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| DATE OF DETERMINATION | Monday 2 July 2018 |
| PANEL MEMBERS | Kara Krason (Chair), Stuart McDonald, John Griffin and John MacKenzie |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Electronic meeting held between 20 June 2018 and 2 July 2018.

MATTER DEFERRED

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

The Panel determined to approve the development application for the reasons generally outlined in the Council assessment report.

The Panel supported the proposed significant reduction in payment of the Section 94A levy on the basis that RSL Lifecare has provided evidence to Council to confirm that it is defined as a social housing provider. Accordingly the Panel determined that Condition 111A should reflect that the not-for-profit organisation that is a direct provider of rental housing for tenants will continue to provide social housing in perpetuity, which is included in the proposed conditions in Council's Supplementary Report.

The revised plans also incorporated a change to the internal studies on Level 13 by the removal of a wall and door between the living room and study to achieve compliance with the ADG and provide natural daylight to all habitable rooms.

The Panel raised concerns over some discrepancies between the approved landscape plans prepared by Terras Landscape and the revised architectural plans but note that the applicant has not sought changes to any landscape plans with the exception of Level 4 landscaping. Accordingly, the approved landscape concept plans and landscape report referenced in Condition 1 as L01-L08 Rev C prepared by Terras Landscape Architects dated 9/6/16 remain in force and will prevail to the extent of any inconsistency. In particular the Panel reaffirmed that the proposed landscaped public domain area to the east of the building (to be incorporated into a future site through link) is in the public interest and is to be carried out in accordance with the design and details shown in the approved Landscape Concept Plan and report dated June 2016. The Panel understood that the substation to be provided at the rear of the eastern laneway will require an amendment to the alignment of the path (future site through link) to cross over the adjoining site in the same ownership.





The Supplementary Report includes a proposed additional Condition 22A, which will follow Condition 22 that relates to landscape design being consistent with the approved Landscape

Concept Plan. The Panel proposes some refinement to the proposed condition to be read as follows:

Condition 22A

All landscape works within the eastern laneway must be carried out in accordance with approved Landscape Concept Plans L01 and L02 and accompanying landscape design report prepared by Terras Landscape Architects dated June 2016, with the exception of an update to the pedestrian pathway adjoining the substation to accommodate the revised substation alignment while preserving the ability for the future site through link to be maintained. A bend, curve or other design element is to be provided in the walkway on the eastern side of the site to soften the change in pedestrian direction in the area of the sub-station and to link with the adjoining site. The pathway element is to be provided in conjunction with landscaping and artwork consistent with the Landscape Concept Plan. Details of the realigned pathway element are to be included in documentation for a Construction Certificate application.

The decision was unanimous.

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

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2018HCC003 – Newcastle City Council – DA2016/00654.03 |
| 2 | PROPOSED DEVELOPMENT | Demolition of buildings, erection of 14 storey seniors housing development with 60 bed aged care facility, 74 seniors living units, two levels of parking (91 cars), ground floor retail space and associated site works. |
| 3 | STREET ADDRESS | 500 King Street Newcastle West Lots 6 & 7 DP95174 and Lot 8 DP95173 |
| 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 |

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| | | <ul style="list-style-type: none"> ○ 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 supplementary information report: 18 June 2018 ● Council assessment report: 17 May 2018 ● Written submissions during public exhibition: nil ● Verbal submissions at the public meeting – 17 May 2018: <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: |

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| | | <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 • Electronic meeting: 20 June 2018 to 2 July 2018 |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Appendix A – amendments conditions with supplementary report and as modified by Panel in Determination and Statement of Reasons |