

Fullerton Cove Local Retail Centre

Proposal Title :	Fullerton Cove Local Retail Centre		
Proposal Summary :	It is proposed to rezone land at Fullerton Cove from rural to a business zone. The rezoning is intended to create a new local centre and development of the site for a 4,670m2 retail centre and associated car parking. The subject site is situated in the Watagans to Stockton Green Corridor.		
PP Number :	PP_2013_PORTS_006_00	Dop File No :	13/12522

Proposal Details

Date Planning Proposal Received :	08-Aug-2013	LGA covered :	Port Stephens
Region :	Hunter	RPA :	Port Stephens Council
State Electorate :	PORT STEPHENS	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	42		
Suburb :	Fullerton Cove Road	City :	Fullerton Cove
Land Parcel :	Lot 14 DP 258848	Postcode :	2318

DoP Planning Officer Contact Details

Contact Name :	Dylan Meade		
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RPA Contact Details

Contact Name :	Peter Marler		
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DoP Project Manager Contact Details

Contact Name :			
Contact Number :			
Contact Email :			

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	No

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MDP Number :		Date of Release :	
Area of Release (Ha) :	6.80	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	4,670.00	No of Jobs Created :	100

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Council has supplied both the proponents planning proposal and their own. There are a number of inconsistencies between the two proposals including within the assessment of SEPP's and s117 directions and through the description of the proposal.**

The proposal was initially submitted 17 July 2013 however a copy of previous correspondence from OEH was sought and received on the 8 August 2013. Submission to the panel has been delayed because of the need for this additional information.

The subject site is 6.8ha however 3.8 ha of that is proposed to be zoned for development.

The proponent indicates that 100 permanent jobs will be created and 50 temporary jobs created during construction.

Council have accepted delegation for plan making and requested to use these delegations for this proposal. Given the outstanding matters associated with the proposal, if it was to proceed it is not considered appropriate for it to be delegated to Council.

External Supporting Notes : **Council, at its meeting 9 July 2013 resolved to proceed with the Planning Proposal on the basis that the Proponent will investigate biodiversity offsets under the NSW Biodiversity Banking and Offsets Scheme following a Gateway Determination.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives provided explains the objective is to facilitate the development of a new neighbourhood shopping centre and protection of environmentally sensitive land. The statement adequately explains the objective of the planning proposal.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions states that the objectives will be achieved through either an amendment to Port Stephens LEP 2000 or the draft Port Stephens LEP 2013 (whichever plan is in force) by rezoning the site to business and environmental protection zones.**

The explanation of provisions needs to be amended to include information regarding the height of buildings, and minimum lot size provisions of the draft Port Stephens LEP 2013 that will also be amended. This information has been provided by Council through the meeting report but needs to be incorporated into the Planning Proposal prior to exhibition.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.4 Oyster Aquaculture
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP No 64—Advertising and Signage
- SEPP No 71—Coastal Protection
- SEPP (Infrastructure) 2007
- SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The proposal does not provide adequate justification for inconsistencies with a number of s117 directions and SEPP's for reasons outlined further within this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A minimum exhibition period of 28 days is proposed. Should the proposal proceed despite the recommendation of this report, this consultation period is supported due to the significance of the proposal, the number of site-specific issues and its inconsistency with the broader strategic framework.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : **The proposal is not adequate as it does not justify inconsistencies with the broader strategic planning framework, nor does it demonstrate that development of the site has merit or is possible given the site constraints that are of regional and state significance. This issue is further discussed within the assessment section of this report.**

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP : **The draft Port Stephens LEP 2013 is due for completion in August 2013**

Assessment Criteria

Need for planning proposal :

1. Is the planning proposal a result of any strategic study or report?
The proposal is not the result of any strategic study or report and no justification for an out of centre development such as this has been presented within the planning proposal. The proposal is inconsistent with the Port Stephens Planning Strategy (PSPS) and is inconsistent with the Lower Hunter Regional Strategy (LHRS). These inconsistencies are further discussed later in this report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?
It is considered that the planning proposal is not the best means of achieving a new neighbourhood centre for the Fullerton Cove / Fern Bay area. Undeveloped land zoned B1 Neighbourhood Centre is proposed (through the PS LEP 2013) to be located 400m from the site, within the 'Seaside' Residential Estate, consistent with the PSPS. It is considered that this site is more centrally located and is more accessible to local residents than the site proposed.

The material provided by the proponent indicates that, at the request of Council, the proponent undertook an assessment of five alternative sites within the Main Trade Area (MTA) (Fullerton Cove, Fern Bay and Stockton areas) and identified that no other site was of a size and location suitable. The site subject to this proposal appears to be preferred by the proponent due to its larger area and ability to maximise exposure to traffic. Council has not provided any comments in response to the proponent's assessment.

3. Is there a community benefit?
The material provided considers the community benefit, however the assessment does not consider the impact on existing or emerging centres within the Fullerton/Fern Bay area. Although the proposal states that 150 jobs (100 permanent and 50 construction related) will be created, it has not been demonstrated that these will be new permanent jobs or a relocation of existing employment from established commercial centres within Port Stephens and Newcastle local government areas.

It is particularly noted that the Main Trade Area includes the suburb of Stockton, in the Newcastle LGA, which is an established centre, contains an existing supermarket and would be the competing centre to this proposal.

Consistency with strategic planning framework :

A) Does the proposal have strategic merit?

LOWER HUNTER REGIONAL STRATEGY

The proposal is considered inconsistent with the 'centres and corridors' and 'environment and natural resources' sections of the LHRS.

The proposal is considered inconsistent with actions relating to the 'Centre and Corridors' section of the LHRS as it permits retail outside commercial centres other than where consistent with adopted State policies (including 'Right Place for Business' discussed in more detail below). Fullerton Cove and Fern Bay are not identified in the centres hierarchy of the LHRS, and are considered to be other mid- and lower-order centres to be addressed in local strategies prepared by councils. As discussed in more detail below, the creation of a new centre at Fullerton Cove is not identified in the Port Stephens Planning Strategy 2011.

The proposal is considered inconsistent with the identification of the site within the Watagan to Stockton Green Corridor due to its environmental significance. The proposal is inconsistent with the LHRS which requires proposals within the Corridor, 'to provide for the ongoing role of biodiversity corridor and inter-urban break'.

PORT STEPHENS PLANNING STRATEGY

The 2011 Port Stephens Planning Strategy (PSPS) (extracts attached) is the local planning strategy for the Port Stephens LGA. The PSPS was submitted to the Department for endorsement however has not been endorsed due to the review of the LHRS currently underway.

The PSPS identifies that there will be an increase in demand for retail due to expected population growth in the Fern Bay / Fullerton Cove area, and that while some of this demand will be accommodated outside of the LGA, it will likely support some degree of local retailing. The PSPS specifically states that there is 'no need for commercially zoned land at Fullerton Cove' due to the small population size, and identifies Fern Bay as more suitable for commercial development. The PSPS states that should opportunity and demand arise for additional commercial/retail activity to be attracted to the Fern Bay area, the location will need to support the existing identified commercial areas as per the established Commercial Hierarchy. The subject site is not located within Fern Bay nor identified in the PSPS commercial centres hierarchy, and the proposal is therefore inconsistent with the PSPS.

SECTION 117 DIRECTIONS

***1.1 Business and Industrial Zones**

The proposal is inconsistent with this Direction as it does not ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. Although Council suggests that the proposal is consistent with this direction, no justification for this assessment is provided. As discussed above, no new employment areas are identified in the LHRS or PSPS for Fullerton Cove and due to its scale, the proposal cannot be considered of minor significance. Consistency or otherwise with this direction cannot be currently determined.

***1.2 Rural Zones**

The proposal is inconsistent with this Direction as it rezones land from a rural zone to a business zone. The inconsistency is not justified by a strategy. Council indicates that inconsistency is of minor significance because the land is not prime agricultural land. However it is not considered of minor significance due to the size, 3.8 hectares, and the precedent that such a rezoning, the first on the north western side of the road, will set.

***1.3 Mining, Petroleum Production and Extractive Industries**

The proposal is inconsistent with this Direction and there has been no consideration given whether the proposal will restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance, by permitting a land use that is likely to be incompatible with such development. The

submitted planning proposal does suggest that it is consistent with this Direction but no assessment or justification of this matter is provided.

The subject site is within Petroleum Exploration Licence 458. Test holes were drilled at Fullerton Cove in 2011 to test the potential for coal seam gas in the area. The subject site falls within the 2km coal seam gas exclusion zone as proposed by the draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones). Should the proposal proceed despite the recommendation of this report, Council should consult with the Director-General of the Department of Primary Industries (DPI) as required by Clause (4) of this Direction.

***1.4 Oyster Aquaculture**

This Direction is relevant as a change of land use is proposed which may result in an adverse impact on a priority oyster aquaculture area (see constraints maps attached). The planning proposal suggests that the proposal is consistent with this direction however does not provide any justification or assessment on this matter.

Should the proposal proceed despite the recommendation of this report, it is recommended that the planning proposal be revised to address this direction and ensure that it is consistent with the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) prior to exhibition. Given the extent of the acid sulphate soils, low level of the site and proposed filling and land clearing, it is considered that the proposal may result in adverse impacts and, unless demonstrated otherwise, Council must consult with the Director-General of the Department of Primary Industries (DPI) regarding the planning proposal prior to undertaking community consultation.

***2.1 Environment Protection Zones**

The proposal is inconsistent with this Direction as it does not contain provisions that facilitate the protection and conservation of environmentally sensitive areas.

As mentioned, the entire site is identified in the LHRS as forming part of the Watagan and Stockton Green Corridor. The proposed business zone is inconsistent with the intent of the lands within the corridor to be managed for conservation purposes.

The proponent has undertaken more detailed ecological investigation of the site. Although part of the site is proposed to be protected through an environmental zone, 1.8 ha of endangered ecological communities (EEC) are within the proposed business zone area. The proponent's assessment indicates that this would require off-site environmental offsets. A map showing the location of the subject site within the Green Corridor and an aerial photo are included in the "constraints maps" attached.

Council resolved to investigate biodiversity offsets under the NSW Biodiversity Banking and Offsets Scheme following a Gateway Determination. Consultation with the former Environmental Protection Authority, now Office of Environment and Heritage was undertaken by Council early in 2012 and the proposed development of the site was not supported due to, amongst a number of things, the likely impacts on native vegetation and threatened species and the potential for cumulative impacts on the surrounding natural landscape (attached).

Should the proposal proceed despite the recommendation of this report, further consultation with the Office of the Environment and Heritage is required to determine appropriate biodiversity offsets, and the local and regional ecological implications of the proposal.

***2.2 Coastal Protection**

This Direction is relevant as the subject site is located within the NSW coastal zone. The submitted planning proposal indicates that it is inconsistent with this direction however does not provide any explanation. The proposal is considered inconsistent as it does not minimise the impacts on environmentally sensitive coastal areas or discourage ribbon development as required by the NSW Coastal Policy 1997. Justification for the inconsistency cannot be currently determined.

***3.4 Integrating Land Use and Transport**

The planning proposal is inconsistent with this Direction as it does not include provisions that give effect to and are consistent with the aims, objectives and principles of:

(a) Improving Transport Choice – Guidelines for planning and development

The proposed commercial centre is not located close to major public transport nodes as required by principle 1 of this policy. The subject site is located near a bus stop, but which is only serviced hourly by buses. Although it is recognised that more development may lead to increased frequency there is no guarantee this will occur.

The proposal does not provide walkable environments and give greater priority to access for pedestrians, including access for people with disabilities as required by principle 6 of this policy. Any local residents in a walkable catchment will have to cross the State Route 121 (Nelson Bay Road) to access the site. There is currently no safe pedestrian priority access except to cross at a two lane round-a-bout.

(b) The Right Place for Business and Services – Planning Policy

The proposal is inconsistent with this policy's directions that retail shops 'should always be located in centres and be provided with pedestrian, cycling and public transport access.' It is considered the proposal will create a new centre inconsistent with the existing centres hierarchy, and pedestrian, cycle and public transport access are limited. Furthermore, the policy continues that supermarkets 'should not comprise the whole centre so as to allow for new market entrants and competition and avoid the unnecessary creation of new centres'. It is acknowledged that 870m² of smaller specialty retail are proposed for the site; however it is considered that the purposed rezoning will give a competitive advantage to Woolworths who the planning proposal has been prepared on behalf for, will comprise 3,800m² of the proposed 4,670m², and will be the sole anchor tenant.

Should the proposal proceed despite the recommendation of this report, a net community benefit should be prepared.

