

## RECORD OF DEFERRAL

### HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

|                                 |                                                                            |
|---------------------------------|----------------------------------------------------------------------------|
| <b>DATE OF DEFERRAL</b>         | 12 April 2023                                                              |
| <b>PANEL MEMBERS</b>            | Alison McCabe (Chair), Roberta Ryan, Peta Winney-Baartz and John Mackenzie |
| <b>APOLOGIES</b>                | Tony McNamara                                                              |
| <b>DECLARATIONS OF INTEREST</b> | None                                                                       |

Papers circulated electronically on 28 March 2023.

#### MATTER DEFERRED

**PPSHCC-137 – Newcastle – DA2022/00538** - 643 Hunter St, Newcastle West - Commercial premises and shop top housing.

The Panel considered the report prepared on this matter. It was apparent that the Panel had not been provided with the submissions and that the submitters had not been informed that a report had been prepared and afforded the opportunity to address the Panel should they wish to. For this reason alone, the Panel proposes to defer the application for submitters to be advised. In the review of the report, and arising from the briefing with Council officers and the applicant, it was evident that several issues required further assessment and/or clarification.

These matters related to:

- (i) Waste Management solution proposed and identification of how this site is distinguished from other sites in the area that have required on-site waste pick up.
- (ii) The proposed cycleway along Steele Street and whether this will impact upon on-street waste pick up.
- (iii) Details of the proposed cycleway work, whether it is programmed and how this impacts upon street trees and public domain works.
- (iv) What parking restrictions are required to facilitate the waste management solution as proposed.
- (v) Identification of a bulk store area located within the parking areas.
- (vi) How car parking requirements were calculated, on what assumption or measurement, and whether there are any implications for FSR.
- (vii) Whether the number of car parking spaces is supported.
- (viii) An analysis of the arguments supporting or otherwise the reduced setback to the Travelodge hotel site.
- (ix) Consideration of the design excellence provisions specifically.
- (x) Details of compliance with ADG and what the basis is for not meeting minimum area requirements.
- (xi) Details of soil depths on podium.
- (xii) Details of where large vehicles – i.e. furniture removalist – can access the site.

The Panel in addition to the consideration of submissions, requires further analysis of these matters to make an assessment of the merits of the application and determine the matter.

## REASONS FOR DEFERRAL





1. The Panel agreed to defer the determination of the matter for a further report that addresses Items (i) to (xii) above;
2. The applicant be requested to provide details of ADG compliance relating to unit and balcony sizes, an appropriate location for a bulk store and soil depths over podium.

The Panel expects the revised information as referred to at point 2 to be submitted to Council within two (2) weeks from the date of this deferral record. If revised information from the applicant is not provided within two (2) weeks, the Panel may determine the DA based on the information currently at hand.

The Panel expects an addendum assessment report from Council responding to the material and the matters raised at items (i) to (xii) as outlined above.

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

The decision to defer the matter was unanimous.

| PANEL MEMBERS                                                                                              |                                                                                                        |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <br>Alison McCabe (Chair) | <br>Roberta Ryan      |
| <br>Peta Winney-Baartz   | <br>John Mackenzie |

| SCHEDULE 1 |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 1          | PANEL REF – LGA – DA NO.                              | PPSHCC-137 – Newcastle – DA2022/00538                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2          | PROPOSED DEVELOPMENT                                  | Mixed Use Development - Shop top housing, comprising commercial premises (4), carparking (172), podium level, and residential (106) units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3          | STREET ADDRESS                                        | Lot: 1 DP:1166015<br>643 Hunter Street Newcastle West                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 4          | APPLICANT OWNER                                       | ADW<br>Next Level Seven 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>Heritage Act 1977</li> <li>National Parks and Wildlife Act 1974</li> <li>Roads Act 1993</li> <li>State Environmental Planning Policy (Planning Systems) 2021;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</li> <li>State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building;</li> <li>Newcastle Local Environmental Plan 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> <li>City of Newcastle's Community Participation Plan 2019</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></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: 20 March 2023</li> <li>Written submissions during public exhibition: nine (9)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>Kick-off Briefing: 13 July 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Alison McCabe (Chair), Peta Winney-Baartz and John Mackenzie</li> <li><u>Applicant representatives</u>: Sasha Lesiuk, Marcus Graham, Andrew Redwin, Craig Marler, Liam Dwyer and Duncan Miller</li> <li><u>Council assessment staff</u>: Gareth Simpson, Damian Jaeger, Amy Ryan and Ellise Redriff</li> <li><u>Department staff</u>: Leanne Harris, Carolyn Hunt, Lisa Foley and Naila Tabssum</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|    |                        | <ul style="list-style-type: none"> <li>• Briefing: 2 November 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Peta Winney-Baartz and John Mackenzie</li> <li>○ <u>Council assessment staff</u>: Gareth Simpson and Damian Jaeger</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 4 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan and Peta Winney-Baartz</li> <li>○ <u>Council assessment staff</u>: Holly Hutchens, William Wang and Damian Jaeger</li> <li>○ <u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> <li>• Applicant Briefing: 4 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Peta Winney-Baartz and John Mackenzie</li> <li>○ <u>Council assessment staff</u>: Holly Hutchens, William Wang and Damian Jaeger</li> <li>○ <u>Department staff</u>: Leanne Harris and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Duncan Miller, Sasha Lesiuk, Craig Marler, Marcus Graham and Jason Rudd</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 report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |