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Reply by portal: <https://majorprojects.planningportal.nsw.gov.au>

**SSD-89869959 10 Dangar Street Wickham NSW 2293**  
**EIS Public Submission**

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## 1 SUMMARY

I do not support this proposal.

- Any height above 90 m cannot be support in the context of the surrounding buildings and the Wickham Masterplan. Option 2 at 78 m is the preferred option. There is no reason that this one building must solve all of the housing issues on its own. The current planned density around the Newcastle Interchange is sufficient to met all strategic planning documents and housing requirements.
- The proposal provides **no public domain works**. The proposal proposes to “retained and protected” the footways along Dangar, Charles and Station Streets – this is NOT acceptable. Normal best practice is to remediate and/or upgrade to current standards. This was covered in consent condition 22 in the two previously approved DA’s. This consent condition must be imposed on this proposal.
- The proposal provides **no community incentive infrastructure**. The proposal incorrectly claims the public spaces inside the property boundary as community incentive infrastructure. They are public spaces normally expected for a building of this size situated beside a major transport hub.
- Once FSR of 6:1 is exceeded, a **monetary contribution for community infrastructure** is required in exchanged for the increased GFA. For the proposed building this is estimated at \$10M. A better alternative to a monetary contribution is to implement Project #13 in Appendix 1 of Wickham Community Infrastructure Plan as far along Dangar, Charles and Station Streets as possible as works-in-kind to the value of the monetary contribution.

## 2 WASTE

- This will be the best waste management system around Wickham.
- The on-site waste collection method is supported.
- The waste generation rates have not been checked. However, the equation used for the bulky waste storage is unusual.
  - Using EIS equation gives Bulky Goods Area = 344 units x 4/26 = **53 m<sup>2</sup>**.
  - Using NSW EPA ‘Better practice guide for resource recovery in residential developments’ gives Bulky Goods Area = **71 m<sup>2</sup>**.

There are 344 units; 203 dwellings + 42 affordable dwellings + 99 co-living.

Bulky goods storage area required is:

  - For the first 40 units; 10 m<sup>2</sup>
  - For the rest: 2 m<sup>2</sup> x (344-40)/10 = 60.8 m<sup>2</sup>
  - TOTAL REQD: 70.8 m<sup>2</sup>

## 3 THE VISUAL IMPACT, STREETScape AND LOCAL CHARACTER

### 3.1 Visual Impact

The height of building cannot be supported. City of Newcastle will also not support this and I support City of Newcastle’s objections to this.

- While housing is required, there is no need for one building to have to do it all.
- The pipeline of apartments and density increase in Newcastle is not being constrained by HOB and FSR requirements. It is constrained by the workforce. There are numerous high rises under construction and planned, such as Honeysuckle HQ.
- City of Newcastle has shown NSW planners that the planned density around Newcastle Interchange exceeds all NSW government strategic plans, including TOD. Consequently, West End and Wickham have been excluded from the TOD maps.
- City of Newcastle HOB and FSR requirements are not unreasonable or unnecessary.

- The proposal does not undertake a wide area planning to show increased HOB and FSR are necessary on this site and other surrounding sites; it only claims that extra housing is needed so HOB and FSR must be increased on this site. This flies in the face of strategic urban planning.
- Option 1 (EIS, p.30) is the preferred option. It still meets all strategic plans for housing. Not providing job opportunities via a hotel is a decision made by the DA proposer.
- Option 2 (EIS, p.31) is also supported. In fact, I thought this SSD would push this option further from 78 m to 90 m using the sites across Hannell St and across the railway line with HOB=90m as justification. I can support 78 m or 90 m within the Wickham Masterplan context. I cannot support anything above 90 m. An amphitheatre effect is required away from the harbour foreshore. This building is too close and too tall. It will also compromise development potential further from the harbour foreshore so it could have an overall negative effect on density.

### 3.2 Streetscape (aka Public Domain)

The EIS project summary says:

#### **5.0 The Proposed Development**

*This chapter sets out the intended uses proposed for the site and the associated works that consent is being sought for under this SSDA.*

#### **5.1 Project Summary**

...

