

**BRIEFING DETAILS**

<b>BRIEFING DATE / TIME</b>	Wednesday, 29 May 2024
<b>LOCATION</b>	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**

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

**OTHER ATTENDEES**

<b>COUNCIL ASSESSMENT STAFF:</b>	Ashley Bacales, Ryan Falkenmire
<b>DEPARTMENT STAFF</b>	Leanne Harris, Holly McCann

**MATTERS DISCUSSED:**

- High level overview of DA for commercial premises, car parking, landscaping, demolition, earthworks and signage.
- Overview of the site locality, surrounding land uses and road network. The site currently contains a dwelling and remnant vegetation.
- Council has issued a comprehensive RFI and responses have been re-referred as necessary.
- 3 submissions – one objection received.
- Council overview of ecology:
  - Site rezoning – rezoned in 2022 and a BDAR prepared to support and inform this process.
  - Frog Surveys – 4 candidate species. Council have undertaken observations and undertaken water sampling. On balance Council is now satisfied with this element.
  - Tree Removal in C2 zone
  - Biodiversity Mitigation Hierarchy
- Council advised that the rezoning process was informed by a BDAR and the zone outcomes are consistent with that BDAR. Council considers that the determining authority is able to look at all reasonable measures including what has been considered at the rezoning.
- The Panel remain concerned about the Planners North LEC Judgement (para 173 and 174 in particular) and intend to seek legal advice. The Panel is aware that other rezonings are going down the path of bio-certification to deal with these issues at the DA stage.

- Council should consider obtaining its own advice in relation to this issue as it potentially applies to other DAs.
- The Council's assessment should consider whether the avoidance principles have been met and whether the development footprint in the E1 zone is acceptable.
- The Panel want to understand what is proposed for the balance of the site zoned C2 including options for ongoing vegetation management, need for 88B arrangements and future land ownership. Subdivision of the C2 land from the main site should be avoided.
- The Panel expects very good cross sections showing extent of cut fill and retaining on all interfaces, particularly with the ecological areas.
- Council needs to consider permissibility of any works that extend in to the C2 zone.
- The Panel want Council to consider the assumptions in the traffic report.
- The continuity between the footpath and bike path needs to be understood.
- The Panel needs to understand the connections between the CPTED report and how any recommended measures have been taken into consideration during the design of the proposal. This is currently not clear.
- The Panel notes that a preliminary contamination report has been provided. The Panel needs a level of certainty in relation to contamination and the report must demonstrate and conclude that the site is or can be made suitable for its intended use, specifically in accordance with the requirements of the SEPP.