

MINUTES OF THE HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT NEWCASTLE CITY HALL ON THURSDAY, 05 MAY 2011 AT 5.30 PM

PRESENT:

Garry Fielding	Chair
Jason Perica	Panel Member
Bob McCotter	Panel Member
Brad Luke	Panel Member
Scott Sharpe	Panel Member

IN ATTENDANCE

Geof Mansfield	Coordinator Development Assessment Team
Damian Jaeger	Senior Development Officer
Jeff Garry	Consultant / Development Engineer
Mark Manning	Senior Environmental Protection Officer

APOLOGY: Kara Krason

1. The meeting commenced at 5:32pm
2. **Declarations of Interest** - Nil
3. **Business Items**

ITEM 1 - 2010HCC028 Newcastle 10/1049 - Demolition of a dwelling, construction of a place of worship (mosque) and associated community facilities including a dwelling house, ceremonial funeral; Lot 2 DP 209466 - 158A Croudace Road Elmore Vale & Lot 4 DP 108654 - 164 Croudace Road Elmore Vale

4. Presentation by Independent Consultants requested to prepare Peer Review Assessments of Traffic and Noise, two issues considered critical to determination of the DA by the Panel;

Acoustics Peer Review – Mr John Cotterill, SLR Consulting Australia

Traffic Planning & Engineering Peer Review – Mr Mark Waugh, Better Transport Futures

5. **Public Submissions –**

	Name	
1.	Errol Thompson	addressed the panel against the item.
2.	Hilda Pye	addressed the panel against the item.
3.	Sameh AL-ASSIL	did not speak
4.	Malcolm & Kathy Docker	addressed the panel against the item.
5.	David Humphris – de Witt Consulting (Town Planner)	addressed the panel in favour of the Item

	– on behalf of applicant	
6.	Terry Keating – TPK & Associates (Traffic Engineer) – on behalf of applicant	did not speak
7.	Ross Hodge – Spectrum Acoustics (Acoustic Engineer) – on behalf of applicant	did not speak
8.	Janene Smith	addressed the panel against the item.
9.	Dr Mira Gordon	addressed the panel against the item.
10	Dianne Mews	addressed the panel against the item.
11	Donna Steel	addressed the panel against the item.
12.	Les Cawthorne	addressed the panel against the item.
13	Tracey Donaldson	addressed the panel against the item.
14	Allan Mason	addressed the panel against the item.
15	Susan Hynes	addressed the panel against the item.
16	Gina Lynch	addressed the panel against the item.
17	Mr Bob Iander to speak on behalf of EV CARES – Power point presentation	addressed the panel against the item.
18	Kevin Dunne	addressed the panel against the item.
19	Deborah Cherry	addressed the panel against the item.
20	Alison Ford	addressed the panel against the item.
21	Phillip Heyne	addressed the panel against the item.
22	Judith Honnery	addressed the panel against the item.
23	Paul Morrissey	addressed the panel against the item.
24	Jeffrey Thomas Baldwin	addressed the panel against the item.
25	Luke Pollard	addressed the panel against the item.
26	Judy Mee	addressed the panel against the item.
27	Paul Mace	addressed the panel against the item.
28	Rob Pollitt	addressed the panel against the item.
29	David Craddock	Mike Staunton addressed the panel against the item on behalf of David
30	Elizabeth Craddock	Mike Staunton addressed the panel against the item on behalf of Elizabeth
31	Luke Craddock	Mike Staunton addressed the panel against the item on behalf of Luke
32	Neil Cooper	addressed the panel against the item.
33	Geoff Gordon	addressed the panel against the item.
34	Robert Hiskens	addressed the panel against the item.
35	Shayne Connell	addressed the panel against the item.

36	Robert Sheard	did not speak
37	Donna Williams	did not speak
38	Lesley Horrocks	addressed the panel against the item.
39	Phil Ambler	addressed the panel against the item.
40	Sharon Boyce	addressed the panel against the item.
41	Steve Beveridge	addressed the panel against the item.
42	David Glover	addressed the panel against the item.
43	M Qamruzzaman (Zaman) – (Newcastle Muslim Association)	addressed the panel in favour of the Item

6. 8:00pm – Meeting adjourned for 10 Min break, meeting resumed at 8:15pm.

