Public Submission – SSD-82276962 – 47 Darby Street, Cooks Hill Resident Submission

17 FEBRUARY 2026

Matthew Page
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About me

I am a heavily affected near neighbour (nearest to the Tyrrell Tower) located at 29/1 Queen Street, The Hill. I am born and bred in Newcastle. I purchased my property before this HDA/SSD process became public. I have reviewed the information to the best of my ability, but the volume of documents and the short exhibition timeframe has required me to take time off work and has caused significant stress and anxiety.

I reside at 29/1 Queen Street, The Hill, immediately adjacent to the proposed development site. The proximity of my property to the Tyrrell Tower means that impacts such as overshadowing, privacy, visual bulk, dust and construction vibration will be experienced directly.

Location of my property relative to the proposed development (red box)

Figure 1 Existing Zoning Newcastle LEP (outlined in yellow). Source: NSW Spatial Viewer, November 2025

My largest concerns are

• **Height and scale** of the proposed development, and its dominance over the heritage/civic setting.

• **Economic 'viability'** being used to rationalise extra height/FSR (rather than planning merit).

• **Site constraints** (odd-shaped lot, easements, services) appear to be driving an over-sized design that is then 'engineered' to fit.

• **Privacy and overlooking** into my alfresco (our main light source/outdoor living area) and impacts on how we can use our home.

• **Overshadowing impacts** to my property (alfresco and outdoor areas) and the need for specific reassessment of nearby receivers.

• **Construction impacts** – dust (including health impacts for my wife who is a severe asthmatic), noise, vibration and potential damage/cracking.

• **Subsurface risks** – mine subsidence, significant drilling/grouting and groundwater management increasing risk and construction duration.

• **Stormwater relocation impacts**, including disruption to the only driveway servicing ~50 residences at 1 Queen Street.

• **Traffic, pedestrian safety and servicing impacts** in a school and civic precinct (three schools within ~500m).

• **Need for bonds/guarantees** to protect neighbours if property damage occurs.

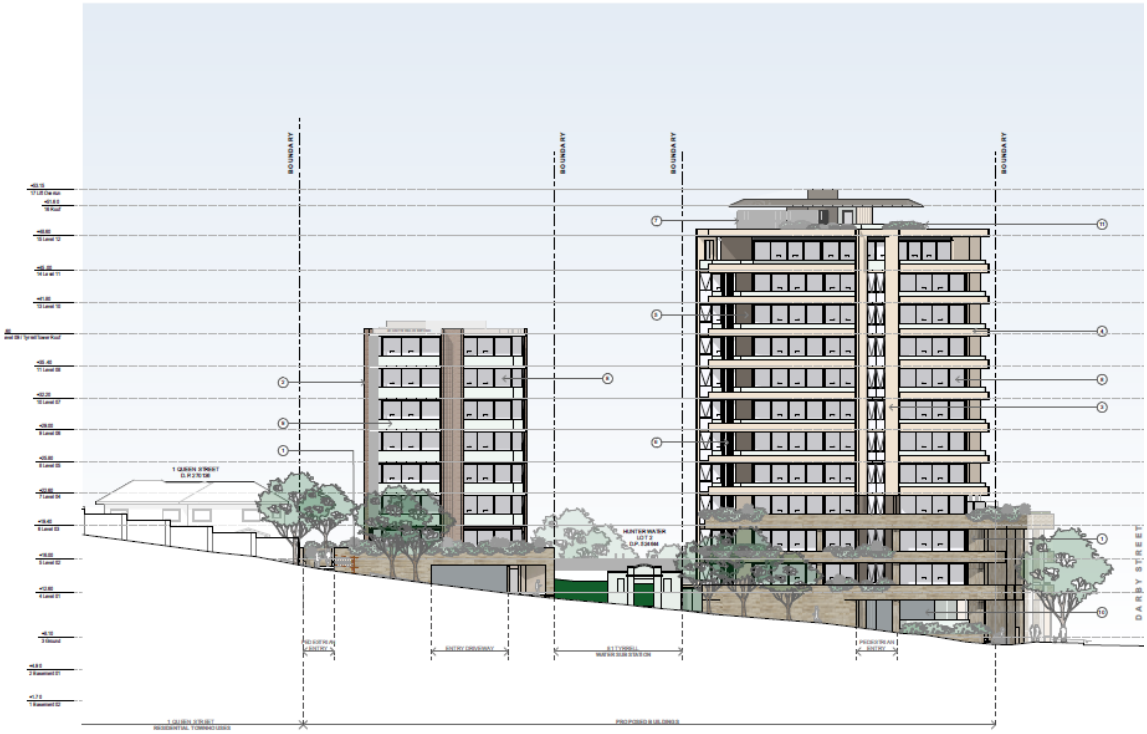
Height and scale – out of character with the civic and heritage context

From a resident perspective, the proposal reads as a podium-and-tower development more typical of a CBD high-rise location than a heritage transition edge. The Urban Design material describes the site as an opportunity for a new 'civic landmark'. Regardless of language, a landmark-scale tower will be visually dominant. Extensive design discussion about 'descaling' and 'articulation' indicates the underlying mass is significant and requires mitigation.

