

BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 19 June 2024
LOCATION	MS Teams Videoconference

BRIEFING MATTERS

PPSHCC-281 – Central Coast – DA/161/2024 – 285, 287, 295, 305, 315 and 325 Pacific Highway, Lake Munmorah 2589 – Subdivision

PANEL MEMBERS

IN ATTENDANCE	Alison McCabe, Roberta Ryan, Greg Flynn, Tony Tuxworth
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	Nil

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF:	Alexandra Hafner, Jenny Tattam, Emily Goodworth, Nathan Burr, Danielle Allen
APPLICANT	Ian Stewart, Scott Brisbin, William Clark, Peter Francis, Bryan Rose, Stuart Rose, Tibor Grubits, Joel Shanahan
DEPARTMENT STAFF	Leanne Harris, Holly McCann

COUNCIL BRIEFING:

- Assessment of the DA is ongoing with some internal and external responses yet to be received.
- Council has been working with the applicant post the initial briefing and the comments the Panel raised at that stage.
- The Applicant has provided legal advice regarding roadworks in the mapped proximity area to the Coastal Wetland and triggers for designated development. Council is seeking its own legal advice for this matter.
- SEPP (Transport and Infrastructure) 2021 provides permissibility for the basins in the C2 land, and therefore becomes a merit issue.
- The VPA arrangements for dedication of the basins etc will need to wait until they can be endorsed by the new Council after the Local Government elections in September given impending caretaker mode.
- There is a further impediment to the basins being dedicated to Council and the biodiversity outcomes related to the minimum lot size arrangements for the C2 land. This is the subject of an expedited amending planning proposal.
- Council remaining concerned that the DA is not consistent with the bio- certification arrangements as works appear to encroach into certified area. Documentation needs to be amended and further arborist reports are required.

- A BDAR has been submitted for additional impacts on threatened species outside of the bio-certified area. However, there is insufficient detail to enable Council to properly assess. A tree retention and removal plan is required.
- Extensive RFI on ecological matters has just been issued to the Applicant.
- Engineering response is currently outstanding.
- Part of the road in the SP2 zoned portion of the site extends onto land classified as 'community'. There is a current planning proposal process underway to reclassify this as 'operational' as part of a broader project across multiple sites.

APPLICANT BRIEFING:

- TfNSW feedback mostly supportive with details of an on-road cycleway and positioning of lighting still being worked through.
- Received ecologist comments – currently being reviewed to address discrepancies and protection of trees in the C2 zone.
- Engineering and traffic comments from Council not yet received.
- Works within proximity to wetland – Corrs Chambers legal advice is that this is not designated.
- C2 minimum lot size which is preventing the creation of the lots for basins, roads etc is the subject of an amendment to LEP which is currently being processed.
- RFI from the RFS. Density of landscaping amended and updated bushfire report submitted for review.
- State VPA – Department of Planning have confirmed that the parties are in agreement and final drafting underway.
- Acknowledgement that the dedication of stormwater basins needs a VPA. Needs a letter of offer and acceptance by Council and can then be conditioned. Letter of offer drafted.
- Two rounds of public exhibition. 19 unique submissions plus a petition. Traffic generation is the major issue.

PANEL COMMENTS:

The Panel acknowledges that this is a site that has been strategically planned and zoned for residential development and has been through a bio-certification process. There are however a number of permissibility and procedural barriers that are preventing the application moving forward quickly including:

- The minimum lot size in the C2 zone which is a straight prohibition that must be resolved. The Council should carefully review the proposed LEP amendment to ensure the right outcomes are achieved.
- The proximity area to the wetlands for which the Council is now reviewing the applicant's legal position and seeking its own advice.
- The 'community' land designation and a mechanism that can be used for approval of the proposed road via either a plan of management or reclassification measure.
- Parts of the application extending into the bio-certified areas which is not supported. This will necessitate amendments to engineering designs and layout to address this issue.
- The arrangements for the local VPA. The Panel will expect a Council resolution indicating support for any letter of offer. The VPA offer needs to be very specific and the Panel encourages further discussion between the applicant and Council to ensure that all matters are adequately addressed to Council's satisfaction, including arrangements for any monetary contributions, before an offer is actually made.
- The need for more information in relation to ecological impacts in the non-certified areas plus addressing all impacts associated with engineering works both on and off the site.

The Panel will need to be kept updated on the timing of the above matters. The Panel expect the applicant to be very responsive and communicate with Council regarding any requests for further information.

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

Likewise the Council needs to expedite a comprehensive RFI so that the applicant can respond to matters that are interrelated across the site (engineering, traffic, ecology) in a consolidated response.

The Panel will seek further briefings as required.

Given the number of submissions the Panel will ultimately need to hold a public determination meeting and encourages the applicant to review and respond to the matters that have been raised by the submitters.