

## RECORD OF BRIEFING

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

### BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 1 December 2021, 12.30pm and 5.00pm Site inspection undertaken before briefing
LOCATION	Lake Macquarie City Council and via videoconference

### BRIEFING MATTERS

**PPS-2019HCC021 – Lake Macquarie City Council – DA/2087/2018** - 10 & 10C Woodford Street, Cameron Park - Link Road North - 1063 Lot Residential Subdivision

**PPS-2019HCC006 – Newcastle City Council – DA2018/01351** - 144 Woodford Street Minmi - Demolition of dwelling, 962 lot subdivision including roads, open space, stormwater, utilities and bulk earthworks

### PANEL MEMBERS

IN ATTENDANCE	Alison McCabe (Chair), John Brockhoff, Chris Wilson (Teams), Jason Pauling (Lake Macquarie LGA only – Teams), Roberta Ryan (Lake Macquarie LGA only – Teams)
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton declared a conflict of interest as her employer, ADW Johnson, has been involved with these DAs. Juliet Grant has declared a conflict of interest as her employer, Gyde Consulting, is undertaking work for the applicant in relation to another site.

### OTHER ATTENDEES

LAKE MACQUARIE CITY COUNCIL:	David Pavitt, Amy Regado
CITY OF NEWCASTLE COUNCIL:	Brian Cameron, Priscilla Emmett, Roland Payne, Paul McMurray and Olivia Magrath (part of briefing)
DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT:	Leanne Harris and Jane Gibbs
TRANSPORT NSW:	Damien Pfeiffer, Marg Johnston and Liz Smith (part of briefing)
APPLICANT REPRESENTATIVES: (site visit only)	Bill Sarkis, Alex Biscan, Lincoln Gibbs and Jessica Bailey
OTHER:	Ian Gregson, GHD (part of briefing)

### Planning Panels Secretariat

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## CONTEXT

- The Chair called for a combined briefing due to the connected nature of these two DAs, which function as a large subdivision that covers land in two Local Government Areas (LGAs).
- The applicant was requested to join the Panel on the site visit to explain the proposed layout and answer questions about key parts of the site.

## SITE VISIT

The site visit took place from 9.00am to 12 noon. The Panel visited 6 key locations on site to view the edges of the development and interfaces with surrounding land, locations of proposed sporting facilities, intersection locations and gain an understanding of the sites topography.

## JOINT COUNCIL BRIEFING

The Councils briefed the Panel in relation to the several matters and the following key issues discussed:

### A. CONCEPT APPROVAL / DAs

- Several modifications to the concept have been applied for but these have subsequently been withdrawn. One remains current.
- The Panel considers that it is particularly important for the conditions associated with the concept approval be reviewed and any threshold issues identified early.
- The Panel needs to be confident that the current proposal doesn't result in the need for further modification of the concept approval.
- Full Civils have been provided with this DA so edge effects are able to be fully assessed.
- The location of the recreational facilities required DG signoff which has been received. A VPA will be required – between Winten and Lake Macquarie for delivery of money (similar to contributions) + a deed with Lake Macquarie and City of Newcastle (CoN).
- VPA offer has been made – draft VPA being prepared. Needs to be reported to Council and it is anticipated this would happen early next year. The Panel confirmed that a formal Council acceptance of the offer would be required.
- No suitable land in Lake Macquarie for provision of recreation facilities and therefore all facilities in CoN – (local facilities only).
- Concept approval re cycleway condition 1.10 – conflicts with condition 1.16 DG approval for recreation facilities and applicant / council to consider whether the concept approval requires modification in this respect.
- Heritage advice supports revised cycleway.
- The Panel need to be satisfied that the DA is consistent with the concept approval.
- Summerhill access – condition 1.34 still an issue – waste being transferred outside the LGA and the potential use of the paper road. Prelim design done but not part of the current DA. Corridor is owned by Lake Mac. Panel concerned about relationship of residential lots to this haulage route.
- CoN generally supports the preliminary alignment – but no environmental assessment to date.
- The Panel considers that the DA needs to be clear in what approval is being requested. The Panel needs more certainty and a position. Needs to be assessed as part of the current DA (i.e. offsite impacts acoustic assessment and retaining).
- Design guidelines approved by DPIE do not show the road corridor.
- It was acknowledged that CoN have held this position in relation to route since 2008.

## **B. MINE SUBSIDENCE ISSUES**

- Subsidence Advisory (SA) have been renotified and responses received.
- The Panel considers that in terms of site suitability information in relation to subsidence and mitigation is needed for the DA, despite SA's position or concept approval condition.
- Lake Macquarie – entire site undermined, 3 capped mine shafts, but no grouting required (applicant's report) but limitations on buildings.
- Grouting required on CoN side.
- Stage 1 – they initially proposed earthworks but did grouting / pothole filling - CoN were not involved. Has implications for the potential tree retention.
- RFI will be prepared following this briefing.
- Panel wants to understand proposed remediation – treat the 2 DAs the same. More information required.

## **CONTAMINATION ISSUES**

- Each DA needs a RAP and this has been provided although the Newcastle DA has a more recent version.
- CoN DA RAP proposes use of a site auditor to confirm each stage suitable – consistent with DA guidelines and SEPP 55.
- The Panel, as the consent authority, needs to be satisfied that site can be made suitable for the proposed use.
- Council generally consider the remediation approach is appropriate. Will need a more detailed investigation for each stage and this is built into the RAP.
- Any proposal to cap and contain needs to be clearly understood.
- Initial CoN RAP had this contingency and this is now removed (2<sup>nd</sup> March 2021 – latest version). The applicant is proposing to relocate some material into less sensitive area -i.e. commercial fill. Any other material will need to be taken off site – Panel needs details of quantities, truck movements etc.
- Lake Macquarie RAP does have capping (not a significant quantity but location not specified). Needs updating / further details and area of capping is to be specified.
- SEE suggested conditions – minor changes proposed by Council/s.

## **BIODIVERSITY ISSUES**

- Both sites have 34A certification.
- Lake Macquarie's position provided in relation to an earlier Winten stage / approval with no further ecological investigation required.
- Applicant has provided a further 5A test of significance – ecological assessment was updated but most recent data is from 2018. There is a question over the need for further survey from 2018 to now.
- Condition 1.20 of the concept approval requires a level of assessment. A 2010 RPS ecological report is referenced and this will need to be considered. The current DAs however basically propose a clear fell – apart from the E2 lands / APZs.
- Given the complexity of the legislation and differing positions DPIE have been asked to provide further clarification of the legal framework that applies.

## **BRIEFING FROM TfNSW**

- Previous Court proceedings – conditions put forward by the applicant and these now part of the DA package – mitigating all possible traffic impacts. The traffic impact assessment evidence was deficient.
- Panel questions whether the conditions are addressing broader strategic growth in the area? Lack of TIA therefore unable to determine.
- TfNSW confirmed that no environmental impact assessment of offsite works to date. Concept plans were provided however these are not part of the current DA.

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- TfNSW outlined their desire for consistency with the approach at BlackHill. More base modelling needed. The Regional Traffic Assessment report in the DAs is still considered deficient.
- Link Road is a key part of infrastructure – must keep traffic at the same level of service. Flyovers may mean the triplication may not be needed.
- Newcastle DA response – TfNSW do not support the diverting of a watercourse in the road corridor (M1). Could impede M1 expansion and functioning. (letter of 26 Nov).
- TfNSW would share the base model if it was available – no current reliable base model. Would be prepared to partner with Winten.
- No nexus to stages –under the current scenario the infrastructure is needed for first lot – interim solution not available because modelling has not been done.
- Note that base line modelling is being undertaken in consultation with TfNSW for another site nearby.

## **NEXT STEPS**

- RFI – comprehensive transport information – required. Panel needs a basis for the framework (comprehensive traffic impact assessment) and legality (power and nexus) of any proposed conditions.
- The Panel requests that the applicant confirm the nexus between their development and the conditions and staging as presented in their SEE. The Council / TfNSW and the applicant could consider a VPA as an alternate mechanism to secure the required upgrades.
- Amended plans to show the off-site works and accompanying environmental assessment of works currently proposed to be conditioned.
- Heritage pathway / recreation facilities – condition 1.10 of concept plan to be modified potentially.
- Garden House Park – superlot – status of this and consistency with the concept approval needs to be addressed
- The mechanics to achieve the recreation outcomes need to be further detailed and progressed
- Potential Panel / Applicant briefing late February after RFI has been issued.
- Clear plans are to be provided which show the boundaries of site overlayed on the zoning plan together with the batters and lot layouts

**TENTATIVE DETERMINATION DATE: TBA**