

<b>DATE OF DETERMINATION</b>	20 December 2023
<b>DATE OF PANEL DECISION</b>	20 December 2023
<b>DATE OF PANEL MEETING</b>	13 December 2023
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Judy Clark, Tony McNamara, Christine Buckley
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held by teleconference on 13 December 2023, opened at 11am and closed at 12.45pm.

#### **MATTER DETERMINED**

PPSHCC-172 – Lake Macquarie – DA/2087/2018/REV at 10 Woodford Street, Cameron Park – Link Road North -3 into 1,079 Lot Torrens Title Subdivision (as described in Schedule 1)

#### **BACKGROUND**

On the 13<sup>th</sup> December 2022 the Hunter and Central Coast Regional Planning Panel refused a development application on this site for a subdivision into 1079 residential lots. The Panel members were Alison McCabe (Chair), John Brockhoff, Chris Wilson, Jason Pauling and Roberta Ryan. Following this determination, the Applicant requested a review of the Panel's decision in response to amended plans and additional documentation which addresses the previous reasons for refusal.

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed in Schedule 1 at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8..

#### **Review of Development application**

The Panel accepted the amended plans and documentation under Section 8.2 of the *Environmental Planning and Assessment Act 1979* as it was satisfied that the proposed development remained substantially the same as that previously considered by the Hunter and Central Coast Regional Planning Panel (HCC Planning Panel).

The Panel reviewed the previous decision and was satisfied that the reasons for refusal had been resolved and that the proposed development was in the public interest. The Panel determined to approve the application pursuant to section 8.4 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons given in the Council's assessment report together with the following reasons:

1. The application is substantially the same as that previously determined by the HCC Planning Panel and is generally consistent with the approved concept plan for the subject land.
2. The application satisfies the relevant provisions of all applicable SEPPs and the Lake Macquarie LEP 2014 and is generally satisfactory with respect to relevant provisions of the DCP (in this case being the Link Road North Area Plan Design Guidelines).
3. The application is consistent with relevant objectives of the R2 Low Density Residential, C2 Environmental Conservation and B2 Local Centre zones in which it is located. The subject land is

suitable for the proposed development because it is in a nominated Urban Release Area close to the important centres of Lake Macquarie and Newcastle and has good access to the broader Lower Hunter, and Sydney and is or will be served by all necessary public utility infrastructure and community facilities.

4. Satisfactory arrangements have been made to ensure that all necessary public utility infrastructure (roads, water, sewerage, electricity and telecoms) will be available as needed through scheduling that is compatible with the intended sequence of the development.
5. The application includes arrangements to ensure that all necessary community and recreation facilities required to service the future population will be available when needed. The application includes payment of monetary contributions for the required facilities, as well as dedication of land for a new school and additional open space.
6. The application incorporates appropriate measures to address all potential environmental risks, particularly bushfires, land subsidence and localised flooding. The land's environmental and cultural attributes will also be protected through land dedication, conservation and various management measures. Overall, the application is likely to have a net positive environmental effect mainly because of substantial land dedication for conservation purposes, remediation of existing contaminated land and protection of ecological and cultural resources.
7. The application will have positive socio-economic effects most notably by providing an increased and more diverse housing stock which will contribute to improved local housing affordability. The application will also have broader positive outcomes by increasing the size and skill base of the local workforce thereby better supporting the Lower Hunter's economy both during and after the construction phase.
8. For the reasons given above the application is consistent with the principles of Ecologically Sustainable Development and its approval is in the public interest.

## **CONDITIONS**

The development application was approved subject to the conditions in the Council assessment report with the following amendments.

- Minor wording changes to conditions 40, 65, 84, 98, 100 and 101 to address typographic or grammatical errors without changing the original intent of the condition/s.
- Changes to the wording of some conditions to address matters raised by NPWS to:
  - include the overarching Construction Environmental Management Plan (CEMP) –Appendix AA of the Statement of Environmental Effects (SEE) – as one of the approved plans in Condition 1,
  - clarify that all Construction Management Plans must be in accordance with the CEMP,
  - insert key requirements from the Vegetation and Habitat Management Plan (VHMP) that support the management of interface and downstream impacts to Blue Gum Hills Regional Park, and that will support enhancement of wildlife habitat in the Regional Park,
  - modify requirements for stormwater management and water quality control facilities to ensure consistency with the CEMP and Soil and Water Management Plan, and
  - address minor editorial changes e.g. spelling of scientific names and using the term 'Aboriginal Objects'.

No changes are suggested to the ordering or number of conditions.

