ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

ITEM 1  
DA2018/01301 - 59 DARBY STREET COOKS HILL  
DEMOLITION OF STRUCTURE, ERECTION OF SIX-STOREY MIXED USE DEVELOPMENT, INCLUDING COMMERCIAL, SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS  
Attachment A - Submitted Plans  
Attachment B - Processing Chronology

ITEM 2  
DA2003/2991.01 - 89 PARK AVENUE KOTARA  
MODIFICATION - MODIFY THE OUTSIDE CORE TRADING HOURS AND ACCESS  
Attachment A - Submitted Plans  
Attachment B - Processing Chronology

ITEM 3  
DA2019/00339 - 48-56 HUNTER STREET NEWCASTLE  
MIXED USE DEVELOPMENT (ALTERATIONS AND ADDITIONS TO INCLUDE PENTHOUSE UNIT)  
Attachment A - Submitted Plans  
Attachment B - Processing Chronology
ITEM 1  DA2018/01301 - 59 DARBY STREET COOKS HILL

DEMOLITION OF STRUCTURE, ERECTION OF SIX-STOREY MIXED USE DEVELOPMENT, INCLUDING COMMERCIAL, SERVICED APARTMENTS AND RESIDENTIAL APARTMENTS

Attachment A - Submitted Plans
Attachment B - Processing Chronology
Item 1  Attachment A: Submitted Plans
Our clients brief for the development site, located at the corner of Darby St & Queen St Cooks Hill, was to design a high end, mixed use building and to create a distinctive project unique to this area of Newcastle that embraces environmental, social and aesthetic elements. The development will benchmark bold and innovative design for not only Cooks Hill, but also the entire Newcastle Region.

This significant site is located at the intersection of three different DCP Precincts - Darby St/Cooks Hill Precinct, East End Precinct & the Civic Precinct. We believe this unique situation justifies a landmark building signifying the transition from the Suburban Precincts into the City Precincts & setting the standard for the Newcastle CBD.

The built form is conceived as two buildings on the site - the western building being Serviced Apartments while the eastern building contains Residential Apartments. The buildings are separated by 12m internally which provides a high level of amenity to the residents and also creates an opportunity for a north facing internal courtyard filled with lush landscaping & good amenity for residents.

In lieu of building a podium hard to the boundaries, we have proposed to create a semi transparent facade which reinforces the streetwall height yet opens up & allows pedestrians to flow through to the public plaza on the ground floor which becomes a seamless extension of the footpath. With a predominantly commercial use on the ground floor, the tenancies have been pushed back from the boundaries to create a public plaza filled with outdoor dining, art installations, extensive landscaping & a visually interesting soffit. The development provides an active street frontage and defines the beginning of the Civic precinct and its transition to the City Centre. The zero setback of this building reinforces the urban edge and utilizing the topography of Queen Street, allows a 4.7m floor to floor for the ground floor along Darby St to allow flexibility for the end user.

The client is proposing that one of the ground floor tenancies will be a designated gallery space which provides a connection to the Newcastle Regional Art Gallery on the opposite side of Darby Street. The ‘organic’ facade structure has been pulled apart at this location in response to this connection & encourages people to flow between the two galleries. We envisage the public plaza also featuring some sculpture art installations.

The design of the facade came from a historical analysis & interpretation. The site was acquired in 1955 & plans for a new Divisional Office for the Department of Main Roads were prepared & a contract was let for the erection of the building which occurred in 1956. The Department of Main Roads Office Building survived numerous departmental name changes but continued to serve under its original function until as recently as August 2017, when the State Government offered the site for sale. One of the last functions the building served was to accommodate those working on the Pacific Highway upgrade works. We thought it was important to reference the previous use of the site being the old RTA Building. After looking at the existing street pattern of the immediate context, we were able to develop a pattern which incorporated the pattern formed from the main streets in the area. This pattern then informed the design of the entire screen with certain areas being opened up to encourage activation of the ground plane & addressing the context. This is further explained through diagrams in the Architectural package.

Building A (Serviced Apartments) consists of 32 apartments which are accessed via a corridor on the eastern side of the building that overlooks the internal landscaped courtyard. This building has its main frontage facing Darby St & wraps around Queen St. The design intent was for this building to appear as if it was growing up through the podium facade & spilling out over the top in a more organic form. The serviced apartments are accessed via a corridor on the eastern side of the building which overlooks the internal landscaped courtyard.

Building B (Residential Apartments) is located on the eastern portion of the site facing Queen St & contains 24 residential apartments. It was important that this building did not compete with the more ‘organic design’ of Building A therefore it the architecture is simple with clean lines allowing Building B to be the showpiece. Both buildings are accessed via a common foyer which links to the café/bar, a club lounge for residents & a view area to the gallery space below. The glass roof allows for a visual connection between the foyer & the landscaped courtyard.

The design incorporates sustainable principles and will benchmark future developments to contribute to the streetscape and public realm. Establishing such a standard will produce not only quality mixed use developments and a sense of place, but also enrich the character of the area and representing an exciting new development to be appreciated by existing and new residents.

Bede Campbell
Principal - EJE Architecture
Registered Architect
Board Reg 9837
### Site Area

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE AREA</td>
<td>2,681 m²</td>
</tr>
</tbody>
</table>

### Ground Floor:

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>RETAIL / LOBBY</td>
<td>971 m²</td>
</tr>
<tr>
<td>TOTAL GROUND FLOOR</td>
<td>971 m²</td>
</tr>
</tbody>
</table>

### Level 1:

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING A</td>
<td>504 m²</td>
</tr>
<tr>
<td>BUILDING B</td>
<td>636 m²</td>
</tr>
<tr>
<td>COMMON</td>
<td>53 m²</td>
</tr>
<tr>
<td>TOTAL LEVEL 1</td>
<td>1,193 m²</td>
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</table>

### Level 2:

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING A</td>
<td>504 m²</td>
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<tr>
<td>BUILDING B</td>
<td>636 m²</td>
</tr>
<tr>
<td>TOTAL LEVEL 2</td>
<td>1,140 m²</td>
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### Level 3:

<table>
<thead>
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<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING A</td>
<td>463 m²</td>
</tr>
<tr>
<td>BUILDING B</td>
<td>636 m²</td>
</tr>
<tr>
<td>TOTAL LEVEL 3</td>
<td>1,099 m²</td>
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### Level 4:

<table>
<thead>
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<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING A</td>
<td>121 m²</td>
</tr>
<tr>
<td>BUILDING B</td>
<td>0 m²</td>
</tr>
<tr>
<td>TOTAL LEVEL 4</td>
<td>121 m²</td>
</tr>
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</table>

### Total GFA

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL GFA</td>
<td>5,623 m²</td>
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### Proposed FSR:

<table>
<thead>
<tr>
<th>Description</th>
<th>FSR</th>
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</thead>
<tbody>
<tr>
<td>PROPOSED FSR</td>
<td>5,623/2,681</td>
</tr>
<tr>
<td>ALLOWABLE FSR</td>
<td>2.10:1</td>
</tr>
</tbody>
</table>

### Car Parking

<table>
<thead>
<tr>
<th>Description</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>RETAIL - STAFF PARKING ONLY</td>
<td></td>
</tr>
<tr>
<td>FOOD STORE @ 1/60m² = 4 SPACES</td>
<td></td>
</tr>
<tr>
<td>GALLERY @ 1/60m² = 3 SPACES</td>
<td></td>
</tr>
<tr>
<td>BAR/REST @ 1/60m² = 4 SPACES</td>
<td></td>
</tr>
<tr>
<td>RETAIL TOTAL = 11 SPACES</td>
<td></td>
</tr>
</tbody>
</table>

### Nominated Architect:

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Lorriman</td>
<td>+61 2 4929 2353</td>
</tr>
</tbody>
</table>

### Site Address:

59 Darby Street, Cooks Hill, NSW 2300

### Mixed Use Development:

- **JGM PROPERTY INVESTMENTS PTY LTD**
- **MIXED USE DEVELOPMENT**
- **PLANNING DATA**

### Car Spaces Proposed:

<table>
<thead>
<tr>
<th>Description</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL CAR SPACES REQUIRED = 80 SPACES</td>
<td></td>
</tr>
<tr>
<td>TOTAL CAR SPACES PROPOSED = 80 SPACES</td>
<td></td>
</tr>
</tbody>
</table>

### Visitors

<table>
<thead>
<tr>
<th>Description</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>VISITORS @ 1 SPACE PER 5 DWELLINGS (54) = 11 SPACES</td>
<td></td>
</tr>
</tbody>
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GFA CALCULATIONS

GROUND FLOOR
GFA 221 m²
GFA 750 m²

LEVEL 01
GFA 504 m²
GFA 636 m²

LEVEL 02
GFA 504 m²
GFA 636 m²

LEVEL 03
GFA 463 m²
GFA 636 m²

LEVEL 04
GFA 463 m²
GFA 636 m²

LEVEL 05
GFA 121 m²

ADDITIONAL INFORMATION TO COUNCIL
Andrew Lorriman
25 October 2018
OF EJE ARCHITECTURE
Nominated Architect
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COMPLETION OF THE QUALITY ASSURANCE CHECKS IS VERIFICATION THAT THE DOCUMENT

Nominated Architect -
Bernard Collins
25 2492 3069
m
2
E mail@eje.com.au

Accreditation no.:
3
BED
2
3m
3
2
43
05
04
BED
2
2
m

WATER
03
2
3
...BED
2
3m
3
2
43
05
04
BED
2
2
m

RL
59 Darby Street
COOKS HILL, NSW
2300

LIFT
16
LIFT
12
LIFT
15
275
6
11

CLIENT
JGM PROPERTY INVESTMENTS PTY LTD

GFA CALCULATIONS

GFA 250 m²

MASSING/USE DEVELOPMENT

DRAWING :CLIENT :
BC 24.10.2018

FILENAME
DIMENSIONS
LEVELS

VISITORS @ 1 SPACE PER 5 DWELLINGS = 12 SPACES
BUILDING B TOTAL = 23 SPACES
16 x 2 BED @ 0.9 SPACE PER DWELLING = 14.4 SPACES

ALLOWABLE FSR: 2.50:1
PROPOSED FSR:

MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN
DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF

EASEMENT
MIXED USE DEVELOPMENT
MIXED USE DEVELOPMENT

LINE OF ROOF OVER SHOWN DASHED

HALLWAY
WALKWAY
TERRACE 11 m²
TERRACE

ROOM
SKYLIGHT
GALLERY
SHELTER
TERRACE

BC 24.10.2018

DARBY STREET
COOKS HILL
NEW 2300

SECRETARIAL INFORMATION TO COUNCIL

Certificate no.:
Assessor Name:
Accreditation no.:
Certificate date:
www.nathers.gov.au
Dwelling Address:
0003286370
Andrew Lorriman
VIC/BDAV/17/1827
5.8
25 October 2018
59 Darby Street
COOKS HILL, NSW
2300
MIXED USE DEVELOPMENT
JGM PROPERTY INVESTMENTS PTY LTD

SITE

CIVIC PARK

GROUND FLOOR:
TOTAL GFA: 5,862 m²

LEVEL 1:
BUILDING A 503
BUILDING B 636

LEVEL 2:
BUILDING A 503
BUILDING B 636

LEVEL 3:
BUILDING A 503
BUILDING B 636

LEVEL 4:
BUILDING A 503
BUILDING B 636

LEVEL 5:
BUILDING B 129

TOTAL GFA: 5,862 m²

ALLOWABLE FSR: 2.50:1

PROPOSED FSR:

TOTAL LEVEL 4:
1,139

TOTAL LEVEL 3:
1,139

TOTAL LEVEL 2:
1,139

TOTAL LEVEL 1:
971

CIVIC PARK

ST ANDREW'S CHURCH

QUEEN ST

LAMAN ST

DARBY ST

LYRELL ST

KING ST

CAR PARKING

FOOD STORE @ 1/60m² = 4 SPACES

BISTRO @ 1/60m² = 3 SPACES

GALLERY @ 1/60m² = 3 SPACES

BAR/REST @ 1/60m² = 4 SPACES

VISITORS @ 1 SPACE PER 5 DWELLINGS = 12 SPACES

10 STAFF @ 1 SPACE PER 2 STAFF = 5 SPACES

16 x 2 BED @ 0.9 SPACE PER DWELLING = 14.4 SPACES

32 ROOMS @ 1 SPACE PER ROOM = 32 SPACES

4 x 3 BED @ 1.4 SPACES PER DWELLING = 5.6 SPACES

RETAIL TOTAL = 11 SPACES

BUILDING A TOTAL = 37 SPACES

BUILDING B TOTAL = 23 SPACES

TOTAL CAR SPACES PROPOSED = 83 SPACES
INTERSECTION OF THREE DIFFERENT PRECINCTS. POTENTIAL FOR A LANDMARK BUILDING TO SIGNIFY THE TRANSITION FROM SUBURBAN PRECINCT INTO THE CITY PRECINCTS.
DCP SETBACKS ABOVE 16m
- 6m STREET SETBACKS
- 6m SIDE & REAR SETBACKS

