

ATTACHMENTS UNDER SEPARATE
COVER

ORDINARY COUNCIL MEETING
10 DECEMBER 2019



PORT STEPHENS
C O U N C I L

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DEVELOPMENT ASSESSMENT REPORT

APPLICATION DETAILS

Application Number	16-2019-339-1
Development Description	Service station and food and drink premises – including; vehicle repair station, ancillary signage, car parking, landscaping, demolition of existing structures and associated site works
Applicant	KDC PTY LTD
Date of Lodgement	23/05/2019
Value of Works	\$2,875,499.00

Development Proposal

The application seeks approval for the demolition of existing structures on the site and the construction of a service station, food and drink premises and associated site works (See Figure 1). The application proposes operation of the service station 24 hours a day, seven days per week.

Specifically, the application proposes the following:

- Demolition of all existing structures onsite including the dwelling, bitumen, fences, trees, vegetation and driveway crossovers;
- Construction of a service station with convenience store, overhead fuel canopy, three (3) double sided fuel dispensers, underground fuel tanks and infrastructure, loading bay and ancillary vehicle workshop;
- Construction of a commercial tenancy to be used a food and drink premises (fitout subject to separate approval);
- Construction of an at grade car park to contain 22 parking spaces (including one (1) accessible space and one (1) air / water bay);
- Construction of separate ingress and egress driveways on Medowie Road;
- Installation of two (2) illuminated business identification pylon signs;
- Installation of six (6) illuminated business identification signs on proposed buildings and fuel canopy;
- Installation of two (2) illuminated directional signs within the site;
- Installation of 2m acoustic fencing along the southern and western site boundaries; and
- Associated site works including minor excavations.

Service stations, vehicle repair stations and food and drink premises are permitted with consent in the B2 zone. However, the proposed land uses are not permissible in the R2 zone. The proposed development is therefore reliant on *Clause 5.3 – Development near zone boundaries* as detailed within the assessment below.



Figure 1: Proposed Site Plan

PROPERTY DETAILS

Property Address	787 Medowie Road MEDOWIE, 795 Medowie Road MEDOWIE
Lot and DP	LOT: 3 DP: 260883, LOT: 1 DP: 1215257
Current Use	Residential
Zoning	PART B2 LOCAL CENTRE / PART R2 LOW DENSITY RESIDENTIAL
Site Constraints	Acid Sulfate Soils (Class 5) Bushfire Prone Land

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RAAF Base Williamtown – Bird Strike Group B
Hunter Water Special Area (Grahamstown Dam)

Site Description

The site is located on the western side of Medowie Road, approximately 140m north of the intersection of Medowie Road and Ferodale Road. The site is commonly known as 787 and 795 Medowie Road, Medowie and is legally described as Lot 3 DP 260883 and Lot 1 DP 1215257.

The site currently supports an existing single-storey dwelling and associated structures located on the 787 Medowie Road parcel. Access to 787 Medowie Road is currently available via an existing driveway connecting to Medowie Road.

Surrounding land uses comprise of commercial uses to the south west and low density residential to the south, east and north. There is an existing approval (16-2018-696) for the redevelopment of the site to the north at 791 Medowie Road for the construction of an eight unit multi-dwelling housing development. The land identified as 795 Medowie Road forms part of a larger site that is currently vacant and identified for future commercial and residential land uses.

The site can be identified in Figure 2 below:



Figure 2: Overview of the subject site - location of the proposed service station shaded in red.

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Figure 3: Aerial image of the proposed service station location (shaded in red). Source: Nearmap

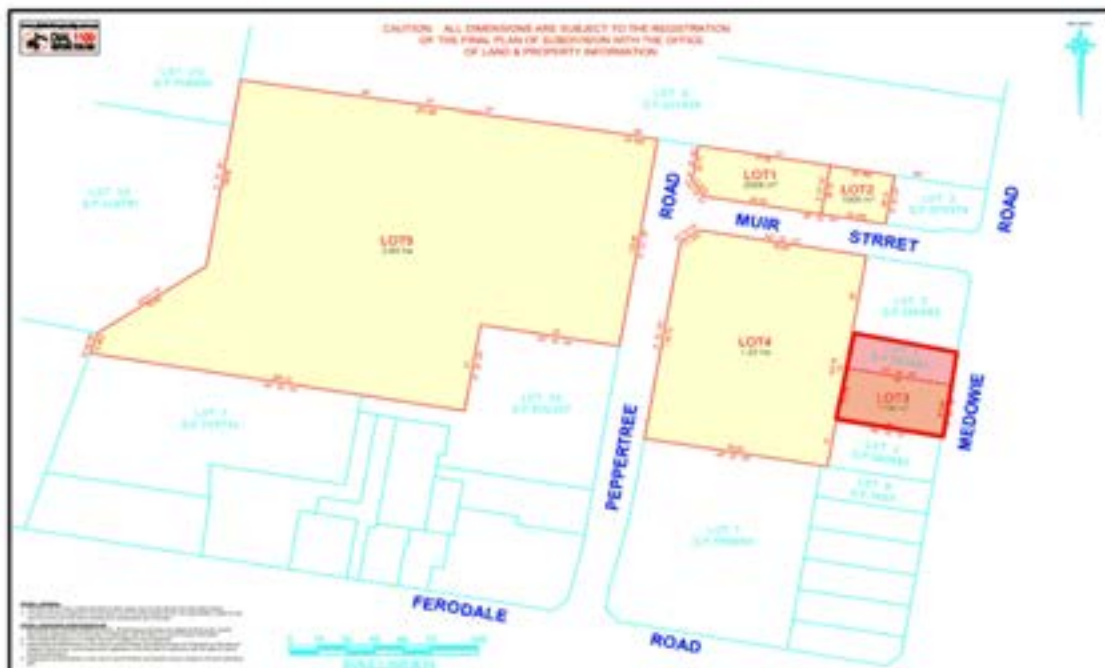


Figure 4: Subdivision Plan at 705 Meadow Road as per Approved DA 16-2018-789-1. Source: LMG - location of the proposed service station shaded in red.

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Site History

The site at 787 Medowie Road has been used for residential purposes for an extensive period of time, with an application approved in 2007 (DA16-2007-483-1) for construction of a garage and subsequent demolition of an existing shed.

The site at 795 Medowie Road is subject to an existing approval to subdivide the site from one into five lots under DA 16-2018-789-1. These lots are yet to be registered, with proposed Lot 3 being for the purpose of this development application. The approved subdivision plan is detailed below in Figure 4, detailing the portion of 795 Medowie Road that is associated with this proposed development.

The site currently contains an existing single-storey dwelling and associated structures, all of which are located on 787 Medowie Road. Surrounding land uses comprise of commercial uses to the south west and low density residential to the south, east and north. The site at 795 Medowie Road forms part of a larger site in the Medowie Town Centre that is currently vacant and identified for future commercial and residential land uses. Two development applications are currently under consideration by Council to the west of the proposed service station for a commercial development (16-2019-445-1) and food and drink premises (16-2019-616-1). A development application for an office premises on the northern portion of the site was approved by Council in August 2019.

There is an existing approval (16-2018-696) for the redevelopment of the adjoining site to the north at 791 Medowie Road for the construction of a multi-dwelling housing development comprising 8 units.

ASSESSMENT SUMMARY

Designated Development	The application <u>is not</u> designated development
Integrated Development	The application <u>does not</u> require additional approvals listed under s.4.46 of the EP&A Act.
Concurrence	The application <u>does not</u> require the concurrence of another body

Internal Referrals

The application was referred to the following internal specialist staff for assessment and the responses provided have been incorporated into this assessment report.

Development Engineer – Further information was requested with respect to stormwater drainage, water quality and traffic management. On receipt of the additional information it was advised that there was no objection to the proposed development subject to conditions.

Building Surveyor – No objections were made. The proposal was assessed as being capable of meeting the provisions of the BCA subject to appropriate conditions being added to the consent.

Vegetation Management – Further information was requested with respect to shading, screening and selection of species. On receipt of the additional information, the application was supported with conditions.

Environmental Health – Advised no objection to the proposed development subject to conditions.

Development Contributions – Assessed the application against the Port Stephens Development Contributions Plan. Conditions of consent were provided requiring the monetary payment applicable under section 7.12 contributions.

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External Referrals

The application was referred to the following external agencies / referral bodies for comment:

Hunter Water Corporation (HWC) – The application was referred to HWC as the development falls within Hunter Water's Grahamstown Dam Drinking Water Special Area. In response, HWC made no objections subject to conditions relating to the inclusion of an oil/waste separator, the requirement for a trade waste agreement and submission of annual groundwater monitoring results to HWC. The HWC recommendations have been included in the recommended conditions of consent.

Ausgrid (Clause 45(2) Infrastructure SEPP) – The application was referred to Ausgrid under Clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007. Ausgrid advised they raised no objection to the proposed development subject to conditions that have been included in the recommended conditions of consent.

NSW Police – A referral was sent to NSW Police in accordance with Council's Memorandum of Understanding. No response was received, so it is assumed there is no objection to the DA.

Department of Defence – The application was referred to the Department of Defence as the subject site is located in the Bird Strike Group B zone. No response was received, so it is assumed there is no objection to the DA.

CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSH FIRE PRONE LAND - SECTION 4.14

Clause 4.14 of the Environmental Planning and Assessment Act 1979 (EP&A Act) states that development consent cannot be granted for the carrying out of development for any purpose on bush fire prone land unless the consent authority:

- a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department that are relevant to the development, or
- b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

A portion of 795 Medowie Road is identified as being bushfire prone land. As previously detailed, 795 Medowie Road is subject to an existing approval to subdivide the site from one into five lots under DA 16-2018-789-1. These lots are yet to be registered, with proposed Lot 3 being for the purpose of this development application.



Figure 5: Bushfire Prone Land Map with subject site outlined in purple and 795 Medowie Road outlined in blue (Source: Port Stephens Council)

The proposed development area is located on the portion of 795 Medowie Road (proposed Lot 3) which is not identified as being bushfire prone land, as detailed in Figure 5 above.

Once the lots approved under DA 16-2018-789-1 are registered no part of the subject site will be bushfire prone. A condition has been included that states no construction certificate is to be issued until such time the lots approved under DA 16-2018-789-1 are formally registered with the NSW Land Registry Services (LRS).

Furthermore, it is noted DA 16-2018-789-1 was referred to the NSW Rural Fire Service (RFS) and General Terms of Approval (GTA) was issued on 31 January 2019. However, these conditions do not require imposition on the current DA consent given that no part of the site will be bushfire prone upon registration of the lot approved under DA 16-2018-789-1 with the NSW LRS.

Therefore, the proposed development is considered to be consistent with the NSW Rural Fire Services Planning for Bush Fire Protection and Clause 4.14 of the EP&A Act in that no portion of the subject site will be mapped as being bushfire prone land at such time the lots approved under DA 16-2018-789-1 are registered. No occupation certificate for this DA will be issued until those lots are registered as per the recommended conditions of consent.

MATTERS FOR CONSIDERATION – SECTION 4.15

Relevant Legislation

Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

The POEO Regulation is relevant to the operation of the service station. It requires owners and operators of underground petroleum storage systems (UPSS) regularly check for leaks in the fuel tanks and pipes used to store and handle petroleum products. Owners and operators need to meet

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minimum standards in their day-to-day environmental management of these storage systems. Part 4 - Use of Storage Systems of the POEO Regulation also requires an environmental protection plan to be in place prior for the use of a storage system containing petroleum.

Environment management/protection measures to enable best practice for safe operation and environmental protection have been identified in the Risk Screening Documentation and Preliminary Hazard Analysis (dated 20 May 2019) prepared by accredited dangerous goods consultant, Hazkem Pty Ltd. Conditions have been imposed requiring compliance with POEO Regulation and the measures outlined in the Risk Screening Documentation and Preliminary Hazard Analysis.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 4.15 – Matters for consideration

The proposal has been assessed under the relevant matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as below.

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

The environmental planning instruments (EPIs) that relate to the proposed development are:

- State Environmental Planning Policy (Infrastructure) 2007,
- State Environmental Planning Policy 33 – Hazardous or Offensive Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64); and
- Port Stephens Local Environmental Plan 2013.

An assessment of the proposed development against the above EPIs is detailed below.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides a framework to simplify the approvals process for the delivery of infrastructure and also identifies a consultation process with relevant public authorities for certain development types.

The application was referred to Ausgrid under Clause 45(2) of the ISEPP. Ausgrid raised no objection to the proposed development subject to conditions that have been included in the recommended conditions of consent.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

State Environmental Planning Policy (SEPP) No 33: Hazardous and Offensive Development presents a systematic approach to the assessment of development proposals for potentially hazardous and offensive industry or storage. Service stations are identified by SEPP No. 33 as a potentially hazardous industry.

A Risk Screening Documentation and Preliminary Hazard Analysis prepared by Hazkem accompanies the application. The Risk Screening Documentation and Preliminary Hazard Analysis contains an assessment against SEPP 33 and provides a Preliminary Hazard Analysis. The analysis determined the societal risk to be negligible.

The proposal includes a number of systems to reduce the impact of the proposed service station operation and mitigate potential hazards, including designing in accordance with the relevant Australian Standard (AS4897-2008) and conditions to prevent adverse harm. Furthermore, given the relatively small size of the underground petroleum storage systems (UPSS), it is considered that the hazard level of the development would not be significant. Therefore, the proposal satisfies the provisions of the Policy.

State Environmental Planning Policy No 55 – Remediation of Land

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The Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated, and if the land is contaminated, is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

A Preliminary Site Investigation was prepared in support of the application, which detailed that the proposed development is a less sensitive land use than the current one, and so the risk to future site users will be lower than the current situation. No significant contamination was identified from the review of desktop information pertinent to the site and the site inspection/walkover. The potential for asbestos materials to be present within the residential dwelling was identified. Conditions of consent have been included in the draft consent to appropriately manage the presence of asbestos materials, should any be identified during the demolition process.

On this basis, the site is considered suitable for the proposed development and change of land use to a service station and commercial premises.

State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) sets out planning controls for advertising and signage in NSW. The SEPP requires signage to be compatible with the future character of an area, provide effective communication in suitable locations and be of high quality design and finish.

The matters for consideration for SEPP 64 include Clause 3, which outlines the objectives of the SEPP and Schedule 1, and provides an assessment framework to determine if the proposed signage scheme is acceptable in terms of its impacts. An assessment of the proposed signage scheme against SEPP No. 64 matters for consideration is outlined in the table below.

Matters for consideration	Assessment comment
Clause 3 – Aims and objectives	<p>The proposed signage is considered to meet the aims and objectives of the SEPP in that it:</p> <ul style="list-style-type: none"> • is compatible with the desired visual amenity of the commercial precinct whilst maintain residential amenity of the portion of the site zoned for residential use and surrounds; • complements the overall theme of the development; • is considered to be in the best location for effective communication with users of the service station; and • to be constructed of high quality materials.
Schedule 1 - Assessment criteria	
<p><i>1 Character of the area</i></p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The proposed signage is compatible with the character of the locality, being partially within the Medowie town centre. Part of the site (787 Medowie Road) is zoned low density residential, with residential dwellings located directly to the east. The proposal incorporates signage of an appropriate scale, with a location and</p>

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Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	orientation which minimises visual impacts to adjoining residential properties. The proposed signage is consistent with the objectives for signage under the PSCDCP 2014, noting however there is no specific theme for this locality.
<p><i>2 Special areas</i></p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	The proposed signage does not detract from any areas of environmental or cultural importance or nearby residential or recreational areas. Subject to a recommended condition of consent, requiring the height of the sign be no more than 8m in height, the proposed signage is considered to be an appropriate scale with respect to adjoining residential land uses and has been located and oriented in a way that minimises visual impacts to adjoin properties.
<p><i>3 Views and vistas</i></p> <p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage, subject to a recommended condition of consent, requiring the height of the sign be no more than 8m in height does not obscure or compromise important views, dominate the skyline or reduce the quality of any views or vistas.</p> <p>The proposed signage has no impact on existing signage in close proximity to the site.</p>
<p><i>4 Streetscape, setting or landscape</i></p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p>	<p>The signage scheme is standard for a service station and commercial tenancies. It is considered to be acceptable in terms of scale, height, and appearance subject to a recommended condition of consent, requiring the height of the sign be no more than 8m in height</p> <p>The proposed signage will contribute to the visual interest of the area through its integration with the built form and uncluttered appearance. The signage appropriately identifies the users of the site.</p> <p>A rationalised whole-site approach to business identification has been adopted which includes an integrated pylon for site tenancies which demonstrates a simplified approach.</p> <p>N/A. The proposal does not screen unsightliness.</p>

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Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<p>The proposed S1 pylon sign and S5 sign both include a building height of 8m as required by the recommended condition of consent. Both signs will protrude 0.2m above the height of the tallest building, being the vehicle repair station and 2.5m above the fuel canopy.</p> <p>Despite this, the sign does not penetrate the maximum building height for the area and is less than the height of the surrounding tree canopy. The signage is appropriately located within the site and integrated with the proposed buildings and canopy structure to reduce adverse visual impacts to streetscape amenity.</p>
Does the proposal require ongoing vegetation management?	N/A. The base of the sign is covered with grasses/groundcovers requiring low maintenance.
<p><i>5 Site and building</i></p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposed signage is compatible with, and complements, the overall scale, proportion, design and character of the development.</p> <p>The placement of signage is considered appropriate given the site topography, building siting, access points, car parking and landscape elements.</p> <p>N/A.</p>
<p><i>6 Associated devices and logos with advertisements and advertising structures</i></p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	Signage will be internally illuminated. Therefore, no illumination devices will be visible.
<p><i>7 Illumination</i></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p>	<p>Low impact lighting will be provided to illuminate the signage at night. The proposed signage has been located and oriented to minimise light spill to adjoining residential properties and it is considered unlikely these properties will be impacted by the lighting. In addition, a condition of consent has been included requiring that the level of illumination / lighting intensity used to illuminate the sign/s must comply with AS 1158 'Lighting for Roads and Public Spaces' and AS 4282 'Control of Obtrusive Effects of Outdoor Lighting'.</p> <p>The illuminated signage will not provide a safety concern for pedestrians, vehicles or aircraft.</p>

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Would illumination detract from the amenity of any residence or other form of accommodation?	The proposal incorporates low impact lighting and will not detract from the amenity of any residences. In addition, the illuminated signage will largely be screened from view to the property to the north by the proposed convenience building and acoustic fencing to the south. Signage has also been oriented to minimise light spill to adjoining residences.
Can the intensity of the illumination be adjusted, if necessary?	The intensity of illumination cannot be adjusted, however the illumination is not expected to create any negative visual impacts or unacceptable glare. In addition, a condition of consent has been included requiring that the level of illumination / lighting intensity used to illuminate the sign/s must comply with the relevant Australian Standard.
Is the illumination subject to a curfew?	The signage is to be illuminated at night in conjunction with the 24 hour operation.
8 Safety	
Would the proposal reduce the safety for any public road?	The proposed signage will not impact road safety. There will be no cause of distraction for drivers on Medowie Road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not reduce existing safety for pedestrians and cyclists. All signage is contained wholly within the site and not located on the road or footpath.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines from public areas.

