

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	21 December 2022
DATE OF PANEL DECISION	20 December 2022
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, Peta Winney-Baartz and John Mackenzie
APOLOGIES	Sandra Hutton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 December 2022.

MATTER DEFERRED

PPSHCC-147 – Newcastle – MA2022/00286 at 1, 17 and 19 National Park Street and 484 King St, Newcastle West – modification application (as described in Schedule 1).

The Panel has had the benefit of a briefing on this matter from the Applicant and Council.

The application is a modification to a Development Application approved by the Land and Environment Court. The approved development had the benefit of a design waiver and had demonstrated design excellence.

The current proposal seeks to change the architecture of the building and increase the height of both towers and marginally increase the FSR. The proposal has been considered by the Urban Design Review Panel on three (3) occasions.

The documentation lodged with the application does not allow for a detailed understanding of the degree of change proposed from the application as originally approved. This makes a qualitative and quantitative consideration difficult.

There is insufficient detail on the plans in terms of dimensions – e.g., separation between towers and oversized carparking space and landscaped areas. The Council's report recommends a reduction in height by the removal of level 19 on the northern tower. The Panel requires plans to assess the design outcomes resulting from this proposed condition.

The applicant provided the Panel with a submission addressing a number of matters in the report. The Panel notes they are not pressing the removal of the communal roof top space on the northern tower.

The Panel on the information before it is not yet satisfied of the design excellence of the proposal. The landscape outcomes require more work and integration with a properly considered public domain plan. Additional detail is required around turning circles, column spacing, staging, construction management, worker parking, storage, street activation, and internal amenity. The Panel also needs to understand the degree of change and the space within the carpark. End of trip facilities are also considered important.

The Panel requires additional information and consideration of these matters to determine the merits of the modification, and to be satisfied that the design excellence elements of the original approval are not comprised or lost. The Panel cannot be satisfied that this is the case with the current information.

The Panel determined that the application should be deferred for the following:

- (a) Detailed comparison of the proposed plans against the original approval in plan and elevations.

- (b) Detailed comparison of compliance with ADG and the difference between the original approval and proposed.
- (c) GFA plans showing what has been included in GFA and a comparison against the original approved plans – any car parking above Council requirements is to be included as GFA.
- (d) Amended plans providing for:
 - (i) Dedicated waste area collection providing sufficient bin space to meet Council's requirements;
 - (ii) Deletion of Level 19 on the northern tower – including RL's and layout and elevation detail;
 - (iii) Cross-section through oversized car spaces showing ceiling height;
 - (iv) Dimensions to be included on plans – specifically setbacks from boundary, spacing between building and car parking length;
 - (v) Turning circle for MRV;
 - (vi) Inclusion of common end of trip facilities;
 - (vii) Elevational treatment including streetscape presentation that demonstrates design excellence; and
 - (viii) Improved street activation and internal amenity.
- (e) Operational Management Plan outlining how proposed stack car parking is to be allocated and managed.
- (f) Identification of EV charging points in accordance with Council's Policy.
- (g) Revised landscaping plan that integrates public and private domain and provides for design excellence in the landscape outcome. Street tree planting needs to be included.
- (h) Detailed Construction Management Plan that demonstrates:
 - (i) How the site will be staged and impacts on residents managed;
 - (ii) How new residents will be advised; and
 - (iii) How worker parking during the construction is to be managed.

REASONS FOR DEFERRAL



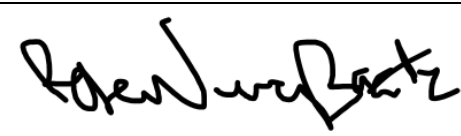

The Panel agreed to defer the determination of the matter for the information outlined at (a) to (h) above.

The Panel expects the revised information referred to above to be submitted to Council within five (5) weeks from the date of this deferral record.

The amended package is to be referred to the Urban Design Review Panel for comment on the design excellence and landscape outcomes.

The Panel expects an addendum assessment report from Council responding to the material and the matters raised above. The Panel will determine the matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Peta Winney-Baartz	 John Mackenzie

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-147 – Newcastle – MA2022/00286
2	PROPOSED DEVELOPMENT	Section 4.56 Modification to a Development Application for a mixed used development comprising demolition, retail, commercial, public spaces, residential apartments, associated parking, staging, and stratum subdivision.
3	STREET ADDRESS	Lot 1171 in DP 858465; Lot 1181 in DP 596950; Lot 99 DP1134475; Lot 1 in DP 741514; and Lot 100 in DP 612505. 1, 17, 19 National Park Street and 434 King Street Newcastle West
4	APPLICANT OWNER	GWH Build Developments Pty Ltd EXP No 1 National Park Street Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>(i) Environmental planning instruments:</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021. ○ State Environmental Planning Policy (Resilience and Hazards) 2021 for consideration of development on land within the coastal environment area. ○ Environmental Planning Policy (Resilience and Hazards) 2021 for consideration of whether the land is contaminated, an if contaminated, suitable or the purpose of development. ○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development in relation to the advice of an urban design review panel has been satisfied. ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to development likely to affect an electricity transmission or distribution network ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to traffic generating development. ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Newcastle Local Environmental Plan 2012 (NLEP 2012) <p>(j) Draft environmental planning instruments:</p> <p>(k) Development control plans:</p> <ul style="list-style-type: none"> ○ Newcastle Development Control Plan 2012 <p>(l) Planning agreements: Nil</p> <p>(m) Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></p> <p>(n) Coastal zone management plan: Nil</p> <p>(o) The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <p>(p) The suitability of the site for the development</p> <p>(q) Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</p> <p>(r) The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 7 December 2022 • Written submissions during public exhibition: two

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection (for original DA): 25 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Sandra Hutton ○ <u>Council assessment staff</u>: Ian Clark and Priscilla Emmett • Briefing: 2 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton, Peta Winney-Baartz and John Mackenzie ○ <u>Applicant representatives</u>: Stuart Campbell, Joel Chamberlain, Juergen Weigl, Loughlin Jordan, George Araujo, Wade Morris and Sam Coles ○ <u>Council assessment staff</u>: William Toose and Damian Jaeger ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley • Final briefing to discuss Council's recommendation: 14 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Peta Winney-Baartz and John Mackenzie ○ <u>Council assessment staff</u>: Holly Hutchens, Rajnesh Prakash, Amy Ryan and Priscilla Emmett ○ <u>Department staff</u>: Leanne Harris and Lisa Foley • Applicant Briefing: 14 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Peta Winney-Baartz and John Mackenzie ○ <u>Council assessment staff</u>: Holly Hutchens, Rajnesh Prakash, Amy Ryan and Priscilla Emmett ○ <u>Department staff</u>: Leanne Harris and Lisa Foley ○ <u>Applicant representatives</u>: Sam Coles, Loughlin Jordan, Wade Morris, Jonathan Craig, George Araujo and Stuart Campbell <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report