative operational impacts resulting from other approved development within the area associated with noise, traffic, visual impact, infrastructure services demand, and stormwater.

7.1.6 Economic, Social and Environmental Impacts

The cumulative economic impacts of the Project include the creation of construction jobs and the creation of approximately 30 new permanent jobs associated with building management and maintenance, and the ground floor retail premises. The Project provides for the orderly development and economic use of urban land that is suitable for development, in a highly accessible location. The project facilitates mines grouting works, and the remediation of contaminated land making the site safe for the redevelopment.

The Project promotes the principles of ecologically sustainable development through a responsive design that is energy and water efficient and reduces landfill waste. The assessment has demonstrated that there is no unmanageable threat or irreversible damage to the environment, would result from the Project. The provision of housing on this site supports the efficient use of resources.

The Project will provide for 113 new residential apartments, with a mix of types and sizes, aligning with the objectives of the NHA and HRP.

The site is ideal for increased density of housing, given the extensive range of services facilities and infrastructure available. The site is serviced by pedestrian footpaths and shared cycle lane, which connect to local businesses, facilities, daily needs and other forms of public transport. Being approximately 270m walking distance from the light rail network, which also connects directly to the heavy rail network, and having bus stop within 50m, the site is highly accessible and connected, without relying on private vehicles for transportation. The site is within the Newcastle City Centre, having access to a range of businesses, employment opportunities, services and community facilities and the Project will support desired commercial investment and development in this location. The site is located on the edge of the Darby Street renowned 'Eat Street' and identified night-time economies, with Honeysuckle dining options and venues also located approximately 400m north of the site. Public open space is located directly opposite the site in the form of Civic Park, and the Honeysuckle foreshore is approximately 400m to the north of the site, featuring shared pathways and recreational activities. Community and cultural facilities are located very close by, including the Civic Theatre, Newcastle Art Gallery and the Newcastle Library; and educational facilities are within walking distance of the site, including public and private schools, and the University of Newcastle City Campus.

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 HDA EOI for the submitted for the Project satisfied the criteria for a major residential development. The SSDA and Concurrent Rezoning reflects the development for the purpose of shop top housing with contribution for affordable housing and an increase in allowable height from 14m to 45m and an increase in FSR from 2.5:1 to 3.48:1, in accordance the Ministerial Order No.4 dated 3 April 2025, which declared the development to be SSD.

8 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.
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- Department of Environment and Climate Change (DECC) (2008) *Managing Urban Stormwater: Soils and Construction – Volume 2*. Sydney: NSW Government.
- Department of Planning and Environment (2018) *Greater Newcastle Metropolitan Plan 2036*. Sydney: NSW Government.
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- Department of Planning, Housing and Infrastructure (2025). *Social Impact Assessment Guideline*. NSW Government, Sydney.
- Department of Planning, Housing and Infrastructure (various years) *Rezoning Pathway Guidance – State Significant Development and HDA Pathway*. Sydney: NSW Government.
- Government Architect NSW (2017) *Better Placed: An Integrated Design Policy for NSW*. Sydney: NSW Government.
- Government Architect NSW (2020) *Connecting with Country Framework*. Sydney: NSW Government.
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- Mine Subsidence Board NSW (no date) *Mine Subsidence Risk Assessment Guidelines*. Newcastle: NSW Government.
- Newcastle City Council (2009) *Newcastle 2030 Community Strategic Plan*, Newcastle City Council, Newcastle NSW.
- NSW Planning Portal (no date) *State Significant Development – SEARs Requirements and Lodgement Guidance*. Sydney: NSW Government.
- Transport for NSW (2018) *Hunter Strategic Integrated Transport Plan*. Sydney: NSW Government.

9 Appendices

Appendix A – SEARs Compliance

The below table demonstrates how the SEARs have been satisfied either by information provided in this EIS or in the supporting Technical documents.

Requirement	Location in EIS or Supporting Technical Report(s)
<p><i>1. Statutory Context</i></p> <ul style="list-style-type: none"> ▪ <i>Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies, guidelines and planning circulars.</i> ▪ <i>Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.</i> ▪ <i>Provide an explanation of how the development as described in the EIS is consistent with the development as was described in the request for SEARs (including any components that were not SSD) and provide a justification for any differences.</i> ▪ <i>Address the requirements of any approvals applying to the site, including any concept approval, any endorsed or draft master plan, precinct plan or any recommendation from Gateway determination. Provide an accurate summary of the detailed assessment of the impacts of the Project and integrate the findings and recommendations of technical reports into the justification and evaluation of the Project as a whole.</i> ▪ <i>If affordable housing is being proposed, provide the name and ABN of the registered community housing provider that will be responsible for managing the affordable housing component, along with documentation confirming the provider’s agreement to this responsibility.</i> 	<p>Chapter 4 of this EIS addresses the relevant legislation in detail.</p> <p>Non compliances are addressed and justified within the accompanying Rezoning Report.</p> <p>The development is the same as described in the SEARS. See Section 1.4 of this EIS.</p> <p>The summary of the detailed assessment has been incorporated into the project justification. See Section 7.1.6 of this EIS.</p> <p>A monetary contribution to the Newcastle AHCS is proposed, see Section 2.7.4 of this EIS.</p>
<p><i>2. Estimated Development Cost and Employment</i></p> <ul style="list-style-type: none"> ▪ <i>Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report.</i> ▪ <i>As applicable, the EDC Report must separately specify the EDC of:</i> 	<p>The EDC has been prepared by a Quantity Surveyor. See Appendix G1 - EDC Report.</p>

Requirement	Location in EIS or Supporting Technical Report(s)
<ul style="list-style-type: none"> ○ <i>the residential component of the development.</i> ○ <i>the tenant component of the built-to-rent development.</i> ○ <i>the seniors housing component of the development.</i> 	
<p>3. Contributions and Public Benefit</p> <ul style="list-style-type: none"> ▪ <i>Address the requirements any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind agreement. and include details of any proposal for further material public benefit.</i> ▪ <i>Where a voluntary planning agreement is proposed, prepare a draft planning agreement in accordance with the Planning agreements – Practice note February 2021.</i> 	<p>Applicable contribution plans are addressed in Section 4.11 of this EIS.</p> <p>No Voluntary Planning Agreement is proposed.</p>
<p>Engagement</p> <ul style="list-style-type: none"> ▪ <i>Demonstrate that engagement and consultation activities have been undertaken in accordance with the Undertaking Engagement Guidelines for State Significant Projects and identify how issues raised, and feedback received have been considered in the design of the Project.</i> <ul style="list-style-type: none"> ○ <i>If the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation must be consulted</i> 	<p>Stakeholder engagement has been undertaken during the early stages of the project, involving community as well as service providers, government agencies and Council. The details of this consultation and outcomes is addressed in Chapter 5 of this EIS.</p> <p>See Appendix G30 Stakeholder Engagement and Consultations Outcomes Report.</p>
<p>5. Design Quality</p> <ul style="list-style-type: none"> ▪ <i>Demonstrate how the development will achieve:</i> <ul style="list-style-type: none"> ○ <i>design excellence in accordance with any applicable EPI provisions.</i> ○ <i>good design in accordance with the seven objectives for good design in Better Placed.</i> ▪ <i>Demonstrate that the development:</i> <ul style="list-style-type: none"> ○ <i>where required by an EPI or concept approval, or where proposed, has been subject to a competitive design process,</i> 	<p>The Project demonstrates design excellence in accordance with NLEP; and good design in accordance with the objectives of <i>Better Placed</i>. See Section 2.2 and 4.9.2 of this EIS.</p> <p>The Project is not required by an EPI to have a competitive design process and is</p>

Requirement	Location in EIS or Supporting Technical Report(s)
<p><i>carried out in accordance with an endorsed brief and Design Excellence Strategy; or</i></p> <ul style="list-style-type: none"> ○ <i>in all other instances, has been reviewed by the State Design Review Panel (SDRP) where required under the NSW SDRP: Guidelines for Project Teams.</i> ▪ <i>Recommendations of the jury and Design Integrity Panel (where a competitive design process has been held) or the SDRP are to be addressed prior to lodgement.</i> 	<p>not required to be reviewed by the SDRP in accordance with the SDRP Guidelines.</p> <p>See Appendix G3 - Design Report and Verification Statement and Appendix G4 - Urban Design Report.</p>
<p>6. Built Form & Urban Design</p> <ul style="list-style-type: none"> ▪ <i>Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality. Where relevant explain and illustrate the application of any bonuses under an EPI.</i> ▪ <i>If relevant, provide an assessment of the development against:</i> <ul style="list-style-type: none"> ○ <i>the design principles for seniors housing set out in Schedule 8 of State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the Seniors Housing Design Guide.</i> ○ <i>the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and the Apartment Design Guide (ADG). This should include a table which demonstrates how each dwelling (including affordable dwellings) performs against the ADG design criteria.</i> ▪ <i>If affordable housing is proposed, provide a floorplan outlining the gross floor area and dwellings that are provided as affordable housing.</i> 	<p>Built form and Urban Design is addressed within Section 6.1 of this EIS. See also Appendix G2- Architectural Drawings, G3 - Design Report and Verification Statement and G4 - Urban Design Report.</p> <p>The Project is not for seniors housing and does not apply any bonuses under an EPI.</p> <p>An assessment of the Project against the Schedule 9 Design Principles of the SEPP and ADG is provided in Section 4.8.2 of this EIS and demonstrates compliance.</p> <p>Affordable housing is not being proposed. A monetary contribution will be made.</p>
<p>7. Environmental Amenity</p> <ul style="list-style-type: none"> ▪ <i>Assess amenity impacts on the surrounding locality, including solar access, visual privacy, view loss and view sharing, as well as wind, lighting and reflectivity impacts. A high level of environmental</i> 	<p>Visual impact analysis has been prepared and is discussed in Section 6.4 of this EIS. See Appendix G6 – Visual Impact Assessment. There is no significant loss of views as a result of the Project.</p>

Requirement	Location in EIS or Supporting Technical Report(s)
<p><i>amenity for any surrounding residential or other sensitive land uses must be demonstrated.</i></p> <ul style="list-style-type: none"> ▪ <i>Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during winter solstice) at hourly intervals between 9am and 3pm, comparing the proposed development, existing situation and where applicable, a development with no bonuses applied.</i> 	<p>Solar access diagrams and amenity impacts are addressed within Section 6.2.1 of this EIS and demonstrate that amenity is upheld without unreasonable impacts to adjoining neighbours. Appendix G3 - Design Report and Verification Statement.</p> <p>An environmental wind assessment has been prepared and is discussed in Section 6.2.2 of this EIS. See Appendix G24 - Environmental Wind Report.</p>
<p>8. Visual Impact</p> <ul style="list-style-type: none"> ▪ <i>Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development.</i> ▪ <i>If the proposal would result in significant visual impact not anticipated by the planning controls, provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment.</i> 	<p>The Concurrent Rezoning Report and SSDA discuss and justify the proposed height and FSR above the current NLEP development standards.</p> <p>Significant visual impact is not anticipated by the Project, as demonstrated by the Visual Impact Analysis Appendix G6.</p>
<p>9. Transport</p> <ul style="list-style-type: none"> ▪ <i>Provide a Transport Impact Assessment (TIA) in accordance with the processes and methodology recommended in the Guide to Transport Impact Assessment (GITA) published by TfNSW.</i> ▪ <i>If the construction of the development would cause interruptions to regular pedestrian and transport routes (including public transport, active transport or general traffic), a preliminary Construction Traffic (or Transport) Management Plan (CTMP) should be prepared as part of the TIA to mitigate any such impacts</i> 	<p>The traffic impacts of the Project are minor overall, as discussed in Section 6.15 of this EIS. See Appendix G25 Transport Impact Assessment Report inclusive of a Preliminary Construction Pedestrian Traffic Management Plan.</p>
<p>10. Noise & Vibration</p> <ul style="list-style-type: none"> ▪ <i>Provide a noise and vibration impact assessment prepared in accordance with the relevant NSW</i> 	<p>Noise and vibration during construction can be appropriately managed and mitigated. The ongoing operation of the</p>

