

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DECISION	14 February 2022
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Chris Wilson, Peta Winney-Baartz and John Mackenzie
APOLOGIES	None
DECLARATIONS OF INTEREST	Juliet Grant declared a conflict of interest as her employer Gyde (previously known as CityPlan Strategy & Development) was involved in the application

SITE COMPATIBILITY CERTIFICATE APPLICATION

PPSHCC-81 – Newcastle – SCC2021NEWCA-3 at 32 Industrial Drive, Mayfield (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION

By circulation of papers the Panel considered: the material listed at item 5 of Schedule 1 and the matters raised and/or observed at briefings and site inspections listed at item 6 in Schedule 1.

The Panel previously considered this matter in October 2021 when it deferred a final determination of the matter for additional information relating to potential contamination of the site. Additional information regarding the proposed heights of buildings relative to existing ground level was also requested and received on 31 January 2022.

The Panel has had the benefit of a further memo dated 17 December 2021 from DPIE and a preliminary site investigation prepared by Douglas Partners.

The conclusion of this report notes that:

“The majority of potential contamination sources identified (if present) are likely to be localised and readily amenable to remediation (if required) through conventional remediation approaches. Based on the above, the site is considered suitable for the proposed development subject to the recommended investigations and appropriate remediation / validation (if required)”.(p25)

The recommendation notes that additional investigations would be required for any future Development Application.

The Panel is satisfied that given this preliminary investigation that the DA process and the provisions of SEPP 55 Remediation of land will be sufficient to ensure an appropriate outcome regarding the potential for contamination.

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It does not appear to be a barrier to the future residential use of the site.

Built Form and Siting

Additional information has been provided indicating heights of proposed structures from ground in metres.

The Panel understands that the massing plans are not finally resolved.

The buildings closest to William Street are in the order of 15 metres – three (3) storeys above carparking and elevated from ground level. The buildings abutting the existing carparking structure are in the order of 21 metres from ground. The Panel understands that the heights do not account for roof structure and plant etc.

The surrounding area – aside from the site itself – comprises single and two (2) storey development.

The Panel notes that the retention of the existing vegetation along William Street and the southern boundary is critical to the mitigation of impacts of the proposed building heights.

The setbacks to William Street and property to the south at 18-20 metres are essential to ensure any transition is contained with the development site and screens the built form. The fig trees need to be retained.

Buildings appear to be elevated from ground for no apparent reason.

The Panel is not satisfied that the amenity and built form relationship to the carpark is satisfactorily resolved and will result in poor amenity outcomes. The amenity of north facing units and the interface with the Club and Hotel needs further resolution and possible setback and landscape treatment to improve amenity. A detailed management plan will be required to address integration with the existing uses on site.

The integration of the waste and servicing facilities of this use and the adjoining Hotel use and Club uses need to be detailed and further considered.

The proposal has not demonstrated sufficient communal open space and should not rely on space disconnected to the proposal.

Traffic impacts and parking provisions need to be thoroughly assessed. The assessment needs to demonstrate that there is sufficient carparking to meet the existing uses on site – commercial, and hotel traffic and parking and the traffic and parking needs of any proposal. Residential carparking needs to be separate to the other non-residential uses and this requires further design input to ensure an acceptable streetscape presentation.

At this stage there is an oversupply of residential parking which is not supported. Residential traffic needs to be restricted to turning right onto William Street.

The Panel's view is that the site is suitable for the use, subject to further redesign which may result in a reduction in yield, and subject to the finding of the Preliminary Site Investigation and the following matters being addressed:

1. Retention of the setbacks to William Street and southern boundary in the order of 18-20 metres to ensure existing vegetation is retained. A detailed Arborists Report will need to accompany any Development Application;

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2. Impact of the loss of two (2) fig trees to provide access and the on-going management and replacement of the mature fig trees over time;
3. Buildings should not be unnecessarily elevated from ground level;
4. Scale of development not exceeding three (3) to four (4) storeys to William Street (Blocks A, B and C) and six (6) storeys (Blocks D & E). Buildings E and A being redesigned to address the poor amenity and outlook arising from the access and servicing from the existing Club/Hotel;
5. Building D & E relationship to the existing carpark building being redesigned to ensure appropriate amenity outcomes;
6. Detailed analysis of overshadowing, solar access and visual impacts to be included in any DA;
7. Local flooding and design responses to be assessed;
8. Potential contamination of the site and amelioration;
9. Visual analysis from Hinkler and William Streets;
10. Adoption of RMS traffic and access requirements in consultation with City of Newcastle Council including measures to manage any increased local traffic impacts;
11. Detailed analysis of carparking – both existing requirements and those arising from the development; and
12. Frequency and destinations of the proposed community bus service.

