

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

| | |
|---------------------------------|---|
| DATE OF DETERMINATION | Monday 16 December 2019 |
| PANEL MEMBERS | Kara Krason (Acting Chair), Peter Brennan and Stuart McDonald |
| APOLOGIES | Jason Dunn, Jason Perica and Michael Leavey |
| DECLARATIONS OF INTEREST | John MacKenzie declared perceived conflict of duties in relation to this matter, 43 Station St Wickham. Mr MacKenzie advised that he was the Chair of the Building Better Cities Committee, he was party to the decision of that committee to award grant funding to that project from the City of Newcastle's BBC fund. He has no ongoing pecuniary or non-pecuniary interest in the project. He advised that he will manage the reasonably perceived conflict by removing himself from the determination. |

Public meeting held at Newcastle Travelodge, 12 Steel Street, Newcastle, on 16 December 2019, opened at 1.10pm and closed at 1.55pm.

MATTER DETERMINED

PPSHCC-14 – Newcastle – DA2019/00663 at 43 Station Street Wickham for mixed use development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of Newcastle LEP 2012, the Panel is satisfied that applicant's written request adequately addresses the matters required to be considered under cl 4.6 (3) and (4) of the LEP and in particular that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
- (b) the development is in the public interest because it is consistent with the objectives of cl 4.3 of height of building (development standard) of the LEP and the objectives of the zone; and
- (c) the concurrence of the Secretary is assumed (Planning Circular PS 18-003 Varying Development Standards).

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposal is permissible in the B4 Mixed Use zone and is consistent with the zone objectives.



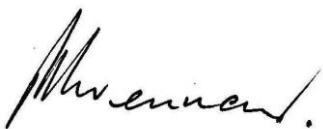
- The proposal provides for affordable housing which is an important planning and housing outcome within the inner city of Newcastle where there is a demonstrated need for this type of housing within the area.
- The proposal is within close proximity of excellent public transport links (Newcastle Interchange) which will encourage use of public transport, walking and cycling.
- The proposal generally complies with the SEPP Affordable Rental Housing 2009.
- The proposal will contribute to increased housing density in the area which will support the nearby commercial area.
- The design of the development is considered to be of a high standard and meets the design excellence criteria of Newcastle LEP 2012.
- The proposed development subject to the conditions imposed will have minimal adverse impacts on the natural and built environments including the amenity of adjoining development. Site constraints including the small site area, location in relation to the rail line, flood management and acid sulphate soils have been well managed
- The Panel notes the positive environmental sustainability initiatives that has been incorporated in the design.
- For the reasons outlined above, approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

| PANEL MEMBERS | |
|---|---|
|  Kara Krason (Acting Chair) |  Stuart McDonald |
|  Peter Brennan | |

| SCHEDULE 1 | | |
|------------|--------------------------|--|
| 1 | PANEL REF – LGA – DA NO. | PPSHCC-14 – Newcastle – DA2019/00663 |
| 2 | PROPOSED DEVELOPMENT | Mixed development - demolition of two dwellings and erection of an eight-storey mixed use commercial/residential flat building containing 16 dwellings and one commercial unit (SEPP Affordable Rental Housing). |
| 3 | STREET ADDRESS | Lot 1 DP 131687 43 Station Street, Wickham |
| 4 | APPLICANT/OWNER | Compass Housing Services Co Ltd |

| | | |
|---|-----------------------------------|---|
| 5 | TYPE OF REGIONAL DEVELOPMENT | Private infrastructure and community facilities over \$5 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No.55 - Remediation of Land ○ State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Newcastle Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Newcastle Development Control Plan 2012 ○ Section 7.12 Newcastle Local Infrastructure Contributions Plan 2019 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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: 29 November 2019 • Clause 4.6 Written Request Height of Building • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Damian Jaeger ○ On behalf of the applicant – Scott Eftmovski, Emily Allen, Stephen Barr, Joel Chamberlain and Tim Blakeway |

| | | |
|----|--|--|
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection: 16 December 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Kara Krason (Acting Chair), Stuart McDonald and Peter Brennan ○ <u>Council assessment staff</u>: Damian Jaeger • Final briefing to discuss council's recommendation, 16 December 2019 at 12pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Kara Krason (Acting Chair), Stuart McDonald and Peter Brennan ○ <u>Council assessment staff</u>: Damian Jaeger, Geoff Douglass, Priscilla Emmett, William Toose, Rajnesh Prakash, Tracey Webb and Sherelle Charge |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |