

7th December 2016

Ms Fiona Gibson
Planning – Modification Assessments
Planning Services
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: fiona.gibson@planning.nsw.gov.au

Dear Fiona,

RE: MP 08_0250 MOD 1 – Modification to Project Application- Hunter Medical Research Institute (Part3AMod)

On the 4th of October 2016 the NSW Department of Planning and Environment emailed the planning and regulatory department of Newcastle City Council inviting council to comment on the modification request subject of this letter.

The Newcastle City Council responded in their document Ref: PB2016/09668 dated 20 October 2016 raising 8 comments for our consideration and response.

We note that the advice from Newcastle City Council indicated:

“.. Council has no in principle objection to the proposed subdivision, subject to the Department being satisfied that matters 3 to 8 have been satisfactorily addressed. ..”

Please accept our formal response to comments 3 to 8 under cover of this letter.

If after considering our response the council has need of further clarification please do not hesitate to contact the undersigned.

Yours sincerely,

Hunter Medical Research Institute

Graham Gunner
Facilities Manager

Encl.

In partnership with our Community



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA



Health
Hunter New England
Local Health District

RE: MP 08_0250 MOD 1 – Modification to Project Application- Hunter Medical Research Institute (Part3AMod)

HMRI Responses to Newcastle City Council comments 3 to 8 for consideration by the NSW Department of Planning and Environment – Modification Assessments.

Comment 3 - The Draft Administration Sheet and s88 Instrument need to be checked for errors and inconsistencies. (e.g. The Administration Sheet proposed a Right of Footway 1 wide (BB), yet this seems to be identified as (QQ) on the plan and s88 Instrument)

HMRI Response – Agreed, there were a number of inconsistencies. We met with Murray Dalton of Cadence Consulting Surveyors, he noted the issues raised and indicated a number of other issues that needed to be addressed with the plan. Cadence Consulting have agreed to correct the issues and to undertake a rigorous process of review before resubmission of the document.

Comment 4 – The street address for the proposed lot should be obtained from Councils Spatial Information Technical Officer, Grant Faulkner and provided to the surveyor to complete the Administration Sheet. Grant can be contacted on Ph: 4974-2506 or by gfaulkner@ncc.nsw.gov.au.

HMRI Response – Noted, Grant Faulkner advised on behalf of council on 7/12/2016 that the HMRI site would be issued with the following street address:

29 Kookaburra Circuit, New Lambton Heights NSW 2305.

Comment 5 – That part of the land shown burdened by easement (JJ) Outer Protection Zone to the east of proposed Lot 1 should be notated as (KK) Inner Protection Zone is ^(sic) to comply with the Statement of Commitment 7.4 Bushfire – Recommendation 2 (See Appendix B of the Project Approval)

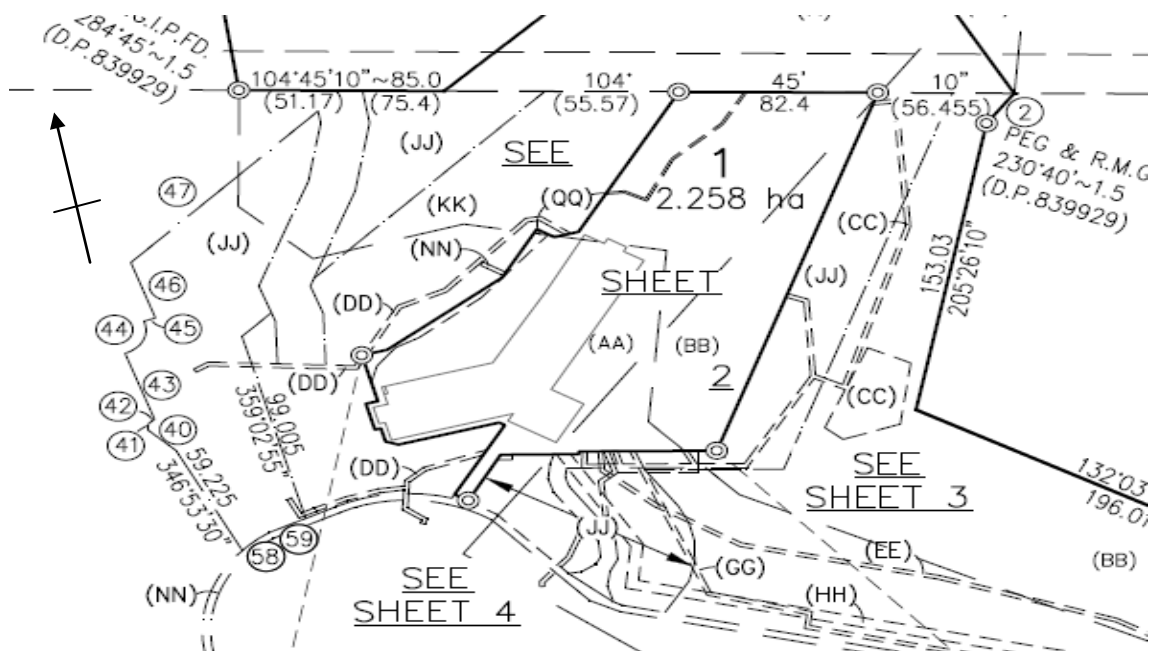


Fig 1: Plan of Subdivision Document Ref CRH12-354C_DP_2A.pdf. This extract from the plan of subdivision whilst not appended to the NCC comments, has been included to aid in understanding of the ZHMRI response to the comment.

HMRI Response – Agreed. As previously discussed per comment 3, this is an error which the Surveyor has agreed to correct before resubmitting the revised plans of subdivision.

Comment 6 – The extents of (KK) and (JJ) to the west of the HMRI building are different respectively, to that shown as the defendable space and Fuel Managed Area in the Bushfire Protection Assessment by ABPP Ref. BO8900-2 dated 18 August 2009)

ATTACHMENT A – Site Plan showing Defendable Space/Fuel Managed Area.

