

RECORD OF BRIEFING

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

BRIEFING DETAILS

BRIEFING DATE / TIME	Thursday, 5 December 2024
LOCATION	MS Teams Videoconference

BRIEFING MATTERS

PPSHCC-320 – Maitland – DA/2024/763 - 559 Anambah Road Gosforth 2320 - Concept Development - (Stage 1 Development Application Anambah)

PANEL MEMBERS

IN ATTENDANCE	Tony McNamara (Acting Chair), Susan Budd, Ashley Kavanagh, Salli Halliday.
APOLOGIES	Stephen O'Connor;
DECLARATIONS OF INTEREST	Alison McCabe declared a COI due to her consultancy SJB Planning carrying out work with the Applicant (Third.i) not related to this project. Roberta Ryan declared a COI due to previous work with the Applicant (Third.i) not related to this project.

OTHER ATTENDEES

APPLICANT REPRESENTATIVES	Brian Swaine, Stephen Barr, Jason McIntosh and Jack Loughnan
COUNCIL ASSESSMENT STAFF:	Emmilia Marshall, Kristy Cousins, Cameron
DEPARTMENT STAFF	Leanne Harris, Holly McCann

COUNCIL BRIEFING

- Concept DA for approximately 900 lot subdivision and stage 1.
- Overview of site context.
- Land has been zoned as a URA for some time.
- Access via Anambah Road. Other accesses will be via River Road and Windella Road (informal and unformed).
- Existing site consists of two allotments.
- Constraints include bushfire, watercourses, riparian corridor, key fish habitat, flood affectation of Anambah road which is regularly cut off in smaller events.
- No mapped biodiversity values but the site does contain a local corridor - BDAR submitted with the DA.
- Concept DA lodged in lieu of a DCP - currently a draft DCP is being prepared.
- Contributions plan being prepared.
- Site specific LEP clause 7.8 that applies to this site.
- DA is based loosely on draft Masterplan / DCP which Council considers is now somewhat redundant.

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

- Overview of the concept plan and stage 1 subdivision (240 lots), drainage reserve, small lot housing, public reserve etc
- Chronology explained with one high level RFI issued and status of internal and external referrals discussed.
- Water NSW and Mindaribba Local Aboriginal Land Council referrals outstanding.
- Heritage NSW and RFS have both requested further information and the RFS do not support the proposal in its current form.
- Key issues:
 - Bushfire - DA is non-compliant with Planning for Bushfire Protection and shows an APZ on adjoining land (no owners consent), fire trail and APZ in lieu of a perimeter road, steeper slopes analysis and survey plan required.
 - Water and sewer servicing arrangements - applicant needs to prepare their own strategy as the previous strategy currently relies on the adjoining land and balance of the URA (Roche land) being developed first. Council is concerned that the proposal does not meet the requirements of clause 6.2 of the LEP.
 - Draft LEP - essential services clause currently being added to the LEP.
 - Emergency evacuation route - applicant proposes to formalise the River Rd corridor as Anambah Road is regularly cut off. Civil works within corridor - outside of the road. Ownership still being assessed. Gate/bollard proposed to prevent use but would block a 'public' road.
 - Sequencing of the development and other developments in the URA and implications for provision of the proposed emergency route.
 - SES - obstacles to access during emergency evacuation
 - Biodiversity - targeted surveys missed but should now being undertaken
 - Location of the park still being assessed with Council concerned about the potential loss of vegetation in the location currently proposed.
 - Urban design and small lot housing - limited policy position at present.
 - 39 submissions objecting to the DA.
 - Relationship to the existing Quarry which have raised concerns regarding proximity of housing and environmental impacts.
 - Possible VPA being discussed and timing of this still unclear.
- Council concerned that the DA is premature, and out of sequence and policies and DCP are currently being prepared which would properly guide the assessment of the DA.

APPLICANT BRIEFING

- Overview of the proposed concept and stage 1 works.
- Planning context and overview.
- Explanation of the site and access arrangements,
- Supporting reports and documentation submitted with the application and summary of key findings and recommendations provided.
- Overview of community consultation engagement to date including Council, TFNSW, Hunter Water and Ausgrid, adjoining property owners.
- Initial RFI response to Council.
- Outstanding matters including RFS, Heritage NSW, Hunter water and Ausgrid.
- Understand a further RFI will be forthcoming including details of the public submissions.
- Initial offer for a VPA.

PANEL COMMENTS

- The Panel recognises that this application is still in the early stages of assessment, a number of issues remain outstanding and a detailed RFI will be issued by the Council.
- Whilst the Panel recognises that this area has been identified as a URA for a substantial period of time, the Panel considers the application to be premature without the proper planning framework in place.

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

- The Panel understands that timing of the draft DCP and contributions plan are some time off and that the concept DA has been lodged in lieu of a DCP. A concept plan needs to be sufficiently detailed to enable proper assessment of the environmental impacts of the entire concept. Any concept approval must establish a detailed framework for future subdivision and development of the land including infrastructure and works required at each stage.
- The offer of a VPA will take further consideration and time to work through. The Panel will need to understand the details of this and equity in the absence of an adopted contributions plan.
- The Panel is particularly interested in the sequencing of infrastructure, road access arrangements, flood evacuation arrangements and the relationship to the balance of the URA. Given the isolation of the site a comprehensive Social Impact Assessment to identify the necessary social infrastructure will be required. A detailed servicing strategy is also required.
- The Panel seek clarification on the status of River Road, and the practical and legal arrangements for restricting access as proposed.
- A detailed analysis of implications of flooding, evacuation and warning times etc will be required. Careful consideration of how often and long residents will be isolated is required.
- Support from the RFS will be required.

The Panel is concerned that the application is out of sequence and has not demonstrated that it can stand alone. The Council have raised issues with level of detail in the DA documentation and inconsistencies which need to be resolved.

The Panel understands that Council will be issuing a comprehensive RFI and the Panel expects the Council to set clear timelines for a response.

The Panel will seek further briefings as required and in the event that the matters raised in this briefing remain outstanding may request the Council move to complete their assessment based on the documentation currently before it. Given the time that has elapsed since the application was lodged and the number of unresolved issues, the applicants may wish to withdraw the application to allow adequate time to negotiate an acceptable complying application.

Based on the number of submissions objecting to the proposal the Panel will need to hold a public determination meeting.

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