Local Environmental PlanPort Stephens Local Environmental Plan 2013 (LEP)**Clause 2.3 – Zone objectives and land use table**

The site supports a split zoning, with 795 Medowie Road zoned B2 Local Centre and 787 Medowie Road zoned R2 Low Density Residential.

The proposed development is defined as a service station, vehicle repair station and food and drink premises.

Service stations, vehicle repair stations and food and drink premises are permitted with consent in the B2 zone.

However, the proposed uses are not permissible in the R2 zone. As the vehicle repair station and part of the service station are proposed on the portion of the site that is zoned R2 are not permissible, the development is reliant on Clause 5.3 as detailed below.

B2 Local Centre Zone Objectives

The objectives of the B2 zone are:

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- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

The development satisfies the relevant zone objectives of the B2 zone in that it will contribute to the provision of services and land uses to serve the needs of the local community and wider community. It will also provide employment opportunities in an accessible location.

R2 Low Density Residential Zone Objectives

The objectives of the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To protect and enhance the existing residential amenity and character of the area.
- To ensure that development is carried out in a way that is compatible with the flood risk of the area.

Despite being prohibited in the R2 zone, the development satisfies the relevant zone objectives of the R2 zone in that it will enable land uses that provide services to meet the day to day needs of residents. It is considered the proposed development has been designed to protect the existing residential amenity and character of the area as demonstrated under Clause 5.3(4) below.

Clause 2.7 – Demolition requires development consent

The proposed development seeks to demolish all existing structures located on 787 Medowie Road. As per Clause 2.7, demolition can be carried out with development consent.

Clause 4.3 – Height of buildings

Clause 4.3 aims to ensure that the height of buildings is appropriate for the context and character of the area, and to ensure that building heights reflect the hierarchy of centres and land use structure.

The site has a maximum building height of 8m on the B2 zoned portion of the site and 9m on the R2 portion as identified on the LEP height of buildings map.

The development proposes a maximum building height of 8.2m on the R2 zoned portion, complying with the 9m height limit on that portion of the site.

The proposed pylon sign has a maximum height of 8.85m on the B2 zoned portion of the site which is non-compliant with the 8m height limit for that portion of the site. No Variation Request has been lodged in support of the variation to the height limit. A condition has been imposed requiring the pylon sign to be lowered to comply with the 8m height limit to achieve compliance with this development standard and ensure the sign does not significantly protrude above the roof line of the development.

Clause 5.3 – Development near zone boundaries

Clause 5.3 aims to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The site is zoned part B2 Local Centre and part R2 Low Density Residential. The proposed development is defined as a service station, vehicle repair station and food and drink premises. As

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discussed earlier, service stations, vehicle repair stations and food and drink premises are permitted with consent in the B2 zone, however prohibited in the R2 zone.

The vehicle repair station and part of the service station are proposed on the portion of the site that is zoned R2 Low Density Residential and the development is therefore reliant on Clause 5.3 for permissibility.

Subclause (2) states that this clause applies to land that is within 20 metres of a boundary between any 2 zones.

Subclause (4) goes on to detail that development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The development proposes the vehicle repair station and part of the service station on the R2 zoned land to a maximum of 16m from the boundary of the land zoned B2. Despite being prohibited in the R2 zone, the development is not inconsistent with the objectives of the R2 zone in that it will enable land uses that provide services to meet the day to day needs of residents and has been designed to best protect the existing residential amenity and character of the area.

The proposal incorporates a range of design features and mitigation measures to ensure residential amenity is not adversely impacted. Consideration has been given the siting of illuminated signage which ensures appropriate orientation and location to prevent adverse impacts to residential properties associated with light spill. The application included an acoustic report which suitably demonstrates that provided the noise control recommendations of the report are followed there will be minimal adverse impact to residential acoustic amenity. Air quality, noise, drainage and spill hazards have been appropriately addressed in the application, with mitigation measures included as recommended conditions.

The carrying out of the development across the two sites is considered desirable due to the delivery of key retail services to the Medowie Town Centre and community. The proposed development is reflective of the current transition area and supports the growth of the Medowie Town Centre as a local business hub, and remains consistent with the desired future character. In addition, the existing infrastructure in the area is considered to have sufficient capacity to accommodate the development.

With regard to the above assessment, it is considered that the proposal is compatible with the adjoining residential land-uses. The proposal incorporates a design and mitigation measures which ensure residential amenity is maintained for the surrounding locality. Therefore, the proposed development is consistent with the provisions of Clause 5.3 and is subsequently permissible.

Clause 7.1 – Acid sulfate soils

The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The site has been identified as Class 5 Acid Sulfate and as such works within 500m of adjacent Class 1, 2, 3 or 4 land likely to be below 5m Australian Height Datum (AHD) is considered a potential environmental risk and require the preparation of an Acid Sulfate Soils Management Plan (ASSMP).

The site is not located within 500m of adjacent Class 1, 2, 3 or 4 land, therefore an ASSMP is not required in this instance.

Clause 7.2 – Earthworks

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Clause 7.2 aims to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal would not require fill over the site that would adversely impact the natural environment in terms of soil stability or drainage. Generally, the vast majority of cut and fill is within + or – 0.5m. A condition is included that requires any fill used on the site to be VENM, which would ensure there would be no contamination generated as a result of earthworks.

Clause 7.6 – Essential Services

The subject site is serviced by reticulated water, electricity and sewer. The application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Council's requirements.

Clause 7.8 – Drinking water catchments

The objective of Clause 7.8 is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

The proposed development included detention calculations and modelling for water quality in line with these requirements. In addition to this, stormwater plans and sediment and erosion management were submitted in support of the application. The proposal has been reviewed by Councils engineering section and found to have no significant adverse impact on water quality and flows.

In addition, the application was referred to HWC in accordance with Section 51 of the *Hunter Water Act 1991*. In response, HWC made no objection to the proposal and subject to conditions relating to the inclusion of an oil/waste separator, the requirement for a trade waste agreement and submission of annual groundwater monitoring results to HWC.

Section 4.15(1)(a)(ii) – any draft environmental planning instrument that is or has been placed on public exhibition

The proposed Remediation of Land SEPP is intended to repeal and replace State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No.55). The draft SEPP, which was exhibited from 25 January to 13 April 2018, is currently under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including: outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under the SEPP No.55 discussion elsewhere within this report. The subject site has been identified as suitable for the proposed development.

Section 4.15(1)(a)(iii) – provisions of any development control plan**Port Stephens Development Control Plan 2014**

The Port Stephens Development Control Plan 2014 (DCP) is applicable to the proposed development and has been assessed below.

Section A.11 – Notification and Advertising

The proposal was advertised and notified in accordance with the EP&A Act, EP&A Regulations, and Section A.11 of DCP2014. In accordance with the requirements of chapter A.11, the development application was notified, with notification period spanning from 7 June 2019 to 21 June 2019.

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Following the submission of amended plans the application was re-notified and advertised for a period of 14 days from 11 October 2019 to 25 October 2019.

During the first submission period, a total of twelve (12) submissions were received. During the re-notification period, one (1) submission was received.

The issues raised in the submissions have been addressed in detail further in this report.

Section B - General Controls*Part B1 – Tree Management*

The proposal will require the removal of twelve (12) existing trees on site to facilitate the development. The development proposes the planting of a number of large and small trees to offset the loss. This, along with the provision of shrubs and groundcover, is considered to be adequate compensation for the loss of the twelve (12) existing trees on site.

*Part B3 – Environmental Management**Acid Sulfate Soils*

As stated in the discussion of Clause 7.1 of the LEP above, the site is mapped as containing potential Class 5 Acid Sulfate Soils (ASS). The site is not located within 500m of adjacent Class 1, 2, 3 or 4 land, therefore an Acid Sulfate Soils Management Plan is not required in this instance.

Air Quality

It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with activities undertaken on the site. Vapour recovery equipment will be installed at the petrol tanks which is designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel. Vapour recovery systems are intended to limit the emissions of fuel vapour when vehicles refuel by recovering at least 85% of the displaced vapour. In accordance with Protection of the Environment Operations (Clean Air) Regulation, the vapour recovery system will be tested for recovery performance before commissioning, and whenever components or parts are removed and replaced.

Noise

An acoustic report has been submitted from Muller Acoustic Consultants (dated April 2019). The report suitably demonstrates that provided the noise control recommendations of the report are followed there will be minimal adverse impact to residential acoustic amenity. The noise control recommendations include the following:

- Construction of a 2.0m high impervious barrier along the western boundary;
- Construction of a 2.4m high impervious barrier along the southern boundary;
- Construction of a 1.5m high impervious barrier between the convenience store loading bay and car parks;
- Construction of an impervious barrier around the workshop plant area; and
- Construction of an impervious barrier around the rooftop mechanical plant on the service station convenience store and food and drink premises.

Subsequent discussions were undertaken with the applicant whereby Council officers detailed the proposed 2.4m acoustic barrier on the southern boundary was not supported due to the impact on amenity of the adjoining property in terms of overshadowing and visual impact. The applicant amended the design to reduce the barrier to 2m.

To account for the reduction in acoustic treatment, the amended design was accompanied by an Addendum Acoustic Letter from Muller Acoustic Consultants (dated September 2019). The acoustic

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report recommended restricting fuel deliveries to day and evening periods only, being between the hours of 7am to 10pm.

The modified 2.0m height of the southern barrier and delivery restrictions satisfies the relevant day and evening criteria at offsite receivers.

With the implementation of the noise control recommendations the proposed development is deemed to be appropriate from an acoustic aspect.

Earthworks

Refer to Clause 7.2 discussion elsewhere in this report. Subject to the implementation of sediment and erosion controls during demolition and construction the proposed development is considered consistent with the requirements of Part B3 of the DCP. A condition is included that requires any fill used on the site to be VENM, which would ensure there would be no contamination as a result of earthworks.

Part B4 – Drainage and Water Quality

The site will be mostly impervious area with landscaping proposed along the street frontage and the site boundaries. The site is not within the Flood Planning Area, though the site may be affected by larger events from the local catchment.

In accordance with DCP Section B4.3, on-site detention / on-site infiltration is to be sized so that the post-development flow rate and volume equals the predevelopment flow rate and volume for all storm events up to and including the 1% Annual Exceedance Probability (AEP) storm event provided by either underground chambers, surface storage.

The applicant submitted detention calculations and modelling for water quality in line with these requirements. In addition to this, stormwater plans and sediment and erosion management were submitted in support of the application. Council's Engineering Section considered that these documents adequately satisfied the requirements of Part B4 for DA purposes. Conditions of consent are included to secure the drainage and water quality measures in accordance with Chapter B.4 and Council Specifications.

Part B6 – Essential Services

The subject site is serviced by reticulated water, electricity and sewer. In addition, the application has demonstrated that stormwater drainage resulting from roof and hard stand areas can be catered for in accordance with Council's requirements.

Part B7 – Williamstown RAAF Base – Aircraft Noise and Safety

The site is located within an area recognised as Bird Strike Group B. Considering the proposed development is not listed as being a development that should be avoided, no further action is therefore required. It is noted that the application was referred to the Department of Defence however, no response was received, so it is assumed there is no objection to the DA.

Part B9 – Road Network and Parking

Traffic Impacts

Medowie Road is a major collector road servicing the region. It provides a connection between the arterial road network at Nelson Bay Road at Williamstown to the south and Medowie Road at Ferodale to the north.

Medowie Road is a two-lane sealed road. Kerb, gutter and footpath is provided on the western side of the road across the development frontage, while the eastern side of the road is built to rural standards, with a concrete dish drain and grassed footway.

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The application is supported by a Traffic Impact Assessment (TIA) prepared by Intersect Traffic (dated May 2019). The TIA concluded that the proposal with the additional traffic generated will not result in the road network capacity thresholds in both 2019 and 2029 being reached. It is therefore reasonable to conclude the development will not adversely impact on the mid-block two-way capacity, as relevant for the state and local road network. Council traffic engineers have assessed the Traffic Impact Report and raised no objections to the road network capacity assessment or proposed development.

Access

Access to the development is proposed via two new driveway crossings facilitating one way ingress and egress respectively. The development is permitted for left in and left out ingress and egress only as indicated on the submitted plans. The Traffic Impact Assessment assessed the proposed access and concluded that the access arrangements for the development are satisfactory and compliant with Australian Standard AS 2890.1 – 2004 Parking facilities – Part 1: Off-street car parking and Port Stephens DCP (2014) Section B – Road Network and Parking requirements.

Parking

The proposal is identified as a service station with ancillary vehicle repair station and commercial tenancy to be used as food and drink premises (subject to future approval). The relevant parking requirements under Figure BT of the DCP are as follows:

Service Station

- 1 car space per 20m² floor area
- 1 bike space per 15 employees

Vehicle Repair Station

- 4 car spaces per work bay

Food and Drink Premises

- 1 car space per 25m² floor area within commercial premises
- 1 bike space per 200m²

Noting that two work bays are proposed and utilising the rate for the food and drink premises for the proposed commercial tenancy, the required car parking for the development is as follows:

- Service Station
 - $193\text{m}^2 / 20\text{m}^2 = 9.65$ (10) spaces
- Vehicle repair stations
 - 2 Workbays x 4 = 8 spaces
- Food and Drink Premises
 - $90\text{m}^2 / 25\text{m}^2 = 3.6$ (4) spaces
- **Total = 22 spaces**

The proposal provides for 22 on-site car parking spaces including one (1) accessible car parking space along with adequate room for a bike parking space. The proposed development complies with the on-site car parking requirements of the DCP.

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Section C2 – Commercial

The DCP does not include specific design requirements applicable to service station developments. Accordingly, a merit-based assessment has been applied against the relevant requirements of Chapter C.2 – Commercial.

Requirement	Assessment
C2.A – Height	
Building height is provided in accordance with the Local Environmental Plan clauses 4.3 and 5.6	<p>The site has a maximum building height of 8m on the B2 zoned land and 9m on the R2 zoned land as identified on the LEP height of buildings map.</p> <p>The development has a maximum building height of 8.2m on the R2 zoned land, complying with the 9m height limit on that portion of the site.</p> <p>The proposed pylon sign has a maximum height of 8.85m which is non-compliant with the 8m height limit for that portion of the site. No Variation Request has been lodged in support of the variation to the height limit and therefore a condition has been imposed requiring the pylon sign to comply with the 8m height limit and ensure it is of an appropriate scale within the context of the existing streetscape.</p>
C2.B – Site Frontage and Setbacks	
<i>Front Setback and Façade Articulation:</i>	
Development is built to the front property line for the ground and first floor	The development is located 4.36m from the front property boundary. Based on the proximity to adjoining residential zones, the variation is considered reasonable in this instance.
Parts of a building may give variation in setback to provide design articulation	
<i>Side Setback</i>	
Development should be built to the side boundary to maximise continuous active street frontage, except where side access is provided	The site is not built to the side boundary. However, as no continuous active street frontage is present due to the location of the site, this control does not strictly apply.
C2.C – Building Form and Massing	
<i>Amenity</i>	
Building mass does not result in unreasonable loss of amenity to adjacent properties or the public domain	Based on the size of the land and sitting of the buildings, the development will not generate unreasonable loss of amenity. The development incorporates acoustic and air quality treatment measures to ensure the impact of the development is reduced.
<i>Proportions</i>	
Building proportion is complimentary to the form, proportions and massing of existing building patterns	The proposed building proportion is reflective of the use proposed and is complimentary to the changing nature of the surrounding area as the Medowie Town Centre. The proposed development incorporates a quality building presentation and signage scheme as an integrated approach to site development, including landscaped setbacks along both street frontages. The

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	proposed built form will contribute to the visual character of the street.
C2.D – Facades	
<i>Materials</i>	
Building facades use materials, colours and architectural elements to reduce bulk and scale that are complimentary to existing built-form and natural setting	The proposed building includes articulated elevations and limited unscreened blank walls. The materials used in the building design are of high quality and the proposed landscaping contributes positively to the streetscape. The building façade will include a variety of architectural elements/ treatments in neutral colour tones as specified on the Development Plans.
C2.J – Landscaping	
<i>Landscaping Coverage</i>	
Landscaping is provided as follows: <ul style="list-style-type: none"> • 10% of the site area consisting of deep soil planting • 30% shading over car park areas 	<p>The development proposes a total of 12.2% of landscaped area.</p> <p>The proposal does not achieve the DCP requirement of 30% shading over car park areas. This considered to be reasonable given the use of the site and it is noted that many of the parking spaces on site will obtain shade from either a building or the large fuel canopy. Whilst shade from trees is desirable, it is not practical nor logistical to include shade trees within the car park of a service station and still allow for delivery tankers to manoeuvre safely throughout the site. The nature of the development means that many customers will park under the fuel canopy or only for short periods, therefore the benefits of additional shade trees are limited.</p>
<i>Landscaping Dimensions</i>	
To be counted as part of the total landscaping coverage the landscaped area must be at least 1.5m wide and 3m long.	All areas included in the landscaped area calculations meet the minimum dimensions.
<i>Landscaping Qualities</i>	
Landscape works incorporate adequate screening from the street and adjacent neighbours	The proposed landscaping provides for suitable screening for adjacent properties.
Tree and landscape planting shall be of a scale and extent that reflects the scale of the proposed development's buildings and pavement areas	The proposed landscaping has been designed to reflect the scale and use of the proposed development.

