

09 April 2019

The General Manager  
Newcastle City Council  
PO Box 489  
Newcastle NSW 2302



**Attention:** Geoffrey Douglass

Dear Geoffrey,

**RE: Response to JRPP Deferral (DA-2018/01107) – 854 Hunter Street, Newcastle West NSW 2302**

**Our Ref: 18165**

This correspondence is in response to the Hunter and Central Coast Regional Planning Panel (JRPP) deferral of DA-2018/01107. The Development Application (DA) was deferred by the JRPP on 13 March 2019 due to requests for further detail from the Design Review Panel (DRP) prior to determination, this detail is discussed below.

During the JRPP meeting the draft Conditions of Consent were discussed and some conditions were deleted, redrafted or remained unchanged. Condition C20 and C21 were of concern due the broader design implications and the proponent requested these conditions to be redrafted in KDC's correspondence 08 March 2019.

The below, along with appended information, provides additional information and detail relating to the proposed development as well as further justification for changes to the proposed draft Condition of Consent.

#### Design Review Panel (DRP)

The JRPP Record of Deferral outlines the DA is required to be referred to the DRP as soon as practicable to give specific consideration and provide advice regarding the materials, height of the colonnade and appropriateness of the southern setback at upper levels. The DRP assembled on the 25 March 2019 to consider the JRPP request. The below table provides a direct response against each element of the referral. In addition, minutes of the DRP meeting and a copy of the materials present to the DRP on 25 March 2019 have been appended to this correspondence at Appendix A.

Deferral Matter	DRP Response
<i>1. Details, material and articulation</i>	<p>DRP supported the proposed details, materials and articulation. The DRP commented that the use of brick at the pedestrian level is supported as an appropriate reference to the heritage of the site, as a low maintenance material that expresses quality and solidity and is in line with the masterplan proposal.</p> <p>It was noted that the large metal clad columns should be of a material that is manageable in case of wear and tear and graffiti. It is noted this could be conditioned by the JRPP.</p>

Deferral Matter	DRP Response
<p><i>2. The height of the colonnade area to Stewart Avenue. Specifically, if it would be a better design outcome to increase the height of the colonnade by one-storey to match the height of the roof element of the adjoining train station, which the building recess above also increased by one level to maintain proportions between the setback and recess.</i></p>	<p>The height of the colonnade is supported as proposed. The DRP discussed alternative colonnade heights including lines being set by the transport interchange canopy, lines set by the future Council building and the DCP. The DRP considers the proposed colonnade height to be appropriate for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The relation to the station is not thought to be a strong representation of the datum, considering that future development in the area would also address the 16m street wall height, not the station element.</li> <li>2. The height of the colonnade is thought to be in good proportion to the rest of the building.</li> <li>3. Any increase in the colonnade would potentially detract from the nature and use of the colonnade at a pedestrian scale.</li> <li>4. The UDCG have given advice to a development at 10 Dangar Street, Wickham that a 2-storey entry to mirror The Store proposal is preferred.</li> <li>5. The height of the recessed floor at Level 4 to address the DCP 16m street wall height, in the absence of a building setback, it thought to be the right approach for the site. Noting other developments in the vicinity have varying street wall references.</li> </ol>
<p><i>3. Review the appropriateness of the southern setback at upper levels (above the recess) in terms of the effect of the building massing and presentation on a narrow laneway, and having regard to potential redevelopment of the site to the south, and the impacts of the setbacks as proposed on development options for the site to the south, including options for residential development at upper levels.</i></p>	<p>The DRP recognise that alternative proposals have been tested for the neighbouring site to the south. Both a residential use and a commercial use were modelled.</p> <p>These models showed that providing a setback to the commercial building at the Beresford Lane boundary did not produce a significantly better outcome for the development potential of the site. In addition, the effect on the amenity of Beresford Lane was considered to be acceptable given its use as a service lane.</p> <p>The overall the setback as proposed is supported by the DRP.</p>

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## Draft Conditions of Consent

Outlined below is a response to certain recommended Conditions of Consent which we ask to be reconsidered or modified. It is noted that multiple amendments to the Draft Conditions of Consent were considered by Council and the JRPP. All other conditions discussed on 13 March and the proposed amendments discussed between the parties were considered appropriate, other than the conditions listed below. We also provide for consideration further information by the proponent to support the request for amendment a Supplementary Traffic Statement prepared by GHD, is attached in Appendix B.

