

## RECORD OF DEFERRAL

### HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	23 August 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 17 July 2023.

#### MATTER DEFERRED

**PPSHCC-137 – Newcastle – DA2022/00538** - 643 Hunter St, Newcastle West - Commercial premises and shop top housing (as described in Schedule 1).

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. This matter has been considered by the Panel for determination on two (2) previous occasions. The Panel has required clarification over the course of the assessment on matters outlined in our deferral records.

The Panel had last deferred the matter in June 2023 to consider:

- submissions from the adjoining owner of the Travelodge and the applicant's response; and
- clarification around carparking numbers, floor space calculations, views impacts and waste management arrangements, and revised conditions.

The Panel has considered the supplementary report dated 17 July 2023 which addresses these matters and the submissions. The Panel has reviewed all submissions made to the application.

The Panel requires future clarification of the GFA and Floor Space Ratio (FSR) calculation specifically in respect to the inclusion of waste storage and storage areas given they are not located in a basement. The calculation of FSR does not appear to be in accordance with the definition. This is a fundamental and essential element of the assessment of this application and needs to be factually correct.

#### REASONS FOR DEFERRAL





The Panel agreed to defer the determination of the matter for further information.

- (i) Revised plans showing the GFA and FSR calculation in accordance with the definition under NLEP 2012.

The Panel expects the revised information to be submitted to Council within two (2) weeks from the date of this deferral record.

The Panel expects an addendum assessment report from Council responding to the material and the matters raised above. The Panel will determine the matter electronically.

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"> <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:</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 2021</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>Supplementary Council assessment report: 14 June 2023</li> <li>Written submissions during public exhibition: nine (9)</li> </ul>

		<ul style="list-style-type: none"> <li>• Late submission made on behalf of adjoining property: one (1)</li> <li>• Supplementary Council assessment report: 17 July 2023</li> <li>• Total number of unique submissions received by way of objection: seven (7)</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> <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> <li>• Final briefing to discuss Council's recommendation: 21 June 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 and Damian Jaeger</li> <li>○ <u>Department staff</u>: Leanne Harris</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 24 July 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, Rajnesh Prakash and Amy Ryan</li> <li>○ <u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report