

DATE OF DETERMINATION	11 July 2022
DATE OF PANEL DECISION	8 July 2022
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, John Mackenzie and Peta Winney-Baartz
APOLOGIES	Sandra Hutton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 June 2022.

MATTER DETERMINED

PPSHCC-115 – Newcastle – DA 2021/01754 at 43 Date St, Adamstown - Health Services Facility (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 has had the benefit of briefings from both Council and the applicant prior to determining the matter.

The Panel understands that the applicant has appealed the matter to the Land and Environment Court and both parties are scheduled to attend a S34 mediation conference.

The applicant, at the latest briefing, provided details of a package of information being prepared to address the key issues with the application. In presenting this information the applicant requested that the matter be deferred to allow time for lodgement and consideration of this new material.

The Panel notes that the material presented appears to be addressing a number of concerns but relies on supporting documentation, particularly a Traffic Impact Assessment, yet to be finalised. The amendments required are not considered to be minor changes.

The Panel notes the application has not been formally amended and therefore the Panel can only consider the original proposal which is the subject of the assessment report. The Panel notes the applicant did not undertake a pre-DA meeting, which would likely have identified many of the issues that are now identified as problematic.

The Panel is of the opinion that the current application does not appropriately respond to its context and does not comply with the setbacks and landscape elements required for the Adamstown Renewal Corridor. The proposal results in unacceptable traffic impacts – including inadequate servicing and lack of car parking. The development results in a poor relationship to site boundaries and streetscape interface at Victoria and Date Street.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons attached to the council report.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons outlined in the Council Assessment Report.

CONDITIONS





Not applicable.

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 Panel notes that issues of concern included:

- Parking, traffic safety and congestion
- Character, height, bulk, scale and density of proposed development
- Impacts during construction
- Driveway access
- Drainage system
- Amenity Impacts
- Disabled access
- Awnings
- Crime risk
- Disaster risk

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 John Mackenzie	 Peta Winney-Baartz

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-115 – Newcastle – DA 2021/01754
2	PROPOSED DEVELOPMENT	Health Services Facility – Involves 5 levels with: - 1st and 2nd level including car parking, - 3rd & 4th levels includes health consulting rooms & administration - 5th level Operating Theatre (Out patients only – day treatments)
3	STREET ADDRESS	Lot 11 DP 1221375 43 Date Street Adamstown
4	APPLICANT OWNER	Andrew Brook GPV Adamstown Pty Ltd atf GPV Adamstown Trust
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities 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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Newcastle Local Environmental Plan 2012 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Remediation of Land SEPP Development control plans: <ul style="list-style-type: none"> Newcastle Development Control Plan 2012 City of Newcastle's Community Participation Plan 2019 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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 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: 20 June 2022 Written submissions during public exhibition: five (5)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 16 February 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Sandra Hutton, John Mackenzie and Peta Winney-Baartz <u>Council assessment staff</u>: Damian Jaeger, Amy Ryan, Priscilla Emmett, Olivia Magrath, William Wang and David Ryner <u>Department staff</u>: Leanne Harris <u>Applicant representatives</u>: Andrew Brook, Ian Gill, Wesley Wilson and Gavin Rose Briefing: 20 April 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Peta Winney-Baartz <u>Council assessment staff</u>: Damian Jaeger, William Wang, David Ryner and Olivia Magrath <u>Department staff</u>: Leanne Harris

		<ul style="list-style-type: none"> • Site inspections: <ul style="list-style-type: none"> ○ <u>Alison McCabe (Chair)</u>: 13 May 2022 ○ <u>Juliet Grant</u>: 17 April 2022 ○ <u>Peta Winney-Baartz</u>: 16 May 2022 • Final briefing to discuss council's recommendation: 6 July 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, John Mackenzie and Peta Winney-Baartz ○ <u>Council assessment staff</u>: Damian Jaeger, William Wang, David Ryner, Steve Masia, Amy Ryan and Ellise Redriff ○ <u>Department staff</u>: Leanne Harris and Lisa Foley • Applicant Briefing: 6 July 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, John Mackenzie and Peta Winney-Baartz ○ <u>Council assessment staff</u>: Damian Jaeger, William Wang, David Ryner, Steve Masia and Ellise Redriff ○ <u>Department staff</u>: Leanne Harris and Lisa Foley ○ <u>Applicant representatives</u>: Gavin Rose, Ian Gill and Andrew Brook <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided