

## RECORD OF APPLICANT BRIEFING

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

### BRIEFING DETAILS

<b>BRIEFING DATE / TIME</b>	Tuesday, 26 April 2022, 1pm to 3:50pm Site inspection undertaken before briefing
<b>LOCATION</b>	Newcastle 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

<b>IN ATTENDANCE</b>	Alison McCabe (Chair), Chris Wilson, Jason Pauling (Lake Macquarie LGA only) and Roberta Ryan (Lake Macquarie LGA only)
<b>APOLOGIES</b>	John MacKenzie (Newcastle LGA only) and Peta Winney-Baartz (Newcastle LGA only)
<b>DECLARATIONS OF INTEREST</b>	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

<b>LAKE MACQUARIE CITY COUNCIL:</b> <i>(1pm to 3:40pm)</i>	Glen Mathews, David Pavitt and Amy Regado
<b>CITY OF NEWCASTLE COUNCIL:</b>	Brian Cameron, Priscilla Emmett, Damian Jaeger, Steven Masia and Olivia Magrath
<b>DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT:</b>	Leanne Harris, Carolyn Hunt and Lisa Foley
<b>APPLICANT REPRESENTATIVES:</b> <i>(1pm to 2:50pm only)</i>	Bill Sarkis, Christina Renner, Alex Biscan, Lincoln Gibbs and Jessica Bayley

## **SITE VISIT**

The Panel viewed the site from the Summerhill Waste Management Facility

## **APPLICANT PRESENTATION**

- High level overview of the concept approval and Winten's acquisition of the land
- Background to the previous court proceedings, parties involved and discontinuance
- Applicant advised that in principle agreement reached with all parties and therefore more efficient to deal with the matter as a regionally significant DA rather than a court hearing.
- The Panel noted that there were jurisdictional, and threshold matters that would have needed to be put to the court and which the Panel will now have to deal with. In essence the Panel has started again and needs to be satisfied as the consent authority.
- Detailed RFIs have been issued by both Councils and the applicant expects a comprehensive response to be submitted towards the end of May.

## **ROAD NETWORK ISSUES**

- TfNSW approach, suggested conditions, and the Panel's power to impose the conditions as proposed.
- Traffic modelling has been undertaken however TfNSW have not agreed to the approach. Further work on regional modelling being undertaken with the base model approved but various scenarios still being worked through.
- Applicant understands that TfNSW are concurrently working on some of the required upgrades however this information is not publicly available.
- Applicant acknowledges that transport infrastructure upgrades are required in response to the 1<sup>st</sup> lot.
- Applicant is in discussion with TfNSW regarding the wording of the suggested consent conditions to ensure that they are lawful
- Applicant's position is that market demand will influence when and who funds the required works.
- Off-site environmental impacts – differing positions in relation to recent court decisions but the Panel needs to clearly understand the impacts of the specific works required for this development as opposed to the regional works that may be subject to a separate approval pathway
- The Panel remain concerned that there is no offer of a voluntary planning agreement as a mechanism to address the proposed traffic approach and questions nexus and power to impose conditions. The Panel has obtained its own legal advice.

## **SUMMERHILL WASTE MANAGEMENT FACILITY**

- May 2021 City of Newcastle issued a concept approval, under delegated authority, for an amended internal road network. The new road location is from the existing haul road to the property boundary, within the Summerhill site. REF preparation / detailed design for the future road underway (within the Lake Macquarie LGA)
- Concept approval – condition (1.34) submission from Summerhill – applicant does not agree to the assumptions. The applicant's position is that the current subdivision does not prevent the future road and it would be up to Newcastle Council to design and construct it and address future impacts associates with it.
- Panel will consider the Council as an adjoining landowner and recognises the waste facility as a key piece of infrastructure. The Panel will need to understand the relationship between this important regional facility and how it relates to the proposed urban residential land use.
- Standards for buffers relevant (noise and odours)
- The Panel will need to understand factually the Summerhill operation, DA consent and relevant conditions, together with any adopted Council strategic plan/s, licence and the submission lodged. The Panel suggests the Newcastle clarify their understanding with Lake Macquarie or provide a memo to the Panel that can be shared with LMCC.

## **Planning Panels Secretariat**

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | [www.planningportal.nsw.gov.au/planningpanels](http://www.planningportal.nsw.gov.au/planningpanels)

## OTHER KEY ISSUES

- The assessment needs to ensure that the crossing of the future road reserve work.
- Residual / triangular piece of land and the best way to deal with this. Has to be in Lake Macquarie DA (currently not) and Councils to read each other's reports to ensure issue adequately addressed.
- Odour buffer – modelling requested and will be fundamental to the assessment of the DA.
- Council's ecologists to confer once assessment is further progressed following the provision of the legal advice requiring the Part 5A test.
- Details of regional road design have been requested – based on discussion today applicant to provide further detail on this matter.
- LMCC to report offer of VPA for the recreation area to Council. The Panel need to understand whether the Council is supportive and/or has a view on this.
- Drainage / creek works in road reserve that TfNSW have said no to - forms part of the RFI issued by Newcastle.
- Councils to specifically consider and assess the subdivision in terms of urban design outcomes, cut, fill, landform, retaining walls and interfaces with adjoining properties.

## TIMING

The applicant has advised that a comprehensive response to the RFI is planned for late May 2022. The Panel expects this timeframe to met. The Panel will have a further update briefing from both Councils late June.

The Panel can make itself available for a joint meeting with TfNSW if required as this is a key issue and needs to be resolved.