

<b>DATE OF DETERMINATION</b>	Thursday, 13 July 2017
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Kara Krason, Michael Leavey, Councillor Sharon Waterhouse
<b>APOLOGIES</b>	Brad Luke
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Travelodge Hotel, 12 Steel Street Newcastle on 13 July 2017, opened at 3.15 pm and closed at 3.55pm.

#### **MATTER DETERMINED**

2017HCC005 – Newcastle – DA2017/00149 at 90A Vale St, Shortland (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:1 in favour, against the decision was Ms Kara Krason.

#### **REASONS FOR THE DECISION**

The Panel generally agreed with the conclusions and balance of the environmental assessment within the Council staff report.

The Panel noted the existing Concept approval (as amended) which allowed for staged development of the site and the development of this portion of the site was generally consistent with that approval.

A number of conditions were amended, as below, with associated reasoning.

Kara Krason disagreed with the majority decision for the following reasons:

- Inconsistent with the original reasons for supporting the Staged Development application.
- Uncertainty relating to contamination, remediation and SEPP 14 Wetland matters that were key issues in the original determination and how these matters have progressed for redevelopment of the whole site in context with permitting seniors development at an earlier stage than was permitted in the original approval.
- Staging and location of the residential aged care facility has changed significantly since issuing the original concept approval.
- Concerned that the revised layout may impact on further tree loss within the site as the premise of the original approval was that future detailed design was to maintain as many trees as possible as per the conditions of the original approval.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments or additions:





- Condition 3 be amended to refer to “Serviced Self Care” housing, as defined in the *SEPP (Housing for Seniors or People with a Disability) 2004*, as the application and Concept approval is for that use (not Independent Living Units).

- A new Condition 3A be inserted requiring the provision of a mini bus, 7 days a week, and on-site services for residents in accordance with the *SEPP (Housing for Seniors or People with a Disability) 2004*, as this was proposed and is clearer in terms of obligations as a Condition
- Condition 37 be moved to the Schedule of Conditions related to “*Prior to Occupation Certificate*” as this is the appropriate timing for the Condition
- Condition 38 be amended to state:  
*Visitor parking bays are to be permanently marked out (and maintained) on the pavement surface and signposted.*

#### Part B

The applicant be advised in the Notice of Determination that any applications for future stages should include the following:

- Overview Site Plan(s) indicating the aged care development and approved golf course (18 holes);
- The relevant stage in the context of approved stages and future stages;
- Reconciliation of the proposed dwelling and Residential Care bed numbers, including the future stages, to ensure the parameters of the Concept Plan are met and incremental changes do not occur in individual stages;
- Clarity on the approved stage footprint and the proposed stage footprint, with the rationale for any changes clear on the plans and associated SEE; and
- If related to tree removal, the approved prior works or proposed works necessitating such tree removal.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Michael Leavey	 Councillor Sharon Waterhouse

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC005 – Newcastle – DA2017/00149
2	PROPOSED DEVELOPMENT	Stage 2 of a Seniors Housing Development, involving the construction of 45 Serviced Self Care dwellings and associated site works
3	STREET ADDRESS	90A Vale St, Shortland
4	APPLICANT/OWNER	PEP Consulting
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
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 (Housing for Seniors of People with a Disability) 2004</li> <li>○ State Environment Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No. 71 Coastal Protection</li> <li>○ Newcastle Local Environmental Plan 2012 (LEP)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Newcastle Development control Plan 2012 (DCP)</li> <li>○ Section 94A Development Contributions Plan 2009</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> and <i>Environmental Planning and Assessment Act 1979</i></li> <li>• Coastal zone management plan: Nil</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>• 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: 3 July 2017</li> <li>• Written submissions during public exhibition: Nil</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant (questions) – Clare Brennock, Kegan Lacey, Patrick Quinlan</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection 13 July 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 13 July 2017 prior to public meeting. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Michael Leavey, Sharon Waterhouse</li> <li>○ <u>Council assessment staff</u>: Melissa Thomas, Murray Blackburn-Smith</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report