ADG BUILDING SEPARATION
- 6m NON HABITABLE TO NON HABITABLE
- 9m HABITABLE TO NON HABITABLE
- 12m HABITABLE TO HABITABLE

PROPOSED SITE ARRANGEMENT
- 0m STREET SETBACKS
- 6m SIDE & REAR SETBACKS
- 6m NON HABITABLE TO NON HABITABLE
- 9m HABITABLE TO NON HABITABLE
- 12m HABITABLE TO HABITABLE

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**NATURAL VENTILATION**
- MORE THAN 60% OF UNITS WILL HAVE NATURAL CROSS VENTILATION

**VIEWS & PRIVACY**
- TAKE ADVANTAGE OF VIEWS OVER CIVIC PARK, DOWN DARBY STREET & POSSIBLY HARBOUR VIEWS
- PROVIDE VISUAL & ACOUSTIC PRIVACY TO & FROM NEIGHBOURS

**COMMUNAL OPEN SPACE**
- COMMUNAL LANDSCAPED PODIUM LEVEL
- COMMUNAL ROOFTOP TERRACE ON SERVICED APARTMENT BUILDING WITH LANDSCAPING, VIEWS, SHELTER & DIRECT SOLAR ACCESS.
THREE STOREY CONCRETE BUILDING

TREES TO BE REMOVED
SHOWN SHADY

BUILDING A
SERVICED APARTMENTS

LOT 63
DP 1109172

BUILDING B
RESIDENTIAL APARTMENTS

LOT 64
DP 1109172

LOT 53
DP 151167

LOT 27
DP 150134

LOT 44
DP 150066

TYRELL ST
SUBSTATION

ADJOINING
DWELLINGS

DARBY STREET

QUEEN STREET

ART GALLERY
**Purpose Only**

Conforms with the requirements of the quality project plan.

Completion of the quality assurance checks is verification that the document.

A nominated architect

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Assurance check is incomplete, this document is preliminary for information.

www.eje.com.au

13 mm 16 mm

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PRODUCTS ONLY

REFER TO BASIX REPORT

GLAZING

REFER ACOUSTIC CONSULTANTS REPORT

0.70

Bench seat

CONFIRM ON SITE

Concrete

Construction

Metal wall sheeting

Acoustic construction

Bench seat

Bench seat

Air conditioning

Exposed ceilings

GARAGE DOOR

LIFT OVERRUN

PRECAST PANELS WITH RECESSED PATTERN

LINE OF BASEMENT SHOWN DASHED

OUTLINE OF EXISTING ADJACENT TREES TO REMAIN SHOWN DASHED

BOUNDARY

29,400

LEVEL 5

25,500

LEVEL 4

22,500

LEVEL 3

19,500

LEVEL 2

16,500

LEVEL 1

13,500

GROUND FLOOR

5,300

BASEMENT FLOOR

25,500

LEVEL 5

22,500

LEVEL 4

19,500

LEVEL 3

16,500

LEVEL 2

13,500

GROUND FLOOR

5,300

BASEMENT FLOOR

DARBY ST

QUEEN ST

LEVEL 1:

LEVEL 2:

LEVEL 3:

LEVEL 4:

LEVEL 5:

TOTAL LEVEL 1:

TOTAL LEVEL 2:

TOTAL LEVEL 3:

TOTAL LEVEL 4:

TOTAL GFA 5,862 m²

BUILDING A  503

BUILDING B  129

BUILDING A  503

BUILDING B  636

BUILDING A  503

BUILDING A  503

RETAIL / LOBBY  971

4 x 1 BED @ 0.6 SPACE PER DWELLING = 2.4 SPACES

BAR/REST @ 1/60m² = 4 SPACES

16 x 2 BED @ 0.9 SPACE PER DWELLING = 14.4 SPACES

TOTAL CAR SPACES PROPOSED = 83 SPACES

TOTAL CAR SPACES REQUIRED = 83 SPACES

CLIENT:

DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK

DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF

MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS

PLOT No

SUBJECT TO REVIEW AND ISSUE

PHASE

REV

PROJECT No

DRAWING No

DATE

1/2500

11970-181012.pln
## Mixed-Use Development

### Project Details:
- **Location:** 59 Darby Street, Cooks Hill, NSW 2300
- **Architect:** JGM Property Investments Pty Ltd
- **Assessor Name:** Andrew Lorriman
- **Accreditation no.:** VIC/BDAV/17/1827
- **Certificate date:** 25 October 2018
- **Certificate no.:** 0003286370
- **Building Type:** Mixed use development

### Floor Plans:

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 2</td>
<td></td>
<td></td>
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<tr>
<td>Level 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Elevation Details:
- **Lift Overrun:** 14m LEP Height Limit
- **Building Dimensions:**
  - 29.400 x 26.400
- **Walls:**
  - **Category:** Development
  - **Development:** South facing units
- **Windows:**
  - **Serviced and residential buildings:** Double glazing
  - **Non-residential buildings:** Single clear glass

### Materials:

<table>
<thead>
<tr>
<th>Material</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Roof</td>
<td>Metal roof sheeting</td>
</tr>
<tr>
<td>Walls</td>
<td>Face brick</td>
</tr>
<tr>
<td>Eaves</td>
<td>Eaves gutter</td>
</tr>
<tr>
<td>Doors</td>
<td>Metal door</td>
</tr>
<tr>
<td>Columns</td>
<td>Metal column</td>
</tr>
<tr>
<td>Ceilings</td>
<td>Metal ceiling</td>
</tr>
<tr>
<td>Windows</td>
<td>Double glazing</td>
</tr>
<tr>
<td>Windows</td>
<td>Single clear glass</td>
</tr>
</tbody>
</table>

### Specifications:

- **Insulation:**
  - **Roof:** Bulk insulation R
  - **Internal Walls:** None

- **Fire Resistance:**
  - Refer to structural documentation

- **Acoustic:**
  - Refer to acoustic consultants report

### Environmental Considerations:

- **Energy Efficiency:**
  - SHGC values are adopted for the project

- **Building Code:**
  - Category A

---

**Note:**
- Refer to hydraulic documentation for plumbing details.
- Refer to structural documentation for columns and centre lines.
- Refer to hydrazine for fire resistance.
- Refer to acoustic consultants report for acoustic requirements.
- Refer to contractor for installation details.

---

**www.eje.com.au**
EXTENT OF SHADOW CAST FROM EXISTING TREES ONTO ADJOINING SITE

JUNE 21 - 9AM

JUNE 21 - 12PM

JUNE 21 - 3PM

MIXED USE DEVELOPMENT

JGM PROPERTY INVESTMENTS PTY LTD

59 Darby Street, Cooks Hill, NSW 2300

CLIENT: JGM PROPERTY INVESTMENTS PTY LTD

SHADOW DIAGRAMS

DOCUMENT NO: 11970-181012.pln

DRAWN: DATE: SCALE:

BC 24.10.2018

MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS, IF IN DOUBT ASK.

REPORT ALL ERRORS AND OMISSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF.

IN WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE.

CHECK MPE 9/2019 1:1000

11970 DA A26 B

CLIENT: JGM PROPERTY INVESTMENTS PTY LTD

SHADOW DIAGRAMS

DOCUMENT NO: 11970-181012.pln

DRAWN: DATE: SCALE:

BC 24.10.2018

MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS, IF IN DOUBT ASK.

REPORT ALL ERRORS AND OMISSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF.

IN WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE.

CHECK MPE 9/2019 1:1000

11970 DA A26 B
INCORPORATING ROAD NETWORK INTO FACADE DESIGN - HIGHLIGHTING SIGNIFICANT STREET NAMES INTO FACADE

HISTORICAL PHOTO OF SUBJECT SITE - 1939

PHOTO OF MAINS ROAD DEPARTMENT OFFICE BUILDING - 1956

CURRENT ROAD NETWORK - CIVIC PRECINCT

HIGHLIGHTING MAIN ROADS

CREATING PATTERN FROM ROAD NETWORK

INCORPORATING ROAD NETWORK INTO FACADE

HIGHLIGHTING MAIN ROADS

INCORPORATING ROAD NETWORK INTO FACADE DESIGN

59 DARBY STREET, COOKS HILL, NSW 2300

MIXED USE DEVELOPMENT

JGM PROPERTY INVESTMENTS PTY LTD

PLANNING DATA

DA ISSUE

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE

ACN

Nominated Architect - Bernard Collins

NSW Architects Registration No.4438

EJE ARCHITECTURE

Certificate no.:
Assessor Name:
Accreditation no.:
Certificate date:
www.nathers.gov.au
Dwelling Address:
0003286370
Andrew Lorriman
VIC/BDAV/17/1827
5.8
25 October 2018
59 Darby Street
COOKS HILL, NSW
2300

PROPOSED FSR:

TOTAL LEVEL 4
BUILDING B  129

LEVEL 5:

TOTAL LEVEL 4
BUILDING A  503

LEVEL 3:

TOTAL LEVEL 2
BUILDING A  503

LEVEL 1:

TOTAL GROUND FLOOR
BUILDING A  503

GROUND FLOOR:

RETAIL / LOBBY   971

SITE AREA  2,681 m²

GFA FOR EACH LEVEL  m²

BUILDING B  636

RETAIL TOTAL = 11 SPACES

6 x 1 BED @ 0.6 SPACE PER DWELLING = 3.6 SPACES

1 x 2 BED @ 1 SPACE PER DWELLING = 1 SPACES

3 x 3 BED @ 1.2 SPACE PER DWELLING = 3.6 SPACES

4 x 1 BED @ 0.6 SPACE PER DWELLING = 2.4 SPACES

32 ROOMS @ 1 SPACE PER ROOM = 32 SPACES

BAR/REST @ 1/60m² = 4 SPACES

10 STAFF @ 1 SPACE PER 2 STAFF = 5 SPACES

GALLERY @ 1/60m² = 3 SPACES

TOTAL CAR SPACES REQUIRED = 83 SPACES

4 x 1 BED @ 0.6 SPACE PER DWELLING = 2.4 SPACES

1 x 2 BED @ 1 SPACE PER DWELLING = 1 SPACES

3 x 3 BED @ 1.2 SPACE PER DWELLING = 3.6 SPACES

4 x 1 BED @ 0.6 SPACE PER DWELLING = 2.4 SPACES

32 ROOMS @ 1 SPACE PER ROOM = 32 SPACES

BAR/REST @ 1/60m² = 4 SPACES

10 STAFF @ 1 SPACE PER 2 STAFF = 5 SPACES

GALLERY @ 1/60m² = 3 SPACES

TOTAL CAR SPACES REQUIRED = 83 SPACES
DCP CONTROLS - 16m STREET WALL HEIGHT WITH 6m SETBACK ABOVE

LEP CONTROLS - 14m MAXIMUM HEIGHT OF BUILDING
MIXED USE DEVELOPMENT
JGM PROPERTY INVESTMENTS PTY LTD
PLANNING DATA
DA
WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS.

