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# NEWCASTLE URBAN REVITALISATION STRATEGY

Honeysuckle Residents Association Inc (HSRA) represents over 50 members who predominantly reside in the Nautilos and Breakwater Apartments along Wharf Road. This submission is made on behalf of our membership. It largely concerns:

- the Lynchs site at 292 Wharf Road which is zoned B4 Mixed Uses which we contend should be rezoned to RE1 Public Recreation.
- NCC's inappropriate DA for a 4 storey residential apartment on this site comprising of an above ground garage and 3 residences.
- Unclear, confusing and contradictory development controls applying to this site largely due to ad hoc amendments made to previous DCP's (DCP 30, DCP40 and DCP 2012) which have allowed this DA to be progressed.
- inadequacies of the proposed DCP and LEP under the Revitalisation Urban Development Strategy with respect to waterfront land.
- Lack of any development controls for land zoned RE1 and RE2 particularly waterfront land.

# 1. Lynchs Should Be Rezoned To RE1

As detailed in our previous submission (dated 17 March 2013) to Urban Planning, HSRA has shown there is conclusive evidence that the site was acquired for inclusion in The Foreshore Park. NCC's own documents show that the site:

- was acquired by Council for the Harbour Foreshore Development Project.
- includes Crown Land acquired by Council at no cost on the basis that it would be for the present and future requirements of the public, including general recreation needs.
- was included in the area of the 1981 national competition for the landscaped design of the foreshore area (extending east from the former Fishermans Co-operative on Merewether Street Wharf opposite Argyle Street, approximately 100 metres west of Lynch's site).
- was shown in the Master Plan for the foreshore development as parkland.
- was in the Master Plan which was included in Draft DCP No11 August 1983 for the Waterfront Precinct as parkland.
- was included in The Foreshore area described by the Deputy Town Clerk in a letter 10/1/1984, to the Geographical Names Board. The letter also stated that "it should be noted that the whole area will be made available as open space with council as the trustees".

- was included within one of the major Bicentennial Projects in May 1984 under the Federal Government's "Australian Bicentennial Authority Act, 1980.
- was part of the Harbour Foreshore Development Project funded by the NSW State and Federal Governments in conjunction with Newcastle City Council.
- was referred to by several council documents and senior council staff as being within the Foreshore Park.
- was included within the area gazetted by the Geographical Names Board in 1989 as The Foreshore and assigned the status of a reserve.

Our assertion that the site should be within the public domain is also reinforced by:

- plans developed by Honeysuckle Development Corporation (HDC) in conjunction with NCC in 2003/2004 for Lynchs to be incorporated into the public domain. HDC commissioned Northrop Structural and Civil Engineers to prepare detailed plans namely drawing Nos 213145 C04 and C05 (below) which were to accommodate a public orientated building. The design called for a building with a footplate of 170 sq m, a maximum height of 6m and a 6m wide public promenade along its northern boundary.
- HDC and NCC also agreed to the jointly fund the existing promenade, (a major pedestrian/cycle accessway) which is partly located over the northern boundary of the Lynchs site and is indisputably public domain. NCC proposes to sell the land with the Promenade over part of the site.



The site must be reinstated into The Foreshore as parkland as was originally intended.

# 2. Inappropriate Council DA for A Four Storey Residential Development on Lynchs

NCC (through architects Schreiber Hamilton) has submitted a DA for a 4 storey residential apartment on the site with the intention of selling the land with DA approval. The Statement of Environmental Effects states that "the proposal does not meet the numerical controls prescribed in the DCP in terms of site setbacks. However, if these controls were stringently applied any development for residential purposes on the site would remain unfeasible". Nevertheless, NCC is intent on progressing this DA and the sale of this site.

NCC has stated that no development controls apply to the site and that LEP 2012 maps do not stipulate a maximum building height or FSR.