A meeting was held with Council to discuss the following points on 26 March 2019. The attendees of this meeting were DOMA, Newcastle City Council, GHD, Bates Smart Architecture and KDC. The general concepts of the information below were discussed and advice provided from Council that a justified position was to be lodged for formal consideration.

### **Condition C20**

#### Current Condition:

*The design of the development is to be modified to provide for all loading / servicing activity (including waste collection) associated with the development to be undertaken either within designated loading dock areas and/or kerbside in an approved and designated loading zone. The design is to ensure that all service vehicle movements are to be capable of forward entry and exit, i.e., without the need to reverse into vehicular traffic flows. Required modifications are to be approved by Council before the issue of a Construction Certificate for the proposed Development.*

#### Proposed Condition:

*A loading and unloading management plan is to be submitted and approved by Newcastle City Council prior to the release of the Occupation Certificate. The plan is to detail all measures and procedures that will be undertaken to facilitate the loading bay being utilised in a safe and efficient manner. The plan is also to detail the general times of day and types of delivers that are expected to be undertaken.*

Pursuant to Section 7.03.04 Part C Control 6 of the Newcastle City Council DCP 2012 loading and unloading is required to be undertaken in a forward in forward out manoeuvre. This control is identified as being consistent with the general terms of the Australian Standard, however the standard makes provision for an alternative arrangement to be considered. The current design proposes that a loading bay be supported that requires infrequent or 'pre-booked' vehicle to make a single reversing manoeuvre into the site in non-peak times.

The commercial building is unique in that it fronts three side of its ground floor to the public realm. This has limited servicing to Beresford Lane only. The activated ground plane approved in the REF approval promotes the use of other paths of travel for pedestrians between the heavy rail, light rail and proposed bus interchange to Stewart Ave and Hunter street. Beresford Lane is therefore considered to be a service laneway with little if any pedestrians (other than egress from the fire escape) likely to use it. This provides for a good urban outcome as all servicing of the building is proposed off Beresford Lane consistent with other cities. This approach has been supported by the assembled design review panel (of which Council was an invited guest). Copies of all correspondence with the design review panel were provided to Council as a request for additional information.

The public domain has been designed to encourage pedestrian thoroughfare away from the one-way service laneway of Beresford Lane. This has been achieved via continuous high-quality paving treatment along Stewart Avenue to the east and large areas of continuous paving treatments of the Cooper Street plaza and station access to the west. In contrast the surface treatment of Beresford to the south of the commercial building is to be bitumen surface clearly denoting this as vehicle access. A narrow footpath along the building edge to Beresford Lane ensures safe egress from the fire stair and access to the back-of-house service rooms for the building. It is unlikely to encourage high volumes of pedestrian movements. This approach promotes social

gathering, ensures passive surveillance for improved safety and security and increases pedestrian movements within the precinct through accessing the retail and building lobbies rather than the laneway.

The public domain design creates seamless, barrier-free and weather-protected thoroughfare linking Stewart Avenue with the larger plaza spaces to the west. Retail tenancies include provision of weather-protected outdoor seating areas adjacent to small retail food and beverage.

The remaining frontage of the ground floor faces Beresford Lane, which therefore condenses the vehicle access and building service requirements to the south (the area of public domain that receives the least daylight). The improved benefits of this approach for the three other key buildings frontages directly result in restrictive space for loading vehicle and service spaces such as substation, loading dock, valve assemblies and fire stair egress. This strategic design principle maximises amenity outcomes for the public. A reverse movement into the loading dock, with particularly low vehicle and pedestrian movements will not adversely impact on amenity to pedestrian.

It has been identified by the anchor tenant that the loading and unloading uses that will be required to use the on-site loading dock are less than an average of 1 per day and small vehicles. Any larger deliveries would be pre-arranged with the building manager. More specific detail of this is provided within Appendix B. As such is considered to be an occasional delivery.

As outlined within Appendix B the Australian Standard allows for consideration of a reversing movement for occasional deliveries subject to the approval from the consent authority. Appendix B also identifies that during a peak period of traffic there is suitable room for short term queueing for the forecast vehicle movements that would use Beresford Lane. The proponent is willing to allow for a limitation to loading and unloading times to ensure that they are not undertaken during peak times and also implement a loading and unloading management plan to ensure that the risk from the reversing manoeuvre is significantly reduced.

