

SUPPLEMENTARY MEMORANDUM

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-147- MA2022/00286 (DA2019/00711) File Number 2019/39309 EXP No 1 National Park Street Pty Ltd v Newcastle City Council
LGA	City of Newcastle (CN)
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.
STREET ADDRESS AND OWNER DETAILS	Lot 1171 in DP 858465; Lot 1181 in DP 596950; Lot 99 DP 1134475; Lot 1 in DP 741514; and Lot 100 in DP 612505. 1, 17, 19 National Park Street and 434 King Street Newcastle West
APPLICANT	GWH BUILD DEVELOPMENTS PTY LTD
OWNER	EXP NO 1 National Park Street Pty Ltd
DATE OF DA LODGEMENT	26 August 2022
ORIGINAL DA DETERMINATION DATE	21 September 2020 Jurisdiction: Class 1 File Number 2019/393097
APPLICATION TYPE	Modification Application under 4.56
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General development with a CIV greater than \$30 million. Section 275 of the <i>Environmental Planning and Assessment Regulation 2021</i> states that a council must not determine an application to modify a development consent under the Act, Section 4.55(2), on behalf of a regional planning panel, if the application is of a kind specified in the <i>Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents</i> published on the NSW Planning Portal on 30 June 2020.
CIV	\$73,288,558 (excluding GST)
RECOMMENDATION	Approval

Response to matters raised by the HCCRPP:

Building Height

The location and overall form of the building envelopes are not inconsistent with the intent of the approved development.

The approved proposal set a maximum building height of 63.78m for the northern tower and 76.18m to the southern tower. The application proposes an increase to the approved height to 67m northern

tower and 77.8m to the southern tower. The proposal exceeds the maximum 'height of buildings' development standard as follows:

Table 2: Comparison Building Height

NLEP Height Control (Measured from existing ground level)	Proposed Height (metres from existing ground level)	Reduced Level (AHD)	Variation (m) to NLEP	Variation (%) to NLEP
Approved North Tower				
60 metres Bonus 10% 66m	Lift Overrun 63.78m	Lift Overrun 65.98 AHD	3.78m	6.3%
	Rooftop Plant/Architectural Roof Feature. N/A	Rooftop Plant/Architectural Roof Feature. N.A		
	Roof of Level 19 – 61.88m	Roof of Level 19 - 64.080 AHD	1.88m	3.1%
Approved South Tower				
60 metres Bonus 10% 66m	Lift Overrun: 76.18m	Lift Overrun: 78.380 AHD	16.18m	26.9%
	Rooftop - Plant/Architectural Roof Feature 74.66m	Rooftop Plant/Architectural Roof Feature 76.868 AHD	14.66m	24.43%
	Level 21 - 70.9m	Level 21 - 73.10 AHD	10.9m	18.16%
Proposed Amended North Tower				
60 metres Bonus 10% 66m	Lift Overrun: 67.55m	Lift Overrun: 69.750 AHD	7.55m	12.58%
	Rooftop Plant/Architectural Roof Feature.	Rooftop Plant/Architectural Roof Feature.		
	Roof of Level 19 - 66m	Roof of Level 19- 68.2AHD	6m	10%
Proposed Amended South Tower				
60 metres Bonus 10% 66m	Lift Overrun 77.8m	Lift Overrun 80.00AHD	17.8m	29.66%
	Rooftop Plant/Architectural Roof Feature. 75.3m	Rooftop Plant/Architectural Roof Feature. 77.50 AHD	15.3m	25.5%
	Roof of Level 21- 71.85m	Roof of Level 21- 74.05AHD	11.85m	19.75%

Approved Height (Measured from existing ground level)	Proposed Height (metres from existing ground level)	Increase (m) to Approved Height	Increase to % variation
Comparison of Height Northern Tower			
Lift Overrun: 63.78m	Lift Overrun: 67.55m	Lift Overrun: 3.7m	5.7%
Roof of Level 19: 61.88m	Roof of Level 19: 66m	Roof of Level 19: 4.12m	6.65%
Comparison of Height Southern Tower			
Lift Overrun: 76.18m	Lift Overrun: 77.8m	Lift Overrun: 1.62m	2.1%
Rooftop Plant/Architectural Roof Feature: 74.66m	Rooftop Plant/Architectural Roof Feature: 75.3m	Rooftop Plant/Architectural Roof Feature: 0.64m	0.8%
Level 21: 70.9m	Roof of Level 21: 71.85m	Roof of Level 21: 0.98m	1.38%

As a Section 4.55(2) modification, Clause 4.6 of the Newcastle LEP 2012 with regard to requesting a variation to the 'height of buildings' development standard does not apply.

