

RECORD OF DEFERRAL
HUNTER AND CENTRAL COAST JOINT REGIONAL
PLANNING PANEL

DATE OF DETERMINATION	14 June 2018
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, and Cr. John MacKenzie
APOLOGIES	Kara Krason and Cr. Jason Dunn
DECLARATIONS OF INTEREST	None

Public meeting held at Travelodge Hotel Newcastle on 14 June 2018, opened at 2.30 pm and closed at 3.05 pm.

MATTER DETERMINED

PANEL REF – 2017HCC040 - LGA – Newcastle – DA2017/01269 AT 48 Brown Street, The Hill (Newcastle East Public School) (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 defer determination of the development application as described in Schedule 1.

The decision was Unanimous.

REASONS FOR THE DECISION

The Panel considered the Council staff assessment report and the proposal itself and generally agreed with the assessment of environmental considerations within the Council staff report.

The Panel was favourably inclined to grant consent for the following reasons:

1. The proposal would provide a social and educational public benefit (including increased capacity to meet a growing population);
2. Site-specific considerations were appropriately considered and addressed including heritage issues, vistas, trees, accessibility and street scape urban design;
3. The proposal is suited to the site and impacts are appropriately managed and mitigated by recommended conditions of consent;
4. In terms of considering community views it was noted that one submission was received including raising issues related to traffic safety. It is appropriate for the Council to consider drop off and pick up arrangements in the vicinity of the school in consultation with the school itself (the Panel was verbally advised this is being considered by Council). However, the issue of traffic generation and safety was not such to warrant refusal of the proposal given the scale and nature of the proposal.
5. Other agency responses were noted. including Mine Subsidence and the Rural Fire Service had issued General Terms of Approval and appropriate conditions are included as part of the recommendation.

However, the application was made by the Crown, who advised there are conditions of some concern, specifically related to Mine Advisory NSW (whose terms cannot or should not be altered by the Panel) and archival photography. Accordingly, the Panel was not in a position to grant consent.




The applicant also expressed openness and agreement to two additional street trees, provided bushfire planning requirements are met.

TERMS OF DEFERRAL

The development application be deferred for subsequent consideration and determination of the same Panel (which can be by electronic means), with the applicant being invited to:

1. Confer with Mine Advisory NSW about any conditions of concern;
2. Consider, in consultation with Council staff, a condition of archival photography which is reasonable;
3. Consider the provision of two additional street trees in front of the site (provided this is acceptable for bushfire planning and acceptable to Council); and
4. Provide written advice regarding the acceptability of any revised conditions arising from the above.

The report back to the Panel should occur as soon as is practicable following the above.

PANEL MEMBERS	
	
Jason Perica (Chair)	Cr. John MacKenzie
	
Michael Leavey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PANEL REF – 2017HCC040 - LGA – Newcastle – DA2017/01269
2	PROPOSED DEVELOPMENT	Demolition of existing covered outdoor learning area (COLA), erection of a new “Homebase” building and associated ancillary facilities
3	STREET ADDRESS	48 Brown Street, The Hill (Newcastle East Public School)
4	APPLICANT/OWNER	TSA Management
5	TYPE OF REGIONAL DEVELOPMENT	Crown application over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Educational

		<p>Establishments and Child Care Facilities) 2017</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 71 – Coastal Protection ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Newcastle Local Environmental Plan 2012 <ul style="list-style-type: none"> ● Draft environmental planning instruments ● Newcastle Development Control Plan 2012 ● Section 94A Development Contributions Plan 2012 ● Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> ● 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 ● Any 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: June 2018 ● Written submissions during public exhibition: 1 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Stevan Pejic, Aaron Manderson, Micah Barnes, Holly Nyquist and Jason Condon
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing meeting – 30 November 2017 ● Final briefing meeting to discuss council’s recommendation, 14 June 2018, 2.00 pm to 2.30 pm (in addition to prior site visit). ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jason Perica (Chair), Michael Leavey and Cr. John MacKenzie ○ <u>Council assessment staff</u>: William Toose and Priscilla Emmett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report