

HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL

Meeting held at Port Stephens Council on **Thursday 12 February 2015 at 5.00 pm**

Panel Members: Garry Fielding (Chair), John Colvin, Bruce MacKenzie and Paul Lemottee

Apologies: Councillor Ken Jordan

Declarations of Interest: None

Determination and Statement of Reasons

2013HCC006 – Port Stephens, DA16-2012-800-1, A 106 Lot Torrens Title residential subdivision, plus three environmental conservation lots (drainage reserve), and supporting roads including lots 2, 3 and 4, DP 1184315 which are to be dedicated to Council and National Parks and Wildlife Service (NPWS), 21-27 Fishermans Bay Road, Fishermans Bay (Lot: 1-4, DP 1184315) and 2 and 4 Clonmeen Circuit, Anna Bay (Lot 132, DP 834467), Port Stephens Council – 2 Clonmeen Circuit, Anna Bay (Lot 59, DP 815148).

Date of determination: 12 February 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings (including the applicant's legal advice) and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Environmental Planning & Assessment Act 1979.
2. The proposed development is consistent with the zone objectives of the residential zone and will provide additional housing for the community.
3. The environmental impacts associated with the proposal had been appropriately managed through the areas set aside for environmental protection throughout the site.
4. The proposed development is consistent with the Port Stephens Planning Strategy 2011-2036 and the Anna Bay Strategy and Town Plan 2008.

Conditions: The development application was approved subject to the conditions in the Council Town Planning Report with changes with the consent amending condition 1, condition 2, condition 7, condition 20(d) and condition 36.

Condition 1 –

Change condition to remove the need for this to be linked to the 88B instrument. This is not required as agreed by Council Officers. Condition will there read:

- This consent will not become operational until execution of the Voluntary Planning Agreement (VPA) takes place.

Condition 2 -

Add in stormwater drainage correspondence to the table of documents:

- Correspondence relating to Stormwater Sensitivity Management from SMEC Holdings Ltd dated 23 October 2014.

Condition 7 –

Change the word 'should' to 'shall' within the third sentence of this condition.

Condition 20(d) –

To clarify the upgrade requirement for the pavement width this condition shall now read:

Upgrade of Fisherman's Bay Road from the intersection of the proposed entry road (off Fisherman's Bay Road) to Dunmore Avenue to a pavement width of 8 metres.





Condition 36 –

Documentation has now been submitted that conforms to Council's standards for stormwater drainage. Parts (a) and (b) of this condition shall therefore be amended as follows:

- The required works to be designed and approved generally in accordance with the plans and documentation set out in Condition No. 2 of this consent.

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Panel members:

 Garry Fielding (Chair)	 John Colvin	 Bruce MacKenzie
 Paul LeMotte		
SCHEDULE 1		
1	JRPP Reference – 2013HCC006, LGA – Port Stephens Council, DA16-2012-800-1	
2	Proposed development: A 106 Lot Torrens Title residential subdivision, plus three environmental conservation lots (drainage reserve), and supporting roads including lots 2, 3 and 4, DP 1184315 which are to be dedicated to Council and National Parks and Wildlife Service (NPWS).	
3	Street address: 21-27 Fishermans Bay Road, Fishermans Bay (Lot: 1-4, DP 1184315) and 2 and 4 Clonmeen Circuit, Anna Bay (Lot 132, DP 834467), Port Stephens Council – 2 Clonmeen Circuit, Anna Bay (Lot 59, DP 815148)	
4	Applicant/Owner: Applicant – New South Wales Land & Housing Corporation (Urban Growth NSW) – Lots 1-4, DP 1184315 and 4 Clonmeen Circuit, Anna Bay (Lot 132, DP 834467) Port Stephens Council – 2 Clonmeen Circuit, Anna Bay (Lot 59, DP 815148)	
5	Type of Regional development: Crown development with a capital investment value over \$5million	
6	Relevant mandatory considerations <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy 44 (Koala Habitat Protection) State Environmental Planning Policy 55 (Remediation of Land) State Environmental Planning Policy No. 64 – (Advertising and Signage) State Environmental Planning Policy No. 71 (Coastal Protection) Port Stephens Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Port Stephens Development Control Plan 2007 Port Stephens Development Control Plan 2013 (in force 22 February 2014 – adopted December 2013) Planning agreements: Draft Voluntary Planning Agreement exhibited April 2014. The proposed agreement relates to waiving of S94 fees in lieu of construction of a recreational/community centre located a few hundred metres west of the subject land and infrastructure works associated with the subdivision. Regulations: <ul style="list-style-type: none"> Environmental Planning and Assessment Regulation 2000 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. The suitability of the site for the development. Any submissions made in accordance with the EPA Act or EPA Regulation. The public interest. 	
7	Material considered by the panel: Council assessment report with recommended conditions, Development plans, Engineering plan, External referrals – NSW Government, Department of Primary Industries (Office of Water), Rural Fire Service NSW, NSW Government, Office of Environment & Heritage, Landscaping Report, Flora and Fauna – RPS Habitat Rehabilitation Plan, RPS Construction Flora and Fauna Management Plan, Department of Planning Master Plan Waiver and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Kate Washington - Labor Candidate for Port Stephens Jenny Manson Steven Aurino Christine Mitchell 	

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	<ul style="list-style-type: none"> • Gerry Mason • Adolfo Pozzi • Anne Pozzi • Bob Calov • Myra Espey on behalf of Eco Network Port Stephens • Stuart Dayman – Anna Bay Community Action Group • Simone Aurino – on behalf of Hunter Koala Preservation Society • Roslyn Scoles - President of the Anna Bay Community Action Group • Simone Aurino on behalf of Jennifer Shaw & John Shaw • Lawrence Penman • Charles Bartlett on behalf of Urban Growth NSW
8	Meetings and site inspections by the panel: 9 May 2013 Briefing Meeting, 12 February 2015 - Site Inspection and Final Briefing meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report.