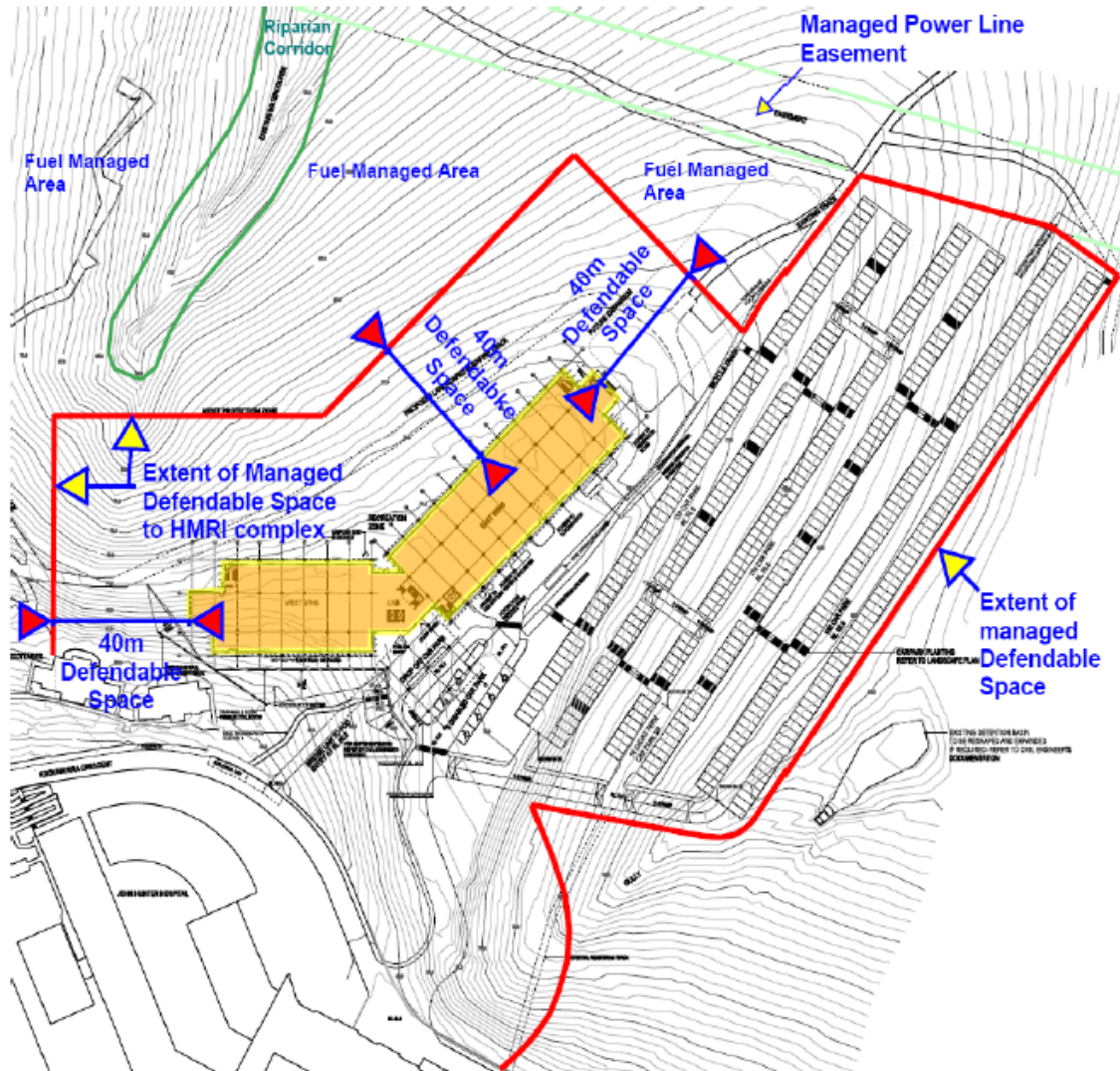


Fig 2: Extract Plan of Defendable Spaces (Inner Protection Zones) and Fuel Managed Areas (Outer Protection Zones) per ABPP Bushfire Protection Assessment for the Construction of the HMRI Building per ABPP Assessment Report No. B08900 dated 18/08/2009.

HMRI Response – Agreed. The basis for the irregularity in the harmonisation of the plan of subdivision and the Bush Fire Protection assessments are founded in three specific factors:

- The original Bushfire Protection Assessment B08900 dated 18/08/2013 was replaced when HMRI Built the Magnetic Resonance Imaging Centre onto the rear of the HMRI site in 2014 against Newcastle City Council Development Application 2013/0500 (consent granted on 25/07/2013) – See Fig. 2 (above)
- A new Bushfire Protection Assessment B131943 dated 1/5/2013 was produced see Fig. 3 (below) in support of this development (copy appended as a separate file to this

submission). This requirement pushed the boundary of the defendable space (Inner ProtectionZone) out to 40m from the external perimeter of the new MRI facility.

ATTACHMENT A – Site Plan showing Defendable Space/Fuel Managed Area – HMRI/MRI.

