

RECORD OF BRIEFING MEETING
HUNTER & CENTRAL COAST
JOINT REGIONAL PLANNING PANEL

MEETING DATE / TIME	09 February 2017 10:15 am to 11.30 am
LOCATION	Lake Macquarie City Council

ATTENDEES

PANEL MEMBERS	Michael Leavey (Chair), Susan Budd Lindsay Fletcher Sandra Hutton John Gilbert
COUNCIL ASSESSMENT STAFF	Greg Field
APPLICANT	Charles Bartlett – UrbanGrowth NSW

BRIEFING MATTER

2013HCC016 - DA/1284/2013, Lake Macquarie City Council, Residential Subdivision at Myall Road, Cardiff, A residential subdivision by Urban Growth NSW (Landcom) to create 66 residential lots, 3 super lots for future medium density housing and two residue lots for conservation purposes, 9A, 69 and 82 Myall Road, Cardiff.

A combined briefing was held with the Council staff and applicant.

KEY ISSUES DISCUSSED

- The proposal remains a long-standing undetermined application, and in particular the issue of environmental offsets remains unresolved.
- UrbanGrowth NSW has identified a potential offset site, although details have not been provided to the Council, and a Just Terms acquisition process is underway. The acquisition process still requires Ministerial approvals and 60 days advertising prior to any gazettal. It is the applicant's suggestion that the offset land would be dedicated to Council.
- Some ground truthing of the offset site has been undertaken by Conacher Consulting, and more detailed investigations would be required, which may involve seasonal investigations. The application as a whole would also require readvertising once the environmental investigations had been completed.
- Council's consideration of the offset site will require the environmental investigations to be completed, and if the land was to be accepted, a VPA would be required. The VPA may also give consideration to the environmental lands surrounding the development area (ie

parts of Lots 70 & 71) which are not affected by mine workings, and whether they may form part of any offset package.

- There was discussion on the Site Compatibility Certificate ('SCC') the application relies upon, which was issued for a 5 year period and will expire on 10 September 2017. Given the acquisition process for the proposed offset site, environmental investigations, VPA negotiations and readvertising of the application/ advertising of a VPA, it appears the application will not be in a position to be determined within the currency period of the SCC. In this case a fresh SCC would be required, or an extended SCC if that is legally possible. It was also noted that in the absence of a current SCC the application would need to be recommended for refusal or returned to the applicant, as the Panel does not have power to determine the application in the absence of a current SCC.
- An ongoing SCC may also be required to allow for the future subdivision and development of parts of the site, and particularly for the super lot currently zoned 1(a). UrbanGrowth NSW will pursue this further with the Department of Planning & Environment.
- The Panel noted advice from Council that a number of community objections were received to the application in 2013, and matters raised in these, as well as from any future re-exhibition, would be reported to the Panel.
- It was noted the application has been considerably delayed by a number of factors, some of which have been beyond the applicant's control.
- UrbanGrowth NSW advised the currency of the SCC was a factor in not withdrawing the application to date. In light of the matters discussed, and particularly concerning the SCC, UrbanGrowth NSW requested an opportunity to review the information discussed and give further consideration to whether the application should be withdrawn. This was agreed to by the Panel, and a response was requested from UrbanGrowth NSW within 14 days.
- Council was also requested to review the currency of integrated referrals for the application.
- Further consideration will be given to the progress of the application following a response from UrbanGrowth NSW in 14 days.