

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	7 March 2024
DATE OF PANEL DECISION	7 March 2024
DATE OF PANEL MEETING	5 March 2024
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Tony McNamara, John Mackenzie, Peta Winney-Baartz
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 5 March 2024, opened at 2:00pm and closed at 2.50pm.

MATTER DETERMINED

PPSHCC-246 – Newcastle – DA2022/01269 at 35 Cameron Street, Broadmeadow 2292 – Broadmeadow Locomotive Subdivision (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.

This is a Crown DA referred to the Panel under section 4.33(2)(b) of the *Environmental Planning and Assessment Act 1979*. The Panel has had the benefit of a detailed briefing from Council and the applicant.

The proposed development is for a subdivision of Lot 16 DP 1231619 into two (2) lots. Lot 16 DP 1231619 currently existing in two (2) parts as it is physically separated by Lot 13 DP 1231619. The proposed subdivision seeks to reflect this current configuration as two (2) lots as opposed to one (1) lot. The purpose is to retain active rail corridor (proposed Lot 2) on its own lot.

The proposal does not seek consent for any building works or change of use. The Panel recognises the heritage value of the site. The subdivision does not alter the curtilage of the Heritage Items given the current configuration of lots. The Panel notes that the General Terms of Approval from Heritage NSW require the preparation of a Conservation Management Plan (CMP) to be lodged with any s60 Application under the *Heritage Act 1977*.

The Panel considers that the requirement for a CMP will properly inform the ongoing and future use of the site.

The Panel considers that the subdivision as proposed could be approved particularly having regard to the current lot configuration.

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 Panel determined to approve the application for the reasons outlined in the Council assessment report and the following reasons:

1. The subdivision does not prejudice the findings of the CMP required by condition.
2. The broader use of buildings, surrounding lands and appropriate curtilage will be informed by the CMP.

CONDITIONS



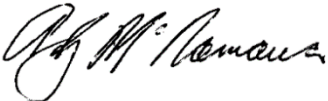


The development application was approved subject to the conditions in the Council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Heritage conservation / lack of conservation management plan
- Opportunities for repurposing of the site
- Lack of public consultation / transparency

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Tony McNamara	 John Mackenzie
 Peta Winney-Baartz	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSHCC-246 – Newcastle – DA2022/01269
2	PROPOSED DEVELOPMENT	Broadmeadow Locomotive Subdivision
3	STREET ADDRESS	35 Cameron Street, Broadmeadow 2292
4	APPLICANT/OWNER	Transport for NSW / Transport for NSW
5	TYPE OF REGIONAL DEVELOPMENT	Crown development referred under section 4.33 of the EP&A Act
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 Newcastle Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Newcastle Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 95 – time for determining crown development applications. Coastal zone management plan: N/A 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: 27 February 2024 Written submissions during public exhibition: 58 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Mark Metrikas Shane Blatchord Paul Battle On behalf of the applicant – James Belford, John Dwyer, Huw Morgan, Alaine Roff, Rosie Sutcliffe, Scott Macarthur Total number of unique submissions received by way of objection: 58
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 25 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, John Mackenzie, Peta Winney-Baartz <u>Council assessment staff</u>: Ethan Whiteman, Amy Ryan <u>DPHI</u>: Leanne Harris, Holly McCann Site inspection: <ul style="list-style-type: none"> <u>Alison McCabe</u> (Chair): 16 February 2024 <u>Roberta Ryan</u>: 29 February 2024 <u>Tony McNamara</u>: 5 February 2024 <u>Peta Winney-Baartz</u>: 23 February 2024 <u>John Mackenzie</u>: 13 February 2024 Final briefing to discuss Council's recommendation: 5 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, John Mackenzie, Peta Winney-Baartz

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Ethan Whiteman, Holly Hutchens○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report