

Amended Statement of Environmental Effects

August 2026

Prepared for: the City of Newcastle



Urbis staff responsible for this report were:

Director	Alaine Roff
Senior Consultant	Anthony Kiliias
Consultant	Adrian Leung
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Acknowledgment of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on. We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years. We pay our respects to First Nations Elders, past and present.

Urbis is committed to incorporating our respect for First Nations cultures, peoples and storytelling in our work across the Country. We are proud to have partnered with Darug Nation artist, **Hayley Pigram**, and to profile her artwork – **Sacred River Dreaming**.



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

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1 Introduction

1 Introduction

1.1 Purpose of this Report

This amended Statement of Environmental Effects (**SEE**) has been prepared by Urbis Ltd on behalf of City of Newcastle Council (**the Applicant** or **CN**) to support Regionally Significant Integrated Development Application DA2025/01321 (**the DA**) for the Stage 2 revitalisation of Newcastle Ocean Baths at 30 Shortland Esplanade, Newcastle East (**the site**). The site is located on Awabakal Country.

The DA seeks consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for alterations and additions to the Newcastle Ocean Baths building to include façade conservation works, refurbished amenities and changerooms, new community space, new food and drink premises, and site landscaping works. The scope of works is discussed in more detail in Section 4 of this SEE.

The proposed works, as amended, have an estimated development cost (**EDC**) of \$43,056,995 (excl. GST). Pursuant to Schedule 6, Subclause 3 of *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**), this DA is classified as Regionally Significant as it is a Council-related development with an EDC exceeding \$5 million. Accordingly, the consent authority for this DA will be the Hunter and Central Coast Regional Planning Panel (**HCCRPP**). It is also noted that the site is listed on the NSW State Heritage Register under the *Heritage Act 1977* (**Heritage Act**). As such, the DA will be an 'Integrated' development as defined by Section 4.46 of the EP&A Act, as separate approval will be required for this application under Section 60 of the Heritage Act.

The SEE:

Describes the site and proposed development,

- Provides an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979,
- Explains the likely impacts of the proposed development on the natural, built, social, and economic environments, and
- Outlines how these impacts are proposed to be reduced or mitigated.

1.2 Project Chronology and Amended Scheme

The following summarises the chronology of the project:

- Community consultation was held between 18 June and 5 August 2024.
- A pre-lodgement meeting was held with Heritage NSW (**HNSW**) on 18 August 2025.
- A pre-lodgement meeting was held with personnel from CN's Planning Assessments team on 25 August 2025.
- The DA was lodged on 25 November 2025.
- The DA was publicly exhibited from 4 December 2025 to 27 January 2026.
- A formal Request for Information (**RFI**) was issued by HNSW on 16 March 2026.
- The project was presented to the CN Urban Design Review Panel (**UDRP**) on 25 March 2026.
- A revised scheme was presented to the CN UDRP on 29 April 2026.
- A formal RFI was issued by CN Planning Assessments on 12 June 2026.

In accordance with Section 37 of the *Environmental Planning and Assessment Regulation 2021* (**EP&A Regulation**), an amended scheme is now lodged for assessment in response to comments and RFIs received from HNSW, the CN UDRP, and CN Planning Assessments.

Section 5 of this SEE provides responses to matters raised in CN's formal RFI and to the themes raised in the public submissions received.

Responses to UDRP comments and to the formal RFI issued by HNSW are provided in the Statement of Heritage Impact (**SoHI**) prepared by Tonkin Zulaikha Greer (**TZG**) which accompanies this amended DA.

1.3 Supporting Documentation

The SEE should be read together with the architectural plans and supporting documentation submitted with the DA under separate cover as follows.

Table 1 Supporting Documentation

Title	Prepared By
Administrative Requirements	
Amended Estimated Development Cost Summary	APLAS Group Pty Ltd
Hunter Water Stamped Plans	TZG (stamped by Hunter Water)
Owners Consent	City of Newcastle
Drawings	
Amended Architectural Drawings	TZG
Amended Civil Engineering Plans	Northrop
Amended Hydraulic Services Drawings	Northrop
Amended Landscape Drawings	T.C.L
Schedule of Conservation Works (incorporated in the Architectural Drawings)	TZG
Amended Signage Strategy and Signage Plans	TZG
Survey Plan	Hill & Blume
Reports	
Aboriginal Archaeological Due Diligence Assessment	AMAC Archaeological
Amended Access Report	Credwell
Amended Baseline Archaeological Assessment	AMAC Archaeological
Amended BCA Assessment Report	Credwell
Consultation Report	CN
Amended CPTED Assessment	de Witt Consulting
Detailed Site Investigation	GHD
Amended Heritage Interpretation Strategy	Tonkin Zulaikha Greer
Hostile Vehicle Mitigation Technical Memo	GHD
Amended Inundation Assessment	Bluecoast Consulting Engineers

Title	Prepared By
Kitchen Consultant Technical Memo	The Mack Group
Noise Assessment (Superseding)	Muller Acoustic Consulting
Operational Management Plan (Superseding)	Urbis
Preliminary Site Investigation	GHD
Proof of Consultation with CN Traffic and Transport, Road Assets, and Structures teams	CN
Amended Public Art Approach	CN
Schedule of Conservation Works	TZG
Social Impact Assessment (Superseding)	Cred Consulting
Amended Statement of Heritage Impact	TZG
Amended Stormwater Management Plan	Northrop
Amended Structural Engineering Report	Northrop
Amended Site Waste Minimisation and Management Plan	MRA

2 **Site Analysis**

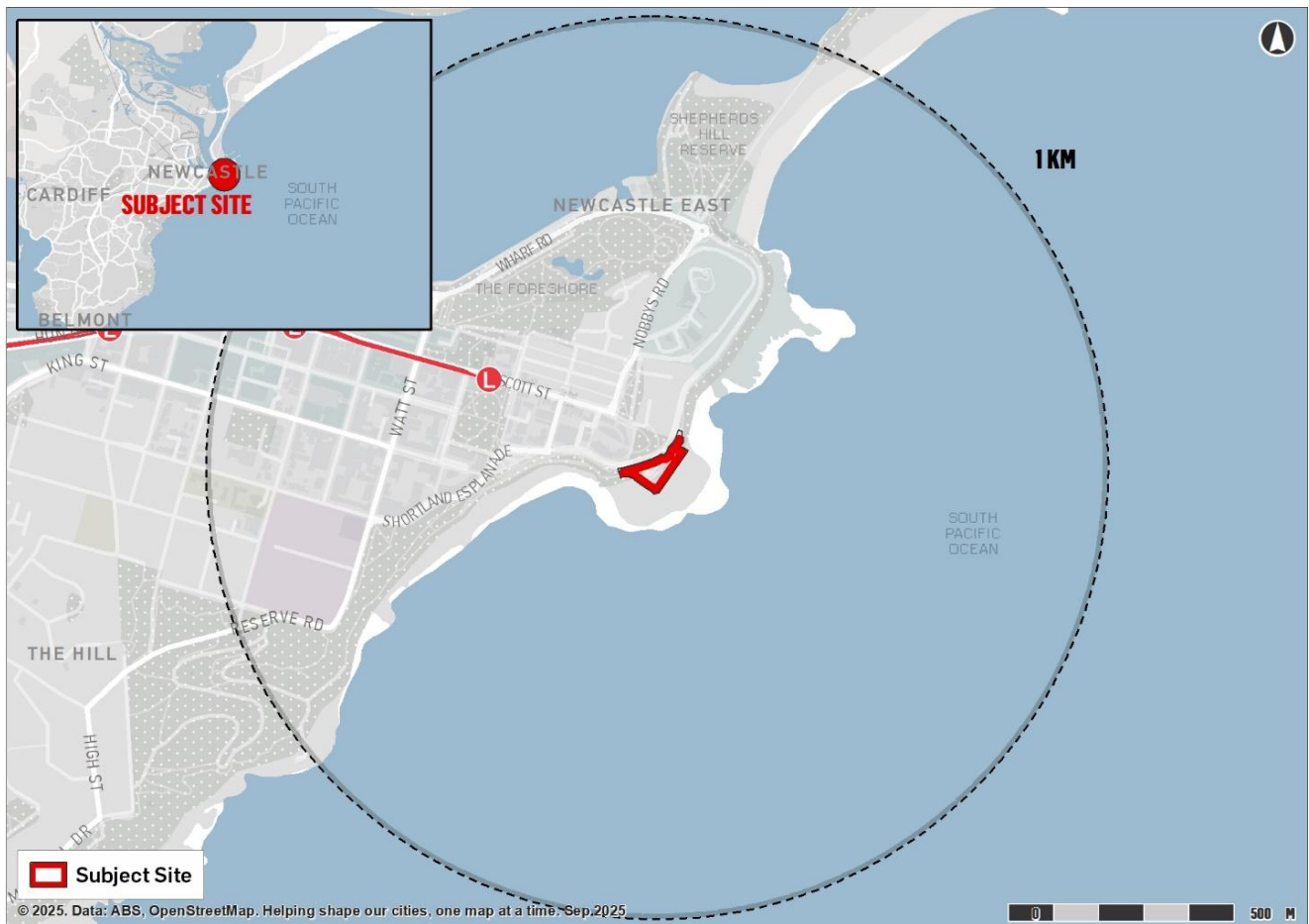
2 Site Analysis

2.1 Site Location

The site is located at 30 Shortland Esplanade, Newcastle East and is on Awabakal Country. It is situated to the east of Newcastle CBD and is surrounded by public open space and existing high-density residential uses to the west, along Shortland Esplanade.

Directly east of the site is the South Pacific Ocean. Various recreational / open space areas surround the site including the Newcastle Canoe Pool and Newcastle Beach to the south, and Cowrie Hole and Nobby's Beach to the north.

Figure 1 Regional Context Map



Source: Urbis, 2025

Figure 2 Site Location



Source: Urbis, 2025

2.2 Site Description

The key features of the site are summarised below.

Table 2 Site Description

Site Characteristic	Description
Administrative Matters	
Country	Awabakal Country
Legal Description	Part of Lot 7061 in DP 1118737
Site Ownership	The site is located on a Crown Reserve (R570019), which is operated by CN.
Zoning	The site is zoned RE1 Public Recreation under the <i>Newcastle Local Environmental Plan 2012 (LEP)</i> .
Heritage	Various heritage listings apply to the site, these being: Newcastle LEP 2012 ▪ ‘Ocean Baths’ – local significance, I489 ▪ Located within the Newcastle East Heritage Conservation Area (HCA) – local significance, C5 NSW State Heritage Register (<i>Heritage Act 1977</i>) ▪ ‘Newcastle Ocean Baths Complex’ – SHR no. 02106

Site Characteristic	Description
Physical Description	
Existing Use / Structures	The site currently comprises a recreation facility (outdoors), being the Newcastle Ocean Baths and associated amenities. The Newcastle Ocean Baths feature a distinctive Art Deco pavilion with geometric lines and a striking façade, complemented by expansive, open-air saltwater pools that complement the natural coastal landscape. This iconic structure serves as both a recreational hub and a testament to early 20th-century architectural design. The built form comprises three (3) pavilions, being the north, central, and south pavilion. At present, the south pavilion contains male and female changerooms, and the central pavilion houses space for lifeguards (including storage and offices). The north pavilion only retains its original façade. There is a lifeguard chair to the rear of the Ocean Baths building, directly overlooking the ocean pool.
Site Area	7,963.22m ² (area of development – subject to this application)
Site Frontage	Approximately 150m along Shortland Esplanade
Site Width	Approximately 115m from Shortland Esplanade to the seaward side of the Ocean Baths.
Topography	The site has a moderate downhill gradient heading from west to east.
Vegetation	The northern portion of the site, between the car park and Shortland Esplanade, is moderately vegetated with some low-lying shrubs.
Site Access and Parking	Vehicle access is currently made off Shortland Esplanade at the north-east corner of the site, via a two-lane crossover. The hardstand parking area in front of the pavilion building accommodates: ▪ 45 car parking spaces ▪ 6 accessible car parking spaces ▪ 1 loading bay ▪ 15 bike hoops (parking for up to 20 bikes) ▪ 7 motorbike parking spaces Pedestrian access is made via a staircase from Shortland Esplanade, approximately in front of the central pavilion. A pedestrian crossing provides access from Tramway Reserve to the staircase.
Environmental Considerations	
Aboriginal Archaeology	The site is not identified as a listed archaeological site in the LEP. It is also not identified as a potential archaeological site in the Newcastle Archaeological Management Plan (NAMP) 1997 or NAMP Review 2013.
Biodiversity	The coastal surrounds of the site are mapped as containing biodiversity values; however, the area of the proposed development is not mapped as having biodiversity values.
Bushfire	The site is not mapped as bushfire prone land.
Coastal Zone	Under <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience & Hazards SEPP)</i> , the site is located within the:

Site Characteristic	Description
	- Coastal Environment Area - Coastal Use Area
Contamination	A search of the contaminated land record and sites notified to the Environmental Protection Authority (EPA) was conducted on 3 November 2025. No records were found for the site. The PSI submitted with this DA identifies the following potential sources of contamination within the study area, based on a site inspection and desktop review: - Historical use of pesticides or herbicides for weed or insect control - Leaks and spills from onsite machinery and vehicles - Contaminated material exposed from construction equipment and machinery - Potential hazardous materials within the buildings - Use of fill material from unknown sources The PSI finds that there is a potential for contamination to be present. CN has engaged GHD to undertake a Detailed Site Investigation (DSI) to assess the potential nature and extent of contamination at the site, and to identify the appropriate management and / or remediation measures required to make the site suitable for the proposed development. The DSI will be issued following submission of the amended DA. CN will commit to undertaking any necessary remediation works to make the site suitable prior to use. The PSI notes that the development will consist of paved hardstand surfaces, which will further reduce the potential for direct contact of the underlying fill / soils by the general public.
Flooding / Overland Flow	The site is affected by ocean flooding in both 1% AEP (2.2m AHD) and PMF (3.4m AHD) events. However, the impacts are mostly noted around the ocean bath (pool) areas.
Geotechnical	The geology of the locality comprises Permian sedimentary rock, formed from siltstone, mudstone and sandstone deposited in shallow marine environments.
Hydrology	The site generally falls from Shortland Esplanade towards the Canoe Pool. The surface water flows to the flows into the Canoe Poll and the Ocean Baths and, ultimately, outlet to the ocean.
Soils	The site is mapped within the Stockton Beach (sk) soil landscape. The site is mapped as containing Class 5 acid sulfate soils under the LEP.
Surrounding Context	
Adjacent land uses North	To the North of the site is Shortland Esplanade which provides vehicle and pedestrian access towards Fort Scratchley and Nobbys Beach.
Adjacent land uses East	To the East of the site is the Pacific Ocean.
Adjacent land uses South	To the South of the site the Newcastle Canoe Pool which is a shallow outdoor swimming pool and the Newcastle Beach.
Adjacent land uses West	To the West of the site is the Newcastle CBD area. The built form directly along the shoreline adjacent to Tramway Reserve is approximately 6-7 storey apartment

Site Characteristic	Description
	buildings and the Noah's Hotel. Towards the Northern side are 2-3 storey residential houses.
Public Transport	The site is approximately 220 metres from the nearest bus top and is situated approximately 420 metres from Newcastle Beach Light Rail stop.

Photographs of the existing development and surrounding context are provided below.

Figure 3 The Site and Surrounds



Picture 1 View of the existing pavilions from South to North at the car parking area

Source: Urbis, 2025



Picture 2 View of the south pavilion from the seaward to landward side of site

Source: Urbis, 2025



Picture 3 View of the central pavilion and the lifeguard area

Source: Urbis, 2025



Picture 4 View of the north pavilion which currently only includes a façade towards the car park.

Source: Urbis, 2025



Picture 5 Shortland Esplanade facing south-west, showing existing, nearby high-density residential development.

Source: Google Maps, 2025 (image capture August 2024)

3

Project Background

3 Project Background

3.1 Newcastle Ocean Baths Stage 1 Works

The Newcastle Ocean Baths were constructed in the early 20th century and have provided residents of and visitors to Newcastle with a free public swimming facility since that time. The baths are iconic to Newcastle's coastline and almost a century later are still popular. However, due to the harsh nature of the coastal environment, the pavilion, promenade and pools are rapidly aging and required upgrades to continue to provide the community with a safe, fit for purpose facility.

