

## Submission Summary Table – Planning Proposal for 775, 777 & 781 Marsh Road, Bobs Farm

No.	Comment	Council response
1	<p>In response to this proposal of development, I would like to say that I am very excited to see this development in the area, in fact next door to my land.</p> <p>I am in farming business and don't see any reason why this business would affect what we are doing as long as they can demonstrate what they are doing not affecting the environment. They are more than welcome to get in touch with me at any time if needed.</p> <p>Hopefully this will start sooner than later. This would be excellent news for the area, which need more of these businesses to bring tourist, jobs and of course the dollars to spend here.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
2	<p>I would like to express my support in the proposed water park to be built within the Hunter region. Once built I believe the water park will bring many tourists to our region, along with access to an area for recreational or professional development for cable park users. The Hunter will also benefit as the cable park will require employees to work for them and also employees to help build the park, not to mention the money that would be going into the infrastructure of the park itself. I can see many positive attributes of this water park and would like it to see it go ahead.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
3	<p>I am the owner of a local electrical family business. I have 2 teenager children, who are very active and enjoy outdoor activities. Having heard about this submission, we all believe that this would be a great benefit to the Port Stephens area. Not only for local families but also the many visitors we have to our beautiful area.</p> <p>Teenager children, like my own, need jobs. I believe this Water Park would bring countless employment opportunities to our young people and local trades like myself.</p> <p>By allowing this proposal to go ahead, Port Stephens Council would be seen supporting local Trades and families during the building phase and operational phase of the Project.</p> <p>The environmental advantages are equally important. The purchased land involves no clearing or damage to wild life corridors. Creation of 3 new ecosystems at an area that is currently a paddock. Implementation of solar to run the cable system with zero draw on the grid.</p> <p>I firmly believe the Port Stephens area would greatly benefit from a Project like this. I hope your support for this Project will create a positive result for the families involved in creating this Water park.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
4	<p>I would like to express my support for the proposed development at Bobs Farm. Having grown up around water sports and experiencing the competitive industry first hand, the cable park would increase tourism and business in surrounding areas at typical 'quiet periods'.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>

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	<p>The park however also offers a new, more affordable way to bring the sport of wake boarding to the masses. Evidence of this can be seen at other cable parks around the country: Sydney (Penrith), Perth, Melbourne, Brisbane (Logan), Sunshine Coast (Bli Bli) and Cairns.</p> <p>I believe this could be the next 'big thing' for Port Stephens.</p>	
5	<p>This project is a must for the Port Stephens area, there is so many benefits to having a facility such as this in the area. I've known the family involved with this development all my life and they never do anything that isn't brilliant. This will be a successful business and a major draw card for people to visit the area.</p> <p>Port Stephens needs something new and exciting, something that will give locals and tourists something extra to our already beautiful area. Having this available will enable young upcoming wake boarding champions the ability to train at a fraction of the cost to having to run a boat to achieve the same skill level. I know as a child I was a good water skier but it was finances that held me back, something like this can allow anyone to become pro! Port Stephens could become the next big player in national wake boarding stars!</p> <p>I hope that the council can see the potential in this place and do everything in their power to help get it up and running and lend advice on how to meet all criteria to make for a smooth and easy development of the site.</p> <p>This is something that the council needs to get behind and help make happen and not just give a big list of reasons to why it can't!</p> <p>Please give [the proponents] your support and make Port Stephen's next big tourist attraction a reality.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
6	<p>I say yes to the water park, it would bring a whole bunch of new life to Port Stephens as well as keeping youth off the street and making memories</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
7	<p>I am writing to urge you to change the zoning of the land with the proposed water park to be returned to what it stood as when the park submissions began and to support this park. This park will be the best thing Newcastle and Port Stephens has had in many many years. It will create much needed jobs and great revenue for the surrounding area. We do not have anything like this on this scale; it would be a massive investment for all of NSW.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>

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8	<p>I would love to see the proposed water ski park go ahead. It would be a fantastic addition to the sporting and tourists attractions in the Port Stephens area and would generate many visitors to the area which then has a flow on to other businesses. This is the type of modern sporting facility people including myself are looking for and should be encouraged. I support this proposal whole heartily.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
9	<p>I support the Water Park 100% Nelson Bay needs growth to support jobs and the growing community. The Water Park will be a great addition to the tourist industry here. If we don't allow these developments, Nelson Bay will be left behind and the businesses will move elsewhere and there will be more and more businesses close down in the Bay area. We desperately need growth in Nelson Bay not have the area stifled by community groups that will not allow development of any sort.</p> <p>I feel the Water Park will not impact on the environment and will only benefit the area and the people living here.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
10	<p>I am a local of 33 years living here all my life. It's so good to see council support something so positive for the area. This project is well needed for Port Stephens. Something that supports growth, jobs and local businesses. This is something for everyone and with surfing now an Olympic sport Port Stephens will be internationally recognised having the project. Can't wait to see this happen hope it's through soon.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
11	<p>I am writing to you in support of the proposed Ride Water park reference number 58-2016-2-1</p> <p>As a longtime resident of the Hunter region and successful watersports tourism operator and travel agency, I fully support and encourage the development for the Ride water park.</p> <p>I believe the attraction will bring new life to the 'tourism' centre of the Hunter and will complement the many other attractions the Bay has to offer. As a water sports enthusiast and company dedicated to providing the best for my clients, we often include wake/ride parks into our products where and when possible. It's a great place to go when the wind, surf and weather is ordinary to practice all our watersports skills needed for kitesurfing, surfing and wakeboarding. Our New Caledonia tours now have the wake park included, along with our plans for a new Perth Kite School with their park optional for training.</p> <p>I believe the proposed park will be designed with the environment in mind, offering new technologies to clean, harvest and re-use the water which will only be beneficial to the land and surrounds.</p> <p><i>...submission continued over page...</i></p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>

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	<p>Knowing [the proponents] I fully trust they have the best interests of the environment at heart and with their unwavering dedication and ambition, coupled with their tourism and building skills, I know this will be an absolute asset and a refreshing addition to the region.</p> <p>I know myself, my friends and clients are all very much looking forward to having this awesome new wake park in our own backyard to enjoy should it be approved.</p>	
12	Submission of support for ride water park	Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.
13	I grew up in Salt Ash and lived there since 1990. I think what Ride is going to achieve with this water park is a great business with many benefits for the community. It will bring people to the area, people who need accommodation and food and will want to see other sites, it will also give locals something to do. Plus it will be a lot of fun. Please approve!	Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.
14	We would love to see this park get up and running, it looks awesome. Not only for tourism but for everybody to enjoy. We live up at Tuncurry and we would make a day of a park like this to bring the kids and grandkids. Hopefully it opens soon.	Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.
15	Good day sire. Just chompin' at the bit for this new wetspot fun station wave house extravaganza water world idea that the guys over at Ride Water Park are conjuring up in their cranial cauldrons! Would be ever so grateful if you would kindly approve the wise folk in the their magnificent endeavour of liquid infused times of watery bliss filled occasions for not only yourselves but the great people of this Port that is Stephens!	Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.
16	I am writing in total support for the Ride Water Park at Port Stephens to go ahead. Such a great idea for all the reasons mentioned in their facebook message. I personally would love to use and my family. We are a tourist destination so it will only benefit us. Think of the jobs it will provide and increase in tourists. Also it can be used in winter with wet suits. Love the idea, please make it happen!!!	Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.
17	I am a local and writing because I would like to express my excitement for the Ride Waterpark to get approval to operate. I feel it is a great idea and Port Stephens needs more activities to bring more tourists to the area. I work in tourism on the water in Nelson Bay and people are always asking what fun things they can do in the area. I would love to suggest this Ride Waterpark. I struggle with regular employment here so the more tourists mean's more work for the locals and for me. Environmental sides of things, I think they have shown respect and done their research to know it will not have a negative impact to the area and environment.	Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.

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18	<p>Please give the ride water park a tick of approval! I've spent a lot of time wakeboarding at these parks around the country and they're always a great day out. They're also very quiet and with the great plans that the Ride team has for reducing the environmental impact, I can't think of a better use of the land. Looking forward to hearing of the approval.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
19	<p>I wish to support the rezoning of land for the building of a cable park File Number 58-2016-2-1.</p> <p>I believe a cable park would be an incredible drawcard for the Port Stephens area as well as a valuable source of outdoor entertainment for the youth of the area.</p> <p>The developers will turn an unusable swamp area into a major asset without impacting the local environment.</p> <p>The Port Stephens Council and in particular the Mayor Ryan Palmer have always backed this submission so I find it ridiculous that the DA has taken so long to be passed.</p> <p>I recommend that the Port Stephens Council do everything they can to fast track this DA (File Number 58-2016-2-1) including rezoning the land back to what it was when the DA was originally submitted.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
20	<p>I am emailing to offer my support for the Ride Cable park. I think it will be fantastic for the area. We travel to Penrith regularly to use theirs and I believe that one in the bay would be fantastic for tourism and locals. What a great venue it would be for the whole community.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
21	<p>We have for the first time via this week's examiner newspaper, become aware of the proposal for a Wake Board Park, PSC 58 20 16 21, with large ponds and infrastructures that may impact on the drainage system effecting us and our neighbour.</p> <p>We are concerned with the usage affecting our proposed farming of our land and the problems with water being unable to get away as it is, dependent on rain and the levy banks and flood gates.</p> <p>Our drains are impacted over long periods, draining from all the properties opposite us, and backs up, being unable to cope.</p> <p>We both work and feel we need more time to become familiar with the complicated overseeing of this project and if it fits in with our living environment here.</p> <p><i>...submission continued over page...</i></p>	<p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site for those uses.</p> <p>Drainage impacts associated with the future development of the site for a specific use (such as a Wake Board Park) will be fully considered during a development application process.</p>

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	<p>...</p> <p>We would ask that the Councillors obtain an extension of time to enable us to look over the complex information. Could you please advise us if this is possible?</p>	<p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p> <p>Late submissions were accepted on the planning proposal.</p>
22	<p>I would like to register my objection and concern about the changing of the zone for the wave park proposal.</p> <p>My family have farmed land at Cromarty Lane for over 100 years. We have been involved with managing the levee banks for many years and have a clear understanding of the problems we must deal with.</p> <p>There are 11 dwellings in Cromarty Lane and farm area and we are all impacted by rain fall and drainage,</p> <p>The fill that was allowed to be put at the back of the old Palms Golf Course blocked the long standing drains and we do not wish to have to deal with any additional problems.</p> <p>This area should remain as farm land for the future, how will it operate with cold, wet winters?</p>	<p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site for those uses.</p> <p>Flooding and drainage impacts associated with the future development of the site for a specific use (such as a Wake Board Park) will be fully considered during a development application process.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>

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23	<p>Objection to the Blue Water Wave Park.</p> <p>The excavation will cause acid sulfate problems and may change the water table; some places in the area already have salt water in the ground, once there it can't be reversed.</p> <p>The large area of water may cause inundation from banks and if bottom not sealed through seepage.</p> <p>The cabins etc there will be an excess of traffic on Marsh Road plus entering and exiting of vehicles near the school and Go Kart Go access. The increase of traffic is already noticed.</p> <p>Hoping a wrong decision is not made we don't want another red zone type area for Bobs Farm.</p>	<p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site for those uses.</p> <p>Traffic, drainage impacts, and impacts related to acid sulfate soils associated with the future development of the site for a specific use (such as a Wake Board Park) will be fully considered during a development application process.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>
24	<p>I am writing on behalf of the member farmers of the Tilligerry Oyster Precinct mainly situated along Oyster Farm Rd behind Mud Island to register our concerns for transparency and of due diligence with the progress of this proposed development.</p> <p>Fully realising that this is only the change of zoning stage I would remind you of SEPP 62 (Particularly Part 3A/15B) requirements to consult with D-G of Primary Industries with regard to this development. We agree fully with the thrust of this SEPP to protect established Oyster Aquaculture areas from developments that will/may adversely impact those areas.</p> <p>Tilligerry Creek is an integral and irreplaceable part of the local industry including Tilligerry and Lemon Tree harvest areas and is of critical importance to the long established oyster farming enterprises with leases there. Significant oyster mortalities (particularly Wallis Creek and behind Upton Is.) have been experienced over the years, both partially explained (adjacent earth works or flood gate changes) and unexplained, particularly linked to exposure/disturbance of Acid Sulphate Soils which release free acid to the waterway. The low lying, flood plain nature of the site and its high chance of fairly regular flooding /inundation along with the prevalence of such soils makes us justifiably uncomfortable. ...<i>submission continued over page...</i></p>	<p>The NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) has been consulted on the planning proposal and has raised issues related to establishing a precedent that may lead to land use conflict and the need to maintain water quality to avoid impacts on the oyster industry.</p> <p>Issues related to water quality and acid sulfate soils, will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p>

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	<p>...</p> <p>That fact raises our first concern that the Acid Sulphate Soil status of the site be fully investigated, understood and any excavation/earthworks or disturbance be in accord with best practice to avoid any release of acid and that it be comprehensively monitored to ascertain that proper procedures are in place and utilised. Any proposed purposeful or accidental runoff or discharge from the site would need to be monitored and if in pH standard level exceedance retained and remediated before release. We applaud the proponents desire to have minimal environmental impact and would expect that once in operation the Water Recreation Facility would have procedures in place to monitor and remediate if necessary any run-off/ discharge from the pond system. Considering the frequency of heavy rain events locally we feel this is of paramount on-going importance.</p> <p>Our second concern arises from the development including multiple cabins and substantial planned tourist influx which would pose the risk of major sewerage impacts on Tilligerry Ck. if the proposal doesn't include a comprehensive on-site sewerage management scheme with a proven design for high water table, flood prone areas (from our ongoing experience with septic runoff, using such schemes, in upper Tilligerry, all designs are problematic and the area remains in Prohibited Status!!)</p> <p>Tilligerry Ck. has a clearance rate of some 21 days and any faecal contaminated input by this site will result in a long and costly harvest closure to both Tilligerry and Lemon Tree Harvest areas. To remove risk we would require a monitored and audited pump-out system unless connection to the Hunter Water reticulated system is available.</p> <p>Could you please register us as concerned stakeholders to this development and keep me in the correspondence loop as it progresses.</p>	<p>State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>As above, a development application would likely be referred to the NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) for assessment of the specific proposal.</p> <p>All submitters are notified of Council meeting dates and when a decision on a planning proposal has been made.</p>



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25	<p>Attached are our reasons for objecting to the changes to allow the wave board park to go ahead and also copy of our 2015 objection [to the previous DA]. We hope that you will consider our concerns for changes to water and drainage management. I still have worries from when Council tries to use dry ground management to “fix” a floodgate in the levee bank and the resulting inundation by salt water that made 70 acres unusable for years, and I believe council had to pay compensation to a neighbour, while we settled for new plants etc.</p> <p>I object to the proposal to amend the LEP as I did to the previous DA in 2015 because, as I have lived on the property nearby at 761 Marsh Road Bobs Farm for 40 years. I am aware of and have experienced the effects of drainage and changes in water flow and when neighbouring properties have changed their drainage and land usage and how run off water is managed.</p> <p>As our previous objection I stated our concerns of how a reduction of water table of at least 1 metre, would endanger land usage by increasing the salinity levels of many properties. Raising salt levels would probably affect freshwater bores and as you would understand salt makes land usage unusable. As water finds its own level it doesn't seem fair that one person's usage could/would affect so many others, the water table levels on the Marsh Road are close enough to the surface as it is).</p> <ul style="list-style-type: none"> <li>• The massive disturbances caused by all the excavation to create the wave board park and changes to quantity of groundwater runoff and management</li> <li>• We believe/hope that Council will look at protecting current landholders and ensure future usage of a semi/rural area – which was the reason most people moved to Bobs Farm, and give full consideration between supporting a major tourist attraction in this location with potential severe adverse impacts on neighbouring residential properties, the local school and community hall as well as adjacent rural properties that encourage activities consistent with the RU2 agricultural zoning objectives. Examples including grazing livestock, horses and fruit and vegetable production.</li> </ul> <p>Also approval of this proposal will not affect the current owners as they plan to get this approval through and then sell the property, it will not affect their current grazing usage as they won't live on the property.</p>	<p>Issues related to water quality, acid sulfate soils and drainage will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be required to be included in any future development application.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>The planning proposal will add outdoor recreation facilities to the list of uses permissible under the current zoning. If the planning proposal proceeds, a range of uses will be possible on the land, subject to obtaining development consent from Council, including a mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp. Many of these potential uses could be considered compatible with existing character of the locality.</p>

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26	<p>I would like to submit my submission to this amazing proposal, this park will only further add to Port Stephens and the greater Hunter region already strong tourism industry. Creating more jobs and boosting the local economy all while improving and protecting the local environment. It seems like a no brainer to me that the park should go ahead.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
27	<p>Thank you for providing the notification of the submission for the proposed variation in land use on the adjacent property received on the 25 May 2018.</p> <p>Due to the complexity of the effects on other land and business owners in the vicinity, and the short period of time allocated to review the information supplied and lodge submissions, It would be appreciated if an extension of time for response to this proposal be extended beyond 21 June 2018.</p> <p>[submission] I write in regard to the proposal above. I know the site well as I have lived on the property next door at 3789 Nelson Bay Road, Bobs Farm for 9 years.</p> <ul style="list-style-type: none"> <li>• I have examined the documents supporting the proposal and strongly object to the planning proposal (the Proposal).</li> <li>• In addition, I request a Public Hearing for an independent chair to determine the matter.</li> <li>• In my opinion, the consideration of outdoor recreation as a permissible use must not be approved at this stage but should be considered as part of a future council planning proposal for all RU2 lands. Future decisions for an additional permitted use should apply only to areas appropriate geographically, environmentally, strategically and socially.</li> <li>• For the Bobs Farm high flood hazard lands, future planning must only be determined once a Flood Management Plan is finalized and the Bobs Farm Sand Quarry impacts are taken into consideration,</li> </ul> <p>I object to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• The proposal is 'ad hoc' planning with the sole purpose of facilitating DA 16- 2013-805-1. The proponent states - "a separate 'housekeeping' planning proposal is also seeking general amendment to the Port Stephens Local Environmental plan 2013 to permit the use with development consent in the RU2 Rural Landscape Zone - however the current planning proposal should continue to avoid any risk of delay; " Any change of permissible use should be considered taking into account all RU2 lands and applied to specific appropriate sites only.</li> </ul> <p><i>...submission continued over page...</i></p>	<p>Late submissions have been accepted.</p> <p>The Gateway Determination issued by the NSW Department of Planning sets the community consultation requirements for planning proposals and in this instance, a public hearing has not been required. Any development application lodged in the future may be subject to community consultation.</p> <p>The planning proposal is being dealt with separate from the broader consideration of including outdoor recreation facilities as a permissible use for all RU2 Rural Landscape zoned land in Port Stephens.</p> <p>The proponent lodged this site specific planning proposal prior to the commencement of the general amendment to the RU2 Rural Landscape zoned land in Port Stephens and therefore it is being progressed ahead of that amendment and in accordance with proper processes.</p> <p>Any issues related to flooding and impacts related to the Bobs farm Sand Quarry will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be required to be included in any future development application.</p>

