

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	18 July 2023
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara and Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	David West, Alan Tickle and Kathryn Bell declared conflicts of interest as they are Councillors of MidCoast Council, which has an interest in the development.

Papers circulated electronically on 6 July 2023.

MATTER DEFERRED

PPSHCC-142 – MidCoast – MOD2022/0062 – 4 Lake St, Forster – Mixed use development – Forster Civic Precinct (as described in Schedule 1).

This application is a further modification to a significant development in the Foster Commercial Precinct. The Panel has had the benefit of a number of briefings and a site inspection. The development is under construction and Stage 1 is nearly complete.

The Panel has considered the Council report and the material submitted with the application. The Panel is of the opinion that there is not sufficient information or assessment for the Panel to make a determination of this matter. The Panel requires:

- i. A revised plan set that demonstrates a comparison of the development as originally approved against what is now proposed – in plan and elevation.
- ii. A revised plan set that illustrates the extent of change between the last approved modification to the development and the current proposal – in plan and elevation.
- iii. Clear tables comparing the height across all buildings to the original approval, last modification, and the current proposal. The table needs to nominate compliance or otherwise with the standard and extent of change.
- iv. A similar table for a comparison of FSR.
- v. Detailed comparison of carparking required and proposed against original approval and last modification. The information is to identify compliance or otherwise and reason for change.
- vi. Review of compliance/noncompliance with the provisions of SEPP65 and SEPP (Housing) 2021 given the changes to the residential and senior housing component of the application.
- vii. Clear statement regarding whether there is any surplus carparking and whether this needs to be included in GFA.
- viii. Factual analysis of the degree of change from the original approval.
- ix. Details of the controls applying to immediately adjoining lands and the outcome of any Planning Proposals under consideration.
- x. Assessment of the proposal against CPTED principles – specifically access through the carpark to various uses.
- xi. Discussion of the actual clauses required to be satisfied under each SEPP – specifically coastal management.
- xii. Identification and discussion of impacts arising from the changes including commentary about any additional overshadowing.
- xiii. Clarification of the consideration of clause 4.6 in the context of a s4.55 modification application.

This information and assessment are essential to the Panel's consideration of the matter.

REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter for the following:

1. Submission of additional information detailed in points i to vi.
2. A further report that provides an assessment of this information and the matters raised in points i to xiii.

The Panel expects the revised information as referred to above to be submitted to Council within 2 to 3 weeks from the date of this deferral record.

Council is requested to update their assessment within 3 weeks of the receipt of revised information. If revised information from the applicant is not provided within 3 weeks, the Panel may move to determine the DA based on the information currently at hand.

When this information has been received, the Panel will determine the matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-142 – MidCoast – MOD2022/0062
2	PROPOSED DEVELOPMENT	• Modifications to development staging (stages 2, 3 and 4) • Alterations to the basement, ground, ground level floor plans • Removal of hotel use and the provision of retail space and seniors housing
3	STREET ADDRESS	34-36 West Street, Forster
4	APPLICANT/OWNER	Enyoc Pty Ltd (Applicant) Midcoast Council (Owner) Evermore Supported Living Communities Pty Ltd (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: - o State Environmental Planning Policy (Resilience and Hazards) 2021 - o State Environmental Planning Policy (Housing) 2021 - o State Environmental Planning Policy (Planning Systems) 2021 - o State Environmental Planning Policy (Transport and Infrastructure) 2021 - o State Environmental Planning Policy (Biodiversity and Conservation) 2021 - o State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - o State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development - o Hunter Regional Plan 2041 - o Great Lakes Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: - o Great Lakes Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • 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	• Council assessment report: 30 June 2023 • Clause 4.6 variation request: Height of Buildings • Written submissions during public exhibition: nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 1 December 2022 - o <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Sandra Hutton - o <u>Applicant representatives</u>: Gavin Maberly-Smith, Mal Kukas and Coyne Graham - o <u>Council assessment staff</u>: Bruce Moore and Kieran Woodall - o <u>Department staff</u>: Leanne Harris and Kate McKinnon

		• Site inspection: 22 March 2023 - o <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan and David West - o <u>Council assessment staff</u>: Bruce Moore, Kieran Woodall and Pru Tucker - o <u>Department staff</u>: Leanne Harris • Final briefing to discuss Council's recommendation: 12 July 2023 - o <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara and Roberta Ryan - o <u>Council assessment staff</u>: Bruce Moore and Bailey Dark - o Independent assessing planners: Lachlan Sims and Itto Vukeni - o <u>Department staff</u>: Leanne Harris, Lisa Foley and Elliot Brown • Applicant Briefing: 12 July 2023 - o <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara and Roberta Ryan - o <u>Council assessment staff</u>: Bruce Moore and Bailey Dark - o Independent assessing planners: Itto Vukeni and Lachlan Sims - o <u>Department staff</u>: Leanne Harris, Lisa Foley and Elliot Brown - o <u>Applicant representatives</u>: Coyne Graham and Gavin Maberly-Smith <u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report