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| **MEMO TO PANEL**  HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL | |

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| PANEL REFERENCE, DA NUMBER & ADDRESS | PPSHCC-281 & DA/161/2024  285, 295, 305, 315 and 325 Pacific Highway, Lake Munmorah NSW 2259 |
| APPLICANT  OWNER | Barker Ryan Stewart  Alda Properties (Lake Munmorah) Pty Ltd  Central Coast Council (6w Kemira Road)  Robin and Roxanne Becker  Rose Living Pty Ltd  Urban Land Redevelopment Pty Ltd |
| APPLICATION TYPE | Nominated Integrated Development (Water Management Act 2000) |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 8 of Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021 as it involves a coastal subdivision |
| RECOMMENDATION | Approval subject to the Hunter Central coast Regional Planning Panel being satisfied the subdivision will facilitate the management and protection of the environmental values of the land in accordance with clause 4.1G |
| CIV | $24,177,566 |
| SCHEDULED MEETING | 6 May 2025 |
| POST DEFERRAL BRIEFING | 6 May 2025 |
| PREPARED BY | Nathan Burr |

**MATTERS RAISED**

The subject development application, DA/161/2024, seeks consent for a 285-lot land subdivision resulting in the creation of the following:

Two hundred and eighty-three (283) residential allotments, including two (2) split-zoned allotments (Lots 1 and 70) containing R2 Low Density Residential and C2 conservation land connected by vinculum, one drainage reserve (Lot 301), one public park (Lot 302), and internal roads and associated inground infrastructure.

On 25 March 2025 the Panel resolved to defer the determination of the development application for a number of reasons and provides a direction that the applicant provide information to address those matters.

A Supplementary Assessment Report and an assocaited draft set of conditions was uploaded to the Planning Portal on 29 April 2025. Since that time the Applicant has had the opportunity to review the conditions and make a number of sugested amendments. The requested amendment have been reviewed by the relvant Council Assessment Officers.

In addition to the Appplicant’s requested amendments the relevant contribtions require adjusting for CPI. The following amendments to the Draft Conditions are recommended to the Panel.

Schedule of amendments to conditions. Note that due to the deletion of conditions the compiled set of conditions contains some renumbering.

* Condition 1.1

Insert the ‘Traffic’ into *Preliminary Construction Management Plan* in the description of the supporting documents in order to correctly name the document.

* Condition 2.1

Amend the wording of condition 2.1 to allow for early work approval for earth and site works.

Replace

~~2.1. All conditions under this section must be met prior to the issue of any Subdivision Works Certificate.~~

with

*2.1. All conditions under this section must be met prior to the issue of any Subdivision Works Certificate, unless specified otherwise. A bulk earthworks Subdivision Works Certificate can be approved once conditions 2.2 - 2.8, 2.13 and 2.14(q) are satisfied. The bulk earthworks Subdivision Works Certificate shall not include retaining walls.*

* Conditions 2.3 and 2.4

Consolidate conditions 2.3 and 2.4. The Stantec RAP Report dated 16 Sep 2024 states: “The previous assessment has considered the presence of Acid Sulfate Soils and concluded that they are not present at the site.” this comment in the Supplementary Contamination Assessment Report (Stantec, 10 Nov 2023) says “As such, an ASSMP and treatment of soils would not be proposed, however It may be prudent to undertake further confirmation sampling and testing during construction’ and a protocol is required accordingly.

Replace

~~2.3 Submit to Councils Environmental Protection Officer for approval an Acid Sulfate Soil Management Plan to be in accordance with OEH Acid Sulfate Soil Guidelines.~~

and

~~2.4 Submit to Council’s Environmental Protection Officer for approval an Unexpected Finds Management Plan for the discovery of any asbestos fragments, or any other unexpected contamination during any future construction works at the site.~~

Amended Condition

*2.3 Submit to Council’s Environmental Protection Officer for approval an Unexpected Finds Management Plan for the discovery of any asbestos fragments, acid sulphate soils or any other unexpected contamination during any future construction works at the site.*

* Condition 2.8

Deletion as the requirement is duplicated in Condition 2.3.

~~2.8 An Unexpected Finds Management Plan must be developed and implemented prior to the issue of any Construction Certificate for the discovery of any asbestos fragments, or any other unexpected contamination during any future construction works at the site.~~

* Condition 2.10

Remove reference to construct lighting as the condition relates to the design requirements for Subdivision Works Certificate approval and not construction.

* Condition 2.11

Replace condition 2.11 with a condition with more refined requirements.

Replace

~~2.11~~ ~~Submit to Council as part of the Roads Act Works Approval and/or the Subdivision Works Certificate application a Road Safety Audit prepared by a minimum Level 3 and Level 2 Road Safety Auditor who are registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolutions of the identified deficiencies are to be carried out in consultation with Council and Council to sign off the corrective actions prior to the issue of a Roads Act Works Approval and/or a Subdivision Works Certificate. This condition must be identified in the Audit Report.~~

with

*2.11 Prior to the Roads Act Works and/or the Subdivision Works Certificate approval, a Concept/Preliminary/Detail Design stage Road Safety Audit for the proposed subdivision prepared by a minimum Level 3 and Level 2 Road Safety Auditors who are registered on the NSW Register of Road Safety Auditors is required to be submitted to the Council. Particular reference is to be made to the following:*

*• Safe System Approach.*

*• Safest practicable treatment.*

*• Safety to all road users (light and heavy vehicles, motorcycles, pedestrians and cyclists).*

*• Compatibility with adjacent intersections.*

*• Topography at the site.*

*• Natural and built environment.*

*There is opportunity to investigate options and resolve this issue at the Subdivision Works Certificate/Roads Act stage.*

*No recommendations are to be made in the Road Safety Audit to address any identified deficiencies, particularly for existing public roads. Resolutions of the identified deficiencies are to be carried out in consultation with Council and Council to sign off the corrective actions prior to the issue of any Roads Act Works Approval and/or Subdivision Works Certificate. This condition of consent must be identified in the Audit Report.*

* Condition 3.3 (b)(d) and (e)

Condition 3.3(b) and (d) amended to reflect references to Chisholm Avenue. Condition 3.3(e) amended to delete drafting notes not part of the condition.