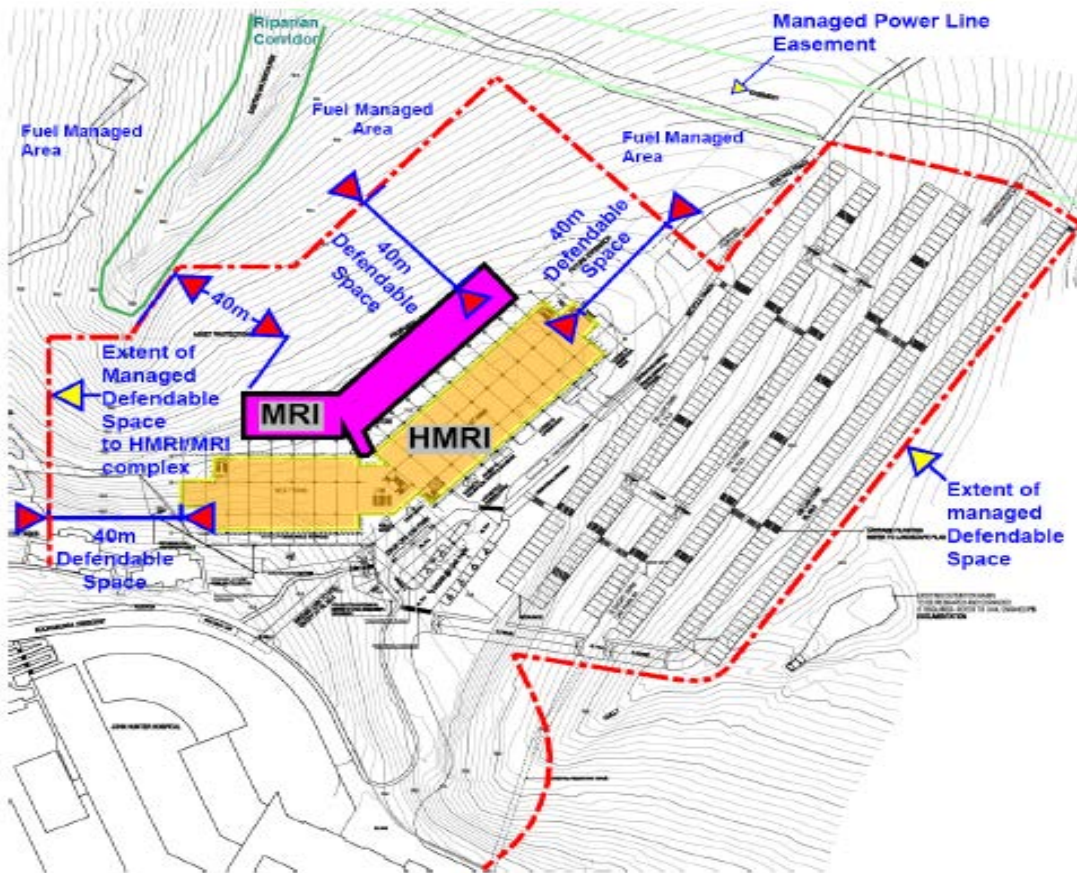


Fig 3: Extract Plan of Defendable Spaces (Inner Protection Zones) and Fuel Managed Areas (Outer Protection Zones) per ABPP Bushfire Protection Assessment for the Construction of the Proposed Magnetic Resonance Imaging (MRI) Facility to the North of and connected to the HMRI Building per ABPP Assessment Report No. B131943 dated 1/05/2013

- c) It appears for reasons that we can only speculate upon, that the boundary lines between the defendable and fuel managed spaces in the original Plans of Subdivision per Fig.1 were straightened out rather than following the ABPP report requirement.

The current situation is:

- that we have caused the current AutoCAD drawing of the Plan of Subdivision to be altered to recreate the ABPP proposed defendable space and fuel managed zones relative to their latest report. (see Fig.4);
- that we have issued this revised drawing to Graham Swain the Director of Australian Bushfire Prevention Planners (and the author of the reports B08900 and B131943) for comment that the drawing meets his intent;
- we noted that there was a discrepancy between the drawing supplied and his report due to the actual surveyed location and extent of the Riparian zone. Graham Swain indicated that our representation per (Fig.4) was acceptable as the defendable space demarcation line could not traverse the Riparian zone per his emails of 6/12/2016; &
- the drawing (Fig. 4) has now been issued to Cadence Consulting Surveyors who are incorporating it into the revised plans of subdivision.

