

## DETERMINATION AND STATEMENT OF REASONS

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 25 September 2019
<b>PANEL MEMBERS</b>	Michael Leavey (Chair), Stuart McDonald, Mark Grayson, Steven Peart and John Maretich
<b>APOLOGIES</b>	Jason Perica and Kara Krason
<b>DECLARATIONS OF INTEREST</b>	<p>Ryan Palmer: Associated with previous decisions on the development of this land.</p> <p>Giacomo Arnott: Participated in confidential briefings on this matter and voted on decisions effecting the lot in question.</p> <p>Paul LeMottee: Is a councillor and Port Stephens Council is the applicant of the matter.</p> <p>Council Members Steven Peart and John Maretich made additional declarations that they have not been involved in the assessment of the application.</p>

Public meeting held at Port Stephens Council on 25 September 2019, opened at 3.15pm and closed at 3.40pm.

#### MATTER DETERMINED

2018HCC031– Port Stephens Council – DA16-2018-434-1 at 98 Gan Gan Road Anna Bay – Information and Education Facility (Birubi Information Centre) (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed 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 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

#### Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel generally agreed with the assessment of environmental impact, conclusions and recommendations within the Council staff report, and supports the application for the following reasons:

- The proposal is appropriate for the site and its location, and will provide improvements to existing car parking and coach movements in the area;
- The proposed design and materials are appropriate for the site;
- The proposal will promote aboriginal cultural heritage and will improve facilities for visitors to the area;
- The proposal has addressed relevant statutory planning requirements and considerations; and
- The proposal is supported by appropriate environmental investigations and appropriate conditions of consent have been imposed.

## CONDITIONS

The development application was approved subject to the conditions in the council assessment report, with the following additional requirements to be inserted at the end of condition 2.0(6):






- (d) details of intensive landscaping, including mounding, to be provided along the northern, eastern and southern sides of the coach parking area to ensure there is adequate screening of coaches and to maintain the visual amenity of the area and the privacy of nearby houses; and
- (e) identification (and removal details) of exotic species and noxious weeds on the site and details of replacement and additional planting to be provided across the wider site, consistent with the remainder of this condition

Reason: to ensure there is suitable screening of the coach parking area and to address requirements for the rehabilitation of the balance of the site.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the written submissions made during public exhibition. The panel notes the submissions acknowledged positive aspects of the proposal and issues were raised about buffers/ screening to the coach parking area, number of toilets, the proposed buildings, definition of the use, coastal zone considerations, acid sulfate soils management, environmental consideration, aboriginal cultural heritage impacts, traffic and parking and bushfire.

The panel considers that concerns raised by the community have been adequately addressed in the Council assessment report, information submitted with the application and through appropriate conditions of consent. The panel notes that in addressing these issues an additional condition of consent has been included for screening of the coach parking area; revised plans were submitted increasing the number of toilets; the design of the proposal is appropriate for the site; the proposal as an 'Information and education facility' is a permitted use on the land; the Coastal Management SEPP has been addressed through additional information and assessment by Council staff; a preliminary acid sulfate soils management plan has been submitted; environmental impacts have been considered and addressed; an aboriginal cultural heritage assessment report has been submitted and GTAs have been issued by the Biodiversity and Conservation Division of DPI&E; traffic and parking matters have been considered and addressed in the traffic report submitted with the application and through Council's assessment; and bushfire matters have been considered and addressed in Council's assessment and a condition of consent has been imposed for the preparation of a Fire and Emergency Evacuation Plan to be prepared in accordance with the relevant *Planning for Bushfire Protection* (PBP) policy.

PANEL MEMBERS	
 Michael Leavey	 Stuart McDonald
 Mark Grayson	 Steven Peart
 John Maretich	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC031 – Port Stephens Council – DA16-2018-434-1
2	PROPOSED DEVELOPMENT	Information and Education Facility (Birubi Information Centre)
3	STREET ADDRESS	84A Gan Gan Road, Anna Bay (Lot: 32 DP1146884) 98 Gan Gan Road, Anna Bay (Lot:312 DP: 753204)
4	APPLICANT/OWNER	Applicant: Brock Lamont (Community and Recreation Coordinator - Port Stephens Council)  Lot: 32 DP: 1146884 – Port Stephens Council  Lot: 312 DP: 753204 – Crown Lands with Port Stephens Council as appointed reserve trustee under Government Gazette #63 dated 22 June 2018
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
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 No. 55 – Remediation of Land)</li> <li>State Environmental Planning Policy (Coastal Management) 2018</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No 44 – Koala Habitat Protection</li> <li>Port Stephens Local Environmental Plan 2013 (LEP2013)</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Port Stephens Development Control Plan 2014 (DCP2014)</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <i>Environmental Planning and Assessment Act 1979</i> 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: 15 August 2019</li> <li>Written submissions during public exhibition: Two</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – Nil</li> <li>In objection – Nil</li> <li>Council assessment officer – Ryan Falkenmire, Rean Lourens</li> <li>On behalf of the applicant – Nil</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: Wednesday, 25 September 2019 <ul style="list-style-type: none"> <li><u>Panel members</u>: Michael Leavey (Chair), Stuart McDonald, Mark Grayson, Steven Peart and John Maretich</li> <li><u>Council assessment staff</u>: Ryan Falkenmire</li> </ul> </li> <li>Final briefing, Wednesday, 25 September 2019, 2:45pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Michael Leavey (Chair), Stuart McDonald, Mark Grayson, Steven Peart and John Maretich</li> </ul> </li> </ul>

		○ <u>Council assessment staff</u> : Ryan Falkenmire, Rean Lourens
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report