Requirement	Location in EIS or Supporting Technical Report(s)
<p><i>Environment Protection Authority (EPA) guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.</i></p>	<p>Project results in no obtrusive noise to neighbours and a reasonable amenity within the site. See Section 6.11 of this EIS.</p> <p>See Appendix G26 - Noise Impact Assessment with regard to operational noise and G26 - Construction Noise and Vibration Management Plan.</p>
<p>11. Water Management</p> <ul style="list-style-type: none"> ▪ <i>Detail the proposed drainage design and servicing infrastructure to be incorporated as part of the development (stormwater and wastewater).</i> ▪ <i>Demonstrate how the development complies with council's drainage requirements and identify proposed stormwater treatment and water quality management measures to minimise adverse environmental impacts.</i> 	<p>Stormwater management for the site is discussed in Section 6.7.2, involving on site detention before discharge to the street system. Existing stormwater drainage infrastructure that traverses the site is being relocated to road reserves.</p> <p>See Appendix G18 – Civil Engineering Plans and Stormwater Management Report and G17 – Site Investigation Report.</p>
<p>12. Ground and Groundwater Conditions</p> <ul style="list-style-type: none"> ▪ <i>Assess potential impacts on soil resources and related infrastructure and riparian lands on and near the site and including soil erosion.</i> ▪ <i>Where required provide a Groundwater Impact Assessment in accordance with relevant Groundwater Guidelines. If the proposed development is on land identified as having high salinity or acid sulfate soil potential in an EPI provide a Salinity Management Plan or Acid Sulfate Soil Management Plan that includes appropriate management measures and strategies.</i> 	<p>Groundwater and soil impacts are discussed in Section 6.14 of this EIS. The project will require construction dewatering.</p> <p>See Appendix G15 - Groundwater Impact Assessment and Appendix G13 – Geotechnical Assessment.</p>
<p>13. Contamination and Remediation</p> <ul style="list-style-type: none"> ▪ <i>In accordance with Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021, assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable (or will be suitable, after remediation) for the development.</i> 	<p>Contamination is discussed in Section 6.12 of this EIS and ultimately finds that contaminated materials on site can be removed to make the site suitable for the Project. See Appendix G16 - Detailed Site Investigation Report and Remediation Action Plan.</p>

Requirement	Location in EIS or Supporting Technical Report(s)
<p>14. Trees and Landscaping</p> <ul style="list-style-type: none"> ▪ <i>Provide a landscape plan, that:</i> <ul style="list-style-type: none"> o <i>details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area).</i> o <i>provides evidence that opportunities to retain significant trees have been explored and/or inform the plan.</i> ▪ <i>If the proposal involves impacts to trees, provide an Arboricultural Impact Assessment that assesses the number, location, condition and significance of trees to be removed and retained including: o any existing canopy coverage to be retained on-site. o tree root mapping. if the proposal involves significant impacts to tree-protection zones of retained trees identified as being significant</i> 	<p>Impact of the Project on trees is discussed in Section 6.5 of this EIS and new landscaping for the Project makes a significant contribution to the site, the public domain, the visual impact and neighbours' privacy. See Appendix G21 - Arboriculturally Impact Assessment Report and G5 Landscape Design Report.</p>
<p>Ecologically Sustainable Development</p> <ul style="list-style-type: none"> ▪ <i>Identify how ESD principles (as defined in section 193 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development.</i> ▪ <i>Where relevant, provide an assessment of the development against the standards for non-residential development set out in Chapter 3 of State Environmental Planning Policy (Sustainable Buildings) 2021</i> 	<p>Section 4.7 and 6.3 of this EIS address the incorporation of ESD principles in the Project. See Appendix G12 - ESD Report and G10 - BASIX Certificate.</p> <p>Section 4.8.5. An assessment against Chapter 3 of the Sustainable Buildings SEPP is not required.</p>
<p>16. Biodiversity</p> <ul style="list-style-type: none"> ▪ <i>Unless a waiver has been granted, provide a Biodiversity Development Assessment Report (BDAR) that assesses any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020. OR</i> ▪ <i>If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification.</i> 	<p>Section 4.2 and 6.6 of this EIS discuss biodiversity and the negligible impact the Project will have. See Appendix G20 - BDAR Assessment Report and Waiver.</p>

Requirement	Location in EIS or Supporting Technical Report(s)
<p>17. Waste Management</p> <ul style="list-style-type: none"> ▪ <i>Provide the measures to be implemented to manage, reuse, recycle and safely dispose of waste, including in accordance with any council waste management requirements.</i> ▪ <i>Identify appropriately sited waste storage areas, collection access paths/roads, and appropriate servicing arrangements for the site</i> 	<p>Waste management for the Project is discussed in Section 6.16 of this EIS. The project is capable of managing and storing all forms of waste for each building, prior to weekly collection from each corresponding street.</p> <p>A loading zone is incorporated on-street along the frontage of Darby Street, for use by service and loading vehicles at nominated times.</p> <p>See Appendix G25- Traffic Impact Assessment and G28 Operational Waste Management Plan & Demolition and Construction Waste Management Plan.</p>
<p>18. Social Impact</p> <ul style="list-style-type: none"> ▪ <i>The EIS must consider social impacts and, should any significant social impacts be identified, a Social Impact Assessment must be prepared in accordance with the Social Impact Assessment Guideline for State Significant Projects.</i> 	<p>A Social Impact Assessment was undertaken and is discussed in Section 6.17 of this EIS. The findings were useful in identifying community concerns and adapting the project design in response to a number of issues.</p> <p>See Appendix G29 – Social Impact Assessment.</p>
<p>19. Flood Risk</p> <ul style="list-style-type: none"> ▪ <i>Identify the flood planning area and level as set out in the relevant EPI and other supporting documents to determine;</i> <ul style="list-style-type: none"> ○ <i>The flood extent and velocity up to the Probable Maximum Flood and risk on-site having regard to adopted flood studies and, floodplain risk management studies and plans</i> ○ <i>The site access and egress routes</i> ○ <i>the potential effects of climate change,</i> ○ <i>any relevant provisions of the NSW Flood Risk Management Manual, and any other relevant guidelines.</i> ▪ <i>Where the development is occurring on flood prone land a flood impact and risk assessment (FIRA) must be prepared having regard to the Flood Impact and Risk Assessment – Flood Risk Management Guide LU01. When determining the</i> 	<p>The impact of flooding and design response is discussed in Section 6.7 of this EIS. The minor impact of flooding on the site (100mm affectation) has been addressed with suitable floor levels and carpark design in the Project. The majority of the site is not flood affected.</p> <p>See Appendix G19 – Flood Report.</p>

Requirement	Location in EIS or Supporting Technical Report(s)
<p><i>scope and category of the FIRA the requirements outlined in the FIRA guide must be considered.</i></p> <ul style="list-style-type: none"> ▪ <i>Detail any flood risk management measures that are to be incorporated as part of the development having regard to relevant guidelines (including any design solutions, flood modification measures, property modification measures, operational procedures or Flood Emergency Response Plan).</i> 	
<p>20. Bushfire Risk</p> <ul style="list-style-type: none"> ▪ <i>If the development is on mapped bush fire prone land, or a bush/grass fire threat is identified on or adjoining the site, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with Planning for Bush Fire Protection.</i> 	<p>Not Applicable, the site is not mapped as being bushfire prone land.</p>
<p>21. Aboriginal Cultural Heritage</p> <ul style="list-style-type: none"> ▪ <i>Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by:</i> <ul style="list-style-type: none"> ○ <i>Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or</i> ○ <i>Providing an initial assessment of the potential impacts.</i> ▪ <i>If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which:</i> ▪ <i>Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site.</i> ▪ <i>Is prepared in accordance with relevant guidelines.</i> 	<p>Aboriginal cultural heritage is addressed in Section 6.8 of this EIS. A process of due diligence indicated a low likelihood of encountering Aboriginal objects within the site.</p> <p>An ACHAR is not provided, as confirmed by DHPI Officers in correspondence dated 31 July 2025.</p>
<p>22. Environmental Heritage</p> <ul style="list-style-type: none"> ▪ <i>Where there is potential for direct or indirect impacts on environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (where required), in accordance with the relevant guidelines.</i> 	<p>Environmental heritage is discussed in Section 6.9 and 6.10 of this EIS. The site is within a heritage conservation area and the impact of the Project on this area has been assessed by a qualified consultant as being low.</p> <p>The site is low likelihood of containing any archaeological items of significance.</p>

Requirement	Location in EIS or Supporting Technical Report(s)
	See Appendix G22 – Statement of Heritage Impact and G23 - Historic Archaeological Assessment.
<p><i>23. Public Space</i></p> <ul style="list-style-type: none"> ▪ <i>If public space is proposed as part of the development, demonstrate how the development:</i> <ul style="list-style-type: none"> ○ <i>maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site), reflecting relevant design guidelines and advice from the local council and the Department.</i> ○ <i>provides accessible public space.</i> ○ <i>maximises permeability and connectivity.</i> ○ <i>maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind protection.</i> ○ <i>maximises street activation.</i> ○ <i>minimises potential vehicle, bicycle and pedestrian conflicts.</i> 	<p>The Project contributes to an active and vibrant streetscape, with retention of street trees, planting of new street trees and upgrade works including bike racks. The podium design of the Ground Level connects with the surrounding footpaths for street activation.</p> <p>See Appendix G7 - Public Domain Works Plan.</p>
<p><i>Hazards and Risks</i></p> <ul style="list-style-type: none"> ▪ <i>If the development is affected by above ground dangerous goods storages from the surrounding developments and/or underground high-pressure dangerous goods pipelines in the vicinity of proposal location:</i> <ul style="list-style-type: none"> ○ <i>Report on any consultation outcomes with operators.</i> ○ <i>Consider whether the development would cause these storages non-compliance with Australian Standards.</i> ▪ <i>Where applicable, provide a Hazard Analysis in line with relevant guidelines and planning circular.</i> 	<p>Not Applicable. The site is not affected by above ground dangerous goods storage or high-pressure dangerous goods pipeline.</p>

Appendix B – Detailed Maps and Plans

Maps and Plans	Author
Locality Plan	CKDS Architecture
Regional Context Plan	CKDS Architecture
Floor Space Ratio Map (sourced from NLEP)	CKDS Architecture
Height of Buildings Map (sourced from NLEP)	CKDS Architecture
Newcastle City Centre Map (sourced from NLEP)	CKDS Architecture
Heritage Map (sourced from NLEP)	CKDS Architecture
Land Zoning Map (sourced from NLEP)	CKDS Architecture
Acid Sulfate Soils Map (sourced from NLEP)	CKDS Architecture
Contributory Buildings Map (sourced from NDCP)	CKDS Architecture

Locality Plan

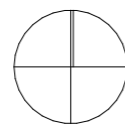
NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION



AERIAL SOURCE: SIX MAPS



PROPOSED SITE:
49 DARBY STREET COOKS HILL



- | | |
|--|--------------------------------------|
| ① Newcastle Art Gallery | ⑥ University of Newcastle - NU Space |
| ② Civic Park | ⑦ Newcastle City Hall |
| ③ Newcastle Library | ⑧ Civic Theatre |
| ④ Newcastle Presbyterian | ⑨ Crystalbrook Kingsley |
| ⑤ University of Newcastle - University House | ⑩ Mixed Use - Office Building |



Nominated Architects: Cairn King NSW ARB 7974 | Stuart Campbell NSW ARB 7545

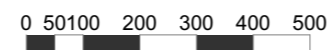
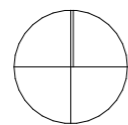
Regional Context Plan

NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION






AERIAL SOURCE: SIX MAPS

 **PROPOSED SITE:
49 DARBY STREET COOKS HILL**



- | | |
|--------------------------------------|---------------------|
| ① Newcastle Art Gallery | ⑥ Newcastle Museum |
| ② Civic Park | ⑦ King Edward Park |
| ③ Newcastle City Hall | ⑧ Newcastle Beach |
| ④ University of Newcastle - NU Space | ⑨ Newcastle Baths |
| ⑤ Marketown | ⑩ Nobbys Lighthouse |

-  Lightrail
-  Bus Stops
-  Ferry

CKDS

Nominated Architects: Cairn King NSW ARB 7974 | Stuart Campbell NSW ARB 7545

Floor Space Ratio Map

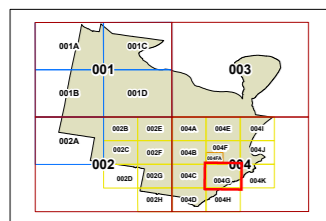
NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION

 **Newcastle Local Environmental Plan 2012**
City of Newcastle
Floor Space Ratio Map - Sheet
FSR_004G

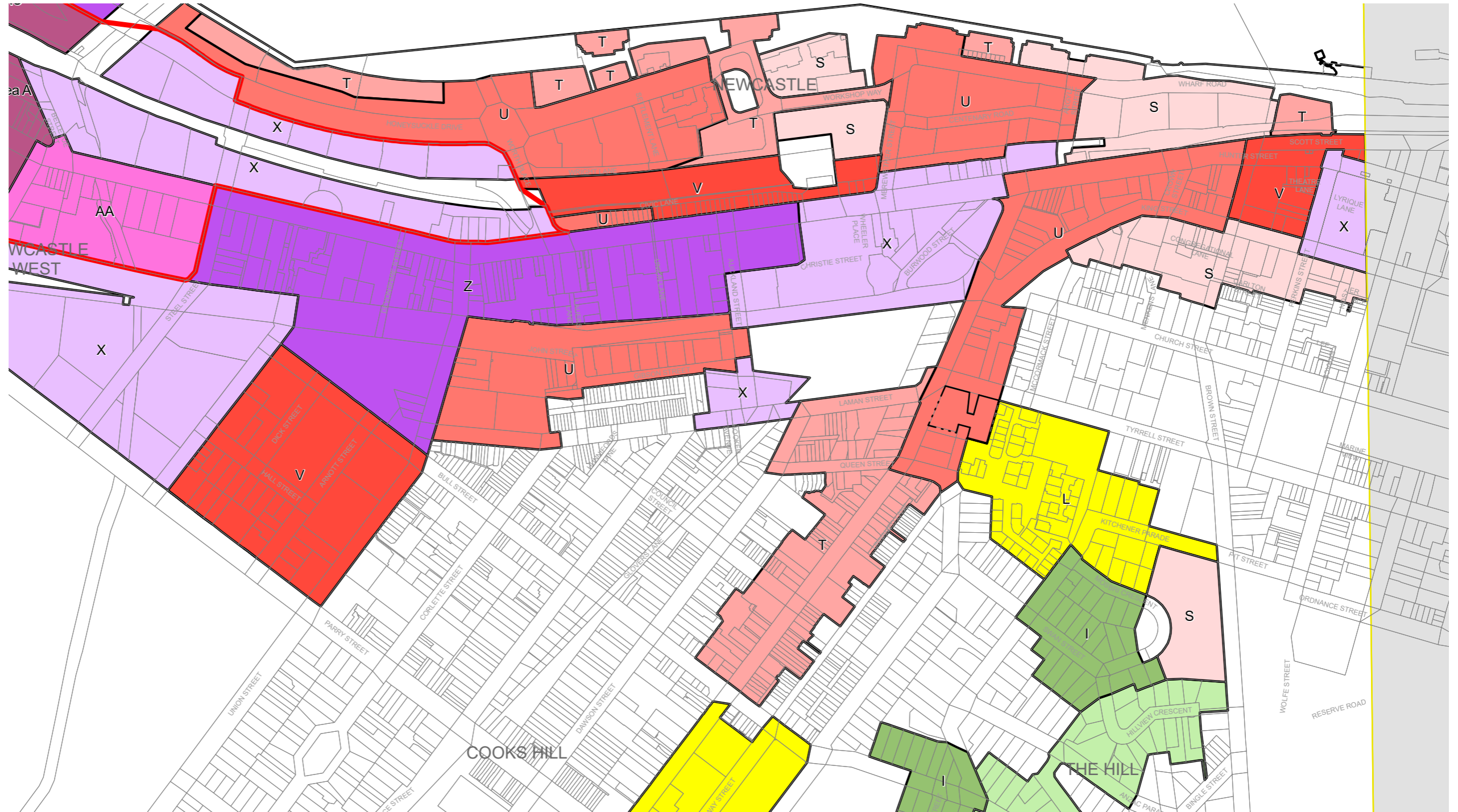
Maximum Floor Space Ratio (n:1)

F	0.6
L	0.75
N	0.9
S	1
T	1.5
U	2
V	2.5
X	3
Z	4
AA	5
AB	7
AC	8
Area A	Refer to Clause 7.10
Area B	Refer to Clause 7.9A
Area C	Refer to Clause 7.9A
Area D	Refer to Clause 7.9A
Area E	Refer to Clause 7.9A

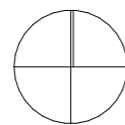
Cadastre
Base data 01/08/2007
© Land and Property Information (LPI)
Addendum data 13/09/2023 © City of Newcastle



Scale: 1:10,000 @ A3
Projection: GDA 1994
MGA Zone 56
Map identification number: 5900_COM_FSR_004G_010_20230913



 **PROPOSED SITE:
49 DARBY STREET COOKS HILL**



0 50 100 150 200 250 300 350 400 Metres

CKDS

Nominated Architects: Cairn King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

Height of Buildings Map

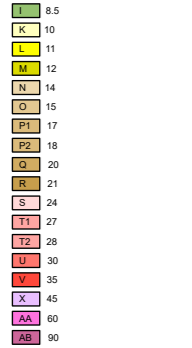
NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION



Newcastle Local
Environmental
Plan 2012

Height of Buildings Map -
Sheet HOB_004G

Maximum Building Height (m)



Area A Refer to Clause 7.9

Area B Refer to Clause 7.9

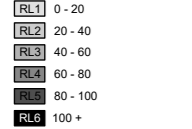
Area C Refer to Clause 7.9

Area D Refer to Clause 7.9

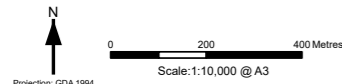
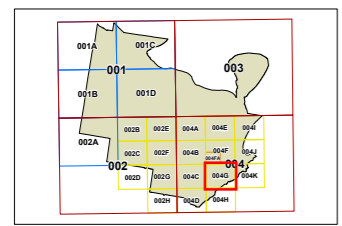
Area E Refer to Clause 7.9

Maximum Building Height (RL)

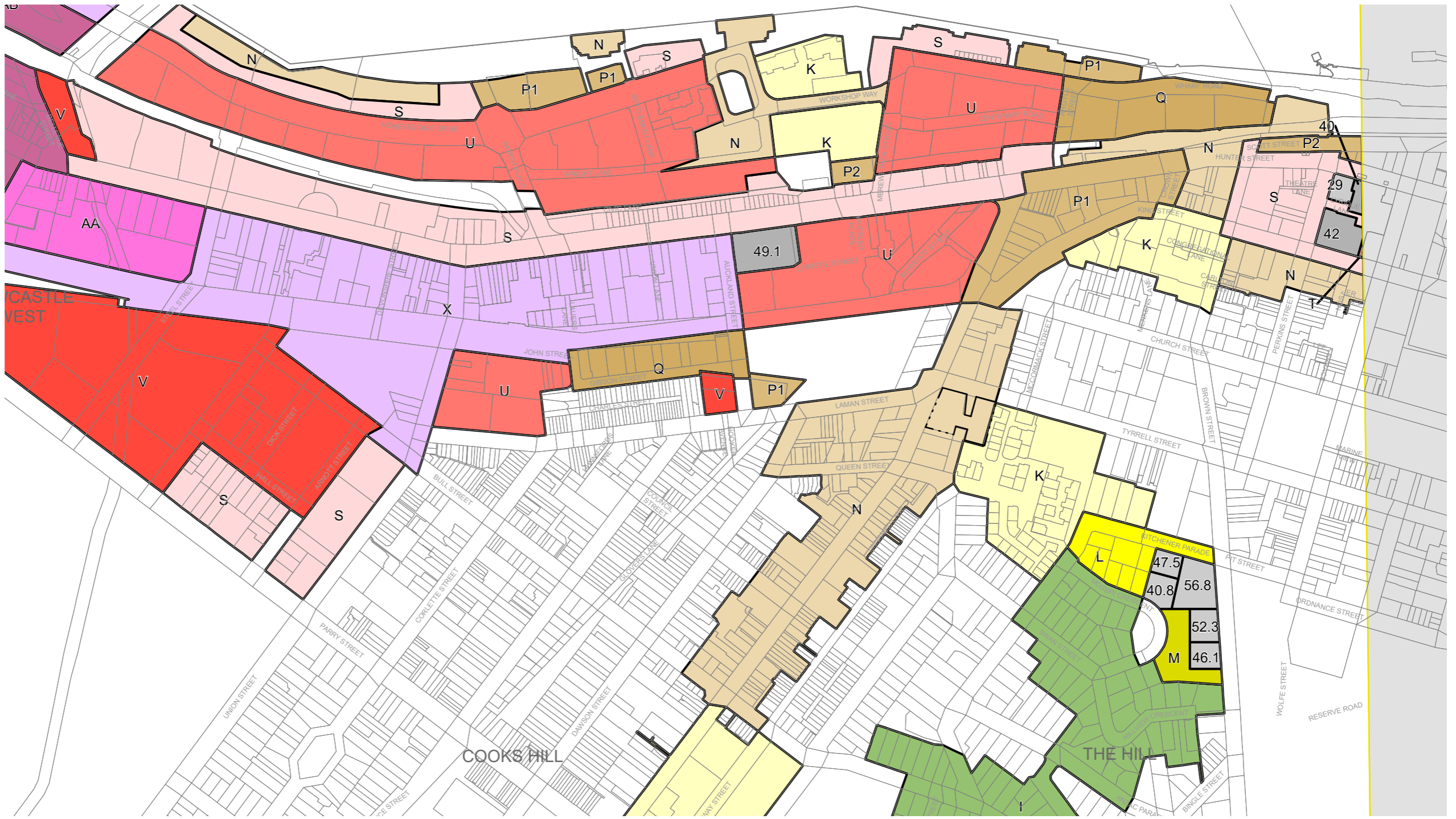
Heights shown on map in RL (m)