However, DCP 2012 Newcastle City West shows that the site is located within the Honeysuckle area. The Honeysuckle area is a clearly defined area as per the legend of Map 11, pg. 46, extract below:



- Newcastle City Centre NLEP 2011
- E Development Control Plan Area (area covered by this Plan)
  - Honeysuckle Area

The development controls that apply to the Honeysuckle area are stipulated under 6.02.0 Honeysuckle special area:

# "General controls applying to all development within the Honeysuckle area"

The specific controls which apply to the Honeysuckle area include:

building articulation of 2-3m, active street frontages; sub basement car parking projects a maximum of 1.1m above ground level; a minimum building setback of 12m from the harbour edge, including an 8m wide promenade - all of which the DA has failed to comply with. Council stated that these controls apply only to the Honeysuckle Special area and the Merewether Wharf precinct.

There is an error in the current LEP 2012 with the omission of the FSR and building height for the Lynchs site. The LEP 2008 had an FSR and height of 1.5:1 and 18m respectively. We note that the DA does not comply with the 1.5:1 FSR.

The site is zoned B4 as is the adjacent Breakwater/Becton building however, the site is considerably closer to the harbour edge than the Breakwater site and it is an area of transition to The Foreshore Park. Therefore, it is totally inappropriate to have the same FSR and height limit as the Breakwater site.

# 3. Established Built Form for Lynchs Site

The development controls which applied to the Breakwater apartments (constructed in about 2000) were based on controls shown in DCP 40 (1998) for the Merewether Wharf precinct. The controls included amongst other things that:

- Buildings be set back from the foreshore edge based on a minimum ratio of 1:1 building parapet height to setback distance from the harbour edge.
- A 12 m setback be provided from the building line to the harbour edge.
- Buildings to front onto the promenade with articulation zone of 3m.

The requirement for a 12m minimum setback from the foreshore edge was a resolution of Council in March 1997 and was to apply to the Merewether Wharf precinct extending east in front of Lynchs and up to the western boundary of the Foreshore Park.

The attached extract from DCP 40 City West (1998) details the typical development controls for the Merewether Wharf Precinct. See Appendix A for full details of the DCP 40 requirements for waterfront areas and it is inexplicable that the work done in 1998 is not adapted to for the updated revitalisation planning documents.





Council's DA for the Lynchs site does not comply with many elements of DCP 2012, including required setbacks specified in 6.02.01 Building Form Table 2 and the additional conditions applying to Honeysuckle Area. The height of the building for example is approximately 13.5m and is setback only 5.5 m from the harbour edge. The ratio of the building parapet to the harbour edge is 2.5:1. The Breakwater Apartments have a setback ratio of 1:1 as shown below.

The building alignment on the northern side is 6.5 m forward of the building alignment of the Becton development (Breakwater apartments and Crowne Plaza).

There is no articulation of the building on the northern and southern sides as required.

The separation between the proposed building and the Breakwater apartment is only 4.5m. SEPP 65 requires a minimum building separation of 9m. NCC LEP 2012 defines a residential flat building as having 3 dwellings however NCC has stated that SEPP 65 does not apply to this DA.



Map 5 NCC DCP 2012 City Centre East shows that Lynchs is located within The Foreshore Area 6.01.01 Vision and City Structure section 2(b) states:

"The Foreshore comprises the new development areas north of the railway line. West of Perkins Street, new development should be used to provide a distinctive edge, reflecting the character of the Hunter and Scott Street edges, **with smaller pavilion developments along the foreshore and park**."

The following objectives apply to The Foreshore:

- Leisure/lifestyle/recreational use provided at ground level and commercial/residential uses west of Perkins Street to facilitate revitalisation.
- A regional recreational function provided for the Foreshore Park, Fort Scratchley, the ocean foreshore and Pacific Park.
- Ground level uses provided to activate and overlook public space with a clear physical definition between 'private'/'active' lease areas.
- *Preserve and enhance a sense of belonging and ownership of the public domain by the community.*



# Map 5: Foreshore area, including preferred building types

The map shows that only pavilion type buildings are suitable for this site. Another failure of Council to apply its development controls as the DA is not a pavilion design and does not activate the public areas.