Section 4.15(1)(a)(iia) – any planning agreement or draft planning agreement entered into under section 7.4

There are no planning agreements that have been entered into under section 7.4 relevant to the proposed development.

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Section 4.15(1)(a)(iv) – the regulations

The EP&A Regulations requires the consent authority to consider the provisions of the National Construction Code – Building Code of Australia (BCA). Should the application be approved, recommended conditions of consent have been provided requiring compliance with the BCA.

Section 4.15(1)(b) – The likely impacts of the development**Social and Economic Impacts**

The proposed development of a service station and commercial tenancy on the site is anticipated to have an ongoing positive social and economic impact on the local Medowie area and the broader community.

The identified positive impacts are summarised below:

- The proposal will generate direct employment opportunities with flow on employment multipliers benefitting the local community;
- The development will be compliant with relevant disability standards, and will meet the needs of people with physical disabilities, sensory disabilities and intellectual disabilities;
- The proposal will provide services to the area, satisfying the daily needs of the surrounding residents, workers and visitors;
- The proposal will result in economic benefits associated with the construction works;
- The proposal is consistent with the planning intent for commercial development in the Medowie Town Centre; and
- The development will have a positive impact on the environment by enhancing and improving the site and by ensuring minimal impact on downstream water quality as a result of the development.

Impacts on the Built Environment

The proposed works will positively impact upon the visual amenity and built character of the area. The proposed built form is of an appropriate scale and bulk suitable for the locality, which includes landscape works that attenuate the visual impact of built elements. Accordingly, the proposed development is appropriate for the emerging commercial character of the Medowie Town Centre. Subsequently, no adverse impacts to the built environment are expected from the proposed development.

Impacts on the Natural Environment

The proposal incorporates appropriate measures to ensure no adverse impact on the natural environment. Air quality, noise, drainage and spill hazards have been appropriately addressed in the application, with mitigation measures included as recommended conditions. Appropriate erosion control and water quality measures will prevent adverse impacts during construction. Therefore, the proposed development will not result in any unreasonable impact on the natural environment.

Section 4.15(1)(c) – The suitability of the site

The site is suitable for the proposed development given that the use is permissible within the B2 zone and the development appropriately satisfies Clause 5.3 of the LEP in relation to the R2 zoned portion of the site.

The development will not have detrimental impacts on the natural or built environments. As there are no significant physical, ecological or social constraints on the site that would preclude the development of a service station and commercial tenancy, the site is suitable for the proposed development.

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Section 4.15(1)(d) – Any submissions

The proposal was advertised and notified in accordance with the EP&A Act, EP&A Regs, and Section A.11 of DCP 2014. In accordance with the requirements of chapter A.11, the development application was notified, with notification period spanning from 7 June 2019 to 21 June 2019. Following the submission of amended plans the application was re-notified and advertised for a period of 14 days from 11 October 2019 to 25 October 2019.

During the first submission period, a total of twelve (12) submissions were received. During the re-notification period, one (1) submission was received.

The issues raised in the submissions have been addressed in detail below.

Issued Raised	Comment
Traffic - Traffic modelling is flawed - High volumes of traffic discourages pedestrian and cycle activity - Traffic congestion would be worsened by the proposed development, particularly in relation to truck movements - Increased traffic movements would be dangerous to children - 24 hour operation will further exacerbate traffic impacts	<p>A TIA was prepared in support of the application. The TIA undertook a review of the proposed development and its impact on the surrounding road network. The report concludes that the proposal and additional traffic generated will not result in the capacity of the surrounding road network being reached. The report was reviewed by Council's Engineering officers who raised no objection to the road network capacity assessment and proposed development.</p> <p>In addition, the fuel deliveries and associated truck movements are proposed to be restricted to between 7am and 10pm to reduce impacts on adjoining properties.</p>
Noise - Noise from the development would impact nearby residences	<p>An Acoustic Report and Addendum Acoustic Letter has been submitted from Muller Acoustic Consultants. The report and subsequent letter suitably demonstrate that provided the noise control recommendations of the report are followed there will be minimal adverse impact residential acoustic amenity. The noise control recommendations include the following:</p> <ul style="list-style-type: none"> • Construction of a 2.0m high impervious barrier along the western boundary; • Construction of a 2.0m high impervious barrier along the southern boundary; • Construction of a 1.5m high impervious barrier between the convenience store loading bay and car parks; • Construction of an impervious barrier around the workshop plant area; and • Construction of an impervious barrier around the rooftop mechanical plant on the service station convenience store and food and drink premises.

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	With the implementation of the noise control recommendations, the proposed development will meet the required noise criteria and is deemed to be appropriate from an acoustic aspect.
Crime - The congregation of people in these areas could cause vandalism and crime	<p>A Crime Prevention Through Environmental Design (CPTED) Statement was submitted in support of the application.</p> <p>The statement details a number of measures that are to be implemented to address the key CPTED principles of surveillance, access control, territorial reinforcement and space management, comprising of:</p> <ul style="list-style-type: none"> • Appropriate lighting; • Car park design and layout; • Site and building layout; • Landscaping; and • CCTV surveillance. <p>Implementation of the measures detailed in the statement will create an environment that will dissuade offenders from committing crimes by manipulating the built environment in which those crimes proceed from or occur.</p> <p>In addition, the proposal was referred to NSW Police for comment. No response was received and therefore it is assumed NSW Police have no objection to the proposal.</p>
Competition and impact on local businesses - There is no need for another service station – Medowie already has 2 - The increased competition will impact local traders	<p>The proposed development represents the orderly and economic development of the land and demonstrates compliance with the applicable controls for the site and development.</p> <p>Competition is not a factor required to be considered in determining the application.</p>
Odour and Air Pollution - The development is located adjacent a proposed childcare and medical centre, therefore more detailed investigation is required - Odour and air pollution would impact nearby residences	<p>It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with activities undertaken on the site.</p> <p>Vapour recovery equipment will be installed at the petrol tanks which is designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel.</p> <p>Vapour recovery systems are intended to limit the emissions of fuel vapour when vehicles refuel by recovering at least 85% of the displaced vapour. In accordance with Protection of the Environment Operations (Clean Air) Regulation, the vapour recovery system will be tested for recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed and replaced.</p> <p>An assessment against SEPP 33 found that the development has negligible societal risk to surrounding properties and</p>

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	<p>infrastructure. The assessment gives consideration to the relevant Australian Standards for management of hazardous chemicals, including AS/NZS 1596-2014 "The Storage and Handling of LP Gas", AS 4897-2008 "The design, installation and operation of underground petroleum storage systems" and AS 1940-2017 "The Storage and Handling of Flammable and Combustible Liquids". The above standards do raise specific separation requirements to surrounding uses including those to child care centres. The SEPP 33 assessment confirms that the separation distances both on site and off site are achieved in accordance with these standards, being the accepted industry guidelines for Service Station designs.</p>
<p>Neighbourhood Amenity</p> <ul style="list-style-type: none"> - The proposal would impact the rural aspect of the area - The proposal would impact nearby residential properties 	<p>The proposed development has been designed to best respect the amenity of adjoining residential properties. This includes the provision of acoustic attenuation measures, the implementation of air quality and odour control measures and the provisions of landscaping along the site boundaries. Further, the site forms part of the Medowie Town Centre Masterplan, identified in the Medowie Planning Strategy, which envisages the area as a mixed use precinct.</p>
<p>Medowie Planning Strategy</p> <ul style="list-style-type: none"> - The Medowie Planning Strategy is generally deficient 	<p>The Medowie Planning Strategy was adopted by Council on the 13 December 2016. Submissions relating to issues with the strategy are not relevant to the subject development application. Notwithstanding, the proposal is consistent with the principles and intent of the strategy.</p>
<p>Site Suitability</p> <ul style="list-style-type: none"> - The site is not suitable due to safety concerns surrounding the proposal - The site is not suitable given the proximity of residential land adjacent the development 	<p>The site is suitable for the proposed development given that the use is permissible within the B2 zone and the development appropriately relies upon Clause 5.3 of the LEP in relation to permissibility on the R2 zoned portion of the site.</p> <p>The service station development will not have detrimental impacts on the natural or built environments. As there are no significant physical, ecological or social constraints on the site that would preclude the development of a service station, the site is suitable for the proposed development.</p> <p>Furthermore, an assessment against SEPP 33 found that the development has negligible societal risk to surrounding properties and infrastructure.</p>
<p>Notification/Community engagement</p> <ul style="list-style-type: none"> - The application should have been more widely notified. 	<p>The proposal was advertised and notified in accordance with the EP&A Act, EP&A Regulations, and Section A.11 of DCP2014.</p> <p>The development application was notified, with notification period spanning from 7 June 2019 to 21 June 2019. Following the submission of amended plans the application was re-notified and advertised for a period of 14 days from 11 October 2019 to 25 October 2019.</p>

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Section 4.15(1)(e) – The public interest

The proposal would make economic use of commercially zoned land and acceptable use of residential land under Clause 5.3 of the LEP that is not expected to result in adverse harm to the natural or built environment.

Given the merit of the design, suitability of the site for the proposed development and the absence of any significant adverse environmental impacts; the DA is considered to be in the public's interest.



**Proposed amendment to Port Stephens Local
Environmental Plan 2013**
Rezoning of Lot 52 DP 735066,
339 Tarean Road, Karuah



ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL.**FILE NUMBERS**

Council: 58-2019-3-1

Department: To be provided at Gateway Determination.

SUMMARY

Subject land: Lot 52, DP 735066
339 Tarean Road, Karuah, NSW, 2324

Proponent: AO Farm Holding Pty Ltd.

Proposed changes:

- Land-Use Zone: RU2 – Rural Landscape to part E2 – Environmental Conservation and R2 – Low Density Residential
- Minimum Lot Size: 40ha to part 500sqm
- Height of Building: 0m to part 9m
- Urban Release Area: No Urban Release Area to part Urban Release Area

Area of land: 30ha (approximate)

Lot yield: Approximately 182 lots based on 70% of the land to be zoned R2 – Low Density Residential.

BACKGROUND

The Planning Proposal will contribute to increased housing supply, as well as provide greater protection to lands of environmental significance.

The Planning Proposal seeks to achieve this by:

- Amending the land-use zone for the southern part of the site from RU2 – Rural Landscape to R2 – Low Density Residential, applying a minimum lot size of 500sqm, applying a maximum height of building of 9m and mapping this site as an Urban Release Area; and
- Amending the land-use zone for the northern part of the site from RU2 – Rural Landscape to E2 – Environmental Conservation and maintaining the minimum lot size of 40ha.

The rezoning of the site is justified on the basis that it forms part of the logical extension of the town centre. It is currently abutting residential development to the east, south and future residential development to the west. On 13 August 2019, Council supported a planning proposal to rezone the adjoining western

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lot from RU2 – Rural Landscape to R2 – Low Density Residential, which would facilitate the future creation of 400 lots. On 17 October 2019, Council also provided development consent for a 110 lot Torrens Title Subdivision at 290 and 308 Tarean Road, which is located to the south of the site.

This Planning Proposal has been informed by the following completed reports:

- Preliminary Ecological Assessment; and
- Residential Lands Assessment.

These two reports made the following conclusive statements:

- There is no glaring reason not to proceed from an ecological perspective (Kleinfelder, 2019, p.28); and
- This Planning Proposal will provide a vital source of much-needed housing, at a point in time when regional demands ensuring that there is competition across a number of project locations in Karuah and the Port Stephens Local Government Area (MacroPlan, 2019, p.31).

These reports have demonstrated that the Planning Proposal has strategic merit to seek a Gateway Determination. The Planning Proposal will be further refined through the completion of the following reports post-gateway:

- Indicative Subdivision Plan
- Biodiversity Development Assessment Report
- Preliminary Contamination Assessment
- Strategic Bushfire Study
- Cultural Heritage Assessment
- Traffic Impact Assessment
- Preliminary Service Inquiry
- Flooding and Drainage Assessment

SITE

The site is located within Karuah which is 27.4km (22 minutes' drive) to the north of Raymond Terrace and 55.5km (48 minutes' drive) to the north of Newcastle.

Karuah is characterised by low-density residential development (i.e. detached single dwellings), the Karuah Big 4 Holiday Park in the south, sawmill in the north and the Karuah and District Returned Servicemen's League (RSL) Club in the centre.

Karuah is historically known for oyster farming and as a stop-over point when the Pacific Highway ran through the centre of the town up until 2004. Since that time, the town has seen a steady rate of residential development as illustrated by the George Street subdivision over the past ten years and more recently the construction of 40 lots along Holdom Road.

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The site is comprised of native bushland with freshwater wetland traversing over the centre of the site from the southeast to the northwest, which is a mapped watercourse (Muston's Gully). Muston's Gully and the older growth forest to the north is proposed to be zoned E2 – Environmental Conservation.

The Stockton-Watagan Corridor runs along the south of Karuah, not through Karuah itself. This is reinforced by the mapping provided in the former Lower Hunter Regional Strategy, the Port Stephens Planning Strategy and the Ecological Assessment that accompanies this proposal.

These key characteristics of the site, being flooding, vegetation, wetlands and bushfire have informed the proposed zoning boundaries. These exact boundaries will be confirmed through the completion of the relevant listed reports post-gateway.

The completion of these reports will also identify the what infrastructure upgrades are required for essential services, such as water and sewer, which would be best done in consultation with the adjoining western landowner.

Figure 1– 339 Tarean Rd, Karuah (page 5) identifies the subject land

FIGURE 1 – 339 Tarean Road, Karuah (land the subject of the Planning Proposal is shown in red)



ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL.**PART 1 – Objectives or intended outcomes**

The Planning Proposal seeks to achieve the following outcomes:

- Provide residential accommodation within proximity to an existing town centre; and
- Provide greater environmental protection to lands identified as wetlands and containing older growth forest.

The proposal will allow the site to be subdivided into smaller lots, which will then facilitate residential accommodation, subject to Development consent.

PART 2 – Explanation of provisions

The objectives of the Planning Proposal will be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013:

- Amend Land Zoning Map Sheet LZN_003B for Lot 52, DP 735066 from RU2 – Rural Landscape to part R2 – Low Density Residential Zone and part E2 – Environmental Conservation (**Attachment Three**)
- Amend Lot Size Map Sheet LSZ_003B from 40ha to part 500sqm for the part of the site to be zoned R2 – Low Density Residential (**Attachment Five**)
- Amend Height of Building Map Sheet HOB_003B from 0m to 9m metres for the part of the site to be zoned R2 – Low Density Residential (**Attachment Seven**)
- Amend the Urban Release Area Map Sheet URA_003 from No Urban Release Area to part Urban Release Area for the part of the site to be zoned R2 – Low Density Residential

PART 3 – Justification

Section A – Need for the planning proposal**Q1. Is the planning proposal a result of any strategic study or report?**

The Planning Proposal is the result of the Karuah Growth Strategy, the Greater Newcastle Metropolitan Plan and Hunter Regional Plan.

The southern part of the site is identified in the Karuah Growth Strategy as an 'existing urban area'. Despite this identification, it does not currently have any subdivision potential under the Port Stephens Local Environmental Plan 2013.

The more recent direction provided by the State Government in the Greater Newcastle Metropolitan Plan and Hunter Regional Plan identifies housing targets for Port Stephens and that the majority of this will be provided by infill

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housing within existing centres, such as Karuah. The Greater Newcastle Metropolitan Plan, which states that 'Dwelling projections are for the entire Port Stephens Local Government Area (including areas outside of Greater Newcastle) (p.44).

This Planning Proposal has also been informed by a Preliminary Ecological Assessment and Residential Lands Assessment, which have concluded:

- There is no glaring reason not to proceed from an ecological perspective (Kleinfelder, 2019, p.28); and
- This Planning Proposal will provide a vital source of much-needed housing, at a point in time when regional demands ensuring that there is competition across a number of project locations in Karuah and the Port Stephens Local Government Area (MacroPlan, 2019, p.31).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to achieve the objective, the following options were considered:

- 1. List under Schedule 1 – Rather than rezone the land, list as an Additional Permitted Use for a dwelling house could be listed under Schedule 1 of the Local Environmental Plan.**

This option is considered less desirable than the option proposed under Part 2 – Explanation of Provisions because it would be inconsistent with the NSW Government, N/A, 'Planning Circular – Schedule 1'.

- 2. Amend the Zone from RU2 – Rural Landscape to R2 – Low Density Residential for the entire site.**

This option is considered less desirable than the option proposed under Part 2 – Explanation of Provisions because the Ecological Assessment has identified that the site contains wetlands, which would be more appropriately placed in an environmental zone. These wetlands hold environmental significance, which is not appropriate for residential housing.

- 3. Amend the Zone from RU2 – Rural Landscape to part R2 – Low Density Residential and part E2 – Environmental Conservation.**

This option is considered the most desirable and as a result it is proposed under Part 2 – Explanation of provisions.

It allows for residential housing to occur that is consistent with the adjoining sites to the east, south and west, while protecting the wetlands and older vegetation located on the northern part of the site.

Section B – Relationship to strategic planning framework

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Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

Hunter Regional Plan 2036

The Hunter Regional Plan (the Plan) states that it will guide the NSW Government's land use planning policies and decisions over the next 20 years (p.4). The Plan identifies Karuah as a 'centre of local significance' within the Port Stephens LGA.

The Plan also states that Port Stephens has a projected increase of 11,050 dwellings by 2036 (p.64). The Plan states that future housing and urban renewal opportunities are provided by Fern Bay, Medowie, Kings Hill, Raymond Terrace & Nelson Bay. The Plan does not specifically mention Karuah in terms of housing.

The relevant strategic directions and an appropriate response is provided:

Table 1 – Relevant Directions Hunter Regional Plan

No	Direction	Response
21.4	Create a well-planned, functional and compact settlement patterns that responds to settlement planning principles and does not encroach on sensitive land-uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.	<p>The proposal will contribute to a well-planned, functional and compact settlement pattern through developing the land close to the town centre. The proposal seeks to place the part of the site that has the highest environmental value into an environmental zone and apply appropriate setback buffers.</p> <p>The southern part of the site is identified as an existing urban area by the Karuah Growth Strategy, despite this it does not have any subdivision potential. This proposal seeks to rectify that and propose a whole of site zoning solution to achieve both housing and environmental objectives.</p>
21.6	Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations.	Existing Environmental Planning Instruments (EPI)s, such as the Port Stephens Local Environmental Plan 2013 enable land that is zoned R2 – Low Density Residential to achieve Torrens Title Subdivision on lots as small as 200sqm.