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	<p>...</p> <p>At the Ordinary Meeting of Council 14 June 2016 council voted to consider recreational (outdoor) as permissible use at <u>certain locations</u> (<i>emphasis added</i>) within the zone RU2- Rural Landscape as part of future housekeeping amendment to the Port Stephens LEP2013.</p> <p>It is of concern that council would advance the current Proposal without conducting a thorough investigation of RU2 lands to determine which RU2 lands are suitable locations for recreational (outdoor) permissible use.</p> <ul style="list-style-type: none"> <li>• The proponent's application for Gateway Approval omitted the State Significant Project - Bobs Farm Sand Quarry Project at 3631 Nelson Bay Rd Bobs Farm, located directly across from the subject property. Status of the project: Secretary's Environmental Assessment Requirements (SEARs) issued. This omission to NSW Planning and OEH means there is neither consideration of the cumulative effect on groundwater nor consideration of other potential impacts by this major development in the determination of the Gateway approval.</li> <li>• The report to Ordinary Meeting of Council 14 June 2016 omitted the State Significant Project - Bobs Farm Sand Quarry Project at 3631 Nelson Bay Rd Bobs Farm located directly across from the subject property. This omission of a project that will include large amounts of groundwater water, huge excavation and egress of trucks onto Marsh Road opposite the subject site is tantamount to duplicity.</li> <li>• Anna Bay and Tilligerry Creek Flood Study Jacobs Final Report 4 December 2017 identifies Marsh Road, Bobs Farm as one of the main flood problem areas in Port Stephens. The NSW Government now requires local councils to develop and implement Floodplain Risk Management Plans for all flood prone areas within the council boundaries.</li> <li>• Council has not yet implemented the recommendations of the Flood Study by Jacobs nor finalized a Floodplain Management Plan for the area. Council has a duty of care to assure that residents and their properties are not put at risk. Council should demonstrate due diligence and only consider amending the RU2 permissible use once a Flood Management Policy for the area is finalized.</li> </ul> <p>...submission continued over page...</p>	<p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p> <p>This planning proposal is being dealt with separate from the broader consideration of including outdoor recreation facilities as a permissible use for RU2 Rural Landscape zoned land in Port Stephens.</p> <p>The proponent lodged this site specific planning proposal prior to the commencement of the general amendment to the RU2 Rural Landscape zoned land in Port Stephens and therefore it is being progressed ahead of that amendment and in accordance with proper processes.</p> <p>Issues related to flooding and impacts related to the Bobs farm Sand Quarry will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be required to be included in any future development application.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>

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	<ul style="list-style-type: none"> <li>• The proponent claims that the existing outdoor recreation facilities (Go Kart Track, Ray and Shark Centre and Palms Golf Driving Range) approved many years - even decades - ago justify the proposal. Legislation has changed and reference to past permitted uses is irrelevant. The Proposal should be assessed on its merits and with regard to current legislation including the Precautionary Principle. In fact, past permitted development of recreational facilities demonstrate that the subject location is unsuitable for outdoor recreational facilities. The Go Kart track frequently gets flooded after rain, recent infill on the Driving Range resulted in flooding of the adjacent properties and the Shark and Ray Centre built on higher ground is an Indoor not an Outdoor facility.</li> <li>• The proponent justifies the Proposal on the basis that "Under the previous Port Stephens Local Environmental Plan 2000 the land was located in the 1(a) Rural Agriculture "A" Zone. A 'recreation facility (outdoor)' was not a prohibited use (i.e. the land use was permitted with development consent). The current Proposal should be assessed on its merits and with regard to current legislation including the Precautionary Principle.</li> <li>• The proponent justifies the Proposal on the basis "Consistency with the local environmental plans of surrounding local government areas which permit a 'recreation facility (outdoor) within the RU2 Rural Landscape Zone". Every Council adopts DCPs and LEP that are adapted to their geographical area, character and objectives. There is no planning merit or legal obligation for Port Stephen Council to approve the Proposal based on other council decisions.</li> <li>• The proponent emphasizes the economic benefits of changing the permissible uses in RU2 to facilitate a major recreational facility. The Sorensen report acknowledges "There are residential dwellings situated to the east, south and west of the site, on allotments of varying sizes, with small-scale rural and rural life- style activities also taking place".</li> <li>• It is asserted that full consideration must be given to the balance between supporting a major tourist attraction in this location with potential severe adverse impacts on neighbouring residential properties, the local school and community hall as well as adjacent rural properties that encourage activities consistent with the RU2 agricultural zoning... objectives. Examples including grazing livestock, horses and fruit and vegetable production.</li> </ul> <p><i>...submission continued over page...</i></p>	<p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>The planning proposal will add outdoor recreation facilities to the list of uses permissible under the current zoning. If the planning proposal proceeds, a range of uses will be possible on the land, subject to obtaining development consent from Council, including a mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp. Many of these potential uses could be considered compatible with existing character of the locality.</p> <p>The Gateway Determination issued by the NSW Department of Planning sets the community consultation requirements for planning proposals and, in this instance, a public hearing has not been required. Any development application lodged in the future may be subject to community consultation.</p>

No.	Comment	Council response
	<p>...</p> <ul style="list-style-type: none"> <li>• While development of an outdoor recreational facility may be aligned to the Hunter Valley Regional Plan, it is council's responsibility to identify and investigate the appropriate location for a tourism hub and the appropriate tourism facilities for certain sites. The Port Stephens Council: Strategic Planning Snapshot does NOT identify Bobs Farm as a major regional destination of the Tomaree Peninsula. Bobs Farm would be more suited to niche tourism operations that complement the rural nature of the land and do not conflict with agricultural land uses or the Flood hazard risk.</li> <li>• The Sorensen Proposal states "It is likely that the proponent will make a future development application similar to the previous DA 16-2013-805-1. Although the current Proposal is for an added permitted use, the incentive for this is inextricably linked with DA 16-2013-805-1 [refer to DA uses]. The intensity of this development is not suitable in the current location but is more appropriate to a major tourism hub. In my opinion DA 16-2013-805-1 constitutes a "recreation facility (major)" with a level of intensity and environmental insensitivity which is not acceptable within the zone.</li> <li>• I have attached a Table highlighting the inconsistencies and inaccuracies that I believe are included in DA16-2013-805-1. These relate to drainage, groundwater and flooding illustrating the inappropriateness of the Proposal on the subject site for a major development [note: a copy of the table referred to is available in the Councillors Room].</li> </ul> <p>CONCLUSION - The subject site is inappropriate for the proposed change of use, due to:</p> <ol style="list-style-type: none"> <li>1. The high hazard flood prone land and drainage issues in the area.</li> <li>2. The omission of information to OEH and NSW Planning NSW.</li> <li>3. The lack of a Floodplain Risk Management Plan for the area.</li> <li>4. The 'ad hoc' Proposal.</li> <li>5. The lack of balanced consideration of economic, social and environmental impacts.</li> <li>6. The intensity of intended development on the site.</li> <li>7. The gravity of the potential adverse impacts on the area.</li> </ol> <p>I request a Public Hearing for an independent chair to determine the matter.</p>	

No.	Comment	Council response
28	<p>I am writing to show my interest in Ride Water Park.</p> <p>We know [the proponent] their dream of a water park has taken a lot of time, money and research to get it this far.</p> <p>The families have been in the area for more than 70 years.</p> <p>The boys have grown up at the beach and searching for activities to keep them active and busy.</p> <p>We need new innovative activities to keep tourism coming to the area. The Water park is not just for young children it is for the whole family. To have such a high grade water park it would bring competition weekends and bring people from all around the world. Talking to people they are already saying they would travel here from Melbourne to use the Water Park for weekends as the airport is very close.</p> <p>I do hope the council will rezone the property to the original zoning.</p> <p>This would be a family business, the water park would be unique and innovative.</p> <p>There would be jobs created for the build of the water park as well as continuing job opportunity once in operation.</p> <p>[The Proponent] has worked many hours to research and find the best systems.eg:</p> <p>Purchased the land and has not cleared or damaged any wildlife corridors</p> <p>I know he has talks to several people and has researched and come up with Australia's largest biological filters (all plants and NO chemicals) a creation of 3 new ecosystems on site.</p> <p>A unique clay infused barrier lined the lake edges to control sediments and any connection to natural ground water.</p> <p>A solar system to run the cable system with no draw on the grid.</p> <p>Tonnes of oxygen created with the movement of rides in the lake.</p> <p>A innovative on site effluent treatment system that is chemical free, isn't affected by rain or underground water or flood, with minimal land use, no odour and can't contaminate the ground it is aesthetically pleasing. (knowing the water table and other systems trialled by council that have not been successful we have had one of these, when I build again I will be using something like this.)</p> <p>I do encourage the council to look carefully at this innovative new Water Park as the research not to disrupt the environment and the ecosystems they are proposing are of the highest grade.</p> <p>Let's all rally together and keep Port Stephens a place to visit, and keep coming back.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>

