



6 February 2023

City of Newcastle  
PO Box 489  
NEWCASTLE WEST NSW 2300  
[mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au) (via email only)

**Attention: Alexandra Tobin**

Dear Alexandra,

**Reference: Submission to Draft DCP Section 6.16 Lingard Hospital Precinct**

## Introduction

It is understood that Council prepared a Planning Proposal (PP) over 23 Merewether Street and 8 Lingard Street, Merewether (the subject site) in early 2022 and that this was approved at Gateway in March 2022. The Planning Proposal was exhibited between 27 June and 26 July 2022 and a report to Council on the results of the exhibition, including a summary of and response to submissions received, was considered on 13 December 2022. The same report to Council sought approval to exhibit a draft DCP chapter for the precinct and a Planning Agreement regarding external works in kind. Exhibition of both documents was approved by Council.

The PP seeks to rezone the subject sites to SP2 Infrastructure, increase height limits, and remove FSR controls.

The PP was supported by a series of conceptual 'Future Bulk and Scale' and 'Indicative Massing' diagrams and a Parking Management Plan that was prepared as part of a DA for a day surgery and health consulting rooms in 2019.

## Brief

We have been engaged by the owners of 16-20 Merewether Street, Merewether (directly adjoining and opposite the subject sites the subject of the Draft DCP) to review and provide comment on the draft DCP and to prepare a submission on their behalf. 16-20 Merewether Street, Merewether contains the highly successful, award-winning Modus Brewery and Artisan Food and Drink Premises.

The primary concerns of the owners of 16-20 Merewether Street, Merewether are car parking, interruption to business during construction, lack of detail on built form, and height and setback controls.

Having reviewed the draft DCP section, we are of the opinion that:

- Parking and traffic needs to be better addressed in the draft DCP, and supported with a precinct-wide parking analysis and masterplan;
- Building Envelope, Built Form, and Massing controls should be tightened to provide certainty for 16-20 Merewether Street; and
- controls should be included in the DCP relating to traffic and construction management that take a wholistic approach, consider continuity of trade for surrounding businesses, and the amenity of residents and businesses alike.

## Traffic and Carparking

The PP seeks to remove FSR controls and significantly increase height limits across parts of the subject site. These changes will allow a significant increase in GFA across the Lingard Hospital Precinct and this increase GFA will generate significant traffic and parking demands into the future.

The PP was only supported by a Parking Management Plan that was prepared as part of a DA for a day surgery and health consulting rooms in 2019. It was not supported by a comprehensive Traffic and Parking Impact Assessment that had regard to or modelled the proposed height limits and unlimited FSR controls and resulting potential GFA. It essentially pushed the impacts of traffic and parking down the line to each DA lodged for new/expanded hospital buildings.

The report to Council on 13 December 2022 states:

*'The draft precinct specific DCP and PA capture proposed public works / domain upgrades for the Hospital Precinct and its surrounds to improve outcomes for car parking, traffic, connectivity and bulk and scale.*

*The draft DCP development controls guide and manage traffic and parking for any future development applications. It requires a Traffic Impact Assessment to support any development applications to demonstrate that the development will not impact on-street / local public parking availability and how traffic and congestion will be managed'.*

Given the lack of any comprehensive modelling or impact assessment, it is difficult to determine how the above comments can be made with any certainty, whether the proposed road and public domain works are appropriate or go far enough, or whether there is Again, the report makes it clear that Council is willing to push the impacts of traffic and parking down the line to each DA lodged for new/expanded hospital buildings.

Council's comment in the table summarising the submissions received in response to public exhibition of the PP states:

*The draft precinct specific DCP includes development controls to satisfactorily manage traffic and parking as part of future development applications. The controls will require a Traffic Impact Assessment to be submitted with future development applications to demonstrate that development will not impact the availability of onstreet/local public parking and how traffic and congestion in the surrounding area will be managed. The draft planning agreement also supports traffic and transport upgrades.*

*The carparking requirements of the proposed development will be considered as part of the development application process. This will include an assessment against the relevant carparking controls set out in Newcastle Development Control Plan (DCP) 2012.*

Section 6.16.09 Transport and Movement of the DCP is too vague and requires et al 1. 'Development proposals **which, in the opinion of Council**, may cause significant impacts on the surrounding movement network, are supported by a Traffic Impact Study, prepared by a suitably qualified and experienced transport professional'; and '4. The TIS is to regard the entire Lingard Health Precinct (that is Kingsland, Lingard & Hopkins Precincts) together with the proposed development. The TIS must provide traffic modelling for the local road intersections and signalised intersections and such modelling must provide cumulative post development traffic data generated by the entire Lingard Hospital Precinct. The TIS should consider the impacts of each precinct and recommend improvements and management of the local and signalised intersections'.

