

**MINUTES OF THE HUNTER & CENTRAL COAST
JOINT REGIONAL PLANNING PANEL MEETING
HELD AT NEWCASTLE CITY HALL, NEWCASTLE ROOM,
290 KING STREET, NEWCASTLE
ON WEDNESDAY, 4 DECEMBER 2013 AT 3.00 PM**

PRESENT:

Kara Krason	Acting Chair
John Colvin	Panel Member
Bruce Clarke	Panel Member
Councillor Brad Luke	Panel Member
Councillor Sharon Waterhouse	Panel Member

IN ATTENDANCE

Steven Masia	Newcastle City Council
Wesley Wilson	Newcastle City Council

1. The meeting commenced at 3.12pm

Apologies – Nil

2. **Declarations of Interest** – Nil

3. **Business Item:**

2012HCC019 – Newcastle, 2012/0549, Demolition of part multi level car park and erection of a 17 storey commercial/residential building including hotel & basement car park to be completed in two stages and stratum subdivision of car park, Lot 5 DP 1145847 & Lot 4 DP 1029006 - 1 King Street, Newcastle

4. **Public Submission –**

Addressing the panel against the item:

1. Gary Punch – on behalf of Peter Anderson
2. Grant Long – representing the McCaffrey Owners Corporation
3. Ronald Brown – Consultant representing both the McCaffrey and Nickson/Hannell Executive Committees of the existing Royal Development
4. David Jinks
5. Trevor Prior
6. Michael Johns
7. Dr Carole Brown
8. Donald Stokes
9. Michelle Stokes
10. Joanne Thomas
11. Gary Punch - (approval by the Panel Chair to address the Panel for a further 7 minutes following advice that his client is representing the Arvia residents as spokesman)

Addressing the panel in favour of the item:

1. Felicity Rourke – Lawyer from Norton Rose Fulbright on behalf of the applicant
2. Tim Rogers – Traffic Consultant from Colsten Budd Hunt & Kafes on behalf of the applicant

The Chair adjourned the meeting at 5.26pm and resumed at 6.00pm

5. Panel Decision

Motion moved by Sharon Waterhouse **Seconded by** Brad Luke

That the Panel support the recommendation in the Council Assessment Report as follows:

1. The JRPP note differences between the proposal and the modified Concept Plan, and are of the view that the proposal is generally consistent with that plan, and
2. Grant approval to DA2012/0549, subject to the revised schedule of conditions contained within Appendix A of the supplementary assessment report dated 15 November 2013.

John Colvin proposed a modification to the motion to include further amendments to some specific conditions and the introduction of some additional conditions outlined as follows:

Amendments to Conditions in Appendix A

Condition B1 arrow point 2 to read as follows:

A water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater and process water. Procedures are to be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.

Condition B1 arrow point 3 to read as follows:

A dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions. This strategy is to be cross-referenced with the water management strategy.

Condition B1 arrow point 6 to read as follows:

A noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works is to be incorporated into the program.

Condition B1 arrow point 9 to read as follows:

A community relations plan to inform local residents and other local stakeholders of the proposed nature and timeframes for demolition and construction activities together with contact details for site management.

Condition C32 dot point 4 to read as follows:

Lighting sources are to be compatible with requirements of any surveillance system installed. Lighting is to be a 'white light' source. Note that low or high pressure sodium 'orange' light is not compatible with quality surveillance systems.

Condition C32 dot point 5 to read as follows:

A limited amount of internal lighting is to be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.

Condition H1 second paragraph to read as follows:

unless a separate application temporarily to vary the hours of operation or trading has been submitted to and approved by council. The bar is not to serve alcohol before 10am.

These trading hours may only be amended after being advertised publicly and with the consent of Council, Strata Management and Police.

Condition H3 to read as follows:

The operation of the hotel (including bar, restaurant and function areas) are to comply with the following restrictions:

- No noise or vibration emanating from the use of the function area is to be audible within any surrounding residential properties and hotel rooms.
- Provided the above is met, amplified entertainment is to be restricted to duos or trios with drum machine accompaniment or similar. Live bands and disco type events are not permitted.
- No direct access door/s to the function area and associated bar area are to be provided from Shortland Esplanade or the public domain. All access to the function area is to be provided through the hotel buildings with the exception of emergency access.
- All glazing is to achieve a minimum of RW33 rating such as 6.38mm laminated glass or similar.
- An electronic TecSound noise monitor or Panray MB4 modular Bass Loudspeaker system or equivalent device is to be installed and used in the entertainment area.