## **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Impacts to operations of the Summerhill Waste Management Centre as a regional waste facility.
- Questionable consistency with the Concept Approval.
- Proposed local VPA and recreation outcomes.
- Impacts on ecology, biodiversity and in particular koalas.
- Impacts on amenity and health of local residents including from earthworks and emission of dust.
- Traffic impacts.
- Lack of consultation with NPWS regarding draft consent conditions.

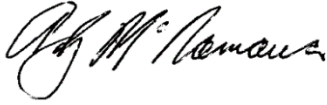
**PANEL MEMBERS**



Paul Mitchell (Chair)



Judy Clark



Tony McNamara



Christine Buckley

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-172 – Lake Macquarie – DA/2087/2018/REV at -
2	PROPOSED DEVELOPMENT	3 into 1, 079 Lot Torrens Title Subdivision
3	STREET ADDRESS	10 Woodford Street, Cameron Park – Link Road North
4	APPLICANT/OWNER	Winten (No 21) Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	<b>Capital Investment Value over \$20M (DA lodged before 1 March 2019)</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>Lake Macquarie Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Lake Macquarie Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: State VPA September 2018, Draft Local VPA for Recreation Facilities.</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2021: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or Regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 6 December 2023</li> <li>Written submissions during public exhibition: 5</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Mary Pianka</li> <li>Geraldine Furphy</li> <li>Cr Dr Elizabeth Adamczyk</li> <li>Kathleen White</li> <li>Mitchell Carter, Manager of Lower Hunter Area, National Parks and Wildlife Service</li> <li>Veronica O’Leary</li> <li>Marilyn Hind</li> <li>James Nutt</li> <li>Priscilla Emmett –</li> </ul> </li> </ul> <p>On behalf of the applicant –</p> <ul style="list-style-type: none"> <li>Christina Renner</li> <li>Bill Sarkis</li> <li>Alex Biscan</li> <li>David Rothwell</li> <li>Greg Smith</li> <li>Jessica Bayley</li> <li>Lincoln Gibbs</li> </ul> <p>On behalf of Council:</p> <ul style="list-style-type: none"> <li>Amy Regado</li> </ul>

		<ul style="list-style-type: none"> <li>○ Jonathan Ford</li> <li>○ Glen Mathews</li> </ul> <p>Total number of unique submissions received by way of objection: 5</p>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Council and Applicant Briefing: 2 June 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Judy Clark, Tony McNamara, Allison Burrows</li> <li>○ <u>Council assessment staff</u>: Jonathan Ford, Glen Mathews, David Pavitt, Michael Corrigan, Rhiannon McLardy, Lucy Knutson and Debra Scott</li> <li>○ <u>Applicant representatives</u>: David Rothwell, Bill Sarkis, Christina Renner, Alex Biscan, Lincoln Gibbs, Jessica Bayley</li> <li>○ <u>DPE</u>: Leanne Harris</li> <li>○ <u>TfNSW</u>: Damien Pfeiffer and Holly Taylor</li> </ul> </li> <li>• Council and Applicant Briefing: 25 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Judy Clark, Tony McNamara, Christine Buckley</li> <li>○ <u>Council assessment staff</u>: Jonathan Ford, Glen Mathews, Amy Regado</li> <li>○ <u>Applicant representatives</u>: Bill Sarkis, Christina Renner, Alex Biscan, Lincoln Gibbs, Jessica Bayley</li> <li>○ <u>DPE</u>: Leanne Harris</li> </ul> </li> <li>• Council and Applicant Briefing: 9 October 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Judy Clark, Christine Buckley</li> <li>○ <u>Council assessment staff</u>: Jonathan Ford, Amy Regado, Glen Mathews, Rhiannon McLardy</li> <li>○ <u>Applicant representatives</u>: David Rothwell, Bill Sarkis, Christina Renner, Alex Biscan, Lincoln Gibbs, Jessica Bayley</li> <li>○ <u>DPE</u>: Leanne Harris, Holly McCann</li> </ul> </li> <li>• Site inspection: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: : 2<sup>nd</sup> June: Paul Mitchell (Chair), Judy Clark, Tony McNamara,</li> </ul> </li> <li>• Council Briefing: 28 November 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Judy Clark, Christine Buckley and Tony McNamara</li> <li>○ <u>Council assessment staff</u>: Amy Regado, Glen Mathews</li> <li>○ <u>DPE</u>: Leanne Harris; Holly McCann</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 13 December 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Judy Clark, Christine Buckley and Tony McNamara</li> <li>○ <u>Council assessment staff</u>: Jonathan Ford, Amy Regado, Glen Mathews</li> <li>○ <u>DPE</u>: Leanne Harris, Holly McCann</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report