

## DETERMINATION AND STATEMENT OF REASONS

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 4 December 2019
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Susan Budd, Julie Savet Ward and Cr. Mark Lyons
<b>APOLOGIES</b>	Michael Leavey, Anne Sanders and Kara Krason
<b>DECLARATIONS OF INTEREST</b>	Bob Pynsent and Allan Stapleford – Previously voted on the planning proposal for the site.

Public meeting held at Cessnock City Council 62-78 Vincent Street, Cessnock on 4 December 2019, opened at 1:45pm and closed at 2.07pm.

#### MATTER DETERMINED

2016HCC069 – Cessnock City Council – DA8/2016/557/1 at Wine Country Drive, Lovedale NSW – Golden Bear Staged Development (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

- The Panel agreed with the assessment of environmental impacts as contained in the report by Council;
- The site is suited to the use and the proposed siting was rational and logical for the site;
- The matters identified as requiring additional details and consideration from previous Panel deferrals have been appropriately and adequately addressed, including an appropriate framework for future assessment of DAs;
- The proposal would have positive social and economic impacts and would be an asset for the area and region;
- The proposal would be in the public interest, with the benefits outweighing the impacts from the proposal;
- The use is permissible with consent and consistent with the objectives of the zone;
- Bushfire risk has been addressed and GTAs received from RFS;
- There are limited and acceptable impacts upon neighbours; and
- Impacts have been reasonably mitigated by the design and conditions of consent, as amended.

#### CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 2 be amended to delete reference to “NSW DPI Water”;
- A new Condition be included to state:





##### **Contamination**

*The development application(s) for each stage must provide relevant documentation to satisfy the requirements of State Environmental Planning Policy 55 (Remediation of Land), and associated Guidelines.*

- Condition 24 be amended to add “*and Sustainability*” to the title, and to add the following sentence to the end of the condition:  
*For non-residential development, the applicant is encouraged to implement best practice sustainability initiatives (particularly noting high water use and nutrient loads from golf courses). Any such initiatives shall be detailed in the DA for each stage.*

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel at public meetings. The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that the impacts associated with the development were either acceptable as proposed or appropriately managed and mitigated by conditions of consent.

PANEL MEMBERS	
 Jason Perica (Chair)	 Julie Savet Ward
 Susan Budd	 Cr. Mark Lyons

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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Cessnock Local Environmental Plan 2011</li> </ul> </li> <li>Cessnock DCP 2010</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 8 May 2018</li> <li>Addendum Report: 27 November 2018</li> <li>Supplementary Report: 20 November 2019</li> <li>Updated Concept and Management Plan (2/10/2019)</li> <li>HDB Letter dated 19 November 2019</li> <li>Written submissions during public exhibition: 3</li> <li>Hunter Valley Wine and Tourism Association submission (20/12/2016) tabled to Panel</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Kerry Nichols</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: Thursday, 24 May 2018 <ul style="list-style-type: none"> <li><u>Panel members</u>: Jason Perica (Chair), Kara Krason, Michael Leavey, Anne Sanders and Mark Lyons</li> <li><u>Council assessment staff</u>: Kristen Wells and Richard Forbes</li> </ul> </li> <li>Final Briefing: Thursday, 24 May 2018 <ul style="list-style-type: none"> <li><u>Panel members</u>: Jason Perica (Chair), Kara Krason, Michael Leavey, Anne Sanders and Mark Lyons</li> <li><u>Council assessment staff</u>: Kristen Wells and Richard Forbes</li> </ul> </li> <li>Site inspection: Tuesday, 11 December 2018 <ul style="list-style-type: none"> <li><u>Panel members</u>: Susan Budd and Peter Brennan</li> <li><u>Council assessment staff</u>: Jules Bosco, Janine Maher, Kristen Wells and Richard Forbes</li> </ul> </li> <li>Final briefing: Tuesday 11 December 2018 <ul style="list-style-type: none"> <li><u>Panel members</u>: Michael Leavey (Chair), Peter Brennan, Susan Budd, Cr Anne Sander &amp; Cr Mark Lyons</li> <li><u>Council assessment staff</u>: Kristen Wells, Richard Forbes &amp; Jules Bosco &amp; Janine Maher</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Briefing: Wednesday, 16 October 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey and Kara Krason</li> <li>○ <u>Council assessment staff</u>: Holly Taylor, Richard Forbes Janine Maher</li> </ul> </li> <li>• Site inspection: Wednesday, 4 December 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Julie Savet Ward, Susan Budd</li> <li>○ <u>Council assessment staff</u>: Richard Forbes and Janine Maher</li> </ul> </li> <li>• Final briefing: Wednesday, 4 December 2019 at 1:15pm <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Julie Savet Ward, Susan Budd and Mark Lyons</li> <li>○ <u>Council assessment staff</u>: Holly Taylor, Richard Forbes and Janine Maher</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report