

MINUTES OF THE HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT LAKE MACQUARIE CITY COUNCIL ON THURSDAY 26 AUGUST 2010 AT 5.30 PM

PRESENT:

Garry Fielding	Chair
Jason Perica	Deputy Chair
Barry Johnston	Panel Member
Kara Krason	Panel Member
Peter Rees	Panel Member

IN ATTENDANCE

Matt Brogan	Development Engineer
Greg Field	Chief Subdivision Engineer
Sarah Warner	Flora and Fauna Officer
Felicity Booth	Minute Taker

APOLOGY: Nil

The meeting was declared open at 5.43 pm.

1. Declarations of Interest

Jason Perica stated that he had worked with a planner from ADW Johnson and Kara Krason stated that she had previously worked with Ellen Davis who had prepared the Social Impact Statement for the applicant, but neither had a pecuniary interest.

2. Business Items

ITEM 1 - JRPP 2009HCC002 – Lake Macquarie DA /1193/2009 - West Wallsend Residential Subdivision, Withers Street, West Wallsend

3. Public Submission -

(Anne Andrews) addressed the panel **against** the item
(David Maddock) addressed the panel **against** the item
(Greg Walmsley) addressed the panel **against** the item
(Philip Cooke) addressed the panel **against** the item
(Lisa Knezevic) addressed the panel **against** the item
(Suzan Hannah) addressed the panel **against** the item
(Michelle Smith) addressed the panel **against** the item
(Kathryn Curran) addressed the panel **against** the item

(Wes van der Gardner) addressed the panel **in favour of** the Item

4. Business Item Recommendations

JRPP 2009HCC002 – Lake Macquarie DA /1193/2009 - West Wallsend Residential Subdivision, Withers Street, West Wallsend

Moved by Barry Johnston, seconded by Peter Rees, that the Panel refuse DA/1193/2009 for the reasons contained within the conditions below:

1. The concurrence of the Director-General of the Department of Environment, Climate Change and Water has not been requested and thus not granted. (Section 79B of the Environmental Planning and Assessment Act 1979).
2. The Objection under *SEPP 1 – Development Standards* is inadequate; is not well founded; is not consistent with the aims in Clause 3 of the Policy.
3. The proposed subdivision footprint fails to adequately and sufficiently consider and deal with the high biodiversity value of the site and its constraints posed by threatened species and the ecological endangered communities located on it, resulting in an unacceptable impact on that biodiversity.
4. The Species Impact Statement is deficient in a number of areas and does not adequately and sufficiently comply with the Director General's Requirements, such deficiencies being identified in the letter from the Department of Climate Change and Water to the Council officer dated 7 July 2010, and also in respect of the following:

- a) It does not provide an adequate and sufficient description of Feasible Alternatives (DGR 5.5).
- b) In respect of the Koala, the niche SIS informs:

The proposed development would result in the removal of approximately 27.2ha of potential habitat for this species. This equates to 0.7% of similar habitat within the locality(133 and 253)

The loss of 0.7% of habitat within the locality is unlikely to have long-term negative impacts on the species' local occurrence, particularly given lack of evidence of a resident population within the Subject Site.(253)

The niche SIS should identify the local population of Koala. It does not identify whether the site or locality is subject to cumulative loss and fragmentation (isolation) of the habitat from the study area (including development applications and those areas in the subject locality /study area already having development consent(s) or identified for development (DGR 5.4.2). Figure 2.2 showing the Study Area, adopts data from sources that appear outdated.

- c) In respect of the Koala, the niche SIS has inadequate discussion about the movements of Koalas within the Study Area and where breeding is expected to occur.
- 5 The Statement of Heritage Impact (Andrews Neil October 2007) and the Heritage Impact Review (EJE May 2010) do not provide an up-to-date comprehensive analysis and assessment of the significance of the cultural landscape of the affected heritage values of the West Wallsend and Holmesville precincts.
 - 5.1 There is insufficient evidence provided of the consideration of alternative options for the proposed demolition of the heritage item West Wallsend Tramway RT-01.
 6. The development does not comply with Council's Development Control Plan No. 1 in significant respects. The cumulative impact of points (a) to (f) below, is unacceptable.