*Associated landscaping and public domain improvements, including the provision of community infrastructure in the form of a major east west through-site link and plaza connecting to the adjacent to the Newcastle Interchange along the southern edge of the site, a through site link running along the eastern boundary parallel to Hannell Street, and an additional plaza at the north-east corner of the site, all publicly accessible."*

(EIS, p.36)

The EIS also says:

*The proposal satisfies the community infrastructure requirement by delivering on-site capital works in the form of a new publicly accessible east–west through-site link and plaza along the southern portion of the site adjacent to the Newcastle Interchange, a through site link running north-south along the eastern boundary of the site parallel to Hannell Street, and a plaza at the north east corner of the site, together with associated landscaping and public domain improvements.*

(EIS, p.71)

The proposal DOES NOT provide public domain improvement or community Incentive infrastructure. These are discussed in the next two sections.

#### **3.2.1 Public Domain Improvement IS NOT Provided**

- There is NO associated landscaping or improvements proposed within the public domain; that is, outside the site boundaries.
  - Along Dangar, Charles, Station and Hannell Street footways, Urban drawing LD-DA100\_1 says "Existing public domain retained and protected". That is, NO public domain improvement is proposed.
  - The existing footways are already damaged, so to simply say "retained and protected" is NOT acceptable.
  - Normal best practice is to remediate and/or upgrade to current standards. The two previously approved DA required this, at no cost to council. Consent Condition 22 for [DA2018/01197](#) is applied unchanged to the later approved [DA2022/00448](#). It reads:

*"22. The developer is to design and construct the following works at no cost to Council and in accordance with Council's City Centre Public Domain Manual guidelines (Wickham Masterplan pavement design & Council specifications) and Australian Standards:*

*a) Public Domain Works - (Hannell St, Dangar St, Charles St and Station St).*

- i. *Design and installation of new footpath and streetscape works along all the frontages (includes any pavement works required adjoining the Newcastle Train Station Through Link).*
- ii. *Design and install kerb extensions, associated drainage and civil works on both sides on Dangar St at corner of Charles St.*
- iii. *Design and installation of a raised pedestrian crossing at corner of Station St and Charles St. This includes design of appropriate street lighting, associated drainage and civil works.*
- iv. *Remove existing and install new kerb and gutter, kerb ramp and repair road along the frontage. Sandstone to be protected at all times.*
- v. *Install (12) new street trees and grass verge areas in accordance with Council requirements and adjust service pit levels to match new footpath level. Note: footpath to achieve maximum cross fall of 2.5%.*
- vi. *Installation of new driveway and removal of redundant driveway and associated roadworks.*
- vii. *Install any required parking signs, line markings (including cycle way markings), mandatory signage and any civil works associated with road and on-street parking infrastructure.*
- viii. *Installation of any new street furniture including bicycle racks or rings and new seats and bins.*
- ix. *Design of street lighting along all frontages and under awning lighting.*
- x. *Installation of new drainage on the street and development drainage connections as required*
- xi. *Review of the shopfront alignment to the east, north and south at ground level after consideration of the desirability of providing some outdoor breakout or outdoor dining areas associated with the retail uses.*

*Note: Approval is required by the Manager of Regulatory Services at Newcastle Council prior to the release of the Section 138 application.*

*Universal Design principles are to be applied to the development to allow for entries to be designed for universal access and levels to be adjusted within the site.*

*Detailed public domain plan including civil design & details, survey, cross sections (footpath path being designed with 2.5% cross fall), longitudinal and street lighting design are to be submitted to Council for review and approval as part of the S138 Road Act application.*

*Engineering design plans and specifications for the works being undertaken within the public road reserve are required to be prepared by a suitably qualified practising civil engineer with experience and competence in the related field and submitted to Council for approval pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from Council, before the issue of a Construction Certificate (excluding bulk excavation and demolition works within the site)."*

- Since DA2022/00448 was approved, the Wickham Public Domain Plan has been issued. This replaces Wickham Masterplan in the above Consent Condition 22.
- Since the Wickham Public Domain Plan was issued, the detail design of the Union Street Wickham Public Domain Works has been completed. The public domain on the Wickham side of the Newcastle Interchange (i.e., around this proposal) is to have the same look-and-feel as Union Street.
- Public domain works like these are approved pursuant to Section 138 of the Roads Act 1993 (NSW). The community never gets to see the proposed design until the hoardings come down. A consent

condition must include for the public domain works to be exhibited to the community at the concept and detail design phases. This process is stated in the Wickham Public Domain Plan.