No.	Comment	Council response
29	<p>With regard to the abovementioned development we object to such planning and subsequent build of the Outdoor Recreational Facility under the above planning proposal based upon the following reasons:</p> <p>As the residents and land owners of the property situated at 3834 Nelson Bay Road Bobs Farm NSW Lot DP 859965</p> <p><i>WE STATE THAT OUR OBJECTION RELATES TO THE DRAINAGE ISSUE ASSOCIATED WITH THE PROPOSAL.</i></p> <p>The proposal does not address the adequate drainage of what currently is a problem with subsequent flooding to the proposed area which is of great concern to us as residents given that the build will increase the amount of water ingress to our property.</p> <p>The current existence of water ingress to our property and the defective resolution/s by Council to the current problem leads to a further pressure placed upon the natural land fall drainage system.</p> <p>Therefore, unless a further proposal plan is submitted to Council in respect to the current development as per Council's correspondence dated 22 May, 2018 we seek that this objection be of significant importance in respect to an action being taken by us against the developer regarding further exacerbation of the current inadequate drainage to the area.</p> <p>Council have been advised by us as residents that the rebuild of the road known as Nelson Bay Road, has increased flooding to our land. This is as a result of inappropriate drainage and that of a defective drainage management program unable to cope with water runoff from the roadway redevelopment, coupled with the natural water course associated with the natural environment of the surrounding land which has and continues to cause water ingress to our land.</p> <p>Council have failed to action rectification work/s to the current drainage problem.</p> <p>Therefore, any further proposal to development must address the current drainage problem/s prior to the approval of a further development which will only add to the areas drainage problem.</p>	<p>Issues related to flooding and drainage will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be required to be included in any future development application.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>
30	<p>I would like to put mine and my families support behind the Ride water park currently proposed on Marsh Road. After reading the proposal I believe the park will only have positive effects on the community and environment. Having a world class tourist attraction that will truly attract world class athletes will provide inspiration to our younger generation who would normally have to travel to witness and participate in such sports.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>

No.	Comment	Council response
31	<p>My husband and I would like to give support for Ride Water Park Port Stephens.</p> <p>This will really put Port Stephens on the map in Australia. We have friends in many states who are excited at the idea. Just a short flight in a plane to Williamstown and then they can stay and enjoy all the excitement of the park. Also in the same area is the Go Carts and Shark and Ray Centre and Barramundi Farm making it a great holiday hub.</p> <p>It will give the families of port Stephens more things to do instead of having to go to other areas to do recreational sports like this. Love the fact the water park will be safer than the surf and our rivers. It is also great it will give our residents jobs.</p> <p>They said they will create 3 ecosystems and its construction techniques will minimise impacts to land and neighbours. It sounds great.</p> <p>I hope you the council agrees.</p>	<p>Noted, the submission supports the economic benefits of the planning proposal which will permit outdoor recreation facilities.</p>
32	<p>I would like to reiterate the concerns raised by my father on behalf of neighbouring residents below. Living in this flood prone, low lying area at Bobs Farm on the same side of the road and in rurally close proximity to the proposed water park deeply concerns me being a large scale water management project in a rural area relying on paddock drains, flood gates and levy banks and the probability of this development increasing the impact of flooding surrounding properties in times of high level rainfall. We have had super cell storms cause havoc many times over the years and our paddocks and house yards are regularly sodden and laden with large areas of water and full drains even now with just a couple of weeks of good rain. I am fearful that at these times we would bear the impact of the elevation run off and overflow and changes to the flow of water runoff from the hill and road, where would this water go?</p> <p>I imagine to the surrounding properties which do not have the drainage capacity to withstand or exist in any viable fashion should these problems be at all increased. The Ride Park Team have responded to my concerns stating that their plans improve water catchment onsite by 50%, with cabin water tanks that overflow into the main vestibule, but how will they manage further overflow when it reaches capacity? Especially in winter when water use will be minimised and rainfall increased?</p> <p>When I developed my property in 2001/2002 I was required to build my living area to the height of the road level at the time which I did. I imagine that they will be required to do the same to the entire site. So will their drainage be improved by a massive elevation at the detriment to neighbouring properties taking on the runoff into their lower lying properties?</p> <p>If this proposal were not in a flood prone area where local rural residents often and regularly struggle with existing property drainage issues I would fully support this development.</p> <p><i>...submission continued over page...</i></p>	<p>Issues related to flooding and drainage will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be required to be included in any future development application.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>



No.	Comment	Council response
	<p>...</p> <p>I hope that council will thoroughly and adequately consider and address the concerns and all potential issues this development could create with the existing drainage problems to ensure that the local area, residents, the public school and the [proponent] family are not subject to any disastrous effects of developing the wrong location for this innovative and exciting project.</p>	
33	<p>I am writing regarding the above application and request an extension of time for submissions as this is an extremely complex proposal and the negative impacts potentially significant.</p> <p>Whilst we are avid supporters of Tourism within our beautiful region it must be approached with great caution to the impact on wildlife, neighbors, drainage, traffic etc.</p>	<p>Late submissions were accepted.</p> <p>Issues related to flooding and drainage specific will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be required to be included in any future development application.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>
34	<p>I would firstly like to express my appreciation and understanding of the vision and enthusiasm of the [Proponent] family for this project.</p> <p>The location is the problem.</p> <p>As the result of residents becoming aware due to this week's Examiner Newspaper article.</p> <p>I have been approached by several of my neighbours who have expressed concern that there may be a political will to endorse a tourism/business over the concerns of Local Residents and indeed Council Staff with regard to future Ongoing Negative Impacts, on Drainage and Living Conditions and on Council itself.</p> <p>I would suggest Council refer to photographs taken from a helicopter with myself and staff member - on board, from Fullerton Cove to Fingal Bay, in my term of Council, during a wet period.</p> <p>...submission continued over page...</p>	<p>Issues related to flooding and drainage will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be required to be included in any future development application.</p>

No.	Comment	Council response
	<p>...</p> <p>I have been personally involved with the flood studies and have encountered water problems here personally and “whilst we are all happy living here”, any increase in difficulties would be unacceptable.</p> <p>I have doubts about the referral to “using natural weather and water conditions” to service the 11 hectare water components.</p> <p>I have personally walked in the drains in the past when “Completely” dry....in the dryer times as well witnessing many significant cracks inches in width in the paddocks.</p> <p>I have photographed sea gulls in large areas covered in water and drains overflowing, running across paddocks and effecting the roadways. My neighbour across the road could not use his shower or toilet for some time due to back up, etc.</p> <p>The Local Bobs Farm School is also impacted!</p> <p>The flood gates and drains are under constant pressure and must be inspected and maintained. One person on the main drain currently makes a great personal effort.</p> <p>There are approximately 135 head of livestock in the immediate north/eastern side of the proposed property, and intensive gardening also proposed loss of grazing and productivity is of a concern, due to water dispersal alterations.</p> <p>In my term in Council the rainfall of the coastal area and its need to be preserved for agricultural purposes was paramount. With tomatoes and vegetables being grown for decades from Fullerton Cove to Anna Bay. The Cromartie’s behind me growing many thousands. I see this being re engaged in the future as foreign agricultural investments take products overseas, the local produce will indeed have a great rebound for our future generations and local markets. Food and Water are the planets future concerns, well recognised by China and others, investing in this country, for export.</p> <p>Whilst I would like to address the water table, inaccurate drainage information, noise and traffic issues and winter viability, I feel that the most important communication at the moment is to ask for at least 1 month extension of time to enable those concerned, who have Just Become Aware, time to inspect, digest and respond to the Complex information on Councils web re this proposal.</p> <p>I believe it is appropriate and would appreciate the time for responses to this proposal, re land use in the LEP be extended.</p>	<p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p> <p>Late submissions were accepted.</p>

No.	Comment	Council response
35	<p>I hope I am not too late to make a submission regarding the proposal of the construction of a wakeboard park in Bobs Farm. I was notified yesterday evening of the submission process.</p> <p>I was an oyster farmer who held leases in Tilligerry Creek where this property currently has drainage to the creek. The run off, as it stood while I owned the leases, caused mortality after some rain events. Protective measures (ie do not handle the stock) were needed to maintain the stock's health. Other oyster farmers who have leases adjacent to this property also have had water quality issues.</p> <p>NSW Department of Primary Industry were made aware of the issue (2015 onwards). Port Stephens Council, was made aware of the issue and began to take action.</p>	<p>The NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) has been consulted on the planning proposal and has raised issues related to establishing a precedent that may lead to land use conflict and the need to maintain water quality to avoid impacts on the oyster industry.</p> <p>Issues related to water quality will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>As above, a development application would likely be referred to the NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) for assessment of the specific proposal.</p>

No.	Comment	Council response
36	<p>My company opposes any change of zoning to the above properties.</p> <p>We are a multi-generational business with extensive and productive oyster leases in Tilligerry Creek, running along the mangroves close to the land in question. We have seen the destruction to the environment that Acid Sulphate run off can do.</p> <p>That area was affected around 33 years ago, leading to extensive mangrove die back, heavy oyster losses, sea grass loss and unusual sickness of fish in that area.</p> <p>We cannot see how, when doing extensive excavation on that land, the acid sulphate can be contained, especially when the land is flood prone.</p>	<p>The NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) has been consulted on the planning proposal and has raised issues related to establishing a precedent that may lead to land use conflict and the need to maintain water quality to avoid impacts on the oyster industry.</p> <p>Issues related to water quality will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>As above, a development application would likely be referred to the NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) for assessment of the specific proposal.</p>