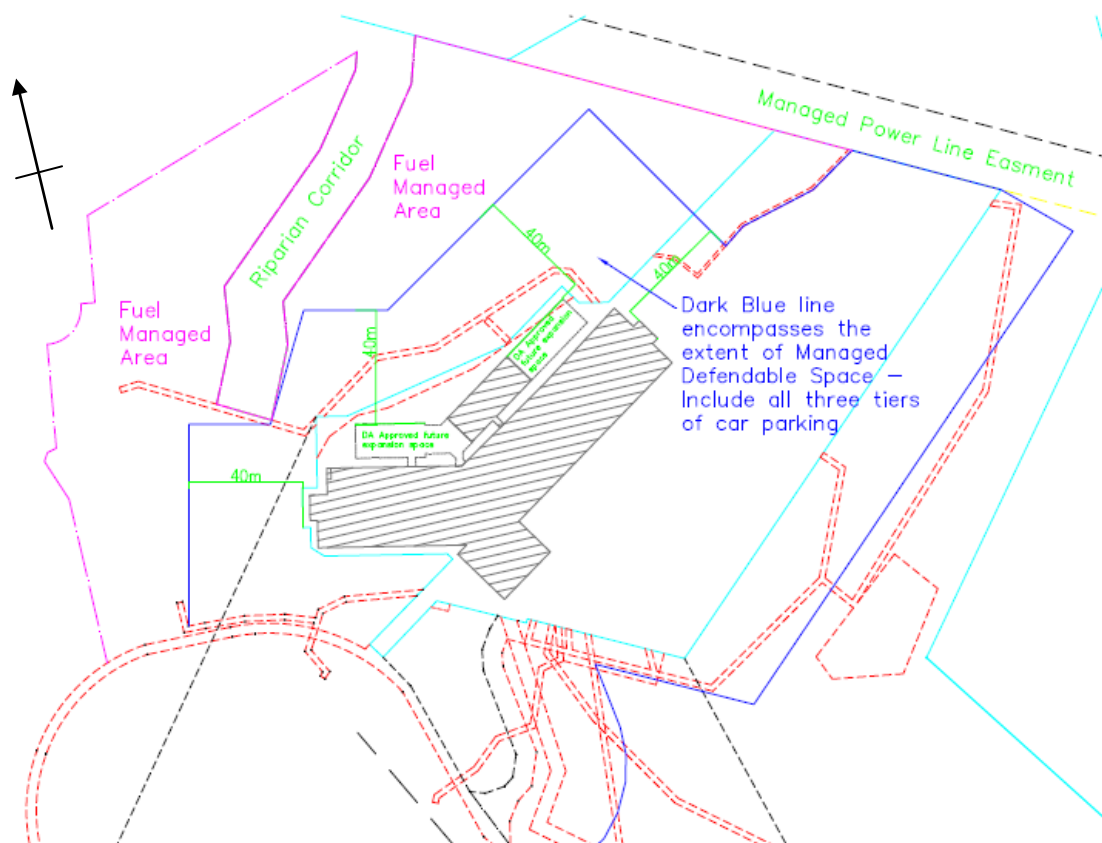


Fig 4: Plan of proposed amended layer showing the extent of the Defendable Spaces (Inner Protection Zones) and Fuel Managed Areas (Outer Protection Zones) referenced to the sketch provided per ABPP Bushfire Protection Assessment for the Construction of the Proposed Magnetic Resonance Imaging (MRI) Facility to the North of and connected to the HMRI Building per ABPP Assessment Report No. B131943 dated 1/05/2013.

Comment 7 – It is also questionable if the extent of (JJ) to the west and northwest of the HMRI building is consistent with Statement of Commitment 7.4 Bushfire recommendation 3.

HMRI Comment – For clarity, the Statement of Commitment 7.4 Bushfire Recommendation 3 states “...The area of retained vegetation between the Building and the Power Line Easment shall be managed as a fuel reduced zone[Refer to Attachment A]...”

We note that the recommendation is a direct quote from the ABPP report Ref BO8900-2, and that “Attachment A” referred to in the paragraph above is in fact a reference to the drawing that was included in same report BO8900-2 shown as Fig. 2 in this overall HMRI response.