In 2021, CN proposed to upgrade these facilities so they could continue to operate as an important community facility (**the Stage 1 works**). The Stage 1 works, which were undertaken through a Part 5 approval pathway, entailed:

- Wet well pumpstation constructed in the rock shelf access driveway
- An increased pump size and additional outlets
- A concrete pool floor and minor adjustment of the concrete deck level
- Widening of the existing northern and southern pool access ramps
- A new access ramp on the southern side of the pavilion
- Minor upgrades to the promenade, site facilities and shade areas

The Stage 1 works were completed in December 2023. The pool is now operational.

Stage 2 – which is the final stage of the revitalisation of this community asset – is now the subject of the current DA.

3.2 Pre-Lodgement Meeting

A pre-lodgement meeting was held with staff from CN's development assessment team on 25 August 2025, to discuss the Stage 2 scope. Written advice was received following this meeting on 2 September 2025. The matters raised by the development assessment team, and how these matters have been addressed in this DA, are outlined below.

Table 3 Pre-Lodgement Comments

CN Comment	Applicant Response
1. Built Heritage	
<i>The site is listed on the State Heritage Register (SHR), 'Newcastle Ocean Baths Complex' (SHR #02126). The site is also located in the Newcastle East Heritage Conservation Area (HCA) under the NLEP 2012. The Key Period of Significance for the Newcastle East HCA is noted in the NDCP Section E2 as c.1801 to 1940.</i>	The heritage significance of the site is addressed in detail in the HIS accompanying this application.
<i>The Heritage Council of NSW, rather than CN, is the regulatory authority under the Heritage Act 1977 ('HA') for proposed works to State Heritage listed items. A future development application ('DA') will be referred to Heritage NSW for general terms of approval.</i>	It is acknowledged that this application will be referred to Heritage NSW (HNSW) as part of the Integrated DA process. It is also acknowledged that the application may be referred to the Heritage Council's Approval Committee.

CN Comment	Applicant Response
	It is understood that HNSW will provide General Terms of Approval (GTAs) which will form part of the DA consent.
<i>It is strongly encouraged to liaise with Heritage NSW early in the design development process to seek feedback on the proposal.</i>	A pre-lodgement meeting was held on 18 August 2025 between the applicant and Heritage NSW, with written comments received on 25 August 2025. The HIS accompanying this DA addresses and responds to these comments in detail.
<i>A Section 60 approval under the HA will be required to be obtained separately from a development application approval.</i>	A separate Section 60 application will be made under the provisions of the Heritage Act, following the granting of consent for this DA. It is acknowledged that GTAs provided by HNSW during the referral of the DA may form part of the Section 60 approval.

2. Historical Archaeology

The site is not identified as a listed archaeological site in the NLEP. It is also not identified as a potential archaeological site in the Newcastle Archaeological Management Plan (NAMP) 1997 or NAMP Review 2013. Accordingly, no further information is required to be submitted.

However, Heritage NSW may require further information in regard to historical archaeology to enable their assessment of the proposal. Early engagement is recommended.

A Baseline Archaeological Assessment has been prepared in support of this DA. The report concludes that no relics are known to exist within the study site boundary, and that the study site holds nil archaeological potential for relics.

3. Aboriginal Cultural Heritage

Any future DA must demonstrate that the due diligence process has been followed with regard to Aboriginal cultural heritage. An assessment of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales and the application requirements set out in Section B4 Aboriginal cultural heritage of the NDCP is required.

An Aboriginal Cultural Due Diligence Assessment is required to be submitted as part of any future DA. The findings of this report may require a Aboriginal Cultural Heritage Assessment Report to also be submitted.

An ADD has been provided with this DA. The report confirms that there are no archaeological sites within the site area on the Aboriginal Heritage Information Management System (**AHIMS**) and therefore, an Aboriginal Heritage Impact Permit is not required.

The ADD has identified that the site may have potential cultural significance for the Awabakal peoples and other traditional custodians of the area. Accordingly, further cultural assessment is recommended in the form of a full Aboriginal Cultural Heritage Assessment Report. The applicant is amenable to this recommendation forming a condition of development consent.

4. Planning Pathway

The Hunter and Central Coast Regional Planning Panel (HCCRPP) is the determining authority for this DA under Schedule 6, Clause 3 of the EP&A Act, as the proposal is a Crown

Crown development

The site is owned by the Crown and is classified as Crown Land.

CN Comment	Applicant Response
<i>development with a construction cost exceeding \$5 million. A briefing with the HCCRPP will be arranged upon lodgement of the application.</i>	Section 4.32(1) of the EP&A Act defines a 'Crown development application' as <i>"a development application made by or on behalf of the Crown."</i> Section 294 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Regulation) defines 'the Crown' as: <i>(a) a public authority, other than a council,</i> <i>(b) an Australian university, within the meaning of the Higher Education Act 2001,</i> <i>(c) a TAFE establishment, within the meaning of the Technical and Further Education Commission Act 1990,</i> <i>(d) without limiting paragraph (a), a Crown cemetery operator, within the meaning of the Cemeteries and Crematoria Act 2013.</i> As shown above, the EP&A Regulation excludes Councils from the definition of 'the Crown'. The <i>Crown Land Management Act 2016</i> (CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land, to manage that land as if it were public land under the <i>Local Government Act 1993</i> (LG Act). CN manages the Newcastle Ocean Baths as if it were community land. Having regard for the above, it is noted that this application will not be made by, or on behalf of, the Crown. CN will be making the development application, on its own behalf, and accordingly this DA is not classified as Crown development. Council-related development Schedule 1, clause 9B of the EP&A Act provides the following definition for 'council-related development application': <i>(a) made by or on behalf of the council, or</i> <i>(b) for development on land, other than a public road within the meaning of the Local Government Act 1993—</i> <i>(i) of which the council is an owner, a lessee or a licensee, or</i> <i>(ii) otherwise vested in or under the control of the council.</i> Note— <i>Land vested in or under the control of the council includes public land within the meaning of the Local Government Act 1993.</i> This application will be made by and on behalf of CN, who manages the land on behalf of the Crown in accordance with the <i>Local Government Act 1993</i>. Accordingly, this DA is

CN Comment	Applicant Response
	a Council-related application, as defined by the EP&A Regulation. Planning pathway As noted above, this DA will be made by and on behalf of CN and is therefore a Council-related application. The amended EDC will be \$43,056,995 (excl. GST). Accordingly, pursuant to Schedule 6, subclause 3 of the Planning Systems SEPP, this DA is classified as 'Regionally Significant' as it is a Council-related development with an EDC exceeding \$5 million. The consent authority will therefore be the HCCRPP. The development will require separate approval under the provisions of the Heritage Act. The DA will therefore also be an 'Integrated' DA, as defined in Division 4.8 of the EP&A Act.
<i>An Estimated Development Cost Report is to be submitted in accordance with the State Government guidelines for calculating estimated development cost.</i>	An EDC Summary, prepared in accordance with DPHI guidelines, has been submitted as part of this DA.
<i>In accordance with the City of Newcastle's Community Participation Plan, and as the application will be an integrated development, it will be publicly notified for a period of 28 days.</i>	Noted. The applicant will address submissions made following the public exhibition of this application to assist the assessment process.
Other planning matters - The DA must also seek approval for the operation of a licensed premises. - The Crown Land Management Act 2016 applies to the site and is required to be addressed as part of any future DA. - The site is in the Newcastle Coastal Plan of Management area under the Crown Lands Management Act 2016. Consistency with this Plan of Management is required to be demonstrated in the application.	- This application seeks consent for the fitout and operation of a food and drink premises (café / kiosk / restaurant tenancy), which will be a licenced premises. - The relevant provisions of the <i>Crown Lands Management Act 2016</i> are addressed at Section 5.3 of this SEE. - Consistency with the <i>Newcastle Coastal Plan of Management</i> and the <i>Crown Land Plan of Management</i> (which also applies to the site) is addressed at Section 5.3 of this SEE.

5. Café / Restaurant and Community Facilities Operation

The restaurant / café is proposed to operate from 6:00am to 10:00pm Sunday through Thursday, and from 6:00am to 12:00am (midnight) on Fridays and Saturdays. As the premises will be licensed, a referral to the NSW Police is required. Additionally, the capacity of the café, including the number of staff and patrons on-site, must be confirmed. Consideration must also be given to appropriate waste disposal arrangements.

The OMP confirms the proposed operating hours of the restaurant / café as follows:

- Sunday–Wednesday (inclusive) – 5am–10pm
- Thursday–Saturday (inclusive) – 5am–12am

The OMP confirms that the food and drink tenancy will have capacity for a maximum of 100 patrons and 20 staff. It is acknowledged that the application will be referred to NSW Police for comment.

CN Comment	Applicant Response
	Waste disposal arrangements for the food and drink premises are addressed in the OMP submitted with this application.
<i>No detail has been provided with regard to the operation of the community facilities (bookable space). As with the café / restaurant, the operational details of this space must be addressed as part of any future DA.</i>	The superseding OMP provides details of the bookable community facility, including: ▪ Hiring / booking protocol ▪ Hours of operation ▪ Maximum capacity ▪ Cleaning and housekeeping ▪ Waste management ▪ Safety and incident management
6. Plans and Documentation	
<i>Detailed architectural drawings and landscape plans are required to be submitted with any future DA. The drawings are required to indicate all Reduced Levels, dimensions, setbacks and works within the building envelope and the public domain.</i>	Detailed amended architectural and landscape drawings have been submitted with this application, consistent with these requirements.
<i>Currently, the works proposed to the boardwalk between the pavilion and the pool is not clear. There is a level difference from the boardwalk however, the plans do not indicate the extent of works. The works appear to indicate a new wall from the ramp and there are various level changes with steps, ramp, lifeguard lookout indicated on page 35 of the Design Report.</i>	These details are captured in the amended landscape plans and civil engineering plans accompanying this DA.
<i>Detailed plans and sections are required to be included as part of any future DA.</i>	
7. Signage	
<i>The signage strategy is to identify the quantity, size, location and whether illumination is proposed. Signage zones and signage is to be integrated into the development while respecting the heritage significance of the existing building.</i>	A Signage Strategy has been submitted with this application, which illustrates the quantity, size, location, and design of proposed signage. No signage is proposed to be illuminated. The SoHI prepared as part of this application includes an assessment of the proposed signage with respect to its impacts on the heritage significance of the existing building. The SoHI finds that the proposed signage will not adversely affect the site's established significance, noting that it has been designed in a manner that minimises physical and visual impacts on the building.
<i>It is noted the proposed signage will largely be limited to wayfinding signage. However, any application is required to address the</i>	The proposed signage is assessed against the relevant provisions of <i>State Environmental Planning Policy (Industry and Employment) 2021 (IE SEPP)</i> and Section C9 of the Newcastle DCP 2023 in Section 5 of this SEE.

CN Comment	Applicant Response
provisions of the Industry and Employment SEPP and Section C9 of the NDCP 2023.	
8. Hazards and Risks	
<i>In accordance with the Resilience and Hazards SEPP, the site is known to be affected by the Coastal Use Area and there may be risk of coastal erosion, wave inundation (flooding) and landslide risk. Given the site's environmental characteristics, a Coastal Hazard Inundation Report is required to be prepared by a suitably qualified professional and submitted with any future DA. This is required to satisfy clause 2.10 of the Resilience and Hazards SEPP. In addition, structural engineering advice will also be required.</i>	An amended Inundation Assessment has been prepared by Bluecoast Consulting Engineers as part of this application. The amended assessment confirms that, due to the increase in finished floor level (FFL = RL 4.8m AHD), the proposal represents a substantial reduction in inundation depth relative to Stage 1. Therefore, it is confirmed that the inundation aspects of Section 2.10 of the Resilience and Hazards SEPP have been satisfied for the submission.
9. Flood Management	
<i>The site is affected by ocean flooding in both 1% AEP (2.2m AHD) and PMF (3.4m AHD) events. However, the impacts are mostly noted around the ocean bath (pool) areas. A minimum flood planning level of 2.5m AHD is recommended. Any future development is to address the NLEP 2012 and NDCP 2023 with regard to flood impact and the management of flood risks.</i>	The Inundation Report confirms that the proposal will be designed to a RL of 4.8m AHD. Therefore, the proposal will be above the minimum flood planning level of 2.5m AHD.
10. Stormwater Management	
<i>The development is to be designed in accordance with Section C4 'Stormwater' of NDCP.</i>	The proposal is supported by an amended Stormwater Management Plan provided by Northorp. The surface water from the hardstand and carpark areas will discharge via a pipe into the ocean, around the Canoe Pool.
<i>The DA shall be supported with a Stormwater Management Plan and detailed report having regard to the NDCP 2023 and Stormwater and Water Efficiency Technical Manual and having regard to the following stormwater principles:</i>	On-site detention is not considered to be warranted for the proposal, due to the site's proximity to the ocean receiving body.
<i>Consider schemes that maximise potential stormwater harvesting and re-use to reduce the demand on potable water.</i> <i>Hardstand areas will need to be provided with stormwater treatment.</i> <i>Stormwater controls are to be provided to demonstrate that the proposal is sustainable.</i> <i>Water Sensitive Urban Design (WSUD) principles are to be addressed.</i>	

CN Comment	Applicant Response
<i>Any future DA is to include, but not be limited to, documentation which addresses the following:</i> <i>Broad scale development assessment checklist for water sensitive urban design</i> <i>'Stormwater and Water Efficiency for Development Technical Manual' provides a guide for WSUD, and modelling shall be done in accordance with Newcastle MUSIC link.</i>	
Stormwater Discharge Connections <i>It is assumed that the development will discharge to the existing available stormwater system, which must be designed to ensure the discharge from the site does not impact the surrounding environment.</i>	
Council drainage data <i>CN notes that the existing public stormwater system is to be located within the site (refer below).</i> <i>Any discharge to this system will require separate approval from CN's Drainage Assets team. Consultation should be undertaken prior to the lodgement of any DA.</i>	Surface water is not proposed to be discharged into Council's stormwater system. As the works will not result in an increase in hardstand area on the site, the proposed development is not expected to cause an increase in pollutant runoff that may warrant a water quality treatment system.
11. Public Domain Works	
<i>The proposed development includes public domain works along Shortland Esplanade and the lower-level car park area. The following matters are required to be addressed as part of any future DA:</i> <i>The existing pavement along Shortland Esplanade distinguishes the differences between the shared path and the footpath. However, the proposed new steps from the lower-level promenade up to Shortland Esplanade lead straight onto the shared path which may pose added risks between the existing footway use and proposed pedestrian redirection, when compared to the existing arrangement. Given the promenade is highly trafficked by cyclists/pedestrians, the pavement distinction is required to be maintained, and the shared path should be shown as continuous with the new pathway that crosses it to be of contrasting</i>	The size of the stair has been adjusted in response to this pre-lodgement feedback, to ensure that there is a space for a landing in front of it. The stair will be suitably sized to ensure that the handrails and tactiles do not intersect with the existing public way along Shortland Esplanade. External banding to the share path will be reinstated to further complement the transition between the spaces, as well as differing colouration and materials will be used to further differentiate the change between these two zones. The balustrade will also transition to a retaining wall at the stair section to better emphasise the entry to the site. This detail has been further refined in the amended submission.

CN Comment	Applicant Response
<i>material that is interrupted by the shared path.</i> ▪ <i>The documentation submitted indicates handrails would extend out approximately 300mm from the top and bottom steps with approximately 600mm width tactiles. These elements would extend over the shared path. As such, it is recommended:</i> – <i>Building an extension to the south-west traffic island to use the additional footpath area to 'bend' the shared pathway around the tactiles and handrail protrusions, or</i> – <i>Increase the platform at the head of the steps to allow total separation of the shared path from the handrails and tactiles.</i>	
▪ <i>The proposed steps realignment and associated works will require changes to the existing retaining wall and road structures. The heritage significance of the wall structure is to be considered, and the proposal is required to provide adequate information to understand the impacts of the proposed new structure and the associated landscape works in the road reserve.</i>	The existing retaining wall and stairs are not identified as elements which contribute to the established heritage significance of the place. This is evident in the statements of significance which apply to the site, under the SHR and local listings. These components are, also, not identified as contributory elements in the detailed significance gradings provided in the SoHI accompanying this application. The removal of these components is, therefore, acceptable from a heritage perspective, as their removal will not adversely affect the established significance of the site.
<i>Prior to the lodgement of any development application consultation with the Traffic and Transport, Road Assets and Structures teams is required. Evidence of consultation shall be provided with the DA.</i>	The applicant has carried out consultation with the Traffic and Transport, Road Assets and Structures teams. Evidence is provided (by way of memo) as part of this application.
12. Acoustic Impacts	
<i>The proposed outdoor terrace is located approximately 80 metres from nearby residential receivers. While the façade of the Baths may offer some degree of noise attenuation, the introduction of a new noise source during the evening and night-time period (10:00pm–12:00am), when ambient noise levels are typically lower, presents a potential for adverse acoustic impacts.</i> <i>It is understood that the premises will be licensed, and therefore subject to the noise criteria regulated by Liquor & Gaming NSW. These criteria apply to noise generated by</i>	The originally proposed outdoor terrace has now been removed from the scheme. A Noise Assessment has been provided with this amended application which assesses the acoustic impacts of the proposed development on nearby sensitive receivers.