Condition H6 to read as follows:

The submitted Plan of Management prepared by De Witt Consulting dated September 2013 is to be modified to incorporate the conditions of this approval which taken precedence over any inconsistency and is to be implemented at all times and updated in response to complaints lodged through consultation with Council, Strata Management and Police.

Additional New Conditions

1. The proposed function rooms are approved for operation as function rooms in association with the hotel (tourist and visitor accommodation) use within the building (i.e. no approval is granted for use of this space as a 'pub' or licensed premise in its own right).
2. The proposed forecourt area and communal open space adjoining the porte-cochere is not to be used by hotel patrons for socialising after 8pm on any night.
3. Signage must be erected in clearly visible positions within the hotel and immediately outside the hotel building requesting patrons keep noise to a minimum and to respect the amenity of residential properties nearby. The signage should include

contact details for registration of complaints. The hotel management must ensure that patrons entering and leaving the hotel premises (including function area) do not detrimentally affect the amenity of surrounding properties. The hotel management is responsible for employing private security staff to comply with this condition if necessary.

Those voting in favour of the motion as amended were: John Colvin, Brad Luke and Sharon Waterhouse. Those voting against were: Kara Krason and Bruce Clarke.

The members who opposed the proposal considered:

Reasons for not supporting the development application by Bruce Clarke -

- 1) Concern as to lack of recent public exhibition of the development application. Mr Clarke accepts that the Newcastle Development Control Plan 2012, 8.00.06 provides that Council may decide to dispense with further notification/advertising in relation to an amended application at the discretion of the officer responsible if the Council is of the opinion that there are only minor alterations. However the modification to the DA occurred after a critical change - the insertion of condition 11- Site Design Principle into the Concept Plan by the PAC. In Mr Clarke's view this represented a change significant enough to require notification.
- 2) Notwithstanding improvements as to access and egress from the development arising from requests by the last meeting of the JRPP - Mr Clarke remains of the view that overall traffic management arrangements including of the Watt Street/King Street intersection remain unsatisfactory.
- 3) On street parking near the access/egress points on King Street remain unsatisfactory and raise safety issues.
- 4) Critically, view sharing requirements as required under the Concept Plan remain sub-optimal and the impact, particularly on the residents of the Aria building are in Mr Clarke's view unacceptable. Additionally requirements for public domain views as highlighted by the solicitors for one of the objectors do not appear to be appropriately addressed.

Reasons for not supporting the development application by Kara Krason –

- 1) Is not satisfied that the development proposed is generally consistent with the terms of the Concept Plan approval (as modified). This includes but is not limited to concerns with the approved (as modified) building envelopes including setbacks, building footprints and height, articulation zones, public domain, vehicle access, building separation distances and view sharing. Further, is not satisfied that the development proposed is generally consistent with the Royal Newcastle Hospital Site Design Principles.
- 2) Concerns relating to the loss of public domain area anticipated by the Concept Plan approval (as modified) due to the extension of the proposed development beyond the approved Concept Plan building footprint, which does not appear to have been addressed as part of the recent S75W modification.
- 3) Uncertainty over the relationship and consequently any potential amenity impacts between the proposed development and the existing buildings developed under Stages 1A and 1B of the Royal Hospital development project due to differences between the building envelopes shown on the Concept Plan approval (as modified) and the existing buildings as developed under the Project Application approval for Stages 1A and 1B.

- 4) Concerns relating to traffic, parking and access impacts including but not limited to potential pedestrian and vehicle conflicts along King Street due to multiple access points along this street and the location of angled parking in proximity to these access points, and the cumulative traffic impacts on the King Street/Watt Street intersection considering no Watt Street access point has been provided as outlined in the Site Design Principles which formed part of the terms of the Concept Plan approval (as modified).
- 5) Concerned about the lack of public exhibition of the development application, particularly following the lodgement and determination of the S75W modification to the Concept Plan approval.

The meeting concluded at 6.20pm.

Endorsed by:

Kara Krason
Acting Chair
Hunter & Central Coast Joint Regional Planning Panel
Date: 12 December 2013