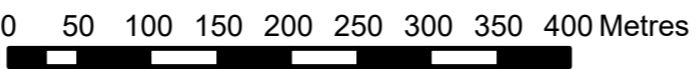
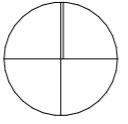
Cadastral
Base data 01/08/2007
© Land and Property Information (LPI)
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Projection: GDA 1994
MGA Zone 56
Map identification number: S900_COM_HOB_004G_010_20230913



PROPOSED SITE:
49 DARBY STREET COOKS HILL



Nominated Architects: Cairn King NSW ARB 7974 | Stuart Campbell NSW ARB 7545

Newcastle City Centre Map

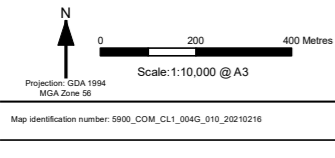
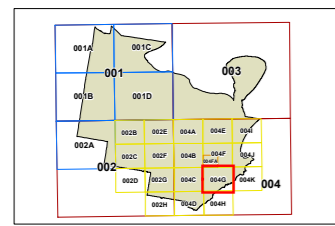
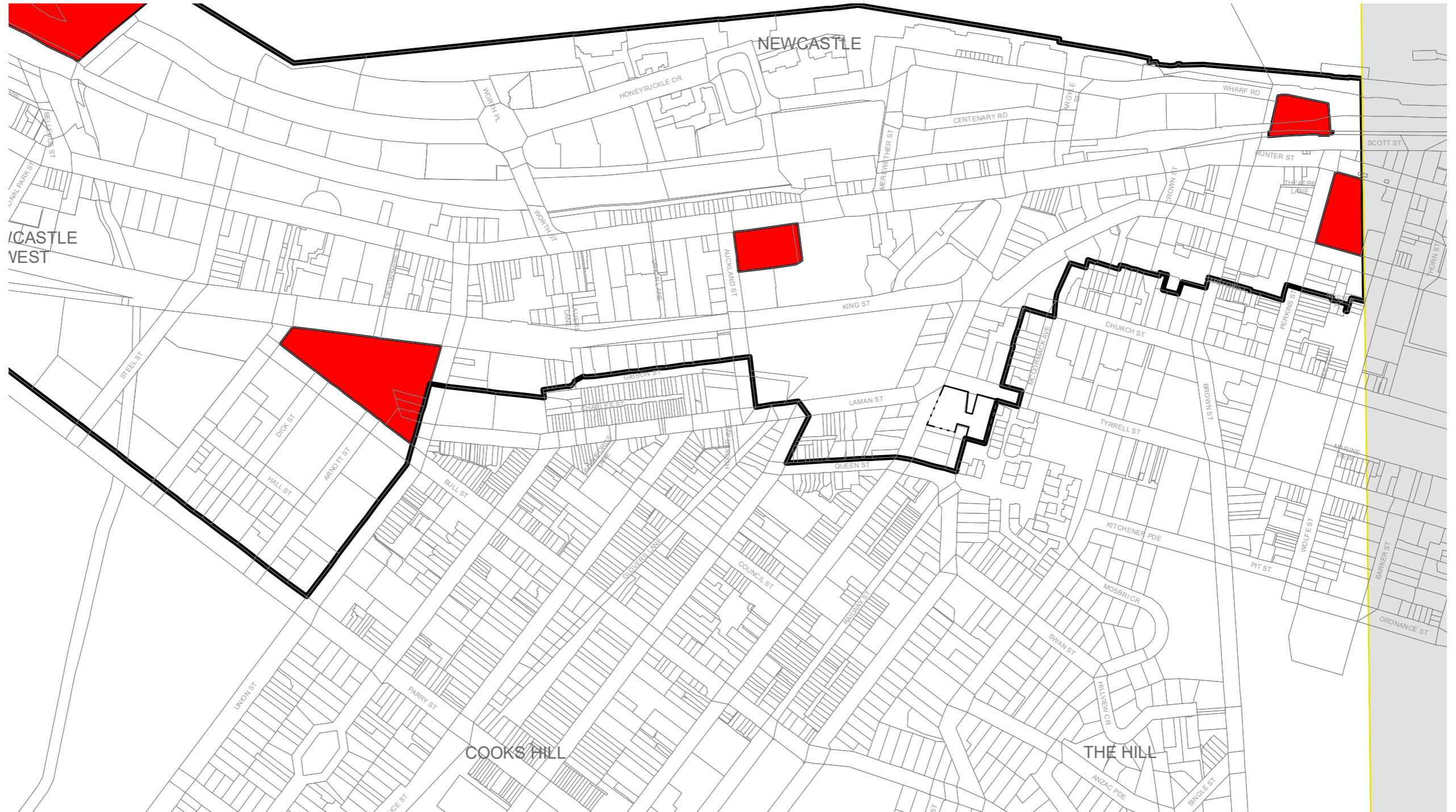
NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION



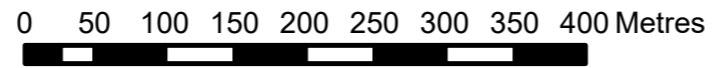
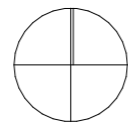
City of Newcastle
Key Sites Map
Newcastle City Centre Map
Sheet CL1_004G

Key Sites
Newcastle City Centre

Cadastral
Base data 01/08/2007
© Land and Property Information (LPI)
Addendum data 16/02/2021 © City of Newcastle



PROPOSED SITE:
49 DARBY STREET COOKS HILL



Nominated Architects: Cairn King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

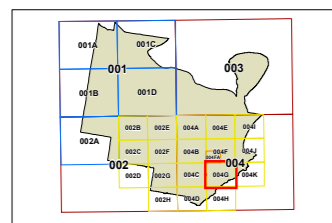
Heritage Map

NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION



Heritage Map - Sheet HER_004G

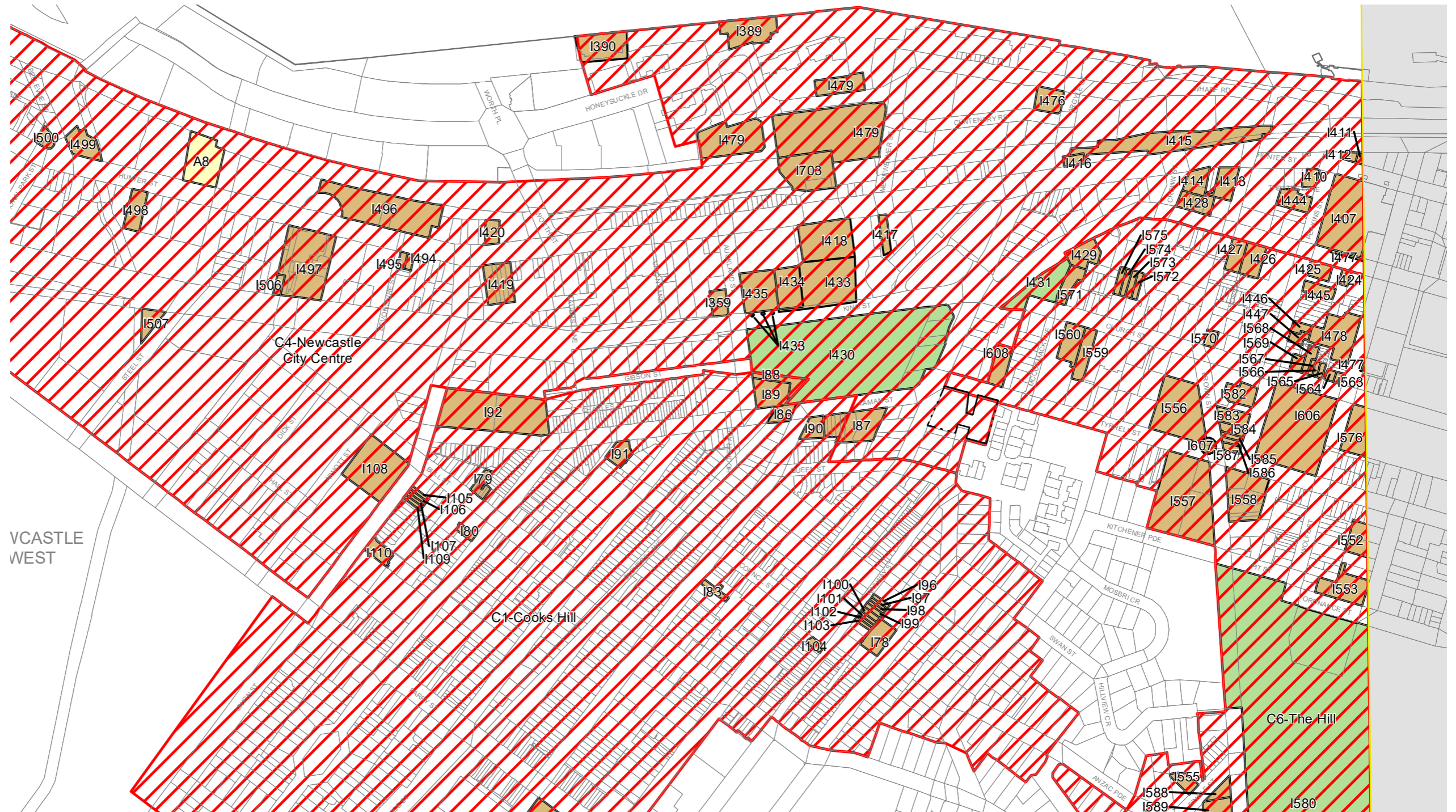
- Heritage**
- Conservation Area - General
 - Item - General
 - Item - Archaeological
 - Item - Landscape
- Cadastre**
- Base data 01/08/2007
 - Land and Property Information (LPI)
 - Addendum data 15/11/2022 © City of Newcastle



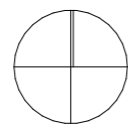
Scale: 1:10,000 @ A3

Projection: GDA 1984
MGA Zone 58

Map identification number: 5900_COM_HER_004G_010_20221115



PROPOSED SITE:
49 DARBY STREET COOKS HILL



0 50 100 150 200 250 300 350 400 Metres



Nominated Architects: Cairn King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