7. Business Item Recommendations

2010HCC028 Newcastle 10/1049 - Demolition of a dwelling, construction of a place of worship (mosque) and associated community facilities including a dwelling house, ceremonial funeral; Lot 2 DP 209466 - 158A Croudace Road Elmore Vale & Lot 4 DP 108654 - 164 Croudace Road Elmore Vale

Jason Perica

- Use is permissible in zone, that doesn't mean it is allowable.
- Key central issue allowability/permissibility, Objective (c) of zoning relating to scale and intensity.
- Proposal complies with key standards and the height non-compliance relates to an aspect which may be exempt from the height definition.
- Notes the extensive excavation of the site, and the overall visual acceptability of the proposed scale.
- Intensity of development is related to impacts, and the main amenity impacts relate to traffic, car parking and noise. In this context, commissioning a traffic and noise external peer review was appropriate.
- The Traffic peer review by Mark Waugh questioned and refuted a key assumption with the proposal, relating to car occupancy. It is appropriate further analysis be undertaken regarding this, given the limited data available for this type of development. However, one survey is not enough.
- The peer review also did not address "What if". Namely, it did not address the implications of any changes in car occupancy and whether the resulting impacts would be acceptable, or could be made to be acceptable. This was not part of the brief.
- In terms of the Noise peer review, we have a report advising cumulative impacts have not been fully considered, nor the impact of cars using the eastern ramp closest to neighbours.
- The proposal has not been analysed empirically and in sufficient detail to make a properly informed determination.
- Would put forward a motion to defer consideration of the application to enable further analysis to be undertaken relating to traffic, parking and noise.

Cr Brad Luke

- Agrees that Objective (c) of 2(b) Urban Core Zone is of paramount importance.
- Inconsistencies with traffic have major impact on DA.
- The proposal would be characterised as a regional facility in a residential area.

- Considering the total information available before the Panel, he would recommend a rejection if a motion to defer was not passed.

Bob McCotter

- A number of areas generated concern in terms of proposal.
- Council officers have been criticized, though this criticism is inappropriate.
- JRPP took the initiative to undertake peer reviews because the issues of traffic and noise were clearly of community interest.
- The Peer Review Noise report raised 4 areas of concern. Once more information was submitted, the reviewer was satisfied with 3 of those areas, but was still dissatisfied with one area.
- The cumulative impact of noise was not predicted – it is a sensitive issue and needs to be dealt with to the satisfaction of JRPP.
- An assessment decision based on the information before the JRPP would make that decision vulnerable to legal challenges from either side, so the Panel must get it right.
- We need to get this information otherwise it is not fair to either party
- Supports and seconds the proposal to defer determination to allow traffic information to be received from comparable mosques.

Scott Sharpe

- The debate regarding the traffic (car occupancy rates) substantially alters the potential impact on the amenity of residential area resulting from the mosque.
- In listening to the concerns he would not be able to foreshadow approval and would recommend refusal.

Garry Fielding

- Objective (c) of the 2(b) Urban Core Zone is fundamental in the assessment and determination of the application.
- Traffic is of particular concern.
- Peer reviews have been conducted on traffic and noise and, as a result, the easy decision may appear to be refusal of the application
- However, the Panel needs to be absolutely clear on the car occupancy rate, especially its influence on traffic generation and parking demand and their resulting impacts on the amenity and character of the area.
- Important in making any decision that the assessment is made in such a way that it is able to withstand any challenges in the Land and Environmental Court.
- Mr Waugh has made only one survey of the Medcalf Street, Wallsend mosque in relation to car occupancy rate.
- Supports deferral to seek independent advice on traffic, as well as enabling the issue of cumulative noise impacts to be addressed.

Moved Jason Perica, seconded, Bob McCotter

Determination of the Development Application be deferred to enable:

- 1) An independent traffic consultant appointed by the Panel, to undertake appropriate detailed research of similar places of worship (in terms of operation, accessibility and parking availability) to ascertain the appropriate car occupancy rate to be applied to the proposed development and the traffic and parking implications for the area flowing from these findings. Such findings are to consider whether traffic and parking impacts are acceptable or able to be ameliorated by works or conditions.
- 2) The applicant to provide additional information regarding noise impacts and issues raised in the independent acoustic consultant report by SLR including:
 - a) Addressing cumulative noise impacts, including under non-neutral weather conditions; and
 - b) Noise impacts from the eastern ramp to the upper level car park

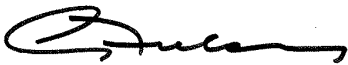
This response shall be reviewed by an independent acoustic consultant appointed by the Panel.

When completed, the above work is to be considered by Council Officers in reviewing their assessment report. The reviewed assessment report will be reconsidered by the Panel as soon as is practicable.

MOTION CARRIED 3 – 2

The meeting concluded at 8:45pm.

Endorsed by

A handwritten signature in black ink, appearing to read 'Garry Fielding', written in a cursive style.

Garry Fielding
Chair

10th May 2011