There is plenty of time in the construction phase to do this. When this public domain work is expanded to provide the community incentive infrastructure discussed in the next section, the changes to the public domain are significant and must go through public consultation to get the best win-win outcome.

### 3.2.2 Community Incentive Infrastructure IS NOT Provided

- The claimed community infrastructure is actually public space that is typically provided around any building of this scale and especially when situated alongside a major transport hub. The proposed public spaces are not something special. They represent the minimum to be expected. They are not something extra to be traded for increased GFA.

The proposed public spaces, NOT community infrastructure projects, are:

- (1) an east-west through-site link and plaza along the southern portion of the site adjacent to the Newcastle Interchange,
- (2) a through site link running north-south along the eastern boundary of the site parallel to Hannell Street, and
- (3) a plaza at the north east corner of the site.

To provide some clarity around the east-west through site-link, the following background is provided.

#### ➤ DA2018/01197 background

- DA2018/01197 was approved 30 Apr 2019 for 14-storey mixed-use development; HOB 47.65m (NLEP 45m); FSR 5.87:1 (NLEP 6.0:1); Cost \$7.97M
- This DA did not provide for the east-west link because the Clause 4.3 and 4.4 HOB and FSR where no exceeded.

#### ➤ DA2022/00448 background

- DA2022/00448 was approved 22 Dec 2022 for 17-storey mixed-use development; HOB 58.75m (NLEP\* 60m); FSR 6.9:1 (NLEP\* 7.0:1); Cost \$7.97M (yes, cost unchanged: how???)
- \* NLEP provides for increased HOB and FSR when community infrastructure provided
- While this DA triggered the provision of community incentive infrastructure, it was unable to provide Project #12 in the schedule of community infrastructure projects in Wickham.



**APPENDIX 1 – SCHEDULE OF COMMUNITY INFRASTRUCTURE**

**Table 1: Schedule of community infrastructure projects in Wickham**

| Ref | Location                                                    | Category              | Approx. area       | Approx. dimensions            | Description                                                                                    |
|-----|-------------------------------------------------------------|-----------------------|--------------------|-------------------------------|------------------------------------------------------------------------------------------------|
| 1.  | 29 Bishopsgate Street (corner of Railway Street)            | Public domain         | 210m <sup>2</sup>  | 6m x 35m                      | Wickham green - consisting of lawn/paved areas/landscaping and shade trees, furniture          |
| 12. | 10 Dangar Street                                            | Active transport link | 131 m <sup>2</sup> | 3m wide                       | Pedestrian/cycle lane - paved laneway with activated edge at corners. Lighting and public art. |
| 13. | Various locations connecting footpaths between developments | Active transport link | Up to 1000m        | Detail subject to Wickham PDP | Public domain improvements - areas where redevelopment is unlikely to occur.                   |

**Figure 1 - Extract from Wickham Community Incentive Plan (2023)**

- The DA could not provide Project #12 because the basement and building occupied the required area. Instead, a \$1.6M monetary contribution was provided via a Voluntary Planning Agreement.

- **Project #12** is now a flawed project because:
  - The real estate alongside the Newcastle Interchange is no longer available due to DA2022/00448,
  - The real estate alongside the Newcastle Interchange is still not being dedicated to City of Newcastle because SSD 89869959 still has a basement under the area.
  - Best practice now requires separation of cyclists and pedestrians where ever possible,
  - The Newcastle Interchange is not the main destination for cyclists, and
  - The east-west cycling link will link Wickham Park with the Harbour Foreshore via the traffic lights at the Honeysuckle Drive intersection, making Dangar Street the preferred cycling route, not the route alongside the Newcastle Interchange.
- The Wickham Public Domain Plan no long includes Project #12 or any other community infrastructure on the proposed site. It now has an on-road cycleway from Dangar Street to Wickham Park via Station Street as shown in Figure 2 (p.7 below).

### 3.2.3 VPA Requirements for Community Incentive Infrastructure.

- No identified community infrastructure projects apply to this site in Appendix 1 of the Wickham Community Infrastructure Plan (2023).
- A monetary contribution is required. This is estimated as follows.
  - NLEP Clause 4.4 FSR 6:1. Site area 2904 m<sup>2</sup>. GFA = 17,424 m<sup>2</sup> maximum without community incentive.
  - Applying NSW in-fill affordable housing bonus (AH Bonus) in full GFA = 17,424 m<sup>2</sup> + 30% = 22,651 m<sup>2</sup> maximum without community incentive. The proposal is applying the AH Bonus quite differently, but this is good enough for this back-of-the-envelope calculation.
  - Proposed GFA = 41,348 m<sup>2</sup> (EIS Table 7, p.38). (There are different figures in various documents, so which one to use???)
  - Incentive GFA = (41,348 m<sup>2</sup> - 22,651 m<sup>2</sup>) = 18,697 m<sup>2</sup>
  - Wickham “Incentive GFA Rate” = \$579.72/ m<sup>2</sup> as of Sept 2023. This rate will need to be indexed.
  - Incentive Monetary Contribution = 18,697 m<sup>2</sup> x \$579.72/ m<sup>2</sup> = **\$10.84M**
  - For context, development cost = \$204.2M, so incentive monetary contribution is 5.31%.
  - Accessing the increased GFA is voluntary.
  - See City of Newcastle *Community Infrastructure Incentives Policy* (2024) for justifications.
- A far better outcome is for this proposal to implement the Wickham Public Domain Plan along Dangar, Charles and Station Stations. This is done by:
  - Providing independent costing of the public domain works in Section 3.2.1 that are at no cost to council. These works are not the nice-to-haves covered by the incentive infrastructure. They are normal, best practice to remediate and/or upgrade the footways to current standards.
  - Providing independent costing of the public domain works in the Wickham Public Domain Plan. This is Project #13 in Appendix 1 of the Wickham Community Infrastructure Plan (2023).
  - The difference is the value of the community incentive infrastructure provide. Increase the distance of Public Domain Improvement westward along Station St until the value matches the required monetary contribution.

### 3.3 Local Character

- The local character is set by the Wickham Public Domain Plan and the detail design of the *Union Street Wickham – Public Domain Works* project. The Union St look-and-feel is required along Dangar, Charles and Station Streets.

- The public spaces inside the property boundary should be different to clearly delineate the two spaces.

## 4 TRAFFIC AND ACCESS

### 4.1 Site Access

- The roller door to the underground carpark must be setback 6 m from the boundary so cars do not queue across the footpath waiting for the roller door to open.
- The provision of pedestrian sight lines for vehicles exiting into Dangar and Charles Streets is welcome.
- Site access via Dangar St is supported. It should never have been on Charles Street as it was in the previously approved DA.
- The sweep path analysis must be based on the proposed kerb extensions, cycleways, etc, in the Wickham Public Domain Plan, not the current road reserve profile.

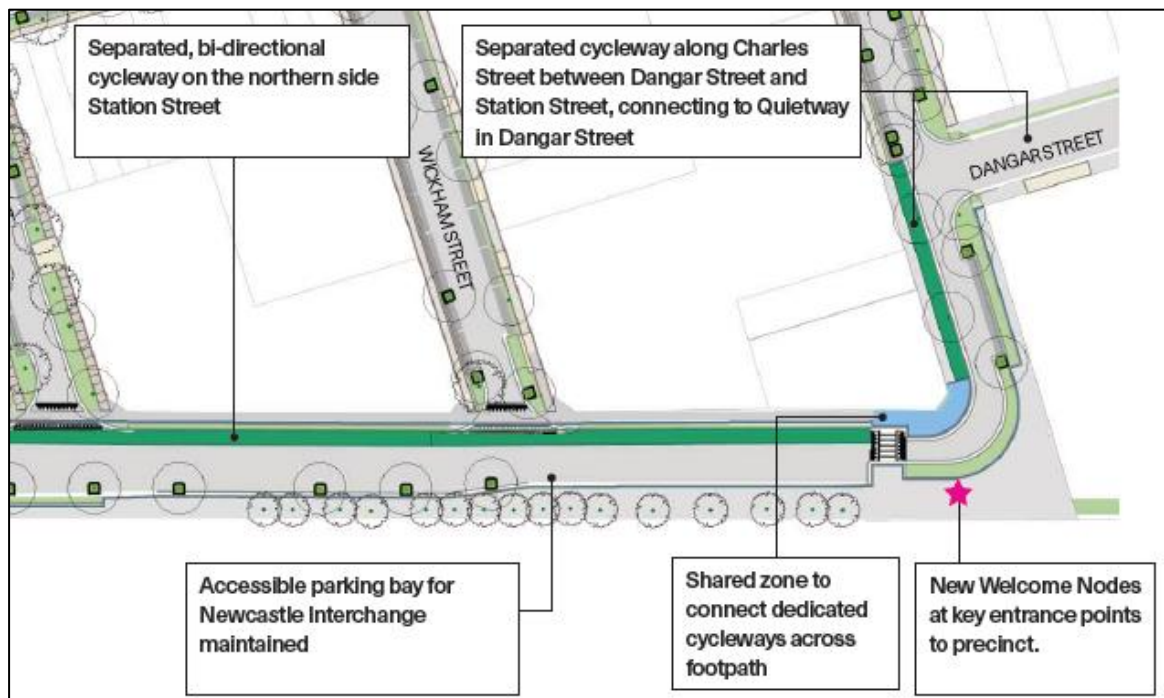


Figure 2 - Extract from Wickham Public Domain Plan (2023, p.36)

The concept shown above in the Wickham Public Domain Plan has not undergone community consultation; it was added after community consultation. Considerable improvements are envisaged; see section on public domain.

### 4.2 On-Street Parking

- This development has three large roller doors fronting the street. The previously approved DA had only one.
- The Transport Impact Assessment notes the existing on-street parking restrictions.
- The Transport Impact Assessment makes no mention of the changes brought about by the three roller doors, possible sweep path requirements, or servicing the buildings needs for drop-off zones at the hotel, small parcel deliveries, food deliveries, etc.
- The Transport Impact Assessment says loading and servicing provisions are provided by the drive through loading area. This facility will not be available for courier drivers, hotel drop off/pickup, etc.
- The EIS must assess the full range of vehicles required to service this building, including courier drivers, hotel drop-off/pick-up, resident/visitor drop-off/pickup (e.g., taxi/Uber)

- The EIS must show how this building can be serviced without adversely affecting on-street parking and the public domain. Are 15-minute zones required?
  - Wickham is already experiencing the impacts of poor building infrastructure design. For example, the Stella building on Dangar Street has light commercial vehicles parking on footpaths to drop off parcels or pickup/drop-off food deliveries and waste collection spilling out onto the street.

#### 4.3 Traffic Assessment

- The traffic assessment is inadequate in its scope.
- In the development of the Wickham Masterplan, a traffic assessment was commissioned by City of Newcastle; see Bitzios (2017), *Wickham Master Plan - Traffic and Transport Assessment*. This assessment used the future envisaged density proposed in the Wickham Masterplan as its basis. This study has resulted in changes at the Throsby St/Hannell St intersection and the Railway St/Albert St intersection to support the envisaged density in Wickham.
- During pick times, the writer has sat for three, very long traffic light cycles to turn right from Throsby St into Hannell St. Over the last few years, the green time is being reduced by increased pedestrian activity and only three or four cars can make a right-turn into Hannell St on each traffic light cycle when pedestrians cross this intersection.
- If this building sets a precedent to over-ride City of Newcastle's master planning, then the EIS must repeat the Bitzios study to demonstrate that the surrounding road network can handle the future envisaged density in the Wickham Masterplan plus the increased density from this building and the increased density from other buildings that follow this precedent.
- If the study shows that increased green time is required for a right-hand turn from Throsby St into Hannell St, then the EIS must get TfNSW approval that this can happen, either now or in the future when the higher density levels are reached.

## 5 SOCIAL

- This site is a good location for co-living and affordable housing.
- However, one building does not have to solve all of the housing issues alone. A smaller building with the same GFA ratios of co-living and affordable housing is much preferred.
- This is particularly important for the co-living units where having smaller numbers per building spread across many buildings is a much more manageable outcome in the event of problems arising with management and/or occupants in one building.

Yours sincerely

Thomas Vinton

#### Attachments:

None.