

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Newcastle City Hall on Thursday 28 June 2016 at 1.00 pm

Panel Members: Jason Perica (Chair), Kara Krason, Michael Leavey, Sharon Waterhouse, Brad Luke

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2015HCC021 – Newcastle City Council – DA 2015/0701 [Lot 40 DP 216171 and Lot 5 DP 259126, No. 83 University Drive, North Lambton] as described in Schedule 1.

Date of determination: 28 July 2016

Decision: The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration: The panel considered: the matters listed at item 6, the material listed at item 7, the material and verbal presentations at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel adopted the assessment of those matters in the Council Assessment Report. The Panel noted the permissibility of the proposal, compliance with the FSR control and general compliance with the height control with justified exceptions generally related to the slope of the site.

Improvements to the originally submitted DA including removal of a building struck an appropriate balance between natural and built environmental planning considerations.

The Panel noted that there were some issues relating to access from the site from the east particularly due to the narrowness of an unnamed laneway. However, additional information was submitted to demonstrate the acceptability of the road width and turning circles and included consideration that the site benefited from another central access to University Drive. The Panel also noted some concerns with building separation to neighbouring residential properties to the east however this was satisfactory addressed in the final plans through an increased setback from the proposed buildings to the unnamed laneway.

The panel gave close consideration of matters related to garbage removal, staging, access, stormwater and fencing with neighbours. The proposed conditions, and as amended, appropriately addressed these issues.

In particular, the Panel wanted to ensure garbage removal met Council requirements and that future residents would be aware of the arrangements for Council or private garbage removal.

Staging had the potential to cause confusion regarding s94 contributions, while stormwater and access to the adjoining development site to the south was important for rational and orderly planning.

Fencing solutions with a neighbour warranted a degree of performance stipulation to allow appropriate neighbour liaison.

Accordingly, additional or amended conditions were imposed arising from the deliberations, as outlined below.

Conditions:

The development application was approved subject to the conditions in Appendix L of the Council Assessment Report and as amended below:

- a) Amend condition B1 to include a sentence at the end of the paragraph to state: 'Proof of payment of the contributions to Council is to be provided to the Certifier prior to the issue of a Construction Certificate for each stage'
- b) Amend condition B27 to state: 'A detailed waste management plan for the entire development is to be submitted to and approved by Council prior to the issue of a Construction Certificate. This plan shall include proposed servicing routes and collection locations. Adequate facilities are to be provided in a screened location(s) within the site for the storage of garbage, discarded or returnable packaging or other forms of waste and arrangements shall be made for regular removal and disposal of same. The required garbage facility(s) is to be suitable for the accommodation of Council-approved wheel type bins or bulk waste containers. Garbage collection shall occur within the site by an approved waste contractor and shall allow for the ingress/egress of all waste collection vehicles in a forward direction.'

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Details of the final approved waste removal arrangement are to be included in construction documentation for each stage prior to the release of a Construction Certificate. Final approved waste removal arrangements are also to be included in the by-laws prior to the first Occupation Certificate and apply to every unit'.

- c) Amend condition C3 to include a new item p). to state: 'Ensure levels align with the adjoining development site to the south to allow access and appropriate stormwater management'.
- d) Amend condition D2 to state: 'The Developer shall construct, at no cost to adjoining landowners, a new 1.8m high fence along the rear (Western boundary) of properties at No. 49 Stannett Street and No. 69 University Drive, unless agreement in writing is obtained from the relevant owner(s) to an alternative'.

Panel members:



Jason Perica



Kara Krason



Michael Leavey



Sharon Waterhouse



Brad Luke

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015HCC021 – Newcastle City Council – DA 2015/0701
2	Proposed development: Staged Development Comprising Erection of 145 dwellings in the Form of Residential Flat Buildings and Multi Dwelling Housing in Six (6) Stages and Consolidation of Two Lots.
3	Street address: Lot 40 DP 216171 and Lot 5 DP 259126, No. 83 University Drive, North Lambton
4	Applicant/Owner:
5	Type of Regional development:
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy 44 – Koala Habitat Protection ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Newcastle Local Environmental Plan 2012 • Draft environmental planning instruments: • Development control plans: <ul style="list-style-type: none"> ○ Newcastle Development Control Plan 2012 • Planning agreements: None • Regulations: None • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated 9 June 2016 Council Supplementary Report Dated 18 July 2016 Written submissions during public exhibition: 42 Verbal submissions at the panel meeting: Against- Brenda Padgett, Melissa Talevski; On behalf of the applicant – Wade Morris.
8	Meetings and site inspections by the panel: Site Inspection: 23 June 2016 Briefing Meeting: 23 June and 28 July 2016 Public Meeting 23 June 2016
9	Council recommendation: Approval
10	Draft conditions: As per Assessment Report