

## **APPENDIX D – JRPP MINUTES**

**MINUTES OF THE HUNTER & CENTRAL COAST REGION  
JOINT REGIONAL PLANNING PANEL MEETING  
HELD AT LAKE MACQUARIE CITY COUNCIL  
ON THURSDAY 03 NOVEMBER 2011**

**PRESENT:**

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

**IN ATTENDANCE**

Matt Brogan	Senior Development Engineer
Greg Field	Chief Subdivision Engineer
Felicity Bonth	Minute Taker

**APOLOGIES:** Nil

1. The meeting was declared open at 5.08pm.

2. **Declarations of Interest** – None

**3. Business Items**

**ITEM 1 -** *JRPP 2011HCC009 – Lake Macquarie DA /113/2011 - West Wallsend Residential Subdivision, 11 Robertson Street, West Wallsend*

**5. Public Submissions -**

Wes Van Der Gardner addressed the panel **in favour of** the Item  
Toby Tames addressed the panel **in favour of** the Item  
Scott McFarlane addressed the panel **in favour of** the Item  
Brian Adamthwaite addressed the panel **against** the item  
Anne Andrews addressed the panel **against** the item  
Phillip Cook addressed the panel **against** the item  
Peter Maddock addressed the panel **against** the item  
Lisa Knezevic addressed the panel **against** the item  
Louise McKinnon addressed the panel **against** the item  
Janet Heemskerk addressed the panel **against** the item  
Michelle Smith addressed the panel **against** the item

The panel adjourned at 6.50pm to discuss the application. The meeting resumed at 7.40pm.

**Moved** by Peter Rees that DA/113/2011 – West Wallsend Subdivision be refused for the following reasons:

1. The development application does not provide small lot housing as required by the Lake Macquarie LEP 2004, (s. 79C(1)(a) of the Act; cl. 24(2) LMLEP 2004; and Item 8 Part 4 Schedule 2 thereof).
2. The consent authority cannot be satisfied that the land will be suitable after remediation for the purposes for which the development is proposed to be carried out in that
  - 2.1 the Preliminary Contamination Assessment Report deals only with 3 of the 4 lots that are the subject of the application, lot 15 DP 849003 being omitted, and
  - 2.2 there is a demonstrated impact on the lands the subject of the Report by previous contaminating activities and no sampling and analysis has been carried out and provided to the consent authority to confirm and support the conclusion reached in that Report.  
(s. 79C(1)(c); cl. 7 SEPP 55-Remediation of Land; Managing Land Contamination Planning Guidelines [3.5.2].
3. The stormwater drainage for the proposed development will be likely to have an adverse impact on the natural and built environment downstream of the development site in that the Council's requirement is that the development does not increase the peak stormwater discharge or limits of downstream flooding for floods over the range of 1:1 years to 1:100 years by the inclusion of stormwater controls, but the Applicant's Stormwater Concept Plan demonstrates that the drainage system can limit flows from the developed site to the pre-development situation for only the majority of storms within that range. (s.79C(1)(c); Stormwater Concept Plan [6], LMCC Stormwater Treatment Guidelines).
4. The terms of the concurrence of the Office of Environment and Heritage require, by condition conditions 3 and 6, the applicant to provide security to ensure that the Offset Lands are in fact reserved for their intended purpose in perpetuity. But the terms and provisions of the required security for the s88E instrument are not stated and should be stated with reasonable certainty to ensure the objective is attained.  
(S.79C(1)(b),(c) and (e); OE&H letter and its concurrence conditions 29 June 2011).

The motion lapsed as it was not seconded.

**Moved** by **Barry Johnston** that consideration of DA/113/2011 – West Wallsend Subdivision be deferred to allow the submission of additional information that addresses the following matters:

- The issue of small lot housing having regard to Clause. 24(2) of Lake Macquarie LEP 2004;
- The omission of Lot 15 DP 849003 from the contamination report, having regard to SEPP 55;
- Aboriginal heritage issues associated with the proposal, including investigation of the suggested 100m minimum separation distance from the butterfly caves and the concerns raised in the last submission from the Awabakal Local Aboriginal Land Council, dated 28<sup>th</sup> October 2011;
- The need for the *Heritage and Urban Design Guidelines* to appropriately incorporate the mitigation measures recommended in the *Visual Impact Assessment* report;

**Seconded** by **Kara Krason**, with the addition of the following matters:

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- Climate Change being considered by the applicant and Council in their assessment of stormwater and flood impacts;
- The *Heritage and Urban Design Guidelines* being enhanced and modified so they address the whole site and establish a desired future character for the future housing development on the site within the context of the landscape qualities of the site and surrounding area;
- The *Visual Impact Assessment* report being updated to include the small lot housing components of the proposal;
- Additional information relating to the Section 88E instrument to address the concerns raised by Peter Rees in the lapsed motion.

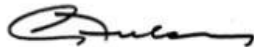
The mover accepted the additional matters into the motion as suggested by the seconder.

**THE MOTION WAS PUT TO THE MEETING AND CARRIED 4 – 1.**

[Note: The applicant is required to address these items within 28 days, after which a supplementary assessment report prepared by Council Officers is to be submitted to the Joint Regional Planning Panel at the earliest possible time.]

The meeting concluded at 8pm.

Endorsed by



Garry Fielding  
Chair  
Hunter & Central Coast  
Joint Regional Planning Panel

Date: 08 November 2011