

## DETERMINATION AND STATEMENT OF REASONS

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Monday 16 December 2019
<b>PANEL MEMBERS</b>	Kara Krason (Acting Chair), Peter Brennan and Stuart McDonald
<b>APOLOGIES</b>	Jason Dunn, John MacKenzie, Jason Perica and Michael Leavey
<b>DECLARATIONS OF INTEREST</b>	Nil

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- 6 – Newcastle – DA2019/00904 at 110 Scott Street, Newcastle for public domain works for use as a recreation area (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.

#### 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 in the SP3 Tourist (Lot 13) and the RE1 Public Recreation (Lot 12) zones and is consistent with the zone objectives.
- The proposal will allow for the orderly development of the site, principally for public purposes.
- The proposal will allow for the ongoing viability of a heritage building and the creation of public recreation opportunities in an accessible location that is well serviced by public transport.
- The proposal includes high quality landscaping works designed to respond to the heritage significance of the site and surrounding coastal environment and will make a positive contribution to the *Revitalising Newcastle* program.
- The Panel noted the collaborative design process that informed the aboriginal culture heritage - Interpretive Landscape Feature.
- 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.




The Panel notes that the recommended conditions have been accepted by the applicant.

#### CONSIDERATION OF COMMUNITY VIEWS

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

- Impact on bird life;
- The short-term use of the site;
- Contamination due to gas tanks;
- Drainage;
- The effect of heat radiation;
- The loss of the bus layover and no safe cycling facility.

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	
 Kara Krason (Acting Chair)	 Stuart McDonald
 Peter Brennan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC- 6 – Newcastle – DA2019/00904
2	PROPOSED DEVELOPMENT	Landscape and public domain works for use as a recreation area
3	STREET ADDRESS	110 Scott Street, Newcastle
4	APPLICANT/OWNER	Hunter and Central Coast Development Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
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 (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No.55 - Remediation of Land</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</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 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> </ul>

		<ul style="list-style-type: none"> <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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 16 December 2019</li> <li>• Written submissions during public exhibition: 9</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Ron Brown on behalf of Newcastle Hunter Urban Planning and Transport Alliance</li> <li>○ Council assessment officer – William Toose</li> <li>○ On behalf of the applicant – Greg Le Quesne</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection: 16 December 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Kara Krason (Chair), Stuart McDonald and Peter Brennan</li> </ul> </li> <li>• <u>Council assessment staff</u>: Geoff Douglass and William Toose,</li> <li>• Final briefing to discuss council's recommendation, 16 December 2019 at 12.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Kara Krason (Chair), Stuart McDonald and Peter Brennan</li> <li>○ <u>Council assessment staff</u>: William Toose, Damian Jaeger, Geoff Douglass, Priscilla Emmett, Rajnesh Prakash, Tracey Webb and Sherelle Charge</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report