SITE:
59 DARBY STREET, COOKS HILL
NSW 2300

CLIENT:
JGM PROPERTY INVESTMENTS PTY LTD

DRAWING:
A01

DATE: 25 October 2018

TOTAL GFA 5,862 m²

GROUND FLOOR:
GFA FOR EACH LEVEL m²

LEVEL 1:
BUILDING A 206
BUILDING B 335

LEVEL 2:
BUILDING A 503
BUILDING B 1,139

LEVEL 3:
BUILDING A 503
BUILDING B 1,139

LEVEL 4:
BUILDING A 206
BUILDING B 636

LEVEL 5:
BUILDING A 503
BUILDING B 636

RETAIL / LOBBY:
971

FOOD STORE:
32 ROOMS

BAR/REST:
4

16 x 2 BED:
14.4 SPACES

4 x 3 BED:
5.6 SPACES

4 x 1 BED:
2.4 SPACES

10 STAFF:
5 SPACES

32 ROOMS:
32 SPACES

TOTAL CAR SPACES REQUIRED:
83 SPACES

TOTAL CAR SPACES PROPOSED:
83 SPACES

VISITORS:
12 SPACES

BUILDING A TOTAL:
37 SPACES

BUILDING B TOTAL:
23 SPACES

RETAIL TOTAL:
11 SPACES

4 x 1 BED:
0.6 SPACE PER DWELLING
2.4 SPACES

16 x 2 BED:
0.9 SPACE PER DWELLING
14.4 SPACES

10 STAFF:
1 SPACE PER 2 STAFF
5 SPACES

BAR/REST:
1 SPACE PER 60m²
4 SPACES

TOTAL:
83 SPACES

RETAIL - STAFF PARKING ONLY

PERSPECTIVES

3D PERSPECTIVES 01

VISITORS @ 1 SPACE PER 5 DWELLINGS = 12 SPACES

4 x 1 BED @ 0.6 SPACE PER DWELLING = 2.4 SPACES

32 ROOMS @ 1 SPACE PER ROOM = 32 SPACES

FOOD STORE @ 1 SPACE PER 60m² = 4 SPACES

10 STAFF @ 1 SPACE PER 2 STAFF = 5 SPACES
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Cooks Hill, NSW 2300
59 Darby Street
Andrew Lorriman
25 October 2018

5.8

59 Darby Street
Cooks Hill, NSW 2300
1. **White Oxide Precast Concrete**

2. **Black Glazed Bricks**

3. **Light Colour Timber Soffit**

4. **Recessed Text in Precast Columns**

5. **Bluestone Paving**

6. **Rough Timber Form Concrete Planters**

7. **Timber Look Aluminium Privacy Screen**

8. **Cement Render/ White Paint Finish**

9. **Precast Concrete Panels**

10. **Brass Edging to Separate Paving**

11. **Granite Sets to Pavement**

12. **Black Aluminium Frame Doors/ Windows**

13. **Cantilevered Timber Bench Seating**

14. **Floating Concrete Steppers Over Shallow Water Feature**

15. **Circular Skylight**

---

**Note:** The images above represent the materials and finishes proposed for the mixed-use development located at 59 Darby Street, Cooks Hill, NSW. Each number corresponds to a material or feature as described.
MIXED USE DEVELOPMENT
JGM PROPERTY INVESTMENTS PTY LTD

SHADOW DIAGRAMS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE.
CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS.
IF IN DOUBT ASK.
REPORT ALL ERRORS AND OMISSIONS.

COMMENTS
DATE
REV
PROJECT
DRAWN
DATE
SCALES
REV
PROJECT No
DRAWING
CLIENT
SITE
DRN
CHKD
VRFD

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EJE ARCHITECTURE
BC 20/09/2019
59 DARBY STREET, COOKS HILL, NSW 2300

ADDITIONAL INFORMATION TO COUNCIL

9AM - EXISTING

9AM - PROPOSED

10AM - EXISTING

10AM - PROPOSED
MIXED USE DEVELOPMENT
JGM PROPERTY INVESTMENTS PTY LTD

SHADOW DIAGRAMS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE.
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REPORT ALL ERRORS AND OMISSIONS.

COMMENTS
DATE
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PROJECT:
DRAWN:
DATE:
SCALES:
REV:
PROJECT No:
DRAWING:
CLIENT:
SITE:
DRN
CHKD
VRFD
DRAWING No:
PHASE:
FILENAME:
11970-190523.RFI

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EJE ARCHITECTURE
BC 20/09/2019

ADDITIONAL INFORMATION TO COUNCIL

11AM - EXISTING

11AM - PROPOSED

12PM - EXISTING

12PM - PROPOSED
A 40
11970
MIXED USE DEVELOPMENT
JGM PROPERTY INVESTMENTS PTY LTD
SHADOW DIAGRAMS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE.
CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS.
IF IN DOUBT ASK.
REPORT ALL ERRORS AND OMISSIONS.

COMMENTS
DATE
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PROJECT
DRAWN:
DATE
SCALES
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PROJECT No
DRAWING
CLIENT
SITE
DRN
CHKD
VRFD
DRAWING No
PHASE
FILENAME
11970-190523-RFI
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BC 20/09/2019
NOMIS
59 DARBY STREET, COOKS HILL, NSW 2300
ADDITIONAL INFORMATION TO COUNCIL

3PM - EXISTING

3PM - PROPOSED
PROPOSED SERVICED APARTMENT LAYOUTS
1 x 1 BED + 1 x 2 BED UNITS

PROPOSED RESIDENTIAL APARTMENT
CONVERTED TO 1 x 3 BED + STUDY UNIT
1 Introduction

The development to which this submission relates is for the construction of a five-storey mixed-use development with roof top terrace located at 59 Darby Street, Cooks Hill NSW 2300.

Specifically, the Development Application proposal seeks approval for:

- Basement with 67 car spaces and services;
- Retail podium with ground floor commercial/retail spaces fronting Darby Street, 13 parking spaces, plant/services, vehicle and pedestrian access, public forecourt comprising outdoor dining, art and landscaping;
- Building A: Serviced apartment tower comprising 30 apartments with rooftop terrace;
- Building B: Residential apartment tower comprising 24 units; and
- Associated landscaping, services and necessary site infrastructure.

The development standard sought to be varied is contained in Clause 4.3 of the Newcastle Local Environmental Plan 2012 (NLEP 2012), which relates to building height.

In summary, the proposal largely complies with the provisions of the NLEP 2012, except for the proposed exceedance to building height. An assessment of this variation is provided in the following pages in accordance with the requirements of Clause 4.6 of NLEP 2012.

The proposed variation is considered reasonable on the basis that:

- The proposed development satisfies the objectives of the B4 Mixed Use Zone and the objectives of Clause 4.3 Height of Buildings;
- The proposed height exceedances are situated locations which will not result in any detrimental impact to any sensitive land uses and therefore the impact will be negligible;
- The proposed built form will reflect the emerging contemporary character of the locality and positively upgrade the existing streetscape;
- The proposed built form implements design features which reduces impacts from the proposed height variation. Design considerations include light coloured finishes for the structural ‘web’, which acts as a visual contrast to the darkened materials and finishes of the behind built form, ensuring that the projection of the building above the height limit will not result in an overbearing visual impact;
- Strict compliance with the exact standards would not achieve a greater planning or urban design outcome on the basis that the proposed development is well within the FSR provision, indicating that the proposal is not an overdevelopment of the site. The proposed development is consistent with the
building transition along Queen Street and the proposed areas of height exceedance do not result in any adverse amenity impacts on neighbouring properties; and

- The proposed height variation is considered in the public interest given the site’s prominent location and the unique design that complements the locality, through incorporating a mix of architectural features, materials and finishes that minimise the impacts of the height exceedance.

2 Site Details

2.1 Site Location and Context

The site is located on the corner of Darby Street and Queen Street, situated within the Local Government Area (LGA) of Newcastle. The site is generally known as 59 Darby Street, Cooks Hill, and contains five (5) parcels of land legally identified as:

- Lots 63 and 64 in DP1109172;
- Lot 44 in DP150066;
- Lot 27 in DP150134; and
- Lot 53 in DP151167.

The site contains an approximate area of 2,681m² and currently supports a two-storey office building (previous RMS offices) with onsite car parking and access via Queen Street and Darby Street.

The location of the site is presented in Figure 1.

Figure 1 – Locality Plan

![Locality Plan Image]
3 Exception to development standards

The Department of Planning and Environment’s publication “Varying Development Standards: A Guide” (August 2011), states that:

The NSW planning system currently has two mechanisms that provide the ability to vary development standards contained within environmental planning instruments:

- Clause 4.6 of the Standard Instrument Local Environment Plan (SI LEP); and
- State Environment Planning Policy No 1 – Development Standards (SEPP1).

In this instance, SEPP 1 does not apply as the NLEP 2012 is a Standard Instrument LEP. It is noted that the Guidelines do not identify any other mechanisms (such as a Planning Proposal) to vary a development standard.

3.1 Clause 4.6

Clause 4.6 of the NLEP 2012 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better planning outcomes.

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The proposal seeks to vary the building height standard applicable to the site. Clause 4.6 outlines when this clause is not to be used, namely:

- a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  
  (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  
  (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

- a development standard for complying development

- a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated

- clause 5.4

- clause 8.1 or 8.2
Neither the site nor the proposal is included within these criteria and therefore the use of Clause 4.6 is available to vary the height standard in this instance.

3.2 Legal context to varying development standards

This submission has been prepared having regard to the latest authority on Clause 4.6, contained in the following NSW Land and Environment Court (Court) judgements:

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
- Wehbe v Pittwater Council [2007] NSWLEC 827
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (Four2Five No 1)
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (Four2Five No 2)
- Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 (Four2Five No 3)

The Court has established questions to be addressed in variations to development standards. The objection principles identified in the decision of Justice Lloyd in *Winten Property Group Limited v North Sydney Council* are outlined below:

1. Is the planning control in question a development standard;
2. What is the underlying object or purpose of the standard;
3. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act 1979;
4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case;
5. Is a development which complies with the development standard unreasonable or unnecessary; and
6. Is the objection well founded.

In the decision of *Wehbe v Pittwater Council* [2007] NSW LEC 827 Chief Justice Preston outlined the rationale for development standards, and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision in that case Preston CJ noted:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development offers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

*Wehbe V Pittwater* [2007] NSW LEC 827 also established the 'five part test' to determine whether compliance with a development standard is unreasonable or unnecessary based on the following:

1. Would the proposal, despite numerical non-compliance, be consistent with the relevant environmental or planning objectives;
2. Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard is unnecessary;
3. Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable;
4. Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable; or
5. Is the "zoning of particular land" unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land. Consequently, compliance with that development standard is unnecessary and unreasonable.
Of particular relevance in this instance is Part 1, that “the proposal, despite numerical non-compliance, [would] be consistent with the relevant environment or planning objectives”.

Further discussion in response to *Winten Property Group Limited v North Sydney Council* objection principles and *Wehbe V Pittwater* five-part test is provided in Section 5 of this variation letter.

4 Development standard to be varied

What is the name of the environmental planning instrument that applies to the land?

Newcastle Local Environmental Plan 2012.

What is the zoning of the land?

NLEP 2012 indicates that the site is within the B4 Mixed Use Zone, as illustrated in Figure 2.

**Figure 2 – Land Zoning Map Extract (Map LZN_004G)**

What are the objectives of the zone?

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.

What are the development standards being varied?

The building height development standard contained in Clause 4.3 of the NLEP 2012.
Are the standards to be varied a development standard?

Yes, the standard is considered to be a development standard in accordance with the definition contained in Section 1.4 of the Environmental Planning and Assessment Act 1979; and not a prohibition.

What are the objectives of the development standard?

The objectives of Clause 4.3 – Height of Buildings are as follows:

(a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy,

(b) to allow reasonable daylight access to all developments and the public domain.

What is the numeric value of the development standard in the environmental planning instrument?

The maximum height under the NLEP 2012 is 14 metres, as shown in Figure 3.

Figure 3 - Height of Building Map Extract (Map 004G)

What is the proposed numeric value of the development standard in your development application?

