

DATE OF DETERMINATION	Tuesday, 14 May 2019
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey and Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 2 May 2019 and 10 May 2019.

MATTER DETERMINED

2018HCC039 – Newcastle City Council – DA2018/01107 at 854 Hunter Street, Newcastle – Erection of 12 storey commercial building with ground floor retail and basement car park (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 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

While the Panel held concerns regarding the approach to development of the site and order of applications (the Concept application should have been the first application), the Panel was nonetheless supportive of the overall development of the site and the mix of uses. The removal of a heritage item was approved by the land owner under Part 5 of the Act and a carparking structure to service the future development (and available publicly in the interim) was previously approved by the Council. This process somewhat constrained the scope of holistic consideration of the site by the Panel, which is the purpose of a Concept Plan.

Provision of a commercial building adjoining the train station and bus interchange was sound, promoting provision of jobs and sustainable travel behaviour. The location of the parking (already approved), was shielded from the main streets.

The Panel had regard to the applicant's clause 4.6 variation request regarding the minimum separation distances within Clause 7.4 of Newcastle Local Environmental Plan 2012 ('the LEP'). The proposed separation between buildings was close to compliance, at an oblique angle to limit any adverse interface and was between buildings containing different uses (which helped mitigate any privacy issues). The Panel was satisfied the applicant's written request satisfactorily addressed required matters within clause 4.6 of the LEP and it was considered granting consent would be in the public interest, despite the non-compliance.

While the Panel was conceptually supportive of some reduction in parking for the commercial building due to accessibility, the full allocation to different uses was not clear at this stage and this should be reviewed and clarified when the Stage 4 DA is made. Subsequently, Condition 16 was retained.

The Panel generally agreed with the environmental assessment by Council staff. The Panel noted the application had been considered by the Design Review Panel (DRP) and Council's Urban Design Consultative Group (UDCG) on a number of occasions. This included further advice following deferral by the Panel regarding specific matters.

Certain recommended conditions were varied as considered reasonable, noting a number of other conditions had been changed since the matter was last considered by the Panel, consistent with discussions at the Panel meeting.




CONDITIONS

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

- An additional condition to state:
"The large metal columns along the colonnade area to Stewart Ave are to be of a material that is long lasting and easy to maintain, in light of wear and tear and graffiti, and details are to be provided in conjunction with the Construction Certificate."
- Amend the first paragraph of recommended condition C20 as below in red
"The design of the development is to be modified to provide for all loading / servicing activity (including waste collection) associated with the development to be undertaken either within designated loading dock areas and/or kerbside in an approved and designated loading zone. The design is to ensure that all service vehicle movements are to be capable of forward entry and exit, ie, without the need to reverse into vehicular traffic flows, or to reverse into the site. Required modifications are to be approved by Council before the issue of a Construction Certificate for the proposed development."

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that there were no written submissions made during the 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
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 (Coastal Management) 2018 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land Newcastle Local Environmental Plan 2012 Development control plans: <ul style="list-style-type: none"> Newcastle Development Control Plan 2012 Provisions of the Environmental Planning and Assessment Regulation 2000 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 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: 28 February 2019 Council Supplementary Report: 1 May 2019 Written submissions during public exhibition: Nil
8	PAPERS CIRCULATED ELECTRONICALLY	Papers were circulated electronically between Thursday, 2 May 2019 and Friday, 10 May 2019.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report