# 4. Revitalised Urban Strategy DCP & LEP

# **Development of Waterfront Land**

We note that the development controls applying to waterfront land have been progressively removed with each new version of Council's DCP since the adaptation of DCP 40 in December 1998 and which came into effect in June 1999. DCP 40 was prepared by NCC and the Department of Urban Affairs and Planning to assist Council and the Minister for Urban Affairs and Planning to assess development proposals lodged for the City West area. The Minister was the consent authority at the time for the area covered by the Central Honeysuckle Regional Environment Plan.

It contained a comprehensive set of planning and design guidelines which were periodically reviewed by Council and the Honeysuckle Development Corporation and were successfully used for the ongoing renewal and revitalisation of city west area and the waterfront. It provided detailed guidelines for the Waterfront Promenade area, the Entertainment precinct, Merewether Wharf precinct and Honeysuckle Special area and Honeysuckle Area. However, many of these controls have since been inexplicably deleted from NCC's current DCP 2012, presumably on the basis that the waterfront areas have been largely developed.

We note that under the DCP proposed for the Urban Revitalisation Strategy most of the remaining development controls in DCP 2012 for the waterfront areas have been jettisoned. As a consequence there are effectively no specific development controls for any development or future redevelopment of waterfront land other than maximum building height and FSR's.

Of particular concern is that the proposed DCP does not specify any minimum setback of buildings from the harbour edge for development and the ratio of the building height to setback distance from the harbour edge. We consider that these are fundamental controls that are essential for waterfront development and must be specified in the DCP.

Clear, unambiguous development controls specifying setback requirement from the harbour edge would prevent inappropriate development to occur such as the absurd DA currently being progressed by NCC for a 4 storey apartment on the Lynchs site.

# 5. Development Of Land Zoned RE1 & RE2 Public and Private Recreation Respectively

We note that under NCC DCP 2012 and LEP 2012 there are no development controls specified for land zoned RE1 and RE2, including maximum building heights and FSR's. Much of the land under these zonings is also located on the waterfront. Permitted land uses with council's consent include:

"Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Child care centres; Community facilities; Emergency services facilities; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs: Respite day care centres; Restaurants or cafes; Roads; Water recreation structures".

It seems incomprehensible that there are absolutely no development controls specified in the any of the planning documents. As a result any development proposed on RE1 and RE2 zoned land is at the absolute discretion of NCC. This appears to be a major flaw in council's current planning instruments and the proposed LEP and DCP under the Urban Revitalisation Strategy. While it is understandable that development controls for some of the listed land uses would not be possible to specify, controls for development such as child care centres, kiosks, registered clubs, day care centres, restaurants or cafes etc. must be specified in terms of maximum permitted height, FSR and minimum setback from the harbour edge.

This must be rectified and controls applying to buildings in these zones must be incorporated into the DCP and LEP to prevent inappropriate development on the waterfront.

# 6. Conclusions

This is another submission with ample evidence of appropriate development control details that must be incorporated in planning documents for the revitalisation of Newcastle. The level of government waste is extraordinary. It appears that the new revitalisation planning documents are oblivious to all previous documents and no research has been undertaken to assess the adequacy and adaptability of previous urban planning documentation into the next chapter of Newcastle's revitalisation plans.

Our submission clearly demonstrates the ramifications of having inadequate planning controls for an area and how this does result in totally inappropriate development such as is proposed by the consent authority, Newcastle City Council in this case with the Lynchs DA 2013-1123.

We express our concern at the insufficient time provided for public comment on the new revitalisation strategy given the significant changes included in the latest release of information. The lack of clarity regarding the planning instruments, boundaries, controls, legal hierarchy of documents and proposed approval authority between NCC and the NSW State Government.

Yours faithfully

Ablate

Alistair Christie

Honeysuckle Residents Association Inc.

# Appendix A: Extracts from DCP 40 Showing Planning Controls For City Centre West Areas.

The detail provided in 1999 must be incorporated in new development control, documents where applicable. It is evidence of total government waste to ignore these comprehensive planning details which so easily can be adapted to the new planning instruments as they address exactly the same area as those in the revitalisation plans.