No.	Comment	Council response
37	<p>I am writing on behalf of my business partner and I in relation to the planning proposal to amend the permissible use on the land at 775-781 Marsh Road Bobs Farm to permit recreational facility (outdoor) use.</p> <p>Whilst we understand that the planning proposal relates only to the rezoning of the land, it is widely reported that if this planning proposal is successful the owners of the land intend to submit a development application for a water park including a cable park and wave pool for wakeboarders and surfers. We want to ensure our concerns are noted at this phase of the process and will be strongly objecting to any future development application associated with this type of development.</p> <p>We have two leases at Upton's Island Tilligerry Creek (OL79/026 and OL74/070) that are within the Habitat Protection Zone of the Port Stephens-Great Lakes Marine Park. These two leases will be directly impacted by the proposed changes to the permissible use on the land. The Soil and Water Management Plan for the planning proposal indicates that current drainage pathways will remain unchanged in the planning proposal. These drainage pathways drain directly into our lease areas.</p> <p>The Council's planning proposal recognises that "if not managed properly construction activities have the potential to cause environmental harm to these waterways through offsite transport of pollutants (ie sediment, oils and greases, contaminated water)". There is a myriad of information contained within the planning proposal evidencing a range of issues, concerns and objections from state government agencies, in particular the OEH and DPI. These concerns are consistent with our concerns and relate particularly to site disturbance, acid sulfate soils, groundwater quality, and flood plain management. Further Council's own stormwater and drainage engineer has raises a number of flooding and drainage matters relating to the proposed development site that are in concurrence with the views of the OEH.</p> <p>As small business owners, we are concerned about the environmental impact of this planning proposal, in particular, acid leachate and contaminated stormwater that will be generated during the construction of the water park and the ongoing operation of the water park. Due to the massive size of the excavation site we consider that it will be near impossible and too cost prohibitive for the proponent to effectively mitigate the risk of acid leachate by using methods proposed in the Soil and Water Management Plan. We also object to the use of the word 'should' rather that 'must' throughout the mitigation measures contained within the erosion and sediment control plan.</p> <p>We are concerned that it is a matter of when, not if, some type of environmental event happens associated with this planning proposal. It will not only impact our Oysters but also that of another five Oyster Farming businesses.</p> <p><i>...submission continued over page...</i></p>	<p>The NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) has been consulted on the planning proposal and has raised issues related to establishing a precedent that may lead to land use conflict and the need to maintain water quality to avoid impacts on the oyster industry.</p> <p>Issues related to water quality, flooding and drainage will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process.</p> <p>Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage (OEH) which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>

No.	Comment	Council response
	<p>...</p> <p>Our leases in this location are considered our prime leases and are used predominately for the purpose of a nursery for juvenile oysters. Oysters are severely impacted by exposure to acid sulfate. Juvenile Oysters are particularly vulnerable to changes in water quality due to their smaller size and thinner shell thickness.</p> <p>NSW Department of Primary Industries Oyster Health and disease section of their website contains important research findings regarding the devastating impact of acid sulfate soil outflows on the Sydney Rock Oyster.</p> <p>[The business subject of the submission] is considered to be a small business in our industry, however, we still hold approximately \$400K potential worth of stock in those two leases. Our business supports three local families and our livelihood is entirely based on the success of our farming business. A one-off event of destruction of juvenile oysters can significantly impact years' worth of production and stock and would have a devastating impact on our business and our Industry in the region.</p> <p>Oyster Farming in Port Stephens and Tilligerry Creek, has a rich history and is an iconic industry in the region. We are strongly opposed to this planning proposal and believe our clean waterways are under threat by this planning proposal. We are a major primary industry in the region employing many local people and generating local produce that is enjoyed locally and nationally. Food security should be of the utmost importance. We do not want our industry become like the Hunter River Oyster Industry which was destroyed by mismanaged development and pollution. Water parks can be built elsewhere however the potential damage caused by allowing for land use in the manner intended can takes years to recover from and potentially destroy the food security which will offset any economic benefit associated with a water park.</p>	<p>As above, any development application would likely be referred to the OEH and NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) for assessment of the specific proposal.</p>

No.	Comment	Council response
38	<p>As a fourth generation Oyster Farmer based on Tilligerry Creek Port Stephens I wish to raise serious concerns about the proposed Wake Board Park, Bobs Farm (PSC 58201621) given the close proximity to our precious waterways and the well documented Acid Sulphate Soil that is well known to be in the Bobs Farm area.</p> <p>Our industry has, as most of you well know been impacted by numerous events that have had devastating impacts on Oyster Farming business in Tilligerry Creek over the years. That said in the last few years investment and employment in our industry here is easily seen. This could well stop and again serious financial impacts felt not only in our industry but the fishing industry both recreational and professional as well as tourism in general if this area is again impacted by run off from earth works that expose Acid Sulphate Soil.</p> <p>I thank you for your time and trust decisions will be made the will give future generations confidence to work and invest in the Oyster Industry in Port Stephens.</p>	<p>The NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) has been consulted on the planning proposal and has raised issues related to establishing a precedent that may lead to land use conflict and the need to maintain water quality to avoid impacts on the oyster industry.</p> <p>Issues related to water quality will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>As above, a development application would likely be referred to the NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) for assessment of the specific proposal.</p>

No.	Comment	Council submission
39	<p>We are writing to express our strong objection to the proposed Water Park at Bobs Farm. We are Oyster Farmers at Lemon Tree Passage and as you would be aware of all the water quality problems that have existed, and are still currently an issue in the Tilligerry Creek area.</p> <p>We believe the major issue is water quality &amp; leachate run off onto adjoining oyster leases, nearby leases and in the general Tilligerry Creek area. This very area / property has been the epicenter of oyster mortalities in the past we need to protect our multi-million dollar industry.</p> <p>Port Stephen's has a high reputation in the industry and adding more sources that will directly affect that reputation shouldn't be approved. By slowly killing our pristine waterways you slowly kill a industry that has been passed down the generations of many families. Once some disaster has happened how long does it take for our beautiful waterways to recover? You only have to look at the Tilligerry Creek Contamination saga.</p>	<p>The NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) has been consulted on the planning proposal and has raised issues related to establishing a precedent that may lead to land use conflict and the need to maintain water quality to avoid impacts on the oyster industry.</p> <p>Issues related to water quality will be relevant to the future development of the site for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>As above, a development application would likely be referred to the NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) for assessment of the specific proposal.</p>



No.	Comment	Council response
40	<p>Firstly the proponent has been planning and compiling this information since prior 2015 and it is ridiculous that the residents affected by this proposal have been given one month to make a submission. Further to this it is unbelievable to think that nearby affected residents have to find out about the proposal via the local paper.</p> <p><u>Drainage/Flooding</u></p> <p>The Coffey Groundwater assessment states surface water and drainage at the Park is likely to occur slowly via land infiltration with runoff generated from heavy rainfall events sheeting towards the western and eastern boundaries, where water is directed into the unlined drains around the site.</p> <p>Unlike the dune areas, soils along the Tilligerry lowlands are predominately clays and infiltration is very low. Combined with a shallow water table and the flat nature of the lowlands almost at sea level, surface water movement is slow and extensive waterlogging and floods follow intense rainfall events. Waterlogging is only slowly relieved by the agricultural drainage network.</p> <p>This will only be significantly increased with the amount of fill that is to be brought in. The drainage system here is already at capacity and this is clearly seen on properties and roadside drainage every time there is reasonable rainfall. We have many photographs from a number of rainfall events to support our concerns. There is no information in the proposal outlining the probable impact on the drainage system and neighbouring properties if the dam's banks fail. Any major development such as this one should be made to contain all of their water on their own property and dispose of it in a way that does not use or impact on any neighbouring property or the existing drainage system.</p> <p><u>Fill</u></p> <p>The is to be a substantial amount of fill brought in (minimum 1.5m) and there is no doubt this will have a significant impact on the water flows and the ground water table in the surrounding area. We speak from personal experience when fill is brought in to a development it causes significant problems/flooding for the neighbouring properties every time there is reasonable rainfall. If it is not direct runoff then it is seepage to the lower ground level and raised water tables. Again from personal experience one can be assured that PSC will wash their hands of any wrong doing and will not help in any way even though they approved the development.</p> <p><i>...submission continued over page...</i></p>	<p>Late submissions were accepted.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site for those uses.</p> <p>Traffic, drainage impacts acid sulfate soils, and other impacts associated with the future development of the site for a specific use (such as a Wake Board Park) will be fully considered during a development application process.</p> <p>The planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p> <p>The Gateway Determination issued by the NSW Department of Planning sets the community consultation requirements for planning proposals and, in this instance, a public hearing has not been required. Any development application lodged in the future may be subject to community consultation.</p>

No.	Comment	Council response
	<p>...</p> <p><u>Traffic</u></p> <p>The traffic study undertaken was obviously only on the wakeboard park traffic and didn't take into account the Go Karts, the proposed sand-mines 200 truck movements a day or the proximity of the school. The Nelson Bay Rd / Marsh Rd intersection has U-turn bay attached and has had more than its share of accidents. With the combination of the extra traffic including 200 trucks will cause greater frustration for locals and others using the U-turn bay due to even longer travel times.</p> <p>The access points for these businesses are within metres of the school and this will surely impact on the safety of the drop off and pickup of school children.</p> <p><u>School</u></p> <p>We don't see any real information in this proposal regarding the impacts on the school. What impact is this really going to have on the school? PSC cannot just consider the impact of the Wakeboard Park it must look at the entire picture, the 200 trucks from the sand-mine and the extra traffic generated from the Wakeboard Park and the Go Kart track. What effect is there going to be on the school buses and parent drop off and pickup.</p> <p>How much noise will be generated? A noise impact study has been conducted on the running equipment but there is no information regarding the people or traffic content of the proposal. None of these items seems to have been considered by the proponent.</p> <p>What sort of people is this park going to attract to the area especially around the school. These are primary school aged children and their welfare must be of the highest priority.</p> <p><u>Environment</u></p> <p>Again we speak from personal experiences when dealing with Environmental Impact Statements and they should be taken with a grain of salt. They are prepared and paid for by the proponent and are therefore written in favour of the proponent and rarely are they a true statement regarding the impacts placed on the environment, residents and infrastructure.</p> <p>It states in Attachment A. Planning Proposal that:</p> <p>"The subject site it not deemed to have significance in the overall supply of agricultural land in the region, is not identified as productive resource lands, and will not impart unacceptable pressure on existing utilities infrastructure capacity."</p> <p>Who determines "unacceptable pressure"? and is the local community going to have a say in what is or is not acceptable pressure?</p> <p>...submission continued over page...</p>	

...

