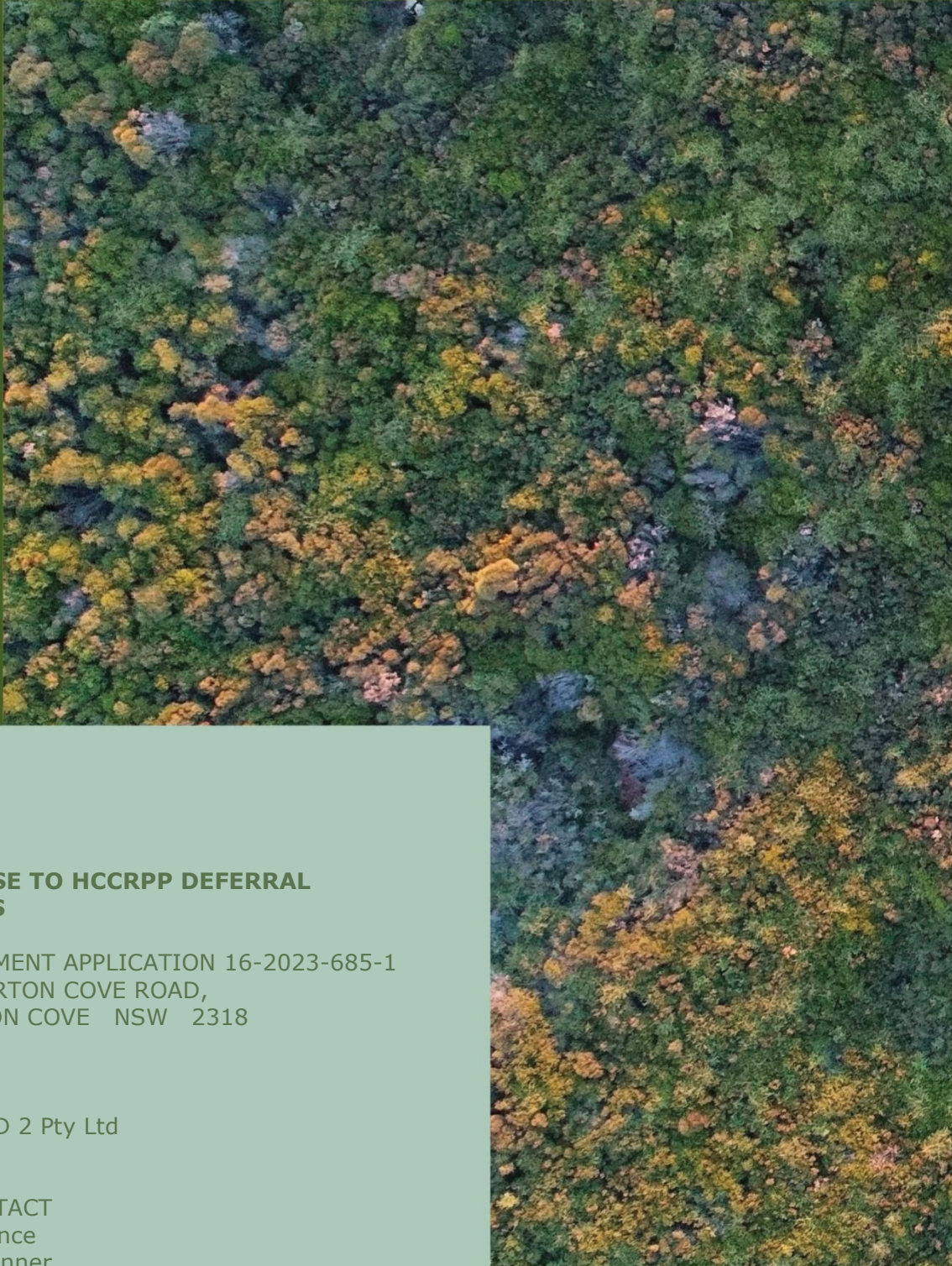


Monteath
& Powys

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**RESPONSE TO HCCRPP DEFERRAL
MATTERS**

DEVELOPMENT APPLICATION 16-2023-685-1
42 FULLERTON COVE ROAD,
FULLERTON COVE NSW 2318

for
Canaan PD 2 Pty Ltd

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Our Ref: 22/0032 MP:ah

09 December 2024

Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

ATTENTION: Courtney Sargent

Dear Courtney,

**RE: DEVELOPMENT APPLICATION 16-2023-685-1
42 FULLERTON COVE ROAD, FULLERTON COVE NSW
RESPONSE TO PPSHCC RECORD OF DEFERRAL**

This letter has been prepared by Monteath & Powys Pty Limited (M&P) on behalf of Canaan PD 2 Pty Ltd in response to the Hunter and Central Coast Regional Planning Panel (Panel) Record of Deferral dated 18 November 2024.

The record of deferral relates to Development Application 16-2023-685-1 seeking consent for a *Commercial Premises (Neighborhood Shopping Centre) and Medical Centre including Signage, Sewer Extension and Demolition* at 42 Fullerton Cove Road, Fullerton Cove NSW.

This submission is supported by the following documents as referenced within the response tables below:

Appendix A – Architectural Plans (updated)
Appendix B – Clause 4.6 Variation Request
Appendix C – Flood Emergency Response Strategy
Appendix D – Flooding and Stormwater Management Plan (updated)
Appendix E – Civil Engineering Plans (updated)
Appendix F – Contamination Addendum Letter
Appendix G – Ecology Response Letter
Appendix H – Landscape Plans (updated)
Appendix I - Record of Deferral – PPSHCC -261 – 18 November 2024

It is envisaged that this submission provides Council and the Panel with a comprehensive response to the design and assessment matters raised as well as further demonstration of compliance with the applicable legislative provisions.

RESPONSE TO RECORD OF DEFERRAL – PPSHCC - 261 - 18 NOVEMBER 2024

ITEM	MATTER	RESPONSE
Gross Floor Area		
	<p><u>Reason for Deferral</u></p> <p><i>The Panel does not agree with how Gross Floor Area (GFA) has been calculated for the purpose of clause 7.24 of the Port Stephens Local Environmental Plan (PSLEP) 2013.</i></p> <p><i>The calculation needs to include circulation and access areas. This will put commercial premises GFA in excess of the provisions at clause 7.24(3).</i></p> <p><i>The applicant is to amend the plans to comply or prepare a clause 4.6 Exception to Development Standards for consideration.</i></p>	<p>Updated Architectural Plans at Appendix A include a revised Gross Floor Area calculation incorporating the Amenities and Mall areas previously excluded from the calculations – refer Sheet No. 14311 - DA - A21 - 28 /11 /2024 - rev. E.</p> <p>Accordingly, a Clause 4.6 Variation Request pursuant to Clause 7.24 of the Port Stephens Local Environmental Plan 2013 has been attached at Appendix B.</p>
	<p><u>Information Requested by the Panel</u></p> <p>(i) <i>Amended plans that reduce the commercial premises GFA to meet the requirements of clause 7.24(3) or submit a clause 4.6 Exception to Development Standards.</i></p>	
Flood Emergency Response Strategy		
	<p><u>Reason for Deferral</u></p> <p><i>To satisfy clauses 5.21(2)(c) and 5.21(3)(c) of the PSLEP 2013, a Flood Emergency Response Strategy is needed that clearly identifies warning timeframes and likely evacuation or shelter-in-place requirements as a minimum.</i></p>	<p>An updated Flooding and Stormwater Management Plan is attached at Appendix D – Refer section 3.6.</p> <p>A Flood Emergency Response Strategy has been attached at Appendix C addressing applicable legislation and provisions.</p>
	<p><u>Information Requested by the Panel</u></p> <p>(ii) <i>A Flood Emergency Response Strategy to address the provisions of clause 5.21 of the PSLEP 2013.</i></p>	
Contamination		
	<p><u>Reason for Deferral</u></p> <p><i>Additional information has been provided regarding contamination, but satisfaction of clause 4.6(1)(c) is heavily qualified.</i></p>	<p>An addendum Contamination Summary Letter has been attached at Appendix F.</p> <p>The letter succinctly addresses the matters raised by the panel</p>

ITEM	MATTER	RESPONSE
	<i>There needs to be a clear statement as to what is expected to be found and what type of remediation is likely to be needed. A clear statement that it is anticipated that the site can be remediated and made suitable for the use is required.</i>	as well as provides action items for execution to enable remediation of the site and suitability for the proposed use, in accordance with the provisions contained within Clause 4.6(1)(c) of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> .
	<u>Information Requested by the Panel</u> <i>(iii) Additional detail in terms of the nature of contamination and anticipated remediation strategy and a statement that the site can be remediated and made suitable for the use.</i>	
Ecology		
	<u>Reason for Deferral</u> <i>The biodiversity assessment needs further consideration of just the E1 Local Centre zoned land and identify from Figure 4 of the BDAR the nature of vegetation, the areas avoided and how impacts have been minimised on the E1 Local Centre lands, and why this is appropriate in the context of the quality of vegetation.</i>	<p>An addendum Ecology response has been attached at Appendix G.</p> <p>The response provides a refined assessment against the applicable legislative provisions relative to the biodiversity assessment of the E1 Local Centre lands. The response includes updated Figures illustrating the nature of the vegetation upon the E1 zoned land, with the areas avoided, and minimised mapped.</p>
	<u>Information Requested by the Panel</u> <i>(iv) Analysis of the vegetation and ecology, specific to the E1 Local Centre zone lands and the avoidance and minimisation undertaken.</i>	
Application Consistency		
	<u>Information Requested by the Panel</u> <i>(v) Demonstration that engineering, landscape and ecological outcomes are integrated and consistent.</i>	<p>Updated Civil Engineering plans (Appendix E), an updated Flooding and Stormwater Management Plan (Appendix D) and updated Landscape Plans (Appendix H) are submitted demonstrating an integrated proposal consistent with the applicable legislative provisions.</p>

CONCLUSION

This letter and the submitted attachments provide responses to the matters raised within the Hunter and Central Coast Regional Planning Panel record of deferral.

It has been considered that all matters raised have been appropriately addressed to provide the Panel with certainty that the legislative provisions as applicable to the application have been met, to the fullest extent, to ensure the development constitutes a commendatory land use outcome for the region.

Should you require any further information or clarification of the above, please do not hesitate to contact the undersigned.

Yours faithfully

MONTEATH & POWYS PTY LIMITED



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