CN Comment	Applicant Response
<i>both patrons and entertainment activities associated with the venue.</i> <i>Given the above circumstances, an acoustic assessment is to be submitted with the DA. This assessment is to evaluate the potential noise impacts associated with the operation of the outdoor terrace.</i> <i>The purpose of the acoustic assessment is to ensure future residents and guests are afforded a reasonable level of acoustic amenity, and that operations associated with the restaurant or café do not result in unacceptable noise impacts.</i>	
13. Food and Drink Premises	
<i>The following provisions are to be considered as part of the application to comply with the requirements on AS4674-2004 Design, construction and fit-out of a food premises:</i> Walls and ceiling construction <i>All external and internal walls including partitioning walls are to be of solid construction, such as masonry construction. It should be noted that cavity stud walls are not appropriate anywhere in a food premises</i> <i>Ceilings shall be non-perforated and finished free from open joints, cracks and crevices and shall be finished smooth. Please note, drop in panels are not permitted where open food / beverages are handled.</i>	- All external and internal walls will be of solid construction (masonry or concrete block). No cavity stud walls are proposed within the food premises. - Ceiling treatment details can be confirmed as part of post-consent detailed design, and can be designed to comply with relevant Australian Standards. The applicant is amenable to a suitably worded condition of consent requiring compliance.
Garbage and Waste <i>Provision for either an internal or external garbage areas to store all putrescible waste and recyclable material will be required.</i> <i>The garbage area should be constructed of an impervious material, graded, and drained to the sewer and provided with a hose tap connected to the water supply.</i>	Waste management protocols for the future food and drink premises are addressed in the OMP submitted with this DA.
Ventilation <i>All food premises require natural or mechanical ventilation that complies with the Building Code of Australia.</i>	Mechanical and natural ventilation has been designed to comply with BCA requirements. The applicant is amenable to a suitably worded condition of consent requiring a detailed BCA review following approval.

CN Comment	Applicant Response
<i>Mechanical ventilation will be required if the businesses are intending to prepare and served hot food.</i>	
Grease arrestor <i>The grease arrester should not be in areas where food, equipment or packaging materials are handled or stored.</i> <i>The grease arrester should be located outside the food handling area with direct vehicle access for cleaning purpose.</i> <i>If the ventilation and grease arrester described above is not supplied, the approval can be restricted to the preparation and service of hot beverages and limited to the sale of low-risk food preparation such as the sale of pre-made cakes and sandwiches.</i>	The proposed works include the installation of a grease arrester, which has been designed and sited in accordance with these requirements (refer to hydraulic services drawings accompanying this application). The grease arrester is located outside of the building and the food handling area, adjacent to the carpark with direct vehicle access provided.

4 Development Description

4 Development Description

4.1 General Description

The Newcastle Ocean Baths Stage 2 works present an opportunity to better service the needs of the community, leveraging the Stage 1 works to provide high quality recreational space within this iconic site. Stage 2 will incorporate the conservation and revitalisation of the Site's pavilion buildings including the heritage façade, as well as enhancing the upper promenade and upgrades to the public domain. The scope has been informed by a robust community engagement process.

The proposed development has been updated based on the feedback from the community submissions and further information from Council and other authorities. The new proposal retains the key intent of the originally submitted scheme, retention and conservation of the existing façade, demolition of internal elements and structures, and the construction of a new part 1-, part 2-storey addition at the rear of the retained façade.

The amendments refine specific design and operational elements, including an amended roof profile with improved light and ventilation, an amended amenities layout with accessible facilities closer to the pool ramp, removal of the rooftop café terrace, and revised café operations so that any future alcohol consumption is limited to the café area. The proposal is also revised to retain the original canoe pool seawall alignment, reduce tiered seating along the canoe pool seawall to expose more original fabric and redistribute public domain furniture to minimise pinch points.

Specifically, the works will comprise the following:

Central Pavilion

- Façade conservation and refurbishment works, incorporating measures to retain structural stability
- Internal demolition works of existing fit-out and retention of original load bearing internal and external walls
- Demolition of introduced awning and windows to rear façade, and new ground-level entry and level 1 windows
- Reconfiguration of internal spaces to facilitate lifeguard stand, storage areas, staff training rooms and an end of trip facility
- Installation of family / universal amenities

Northern Pavilion

- Façade conservation and refurbishment works, incorporating measures to retain structural stability
- Minor demolition of non-original east wall
- Reconstruction of the 2-storey 'bookend' building
- A revised amenities layout to provide more space within the amenities and locate accessible facilities closer to the pool ramp
- Revised roof profile from a 'wave' form to a simplified flat glazed roof elevated over the existing pavilion, open at the perimeter to provide ventilation

Southern Pavilion

- Façade conservation and refurbishment works, incorporating measures to retain structural stability
- Internal demolition of existing fit out
- Retention of load bearing internal and external walls, and construction of new roof

- Fitout for new food and drink premises and kiosk (ground-floor and level 1), including waste area, store / cool room, and kitchen / preparation area
- New bookable space equipped with a small kitchenette, storeroom and supporting amenities (ground-floor)
- The first-floor café terrace area has now been deleted
- New lobby, changing place, family bathroom and accessible bathroom
- Revised roof profile – simplified flat roof with glazing over the awning, and metal roof over the café.

Landscaping and Public Domain

- Upgraded pedestrian crossings and steps from Shortland Esplanade, noting that the staircase onto Shortland Esplanade has been re-aligned from the original scheme to improve access and safety.
- Site-wide repaving and relevelling works
- External building identification and wayfinding signage
- New covered waste storage area in the carpark
- Upgraded furniture, noting that the alignment of the furniture has been amended.
- New and refurbished showers
- New shelters / freestanding awnings
- New external lighting
- Retention of original canoe pool seawall alignment and reduction of tiered seating along the canoe pool seawall
- Revised parking arrangements to comprise:
 - Conversion of 1 non-accessible car parking space to an accessible space
 - Installation of 4 additional bicycle parking hoops
 - Creation of 2 additional motorbike parking spaces

4.2 Detailed Description

The key elements of the proposed development are summarised in the table below. Reference should be made to the accompanying architectural plans and supporting documentation for further detail.

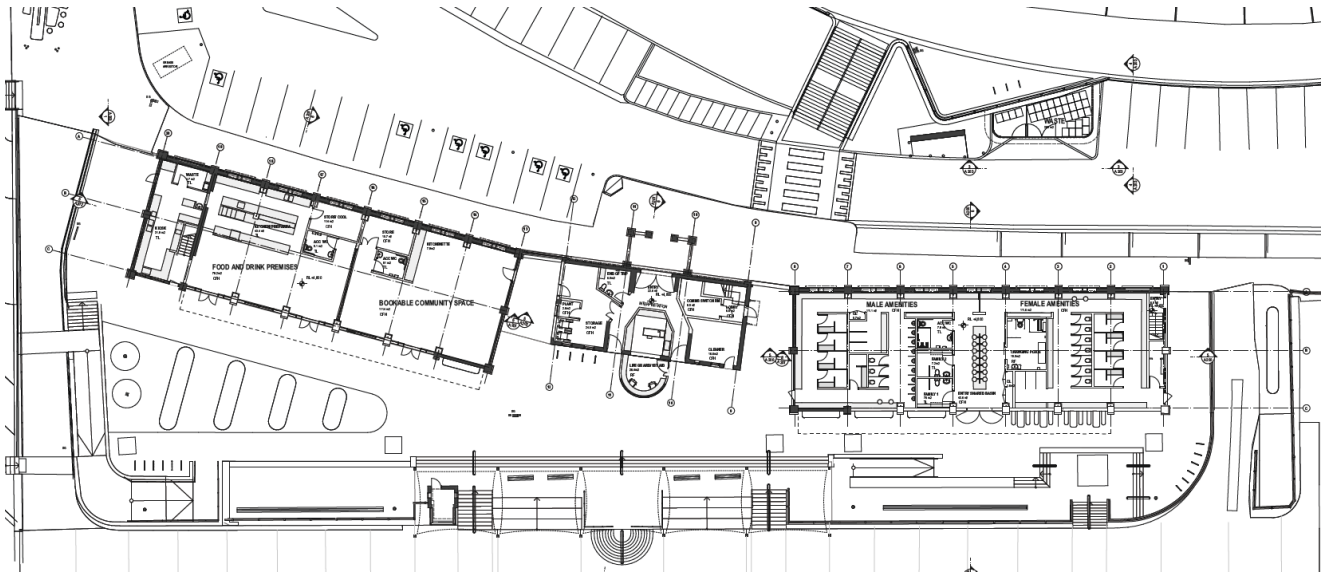
Table 4 Summary of Proposal

Key Element	Proposal
Land Use	This DA seeks consent for alterations and additions to the Newcastle Ocean Baths building. The development will comprise the following land uses: ▪ Recreation facility (outdoor) ▪ Car park ▪ Community facility ▪ Restaurant or café ▪ Signage is proposed as an ancillary use, to comprise wayfinding, building identification, and heritage interpretation
Connecting with Country	First Nations-led public art will be delivered in the future through Council's newly confirmed Aboriginal Public Art Approach (APAA). This DA seeks

Key Element	Proposal
	consent for the Public Art Strategy, which will be developed into a detailed Public Art Plan as part of anticipated conditions of consent.
Demolition	Demolition will be conducted generally to the existing internal slabs, partitions, fitouts and non-original blockwork wall and piers. Demolition works will not be conducted on the structural elements of the building or existing elements with heritage significance.
Remediation	The PSI submitted with this DA recommends that a detailed contamination assessment is undertaken prior to the commencement of works. A DSI is currently being prepared and will be issued following submission of this amended DA.
Earthworks / Excavation	No excavation or earthworks are proposed.
Civil Construction	The proposal will be in accordance with the Civil Works Plan prepared by Northrop, and will include: ▪ Realignment of pedestrian crossing between Tramway Reserve and the site (across Shortland Esplanade) ▪ Demolition of existing pedestrian stairs and associated retaining wall from Shortland Esplanade ▪ Construction of new pedestrian stairs and associated retaining walls from Shortland Esplanade ▪ Realignment of existing pedestrian crossing over hardstand / carpark area ▪ New pavement across site area ▪ Adjustment of existing pit lids to suit new surface levels ▪ Kerb adjustment and replacements within the existing carpark
Stormwater / Drainage	The proposal will not increase in hardstand area and will not lead to increase in pollutant runoff that may warrant a water quality treatment system. The existing hardstand areas discharge out to the ocean, resulting in no need for on-site detention.
Waste	A new waste storage area will be constructed at the northern side of the site, adjacent to the hardstand carparking / driveway.
Site Access	Site access locations and arrangements will remain generally consistent with current arrangements, albeit with some proposed changes. Vehicle access will be made via the access point at the northern end of the site, from Shortland Esplanade. The driveway provides entry and egress. No changes from existing conditions. Pedestrian access will be made via a new stair from Shortland Esplanade, approximately at the centre of the site's frontage.
Car Parking	A total of 51 car spaces will be provided (no net change from existing provision), comprising: ▪ 44 car spaces (-1 from existing conditions) ▪ 7 accessible car spaces (+1 from existing conditions)

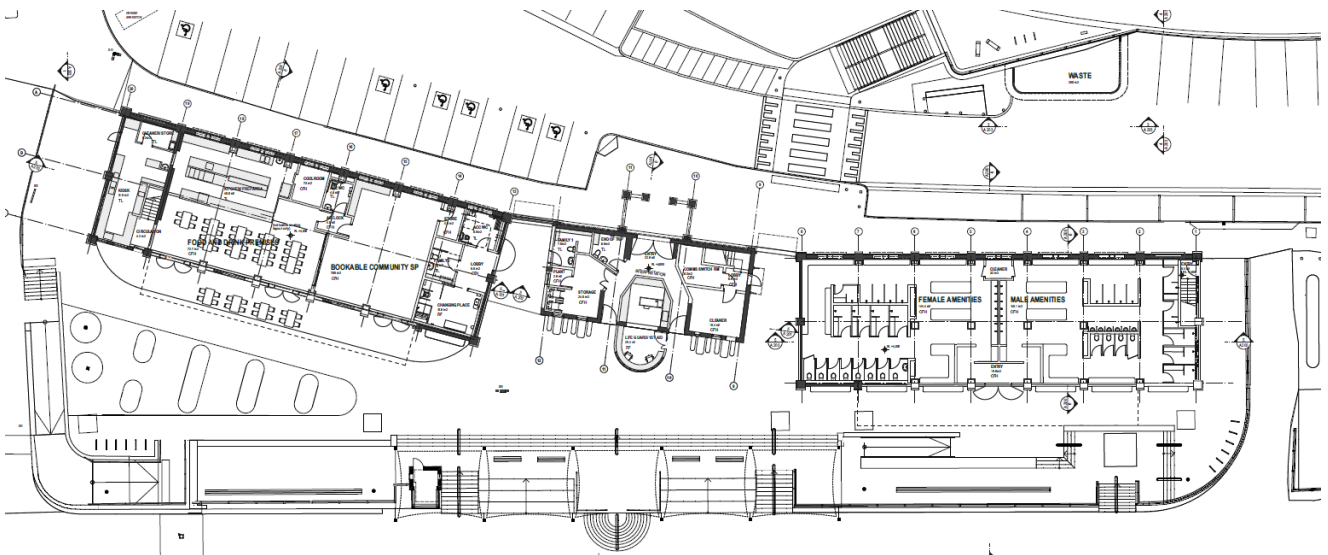
Key Element	Proposal
Bicycle Parking	19 bike hoops will be provided (provision for up to 38 bicycles) (increase from existing condition of 15 bike hoops)
Motorbike Parking	9 motorbike spaces will be provided (increase from existing condition of 7 motorbike spaces)
Loading and Waste Vehicle Servicing	The existing, dedicated loading / waste collection space will be maintained, adjacent to the new waste storage area.
Signage	The proposal will include the following ancillary signage: ▪ 3x freestanding building identification pole signs ▪ 2x freestanding wayfinding pole signs ▪ 2x freestanding instructional pole signs ▪ 3x wall-mounted instructional signs ▪ 6x projecting directional / space identification signs ▪ 2x wall-mounted 'lifeguard' identification signs ▪ 1x wall-mounted internal heritage interpretation sign / board
Hours of Operation	Pools ▪ Open 24/7, all days. ▪ Lifeguards operate between the following hours: – September 27 to April 26 – 9.00am–5.30pm – April 27 to September 25 – 8.00am–4.30pm ▪ Flood lighting is turned on from 5am and turned off at 9pm. ▪ Non-flood lighting is provided between 9pm and 5am to maintain security. Amenities ▪ 5.30am until dusk ▪ Closed on Wednesdays for cleaning Café / Restaurant ▪ Sunday–Wednesday (inclusive) – 5am–10pm ▪ Thursday–Saturday (inclusive) – 5am–12am Community Facility ▪ Weekdays: 6am–10pm CN Operational Spaces ▪ Available on an as-needs basis
Maximum Patronage	Café / Restaurant ▪ Maximum 100 patrons Community Facility ▪ Maximum 50 persons
Number of Employees	Café / Restaurant ▪ 20 staff

Figure 4 Comparison of Originally Proposed and Amended Internal Ground-Floor Layouts



Picture 6 Originally Proposed Ground-Floor Layout

Source: TZG, 2025



Picture 7 Amended Ground-Floor Layout

Source: TZG, 2026

Figure 5 Proposed Perspective from Shortland Esplanade



Source: TZG, 2026

Figure 6 Proposed Rear Perspective



Source: TZG, 2026

4.3 Estimated Development Cost

The EDC of the amended proposal is \$43,056,995 (excl. GST).