In light of the matters raised by HCCRPP the applicant has reviewed the height and provided the following response:

"The enclosed plans remove Level 6 from the Northern tower, reducing the height by one level as requested".

The applicant has chosen to remove Level 6 and not Level 19, it is noted that the number of units as proposed has remained unchanged. The MA applications previously submitted plans proposed a height of 70.56m (72.76 AHD) for the northern tower, this has been amended and detailed in the above table. Overall, it is considered that the changes remain procedurally consistent, as the proposed heights retain the desired scaling in transition of the building height from the Spotlight, The Site, and to Verve.

Parking Demand

Introduction

Intersect Traffic has provided a traffic report and GWH has provided additional traffic and parking information in response to CN's request for further information (RFI). The addendum traffic report and response to RFI by GWH have generally addressed the issues raised by CN.

The revised architectural plans and GWH response confirms that a total of 303 car parking spaces are proposed within the four (4) levels of car parking. The increase in car parking is due to changes to the car parking layout and conversion of longer spaces to stacked car parking spaces.

However, approximately up to 2 commercial car parking spaces on the Ground Level may require a redesigned to allow for bicycle parking and end user facilities. Overall car parking for the development will likely provide a total maximum of 301 car parking spaces and includes the potential modification to the car parking on the ground level.

Although the current DCP (Effective from 1 November 2022) have savings provisions allowing the use of the previous DCP car parking rates, there is clear opportunity for this development to achieve compliance with the current DCP. The use of the new DCP parking rates for this development is supported by CN. The revised plans and subsequent responses to the RFI have achieved the parking requirements based on the current endorsed Traffic, Parking and Access DCP.

Overall, the proposed development meets CN's current DCP car parking requirements and the proposal is supported.

Proposed development and approved DA car parking breakdown based on the current DCP Parking Rates are as follows:

Table 1 - DCP Car parking proposal as follows:

	MA2022/00286 Proposed Unit Breakdown		Current DCP Parking Rates – (Effective 1/11/22)	MA2022/00286 Car Parking Requirement		Proposed Residential Car parking (As per architectural plan Dwg No. S455- A31-003 – note: drawing seems to not reflect correct number of residential units and parking)		CN Recommended Car parking Accepted Allocation (As per recommended conditions)
	Stage 1 South Tower	Stage 2 North Tower		Stage 1 South Tower	Stage 2 North Tower			
Studio / 1 bedroom (Total 36)	21	15	1 space per dwelling	21	15	35		36 (Conditioned by CN)
2 bedrooms (Total 127)	76	51	1 space per dwelling	76	51	158 (44 Tandem allocated to single units)		159 (a total of 32 Tandem allocated to 2-bedroom units (Conditioned by CN)
3 bedrooms (Total 31)	20	11	2 spaces per dwelling	40	22	64		62 (12 Tandem allocated to 3- bedroom units) (Conditioned by CN)
Total for Residential	117	77		137	88	Not confirmed	Not confirmed	257
	194 Units			225		257		(32 additional car parking spaces allocated to 2 bedroom residential units

					above the current DCP rates) (Conditioned by CN)
Residential Visitor		No minimum or maximum		19 (Includes 2 Disabled Visitor Spaces)	19 (Additional 14 commercial spaces to be used as visitor spaces outside business hours – co-shared between commercial/visitor) 1 visitor space to be designed as a car wash. (Conditioned by CN)
Commercial / retail	1233m2	No Specified Rates – based on demand		27	25 (Note: 2 spaces being removed and design refined for provision of end user facility on Ground Level) (Additional 14 commercial spaces to be used as visitor spaces outside business hours – co-shared between commercial/visitor) (Conditioned by CN)
Disabled Parking		As per BCA requirements and AS2890.6		2 disabled spaces on ground level shared between visitor parking and commercial	2 disabled spaces (Accepted by CN)
Total Car Parking				303	301 (Estimated max. car parking for the development) (Accepted & Conditioned by CN)

Loading and Servicing	<p>Heavy Rigid Vehicle (HRV) as the largest expected vehicle to access the site. Main purpose for HRV entering and exiting the site would be for waste collection.</p> <p>Loading bay provision: 1 space within the right of carriageway area</p> <p>Medium Rigid Vehicle (MRV): expected to be more frequent to service the commercial units and for residential servicing.</p> <p>Light Vehicle: use commercial spaces as required and for parcel drop-off etc.</p> <p>(Accepted & Conditioned by CN)</p>
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Table 2 - Approved DA2019/00711 - Residential and Commercial Parking

