



<b>DATE OF DETERMINATION</b>	24 November 2016
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Kara Krason, Michael Leavey, Cllr Brad Luke
<b>APOLOGIES</b>	Cllr Sharon Waterhouse and Cllr Allan Robinson
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Travelodge Newcastle on Thursday 24 November 2016, opened at 5.00 pm and closed at 5.40 pm.

#### **MATTER DETERMINED**

2016HCC044 – Newcastle City Council, DA2016/00654, Demolition of existing buildings, construction of a 14 storey senior housing development comprising a 60 bed aged care facility, 74 seniors living units, two levels of parking (91 cars), ground floor retail space and associated site works, 500 King Street, Newcastle West (aka 745 Hunter Street, Newcastle West).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 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.

In particular, the Panel found the proposal to meet core planning controls applying to the site (including being well below the maximum building height), and relevant objectives within SEPP (Housing for Seniors and People with a Disability) 2004, Newcastle LEP 2012 and associated Newcastle Development Control Plan 2012.

The proposal appropriately provided a pedestrian link along the site's eastern boundary, which may be extended to Hunter Street upon redevelopment of the adjoining site.

The site massing was appropriate, having regard to existing and likely future development. This included the podium treatment and setbacks to the proposed tower from the rear and side boundaries.

The Panel noted the support of the Urban Design Consultative Group, although did not believe it had power to impose a condition or covenant on an adjoining separate site.

While the Panel did not have advice from RMS, significant time had lapsed to enable a submission to be made by that Agency, considerably more than provided for in SEPP (Infrastructure) 2007. The Panel did note the proposal was supported by traffic and transport analysis, which was reviewed in some detail by relevant Council staff.

While the Panel generally agreed with the Council staff assessment, balance of considerations and recommended conditions, it took the view that inadequate parking

was provided for people with a mobility impairment, having regard to the provisions of SEPP (Housing for Seniors and People with a Disability) 2004 and the nature of the use.

## **CONDITIONS**

The development application was approved subject to the draft conditions recommended within the Council staff assessment report, as amended in the revised draft conditions in response to a submission by the applicant tabled at the meeting (including associated renumbering of conditions), as follows:

### Incorporation of 2 new conditions 2A-2B:

2 (A) - Level 2 and 3 shall be used in accordance with the following definition:

Residential care facility is residential accommodation for seniors or people with a disability that includes;

(a) - meals and cleaning services, and

(b) - personal care or nursing care, or both, and

(c) - appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

Not being a dwelling, hostel, hospital or psychiatric facility.

2 (B) - Levels 4 to 13 shall be used in accordance with the following definition;

Self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

### Amend Condition 5:

to add the following sentence at the end of the Condition:

*In this regard, an Access Report is to be provided that confirms the proposal (including the car park) meets Australian Standards and legislative requirements.*

### Amend Condition 6:

to state:

6 The current car park shall be redesigned to accommodate a minimum of 5 designated disabled car spaces, designed to meet applicable Australian Standards. This may result in some internal reconfiguration and changes to parking numbers and layout, yet maintaining the same general configuration and access. However, the resulting total parking shall be within the range of 90-94 spaces, excluding 8 motorcycles. Full details are to be included in documentation for a Construction Certificate.

### Amend Condition 12:

To change the word "floodlighting" to "lighting".

Delete Condition 111 (house numbering) and move to the Advisory section of the consent.

### Add a new Condition 111

111 The ground floor retail space/café is to be available for use by the general public at all time the business is operating.

### Delete Advisory Note A

PANEL MEMBERS	
	
Jason Perica (Chair)	Kara Krason
	
Michael Leavey	Brad Luke

SCHEDULE 1	
1	PANEL REF – LGA – DA NO.
2	PROPOSED DEVELOPMENT
3	STREET ADDRESS
4	APPLICANT/OWNER
5	TYPE OF REGIONAL DEVELOPMENT
6	RELEVANT MANDATORY CONSIDERATIONS
	2016HCC044 – Newcastle City Council, DA2016/00654
	Demolition of existing buildings, construction of a 14 storey senior housing development comprising a 60 bed aged care facility, 74 seniors living units, two levels of parking, ground floor retail space and associated site works
	500 King Street, Newcastle West (aka 745 Hunter Street, Newcastle West).
	Applicant: RSL Lifecare Ltd Owner: Rhaeto Pty Ltd
	Capital investment value of more than \$20 million.
	<p>Environmental planning instruments:</p> <ol style="list-style-type: none"> <li>1. SEPP (State and Regional Development) 2011</li> <li>2. State Environmental Planning Policy (Urban Renewal) 2010</li> <li>3. State Environmental Planning Policy (Infrastructure) 2007</li> <li>4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>5. State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>6. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>7. State Environmental Planning Policy No. 64 - Advertising and Signage</li> <li>8. State Environmental Planning Policy No. 71 – Coastal Protection</li> </ol>

		<p>9. Newcastle Local Environmental Plan 2012</p> <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> <li>• Newcastle Development Control Plan 2012</li> <li>• Section 94A Development Contributions Plan 2009</li> </ul> <p>Planning agreements: Nil</p> <p>Regulations:</p> <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act Regulation 2000</li> </ul> <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<p>Council Assessment Report;</p> <p>Appendix A - Conditions of consent</p> <p>Appendix B – Documents submitted with the application</p> <p>Appendix C – External Referral Comments</p> <p>Written submissions during public exhibition: One</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• Support – nil</li> <li>• Object – nil</li> <li>• On behalf of the applicant – Mr Tom Elliot</li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<p>24 November 2016 – Site Inspection</p> <p>24 November 2016 – Final Briefing Meeting</p> <p>22 September 2016 – Briefing Meeting</p>
9	<b>COUNCIL RECOMMENDATION</b>	Approve
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report as amended and circulated to the Panel at the meeting in response to a submission by the applicant