Land Zoning Map

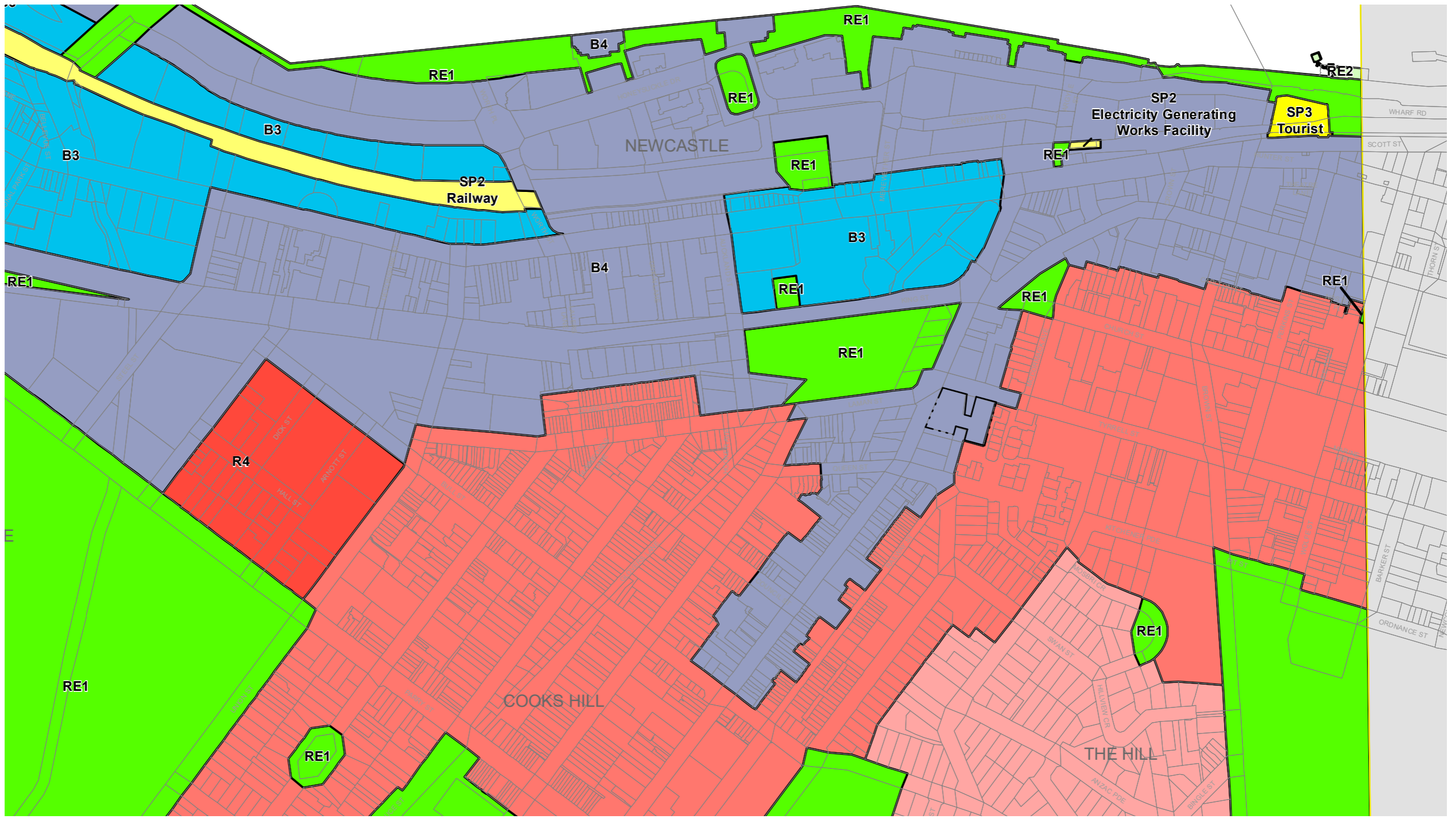
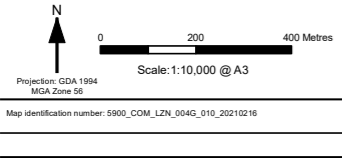
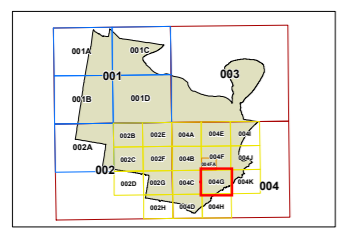
NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION

 **Newcastle Local Environmental Plan 2012**
City of Newcastle
Land Zoning Map - Sheet LZN_004G

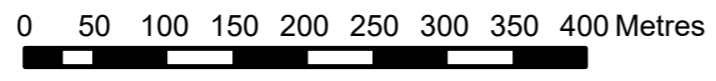
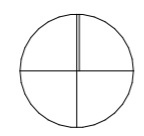
- Zone**
- B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B5 Business Development
 - E1 National Parks and Nature Reserves
 - E2 Environmental Conservation
 - E3 Environmental Management
 - E4 Environmental Living
 - I1 General Industrial
 - I2 Light Industrial
 - I3 Heavy Industrial
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R4 High Density Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - SP2 Infrastructure
 - SP3 Tourist
 - W2 Recreational Waterways
 - UL Unzoned Land
 - SSP SEPP (State Significant Precincts) 2005
 - TP SEPP (Three Ports) 2013

Cadastre

- Base data 01/08/2007
- © Land and Property Information (LPI)
- Addendum data 16/02/2021 © City of Newcastle



 **PROPOSED SITE:
49 DARBY STREET COOKS HILL**



Nominated Architects: Cairn King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

Acid Sulfate Soils Map

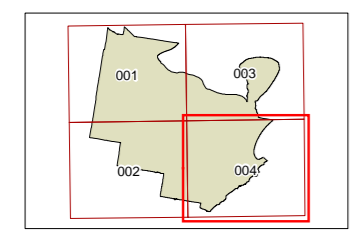
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COUNCIL REVIEW AND FURTHER INVESTIGATION



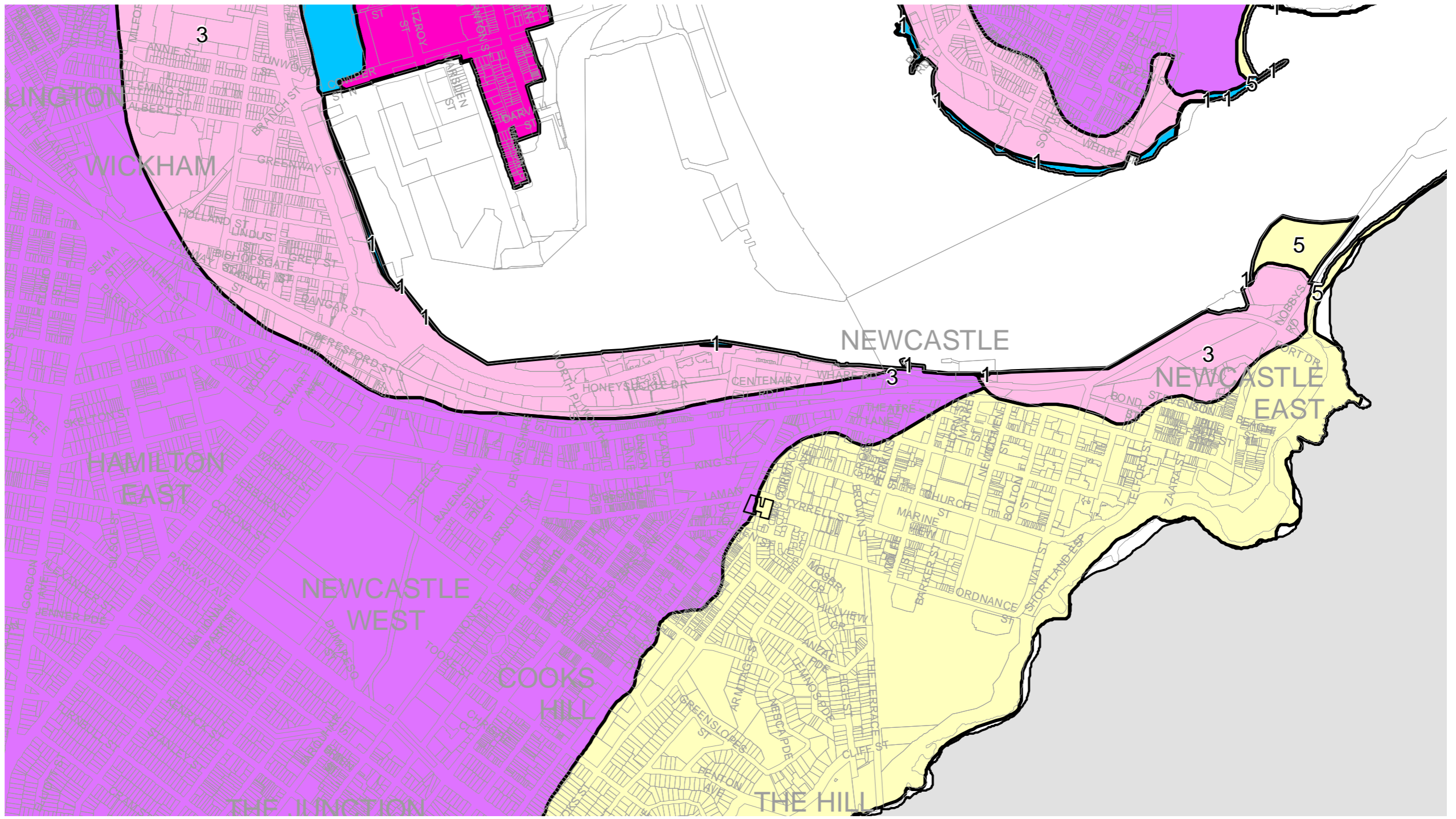
Acid Sulfate Soils Map - Sheet
ASS_004

- Acid Sulfate Soils**
- Class 1
 - Class 2
 - Class 3
 - Class 4
 - Class 5

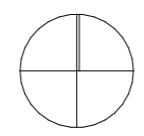
Cadastre
Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 13/03/2014 © City of Newcastle



Projection: GDA 1994
MGA Zone 56
Scale: 1:40,000 @ A3
Map Identification Number: 5900_COM_ASS_004_040_20140509