It is considered that precinct-wide traffic and parking modelling and an impact assessment should have been prepared prior to the preparation of the draft DCP and well before each individual DA is lodged in the future. This piecemeal approach has resulted in poor outcomes for the area over a number of decades, particularly relating to on-street parking impacts, and this aspect needs to be better addressed in the draft DCP and supported with a precinct wide parking analysis and masterplan.

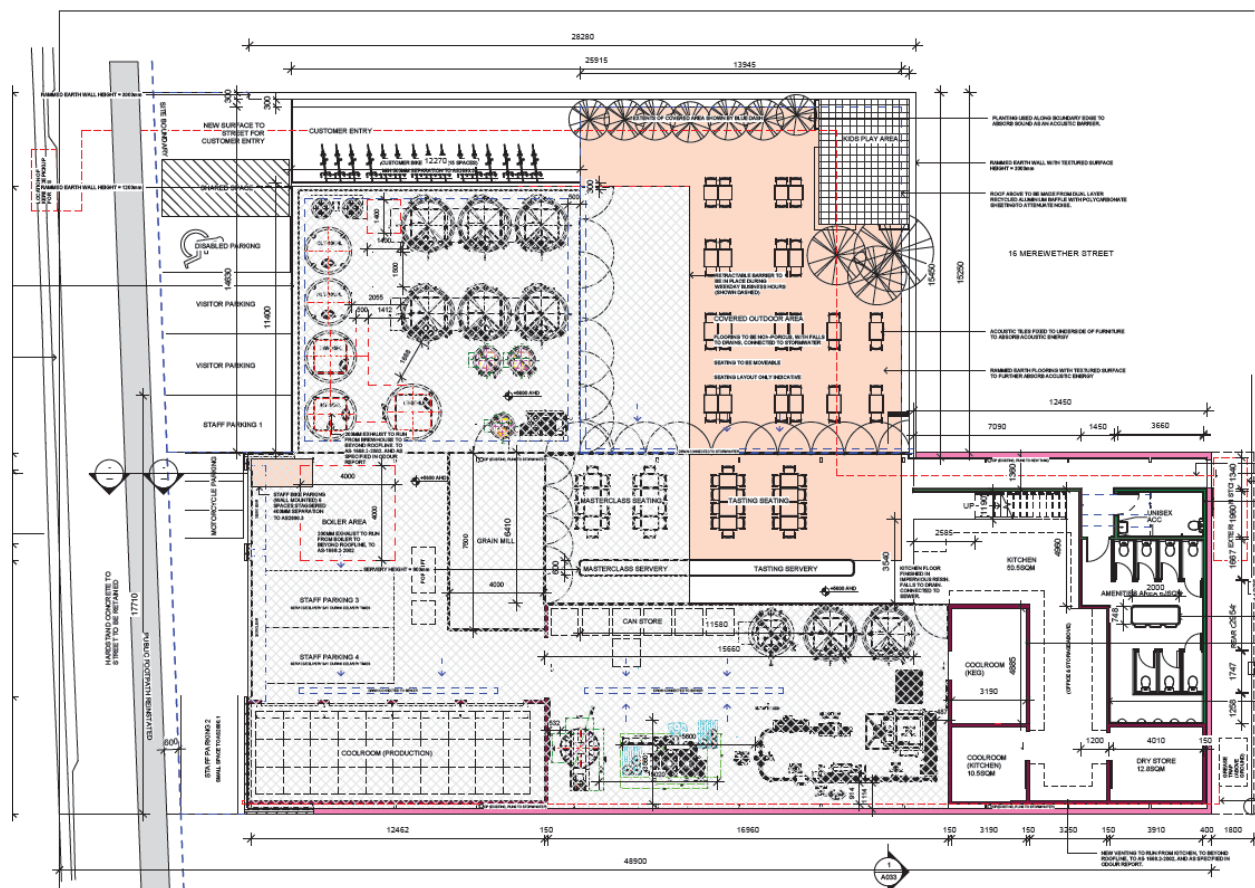
### **Lack of certainty on building envelopes, built form and setbacks**

Section 6.16.03 Building Envelope does not provide certainty and leaves it open to be modified in relation to 16-20 Merewether Street, which is not residentially zoned but does contain a recently constructed, award winning brewery that will be dwarfed by, and potentially overshadowed by (Modus has a large light-filled atrium for patrons and has future plans for a rooftop solar farm), an 18m high building.

