

## DETERMINATION AND STATEMENT OF REASONS

### HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	28 September 2017
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Michael Leavey, Clare Brown
<b>APOLOGIES</b>	None (note Sharon Waterhouse no longer a Councillor with Newcastle City Council)
<b>DECLARATIONS OF INTEREST</b>	Councillor Brad Luke declared a non-pecuniary interest as a client of Cllr Luke approached him to support the application.

Public meeting held at Newcastle Room, Newcastle City Hall, 290 King Street, Newcastle on 28 September 2017, opened at 3.40pm and closed at 4.30pm.

#### MATTER DETERMINED

**2017HCC016 - Newcastle - DA2017/00295** - 90 Vale Street Shortland - Staged development - Tree Removal and Lopping (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 unanimous.




#### REASONS FOR THE DECISION

The Panel generally agreed with the balancing of the assessment of environmental considerations as outlined in the Council report. The proposal is consistent with the prior staged development approval, which necessitates tree removal. No highly significant trees are to be removed and compensatory tree planting at a ratio of greater than 2:1 is proposed to mitigate that impact. Other matters of potential impact relating to contamination, protection of wetlands and water management are addressed by 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 28 be amended and expanded to include the following first sentence:  
*The Erosion and Sediment Control Plan shall be amended in scope to ensure it addresses all works proposed, to the written satisfaction of Council prior to the commencement of works.*  
(Reason: To ensure erosion and sediment control measures are in place for all works).

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	DA2017/00295
2	PROPOSED DEVELOPMENT	Staged development - Tree Removal and Lopping
3	STREET ADDRESS	90 Vale Street Shortland
4	APPLICANT/OWNER	PEP Consulting Pty Ltd / Shortland Waters Golf Club
5	TYPE OF REGIONAL DEVELOPMENT	Staged DA - DA forms part of Staged DA that meets Schedule 4A criteria
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments include:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 - Remediation of Land</li> <li>• State Environmental Planning Policy No 71 Coastal Protection</li> <li>• State Environmental Planning Policy No.44 - Koala Habitat Protection</li> <li>• State Environmental Planning Policy No.14 - Coastal Wetlands</li> <li>• Newcastle Local Environmental Plan 2012</li> </ul> <ul style="list-style-type: none"> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Newcastle Development Control Plan 2012</li> </ul> </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>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and 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: 18 September 2017</li> <li>• Written submissions during public exhibition: Nil</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – various representatives answering questions</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting 13 July 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 28 September 2017, 2.00pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey , Clare Brown</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