

BRIEFING DETAILS

BRIEFING DATE / TIME	Thursday, 30 June 2022, 10.30 – 12 noon
LOCATION	MS Teams 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

ATTENDEES

PANEL MEMBERS:	Alison McCabe (Chair), John Brockhoff, Jason Pauling (Lake Macquarie LGA only), John MacKenzie (Newcastle LGA only) and Peta Winney-Baartz (Newcastle LGA only)
APOLOGIES	Chris Wilson, Roberta Ryan (Lake Macquarie LGA only),
LAKE MACQUARIE CITY COUNCIL:	David Pavitt, Elizabeth Lambert and Amy Regado
CITY OF NEWCASTLE COUNCIL:	Brian Cameron, Ellise Redriff, Damian Jager and Steven Masia
DEPARTMENT OF PLANNING AND ENVIRONMENT:	Leanne Harris
TRANSPORT NSW	Damien Pfeiffer

KEY ISSUES DISCUSSED

City of Newcastle overview of DA status:

- Response to Council's RFI received 10 June but not yet complete – lacks flood modelling, lot layout and heritage response.
- Have not yet been able to re-exhibit due to the above.
- The applicant proposes a scaled back version of the proposed traffic conditions, based on their traffic modelling. No VPA proposed, upgrades based on the impacts of their development with broader impacts to be addressed via SIC / TfNSW upgrades.
- Detail to be provided in relation to previously executed VPA and how this relates to transport
- No real assessment as to the adequacy of the information yet.

Lake Macquarie over DA status:

- Received applicant's RFI response early June with most information requested received but applicant still working on detailed civil engineering plans and mine subsidence modelling.
- Revised traffic information has been referred to TfNSW with other internal / external referrals also underway.
- Biodiversity assessment has identified two newly listed / upgraded species that need to be assessed since the previous s.34A certification process – koala and scrub turpentine. Applicant has been informed that additional information will be required to address these.
- The residual land has now been included in the Lake Macquarie DA and Council will need to work with City of Newcastle for assessment consistency.
- Applicant's VPA is progressing via legal review processes.
- Renotification finalised – no new submissions Council is expecting the submission from City of Newcastle in the next week or so.

Transport for NSW:

- TfNSW haven't received the referral/s – both Council's to follow up.
- Applicant did meet with TfNSW in late April and late May. These discussions were in relation to the release of the 2021 Colston Budd report, reconsideration of the previously agreed conditions via the court process, the use of a Grampian style condition and the assumptions and inputs in the applicant's modelling. TfNSW confirmed 31 May that the applicant's documentation was not supported, and Transport's position remained as previously agreed through the court proceedings.
- TfNSW have suggested a cooperative approach with TfNSW and Eden Estates (adjacent planning proposal) to share modelling and the like.
- TfNSW have undertaken some of their own modelling – looking only at zoned / available land with a preference to start work as a joint venture with DPE on a final business case for an Integrated Transport Plan for the whole area. DPE yet to agree to the process.
- TfNSW estimate 6 to 8 months to a draft ITP and 12 – 18 months for complete package.
- TfNSW will now review the additional information / revised approach being suggested by the applicant and will provide clear direction back to the Councils regarding the adequacy of the model.

KEY ISSUES FROM PANEL

- The Panel recognises the benefit of an Integrated Transport Plan which covers all the relevant land, provides a defined and costed list of infrastructure works, staging, apportionment, and mechanisms for delivery of such works via SIC, contributions or works in kind.
- The Panel remain concerned that the quantum of works being considered are beyond any one developer and would normally be the subject of some form of co-contribution – based on an adopted policy framework.
- The default position however is that none of this in place.
- The Panel understands that the required modelling for these RSDAs could happen, provided assumptions, inputs and outputs are agreed to by TfNSW – this has not occurred.
- The legality however, of being able to condition the required works remains a concern and is more likely to need some form of VPA with agreement from TfNSW.
- The Panel and Councils need a clear understanding from TfNSW of what the applicant needs to do if the current modelling is not adequate.
- City of Newcastle's submission needs to include factual information in relation to the operation of the Summerhill Waste Management Facility. It should include any information that the Council considers necessary for the assessment of the Lake Macquarie DA and information that the consent authority would need to know.
- The Panel notes the DA's are over 4 years old and that the response to TfNSW's request for modelling have not been met.

The Panel will reconvene in approximately one month for a further status update briefing from the Councils.

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