

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

Public meeting held at Travelodge Newcastle on 8 November 2018, opened at 12.30pm and closed at 3:40pm.

#### **MATTER DETERMINED**

2018HCC020 – Newcastle City Council – DA2018/00510 at 723-731 Hunter Street and 498 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 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 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel generally agreed with the environmental assessment within the Council staff assessment report, and noted verbal advice from Council staff during the meeting correcting a comment in the assessment report about the number of balconies in the adjoining development.

The Panel noted the adjustments and improvements made to the proposal in response to issues raised by the Council's Design Review Panel, and was of the opinion the proposal is consistent with relevant planning controls, is an appropriate use for the site and has reasonably considered the heritage item located on the rear part of the site.

In terms of considering community views, and in particular impacts on the adjoining 'Pinnacle' development, the Panel agreed with the staff assessment of the issues raised, and noted that:

- The site is zoned B3 Commercial Core, which promotes large building forms;
- The proposal maintains side setbacks in a context where commercial buildings are able to be built to side boundaries;
- The presence of a heritage item limits development on the rear part of the site, and results in the new development form being located on the front part of the site facing Hunter Street;
- The proposed building height and FSR are considerably below that allowed for the site; and
- The design of the proposal has reasonably considered adjoining development, having regard to the location of service areas and windows, and through the curvilinear design of the upper building along the north-west side elevation to lessen impacts on existing views.

## CONDITIONS

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





Insert the following additional conditions:

- 23A The proposed laneway within the site is to:
- (a) be designed to meet the Crime Prevention Through Environmental Design Principles (CPTED) and demonstrate that active and passive surveillance measures have been incorporated;
  - (b) provide appropriate lighting (including any feature lightings) along the proposed laneway, including appropriate shielding and orientation of the lighting fixtures, so as to not give rise to obtrusive light, interfere with traffic safety or detract from the amenity of surrounding properties in accordance with Australian Standard AS 4282: 1997 *Control of the obtrusive effects of outdoor lighting*;
  - (c) be designed to provide accessibility in accordance with the Building Code of Australia relevant Disability Standards and relevant Australian Standards; and
  - (d) provide appropriate signs within the property at both street frontages indicating that through-site access is available between Hunter Street and King Street.

Full details are to be included in the documentation for a Construction Certificate application.

- 71A An easement for permanent and unrestricted public access is to be created over the pedestrian through-site link adjacent to the western boundary between Hunter Street and King Street. An appropriate notation is to be placed on the plan of subdivision and instrument under Section 88B of the *Conveyancing Act 1919* (NSW) and these are to be submitted to Council setting out the terms of easements as required by this consent. Council in addition to the owner of the land benefited by the easement is to be a party whose consent is needed to release or vary easements. . The easement is to be registered prior to the issue of an Occupation Certificate

Reason: To ensure the proposed through-site laneway is safe and accessible, and available for permanent and unrestricted public access.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC020 – Newcastle City Council – DA2018/00510
2	PROPOSED DEVELOPMENT	Demolition of building, erection of 14-storey commercial building and associated car parking
3	STREET ADDRESS	723-731 Hunter Street and 498 King Street Newcastle West
4	APPLICANT/OWNER	Applicant: Core Project Group Pty Ltd Owner: Birdwood Property No 3 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development)2011</li> <li>State Environmental Planning Policy (Urban Renewal) 2010</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental planning policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Newcastle Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Newcastle Development Control Plan 2012</li> <li>Section 94A Development Contributions 2009</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 25 October 2018</li> <li>Written submissions during public exhibition: Nine</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Nil</li> <li>Object – Elizabeth Seysener,</li> <li>Council assessment officer – David Paine</li> <li>On behalf of the applicant – Garry Fielding - Planner &amp; John Streeter – Architect</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing Thursday 8 November at 10:30am</li> <li>Final briefing to discuss council's recommendation, Thursday 8 November 2018, 11:30am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Michael Leavey (Chair), Susan Budd, Stuart McDonald, John MacKenzie</li> <li><u>Council assessment staff</u>: David Paine, Priscilla Emmett, Rajnesh Prakash</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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