A revised EDC Report has been submitted as part of this amended DA.

4.4 Approval Pathway

Consent for this development is sought under Part 4 of the EP&A Act. As described at Section 3.2, above, the DA is classified as a **Regionally Significant Integrated DA**, based on the following relevant considerations:

- Despite being owned by the Crown and classified as Crown Land, the site is managed by CN on behalf of the Crown as though it were public land under the LG Act, in accordance with the authorisations provided by the CLM Act. This application is made by and on behalf of CN, and is therefore defined as 'Council-related development' in accordance with the EP&A Act.
- In accordance with Schedule 6, Clause 3 of the Planning Systems SEPP, Council-related DAs that have an estimated cost of over \$5 million are classified as '**Regionally significant development**'. As the proposed works will exceed \$5 million, this application will progress as a Regionally Significant DA and will be determined by the HCCRPP.
- The site is listed on the NSW SHR under the Heritage Act and requires separate approval under that Act. Pursuant to Section 4.46 of the EP&A Act, a Part 4 application which also requires approval under the provisions of the Heritage Act is classified as '**Integrated development**'.

5

Response to Submissions

5 Response to Submissions

5.1 Response to Public Submissions

The application was publicly exhibited from 4 December 2025 to 27 January 2026. A number of submissions were received during and after this period, both from individual members of the public and from community stakeholder groups.

Responses are provided below to the key themes arising from the public submissions.

Table 5 Response to Public Submissions

Specific Comment	Response
Heritage	
Proposal inconsistent with the site’s heritage significance and will impact heritage-based amenity.	The amended application is accompanied by a detailed SOHI which assesses the potential impact of the proposed development on the established significance of the place. The SOHI finds that the proposal will, on the whole, result in minimal impacts on the established significance of the site. The SOHI notes that minimal original building fabric remains, with the site’s harsh marine environment having irreversibly degraded the condition of the building over time. A series of major structural interventions have been implemented in recent decades to maintain the building’s structural integrity, which have further eroded original fabric and features. This project presents an opportunity to renew the Baths in a manner that is sensitive to its historic, aesthetic, and social significance, namely through the introduction of new load-bearing forms to the rear of the pavilion while also providing contemporary, fit-for-purpose facilities for ongoing public use and recreation.
The proposal will change the purpose of the State Heritage listed public bathing place, will not be conservation led, and would be inconsistent with the site’s Conservation Management Plan (CMP) and <i>Burra Charter</i> principles.	The introduction of a café and community facility will not significantly change the original and overarching purpose of the Baths as a public recreation facility. The café and community space are, in comparison to the bathing facilities, modestly sized and appropriately located separate to the Baths and change facilities, to enable a clear distinction of uses. The SOHI includes an assessment of the proposed development against the conservation policies contained in the site’s 2002 CMP, and finds that compliance with these policies is generally demonstrated. Further, the overarching design and heritage strategy has demonstrated due consideration to the principles of the <i>Burra Charter</i> (including those related to process, use, setting, and values). The development will also include a robust suite of conservation works to reinstate and maintain the

Specific Comment	Response
	significance of the place, as detailed in the Schedule of Conservation Works (SCW) and accompanying conservation drawings which are provided as part of this application.
The proposal will lead to a loss of simple design and character of the Ocean Baths.	The scheme has been substantially amended to now incorporate a flat / skillion roof form. The amended roof form will result in less visual conflict between the retained pavilion and the new forms to its rear.
Design	
Roof design - Proposed wave-form room visually dominates the original 1922 structure, diminishing heritage presence. A modest skillion roof design with gutters to manage water runoff and natural ventilation is preferred. - Roof enclosure will make area too hot, humid and prone to mould. Open air allows fresh air, sunlight and connection with the environment and should be retained.	- The roof form has been redesigned as part of the amended scheme. The roof form is now flat form which will be glazed over the northern pavilion (change rooms) to maintain solar access into these spaces. The roof form is considered a modest intervention from a visual impact perspective. - The redesigned roof includes louvred openings to provide natural ventilation into the building.
Change rooms - Area for new change rooms are too small. Insufficient cubicle provision. - Open plan changerooms with clear sightliness and natural supervision will be preferred compared to labyrinth like enclosed cubicles. - Simple, robust, easy to clean and maintain environment is preferred over the proposed over-compartmentalised layouts with heavy reliance on doors hardware and internal corridors that is fragile in a harsh marine environment. - The current layout should be maintained and renovated rather than completely redesigned. - Too many handbasins and urinals. - Bookable community space can be replaced with more spacious changing facilities.	The change rooms have undergone substantial redesign following the original DA submission. The design amendments include: - The removal of the family amenities, accessible WC, and changing place from the change rooms and their relocation into the central and southern pavilions - Location of male and female change rooms swapped The design amendments allow for increased space within both the male and female change rooms, with the revised spatial layout providing a more open-plan arrangement with clearer sightlines throughout the areas. The project will deliver 5 enclosed and 4 open showers in each of the male and female change rooms – this represents an increase of 1x open shower in each of the male and female change rooms as compared to existing conditions. The project brief is to renew the existing facilities to provide contemporary, fit-for-purpose recreational facilities for public use. To this end, the existing change room layout was deemed unsuitable, for the following reasons: - The northern pavilion is more susceptible to storm surges, and is therefore better suited to a wet area

Specific Comment	Response
	▪ The current facilities do not provide for accessibility –the existing accessible WCs are not compliant with current DDA requirements ▪ The current facilities do not provide any family change areas ▪ The existing fit-out dates to the early 2000s and are of no historical or broader heritage value The provision of a community space was generally supported by the public, as outlined in the Consultation Report issued as part of the original DA lodgement.
Use	
Licenced food and drink premises ▪ Alcohol near swimmers is unsafe and unsuitable for children and school students. ▪ A coffee cart or kiosk suits the baths better than an alcohol / licenced venue. ▪ The area already has sufficient cafés and licensed venues, no new venue needed.	This DA seeks consent only for the fitout and use of this part of the site for the purpose of a food and drink premises. The future tenant will be responsible for applying for a liquor licence from Liquor and Gaming NSW. The operator will be required to fully comply with the terms of a liquor licence, should one be granted. The updated OMP provided with this amended DA outlines additional management requirements which are to be adhered to by any future operator, including requirements around the safe provision of alcohol within the venue.
Proposed café noise, lighting, crowd, midnight trading and congestion reduce swimmers' enjoyment.	The superseding Acoustic Assessment provided with this amended application confirms that nearby residential receivers will not be adversely affected by the proposal from an acoustic perspective, including any late-night operations associated with the food and drink premises. Night-time trading will provide an additional level of passive surveillance for the pools, which is a positive safety / CPTED outcome. The OMP accompanying this amended application also includes operational management requirements to mitigate against potential impacts of late-night operation of the food and drink premises, including: ▪ CN will maintain after-hours security patrols across the site. ▪ Signage requesting patrons leaving the café to respect the quiet and good order of the neighbourhood will be displayed at an appropriate location, in a clear and prominent position adjacent to the point/s of egress. ▪ The licensee will arrange (without charge) for taxis to collect any patron from the premises if requested to do so. ▪ Management and staff will take all reasonable steps to ensure there is no loitering of persons who have been refused entry (or have been ejected) to / from the premises.

Specific Comment	Response
	▪
SEE is contradictory as it claims proposal will not intensify usage yet predicts higher visitation from locals and tourists.	Refurbishment of the Baths is aligned with the Planning Priority of the Newcastle Local Strategic Planning Statement of growing the City's tourist economy. The works result in a more accessible public place, which may draw visitation from a broader cross section of the community, not necessarily increasing intensity.
The proposed food and drink premise and bookable space will overload the swimmer amenities.	The Baths' principal and original purpose as a public recreation facility will be wholly maintained by the proposal. While the site's renewal will allow for other complementary uses within the facility, in a manner that is commensurate with its status as a highly valued community asset, without overwhelming or restricting the site's principal use for public recreation.
Traffic, access, and parking	
Parking - Proposed food and drink premises traffic worsens the already inadequate parking and transport without adding extra parking. - Long restaurant stays reduce parking turnover for short-stay swimmers. - Parking spaces should be reserved for pool users rather than diners.	The site is in a highly accessible location with direct public transport access, and is also within walking distance from the Newcastle CBD. This is consistent with existing access and parking arrangements.
Extra traffic for deliveries and rubbish removal will make car park dangerous and overcrowded for the public.	Site servicing / loading will occur at designated hours, in accordance with the OMP.
Shared access with café patrons will increase congestion and reduce privacy. This is especially the case on the upper walkway which is the main public circulation spine of the baths which will accommodate: - Normal pedestrian movement; - Café patrons and queuing; - Servicing and staff movements; and - Event-related congregation and spill-out.	The food and drink premises is located away from the change areas, to minimise potential privacy issues. Perceived pedestrian pinch points have been addressed in the amended scheme, through the relocation of public domain furniture and the demarcation of the cafe leased area. There will remain various pedestrian access points to the Baths, with sufficient clearances provided to minimise congestion. Servicing will occur through the front of the building and within designated hours as set out in the OMP.
Safety and privacy	
Shower and change area is cluttered with unsafe hidden areas which can encourage criminal behaviour. Open plan is more preferable for safety.	The revised spatial layout for the change rooms provides a more open-plan arrangement with clearer sightlines throughout the areas.

Specific Comment	Response
Disability access is not sufficient.	The amended Access Report prepared by Credwell confirms that the proposed works comply, or are capable of complying with, the access-related provisions of the BCA.
Rooftop diners overlook swimmers who are minimally clothed, reducing privacy.	The originally proposed roof terrace has now been removed from the amended design.
Enclosing the roof will not stop vandalism as proposed roof above the change rooms can still be kicked in.	The roof will be constructed as a solid element to provide suitable security and enclosure to the change rooms.
CCTVs should be placed around vulnerable areas including access points, front, rear of the building and car parking area.	No CCTV is currently provided to the facility. No CCTV is proposed by this application, as it is considered a privacy violation at a public swimming area.
The proposal will exacerbate the alcohol problem in the community.	The provision of alcohol in the café will be strictly in accordance with any liquor licence that is obtained by a future operator, and with the relevant measures outlined in the OMP.
The proposed late night licenced venue will exacerbate anti-social behaviour especially after hours when there is no official oversight.	Late-night trade will provide for increased passive surveillance at the Baths, and is considered a positive CPTED outcome.
The conversion of the current Restrict Car Park with no parking from 11pm-5am to a 24 hour access carpark with restaurant trading to midnight will increase risk of anti-social behaviour.	Late-night use will provide for increased passive surveillance.
There is no clear separation between the café patrons and the pool users, and café tables to demarcate space creates ambiguity between public and private areas.	The amended design provides contrasting paving treatments to differentiate the café outdoor seating area and the general circulation spaces. The outdoor dining area will also be set out in the lease agreement between CN and the future operator.
Proposed single entry point for men and women into an integrated public bathroom with shared spaces presents safety risks to women and children.	The single entry point will provide for passive surveillance at the change room access, and has been revised in the amended scheme to now occur through the building façade. Separate change areas are provided for males and females. Shared facilities (accessible WC, family rooms, changing place) have been removed from the amenities pavilion and relocated to other areas of the building.
Inclusion and social outcomes	
Food and drink premises Commercialisation through proposed restaurant and bar undermines the baths' inclusive public role.	The project includes provision for a commercial operator to manage a food and drink premises. The food and drink premises will not be of a scale to result in the commercialisation of the facility. The Baths will maintain

Specific Comment	Response
The proposed commercialisation will change the user demographic.	their principal function as a free and open public recreation facility.
Size of the proposed café is excessive and the “bookable community space” may become a fully privatised portion of the bath.	There is no intention to expand the food and drink premises into the community facility. The areas will be maintained as separate spaces, divided by an internal wall.
Compliance	
The site is located within a 24/7 Alcohol-Restricted Area (ARA) adopted by Council (CCL 22/02/22) and Alcohol consumption is prohibited at all times. Liquor licence cannot be issued in ARA under Section 115 of the <i>Liquor Act 2007</i>.	The site is located within an Alcohol Prohibited Area (APA), adopted by Council per a motion on 22.02.2022, where alcohol consumption is prohibited. The declaration of an area as an APA does not preclude the ability of a business to apply for a liquor licence. The approval of the licence is subject to the discretion of the relevant authority as per the <i>Liquor Regulation 2018</i>.
The inclusion of a café with a liquor licence is against the intent of the <i>NSW Public Spaces Charter</i> (2021) and may act to preclude members of some cultures from attending the Baths.	There is no statement in the Charter indicating that a licensed café contradicts the Charter’s principles or cultural inclusion objectives. Specifically, Principle #7 of the Charter, ‘Local businesses and economies’, provides that <i>“commercial activity can complement and activate public space, but this should not compromise their primary function of delivering public benefit”</i>. It is noted that a liquor licence is not being applied for as part of this DA, and that no leasing arrangements have been made with respect to the café tenancy. As noted above, a liquor licence may be applied for by a future tenant, and will be granted at the discretion of Liquor & Gaming NSW following a separate application and assessment process.
The site is subject to the valid Suters Conservation Management Plan (2002) which requires change be conservation-led, swimmer-first and protective of both physical and social heritage values.	The opportunities and constraints associated with the place, with respect to its heritage significance, are set out in the 2002 CMP. Notably, the 2002 CMP finds that <i>“The use opportunities at the Ocean Baths are considerable, and at present the place is considered underutilised.”</i> The CMP specifically identifies that food and drink premises within the facility could be expanded to include a <i>“more structured café or restaurant”</i>. Having regard for this key opportunity, Policy 1)e) of the 2002 CMP provides that: <i>“Future use of the place should be maintained as combined sympathetically with a commercial and/or residential use if so desired.”</i> Accordingly, the restaurant or cafe premises which is proposed by this DA does not conflict with the 2002 CMP. The SoHI submitted with this DA supports this finding, noting that the proposed additional uses are sympathetic to the established significance of the place.

Specific Comment	Response
The proposed new food and drink premises, as a licensed venue under the <i>Liquor Act 2007</i> , is prohibited by the site's RE1 Public Recreation zoning under the LEP.	"Restaurants or cafes" are permitted with consent in the RE1 zone under the Newcastle LEP 2012. The LEP Dictionary defines "restaurants or cafes" as (emphasis added): <i>a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—</i> <i>(a) an artisan food and drink industry, or</i> <i>(b) farm gate premises.</i> The LEP Dictionary notes that "restaurants or cafes" are a type of "food and drink premises", which is itself defined as: <i>premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</i> <i>(a) a restaurant or cafe,</i> <i>(b) take away food and drink premises,</i> <i>(c) a pub,</i> <i>(d) a small bar.</i> Having regard to these definitions and the permissibility of "restaurants or cafes" within the RE1 zone under the LEP, it is confirmed that the site's zoning does not preclude a future operator from applying for a liquor licence on the premises. The approval of the licence is subject to the discretion of the relevant authority as per the <i>Liquor Regulation 2018</i>.
Proposal contravenes the <i>Crown Lands Management Act 2016 (CLM Act)</i> which states Crown Land must only be used for its dedicated purpose (in this case, recreation and public bathing) or for uses strictly incidental to that purpose (s2.12). Hospitality and function led venue is not an incidental support to purpose for swimming and will repurpose Crown Land away from its reserved function.	Section 3.38 of the CLM Act provides that: <i>Dedicated or reserved Crown land can be used for a purpose specified in a plan of management as a purpose that is additional to the purposes for which the land is dedicated or reserved.</i> The specified land use purposes applicable to the site are identified in the <i>Newcastle Coastal Plan of Management 2015 (Coastal PoM)</i>. The Coastal PoM was established under the <i>Crown Lands Act 1989</i> and <i>Local Government Act 1993</i>, and remains an in-force management document for the site for the purposes of the in-force CLM Act. Section 7.6 of the Coastal PoM identifies the following possible future use and potential dealings for the Newcastle Baths Pavilion: <i>Crown Reserve Gazetted Purpose</i>

Specific Comment	Response
	<i>Public recreation, Public baths and Communication facilities</i> <i>Potential future uses / occupation</i> <i>Community and related commercial activities</i> <i>Retain and upgrade building</i> <i>Undertake EOI to test the potential for a commercial lease</i> <i>Consider kiosk, café, restaurant, function centre, and accommodation</i> The DA seeks consent for a restaurant or café premises, which is identified as a potential future use / occupation for the site under the Coastal PoM. There is, therefore, no conflict between this proposed use and the requirements of the Coastal PoM or the CLM Act.
Project cost	
Ratepayers believe that their money can be better utilised in other places rather than commercialising the bath.	Project costs are not a relevant matter for consideration under the EP&A Act.
Given there are many businesses already closing, there may be a risk trying to keep the restaurant alive.	CN is committed to providing a high-quality public recreation facility and, as such, the renewal program has been developed with a view to maintain its longevity and continued operation into the future.
A \$40m Stage 2 cost is hard to justify; modest upgrades including structural renovations, accessibility improvements are preferable to extensive demolition and commercial expansion. The nominated cost cannot be regarded as a reliable or final cost given its complexity.	
Proposed enclosed spaces, complex building system and hospitality uses requires long term maintenance and compounds financial risk to the public owners.	
Consultation process	
The voice of the pool users is not heard. Users with mobility issues, aging or intellectual disabilities do not need an upmarket space that serves alcohol.	The Consultation Report issued with this application provides a detailed overview of the robust community consultation process that was undertaken by CN in the development of the scheme. Public views were generally supportive of the proposed food and drink premises, with some members of the public suggesting that a licenced premises could be acceptable.
Exhibited material does not establish pattern of serious safety incidents, voyeurism, drone misuse or other problems that would warrant	The amended roof design seeks to provide an open-air feel to the change rooms, balancing light and ventilation with the need for all-weather protection and privacy concerns.

