

DATE OF DETERMINATION	29 June 2017
PANEL MEMBERS	Kara Krason (Alternate Chair), Michael Leavey, Clare Brown, Brad Luke, Sharon Waterhouse
APOLOGIES	Jason Perica
DECLARATIONS OF INTEREST	Michael Leavey declared a non-pecuniary insignificant interest as he has recently moved into the same office premises that is occupied by Council's Consultant Planner Mr Tony Tuxworth.

Public meeting held at Travelodge Hotel, 12 Steele Street, Newcastle on 29 June 2017, opened at 12:30 pm, and closed at 3:00pm.

MATTER DEFERRED

2016HCC035 – Newcastle – DA2016/00528 at 990 Hunter Street Newcastle West, as described in Schedule 1.

VERBAL SUBMISSIONS

- Benjamin Young _ KDC on behalf of the Applicant
- Patrick Quinlan – KDC on behalf of the Applicant

Council assessment staff in attendance: Murray Blackburn-Smith, Melissa Thomas, Priscilla Emmett & Tracey Webb, Council's Consultant Planner Tony Tuxworth

RECORD OF DEFERRAL

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 during the meeting to deliberate on the matter and formulate a resolution.

The decision was a majority decision 3:2 in favour, against the decision were Brad Luke and Sharon Waterhouse who supported approval of the application.

REASONS FOR THE DEFERRAL

The reasons for the decision of the Panel were:

- Concern over the inconsistencies between documentation submitted for approval with various plans and consultant reports not reflecting the revised architectural plans.
- More clarity required on the proposed façade treatments of the building, in particular: the treatment of the lower levels of the building on all facades that are to accommodate non-active uses and their visual impact from the public domain including the rail corridor and public roads; the location and size of green walls; other façade treatment (including materials and colours) for the areas that do not accommodate green walls and their contribution to design excellence.
- Insufficient information available to determine the extent, viability and visual appearance of the green walls, including the frame design/materiality during growth phase. The Panel had concerns over the design of green walls that were to be grown from planter beds located within the carpark and require more details to confirm that this design methodology works in practice.
- Concerns over the accuracy of the overshadowing diagrams, not currently identified as mid winter and shown as MGA North rather than required True North. Certification and more detail required.
- Concerns were held over the building separation distance non-compliances which warrant greater attention to treatment of terrace and balcony screens facing south-east to address acoustic and visual privacy matters, and so as to not unreasonably impact on the future development of the adjoining site.
- The Panel had concerns over the visual impact of the development, particularly all non-residential facades as viewed from the rail corridor and surrounding streets, and the south-eastern façade of the building.

- The revised plans post date the Urban Design Consultative Group review comments. It is not clear whether each recommendation contained in the UDG comments has been incorporated into the revised plans, or where not, what justification has been provided and whether this has been assessed as acceptable.
- More clarity is required in relation to the proposal's compliance with SEPP 65 and in particular the ability to meet the solar access and natural ventilation requirements of the Apartment Design Guide (ADG).
- The Panel had concerns over acoustic and vibration impacts associated with residential apartments adjoining a classified road and rail corridor including to private open space located close to rail. The acoustic and vibration report did not relate to the revised architectural scheme for the site and requires updating.
- Clarification on the provision of adaptable apartments and/or universally designed apartments noting the Applicant's SEPP 65 Report indicates two per floor are to be provided but these have not been shown on the revised plans. Clarification that the required number of accessible car spaces provided on the plans correspond to the number of units to be provided.
- The proposal relies on a significant non-compliance with the applicable FSR control and the Panel require the further material outlined above to adequately consider the Clause 4.6 variation, which warrants some further attention to address the above details.

Brad Luke and Sharon Waterhouse disagreed with the majority decision and supported approval of the application in its current form. The reason for their decision was that the information supplied was sufficient to enable a decision on the application to be reached.

The Panel (by majority) determined to defer determination of the application in order for the following to occur:






TERMS OF THE DEFERRAL

The development application was deferred. The applicant is invited to submit an amended proposal and/ or further details within 6 weeks of publication of this decision for subsequent consideration by Council staff and the Panel, addressing the matters below:

- Updated architectural plans that address the reasons for the deferral.
- Updated landscape plans that reflect the set of architectural plans for which approval is sought. The Panel had concerns over reliance on privacy screens for private outdoor areas encroaching within the ADG building separation distance on Level 4 and request further consideration be made to this interface such as use of solid walls and/or setbacks.
- Updated landscape plan is to identify access to the proposed green roof for maintenance purposes without needing to access common space through a private residence for this purpose (for example via a ladder or hatch from level below).
- Design details for the proposed green walls including construction materials and frame, location and extent of all green walls, planting schedule and irrigation. Provide further details of how the plants within the proposed planter beds within the car park areas will access sufficient light, water and air to grow sufficiently to create the proposed exterior green walls. Design should take into account solar access and overshadowing impacts from the proposed building.
- Further design details of facade screening including materials and finishes for all above ground carpark areas and non-residential uses that do not incorporate green walls, taking into consideration the visual impact of the development as viewed from both public roads and the rail corridor, and comments received from Sydney Trains. Larger scale, more legible photomontages are required to demonstrate the above.
- Updated schedule of materials, finishes and colours for the revised plans.
- Identification of substation location on the revised plans if one is required.
- Further SEPP 65 and ADG assessment including identification of compliance with the solar access and natural ventilation requirements calculated in accordance with the Apartment Design Guide on an individual apartment basis level by level. This analysis should include the implications of fixed glazing that is proposed to mitigate acoustic impacts for some apartments. Details of proposed alternative solutions and justification are to be provided if compliance with the ADG is not met.
- Revised Clause 4.6 variation that reflects the GFA sought in the revised plans and more accurately relates to a variation to floor space ratio identified in Clause 7.10A (Floor Space Ratio for Other Development) rather than a variation to a minimum lot size requirement as currently described.
- Certified shadow diagrams that reflect the revised architectural plans and drawn to True North. The plans must be provided and identified as mid winter shadow plans and show overshadowing hour by hour between 9am and 3pm mid winter.

- Updated waste management plan report that reflects the revised architectural plans and the proposed details for future collection of waste to the satisfaction of Council. The Panel is generally of a mind not to favour the requirement for garbage shutes after considering the design justification provided by the applicant at the meeting.
- Updated civil and structural engineering plans that reflect the revised architectural plans. The Panel would be prepared to consider updated concept plans in this regard, with detailed civil and structural engineering design to be addressed via an appropriate condition of any approval.
- Updated acoustic report that reflects the revised architectural plans. The report is also to include further investigation of acoustic impacts for private open space areas facing road and rail and identification of any mitigation measures.
- Clarification of which units are proposed as accessible/adaptable and confirmation of corresponding number and location of car spaces for these units.
- Additional assessment of whether each recommendation contained in the UDG comments that pre-date the revised plans have been incorporated into the revised plans, or where not, what justification has been provided and whether this has been assessed as acceptable.

The Council is requested to consider and assess any additional material received from the Applicant and provide a supplementary assessment report to a further Panel meeting within 4 weeks of receipt of information from the applicant. Council is to confirm in its supplementary report that it has assessed the revised material received since exhibition and was not required to re-exhibit the application in accordance with Council DCP requirements. Should Council determine that re-exhibition of the revised scheme is required, the above report deadline can be modified accordingly to accommodate any such requirement. The Panel is also of the opinion it would be beneficial for the designing architect to be present when the matter is next considered by the Panel.

PANEL MEMBERS	
 Kara Krason (Chair)	 Michael Leavey
 Clare Brown	 Brad Luke
 Sharon Waterhouse	