

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	12 October 2017
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, Lindsay Fletcher
APOLOGIES	Kara Krason
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge 12 Steel St, Newcastle on 12 October 2017, opened at 4pm and closed at 5pm. Mr Perica noted and provided thanks to former JRPP members Councillor Brad Luke and former Councillor Sharon Waterhouse.

MATTER DETERMINED

2016HCC026 – Newcastle – DA2016/00384 for a 10 storey mixed use development at 73-79 Railway Lane Wickham (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report. The Panel had previously considered the application and invited the applicant to submit amended plans to address concerns, which had occurred. The amendments lead to some reduction in bulk (and overall units from 156 to 150), with details adequately satisfying previous concerns held.

The Panel had regard to the applicants' clause 4.6 variation request regarding the maximum height limit within Clause 4.3 of Newcastle Local Environmental Plan 2012 ('the LEP'). The proposal was approximately 20% below the maximum FSR and the site planning was appropriate, providing reasonable amenity for occupants while creating a public courtyard space of wider public benefit. The Panel was of the opinion the scale of the proposal was acceptable, and appropriate for the site, notwithstanding its height. The Panel was satisfied the applicant's written request satisfactorily addressed required matters within clause 4.6 of the LEP and it was considered compliance with the Building Height limit was unnecessary and unreasonable in this case.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with the following amendments:

- In order to ensure the public domain is considered for the wider ground floor plane accessible by the public within the site, Condition 31 be amended such that the Public Domain Plan be required to address all the colonnade and ground level courtyard space, and that the details required also include:

- xiii Details of the security fence, to ensure it is able to be visually permeable when closed, and also openable to a degree that makes the courtyard space welcoming to users of the ground level commercial use;
- xiv Details of security measures (e.g. CCTV), lighting within the site, separation of the rear residential ground level space, sensor lighting etc;
- xv Paving details within the site, to complement the treatment of the footpath area;
- xvi Bins and cigarette disposal units;
- xvii Finishes to external footpath areas, considering possible graffiti; and
- xviii Any wayfinding signage.

- A new Condition be included as follows:




Privacy Screening to north balconies

2A. The northern sides of balconies from Level 4 and above facing the northern side boundary (i.e. those setback 6m from the side boundary) shall be provided with external privacy screens (metal blades or similar), from the balustrade height to ceiling height, which may be adjustable for the occupants to provide visual screening towards the north such that upon closing they provide a solid screen (to provide privacy if and when the adjoining site is developed) and to provide solar and heat control of the balcony spaces. The plans are to be amended accordingly in the application for a Construction Certificate, to the satisfaction of the Certifying Authority.

- Conditions 3 and 4 be amended such that the concurrence requirements of the agencies be incorporated and outlined in full within the terms of approval and Notice of Determination (for greater clarity).
- To ensure appropriate regard is given to the possible fire safety threat from external cladding, a new Condition 17A be incorporated to state:

External Cladding

44A The external cladding material shall be detailed in the application for a Construction Certificate and have thermal qualities which do not pose a fire safety threat to inhabitants of the building.

PANEL MEMBERS	
 <p>Jason Perica (Chair)</p>	 <p>Michael Leavey</p>
 <p>Lindsay Fletcher</p>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC026 – Newcastle – DA2016/00384 at 73-79 Railway Lane Wickham
2	PROPOSED DEVELOPMENT	Mixed use multi unit development Demolition of the existing buildings and erection of 10 storey mixed use development including 150 residential units, two commercial units, two basement levels for parking and associated site works.
3	STREET ADDRESS	643 Hunter Street, Newcastle West
4	APPLICANT/OWNER	P Blake / Wickham Lands Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
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 (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 • Newcastle Development Control Plan 2012 • Section 94A Development Contributions Plan 2009 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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 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: 29 August 2017 • Written submissions during public exhibition: Two (2) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Lyn Kilby representing “The Great Lifestyle of Wickham Network of Business and Community” ○ On behalf of the applicant – Nil (answered questions)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting 13 December 2016, further site inspection 12 October 2017 (Lindsay Fletcher) • Briefing Meeting 28 July 2017 • Final briefing meeting to discuss council’s recommendation, 12 October 2017 at 3pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Lindsay Fletcher ○ <u>Council assessment staff</u>: Damian Jaeger
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report