## Building Height

#### Objective

To establish building and parapet height limits to:

- ensure that the public domain is not dominated and overshadowed by buildings of excessive scale and that the amenity is of a high quality
- reinforce the blocks between Hunter Street and King Street as the main "spine" of the City West area by focussing the highest development in this area
- allow year round solar access to the public domain on the northern side of the main east-west streets
- enable view sharing to the harbour and the hills to the west
- reinforce and enhance the character of the major streets within the area
- preserve the predominant 2-3 storey character along the southern edge of Hunter Street
- ensure additional services (i.e. plant rooms/lift cores) to buildings are integrated into the overall design of the building.

### Performance Guidelines

- The height of buildings to:
  - adopt perimeter heights reflecting recommended parspet/street frontage height with maximum heights achieved towards the centre or other boundaries of the site
  - not unduly restrict solar access to public domain and areas of private open space
  - reflect "building envelope control line" determined by the width of street, public accessway, park, private garden and foreshore promenade specified by the formula for street height.
  - Parapet/street frontage height of development should maintain appropriate proportions in relation to street width or adjacent public space.
  - Include plant room and additional roof structures within maximum height limit.



#### Part III - Development Guidelines & Controls

### Controls

Building and parapet height is no greater than the height specified in Height Control map (Maps 9 and 10). These can only be achieved if generally the maximum height of building facades above ground level along main street frontages complies with:

$$H = W + 1.6$$

- where, H = maximum building height (above ground level)
  - W = combined street carriageway and footpath width (road reservation) and
  - 1.6= pedestrian eye level.

Variations to this control apply in the following situations:

(a) Honeysuckle Drive, Wharf Road, Hunter, King and Parry Street.

> The northern street walls will be restricted to a maximum height based on a 32 degree development control line (the winter sun angle) drawn from the back edge of each streets southern footpath (road reservation) (see diagram 1) unless adequate sun penetration can be demonstrated due to building form.

(b) Southern side of Hunter Street (between Auckland Street and Stewart Avenue). The parapet height of all new development will be restricted to a maximum height of 9 metres above ground level for a depth of 10 metres from the street alignment (see map 10).

 (c) North/South secondary streets (between Auckland and Steel Streets)

> Along those north-south secondary streets identified in map 3A the street edge parapet height is limited to 9 metres above ground level for a depth of 10 metres from the street alignment.

> For sites adjoining heritage items, variation of the street wall heights will be considered individually to achieve compatible forms.

In those locations where no parapet height controls have been identified, then a 45 degree development control line from the back edge of the footpath (road reservation) on the opposite side of the road will apply (see diagram 1).

Please also refer to the 'Specific Design Guidelines' section starting on Page 56 for specific built form details for Hunter Street, King Street, Parry Street, Honeysuckle Drive and Wharf Road. Also built form details for the waterfront promenade and view corridors and the Honeysuckle Special Area.



### Setbacks

#### Objective

To encourage development that:

- improves the local character and streetscape qualities by reinforcing existing street alignments and setbacks
- complements the streetscape
- provides adequate separation between buildings and open space
- does not significantly overshadow adjacent buildings or public domain
- maintains or enhances the amenity of public spaces.

#### Street Alignments

Most streets throughout City West have been developed with buildings constructed up to the pavement line, so that a continuous street alignment of frontages occurs. In these circumstances it is disruptive to the streetscape to adopt setbacks from this line, and development generally should thus present a continuous wall of building to the road reservation/property boundary facing the street, to the height indicated by the street frontage height guidelines. In a few areas of City West a pattern of setbacks is already present, and may be appropriate for new building.

#### Performance Guideline

Designers of new developments in City West proposing setbacks for their buildings should explain why the deviation of frontage from the road reservation/property boundary line is appropriate.

#### Orientation

Minor introductions of angled elements may be acceptable, however, angled facades which do not relate to the urban form are discouraged.

#### Upper Storey Setbacks

The setback provisions encourage different building profiles and forms. Parapet heights generally relate to the width of a street or adjacent open space (as appropriate).

