

## BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 17 April 2024, 11.02am to 12.07pm
LOCATION	MS Teams Videoconference

## BRIEFING MATTER(S)

PPSNTH-268 – Kempsey – DA2300926 – Phillip Drive, South West Rocks – Staged concept development for residential and serviced apartments x 9 (5-6 storeys) with a mix of commercial premises (shops and food and drink premises)

## PANEL MEMBERS

IN ATTENDANCE	Stephen Gow (Acting Chair), Michael Wright, Rhonda Hoban and Daniel Walsh
APOLOGIES	Dianne Leeson
DECLARATIONS OF INTEREST	Nil

## OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Melissa Ziade
COUNCIL CONSULTANT PLANNER	Steve Connelly
DEPARTMENT STAFF	Carolyn Hunt

## KEY ISSUES IDENTIFIED

Essentially as summarised below:

1. Environmental/ecological sensitivity of proposed development adjacent to coastal wetlands, noting also proximity to Crown Land, National Park. Issues arising included hydrology issues with proposed car park excavation, mosquito management in relation to proposed wet stormwater basins within proposed mosquito buffer area and the suitability of tourist-related uses proposed vs requirements for Planning for Bushfire Protection
2. 'Tensions' between concept DA and appropriate level of environmental impact assessment given the above context, for key development issues such as groundwater, stormwater discharge and flooding
3. Non-compliance with existing and imminent amending provisions of Kempsey LEP 2013 (KLEP)
4. Failure to satisfactorily address relevant provisions of the SEPP (Resilience and Hazards) – given site's coastal context
5. Inconsistency with Council's DCP, noting provisions regarding residential densities, protection of the character of area and setbacks
6. Height, Bulk and Scale – out of character with Phillip Street and residential areas of South-West Rocks and noting Council's strategic planning for the area

## Planning Panels Secretariat

The Panel noted the Council's Consultant Planner's recommendation to proceed to determination and current status of the application:

- External referrals –
  - RFS – GTAs outstanding
  - DPE – Biodiversity & Conservation
  - DPE – Water – GTAs issued
  - National Parks and Wildlife Service
  - Essential Energy
- Internal Referrals –
  - Engineering, Water and Sewer, Environmental Health, Waste, Heritage - resolved
  - Traffic, Carparking, Flooding – unresolved
- 424 unique submissions received (420 in objection)

## **PANEL DISCUSSION**

- Late submission from applicant received by email 16 April and forwarded to Panel members on the day of the meeting – noted but not considered given timing of receipt; issues raised to be considered by Council and its consultant (copy has been forwarded to them) in the ongoing assessment process
- Noted that local community had expressed concerns about site clearing – recent works undertaken on the site being investigated by Council in relation to approved development to date
- 'Imminent and certain' proposal for amendment to KLEP, including height limit of 8.5m on subject site – further advice required re any savings provisions (including legal advice if appropriate)
- Density characterisation – zone objectives and reference to what constitutes 'medium density' noted, further assessment to take account of published resources (eg NSW Dept. Planning) on this subject, also consider key development standards in place for other medium density zones in Kempsey LGA / existing development in locality
- Visual impact – consideration of density, FSR and form, building height and character
- Noted consultant's view that detailed assessment of SEPP (Housing) provisions would not be fully possible with concept DA materials submitted
- Prospect of/potential for access to beach from subject site and NPWS comments
- Housing supply and demand issues, typology of dwellings, including possible short stay holiday accommodation
- Further briefing to be considered prior to scheduling any determination meeting

**TENTATIVE DETERMINATION DATE SCHEDULED FOR:** to be confirmed with Council (but expected by September)