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		At the same time, this is just a minimum, so at the subdivision stage the developer and consent authority may choose to create larger lots to create diversity. From this, the proposal can be seen to create the potential for diversity.
22.1	Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.	Similar to the above, existing EPIs provide a variety of permissible land-use types for the zone R2 – Low Density Residential, so if the land is rezoned, the land has the potential to respond to the demand of different cohorts, such as dwelling housings, dual occupancies, etc.
22.2	Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes.	Similar to the above, existing EPIs provide a variety of permissible land-use types for the zone R2 – Low Density Residential, so if the land is rezoned, the land has the potential to respond to the demand of different cohorts, such as dwelling housings, dual occupancies, etc.

From this, it can be seen that the Planning Proposal will contribute to a well-planned, functional and compact settlement at Karuah. It will also contribute to a greater housing choice through the subdivision application stage.

Greater Newcastle Metropolitan Plan 2018

The Plan also states that Port Stephens has projected new dwellings of 11,050 and that these projections for Port Stephens include areas outside of Greater Newcastle (p.44). This could be understood to include Karuah (p.44). Figure 8 – Housing Opportunities (p.42) appears to identify the part of the site adjoining Tarean Road as 'existing urban area with infill housing opportunities', but it is not clear.

The relevant strategic directions and an appropriate response is provided:

Table 2 – Relevant Directions of the Greater Newcastle Metropolitan Plan

No	Direction	Response
19.1	Greater Newcastle Councils will prepare a local strategy within two years	Port Stephens Council is in the process of preparing their housing strategy, which will be informed by the Draft Demographic and Housing Overview Report. This Report has identified an undersupply of housing in Port Stephens, which is reinforced by the

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		Residential Lands Assessment that accompanies this Planning Proposals.
19.2	The Department of Planning and Environment will endorse local strategies if prepared in accordance with the Metropolitan Plan	Once the above reference Housing Strategy is prepared, it will be provided to the Department of Planning, Industry and Environment for endorsement.

From this, it can be seen that the Planning Proposal is consistent with the direction being provided to the Port Stephens Housing Strategy in providing land to address the housing under-supply within proximity to an existing Town Centre.

Assessment Criteria

a) Does the proposal have strategic merit?

The Planning Proposal does have strategic merit because it is proposing future housing within proximity to existing town centre to address undersupply identified by the Port Stephens Council Draft Demographic and Housing Overview Report. The findings of this Report are reinforced by our own Residential Land Needs Assessment. These Reports could be considered to represent a 'change in circumstances', especially given that the Port Stephens Local Environmental Plan is greater than five years old.

Greenfield and Infill Housing targets identified under the previous Lower Hunter Regional Strategy have not been met due to the difficulty of achieving housing at Kings Hill, Medowie, Raymond Terrace and Nelson Bay. The increased desirability of Karuah now makes lots more saleable and therefore the subdivision of existing and future zoned lands feasible for developers.

The Hunter Regional Plan and Greater Newcastle Metropolitan Plan identifies that housing targets for Port Stephens can be met by areas outside of the Greater Newcastle Metropolitan Plan boundary (i.e. Karuah). From this, it can be seen that the Planning Proposal is consistent with these Strategies.

b) Does the proposal have site-specific merit, having regard to the following?

The site-specific merit criteria and an appropriate response is provided:

Table 3 – Site Specific Merit Criteria

No	Site-Specific Merit	Response
2	Does the proposal have site-specific merit in regard to the natural environmental (including known	The accompanying Preliminary Ecological Assessment identifies that the southern

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	environmental values, resources or hazards)?	part of the site is suitable, which is reflective of the intent of the proposal. Further investigations (BDAR) will be required post-Gateway, which may result in a revision of proposed zone boundaries.
3	Does the proposal have site-specific merit in regard to existing uses, approved uses and the likely future uses of land in vicinity of the proposal?	The most southern part of the site is identified as an existing urban area in the Karuah Growth Strategy. Existing housing is located to the east and south and future housing will be located to the west. In turn, the site will be surrounded by housing. The proposal reflects the logical extension of Karuah.
4	Does the proposal have site-specific merit in regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?	The proposal recognises that there is no capacity for sewer and therefore is seeking to work the sewer provider and the adjoining landowner to bring sewer capacity to Karuah.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another local strategy or strategic plan?

Port Stephens Council Integrated Plans 2018

The Integrated Plans (the Plans) were adopted by Council in early 2018.

The Integrated Plans seek are a combination of the Community Strategic Plan, Delivery Program and Operational Plans. They seek to guide the operations of Council over a four-year term of Councilors.

The proposal is related with the Key Delivery Program Objective: P3.1 – Provide land use plans, tools and advice that sustainably supports the community' (p.11). The proposal seeks to contribute to the diversity of housing, which will be a key objective under the housing strategy that will be developed by Port Stephens Council in response to the Greater Newcastle Metropolitan Plan.

Port Stephens Planning Strategy 2011

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The Port Stephens Planning Strategy (the Strategy) was released in 2011.

Its pre-dates the most recent strategic planning guidance that has been provided by the NSW Government in the form of the Hunter Regional Plan and Metropolitan Plan. In turn, it is expected that it would be replaced by the required housing strategy.

The Strategy states that it is one of many of high-level strategic documents produced by Council to guide the operations of the council, and the future growth and sustainability of the Local Government Area (p.1). The Strategy identifies Karuah as a 'village centre' (p.68) and that its population is expected to increase by 561 people (p.74) and 224 dwellings are required (p.80).

Although these projections provide guidance, they differ from the more recent projections provided by the NSW Government. Also, large-scale Urban Release Areas, such as Kings Hill, which is estimated to have the potential for 4,500 dwellings has not occurred to date.

The most relevant strategic directions and a response is provided:

Table 4 – Relevant Directions of the Port Stephens Planning Strategy

No	Direction	Response
6.4	The Department of Planning and Infrastructure has identified in the Lower Hunter Regional Strategy 2006 the following new dwelling projections for Port Stephens: <ul style="list-style-type: none"> Centres – 3,300 Urban Infill – 2,000 New release areas – 7,200 Total dwellings – 12,500 	A Residential Land Needs Assessment has been prepared and reviewed by Council. This Review by Council acknowledges that both this work and the preliminary work undertaken by Council indicates a potential undersupply in residential land within the next 5-10 years.
6.7.1	The Watagan to Stockton Green Corridor is one of the most importance elements of the LHRS and LHRCP. It affects large areas of the LGA. PSPS is based on ensuring development does not adversely affect the Green Corridor. At the same time, it is recognising that the boundaries for the Green Corridor may require further interpretation and adjusting as more detailed local information becomes available.	The PSPS does not clearly identify the site as part of the green corridor, nor does the LHRS. This is reinforced by the accompanying Preliminary Ecological Assessment that states 'The NSW Planning and Environment's Hunter Regional Plan (2036) has mapped vegetation to the north and west of the township of Karuah as part of a landscape scale Biodiversity Corridor (p.9). This

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	<p>Minor corridors which link areas of conservation significant and the Green Corridor should be identified and protected. The goal should be a network of priority conservation areas and corridors which are viable over the long term, throughout the LGA.</p>	<p>Assessment goes on to describe how the site is isolated. The subdivision of 290 Tarean Road and rezoning of the land to the west will create further hard barriers and reinforce this isolation from the identified biodiversity corridor.</p> <p>Nevertheless, the proposal seeks to rezone lands of higher significance to an environmental zone in order to protect and improve the wetlands that run from west to east through the site and other lands of higher significance identified in the Ecological Assessment. A BDAR assessment post-Gateway will further clarify which areas of the site contain the highest environmental value.</p>
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From this, it can be seen that the Planning Proposal will contribute to an identified housing undersupply and will not undermine the green corridor, which actually wraps around Karuah to both the south and north.

Karuah Growth Strategy 2011

The Karuah Growth Strategy is dated December 2011.

Its pre-dates the most recent strategic planning guidance that has been provided by the NSW Government in the form of the Hunter Regional Plan and Metropolitan Plan. In turn, it is expected that it would be replaced by the required housing strategy.

The purpose of the Karuah Growth Strategy is stated as 'to provide strategic level guidance for the future development of Karuah. The focus of the Strategy is spatial & land use planning; however, it also addresses aspects of economic and social development, as well as environmental management (p.5).

The Strategy identifies that the Port Stephens Council, 2003, 'Karuah Local Area Plan' (LAP) identified three areas for residential expansion. Part of the site can be seen to be identified within LAP Area 3, which is described as:

'Land on the western edge of the existing settlement and to the north of Tarean Road. This is largely undeveloped, consisting of grassland in the west,

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woodland in the east, and on its southern edge a number of detached houses on large suburban lots fronting Tarean Road' (p.18)

The Strategy identifies that a previous proposal sought to rezone 10.71ha to 2(a) Residential and 0.41ha to B1 – Neighbourhood Centre and 7(a) Environmental Protection. It is then stated, that the Department of Planning (former title) advised that it did not support the proposal because:

1. There appeared to be ample residential land already available in LEP amendments underway (i.e. Draft Amendment 24); and
2. The site is in the Watalgan Stockton Green Corridor of the Lower Hunter Regional Strategy (p.29).

The Preliminary Ecological Assessment and Residential Land Needs Assessment illustrate that there is a need for further residential land in Karuah and that the site does not form part of a regional biodiversity corridor.

The most relevant strategic directions and a response is provided:

Table 4 – Relevant Directions of the Karuah Growth Strategy

No	Strategic Objectives	Consistency
1	Future development should maintain the relaxed 'rural' appeal of the village.	The proposal is for low-density residential, which is consistent with the existing character of Karuah.
2	New development should reinforce the existing village by contributing to a compact and connected settlement pattern.	The proposal seeks to contribute to that compact and connected settlement pattern.
3	The retail and community services functions of the existing village centre should be reinforced by ensuring these services locate within this 'core' area.	The proposal will provide population that will seek the services located in the core area.
4	Population growth should be sufficient to support viable retail and community services which meet local needs.	The proposal will provide population that will seek the services located in the core area.
5	Land supply and housing choice should be adequate to meet potential demand from a range of target markets.	The proposal seeks to address the housing short fall identified for Port Stephens.
6	Employment opportunities for existing and new residents should be nurtured.	The proposal will provide population that will seek the

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No	Strategic Objectives	Consistency
		services located in the core area, which in turn supports local jobs.
7	The natural assets of the area should be protected.	The proposal seeks to place the majority of the site in an environmental zone.
8	Habitat corridors should link important natural assets.	The Biodiversity Assessment discusses the limited role of the site as a corridor due to its isolation, which is only going to increase. Koala utilisation of the site will need to be determined post-Gateway, through the BDAR assessment.
9	The future settlement pattern of Karuah should respond to the natural assets of the area.	The proposal identifies zoning boundaries that have been informed by the Preliminary Ecological Assessment and can be further clarified following the BDAR.
10	Development should avoid natural hazards, such as flood prone land, low lying land and bushfire prone land.	The proposal seeks to place an environmental zone on the low-lying land. Appropriate Asset Protection Zones can be provided to bushfire prone land.
11	The growth of the village should be co-ordinated with infrastructure capacity and improvements.	The proposal identifies that that it is unlikely that infrastructure capacity for sewer exists and that consultation should take place with the adjoining landowner and Hunter Water following a gateway determination.
12	The design of development should aim to minimise ongoing infrastructure costs and optimise development potential,	The proposal seeks to work with the neighbouring western site to ensure that

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No	Strategic Objectives	Consistency
	including neighbouring potential development sites.	infrastructure costs can be identified, and the development of sites are feasible.

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No	Principles – Urban Structure and Character	Response
1	New development builds on Karuah's character as coastal riverside village.	The proposal will build on this existing character through future development being consistent with the DCP.
2	The main street character of the village commercial centre in Tarean Road is maintained and enhanced.	The proposal will provide population that will seek the services located in the core area and provide development contributions to improve the public domain.
3	Urban expansion is staged, based on progressively extending the existing urban area, and reinforcing the existing village centre. The areas for urban expansion are located so that they make efficient use of infrastructure and can be developed in stage in response to market demand.	The proposal is the logical extension of the existing urban area with the southern part of the site identified as an existing urban area despite having no subdivision potential.
4	An area of rural land for large holdings is retained to the north west of the village. This land should not be developed for smaller rural holdings (rural residential), but rather continue its existing land uses for the foreseeable future. As a result, should this land be required for urban development beyond 2030, this change of land use will not be hampered by fragmented land ownership and more intensive rural development.	Not Applicable.
5	A small light industrial area could potentially be located to the west of the village, on the land occupied by the timber mill and adjacent land. This will permit small light industrial enterprises to establish and provide services and employment to the residents of Karuah. (Note: this land currently appears to be within the Green Corridor of the Lower Hunter Regional Strategy (2006) and this status would need to be clarified or change if urban development is to occur).	Not Applicable.

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No	Principles – Urban Structure and Character	Response
6	No urban development, other than the light industrial area, should occur to the west of a “medium term growth limit”. Urban expansion beyond the “growth limit” would not be consistent with the strategic objective of maintaining a compact village.	Not Applicable.
7	New developments should explore the potential markets and offer appropriate products; otherwise growth will be very limited. The Growth Strategy aims to provide for new urban land in a variety of settings to appeal to a variety of markets.	A Residential Land Needs Assessment has been prepared, which identifies the advantages of additional supply in Karuah.
8	A network of conservation areas and habitat corridors provides links between the national parks that surround the town, the wetlands and the river; and define the urban area.	The proposal seeks to zone part of the site to environmental. Appropriate zone boundaries will be clarified following the BDAR.
9	The identified conservation areas and corridors provide opportunities for targeted biodiversity offsets which achieve wider conservation objectives.	Through zoning the northern part of the site to environmental, it has the potential to be used for biodiversity offsets.
10	The design of roads and parking infrastructure in the town centre and adjacent open space should provide for ease of access by boating, caravanning and recreational vehicle (RV) users, in recognition of those important tourism markets of Karuah.	Not Applicable.

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No	Principles – Town Centre	Response
11	The coastal village character of Karuah is maintained.	Not Applicable.
12	The relationship between the Town Centre and the riverfront should be improved.	Not Applicable.
13	Buildings overlook and address the street.	Not Applicable.
14	Ground floor frontages engage the street.	Not Applicable.
15	A greater sense of enclosure of the main street is created by building form.	Not Applicable.
16	Footpath tree planting assists in enclosing the main street and creating a pleasant human scale environment.	Not Applicable.
No	Principles – Waterfront Industry	Response
17	Marine related waterfront industry, such as oyster farming related industry should remain and retain its rustic appeal; however, the attractiveness of outdoor storage areas should be improved.	Not Applicable.
18	The access road to the waterfront industry premises to the south of Barclay Street should be formalised.	Not Applicable.
No	Principles – Residential	Response
19	Lower density residential development occurs in areas further away from the town centre.	The proposal is for low density residential, but the existing LEP allows for lot sizes with a minimum area of 200sqm.
20	Development is consistent with the coastal village theme of Karuah.	The proposal will build on this existing character through future development being consistent with the DCP.

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No	Principles – Connectivity	Response
21	It is easy to get around Karuah by motor vehicle, bicycle and foot.	The proposal will provide development contributions, which will fund pathways. The subdivision process will also result in pathways.
22	Buses access to enable people to live no more than 400m from a bus stop.	This can be achieved at subdivision stage.
23	New urban areas are well connected to the existing town.	The proposal is the logical extension of the existing urban area with the southern part of the site identified as an existing urban area despite having no subdivision potential.
24	Walk and cycling is convenient and safe.	This can be achieved at subdivision stage.
25	Residential streets are low speed.	This can be achieved at subdivision stage.
No	Principles - Biodiversity	Response
26	Development in Karuah complements its natural assets.	The proposal seeks to zone a large areas of the site to environmental.
27	A network of biodiversity corridors links larger areas of wetlands, national park and other areas of biodiversity significance.	The proposal seeks to zone a large area of the site to environmental. Further clarification of zone boundaries will be determined following BDAR.
28	Biodiversity offsets are preferentially directed to the identified biodiversity corridors.	Noted. The legislation has since been updated, whereby applicants need to demonstrate avoid, minimise or offset. A BDAR will be undertaken post-Gateway.
29	The water quality of the wetlands, creek and rivers is not reduced by urban runoff.	This can be achieved at subdivision stage. Sufficient controls exist in the LEP and DCP to ensure water quality targets are met.

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No	Principles – Staging of Land Release	Response
30	New urban land is an extension of the existing urban area.	The proposal is the logical extension of the existing urban area with the southern part of the site identified as an existing urban area despite having no subdivision potential.
31	There is sufficient vacant land zoned for urban purposes to meet community needs.	A Residential Land Needs Assessment has been prepared to identify the market and how the proposal will provide housing for that market.
32	Land is rezoned for urban purposes in a staged manner in order to ensure the efficient use of community infrastructure.	The proposal is the logical extension of the existing urban area with the southern part of the site identified as an existing urban area despite having no subdivision potential.
33	The growth of Karuah is able to be adequately serviced by urban infrastructure, such as water and sewerage services.	The proposal seeks to work with the neighbouring western site to ensure that infrastructure costs can be identified, and the development of sites are feasible.
No	Principles – Overall land use strategy	Response
34	Karuah develops consistent with the Growth Strategy.	The Strategy is a guiding document that has informed this proposal. Updated information in terms of an ecological assessment and residential needs assessment have identified how the context has changed since the development of the Karuah Growth Strategy.