PROPOSED SITE:
49 DARBY STREET COOKS HILL



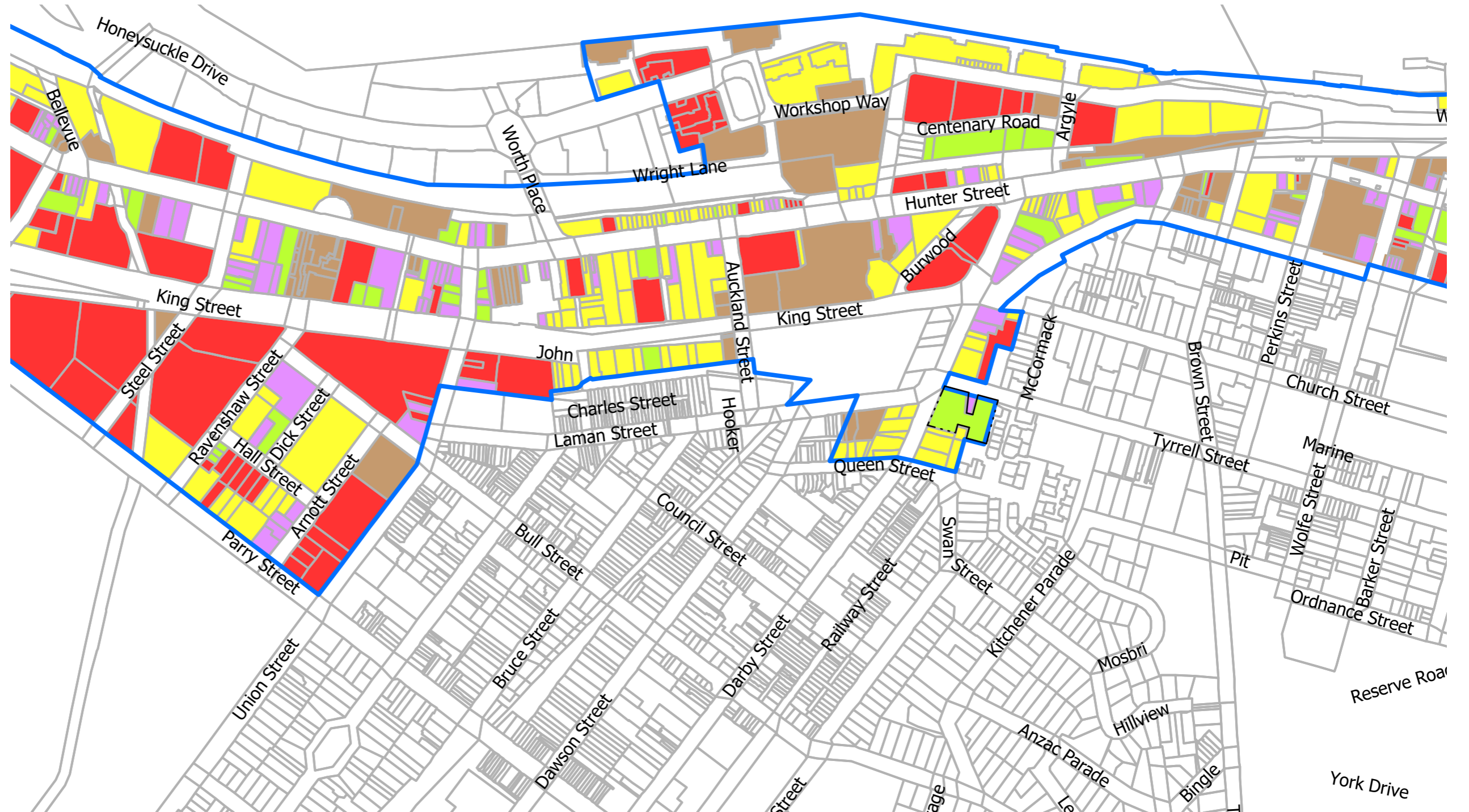
Nominated Architects: Cairn King NSW ARB 7974 / Stuart Campbell NSW ARB 7545

Contributory Buildings Map

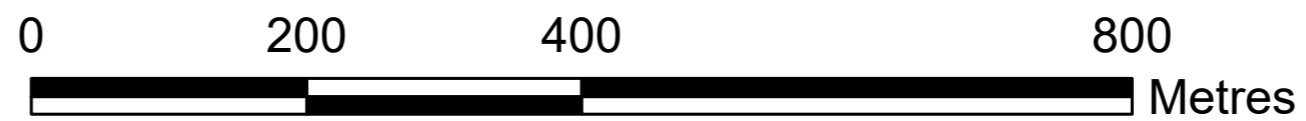
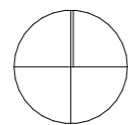
NOTE:
PRELIMINARY AUTHORITY CONTROL
INFORMATION SUBJECT TO PLANNER AND
COUNCIL REVIEW AND FURTHER INVESTIGATION

Legend

- Heritage Item
- Contributory 1
- Contributory 2
- Neutral
- Non-contributory
- Existing Boundary



PROPOSED SITE:
49 DARBY STREET COOKS HILL



CKDS

Nominated Architects: Cairn King NSW ARB 7974 | Stuart Campbell NSW ARB 7545

Appendix C – Statutory Compliance

Table 21 Statutory Compliance

Section Consideration	Location in EIS
Consideration under the Environmental Planning and Assessment Act and Regulation	
1.3 Relevant objects of the Act	
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	Section 4.6.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	Section 4.7.
(c) to promote the orderly and economic use and development of land,	Section 7.1.6.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	Section 6.6
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Section 6.8, 6.9 and 6.10.
(g) to promote good design and amenity of the built environment,	Section 6.1.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Section 6.1.3 and 6.1.4.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Section 4.4.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Chapter 5.
4.15 Relevant environmental planning instruments	
▪ State Environmental Planning Policy (Biodiversity and Conservation) 2021	Section 4.8.1.
▪ State Environmental Planning Policy (Housing) 2021	Section 4.8.2.
▪ State Environmental Planning Policy (Planning Systems) 2021	Section 4.8.3.
▪ State Environmental Planning Policy (Resilience and Hazards) 2021	Section 4.8.4.
▪ State Environmental Planning Policy (Sustainable Buildings) 2022	Section 4.8.5.
▪ State Environmental Planning Policy (Transport and Infrastructure) 2021	Section 4.8.6.

Appendix D - Community Engagement Table

The below community engagement table identifies the key issues that were raised during community engagement both through the targeted interviews carried out as part of the SIA and the engagement activities carried as part of the Engagement Report. The table provide a summary of matters raised and indicates where these issues have been addressed in the EIS.

Table 22 Community Engagement Table

Matters Raised	Satisfied by
<p><i>Height and Scale of Project</i></p> <ul style="list-style-type: none"> ▪ Participants described Cooks Hill as a “village-scale heritage pocket” with the Project changing the character of the area ▪ Proposed 12-storey height was widely viewed as disproportionate within a predominantly three-storey context 	<ul style="list-style-type: none"> ▪ The proposal height of building is taller than currently permitted; however the buildings will be stepped down across the site to provide an appropriate transition in scale to adjacent existing development ▪ The proposed building heights are consistent with the nearby buildings that also form a civic edge to Civic Park ▪ The adjoining site has been approved for a six-storey building ▪ The Darby Street Building podium matches the height established by the opposite Art Gallery
<p><i>Traffic and Parking</i></p> <ul style="list-style-type: none"> ▪ Parking was frequently described as “already impossible.” spill-over parking, congestion is anticipated ▪ Safety risks near childcare centres and impacts on pedestrian movement were recurrent concerns. 	<ul style="list-style-type: none"> ▪ The Project satisfies the minimum and maximum number of required car parking spaces. Bike storage, motor bike spaces are provided, and the site is with 270m of the Light Rail, promoting low car ownership and different modes of travel ▪ Construction access and public safety during the construction stage is managed through the Construction Management Plan (CTMP)
<p><i>Impacts from Construction</i></p> <p>Significant disturbance from noise, dust, vibration and worker parking, is expected, drawing comparisons with recent Art Gallery works.</p>	<ul style="list-style-type: none"> ▪ Dust, vibration and noise generated by construction will be managed to acceptable levels through current industry standard construction management requirements and adhere to permissible construction hours ▪ Construction worker parking during the construction stage is managed through the Construction Traffic Management Plan (CTMP)

Matters Raised	Satisfied by
<p><i>Amenity</i></p> <ul style="list-style-type: none"> ▪ Impacts from overshadowing, reduced solar performance, privacy impacts for Regency Park residents ▪ Reduced comfort and safety during construction. 	<ul style="list-style-type: none"> ▪ Impacts on adjoining residents by way of overshadowing and privacy are addressed through compliance with the ADG ▪ Public safety during the construction stage is managed through the Construction Management Plan (CMP)
<p><i>Potential Economic Benefits</i></p> <ul style="list-style-type: none"> ▪ Revitalisation of Darby Street and the potential for active street frontage ▪ Repurposing an ageing building ▪ Additional housing supply or essential-worker housing. ▪ Project aligned with broader preferences expressed in engagement for walkable, green and well-maintained local streetscapes. ▪ A small number of local traders also noted that additional residents could increase foot traffic and customer activity along Darby Street. 	<ul style="list-style-type: none"> ▪ The Project is located in a strategic location at the gateway to Darby Street and will likely have a positive economic impact on the locality ▪ The Project supports the aspirations of NSW planning policies with regards to walkable neighbourhoods, activated streets and the increase in residential densities in appropriate locations
<p><i>Development Approval Process</i></p> <ul style="list-style-type: none"> ▪ Lack of transparency and consistency of project information and communication moving forward. ▪ Whether the final built form and landscaping would match the Project presented during engagement. ▪ Questioned the SSD/HDA planning pathway and expressed uncertainty about how local views would influence the final decision. 	<ul style="list-style-type: none"> ▪ The Applicant has undertaken extensive consultation and engagement with local residents, business and community stakeholders to inform the Project Design and in preparation of the SSDA ▪ The Project presented in the SSDA must be constructed unless the application is amended during assessment of modified post consent. ▪ The HDA SSDA pathway is an initiative of the NSW Government. ▪ Public exhibition of the SSDA will be carried out in accordance with the relevant provision of the EP&A Act
<p><i>Changing Environment</i></p> <ul style="list-style-type: none"> ▪ Fears that large-scale change could weaken local cohesion. ▪ A small number felt positive change was possible if the design responded effectively to community expectations. 	<p>The Project is consistent with plans and policies to transition the locality within the City Centre to accommodate higher densities supported by services and transport.</p>

Matters Raised	Satisfied by
<p><i>Housing affordability</i></p> <p>Concerns about housing affordability and the perceived market positioning of new apartments and uncertainty about who would benefit from the development</p> <p>Increased density could (negatively) influence local property values.</p>	<p>The Project will provide a diversity of dwelling size in a location well serviced by amenity and transport. The</p> <p>The impact of a proposed development on property values is not a planning matter</p>

Appendix E – Mitigation Measures

Table 23 Summary of Mitigation Measures

Potential Impact	Mitigation Measures	Timing
Trees		
Damage / loss of trees	Trees being retained should be protected prior to the commencement of works, and for the duration of site works.	Prior to commencement of works.
	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		
	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 Council will be required to complete these works.	Detailed design prior to commencement of works.
Heritage		
	The former machine shop building shall be externally and internally archivally recorded prior to its demolition.	Prior to demolition works.
	A Heritage Site Induction be 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 by Artefact at Appendix G23.	During construction.

Potential Impact	Mitigation Measures	Timing
Remediation		
	A Construction Environmental Management Plan must be prepared in accordance with the RAP.	Prior to commencement of works.
	Additional inspections be undertaken on the western portion of the site to confirm whether remediation works are required.	Following demolition of existing structures.
	Upon demolition of existing buildings additional investigation to confirm the underground storage tank. If confirmed, decommissioning and removal of this tank is required, and impacted soils identified and excavated.	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.
Mine Subsidence		
	Final numerical modelling for the grouting will need to be prepared and submitted to Subsidence Advisory NSW	Prior to commencement of works.
	A Grouting and Verification Plan is to be submitted to Subsidence Advisory NSW.	Prior to Construction.
Water		
	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.
	Ongoing monitoring of the groundwater level and water quality parameters during the first 12 months after construction of the basement.	Post-completion.
Geotechnical Conditions		

Potential Impact	Mitigation Measures	Timing
	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
	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-demolition of existing structures, to facilitate access across the complete building envelopes.	Prior to Construction.
	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		
	Final Construction Pedestrian Traffic Management Plan to be prepared and implemented	Prior to commencement of works During Works
	Site Communication and Engagement Plan prepared and implemented.	Prior to commencement of works During Works
	Complaints and Enquiries Procedure prepared and implemented.	Prior to commencement of works During Works
	Construction Noise and Vibration Management Plan and implemented.	Prior to commencement of works During Works
Construction		
	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.