Specific Comment	Response
radical enclosure and internalisation of the changeroom and pavilion spaces.	
Information uploaded is unstable and incomplete as two CPTED reports by Jame Marshall & Co. are not included in the DA material, the Aboriginal Due Diligence Assessment was initially placed and subsequently removed without any public summary or redacted version. The APLAS Group Pty. Ltd. EDC report was not included in the DA Tracker.	- The amended CPTED Report includes the James Marshall & Co report as an appendix. - It is expected that the Aboriginal Due Diligence Assessment and EDC Statement will be placed on public exhibition. This is a matter for CN Planning Assessments to manage.
Waste management	
The proposal will require a large volume of rubbish to be moved from the café to a waste storage area on the far side of the carpark.	In accordance with the OMP, waste movement and removal will take place outside of peak operating times. An enclosed waste storage room within the kiosk has been included in the amended design, to maintain amenity and safety within the food and drink premises.

5.2 Response to Council RFI

A formal RFI from CN Planning Assessments was issued on 12 June 2026 subsequent to the lodgement of the Development Application. Responses to the matters raised in the RFI are provided below:

Table 6 Response to RFI

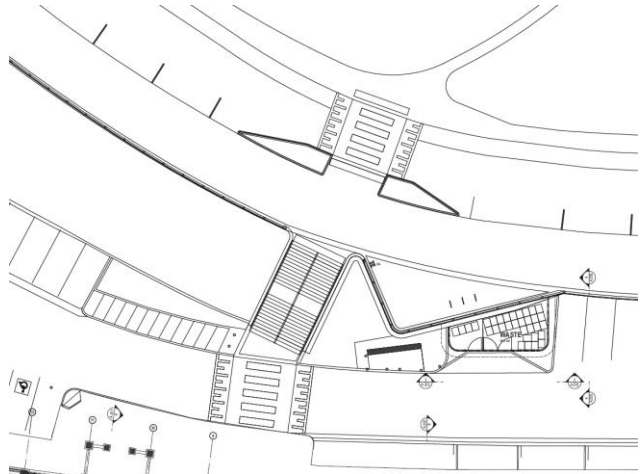
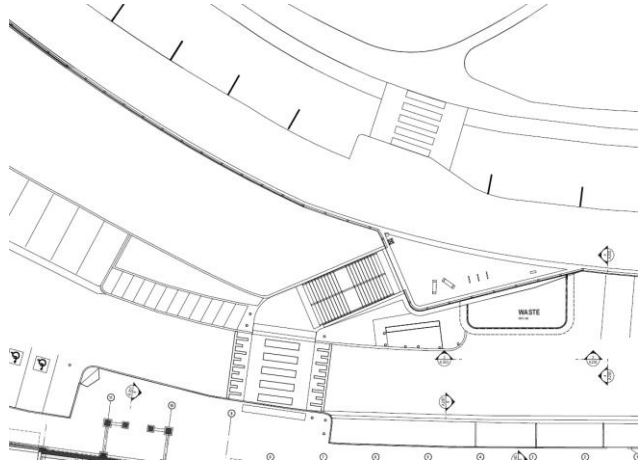
Council Comment	Response
1 Planning	
1.1 State Heritage Item The proposal has been reviewed by Heritage NSW and the issues raised in their email 16 March 2026, as included Appendix A. The matters raised by Heritage NSW are required to be addressed.	The matters raised by Heritage NSW have been addressed in the amended SoHI which accompanies this amended application.
1.2 Aboriginal Heritage An Aboriginal Due Diligence Assessment (ADD) provided with the application has identified the site may have potential cultural significance for the Awabakal people and other Traditional Custodians of the area. The ADD recommends that an Aboriginal Cultural Heritage Assessment Report (ACHAR) be undertaken. Additionally, Section B4 of the Development Control Plan 2023 (DCP2023) requires the submission of an ACHAR. An ACHAR is required to be submitted and must be prepared by a suitably experienced Aboriginal cultural heritage consultant following the Heritage NSW guidelines.	An ACHAR is currently being prepared and, in agreement with CN Planning Assessments, will be provided following submission of this amended DA.
1.3 Public Art	A project update was provided at the July PASC meeting. The Aboriginal artwork project continues to

Council Comment	Response
The Public Art Approach document submitted with the application states that the artwork brief and a short list will be finalised in April, with endorsement from PASC to come. It is recommended that the applicant attend a PASC meeting in July to provide an update on the briefs and artist selection as well as an overview of the framework for the art on the site.	progress has been outlined within the amended Public Art Approach document issued with the amended application.
1.4 Social Impact Assessment (SIA)	
1.4.1 Primary Land Use and Ancillary Function The development site's primary land use is public recreation for bathing and swimming, classified under the Newcastle Local Environmental Plan 2012 as a recreation facility (public). Food and drink premises is ancillary to the primary land use. It is requested that the SIA assess social impacts of the ancillary use on families, children, older people, women and girls, people with disability or limited mobility, culturally and linguistically diverse communities, Aboriginal and Torres Strait Islander peoples, low-income users, regular early-morning users, and young people.	The amended Social Impact Assessment (SIA) addresses potential impacts on the identified social groups and identifies ways in which potential impacts have been mitigated. A summary of this assessment is provided at Section 5.3, below.
1.4.2 Alcohol Prohibited Area (APA) Context The City of Newcastle (CN) Alcohol Regulated Areas (ARAs) identifies the Newcastle Ocean Baths within an Alcohol Prohibited Area (APA). It is recommended that the Social Impact Assessment (SIA) is amended to address the implications of this designation and any proposed mitigations.	Newcastle Ocean Baths operate within an Alcohol Prohibited Area (APA), in which alcohol consumption is prohibited 24/7. The declaration of an area as an APA does not preclude the ability of a business to apply for a liquor licence. The approval of any liquor licence is subject to the discretion of the relevant authority, per the <i>Liquor Regulation 2018</i>. The amended SIA identifies various mitigations which will be in place to manage potential impacts of any alcohol consumption within the food and drink premises, including: ▪ Restricting alcohol consumption to the indoor café area only (should a future liquor licence be granted) ▪ Physical separation of the café from the primary bathing and amenities areas ▪ Implementation of the OMP and Responsible Service of Alcohol (RSA) requirements ▪ Ongoing complaint management and monitoring procedures ▪ Reliance on CPTED recommendations and increased site activation to discourage antisocial behaviour

Council Comment	Response
1.4.3 Community Feedback and Exhibition Submissions Over 260 public submissions have been registered as part of the Integrated Development Application for Stage Two of the Newcastle Ocean Baths public exhibition process. The SIA is requested to review and respond to the community feedback received during the public exhibition period and assess impacts against the NSW Social Impact Assessment Guideline (DPHI, 2025).	The amended SIA has addressed community feedback and exhibition submissions. An additional section has been added to the SIA, summarising the themes and the considerations in the submissions and providing recommendations for the proposed development.
1.4.4 Community vs Commercial Floor Space Further information is requested regarding the allocation of floor space between commercial food and drink uses (approx. 240 sqm) and community facility uses (approx. 135 sqm), noting community positive and negative benefits.	The food and drink premises has been specifically dimensioned and designed to be a commercially viable operation, secondary to the principal purpose of the Baths as a public recreation facility, in order to offset the operational expense of running and maintaining this important public asset. Social impacts of both the food and drink premises and the community facility are addressed in detail in the amended SIA.
1.4.5 Alcohol-Related Risk Near Water It is requested that the SIA and Operational Management Plan (OMP) include further information on how alcohol-related aquatic risk would be proactively mitigated within the SIA and supporting management plans and social impacts.	Operational measures have been provided in the updated OMP to address how alcohol-related aquatic risks would be proactively mitigated. The SIA addresses potential impacts and recommends that the OMP be implemented.
1.4.6 Amenities The submitted plans indicate an enclosed roof design for the change rooms. Additional information is recommended to address design options explored and considerations leading to the enclosed design, including why each option was discounted, and CPTED considerations including how the design mitigates crime-related risks and strategies for surveillance, lighting and related matters.	As shown in the amended architectural plans, the roof design has been amended to remove the wavy form and introduce a flat roof to provide greater light and ventilation in consideration of the community concerns regarding surveillance, lighting and related matters and have been updated proposal. The amended SoHI issued with this application includes a detailed options analysis for key elements of the proposed scheme, including the plan arrangement, roof design, and public domain.
1.4.7 Operating Hours and Café Use The proposed café operating hours are 6:00 am to 10:00 pm Sunday to Wednesday and 6:00 am to midnight Thursday to Saturday. Further information is requested regarding measures in the Operational Plan of Management to address potential impacts associated with late-night trading, including noise, alcohol service, security and supervision, and assessment of how the hours comply with relevant planning controls and CPTED principles, particularly Access Control and Territorial Reinforcement.	The OMP has been updated to address potential impacts associated with late-night trading. The amended CPTED Assessment finds that, as no dedicated bar or late-night entertainment venue is proposed, the potential for alcohol-related anti-social behaviour is considered limited and capable of being appropriately managed through operational controls and the requirements set out in the OMP.

Council Comment	Response
1.4.8 Community Space – Contemporary Standards and Best Practice Features To ensure the proposed community space meets modern expectations for accessibility, functionality, and inclusion, please confirm what features will be incorporated for aspects such as accessibility and inclusion; technology and connectivity; multi-use functionality, sustainability and comfort; and cultural and social considerations.	The community space will be provided with a kitchenette (with hot, cold, and boiling water), a cooktop, audio-visual equipment, and tables & chairs. This will result in the delivery of a multi-functional and useable space that can be accessed by a range of user groups.
1.5 Operational Management Plan (OMP)	
1.5.1 Operating Hours and Water Safety Further information is requested on signage, lighting, access control or active management measures proposed to reduce risk during unpatrolled periods.	These matters are addressed in the amended OMP.
1.5.2 Licensed and Alcohol-Free Area Interface The food and drinks premises is proposed to be licensed, while the adjoining community space is alcohol-free. Further information is requested regarding how access between these two spaces will be managed to ensure compliance with alcohol restrictions and prevent unintended consumption within the community facility.	The OMP confirms that the community space will not allow the consumption of alcohol. This will be managed by CN staff clearly outlining instructions when booking the space. Customers who hire the space will only be provided access to the venue by agreeing to use of the facility without alcohol consumption.
1.5.3 Transition Spaces and Behavioural Expectations The development site has naturally ‘blurred edges’ between café seating and public circulation, informal gathering spots and areas where swimmers transition to café patrons. Further information is requested regarding details of how these transition spaces have been considered in the design and operational planning.	The serving of alcohol will be restricted to the interior of the food and drink premises only. The amended design provides contrasting paving treatments to differentiate the café outdoor seating area and the general circulation spaces. The outdoor dining area will also be set out in the lease agreement between CN and the future operator.
1.6 Crime Prevention Through Environmental Design Report (CPTED)	
1.6.1 Evidence Base & Traceability The submitted CPTED assessment cites the 2021 CPTED report as an evidentiary source for site risk history and management issues. A full copy of the 2021 CPTED report is required, together with cited sections supporting incident patterns, risk ratings and surveillance gaps; methodology summary; change-over-time analysis; design relevance; integration with CPTED and SIA considerations; and a final position on the basis for design and operational decisions.	- A full copy of the James Marshall & Co 2021 CPTED Report is attached at the bottom of the updated CPTED report, - Cited sections, methodologies within the report has been updated. Change-overtime analysis has been provided as well.
1.6.2 Perceived Crime and Safety for Diverse Users	User perceptions will be adequately managed in accordance with the Operational Management Plan

Council Comment	Response
Further information is requested to include an assessment of perceived crime and safety risk for diverse user groups, including women, older adults, solo users, families with young children and people with disabilities, particularly in relation to alcohol-related harm.	provided by Urbis. Factors that will reduce perceived crime and safety risk include: - Provision of lights to provide illumination around the pool, with two sets of non-flood security lights to ensure illumination in and around the pool, providing illumination, passive surveillance and wayfinding after dark. - Lifeguarding to be provided at dedicated times detailed in the Operational Management Plan - No glass will be permitted outside the café or community space - Café Signage and Pool safety signage will be prominently displayed. - The service and consumption of alcohol will be limited to within the food and drink premises only, with no alcohol service outside the premises.
1.6.3 Lines of Responsibility Clarify responsibility for intervention, monitoring and liability for behavioural issues, including after-hours scenarios, noting responsibilities are split between lifesaving services, licensed food and drink premises staff, City of Newcastle and NSW Police.	According to the CPTED report, the following lines of responsibility are noted: - Water safety – Lifesaving services (9.00am – 5.00pm only) - Behaviour management – Food and drink premises staff - Public domain enforcement and anti-social behaviour – Council and NSW Police
1.6.4 Lighting Further information is requested to clarify how lighting will be managed outside floodlight hours (9:00 pm–5:30 am) to ensure safety for early or late users.	The CPTED Report provides the below response regarding lighting outside floodlight hours of 9:00pm–5:30am: - Two non-flood security lights are currently present during night time hours and will remain there is some level of illumination - Lower level security and pathway lighting to provide adequate illumination for pedestrian movement, passive surveillance and wayfinding.
1.5 Urban Design Review Panel (UDRP) The applicants are to address the issues raised within the UDRP reports dated 25 March 2026 and 27 April 2026.	UDRP comments have been addressed in the amended SoHl.
2. Engineering	
2.1 Proposed stairway connection to Shortland Esplanade – landings	Stairway connection has been changed as part of the amended proposal with the staircase angle being rotated to ensure that sufficient landing area and run-up space is provided and that there will be

Council Comment	Response
The Access Report by Credwell is to be amended to include the proposed stairway connection to Shortland Esplanade with particular focus on the sufficiency of landing areas at the top and bottom of the stairs, including run-up space and pedestrian visibility to drivers in the car park.	sufficient pedestrian visibility to drivers in the car park. A comparison of the previous and current examples are extracted below: <i>Original submission</i>  <i>Amended proposal</i> 
2.2 Blister island A blister island is proposed on the southwest side of the realigned pedestrian crossing in Shortland Esplanade. The extension of this blister island is not required as the road is one-way westbound. The island can be shortened to preserve a parking space. Amended plans are to be submitted.	The originally proposed blister island has been removed, as depicted in the extract above.
2.3 Hostile vehicle mitigation The site is a public venue with wide pedestrian walkways and promenades with level connection to a vehicle circulation and parking area. The installation of either bollards or functional street furniture around the perimeter of the car park is required. Amended plans are required to detail the design response in accordance with Hostile Vehicle Guidelines for Crowded Places by ANZCTC.	A Technical memorandum has been conducted by GHD to provide a review of the Hostile Vehicle Mitigation (HVM) requirements against the Hostile . The assessment confirms that hostile and errant vehicle threats at Newcastle Ocean Baths are low and does not exhibit characteristics associated with attractive hostile vehicle targets.

Council Comment	Response
2.4 Transport planning – cycling amenity The following amendments to the submitted plans to support improved cycling and pedestrian amenity: a) Amended plans are required to be submitted to improve the pedestrian and accessibility space around the car park, canoe pool, shelters and to the west of the baths building. A continual path minimum 4.0 metres wide around the western side of the baths building and past the canoe pool needs to be provided. This is consistent with Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling. b) The provision of bike racks on the submitted plans does not meet demand in peak periods. Please amend the plans to provide four additional bike racks near the canoe pool. c) The showers and benches are situated between the entrance and the bike parking and will impact movement pathways. The design of the space needs to be amended so that people don't need to ride between the showers and benches to reach the proposed bike racks.	The RFI submitted by CN requested the provision of a 4 m wide pathway along the western side of the Baths to improve pedestrian access and circulation adjacent to the car park. This option was considered by the project team; however, it was ultimately not incorporated into the design. The primary reason for this decision is that Bathers Way, a 4 m wide shared path, already runs parallel to this area along Shortland Esplanade. Bathers Way provides a direct connection past Newcastle Beach and links to the lower concourse pathway. As such, the inclusion of a second 4 m wide pathway in close proximity would represent a duplication of pedestrian and cycling infrastructure. Furthermore, it is considered that the majority of users accessing the lower pathway would either commence or conclude their journey at the Newcastle Ocean Baths. Consequently, many pedestrians and cyclists would be unlikely to utilise the section of pathway adjacent to the car park, instead accessing the route directly from the Baths or the nearby canoe pool. On this basis, the proposed pathway configuration has remained unchanged.
2.5 Assets	
2.5.1 Drainage Design (Outlet Pipe) Outlet pipe to the canoe pool: the bend in the pipe is a concern as it will require welding or fabricating. An alternate is to consider using a pit to change pipe direction as it would also facilitate cleaning and maintenance.	The amended civil engineering drawings illustrate a revised pit layout in response to this comment.
2.5.2 Pedestrian Crossing Proposed realignment of the pedestrian crossing: a) Realignment will impact existing kerb inlet pit on the southwest side of the existing crossing, requiring works to remove the existing pit and provide a replacement kerb inlet pit upstream of the realigned crossing. b) Show proposed reconfiguration of lighting for the realigned crossing. c) Any works on the western side of Shortland Esplanade will impact known electrical and telecommunications cables in the footway.	The re-alignment of the crossing on Shortland Esplanade has been removed from scope.
2.5.3 Pedestrian Access No details are provided for handrailing on the proposed new staircase and around the perimeter	The Landscape Plans have now been updated by T.C.I to include the new staircase and the area surrounding the viewing platform.

Council Comment	Response
of the adjacent viewing platform. The plans need to be amended to show these details. The below additional issues may be addressed at the detailed design (CC) stage as conditions of consent.	
2.5.4 Proposed Rain Garden a) Subsoil drainage connecting to the inlet pit, as shown in the typical cross-section, is not required if the subgrade is sand and free draining. b) Design must ensure the rain garden will pond to a max depth of 100 mm before the offtake pit activates. Assuming the pit is blocked, a bypass arrangement is required to ensure the flows are contained in the road and enter the next/existing kerb inlet pit – another kerb break weir is likely required at the northern end of the rain garden, activating when water ponds ~125 mm. Edges of the rain garden are to be tapered to mitigate tripping hazard until plantings are established. c) Ensure coastal/salt tolerant species are available and suitable for the rain garden.	To be addressed as part of detailed design at the post-approval (Construction Certificate) stage.
2.5.5 Infiltration Sump Pit No fines concrete or porous paver base is to be used in the construction of the infiltration sump pit, with preference for paver base to trap sediment and allow for an eductor to remove sediment.	To be addressed as part of detailed design at the post-approval (Construction Certificate) stage.
2.5.6 Materials to address Coastal Environments The development documentation is to address material consideration for harsh coastal environments. Fabricated pit components are to be suitable for the coastal environment, such as stainless steel 316 or possibly marine grade aluminium for some parts.	To be addressed as part of detailed design at the post-approval (Construction Certificate) stage.
2.5.7 Maintenance & Vehicular Access The existing vehicular access point at the north end of the baths is used by eductor trucks and maintenance vehicles to access the baths. Details need to demonstrate and confirm this existing access point will not be blocked.	It is confirmed that the proposal will keep the existing gate and there is no change to the existing ramp, so the eductor trucks and maintenance vehicles will not obstruct vehicular access at the north end of the baths.
3 Environmental Health	
3.1 Land Contamination The Preliminary Site Investigation undertaken by GHD identifies that a detailed site investigation is required	The DSI is currently in progress and will be provided following submission of the amended DA, as agreed with CN.

Council Comment	Response
to confirm the nature and extent of contamination and determine remediation requirements. Submission of the DSI is required prior to determination under clause 4.6 of State Environmental Planning Policy (Resilience & Hazards) 2021. If contamination requiring remediation is confirmed, a Remediation Action Plan will also be required prior to determination.	
3.2 Acoustic Impacts An updated acoustic report by a suitably qualified acoustic consultant is required. The report is to address building design and construction elements, including materials or treatments to improve control of noise levels to the exterior, satisfy relevant noise criteria for the proposed café without reliance on operational management measures. Furthermore, the updated report is to detail that the operation of the proposed kiosk has been assessed including potential noise generation from customers ordering outside during the proposed hours of operation. Physical works that provide effective, permanent noise controls are the preferred approach and are considered an appropriate component of noise management for the proposed development. Improvements that increase sound transmission loss to the exterior to minimise impacts is to be considered.	An updated Acoustic Report has been provided by Muller Acoustic Consultant as attached. The updated report confirms compliance against the NPI pertaining to mechanical plant, and that noise emissions will satisfy the relevant Noise Policy for Industry PNTLs at all assessed receivers for the assessment period. The amplified entertainment noise emissions will satisfy the Disturbance Assessment criteria and LA10 Assessment criteria during the proposed operating hours between 5am to 12am midnight. This ensures that the proposal satisfies the criteria for the proposed café operations without reliance on operational management measures. The operation of the café and kiosk are assessed as part of the updated Noise Assessment report, adopting a scenario of 20 external patron conversing simultaneously at a “normal” vocal effort for the proposed premise. Given the proposed development complies with the relevant noise controls, physical works to provide effective, permanent / physical noise controls are not considered to be required for the proposal.
3.3 Operational Matters a) Confirmation of maximum patron numbers for café (ground and upper floor), and community facility. To assist confirmation of the patron numbers, a plan detailing layout and seating numbers of the proposed maximum tables/chairs and areas these tables/chairs occupies should be provided. Confirmation that proposed training room is not for public use (i.e. this is a CN staff area). b) Confirmation of proposed hours of operation and trading for café (ground and upper floor), kiosk and community facility (i.e. this is inclusive of any uses outside of trading such as setup and or kitchen preparation).	▪ The food and drink premises will have a maximum capacity of 100 patrons. ▪ A plan showing the proposed seating arrangement within the food and drink premises is provided in the amended architectural drawings. ▪ Proposed operating hours for each of the components of the facility are provided in the OMP. ▪ The OMP confirms that deliveries will occur during standard business hours only, and that waste collection will occur outside of peak usage times.

Council Comment	Response
c) Confirmation of delivery hours for the above elements (it is advised that typically 7am to 6pm would be 'business hours' otherwise further acoustic assessment would be warranted).	
3.4 Health & Food Issues	
3.4.1 Disposal of Waste – Garbage room The plans show an internal waste room opening directly into the food preparation area of kiosk and adjacent to the main kitchen. An additional external waste compound is also located on the northwestern side of the development. The Australian Standard requires all waste areas to be paved in an impervious material, graded and drained to the sewer and provided with a hose tap connected to the water supply. As one of the waste areas is located internally within the building and opening directly onto a food preparation area, the internal room must be fitted with a tight, self-closing door and mechanically ventilated in accordance with AS 4674-2004 (2.4). Please provide further information to clarify the construction, accessibility to cleaning facilities and ability to ventilate the garbage areas to ensure the waste bins are maintained in a sanitary condition.	A technical memo has been prepared by kitchen consultants, The Mack Group, to address issues regarding disposal of waste. It should be noted that the room opening directly into the food preparation area of the kiosk is not a waste room, but a cleaner's store room that will hold waste before it is taken to the external waste room to minimise the number of trips required y staff to the external waste compound. The naming has been updated in the new Architectural Plans to avoid confusion. The letter confirms that the external waste compound will be designed in accordance with AS 4674-2004 Clause 4.6 and is paved in an impervious material, graded and drained to the ser, with the hose tap connected to potable water for cleaning and includes facilities to enable the area to be maintained in a clean and sanitary condition. The letter also confirms that a tight-fitting self closing door with be provided to separate the room from the food preparation area and that mechanical ventilation will be provided to prevent odours and maintain sanitary condition.
3.4.2 Pest proofing The southern elevation plan details a window opening directly into the food service area of the kiosk, thus allowing easy access for flying pests into a food (and beverages) handling and preparation area. The Australian Standard requires all entrances/exits, serving hatches and windows be protected against the entry of pests AS 4674-2004 (2.1.5). Please indicate on the plans how the premises intends to pest proof external service hatches and windows.	The technical memo prepared by The Mack Group addresses pest proofing issues in accordance with AS 4674-2004. The document includes the below measures to ensure that the windows are protected against the entry of pests: ▪ The kiosk sales windows will be protected by either: – an air curtain operating whenever the sales window is open during trading hours; or – an internal roller shutter, which will be closed whenever the premises is not trading. ▪ Where windows are intended to be opened for natural ventilation, they will be fitted with removable insect screens to prevent the entry of flying insects. ▪ A food-grade insect control unit (such as a glueboard insect light trap) will be installed

Council Comment	Response
	within the food premises in accordance with AS 4674-2004 and the manufacturer's recommendations. Operational procedures will ensure that all service openings are kept closed when not in use to minimise opportunities for pest entry.
4 Submissions Please review the public submissions received during public notification and provide a response to the issues raised. The submissions can be viewed on Council's DA tracker.	A response to the key themes arising from the public submissions is provided at Section 5.1, above.

5.3 Primary Land Use and Ancillary Function

As part of the RFI, Council has requested that the potential impacts of the ancillary food and drink premises be addressed in the context of the site's primary function as a public recreation facility for bathing and swimming. This section considers the potential impacts on the following groups:

Table 7 Assessment of Ancillary Function on Primary Land Use

Social Group	Potential social impacts
Families and children	- The food and drink premise can provide convenient access to refreshments before or after swimming, particularly for families with children using the Baths for longer visits. - Concerns regarding safety of alcohol services on families and children are mitigated in the amended proposal through separating the ancillary food and beverage with the food swimming pool area.
Older people	- Older users are identified in the SIA as an important user group, particularly during morning periods - The food and drink premises may provide a positive social benefit by supporting extended visits, social interaction and access to refreshments in close proximity to the Baths.
Women and girls	- The proposed food and drink premise will enhance the vitality of the site, especially during night time, potentially improving passive surveillance of the baths. - As part of the amended proposal, the rooftop terrace for the Food and Drink premise has been removed, eliminating any impacts on overlooking.
People with disability or limited mobility	- As part of the amended proposal, the Bookable Community Space has reduced in size, providing an additional accessible bathroom and changing space for people with a disability and limited mobility. - The Food and Drink premise not diminish the inclusive, low-barrier character of the Baths.
Culturally and Linguistically diverse communities	- The proposal aims to be welcoming to people from culturally and linguistically diverse backgrounds - It is acknowledged that some community submissions are concerned that the licensed café may exclude people from cultural

Social Group	Potential social impacts
	and religious groups that don't feel comfortable in areas where alcohol is served. However, alcohol served will be limited to the café's indoor seating area allowing staff surveillance and management over guests, which will further separate ancillary use from the primary function of the ocean baths.
Aboriginal and Torres Strait Islander peoples	▪ 5 years of traditional consultation was conducted as part of the project, ensuring that site's location on Awabakal Country is acknowledged ▪ The proposed Public Art within Newcastle Ocean Baths will be developed through the Aboriginal Public Art Approach (APAA) ensuring that Country, Aboriginal perspectives and stories are recognised.
Low-income users	▪ The proposed baths will remain free access, and therefore will not displace low income users from being able to utilise the space.
Regular early-morning users	▪ The proposed F&B premise will positively support regular early morning users by providing coffee or refreshments during early use periods.
Young people	▪ The food and drink premises may provide a positive social benefit for young people by increasing activation, comfort and opportunities for social gathering in a supervised coastal setting. ▪ The Baths are used by people of all ages and that activation may help deter some antisocial behaviour.

6 **Planning Assessment**

6 Planning Assessment

6.1 Strategic Planning Alignment

This section describes how the project aligns with relevant strategic planning policies in the State, Regional and Local contexts.

Table 8 Strategic Planning – Consistency Assessment

Plan	Consistency
Hunter Regional Plan 2041	The <i>Hunter Regional Plan 2041</i> (Regional Plan) is the overarching strategic plan that seeks to shape future development for the Hunter Region over the next 20 years. The plan sets out the strategic land use framework for continued economic growth and diversification within the area. The proposal is consistent with the following objectives of the Regional Plan: ▪ Objective 6: Conserve Heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments. The proposed revitalisation of the Newcastle Ocean Baths will conserve and enhance the heritage and community values associated with the place, and promote recreational usage of the area’s waterways. ▪ Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities. The proposed development will revitalise this iconic community asset, helping to drive the visitor economy for the Newcastle LGA and broader Hunter Region. The revitalisation of the Newcastle Ocean Baths will also provide a place for local residents to engage in active and healthy lifestyles.
Greater Newcastle Metropolitan Plan 2036	The <i>Greater Newcastle Metropolitan Plan 2036</i> (Metropolitan Plan) is a metropolitan-level strategic plan which will help realise the vision and objectives of the Hunter Regional Plan, with a specific focus on the Greater Newcastle metropolitan area. The proposal is consistent with the following strategy of the Metropolitan Plan: ▪ Strategy 11: Create more great public spaces where people come together. The proposed development will retain, conserve, and celebrate the heritage significance and community values of the iconic Newcastle Ocean Baths. The revitalisation of this public asset will provide further opportunities for the public to experience and enjoy Newcastle’s natural environment, contributing to the City’s amenity and liveability.
Newcastle Local Strategic Planning Statement	The <i>Newcastle Local Strategic Planning Statement</i> (LSPS) is a guide for the City of Newcastle for land use planning over the next 20 years, giving effect to the Regional and Metropolitan Plans. The proposal is consistent with the following Planning Priorities of the LSPS: ▪ Planning Priority 9 – Sustainable, healthy and inclusive streets, neighbourhoods and centres. The redevelopment of the iconic Newcastle Ocean Baths will contribute to the “sense of community” and encourage healthy, active lifestyles in a safe public setting, within a facility in close proximity to the Newcastle CBD. ▪ Planning Priority 11 – Protect and celebrate our heritage. The development will retain, conserve, and celebrate the significance of this key public facility,

Plan	Consistency
	which at present is in a state of disrepair and not fit for active or ongoing community use. ▪ Planning Priority 16 – Grow our tourism, entertainment, and night-time economies. The revitalisation of this key public facility will encourage increased visitation and contribute to Newcastle’s visitor economy.

Based on the above, it is considered that the proposed development is consistent with, and will help realise the relevant objectives and aims of, the applicable strategic planning framework.

6.2 Approvals Under Other Acts

As detailed at Sections 3.2 and 4.4 of this SEE, this DA will be Integrated development as defined in the EP&A Act, due to the site’s listing on the NSW SHR. The application will therefore require approval from the Heritage Council of NSW pursuant to Section 58 of the Heritage Act.

It is acknowledged that this DA will be referred to Heritage NSW for comment during the notification phase of the assessment, and that General Terms of Approval will be provided which will need to be addressed as part of a subsequent application for approval under the provisions of the Heritage Act.

6.3 Consistency With Other Acts

6.3.1 Crown Land Management Act 2016

Section 2.12 of the CLM Act provides that dedicated or reserved Crown land may only be used for the following purposes:

- (a) *The purposes for which it is dedicated or reserved,*
- (b) *Any purpose incidental or ancillary to a purpose of which it is dedicated or reserved,*
- (c) *Any other purposes authorised by or under [the CLM Act] or another Act.*

Permitted and prohibited uses, as outlined in the relevant Plans of Management applicable to the site, are addressed below.

6.3.1.1 Newcastle Coastal Plan of Management 2015

The *Newcastle Coastal Plan of Management 2015 (Coastal PoM)* identifies a number of gazetted purposes and potential future uses / occupation for the site. These gazetted and potential uses are addressed below in relation to the proposed development.