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From the above, it can be seen that the proposal is consistent with the objectives and principles of the Karuah Growth Strategy by providing a logical extension of Karuah and working with adjoining landowners to deliver infrastructure.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 5 – Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 44 – Koala Habitat Protection	<p>This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</p> <p>This SEPP applies because the Planning Proposal is seeking to rezone land in Port Stephens.</p>	<p>The Preliminary Ecological Assessment states that the detailed koala map provides Council with the required information to conclude that the CKPoM can be adequately addressed after gateway determination with the expectation that there is a low risk to Preferred Koala Habitat and a viable koala population (p.4).</p> <p>Further investigation regarding Koala utilisation of the site will need to form part of the BDAR.</p>
SEPP 55 – Remediation of Land	<p>This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.</p> <p>This SEPP applies because the Planning Proposal is seeking to</p>	<p>The site contains vegetation and no evidence of contaminating activities.</p> <p>A Preliminary Contamination Investigation should be conditioned as part of the Gateway Determination because the land is proposing to change from a rural zone to a residential zone.</p>

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	rezone land from rural to residential.	
SEPP (Rural Lands) 2008	<p>This SEPP applies to land across NSW to land that is zoned for rural purposes.</p> <p>This SEPP applies because the Planning Proposal is seeking to rezone land from a rural zone to a residential zone.</p>	<p>The site is in proximity to the centre of Karuah. Existing and planned residential land is located to the immediate east, south and west.</p> <p>The rezoning of this land for housing would be reflective of the orderly and economic development of land in proximity to a centre, which is an objective of the Environmental Planning and Assessment Act 1979.</p> <p>By providing land in proximity to existing services for housing, it protects other land zoned rural and environmental, which is less suitable for housing and more suited for agriculture.</p> <p>The rezoning will not undermine the agricultural activities on nearby land (e.g. poultry farm) because we do not understand agricultural activities are currently taking place on these lots (other than grazing).</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 6 – Relevant Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implications
1. EMPLOYMENT AND RESOURCES		
1.2 Rural Zones	The objective of this direction is to protect agricultural production of rural land.	The Planning Proposal is inconsistent with this direction, but it is of minor significance/ The site is not identified to have agricultural value and is located within the existing centre of Karuah.

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		<p>The southern part of the site is identified as an existing urban area and the site is soon to be surrounded by existing residential development to the east and south. A planning proposal to rezone the adjoining western land to residential has also been supported by Council. Removing the existing rural zone is therefore believed to be of minor significance.</p>
1.5 Rural Lands	<p>The objectives of this direction are focused on the protection of the agricultural production of rural land.</p>	<p>The Planning Proposal is inconsistent with this direction, but it is of minor significance. The proposal seeks to rezone rural land to achieve the aim of providing housing in proximity to an existing town centre.</p> <p>It is acknowledged that Port Stephens has a housing supply short-fall and therefore the provision of housing in proximity to an existing centre is reflective of logical settlement patterns.</p>
2. ENVIRONMENT AND HERITAGE		
2.1 Environment Protection Zones	<p>The objective of this Direction is to protect and conserve environmentally sensitive areas. The rezoning map and accompanying Ecological Assessment identifies the significance of the site.</p>	<p>The proposal is consistent with the Direction 2.1 – Environment Protection Zones (4) because the proposal proposes an environmental zone over those lands identified to be of higher environmental significance. Furthermore, the proposal will place residential development in proximity to an existing town centre.</p>
2.2 Coastal Management	<p>The objective of this direction is to protect and manage coastal areas.</p>	<p>The Planning Proposal is consistent with this direction because it seeks to place the land identified as wetlands and a 40m buffer within an environmental protection zone.</p>

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2.3 Heritage Conservation	The objective of this direction is to identify and protect heritage.	A Basic Search of the Aboriginal Heritage Information Management System (AHMIS) identified no heritage items or places within 50m of the site. Never the less, a Preliminary Aboriginal Heritage Assessment should be completed post-gateway to satisfy the Minister.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	<p>This direction applies and the proposal is consistent with this direction because it seeks to provide residential housing that adjoins an established residential area.</p> <p>The site is in the centre of Karuah, so the proposal will support existing businesses and encourage the establishment of future businesses. The proposal will contribute to the goal of housing, which is identified by various strategies.</p>
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable	<p>This direction applies and the proposal is consistent with this direction because it seeks to encourage housing within Karuah. The site is located within Karuah which is 27.4km (22 minutes' drive) to the north of Raymond Terrace and 55.5km (48 minutes' drive) to the north of Newcastle.</p> <p>The housing that will result from the proposal reinforces the existing town centre of Karuah and places</p>

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	transport objectives.	downward pressure on valuable agricultural or environmental lands on the periphery to be rezoned.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	<p>The existing LEP has been informed by previous Environmental Planning Instruments (EPIs), which identifies the site as Acid Sulfate Soils – Class 2 and 5.</p> <p>The proposal will rezone all lands identified as ASS Class 2 to E2 – Environmental Conservation. Any subsequent works that need to take place in the zone E2 – Environmental Conservation are covered by LEP (Clause 7.1 – Acid Sulfate Soils).</p> <p>The proposal does not propose physical works. When physical works are proposed as part of a future subdivision, the earthworks will be associated with the filling of the land as opposed to cutting and therefore should be consistent. This clause will be addressed through a future Development Application.</p>
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	<p>This direction applies because the site is identified as bushfire prone land.</p> <p>A Strategic Bush Fire Assessment in accordance with the NSW RFS, 2018, 'Draft Planning for Bushfire Protection (Part 4 – Strategic Planning)' will be completed post gateway determination.</p>

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5. REGIONAL PLANNING		
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.	This direction applies because the site is identified in the area covered by the NSW Department of Planning, 2016, Hunter Regional Strategy. Consistency with these Plans with a particular emphasis on the role of Karuah, housing targets and residential housing is discussed throughout this proposal.

Section C – Environmental, social and economic impact**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The Preliminary Ecological Assessment has identified two Endangered Ecological Communities (EEC)s to be located within the wetlands and older growth forest to be located on the northern part of the site. Both these parts of the site are proposed to be zoned E2 – Environmental Conservation.

This Planning Proposal identifies the need for a Biodiversity Development Assessment Report (BDAR) to be completed post-gateway and further koala surveys to confirm the koala mapping that has been completed as part of the Preliminary Ecological Assessment.

This Preliminary Ecological Assessment concludes that there is no glaring reason not to proceed from an ecological perspective (Kleinfelder, 2019, p.28);

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The environmental effects as a result of the Planning Proposal will be quantified through the completion of the BDAR post gateway. At present, all lands of higher environmental significance based on preliminary investigations are proposed to be placed within an environmental zone. This approach provides the appropriate scope to avoid, minimise and offset when the BDAR is to be completed post gateway.

Q9. Has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal identifies the need for a Cultural Heritage Assessment to be completed post gateway. The gateway determination could also require

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that a social needs assessment be completed for Karuah given the growth that is expected to occur to the south and on the adjoining western site.

Overall, the Planning Proposal will have positive social and economic effects both during construction and over the life of the development. Karuah has been waiting for an opportunity such as this to support business since it was bypassed by the Pacific Highway almost 20 years ago.

Section D – State and Commonwealth interests**Q10. Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal recommends that a Preliminary Service Inquiry be undertaken post gateway and that discussion for upgrades to essential services be undertaken in consultation with adjoining landowners with Hunter Water.

It is understood that upgrades to the Karuah Waste Treatment Facility will be required, which will be made more feasible by having multiple landowners in the same locality.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with relevant State and Commonwealth agencies can be undertaken following a Gateway Determination. It is envisaged that the following agencies will be consulted with:

- Office of Environment and Heritage;
- NSW Rural Fire Service;
- Karuah Local Aboriginal Land Council; and
- Hunter Water.

PART 4 – Mapping

The proposed map layer amendments are included as attachments to the Planning Proposal as follows:

Attachment One – Locality Plan

Attachment Two – Current Zoning Plan LZN_003B

Attachment Three – Proposed Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN_003B from RU2 – Rural Landscape to part R2 – Low Density Residential Zone and part E2 – Environmental Conservation Zone

Attachment Four – Current Lot Size Map LSZ_003B

Attachment Five – Proposed Lot Size Plan – Map amendment to Lot Size Map – Sheet LSZ_003B from 40ha to part 500sqm for the land to be zoned R2 – Low Density Residential

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL.

Attachment Six – Current Height of Building Map Sheet HOB_003B

Attachment Seven – Proposed Height of Buildings Map – Map amendment to Height of Buildings Map – Sheet HOB_003B from 0m to part 9m for the land to be zoned R2 – Low Density Residential

Attachment Eight – Current Urban Release Area Map Sheet URA_003

Attachment Nine – Proposed Urban Release Area Map – Map amendment to Urban Release Area Map – Sheet URA_003 from no Urban Release Area to Urban Release Area for the land to be zoned R2 – Low Density Residential

PART 5 – Community consultation

Community consultation will be undertaken in accordance with the Gateway determination.

Notice of the public exhibition period will be placed in the local newspaper, The Examiner. The exhibition material will be on display at Council's Administration Building, 116 Adelaide Street, Raymond Terrace during normal business hours.

The planning proposal will also be available on Council's website.

PART 6 – Project timeline

The additional technical information, studies and investigations identified in the planning proposal will be completed within the timeframes listed below, should the planning proposal receive a Gateway determination:

- Indicative Subdivision Plan
- Biodiversity Development Assessment Report
- Preliminary Contamination Assessment
- Strategic Bushfire Study
- Cultural Heritage Assessment
- Traffic Impact Assessment
- Preliminary Service Inquiry

The planning proposal is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020
Council Report									
Gateway									

ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL.

<i>Determination</i>									
<i>Additional investigations</i>									
<i>Agency Consultation</i>									
<i>Public Exhibition</i>									
<i>Council Report</i>									
<i>Parliamentary Counsel</i>									

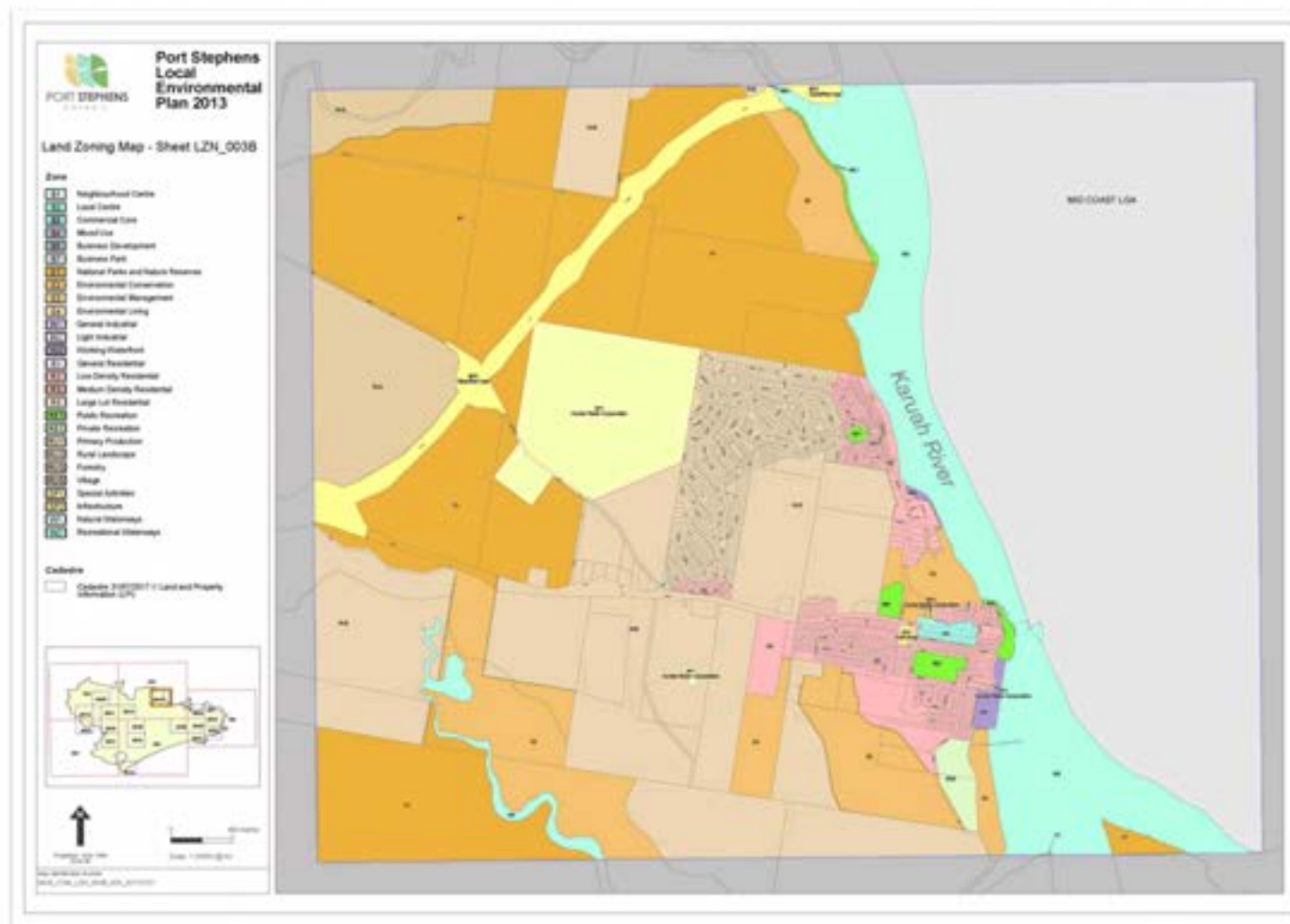
Attachment One – Locality Plan



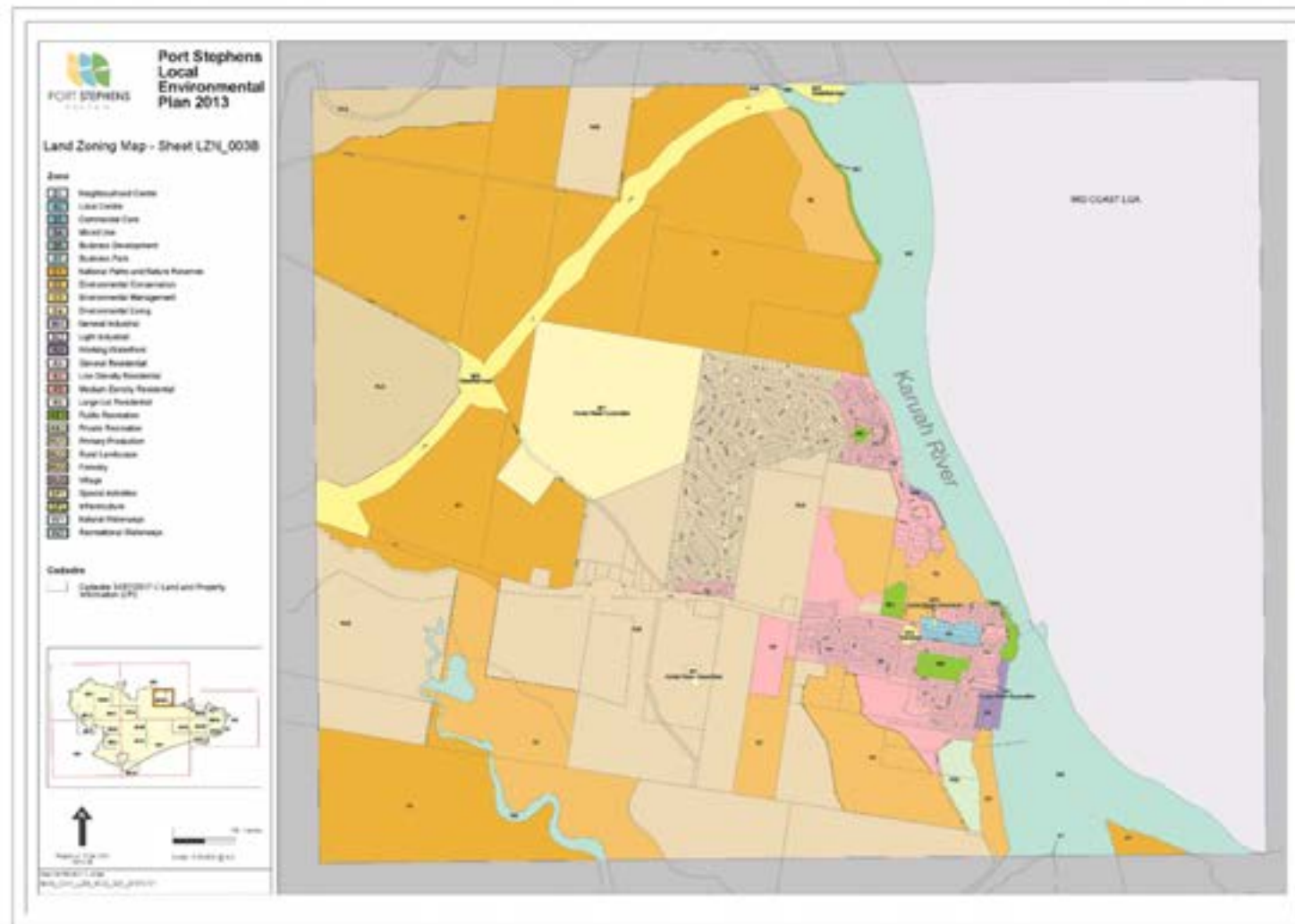
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ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL.

Attachment Two – Current Zoning Map



Attachment Three – Proposed Zoning Map



Port Stephens Local Environmental Plan 2013

Lot Size Map - Sheet LSZ_003B

Minimum Lot Size (sq m)

200
400
450
500
600
700
800
1000
2000
4000
1 ha
2 ha
4 ha
10 ha
20 ha
40 ha

Cartilage

☐ Typeline 1:400000 1: Land and Property Information (LPI)

Karuah River

MID COAST LGA

Inset Map: Shows the location of the map sheet within the Port Stephens LGA.

Scale: 1:100000

North Arrow: Points North.

Legend: Shows the color coding for lot sizes and cartilage.