The extent of the proposed height variation is outlined in detail in the table below:

The numerical value of the proposed height and percentage variation are detailed in the following table.
Table 1 – Numerical details relating to compliance

<table>
<thead>
<tr>
<th>Built Form</th>
<th>Reduced Level (AHD)</th>
<th>Maximum Proposed Height (m)</th>
<th>Variation (m)</th>
<th>Variation (%)</th>
<th>Area of site affected (%)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building A Lift overrun</td>
<td>29.4</td>
<td>19.4</td>
<td>5.4</td>
<td>38.5</td>
<td>0.5</td>
<td>The extent of this maximum variation relates to a very small area of the site, well set back from the site boundaries. The need for the higher lift overrun directly relates to the provision of the roof top terrace, which is discussed below.</td>
</tr>
<tr>
<td>Building A common room and fire stairs</td>
<td>28.65</td>
<td>18.65</td>
<td>4.65</td>
<td>33.2</td>
<td>7.5</td>
<td>The extent of this variation relates only to the provision of a communal roof top terrace, which provides a higher level of amenity to the future occupants of the building. It is noted that generally the UDCG actively encourage the provision of these roof top spaces, and that it does not provide any additional yield to the development, rather just a higher quality outcome.</td>
</tr>
<tr>
<td>Building A balustrade of terrace</td>
<td>26.5</td>
<td>Ranging from approximately 16.2-18.2</td>
<td>2.2-4.2</td>
<td>15.7-30</td>
<td>29.2</td>
<td>As above, the extent of this variation relates only to the provision of the roof top terrace.</td>
</tr>
<tr>
<td>Building A</td>
<td>Ceiling height of Level 4</td>
<td>25.5</td>
<td>Ranging from approximately 15-17.2</td>
<td>1-3.2</td>
<td>7-22.8</td>
<td>17.2</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------</td>
<td>------</td>
<td>-----------------------------------</td>
<td>-------</td>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>Building A</td>
<td>Lift overrun</td>
<td>26.4</td>
<td>16.2</td>
<td>2.2</td>
<td>15.7</td>
<td>0.5</td>
</tr>
<tr>
<td>Building A</td>
<td>fire stair</td>
<td>25.9</td>
<td>15.8</td>
<td>1.8</td>
<td>12.85</td>
<td>0.5</td>
</tr>
<tr>
<td>Building B</td>
<td>main roof line</td>
<td>25.9</td>
<td>Ranging from approximately 13.2 – 17</td>
<td>0-3</td>
<td>0-21.4</td>
<td>26.2</td>
</tr>
</tbody>
</table>

The extent of this variation is exacerbated by the variation to the site levels across the site. The overall height to the ceiling of Level 4 is the result of providing a high quality design outcome in relation to floor to ceiling heights. Reduction to the floor to ceiling heights would result in internal bulkheads or external air conditioning plant on the building or balconies, resulting in a less attractive building.

The extent of this maximum variation relates to a very small area of the site, well set back from the site boundaries.

The extent of this variation is exacerbated by the variation to the site levels across the site. The overall height to the main roof line is the result of providing a high quality design outcome in relation to floor to ceiling heights. Reduction to the floor to ceiling heights would result in internal bulkheads or external air conditioning plant on the building or balconies, resulting in a less attractive building.

Note:
Newcastle LEP 2012 defines building height as the following:
**Building height (or height of building)** means:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The numerical values in the table above in relation to building height are the vertical distance from ground level (existing) to the highest point of the building, as opposed to the reduced level (RL) of the building.

### 5 Justification for the Contravention

This section addresses Section (3), (4) and (5) of Clause 4.6 and seeks to justify the contravention from the development standard contained in Clause 4.3.

**Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:**

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

**Development consent must not be granted for development that contravenes a development standard unless:**

(a) the consent authority is satisfied that:

   (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

   (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

**In deciding whether to grant concurrence, the Secretary must consider:**

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

### 5.1 Compliance is unreasonable or unnecessary

As mentioned above, compliance with a development standard might be shown as unreasonable or unnecessary if the objectives of the standard are achieved notwithstanding noncompliance with the standard.

Having regard to numerical compliance, as demonstrated in Table 1, the greatest extent of the non-compliance relates to the Building A lift overruns, which comprise a very small proportion of the site (approximately 0.5%), as demonstrated by Figure 4. The location of the lift overrun ensures that this aspect of the building will not have any unreasonable impacts in relation to visual bulk and scale, overshadowing or view loss.
Further the height exceedance, resulting from the provision of a roof top terrace, has been designed to enhance the appearance of the development, as well as to provide a high level of amenity for the future occupants. The proposed rooftop level has also incorporated cascading landscaping to create visual interest. The provision of this terrace and associated communal room results in positive social and amenity outcomes for future users, without resulting in any unreasonable impacts.

**Figure 4 – Roof Plan**

The extent of the height variation from the areas of the building associated with the provision of the residential and serviced apartments are in part reflective of the change in levels across the site and street frontage, and in part generated from the increased floor to ceiling height at the podium and lower levels to maximise solar access, outlook, ventilation, activation, all of which contribute to the overall public amenity when utilising ground level tenancies. It should be acknowledged the height variation is not seeking additional development yield, given the proposal is well below the permitted FSR for the site, but rather aims to maximise amenity.

The following design measures have been implemented to ensure a contributory street presence:

- Zero setback to the street edge is relevant to the street character of the immediate vicinity and the prominent corner site. The proposal introduces a frieze which will define the street edge as appropriate.
- Proposed Building A (fronting Darby Street) contains base, middle and top articulation in the form of providing an open plan ground floor, standard rectangular shaped balconies with glazed balustrades from the First Floor to the Third Floor and a curved balcony design for the Fourth Floor and rooftop level.
• The podium levels and precast concrete screen consist of three storeys, are generally consistent with the adjacent office building to the north. The top of the screen aligns with the parapet level of that building unifying the two buildings in the Darby Street streetscape and in views from the direction of Civic Park. At the rear of the site on Queen Street, similar to the existing building, the proposal steps down to a single storey adjacent to the residential area.

• The proposed development draws not only on the forms of the buildings within the civic precinct of the Heritage Conservation Area such as the Cultural Centre, Art Gallery, Council and University buildings, it also takes inspiration from the trees of Civic Park, and the topography of 'The Hill' which is the proposal’s backdrop. The proposal respects the other buildings within the Newcastle City Centre Heritage Conservation Area by providing the appropriate prominence required of the corner site without overpowering the buildings of the Civic precinct of the city.

• Inclusion of high-quality design measures were the predominant driver of this development, with the aim of providing the public with a unique and complementary development aesthetic, positively contributing to the streetscape.

As discussed in the SEPP65 Design Statement in Appendix B of the Statement of Environmental Effects, the proposed development has undergone and significant review process to guide the design it to the current form. This entailed going through the Newcastle City Council’s Urban Design Consultative Group (UDCG) panel review on three occasions.

In relation to the proposed height variation, the UDCG panel however suggested that a height exceedance could potentially be supported on the basis of reducing Building A’s height exceedance by removing one level (Building A has been amended to reflect this recommendation) and ensuring the proposed rooftop communal spaces did not result in any adverse impacts to overshadowing or view loss.

The extent of the building height exceedance is shown in Figures 5, 6 and 7.

Figure 5 – Extent of Building Height exceedance
Acknowledging the UDCG’s recommendation and overall planning merit of the proposal, compliance with Clause 4.3 of the NLEP2012 is considered unreasonable for the following reasons:

1. The proposed built form has been purposely designed to ensure design excellence and to contribute to the artistic atmosphere of the Darby Street precinct and nearby Art Gallery, which is considered to be of public interest;
2. The height breach does not result in an overdevelopment of the site given the proposed FSR (2.10:1) is well under the applicable 2.5:1;
3. The proposed height of the development integrates with building height transition that occurs from The Hill towards the adjacent Newcastle Art Gallery (refer to Figure 8);

4. The proposed height exceedance does not result in any unreasonable amenity impacts in relation to overshadowing, privacy or view loss, to neighbouring properties;

5. The proposed overall development offers a variety of uses including the provision for residential apartments and high-quality serviced apartments with communal open space and amenities, and a mix of ground floor uses including a food shop for surrounding locals/tourists and an integrated public art gallery and a bar/restaurant with an abundance of open space to support pedestrian flows, landscaping and seating arrangements;

6. The proposed satisfies the objectives of the B4 Mixed Use Zone; and

7. The proposal satisfies the objectives of Clause 4.3 (further detailed below).

As outlined in point 3, the height was guided by the slope of the land and the heights of the surrounding buildings. Figures 8, 9 and 10 below demonstrates the that having regard to height, that the proposed design successfully responds to the surrounding streetscape.

Figure 8 – Building height in context to streetscape and neighbouring buildings 1

The SEPP65 guidelines have been considered as part of the design, and the building achieves adequate building separation, ensuring that no unreasonable impacts result from the proposal. It is noted that the SEPP65 guidelines require that at the boundary between a change in zone from apartment buildings to a lower density area, the building setback is to be increased by 3m. In this regard, the site is at the transition between a B4 Mixed Use zone, and an R3 Medium Density Zone, wherein residential flat buildings are permissible in both zones. Accordingly, it is not considered that there is a ‘blunt’ transition between zones. Notwithstanding, the eastern façade of Building B has been amended to provide high level windows where the building interfaces Unit 16 of the ‘Regency Park’ estate. Incorporation of high level windows enables the subject unit to maintain natural light whilst also addressing any privacy impacts on the adjoining resident. Based on these amendments, alongside the provided setback and separation distance to the medium density area, the proposed development is considered to result in an adequate separation to the residential development east of the site.

In relation to the northern boundary, the ADG bases appropriate building separation on building height, meaning that a separation distance between 6m and 12m is required. Noting that the site to the north is currently utilised as a commercial land use it is considered the proposed development achieves appropriate separation distances. It is acknowledged that the site may redevelop, however the area of potential non-compliances relates specifically to the fire stairs and a service apartments within Building A, adjacent to the northern boundary. The setback of the fire stairs and serviced apartments would not result in any privacy impacts, as the area of encroachment does not include windows. Being to the south of the neighbouring land, the encroachment also does not result in solar access impacts to potential future development. Any future development within the site to the north would be able to readily comply with the ADG controls as part of a future development application.

Clause 4.3 – Height of Buildings

The proposed development achieves the objectives of Clause 4.3:

(a) to ensure the scale of development makes a positive contribution towards the desired built form, consistent with the established centres hierarchy;

The proposed development has been designed by EJE Architecture and consists of a high quality, architecturally designed building that makes a positive contribution to the street frontage of Darby Street and
importantly to the prominent corner of the three adjoining precincts, being the Civic Precinct, the East End Precinct and the Darby Street/Cooks Hill Precinct.

The proposal reflects the transition of building heights from The Hill and the associated downslope towards the Darby Street Precinct, as presented in Figure 8 above. Whilst not strictly adhering to the building height standards for the site, the design response is suitable for the site and enables the achievement of a high-quality development at such a unique location. The intention of the proposed built form is to provide a type of landmark development which will make a positive contribution the prominent corner location and to the evolving nature of the Newcastle City and the Darby Street precinct. The proposed façade treatment and articulation is to a high standard, and the proposal is well within the floor space ratio applicable to the site. Details of the façade treatment and articulation are provided in the Architectural plans provided at Appendix A of the Statement of Environmental Effects (SEE).

The proposed built form will reflect the emerging contemporary character of the Darby Street precinct. The projection of the building above the height limit will not result in a bulky or overbearing visual impact. Further, the exceedance in height will not result in any significant overshadowing impacts on adjoining properties. This is further discussed in the below sections.

In this instance, strict application of the development standard for maximum height is unreasonable, unnecessary, and would not achieve a greater planning or urban design outcome.

For further context please see below Figures 9 and 10 which illustrates the proposed development in the current context of the site versus the proposed development in the future context of the locality.

Figure 9 – Photomontage of the Proposal in its Current Context
Figure 10 – Photomontage of the Proposal in its Future Context

Photomontages demonstrating the views from Swan Street and the visual transition to the lower density for the eastern building, as well as the southern view on Darby street, are provided in Figure 11 and 12.

Figure 11 – Swan Street Perspective

Figure 12 – Queen Street Perspective
(b) to allow reasonable daylight access to all developments and the public domain.

Reasonable daylight access is provided to all surrounding developments. The proposed height variation will not result in any detrimental impact to any sensitive land uses, as illustrated in the shadow diagram analysis provided within Appendix A (extracts provided in Figure 13 below). The development will not unreasonably overshadow either of the private property to the north or east nor cause unreasonable shadowing of the public domain.

Figure 13 – Proposed Shadow Diagram

Additional shadow diagrams have been prepared, detailing an hourly shadow comparison of the existing built form and proposed built form. A review of the shadow diagrams reveals that the proposed development results in a reasonable overshadowing impact when considering the existing built form/line of trees along the shared boundary (refer to Figure 14). Between 2pm and 3pm the proposed development will result in overshadowing to Unit 16 at the ‘Regency Park’, Cooks Hill (refer to Figure 15).

Figure 14 – 2pm Shadow
Unit 16 at the ‘Regency Park’ estate will maintain solar access between 9am and 2pm, it is considered that the proposed overshadowing will not adversely reduce solar access below 3 hours and therefore is considered acceptable. The solar access provision is consistent with the Council’s Development Control Plan 2012 and SEPP 65 requirements.

The proposed development is acceptable having regard to the objective of Clause 4.3 and therefore strict compliance with the 14 metre height standard of the site would be unreasonable, unnecessary, and would not achieve a greater planning or urban design outcome.

Accordingly, the proposal is considered to be consistent with Clause 4.3.

5.2 Sufficient environmental planning grounds to justify contravention

This request for variation demonstrates that the proposed height variation sought does not result in adverse environmental impacts, and that there are sufficient environmental planning grounds to justify a contravention to the height control.

In this regard, the objectives of the B4 Mixed Use zone are responded to below:

- **To provide a mixture of compatible land uses.**

As demonstrated in the SEE, the proposal contains a range of compatible uses, including retail, an art gallery, short stay apartments and residential components. Appropriate design measures, including acoustic attenuation, building setbacks and high quality public domain spaces ensure that the proposal will be a cohesive and attractive development for the local area.

- **To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.**

The range of uses are appropriate for the site, which is a highly accessible location. As demonstrated in the SEE and Traffic Impact Assessment, there are a range of transport options, services and facilities in close proximity to the site.

- **To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.**

The proposal provides a level of non-residential uses that are appropriately scaled to respond to the key location at the junction of three inner city precincts, being the Civic Precinct, the East End Precinct and the Darby Street/Cooks Hill Precinct. The provision of smaller scale retail, bar/restaurant and gallery tenancies would not have any significant impacts on the viability of areas of the City Centre, seeking to provide larger format non-residential uses. The serviced apartments will provide an alternative to larger tourist and visitor...
accommodation options in the City Centre and are an appropriate scale to support the nature of the Darby Street area.

Further to the consideration of the zone objectives, it is noted that while exceeding the building height standard for the site, the proposal contributes positively to the locality incorporating pedestrian connectivity along the Darby Street front with seating areas, an art gallery open to the public and built form relief through high quality façade treatment and articulation. The rooftop communal room, lift overruns and fire stair exceedances will be visibly difficult to detect given the setback as demonstrated in Figures 9 and 10 above. Further, shadow diagrams as shown in Figure 11 illustrate that the proposed development does not cause an unreasonable amount of shadowing.

The podium levels and precast concrete screen consist of three storeys, and is generally consistent with the adjacent office building to the north. The top of the screen aligns with the parapet level of that building unifying the two buildings in the Darby Street streetscape and in views from the direction of Civic Park. At the rear of the site on Queen Street, similar to the existing building, the proposal steps down to a single storey adjacent to the residential area. If made to strictly comply with Clause 4.3, there would be no additional benefit to the streetscape or public domain in the local area.

The proposed development draws not only on the forms of the buildings within the civic precinct of the Heritage Conservation Area such as the Cultural Centre, Art Gallery, Council and University buildings, it also takes inspiration from the trees of Civic Park, and the topography of ‘The Hill’ which is the proposal’s backdrop. The proposal respects the other buildings within the Newcastle City Centre Heritage Conservation Area by providing the appropriate prominence required of the corner site without overpowering the buildings of the Civic precinct of the city.

A significant proportion of additional height is generated from the increased floor to ceiling height at the podium and lower levels to maximise solar access, outlook, ventilation, activation, all of which contribute to the overall public benefit. The roof top terrace results in a high quality facility for the future use of occupants, which will have associated amenity and social benefits. It should be acknowledged the height variation is not seeking additional development yield given the proposal is well below the permitted FSR for the site, but rather aiming to maximise amenity.

The granting of development consent will enable a high quality, architecturally designed mixed use commercial and residential building to be constructed with an active ground floor presence for the benefit of the community and high amenity apartment living/short stay opportunity. The objectives of Clause 4.3 and the B4 Mixed Use zone have been met by the proposed development. In light of this, there is considered to be sufficient environmental planning grounds to justify varying the height development standard in this instance.

5.3 Public Interest

As demonstrated in this assessment, the proposed development will be in the public interest as it is consistent with the objectives of the height standard and the objectives of the B4 Mixed Use Zone.

The intent of the Mixed-Use Zone is to provide a wide range of retail, business, office, entertainment, community, and other suitable and compatible land uses within a mixed-use development. The proposal is a mixed-use development which incorporates retail, an art gallery, short stay apartments and residential components. These uses are compatible with the objectives of the zone, will complement surrounding uses and strengthen the Newcastle City Centre, particularly in the vicinity of the active Darby Street Precinct.

The character of the Newcastle City Centre Heritage Conservation area is quite diverse which is also reflective of the long history of growth, change and development within the area. The character of the proposed building demonstrates the continuing diversity in character of the area. The nature of the subject site with its high visibility means that any building in this location will be dominant in the streetscape. The success of the existing building is its landmark qualities which accentuate the gateway between the Civic precinct and the Darby Street precinct. These successes need to be continued within the new design in order to respect the character of the area. The design of the proposal will be prominent and modern, and these characteristics are both viewed as highly appropriate for the subject site and in the public interest.
Contributory buildings have not been mapped for the Newcastle City Centre Heritage Conservation Area. The buildings to which the proposal will relate include the Art Gallery, and the Town. The Newcastle Cultural Centre is also in the immediate vicinity and is five stories at the top of Laman Street. The proposed building will not be out of scale with these nearby buildings.

The proposed height exceedance is in the public interest, as detailed below:

- The site, being located on the corner of three precincts creates a focal point for the locality. The proposal is a statement design, utilising high quality materials and finishes. The overall project vision was to provide the Newcastle community with a building that is both unique and complementary to the locality. EJE Architecture have achieved the project vision, tying in the history of the surrounding road network via a contemporary design outcome for the precinct;
- Should strict compliance be required, it is likely that the features of the building that contribute to the public realm would not be achieved, thereby reducing the notable contributions to the community. The elements, not likely to be achievable, should serviced apartments need to be relocated throughout the building including at ground floor, include the generous public plaza, gallery, food store, public art features and internal courtyard;
- The height encroachment largely relates to the inclusion of a communal space, which provides for a higher level of amenity for future occupants;
- The proposed height variation is in part generated from the generous floor to ceiling height of the ground floor, which provides a superior commercial public space in conjunction with the public courtyard. Reduction to floor to ceiling heights are likely to result in a poorer design outcome to the public spaces at ground floor, and necessitate bulkheads within the apartments, as well as external air conditioning plant on balcony areas.
- The design of the ground floor will contribute to the vibrant streetscape of Darby Street, and will strengthen the pedestrian experiences at the corner of three inner city precincts;
- The development provides for additional dwellings/serviced apartments in a central location that will both increase population to the precinct. The proposal will deliver a range of dwelling sizes, thereby providing a variety of housing choices for future long-term residents and short stay residents. The additional residential population, as well as tourist, will result in positive economic and social impacts; and
- The proposal contributes a mix of land uses to the locality, creating employment opportunities during construction and operational stages, whilst also providing opportunities for sustainable living. Further, the Section 94A development contributions are likely to exceed $1,000,000, which will have a significant benefit to the community.

The proposed development represents a high-quality urban design, which seeks to continue to redevelop and enhance the East End/Civic Precinct of Newcastle City Centre and the Darby Street/Cooks Hill Precinct. The height exceedance does not outweigh the merits of the proposal and its contribution to the social fabric and built form of Newcastle/Cooks Hill.

It should be acknowledged the height variation is not seeking additional development yield, given the proposal is well below the permitted FSR for the site, but rather aiming to maximise design outcomes and amenity.

5.4 Secretary’s Concurrence

It is understood that the Secretary’s concurrence under clause 4.6(4) of NLEP 2012 has been delegated by the Department of Planning and Environment.
Conclusion

This Clause 4.6 Variation to Development Standard request has been prepared in response to numerical non-compliance with the development standard for the site specified in Clause 4.3 – Height of Buildings in NLEP 2012. As demonstrated within this submission and the Architectural Plans, the extent of non-compliance is considered acceptable as the overall massing, scale, bulk and height of the proposed development is suitable for this unique gateway location.

The proposed development meets the underlying intent of the control and is a compatible form of development for the area. The variation sought to height will not result in any undue impacts on adjoining properties particularly with response to overshadowing, loss of privacy and loss of views.

It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst allowing for a better outcome based on planning merits and public benefit. It is reiterated that the proposal will not result in any unreasonable impact on amenity or any significant adverse environmental impacts as a result of the variation. The design has undertaken three urban design meetings, that involved amending the design to achieve a successful massing of development for the site.

Council can be satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development and that there are sufficient environmental planning grounds to justify contravening the development standards.

It is therefore requested that Council grant development consent for the proposed development.

Yours sincerely

Nicole Sellen
Town Planner
KDC Pty Ltd
PV 19/11/19
DA2018/01301 - 59 DARBY STREET COOKS HILL

Item 1  Attachment B:  Processing Chronology
DA2018/01301 – 59 Darby Street Cooks Hill

20/08/2019 - Application lodged
02/09/2019 - Public Notification
21/03/2019 - UDCG meeting
12/06/2019 - Request for Additional Information
05/08/2019 - Additional information submitted
05/08/2019 - Amended Plans Submitted
08/10/2019 - Amended Clause 4.6 Application to Vary Development Standard submitted
08/10/2019 - Amended Plans Submitted
ITEM 2  DA2003/2991.01 - 89 PARK AVENUE KOTARA
MODIFICATION - MODIFY THE OUTSIDE CORE TRADING HOURS AND ACCESS

Attachment A - Submitted Plans
Attachment B - Processing Chronology
Item 2  Attachment A: Submitted Plans
NOTES:

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· Refer to all project documentation before commencing work.
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SECTION 4.55(1A) MODIFICATION APPLICATION

TO CONDITION 2.17 OF DA 2003/2991 RELATING TO

WESTFIELD KOTARA

Prepared for
SCENTRE GROUP

By
INGHAM PLANNING PTY LTD
Suite 19, 303 Pacific Highway, Lindfield, 2070

July 2019
Job No. 18181
SECTION 4.55(1A) MODIFICATION APPLICATION
TO CONDITION 2.17 OF DA 2003/2991 RELATING TO
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APPENDICES

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1. INTRODUCTION

This planning report is provided in support of an application under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 to modify Condition 2.17 of DA 03/2991 relating to the outside core trading hours use of the existing Lexington Parade and Cynthia Street access at the southern end of the subject site.

Development Consent (DA 03/2991) was granted on 9 December 2004 by Newcastle City Council. The approval granted consent for the expansion of Westfield Kotara, including additional retail space, cinemas, carparking and a revised carpark layout and access. (see Appendix A- Extract of Consent)

This Section 4.55(1A) application contains the following sections:

Section 2 examines the characteristics of the subject property;
Section 3 provides details of the proposed modifications;
Section 4 addresses the relevant requirements of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 which relate to modification of development consents;
Section 5 provides a conclusion.

2. THE SITE AND LOCALITY OF PROPOSED WORKS

As illustrated in Figure 1 – Location of Existing Centre, the proposed modification relates to existing access restrictions at Lexington Parade and Cynthia Street, Kotara.
3. THE PROPOSED MODIFICATIONS

Scentre Group is seeking to remove the restrictions on the access via the Lexington Parade gates in order to improve the customer experience for customers utilising The Rooftop Precinct. An example of complaints received by Westfield Kotara from patrons to the centre (many travelling from the local area) is provided in Appendix B.

It is proposed to modify the development consent (DA03/2991) by the deletion of Condition

2.17 The Cynthia Street driveways and the southern driveway in Lexington Parade being closed to traffic by means of a locked gate at 6:00pm each evening, except Thursdays, on which day such driveways are to be closed to traffic after 9:30pm. Appropriate signage is to be placed at these driveways indicating the driveway closing time.

It is noted that the existing condition of consent has the following reason for the imposition of the condition on the consent

**Reason:** To limit the possibility of invasive or offensive noise impacting upon the amenity of the adjacent residential area.

The request to modify this condition follows a review of the traffic and acoustic implications of the opening up of the Lexington Road access to night time operations.

A detailed acoustic assessment (see Appendix C) has been prepared by Acoustic Logic to examine any potential invasive or offensive noise impacts associated with the night time use of Lexington Avenue.

