

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Newcastle City Hall on Thursday 22 September 2016 at 4.50 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

2016HCC018 – Newcastle City – DA2016/00346 470 King Street Newcastle West 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. During the meeting it was noted that the FSR applying to the site being 4:1, not 0.4:1 and the site was not listed as a heritage item.

The Panel adjourned to discuss and formulate a resolution.

Reasons for the Panel decision:

The Panel unanimously approved the application for the following reasons:

1. The proposal complied with core planning controls within Newcastle LEP 2012, with the exception of Clause 7.4 (Building Separation). In this regard, the Panel had regard to the applicant's Clause 4.6 Variation Request, the Council staff assessment of that request (within a memo dated 22 September 2016), the objectives of Clause 7.1, 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.
2. The proposal was satisfactory when considered against required considerations within applicable environmental planning instruments.
3. The proposal was considered to exhibit design excellence and was well conceived in relation to the site, both now and into the future, given longer term strategic directions. The Panel also noted the support for the proposal by the Council's Urban Design Consultative Committee.
4. The proposal would appropriately activate the site and the area, and assist in achieving desirable redevelopment of the wider area.
5. The above ground parking was reasonably positioned to have limited visual impact on the public domain (further improved by a recommended condition).
6. The use and distribution of uses and buildings on the site was appropriate having regard to zone objectives and the relationship with the public domain.
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).
9. The proposal includes a new public open space area fronting Cottage Creek, which is considered to be in the public interest.

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

Condition 2 – Reference to the Mine Subsidence Board letter of approval – removed from table and included as a condition requiring the development to comply with the terms of the MSB letter of approval dated 24 Jun 2016, as a new Condition prior Condition 19. Reference to Landscape Plans and Report – removed from table and included in modified condition 15.

Condition 5 – Replace number 29 visitor spaces with 16 visitor spaces.

Condition 15 – Delete the first sentence and add before the words “The required comprehensive landscape design plan ...” the following new wording:

“An updated comprehensive landscape design plan and specifications are to be prepared and submitted to Council for approval that incorporates the principles of the landscape plans L101, L102, L200 and L201 Rev C prepared by Jane Irwin Landscape Architect dated 8 March 2016 and includes additional landscape details for the proposed publicly accessible open space area adjoining Cottage Creek. This plan is to consider and provide a design that recognises the future potential extension of this pedestrian pathway through to Hunter Street extending from King Street to the northern end of the site.”

Condition 24 – Add the word “Decorative” at the beginning of the first sentence.

Condition 27 – Add an addition sentence at the end of the Condition to state: “In this regard, articulation and design features shall be incorporated for the northern and western elevations of the carpark where these are or likely to be visible from the public domain.”

Condition 92 – Add the word “residential” after the word “casual”.

Add a new condition to the Prior to Issue of an Occupation Certificate section of the conditions as follows:

“A minimum 6m wide landscaped pedestrian thoroughfare is to be provided along the full length of the eastern boundary of the site adjoining Cottage Creek prior to the issue of the Occupation Certificate. The pedestrian thoroughfare is to be constructed generally in accordance with the approved landscape plans referenced in Condition 15.”

Panel members:



Jason Perica (Chair)



Kara Krason



Michael Leavey

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SCHEDULE 1	
1	JRPP Reference – LGA – Council Reference: 2016HCC018 – Newcastle City – DA2016/00346 [470 King Street Newcastle West
2	Proposed development: Demolition of buildings, erection of 20 storey mixed use development including 197 residential apartments, 3 ground level retail units, 2 first floor commercial units, 4 floor of parking (257 spaces) associated site works and 202 lot strata subdivision
3	Street address: 470 King Street Newcastle West
4	Applicant/Owner: Windham Development 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 (Urban Renewal) 2010 ○ 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 Land ○ State Environmental Planning Policy No. 71 – Coast Protection ○ 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 • 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 Memo from Council staff dated 22 September 2016 and appended applicant's Clause 4.6 Variation Request (Building Separation, Clause 7.4, NLEP, 2012). Written submissions during public exhibition: Nil Verbal submissions at the Panel meeting: On behalf of the applicant- Stewart Campbell, Craig Marler
8	Meetings and site inspections by the Panel: Briefing Meetings – 28 July & 22 September 2016 Site Inspection – 22 September 2016
9	Council recommendation: Approval
10	Draft conditions: As per Assessment Report