The stepped profile is suitable for larger sites only where parapet heights are lower than the maximum building height. It allows taller development to break through the envelope of parapet height by permitting the full height ceiling to be achieved 10 metres back from the street frontage line. Since both the front and sides of such taller buildings will be visible from the street, they may also have to be designed as visible elevations (refer to Map 9 for maximum building heights).

### Performance Guideline

Development to respond to:

- boundary alignment requirements for sites adjacent to roads and open space
- setback formulae for taller buildings in identified blocks and precincts
- environmental factors including access to light and visual and acoustic privacy
- existing streetscape form as well as enhance public domain. Setbacks at rear or side boundaries should ensure the retention of adequate access to light and privacy for adjoining properties and spaces (refer to Map 10 for setback details).



## Waterfront Promenade

In line with the open space objectives on Page 43, specific design details are provided for the Waterfront Promenade as below:

### Performance Guidelines

Waterfront Promenade with Parkland (refer to diagram 5 below and to Map 12,page 64 location A)

### **Open Space Character Description**

- Broad foreshore parkland character, e.g. Worth Place.
- Large landmark trees (e.g. Norfolk Island Pines and Figs) and turf.
- Foreshore promenade (minimum 6m wide) with an additional secondary pedestrian/ cycle path (2.5m wide) on boundary.
- Street furniture and pedestrian lighting and shade trees.

 Private gardens at ground level or low terraces up to 1m adjoining public open space.

### **Built Form**

Albert Street

- Buildings setback 10m minimum from open space boundary to accommodate gardens.
- Maximum building height 24m adjoining open space.
- Buildings to front onto open space with articulation zone of 3m.



Diagram 5 WATERFRONT PROMENADE WITH PARKLAND Harbour Foreshore Character and Maximum Building Envelope Typical Section Waterfront Promenade with Private Gardens (refer to diagram 6 below and to Map 12, page 64 - Location B)

Open Space

- Minimum 8m wide hard paved foreshore promenade on a continuous grade, e.g. adjoining Wharf Road.
- Street furniture and pedestrian lighting.
- Private gardens at ground level adjoining promenade with a clear boundary of fencing or walling up to a maximum height of 1m.

### **Built Form**

- Buildings setback 10m minimum from boundary to accommodate gardens.
  - Buildings to front onto open space with articulation zone of 3m.



Diagram 6 WATERFRONT PROMENADE WITH PRIVATE GARDENS Harbour Foreshore Character and Maximum Building Envelope Typical Section Entertainment Precinct (refer to diagram 7 below and to Map 12, page 64 - Location D)

**Open Space** 

- Minimum Sm wide pedestrian promenade on a continuous grade.
- 12m wide public domain clear of all permanent structures.
- Pedestrian lighting.

#### **Built Form**

 Buildings setback 4m minimum from promenade to provide public domain for uses such as pavement leasing for portable tables and chairs.

- Maximum 9m building height.
- Cafe, restaurant, retail and entertainment uses at ground level.
  - Buildings to front onto promenade with articulation zone of 3m.
- Buildings to provide covered pedestrian area minimum 3m wide within articulation zone, i.e. colonnade or awning.



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Merewether Wharf Precinct (refer to diagram 8 below and to Map 13B, page 73)

#### Open Space

- Minimum 6m wide pedestrian promense and 2.5m defined cyclewsy.
- Street furniture and pedestrian lighting.

#### **Built Form**

- Minimum 15m wide publicly accessible space along foreshore (including prominade and cyclewsy):
- Ground level view corridors incorporating public accessways a minimum 15m width (Argyle Street 20m minimum width) and spaced at a maximum 80-100m.
- Buildings to be set back from the foreshore edge a minimum ratio of 1:1 building parapet height to setback distance.
- All development addressing the waterfront to demonstrate a high quality of urban design.
- Eastern most and western most sites to feature publicly oriented uses at ground level (other sites may feature publicly oriented uses).
- Buildings to front onto promenade with articulation zone of 3m.

