Draft Reasons for Refusal – DA/1651/2022 (PPSHCC-139)

The Regional Planning Panel determined to refuse the development application for the following reasons:

1. The proposed height and visual impact of the building along Cary Street is inappropriate and is contrary to the allowed building height under Lake Macquarie Local Environmental Plan 2014 and local planning objectives for the area.
2. The submitted clause 4.6 Exception to development standards request for building height is not well founded, does not demonstrate sufficient environmental planning grounds to justify contravening the standard and does not demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances of the case.
3. The proposal has not considered and addressed the potential environmental effects on the adjacent coastal wetland, nor has it demonstrated compliance with the relevant requirements and considerations under Chapter 2 SEPP Resilience and Hazards 2021.
4. The proposal provides inadequate separation between upper levels, which is inconsistent with the SEPP 65 Apartment Design Guide. Additionally, the development has not provided adequate solar access to units, commercial premises is provided with insufficient ceiling height the development presents a poor relationship with the public reserve to the south.
5. The proposal is inconsistent with the objectives and requirements of the Toronto Town Centre Area Plan/ Lake Macquarie Development Control Plan (DCP) 2014.
6. The proposal has not adequately addressed the traffic impacts of the development on surrounding streets, and has not provided information to address concerns raised by Transport for New South Wales (TfNSW). The applicant has not demonstrated that TfNSW is satisfied with the proposal.
7. The proposal does not adequately address the narrow width of Arnott Avenue adjoining the site, the implications of this for the safe movement of vehicles and pedestrians, and requirements for road widening.
8. The proposal has not resolved issues raised by Hunter Water, including relocation of the pipeline easement, and the Stormwater Management Plan involving Council’s operational land at 2A Bath Street has not been resolved with Council.
9. Approval of this proposal in its current form would not be in the public interest.