

**DETERMINATION AND STATEMENT OF REASONS**  
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday 19 December 2018
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Julie Savet Ward, John MacKenzie
<b>APOLOGIES</b>	Michael Leavey, Kara Krason & Jason Dunn
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically between 19 December 2018 and 20 December 2018.

**MATTER DETERMINED**

2018HCC028 – Newcastle City Council – DA2018/00622 at 430 Hunter Street Newcastle NSW 2300 (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 proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; Newcastle Local Environmental Plan 2012 and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the objectives of the Newcastle Development Control Plan 2012.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- It is an appropriate development providing affordable housing that will be appropriately managed and maintained by a community housing provider.

**CONDITIONS**

- Confirm and clarify the terms of Council's determination;
- Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
- Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- Set standards and measures for acceptable environmental performance; and
- Provide for the ongoing management of the development.

PANEL MEMBERS	
 Jason Perica (Chair)	 Julie Savet Ward
 Cr John MacKenzie	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC028 – Newcastle City Council – DA2018/00622
2	PROPOSED DEVELOPMENT	Erection of five-storey mixed use development, comprising 30 affordable rental apartments, three commercial tenancies, site remediation and tree removal
3	STREET ADDRESS	430 Hunter Street Newcastle
4	APPLICANT/OWNER	Applicant/Owner: Vital Healthcare Australian Property Pty Ltd; KDC Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 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 (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>State Environmental Planning Policy (Coast 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>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>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: 25 October 2018</li> <li>Written submissions during public exhibition: one support letter</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 – Warwick Stimson, David Risbey, Peter O'Doghue &amp; Sean Morgan</li> </ul> </li> </ul>
8	PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>Papers were circulated electronically between Wednesday 19 December 2018 and Thursday 20 December 2018</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report