***4.1 Acid Sulfate Soils**

The submitted planning proposal suggests that it is consistent with this Direction however no justification or evidence of assessment of the matter is provided. This is despite the subject site containing Class 2 Acid Sulfate Soils and being within proximity to priority oyster aquaculture areas. The planning proposal is considered inconsistent with this Direction as it proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps. Port Stephens Council has not considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

Although any future development application will be subject to the model local clause Acid Sulfate Soils under the draft Port Stephens LEP 2013, due to the presence of Class 2 Soils in proximity to oyster aquaculture and the Hunter Wetlands National Park, further assessment in support of the change of land use is required. Should the proposal proceed despite the recommendation of this report, Council must provide a copy of an acid sulfate soils study prior to undertaking community consultation before consistency can be determined.

4.3 Flood Prone Land

The submitted planning proposal suggests that it is consistent with this Direction however no justification or evidence of assessment of the matter is provided. It is considered that the planning proposal is inconsistent with this Direction as it rezones land within a flood planning areas from a Rural to a Business Zone. A detailed flood study has not been undertaken in support of the proposal. The proponents information states that some filling of the land, potentially between 1.5 - 2m of fill, may be required, however there has been no assessment of the impacts that the proposed fill may have on the Fullerton Cove catchment.

Consultation with the former Environment Protection Authority in early 2012 (attached) indicated that they did not support the proposed development due to the likely impacts on flood mitigation measures.

Should the proposal proceed despite the recommendation of this report, Council must undertake a flood study and undertake consultation with Office of the Environment and Heritage (OEH), the Hunter-Central River Catchment Management Authority (CMA) and Fisheries NSW to respectively determine impacts on the floodplain, the wider catchment, priority oyster aquaculture areas and nearby wetlands.

4.4 Planning for Bushfire Protection

The submitted planning proposal suggests that it is consistent with this Direction however no justification or evidence of assessment of the matter is provided. This direction is applicable as the planning proposal is in proximity to land mapped as bushfire prone land. Should the proposal proceed despite the recommendation of this report, Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made. Until that time the proposal remains inconsistent with this direction.

5.1 Implementation of Regional Strategies

As discussed in more detail under the assessment against the LHRS, the planning proposal is considered inconsistent with the LHRS, and therefore is inconsistent with this Direction.

STATE ENVIRONMENTAL PLANNING POLICES (SEPPs)

***SEPP No 44—Koala Habitat Protection**

Council has identified that further detailed investigation is required to determine the extent and nature of any impact the proposal would have on koala habitat. However from the information provided it appears that areas of preferred koala habitat are proposed to be zoned environmental protection. At this stage the proposals consistency with this SEPP cannot be determined.

***SEPP No 55 - Remediation of land**

Council has identified that the potential for site contamination is to be assessed in further detail. At this stage the proposal consistency with this SEPP cannot be determined.

***SEPP 64 - Advertising and signage**

The proponent initially proposed to include an area of land to be zoned for commercial purposes to enable the erection of signage along the highway corridor. This has been removed from the proposed zoning map supplied within Council's Planning Proposal but is still referred to in it under consideration of SEPP 64. Council should ensure that the intention of the proposal in relation to this signage is clarified and that, if the signage is to be erected on the environmentally zoned land, that it would be permissible. Any permissible signage would need to be considered under the provisions of SEPP 64 at development assessment when issues of design and scale and proximity to the classified road were clarified. Matters to be considered would include its impact on amenity and on the safety of road users.

***SEPP No 71—Coastal Protection**

This SEPP is relevant as the subject site is within the coastal zone. Council have indicated that the SEPP is not applicable. Whether or not the proposal will impact on environmentally sensitive coastal areas is currently unclear therefore consistency with this SEPP cannot yet be determined.

B) Does the proposal have site-specific merit and is it compatible with surrounding land uses?

A number of issues associated with the site raise concerns regarding its site-specific merit and compatibility with surrounding land uses. The ability to develop the site given these concerns and ability for any such development to occur in a manner compatible with surrounding land uses has not been demonstrated.

Environmental social economic impacts :

ENVIRONMENTAL

The subject site is identified in the LHRS as forming part of the Watagan and Stockton Green Corridor and is located 400m from the Hunter Wetlands National Park. Swamp Oak Forest, an endangered ecological community (EEC) has been identified on the subject site, and although part of these EEC will be protected through an environmental zoning, up to 1.8 ha of EEC will be lost. Despite the protection on-site, a biobanking assessment indicates that additional larger off-site offsets will be required. Correspondence from OEH has been received that does not support the development of this site due to, amongst other matters, its impact upon this vegetation. Insufficient evidence has been provided to demonstrate that the proposed clearing can be offset, particularly given OEH's concerns.

