

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 25 March 2025
LOCATION	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

IN ATTENDANCE	Alison McCabe, Amanda Wetzel
APOLOGIES	Roberta Ryan, Tony McNamara
DECLARATIONS OF INTEREST	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.

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF:	Ryan Falkenmire, Courtney Sargent, Matthew Egan
DEPARTMENT STAFF	Leanne Harris, Holly McCann

COUNCIL BRIEFING

- Council issued an RFI over 12 months ago and to date a comprehensive response has not been received, although they have been advised that a response is imminent.
- The purpose of this briefing is to discuss the Applicant's intended approach to ownership and management of the C2 land.
- The current proposal is for Defence Housing to retain ownership of the land and be responsible for its management with a positive covenant and 88b arrangement.
- Council has some concerns with this approach and is seeking advice from the Panel.
- There has been no role or involvement with the Biodiversity Conservation Trust to date.
- Council have asked for further details as only 5 years of management under the VMP is being suggested.

PANEL COMMENTS

- The Panel reiterates its earlier comments in relation to biodiversity impacts and notes that the Planner's North decision is still to be addressed.
- The Panel also notes that there have been recent changes to the biodiversity legislation with no savings provisions and these will need to be reviewed and addressed by the applicant.

- The Panel notes the Council position that it is not willing to take on the ownership and management of the C2 land and encourages discussion with other Councils in similar scenarios with Urban Release Areas. The possibility of a VPA or bonds could be explored.
- In the absence of public ownership, there are limited options – either the developer continues to hold, or land is tied to a lot that is on-sold. In either scenario, obligations on the future land owner need to be understood and documented, and appropriate mechanisms put in place to ensure ongoing management and maintenance.
- The Panel suggests a referral to BCT for review and comment regarding the proposed approach by Defence Housing.
- The public access arrangements to the C2 land need to be clarified and understood particularly in relation to monitoring and CPTED principles.
- The coastal protection works, and dune management arrangements need to be understood and obligations for future maintenance fully detailed as part of the ownership of the C2 land. Also, Council should check whether there are any powers under the Local Government Act to impose levies for coastal protection works.

The Panel notes that all the matters discussed in this briefing are fundamental and essential to the consideration of the DA. The Panel is concerned that the applicant has not been responsive enough to the Council's RFI and that if a full response is not available within two weeks the Panel will request a briefing with the Council and the Applicant to determine a way forward.

The Panel again reiterates its earlier comments in relation to the ecological issues associated with this site. In the event that a full RFI response is forthcoming a further briefing on ecology will be organised to discuss the ecological issues previously raised and how the C2 land will be managed.