The site may not be currently used for agriculture however the property immediately to the east is to be used for specialised market gardening and other properties in close proximity are still used for various agricultural activities indicating that the land is still very much usable for agriculture.

From the Executive Summary: References are made to the Shark and Ray centre and the Barramundi Farm – these are vastly different operations to a Wakeboard Park and Cable Ski and should not be compared

The NSW DPI Agriculture does not consider there has been sufficient assessment to endorse a change of land use zoning to allow a water ski park at this location. No assessment of the current or surrounding agriculture of the proposed site has been undertaken. Justification for the amendment due to the wide interpretation of the RU2 zone role in the other local government areas should not provide endorsement for not meeting the zones objectives:

The current agricultural activities are a perfect fit with the PSC LEP 2013 and its current objectives should be maintained.

The proponent also states in Proponent Planning Proposal that: extensive preliminary community consultation has occurred throughout the concept development stage and informal data can be presented in this respect if desired for this stage of the process.

We have spoken to a number of residents and none have had any information provided or have even been spoken to.

There is no mention of operating hours initially or for the future, and certainly no indication if there is going to be night time activities?

We also believe that the RPA should conduct a public hearing to deal with the issues raised in the submissions. Residents are fed up with poor decisions being made that have considerable adverse effects on the community so should PSC decide to go ahead with the changes to the land use then there is good reason for a class action against it.

It may be a good proposal however the proposed position is completely wrong for the area.

There are too many unanswered questions to support any change to the land use and therefore we strongly oppose it. Furthermore if this change of land use is approved it will set the precedence for other developers.

No.	Comment	Council comment
41	<p data-bbox="180 215 1050 248"><u>Port Stephens Shellfish Quality Assurance Program</u></p> <p data-bbox="180 282 1050 562">I am representing the Port Stephens Shellfish Q.A. Program, and only became aware of the allowance of public input for submissions last Wednesday (yesterday) via Ron Swan. I have since contacted several of our members who will be vitally affected, in the adjoining and close proximity areas in Tilligerry Creek They are very concerned about WATER QUALITY, and most likely leachate and acid sulphide contaminated waters spewing out of the drains over their oyster leases.</p> <p data-bbox="180 595 1050 898">This very area was the epicentre of an oyster mortality event only a couple of years ago, of which NSW Fisheries, Council and the EPA are aware of. As the farmers are very committed to work schedules they would really appreciate a few hours over the week-end, till say midnight on Sunday 1st July, to try to research the project (as it has apparently has been withdrawn off the council web site now) and submit their submissions. We believe this extra time will not hold up the process, as it is only over the week-end.</p> <p data-bbox="180 931 1050 1099">[further submission] We wish to lodge a formal objection to any selective additions to the current general zoning for the above properties and in particular, as we understand, it is proposed to excavate several hectares of the property to an unknown depth.</p> <p data-bbox="180 1133 1050 1503">We believe it is well known that the subject land has a high acid soil content, is flat with literally no fall, low lying, is flood prone and the northern section is or was in the SEPP 14 WETLANDS region along Tilligerry Creek. We are well aware that this area is of high acid soil content and any major digging and excavating will cause our oyster industry and the general aquatic environment major problems in Tilligerry Creek with acidic water draining in from this development. We question what is going to continually nullify the acidic water within 400 meters whilst in the drains, and particularly in wet periods.</p> <p data-bbox="180 1536 1050 1783">We seriously consider the Groundwater Assessment (Coffey Environments, 20 November 2015) to be very misleading in some of their statements and assumptions, eg. "...potential groundwater quality impacts generated at the proposed Wakeboard Park are unlikely to mitigate 400 m from the site...": we are hearing what is happening with chemicals in ground water movements around Williamstown RAAF base. ...400m???</p> <p data-bbox="180 1794 1050 1962">This very area has been the epicentre of heavy oyster mortalities in the past when considerable extensive maintenance and drainage work has been carried on in that area. NSW Fisheries, Port Stephens Council, &amp; EPA are aware of some of these occasions.</p> <p data-bbox="180 1973 1050 2004">...submission continued over page...</p>	<p data-bbox="1058 215 1511 551">The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site for those uses.</p> <p data-bbox="1058 562 1511 842">Water quality, acid sulfate soils and other impacts associated with the future development of the site for a specific use (such as a Wake Board Park) will be fully considered during a development application process.</p> <p data-bbox="1058 853 1511 1189">The NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) has been consulted on the planning proposal and has raised issues related to establishing a precedent that may lead to land use conflict and the need to maintain water quality to avoid impacts on the oyster industry.</p> <p data-bbox="1058 1200 1511 1447">State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p data-bbox="1058 1458 1511 1659">A development application would likely be referred to the NSW Department of Primary Industries (including Agriculture, Fisheries, and Water) for assessment of the specific proposal.</p>

No.	Comment	Council response
	<p>...</p> <p>We are unaware of how deep the proponent intends to excavate for the aquatic activities proposed, but for Council to support the change - additional zoning to allow such a proposal, then they are automatically endorsing such operations to proceed at this point and could leave itself liable to legal actions in the future for compensation, or remediation work as has happened with the Lagoons Estate in Dowling Street, Nelson Bay.</p> <p>Whilst it is not for us to question the financial viability of such a project in that location, we must consider the aftermath if such a development meets financial problems and/ or ruin either during the construction phase or afterwards. Who will be responsible for the clean-up and rectification of the site? for example - the Birubi Resort development in Gan Gan Road Anna Bay - at least this one is only visual pollution and is not affecting the community or other industries with ongoing exposed chemical pollution leaching. The Wave Board proposal will have both, and will continue to affect our oyster industry and the aquatic environment in general.</p> <p>We are not opposed to tourist enhancement projects, and this concept has a lot of merit, but this location with Acidic soils, low lying flat land, a flood prone area, with all drainage going into Port Stephens Great Lakes Marine Park and into a Habitat Protection Zone, therefore we cannot support any change in current zoning to support such activities, and we request that Council use "the precautionary principle" and not support this isolated amendment to the current zoning allowing this development to proceed in this area.</p>	

No.	Comment	Council comment
42	<p><u>Tomaree Residents &amp; Ratepayers Association</u></p> <p><u>Background and process issues</u></p> <p>We note that this planning proposal arises from a decision by Council on 14 June 2016 in relation to a DA 2013-805 for a 'Tourist Water Park' on this land.</p> <p>That DA was advertised in 2014 and again in early 2015. We made a submission dated February 2015 not opposing the development, but submitting that there were several issues about the suitability of the site and impact on traffic etc. that needed to be addressed.</p> <p>The DA got caught up in the change of Local Environment Plan (LEP) at the time of the original application – outdoor recreation was permitted in the old PS LEP 2000 but not the subdivision, while in the new PS LEP 2013 (which took effect in early 2014) outdoor recreation was removed from the list of permitted uses, but a site specific permitted use was added to allow for this specific 2 lot subdivision (Schedule 1, Clause 2).</p> <p>The DA curiously changed (with a new SOEE exhibited in June 2016 but not advertised) to exclude any mention of the Water Park but instead a simple two lot subdivision and boundary change. This was approved on 25 June 2016.</p> <p>The current Planning Proposal foreshadows a proposed development on the site very similar to the original Water Park, which would be subject to a new DA, but which needs a further change to the LEP as a pre-condition.</p> <p>The Proposal also flags the intention of Council, also foreshadowed in the 2016 decision to make a generic change to the LEP to apply to <i>all</i> land zoned RU2 – Rural Landscape - <i>throughout</i> Port Stephens. It is proposed to effect this change as part of package of 'housekeeping' amendments to the LEP, for which the Department of Planning issued a Gateway Determination in February 2018.</p> <p>However, the current Proposal is site-specific; i.e. to allow for outdoor recreation, just on this site.</p> <p>Given the historical timeline [refer to Council report] we are surprised that it has taken nearly two years for Council to bring forward a revised draft Planning Proposal, and even more surprised that it is still only for the subject site, and not the foreshadowed generic change to the LEP to apply to the whole LGA.</p> <p><i>...submission continued over page...</i></p>	<p>This planning proposal is being dealt with separate from the broader consideration of including outdoor recreation facilities as a permissible use for RU2 Rural Landscape zoned land in Port Stephens.</p> <p>The proponent lodged this site specific planning proposal prior to the commencement of the general amendment to the RU2 Rural Landscape zoned land in Port Stephens and therefore it is being progressed ahead of that amendment and in accordance with proper processes.</p> <p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site.</p> <p>The planning proposal will add outdoor recreation facilities to the list of uses permissible under the current zoning. If the planning proposal proceeds, a range of uses will be possible on the land, subject to obtaining development consent from Council, including a mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp. Many of these potential uses could be considered compatible with existing character of the locality.</p>