Attachment Five – Proposed Lot Size Map



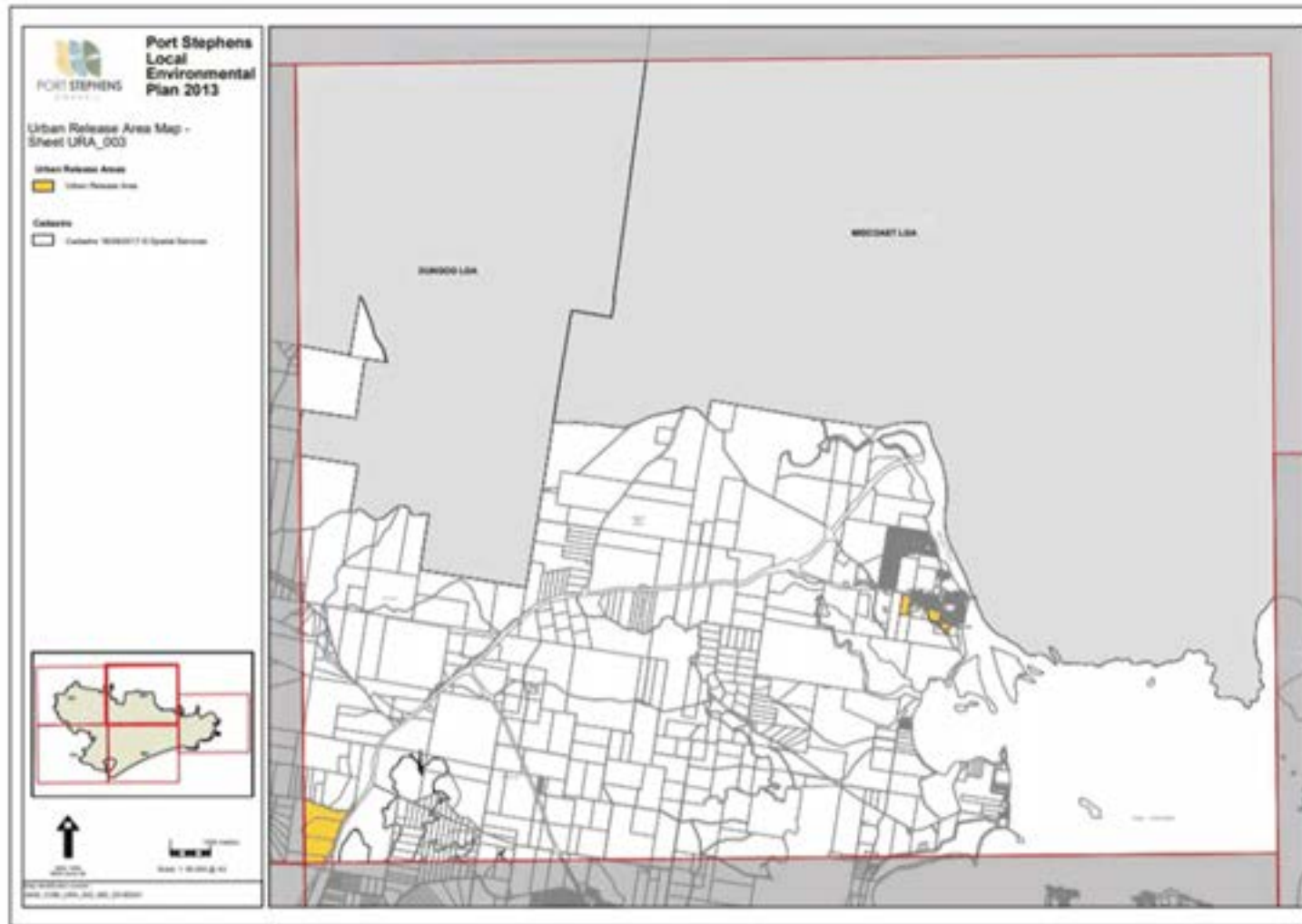
Attachment Six – Existing Height of Buildings Map



Attachment Seven – Proposed Height of Buildings Map

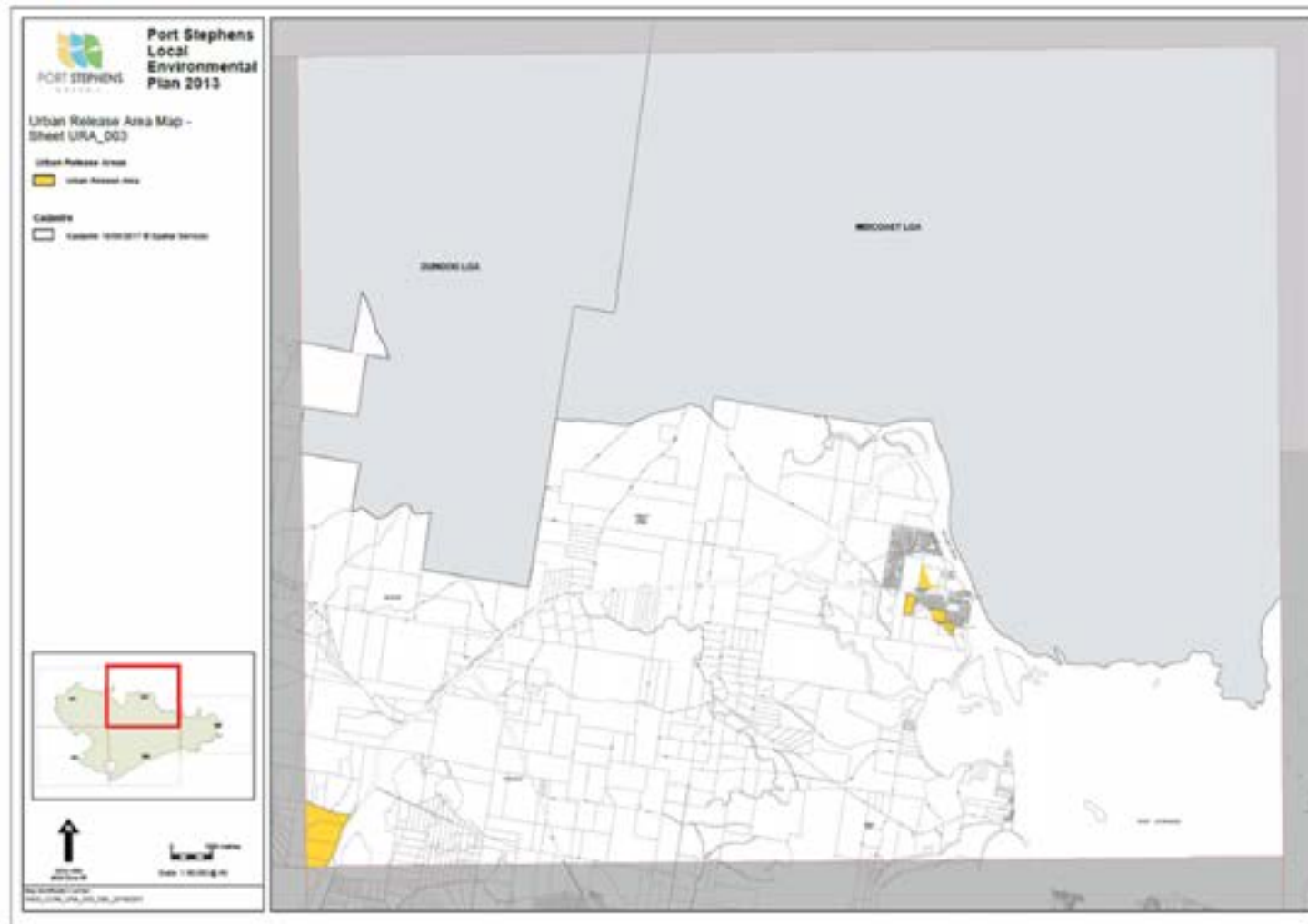


Attachment Eight – Existing Urban Release Area Map



ITEM 3 - ATTACHMENT 1 PLANNING PROPOSAL.

Attachment Nine – Proposed Urban Release Area Map



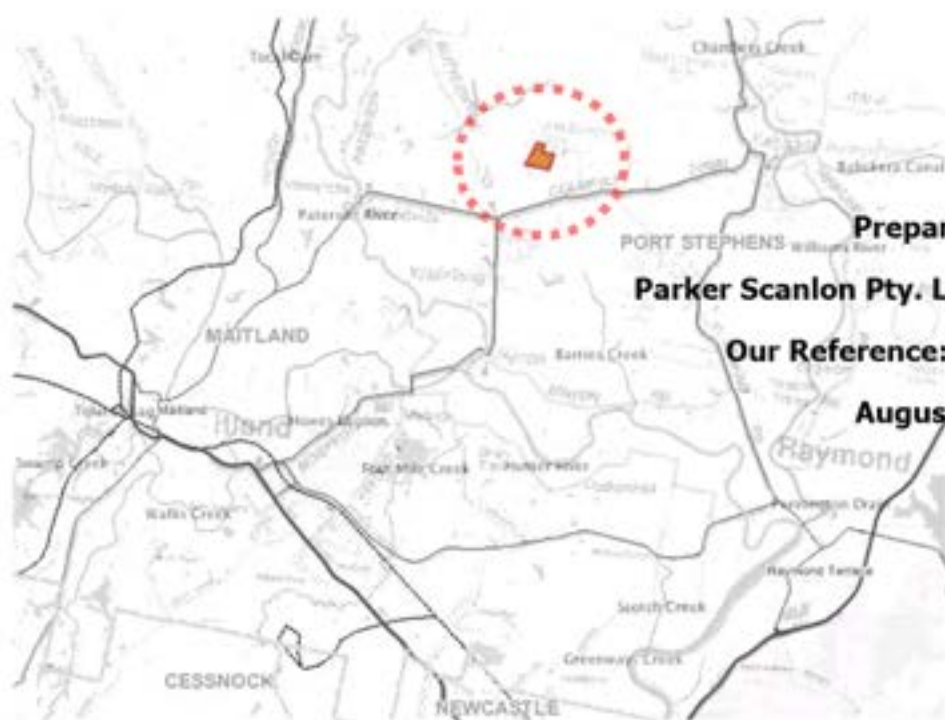


DRAFT PLANNING PROPOSAL

Large Lot (Rural) Residential Land

Lot 14 in DP 846633

No. 4 Giles Road, Seaham



Prepared by:

Parker Scanlon Pty. Limited

Our Reference: B909

August 2018

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August 2018

DRAFT PLANNING PROPOSAL - for Rural Residential Land
Lot 14 in DP 846633
No 4 Giles Rd, Seaham



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EXECUTIVE SUMMARY

The planning proposal seeks to amend *Port Stephens Local Environmental Plan 2013* to allow Lot 14 in DP 846633 (Lot 14/846633) at No. 4 Giles Road, Seaham to be subdivided into allotments with a minimum area of 1 hectare.

The site comprises 32.2 hectares within one allotment. If the proposal is approved, the potential number of allotments will increase from one (1) to twenty six (26). In order to achieve this outcome, the zoning of the site needs to be amended from RU2 Rural Landscape to R5 Large Lot Residential, with the minimum lot size development standard amended from 40 hectares to 1 hectare.

The site adjoins the northern perimeter of the Wallalong "future growth area" identified in the *Port Stephens Planning Strategy 2011-2036* (PSPS). It is partly within the northern fringe of the westernmost location identified as "Investigation Area" in the *Port Stephens Rural Residential Strategy 2017* (PSRRS), and is mapped as being entirely outside the rural residential "exclusion area".

More significantly, the site is already part of a neighbourhood containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha, being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood. Development of the subject site **is in-fill development**, and could not be considered to be facilitating the further fragmentation of rural land.

The proposal: -

- respects the settlement pattern of the locality;
- promotes limited new housing opportunities to maximise the use of infrastructure already provided for rural residential living;
- is consistent with the guiding principles of the *Hunter Regional Plan 2016-2036*;
- is consistent with Council's adopted strategies for the delivery of community resources, rural lands, planning, and rezoning to residential land use;
- is generally consistent with the applicable State Environmental Planning Policies, and any inconsistency is justified by its minor significance, or by its potential to realise a substantial and strategic environmental benefit;
- is generally consistent with the applicable Ministerial Directions, and any inconsistency is justified by its minor significance, or by its locational context;
- will result in the loss of some native vegetation, including 13 Koala feed trees, but will not result in the loss of habitat trees, and can implement measures to generate positive strategic outcomes for the site by significantly increasing tree population, by restoring vegetation canopy to areas denuded by past grazing activities, and by enhancing habitat for threatened species;
- is unlikely to generate, or be impacted by, lasting adverse environmental effects relating to items of heritage and cultural significance, contamination, the local

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road network, the water quality of Heydons Creek and Barties Creek watercourses, on-site sewage management, bushfire hazard mitigation, water supply, and odour.

The site has direct access to Giles Road, and electricity and telecommunications services are available. The proposal's allotments are each sufficiently-sized to sustain domestic on-site sewage management, whilst the locality receives sufficient rainfall to sustain the water supply needs of future residents using appropriate rainfall capture devices (e.g. tanks/reservoirs).

Most significantly, the proposed lot size variation is consistent with the prevailing subdivision pattern in the neighbourhood, so that the risk of setting an undesirable precedent for other "RU2 Rural Living" land is low.

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1. PROPOSAL

The planning proposal seeks to amend *Port Stephens Local Environmental Plan 2013* to allow Lot 14 in DP 846633 (Lot 14/846633) at No. 4 Giles Road, Seaham to be subdivided into allotments with a minimum area of 1 hectare. It is prepared on behalf of Kord Properties Pty Ltd.

The site comprises 32.2 hectares within one allotment. If the proposal is approved, the potential number of allotments will increase from one (1) to twenty six (26). In order to achieve this outcome, the zoning of the site needs to be amended from RU2 Rural Landscape to R5 Large Lot Residential, with the minimum lot size development standard amended from 40 hectares to 1 hectare.

The site adjoins the northern perimeter of the Wallalong "future growth area" identified in the *Port Stephens Planning Strategy 2011-2036* (PSPS). It is partly within the northern fringe of the westernmost location identified as "Investigation Area" in the *Port Stephens Rural Residential Strategy 2017* (PSRRS), and is mapped as being entirely outside the rural residential "exclusion area".

The site is further shown on **Figures 1 to 8**. It is surrounded by 28 rural residential lots, each containing dwellings, ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), so that the proposal would not significantly alter the character of the neighbourhood. Rather, the proposal would assist in providing an increase in housing and improve sustainability of the social fabric of the neighbourhood.

The proposal will improve the Port Stephens Local Government Area (LGA) because: -

- 26 allotments for "higher-end" housing can be provided within 20km of, and centrally between, the "major regional centres" of Maitland (16km) and Raymond Terrace (15.5km), the "town" of East Maitland (19km) and the "stand alone shopping centre" of Green Hills (18km) identified by the forerunner to the current *Hunter Regional Plan 2016-2036*, the *Lower Hunter Regional Strategy 2006-31* (LHRS), and immediately adjoining the "Wallalong rezoning proposal" under consideration by the Gateway. This will assist in supplying the demand for 12,500 new dwellings by 2031 predicted for the Port Stephens LGA by the LHRS;
- the development of the land will directly support the building and construction industries in the short to medium term as significant employers and contributors to the Lower Hunter and NSW economies;
- the site is serviced by established transport routes that link it to the various employment hubs around Maitland (via Paterson Road), Black Hill / Beresfield (via Morpeth Road) and Raymond Terrace (via Hinton Road) recognised by the LHRS;
- housing can be provided within 10km of the established "smaller village" services at Wallalong (5.8km), Woodville (8.4km), Seaham Village (7km) and

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Hinton (7.7km), within 15km of the established "local centre" of Morpeth (12.2km), and within 20km of the commercial hubs of Maitland (16km) and Raymond Terrace (15.5km) which collectively offer an abundant choice in social infrastructure; and

- housing can be provided on a flood-free grassland and open woodland site that is outside any priority conservation areas identified by the *Lower Hunter Regional Conservation Plan 2009* (LHRCP). Furthermore, the site is nearby an authorised supply of gravel material identified by the LHRP that will readily facilitate development works.

It is considered that the site can be sensitively and sustainably developed to contribute housing for 26 households on 1 hectare allotments each about a road structure similar to that suggested in **Figure 9**.

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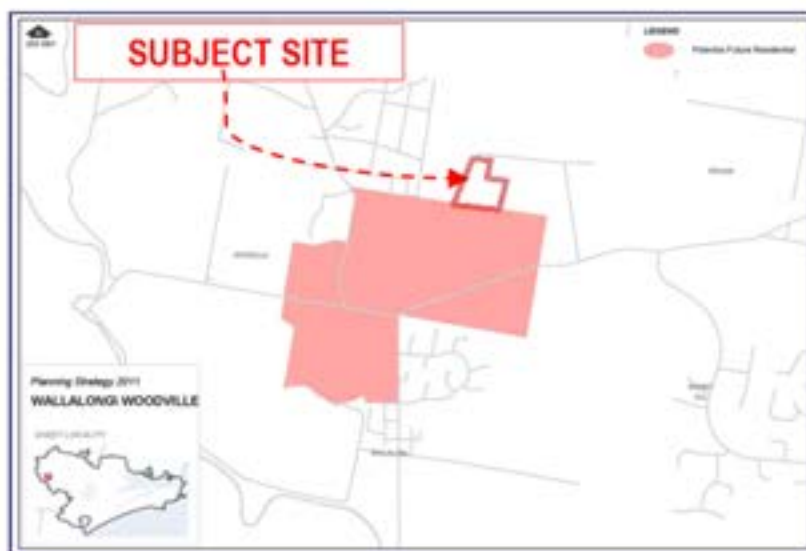


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Figure 1: Context of Site in Port Stephens Planning Strategy 2011-2036



Figure 2: Context of Site with Wallalong "Future Growth Area"



Map Source: Appendix 3, Map 11, Port Stephens Planning Strategy 2011-2036

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Figure 3: Context of Port Stephens Rural Residential Strategy – Investigation Areas