Approved Units	Previous DCP Parking Rates	DA2019/00711_Aproved Car Parking	
62	0.6 space per dwelling	38	182 Car parking for residential
108	0.9 space per dwelling	98	
23	1.4 spaces per dwelling	33	
Total residential Units: 193	Previous DCP Required Parking	169	
Disabled Car parking		2	
	1 per first 3 units and 1 thereafter for every 5	39	
Commercial / Retail Parking	1 per 60m2 GFA	25 spaces	
Loading and Servicing	As per proposed Use	Light Vehicle: use commercial spaces as required	
		Medium Rigid Vehicle (MRV): 1	
Total Car Parking		248	

Table 3 - Car parking breakdown based at each floor level (includes design refinement) as follows:

Car Parking	Ground Floor	Ground Mezzanine	Level 01	Level 02	Level 03	CN Recommended parking Accepted Allocation (As per recommended conditions)
Residential Visitor	19 (Includes 2 disabled spaces)					(Conditioned by CN)
Commercial	25 Spaces Includes 11 Stacked					2 commercial spaces being removed and design refined for provision

	(Tandem) Parking (22 spaces)					of end user facility on Ground Level. Recommended 25 spaces (14 commercial spaces to be used as visitor spaces outside business hours) (Conditioned by CN)
Residential Car Parking		49 (15 Tandem parking)	70 (11 Tandem parking)	70 (9 Tandem parking)	68 (9 Tandem parking)	Total 44 Tandem residential car parking (Accepted by CN)
Total Car Parking (as indicated on submitted plans)	46	49	70	70	68	303 (Conditioned by CN to provide Max 301 spaces)
Motorbike	-	5	4	2	4	Total 15 Motorbike spaces (Accepted by CN)
Bicycle	27 Secure Spaces with 11 charging points for scooter and bicycle 10 Open Visitor Spaces Total 37) End user facility	39	52	55	58	Total 241 Bicycle parking. Two (2) commercial spaces on GF level to be redesigned to provide for additional showers, toilets, change rooms and storage lockers (Accepted by CN)
EV Charger	13					2 Additional EV Charges will be required (5% of 303 spaces) – min. 15 spaces Total Recommended - 15 EVC. (Conditioned by CN)

Residential Off-Street Car Parking

The proposed development has changed the number of residential units and unit configuration as indicated in Table 1 and 2 above.

Comparisons on the car parking requirements between the previous Traffic, Parking & Access DCP and the current DCP, which came into effect on 1 November 2022 have been accounted for by Intersect Traffic (Traffic Consultant).

Meetings held between the applicants and CN have discussed the current DCP parking requirements. Car parking for residential units seems to be a major focus element for residential unit sales. Hence, out of the total 301 car parking spaces, 257 car parking spaces have been dedicated for residential units.

Commercial spaces are reduced from 27 to 25 to allow for 2 spaces to be designed and refined for the provision of end user facility (see comments for bicycle parking below).

When compared to the approved DA2019/00711, out of the total 248 car parking spaces, approximately 182 car parking spaces were allocated to the 193 residential units, 39 residential visitor car parking spaces, 25 commercial/retail and 2 disabled spaces were approved.

Due to the proposed development redesign, there have been 44 tandem car parking spaces proposed.

Applicants have proposed the entire 44 spaces to be allocated to the 2-bedroom units. This allocation will result in 13 of the 2-bedroom units to be without any car parking spaces, which is not acceptable.

In order to redistribute the 44 tandem spaces and provide parking for the other remaining 13 units, CN recommends that 32 tandem spaces be allocated to 2-bedroom units and 12 tandem spaces to be allocated to 3-bedroom units.

This will ensure that all units have their allocated parking space.

- Based on the tandem car parking distribution between the 2 bedroom and 3-bedroom units, overall, the proposed development will have 32 additional residential car parking spaces above the current DCP residential car parking rates.
- The original approval for DA2019/00711 provided 248 car parking spaces. The current modification application proposes a maximum of 301 car parking spaces (this number includes the required design refinement). The proposed development will have approximately 53 additional car parking spaces when compared with the approved DA2019/00711.

It is noted that the approved car parking levels are subject to further modification. The increase in car parking has been accommodated through the redesign of the vehicular access ramp. The ramp redesign has facilitated an alternative layout, which includes 44 tandem car parking spaces. It is noted that the additional car parking does not result in changes to the approved built form or in excess GFA. The proposal does not propose to convert any previously approved commercial or residential areas.

CN considers that the revised layout is acceptable and does not have any objection to the provision of the additional car parking spaces. CN recommends a condition of consent be imposed to limit the capacity of the car park, post occupation, to the revised number of on-site car parking spaces.

Stage 2 Parking Provision

Further to this, as the development is being staged and the northern tower will be delayed as Stage 2, it is recommended that a minimum of 88 car parking spaces be set aside for the stage 2 development. This will ensure the allocated parking spaces are appropriately managed for the Stage 2 residential tower units.

