

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	27 June 2023
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Peta Winney-Baartz and John Mackenzie
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 14 June 2023.

MATTER DEFERRED

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

The Panel met to consider the supplementary report and amended documentation provided in response to the Panel's deferral of the determination on 12 April 2023. Prior to meeting, the Panel had heard from those submitters who wished to address the Panel on 19 April 2023.

The Panel secretariat had been contacted by the new owner of the Travelodge site that adjoins the development site to the south, requesting an opportunity to address the Panel. The adjoining owner was advised that the Panel would consider any written submissions provided by Monday, 26 June 2023.

A copy of any submission received will be forwarded to the applicant for an opportunity to respond. The Panel will consider all submissions in its determination once received.

The Panel's review of the additional information and supplementary information identified the need for clarification around:

- 1) View impacts.
- 2) FSR calculations.
- 3) Compliance with Council carparking controls.
- 4) Council's actual requirements in respect to loading and unloading, and the specific justification and reason for acceptance of on-street pick up.
- 5) Conditions of consent.





REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter to allow the:

- i) new owner of the Travelodge site to make a written submission by 26 June 2023;
- ii) applicant to respond to the submission within 7 days of receipt; and
- iii) Council to provide a further assessment of the matters listed at points 1 to 5, any further submissions, and a consolidated set of conditions.

When this information has been received, the Panel will determine the matter electronically, unless the number of submissions reaches a threshold that a public meeting is required. The Panel expects an addendum assessment report from Council responding to the material and the matters raised above.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Peta Winney-Baartz	 John Mackenzie

SCHEDULE 1		
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 643 Hunter Street Newcastle West
4	APPLICANT OWNER	ADW 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"> Environmental planning instruments: <ul style="list-style-type: none"> <i>Heritage Act 1977</i> <i>National Parks and Wildlife Act 1974</i> <i>Roads Act 1993</i> State Environmental Planning Policy (Planning Systems) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building Newcastle Local Environmental Plan 2012 Draft environmental planning instruments: Nil 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 Environmental Planning and Assessment Regulation 2000 Coastal zone management plan: Nil

		<ul style="list-style-type: none"> • 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 March 2023 • Supplementary Council assessment report: 14 June 2023 • Written submissions during public exhibition: nine (9) • Late submission made on behalf of adjoining property: one (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick-off Briefing: 13 July 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Peta Winney-Baartz and John Mackenzie ○ <u>Applicant representatives</u>: Sasha Lesiuk, Marcus Graham, Andrew Redwin, Craig Marler, Liam Dwyer and Duncan Miller ○ <u>Council assessment staff</u>: Gareth Simpson, Damian Jaeger, Amy Ryan and Ellise Redriff ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt, Lisa Foley and Naila Tabssum • Briefing: 2 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Peta Winney-Baartz and John Mackenzie ○ <u>Council assessment staff</u>: Gareth Simpson and Damian Jaeger ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley • Final briefing to discuss council's recommendation: 4 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan and Peta Winney-Baartz ○ <u>Council assessment staff</u>: Holly Hutchens, William Wang and Damian Jaeger ○ <u>Department staff</u>: Leanne Harris and Lisa Foley • Applicant Briefing: 4 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Peta Winney-Baartz and John Mackenzie ○ <u>Council assessment staff</u>: Holly Hutchens, William Wang and Damian Jaeger ○ <u>Department staff</u>: Leanne Harris and Lisa Foley ○ <u>Applicant representatives</u>: Duncan Miller, Sasha Lesiuk, Craig Marler, Marcus Graham and Jason Rudd <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report.</p> • Final briefing to discuss council's recommendation: 21 June 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Peta Winney-Baartz and John Mackenzie ○ <u>Council assessment staff</u>: Holly Hutchens and Damian Jaeger ○ <u>Department staff</u>: Leanne Harris

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report