What I am asking for: A materially reduced height outcome and/or a much stronger step-down/transition toward the residential interface, rather than relying on façade treatment to 'soften' bulk.

Evidence snapshot

Exhibit – Architectural plans extract (built form/scale)



Extract from G2 Architectural Plans (elevations/sections). Provided to illustrate overall scale and relationship to context.

Key documents referenced:

• G2 Architectural Plans

• G3 Design Report & Verification Statement (built form narrative)

• G4 Urban Design Report

• G6 Visual Impact Assessment

Economic justification is not a planning justification

The EIS states that an alternative concept which more closely aligned with the current planning controls would deliver fewer dwellings and would not provide an 'economic' redevelopment outcome. I want to be clear: making something taller and bigger because it is more profitable is not, on its own, a planning justification. Planning controls exist to protect heritage context, neighbourhood character and residential amenity. A compliant

scheme being less profitable does not mean the controls should be exceeded on a sensitive heritage/civic edge site.

What I am asking for: The Department should assess the proposal on planning merit and context suitability, not on whether the proponent prefers a higher-yield outcome.

Key documents referenced:

• Environmental Impact Statement (EIS) – 'Alternative Design' discussion / viability narrative

• Concurrent Rezoning Report (strategic context and proposed planning changes)

• Urban Design Report (civic 'landmark' design intent)

Privacy – overlooking into my alfresco and the need for a mandatory step-back

Privacy is not a theoretical issue for me. The Tyrrell Tower extends beyond the line of my alfresco. Balconies and windows directed toward this space will change how we use our home. The Design Report includes privacy mitigation measures (screens, louvres, frosted glazing). While those may achieve technical compliance, they confirm that overlooking is a known risk that requires mitigation.

A key fix is straightforward: the western elevation should be stepped back further so that balconies do not project beyond the plane of my alfresco. This would materially reduce both overlooking and shadowing.

What I am asking for: A condition (or redesign requirement) that increases the western setback/steps back balconies to remove direct overlooking to my alfresco, rather than relying primarily on screening.

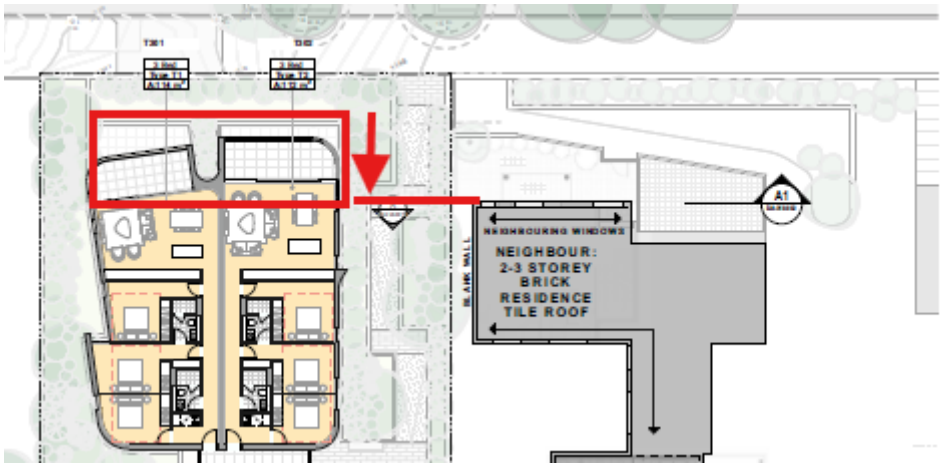
Key documents referenced:

• G3 Design Report (ADG privacy diagrams and mitigation measures)

• G2 Architectural Plans (balcony orientation and levels)

Evidence snapshot

Exhibit – Proposed set back (my notes in red) and Alfresco area (only source of light on North facing side)



Overshadowing – impacts to my property need reassessment

Overshadowing is a key issue for me because our alfresco is our primary outdoor living space and a major source of sunlight. The shadow material provided shows extensive modelling, which suggests shadow impacts are expected to be significant. However, I do not believe the analysis adequately reflects impacts to my specific property and our alfresco

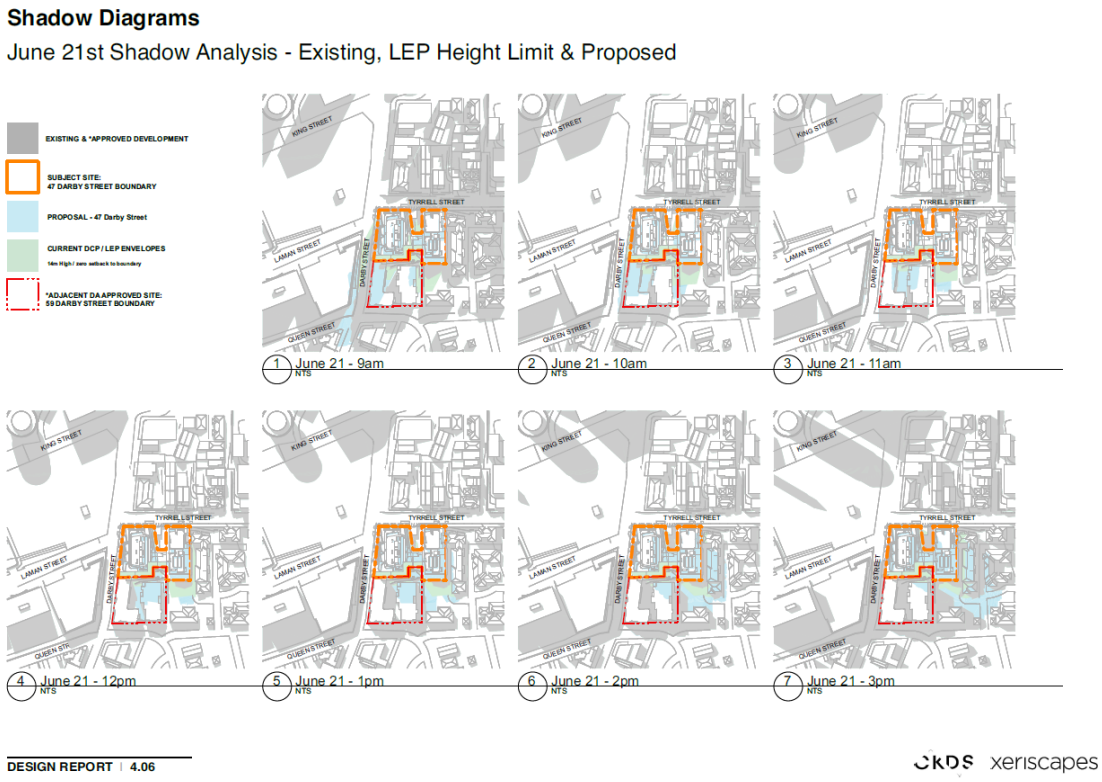
area. I request a reassessment that clearly tests my property (including the alfresco and key outdoor areas) at winter solstice and equinox, with transparent assumptions and receiver points.

Overshadowing also affects our outdoor clothesline area. Reduced winter sun combined with construction dust will reduce practicality of line-drying clothes, which is a real loss of everyday residential amenity.

What I am asking for: Revised/independent shadow assessment that explicitly includes 29/1 Queen Street receivers (alfresco and outdoor living areas) and clearly reports outcomes at key times of day.

Evidence snapshot

Exhibit – Shadow study extract



Extract from G3 Design Report (shadow diagrams). Provided to demonstrate the scale of modelling and the need for receiver-specific testing.

Key documents referenced:

• G3 Design Report & Verification Statement (shadow diagrams and compliance narrative)

• G2 Architectural Plans (massing and balcony locations)

Shadow Analysis Discrepancy – Incorrect Comparison in Submitted Diagrams

I note a material discrepancy in the shadow analysis diagrams. The report states that the figure compares shadow impacts between a 14 m height scenario and a 45 m height scenario. However, the legend and shading shown in the figure indicate only a comparison between the 14 m high residential envelope and a 14 m + 30% affordable housing height allowance scenario. In other words, the figure does not appear to present the claimed 14 m versus 45 m comparison.

This is not a minor drafting issue. Shadow impacts are central to assessing amenity impacts on neighbouring properties, including my alfresco/outdoor living areas. If the figure is intended to support a claim that the 45 m scheme has a particular shadow outcome, then the Department should require the proponent to correct the diagram set and provide an accurate, transparent shadow comparison consistent with the text.

I request that the Department require the proponent to re-issue the shadow assessment with:

• a corrected set of shadow diagrams clearly comparing the 14 m envelope against the 45 m proposed height scheme (same viewpoint, date and time),

• clear legends matching what is actually shown in each diagram, and

• receiver-specific testing for impacted neighbours (including my property at 29/1 Queen Street, The Hill) at winter solstice and equinox.

Evidence snapshot:

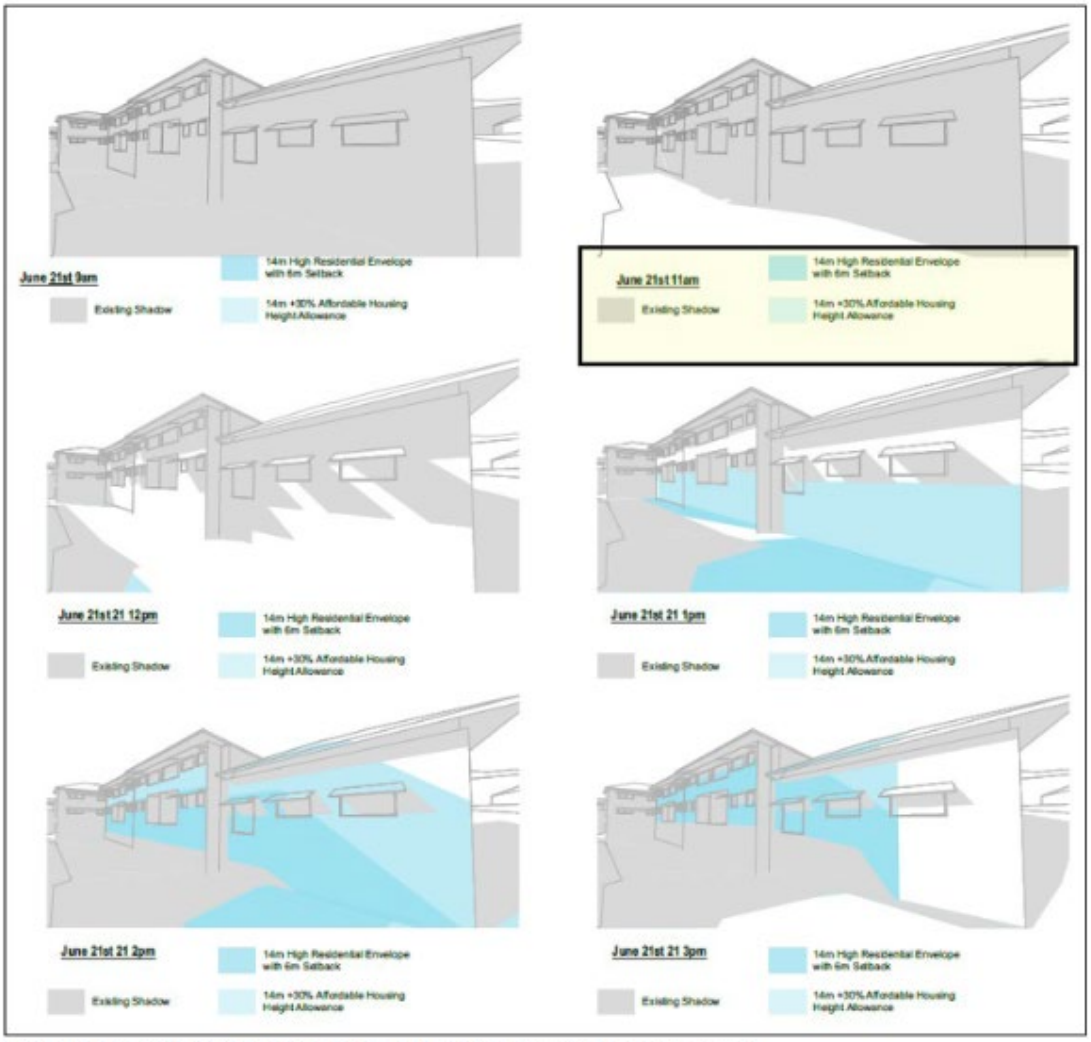


Figure 12 Shadow elevations on the eastern neighbouring property. Source: CKDS 2025

Exhibit – Extract of shadow diagrams. The figure text indicates a 14 m vs 45 m comparison, however the legend appears to show 14 m envelope versus 14 m + 30% affordable housing allowance. This discrepancy should be corrected in the shadow assessment.

Key documents referenced:

• G3 Design Report & Verification Statement – shadow diagrams and narrative

• G2 Architectural Plans – massing/built form

• Resident-provided extract (Exhibit) highlighting discrepancy

Visual Amenity – Lack of Southern Darby Street View Analysis

The Visual Impact Assessment and associated urban design material do not appear to include meaningful view analysis from southern Darby Street. This area contains a significant concentration of restaurants and fine-grain heritage shopfronts, often compared to Melbourne's Lygon Street in Carlton due to its active street life and human-scale character. The absence of verified viewpoints from this location represents a gap in the visual amenity assessment.

From a resident perspective, the proposed tower would likely appear visually dominant when viewed from southern Darby Street. Given the existing low-rise heritage streetscape, a tall tower emerging above the fine-grain built form would be significantly out of character with the established urban rhythm of awnings, shopfronts and narrow façades.

