

## RECORD OF DEFERRAL

### HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DEFERRAL</b>	22 June 2022
<b>PANEL MEMBERS</b>	Stephen Gow (Chair), Clare Brown, Susan Budd, Peta Winney-Baartz and John Mackenzie
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Alison McCabe declared a conflict of interest as the applicant was a client of her company on a separate non related project that has been completed in the last few years.</p> <p>Sandra Hutton declared a conflict of interest as she was working for ADW Johnson when this application was made, and the developer is a client of ADW Johnson in relation to an unrelated site.</p> <p>Juliet Grant declared a conflict of interest as an employee at her company undertook a peer review in relation to this site on behalf of the Hunter and Central Coast Development Corporation in 2018.</p>

Papers circulated electronically on 14 June 2022.

#### MATTERS DEFERRED

PPSHCC-105 – Newcastle – MA2021/00450 at 854 & 874 Hunter St and 4 Stewart Ave, Newcastle West – modification to approved staged development (as described in Schedule 1).

PPSHCC-104 – Newcastle – DA2021/01530 at 854 and 874 Hunter St, Newcastle West – mixed use development (as described in Schedule 1).

#### REASONS FOR DEFERRAL

The panel agreed to defer the determination of the above matters until an updated Clause 4.6 variation in relation to building height is received from the applicant as the Panel cannot legally determination the application with the information provided.



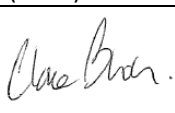


When that information is received, Council is to prepare an addendum assessment report.

The Panel expects revised information as referred to above be submitted to Council by COB Wednesday 22 June and an addendum assessment report to be prepared by Friday 24 June.

If revised information from the applicant is not provided within one week the Panel may move to determine the DA based on the information currently at hand.

When this information has been received, the panel will determine the matter electronically.

The decision to defer the matter was unanimous

PANEL MEMBERS	
Stephen Gow (Chair) 	Susan Budd 
Clare Brown 	John Mackenzie 
Peta Winney-Baartz 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-104 – Newcastle – DA2021/01530 and PPSHCC-105 – Newcastle – MA2021/00450
2	PROPOSED DEVELOPMENT	PPSHCC-105 for a Section 4.55(2) Modification to a Concept Development Application for a mixed use development comprising retail, commercial, public spaces, residential apartments and associated car parking and PPSHCC-104 for a mixed used development, including shop top housing with 352 dwellings, ground floor retail premises, and commercial premises
3	STREET ADDRESS	Lot: 2 DP: 1271240 & Lot: 11 DP: 1270693, 854 Hunter Street Newcastle
4	APPLICANT	Doma Interchange Development Pty Ltd C/ - SLR Consulting Australia Pty Ltd
	OWNER	Doma Interchange Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Concept DA that meets criteria under State and Regional SEPP
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 (Planning Systems) 2021.</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021 for consideration of development on land within the coastal environment area.</li> <li>Environmental Planning Policy (Resilience and Hazards) 2021 for consideration of whether the land is contaminated, an if contaminated, suitable or the purpose of development.</li> <li>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development in relation to the advice of an urban design review panel has been satisfied.</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to development likely to affect an electricity transmission or distribution network</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to traffic generating development.</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>Newcastle Local Environmental Plan 2012 (NLEP 2012).</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Newcastle Development Control Plan 2012</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: 14 June 2022</li> <li>Clause 4.6 variation request – height: October 2021</li> <li>Clause 4.6 variation request - separation: October 2021</li> </ul>

		<ul style="list-style-type: none"> <li>Written submissions during public exhibition: one in relation to PPSHCC-104</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 9 December 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Stephen Gow (Chair), Clare Brown, Susan Budd, Peta Winney-Baartz and John Mackenzie</li> <li><u>Council assessment staff</u>: Holly Hutchens, Damian Jaeger, Brian Cameron, David Ryner and Olivia Magrath</li> <li><u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>Site inspection and briefing: 7 March 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: : Stephen Gow (Chair), Clare Brown, Susan Budd</li> <li><u>Council assessment staff</u>: Holly Hutchens, Damian Jaeger, Brian Cameron and William Wang</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 20 June 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Stephen Gow (Chair), Clare Brown, Susan Budd, Peta Winney-Baartz and John Mackenzie</li> <li><u>Council assessment staff</u>: Holly Hutchens, William Wang, Amy Ryan, Damian Jaeger, David Ryner, Elle Durrant, Olivia Magrath</li> <li><u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> <li>Applicant Briefing: 20 June 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Stephen Gow (Chair), Clare Brown, Susan Budd, Peta Winney-Baartz and John Mackenzie</li> <li><u>Council assessment staff</u>: Holly Hutchens, William Wang, Damian Jaeger, David Ryner, Elle Durrant, Olivia Magrath</li> <li><u>Department staff</u>: Leanne Harris and Lisa Foley</li> <li><u>Applicant representatives</u>: [Names]</li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Reports