No.	Comment	Council response
	<p>We could have understood the preparation of a site-specific proposal if it had been deemed urgent, but the fact that it has taken nearly two years suggests not.</p> <p>The proposal has presumably taken considerable time, effort and expense. Who has paid for this, given that it is a proposal that will benefit only one property owner? And why could this effort not have gone into the earlier preparation of the generic proposal, which would be neutral and equitable as between all owners of rural land?</p> <p>We note that the amended Gateway Determination requires the consideration to be completed by August 2018. We do not accept that consideration of this Proposal should be rushed just to meet this deadline. If necessary, Council should seek a further extension of time from the Department of Planning.</p> <p><u>Generic issues</u></p> <p>We acknowledge that other Councils in our area have LEPs which do permit outdoor recreation in RU2 zones, and that a wider range of such uses <i>may</i> be consistent with the overall zone objectives.</p> <p>We accept that ‘recreation facility (outdoor)’ <i>could</i> be a potentially ‘compatible land use’ on RU2 zoned land, and that, subject to detailed assessment of specific DAs, such facilities <i>could</i> ‘maintain the rural character of the land’.</p> <p>However, we note that NSW agencies appear to have major environmental concerns about a change to the Port Stephens LEP, not just in relation to this site [submission refers to agency comments within the planning proposal].</p> <p>We will therefore defer an opinion on the foreshadowed LGA wide amendment to the PS LEP 2013 to include ‘recreation facility (outdoor)’ as a land use permitted <i>with consent</i> in RU2 zones, but will consider any such Proposal separately when it is brought forward.</p> <p>...submission continued over page...</p>	<p>Issues related to the impacts of a particular development proposal for a specific use (such as a Wake Board Park) and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>In relation to flooding and drainage, the planning proposal was referred to the NSW Office of Environment and Heritage which considered flooding and drainage issues and were satisfied the proposal is consistent with the State government directions for flood prone land.</p>

No.	Comment	Council response
	<p>...</p> <p><u>Site specific issues</u></p> <p>We note that the Planning Proposal does not mention the Water Park, but that this is inconsistent with the Background Paper for Item 4 for the Council meeting on 14 June 2016, which clearly stated that:</p> <p>‘The purpose of this report is to advise Council of a request to amend Schedule 1 – Additional Permitted Uses of the Port Stephens Local Environmental Plan 2013 in regard to land described as 775, 777 and 781 Marsh Road, Bobs Farm to permit a recreational facility (outdoor) (with consent) <u>for the purposes of a water ski park</u>’ (p94) (<u>our emphasis</u>).</p> <p>The Planning Proposal does however state that ‘It is likely that the proponent will make a future development application similar to the previous DA 16-2013-805-1’ (p5)</p> <p>The primary issue for the immediate subject (site-specific) Planning Proposal is whether ‘recreation facility (outdoor)’ should be considered a ‘compatible land use’ <u>at this particular site</u>, and whether it will ‘maintain the rural character of the land’ <u>at this particular site</u>.</p> <p>However, while the Proposal does not mention it, we submit that assessment of this Planning Proposal <i>must</i> take into account the specific proposed use – a Water Park – because the only reason for bringing it forward as a site-specific proposal is to facilitate the Water Park project.</p> <p>We have no objection <i>in principle</i> to the proposal to allow for outdoor recreation activities on this site, bearing in mind that this would allow applications for a wide range of activities, not just the ‘water park’ currently proposed (see definition of recreation facility (outdoor) in the PS LEP 2013).</p> <p>As the applicant has argued, it is close to two other significant tourist attractions (the Go Kart track and the Shark &amp; Ray Centre) and easily accessible from the main entry road to the Tomaree peninsula. There are few immediate neighbours who could be affected by outdoor recreation on this site, although there is potential for noise and traffic impacts from the specific proposed activity (a wakeboard park) which would be a detailed consideration in the assessment of a subsequent DA.</p> <p>The concept of a recreation/tourism ‘hub’ at this location has merit but must be balanced against environmental considerations.</p> <p>...submission continued over page...</p>	



No.	Comment	Council response
	<p>...</p> <p>Of general concern are the traffic implications of a major new 'destination' at this already difficult intersection of Marsh Road and Nelson Bay Road, and a number of environmental issues which were identified by Council staff as problematic when assessing the 2013 DA, leading to it being amended to remove the Water Park element before it was approved. These issues included flooding, land fill, sewage, and acid sulfate soils.</p> <p>We note in particular the proximity of the site to the Bob's Farm Public School – noise and traffic impacts on the school population will be a major consideration.</p> <p>We note that the traffic assessments carried out for the previous DA and planning proposal raised no concerns about traffic, but submit that this should be revisited in light of continued build-up of traffic in recent years and experience at the Marsh Road intersection.</p> <p>We note that other authorities have expressed concern about some of the environmental issues relating to the proposed water park. We note in particular that OEH advised in April 2018 that:</p> <p>'the proponent's proposed methodology to assess the cumulative impact of filling of the floodplain on surrounding areas, and accepts that this work is best undertaken as part of a future development application, when the final landform is known.'</p> <p>(p29)</p> <p>However, given the concerns previously raised by both OEH and the Department of Primary Industries, we submit that premature amendment of the LEP for this specific site, in the specific context of the proposed Water Park, is inappropriate.</p> <p>The Planning Proposal itself acknowledges a range of environmental concerns about the Water Park proposal, but in our view does not adequately address them.</p> <p>The Background Paper for the June 216 Council meeting was contradictory in stating on the one hand that: '<i>The proposal is not compatible with the flood prone nature of the land</i>' but also that '<i>a water ski park is considered suitable with the .... low-lying nature of the land</i>' (both on p95 of the Agenda papers).</p> <p>The subject site is affected by considerations in the Williamstown-Salt Ash and Anna Bay Floodplain Risk Management Studies and Plans. It is also important to fully consider this very sensitive location adjacent to the Tilligerry Creek Habitat Protection Zone which connects to the heart of the Port Stephens oyster farming area and the Marine Park. ...<i>submission continued over page...</i></p>	

No.	Comment	Council response
	<p>...</p> <p>We understand that neighbouring landowners have also expressed concern about the issues of flood prone land and acid sulfate soils, water quality for nearby land uses, and the potential effect of the work on this site that would be involved in the development of a water park.</p> <p><u>Conclusion</u></p> <p>We submit that Council should not proceed with this site-specific Planning Proposal as it effectively pre-empts too many of the difficult issues that arise from the specific proposal for a Water Park at this site.</p> <p>Instead, Council should expedite the foreshadowed Planning Proposal to allow for 'recreation facility (outdoor)' as a land use permitted with consent in RU2 zones throughout Port Stephens.</p> <p>Once such a generic LGA wide change has been made to the PS LEP 2013, the merits of the proposed Water Park on this Bobs Farm could then be considered in the context of a Development Application (DA), at which time all of the environmental and other factors could be considered.</p> <p>This is the alternative approach flagged in the Planning Proposal (p12 &amp; p15). The Proposal argues that: 'The disadvantage [of this approach] is it increases the potential for unnecessary delay to the proponent for the site and the potential tourism and economic benefits.'</p> <p>We submit that this need not be the case. If Council expedites the 'housekeeping' amendments to the LEP, they could be in place almost as soon. The proponent of the Water Park could proceed with preparations for their DA in anticipation of the change, as they are presumably now doing in anticipation of the site-specific amendment.</p> <p>Another alternative which we are surprised has not been canvassed is a re-zoning of this particular site from RU2 to RE2 (Private Recreation).</p>	

Agency & Comment	Council response
<p><b>NSW Dept. of Primary Industries (Agriculture) (DPI Agriculture)</b></p> <p>DPI (Agriculture) notes the zones objectives are: (a) to encourage sustainable primary industry production by maintaining and enhancing the natural resource base; (b) to maintain the rural landscape character of the land; and (c) to provide a range of compatible land uses, including extensive agriculture.</p> <p>DPI (Agriculture) does not consider there has been sufficient assessment to endorse a change of land use zoning to allow a water ski park at this location. No assessment of the current or surrounding agriculture of the proposed site has been undertaken. Justification for the amendment due to the wide interpretation of the RU2 Rural Landscape Zone role in other LGA areas should not provide endorsement for not meeting the zones objectives.</p> <p>DPI (Agriculture) recommend further assessment be undertaken to identify potential land use conflict and impact to agriculture, including assessment of resources that will be required for the new land use (ie estimated water demand and water availability/licencing) be conducted [link to additional documentation to assist an assessment including the <i>Land Use Conflict Risk Assessment Guide</i> and <i>Infrastructure Proposals on Rural Land</i> included].</p> <p>DPI Agriculture further confirmed it does not agree to the change because it is not in keeping with the zone objectives as set out in the LEP and reinforced by previous advice that it will set a precedent and may lead to land use conflicts in the future, and understand Council may still propose the change and will be commenting on any development applications that may be received.</p>	<p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site. This will include future assessment against the matters for consideration listed under section 4.15 <i>Evaluation</i> of the Act.</p> <p>The planning proposal is consistent with NSW Department of Planning LEP practice note <i>Providing for tourism in Standard Instrument local environmental plans</i> (PN 09-006) which lists an outdoor recreation facility as a likely tourism use in the RU2 Rural Landscape Zone.</p>
<p><b>NSW Dept. of Primary Industries (Fisheries) (DPI Fisheries)</b></p> <p>DPI (Fisheries) confirmed that Priority Oyster Aquaculture Areas (POAA) are present in the estuarine waters in proximity to the proposed development. These POAA areas are mapped and described in the NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS). This strategy also details the required water quality growing and harvest standards for the NSW oyster industry in chapters 3 &amp; 4. OISAS can be accessed from the DPI website.</p> <p>DPI (Fisheries) advised the harvest standards are prescribed under the NSW Shellfish Program administered by the NSW Food Authority and the NSW oyster industry has a statutory responsibility to meet these standards. These standards also reflect the Australian standards for shellfish harvest prescribed in the Australian Shellfish Quality Assurance Program. These internationally accepted water quality standards are designed to protect the consumers of shellfish from human pathogenic bacteria and viruses that may accumulate in shellfish where shellfish growing waters are polluted by sewage or stormwater effluent.</p> <p>...continued over page...</p>	<p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site. This will include future assessment against the matters for consideration listed under section 4.15 <i>Evaluation</i> of the Act.</p>

