

Record of Briefing Hunter & Central Coast Regional Planning Panel

PANEL REFERENCE, DA NUMBER & ADDRESS	PPSHCC-156 8.2 Rev, 414 OLD MAITLAND ROAD MARDI CENTRAL COAST DA/765/2021
APPLICANT / OWNER	Lin Armstrong
APPLICATION TYPE	Review of Determination
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of the Planning Systems SEPP - Capital Investment Value > \$30M
KEY SEPP/LEP	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Central Coast Local Environmental Plan 2022
CIV	\$53,576,711 (excluding GST)
BRIEFING DATE	5 September 2023

ATTENDEES

PANEL CHAIR	Tony McNamara (Chair), Roberta Ryan, Kim Johnston and Lynette Hunt
COUNCIL OFFICER	Salli Pendergast
CASE MANAGER	Adam Iskander
PLANNING PANELS SECRETARIAT	Holly McCann

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: 25/10/2022

TENTATIVE PANEL BRIEFING DATE: October 2023

TENTATIVE PANEL DETERMINATION DATE: TBC

KEY ISSUES IDENTIFIED FOR CONSIDERATION

COUNCIL:

- The current amended proposal under the Section 8.2 Review Application includes the following changes:
 - The number of lots has been reduced to 219 residential lots in order to comply with the provisions of Clause 4.1C of Wyong Local Environmental Plan 2013.
 - The landscape buffer treatment to Old Maitland Road has been modified.
 - All roads and services within the subdivision are intended to be private and this is to be reflected in the Plans and Community Management Statement.
 - Revised works under each of the 5 stages.
 - Updated and revised reports (various)
- There are a number of significant concerns that remain outstanding for the S8.2 proposal including:
 - Significant Biodiversity impacts
 - Non-compliance with VPA– no stewardship site and no conservation offsets (rezoning based on creation of stewardship site), no details of fire trail works
 - Significant and unreasonable extent of clearing and filling
 - Lack of avoid and minimise in the BDAR.
 - Arrangements for essential servicing (water & sewer servicing and access arrangements) unsuitable due to lack of information regarding impacts of the service provision
 - No Satisfactory Arrangements (Cl.6.1 WLEP)
 - Significant impacts to local character, landscaped setting and tree retention
 - Flooding impacts
 - Compliance with applicable planning controls under LEP and site specific DCP.
 - Road infrastructure shall remain private
 - Construction impacts
 - Lack of traffic and pedestrian infrastructure and connections and safety concerns
 - Lack of cycle facilities and access to bus services
 - Impacts of bulk earthworks and impacts of filling up to 5m.
 - Inadequate staging details and masterplan
 - Visual impacts to Old Maitland Road
 - Indirect impacts to adjoining E2 zone (eg myrtle rust spread)
 - Water quality and quantity impacts.
- A Class 1 appeal with the NSW Land and Environment Court was commenced in March 2023. A Section 34 conference for the appeal was held on 22 August 2023. Some further information is to be provided by the applicant as part of this proceeding.

PANEL:

- The Panel need to understand the changes being proposed and how the application has specifically addressed each of the 15 reasons for refusal in Schedule 2 of the Panel's Determination and Statement of Reasons dated 21 February 2022 as there is no succinct summary. This is a procedural and threshold issue and needs to be specifically assessed by Council and considered by the Panel.
- The Panel need to have a clear and certain understanding of the ecological issues and biodiversity stewardship site and the legislative framework that applies.
- The Panel requests that the Council advise the Planning Panel Secretariat of the outcome of the Section 34 Conference, once formally concluded, including whether any agreement is reached or whether the matter is to proceed to a hearing (and the date for any such hearing).