

PANEL REFERENCE	PPSHCC-105
DA NUMBER	MA2021/00450 (DA2018/01109).
LGA	City of Newcastle
PROPOSED DEVELOPMENT	Mixed used development, including shop top housing with 352 dwellings, ground floor retail premises, and commercial premises.
STREET ADDRESS AND OWNER DETAILS	Lots 2 & 3 DP1271240 No.854 Hunter Street Newcastle West, Lot 11 DP1270693 No.874 Hunter Street Newcastle West and Lot 300 DP1255289 No.6 Stewart Avenue Newcastle West
APPLICANT	Doma Interchange Development Pty Ltd C/ - SLR Consulting Australia Pty Ltd.
DATE OF DA LODGEMENT	17 November 2021
RECOMMENDATION	Approval

Background

The site that was subject of the approved Concept Development Application DA2018/01109 is currently known as Lots 2 & 3 DP1271240 No.854 Hunter Street Newcastle West, Lot 11 DP1270693 No.874 Hunter Street Newcastle West and Lot 300 DP1255289 No.6 Stewart Avenue Newcastle West. The site has two street frontages, to Hunter Street and to Stewart Avenue.

The Concept Development Application for the site (DA2018/01109) was submitted pursuant to provisions of the Act that allow for concept development applications. The application was approved on 1 April 2019.

The Concept Development Application for the site detailed the following application stages:

- Stage 1: Multi-storey carpark – (ref: DA2018/00879);
- Stage 2: Concept Development Application (ref: 2018/01109);
- Stage 3: 12 storey commercial office building (ref: DA2018/01107);
- Stage 4: Mixed use building of 30 storeys comprising:

The following changes are proposed to the consent under a Section 4.55(2) Modification:

- Stage 4: Mixed use building
 - The removal of the approved Basement level;
 - The approved plant and equipment spaces have been moved from the Ground Floor and Level 4, relocated to Level 1;
 - The residential storage spaces have been moved from the approved basement and reallocated to Levels 2, 3, 4 and 5. This redistribution of storage across the specified levels has resulted in a reduction in the approved commercial space;
 - Amendment to commercial tenancies on Levels 1 and 2, with an increase in the overall floor plate, from 966m² to 1070m²;
 - Amendment to the approved floor plan to facilitate the mixed use of residential, commercial, communal space and storage on Level 3;
 - The inclusion of a mezzanine on Level 5, to accommodate the additional storage; and
 - Proposed apartment number being 352 (ie 181 Apartments in the Western Tower and 171 Apartments in the Eastern Tower).
 - Building Height: East Tower 106.78m (RL109.88) and West Tower 100.58m (RL103.68)

The application was reported to the Hunter Central Coast Regional Planning Panel (HCCRPP) for determination on 20 June 2022.

This supplementary memo provides further information in response to matters raised during the determination meeting and provides associated amended conditions of consent. A version of the amended conditions is provided at **Attachment A**.

Reasons for Deferral

"The panel agreed to defer the determination of the above matters until an updated Clause 4.6 variation in relation to building height is received from the applicant as the Panel cannot legally determine the application with the information provided".

Terms of Deferral

"When the information is received, Council is to prepare an addendum assessment report.

The Panel expects revised information as referred to above be submitted to Council by COB Wednesday 22 June and an addendum assessment report to be prepared by Friday 24 June.

If revised information from the applicant is not provided within one week the Panel may move to determine the DA based on the information currently at hand.

When this information has been received, the panel will determine the matter electronically.

The decision to defer the matter was unanimous".

Response to matters raised by the HCCRPP

Clause 4.6 Exceptions to development standards

In light of the matters raised by HCCRPP the applicant has reviewed the formal written request to vary Clause 4.3 'Height of buildings' under Clause 4.6 'Exceptions to development standards' of the NLEP 2012. This matter has been dealt with in respect to the associated supplementary report for DA2021/01530.

It is noted the Panel raised concern with the formal package of drawings submitted with the modification. It is understood that the plans did not accurately reflect the height of the lift overrun, and that whilst shadow diagrams had been submitted as part of the Stage 4 development application, they were absent from the formal complete set of documents for the subject application. In the context of the submission of the shadow diagrams it is sought to provide a further quantitative and qualitative assessment of the proposed modification.

