

DATE OF DETERMINATION	Thursday 8 November 2018
PANEL MEMBERS	Michael Leavey (Chair), Susan Budd, Stuart McDonald, John MacKenzie
APOLOGIES	Jason Perica, Kara Krason & Jason Dunn
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge Newcastle on 8 November 2018, opened at 12:30pm and closed at 3:40pm.

MATTER DEFERRED

2017HCC047 – Newcastle City Council – DA2017/01291 at 118-124 Bunker Road, Adamstown (as described in Schedule 1)

REASONS FOR DEFERRAL

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to defer consideration of the development application, and to request the applicant to provide:





1. legal advice on the status of Compass Housing as a *social housing provider*, as defined in the Affordable Rental Housing SEPP 2009, and evidence of the legal arrangements for the ongoing operation and management of the development by Compass Housing;
2. legal advice on the capacity of the application to rely on or use the provisions of clause 14(2)(a)(i) of the Affordable Rental Housing SEPP 2009 relating to development applications *made by* a social housing provider;
3. an assessment of sight-lines to ensure there is no overlooking from the roof top communal open space area to surrounding properties or developments. Where overlooking would occur appropriate design responses are required such as the widening of landscape planters;
4. revised plans that:
 - (a) provide landscape planters around the full perimeter of the roof top communal open space area; and
 - (b) extend the 3m deep soil area along the entire length of the south-west boundary, along with consequential design changes required as a result of the widening; and
5. a Management Plan for use of the roof top communal open space area, including a restriction on use to between the hours of 7am and 9pm, limits on the use of amplified music and a limit on the lighting of the area to minimise adverse impacts on the amenity of surrounding properties.

The Panel also determined that the revised plans are to be submitted to Council's Design Review Panel for review and comment prior to the application being reconsidered by the Regional Planning Panel.

The decision was unanimous.

In deferring consideration, the Panel considered the site is an appropriate location for affordable housing, and noted the planning controls applying to the site, including its location within a designated renewal corridor. The Panel felt however that clarity is required around the proposal's consistency with the

Affordable Rental Housing SEPP 2009 and that improvements are required to the proposed design to minimise impacts on surrounding properties.

PANEL MEMBERS	
 Michael Leavey (Chair)	 Susan Budd
 Stuart McDonald	 John MacKenzie

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC0047 – Newcastle City Council – DA2017/01291
2	PROPOSED DEVELOPMENT	Demolition of dwellings and outbuildings, erection of six-storey residential flat building (affordable housing) including 50 residential units, grounds floor café, associated parking and site works.
3	STREET ADDRESS	118-124 Brunner Road, Adamstown
4	APPLICANT/OWNER	Applicant/Owner: ABL Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 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 (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (Affordable Rental Housing) 2009 Newcastle Local Environmental Plan 2012 Draft environmental planning instruments: Nil 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"> Council assessment report: 25 October 2018 Written submissions during public exhibition: <ul style="list-style-type: none"> 1st Period: Nine Submissions 2nd Period: Two submissions Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Neil Selmon, Graham Brown Council assessment officer – Ian Clark & Rajnesh Prakash On behalf of the applicant – Michael Nolan, Ben Young & Brooke Holdsworth
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing Thursday 8 November 2018. Final briefing to discuss council's recommendation, Thursday 8 November 2018, 12:00pm. Attendees: <ul style="list-style-type: none"> Panel members: Michael Leavey (Chair), Susan Budd, Stuart McDonald, John MacKenzie

		○ <u>Council assessment staff:</u> Priscilla Emmett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report