

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Newcastle City Hall on Thursday 22 September 2016 at 3.20 pm

Panel Members: Jason Perica (Chair), Kara Krason, Michael Leavey,

Apologies: Sharon Waterhouse, Allan Robinson Brad Luke Declarations of Interest: none

Determination and Statement of Reasons

2015HCC022 – Newcastle City – DA2015/0906 18 Victory Parade Wallsend as described in Schedule 1.

Date of determination: 22 September 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 and the material presented at meetings and the matters observed at site inspections listed at Item 8 in Schedule 1. The Panel adjourned to discuss and formulate a resolution.

Reasons for the Panel decision:

The Panel unanimously resolved to approve the application for the following reasons:

1. The proposal complied with core planning controls within Newcastle LEP 2012, with the exception of Clause 4.3 (Building Height). In this regard, the Panel had regard to the applicant's Clause 4.6 Variation Request, the Council staff assessment of that request, the objectives of Clause 4.3, the objectives of the zone and the nature of the site and surrounding development and was satisfied there were sufficient environmental planning grounds to support the proposed variation. It was particularly noted the proposal was well within the maximum FSR and the height non-compliances were largely due to the site slope, while the non-compliant height elements were sited to reasonably minimise visual impacts and amenity impacts on surrounding land. The site benefitted from a range of dwelling types and configurations (including related to height) and the height non-compliance(s) neither undermined the control itself nor raised a matter of State or regional significance.
2. The proposal was satisfactory when considered against required considerations within applicable environmental planning instruments.
3. The proposal was consistent with the applicable objectives of Newcastle LEP 2012.
4. The proposal was considered to be suitable for the site.
5. The Panel also noted the comments from Council's Urban Design Consultative Committee, generally supportive of the proposal, and agreed with Council staff that the provision of a convenience store on site was not necessary due to the location of a nearby shopping centre.
6. The loss of trees was compensated by new trees of greater number, and the landscaping/open space was acceptable (notwithstanding a relatively small variation to balcony sizes recommended within the Apartment Design Guide).
7. The proposal was consistent with relevant objectives in Newcastle DCP 2012.
8. The environmental impacts of the proposal were able to be reasonably managed through conditions of consent (as recommended to be amended).

Conditions: The development application was approved subject to the conditions in the Council Assessment Report as amended as follows:

- Condition 2 – Correct the author of the Survey to be "Delf" Lascelles.
- Condition 3 – Amended to replace the words "of the proposed development" with "to each stage of the development. In this regard, written proof of the payment of a correct contribution from Council shall be provided to the Certifying Authority prior to the release of any Construction Certificate".
- Condition 5 – Amended to state "The first floor north-facing balustrades of Block D shall be constructed of opaque/obscure glazing 1m in height (from finished floor level), with adjustable privacy screens fitted above or behind the balustrades to a minimum height of 1.8m above finished floor level, to provide appropriate privacy between existing and proposed dwellings. Full details are to be provided in the documentation for a Construction Certificate application."
- Condition 9 – Amended to state "The landscape proposal for the site is to be modified to provide for substantial additional planting of trees (between 3-5 metres in height) and large shrubs on the podium area of all blocks (except D and E). Full details are to be provided in the documentation for a Construction Certificate application."

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- Condition 63 & 64 – Moved to be within the previous Schedule (prior to Construction Certificate).
- Condition 78 – Amended to require the site audit statement to specifically include references to site suitability and garden areas.
- Condition 88 – Amended to replace “balconies” with “balustrades”.
- Conditions 103, 123, 137, 151, 165 (related to Parking provision) to be amended to refer to the minimum rates specified in the Newcastle DCP 2012 related to car parking, visitor, bicycles and motorcycle spaces.

Panel members:



Jason Perica (Chair)



Kara Krason



Michael Leavey

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SCHEDULE 1	
1	JRPP Reference – LGA – Council Reference: 2015HCC022 – Newcastle City – DA2015/0906
2	Proposed development: Erection of 230 multi -unit residential development associated site works and site consolidation.
3	Street address: 18 Victory Parade Wallsend
4	Applicant: SNL Building Constructions Pty Ltd Owner: Arton Retirement Villages (Newcastle) Pty Ltd Livo & Co Pty Ltd A Whistle & Co (1979) Pty Ltd
5	Type of Regional development: Capital Investment Value >\$20 Million
6	Relevant mandatory considerations: • Environmental planning instruments: ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 ○ Newcastle Local Environmental Plan 2012 (LEP) • Draft environmental planning instruments: Nil • Development control plans: ○ Newcastle Development Control Plan 2012 (DCP) ○ Section 94A Development Contributions Plan 2009 • Planning agreements: Nil • 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> or <i>Environmental Planning and Assessment Regulation 2000</i>. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the Panel: Council Assessment Report Dated 8 September 2016 Mine Subsidence Board letter of approval (25 November 2015) Written submissions during public exhibition: 19 Written submission from applicant: 3 (received 21 September 2016 and presented at meeting) Verbal submissions at the Panel meeting: On behalf of the applicant- Wade Morris
8	Meetings and site inspections by the Panel: Briefing Meetings – 25 August & 22 September 2016 Site Inspection – 22 September 2016
9	Council recommendation: Approval
10	Draft conditions: As per Assessment Report