

<b>DATE OF DETERMINATION</b>	Thursday, 17 May 2018
<b>PANEL MEMBERS</b>	Stuart McDonald (Acting Chair), John Griffin and Cllr John MacKenzie
<b>APOLOGIES</b>	Jason Perica, Michael Leavey, Cllr Jason Dunn and Cllr Matthew Byrne
<b>DECLARATIONS OF INTEREST</b>	Kara Krason declared a conflict of interest. Ms Krason has expressed an opinion on previous iterations of the proposal and is concerned that this may create an impression that she has pre-judged the current application. Therefore, Ms Krason did not participate in any site visits, discussion about or consideration of this development application.

Public meeting held at Travelodge Hotel Newcastle on 17 May 2018, opened at 3:10 pm and closed at 4:30pm.

#### **MATTER DETERMINED**

2017HCC058 – Newcastle City Council – DA2017/01467 AT 33 Shearwater Drive 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 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

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

The reasons for the decision of the Panel were:

1. The application for Stage 3 is consistent with the Concept Approval for the seniors housing development DA2012/0419
2. The application is consistent with environmental planning instruments:
  - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
  - State Environmental Planning Policy (State and Regional Development) 2011
  - State Environmental Planning Policy (Infrastructure) 2007
  - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
  - State Environmental Planning Policy No. 55 - Remediation of Land
  - State Environmental Planning Policy No 71 Coastal Protection
  - Draft State Environmental Planning Policy (Coastal Management) 2018
  - State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
  - Newcastle Local Environmental Plan 2012
3. The application will not result in any unacceptable impacts on the local road network or amenity impacts on adjoining or surrounding properties
4. The application, subject to the imposition of the adopted conditions regarding landscaping and planting of new trees, will not have an unacceptable impact on the natural environment
5. The proposal will provide seniors housing in a location previously determined to be well located
6. For reasons 1 to 5 listed above, approval of the application is considered to be in the public interest




## CONDITIONS

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

- Amendment to condition 15 d), as follows;  
'd) a minimum of 616 trees with a 100 litre minimum pot size;'
- Amendment to condition 17, as follows;  
'17. All existing trees on the site outside the envelope of the proposed building are to be preserved and all such trees being indicated on the required comprehensive landscape design plan and being adequately protected against damage during the building construction period. Full details are to be included in documentation for a Construction Certificate application.'
- Inclusion of an additional condition:

The *residential care facility* identified on the application drawings is NOT approved and is to be subject of a separate development application.

- Inclusion of an additional condition regarding access to services as required under Clause 26 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, consistent with the relevant condition imposed under DA2012/0419

PANEL MEMBERS	
 Stuart McDonald (Acting Chair)	 John Griffin
 John MacKenzie	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC058 – Newcastle City Council – DA2017/01467
2	PROPOSED DEVELOPMENT	Stage 3 of a Seniors Housing Development, involving the construction of 180 self-care living dwellings and associated site works.
3	STREET ADDRESS	33 Shearwater Drive Shortland
4	APPLICANT AND OWNER	AVEO Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 or People with a Disability) 2004</li> <li>State Environmental 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>State Environmental Planning Policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Newcastle Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: <ul style="list-style-type: none"> <li>Draft State Environmental Planning Policy (Coastal Management) 2018</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>Newcastle Development Control Plan 2012</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>: Nil</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>Any 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: 17 May 2018</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 – Kegan Lacey</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing meeting on 8 March 2018 site visit attended by Michael Leavey and Jason Perica and briefing attended by Michael Leavey, Jason Perica and John MacKenzie</li> <li>Site inspection 17 May 2018 attended by Stuart McDonald, John Griffin and Council officer Melissa Thomas</li> </ul>

		<ul style="list-style-type: none"> <li>Final briefing meeting to discuss Council's recommendation, 17 May 2018, 2:45pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Stuart McDonald (Acting Chair), John Griffin, Cllr John MacKenzie</li> <li><u>Council assessment staff</u>: Melissa Thomas, Geoff Douglass</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report