Agency and comment	Council response
<p>...</p> <p>DPI (Fisheries) advised given the sensitivity of the adjacent waters, the most critical issue for consideration in the proposed on-site treatment and/or disposal system is the ability of the system to adequately removal or inactivate human pathogenic viruses and bacteria that may be present to ensure the protection of the sanitary water quality of the adjacent oyster growing areas.</p> <p>The <i>Healthy Estuaries for Healthy Oysters Guidelines</i> provides advice about how to ensure development in close proximity to estuaries is compatible with the requirements of oyster aquaculture. This document details mitigation measures for new developments including diffuse source guidelines and can be accessed at from the Department's website</p> <p>It is recognised that protecting water quality in oyster growing and harvest areas is crucial to the long term future of the oyster industry and protecting water quality in oyster growing and harvest areas from incompatible development is the primary purpose of Part 3A of SEPP 62 Sustainable Aquaculture.</p> <p>DPI (Fisheries) reiterated the requirement for council to ensure the proposed wastewater infrastructure for the subject development is consistent with <i>AS/NZS 1547:2012 On-site domestic wastewater management</i>. Key criteria NSW DPI requires to be enforced are:</p> <ol style="list-style-type: none"> <li>1. Appropriate setbacks from waterways;</li> <li>2. Avoidance of pump-out systems;</li> <li>3. Appropriate dispersal areas;</li> <li>4. Soil type is suitable to accommodate loading;</li> <li>5. Design components will result in mean pollutant loads meeting required levels;</li> <li>6. A regular inspection program.</li> </ol> <p>Further, as the NSW Shellfish Program is administered by the NSW Food Authority, the agency should also be consulted as part of the development approval process.</p> <p>DPI (Fisheries) notifies the potentially affected sectors of the oyster industry for all applications referred to NSW DPI under SEPP 62– Sustainable Aquaculture.</p> <p>DPI Fisheries strongly recommended that Council classify systems that are not connected directly to a Council operated STP as high risk under Council's on-site sewage and that these systems be inspected annually for compliance.</p> <p>DPI (Fisheries) confirmed it has no further comment on the proposal to enable the proposed development to be considered as permissible with development consent.</p> <p>If the planning proposal proceeds, NSW DPI will then be in a position to provide a detailed submission on the development application which may result from this process.</p>	<p>Issues related to water quality and acid sulfate soils, will be relevant to the future development of the site for a specific use and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>State Environmental Planning Policy 62 (Sustainable Aquaculture) will also apply to any future development application that may have an adverse impact on oyster aquaculture.</p> <p>The planning proposal is consistent with NSW Department of Planning LEP practice note <i>Providing for tourism in Standard Instrument local environmental plans</i> (PN 09-006) which lists an outdoor recreation facility as a likely tourism use in the RU2 Rural Landscape Zone.</p>

Agency and comment	Council response
<b>NSW Dept. of Primary Industries (Water) (DPI Water)</b>	
<p>DPI (Water) reviewed the planning proposal and advises it issued a request for further information on 16 May 2014 in relation to Development Application 16- 2013-805-1, Proposed Wakeboard Park. This stop the clock is pertinent to this planning proposal as DPI (Water) raised concerns and therefore requested further information to inform the assessment of the application.</p> <p>DPI (Water) does not consider there has been sufficient assessment to endorse a change of land use zoning to allow a water ski park at this location. It also noted that the planning proposal does not address potential impacts on groundwater dependent ecosystems (mapped on the property and in the nearby vicinity) or the nearby SEPP 14 coastal wetland, which is downgradient of the property.</p> <p>DPI (Water) recommends that further assessment occurs in line with the initial request for further information in order to inform assessment of the appropriateness of the proposed land use change. It should also be considered that the amended development referred to DPI (Water) via letter dated 28 January 2015 did not address this request for information resulting in DPI (water) reiterating this request for information via letter dated 13 February 2015.</p> <p>For reference the additional documentation required to inform assessment, reflected in previous correspondence is:</p> <ol style="list-style-type: none"> <li>a. Groundwater Assessment Report. the proposal includes excavation of a dam, which will intercept groundwater. This will create an open window into the aquifer, which will result in ongoing evaporative losses and increased risk of contamination of the groundwater source. The proponent is required to provide a Groundwater Assessment report, which addresses the following issues:</li> <li>b. Calculation of annual volume of groundwater taken as a result of ongoing evaporative losses caused by construction of the dam and any other incidental losses.</li> <li>c. Identification of any impacts on groundwater flow resulting from the proposal and proposed management measures to address these impacts.</li> <li>d. Identification of any potential impacts on groundwater quality and proposed management measures to address these impacts.</li> <li>e. Potential impacts on other groundwater users within the area as a result of modified groundwater conditions.</li> <li>f. Proposed monitoring regime for ongoing monitoring of the groundwater resource.</li> </ol> <p>...continued over page...</p>	<p>The planning proposal currently under assessment does not permit the carrying out of a specific development. The rezoning permits outdoor recreation facilities, subject to obtaining development consent for the specific future development of the site. This will include future assessment against the matters for consideration listed under section 4.15 <i>Evaluation of the Act</i>.</p> <p>Issues related to water quality, ground water management (including water access licences and approvals under the Water Management Act 2000 and Water Act 1912) and acid sulfate soils (considered under clause 7.1 Acid sulfate soils of the PSLEP 2013) will be relevant to the future development of the site for a specific use and will be fully considered during a development application process. Resolution of these issues will depend on the design details which will be included in any future development application.</p> <p>The planning proposal is consistent with NSW Department of Planning LEP practice note <i>Providing for tourism in Standard Instrument local environmental plans</i> (PN 09-006) which lists an outdoor recreation facility as a likely tourism use in the RU2 Rural Landscape Zone.</p>

Agency and comments	Council response
<p>...</p> <p><u>Acid Sulfate Soils Management</u></p> <p>The subject site is within a Potential Acid Sulfate Soils (PASS) area. Excavation of PASS materials poses a significant risk to water quality as a result of acid leachate infiltrating back into the aquifer. The large recreational pond must be constructed with an impervious liner that would prevent the direct hydrological connection between the groundwater resource and any surface water runoff and land use activities.</p> <p><u>Compliance with Water Management Act 2000 and Water Act 1912 requirements</u></p> <p>Surface water sources on site are managed under the Water Sharing Plan for the Karuah River Water Source. Groundwater is managed under the Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016.</p> <p>The proponent must clearly identify the volume of surface water and groundwater that will be taken as a result of the proposal and must demonstrate the ability to acquire the appropriate Water Access Licenses and relevant approvals under the Water Management Act 2000 and the water Act 1912 prior to project commencement.</p>	
<b>NSW Office of Environment &amp; Heritage (OEH)</b>	
<p><u>Biodiversity</u></p> <p>OEH recommended that the environmental zone is extended to include all the vegetated areas in the north of the site and that any future development avoids the high value vegetation on the western boundary.</p> <p>OEH recommends the use of the E2 Environmental Conservation Zone for the vegetated land at the northern end of Lot 223 DP 598773.</p> <p><u>Aboriginal cultural heritage</u></p> <p>OEH recommended that the planning authority make direct contact with the registered Aboriginal stakeholders for the Port Stephens area to clearly identify all potential Aboriginal cultural heritage values, areas, objects, places or landscapes of heritage significance to Aboriginal people that may potentially constrain future land-use planning in accordance with the relevant local planning direction issued under Section 9.1 Directions of the Act.</p> <p><u>Flooding and flood risk</u></p> <p>OEH undertook updated review of the proposed rezoning in relation to flooding and flood risk and is satisfied that it is consistent with the Local Planning Direction 4.3 Flood Prone Land issued under Section 9.1 of the Act and the Floodplain Development Manual 2005.</p>	<p>The planning proposal has been updated to include application of the E2 Environmental Conservation Zone to a 100m wide corridor in the north of the site. A future DA must also consider vegetation on the western boundary of the site.</p> <p>The planning proposal was referred to the Worimi Local Aboriginal Land Council. The proponent advised that in principle support has been offered though engagement associated with a development application was preferred and a site meeting will be carried out as part of any DA. The heritage provisions of the PSLEP and heritage legislation and regulations will continue to apply.</p> <p>Flooding and drainage matters for a specific use will be considered with a future development application.</p>

Agency and comment	Council response
<b>NSW Rural Fire Service (RFS)</b>	
The RFS reviewed the plans and documents for the planning proposal and raises no concerns or issues in relation to bushfire.	Noted, any bushfire requirements will be considered and addressed with a development application.
<b>NSW Roads and Maritime Services (RMS)</b>	
<p>RMS notes that is previously provided a response to DA 2013-2013-805-1 dated 25 March 2015 in relation to a mixed development including wakeboard cable ski park, wave pool and associated facilities on the subject land.</p> <p>RMS reviewed the submitted Traffic Impact Assessment and has no objection to the planning proposal provided all advice in a previous letter dated 25 March 2015 (for the previous DA) is adhered to.</p>	Noted, any RMS requirements will be considered and addressed with a development application.
<b>NSW State Emergency Service (SES)</b>	
No referral response was received from the SES.	Any requirement for emergency access can be considered and addressed with a development application.
<b>Worimi Local Aboriginal Land Council (WLALC)</b>	
The planning proposal was referred to the WLALC. The proponent advises they have contacted Worimi representatives, and that in principle support has been offered though engagement associated with a development application was preferred. The proponent advised a site meeting will be carried out as part of any future development application.	The planning proposal was referred to the Worimi Local Aboriginal Land Council. The proponent advised they have made direct contact with local Worimi representatives, and that in principle support has been offered though engagement associated with a development application was preferred. The proponent advised a site meeting will be carried out as part of any future development application.