

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 17 February 2025
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, Tony McNamara, Rachel Stanton and Doug Eaton
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF:	Nathan Burr, Salli Pendergast
DEPARTMENT STAFF	Leanne Harris, Holly McCann

COUNCIL BRIEFING:

- Since the December 2024 briefing the application has been amended.
- In relation to the Tall Timbers Road intersection with the reserve, there is a Council project for installation of additional car parking and improved access to the sports fields. Council will do tie in works to the boundary and the DA will stop at the road boundary. This has removed the need for further owner's consent and the environmental impacts of the works on the reserve will be considered as part of the Council project (Part 5 / REF).
- Overview of Crown / Council land reserve arrangements discussed.
- Various legal advice have been provided:
 - (i) DA initially submitted without a BDAR. Advice received that the Council could accept and assess the DA and the site is now bio-certified therefore this issue is no longer relevant.
 - (ii) Advice regarding Designated Development not being triggered in the wetland buffer (Applicant advice and being reviewed by Council's in-house legal). Panel and Council need to consider this issue further.
 - (iii) New LEP Clause (4.1(g)) - minimum subdivision provisions for C2 zoned land but Council is concerned that the clause does not work in this particular case. Applicant has legal advice to support the amended subdivision plan but still subject to Council's internal legal review. Council also needs further information about the ongoing management of the land in perpetuity.

- (iv) Authority under the Local Government Act 1993 to dedicate the drainage reserve via a plan of subdivision.
- (v) Reclassification issue and construction of part of Chisholm Road over the public reserve. The land in question was rezoned SP2 but not reclassified. There is a draft LEP underway dealing with the reclassification matter but this covers several parcels across the LGA. Council has legal advice that supports the approval of the road but this needs a condition of consent re dedication after the classification is changed. Council's legal team reviewing but appear supportive given the progress of the draft reclassification LEP.
- (vi) Legal mechanism re dedication of the road in the absence of a VPA. Council's position is that the internal roads can be dedicated under the Roads Act.
- The proposed road within the reserve does not fit completely within the SP zoning but is permitted in the RE1 zone regardless.
- Plans amended to remove works in the biodiversity avoidance areas.
- Information regarding the State VPA received last week with a recommended condition for the VPA to be entered into which Council and the applicant are supportive of.
- Assessment remains ongoing and in particular the permissibility of subdivision of the C2 portion of the site is still to be resolved.

PANEL COMMENTS:

- The Panel want to factually understand the timing of the REF and actual project works (improved access, skatepark and car parking arrangements) so that existing impacts can be dealt with.
- The Panel will also want an understanding of the broader Council strategy (recreation management) so that they can consider and address the concerns raised by the community in the public listening exercise. To this end there is a need to also factually understand the consent history and how the Rugby Club / sports fields operate so that impacts can be properly considered (e.g. use limited to Saturdays in Winter).
- The Applicant needs to legally deal with the specific requirements of Clause 4.1(g) and clearly demonstrate how this is satisfied. It is not clear how it can be met.
- The Panel questions the practicalities for a single landowner to manage conservation land which is also functioning as a drainage reserve and attached to a standard residential allotment. The legal and operational mechanisms need to be clearly documented – particularly as management is in perpetuity.
- The Council should provide a summary of their legal advice to the Panel for further review regarding the dedication of land including drainage under the Local Government Act and roads under the Roads Act. The Panel need a clear understanding of how Council will be receiving this infrastructure. A further briefing on this issue may be required.

The Panel is currently holding 25 March for tentative determination of this matter. As a public meeting is necessary Council will need to confirm three weeks in advance as to whether their assessment report will be available to meet this timeframe. The assessment report will be required no later than 18 March to meet this deadline.