

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	16 March 2017
PANEL MEMBERS	Mr Jason Perica (Chair), Ms Kara Krason, Mr Michael Leavey
APOLOGIES	Brad Luke and Sharon Waterhouse
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge Newcastle, 12 Steel Street, Newcastle West on Thursday, 16 March 2017, opened at 5:10pm and closed at 6.45pm.

MATTER DETERMINED

2016HCC050 - Newcastle - DA2016/00733 - 89 Park Avenue, Kotara - Alterations and Additions to Shopping Centre to create additional 5,855m² retail space, associated car parking and relocation of Kmart auto (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

In terms of wider considerations, the Panel generally agreed with the environmental assessment and balance of considerations within the Council staff assessment report.

The Panel considered the written variation request to the maximum Height of Buildings development standard for the site and considered that compliance with the standard was unnecessary, and that there were sufficient environmental planning grounds to support the proposed variation, as the proposal was considered consistent with the zone objectives and consistent with the objectives of the height standard within Clause 4.3 of Newcastle LEP 2012. Further, the specific nature of the site, including existing improvements, large size and setbacks, resulted in a development that suited the site and did not cause any significant impacts on neighbouring land from the height non-compliance.

The proposal was considered to have a number of positive economic benefits, with acceptable natural and built form impacts, subject to mitigation measures either proposed or addressed through conditions of consent.

The Panel was concerned regarding tree loss, although was satisfied this could be addressed by amendments to condition of consent.

The proposed driveway to Northcott Drive was not ideal in terms of the streetscape interface and continuing the "inward-looking" focus of the overall development. However, the Panel was satisfied with the proposed materials and details regarding planting to mitigate this impact and other design measures which went some way to provide improvements to the streetscape contribution to Northcott Drive and Cynthia Street.

The Panel also supported the written position of RMS and verbal position of Council staff that future development of the site should be guided by a Masterplan, and the Panel encourages the owner to

improve the overall presentation and legibility of the building and site to the surrounding public domain (although this is addressed by an advising as opposed to a condition of consent).

CONDITIONS

The Panel imposed a number of amendments or new conditions (detailed below). These amendments were imposed to:




- Ensure the approved plans aligned with the latest plans and details;
- Appropriately address construction-related impacts; with the following amendments.
- Require details regarding indicative signage;
- Revise the scope of the landscape plan to compensate for tree loss and improve the presentation to Cynthia Street;
- Address impacts from music in parking areas;
- Provide appropriate strategies for staff parking associated with the new works;
- Allow for rooftop shading to be more flexible in terms of trees or solar panels (noting the rooftop conditions may not be ideal for longevity of trees) and the ESD benefits of solar panels;
- Recognise that rooftop landscaping green walls would have limited benefits;
- Address a number of administrative and detailed matters, including matters raised by the Council and the applicant.

The development application was approved subject to the conditions in the Council Assessment Report subject to the following additional conditions or amendments to existing conditions:

- a) Amendment of proposed Condition 2 to ensure the list of plans, details and material relates to the latest plans and proposed details;
- b) Amendment of proposed Condition 5 to add the word “new covered” prior to “carpark” in the first line of the Condition;
- c) Amendment of proposed Condition 11 to require:
 - i. the scope of the landscape plan to be extended to include the area within the site and the existing carpark along Cynthia Street;
 - ii. Additional mature trees to provide more overall trees than are being removed;
 - iii. Measures to provide fencing/screening to the existing parking area fronting Cynthia Street to reduce visual impacts of the at-grade parking area, while enhancing adjoining landscaping;
- d) Amendment of proposed Condition 18 to add the words “by the Certifying Authority” after “approval” in the first sentence;
- e) Amendment of proposed Condition 25 to delete all words within the second sentence after the word “allowed” in the second sentence;
- f) Proposed conditions 26 and 27 be deleted;
- g) Amendment of proposed Condition 28 to amend the screening height to be at least 1.0m rather than 1.5m;
- h) Amendment of proposed Condition 80 to add the words “standards and” after the word “acoustic” in the second sentence;
- i) Incorporation of a new condition stating:
“Music within the parking areas shall not be audible from adjoining residences”
- j) Incorporation of a new condition stating:
“Details of all signage (including any illumination) shall be provided for the approval of Council prior to the issue of a Construction Certificate”
- k) Incorporation of a new condition stating:
“A staff parking management strategy shall be prepared, to the written satisfaction of the Council prior to the commencement of works, which provides details on how new staff will be advised of staff parking, and measures to encourage the use of such parking by staff within the Centre”;
- l) Incorporation of a new condition requiring a Construction Management Plan, to address standard matters ordinarily addressed by a Construction Management Plan (as in Council’s standard conditions), as well as interim parking arrangement for customers, staff and construction workers during construction.

Separate to conditions, but in the Notice of Determination, the applicant be advised the Panel supports the position of the RMS and staff that any future substantive development of the site should occur after, or

parallel with, a Masterplan for the site. This may also provide an opportunity for the Council to consider the parking provision and restrictions in the surrounding area.

PANEL MEMBERS	
 Mr Jason Perica (Chair)	 Ms Kara Krason
 Mr Michael Leavey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC050 - Newcastle - DA2016/00733
2	PROPOSED DEVELOPMENT	Alterations and additions to shopping centre, involving the construction of an additional 6,295m ² retail space, associated car parking and the relocation of Kmart Auto.
3	STREET ADDRESS	89 Park Avenue, Kotara
4	APPLICANT/OWNER	Scentre Limited
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 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 <i>Environmental Planning and Assessment Act 1979 and associated Regulation 2000</i>: Nil 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> or 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: 2 March 2017 Memo regarding SEPP 64 from Council staff dated 16 March 2017 Written submissions during public exhibition: Two Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – nil Object – Sonya Carrol On behalf of the applicant – Chris Barnett, Nick Juradowitch, Nicolas Thioulouse, Nicky Watson, Jay DI, Tim Rogers, Kate Murphy
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>Briefing meeting on 16 March 2017 (and prior briefings)</p> <p>Site visit on 16 March 2017 (though prior times for some members)</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report