The proposed development area of the site contains flood prone land and Class 2 Acid Sulfate Soils which have not been adequately addressed. The draft Port Stephens LEP 2013 identifies the site as containing wetlands. Correspondence from OEH has been received that does not support the development of this site due to, amongst other matters, the impact of flood mitigation measures. Insufficient evidence has been provided to demonstrate that the proposed development can manage the issues of flooding and acid sulfate soils.

Maps detailing environmental constraints are attached.

SOCIAL AND ECONOMIC

Council indicate that the proposal has the potential to deliver a 'significant net community benefit in terms of consumer choice, convenience and competition as well as employment opportunities'. Appendix D of the proponents planning proposal includes assessment of other potential locations for a neighbourhood centre in the locality including the 'Seaside' development; however this only considers an economic assessment of each site (such as exposure and access) from the perspective of Woolworths. This assessment does not consider the implications of the new centres development on the viability of existing centres such as those at Stockton (in the Newcastle LGA), Fern Bay and the Seaside village.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	Nil
Public Authority Consultation - 56(2) (d) :	Hunter - Central Rivers Catchment Management Authority Office of Environment and Heritage NSW Department of Primary Industries - Fishing and Aquaculture NSW Department of Primary Industries - Minerals and Petroleum Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **It is considered that the proposal should not proceed for the following main reasons:**

***Inconsistency with the strategic framework.**
 The proposal is inconsistent with the PSPS and LHRS, and is located within the Green Corridor. Permitting the proposal will set a precedence that development within the Green Corridor is supported by the Department. Land is located in close proximity that is not within the Green Corridor and is already zoned for business purposes.

***The proposal has not demonstrated that the site is developable**
 The subject site contains flood prone land, Class 2 acid sulphate soils, endangered

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ecological communities, is in close proximity to oyster aquaculture and National Parks, and may compromise any future proposal to rehabilitate the Fullerton Cove wetlands. The proposal does not demonstrate that these constraints can be overcome. Although Council has resolved to enter into a biodiversity offsets agreement, it is possible that suitable offsets will not be found.

***The proposal has not demonstrated that there will be a net economic or community benefit**

Although the proposal states 100 permanent jobs will be created, it does not demonstrate that these will not replace existing jobs from nearby established centres. Permitting the proposal to proceed will compromise the development of a nearby zoned commercial centre which is more accessible by the local community.

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Should the matter proceed, despite the recommendations of this report, consultation with Newcastle City Council is required due to the MTA extending into the adjoining LGA and the proposal potentially affecting its established centres.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Council have indicated that the proposed development will require existing utility services to be upgraded and/or augmented.

Further Council advises that RMS have provided preliminary support for the proposal subject to prohibition of direct vehicle access to/from Nelson Bay Road and the provision of further technical studies.

Documents

Document File Name	DocumentType Name	Is Public
Fullerton Cove Road PSC Planning Proposal.pdf	Proposal	Yes
PSPS extract.pdf	Study	Yes
Report 135A Fullerton Cove Road.pdf	Study	Yes
Site constraints.pdf	Study	Yes
OEH letter Fullerton Cove.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.4 Oyster Aquaculture
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies

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Additional Information : **It is recommended that the proposal does not proceed.**

Supporting Reasons : **The proposal is not supported as it:**

***Is inconsistent with the strategic framework.**

***Has not demonstrated that the site has site- specific merit and is capable of being developed as proposed.**

Furthermore, the proposal is considered inadequate as it has not addressed inconsistencies with the relevant SEPP's and Section 117 Directions, nor responded to previous advice from Office of Environment and Heritage regarding concerns about vegetation clearance and flood mitigation.

Council's resolution to proceed with the Planning Proposal subject to the proponent investigating biodiversity offsets following a Gateway Determination, reiterates concerns regarding the vegetation clearance. However it is considered that there is no evidence currently available that demonstrates that this offset can be secured and further work on this matter, and the ability to address the other site constraints, is required prior to a Gateway Determination being issued.

Signature:



Printed Name:

KOFLAHERTY

Date:

18-8-13