



DATE OF DETERMINATION	13 October 2016
PANEL MEMBERS	Jason Perica (Chair), Kara Krason and Michael Leavey
APOLOGIES	None
DECLARATIONS OF INTEREST	None

MATTER DETERMINED

2016HCC019 – Newcastle City Council 2016/00267 - 12 Stewart Avenue Newcastle - Demolition of building, erection of five storey commercial building, associated car parking and site works.

BACKGROUND:

At the meeting on 22 September 2016, the Panel resolved to defer the determination of the development application as it was unclear if the matter was within the jurisdiction of the JRPP.

It was subsequently concluded by the Council that the DA is not regional development, due to the CIV at lodgement being under the threshold. The application was then lodged as a development with CIV \$10-20 million which has not been determined within 120 days. The application was accepted by the Panel Chair as the delay was considered not to have been caused by the applicant.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at Item 7 and listed at Item 8 in Schedule 1.

The Panel unanimously approved the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.




REASONS FOR THE DECISION

1. The proposal complied with core planning controls and objectives within Newcastle LEP 2012.
2. While the proposal provided parking in excess of the parking control within Newcastle DCP 2012 and this was located above-ground, the parking was located to not cause adverse visual impacts on the public domain and adjoined a parking area on the adjoining site, while also providing some flexibility in terms of parking for the site and adjoining site into the future.
3. The proposal was satisfactory when considered against required considerations within applicable environmental planning instruments.
4. The proposal was considered to exhibit design excellence and was well conceived in relation to the site, with particular attention given to siting, building massing and modulation on a long and visually prominent site. The Panel also noted the support for the proposal by the Council's Urban Design Consultative Committee.
5. The proposal would appropriately activate the site and the area, and assist in achieving desirable redevelopment of the wider area.
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 and surrounding development, including a heritage item.

7. The environmental impacts of the proposal were able to be reasonably managed through conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, as amended within Attachment A to the subsequent Council advice within a memorandum dated 12 October 2016.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC019 – Newcastle City Council – DA2016/00267
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of five storey commercial building, car parking and associated works.
3	STREET ADDRESS	12 Stewart Avenue, Newcastle West Lot 200 DP 122338
4	APPLICANT/OWNER	Applicant – CKDS Architecture Owner – Spartohori Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	The proposal has a CIV \$10-20 million - (determination under the 120 day delay provisions)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ 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. 71 – Coastal Protection ○ Newcastle Local Environmental Plan 2012 (LEP) • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Newcastle Development Control Plan 2012 (DCP) ○ Section 94A Development Contributions Plan 2009 • Planning agreements: Nil • Regulations: Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts

		<p>on the natural and built environment and social and economic impacts in the locality</p> <ul style="list-style-type: none"> • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report, amended conditions of consent, documents submitted with the application and integrated development approvals.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection - 22 September 2016 • Electronic meeting – 12 October 2016 to 13 October 2016
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report