Without accurate photomontages or view analysis from this key hospitality precinct, it is difficult for the Department or the public to properly understand how the tower will be perceived in everyday pedestrian conditions. The current visual material appears to focus primarily on selective viewpoints that do not fully represent the experiential character of Darby Street.

I request that the Department require additional visual simulations from southern Darby Street, including pedestrian eye-level views within the restaurant precinct, to demonstrate the true visual impact of the proposed height and massing within this fine-grain heritage environment.

Key documents referenced:

• G6 Visual Impact Assessment – photomontages and viewpoint selection

• G4 Urban Design Report – streetscape and character discussion

• G22 Statement of Heritage Impact – heritage conservation context

• G2 Architectural Plans – tower massing and elevation height

Dust impacts – health, daily living and outdoor clothesline

Dust impacts are a major concern. My wife is a severe asthmatic. Dust from demolition, remediation, excavation, drilling and truck movements is a real health risk for our household. Given the scale of works (including remediation and deep excavation), dust is likely to be present for extended periods. This affects open-window living and the normal use of outdoor spaces, including our clothesline.

What I am asking for: Strict, enforceable dust controls (including monitoring), clear trigger/action levels, regular independent reporting to affected neighbours, and a rapid response process for dust incidents.

Key documents referenced:

• G16 Detailed Site Investigation & Remediation Action Plan (remediation scope)

• G27 Construction Noise & Vibration / Construction management documentation (controls)

• EIS – construction management commitments

Construction impacts – vibration, cracking risk and the need for bonds/guarantees

This project involves extensive ground disturbance (drilling, grouting, potential piling, basement excavation and dewatering). I am concerned about vibration impacts and potential damage to neighbouring properties (cracking, movement, impacts to footings and retaining structures). Residents should not carry this risk.

I request that the Department require the proponent to disclose what bonds/guarantees (financial security) will be in place if neighbouring properties are damaged, and to implement independent dilapidation surveys and monitoring before, during and after construction.

What I am asking for: Independent dilapidation reports (pre/post), independent vibration monitoring, clear rectification obligations, and a financial bond/security mechanism to ensure repairs can be undertaken promptly.

Key documents referenced:

• G27 Construction Noise & Vibration / construction management material

• EIS – construction methodology/commitments

• G14 Mine Subsidence Assessment (ground treatment implications)

Subsurface risk – mine subsidence, drilling/grouting and groundwater management

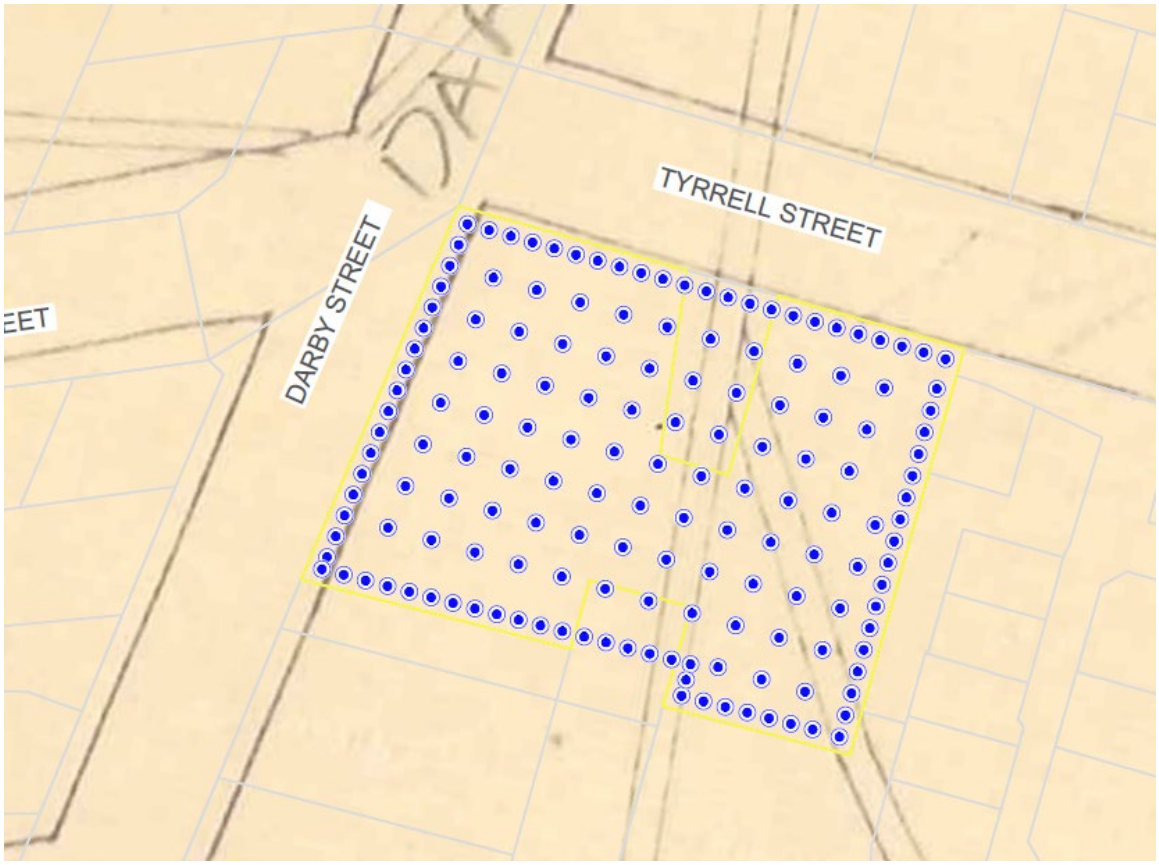
The subsurface conditions are complex. Multiple documents identify mine subsidence risk and the need for significant ground treatment (including drilling/grouting). Basement construction below groundwater level introduces dewatering and ongoing management issues. From a resident perspective, the extent of engineering intervention required to make this site 'work' at the proposed scale is an indicator of overdevelopment.