The controls leave it open to future applicants to build right up to the eastern boundary facing 16-20 Merewether Street, particularly given Section E-E is not relevant to 16-20 Merewether Street, which would be unacceptable at the additional permitted height.

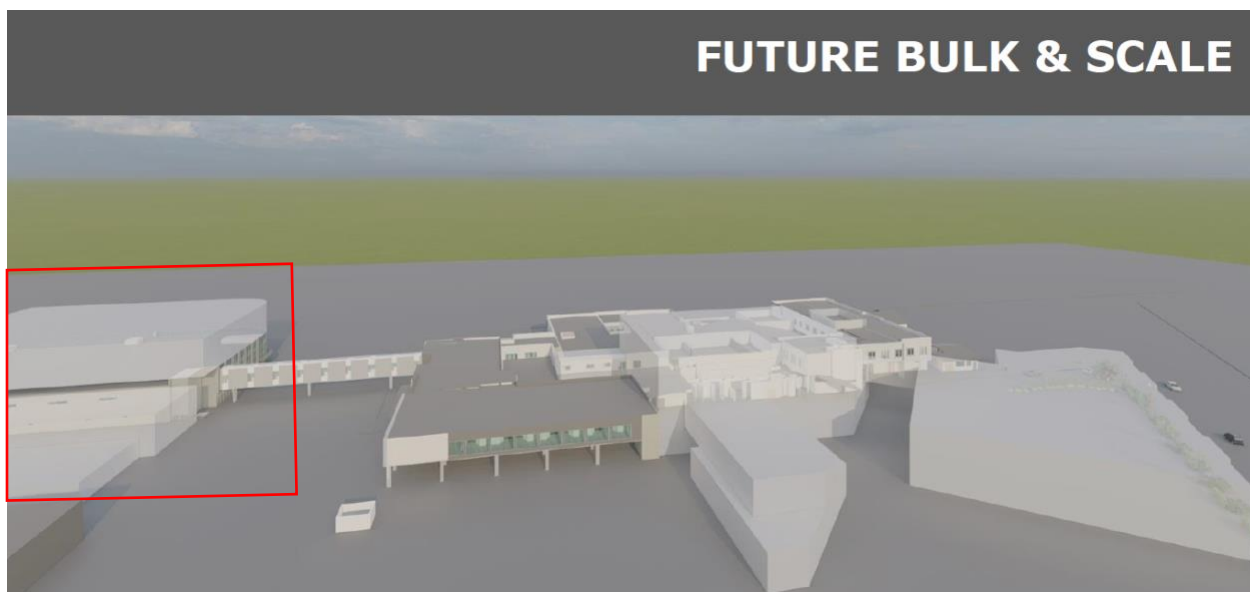
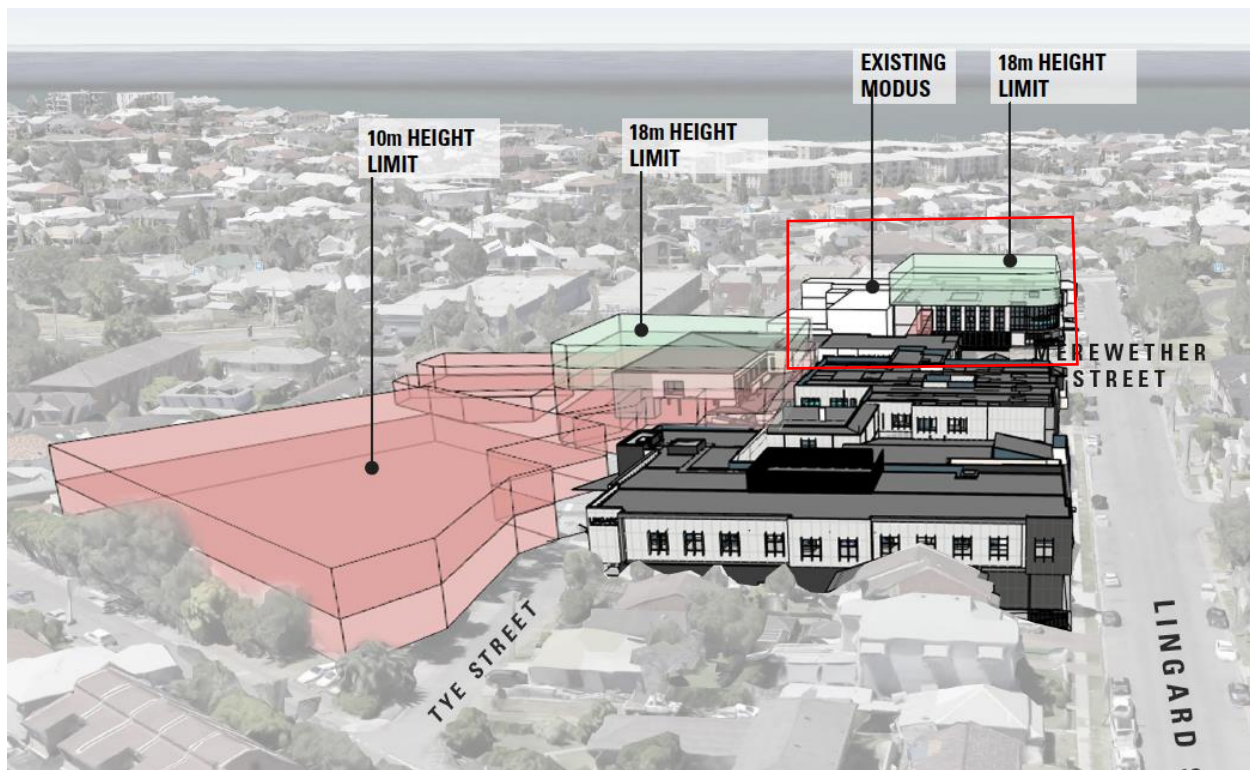
Contrary to the comments in the Council report (*'The draft DCP ..... provides more clarity and certainty for the community'*), the built form controls in the DCP provide no certainty for Modus Brewery and its light filled atrium (see approved plans of Modus Brewery below) and future solar farm.

