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| <b>DATE OF DETERMINATION</b>    | 13 December 2016  |
| <b>PANEL MEMBERS</b>            | Jason Perica (Chair), Kara Krason, Michael Leavey, Cllr Brad Luke |
| <b>APOLOGIES</b>                | Cllr Sharon Waterhouse and alternate Cllr Allan Robinson          |
| <b>DECLARATIONS OF INTEREST</b> | None  |

Public meeting held at Travelodge Newcastle on Tuesday 13 December 2016, opened at 3.00 pm and closed at 5.40 pm.

Councillor Brad Luke left the meeting at 5pm (to attend a Council meeting) and was not in attendance for the decision on this matter, although was in attendance for speakers and part of the Panel discussion.

#### **MATTER DETERMINED**

2016HCC048 - Newcastle City Council, DA 2016/0746: Demolition of an existing building, erection of eight storey hotel with ground floor retail space, two levels of parking, associated site works and signage, at No. 514 King Street, Newcastle West (also known as No. 500 King Street).

#### **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.

The Panel was supportive of the use, which would assist in providing accommodation and support tourism for Newcastle, which is positive and appropriate for the site. The proposal was well below the maximum FSR and height controls applying to the site in Newcastle LEP 2012, yet appropriately responded to the existing site and adjoining existing and approved development.

The proposal adopted (subject to conditions) appropriate form and articulation for the Conservation Area of which it is part and appropriately addressed environmental constraints related to flooding and possible subsidence.

The Panel noted to comments of the Council's independent Urban Design Consultative Group, and agreed with comments from the group and within the report about the desirability of a screen to the carpark fronting Birdwood Park and the desirability of a masonry roof to the upper level carpark, which could and should be landscaped.

In terms of recommended conditions, the Panel was of the view the recommended masonry roof to the carpark should be landscaped, as this would improve the amenity of both the hotel rooms and surrounding development looking down to, or across, the site.

This could be accessible to the hotel (by people, not cars), with details able to be resolved through the certification process.

## CONDITIONS

The development application was approved subject to the draft conditions recommended within the Council staff assessment report, as amended below:



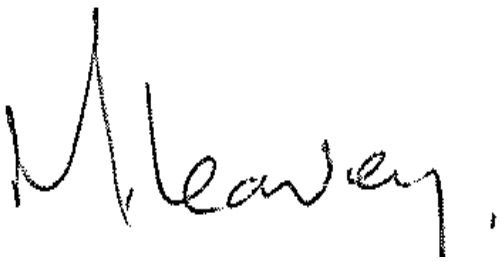
Condition 4 be amended as follows:

- (a) The word "bottom" be changed to "top" in Condition 4(a), to correct a typographical error;
- (b) The last sentence of Condition 4(b) be amended to state:  
*"The screen shall be at least 70% opaque unless an alternate solution is agreed and approved which adequately mitigates potential light spill".*
- (c) A new Condition 4(d) be added to state:  
*"The masonry roof over the carpark shall not be accessible by cars. It shall be landscaped to be a living green roof, through planting and appropriate treatment. A Landscape Plan and Maintenance Plan is to be provided, with the rooftop area to provide visual amenity to the hotel rooms and neighbouring development. The landscaped area may include ventilation elements for the carpark, if required, which should be integrated as design features as part of the landscape concept to contribute to the landscaped setting. The area may be accessible by hotel guests, although this is optional for the proponent and if it is to be accessible, details are to be provided with the Landscape Plan and no access shall be provided within 6m of the northern and eastern boundaries, to not give rise to adverse existing or future privacy interface issues with neighbours".*

A new Condition 39(f) be added as follows:

*(f) An Acid Sulphate Soils Management Plan.*

*A new condition be added requiring the carpark green roof to be maintained at all times following its establishment.*

| PANEL MEMBERS   |   |
|---|---|
| <br>Jason Perica (Chair) | <br>Kara Krason |
| <br>Michael Leavey       |   |

| SCHEDULE 1 |                                   |  |
|------------|-----------------------------------|--|
| 1          | PANEL REF – LGA – DA NO.          | 2016HCC048 - Newcastle City Council, 2016/0746   |
| 2          | PROPOSED DEVELOPMENT              | Multi Unit Hotel Building, Demolition of building, erection of eight storey hotel with ground floor retail space, two levels of parking (106 bays), associated site works and signage  |
| 3          | STREET ADDRESS                    | 514 King Street, Newcastle West  |
| 4          | APPLICANT/OWNER                   | Applicant: Tactical Project Management Pty Ltd<br>Owner: Pro-invest HIE NTL Trust/Tim Sherlock   |
| 5          | TYPE OF REGIONAL DEVELOPMENT      | Capital investment value of more than \$20 million.  |
| 6          | RELEVANT MANDATORY CONSIDERATIONS | <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 No. 55 – Remediation of Land</li> <li>5. State Environmental Planning Policy No. 64 - Advertising and Signage</li> <li>6. Newcastle Local Environmental Plan 2012</li> </ol> <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          | MATERIAL CONSIDERED BY THE PANEL  | <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>Appendix D – Urban Design Consultative Group minutes</p> <p>Submission from the applicant's planner regarding proposed conditions.</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> </ul>   |

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|    |   | <ul style="list-style-type: none"> <li>• Object – nil</li> <li>• On behalf of the applicant – Paul Davis and Chris Speek</li> </ul> |
| 8  | <b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b> | 13 December 2016 – Site Inspection<br>13 December 2016 – Final Briefing Meeting   |
| 9  | <b>COUNCIL RECOMMENDATION</b>                     | Approve   |
| 10 | <b>DRAFT CONDITIONS</b>                           | Attached to the council assessment report.  |