

## RECORD OF DEFERRAL

### HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DEFERRAL</b>	19 March 2024
<b>DATE OF PANEL MEETING</b>	11 March 2024
<b>PANEL MEMBERS</b>	Roberta Ryan (Acting Chair), Helen Lochhead, Kim Johnston
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	<p>Alison McCabe declared a conflict of interest due to work undertaken by SJB Architects on this site.</p> <p>Councillor Peta Winney-Baartz and Councillor John Mackenzie both declared a late reasonably perceived conflict of interest due to a reasonably perceived conflict of duties given their role as City of Newcastle Councillors. Whilst they attended the Public meeting they have subsequently withdrawn from any further involvement in this matter.</p>

The public meeting held by teleconference on 11 March 2024, opened at 2:00pm and closed at 3.30pm.

#### MATTER DEFERRED

PPSHCC-220 – Newcastle – MA2023/00175 at 121 Hunter Street, Newcastle 2300 – Sec 4.55(2)  
Modification to DA2017/00701 - CONCEPT Staged development comprising of retail, commercial, residential and shop top housing - change to design (as described in Schedule 1).

#### REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings and observed at site inspections listed at item 8 in Schedule 1.

During the public meeting the Panel heard from all those wishing to address the Panel. The participating objectors provided clear and reasoned arguments which were beneficial to the Panel's deliberations. Specific concerns related to the visual impacts of the proposed modification and were raised by many of the submitters.

The Panel agreed to defer the determination of the application to seek further information in relation to the visual impacts of the proposed modification. In addition, clarification on the required car parking for Stages 3 and 4 is to be provided, including amendment to Condition 19 which is required having regard to demolition of the Council car park.

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

1. The Applicant to provide further consideration of the visual impact assessment modelling which details, clarifies and compares the cumulative impact of the proposed changes to the building height and includes the following:
  - a. all impacted properties (Newcastle Business Club, Segenhoe and the Herald Apartments) which will retain views if the modification is approved,
  - b. all impacted properties (Newcastle Business Club, Segenhoe and the Herald Apartments) which will lose views if the modification is approved,
  - c. explanation of view impacts (positive and negative) resulting from the demolition of the council car park having regard to the maximum building height for this site in any future development,

- d. clarification of impacts on 'primary' views of impacted properties, as well as 'secondary' aspects/frontages,
  - e. confirmation of all view loss of impacted properties if the modification was to be approved, compared with the already approved concept plan,
  - f. the specific number of units on each floor of impacted properties that will have further view loss (total numbers of units on each floor), or areas of specific properties impacted (e.g. the Newcastle Club),
  - g. the specific storey/level the view assessment relates to in each affected building, and
  - h. supplementary assessment in relation to loss of significant public views from Hunter Street, Morgan St, Laing St, Market St, waterfront, Hilltop Park to harbour, Nobby's, and Cathedral as raised by submitters in the public briefing.
2. Council to provide a supplementary report which:
    - a. addresses the required car parking under Condition 19 having regard to the now demolished Council car park referenced in this condition, and
    - b. updates the visual impact assessment based on the additional information requested in point 1.




The decision to defer the matter was unanimous.

### ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide the required information within 4 weeks of the date of this decision.
2. Council is requested to provide a supplementary report responding to the matters above, which is to be uploaded to the Planning Portal within 4 weeks of the upload of the Applicant's required information to the Planning Portal.
3. When the supplementary assessment report is received the Panel will determine the application by way of electronic determination.

If the outstanding information is not provided as outlined in this deferral the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Roberta Ryan (Acting Chair)	 Helen Lochhead AO
 Kim Johnston	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-220-Newcastle - MA2023/00175
2	PROPOSED DEVELOPMENT	Sec 4.55(2) Modification to DA2017/00701 - CONCEPT Staged development comprising of retail, commercial, residential and shop top housing - change to design
3	STREET ADDRESS	121 Hunter Street, Newcastle
4	APPLICANT/OWNER	East End Stage 3 Pty Ltd East End Stage 3 Pty Ltd and East End Stage 4 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	<b>Section 4.55(2) Modification Application</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>Newcastle Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Newcastle Development Control Plan 2012</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Part 5 (Divisions 1,2 and 3)</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: <b>4 March 2024</b></li> <li>Written submissions during public exhibition: 17</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Ian Baker (The Newcastle Club)</li> <li>Kerrie Kerr</li> <li>Karen Read (Newcastle East Residents Group)</li> <li>Martin Tongue</li> <li>Dean Katherine Bowyer (Christ Church Cathedral)</li> <li>Tania Bloomfield</li> <li>Geoff Sharrock (Newcastle Inner City Residents Alliance)</li> <li>Marilyn Foureur (Segenhoe Community Group)</li> <li>Helen Sharrock</li> <li>Mark Metrikas (Hunter Branch of the National Trust)</li> <li>On behalf of the applicant – Naomi Ryan, Andrew Harvey, Isabella Tonks, Warren Duarte, Paulo Macchia, Jane Maze Riley, Rachel Yabsley, Nathan Dawes, Greg Lee, Kerime Danis, Chris Palmer.</li> </ul> </li> <li>Total number of unique submissions received by way of objection: 17</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Preliminary Briefing: 2 August 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Roberta Ryan (Acting Chair), Helen Lochhead, Kim Johnston, Peta Winney-Baartz, John Mackenzie</li> <li><u>Council assessment staff</u>: Damian Jaeger, Amy Ryan</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Applicant</u>: Isabella Tonks, Naomi Ryan, Andrew Harvey, Warren Duarte, Kerime Danis, Rachel Yabsley, Adam Haddow, Chris Palmer</li> <li>○ <u>DPE</u>: Leanne Harris, Lisa Foley, Holly McCann</li> </ul> <ul style="list-style-type: none"> <li>● Site inspection: <ul style="list-style-type: none"> <li>○ <u>Roberta Ryan</u> (Acting Chair): 28 February 2024</li> <li>○ Kim Johnston: 5 March 2024</li> <li>○ Helen Lochhead: 8 February 2024</li> </ul> </li> <li>● Assessment Briefing: 11 December 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Roberta Ryan (Acting Chair), Helen Lochhead, Kim Johnston, John Mackenzie, Peta Winney-Baartz</li> <li>○ <u>Council</u>: Damian Jaeger, Ashlee Rutherford, Geof Mansfield, Amy Ryan and Eliza Arnott</li> <li>○ <u>DPE</u>: Leanne Harris, Holly McCann</li> </ul> </li> <li>● Final briefing to discuss council's recommendation: 11 March 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Roberta Ryan (Acting Chair), Helen Lochhead, Kim Johnston, John Mackenzie, Peta Winney-Baartz</li> <li>○ <u>Council assessment staff</u>: Damian Jaeger, Amy Ryan, Elle Durrant, Geof Mansfield, Priscilla Emmett</li> <li>○ <u>DPE</u>: Leanne Harris, Holly McCann</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report