

BRIEFING DETAILS

BRIEFING DATE / TIME	Thursday, 17 June 2021, 10am to 12:55pm
LOCATION	Videoconference

BRIEFING MATTER

PPS-2018HCC047 – Port Stephens Council – 16-2018-772-1 - 3221 Pacific Highway Kings Hill and 35 Six Mile Road Kings Hill - Concept development for residential subdivision

PANEL MEMBERS

IN ATTENDANCE	Alison McCabe (Chair), Sandra Hutton and Clare Brown
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OTHER ATTENDEES

Applicant representatives	Wesley Chong, Jason Wasiak, Mark Aitkens, Adam Smith, Tim Robertson (SC), Todd Neal and Dr David Dique
Umwelt	Travis Peake and Allison Riley
Department of Planning, Industry and Environment	Jane Gibbs, Leanne Harris and Lisa Foley
Port Stephens Council	Kate Drinan, Rean Lourens and Ashley Bacales
MJD Consulting	Matt Doherty

KEY ISSUES DISCUSSED

- Mr Tim Robertson provided an overview of the Applicant’s position in relation to the legal framework applying to the development application, particularly in relation to the concurrence provisions under the former Threatened Species Conservation Act 1995 and savings and transitional arrangements under the Environmental Planning and Assessment Act which apply to this DA
- Other matters discussed included:
 - The approach in this DA to maintain a conservation area but this should not be interpreted as offsetting
 - The Panel being able to consider the DA on merit, including impacts on threatened species, without seeking concurrence
 - The need for the draft VPA to be advertised prior to determination of the DA
 - The Commonwealth EPBC considerations being separate to the current State considerations and being able to occur at a later stage.
- Dr David Dique provided an overview of a meeting between the expert Ecologists that took place on Wednesday 16 June. This focussed on points of contention arising from two documents, being the Umwelt peer review and the Applicant’s memo in response dated 3 June 2021. It was agreed that Dr Dique would circulate a set of notes as a record of the discussions that took place on the 16th. The Panel expects that these will clearly identify any points of difference that remain between the parties and that they will be reviewed and accepted by each party prior to their submission to the Panel.

- Umwelt and the Applicant's Ecologist provided clarification of their interpretation and differing opinions in relation to technical matters including survey effort, classification of vegetation communities and impacts on koalas.
- The Panel invited the Applicant to provide their legal advice as referenced by Mr Robertson for further consideration.
- The Panel also invited the Applicant to confirm their position in relation to the application currently before the Panel as at the 17th June 2021 and their intended next steps.
- The Chair affirmed the Panel's commitment to work through the issues whilst also emphasising a need for a timely resolution to the application, noting that there will need for a limit to a continued exchange of information.
- It was noted that the Panel would reconvene after approximately three weeks to further consider the agreed notes and remaining points of difference from the Ecologist's meeting and to consider the next steps for the application.