

**RECORD OF BRIEFING**

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

**BRIEFING DETAILS**

<b>BRIEFING DATE / TIME</b>	Wednesday, 7 August 2024
<b>LOCATION</b>	MS Teams Videoconference

**BRIEFING MATTERS**

PPSHCC-271 – Port Stephens – DA 16 -2023 -690 – 1 – 14 Popplewell Road, Fern Bay 2295 – Defence Housing Subdivision

**PANEL MEMBERS**

<b>IN ATTENDANCE</b>	Alison McCabe, Roberta Ryan, Tony McNamara
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Ryan Palmer, Giacomo Arnott and Leah Anderson - have previously voted on the planning proposal, DCP and VPA for this matter on 27 July 2021, and for the DCP on 14 March 2023 and 23 May 2023.  John Maretich – perceived as involved in infrastructure development and previous discussions with State Agencies regarding impact as well as role at Council.

**OTHER ATTENDEES**

<b>COUNCIL ASSESSMENT STAFF:</b>	Dylan Mitchell, Ryan Falkenmire, Courtney Sargent
<b>DEPARTMENT STAFF</b>	Leanne Harris

**KEY ISSUES DISCUSSED**

- Briefing in Feb and one RFI issued – full response still outstanding.
- Traffic
  - Upgrades to existing roads are required (Vardon, Popplewell and Taylor)
  - Vardon Rd / Nelson Bay Road intersection upgrade is supported by the applicant and TfNSW
  - Upgrades to Taylor and Vardon roads included in Council's contributions plan.
  - Upgrade to Popplewell not in the contributions plan.
  - VPA required and negotiations with applicant continuing.
- Management of the residual land
  - Ongoing management obligations will be significant and are yet to be resolved.
  - Options to either amalgamate with National Park or a Conservation Agreement (Biodiversity Conservation Trust) are being explored.
  - Extended timelines would be involved for negotiations about the National Park.
  - Further consultation will be required for any conservation agreement and the guidelines need to be further assessed.
- Dune Transgression

**Planning Panels Secretariat**

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- Dune system would reach the development edge by 2100 (upper scenario) or within 70m (middle scenario) if there is no dune rehabilitation and stabilisation.
- Applicant proposes rehabilitation and stabilisation as part of their VMP.
- The implications of the dune transgression will need to be communicated to the future managers of this land.
- Biodiversity
  - DA amended slightly to avoid high value vegetation in the R2 zone.
  - A Stormwater basin encroaches still into C2 zone (consistent with the DCP layout). Vegetation in this location is not considered significant and the works are permissible via the SEPP Transport and Infrastructure. Council still assessing.
  - Applicant potentially getting legal advice in response to the Planner's North LEC decision.
- Aboriginal Heritage
  - GTAs issued from HNSW.
- Contamination
  - Additional information requested.
- Offsite utility works
  - Need to be assessed.

## PANEL COMMENTS

- The Panel reiterates the comments from the preliminary briefing in February 2024.
- Panel remain concerned about the biodiversity issues and the applicant is encouraged to seek their own legal advice. The principles of avoid, minimise and offset need to be carefully considered. The Council should also review BCD's position and advice in respect of the rezoning of the land.
- The Panel needs certainty and a clear path forward regarding the future management arrangements of the conservation land.
- Dedication of roads, the relationship to the contributions plan and the extent of works required under a VPA need to be carefully considered and assessed. Proposed works and conditions need to have a direct nexus with the development and be within the Panel's power to impose.
- The Panel remain concerned about the extent of social impact assessment. It is understood that Council's policy requires a Social Impact Assessment (SIA) for this type of development. This should include an assessment of social infrastructure needs (including open space and recreation needs). Data from the previous rezoning and the Fern Bay Strategy should be used as a starting point for the required assessment.
- The submitted CPTED document is not considered sufficient and should provide design guidance.
- Detailed cross sections with interfaces, particularly with conservation areas need to be provided and assessed

The Council is to keep the Panel updated following the applicant's full response to the RFI. The Panel is keen to find a way forward but is concerned about the length of time that may be involved to resolve the biodiversity and roadwork matters.

The Panel will seek further briefings as required.

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