

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	Thursday 1 November 2018
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Julie Savet Ward, John MacKenzie
APOLOGIES	Michael Leavey & Jason Dunn
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge Newcastle on 2 November 2018, opened at 2:00pm and closed at 6.06pm.

MATTER DEFERRED

2017HCC020 – Newcastle City Council – DA2018/00787 at 317 Wharf Road Newcastle (as described in Schedule 1)

REASONS FOR DEFERRAL

The Panel was supportive of a student housing use on the site.

While there was an approved hotel for the site which is still current and is very similar in form and layout to that proposed, the application needed to be assessed on its own merit. In this regard, it was apparent the proposal had been essentially converted in use rather than fundamental layout or from first principles, despite differences in the needs and layout of hotels and student housing. Despite this, there were efforts to cater for communal and group study needs, which may be adapted to support the proposed use, subject to further refinement.

There was no compelling reason to not require a minimum 6m setback from the western side boundary above the podium (without compromising the eastern setback provided, due to the heritage context). This would only improve view corridors surrounding the site and allow an improved streetscape presentation, noting considerations related to design excellence and concerns raised by the Council's Urban Design Consultative Group (UDCG).

The applicant had failed to provide a view impact analysis and while one had been undertaken by neighbours and the Council, the actual effects from a neighbour were outdated and not verified. It was understood the height and FSR controls applying to the site was likely to lead to impacts upon side views from the neighbouring property, although the impact relative to the maximum height and previously approved height had not been demonstrated.

There was excess parking and given the nature of the use and location, as well as above ground parking to the main street frontage, this was not acceptable.

The ground level should be better activated (relative to the storage area to the street frontage).

The Plan of Management should be further detailed regarding the onsite manager availability and measures to consult the surrounding community during operation.

Despite these number of concerns, the concerns were not fatal, and able to be addressed by revised plans and information.

Kara Krason disagreed with the majority decision for deferral, having a view that the application should be refused for the following reasons:

- It is considered that the development does not exhibit design excellence in accordance with Clause 7.15 of Newcastle Local Environmental Plan 2012.
- Concern over the proposed design and allocation of uses within the building to adequately support students, as considered necessary to adequately achieve social and economic benefits under Section 4.15 of the Act.
- Plan of Management submitted with the application is inadequate and unsatisfactory.

TERMS OF DEFERRAL





The development application be deferred, and the applicant be invited to submit the following revised plans and information incorporating the following changes, no later than 29 November 2018:

1. Revision of the communal areas on Level 3 so that a greater variety of study and gathering spaces are provided, to meet a range of student needs.
2. A minimum 6m setback from the western side boundary be provided for Levels 4 and above (while not reducing the eastern side setback).
3. Windows are to be added to all rooms to ensure natural ventilation is not reliant on an open balcony door.
4. A view impact analysis from units within Level 8 and 9 of the adjoining development to the west who had objected regarding views, accurately showing the proposed height, maximum height limit and previously approved height.
5. A reduction in the quantum of parking at Level 2, facing Wharf Road, so the proposal met the carparking required (no excess), with an additional active use (or storage) with windows incorporated into the façade at Level 2, with details of the finish and overall façade composition (including façade details in section).
6. A revised plan of management to include details of the accessibility of the on-site manager, posting, display and circulation to neighbours of a 24 hour contact number for any complaints and establishment of a Community Liaison Committee, with details of composition, meeting timeframes and communication with neighbours to resolve any issues or complaints.

As soon as practicable after this information is provided, Council staff shall prepare a report for the consideration and determination of the Panel, which may be by electronic means.

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

The decision was to defer 3:1 in favour, against the decision was Kara Krason.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Julie Savet Ward	 John MacKenzie

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC020 – Newcastle City Council – DA2018/00787
2	PROPOSED DEVELOPMENT	Demolition of structures and construction of an eight-storey student accommodation (boarding house) development, comprising 165 rooms, manager's room, conference rooms, café, lobby and office with on-site parking for 90 vehicles, 35 motorcycles and 38 bicycles.
3	STREET ADDRESS	317 Wharf Road Newcastle
4	APPLICANT/OWNER	Applicant/Owner:Hosking Munro Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
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 (Affordable Rental Housing) 2009 State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Draft State Environmental Planning Policy (Coastal Management) 2016 Newcastle Local Environmental Plan 2012 Newcastle Development Control Plan 2012 Section 94A Development Contributions Plan 2009 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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 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: 25 October 2018 Written submissions during public exhibition: 31 including 1 support UDCG Minutes, Plan of Management, montages provided prior to the meeting Verbal submissions at the public meeting 1 November 2018: <ul style="list-style-type: none"> Support – Nil Object – Michael Page, Mathew Egan, Alan McKelvey, Diane Mignanelli & Mark Mignanelli Council assessment officer – William Toose On behalf of the applicant – Michael Munro
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing Thursday 27 April 2017 Final briefing to discuss council's recommendation, Thursday 1 November 2018, 1:00pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Julie Savet Ward, John MacKenzie <u>Council assessment staff</u>: William Toose
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report