

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Monday, 19 August 2019
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, Mayor Bob Pynsent and Cr Anne Sander
APOLOGIES	None
DECLARATIONS OF INTEREST	Kara Krason: Elizabeth Mossop (Dean of Design Architecture & Building at UTS is a founding partner, Director of the landscape architect firm involved in the project Spackman Mossop Michaels. While no discussions have occurred in relation to the above application, as I currently work at UTS on design projects which Elizabeth Mossop is also involved with. I have declared a reasonably perceived conflict of interest due to this current professional relationship.

Papers circulated electronically between 24 July 2019 and 31 July 2019.

MATTER DETERMINED

2017HCC057 – Cessnock City Council – DA8/2017/662/1 at Palmers Lane, Pokolbin – Tourist 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.

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 determined to approve the application for the reasons outlined in the council assessment report.
- The additional information provided satisfactorily addressed the Panel's reasons for deferral.

CONDITIONS

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

- No Serviced Apartment subject of this development consent shall be occupied on a permanent basis. No Serviced Apartment shall be let to an occupant for a period of time exceeding one-hundred & eighty (180) days.
- The flood emergency plan should commit to storing drinking water and basic food items sufficient for the predicted maximum number of occupants on the site to last for a minimum period of 12 hours.
- No future strata title subdivision of the development subject of the development consent under the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986 shall be permitted.

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. The issues of concern were appropriately summarised in the Council assessment report and the Panel generally agreed with the Council staff assessment of the issues raised. In response to some main concerns raised in submissions and at the meeting, the Panel considered:

- The flooding issues were manageable, while appropriate consideration of impacts was undertaken within submitted documentation and review by Council, and the proposal was an appropriate response to this constraint, subject to submission of an emergency evacuation plan appropriate other conditions;
- the concerns regarding visual impacts to be over-stated and very minor, having regard to the context, topography, vegetation and siting;
- the primary use to be properly characterised as serviced apartments;
- the access arrangements to be appropriate (subject to augmentation as required by conditions);
- the parking and traffic impacts to be acceptable and relatively minor;
- Amenity impacts from noise and lighting to be relatively minor and acceptable (with noise impacts addressed by an expert review and conditions of consent); and
- Infrastructure able to support the proposal, or be augmented through appropriate conditions.

The concerns raised did not warrant refusal of the application, while a concern about safety in evacuation was shared by the Panel and addressed by the decision.

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Mayor Bob Pynsent	 Cr Anne Sander

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC057 – Cessnock City Council – DA8/2017/662/1
2	PROPOSED DEVELOPMENT	Construction of tourist accommodation (72) units including a function centre and ancillary works.
3	STREET ADDRESS	Palmers Lane, Pokolbin
4	APPLICANT/OWNER	Hephzibah Hunter Valley Pty Ltd c/o JW Planning
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No 44 – Koala Habitat Protection - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy No 64 – Advertising and Signage - State Environmental Planning Policy (Rural Lands) 2008 - Cessnock Local Environmental Plan 2011 - Draft environmental planning instruments - Development control plans: - Cessnock Development Control Plan 2010 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant] - 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	- Council assessment report: 22 October 2018 - Council Supplementary Report: 9 July 2019 - Council Memo dated: 20 August 2019 - Written submissions during public exhibition: 7
8	PAPERS CIRCULATED ELECTRONICALLY	Papers were circulated electronically between Wednesday, 24 July 2019 and Wednesday, 31 July 2019
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report