

07 December 2020

Ref: 0836

Planning Panels Secretariat
Locked Bag 5022
PARRAMATTA NSW 2124

via Email: lisa.foley@planning.nsw.gov.au
enquiry@planningpanels.nsw.gov.au

Attention: Ms Lisa Foley

Dear Madam

RE: PPSHCC-22: Mixed use development - demolition of structures erection of 14 storey mixed use including seniors living and aged care facilities (Council Ref: DA2019/01169)

Reference is made to PPSHCC-22 which will be before the Hunter Central Coast Regional Planning Panel (the Panel) on Wednesday 09 December 2020. On behalf of the Wests Group (the proponent), this submission is made in response to the invitation to brief the Panel prior to any determination. This submission seeks to inform the appointed panel members who will be briefing the panel and the matters to which we seek to address the panel.

In the first instance we thank the City of Newcastle for the efforts made in assessing this application and note that the majority of the draft conditions of consent are accepted and found to be reasonable.

Notwithstanding, Council did not provide our team with the benefit of reviewing draft conditions prior to distribution to the Panel Secretariat. Thus, we have not had opportunity to provide Council with any feedback.

To avoid any unnecessary Section 4.55 modifications, we wish to bring the following conditions to the attention of the Panel prior to the meeting, and note that our team wishes to brief the Panel on each of these.

Condition 12: - Clearance to Basement Car Park

The height clearance for the proposed vehicular access and proposed roller door height at Level 0 which leads to the basement parking areas is to be minimum 3.5m clear to allow for minimum height clearance for small rigid vehicles in accordance with AS/NZS 2890.2:2004 - Off-street commercial vehicle facilities. Full details are to be included in documentation for a Construction Certificate application.

Comment

This condition, as drafted, is unreasonable and unnecessary. The plans submitted detail a 3.0m clearance to the basement car park. Documentation has been submitted to Council demonstrating that adequate arrangements can be made for all service vehicles including the majority of ambulance vehicles. The exception, as noted in the Council report is the 'Mercedes Benz Sprinter 519 Bariatric Specialist (Ambulance)', which has a clearance of 3.2m. We understand the circumstances under which this vehicle would be required to attend the aged care facility would be very infrequent. We would support the preparation of a management plan to document the access arrangements for all ambulance vehicles including the aforementioned specialist vehicle. This could be addressed by way of condition of consent.

Lead design consultant **Rob Mirams (Architect, Fender Katsalidis)** and **David Sparkes (Engineer, GHD)** wish to address the panel on the implications of raising the clearance to 3.5m, while **Jeff Garry (Traffic Engineer, Intersect Traffic)** wishes to address the panel on the suitability of the arrangements for servicing vehicles.

Condition 17: - Residential Waste Management

Prior to the issue of any Construction Certificate a residential waste collection bin storage area is to be designed with consultation of City of Newcastle's Waste & Commercial Management team along Bull St frontage of the site within 10m-15m walking vicinity of the proposed Loading Zone on Bull St (Note: the loading zone can be relocated if required subject to consultation with Council) for potential waste collection by Council.

The residential waste collection storage area is to be appropriately sized and designed to accommodate for all residential bin collections (including accessibility design) generally in accordance with City of Newcastle DCP requirements and the industry standards (including EPA's Better Practice Guide for Resource Recovery in Residential Developments - 2019 Revision). The waste collection storage area is to be located in close proximity of lifts to service residential units. The waste collection bin storage area is to be designed to the written satisfaction of City of Newcastle's Waste & Commercial Management prior to the issue of any construction certificate. Council's written correspondence is to be provided to the Principal Certifier prior to issue of any Construction Certificate.

Comment

To comply with this condition will require substantial amendments to the Bull Street elevation, and the location of garbage chutes within the residential building. Based on the Officer's report and how the condition has been drafted, it appears that this condition has been included to allow for *potential* waste collection by Council. We note that development consent has been sought for a mixed use development, and Section 7.08 of Council's DCP does not require on street collection for mixed use developments. The condition is therefore unreasonable.

A waste management plan as been submitted to Council which details the collection arrangements for various waste streams to occur on site, and with no requirement for Council to collect. As such the condition is unnecessary.

Anthony Williams (WPP) wishes to address the Panel on this matter.

Condition 41: - Wind Tunnelling

A wind tunnelling report is to be prepared by an appropriate qualified and experience engineer. This report is to be prepared in accordance with AS1170.2 and should consider the impact on the building, the environment and pedestrian movements surrounding the development.

Architectural and landscape plans will need to reflect the recommendations of the wind tunnelling report and amended plans and the wind tunnelling report is to be provided to the Principal Certifier prior to issue of any Construction Certificate (excluding any construction certificate for remediation works or demolition). A copy of the wind tunnelling report is to be provided to Council.

Comment

Rob Mirams wishes to address the panel on the design development process with respect to wind tunnelling impacts generated from the proposal, having regard to the proposed building separation and the requirements of Council both prior to and during assessment.

Condition 42: - Public Art

A public art feature shall be designed for the site in consultation with City of Newcastle. The public artwork is to have a minimum value of 1% (\$1,608,992) of the capital cost of the development. The final details of all artworks within the site and associated costing are to be submitted to Council's Public Art Reference Group for written approval prior to the issue of a Construction Certificate.

The written approval be obtained prior to commencement of above-ground works/ground level slabs and the approved artwork(s) be installed prior to the use of the first Occupation Certificate. This feature is to provide visual interest for pedestrians and interpret or reflect the local setting, landscape

setting and/or cultural setting of the Newcastle area. The feature is to be designed to ensure long-term durability and be resistant to vandalism.

Comment

We **attach** advice from Legal Counsel **Felicity Rourke** of Allens, who may also wish to address the panel. As provided in the attached advice, we submit that under the circumstances, Condition 42 is considered unreasonable, and we therefore propose an alternative to the draft submitted by the City of Newcastle

Attendees


We wish to have the following members of our team present during the briefing:

- Mr Philip Gardner, CEO, Wests Group (p.gardner@westsnewcastle.com.au)
- Ms Felicity Rourke, Partner, Allens (felicity.rourke@allens.com.au)
- Mr Rob Mirams, Architect, Fender Katsalidis (rmirams@fkaustralia.com)
- Mr David Sparkes, Structural Engineer, GHD (david.sparkes@ghd.com.au)
- Mr Jeff Garry, Traffic Engineer, Intersect (jeff@intersecttraffic.com.au)
- Ms Lydia Kuczera, Town Planner, City Plan (lydiak@cityplan.com.au) and
- Mr Anthony Williams, Project Planner, WPP (anthonywilliams@wppgroup.com.au)

We look forward to briefing the Panel and working towards a favourable determination of this landmark project in the City of Newcastle.

If you have any queries, please do not hesitate to call me on 0484 694 122.

Regards



Anthony Williams

Director and Registered Planner