

### BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 8 March 2023, 2pm and 3:05pm
LOCATION	MS Teams videoconference

### BRIEFING MATTER

**PPSHCC-139 – Lake Macquarie – DA/1651/2022** - 114-120 Cary St, Toronto - Mixed use development - Residential Flat Building and Commercial Premises

### PANEL MEMBERS

IN ATTENDANCE	Alison McCabe (Chair), Tony McNamara and Christine Buckley
APOLOGIES	Roberta Ryan and Allison Burrows
DECLARATIONS OF INTEREST	Jason Pauling

### OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Glen Mathews, Scott Fatches and Andrew Leese
SECRETARIAT	Leanne Harris and Lisa Foley

### KEY ISSUES DISCUSSED

- Kick off briefing held 15<sup>th</sup> September 2022 and the Panel identified a number of issues with the proposal.
- Site history:
  - previous consent in 2005 which was subsequently modified but not acted upon;
  - 2020 DA refused by the then HCC Panel;
  - LEC Appeal against the refusal which was discontinued.
- Proximity to wetland and groundwater impacts was a key issue in relation to the discontinuation of the previous court proceedings.
- Overview of the application, towers, apartments, commercial floor space, access and car parking arrangements proposed and changes from the previously refused application.
- LEP provisions, B2 zone with various height controls applying.
- Clause 4.6 application has been made to support higher levels to Carey Street rather than Arnott as provided for in the LEP.
- Extended notification process undertaken with 98 submissions received with 67 of these being against the proposal.

- Council are working through 3 key areas of impacts:
  - Ecology
  - Engineering response (stormwater)
  - Groundwater modelling.
- Council have engaged an independent consultant to review the water modelling – draft report has been received and a number of issues are still being worked through.
- Council issued a detailed RFI in December 2022 which included the key issues from the previous briefing:
  - Documentation – needing to reflect the current proposal
  - Clause 4.6 request submitted
  - Urban design principles
- No response received and appeal against deemed refusal of the DA lodged in January.
- Panel considers that urban design outcomes will be a key consideration for this site. It is noted that the Council's Design Review Panel are seeking changes around the top floor – detailed response and non-compliance with ADG identified and currently only 39% of apartments comply with solar access requirements.
- Panel want to understand the justification for height variation. It appears that the issues around non-compliance are interconnected with urban design outcomes.
- Majority of public submissions were focussed on concerns with traffic, impacts on Toronto Wetland and the building's bulk and scale and perception that the site should be a public space despite being in private ownership (tied to a previous Council project at 4 Bath Street).
- Council considers that infrastructure upgrades will be required to address traffic impacts. TfNSW have requested some works to address capacity impacts.
- The Panel advised that any proposed road widening off the site can only be dealt with a contributions plan or via a VPA.

The Panel intends to take a position on the application notwithstanding the NSW LEC Appeal. The applicant needs to advise Council in a timely manner whether they will respond to the RFI and properly respond to the urban design issues or rely solely on the court process.

In the absence of any additional information the Panel expect Council to prepare a report for determination based on the information currently available to it.

**TENTATIVE DETERMINATION DATE: TBC**