Table 9 Coastal PoM – Consistency with Gazetted and Potential Uses

Purpose / Use	Proposal
Gazetted Purpose	
Public recreation	Complies.
Public baths	The proposed building refurbishment works will serve the purpose of the site’s gazetted purpose for public recreation / public baths.
Communication facilities	N/A Communication facilities are not proposed as part of this DA.
Gazetted Purpose	
Community and related commercial activities	Complies.

Purpose / Use	Proposal
	The proposal will include a new community facility within the refurbished building.
Retain and upgrade building	Complies. This application seeks consent for the retention of, and upgrades to, the existing building to enable it to better serve its purpose as a public recreation facility. The application is supported by a detailed Schedule of Conservation Works (which includes a salvage and reuse schedule) which provides detailed guidelines for conservation, restoration, and maintenance works to the building to conserve and enhance its significance.
Undertake EOI to test the potential for a commercial lease Consider kiosk, café, restaurant, function centre, and accommodation	Complies. This DA seeks consent for the fitout and operation of a food and drink premises (café / kiosk / restaurant tenancy). It is noted that the size of the food and drink premises has been specifically designed for the operation to be commercially viable. This is a critical component of the project, as the commercial return to CN on this premises will help to offset the costs associated with operating and maintaining this important public facility.

6.3.1.2 Crown Land Plan of Management

The Crown Land Plan of Management (**CL PoM**) classifies the Newcastle Ocean Baths as a General Community Use area (**GCU**). Appendix 6 of the CL PoM provides that the following activities and uses – which are of relevance to the proposed development – are permitted in GCUs:

- **Meetings (including for social, recreational, educational or cultural purposes).** The proposed training room and community facility uses are consistent with this permitted use.
- **Leisure or training classes.** The proposed training room is consistent with this permitted use.
- **Landcare activities (bridges, boardwalks, viewing platforms, tracks, steps, seating, plantings in parks or public areas).** The proposed landscaping and public domain works (including repaving, civil upgrades, retaining walls, seating, etc.) are consistent with this permitted use.
- **Ancillary areas and uses including amenities, storage, meeting spaces.** The upgrades to the change rooms and amenities are consistent with this permitted use.
- **Kiosk uses / Café uses / Commercial activities and uses which are sympathetic to and support use in the area and are of appropriate scale.** These three separate permitted uses provide a valid pathway for consent to be granted for the proposed provision of a restaurant / café tenancy within the site. The provision of this land use with the site is also consistent with the 2002 Conservation Management Plan for the site, and is found in the SoHI issued with this application to not adversely affect the site's established heritage significance.

6.3.2 Coastal Management Act 2016

The site is identified as being located within the coastal environment area and the coastal use area under the Resilience & Hazards SEPP. Accordingly, the provisions of Part 2 of the *Coastal Management Act 2016* (**CM Act**) apply to the proposed development. These are addressed below:

Table 10 Coastal Management Act 2016 – Consistency Assessment

Provision	Consistency
8 Coastal environment area	
(2) The management objectives for the coastal environment area are as follows— (a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity, (b) to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change, (c) to maintain and improve water quality and estuary health, (d) to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons, (e) to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place, (f) to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.	The proposed development is consistent with these management objectives, for the following reasons: ▪ As the works will not result in an increase in hardstand area on the site, the proposed development is not expected to cause an increase in pollutant runoff that may warrant a water quality treatment system and is therefore not expected to result in adverse impacts on the coastal environmental values. ▪ The site is affected by ocean flooding in both 1% AEP (2.2m AHD) and PMF (3.4m AHD) events. The advice in the pre-DA meeting suggested a minimum flood planning level of 2.5m AHD. The proposed pavilions will be located on an RL of 4.8m AHD, which is 2.3m higher than the minimum flood planning level. ▪ The proposed development will not impact the presence of beaches, dunes, or natural features of foreshores, noting that the works will be undertaken within a pre-existing developed site. ▪ The proposed development will support the social and cultural values of the area, through the sensitive architectural revitalisation of the pavilion building. ▪ The works will significantly improve public access to, and amenity of, the Newcastle Ocean Baths, including through upgraded pedestrian access and the provision of contemporary changing facilities and amenities for users of the facility.
9 Coastal use area	
(2) The management objectives for the coastal use area are as follows— (a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that— (i) the type, bulk, scale and size of development is appropriate for the	The proposed development is consistent with these management objectives, for the following reasons: ▪ The bulk, scale, and size of the proposed alterations and additions is appropriate for the location and the natural scenic quality of the coast. The new works will be lower in scale than the retained pavilion structure and will be

Provision	Consistency
location and natural scenic quality of the coast, and	noticeably new, contemporary work which will improve the amenity of the facility for its users.
(ii) adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and	The SoHI submitted with this application finds that the proposed development will have a minor and acceptable impact on the established heritage significance of the place.
(iii) urban design, including water sensitive urban design, is supported and incorporated into development activities, and	The development includes improvements to the public domain to enhance site access and user amenity. Stormwater runoff and potential inundation have been considered as part of this proposal, as detailed in the respective technical reports.
(iv) adequate public open space is provided, including for recreational activities and associated infrastructure, and	
(v) the use of the surf zone is considered,	The site will continue to provide adequate and high-quality public space for the users of the site. The project has been driven by the urgent need to upgrade these facilities so that they are fit-for-purpose into the future.
(b) to accommodate both urbanised and natural stretches of coastline.	- The proposal does not impact the use of the surf zone. - The proposed development will enhance this urbanised part of the coastline through the sensitive and considered refurbishment of this facility.

Based on the above, it is considered that the proposed development is consistent with the relevant provisions of the CLM Act and the CM Act.

6.4 Section 4.15(1) Evaluation

The following sections address the matters for consideration under Section 4.15(1) of the EP&A Act.

6.4.1 State Environmental Planning Policies

The proposed development is assessed below in accordance with the relevant SEPPs.

Table 11 State Environmental Planning Policies – Consistency Assessment

Provision	Consistency
State Environmental Planning Policy (Resilience and Hazards) 2021	
Section 2.10	
Development on land within the coastal environment area	The site is located within the mapped coastal environment area. However, it is noted that the scope of works for this application is limited to the revitalisation of the pavilion building and the surrounding public domain, and not the ocean bath itself or any interfaces with the waterway. Accordingly, the proposal is not expected to cause any adverse impacts on biophysical, hydrological, environmental values, water quality, or marine vegetation. The proposal seeks to improve the existing public open space through site-wide public domain works including more legible pedestrian access, regraded surfaces, and new paving. The development will improve site

Provision	Consistency
	access for persons with a disability, with the introduction of dedicated accessible carparking spaces to enable safe access. The ADD accompanying this DA identifies that there are no confirmed Aboriginal archaeological site records located within the site area on AHIMS, and that the site presents nil–low archaeological potential due to the disturbed nature of the land. The ADD also finds that the site may have potential to demonstrate cultural significance to Aboriginal people, and recommends the preparation of an Aboriginal Cultural Heritage Assessment Report in line with relevant DECCW guidelines. The proposal will not impact on the surf zone as it is purely land based.
Section 2.11 Development on land within the coastal use area	The proposed revitalisation of the pavilion building will enhance access to the beach and foreshore for the public, including through the provision of significantly upgraded changing room facilities / amenities and improvements to the legibility and safety of pedestrian access from the street. The development will enhance the visual amenity and scenic qualities of the coast as a result of the sensitive architectural adaptation of the pavilion building, which will now present in a more ‘open’ manner towards the ocean baths themselves. The ADD accompanying this DA identifies that there are no confirmed Aboriginal archaeological site records located within the site area on AHIMS, and that the site presents nil–low archaeological potential due to the disturbed nature of the land. The ADD also finds that the site may have potential to demonstrate cultural significance to Aboriginal people, and recommends the preparation of an Aboriginal Cultural Heritage Assessment Report in line with relevant DECCW guidelines. The works include the conservation and restoration of the local and State heritage listed pavilion building, which will protect and enhance its established significance.
Section 4.6 Contamination and remediation to be considered in determining development application	The PSI finds that there is a potential for contamination to be present. CN are in the process of undertaking a DSI to assess the potential nature and extent of contamination at the site, and to identify the appropriate management and / or remediation measures required to make the site suitable for the proposed development. The PSI notes that the development will consist of paved hardstand surfaces, which will further reduce the potential for direct contact of the underlying fill / soils by the general public. A DSI is currently being prepared by GHD and will be issued following submission of this amended DA. CN will commit to undertaking any necessary remediation works to make the site suitable prior to use, as recommended by the DSI.
State Environmental Planning Policy (Industry and Employment) 2021	
Chapter 3 Advertising and signage	The proposed development includes the installation of ancillary signage, to comprise: • 3x freestanding building identification pole signs • 2x freestanding wayfinding pole signs

Provision	Consistency
	2x freestanding instructional pole signs 3x wall-mounted instructional signs 6x projecting directional / space identification signs 2x wall-mounted 'lifeguard' identification signs 1x wall-mounted internal heritage interpretation sign / board The proposed signage is consistent with the objectives in Section 3.1(1) of the IE SEPP for the following reasons: - The signage will be compatible with the desired amenity and visual character of the site, noting its contemporary neutral design and complementary colour scheme. - The signage locations and types have been carefully considered, to ensure effective communication is provided in suitable locations. - The signage is architecturally designed and will be of high quality and design finish. Under Section 3.6 of this instrument, the consent authority must be satisfied that the assessment criteria for signage set out in Schedule 5 of the IE SEPP are satisfied by proposed signage. An assessment of the proposed signage against these criteria is carried out below.

Table 12 IE SEPP Schedule 5 Assessment

Assessment Criteria	Proposal
1 Character of the area <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The proposed signage has been designed by the project architect, TZG, in consultation with the project heritage consultant. The signage takes into consideration the character of the existing Ocean Baths pavilion and the history and character of Australian bathing culture, and is therefore compatible with the character of this site. There is no consistent theme for outdoor signage in this locality, noting that under the Newcastle DCP 2023 the site is not located within a designated signage area.
2 Special areas <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The proposed signage and wayfinding strategy incorporates a colour scheme and font designed to complement the heritage-listed pavilion and reflects the natural colours of the beach and ocean. The proposed sign will therefore not detract from the amenity or visual quality of the area.
3 Views and vistas <i>Does the proposal obscure or compromise important views?</i>	The colour scheme for the proposed signage is visually submissive and blends with the natural colours of the beach and the ocean. Therefore, it will not compromise or dominate the important

Assessment Criteria	Proposal
- Does the proposal dominate the skyline and reduce the quality of vistas? - Does the proposal respect the viewing rights of other advertisers?	views of the ocean or of the pavilion building itself. The freestanding signs are designed to be thin and will have a maximum height of 2.9m (for bollards), 2.6m (for directional posts), and 2m (for lifeguard information / ordinance signs), ensuring that views will not be obscured and that sightlines can be maintained while still being legible. Building-mounted signage will be modestly scaled and appropriately located on appropriate parts of the building, to enable legibility without detracting from views of the pavilion building.
4 Streetscape, setting or landscape - Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? - Does the proposal contribute to the visual interest of the streetscape, setting or landscape? - Does the proposal reduce clutter by rationalising and simplifying existing advertising? - Does the proposal screen unsightliness? - Does the proposal protrude above buildings, structures or tree canopies in the area or locality? - Does the proposal require ongoing vegetation management?	The design of the proposed signage is appropriate with regards to its size and scale and is in context with the setting of the site. As mentioned above, all freestanding signs are designed to be thin to ensure that visual clutter is minimised while still providing clear wayfinding and building identification. The proposed signage does not protrude above buildings, structures or any nearby trees and does not require ongoing vegetation management.
5 Site and building - Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? - Does the proposal respect important features of the site or building, or both? - Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage achieves a high level of design quality which is appropriate to the heritage setting of the Newcastle Ocean Baths site and is innovative in its invocation of Australian beach culture. The signage will not obscure significant architectural features of the building, significant views or streetscape.
6 Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable – no associated devices are proposed as part of the signage.
7 Illumination	Signage Type ID.01 (freestanding identification bollards) includes provision for illumination. While

Assessment Criteria	Proposal
- Would illumination result in unacceptable glare? - Would illumination affect safety for pedestrians, vehicles or aircraft? - Would illumination detract from the amenity of any residence or other form of accommodation? - Can the intensity of the illumination be adjusted, if necessary? - Is the illumination subject to a curfew?	details are yet to be confirmed, the applicant is amenable to suitable conditions of consent to control any proposed illumination to ensure safety and amenity impacts are minimised.
8 Safety - Would the proposal reduce the safety for any public road? - Would the proposal reduce the safety for pedestrians or bicyclists? - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage design is highly complementary to the site and is not located in any location that would impact safety for users of public roads, pedestrians, bicyclists, or children.

Based on the above, it is considered the proposal is consistent with the relevant SEPP provisions.

6.4.2 Newcastle Local Environmental Plan 2012

Newcastle Local Environmental Plan 2012 (**LEP**) is the principal planning instrument that applies to the site and the development.

The proposed development is assessed below in accordance with the relevant LEP provisions.

Table 13 Newcastle LEP 2012 – Consistency Assessment

Clause	Consistency
2.1 Land Use Zones The site is zoned RE1 Public Recreation under the LEP.	Permissibility The proposed works will include the following uses on the site: - Food and drink premises / café (including back-of-house) – permitted with consent in the RE1 zone - Bookable community space – classified as ‘community facility’ under the LEP and permitted with consent in the RE1 zone - Amenities – ancillary to the primary use of the site, which is a recreational facility (outdoor) as defined in the LEP and permitted with consent in the RE1 zone - Storage rooms, plant, and cleaner rooms (central pavilion and northern pavilions) – ancillary to the primary use of the site, which is a recreational facility (outdoor) as defined in the LEP and permitted with consent in the RE1 zone - Training room, break-out rooms, and lunch room (central pavilion, level 1) – ancillary to the primary use of the site, which is a recreational facility (outdoor) as defined in the LEP and permitted with consent in the RE1 zone

Clause	Consistency
	- Signage – ancillary to the primary use of the site, which is a recreational facility (outdoor) as defined in the LEP and permitted with consent in the REI zone Consistency with zone objectives – Primary uses The proposed uses on the site are consistent with the objectives of the REI zone as outlined in the LEP. The proposed development will enable the site to be able to be used for public open space and recreational purposes, will provide an important recreational setting and compatible land uses, and will protect the natural environment for recreational purposes. Ancillary uses The proposal includes the following additional uses which are considered ancillary to the principal use of the proposed development: - Storage rooms, plant, and cleaner rooms - Training room, break-out rooms, and lunch room - Signage Pursuant to Planning Circular PS 21-008 <i>How to characterise development</i>, these uses can be defined as ‘ancillary’ for the following reasons: - These uses will serve the dominant purpose of the development – which is for public recreation (outdoor) – and are not independent to this use. - The quantum of land / floor area to be occupied by these purposes is less than the amount which is to be used for the principal purpose. - The additional uses are wholly consistent with the dominant purpose and will serve the ongoing use and operations of the Newcastle Ocean Baths. - The additional uses do not go beyond what is reasonably required in the context of facilities of this nature. - The ancillary uses will be located on the same site as the ocean baths complex.
2.7 Demolition	Partial demolition of the internal partitions, walls, piers, seating and tables will be undertaken. Development consent is sought as part of this application.
5.10 Heritage conservation The site is situated within the Newcastle East Heritage Conservation Area (HCA) (local significance, C5) and is listed as heritage item ‘Ocean Baths’ (local significance, I489), under Schedule 5 of the Newcastle LEP 2012.	The proposed works will retain and enhance the significance of the Newcastle Ocean Baths building, through: - The removal of existing fabric and elements which are found to be of low or intrusive contributory value to the overall significance of the place, including introduced fabric to the rear and the interior - The restoration of key elements which contribute to significance, including the reconstruction of the northern 2-storey ‘bookend’ to the northern pavilion and reinstatement of the windows in original locations at the principal façade - The retention of extant fabric which is assessed as being of exceptional or high contributory value to the site’s heritage significance A detailed SoHI accompanies this DA, which undertakes an assessment of the proposed development on heritage grounds.

