

## RECORD OF DEFERRAL

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 13 March 2019
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Michael Leavey and Susan Budd
<b>APOLOGIES</b>	Kara Krason, Cr John MacKenzie and Cllr Jason Dunn
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Travelodge Newcastle – 12 Street, Newcastle on 13 March 2019, opened at 4:00pm and closed at 6.57pm.

### MATTER DEFERRED

2018HCC039 – Newcastle City Council – DA2018/01107 at 854 Hunter Street, Newcastle (as described in Schedule 1)

### REASONS FOR DEFERRAL

The Panel was supportive of the commercial and retail use of the site. The Panel was also conceptually supportive of the arguments supporting the variation to the separation between buildings standard within Newcastle LEP 2012. There were also a number of other positive aspects of the proposal including the ground treatment and public domain considerations to the east and north, and setback to Stewart Avenue at the lower levels. The Panel could see the argument to support an alternative streetwall approach to the east rather than the DCP wall height with no setback. The colonnade and setback has merit given the relative protrusion of the site eastwards compared to surrounding sites and the relationship with the public domain to the north, being the adjoining rail station and Light Rail terminus.

However, the detail of the DA was not considered by the Design Review Panel (DRP) following its lodgement and the terms of the design competition waiver included the DRP reviewing details and materials, which should occur after DA lodgement. Further, there were aspects of the proposal the Panel wanted the DRP to specifically consider in providing advice regarding the lodged DA, including relating to the height of the lower level setback/colonnade to Stewart Avenue and the relationship, setbacks and presentation of the upper levels of the building to the laneway to the south, including implications for future development on the site to the south.

### TERMS OF DEFERRAL

The development application be deferred, and the Council staff refer the development application to the Design Review Panel, as soon as practicable. In referring the Development Application, the Panel shall be requested to give specific consideration and provide its advice regarding the following:




1. Details, materials and articulation (also noting this was a requirement within the terms of waiving a design competition);
2. The height of the colonnade area to Stewart Avenue. Specifically, wouldn't it be a better design outcome to increase the height of the colonnade by one storey to match the height of the roof element of the adjoining train station (which defines the public domain to the north), with the building recess above also increased by one level to maintain proportions between the setback and the recess (and as the recess may visually relate to the carpark more than the Hunter Street streetwall/podium)?

3. Review the appropriateness of the southern setback at upper levels (above the recess) in terms of the effect of the building massing and presentation (in the absence of an above-streetwall setback) on a narrow laneway, and having regard to potential redevelopment of the site to the south, and the impacts of the setback as proposed on development options for the site to the south, including options for residential development at upper levels.

Following advice from the DRP, the matter shall be reported back to the Panel for determination, which may be by electronic means (with efforts made for the same Panel to consider the matter, if possible).

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel notes that they were no written submissions made during public exhibition.

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC039 – Newcastle City Council – DA2018/01107
2	PROPOSED DEVELOPMENT	Erection of 12 storey commercial building with ground floor retail and basement car park
3	STREET ADDRESS	854 Hunter Street, Newcastle
4	APPLICANT/OWNER	Applicant: Doma Interchange Development Pty Ltd Owner: Hunter Development Corporation
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 (Coastal Management) 2018</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ Newcastle Local Environmental Plan 2012</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Newcastle Development Control Plan 2012</li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></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>• 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: 28 February 2019</li> <li>• Applicant's response to draft conditions of consent dated 8 March 2019</li> <li>• Written submissions during public exhibition: Nil</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Priscilla Emmett</li> <li>○ On behalf of the applicant:</li> </ul> </li> </ul>

		<p>Simon Swaney – Bates Smart (Architect)</p> <p>Bradley Dory – Bates Smart (Architect)</p> <p>Gavin Edgar – DOMA Group</p> <p>Sean Kearney – DOMA Group</p> <p>Grant Wood – GHD (Traffic Consultant)</p> <p>Steve O'Connor – KDC (Town Planner)</p> <p>Patrick Quinlan – KDC (Town Planner)</p> <p>Naomi Weber – KDC (Town Planner)</p>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection and briefing: Wednesday, 13 March 2019</li> <li>• Final briefing to discuss council's recommendation, Wednesday, 13 March 2019, 3.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey and Susan Budd</li> <li>○ <u>Council assessment staff</u>: Priscilla Emmett and Tracey Webb</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
10	<b>DRAFT CONDITIONS</b>	Attached to the Council assessment report