

RECORD OF DEFERRAL

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Tuesday 11 December 2018
PANEL MEMBERS	Michael Leavey (Chair), Susan Budd, Peter Brennan, Cr Anne Sander & Cr Mark Lyons
APOLOGIES	Jason Perica & Kara Krason
DECLARATIONS OF INTEREST	Cr Bob Pynsent and Cr Allan Stapleford- Previously voted on the planning proposal for the site

Public meeting held at Cessnock City Council on 11 December 2018, opened at 1:30pm and closed at 2.50pm.

MATTER DETERMINED

2016HCC069 – Cessnock City Council – DA8/2016/557/1 at 1058, 1054 & 1184 Wine Country Drive Lovedale 2325 (as described in Schedule 1)

REASONS FOR DEFERRAL

While the Panel remains conceptually and strategically supportive of the use and the approach to staging, and favourably predisposed to grant approval, there remains inadequate certainty regarding giving effect to the concept approval, particularly as key aspects relevant to the future development of the site have not been satisfactorily resolved and documented, which is important as future development must be consistent with the concept approval and having regard to the requirements of former section 83C(3) of the *Environmental Planning and Assessment Act 1979*.

The Panel considered the terms of the previous deferral on 24 May 2018, and was of the view that an insufficient level of detail and commitments has been provided in response to the previous deferral, and that this information is required before any consent could be issued for a concept approval for what is a large and significant development for the region. The Panel acknowledges that a concept approval does not require full detail of every part of future stages, however a sufficient level of detail, and commitments, is required to satisfy relevant statutory considerations; to provide appropriate certainty for Council, the community and future residents; and to provide a framework for assessing applications for future stages.

By way of comment, the Panel remains of the view that guidelines for future development should be prepared, similar to those for “The Vintage”, notwithstanding that the developer intends to undertake future construction, and that the overall landscape strategy should pay particular attention to screen planting and landscaping along the Wine Country Drive frontage .






The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

TERMS OF DEFERRAL

The panel agreed to defer the determination of the matter until further information is provided by both the applicant and council, as detailed below:

- The applicant is to provide a comprehensive and self-contained document addressing the requirements and considerations under clause 6.3(2) of Cessnock Local Environmental Plan 2011, and having regard to the requirements of the former section 83C(3) of the *Environmental Planning and Assessment Act 1979*. In particular the document needs to provide sufficient detail and commitments, relative to a DCP level, to provide a clear framework for future development and for the assessment of future applications.

- Prior to a further report being prepared for the Panel, the Panel requests a briefing from Council staff on the information provided by the applicant; and
- That Council provide, as part of any future report to the Panel, recommended conditions relating specifically to the concept application, in addition to those conditions relating to the Stage 1 community title subdivision application.

PANEL MEMBERS	
 <p>Michael Leavey (Chair)</p>	 <p>Peter Brennan</p>
 <p>Susan Budd</p>	 <p>Cr Anne Sander</p>
 <p>Cr Mark Lyons</p>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016HCC069 – Cessnock City Council – DA8/2016/557/1
2	PROPOSED DEVELOPMENT	Wine Country Drive, Lovedale NSW
3	STREET ADDRESS	1058, 1054 & 1184 Wine Country Drive Lovedale 2325
4	APPLICANT/OWNER	Applicant: Capital Hunter Pty Ltd C/O HDB Town Planning & Design Landowner: Capital Hunter P/L
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy No. 44 – Koala Habitat Protection State Environmental Planning Policy (Infrastructure) 2007 Cessnock Local Environmental Plan 2011 Draft environmental planning instrument: E Development control plan: Cessnock DCP 2010 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 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: 27 November 2018 Written submissions during public exhibition: 3 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – None Object – None On behalf of the applicant – Kerry Nichols
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing Tuesday 11 December 2018 Final briefing to discuss council's recommendation, Tuesday 11 December 2018, 12:30pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Michael Leavey (Chair), Susan Budd, Peter Brennan, Cr Anne Sander & Cr Mark Lyons <u>Council assessment staff</u>: Kristen Wells, Richard Forbes, Jules Bosco & Janine Maher
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report