* Condition 3.4 (a)

Condition 3.45(a) amended to delete drafting notes not part of the condition and provide a description of the works referred to in the condition.

* Condition 4.11

Condition 4.11 amended to allow for Excavated Natural Material (ENM) in addition to Virgin Excavated Natural Material (VENM).

* Conditions 5.4 and 5.11

Insert wording ‘relevant to the subject Subdivision Certificate’ to make provision for the occasional where multiple Subdivision Certificates are made.

* Condition 5.14

Additional wording to clarify the creation and dedication of the north-eastern drainage reserve.

Replace

~~5.14 Show on the plan of subdivision the dedication to Council of proposed lot 301 and Pt 70 as drainage reserve. The dedication must be at no cost to Council.~~

With

*5.14 Show on the plan of subdivision the dedication to Council of proposed lot 301 and Easement (D) as drainage reserve. Easement (D) is to be excised from Lot 1 DP1310973 to create a drainage reserve under exempt development pursuant to clause 2.75(f) of the Codes SEPP. The dedication must be at no cost to Council*.

* Conditions 5.26 and 5.27

The quarterly CPI indexation for the March 2025 quarter was was released and updated within Council’s systems on 30 April 2025. The Contributions rates in the recommended conditions require updating to reflect this indexation.

Replace

~~5.26 Before the issue of a Subdivision Certificate, the applicant must pay the total contribution payable to Council under this condition. The total contributions are $4,898,600.86 as calculated at the date of this consent, in accordance with the Voluntary Planning Agreement (VPA) dated 21 June 2023.~~

~~The full list of itemised contributions, is described in the table below.~~

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~~The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the abovementioned Voluntary Planning Agreement.~~

~~As per Clause 4.1 of the Voluntary Planning Agreement, if a revised Northern Districts Section 7.11 Plan is adopted by Council prior to the issue of the relevant Subdivision Certificate for the Final Lot (as defined by the VPA), the contributions payable will be the residential lot contribution rate in the adopted Plan, indexed and multiplied by the relevant number of lots.~~

With

*5.26**Before the issue of a Subdivision Certificate, the applicant must pay the total contribution payable to Council under this condition. The total contributions are $5,051,234.80 as calculated at the date of this consent, in accordance with the Voluntary Planning Agreement (VPA) dated 21 June 2023.*

*The full list of itemised contributions, is described in the table below.*

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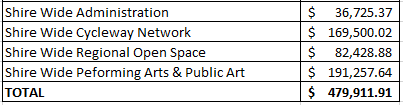
*The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the abovementioned Voluntary Planning Agreement.*

*As per Clause 4.1 of the Voluntary Planning Agreement, if a revised Northern Districts Section 7.11 Plan is adopted by Council prior to the issue of the relevant Subdivision Certificate for the Final Lot (as defined by the VPA), the contributions payable will be the residential lot contribution rate in the adopted Plan, indexed and multiplied by the relevant number of lots.*

Replace

~~5.27 Before the issue of a Subdivision Certificate, the applicant must pay the total contribution payable to Council under this condition. The total contributions are $479,911.91 as calculated at the date of this consent, in accordance with the Voluntary Planning Agreement (VPA) dated 21 June 2023.~~

~~The full list of itemised contributions, is described in the table below.~~

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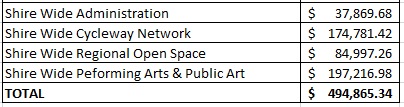
~~The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the abovementioned Voluntary Planning Agreement.~~

~~As per Clause 4.1 of the Voluntary Planning Agreement, if a revised Northern Districts Section 7.11 Plan is adopted by Council prior to the issue of the relevant Subdivision Certificate for the Final Lot (as defined by the VPA), the contributions payable will be the residential lot contribution rate in the adopted Plan, indexed and multiplied by the relevant number of lots.~~

With

*5.27 Before the issue of a Subdivision Certificate, the applicant must pay the total contribution payable to Council under this condition. The total contributions are $494,865.34 as calculated at the date of this consent, in accordance with the Voluntary Planning Agreement (VPA) dated 21 June 2023.*

*The full list of itemised contributions, is described in the table below.*

**

*The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the abovementioned Voluntary Planning Agreement.*

*As per Clause 4.1 of the Voluntary Planning Agreement, if a revised Northern Districts Section 7.11 Plan is adopted by Council prior to the issue of the relevant Subdivision Certificate for the Final Lot (as defined by the VPA), the contributions payable will be the residential lot contribution rate in the adopted Plan, indexed and multiplied by the relevant number of lots.*

* Condition 5.29

Amend the acoustic criteria of condition 5.29(a) from 35dB(A) to 45dB(A) to reflect the acoustic report.

Attachments:

Amended Draft Conditions of Consent.