**Given the information above it is concluded that support should be provided for the location of the existing loading bay, and the reversing manoeuvre required to access it should be supported given that:**

- **The best possible design for the site and the public realm of the Newcastle Bus Interchange does not allow for a forward in and forward out on-site loading facility to be provided for the office building;**
- **That the movement will be occasional; and**
- **Suitable management procedures can be in place to reduce risks.**

**It is recommended that this condition be amended.**

#### **Condition C21**

##### Current Drafting

*On-site parking accommodation is to be allocated for the building for a minimum of 278 cars, such being set out generally in accordance with the minimum parking layout standards indicated in Element 7.03 'Traffic, Parking and Access' of Newcastle Development Control Plan 2012. Full details are to be included in documentation for a Construction Certificate application.*

##### Proposed Redrafting

*158 car spaces in the structured carpark are dedicated to the proposed office building (in addition to the 40 basement spaces under the office in Basement 1).*

The proposed car parking generation rate for this proposal is approximately 1 parking space per 100m<sup>2</sup> of GFA. Section 7.03 Traffic, Parking and Access of the DCP 2012 identifies a parking rate of 1 parking space per 60m<sup>2</sup> of GFA for all office development in the Newcastle Local Government Area (LGA). The proposal seeks a

dispensation from the DCP 2012 due to the proximity to Newcastle Interchange, noting that at the time of the DCP 2012 being written an operational light rail system, heavy rail termination at Wickham and the completed Newcastle Bus Interchange (being operational before this development is finished) was not considered when determining the 1 parking spaces per 60m<sup>2</sup> of GFA. The site will be the most well-connected public transport site for an office development in the Hunter Region, as reflected in Figure 10 of the GHD Report. The proposed commercial parking allocation reflects the approach taken at other transit-orientated developments in other Australian cities that promote the use of public transport and bicycles for staff commuting to work as opposed to private vehicles.

The Store redevelopment is a major part of the Government commitment to improved public transport usage in Newcastle. The site was acquired by Urban Growth for the delivery of the new Newcastle Bus Interchange (for which the proponent has responsibility to deliver under the REF approval) and is adjacent to the heavy rail station at Wickham and the now operational light rail system. The site also establishes future capacity to extend the light rail west by the establishment of a 6.6m 'future light rail zone' under the REF and parallel to the proposed commercial office building.

To strengthen their commitment to a more sustainable city, the NSW Government has also committed and will anchor the new proposed commercial office and has elected to limit their parking needs as they focus on the promotion of active and public transport by providing end of trip facilities for their staff. This approach reflects Government leadership to committing to a lower reliance on car travel and the encouragement of the use of more sustainable transport. In addition, Condition E10 of the Draft Conditions of Consent require the preparation of a Green Travel Plan (GTP). A GTP will be prepared in accordance with Council's requirements and aim to encourage use of alternative modes of transport and include Public Transport Routes and Bicycle Network Plans. As noted by Council in their DCP, GTP's are *"...aimed at reducing car travel, particularly single occupant car trips. A GTA encourages greater use of public transport, walking and cycling by residents, employees and visitors."*

Figure 10 of the GHD Report is a heat map which illustrates relative proximity to public transport within the Newcastle CBD area, and highlights that three modes of transport (Bus, Light Rail and Heavy Rail) are available for The Store site. As detailed in Section 4.3 of GHD Report, Willoughby DCP 2012, Waverly DCP 2012 and Ryde DCP 2014 all provide greatly reduced parking rates for office/business developments where public transport is readily available. These precedent examples highlight that where public transport is readily other LGA's have adopted parking allocation rates as little as 0 parking spaces per 100m<sup>2</sup>. The DCP 2012 with a rate of 1 parking space per 60m<sup>2</sup> is not appropriate for this well-connected site as it does not consider the availability of public transport.

**As such, it is clear that the high level of public transport available to the site should permit a reduction in the City of Newcastle DCP 2012 parking rate.**

We trust that the information provided is sufficient however, if any clarification is needed or you require further information, please contact the office on (02) 4940 0442.

Yours sincerely



Patrick Quinlan  
**Associate**  
**KDC Pty Ltd**

**Enclosed:**

**Appendix A:** *DRP Presentation and Meeting Minutes*

**Appendix B:** *Supplementary Traffic Statement - GHD*