Clause	Consistency
5.21 Flood Planning	The site is affected by ocean flooding in both 1% AEP (2.2m AHD) and PMF (3.4m AHD) events. The advice in the pre-DA meeting suggested a minimum flood planning level of 2.5m AHD. The proposed pavilions will be located on an RL of 4.8m AHD, which is 2.3m higher than the minimum flood planning level. The Inundation Report submitted with this application confirms that the proposal's overall exposure to coastal inundation is minimal, with the exception of shallow overtopping and temporary ponding during large swell events. Recommendations are provided in the Inundation Report to mitigate against these events, which can be implemented as conditions of development consent.
6.1 Acid Sulfate Soils The land is mapped as containing Class 5 acid sulfate soils	No substantial ground disturbance or excavation is required for the proposed development. An Acid Sulfate Soils Management Plan is therefore not required in this instance.
Part 7 Additional Local Provisions—Newcastle City Centre The site is mapped as being located within Newcastle City Centre	Clause 7.5 Design Excellence applies if the consent authority regards the external alterations and additions to an existing building as “significant”. The proposed development will retain the façade and principal structure and façade of the existing building and it is therefore considered the external appearance of the building will not be altered significantly. The proposed development satisfies the design excellence matters in clause 7.5(3) of the LEP, for the following reasons: ▪ A high standard of architectural design, materials, and detailing appropriate to the building type and location will be achieved. The proposal will incorporate sympathetic contemporary additions to the pavilion building, which will not detract from the site's presentation or heritage significance. ▪ The conservation works will improve the presentation of the building to the public domain. Site-wide public domain works have been designed to significantly enhance public amenity and safety across the complex. ▪ The development will not adversely affect any view corridors identified in the Newcastle DCP. ▪ The proposal is found to achieve a balance between providing increased amenity, meeting contemporary needs and protecting the heritage values of the Newcastle Ocean Baths Complex and the heritage significance of the Newcastle East HCA and other Heritage Items in the vicinity of the site, with minimal overall heritage impact. ▪ Although additions are proposed to the rear of the building, these will not encroach the original parapet height of the retained and conserved pavilion building. The proposed additions are considered highly complementary to the site and the building, and have been designed to enhance amenity while minimising potential environmental impacts. ▪ The proposal helps to achieve the principles of ecologically sustainable development through the retention, conservation, and adaptive reuse of the existing pavilion building.

Clause	Consistency
	Pedestrian and vehicle access will be significantly improved by the proposed development as a result of the public domain works which will increase safe, legible, and equitable access to the site.

Based on the above, it is considered that the proposal complies with the relevant provisions within the Newcastle LEP 2012.

6.4.3 Newcastle Development Control Plan 2023

Newcastle Development Control Plan 2023 (**DCP**) provides detailed planning controls relevant to the site and the proposal. A compliance review with regard to the key, relevant provisions contained in the Newcastle DCP 2023 is carried out below.

Table 14 Newcastle DCP 2023 – Consistency Assessment

Clause	Comment
Part C: General Controls	
Section C1	Car parking
Traffic Parking and access	The development will retain all 51 car spaces as currently provided. 7 spaces will be reallocated for accessible parking (with 1x non-accessible space to be converted to an accessible space). The development is not expected to increase parking demand on the site, noting its proximity to the Newcastle city centre and nearby residential areas. End of trip facilities EOT facilities will be provided within the central pavilion for staff within the site.
Section C4	
Stormwater	A Stormwater Management Plan has been provided with this DA, which confirms that all conveyance of all surface water to the ocean will be conducted via overland flow paths and that on site detention is not warranted due to the site's close proximity to the ocean receiving body. The proposal will be located at a finished floor level of RL 4.8m AHD, which is significantly higher than the 1% AEP 2059 of 1.53m AHD. This confirms that the proposal is not expected to pose any adverse impacts to any neighbouring properties or land uses.
Section C6	
Waste management	A Site Waste Minimisation and Management Plan (SWMMP) has been prepared as part of this application to inform waste management measures and promote sustainable outcomes at the demolition, construction and operational stages. Methods for potentially re-using and recycling waste and diversion from landfill has also been detailed as part of the SWMMP.
Section C7	
Safety and security	As the proposed works are for the improvement and refurbishment to an outdoor recreational area, an CPTED assessment has been provided with this application which provides an overview of both the magnitude and likelihood of crime. The CPTED assessment concludes that the proposed development has an overall moderate risk of crime, considering the overall high crime rates in Newcastle East and that the proposal provides 24-hour public access. Mitigation measures are outlined in the CPTED assessment which can be implemented subject to appropriate conditions of consent.

Clause	Comment
	In particular, it is noted that the provision of a roof structure over the change room will provide a sense of safety and security for users of the facility, while the proposed glazed roofing material and open / louvred perimeters will maintain the sense of light, air, and open space with which the facilities are associated.
Section C8 Social impact	A Social Impact Assessment (SIA) has been provided with this application to assess the potential impacts of the proposed development on the community. The SIA is required as the proposal includes a community facility with capacity for 50 or more patrons. The SIA finds that the proposed development is likely to have several positive impacts on the community, including: ▪ Increased activation of, and accessibility to, the site ▪ Contribution to the local economy ▪ Preservation and refurbishment to an iconic heritage building ▪ Increased safety through design and operations
Section C9 Advertising and signage	The proposed signage is consistent with the objectives of Section C9 for the following reasons: ▪ The signage has been designed to complement the architectural character of the building and has been found to not detract from its heritage significance or visual qualities. ▪ The signage will not be located in areas, and has not been designed to, impact the safety and amenity of pedestrians, cyclists, or road users. ▪ The signage will enhance the presentation and amenity of the Ocean Baths complex by providing consistent and legible identification, notices, and wayfinding. ▪ The overall number and design of signs will not contribute to visual clutter. Signage types and locations have been carefully considered to maximise their appearance and legibility while not detracting from the scenic qualities of the site or the broader area. ▪ The proposal does not include non-permissible or prohibited signage as specified in the DCP.
Section C12 Landscaping	The proposed public domain works will significantly improve the serviceability, connectivity, and access to and within the site. The upgrades have been designed to better respond to the user experience of the facility, with visually legible and safe access routes to be provided for pedestrians and vehicles.
Part E: Place and Precincts	
Section E1 Built and landscape heritage	The site is situated within Newcastle East HCA and is listed as local heritage item 'Ocean Baths' (1489). The site is also listed on the SHR as 'Newcastle Ocean Baths Complex' (SHR 02106) in accordance with the <i>Heritage Act 1977</i>. The proposed development will retain and enhance the established significance of the Newcastle Ocean Baths, including its contribution to the significance of the Newcastle East HCA. The works will retain and conserve the three-dimensional fabric and form of the built heritage item, including and especially those elements which contribute to its heritage significance. The
Section E2 Heritage Conservation Areas	

Clause	Comment
	proposed works will encourage the heritage item to continue be used for purposes appropriate to its heritage significance as a community facility. New work will be respectful of the site's established significance with respect to siting, form, bulk, scale, and detailing. The lower-scale rear additions will be noticeably new and will not impede on the legibility of the retained original building from any part of the public domain. The revised design of the change room roof – now shown to be a glazed treatment – is considered a sympathetic intervention which will maintain the sense of open space, air, and light which are known to be highly valued by the community, while providing a suitable contemporary level of amenity for the facility. A detailed SoHI has been prepared as part of this application. The SoHI concludes that the proposal generally complies with applicable heritage management policies and controls, including those contained in the Newcastle Ocean Baths Conservation Management Plan, and that the development will have minimal and acceptable impact on the established significance of the site. The proposed conservation and restoration works, as detailed in the architectural drawings accompanying this application, will have a positive impact in enhancing the presentation of the building and ensuring its ongoing maintenance and longevity.
Section E5 Newcastle City Centre	The site is situated within the Foreshore Character Area, which is within the broader Newcastle City Centre precinct as defined in the DCP. The proposed development is designed with respect for the surrounding locality of the site and will improve the site's contribution and appearance to the public domain. As such, the proposed works will complement and further enhance the leisure, recreation and heritage uses of the Foreshore Character Area, and is consistent with the applicable performance criteria.

Based on the above, it is considered that the proposed development is consistent with the relevant provisions of the Newcastle DCP 2023.

6.4.4 Planning Agreement

No planning agreements are relevant to this application.

6.4.5 Relevant Matters Prescribed by the Regulations

This application has been made and prepared in accordance with the relevant provisions of the EP&A Regulation.

6.4.6 Likely Impacts

The likely impacts of the development are described below.

Table 15 Likely Impacts of the Development

Consideration	Likely Impact
Natural environment	The proposed development is not expected to result in adverse impacts on the natural environment.
	Stormwater Management The application is supported by a Stormwater Management Plan. Specifically, the surface water from the hardstand and carpark areas will be directed to the Canoe Pool through overland flow paths that ultimately discharges out to the

Consideration	Likely Impact
	ocean. As the works will not result in an increase in hardstand area on the site, the proposed development is not expected to cause an increase in pollutant runoff that may warrant a water quality treatment system and is therefore not expected to result in adverse impacts on the coastal environmental values. On site detention is not warranted for the proposal due to the site's proximity to the ocean receiving body. Flooding and Inundation The site is affected by ocean flooding in both 1% AEP (2.2m AHD) and PMF (3.4m AHD) events. The advice in the pre-DA meeting suggested for a minimum flood planning level of 2.5m AHD. The proposed pavilions will be located on an RL of 4.8m AHD, which is 2.3m higher than the minimum flood planning level. The Inundation Report submitted with this application confirms that the proposal's overall exposure to coastal inundation is minimal, with the exception of shallow overtopping and temporary ponding during large swell events. Recommendations are provided in the Inundation Report to mitigate against these events, which can be implemented as conditions of development consent.
Built environment	The proposed development will not result in adverse impacts on the built environment. Heritage conservation The proposed development will retain and enhance the established significance of the Newcastle Ocean Baths, including its contribution to the significance of the Newcastle East HCA. The works will retain and conserve the three-dimensional fabric and form of the built heritage item, including and especially those elements which contribute to its heritage significance. The proposed works will encourage the heritage item to continue be used for purposes appropriate to its heritage significance as a community facility. New work will be respectful of the site's established significance with respect to siting, form, bulk, scale, and detailing. The lower-scale rear additions will be noticeably new and will not impede on the legibility of the retained original building from any part of the public domain. The revised design of the change room roof – now shown to be a glazed treatment – is considered a sympathetic intervention which will maintain the sense of open space, air, and light which are known to be highly valued by the community, while providing a suitable contemporary level of amenity for the facility. Amenity and access The principal aim of this project is to enhance the amenity, access, and useability of this iconic public facility. The proposal will readily achieve this through the considered scope of works which will both revitalise the building and reactivate it for ongoing and long-term use by the community. Key aspects of this work include: ▪ Significant upgrades to the currently unusable amenities and change rooms – including, for the first time in the building's history, fully weather-protected change areas. ▪ Well designed new signage, including wayfinding and safety signage, to both contribute to sense of place and provide legibility to the components of the development.

Consideration	Likely Impact
	- Access upgrades, including realignment of pedestrian crossings to improve safe and legible access into and within the site, a new pedestrian stair from Shortland Esplanade which has been designed to comply with contemporary standards, and the provision of accessible parking spaces within the site to encourage universal access. - The provision of a new commercial lease area (for future food and drink premises, which will be subject to a separate approval) and bookable community facility, which responds to the needs of the site's users and will encourage increased activation and vibrancy. The built form alterations and additions will, in broad terms, 'open up' the facility to the rear towards the ocean baths and the ocean itself, providing an architecturally designed 'rear face' to this site which will enhance its reading and useability in the round. Parking The development will result in an overall increase to on-site parking provision, noting: - No net change to car parking provision – notwithstanding the loss of 1 non-accessible space and the creation of 1 new accessible space - Provision of 19 bike hoops to provide parking for up to 38 bikes, an increase from existing conditions of 15 bike hoops - An additional 2 motorbike spaces The increase to the on-site parking provision is an outcome of early community engagement, which found the need to increase bike, motorbike, and accessible parking for the site's users. As the development will not intensify the use of the facility – but, rather, seeks to upgrade it for its ongoing community use – the proposed parking provision is considered suitable. It is, additionally, highlighted that the facility benefits from close proximity to the Newcastle CBD and an established public transport network, which enhances its accessibility.
Social impacts	Social impact The SIA accompanying this DA finds that the proposed development is likely to have several positive impacts on the community, including: - Increased activation of, and accessibility to, the site - Contribution to the local economy - Preservation and refurbishment to an iconic heritage building - Increased safety through design and operations The SIA also identifies the potential for low negative impacts as a result of the construction works (which may affect the surrounding road network and site accessibility, noting that the pools themselves will remain open while works are being undertaken), and recommends the preparation of a Construction Management Plan to outline how these temporary impacts will be managed. Crime prevention and public safety The CPTED assessment provided with this application concludes that the proposed development has an overall moderate risk of crime, considering the overall high crime rates in Newcastle East and that the proposal provides 24-

Consideration	Likely Impact
	hour public access. Mitigation measures are outlined in the CPTED assessment which can be implemented subject to appropriate conditions of consent. Acoustic impacts An NIA has been prepared as part of this application to determine the potential impact of the proposed development on nearby residential land uses. The assessment has found that noise from patronage of the beach promenade outside the pavilion building and from the first-floor café terrace would be below the applicable Liquor & Gaming NSW sound criteria. The assessment provides recommendations for window details which should be implemented as conditions of consent to ensure that noise from the ground-floor food and drink premises will remain at suitable levels to maintain the amenity of nearby residential land uses.
Economic impacts	The proposed development will generate positive impacts on the local economy by encouraging higher visitation from local residents and tourists. The Newcastle Ocean Baths is an iconic and well-known community facility and its revitalisation will form a key part of the continuing growth of Newcastle's tourist and visitor economy.

6.4.7 Suitability of the Site

The site is considered highly suitable for the proposed development, for the following reasons:

- The proposed development is permitted with consent on the land under the site's RE1 zoning.
- The proposed development complies with relevant State- and local-level planning instruments and guidelines.
- The site is currently in a derelict condition and is in need of conservation and refurbishment works to enable it to return to a usable state. The development will help extend the lifespan of this historical structure while preserving it for the future.
- The proposed community facility and future food and drink premises will help revitalise the foreshore area along Newcastle Beach, enhancing the activation of the facility and the vibrancy of the surrounding area.
- The proposed use of the site will not result in any adverse amenity impacts on surrounding land uses, including nearby residential development (subject to recommendations made in the Acoustic Assessment accompanying this application).

6.4.8 Submissions

In accordance with Section 4.15(1)(d) of the EP&A Act, it is acknowledged that submissions arising from the public notification of this application will need to be considered by the consent authority in its assessment of the proposed development. The applicant will undertake to formally respond and attempt to resolve to any relevant issues relating to the proposal.

6.4.9 The Public Interest

The proposed development is considered to be in the public interest, for the following reasons:

- It will maintain the facility's full dedication to public use, ensuring ongoing community access and enjoyment.
- It will significantly improve the amenity and functionality of the facilities, enhancing comfort and usability for all visitors.

- It will introduce a new restaurant and community space that will enrich the public realm and create opportunities for social connection.
- It will deliver upgraded pedestrian access from Tramway Reserve, along with associated landscaping, and wayfinding, making the site easier and more inviting to navigate.
- It will contribute to the overall enhancement of the Newcastle foreshore, improving the quality and appeal of this important public space.
- No adverse environmental, social, or economic impacts will result from the proposal which are unable to be mitigated through suitable conditions of development consent.

6 Conclusion

7 Conclusion

This amended SEE demonstrates that the proposed development is appropriate for the site and the locality, for the following reasons:

- The proposal is consistent with relevant State- and local-level planning instruments and guidelines, and the development is permissible within the RE1 zone in which the site is located.
- The proposed development will retain, conserve, and revitalise this iconic public facility, to enable its ongoing use and enjoyment by the community into the future
- The proposal is consistent with and will respond positively to the established character and use of the Newcastle foreshore. The proposed works comprise a high-quality architectural and public domain design response to the site and the locality.
- The proposed alterations and additions are found to have a minimal and acceptable impact on the heritage significance of the place, and will not adversely impact any significant established view lines.
- The proposed development will contribute to the burgeoning visitor and tourist economy of the Greater Newcastle region through the revitalisation of this significant public recreation facility.
- The proposed development is not expected to result in any adverse impacts on the natural environment, nor result in any adverse social impacts, which are unable to be suitably mitigated.

Having considered all relevant matters, it is found that the proposed development is appropriate for the site. As such, approval is recommended subject to appropriate conditions of consent.

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