

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	16 December 2020
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Susan Budd and John MacKenzie
APOLOGIES	Jason Dunn
DECLARATIONS OF INTEREST	Juliet Grant declared a conflict of interest as her employer is involved in the application

Papers circulated electronically on 2 December 2020.

MATTER DEFERRED

PPSHCC-22 – Newcastle City Council – DA 2019/01169 at 309 King Street Newcastle West – mixed use development (as described in Schedule 1)

The Panel had the benefit of a final briefing with Council, and the applicant, where the following issues were discussed:

- Public Art strategy – condition 42.
- Basement Carpark Height, Servicing and Waste Management generally – condition 12 and 17.
- Wind Tunnelling impacts – condition 41.

The Panel considers that the development is an appropriate design response for a key site which has been thoughtfully designed and will demonstrate design excellence. The Panel further considers there is argument to support the Clause 4.6 Exceptions to Development standards. The development will provide significant improvement to the streetscape, amenity and activation of the site and precinct, and includes a positive and considered mix of land uses and housing options with quality communal open spaces and good amenity.

The application, like many other applications of this scale and intensity, need to address the provision of waste management so that the residential component, if needed, can be serviced by Council. Similarly the application also needs to demonstrate that the site can be serviced by the maximum range of SRV for the reasons outlined in Council assessment report.

Whilst the Panel notes the applicant's submission relative to the types of SRV not catered for by the proposed clearance and on street options, the Panel understand that a 3.5 metre clearance for basements on large scale developments is consistently applied across the LGA and is strongly desired to be maintained by Council. While Council has accepted that waste services that may be required to be serviced by Council do not have to be collected on site (noting Council confirmation they do not offer SRV style waste collection vehicles for all relevant waste streams), there is a need for them to be brought to Bull Street in a functional way – that does not diminish the amenity or architectural response of the buildings to the streetscape and spaces within the site. This may require separate goods lifts/platforms and street level transfer room/s within the site, in close proximity to on street loading zones. Furthermore, waste storage areas are understood to be undersized.

The Panel does not accept the applicant's submission regarding the Public Art contribution seeking it recognise all costs associated with creation of the laneway, including paving, landscaping and embellishment . This is a matter that will ultimately be determined by Council's Public Art Reference Group (PARG) once the detail of the proposal is provided.

The Panel notes that the space sought to be included as part of the Public Art contribution is a necessary function of a development, as separation to the adjoining club and amenity and outlook for units facing north. It has multiple functions and responds to design solutions which identified the linkage as part of site and context analysis.

The Panel is supportive of the Public Art Strategy approach to introduce into the space a memorial to the 1989 Newcastle earthquake victims, as a respectful and appropriate public element noting that the access to it will require a form of public ROW. Whilst a matter for Council's PARG, the Panel notes that some features may function and be recognised as public art, subject to appropriate details which illustrate the public art outcomes.

The Panel is of the view that the matters relating to waste management are not conditional and require amended plans for the matter to be finally determined.

An actual signoff from the UDCG is also required, as are details of carparking and compliance regarding the existing club facility.

REASONS FOR DEFERRAL





The panel agreed to defer the determination of the matter for the following information:

1. Amended Plans that provide for:
 - A basement height clearance of 3.5 metres to the carpark.
 - Waste servicing areas that meet the EPA Better Practice Guide for Resource Recovery in Residential Developments (2019 Revision) (the areas are currently undersized).
 - Provision for a bin storage area, accessible from the Bull Street frontage, integrated as part of the building design to facilitate pick up of waste from Bull Street for the residential component of the building.
 - Retention of the design quality outcomes, and landscape strategy to King, Bull and communal areas.
2. The amended plans be submitted to the UDCG for sign off confirming whether design excellence and the intent of the design competition waiver, have been met.
3. Council prepare a further supplementary report addressing the amended plans, UDCG comments, carparking allocation to the existing club and any revised conditions, including public ROW and ensuring seniors use of the independent living units.
4. Amended plans are to be submitted within 28 days or as agreed by Council.

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

The decision to defer the matter was unanimous.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Susan Budd	 John MacKenzie

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-22 – Newcastle City Council – DA 2019/01169
2	PROPOSED DEVELOPMENT	Mixed use development - demolition of structures, erection of two 14 storey mixed-use buildings with shared basement carparking (286 spaces), comprising seniors housing (114 bed aged care facility and 82 independent living units), residential flat building (166 units), medical centre, food and drink premises (café and restaurant) and retail premises (salon).
3	STREET ADDRESS	309 King Street Newcastle West (Part Lot 1 DP 826956)
4	APPLICANT/OWNER	Western Suburbs (Newcastle) Leagues Club 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 (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP SH) State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Newcastle Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Newcastle Development Control Plan 2012 Section 94A Development Contributions Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil 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 Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations 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: 2 December 2020 Clause 4.6 Variation Request to NLEP Clause 4.3 Height of Buildings development standard Clause 4.6 Variation Request to NLEP Clause 4.4 Floor Space Ratio development standard Addendum Council assessment memorandum: 9 December 2020

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 3 June 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton and John MacKenzie ○ <u>Council assessment staff</u>: Holly Hutchens, Ian Clark, Amanda Gale, Michelle Bisson, Tracey Webb and Priscilla Emmett • Site inspection: <ul style="list-style-type: none"> ○ <u>Alison McCabe (Chair)</u>: 1 April 2020 ○ <u>Sandra Hutton</u>: 1 April 2020 • Final briefing to discuss council's recommendation: 9 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Susan Budd and John MacKenzie ○ <u>Council assessment staff</u>: Priscilla Emmett, Amy Ryan, Ian Clarke, Rajnesh Prakash, Erica Broadbent, Akshay Mahajan, Michelle Bisson • Applicant Briefing: 9 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Susan Budd and John MacKenzie ○ <u>Council assessment staff</u>: Priscilla Emmett, Amy Ryan, Ian Clarke, Rajnesh Prakash, Erica Broadbent, Akshay Mahajan, ○ <u>Applicant representatives</u>: Philip Gardener, Felicity Rourke, Rob Mirams, David Sparkes, Jeff Garry, Lydia Kuczera, Anthony Williams <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