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| **PANEL ASSESSMENT BRIEFING REPORT**HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL |

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| PANEL REFERENCE & DA NUMBER | PPSHCC-172DA/2087/2018/REV |
| PROPOSAL  | 3 into 1,079 Lot Torrens Title Subdivision |
| ADDRESS | Lot 2 DP 877349, Lot 1 DP 1156243, Lot 100 DP 1252590 and Lot 22 DP 81611310 and 10C Woodford Street, Cameron ParkM1 Pacific Motorway, Lake Macquarie |
| APPLICANT | Winten (No 21) Pty Ltd |
| OWNER | Winten (No 21) Pty LtdTransport for NSW |
| DA LODGEMENT DATE | 22 November 2018 |
| REVIEW LODGEMENT DATE | 2 February 2023 |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 2, Schedule 7 of the SRD SEPP – General development over $30 million  |
| CIV | $116 million (excluding GST) |
| TOTAL & UNIQUE SUBMISSIONS  | Notification under the original application:* 5 December 2018 – 14 January 2019
* 6 October 2020 – 26 October 2020
* 30 July 2021 – 20 August 2021
* 3 June 2022 – 28 June 2022

Notification under the review application:* 6 February 2023 – 28 February 2023

Council have received six unique objections to the original rounds of notification. One objection was received in response to the recent notification under the review. |
| PREVIOUS BRIEFINGS | Briefings held for the original application:* 21 August 2019
* 11 August 2021
* 1 December 2021
* 26 April 2022
* 2 June 2023
 |
| REMAINING KEY ISSUES | * Biodiversity
* Traffic and transport
* VPA
 |
| STATUS OF ASSESSMENT | Under assessment |
| PREPARED BY | Jonathan Ford, Principal Development PlannerGlen Mathews, Section Manager Development |

1. **The proposal**

The proposal seeks consent for subdivision of two lots into:

* 1058 residential lots

 Comprising 938 standard lots ranging from 450m2 to 1.9 hectares and 120 small lots ranging between 379m2 and 450m2.

* 4 future development lots
* Lots 1736 and 1930 are identified for future residential development.
* Lot 1201 is split zoned residential/local centre and shares its northern boundary with CN LGA boundary.
* Lot 2046 is identified for a potential school site.
* 16 public/drainage reserves
* Lots 1851 and 2547 are identified for local parks.
* Lot 3050 will be created as a landscape buffer to the existing unformed road reserve which is intended to provide future access to the Summerhill Waste Management Centre (SWMC).
* All reserves will be dedicated to Council for ongoing management.
* Clearing;
* bulk earthworks;
* roads;
* stormwater infrastructure, including bioretention basins and swales, to be dedicated to Council;
* utilities;
* landscaping to public domain areas, including street tree planting, bioretention planting and planting of batters/embankments.

Additional works associated with servicing the lots is proposed including; relocation of electricity infrastructure, sewer and water infrastructure, traffic upgrades, recreation facilities and existing road network upgrades.

The development is proposed to be constructed over 21 stages. The stage numbering is not consecutive and some stages may be completed concurrently.

The development application relates to a majority of Stage 5 of the Concept Approval, with the remainder of Stage 5 contained within the Newcastle LGA and subject of a concurrent development application being considered by the Hunter and Central Coast Regional Planning Panel (RPP).

1. **Background**

**2.1 DA chronology**

| **Date** | **Event** |
| --- | --- |
| 22 November 2018 | Original application lodgement date  |
| 13 December 2022 | RPP determination decision - refusal |
| 2 February 2023 | Lodgement of Section 8.2 review application with LMCC |
| 6 February – 28 February 2023 | Notification of review application |
| 6 February 2023 | Internal and external referrals issued |
| 5 April 2023 | Further information submitted by applicant regarding ‘uplisted’ flora and fauna species and public domain landscaping. |
| 17 May 2023 | Advice received from applicant of agreement with TfNSW to resolve regional traffic requirements for the development. |
| 22 May 2023 | Partial RFI issued for matters arising from internal engineering referral. |
| 2 June 2023 | RPP Kick-off briefing. |
| 5 June 2023 | General Terms of Approval received from Subsidence Advisory NSW. |
| 8 June 2023 | TfNSW endorsement and recommended conditions received by Council. |
| 26 June 2023 | Additional information provided by applicant regarding local traffic, drainage, remediation and acoustic impact. |
| 13 July 2023 | Further request for information issued regarding ecological impacts. |

**2.2 Update on Assessment**

Following the Panel briefing in June, the applicant has provided additional information with regard to:

* Air quality;
* Local traffic provision;
* Land contamination / remediation;
* Acoustic impact;
* Bushfire asset protection zones;

This information is currently under assessment by Council.

Council has also issued a request for information with regard to ecological impacts for the development, including the sufficiency of flora and fauna surveys for Koalas and Scrub Turpentine. A response on these matters is being awaited.

Council has scheduled to report the proposed Voluntary Planning Agreement to the Elected Council of Lake Macquarie in August 2023.

1. **Referrals and submissions**

**3.1 Agency referrals and concurrence**

External referrals were issued for matters which were unresolved under the original application. The below table outlines the status of referrals to external agencies under the original and review applications.

| **Agency** | **Referral trigger** | **Comments**  | **Resolved** |
| --- | --- | --- | --- |

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| SA NSW | Condition 1.30 of Concept Approval | The applicant has liaised with SANSW directly to resolve outstanding matters for the referral. The applicant has advised an agreement has been reached. Confirmation from SANSW is being awaited.  | Yes |
| TfNSW | Condition 1.31 of Concept Approval | The applicant has liaised with TfNSW directly to resolve outstanding matters for the referral. Council understands that an agreement with TfNSW has been reached.  | Yes |
| Clause 104 – Infrastructure SEPP – traffic generating development |
| Biodiversity and Conservation Division (DPIE) (OEH) | Condition 1.20 of Concept Plan Approval | BCD are generally supportive of the application, subject to incorporation of recommendations to mitigate construction impacts. | Yes |
| Ausgrid | Cl 45 – Infrastructure SEPPDevelopment near electrical infrastructure | Ausgrid endorsement was obtained under the original application and confirmed under the review. | Yes |
| Department of Planning Secretary (DPIE) | Condition 1.16 of Concept Plan Approval | This matter was satisfied under the original application and does not require further referrals. | Yes |
| Heritage NSW | Condition 1.35 of Concept Approval | This matter was satisfied under the original application and does not require further referrals. | Yes |
| Condition 1.36 of Concept Approval |
| Condition 1.37 of Concept Approval |
| Condition 1.38 of Concept Approval |
| NSW RFS | Condition 1.45 of Concept Approval | The review application was forwarded to NSW RFS, who specified the previous General Terms of Approval continue to apply. | Yes |
| Transgrid | Condition 1.47 of Concept Approval | Transgrid endorsement was obtained under the original application and confirmed under the review. | Yes |

**3.2 Council referrals**

The review application has been referred to various Council officers for technical review as outlined below.

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| Officer | Comments | Resolved |
| Ecology | Further information has been requested regarding the sufficiency of survey efforts for koalas and scrub turpentine. | TBC |
| Engineer | Updated information has been provided in response to earlier referral comments, which is under assessment. | TBC |
| Traffic | Awaiting referral response | TBC |
| Environmental management (contamination, acoustic impact) | Confirmation has been obtained that the proposed remediation works are satisfactory, subject to imposition of a condition requiring a site audit.Noise impacts have also been deemed satisfactory subject to imposition of conditions. | Yes |
| Air quality | Further information has been provided by the applicant and is under assessment. | TBC |
| Asset Management – Parks and Community Land | Awaiting referral response | TBC |
| Landscape Architect | Awaiting referral response | TBC |

* 1. **Community consultation**

The original application was notified in accordance with the Council’s Development Control Plan and Community Participation Plan for the following dates:

* 5 December 2018 – 14 January 2019 (two submissions)
* 6 October 2020 – 26 October 2020 (one submission)
* 30 July 2021 – 20 August 2021 (two submissions)
* 3 June 2022 – 28 June 2022 (no submissions)

Five unique submissions have been received. The issues raised in these submissions include the following:

* Lack of pedestrian, cycleway and public transport links (private landowner)
* Lack of provision of recreation facilities within the development footprint in the Lake Macquarie LGA (CN).
* Impacts of the proposed development on the operation of the adjacent Summerhill Waste Management Centre (SWMC) (CN).
* The development is not consistent with Condition 1.34 if the Concept Approval requiring demonstration keys roads linking Minmi Boulevarde and the SWMC had been designed to accommodate waste removal vehicles (CN).
* Impacts on the adjacent Blue Gum Hills Regional Park (BGHRP) (NPWS).

The review application was notified from 6 February 2023 to 28 February 2023. One submission was received in response to the review notification. The response was from CN, reiterating the concerns raised under their previous submissions.

1. **Residual Key Issues**
	1. **Biodiversity**

Further information has been requested from the applicant to satisfy requirements relating to up-listed and newly listed species per the Biodiversity Conservation (Savings and Transitional) Regulations 2017 and State Environmental Planning Policy (Koala Habitat Protection) 2020.

A response from the applicant is being awaited.

* 1. **Traffic and transport**

Endorsement and recommended conditions have been provided by TfNSW for the development. The conditions require Winten to enter into a State Planning Agreement for provision of upgrade works to the Link Road / Minmi road intersection and additional upgrades to surrounding regional road infrastructure.

The conditions have been reviewed and Council is satisfied there is a sufficient nexus to the development to warrant the imposition of the recommended conditions.

* 1. **Planning Agreement**

Council is in the process of seeking endorsement from the LMCC Elected Council for the letter of offer submitted by Winten for the provision of recreation facilities for the proposal. The matter is scheduled to be considered by Council on 28 August 2023.

A final draft of the full VPA is being prepared in the meantime.

1. **Recommendation**

The application has substantially progressed and now demonstrates compliance with the majority of assessment matters. Residual matters outlined above will be addressed in consultation with the applicant prior to reporting back to the Panel for determination of the application.