

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	21 December 2017
PANEL MEMBERS	Michael Leavey (Chair), John Griffin, Susan Budd, John McKenzie, Jason Dunn
APOLOGIES	Kara Krason
DECLARATIONS OF INTEREST	Jason Perica

Public meeting held at Travelodge Newcastle, 12 Steel St, Newcastle on 21 December 2017, opened at 11:30 am and closed at 2:10 pm.

MATTER DETERMINED

2017HCC018 – Newcastle – DA2017/00701

169-185 Hunter St, Newcastle, CONCEPT - (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 also considered a late submission from SJB Planning concerning recommended conditions of consent.

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*, with amendments to the conditions of consent as detailed below.

The Panel determined to uphold the Clause 4.6 request to vary the development standard.

The Panel adjourned during the meeting at 1:00 pm to deliberate on the matter and formulate a resolution.

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 and having regard to the assessment report for the previous concept proposal (2015HCC027).

The Panel considered the comprehensive documentation submitted in support of the concept plan and the previous concept plan approved by the JRPP in 2016. The Panel also had regard to the design excellence process that has been undertaken and the involvement and comments of the Council's Urban Design Consultative Committee in the design development and assessment.

The Panel was also satisfied the minor modification to the height controls permitted by the approved Clause 4.6 variation will not result in unreasonable amenity impacts, within and external to the site. The Panel was satisfied that the applicant's written request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 of Newcastle Local Environmental Plan 2012 (NLEP 2012) adequately addresses the requirements of Cl.4.6(3) NLEP 2012. The Panel was also satisfied that the proposed development is consistent with the objectives of the development standard, the objectives of the B4 zone, and is in the public interest. The Panel determined to uphold the Clause 4.6 request to vary the development standard.

The Panel noted the proposal has appropriately considered heritage issues, both within and external to the site, and is satisfied with the proposed retention and re-use of heritage buildings and facades as proposed, and that the proposal has adequately considered and addressed the relationship between the proposal and surrounding heritage items.

The Panel had regard to matters raised by the community and noted that there was general support for the wider proposal and that detailed matters of design, including street wall heights will be matters to be addressed through future detailed development applications for future stages. The Panel is satisfied that the concerns of the community have been addressed through conditions of consent, including management of the demolition and construction phases of the development, and that the assessment undertaken (and recommended conditions) has addressed the consistency of the proposal with the objectives of the planning controls applying to the site.

The Panel was satisfied that the proposed street wall heights were reasonable and particularly noted that the variation to the street wall heights for Building A, which departs from base DCP requirements, has been based on more fine-grained design development and meets the objectives of those requirements. The Panel also noted that the street wall heights for future stages (ie 2 – 4) will be determined through detailed design and assessment as part of future development applications for those stages.

The Panel noted to proposed building heights in the application are similar to already approved building heights in the approved concept approval (2015HCC027), with some redistribution of heights, resulting in some minor increases in part, and reduction in other areas. The Panel noted the assessment that was undertaken for the additional building height, and was satisfied that the additional height is minor, and will not adversely impact on surrounding properties, the overall appearance of the development or views through the site.

The Panel noted the traffic assessment and modelling undertaken for the proposal, and the review of these by both the Council and RMS. The Panel is satisfied that consideration has been given to the potential impacts of construction car parking and that a future construction management plan will be required which will address the use of satellite parking locations and on-site storage facilities to limit the impacts of future construction traffic on surrounding areas. The Panel also noted the recommended condition which recognises that carparking provision for future stages (ie Stages 2 -4) would need to be addressed in detail as part of future development applications.

The Panel also considered the requirements of Clause 7 of SEPP 55 – Remediation of Land and the various reports on the contamination issue provided as part of the assessment process for this and the previous application. The Panel notes that further investigations are required to be carried out pursuant to the conditions of consent and any remediation for future stages will be required to be detailed in the remedial action plan for future development application for future stages of the development. The Panel is satisfied on the basis of reports provided to the Panel, and conditions 59 and 60 of this consent, that the land will be suitable after remediation for the purpose for which the development is proposed to be carried out.

The Panel noted the previous decision of the Panel on the former scheme for the land and noted that the design has been refined since this time, including moving carparking to basement levels, increasing the internal open space area and through site pedestrian linkages, removing internal service traffic, and changes to street wall heights. The Panel was satisfied that these changes provide improvements to the previous concept approval, and in the case of the street wall heights these have been refined following a more detailed design process that has considered and addressed the appropriateness of Building A's address to the adjoining streets and impacts on surrounding areas.

Overall the panel was of the view the concept proposal is a significant development that will facilitate the achievement of Council's vision for the precinct contained in the Newcastle Urban Renewal Strategy and the Newcastle Development Control Plan (DCP) 2012.

CONDITIONS

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

Amend the reference to plans and documents

As per Attachment 1 of SJB Planning memo dated 20 December 2017.

Additional Condition – Surrender of Development Consent DA No. 2015/10182

'Development consent for Staged Concept Development Application No.2015/10182 is to be surrendered. A Notice of Surrender of Development is to be submitted within 28 days of the date of this consent.'

Reason: The application lodged seeks to replace the current approved Staged Concept DA 2015/10182 with the subject Staged Concept DA 2017/00700.

Amend Condition 4, as follows:

'This consent permits a maximum gross floor area of 61,130m² over all stages, calculated in accordance with the definition of gross floor area contained in Newcastle Local Environmental Plan 2012. Of the total gross floor area, not less than 7,300m² shall comprise retail space and not less than 1,500m² shall comprise business/office space which is generally apportioned to each stage as identified in the approved documentation and as depicted on Floor Plans (Job No. 5614) numbered DA-0200 (Basement 01), DA-0201 (Level 1), DA-0202 (Level 2), DA-0203 (Level 3), DA-0204 (Level 4), DA-0205 (Level 5), DA-0206 (Level Typical), Revision 00 dated 15.5.2017, prepared by SJB Architects.

Allocation of gross floor area across the site shall generally be:

Block 1: 26,224m²

Block 2: 11,709m²

Block 3: 11,034m²

Block 4: 12,163m²

Reason: Condition 4 needs to be amended to ensure that the gross floor area (GFA) for Block 1 is consistent with the GFA of the Stage 1 DA 2017/00700. This results in a minor increase in the total GFA of some 130m² from 61,000m² to 61,130m² and an increase in the GFA of Block 1 from 26,092m² to 26,224m². Condition 4 also needs to be amended as one of the floor plans (DA-202 Level 2) has been excluded from the listed plans.

Amend Condition 5, as follows:

'This consent permits a maximum floor space ratio on the total site of 3.68:1, with the maximum floor space ratio for each stage to be in accordance with the 'FSR Plan' prepared by SJB Architects (Job No. 5614, Drawing No. DA-2904, Revision 00, dated 15.5.17) and is generally apportioned to each stage as identified in the approved documentation and is summarised below:






Stage 1: 4.0:1

Stage 2: 3.2:1

Stage 3: 3.3:1

Stage 4: 4.0:1'

Reason: Condition 5 needs to be amended to increase the total FSR of the site from 3.67:1 to 3.68:1 as a result of the alterations to the GFA on Block 1, outlined above. The FSR of each stage remain unchanged.

PANEL MEMBERS	
 Michael Leavey (Chair)	 John Griffin
 Susan Budd	 John McKenzie
 Jason Dunn	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC018 – Newcastle – DA2017/00701
2	PROPOSED DEVELOPMENT	Concept Development Application for a major redevelopment of Hunter Street Mall, a mixed use development comprising retail, commercial, public spaces, residential (563 apartments), associated car parking & site works
3	STREET ADDRESS	169-185 Hunter St, Newcastle
4	APPLICANT/OWNER	Iris Land 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 (Urban Renewal) 2011 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 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 Flat Development Newcastle Local Environment Plan 2012 Draft environmental planning instruments: Draft NSW Coastal Management SEPP, Draft Planning Proposal - Amendment 26 to Newcastle LEP 2012 - Newcastle City Centre East End Building Heights Development control plans: <ul style="list-style-type: none"> Newcastle Development Control Plan 2012 Section 94A Development Contributions Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: 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"> SJB Planning memo regarding Conditions of Consent: 20 December 2017 Council assessment report: 7 December 2017 Clause 4.6 Variation Request Written submissions during public exhibition: 11 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – raising concerns – Geoff Sharrock, Joe Clayton Object – Lyndall Ryan on behalf of the Newcastle Inner City Residents Alliance, Paul Scott On behalf of the applicant – Alison McCabe (SJB Planning), Emily Wombwell (SJB Planning)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing Meeting 13 July 2017 Site inspection and briefing meeting 16 November 2017 Final briefing meeting to discuss council's recommendation, 21 December 2017 at 10:30 am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Michael Leavey (Chair), John Griffin, Susan Budd, John McKenzie, Jason Dunn <u>Council assessment staff</u>: Priscilla Emmett, Murray Blackburn-Smith, Elaine Treglown.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report