In the Lingard and Hopkins Street precincts, specific setbacks are established; whereas the Kingsland precinct facing east appears to be open and the remainder of the B5 precinct surrounding the Kingsland precinct has not been modelled or considered in terms of future streetscape, built form or transition. How will the Kingsland precinct built form transition back to the 10m height limit that exists for the remainder of the B5 precinct? This should be considered as part of the built form controls in the DCP so that the remainder of the B5 precinct at 10m height limited is properly accounted for in future DAs.



**Approved floor plan of Modus Brewery with large light filled atrium shown in peach colour.**

Concerningly, the concept vision put forward as part of the PP provides more certainty that any future expansion of the existing building at 8 Lingard Street will be built to the eastern boundary right up to the new 18m height limit, as shown below.



### Interruption to business during construction and road/public domain works

The draft DCP and Planning Agreement outline extensive public domain and road works around the subject site and in front of 16-20 Merewether Street. These have the potential to significantly, and detrimentally, impact on the running of Modus Brewery, including but not limited to deliveries, collections, brewery production capacity, and access to and running of the artisan food and drink premises.



The draft DCP should contain controls relating to traffic and construction management that take a wholistic approach, consider continuity of trade for surrounding businesses, and the amenity of residents and businesses alike.

## Conclusion

While it is understood that the PP has been approved and the changes to the LEP are agreed upon, the draft DCP lacks details or is too vague in certain areas and leaves the final urban design outcomes, built form, setbacks, streetscapes, and traffic and parking implications open to DA applicant interpretation and subject to individual development applications, which is a continuation of decades of piecemeal development at Lingard Hospital.

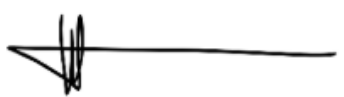
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- controls should be included in the DCP relating to traffic and construction management that take a wholistic approach, consider continuity of trade for surrounding businesses, and the amenity of residents and businesses alike.

We trust Council have regard to the comments made in this submission. Please do not hesitate to contact our office on (02) 4044 4375 or email [admin@wilsonplanning.com.au](mailto:admin@wilsonplanning.com.au) if you would like to further discuss the issues raised within this submission.

Yours faithfully,



**Wes Wilson**  
**Managing Director**