

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

DATE OF DEFERRAL	Thursday, 17 May 2018
PANEL MEMBERS	Kara Krason (Chair), Stuart McDonald, John Griffin and John MacKenzie
APOLOGIES	Jason Perica, Michael Leavey, Jason Dunn and Matthew Byrne
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge Hotel Newcastle on 17 May 2018, opened at 3:10pm and closed at 4:30pm.

MATTER DEFERRED

2018HCC003 – Newcastle City Council – DA2016/00654.03 AT 500 King Street Newcastle West (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 listed at Item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. Following the adjournment the Panel advised the applicant that it was unable to determine the proposal as submitted for 97 car spaces as the application had not sought any modification to Condition 6 of the original approval which includes a lower maximum number of parking spaces (and was based on a lower FSR). Council had advised the Panel during the course of the meeting that the proposed number of car parking spaces in excess of Council's requirements would be calculated as GFA for the purpose of calculating FSR and accordingly based on the proposal's increased residential GFA, car parking spaces above 92 spaces required to meet the DCP provisions would likely result in a non-compliance with the FSR under Clause 7.10 of the LEP. Should the applicant wish to pursue this change, further details and justification would need to be provided to Council and Council would need to assess the additional parking and prepare a supplementary assessment report to the Panel. The alternative offered to the applicant was for the Panel to determine the application on the basis of the information submitted, assessed and presented to the Panel and for the car parking condition to be modified to reflect the DCP requirements thereby not triggering any additional GFA.

The applicant requested that the Panel not determine the application at the meeting to provide additional time to submit further information regarding the proposed car parking spaces and FSR. This was the only aspect of the application the Panel had concerns with that could not otherwise be addressed via conditions of consent.

Accordingly, the panel unanimously resolved to defer the determination of the matter until the required information is provided by the applicant and an assessment is completed by Council as:

- The proposal does not satisfy condition 6 of DA2016/00654. The increase in extra car parking spaces needs to be justified and assessed in the context of FSR.

The Panel also discussed discrepancies between approved landscape plans and architectural plans which will need to be resolved. The Panel was of the view that matters relating to landscaping could be satisfactorily addressed through appropriate additional conditions of consent. The Panel notes that the application does not include any modification to the approved landscape plan and the report referenced in the original approval and accordingly it is expected that the extent of landscaping and key design concepts referenced in the approved landscape concept plan will remain. Some minor updates will be needed prior

to works to align the minor built form changes referenced in the architectural plans to be incorporated into the approved landscape concept plans. The Panel reaffirmed in particular that the proposed public domain to the east of the building (to be incorporated in a future site through link) is in the public interest and that the approved landscape concept for this space is to remain, with only a modification to incorporate the Council's Urban Design Consultative Group's recommendation that a bend in the walkway on the eastern side of the site be softened with a curve in the path and further landscaping to create a less abrupt change in direction in the area of the proposed substation. The applicant confirmed that this public domain would be completed at the same time as the building.

The Panel discussed proposed new condition 111A which relates specifically to the modification application request for an exemption from the payment of Section 94A on the basis that RSL Lifecare has provided evidence to Council that confirms it is defined as a social housing provider due to it being a not-for profit organisation that is a direct provider of rental housing for tenants. The Panel raised concerns with proposed condition 111A requiring the seniors housing component to be managed by a social housing provider for only a ten year period. The definition does not provide a time frame on how long a not-for-profit organisation should be a direct provider of rental housing to tenants for, however given in this case the applicant is seeking exemption from paying Section 94A levy on this basis, it is considered that this should not be restricted to a minimum period and rather it should be in perpetuity.





The Panel raised concerns with two of the additional apartments on Level 13 including internal studies with no windows, which is inconsistent with the ADG. Accordingly, the Panel is of a view that a condition could be imposed to require the removal of the wall and door between the study and the living room of apartments 74 and 75, retaining part wall and part opening also to the kitchen.

TERMS OF THE DEFERRAL

The development application was deferred. The applicant is invited to submit additional information and justification relating to the proposed number of car spaces and FSR requirements.

Once the additional information and supplementary report has been received, the Panel will reconvene for an electronic meeting to determine the application.

The decision was unanimous.

PANEL MEMBERS	
 Kara Krason (Chair)	 Stuart McDonald
 John Griffin	 John MacKenzie

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC003 – Newcastle City Council – DA2016/00654.03
2	PROPOSED DEVELOPMENT	Modifications to approval of seniors housing development, including adding two living units and adding six car spaces.
3	STREET ADDRESS	500 King Street Newcastle West
4	APPLICANT/OWNER	RSL Lifecare C/- TSA Management
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Urban Renewal) 2010 State Environmental Planning Policy (Infrastructure) 2007 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 (Coastal Management) 2018 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: 17 May 2018 Written submissions during public exhibition: nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – Paul Muir and John Streeter
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing meeting on 8 March 2018 Final briefing meeting to discuss council's recommendation, 17 May 2018, 2:00pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Kara Krason (Acting Chair), Stuart McDonald, John Griffin, John MacKenzie <u>Council assessment staff</u>: Melissa Thomas, Geoff Douglass
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	2018HCC003 – Newcastle City Council – DA2016/00654.03
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