The changes to traffic movements and reassigning of traffic flows associated with the proposed modification have been predicted by traffic engineers Colston Budd Rogers & Kafes Pty Ltd (see Appendix D).

Engagement with the local residents from both Cynthia Street and Lexington Parade has been initiated by Scentre Group and co-ordinated by the local centre management with a series of three information sessions held on 19 June 2019.

Despite technical reports supporting the removal and deletion of the restriction imposed by the existing condition, it proposed that the condition by modified as follows:

2.17 The Cynthia Street driveways and the southern driveway in Lexington Parade being closed to traffic by means of a locked gate at 10.00pm each evening. Appropriate signage is to be placed at these driveways indicating the driveway closing time.
Outside of core trading hours, the Cynthia Street driveway is not a convenient egress at night time given the existing carpark configuration and the availability of alternate existing egress. Scentre Group advises that the height clearance of the Cynthia Street access means that it is primarily used by taxis serving people with disabilities. It has been deemed to be likely used only by a small number of patrons.

4. CONSIDERATIONS REQUIRED UNDER SECTION 4.55

Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979 states:

*(1A) Modifications involving minimal environmental impact*

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
(c) it has notified the application in accordance with:
   (i) the regulations, if the regulations so require, or
   (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.”

It is considered that Section 4.55(1A) is the most appropriate mechanism for the proposed modifications to the consent. Subsection (3) of Section 4.55 requires:

“the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.”

4.1 The proposed modification has minimal environmental impact

The proposed modification involving the modification of Condition 2.17 does not involve any physical change to the approved development. There is no change to the overall built form of the approved extensions to the Event cinema complex and no change to the approved car parking, landscaping or general layout and arrangement of facilities and services.

In accordance with the provision of Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (as amended) it is considered that the proposed modifications have minimal potential for environmental impact.
4.2 The development to which the consent as modified relates, is substantially the same as the development for which the consent was originally granted.

The proposed modifications do not alter the overall nature or intent of the development for which the development consent was granted. The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The proposal retains the same use as the proposed development being an expanded shopping and entertainment complex;
- The proposed modification does not seek to modify the type, scale or built form of the approved development;
- The proposed modification is consistent with the existing approved layout and access locations to the centre.

The development to which the consent as modified relates is substantially the same as the approved development. The proposed modification does not significantly alter the approved development. The overall size and configuration of the development remains unchanged with no significant impact on traffic or circulation areas. All the main components of the approved redevelopment of the shopping and entertainment complex are retained.

4.3 Consideration of the relevant Section 4.15(1) matters

The Council assessment of the original application considered the likely environmental impacts of the development including:

- Site Analysis, Context and Setting
- Built Form, Scale and Urban Design
- Carparking, Traffic, Access and Public Transport
- Tree Removal
- Ecological issues relating to Flora and Fauna
- Social and Economic Impact
- Landscape Treatment
- Stormwater Management
- Utility Services
- Accessibility
- Construction and Waste Management
- Public Interest

The planning assessment provided a comprehensive assessment of relevant environment impacts. The development application has been built and expanded on (including the establishment of the Rooftop Precinct) in the intervening 15 years.

The primary reason for allowing Lexington Parade to be used at night is to allow cinema precinct patrons to leave the carpark in a more direct manner. The changes to traffic movements on Lexington Parade have been predicted by traffic engineer Colston Bud
Hunt & Kafes Pty Ltd. The 6pm to midnight flows were estimated by reassigning traffic flows for all days as per the Thursday night pattern (when the access is open later).

While the proposed modification will marginally increase noise generated by vehicles after 10pm, the Acoustic Assessment undertaken by Acoustic Logic concludes that if the restriction imposed under Condition 2.17 are removed the additional noise generated by vehicle movements on Lexington Parade will comply with all assessment criteria set out in the EPA Road Noise Policy guidelines, with the exception of daytime movements north of the exit.

The acoustic assessment in regard to Lexington Parade states that predicted noise level will be imperceptible. The additional noise impact relating to the Cynthia Street exit after hours will be insignificant.

Notwithstanding the above, it is proposed that the Lexington Parade gates will be closed each day at 10.00pm, thereby not increasing noise generated by vehicles after 10pm.

The details of the acoustic and traffic assessment prepared for the proposed modification application are provided in Appendix B & C.

The other amenity issue that has been considered is the impact of car lights leaving the Lexington Parade exit in the evening periods. The location of residential properties opposite the Lexington Parade access is shown in Figure 2.
A cross section (see Appendix E) from the existing egress to the property directly opposite that exit (No.101 Lexington Parade) shows that this dwelling is located at a higher level than the exit. The ground level garage of this dwelling is located at a level over 1 metre higher than the Lexington Parade exit and any light glare or light spill from car headlights will predominantly fall intermittently on the front yard and garage level of this property when vehicles exit the centre. The light impact will be similar to light spill from Thursday evening vehicles and are not considered to have a significant amenity impact on this existing interface locality.

5. CONCLUSION

In accordance with Section 4.55(1A) of the EP&A Act 1979 (as amended) the proposed modifications will have minimal environmental impact and result in development that is substantially the same as the originally approved development. The modification seeks to achieve a balanced outcome that facilitates amendments that improve the functionality of the approved shopping and entertainment complex while making appropriate considerations for local neighbourhood amenity. The proposed modifications will not alter the environmental impacts assessed and approved for the land and will not give rise to any significant additional adverse amenity impacts.

In view of the above, it is recommended that the existing consent condition 2.17 of DA 03/2991 be modified as proposed in Section 3 of this report and detailed in the accompanying technical reports.
APPENDIX A

Extract of Development Consent
(DA 03/2991)
NOTICE OF DETERMINATION
DEVELOPMENT APPLICATION
Section 81 Environmental Planning and Assessment Act 1979

To:  WESTFIELD MANAGEMENT LIMITED
Of:  100 WILLIAM STREET
     SYDNEY NSW 2000

Development Application No: 03/2991

Land to which the Application relates:
LOT 19 DP 876517
89 PARK AVENUE
KOTARA NSW 2289

Proposed Development: EXPANSION TO WESTFIELD KOTARA, INCLUDING ADDITIONAL RETAIL SPACE, CINEMAS, CAR PARKING & REVISED CARPARK LAYOUT & ACCESS

Determination
The Development Application has been determined by granting of CONSENT subject to the conditions specified in the attached Schedule 1.

Date from which consent operates: 9 December 2004

Date on which the consent lapses: 9 December 2009

Right of Appeal:
If you are dissatisfied with this decision, section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land & Environment Court within 12 months after the date on which you receive this notice.

Review of determination
Section 82A of the Environmental Planning and Assessment Act 1979 allows you to request Council to review this decision, provided the request is lodged within 12 months of the date of determination and is accompanied by the prescribed fee.

Notes:
1. A public enquiry, pursuant to Section 119 of the Act, has not been held in respect of this development application.
2. There is no right of appeal to the Land and Environment Court of NSW by any objector to the proposal approved by this development consent.
3. As the proposal, subject to this development consent, is not an integrated development under the provisions of the Act, no other approvals body is required to give general terms of approval.

Patricia McCarthy
Senior Development Officer

30 November 2004
Date of Determination
vehicle/pedestrian conflict at the pedestrian crossing near the Woolworths undercroft area.

2.17 The Cynthia Street driveways and the southern driveway in Lexington Parade being closed to traffic by means of a locked gate at 6:00pm each evening, except Thursdays, on which day such driveways are to be closed to traffic after 9:30pm. Appropriate signage is to be placed at these driveways indicating the driveway closing time.

**Reason:** To limit the possibility of invasive or offensive noise impacting upon the amenity of the adjacent residential area.

2.18 Opposing traffic flows on car park ramps being separated by the provision of an appropriate kerb and/or safety barrier. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To minimise vehicular conflict and accident potential within the car park and thereby facilitate operational efficiency.

2.19 The Developer providing a set down and pick up facility accommodating up to three cars at one time in as position convenient to the Cinema entrance, such facility to be clearly indicated by means of appropriate line marking and signage.

**Reason:** To provide a safe drop off and pick up point for the unloading of children and persons with a disability from vehicles at a convenient point near the cinema entrance.

2.20 Disabled parking being provided at locations convenient to the entry points to the Shopping Malls in accordance with the relevant Australian Standards.

**Reason:** To comply with standard requirements for disabled parking.

2.21 Bicycle parking in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 14 – Bicycles' being provided at a location convenient to the entrance of the shopping mall.

**Reason:** To provide for and encourage the use of bicycles as a means of transport to and from the Centre.

2.22 Centre management making arrangements for bus parking within the site boundaries at the request of bus companies or as the demand arises. The designated bus parking area is to be designed using appropriate turning templates to ensure accessibility by busses.

**Reason:** To encourage the parking of busses on site.

2.23 Appropriate lighting being provided for the carpark, connecting pathways and the on-site bus stop, in accordance with AS 1158 'Lighting' and AS 4282: 1997 'Control of the Obstructive Effects of Outdoor Lighting', such to be installed prior to the issue of an Occupation Certificate.
APPENDIX B

Summary of Complaints
By Westfield Kotara
3 June 2019

Newcastle City Council

To whom it may concern

LEXINGTON PARADE ENTRY/EXIT CUSTOMER COMPLAINTS

Please find below the complaints received from customers via our social media channels and emails:

reviewed Westfield Kotara — 2
August 26, 2016

Just wasted an hour following the signs from the ground floor carpark to the restaurant cinema area. Went round in circles, trying to follow the signs, with no success. Until, that is, I went to Charlestown.

Like  Comment  Share

1 Comment

reviewed Westfield Kotara —
November 8, 2017

Keep the Lexington Parade entrance open for the rooftop at night. So annoying when you want to eat out or see a movie and you have to go the most indirect way and go up every level in the world.

Like

1 Comment

reviewed Westfield Kotara —
February 5, 2018

With all these extensions and carpark mess it makes it so hard to get to rooftop and even harder to leave.
Why on earth is the Lexington pde entry/exit not opened after hours? It is the easiest point to access these restaurants.
To actually get out I drive past that exit down some ramps around the lower level car parks, through two stupid traffic lights to get to the other side of that exit to continue on home

Like and 4 others

1 Comment
reviewed Westfield Kotara —  

July 1, 2018

It really makes literal no sense for you guys to have the exit from the Roof Top area locked at 7.30pm.
It’s the entry/exit that makes the most sense for your restaurants... also why block our way out? If you were adamant you could just block the way in...
You guys are weird.

November 22 at 10:33 PM

Why is access to/from Lexington Parade denied from 6pm each day. It is the obvious way to get to The Rooftop and Cinemas. Security blamed the council but this is not so according to the response I received below.

Westfield Kotara is a privately owned and operated business as is the carpark located on the property. Access on to the property and parking at this location is determined by Westfield Kotara. Any queries regarding parking at this location should be directed to the business.

Thank you for raising your concerns regarding parking at this location

Regards

Gregory Paul | Traffic Engineer
Assets and Projects | Infrastructure and Property
City of Newcastle

Westfield Kotara Hi Elizabeth, the Lexington Parade entry/exit opening and closing times are different to all of our other entry/exit points on due to the request of surrounding residents to council in recent years. Currently it is a council requirement and part of our DA for the Lexington gates to close earlier than the rest. We will reach out to the council about the comment you received from Gregory as this is not correct. We will be approaching the council early 2019 to extend the opening hours of this gate now that construction is complete. If you would like to speak with one of our team further please contact us on 0240192571. Thank you, Westfield Kotara

As serious, please let me know if you can send to us direct, or if you need to report. Regards, Centre Management Team.

I don’t suggest anyone to contact me (0426 353 293 if you want it.).
I just wanted to express that for 2 weeks now we cannot get into the Westfield via Lexington Ave and there is no way we are going in the back.

They are doing this for some sort of traffic control but it is ridiculous for us people north of the carpark that want to get in.

As serious, thank you for your feedback. We are on the experience we want you to have at our centre. I will pass your feedback and details on to our Sales Manager who manages the car park who will be in touch on Monday. Thank you, Lauren, Marketing.

As serious, thanks for your time in the photo below, we truly appreciate the feedback. It is comforting that we can see this resolved for moving forward. As mentioned in the photo above, please feel free to call. Kind regards, Kale.