In considering whether the proposed amendments constitute as substantially the same development, the assessment should not only examine the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In this respect, the modified scheme should be 'essentially or materially' the same as that originally approved.

Qualitative Comparison

- The proposal does not propose to change the land use.
- Does not diminish the architectural quality of The Store Concept Masterplan.
- Does not propose changes that would result in a detrimental impact on the surrounding streetscape, surrounding heritage items, or view corridors.
- The amendments do not result in any further visual impact on the streetscape or public

- The amendments do not result in any perceivable adverse overshadowing impacts on the public domain, open spaces, or surrounding residential development.
- Traffic and parking impacts were considered by Council and Transport for NSW during the original assessment. Council has assessed the proposed changes, noting Transport or NSW response to the subsequent development application. It is considered that the proposal remains consistent with the NDCP traffic and parking requirements, and Transport for NSW have not raised any additional concern. It is noted that access to the site remains unchanged.

- Whilst the proposal results in a minor increase in GFA being 4.88:1 (58,754 sqm), however it does not exceed the approved GFA of 4.9:1 (58,938 sqm) for the site.
- Whilst the proposal results in an additional 6.88m in height (Residential East Tower) from the original approved height of 99m, the overshadowing impacts have not increased greatly. As demonstrated by the submitted overshadowing plan, the additional shadowing is concentrated to road and the Hunter TAFE at 9am. At 12pm the additional shadowing is concentrated to mostly road (Stewart Avenue) and at 3pm the additional shadowing is concentrated to existing commercial buildings along Hunter Street.
- The number of apartments being 352, remains consistent with the estimated number of apartments being 300-350.
- Stage 4 does not modify compliance with the ADG in terms of solar access, communal open space, ventilation, landscaping, and private open space.
- Street wall height remains unchanged, podium commercial space remains at 3 levels.

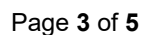


Figure 2: Aerial Image of the surrounding area.



Overall, the modifications will not result in any significant additional social and environmental impacts as previously assessed for the approved development. A detailed assessment of the potential impacts of the proposed modifications is provided within the assessment report. Based on a qualitative and quantitative assessment of the proposed modifications, the development as proposed to be modified can be considered substantially the same development as that approved under DA2018/01109.

Additional, Amended, and Proposed Draft Conditions:

Plans and Documentation

- 1) The development shall be undertaken substantially in accordance with the details and specifications set out in:

Architectural Plans:

Architectural Plans prepared by BatesSmart Architecture, Ref S12133, listed as follows:

Architectural Drawings	Rev.	Name of Plan	Date
A01.MP.000	A	Location Plan	18.9.18
A01.MP.001	A	Site Analysis	18.9.18

A01.MP.100	2	Concept Masterplan Site Strategy Building Envelopes Setbacks	12.04.22
A03.MP.201	2	L00 Plan Ground Concept	13.04.22
A03.MP.202	2	L02 Lower Levels Concept Plan	13.04.22
A03.MP.206	2	L06 Upper Levels Concept Plan	13.04.22
A03.MP.B04	A	LB1 Basement	18.9.18
A07.MP.300	C	Elevation North	13.04.22
A07.MP.301	D	Stewart Avenue Elevation East Elevation	22.06.22
A07.MP.302	D	Hunter South Elevation South Elevation	22.06.22
A07.MP.303	D	Elevation West	22.06.22
A08.MP.400	D	Section North/South Section through West Tower & Podium	22.06.22
A08.MP.401	D	East-West Indicative Section Hunter St	22.06.22

Building Height

Condition 9 - This consent permits a maximum overall building height of RL57 for the Stage 3 (commercial) building, for Stage 4 a height of RL109.88 (lift overrun) for the east residential tower, and a height of RL 103.68 (lift overrun) for west the residential tower.

Conclusion

The above supplementary report, in combination with the revisions to the draft conditions by the Regional Planning Panel and the City of Newcastle, comprehensively addresses the concerns and issues arising from the determination meeting.

It is recommended that the application be supported on the combined basis of the 'Council Assessment Report' and this Supplementary report subject to the revised draft conditions of consent.

Attachment A – Amended conditions

Attachment B – Amended Drawings

Attachment C – Shadow Diagram

Attachment D – SLR RFI response.