

## Record of Kick-Off Briefing

### Hunter & Central Coast Regional Planning Panel

<b>PANEL REFERENCE, DA NUMBER &amp; ADDRESS</b>	PPSHCC-144 - DA2022/0804 - 70 Carmona Lane Forster Lot 2 DP614397 and Lot 305- DP1240455 Cape Hawke Drive Forster
<b>APPLICANT / OWNER</b>	Serenitas Management Pty Ltd c/o Land Dynamics
<b>APPLICATION TYPE</b>	Ross Andrews Hillcross Pty Ltd, William Edward Kneebone, Craig Andrews Southforster Pty Ltd, MidCoast Council
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Development Application, Clause 3, Schedule 6 of the Planning Systems SEPP: CIV > \$5M - Council interest
<b>KEY SEPP/LEP</b>	SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Transport and Infrastructure) 2021, Great Lake LEP 2014
<b>CIV</b>	\$12,090,000
<b>BRIEFING DATE</b>	5 October 2022

#### ATTENDEES

<b>APPLICANT</b>	Donna Clarke, Ben Tebbutt, Dean Walker, Michael Summers, Anthony Landro and Susan Blake
<b>PANEL MEMBERS</b>	Juliet Grant, Alan Tickle and David West
<b>COUNCIL OFFICER</b>	Bruce Moore, Emily Nicholson, Kieran Woodall, April McKay, Mathew Bell and Chris Ross
<b>CASE MANAGER</b>	Leanne Harris
<b>PLANNING PANELS SECRETARIAT</b>	Lisa Foley

Council is yet to undertake its full application assessment, so this record is not a final list of the issues they will need to consider in order to draft their recommendation.

The application is yet to be considered by the Hunter & Central Coast Regional Planning Panel and therefore future comment will not be limited to the detail contained within

**DA LODGED: 15 August 2022**

**EXHIBITION DATES: 29 August 2022 to 10 October 2022**

**TENTATIVE PANEL DETERMINATION DATE: February 2023**

## **KEY ISSUES IDENTIFIED FOR CONSIDERATION**

### **Council:**

- The land has been previously rezoned for residential and conservation purposes.
- Council noted the application has been the subject of pre DA discussions.
- The site is currently the subject of LEC proceedings over the deemed refusal of an application for a Manufactured Home Estate.
- Council has an interest in part of the site which the applicant seeks to use for road access. Council is yet to provide owner's consent to the DA.
- The land owned by Council is an identified future collector road. The road is identified in the Council's 7.11 Plan however there is no construction timeframe for it at present. A VPA has been suggested however Council considers works in kind may be more appropriate.
- Council's preliminary assessment has identified a number of issues, many of which are currently being worked through via the LEC proceedings:
  - Insufficient detail regarding the proposed road to properly assess potential ecological and flooding impacts
  - Appropriateness of construction access via Carmona Lane
  - Site filling and potential impacts on adjoining land and whether all owners have consented to the application.
  - Servicing of the site via the use of Council owned land and the impacts on a natural wetland
  - Stormwater management, quality, quantity and location of proposed basins and how these are intended to work including management of upstream water
  - Flooding analysis and information is required – it was noted that Council is currently undertaking a flood study but this is at a preliminary stage only.
  - NRAR position required in relation to works within a mapped watercourse
  - Potential contamination from adjacent industrial activities and presence of a fuel tanker on the land.
  - Ecological impacts on the conservation land including direct and indirect impacts on groundwater dependent ecosystems
- Council will issue a detailed RFI following this briefing, noting that many of the above issues have been the subject of negotiation as part of the current court proceedings.

### **Applicant:**

- The proposal is for Torrens Title subdivision to create 126 lots is proposed with a new road connection to the Lakes Way which will ultimately link through to the Southern Parkway.
- The applicant provided an overview of the site noting there are two lots, one of which is owned by Council (Lot 305 - future collector road)
- Current access off Carmona Lane which is a vegetated track
- Applicant understands they will need to construct the new road to and within their site and a VPA has been suggested as a consent condition.

- The subdivision has been designed to meet the minimum lot size and APZs are wholly contained on the site in the residential zoned portion of the land.
- Overview of the site context including:
  - surrounding land uses including rural, industrial and conservation lands.
  - South Forster Structure Plan (2006) used to inform the current zoning, road connections buffers and drainage
- Integrated development:
  - NRAR as works within 40 m of a mapped watercourse
  - RFS as the land is bushfire prone.
- Stormwater – hydrologic analysis to assessment quantity and quality of runoff. Detention along western boundary – site will be filled and basins discharge at natural ground level
- Land is above the 1% flood level including the proposed access road.
- Ecology – historical work informed the rezoning and the subdivision does not encroach into C2 land. A BDAR has been prepared and submitted with the application.
- Pre-lodgement in May 2022. DA lodged 15 August 2022
- Appeal – currently in s.34 conferencing and working to a resolution. The applicant acknowledges that this process would inform changes to the residential subdivision DA (if needed)

#### **Panel:**

- Owner's consent is a threshold issue and needs to cover drainage, servicing and filling as well as the Council owned land for the road.
- If a VPA is to form part of the application the offer needs to be progressed and supported by Council and is not something that can be conditioned.
- The Panel notes that an RFI will follow this briefing and encourages the applicant to work with Council's assessment team to resolve issues raised.
- The Panel needs to understand drainage /flooding including the proximity to and hydrological impacts on the wetland as well as flood free access and the implications for road levels and related filling of the site.
- The Panel will view the site and a further assessment briefing with the Council will be required.

#### **KEY ISSUES IN RELATION TO PUBLIC EXHIBITION**

Public exhibition is currently underway. The Panel needs to be advised of the results of this process.