Residential Visitor and Commercial Off-street Car Parking

The development will provide approx. 19 dedicated residential visitor parking and approximately 25 commercial car parking spaces. Additional visitor parking spaces can be provided via use of the commercial spaces as visitor parking outside of business hours.

The multi-use of commercial car parking is supported by CN.

- An additional condition is recommended to allow for the commercial spaces to be used as visitor parking outside business hours (min. 14 spaces along the access isles).

Two (2) of the visitor parking spaces is proposed to be designed as disabled parking and meets the design criteria of AS2890.6.

13 visitor spaces are proposed to be installed with Electric Vehicle Charging stations, however based on the new car parking numbers (301 spaces), 15 EV charging spaces is required.

Motorbike Parking Provisions

15 Motorbike parking spaces have been indicated on the revised plans, whereas 12 motorbike parking was approved.

This proposal is supported.

Bicycle Parking Provisions

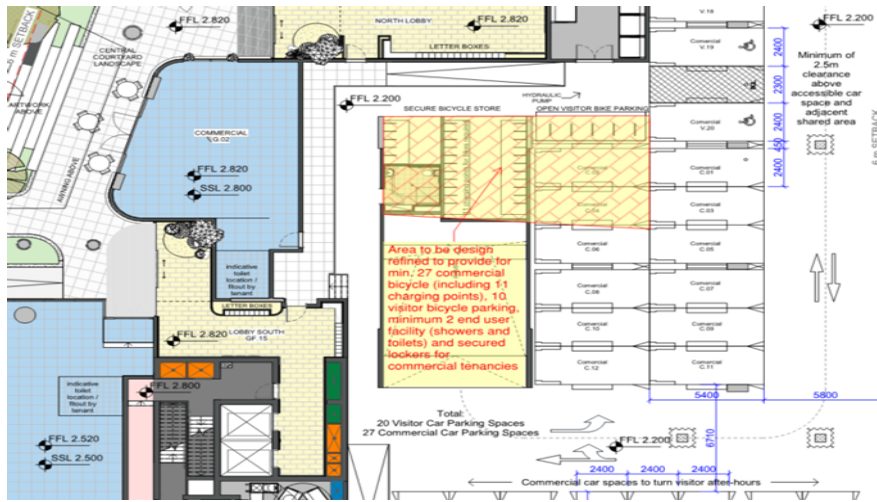
Commercial Bicycle Parking and Facility

The revised plans propose approx. 27 bicycle parking spaces for commercial use and 10 visitor bicycle spaces on the ground floor car parking level. One end user shower and toilet facility are provided. CN DCP requires provision of at least two end user facility with the provision of secured lockers.

The removal of two (2) commercial parking spaces and redesign of the proposed area to allow for additional showers, toilets, change rooms, lockers alongside bicycle parking will allow for cyclists to use the area at one central location.

The current proposal is for use of the commercial unit toilet facilities as change and shower rooms, it is hard to comment on how this can practically be managed in an office environment.

Mark-up of Ground Floor Commercial Parking to accommodate End User facility and bicycle parking.



Residential Bicycle Storage

Revised plans indicate use of the proposed storage spaces for bicycle parking for residential units. No objection is raised to this proposal. Each residential unit is required to be provided with 1 bicycle space and overall, proposed bicycle parking spaces achieves compliance with the DCP.

Approximately 11 bicycle spaces shall be equipped with electric charging stations for electric bicycles.

Plugin Electric Vehicle Charging (EVC)

The draft Environmental Planning and Assessment Amendment (Design and Place) Regulation 2021, relating to the draft State Environmental Planning Policy (Design and Place) 2021 may not be proceeding at this time.

CN has recently adopted a revised Traffic, Parking and Access DCP policy which requires such developments to provide Electric Vehicle parking within the development.

The DCP requires at least 5% of the car parking spaces to be installed with Level 2 or higher electric vehicle charging points and 100% of the parking spaces to be designed with electrical infrastructure (such as cable size, distribution boards and electrical circuitry) to allow for future installation of car charging points.

The development will have approximately 301 car parking spaces, thus at least 15 car parking spaces must be installed with Level 2 or higher electric vehicle charging (EVC) points. The current proposal indicates 13 visitor car parking spaces will be installed with EVC, and an additional 2 spaces will be required to be installed with EVC, this has been conditioned accordingly.

- Based on the above, it is considered appropriate that additional conditions be included to require the provision for charging infrastructure facilities on site to future proof the building and cater for drivers of electric vehicles, in line with CN DCP.

Conclusion

This development has proposed a balanced approach towards the use of cars and alternative transport modes and multi-use car parking spaces and is supported. As discussed earlier, CN does not object to the design modifications and recommends that the car parking be allocated as per the recommended conditions.