We wrote to Graham Swain at ABPP and included a copy of an aerial shot of the overall HMRI facility and the grounds to the North and Northwest (see Fig.5). We identified to Graham that we were complying with recommendations in his reports as follows:

- Annual Trittling of the entire Fuel Managed Area to keep it in the range 8 to 10 Tonnes of Dry leaf litter per hectre using local landscaping contractor Stuart Gibson from Barneys just prior to the start of the gazetted Bushfire season each year.
- We also do trimming of any month to month pockets of grasses and undergrowth with our current gardening contractor Cityscapes Landscapes.
- In addition, we have an independent assessment undertaken of the status of our annual bushfire preparedness by the Fire Safety Manager/educator GNC for NSW Health – Hunter New England Local Health District.

- HMRI regularly engage Hunter Tree Services Bill Anderson to strip out dead trees and reduce dead foliage from the fuel managed zones and have Klienfelder Environmental consultants consult on hollows and indigenous fauna that might be affected by the works.

Graham Swain took the view that there is always a balance to be found between fully descimating an area of natural bush land in support of bushfire management strategy and the strategic thinning that we have undertaken over the last few years.

Graham Swain noted the arial shot of the HMRI site (Fig.5 – we note that we could not copy the image sent to us by council and as such have included a shot from Google earth of the same area) and simply indicated that the bushfire zones drawing attached as Fig 3 showing the fuel managed zone and the defendable space zones was still appropriate subject to HMRI following the guidance in his reports.

In Summary we take the view that the management of the spaces identified in NCC comment Number 7 (ie) area (JJ) per fig.1 is managed and for all intents and purposes compliant with the intent of Statement of Commitment 7.4 Bushfire recommendation 3.



Fig 5: Google Earth shot of the HMRI site clearly showing the trittered managed undergrowth spaces between the thinner canopy of trees in the fuel managed zone to the North and Northwest of the HMRI facility.

We note and acknowledge the higher density of trees in the Riparian zone and on the upslope towards carpark 4. We take the view that our management of the space is consistant with the intent of the ABPP report from which recommendation 3 was extracted.

Comment 8 – The shared pathway entering proposed Lot 1 from the bushland to the North appears to be at least 2.5m wide, however proposed Easement (QQ) is noted as a Right of Footway 1m wide and variable. It is also apparent from arial photographs that the shared path provision extends further south than as depicted in the draft DP. The easement should be amended wholly to contain this pathway. Consideration should also be given as to who is to have benefit of this easement as members of the public might use this pathway to access the wider HNEH campus.

HMRI Comment – Agreed. NSW Government Department of Planning Document Ref : Determination of the Hunter Medical Research Institute Project – Major Project No. 08_0250, Schedule 2, Part A – Administrative Conditions Clause A2 states that “.. The Proponent shall carry out the project generally in accordance with the following plans documentation and recommendations ...” made therein:

Section (d) of the table referencing the aforementioned statement identifies a list of Architectural drawings which are to comply with the statement. Drawing K1002, Revision 5 Titled “Key Drawing Access & Movement Pedestrian & Bicycle Movement” dated 7/08/2009 and appended here below as Fig. 6, clearly supports a view that it was the intention of the Department when approving the development that there would be a direct linkage between the existing Jesmond shared bike and pedestrian Track and a path of travel through the HMRI site (see the green shaded flow through the drawing).

We note that the wording was listed as “generally in accord with” and to this extent, we have provided a secondary path of travel for push bikes through our site segregated from the pedestrian path. We did this as a result of a number of near misses with fast road racing push bikes being found to impact pedestrians. It is our view that this strategy works.

In Summary – We agree that there is a clear requirement to have a connected cycleway through the HMRI site and that this was always the intent of the conditions of consent. We propose that we will survey both the pedestrian path and the pushbike cycleway and provide easements for both in accord with the original intent of the Drawing K1002.

