

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 16 January 2024
LOCATION	MS Teams Teleconference

BRIEFING MATTERS

PPSHCC-261 – Port Stephens – DA 16 – 2023 – 685 – 1 – 42 Fullerton Cove Road, Fullerton Cove 2318 – Commercial Premises (Neighbourhood Shopping Centre) including Signage, Sewer Extension and Demolition

PANEL MEMBERS

IN ATTENDANCE	Alison McCabe (Chair), Roberta Ryan, Tony McNamara,
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Giacomo Arnott, Ryan Palmer

OTHER ATTENDEES

APPLICANT REPRESENTATIVES	Jamie Graham, Lachlan Sims, Phillip Hendrie, Charlotte Allen, Angus Brien, Kelly Drysdale, Kirwan Williams, Geoffrey Rock, Darcy Kilvert, Meeka Prince and Itto Vukeni
COUNCIL ASSESSMENT STAFF:	Courtney Sargent, Ryan Falkenmire
DEPARTMENT STAFF	Leanne Harris

COUNCIL BRIEFING:

- The site was rezoned in 2022 with a spilt zone, part E1 and the balance of the site C2.
- There is an existing dwelling house and telecommunications facility on the site with the dwelling proposed to be demolished.
- There are seniors living and residential developments in close proximity to the site and there are currently no other commercial facilities in this locality.
- Overview of the proposed development which includes a Woolworths supermarket and liquor store, a medical tenancy and other tenancies yet to be detailed with 303 car parking spaces, loading and signage etc.
- Works for a rising main sewer are also proposed.
- The Council assessment is in the preliminary stages and internal referrals are underway. An RFI will be issued in due course.
- TfNSW have raised concerns with the traffic report and the need for further SIDRA modelling and the applicant has been made aware of this.
- It is likely that some road upgrading works will be required including footpath works.
- The DA is on notification until the 1st of February and 2 objections have been received to date.

- Council have identified the following issues so far:
 - Clarification of the floor area / GFA calculations in accordance with the LEP definitions as a 5,500 square metre GFA restriction applies.
 - Clarification of medical centre use and implications for GFA and car parking.
 - Height exceedance. The application is using the architectural roof features clause rather than a 4.6 variation.
 - Landscaping – LEP requires 10% deep soil and it is not clear whether this has been met.
 - Reliance on shade sails rather than tree canopy for car parking and the adequacy of the extent of landscaping proposed.
 - No operational details in terms of hours / deliveries.
 - Needs a noise impact assessment.
- Footpath and bus stop and accessibility arrangements still be assessed.
- BDAR requirement has been triggered given the extent of clearing proposed.

APPLICANT BRIEFING:

- Overview of the proposal and planning proposal gazetted 2022.
- Description of the zoning, site context and adjoining uses.
- Site constraints – bushfire, natural watercourse, conservation zone, Aboriginal heritage.
- Development schedule of floor areas and car parking, tenancies and signage.
- Overview of sewer extension site – approx. 700m extension.
- Community consultation undertaken by the applicant.
- Key site issues:
 - Aboriginal Cultural Heritage,
 - Flooding and Stormwater,
 - Biodiversity and Ecology,
 - Traffic Impacts,
 - Bushfire.
- Details of the proposed sewer works included in the DA.

PANEL COMMENTS:

- A clause 4.6 will be required for the height exceedance.
- The Panel will want a clear understanding of location of footpath and accessibility arrangements and provision for safe crossing arrangements into the site.
- The Panel need to understand how ecology has been dealt with in terms of the avoid and minimise requirements under the Biodiversity Conservation Act. Given previous Land and Environment Court (LEC) decisions it is understood that the proposal may not be able to rely on the retention of vegetation in the C2 zone as the proposed use is not permitted in this zone.
- The Panel expect operational details to be specified as part of the application so that impacts can be assessed. Hours of operation, lighting, waste collection etc all need to be detailed and considered as part of the application given nearby residential uses and potentially sensitive users.
- The Panel requires clarification of the permissibility of a pylon sign in the C2 zone.
- Sufficient information in relation to contamination must be provided to satisfy the Panel that the provisions of the SEPP (Resilience and Hazards) have been met.
- The Council / Applicant need to ensure that there is consistency between supporting reports ie bushfire and interaction with proposed landscaping outcomes, location of APZs, ecology etc.
- The Panel expect general compliance with Council's development controls given this is a greenfield site.
- Consideration needs to be given to points of transition and appropriate interactions with surrounding vegetation with detailed cross sections to be supplied.

The Panel will view the site and seek further briefings if required and expects the applicant to work proactively with Council in relation to any RFIs.

Planning Panels Secretariat

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