Thank you Kale.
Because the area to bus at or ride at night, you need to get permission from the council to open the Lexington Pole entrance (the one near the bus stop), so people who need or want to park on the The Boulevard level don't have to go around, around & around in the centre to The Roofbar, or at least try to make a shorter route somehow in the centre.

Hi, Dennis. Thank you for the feedback, we completely understand where you are coming from. Due to Council restrictions on the opening of the entrance, those after hours bike route is challenging. We have found the best places is park if you are parking or going after hours is in spot on Level 1, right outside Whiskers & Coop then you can get the elevator all the way inside the doors directly to Level 3 to enjoy your delicious bourbon. Thank you for your patience.

Hi, yes a lot of people tell us about the following, as it's your centre is currently served by seven Knight Bikes (former Yarra Bikes) but no routes, just from the Reilly St, that will go down to only three but routes. We are one of those three but routes will service every 10 min during the day, these new routes will make it harder for those that don't use a car, as the other two routes are hourly based. People have tried to get answers on Newcastle Transport's Facebook page, but they

Hi Brooke, thank you for the follow up message from Leonie's, I’m just wanted to let you know about a short notice we will be having this month. As there are no signs you could share the info in a news letter or on the websites local media as we will be doing open an hour after three to all the other riders have a chance to park by.

Hi, Brooke, Thanks so much for letting us know. We have passed this onto the Marketing team and they will be in touch shortly.

Hi, I was just wondering about the entrance on Lexinton pole, I was running a little late tonight and pulled up at the gate at 5:56 and the guard was shutting the gate, I was able to have a little talk up or have it closed by someone as it was not closing, it was capacity limit was open it was not closing at 6.00. In my stores if there is someone who visits in at the last minute of the day I stay open until after that little bit longer to help them, so it wasn't a big issue. So I got parked for 5 minutes and I made people happy and in turn that helps the reputation of the centre. I would really appreciate if the centre could reciprocate with someone who would maybe hold the gate open till 6:30 to let me park and make the time of the day.

Hi Brooke, Thank you for your message, the gate closing at 6pm is a Newcastle City Council OA requirement that we have to adhere to - we do not have a choice and cannot extend a gate after 6pm, not even 5pm. We have passed this onto our Retail Manager, Leonie who will pass it onto your team. Thank you, Leonie - Marketing.

What is going on with your Lexington parade exit? For someone who uses it every time it’s very frustrating that it’s shut and especially because they’re isn’t any signage anywhere to warn you before you get there!
Yours sincerely

Kate Murphy
Westfield Kotara, Centre Manager
APPENDIX C

Acoustic Assessment
By Acoustic Logic
Westfield Kotara

Lexington Drive Exit - Night Opening Noise Assessment
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1 INTRODUCTION

This report provides the results of our assessment of potential noise impacts associated with the proposed changes to restrictions applying to the Lexington Parade and Cynthia Street car park access points to the shopping centre.

The shopping centre car park has a number of access points, including the Lexington Drive access point at the south-west corner of the site and the Cynthia Street access at the south-eastern corner of the site (refer figure 1). This access point is located near the fast exit ramp from the upper level carpark which is typically used at night for movie theatre patrons.

Currently, the opening times are restricted according to the following consent condition (Condition 2.17 of DA 2003/2991 dated 30/11/2004):

*The Cynthia Street driveways and the southern driveway in Lexington Parade being closed to traffic by means of a locked gate at 6pm each evening, except Thursdays, on which day such driveways are to be closed to traffic after 9:30pm. Appropriate signage is to be placed at these driveways indicating the driveway closing time. Reason: To limit the possibility of invasive or offensive noise impacting upon the amenity of the adjacent residential area.*

It is proposed to remove the restrictions imposed by this condition.

2 CHANGES TO VEHICLE MOVEMENTS

Changes to traffic movements on Lexington Drive have been predicted by traffic engineers Colston Budd Rogers & Kafes Pty Ltd. The 6pm to midnight flows were estimated by reassigning traffic flows for all days as per the Thursday night pattern (when the access is open later).

The Tables 1 and 2 summarise the predicted changes in vehicle movements as a result of the removal of time restrictions.

It has been assumed that vehicle movements during this period are passenger vehicle movements.

Additionally, Colston Budd Rogers & Kafes Pty Ltd advice is that the total number of existing movements on Lexington Parade between 10pm and 7am (average weekly) per day is 194 north of the exit and 182 to the south.

We are instructed that the Cynthia Street driveways are expected to have very low usage, particularly for cars leaving at night. The configuration of the carpark does not make this exit convenient except for a very small number of patrons. It is also located near Northcott Drive, a major arterial road that would carry vehicles at night.
Figure 1 – Kotara Shopping Centre Showing Lexington Drive Exit Point (Orange) and Cynthia Street Exit Points (Blue)
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3 VEHICLE NOISE IMPACTS

3.1 GENERAL

Scentre Group is seeking to remove the restrictions on the access via Lexington Gate in order to improve the customer experience for customer travelling via car to The Rooftop Precinct. Scentre Group customer data shows that customers prefer to enter and exit at the same point. Current customers are able to enter the centre (prior to 6pm) however must exit via Northcott Drive or Park Avenue. This proves frustrating to customers and encourages cars to circulate through the lower parking levels.

The proposal to allow customers to enter and exit via Lexington Parade will marginally increase noise generated by vehicles after 10pm. The increase noise after 10pm has been assessed using EPA road noise guidelines.

Offsetting any potential increase due to traffic on Lexington Parade will be reduced levels of noise from vehicles within the carpark. The primary reason for allowing the Lexington Parade exit to be used at night is to allow cinema patrons to leave the car park directly using the "speed" ramp from the upper level carpark. Currently patrons leaving the cinemas must wind their way down through the carpark to one of the other exists.

3.2 ASSESSMENT GUIDELINES

The primary assessment guideline used to assess road noise impacts is the NSW EPA Road Noise Policy (2011) ("RNP"). This provides guidelines for assessing noise impacts associated with traffic generating development.

Lexington Parade would be classed as a sub-arterial road according to the description of this classification in the RNP, that is a local road serving a major traffic generating development.

The RNP applies the following noise levels to existing residential receivers affected by increased traffic on sub-arterial roads:

- Day (7am to 10pm) (external) – 60 $L_{Aeq}(15\,\text{h})$
- Night (10pm to 7am) (external) – 55 $L_{Aeq}(9\,\text{h})$

Where the noise level exceeds these levels, then reasonable and feasible mitigation should be applied the objective of meeting the noise levels. The RNP states that "In assessing feasible and reasonable mitigation measures, an increase of up to 2 dB represents a minor impact that is considered barely perceptible to the average person". The implication is that the impact of such a small increase in noise is unlikely to make mitigation reasonable unless of a very minor nature.

Further the RNP states that "For existing residences and other sensitive land uses affected by additional traffic on existing roads generated by land use developments, any increase in the total traffic noise level should be limited to 2 dB above that of the corresponding 'no build option'".

The impact on sleep from higher level, intermittent noise events at night (10pm to 7am) should also be assessed. The RNP does not provide clear guidance, however Section 5.4 of the RNP provides some guidance from previous studies and concludes that:

- Maximum internal noise levels below 50–55 dB(A) are unlikely to awaken people from sleep
- One or two noise events per night, with maximum internal noise levels of 65–70 dB(A), are not likely to affect health and wellbeing significantly.
4 NOISE ASSESSMENT - LEXINGTON PARADE

4.1 PREDICTED NOISE LEVELS

Noise levels were predicted based on the FHWA noise prediction model.

Calculations were performed for the most affected receivers which will be the Lexington Parade residences to the north of the carpark access point. The predicted traffic volumes on this section of road are higher, and the vehicles will be closer to the residences.

Noise level predictions assumed all vehicles are passenger vehicles with a speed of 50 km/h, and hard ground between the source and receivers, and the distance from the centre of the nearest traffic lane to the dwelling facades is 13m.

4.1.1 $L_{Aeq}$ Assessment

The day (15 hr) and night (9hr) noise levels were calculated based on the predicted future flows. The predicted façade noise levels for the relevant periods are:

- $L_{Aeq}$ (6pm to 10pm) – 61
- $L_{Aeq}$ (10pm to midnight) – 49

The predicted level for the day period exceeds the RNP criterion by 1 dB(A) but complies at night (the criteria are 60 and 55 $L_{Aeq}$ respectively).

4.1.2 $L_{Aeq}$ Increase Assessment

The increase in noise due to the proposed removal of restrictions has also been calculated using the FHWA model and this analysis is summarised in the following two tables.

It is apparent that even considering the hourly changes in noise attributable to the proposal, the noise increases to the south of the site are less than 2 dB. Taken over the whole night period the increase in noise level reduces to 0.3 dB(A).

North of the site, individual hourly increases will exceed 2 dB but taken over the whole night period the increase in noise is 0.3 dB(A).

The increase in "day" noise emissions is even smaller than for the night period.

The analysis of the increase in noise level indicates that the proposal will be well within the 2 dB increase permitted by the RNP.
### Lexington Parade (North of site Access) – Combined Direction

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4.1.3 $L_{\text{max}}$ Increase Assessment

The maximum noise level at the residence was calculated based on the FHWA noise emission level of 62 dB(A) at 15m. Corrected for 13m distance and taking a typical 10 dB(A) level reduction through an open window at 5% of the floor area in a furnished room, gives a noise level of 53 dB(A) $L_{\text{max}}$ inside the dwelling.

The RNP indicates that noise levels between 50 and 55 dB(A) are unlikely to cause awakenings, hence the predicted noise levels are not likely to cause awakenings.

5 NOISE ASSESSMENT – CYNDIA STREET

Below are the existing and predicted traffic movements on Cynthia Street as a result of the proposal. The predictions indicate that there will be very few movements after 10pm.

6 DISCUSSION

The analysis indicates that when assessed against the RNP noise goals only the daytime noise level would marginally exceed these goals. However, as the proposal would barely increase noise levels, this is also the existing situation.

The RNP requires that reasonable and feasible mitigation methods should be investigated based on the exceedance of the noise goal, but that "in assessing feasible and reasonable mitigation measures, an increase of up to 2 dB represents a minor impact that is considered barely perceptible to the average person".

The predicted noise increase is well below 1 dB(A) and would be imperceptible, and thus it is concluded that it would not be reasonable to mitigate such a small increase in noise.

The above analysis also ignores any offsetting noise reduction due to a shorter travel path for vehicles within the carpark.

Due to the very low numbers of vehicles using the Cynthia Street exits and their location near a major arterial road with its associated level of existing impact, any additional noise impact from the use of this exit after hours will be insignificant.
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7 CONCLUSION

Potential noise impacts associated with the proposed changes to restrictions applying to the Lexington Parade and Cynthia Street car park access points to the shopping centre have been assessed.

Currently, the opening times are restricted according to the following consent condition (Condition 2.17 of DA 2003/2991 dated 30/11/2004):

Noise levels from vehicle movements on Lexington Parade have been assessed using EPA Road Noise Policy guidelines. If the restrictions in Consent Condition 2.17 are eliminated additional noise generated by vehicle movements on Lexington Parade will comply with all assessment criteria set out in the policy, with the exception of daytime movements north of the exit. However, as the noise level during this period will be perceptibly unchanged by the proposal, in accordance with the Policy, mitigative treatment is not required.

Noise emissions from vehicle movements within the carpark are expected to decrease as the opening of the Lexington Parade exit allows patrons to use a more direct exit path to the exit, rather than having to wind though the carpark levels to reach the currently permitted exits.

It is concluded that, based on the predicted traffic volumes, elimination of the restrictions contained in Consent Condition 2.17 would not cause adverse noise impact.

Yours faithfully,

[Signature]

Acoustic Logic Consultancy Pty Ltd
Victor Fattoretto
APPENDIX D

Traffic Analysis
By Colston Budd Rogers & Kafes Pty Ltd
Dear Madam,

RE: S4.55 APPLICATION TO REMOVE EVENING DRIVEWAY RESTRICTIONS AT KOTARA

1. As requested, we have estimated the likely traffic flows on Cynthia Street and Lexington Parade if the current evening restrictions were removed to allow the driveways to these two streets to remain open until midnight each night. Currently the two driveways are closed at 6.00pm each day (except Thursday when they close at 9.30pm). We understand that the driveways are closed to limit the possibility of invasive or offensive noise impacting upon the amenity of the adjacent residential area.

