

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

Public meeting held at Travelodge Newcastle on 1 November 2018, opened at 2:00pm and closed at 6:06pm.

MATTER DETERMINED

2018HCC015 – Newcastle City Council – DA2011/0617.02 at 386 King Street and 509 Hunter Street Newcastle (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 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 approve the development application pursuant to section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

REASONS FOR THE DECISION





- The Panel generally agreed with the assessment and conclusions of Council staff (including considering additional matters in NLEP 2012);
- The proposal was a significant improvement compared to the approved development being modified, and the efforts to refine the proposal in collaboration with the Council's Urban Design Consultative Group and the NSW Office of Government Architect were noted;
- The proposed changes, when considering a combination of quantitative and qualitative considerations and resulting impacts, were reasonably able to be considered as a modification application;
- Issues regarding internal amenity at times not ideal, although acceptable within the confines and constraints of the approved development and site;
- Some issues of concern by the Panel regarding the lack of accessible parking spaces and adaptable and/or universally designed apartments, and internal privacy interfaces, were able to be addressed by additional conditions; and
- The proposal was acceptable against statutory considerations.

CONDITIONS

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

- Condition 2 be amended to delete the "Original Documentation" listed in Condition 2;
- Condition 2 be amended to include and list the montages and details submitted with the modification application, as accepted by the Council's Urban Design Consultative Group and considered by the Panel;

- A new condition be incorporated requiring the vertical fins in the podium from the original application to be included in the approved documentation with the Construction Certificate, with the elevation detailing this to be to Council's written satisfaction prior to the issue of a Construction Certificate;
- A new condition requiring a minimum of 10% of the total units be detailed as meeting requirements for the Liveable Housing Guideline's silver level universal design features in layout, in the application for a Construction Certificate (and be so built), to the satisfaction of the Certifying Authority, with appropriate allocation of parking spaces to such units in the strata plan;
- A new condition requiring all the carparking levels to be detailed in the application for a Construction Certificate, such that a minimum of 3 car spaces per carparking level are provided with a minimum width of 3.6m each (in addition to the two accessible spaces on the ground floor), and these spaces be allocated to units which meet universal design layouts, with appropriate allocation of parking spaces to such units in the strata plan;
- A new condition requiring the north facing two bedroom units at the junction of the "L" shape in the building, on levels 4-9, to have their living room windows altered from obscure glazing to clear glazing with a sill height of 1500mm above FFL, to be detailed in the application for a Construction Certificate.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC015 – Newcastle City Council – DA2011/0617.02
2	PROPOSED DEVELOPMENT	Modify the approved floor layouts to amend the apartment mix resulting in 180 apartments, 480m ² of retail space and 207 vehicles.
3	STREET ADDRESS	386 King Street and 509 Hunter Street Newcastle
4	APPLICANT/OWNER	Applicant/Owner: GWH Build
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 (State and Regional Development) 2011 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 City Centre Local Environmental Plan 2008 Development control plans: <ul style="list-style-type: none"> Newcastle Development Control Plan (DCP) 2005 Newcastle Development Control Plan (DCP) 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: 11 October 2018 Written submissions during public exhibition: 3 Additional information regarding the proposal against NLEP 2012, provided prior to the meeting, plus emails from the Office of Government Architect, 1/11/2018, plus montages and details off Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support, Object – Nil On behalf of the applicant – Michael Noonan, Stacey Stephens, Kevin Snell, Felicity Rourke & Ian Summers
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing Thursday 14 December 2017 Final briefing to discuss council's recommendation, Thursday 1 November 2018, 2:00pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Julie Savet Ward, Cr John Mackenzie <u>Council assessment staff</u>: David Paine
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report