I am also concerned because diagrams show drilling proposed along the western boundary adjacent to my property, and there are diagrams suggesting potential drill locations

extending into 1 Queen Street association property areas. Residents have repeatedly been told access will not be needed, yet the diagrams create uncertainty. This must be clarified.

Evidence snapshot

Exhibit – Mine subsidence assessment extract



Extract from G14 Mine Subsidence Assessment. Provided to illustrate subsurface risk and engineering interventions.

Key documents referenced:

• G14 Mine Subsidence Assessment

• G13 Preliminary Geotechnical Assessment

• G15 Groundwater Impact Assessment

• G16 Detailed Site Investigation & RAP

Stormwater relocation – unacceptable disruption risk to 1 Queen Street residents

Multiple reports identify major stormwater infrastructure traversing the site and the need for relocation/works. Relocation works appear to occur in the vicinity of the only driveway in/out servicing approximately 50 residences at 1 Queen Street. This is a critical safety issue. Any disruption to the sole access point is unacceptable without guaranteed continuous access and a detailed, enforceable staging plan.

What I am asking for: A clear staging plan guaranteeing uninterrupted resident and emergency access to 1 Queen Street at all times, plus contingency arrangements if stormwater works encounter delays or failures.

Evidence snapshot

Exhibit – Site Investigation extract

PROPOSED DEVELOPMENT AT 47 DARBY STREET, COOKS HILL

INDESCO

As part of the initial consultation phase, Indesco has consulted CoN to explore options to relocate the stormwater culvert to benefit the project and future maintainability of the stormwater asset. As such, the preferred option that will be explored in detail is to divert the existing culvert along Queen street, turning North on Darby Street and connecting to the existing culvert system located on Darby Street. An indicative layout is provided in Figure 3 below for reference.

Figure 3 Relocation of Existing Culvert Option – 47 Darby Street, Cooks Hill NSW

Key documents referenced:

- G18 Civil Engineering Plans and Stormwater Management
- G17 Site Investigation Report (services/constraints)
- G7 Public Domain Works Plan
- EIS – construction traffic and staging

Traffic and pedestrian safety – school precinct and heavy vehicle impacts

This is a sensitive pedestrian area. Newcastle East Public School (Australia's oldest public school), Newcastle Grammar School and Newcastle Indie School are all within approximately 500 metres of the site. School peak periods significantly increase pedestrian volumes and crossing activity. Construction vehicle routing and staging must explicitly account for school peaks, not just average weekday traffic conditions.

I am also concerned about the weight and vibration of trucks on Tyrrell Street. Tyrrell Street is an older, historic road that does not feel designed for sustained heavy construction traffic. Heavy vehicle movements could affect pavement stability and increase vibration impacts for nearby residents.

What I am asking for: Construction traffic controls that explicitly avoid school peak periods where possible, a heavy vehicle route plan that minimises Tyrrell Street impacts, and evidence of pavement/vibration assessment suitable for the road's historic character.

Key documents referenced:

• G25 Transport Impact Assessment

• G9 Access Report

• G27 Construction management material

• G7 Public Domain Works Plan

Affordable Housing Contribution, Sales Pricing and Demographic Outcomes

The Environmental Impact Statement and supporting documentation indicate that an affordable housing contribution of approximately $1.5 million is proposed. I have undertaken an indicative sales price assessment using the proponent's own unit numbers and reasonable industry assumptions. The purpose of this analysis is not to produce a full development feasibility, but to demonstrate the order of magnitude of apartment pricing implied by the scheme.

Item	Indicative Value / Assumption
Estimated Construction Costs	$114.76 million
Contingency Allowance	10% (industry-standard risk allowance)
Construction Costs incl. Contingency	$126.23 million
Assumed Developer Margin	30% (upper-range but reasonable for complex, high-risk urban projects)
Indicative Gross Sales Value	$164.10 million
Total Apartments	113 apartments
Indicative Average Sale Price per Apartment	≈ $1.45 million

This assessment applies a 10% contingency, which is commonly adopted in feasibility modelling to account for construction risk, escalation and unforeseen conditions. A developer margin of approximately 30% has been assumed. While margins vary by project, higher margins are routinely cited for complex inner-city developments with significant planning, construction, remediation and market risk.

On this basis, the indicative average apartment sale price is approximately $1.45 million. This is broadly equivalent to the value of the proposed affordable housing contribution. In effect, the contribution represents approximately one average market apartment within the development.

At this price point, the likely purchaser demographic is not the 19–39 year age bracket referenced in the Social Impact Assessment. Rather, pricing of this nature typically attracts downsizers from surrounding affluent suburbs or higher-income owner-occupiers. This calls into question the claimed social and demographic outcomes relied upon to justify the planning uplift.

Key documents and referenced:

• G29 Social Impact Assessment – demographic assumptions

• Environmental Impact Statement – housing justification and economic rationale

• Industry feasibility guidance and development appraisal benchmarks (contingency and margin assumptions)

• Resident-prepared indicative sales price analysis (Excel spreadsheet to be provided)

Parking Provision, Visitor Parking and Bike Storage Fire Risk

Based on my review of the Architectural Plans, Access Report and Transport Impact Assessment, the proposal appears to provide a limited number of visitor parking spaces relative to the total number of apartments proposed. While the documentation refers to compliance with planning controls, the practical outcome for surrounding streets may be increased parking pressure, particularly given the civic location, proximity to Darby Street businesses and nearby schools.

Limited visitor parking for a large residential building is likely to result in overflow parking within surrounding residential streets. As a nearby resident, I am concerned that the parking strategy relies on theoretical transport behaviour assumptions rather than real-world usage patterns, particularly for downsizers and visitors who may still rely on private vehicles.

The proposal also includes significant bicycle storage areas. While active transport should be encouraged, there is an emerging fire safety concern associated with the increasing number of lithium-ion battery powered electric bikes. These batteries can ignite and

produce highly toxic smoke, and large concentrations of bikes within enclosed storage rooms may increase the risk of a chain-reaction fire event.

Given the scale of bike storage proposed, I request clarification on how the building's fire engineering design addresses lithium-ion battery fire risks, including ventilation, fire compartmentation, charging management and emergency response procedures. This is particularly important for a high-density residential building where evacuation complexity is greater.

Key documents referenced:

• G9 Access Report – parking layout and access strategy

• G25 Transport Impact Assessment – parking demand and visitor parking assumptions

• G2 Architectural Plans – basement parking and bike storage layouts

• G11 BCA Assessment Report – fire engineering and life safety considerations

Construction Worker Parking and Civic Precinct Parking Pressure

The construction management material suggests that contractors and construction personnel will rely heavily on public transport rather than on-site parking. From a practical, real-world perspective this assumption appears misleading. Construction workers typically carry tools of trade, equipment and materials that are not easily transported via buses or light rail. Expecting a large construction workforce to rely primarily on public transport does not reflect how construction projects actually operate.

If adequate on-site construction parking is not provided, it is highly likely that workers will park within nearby residential streets and the wider Civic precinct. This area is already experiencing significant parking pressure due to major civic infrastructure including the Newcastle Art Gallery, Library, Civic Theatre and Town Hall. Both the construction phase and the long-term limited visitor parking provision are therefore likely to exacerbate existing parking constraints.

I respectfully ask the Department to critically review the construction traffic and workforce assumptions contained within the Transport Impact Assessment and Access Report. A realistic assessment should consider where contractors will store tools and equipment, how deliveries will be managed, and what practical parking arrangements will exist during peak construction periods.

Key documents referenced:

• G25 Transport Impact Assessment – construction workforce assumptions

• G9 Access Report – parking strategy

• Environmental Impact Statement – construction traffic management

• G7 Public Domain Works Plan – civic precinct interface

Historic drain on Tyrrell Street – heritage significance not properly addressed

There is drainage construction along Tyrrell Street that appears to be very old (potentially convict-era workmanship) and may have historical significance. This does not appear to be clearly acknowledged in the heritage documentation. If works are proposed in this area for stormwater relocation or public domain works, a heritage review should specifically consider this element. I can provide photographs of this drain.

What I am asking for: A targeted heritage assessment of the Tyrrell Street drain element prior to any works, and protection/management measures if heritage significance is confirmed.