PANEL CONSIDERATION AND DECISION

By circulation of papers the Panel considered: the material listed at item 5 of Schedule 1 and the matters raised and/or observed at briefings and site inspections listed at item 6 in Schedule 1.

Based on this information, the Panel determined:

- ☒ to issue a site compatibility certificate subject to satisfaction of certain requirements (as listed in the certificate), because the application has demonstrated that the site is suitable for more intensive development and it is compatible with the surrounding environment.
- ☐ to refuse to issue a site compatibility certificate, because the application:
 - ☐ has not demonstrated that the site is suitable for more intensive development
 - ☐ has not demonstrated the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Panel authorises the Chair to issue the Site Compatibility Certificate and notify the applicant, Council and the Department of Planning, Industry and Environment of the Panel's decision.






The decision was unanimous.

REASONS FOR THE DECISION

As set out in the Certificate.

REQUIREMENTS TO BE IMPOSED ON THE DETERMINATION

1. Retention of the setbacks to William Street and southern boundary in the order of 18-20 metres to ensure existing vegetation is retained. A detailed Arborists Report will need to accompany any Development Application;
2. Impact of the loss of two (2) fig trees to provide access and the on-going management and replacement of the mature fig trees over time;
3. Buildings should not be unnecessarily elevated from ground level;
4. Scale of development not exceeding three (3) to four (4) storeys to William Street (Blocks A, B and C) and six (6) storeys (Blocks D & E). Buildings E and A being redesigned to address the poor amenity and outlook arising from the access and servicing from the existing Club/Hotel;
5. Building D & E relationship to the existing carpark building being redesigned to ensure appropriate amenity outcomes;
6. Detailed analysis of overshadowing, solar access and visual impacts to be included in any DA;
7. Local flooding and design responses to be assessed;
8. Potential contamination of the site and amelioration to be addressed;
9. Visual analysis from Hinkler and William Streets to be provided;
10. Adoption of RMS traffic and access requirements in consultation with City of Newcastle Council including measures to manage any increased local traffic impacts;
11. Detailed analysis of carparking – both existing requirements and those arising from the development; and
12. Frequency and destinations of the proposed community bus service being detailed.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Sandra Hutton
 Chris Wilson	 Peta Winney-Baartz
 John Mackenzie	

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	PPSHCC-81 – Newcastle – SCC2021NEWCA-3
2	SITE DESCRIPTION	32 Industrial Drive, Mayfield North (Lot 100 DP 1084939)
3	DEVELOPMENT DESCRIPTION	<p>The application is for 176 self-care units in five separate buildings between 4 to 6 storeys in height, basement car parking for 302 cars and 16 motor bikes and community/ private open space.</p> <p>The application will result in an additional 19,993m² of gross floor area (GFA), increasing the total site GFA to 31,863m², equivalent to a floor space ratio of 0.657:1</p>
4	APPLICATION MADE BY	Western Suburbs (N'cle) Leagues Club Ltd
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Site compatibility certificate application documentation • Assessment report from Department of Planning and Environment • Memorandum from Department of Planning and Environment <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
6	BRIEFINGS, SITE INSPECTIONS & CIRCULATION OF PAPERS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: <ul style="list-style-type: none"> ○ Sandra Hutton: 14 October 2021 • Briefing with Department of Planning, Industry and Environment: 14 October 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Alison McCabe (Chair), Sandra Hutton, Chris Wilson, Peta Winney-Baartz and John Mackenzie ○ Department of Planning, Industry and Environment staff in attendance: Mark Parker, Thomas Holmes and Lisa Foley • Papers were circulated electronically on 6 October 2021 • Memo dated 17 December 2021 from DPIE and Preliminary Site Investigation Report by Douglas Partners. • Additional plan showing heights dated 31 January 2022.