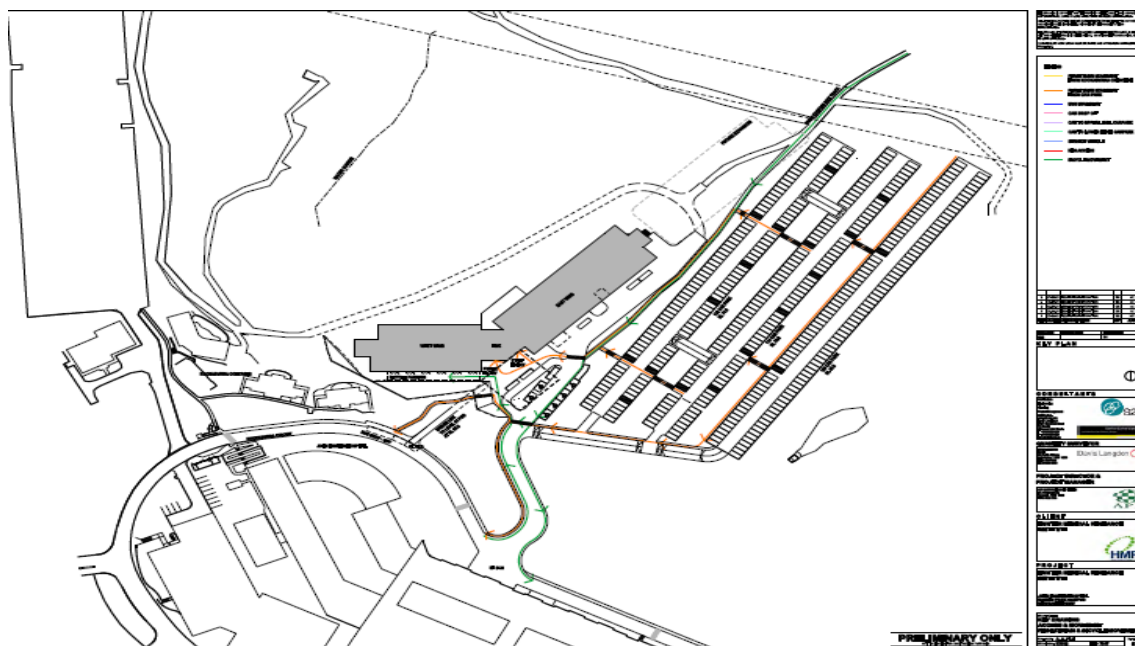


Fig 6. Conditions of Consent Drawing K1002 - key Drawing Access & Movement Pedestrian & Bicycle Movement

Conclusion

HMRI is pleased to have had this opportunity to address the concerns of Newcastle City Council.

We have commissioned Murray Dalton at Cadence Consulting Surveyors to undertake the following activities:

- a) Transcribe the amended Defendable Space (Inner Protection Zone) / Fuel Managed (Outer Protection Zone) boundary defined in Fig. 4 of this advice onto the Plan of Sub Division.

NB: To be completed by close of Business Thursday 15 December 2016.

- b) Survey and append the cycle way and pedestrian pathways currently in place on the HMRI site such that they are shown to link up with the Jesmond shared pedestrian / cycleway and be identified as an easement on the HMRI proposed Plan of Subdivision drawing. The outcome to be generally in accord with the conditions of consent plan K1002 to the extent that we have separated the function of shared cycle and pathway into two discrete zones to avoid potential injuries to pedestrians and cyclists.

NB: This work will be completed before close of Business Friday 9 December 2016.

- c) Review revise and peer review the final Plan of subdivision to ensure that there are no further errors.

NB: To be completed by close of Business Thursday 15 December 2016.

- d) Update the Administration sheet with the revised easement descriptors and include the details of the assigned street address of 29 Kookaburra Circuit New Lambton Heights NSW 2305 issued by Newcastle City Council Spatial Information Technical Officer

NB: To be completed by close of Business Thursday 15 December 2016.

- e) Resubmit to the Department of Planning – Modification Assessments.

NB: To be undertaken on Friday 16 December 2016