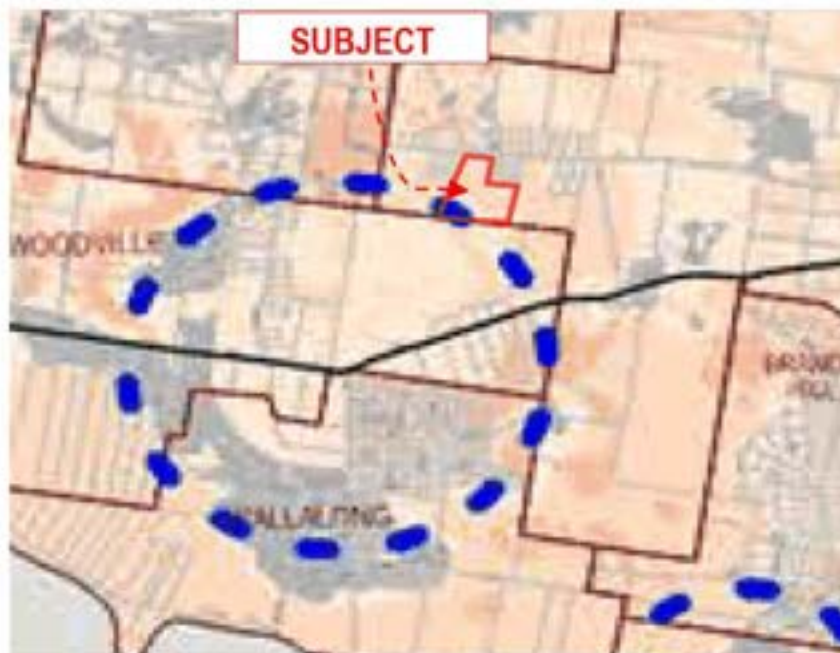
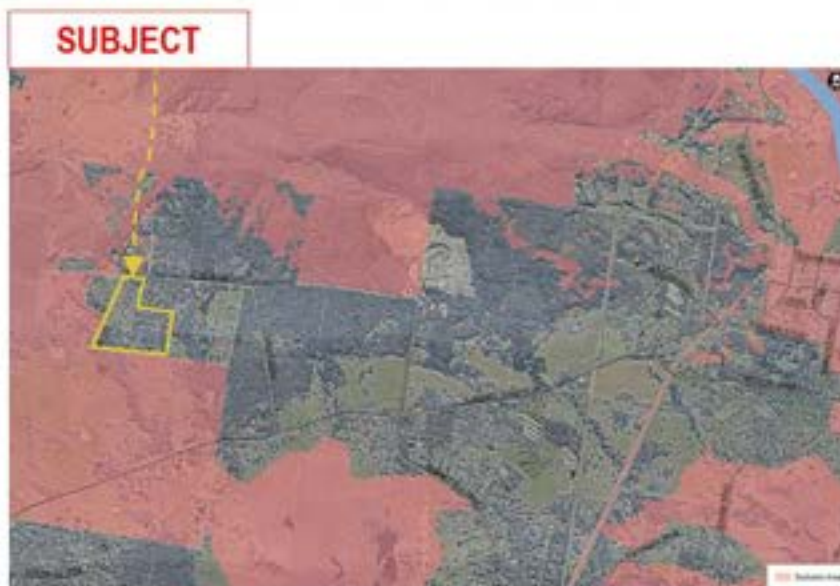


Figure 4: Context of Draft PSRRS – Investigation Area 5 - Seaham



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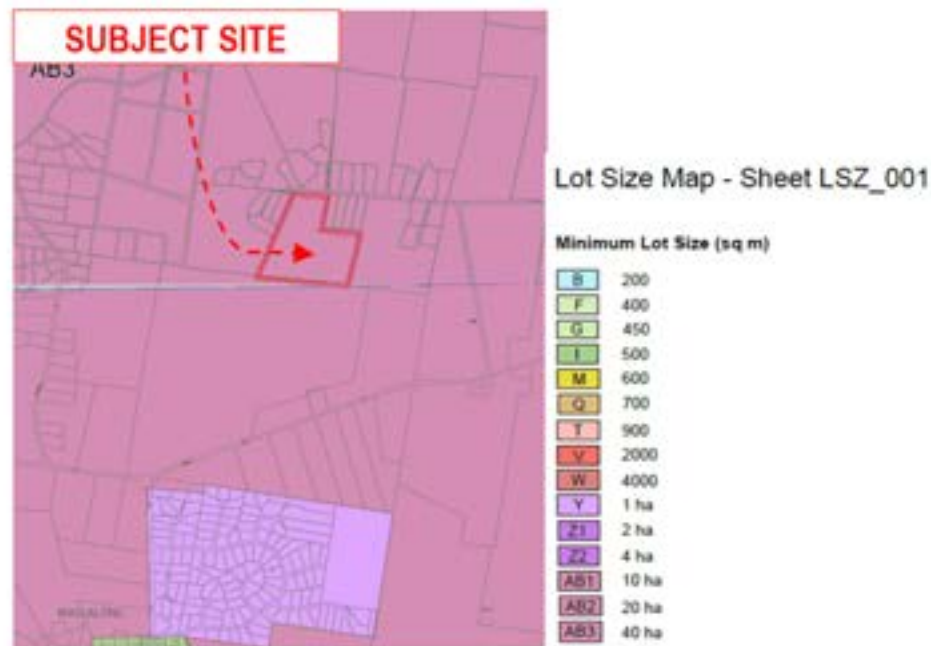


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Figure 5: Context of Site in Port Stephens LEP 2013 – Land Zoning Map



Figure 6: Context of Site in Port Stephens LEP 2013 – Lot Size Map



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Figure 7: Subject Site - Topography

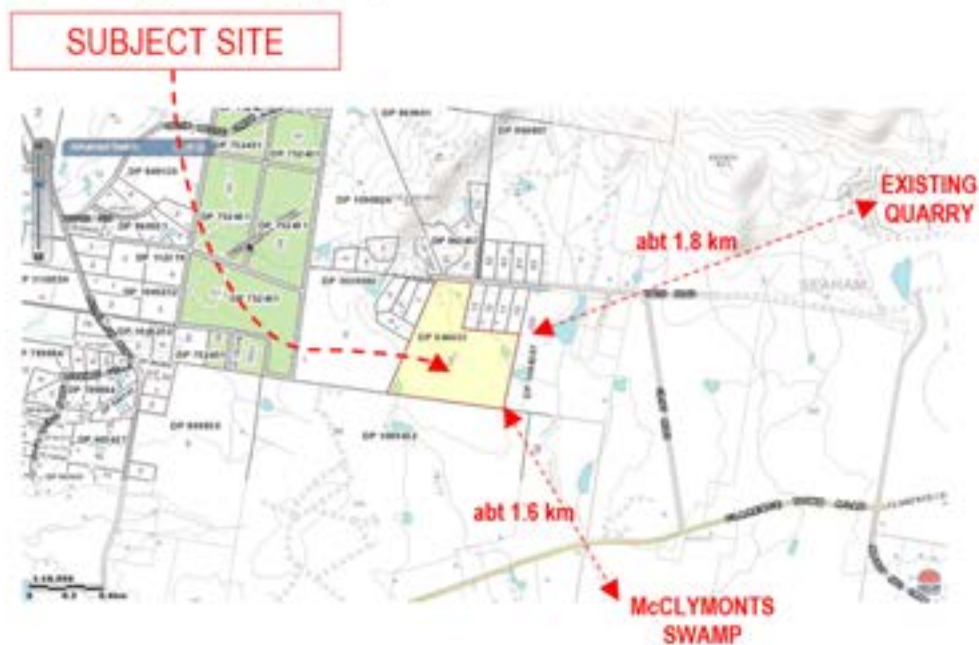


Figure 8: Context with Wallalong Rezoning Proposal



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Figure 9: Concept Lot & Road Layout



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2. BACKGROUND

2.1 Site Description

2.1.1 Context

Lot 14/846633 comprises 32 hectares and has a frontage of 200m to Giles Road at Seaham, north of Wallalong. Giles Road is an established local road that accesses (via Croft Road) Clarence Town Road between the High Street link to Wallalong, Hinton and Morpeth (3km to the west) and the Brandy Hill Drive / Seaham Road link to Raymond Terrace (1km to the east). The site: -

- is within 20km of the "major regional centres" of Maitland (16km) and Raymond Terrace (15.5km), the "town" of East Maitland (19km) and the "stand alone shopping centre" of Green Hills (18km) as identified by the LHRs;
- is within 15km of the established "local centre" of Morpeth (12.2km) as identified by the *Maitland Urban Settlement Strategy 2010* (MUSS);
- is within 10km of established "smaller village" services at Wallalong (5.8km), Woodville (8.4km), Seaham Village (7km) and Hinton (7.7km); and
- immediately adjoins, to the north, the area of the "Wallalong rezoning proposal" (WRP) that proposed to create a new town for 3,700 dwellings. The WRP included a "rural small holdings" precinct adjacent to the site, where minimum lot sizes are 0.4ha. The WRP was refused at the gateway determination stage in 2014; nevertheless, this adjoining site is the northern perimeter of the Wallalong "future growth area" identified in the PSPS.

The existing centres collectively offer an abundant choice in social infrastructure, whilst the WRP will expand this choice in the immediate locality.

Clarence Town Road is also an established regional road that facilitates transport linkage to the various employment hubs recognised by the LHRs. In this regard, the site is almost equidistant from Maitland (via Clarence Town Road and Paterson Road), Black Hill / Beresfield (via Clarence Town Road, High Street, Hinton Road, Morpeth Road and New England Highway), and Raymond Terrace (via Clarence Town Road, Brandy Hill Road and Seaham Road).

In addition, alternative access during most major flood events is already established between the site and Raymond Terrace by means of Clarence Town Road, Dixon Street (Seaham), Warren Street (Seaham), East Seaham Road, Italia Road and the Pacific Highway.

More significantly, the site is already part of a neighbourhood containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood. Like the subject site, all

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the existing 28 rural residential lots are accessed from Giles Road, so that development of the subject site **is in-fill development**, and could not be considered to be facilitating the further fragmentation of rural land. Furthermore, the existing dwellings do not place any demand on reticulated water and sewerage services, with each household utilising sustainable on-site systems for capturing domestic water supply and managing domestic wastewater.

2.2.2 Current zoning and context with strategic land release framework

The site is zoned entirely "RU2 Rural Landscape" by the *Port Stephens LEP 2013* (PSLEP - see **Figure 5**).

The site also adjoins the northern perimeter of the Wallalong "future growth area" flagged by the PSPS (see **Figure 2**). As discussed above, the site adjoins the WRP land to the south. The WRP, which was refused at the gateway determination stage in 2014, proposed a township for 3,700 dwellings, and, along the common boundary with the subject site, proposed a "rural small holdings" precinct, where minimum lot sizes are 0.4ha.

Prior to the *Hunter Regional Plan 2016-2036*, its forerunner, the *Lower Hunter Regional Strategy 2006-2031* (LHRS), recognised the need for the Port Stephens LGA to supply 12,500 dwellings by 2031 beyond that already available under existing planning controls. Towards this LHRS target, a supply of 4,500 dwellings was recognised for Kings Hill (north of Raymond Terrace), but (with the refusal of the WRP) **a deficit of 8,800 dwellings exists for the Port Stephens LGA**.

2.2.3 Topography

The site is entirely free of inundation by flooding from the Paterson and Hunter Rivers. It extends in height to about RL 50m AHD at its north-western corner, and falls to about RL 20m AHD at the south-western and north-eastern corners.

A low ridge traverses the site from north-west to south-east, and is bordered either side by Barties Creek to the south-west (2nd order watercourse – 20m vegetated riparian corridor required either side of the watercourse) and Heydons Creek to the north-east (1st order watercourse – 10m vegetated riparian corridor required either side of the watercourse). Heydons Creek and Barties Creek are partially tree-lined, and pass through existing dams at and beyond the site's extremities.

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2.2.4 Ecology

The site is nearby, but beyond, the Uffington State Forest system (13km away). It is not recognised by the LHRCP as containing any priority conservation areas (see **Figure 10**).

The site presently contains (at January 2018) 5,105 mature trees, comprised predominantly of Iron Bark (62%), Spotted Gum (30%), Forest Red Gum/Grey Gum (7%) species (see p.4 of **Attachment P**).

Ecological investigation discloses the site contains open woodland vegetation with a few older remnant trees surrounded by younger tree regrowth and no native understorey (see **Attachment G**), consisting of five (5) vegetation communities: -

- Seaham Spotted Gum Ironbark forest;
- Hunter Lowland Redgum Forest;
- Seaham Spotted Gum Ironbark/Hunter Lowland Redgum Forest Intergrade;
- Grassland/Pasture; and
- Freshwater Aquatic Vegetation (constructed dams).

The Hunter Lowlands Redgum Forest is considered to be consistent with the "Hunter Lowlands Redgum Forest in the Sydney Basin Bioregion" EEC. It is considered to be present within 1.14ha towards the SW corner of the site, and is intergraded with another vegetation community for a further 4.8ha (see **Attachment G** Section 4.1.1).

Away from Barties Creek at the SW corner, the underlying geology is near or at the surface and the soils are particularly fragile and poorly developed (see **Attachment D** Sections 4.0 to 7.0). Consequently, the components of this EEC are isolated, vulnerable to wind and storm events, and vulnerable to competition for light and the site's few nutrients from other emerging and more resilient vegetation communities.

Significantly, the site is entirely vulnerable to infestation by noxious weeds of significance (see **Attachment G** Section 4.1.3); namely: -

- *Olea europaea* susp. *cuspidat* (African Olive - TSC Act "threatening process");
- *Senecio madagascariensis* (Fireweed – Port Stephens LGA Weed Class 4); and
- *Lantana camara* (Lantana - weed of national significance, TSC Act "threatening process").

It is presently and effectively managed to remove the occurrence of noxious species and prevent reinfestation (see **Attachment E**).

Whilst not present, the site is considered to contain potential habitat for two (2) threatened flora species: -

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- *Eucalyptus glaucina* (Slaty Red Gum); and
- *Persicaria elatior* (Tall Knotweed).

Trees with hollows (HBT's) for roosting or nesting by avifauna, aboreal mammal, reptile and microchiropteran bat species are distributed unevenly across the site (83 in total), with the majority located towards the SW corner. All HBT's have been located, tagged and uniquely numbered (see Appendix E of **Attachment G**).

The site is otherwise considered to contain suitable habitat for twenty (20) threatened fauna species: -

Avifauna

- *Ardea alba* (Great Egret – moderate to high likelihood);
- *Ardea ibis* (Cattle Egret – high likelihood);
- *Glossopsitta pusilla* (Little Lorikeet – high likelihood);
- *Lathamus discolor* (Little Lorikeet – low to moderate likelihood);
- *Neophema pulchella* (Turquoise Parrot – low to moderate likelihood);
- *Merops ornatus* (Rainbow Bee-eater – low to moderate likelihood);
- *Chthonicola sagittata* (Speckled Warbler – low to moderate likelihood);
- *Pomatostomus temporalis* (Grey-crowned Babbler – high likelihood);
- *Rhipidura rufifrons* (Rufous Fantail – moderate likelihood);
- *Hirundapus caudacutus* (White-throated Needletail – moderate likelihood);
- *Ninox strenua* (Powerful Owl – low to moderate likelihood);

Mammals

- *Phascogale tapoatafa* (Brush-tailed Phascogale – high likelihood);
- *Phascogale cinerea* (Koala – high likelihood);
- *Petaurus norfolkensis* (Squirrel Glider – moderate likelihood);
- *Pteropus poliocephalus* (Grey-headed Flying Fox – high likelihood);
- *Saccolaimus flaviventris* (Yellow-bellied Sheath-tail-bat – moderate likelihood);
- *Mormopterus norfolkensis* (East Coast Freetail-bat – moderate likelihood);
- *Miniopterus australis* (Little Bentwing-bat – high likelihood);
- *Miniopterus schreibersii oceanensis* (Large Bentwing-bat – high likelihood);
- *Myotis macropus* (Southern Myotis – moderate likelihood);
- *Scoteanax rueppellii* (Great Broad-nosed Bat – moderate likelihood).

In particular, the site presently contains: -

- 385 Koala feed trees comprising Forest Red Gum and Forest Grey Gum species (see p. 9 of **Attachment P** and pp.5-6 of **Attachment Q**); and
- only 12 nesting trees comprising the local Babbler community's preferred Prickly Leafed Paper Bark species (see p. 2 of **Attachment J** and p.4 of **Attachment P**). These are all located nearby Heydons Creek.

The site is also presently and effectively managed to protect and enhance habitat supporting the Phascogale (see **Attachment J**). In particular, 28 forage areas are being established about suitable habitat trees (see pp.5, 6-11 of **Attachment J**),

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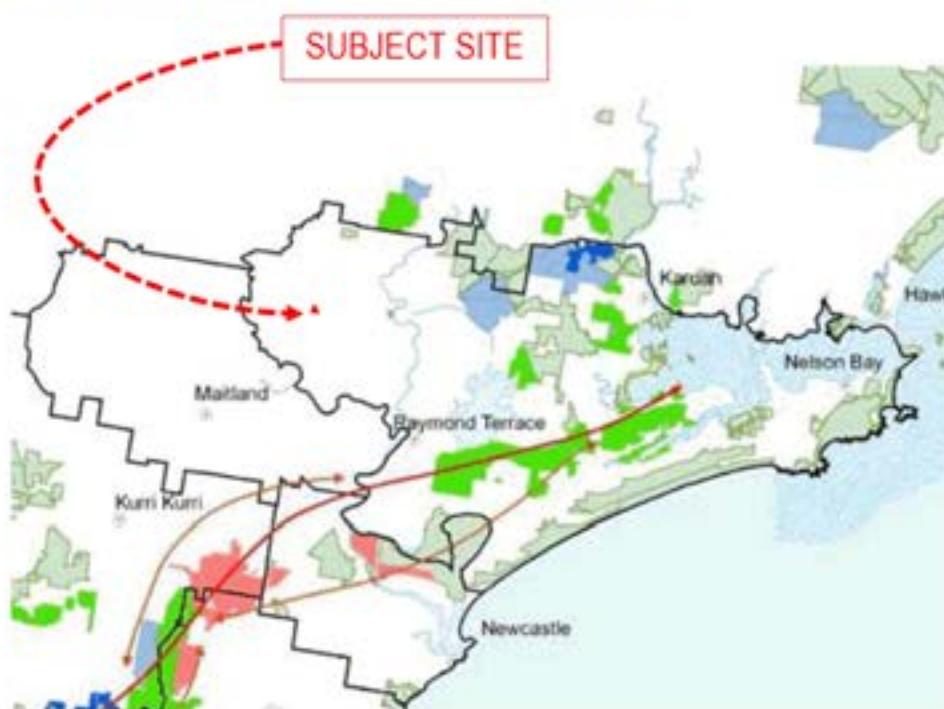


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whilst 20 nesting/breeding boxes suitable for use by the phascogale are being installed (see pp.5, 12-16 of **Attachment J**).

Active ongoing management of the whole of Lot 14/846633 is necessary to prevent weed reinfestation, reduce fire hazard and retain its key habitat values.

Figure 10: Lower Hunter Regional Conservation Plan – extract



2.2.5 Site and context with Natural Resources

The site is 1.8km from the activity area of Brandy Hill Quarry (see **Figure 7**), which is recognised as a "non coal extractive resource" by the LHRS (see **Figure 11**), and is accessed from Giles Road, as well as Clarence Town Road.