### Diagram 8

MEREWETHER WHARF PRECINCT Harbour Foreshore Character and Maximum Building Envelope Typical Section



62 city west DCP 40 Preferred Hotel site at end of Merewether Street (refer to Map 2, page 10)

#### Built Form

- Terrace adjoining promenade maximum 1m above promenade level.
- Upper level setback of 3m at 15m maximum height.
- 18-24m maximum building height (refer to height map ??).
- Cafe and restaurant at terrace level.
- Building to front onto open space with articulation zone of 3m.
- Floating bonus of 1.5:1 FSR can apply to a hotel if DCP bonus criteria is achieved and development provides an incentive in publicly accessible open space such as increased view corridor width and better view sharing.
- Landmark "hotel" site requires very high standard of urban design.
- Building to feature publicly oriented uses at ground level.





Wharf Road (refer to diagram 13 below)

## Streetscape

- Investigation of reduced existing road reservation (two traffic lanes with parallel kerb side parking both sides). Note: loss of car parking may occur and will need to be offset.
- Footpaths to be hard paved with planting of Tuckeroos, Norfolk Island Pines or Figs as appropriate.
- Developments to provide a 2m wide minimum front garden.

#### **Built Form**

 Heights on foreshore side of Wharf Road step up from 12m maximum to 30m maximum rising from east to west.

- Heights on the southern side of Wharf Road step up from 24m maximum to 30m maximum rising from east to west.
- Heights on the foreshore side of Wharf Road are always lower than the buildings on the southern side of the road to allow solar access and view sharing.
- Buildings must front onto and address Wharf Road with a 2m articulation zone.
- Buildings are to be setback 2m minimum at ground level on both sides of the road to allow for a front garden.



Diagram 13 WHARP ROAD Character and Maximum Building Envelope Typical Section

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city were D CP 40

# Honeysuckle Special Area

This section provides specific urban design guidelines for the Honeysuckle Special Area (as outlined in Map 2, on Page 10).

## Built Form (refer to Map 13)

- Buildings are to be simple forms aligned to the street, open space or public domain.
- Buildings to have multiple frontage addressing the main roads, the foreshore promenade, and/or the public domain/ open space areas.
- Buildings to have an articulation zone of 2m fronting onto the main roads (Honeysuckle Drive, Wharf Road or Merewether Street).
- Buildings to have an articulation zone of 3m fronting onto the Harbour foreshore.
- Buildings to provide pedestrian entrances directly off the pedestrian footpaths along the main roads.
- Pedestrian entries to buildings to be designed as address statements.
- Landmark "hotel" site requires very high standards of urban design.

# Private Carparking to Residential Buildings

- Sub-basement carparking to be 1m (optimum) to 1.5m (maximum) above ground level.
- Carparking to be screened with well designed structures and screened by planting.
- Where possible screen csr parks (other than sub basement carparking) with ground floor uses c.g. retail.
- Where possible provide vehicular entrances to sides of buildings (off lancs and secondary streets) rather than directly off the main roads.

#### Public Carparking

 Entries to public parking areas must be located off secondary roads only (e.g. Worth Place) with left in and left out access only.

- All pedestrian exits/entries to public parking must be from Honeysuckle Drive.
- Provide direct pedestrian entry/exit points to ground level at a number of points.

### Movement Network

- Provide continuous pedestrian and cycle access along or as near as possible to the waterfront edge throughout the length of the area.
- Enhance the connectivity to Hunter Street and Civic Centre by providing a new pedestrian bridge at Civic Station aligned in a north south direction.
- Provide a new at-grade vehicular and pedestrian crossing over the railway at Worth Place.
- All through traffic must enter and exit the area via Worth Place or Merewether Street/Wharf Road.
- Honeysuckle Drive between Worth Place and around Honeysuckle will feature greater traffic management and more pedestrian activity.
- To consider centre median the full length of Honeysuckle Drive in order to assist pedestrian crossings, landscaping and traffic management.
- To consider an additional vehicle and pedestrian access link between the Gardens (squareabout) and Merewether Street, north of the Perway building, which can be utilised as a service vehicle route during certain off-peak times or which may be used as an alternative route on occasions where Workshop Way is closed for special functions.