

RECORD OF BRIEFING

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 21 July 2021, 12:30pm and 1:45pm
LOCATION	Videoconference

BRIEFING MATTER

PPSHCC-79 – Newcastle – MA2021/00192 – 1 Laman St, Cooks Hill – Redevelopment of Newcastle Art Gallery

PANEL MEMBERS

IN ATTENDANCE	Alison McCabe (Chair), Juliet Grant and Sandra Hutton
APOLOGIES	None
DECLARATIONS OF INTEREST	John MacKenzie and Peta Winney-Baartz

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Elle Durrant, Amy Ryan and Tracey Webb
DEPARTMENT	Leanne Harris, Carolyn Hunt and Lisa Foley

KEY ISSUES DISCUSSED

- Council provided an overview of the approved application and the proposed modifications
- Council are seeking clarification regarding a number of matters, including inconsistencies in proposed consent conditions to be modified.
- External referrals to Ausgrid, TfNSW, and Subsidence NSW have been undertaken.
- TfNSW have identified some concerns with the loading dock and traffic. Council considers that the proposed modifications are likely to improve traffic outcomes.
- Council internal referrals have asked for additional information in regard to:
 - Flooding with increase depth
 - Urban Design Review Panel recommended amendments to Laman St/Queen St corner/frontage.
 - Waste room size has reduced
 - Increased Café seating as original proposed limit
 - Heritage/Aboriginal impact
 - FSR calculations and the need to include the War Memorial in these calculations.

PANEL ADVICE

- It was noted that the existing DA was granted under a now superseded LEP and DCP. The Panel needs to clearly understand the current and previous planning frameworks as part of the assessment report. There needs to be a factual assessment against the current LEP and DCP and how any provisions of key

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development standards have changed since the granting of the DA (for example FSR, height, site area and car parking etc).

- Physical commencement of the DA is a threshold issue and needs to be comprehensively explained. This will not necessarily be straight forward given case law, savings provisions and the structure of the DA with precedent conditions and how these have been met. The Panel expects the Applicant to document how the physical commencement test has been achieved and this may need to include consideration of legal advice.
- The Panel expects very clear documentation that allows Council to assess the qualitative and quantitative changes proposed. Plans are required that clearly demonstrate each change for each floor, section and elevation. In this respect, the Panel notes that the current plans do not easily articulate the proposed changes to the interface with the boundaries, particularly Darby Street, and additional documentation will be required.
- The Panel needs a clear understanding of the mine subsidence and grouting arrangement and for the assessment to consider whether this is internal or external to the site.
- Any proposed changes to the public domain works need to be understood and the Panel will seek to ensure that public domain upgrades are given surety and linked to delivery of the development and not deferred or left open ended (including replacement of trees). The Panel will seek to ensure that there is no diminishing of the measures achieved in the original DA approval.
- The Panel wants to understand whether there is any requirement for the provision of Public Art in accordance with the DCP to ensure that there is consistency with other Panel and Council decisions.
- The final assessment needs to be clear in respect of each condition that is being amended, deleted or newly inserted and a complete schedule is required ideally with 'track changes' as well as the written explanation being provided.
- The final assessment also needs to address the Panel's original reasons for approval and any matters raised in the assessment report that the Panel specifically considered.
- Base information including the stamped approved plans and DA consent need to be uploaded on to the Portal

TIMING

The Panel notes that this is an important public project and expects to be able to deal with the modification application in a timely manner. In this respect it is disappointing that the Applicant did not attend any pre-DA discussions with the Council which could have led to better supporting documentation being lodged with the application and improved the efficiency of the assessment process.

It is understood that the Council will now seek a comprehensive request for additional information. The Panel expects the Applicant to respond to this efficiently. Council are requested to keep the Panel updated as to progress and based on this the Panel will consider the need for an Applicant briefing to be scheduled.

TENTATIVE DETERMINATION DATE: TBC however the Panel wish to have the matter determined prior to the end of December 2021.

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