2. The likely traffic flow increases on these Cynthia Street and Lexington Parade between 6pm and 12am (midnight) were estimated using the following methodology:

- tube counters were located on Cynthia Street and Lexington Parade either side of the driveways to collect 7 days of hourly traffic flows;
- hourly traffic flows (between 6pm and 12am) for all access points to/from the shopping centre were provided from the parking management system for the same 7 day period that the tube counters in place;
- using the distribution of traffic by access prior to 6pm and traffic generated by the shopping centre between 6pm and 12am, increases on Cynthia Street and Lexington Parade were estimated between 6pm and 12am for seven days; and
the estimates of additional traffic were added to existing flows (for the period 6pm to 12am) and then provided to the acoustic consultant for assessment.

3. The result are provided in the attached Tables.

4. We trust the above provides the information you require. Finally, if you should have any queries, please do not hesitate to contact us.

Yours faithfully,

COLSTON BUDD ROGERS & KAFES PTY LTD

T. Rogers
Director
## Cynthia Street (East of Site Access, Between Site Access and Northcott Drive) – Combined Direction

<table>
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APPENDIX E

Cross Section of Lexington Parade
By Scentre Design and Construction
NOTES:

· This document describes a Design Intent only.
· Written dimensions take precedence over scaling and are to be checked on site.
· Refer to all project documentation before commencing work.
· Refer any discrepancies to the Project Design Manager.
· Copyright is retained by Scentre Design and Construction.
· Written authority is required for any reproduction.
ATTACHMENT A

Location and Site Analysis Plans
EXISTING CARPARK
EXISTING ROOF
EXISTING L3M CARPARK
EXISTING L4 CARPARK
EXISTING ROOF
EXISTING CARPARK
HUDSON PARK
LEXINGTON PARADE
PARK AVENUE
NORTHCOTT DRIVE

NOTES:
- This document describes a Design Intent only.
- Written dimensions take precedence over scaling and are to be checked on site.
- Refer to all project documentation before commencing work.
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NOTES:
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Scentre Design and Construction Pty Limited
85 Castlereagh Street. Sydney NSW 2000
Phone (02) 9358 7000 Fax (02) 9028 8500
GPO Box 4004 Sydney NSW 2001
ACN 000 267 265

Project No. Drawing No. Revision
Title
Drawing Scale
Plot Date

EXISTING:
BOUNDARY LINE
TENANT STORAGE
DEMOLED CAR PARK BAY
DEMOLED AREA
PROPOSED AREA

EXISTING ON GRADE CARPARK
EXISTING ENTRY/EXIT TO/FROM CYNTHIA ST. ON GROUND LEVEL
EXISTING ENTRY FROM PARK AVE. VIA VEHICLE RAMP TO UPPER LEVEL PARKING
EXISTING GROUND LEVEL ENTRY/EXIT TO/FROM PARK AVE.
EXISTING TRAFFIC LIGHTS CONTROLLED INTERSECTION

PROPOSED:
PROPOSED MAJOR
PROPOSED MINOR MAJOR
PROPOSED SPECIALITY
PROPOSED FOOD SPECIALTY
STORAGE
PROPOSED COMMON MALL
PROPOSED CAR PARK
PROPOSED VERTICAL TRANSPORT

EXISTING RETAIL
PROPOSED SERVICES
PROPOSED KIOSK
LOADING DOCK
DN TO L2
EXHAUST

EXISTING ROOF
NEW ROOF OVER
EXISTING ROOF
EXISTING ROOF
EXISTING ROOF
EXISTING ROOF
EXISTING ROOF
EXISTING ROOF

DEVELOPMENT APPLICATION
CARPARK
SOUTH
RL35.870
EXISTING ENTRY FROM LEXINGTON PDE. TO GROUND LEVEL PARKING
EXISTING ENTRY/EXIT TO/FROM LEXINGTON PDE. ON GROUND LEVEL
EXISTING ENTRY FROM PARK AVE. VIA VEHICLE RAMP TO UPPER LEVEL PARKING
EXISTING GROUND LEVEL ENTRY/EXIT TO/FROM PARK AVE.
EXISTING TRAFFIC LIGHTS CONTROLLED INTERSECTION

MIXED USE COMMERCIAL PRECINCT

SITE ANALYSIS LEVEL 3
KOTARA SCHEME 14H DEVELOPMENT APPLICATION SECTION 96
01.5004
Item 2  Attachment B:  Processing Chronology

DISTRIBUTED UNDER SEPARATE COVER
# PROCESSING CHRONOLOGY

**DA2003/2991.01 – 89 Park Avenue Kotara**

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ITEM 3  DA2019/00339 - 48-56 HUNTER STREET NEWCASTLE

MIXED USE DEVELOPMENT (ALTERATIONS AND ADDITIONS TO INCLUDE PENTHOUSE UNIT)

Attachment A - Submitted Plans
Attachment B - Draft Schedule of Conditions
Attachment C - Processing Chronology
Item 3  Attachment A: Submitted Plans
DEVELOPED DESIGN
Newcastle Penthouse
New Penthouse to an Existing Heritage Building in Newcastle

REVISION H

SITE
48-56 Hunter Street,
Newcastle NSW

CLIENT
Aviator Capital

DATE
18.03.19

PROJECT NO.
3577
HISTORY

50 Hunter Street is a historically significant building in Newcastle. Known as the "Sun building" for its use as the main office for the local newspaper, The Newcastle Sun. The detailed facade is heritage listed and dates back to 1925 and remains in mostly original condition. The building is part of a heritage conservation area and is surrounded by various era's of heritage buildings.

The building is located in Newcastle East, which is now part of a major development area, with approvals for residential apartments, mixed-use facilities and commercial space. The building currently houses several commercial business tenancies throughout its levels.

There are a wide range of commercial and retail services surrounding the site, many contained within other historic buildings with detailed façades. Some prominent historical architectural features are Customs House Clock Tower, former National Bank, T&G Mutual Life Assurance Building and the Great Northern Hotel.

The site is also surrounded significant natural landmarks such as Pacific Park, Newcastle Beach and Newcastle harbour.

NOTES

ADDRESS
48-56 Hunter Street, Newcastle, 2300
Lot 4 DP76454 (Facade)
Lot 1 DP1089235
Lot 3 DP304766

LOCALCOUNCIL
Newcastle City Council
LEGEND

EXISTING ELEMENTS
PROPOSED ELEMENTS
ELEMENTS TO BE DEMOLISHED

FOR APPROVAL

3977
SK2208
RevG 18.03.19
Proposed Fifth Floor Plan
Newcastle Penthouse
48-56 Hunter Street, Newcastle

SHAC
Municipal Architect / Leica Hamilton (SHAC) O.ADN 32 121 146 BKG

1. Glazed walls allow light into gym
2. Designated areas for pool, pump, equipment etc
3. Reduce ceiling height to existing
4. Toilets to 2.1m to allow for spa & stair above
5. New stair to access pool from sixth
6. Storey located over existing void space below to avoid interfering with layout
7. Existing pool to be refurbished and retiled
8. Make good new windows and dividers to existing columns
9. New planter to east facing facade

Scale: 1:100
1.100
500
200
100
0

EXISTING COMMERCIAL SPACE
NEW COLUMNS AS INDICATED BY STRUCTURAL ENGINEER. SEE STRUCTURAL DRAWINGS

Cellar
8.2 m²
Stairs
7 m²
Gym
25.4 m²
Store
50.3 m²

ALLOW FOR WATERPROOFING OF SPOOL STAIR ACCESS TO SIXTH FLOOR
GLAZED WALLS ALLOW LIGHT INTO GYM
DESIGNATED STORE FOR POOL, PUMP, EQUIPMENT ETC
REDUCE CEILING HEIGHT TO EXISTING
TOILETS TO 2.1M TO ALLOW FOR SPA & STAIR ABOVE
NEW STAIR TO ACCESS POOL FROM SIXTH STOREY, LOCATED OVER EXISTING VOID SPACE BELOW TO AVOID INTERFERING W/ LAYOUT
EXISTING POOL TO BE REFURBISHED AND RETILED
MAKE GOOD NEW WINDOWS AND DIVIDERS TO EXISTING COLUMNS
NEW PLANTER TO EAST FACING FACADE

1.800
9.180
5.030
2.280
STAIR ACCESS
OVERALL

19.00
19.00
19.00
19.00
3977
SK2301
Floor Space Ratio Analysis
Newcastle Penthouse
48-56 Hunter Street, Newcastle

FOR APPROVAL

LEGEND
AREA USED TO CALCULATE FSR
PROPOSED ALTERED AREA (NOT ADDITIONAL)
PROPOSED ADDITIONAL AREA

FSR CALCULATIONS

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<td>TOTAL PROPOSED FLOOR AREA</td>
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MAXIMUM ALLOWABLE FSR: 3.0:1 (NCC LEP 2012)

EXISTING FSR: 4.9:1

PROPOSED FSR: 5.56:1

Gross Floor Area (GFA) as defined in the Newcastle LEP 2012:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:
(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
(i) storage, and
(ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above.
Roof Plan
Newcastle Penthouse
48-56 Hunter Street, Newcastle

For Approval

1. Completion of all fabulous design and lease. Changes
2. Review pergola dimensions. Do not alter from drawing
3. Check all existing units for any necessary additional
4. Ensuring all dimensions are correct for construction and

SHAC
Sustainable Architecture Hamilton (SHAC) | ABN 32 127 146 806

3977 SK2401
RevE 18.03.19
3977
SK3104
ReV 18.03.19

West Elevation
Newcastle Penthouse
48-56 Hunter Street, Newcastle
3977
SK3106
RevE 18.03.19

Streetscape Analysis
Newcastle Penthouse
48-56 Hunter Street, Newcastle
View 1 Analysis
Newcastle Penthouse
48-56 Hunter Street, Newcastle

EXISTING

PROPOSED

For Approval

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<td>2</td>
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<td>Nov 19</td>
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<tr>
<td>5</td>
<td>Jan 20</td>
<td>Construction Drawings</td>
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Analysis

View 1: Ground level view from the corner of Watt and Hunter Street

SHAC

Registered Architect Susan Hamilton (ARWA) | ABN 32 121 144 806
### FOR APPROVAL

1. Construction is subject to planning permission.
2. Final colour scheme to be confirmed.
3. Cost of building work is subject to inflation.

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### ANALYSIS

**VIEW 2**: Seventh Floor view from Esginton Apartments balcony directly across Hunter Street
**FOR APPROVAL**

1. Check all dimensions and details against construction and fabrication
2. Review original applications for match to site
3. Check all specifications noting any changes to materials
4. Ensure all documentation on plan and cabinet

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**ANALYSIS**

**VIEW 3:** Ninth Floor view from Esington Apartments balcony

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**EXISTING**

**PROPOSED**
FOR APPROVAL

1. Consideration of alternative visual perspectives.
2. Verify忽视are from drawings.
3. Overall sustainability of the proposal.
4. Consideration of the preservation of the proposal.

ANALYSIS

VIEW 4: Ground level view from Pacific Park

The proposal while being higher overall, is much more sympathetic to the historic building and removes the dominant pool tower element.
Concept Materiality
Newcastle Penthouse
48-56 Hunter Street, Newcastle

FOR APPROVAL

1. Check all finishes as shown by the architect and contractor.
2. Check all materials and any site specifications.
3. All drawings and dimensions are shown for guidance purposes only.

MRS-01 LONGLINE METAL CLADDING MATTE DARK FINISH
TMB-01 EXTERNAL FEATURE TIMBER LOOK CEILING LINING
RN-01 FINE TEXTURE RENDER WHITE FINISH
TIL-01 EXTERNAL MOSAIC TILE LIGHT FINISH
PV 19/11/19
DA2019/00339 - 48-56 HUNTER STREET NEWCASTLE

Item 3 Attachment B: Processing Chronology

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PROCESSING CHRONOLOGY

DA2019/00339 – 48/56 Hunter Street Newcastle

25 March 2019  Development application lodged
10 April 2019  Public exhibition
30 April 2019  Additional information requested from applicant
23 May 2019  Response received from applicant
26 August 2019  Additional information received from applicant
4 September 2019  Application renotified
18 September 2019  Additional information requested from applicant
28 October 2019  Additional information received from applicant
28 October 2019  Additional information requested from applicant