Key documents referenced:

• G22 Statement of Heritage Impact

• G23 Historical Archaeological Assessment

• G7 Public Domain Works Plan

• G18 Civil Engineering / Stormwater plans

Consultation and fairness – ability for residents to participate

I have had to dedicate substantial personal time to reviewing a very large suite of documents within a short exhibition window. For residents working full time, it is extremely difficult to engage meaningfully with this volume of material. This affects procedural fairness for the people most impacted by the proposal.

Key documents referenced:

• G30 Stakeholder Engagement and Consultation Outcomes Report

• EIS – exhibition information

Requested outcomes and conditions

If the Department is minded to approve the proposal, I request at minimum the following:

• Material reduction in height and massing and/or stronger step-down transition toward residential receivers.

• Mandatory western step-back so balconies do not project beyond my alfresco plane (to materially reduce overlooking and shadowing).

• Revised/independent shadow assessment including my property (alfresco/outdoor living areas) at key dates and times.

• Strict, enforceable dust controls with monitoring and rapid incident response (given asthma risk).

• Independent pre- and post-construction dilapidation surveys for neighbouring properties.

• Independent vibration monitoring with transparent reporting and enforceable thresholds if exceedances occur.

• A financial bond/security mechanism to ensure timely rectification of any damage to neighbouring properties.

• Detailed stormwater relocation staging plan guaranteeing uninterrupted access to the 1 Queen Street driveway at all times.

• Construction traffic plan that explicitly considers school peak periods and minimises heavy vehicle impacts on Tyrrell Street.

• Targeted heritage review of the historic Tyrrell Street drain element before works proceed.

Conclusion

Across my review of the Environmental Impact Statement, Design Report, Urban Design Report and supporting technical documentation, a recurring concern has been the number of discrepancies, omissions and assumptions that required further clarification. Examples include incorrect shadow comparisons, missing visual viewpoints, assumptions around construction parking behaviour, and limited clarity regarding drilling, stormwater relocation and neighbouring property impacts.

Individually, each issue may appear technical in nature. Collectively, however, they suggest that the development assessment process may be occurring at a pace that does not reflect the complexity and sensitivity of this site. A project of this scale within a heritage and civic context should be supported by rigorous, transparent and highly accurate reporting. Where documentation contains gaps or inconsistencies, it raises reasonable concern for residents about how the project will ultimately be delivered on the ground.

As a nearby resident, I am concerned that if the reporting and assessment material does not demonstrate a consistently high standard of detail, this may reflect the level of care taken during future construction and delivery phases. The numerous risks identified throughout this submission — including subsurface conditions, stormwater relocation, traffic impacts,

dust, vibration and fire safety considerations — require an experienced development team capable of delivering complex high-rise projects to a very high standard.

I also request that the Department consider the development experience of the proponent, Vivacity, particularly in relation to large-scale high-rise developments of comparable complexity. Given the technical challenges associated with this site, it is reasonable for the assessment process to examine whether the proponent has the demonstrated experience and capability required to deliver such a project safely and responsibly.

This is not raised as a criticism of any individual party, but rather as a genuine planning consideration. Where a proposal involves significant height uplift, complex engineering conditions and substantial impacts on surrounding residents, the level of expertise and track record of the developer becomes directly relevant to community confidence in the project outcome.

For these reasons, I respectfully submit that the cumulative issues identified throughout this submission demonstrate that the proposal has not yet been resolved to a standard appropriate for approval. Either substantial redesign and further detailed reporting should occur prior to any consent, or the application should be refused in its current form.

Public Interest Test

When considering the cumulative impacts identified throughout this submission, I respectfully request that the Department assess whether the proposal genuinely satisfies the broader public interest. While the development seeks significant planning uplift through increased height and density, the demonstrated public benefits appear limited when weighed against the scale of change proposed within a sensitive heritage and civic location.

The affordable housing contribution represents approximately the value of a single average apartment, while the indicative pricing of the remaining dwellings suggests a high-end market product more likely to attract affluent downsizers rather than the younger demographic referenced in the Social Impact Assessment. At the same time, the proposal introduces substantial risks and impacts including overshadowing, visual dominance, construction disruption, traffic pressures within a school precinct, subsurface engineering complexity and potential safety considerations.

In my view, the public interest is best served by development that balances growth with context, heritage character and the lived experience of existing residents. Where a proposal relies heavily on mitigation measures, economic justification and complex engineering solutions to achieve its scale, it is reasonable to question whether the overall planning outcome represents a net community benefit.

For these reasons, I respectfully submit that the Department should carefully consider whether the scale and form of the current proposal delivers a genuine public benefit

commensurate with the impacts identified. If the answer is not clear, further redesign and more rigorous assessment should be required before any approval is contemplated.

Resident Details

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Date: 17 February 2026