- a. Lots 901 – 906 are considered unsuitable for development, with grades exceeding 25%, contrary to the requirements of LMCC Development Control Plan No. 1 Part 2.1.9 Sloping Land and Soils.
 - b. Failure to justify compliance with Parts 2.1.3 Scenic Values & 2.7.6 Views. Insufficient information has been provided by the applicant to determine the visual impact that the proposal will have upon the surrounding existing residential development.
 - c. Failure to justify compliance with Part 2.1.15 Noise and Vibration. Insufficient information has been provided to determine the noise impact on existing properties.
 - d. Failure to provide measures or solutions to address negative social impact resulting from the proposal, contrary to the requirements of Part 2.2.1 Social Impact Statement.
 - e. Proposed Stages 7, 8 & 9 contain significant retaining walls, which suggests that the terrain and site capability have not been properly considered – Part 2.1.3
 - f. The applicant has not provided longitudinal sections along fire trails to demonstrate that the grading is appropriate for fire vehicles, or provide vehicle-turning templates to confirm that the horizontal geometry is satisfactory - Part 2.6.9.
7. The proposed development will adversely affect the visual amenity of the surrounding area.
 8. Due to the absence of a number of critical analyses and investigations, the proposed development is likely to generate undesirable visual changes to West Wallsend, and in particular stages 7, 8 & 9.
 9. Stages 4, 5 & 6 follow the existing surrounding street layout, but they are more elevated than the existing adjoining residential development. These stages will have a visual impact without consideration of the future built form, design style and landscape treatments.
 10. The Landscape Master Plan package does not provide any solutions to the interface between the existing built area and the new subdivision areas. At the least, the site boundaries along Fegan Street, Withers Street and Seaham Road should be treated as visual buffers with built form transitioning between the new and existing built environment.
 11. The Vegetation Management Plan should, but fails to provide site-specific detail regarding landscape treatments responding to impacts by the proposed subdivision on the natural bushland areas, riparian corridors, open space zones, revegetation areas and asset protection zones. In particular the documentation fails to provide adequate information for the landscape treatment of the interface between private lots and adjoining (retained) bushland.
 12. The proposal is not in the public interest.
 13. Insufficient information has been provided in relation to the likelihood of flooding and drainage impacts including any adverse impacts to existing residences downstream of the site.
 14. Insufficient information has been provided to demonstrate that the proposal satisfies objective 1(c) of the Zone 2(1) to ensure that housing development consequential upon any approval of the subdivision will meet this objective (cf. cls 15 and 16 LMLEP 2004).
 15. The offset package provided by the applicant is inadequate for the reasons set out in the letter from the Department of Climate Change and Water to the Council's officer Sarah Warner dated 7 July 2010. The package has been submitted without any prior adequate and sufficient consideration of the avoidance of the impacts of the subdivision by the use of

prevention and mitigation measures, in particular, by avoiding and protecting areas of high significance such as the Lower Hunter Spotted Gum Ironbark Forest EEC, given that the Species Impact Statement by niche Environment and Heritage (May 2010) identifies the subdivision as would be “likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.(p286); that “it represents 18% of this EEC in the Study Area and is therefore considered significant in terms of the long-term survival of this EEC in the locality “(p286); and “in the long term however, the proposal may modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction” (p285).

16. The potential contaminants affecting the site and likely to have an impact on the suitability of the site for its proposed use, identified in the Preliminary Contamination Assessment by Douglas Partners July 2009, have not been sampled and analysed to assess the degree of contamination and whether there is a need for a more detailed examination as specified in the Managing Land Contamination Guidelines.

17. The Lifestyle 2020 Strategy ‘green system map’ intends to ‘enhance long term biodiversity, scenic amenity, and liveability of the city’. The green systems map has identified both ‘remnant vegetation’ and ‘high value habitat’ on the subject site. It is the intent of Lifestyle 2020 to ensure that ‘these elements are valued, retained, and managed as part of an integrated system’ however the proposal fails to achieve this outcome. The proposal negatively impacts on both remnant vegetation and high value habitat and is therefore inconsistent with the green system map (cl 16(a) LMLEP 2004).

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY BY THE PANEL.

The meeting concluded at 8:19 pm.

Endorsed by



Garry Fielding
Chair, Hunter & Central Coast Region Planning Panel
30 August 2010