Appendix F – Planning Certificate

Table 24 Planning Certificates

Planning Certificate	Property Details
10.7 Certificate	47 Darby Street Cooks Hill



City of
Newcastle

Planning Certificate

Section 10.7, Environmental Planning and Assessment Act 1979

To: Barr Planning
Po Box 96
CARRINGTON NSW 2294

Certificate No: PL2025/00048
Fees: \$176.00
Receipt No(s): D003273022

Your Reference: 24new0197

Date of Issue: 09/01/2025

<p>The Land: Lot 103 DP 786055 47 Darby Street Cooks Hill NSW 2300</p>

Advice provided on this Certificate:

Advice under section 10.7(2): see Items 1 – 24
Additional advice under section 10.7(5): see Items 25 – 30

IMPORTANT: Please read this certificate carefully

This certificate contains important information about the land.

Please check for any item which could be inconsistent with the proposed use or development of the land. If there is anything you do not understand, phone our **Customer Contact Centre** on (02) 4974 2000, or come in and see us.

The information provided in this certificate relates only to the land described above. If you need information about adjoining or nearby land, or about the City of Newcastle (CN) development policies for the general area, contact our **Customer Contact Centre**.

All information provided is correct as at 9/01/2025. However, it's possible for changes to occur within a short time. We recommend that you only rely upon a very recent certificate.

City of Newcastle

PO Box 489
NEWCASTLE NSW 2300

Phone: (02) 4974 2000
Facsimile: (02) 4974 2222

Customer Contact Centre

Ground floor,
12 Stewart Avenue
Newcastle West NSW 2302

Office hours:

Mondays to Fridays 8.30 am to 5.00 pm

Part 1:

Advice provided under section 10.7(2)

ATTENTION: The explanatory notes appearing in italic print within Part 1 are provided to assist understanding, but do not form part of the advice provided under section 10.7(2). These notes shall be taken as being advice provided under section 10.7(5).

1. Names of relevant planning instruments and development control plans

- A. The following environmental planning instruments and development control plans apply to the land, either in full or in part.

State Environmental Planning Policies

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Precincts - Regional) 2021

State Environmental Planning Policy (Primary Production) 2021

State Environmental Planning Policy (Resources and Energy) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Sustainable Buildings) 2022

Local Environmental Plans and Development Control Plans

Newcastle Local Environmental Plan 2012

Newcastle Development Control Plan 2023

- B. The following proposed environmental planning instruments and draft development control plans are or have been the subject of community consultation or on public exhibition under the *Environmental Planning and Assessment Act 1979*, apply to the carrying out of development on the land.

Proposed State Environmental Planning Policies

There are currently no draft State Environmental Planning Policies that apply to this land.

Detailed information of any draft State Environmental Planning Policies is available at the NSW Department of Planning and Environment website.

Planning Proposals for Local Environmental Plans and Draft Development Control Plans

Draft Development Control Plan 2023 applies to this land.

Detailed information of any draft environmental planning instruments is available at the NSW Department of Planning and Environment website and on City of Newcastle's website.

2. Zoning and land use under relevant planning instruments

Newcastle Local Environmental Plan 2012

Zoning: The Newcastle Local Environmental Plan 2012 identifies the land as being within the following zone(s):

Zone MU1 Mixed Use

Note: Refer to www.newcastle.nsw.gov.au or www.legislation.nsw.gov.au website for LEP instrument and zoning maps.

The following is an extract from the zoning provisions contained in Newcastle Local Environmental Plan 2012:

Zone MU1 Mixed Use

- **Objectives of zone**

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

- **Permitted without consent**

Environmental protection works; Home occupations

- **Permitted with consent**

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in, permitted without consent or prohibited

- **Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Cemeteries; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Open cut mining; Resource recovery facilities; Rural industries; Secondary dwellings; Semi-detached dwellings; Sewage treatment plants; Truck depots; Vehicle body repair workshops; Waste disposal facilities; Water recycling facilities; Water supply systems

- **Additional permitted uses**

The land does not have additional permitted uses.

- **Minimum land dimensions for erection of a dwelling-house**

There are no minimum land dimensions for the erection of a dwelling-house that apply to this site.

- **Critical habitat:** The land does not identify as including or comprising critical habitat.

- **Area of Outstanding Biodiversity Value**

The land is not within a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.

- **Heritage conservation area**

The land is situated within the Newcastle City Centre Heritage Conservation Area. Refer to the Newcastle Local Environmental Plan 2012 for provisions relating to development within a heritage conservation area.

- **Heritage items**

There are no heritage items listed under an environmental planning instrument.

3. Contributions plans

The following contribution plan/s apply to the land.

Section 7.11 Development Contributions Plan:

The Plan specifies section 7.11 contributions that may be imposed as a condition of development consent.

Section 7.12 Development Contributions Plan:

The Plan specifies section 7.12 contributions that may be imposed as a condition of development consent.

NOTE: Contributions plans are available on our website or may be viewed at our Customer Contact Centre.

Housing and Productivity Contribution:

The Lower Hunter region is subject to Division 7.1 of the Environmental Planning and Assessment Act 1979 and is affected by the Housing and Productivity Contribution.

The Housing and Productivity Contribution may be imposed as a condition of development consent.

NOTE: For further information visit the Department of Planning website.

4. Complying development

The following information details whether the land is land on which there is a restriction to the effect that complying development may, or may not, be carried out under each of the complying development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of clause 1.17A(1)(c)–(e), (2), (3) or (4), 1.18(1)(c3) or 1.19 of that policy:

Wilderness area

The land is NOT, and is NOT part of, a wilderness area, within the meaning of the *Wilderness Act 1987*.

State Heritage Register

The land is NOT land that is, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977*, or that is subject to an interim heritage order under that Act.

Other Heritage Item

The land is NOT identified as an item of environmental heritage, or a heritage item, by an environmental planning instrument, or on which is located an item that is so identified.

Environmentally Sensitive Area or Environmentally Sensitive Land

Except as otherwise provided by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the land is NOT within an environmentally sensitive area.

State Heritage Exemption

Council does NOT have information about any exemption, granted by the Minister under Section 57(2) of the *Heritage Act 1977*, that may apply to the land.

There is NOT an interim heritage order or exemption thereto, made by Council under Section 57(1A) or (3) of the *Heritage Act 1977*, that applies to the land.

Draft Heritage Item

The land is NOT land that comprises, or on which there is, a draft heritage item in a local environmental plan.

Heritage Conservation Area

The land IS within a heritage conservation area in an environmental planning instrument or a draft heritage conservation area in a local environmental plan.

The land IS within a heritage conservation area in an environmental planning instrument or a draft heritage conservation area in a local environmental plan.

Reserved for a Public Purpose

The land is NOT reserved for a public purpose by an environmental planning instrument.

Acid Sulfate Soil

The land is NOT identified on an Acid Sulfate Soils Map as being Class 1 or Class 2.

Significantly contaminated land

The land is NOT significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*.

Biobanking agreement or property vegetation plan

The land is NOT subject to a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* or a property vegetation plan approved under the *Native Vegetation Act 2003*.

Private land conservation agreement or set aside area

The land is NOT subject to a private land conservation agreement under the *Biodiversity Conservation Act 2016*. Council does not have information to identify whether the land is a set aside area under section 60ZC of the *Local Land Services Act 2013*.

Buffer area, river front area, ecologically sensitive area or protected area

The land is NOT identified by an environmental planning instrument as being within a buffer area, within a river front area, within an ecologically sensitive area or within a protected area.

Coastline hazard, coastal hazard or coastal erosion hazard

The land is NOT identified by an environmental planning instrument, a development control plan or a policy adopted by Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.

Foreshore area

The land is NOT in a foreshore area.

25 ANEF contour or higher ANEF contour

The land is NOT in the 25 ANEF contour or higher ANEF contour.

Special area

The land is NOT declared to be a special area under the *Water NSW Act 2014*.

Unsewered land

The land is NOT unsewered land to which Chapter 8 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies or is located in any other drinking water catchment identified in any other environmental planning instrument.

Schedule 5 of the Codes SEPP

The land is NOT described or otherwise identified on a map specified in Schedule 5 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

General

If any restriction is identified above, the restriction may not apply to all of the land and Council does not have sufficient information to ascertain the extent to which complying development may, or may not, be carried out on the land.

Note: restrictions other than those arising from the identified clauses of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* may exclude complying development from being carried out on the land.

5. Exempt development

The following information details whether the land is land on which there is a restriction to the effect that exempt development may, or may not, be carried out under each of the exempt development codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, because of clause 1.16(1)(b1)–(d) or 1.16A of that policy:

Area of Outstanding Biodiversity Value

The land IS NOT within a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

Area of Declared Critical Habitat

The land IS NOT within a declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

Wilderness area

The land is NOT, and is NOT part of, a wilderness area, within the meaning of the *Wilderness Act 1987*.

Listed on the State Heritage Register

This land IS NOT listed on the State Heritage Register under the *Heritage Act 1977* and IS NOT subject to an interim heritage order under that Act.

Listed on Schedule 4 of the Exempt and Complying Development Codes State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The land is NOT listed on Schedule 4 of the Exempt and Complying Development Codes State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Siding Spring Observatory

The land is NOT within 18 kilometres of Siding Spring Observatory.

General

If any restriction is identified above, the restriction may not apply to all of the land and Council does not have sufficient information to ascertain the extent to which exempt development may, or may not, be carried out on the land.

Note: restrictions other than those arising from the identified clauses of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* may exclude exempt development from being carried out on the land.

6. Affected building notices and building product rectification orders

The land IS NOT AFFECTED by any affected building notice of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by any building product rectification order that has not been fully complied with, of which CN is aware that is in force in respect of the land.

The land IS NOT AFFECTED by an outstanding notice of intention to make a building product rectification order of which CN is aware.

An affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*. Building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

7. Land reserved for acquisition

The land is not identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land.

8. Road widening and road realignment

NOTE: Transport for NSW (TfNSW) may have proposals that are not referred to in this item. For advice about affection by TfNSW proposals, contact Transport for NSW, Locked Mail Bag 30 Newcastle 2300. Ph: 131 782.

The land IS NOT AFFECTED by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.

The land IS NOT AFFECTED by any road widening or road realignment under an environmental planning instrument.

The land IS NOT AFFECTED by road widening or road realignment under a resolution of the Council.

9. Flood related development controls

9(1) The land or part of the land is within the flood planning area for local catchment flooding and subject to flood related development controls.

9(2) The land or part of the land is between the flood planning area and the probable maximum flood (PMF) and subject to flood related development controls.

Our information currently indicates that the property is, or contains, flood prone land (land within the PMF) as defined by the NSW Government Flood Risk Management Manual 2023.

The Newcastle Development Control Plan (DCP) and Newcastle Local Environmental Plan (LEP) include flood related development controls that apply to development on flood prone land. The DCP and LEP can be viewed on our website.

NOTE: More detailed flood information specific to the property is available on a Flood Information Certificate. Application forms for these certificates are available on the City of Newcastle website <https://www.newcastle.nsw.gov.au/about-us/forms-and-publications>

10. Council and other public authority policies on hazard risk restrictions

Except as stated below, the land is not affected by a policy referred to in Item 10 of Schedule 2 of the Environmental Planning and Assessment Regulation 2021 that restricts the development of the land because of the likelihood of land slip, bush fire, tidal inundation, subsidence, acid sulfate soils, contamination, aircraft noise, salinity, coastal hazards, sea level rise or another risk, other than flooding.

Potential acid sulfate soils: Works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.

Land Contamination: City of Newcastle has a policy restricting development or imposing conditions on properties affected by land contamination. Refer to Section B7 Land contamination of Newcastle Development Control Plan 2023, which is available to view and download from City of Newcastle's website.

NOTE: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. City of Newcastle (CN) considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigation carried out in conjunction with the preparation or assessment of a development application may result in CN either refusing development consent or imposing conditions of consent on the basis of risks that are not identified above.

11. Bush fire prone land

The land IS NOT bush fire prone land for the purposes of the Environmental Planning and Assessment Act 1979.

12. Loose-fill asbestos insulation

Property HAS NOT been notified: Council HAS NOT been notified that: - a residential dwelling erected on this land has been identified in the Loose-fill Asbestos Insulation Register maintained by NSW Fair Trading as containing loose-fill asbestos insulation.

13. Mine Subsidence

The land IS WITHIN a declared Mine Subsidence District under section 20 of the Coal Mine Subsidence Compensation Act 2017. Development in a Mine Subsidence District requires approval from Subsidence Advisory NSW. Subsidence Advisory NSW provides compensation to property owners for mine subsidence damage. To be eligible for compensation, development must be constructed in accordance with Subsidence Advisory NSW approval. Subsidence Advisory NSW has set surface development guidelines for properties in Mine Subsidence Districts that specify building requirements to help prevent potential damage from coal mine subsidence.

NOTE: The above advice is provided to the extent that City of Newcastle (CN) has been notified by Subsidence Advisory NSW.

14. Paper subdivision information

The land IS NOT AFFECTED by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

15. Property vegetation plans

Not applicable. The Native Vegetation Act 2003 does not apply to the Newcastle local government area.

16. Biodiversity stewardship sites

The land IS NOT land (of which CN is aware) under a biodiversity stewardship agreement under Part 5 of the Biodiversity Conservation Act 2016.

17. Biodiversity certified land

The land IS NOT biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.

18. Orders under Trees (Disputes Between Neighbours) Act 2006

CN HAS NOT been notified that an order has been made under the *Trees (Disputes between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

19. Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The land IS NOT subject to an agreement for annual charges under section 496B of the *Local Government Act 1993* for coastal protection services (within the meaning of section 553B of that Act).

20. Western Sydney Aerotropolis

The land is not within the Western Sydney Aerotropolis, as defined by Chapter 4 of State Environmental Planning Instrument (Precincts - Western Parkland City) 2021.

21. Development consent conditions for seniors housing

(a) The land IS NOT AFFECTED by a current site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Housing) 2021.

(b) The land IS NOT AFFECTED by any terms of kind referred to in clause 88(2) of the State Environmental Planning Policy (Housing) 2021, that have been imposed as a condition of consent to a development application granted after 11 October, 2007 in respect of the land.

22. Site compatibility certificates and development consent conditions for affordable rental housing

The land IS NOT AFFECTED by a valid site compatibility certificate (of which CN is aware) issued under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

23. Water or sewerage services

City of Newcastle does not hold any records as to whether water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*.

NOTE: A public water utility may not be the provider of some or all of the services to the land. If a water or sewerage service is provided to the land by a licensee under the Water Industry Competition Act 2006, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage services under the Water Industry Competition Act 2006 is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the Water Industry Competition Act 2006 become the responsibility of the purchaser.

24. Matters prescribed under the Contaminated Land Management Act 1997

Note: *There are no matters prescribed by section 59(2) of the Contaminated Land Management Act 1997 to be disclosed, however if other contamination information is held by the Council this may be provided under a section 10.7(5) certificate.*

Part 2:

Advice provided under section 10.7(5)

ATTENTION: Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to sub-section 10.7(5).

25. Outstanding Notices and Orders issued by City of Newcastle (CN).

This Certificate does not include any advice regarding outstanding notices or orders issued under the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 or any other relevant legislation. To obtain advice regarding these matters, it is recommended you lodge an application for a Certificate as to Outstanding Notices and Orders (accompanied by the appropriate fee). For further information, please contact the Customer Contact Centre on (02) 4974 2000.

26. Listing by National Trust of Australia.

The land IS NOT AFFECTED by a listing of the National Trust of Australia (NSW).

NOTE: The above advice is provided to the extent that CN has been notified by the National Trust of Australia (NSW). For up-to-date details, contact the National Trust Ph 02 9258 0123.

27. Australian Heritage Database.

The land IS NOT AFFECTED by a listing on the Australian Heritage Database.

NOTE: The above advice is provided to the extent that CN has been notified by the Department of Climate Change, Energy, the Environment and Water. For up-to-date details, contact the Department of Climate Change, Energy, the Environment and Water – Environment, Water, Parks and Heritage, King Edward Terrace, Parkes ACT 2600. Ph (02) 6274 1111.

28. Environment Protection & Biodiversity Conservation Act 1999 (Cth)

Under the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*, actions which have, may have or are likely to have, a significant impact on a matter of national environmental significance may be taken only with the approval of the Commonwealth Minister for the Environment.

Approval is also required for actions that have a significant effect on the environment of Commonwealth land. These actions may be on Commonwealth land or other land.

This approval is in addition to any approvals under the (NSW) *Environmental Planning and Assessment Act 1979* or other NSW legislation.

Matters of national environmental significance are:

- declared World Heritage areas
- declared Ramsar wetlands
- listed threatened species and ecological communities
- listed migratory species
- nuclear actions
- the environment of Commonwealth marine areas.

Locations within the City of Newcastle that are a declared Ramsar wetland include Kooragang Nature Reserve and Shortland Wetlands. Listed threatened species and listed migratory species are known to occur within the City of Newcastle.

29. Declared Aboriginal Place

The land is NOT, and is NOT part of, an Aboriginal Place declared by the Minister under the National Parks and Wildlife Act 1974.

30. Other matters

The land is affected by the following:

Live Music Strategy (2019) and Newcastle After Dark: Night-time Economy Strategy (2018-2022).

City of Newcastle's Live Music Strategy and Newcastle After Dark: Night Time Economy Strategy supports live music and the night-time economy which play a key role in accommodation, events, cultural and business uses in the City Centre and Town Centres. Future residents should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, including after 5pm, which is part of living in/near a commercial centre. The Strategies promote the sharing of the City, including the mitigation of impacts of new residential development, live music or the night time economy on other land uses.

For more information see Live Music Strategy (2019) and Newcastle After Dark: Night-Time Economy Strategy (2018-2022) on Council's website <https://www.newcastle.nsw.gov.au> or phone 4974 2000.

Newcastle earthquake

Earthquakes occurred in the vicinity of Newcastle on 28th December 1989 and 6 August 1994. Buildings on the land may have suffered damage as a consequence of the earthquakes. Prospective purchasers are advised to make their own enquiries as to whether the property is affected by any damage.

Further consent requirements under the Newcastle Local Environmental Plan 2012.

The following provisions of the Newcastle Local Environmental Plan 2012 affect the carrying out of development on the land. These provisions are in addition to those required to be disclosed at Item 2 of this Certificate.

Refer to clause 3.1 Exempt Development of the Newcastle Local Environmental Plan 2012

Refer to clause 3.2 Complying Development of the Newcastle Local Environmental Plan 2012

Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) was adopted by council on 26 May 2020 and replaces the Local Planning Strategy. The LSPS is taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

Note: Refer to our website to view the document. www.newcastle.nsw.gov.au

Hunter Regional Plan 2041

The Hunter Regional Plan has been prepared by the then NSW Department of Planning and Environment. The contents of the strategy will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

Note: Refer to the Department of Planning and Environment's website to view the document. www.planning.nsw.gov.au

Newcastle City-Wide Floodplain Risk Management Study and Plan (2012)

The Newcastle City-wide Floodplain Risk Management Study and Plan addresses flood management for the City of Newcastle. The Study and Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

Note: Refer to our website to view the document. www.newcastle.nsw.gov.au

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 has been prepared by the Department of Planning and Environment. The Plan will be taken into account when CN assesses development applications and amendments to the Newcastle Local Environmental Plan 2012.

Parking permit policy

This property is within the Permit Exclusion Area of the City Centre Parking Strategy adopted by Council on 25 June 2002 and updated on 16 May 2005. Residents within the Permit Exclusion Area are not eligible for resident parking permit. For further information please contact Parking Services on 4974 2000.

Stormwater drain

Our records indicate that this property may contain or be in close proximity to City of Newcastle's stormwater infrastructure. Please contact our Duty Officer and request a public stormwater map for further information.

Issued without alterations or additions, 09/01/25
Authorised by

JEREMY BATH
CHIEF EXECUTIVE OFFICER

Appendix G – Technical Reports

The following technical reports have been prepared and submitted to support this SSD application. These have been provided as separate documents with the NSW Major Projects portal.

Table 25 Appendix Reference Table

Appendix	Document	Consultant	Rev	Date
G1	Estimated Development Cost Report	APLAS		12/01/2026
G2	Architectural Plans	CKDS Architecture	01	04/12/2025
G3	Design Report and Verification Statement	CKDS Architecture	A	03/12/20205
G4	Urban Design Report	Curzon and Partners	A	-/11/2025
G5	Landscape Design Report	Xeriscapes	B	02/12/2025
G6	Visual Impact Assessment	Distinctive	C	-/12/2025
G7	Public Domain Works Plan	Xeriscapes	A	11/09/2025
G8	Survey Plan	DeWitt Consulting	D	01/12/2025
G9	Access Report	Accessed	DA-A	05/12//2025
G10	BASIX Certificate	SLR Consulting Australia	4.03	05/12/2025
G11	BCA Assessment Report	Jensen Hughes	1.0	12/12/2025
G12	Ecologically Sustainable Design Assessment Report	SLR Consulting Australia	1.0	05/12/2025
G13	Preliminary Geotechnical Assessment	Stratum Consulting Engineers	03	26/11/2025
G14	Mine Subsidence Assessment	Tetra Tech Coffey	0	17/03/2025
G15	Groundwater Impact Assessment	EP Risk	3	08/01/2026
G16	Detailed Site Investigation and Remediation Action Plan	Compliance Health & Environmental Consulting	1.1 1.1	17/11/2025 23/11/2025
G17	Site Investigation Report	Indesco	3	02/12/2025
G18	Civil Engineering Plans and Stormwater Management Report	Indesco	2	02/12/2025
G19	Flood Report	Indesco	2	02/12/2025
G20	Biodiversity Development Assessment Waiver Request and Waivers	Anderson Environmental and Planning, DCCEEW	01	16/05/2025 30/05/2025 30/06/2025
G21	Arboricultural Impact Assessment Report	Arborrative	F	13/01/2026
G22	Statement of Heritage Impact	John Carr Heritage Design	D	09/12/2025
G23	Historical Archaeological Assessment	Artefact	2	09/10/2025
G24	Environmental Wind Impact Assessment	SLR Consulting Australia	R02_v 1.0	05/12/2025
G25	Transport Impact Assessment	Ason Group	02	02/12/2025
G26	Noise Impact Assessment	Rodney Stevens Acoustics	1	26/11/2025

Appendix	Document	Consultant	Rev	Date
G27	Construction Noise and Vibration Management Plan	Rodney Stevens Acoustics	2	26/11/2025
G28	Waste Management Plans – Construction & Demolition, and Operation	Elephants Foot	C B	04/12/2025 10/12/2025
G29	Social Impact Assessment	AAP Consulting		04/12/2025
G30	Stakeholder Engagement and Consultations Outcomes Report	Reputation Edge	-	-/12/2025
G31	Employment and Economic Impacts	Vivacity Property	-	09/12/2025
G32	Embodied Emissions Form	APLAS	1.2	