In this context, the site is ideally located in that it: -

- is on the opposite side of the ridge from, and well clear of, the direct impacts of quarry activity;
- is nearby a facility authorised to supply a resource required for development works, thereby minimising transportation costs and environmental footprint.

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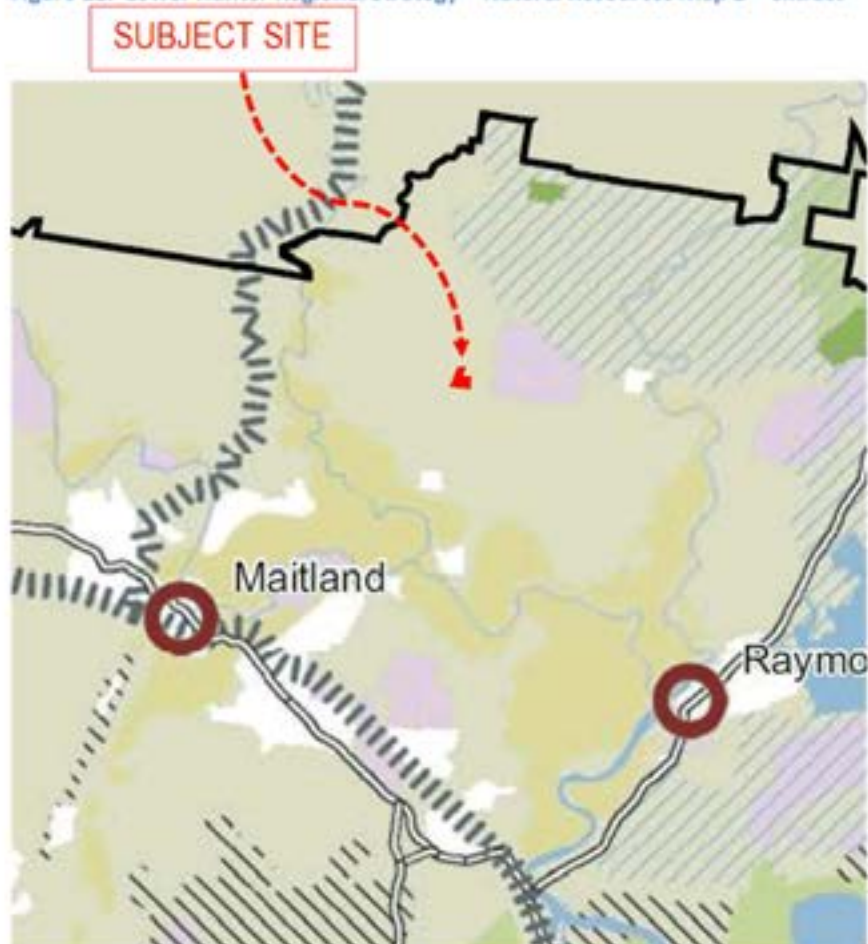
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Geologically, the site contains several areas of rock outcrop and otherwise consists of a thin soil cover overlaying medium to coarse grained lithic sandstone and some conglomerate. This material is unsuitable as a resource for commercial extraction (see **Attachment D** Sections 4.0 & 10.0(g)).

Figure 11: Lower Hunter Regional Strategy – Natural Resources Map 2 – extract



2.2.5 Site and context with Agriculture

The site has been utilised for grazing (up to 12 animals), and before 1983 was specifically a flood refuge for stock (see **Attachment D** Section 1.0) as part of an extensive pastoral holding extending to south towards the Hunter River into McClymonts Swamp.

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With the emergence of "small lot holdings" in the locality, and particularly because of poor feed availability, there has been no recent attempt to establish a commercially-viable agricultural enterprise on the site. This is understandable since its soils are poor and vulnerable, allowing only shallow-rooted native hardwood vegetation to flourish (see **Attachment D** Sections 5.0 & 6.0); consequently, the site has no potential for contemporary agribusiness options (i.e. beef production, feed lotting, cropping, plantation, horticulture, commercial nursery, horse stud – see **Attachment D** Sections 9.0 & 10.0).

Nearby "Free Range" Poultry Activity

The site adjoins Lot 51/1069432 at 599 Clarence Town Road, Woodville, which comprises 170.9 hectares. Lot 51/1069432 is presently zoned "RU2 Rural Landscape", and contains a poultry facility. The facility is leased for "free range" egg production to "Manning Valley Free Range Eggs" (<http://www.manningvalleyeggs.com.au/>) to generate interim income that meets holding expenses (pers. Comm. McCloy Group 20/9/17). The owner is not intending to expand the facility.

The poultry facility includes (see **Attachment K**): -

- four (4) large naturally-ventilated sheds (1,400m² each) for laying hens to roost, lay, drink and eat with protection from the elements and predators; and
- three (3) paddocks (12.6ha total) for free range access to open space and managed grassland.

The sheds are located 230m, 260m, 300m and 330m respectively from the SW corner of the site. Using the *Environmental Guidelines for the Australian Egg Industry* (Australian Egg Corporation Limited Publication 08/01 June 2008, the facility is assessed to have a "Shed Area" capacity for 89,840 hens (even though the "Outdoor Range" capacity is only 18,900 hens).

Using the *Technical notes – Assessment and management of odour from stationary sources in NSW* (NSW Department of Environment and Conservation, November 2006), a separation distance of 413m applies to the farthest shed when the facility is operating at capacity. The resulting arc (i.e. scribed from the farthest shed) generally follows Barties Creek, so that ongoing operation of the facility at full capacity is unlikely to generate adverse odour impact on future rural residential development established on Lot 14/846633.

Presence of Other Agricultural Activity

The site is also located 0.8km north from the nearest land zoned "RU1 Primary Production", and, apart from the "free range" egg production facility discussed above, there is no intensive agricultural activity conducted in its vicinity.

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2.2.6 Site and Context with PSC On-Site Sewage Management Policy

The site is within a locality where a reticulated sewer system is not available for connection, so that On Site Sewage Management applies. Council's policy for issuing approvals to operate new OSSM systems is set out in Document *PSC2011-03249 On-site Sewage Management Policy 2012* (originally adopted 19/10/2004). It is underpinned by a development assessment framework integrated with the *Port Stephens Council On-site Sewage Management Technical Manual 2011* (OSSM Technical Manual). Using the policy's risk classification criteria (Table 7 of PSC2011-03249) and published broad-scale data for the Wallalong locality (Table 5-4 of OSSM Technical Manual), the site (and proposal) can be classified (**in RED**) as follows: -

OSMS Risk Classification for Site (using criteria Table 7 of PSC2011-03249)

Indicative Criteria	High Risk	Medium Risk	Low Risk	SITE CLASSIFICATION
Land Area	<2000m ²	2000 – 4000m ²	>4000m ²	LOW Risk
Soil type	Clay or Sand	Loam	Loam	MEDIUM – HIGH Risk
Soil Structure	Weak/massive	Moderate structure	Good structure	MEDIUM – HIGH Risk
Flooding	Flood prone	Not flood prone	Not flood prone	LOW Risk
System Type	Primary	Primary Secondary	Secondary or better	LOW Risk
Depth to Groundwater or Hardpan	<0.6 metre	0.6 – 1.0 metres	>1 metres	LOW – MEDIUM Risk
Slope	>20%	10 – 20%	<10%	LOW Risk
Water Catchment	Yes	No	No	LOW Risk
Buffer distances	Not comply	Partial compliance	Comply	LOW Risk

This confirms the site's classification as "medium hazard" by the OSSM Technical Manual (see **Figure 12**). In deriving the "medium hazard" class, the OSSM Technical Manual assumes the site is developed to a density of 1 dwelling (i.e. 4-bedroom dwelling occupied by 6 persons) per 0.4 hectares of usable land.

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Figure 12: Port Stephens Council OSSM Technical Manual - On-site Sewage Management Hazard Map (Multiple Lots) - extract



It is estimated that 27.2 hectares of usable land is available, so that 85% of the site is exclusive of constrained land and future roads. Therefore, 68 dwellings represent the yield that generates a "medium hazard" classification for the site in terms of OSSM capability.

Conversion of the site to provide 26 allotments for "higher-end" housing represents only 38% of this 68-dwellings capacity, and thereby significantly reduces the "medium hazard" risk. In terms of the *Port Stephens Development Control Plan (DCP) 2007* (PSDCP – i.e. Controls B2.C50, B2.C52 & B2.C53), each of the 26 "higher-end" housing allotments can be appropriately configured within the site to satisfy the 0.4 hectare "usable land" standard for un-sewered land.

2.2.7 Site and Context with Aboriginal Heritage

The AHIMS and Australian Heritage databases list the site as containing no known aboriginal items of heritage significance (see **Attachments B & C**).

The site is within the Worimi Local Aboriginal Land Council (LALC) area (see **Figure 13**). Informal enquiries by the owner's agent with the LALC have confirmed the site has no heritage or cultural significance.

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Figure 13: Aboriginal Land Rights Act 1983 – Aboriginal Land Councils 2007 - extract



2.2.8 Site and context with Bushfire Hazard

The site is identified entirely as bushfire prone (see **Figure 14**), containing vegetation "Category 1" (orange) and vegetation "Buffer" (red). Adjoining land to the south contains no substantial hazard.

Figure 14: Port Stephens Bush Fire Prone Land Map - extract



The site is presently managed to reduce fire risk in the manner shown in **Attachment H**. The site's fire management plan has been developed in consultation with local RFS personnel. A system of mown debris-free fire breaks is established and maintained internally and around the site's perimeter. A mobile 1,000 litre capacity fire tank and pump unit is permanently stored within the site, whilst separate fixed pump and hose units are located adjacent to the site's dams. A water access point is being established to the dam in the southwest, and will be dedicated for RFS use.

As regards the proposal, Bushfire Threat Assessment, which nominates building envelopes with BAL's applied (see **Attachment L**), concludes that the application

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of APZ's and the relevant construction standards within the site can provide adequate protection to life and property in the event of a bushfire.

2.2.8 Site and context with Water Supply

The site is within a locality where a reticulated water supply system is not available for connection, so that on the site capture of rainwater applies.

Based on average rainfall data for the locality (1,000mm per year), each allotment in the locality can be sustained for non-reticulated sources of water supply provided 350m² minimum of impervious surface is available to capture and direct rainfall runoff into sufficiently-sized tanks/reservoirs.

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3. CURRENT PLANNING CONTROLS

3.1 Port Stephens Local Environmental Plan 2013

Under the *Port Stephens LEP 2013* (PSLEP), the land is zoned: -

- "RU2 Rural Landscape" (see **Figure 5**).

The site adjoins land zoned RU2 to the north, east, south and west.

The site is located 1.6km north and 2km north-west respectively of land zoned R5 at High Street, Wallalong and Brandy Hill Drive, Brandy Hill.

The site has been utilised for grazing, and before 1983 was specifically a flood refuge (see **Attachment D** Section 1.0) as part of an extensive pastoral holding extending to south towards the Hunter River into McClymonts Swamp.

The PSLEP permits "subdivision" with consent, but limits lot sizes to those indicated on the Lot Size Map (see **Figure 6** – i.e. 40 hectares for land marked "AB3" and vide Clauses 2.6 & 4.1).

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

Objectives – Zone RU2 Rural Landscape

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

The site comprises 32ha, is located within a neighbourhood containing 28 rural residential lots varying between 1.5 hectares and 3.6ha (see **Attachment I**). It is unsuitable for sustainable primary industry production and as a natural resource base, and is otherwise well clear of the direct negative impacts of existing primary industry production and quarry activities.

Furthermore, the site is not suitably located to sustain any of the range of "compatible land uses" that are permissible (i.e. it is not located nearby facilities that attract viable interest for tourism, recreation, intensive/extensive agriculture, environmental management or civic administration purposes). Therefore, maintaining its rural landscape character, with the attendant responsibilities of managing environmental interactions, including for bushfire hazard and weed infestation, cannot be sustained indefinitely for the site's current size and circumstances.

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PART 4. PRINCIPAL DEVELOPMENT STANDARDS

Clause 4.1 – Minimum subdivision lot size

The site is marked "AB3" on the Lot Size Map (see **Figure 6**), so that the PSLEP limits lot sizes to 40ha.

Clause 4.2 – Rural subdivision

The PSLEP prohibits the creation of lots comprising less than 40ha on "RU2" zoned land for dwellings.

Clause 4.6 – Exceptions to development standards

The proposal facilitates the creation of 26 lots of less than 40ha on RU2 zoned land (see Clause 4.6 (6)), so that it is specifically excluded as a circumstance for which the creation of undersized allotments could be approved.

However, the site is clustered with 28 rural residential lots containing dwellings and ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), where the objectives of Zone "RU2" have long been abandoned.

Alternatively, the site should be marked "Y" on the Lot Size Map as there is clearly no public benefit in maintaining the 40ha minimum lot size standard.

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4. PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to amend the *Port Stephens Local Environmental Plan 2013* (PSLEP) to enable redevelopment of Lot 14 in DP 846633 at 4 Giles Road, Seaham to create one (1) hectare allotments to meet future demand for "rural living areas" in the "Seaham" Investigation Area (i.e. Area 5).

The proposal is expected to create up to twenty (26) allotments, and will consolidate the pattern of "rural living areas" allotments already established in the Giles Road neighbourhood.

An indicative subdivision layout is shown in **Figure 9**.

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5. PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by: -

1. amending the PSLEP Land Zoning Map sheet LZN_001 by applying "R5 - Large Lot Residential" to Lot 14/846633 (see **Figure 15**); and
2. amending the PSLEP Lot Size Map sheet LSZ_001 by applying "Y - 1 ha" to Lot 14/846633 (see **Figure 16**);.

Figure 15: Existing & Intended PSLEP Land Zoning Map sht LZN_001

Existing

Intended



Figure 16: Existing & Intended PSLEP Lot Size Zoning Map sht LSZ_001

Existing

Intended



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6. PART 3 - JUSTIFICATION

SECTION A – Need for the Planning Proposal

6.1 Is the Proposal a result of any strategic study or report?

No – there is, at present, no strategic planning framework for rural residential development in the Port Stephens LGA that is endorsed under the *Hunter Regional Plan 2016 – 2036* (HRP) by NSW Planning & Environment.

However, the *Port Stephens Rural Residential Strategy 2017* (PSRRS) provides a guidance framework for assessment of planning proposals for rural residential development in the short term. The PSRRS includes a map showing four (4) key locations to be the focus of Council's future strategic investigations – the site is partly within the northern fringe of the westernmost location (see **Figure 3**). It has been previously mapped in the *DRAFT Port Stephens Rural Residential Strategy 2015* (DPSRRS) as being part of the "Seaham" Investigation Area (i.e. Area 5) and entirely outside the rural residential "exclusion area" (see **Figure 4**) - it is not affected by any "exclusionary" criteria listed in Appendix 1 to the PSRRS.

The site is located between and nearby two rural residential settlements at Wallalong (1.6km to the S) and Brandy Hill (2km to the SE), so that a residential settlement pattern has emerged in the area.

More significantly, the site is already part of a neighbourhood containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood.

The site is serviced by Giles Road, and is not isolated in flood events since alternative access can be gained to Raymond Terrace by means of Clarence Town Road, Dixon Street (Seaham), Warren Street (Seaham), East Seaham Road, Italia Road and the Pacific Highway. The site is otherwise 16km from Maitland, 15.5km from Raymond Terrace, and 5.8km from "smaller village services" at Wallalong.

The site is not located nearby any local wetlands or major waterways, and is setback 1.8km from the nearest existing quarry and 0.8km from the nearest land zoned "RU1 Primary Production".

The site is not recognised by the LHRCP as containing any priority conservation areas (see **Figure 10**). However, ecological investigation indicates it does support threatened fauna species. It recommends measures be implemented to (see Section 9 of **Attachment G**): -

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- avoid removing large older trees and hollow-bearing trees, and compensate for native vegetation removed;
- manage weeds in the long-term;
- protect habitat supporting the Brush-tailed Phascogale species;
- protect habitat supporting the Koala species;
- protect habitat supporting the Grey-crowned Babbler species; and
- control predation by domestic cats and dogs.

Measures to ensure the proposal achieves these outcomes are discussed in detail in Section 6.3 below, and account for: -

- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

In summary, the measures will generate positive strategic outcomes for the site by increasing tree population, restoring vegetation canopy to areas denuded by past grazing activities, enhancing habitat for the Phascogale, Koala and Babbler species, ensuring weed management is maintained, and formally establishing controls for domestic cats and dogs. Therefore, development of the site as per **Figure 9** is unlikely to have significant detrimental impact on the local populations of EEC's and threatened species.

The site is identified as bushfire prone, but is already managed with fire breaks, fixed pump and hose units and water access points established to mitigate fire risk. Bushfire Threat Assessment of the proposal, which nominates building envelopes with BAL's applied (see **Attachment L**), concludes that the application of APZ's and the relevant construction standards within the site can provide adequate protection to life and property in the event of a bushfire.

The site is serviced by reticulated power supply, but is not serviced by reticulated sewer and water systems. Alternatively, On Site Sewage Management applies to the locality as per Council's OSSM Technical Manual. The site has capability to yield 68 dwellings (i.e. 1 x 4-bedroom dwelling per 0.4ha of usable area). The proposal will utilise only 38% of this capability, thus resulting in 62% reserve capacity for the site.

As regards water supply, the locality is reliant on capturing rainwater. Based on average rainfall data for the locality (1,000mm per year), each allotment in the locality can be sustained for non-reticulated sources of water supply provided 350m² minimum of impervious surface is available to capture and direct rainfall runoff into sufficiently-sized tanks/reservoirs.

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The only nearby supply of existing, vacant, serviceable, rural residential-zoned land is located about 1.6km south of the site. It contains about 21ha of land not affected by any "exclusionary" criteria. This suggests a maximum yield of 20 allotments, and, using the projected demand for Maitland LGA, has only 1 year's available supply.

Rural Residential Land Supply & Demand (using criteria Table 1 of DPSRR Vol 1 Sec 4.2)

LGA	Projected Supply	Avg dwlgs/year	Projected Demand	Supply Available (years)
Maitland	1,094	41	1,066	27.2*
Port Stephens Area 3-Existing	20			1.0*
TOTAL	1,114			

* assumes distribution of "Avg dwlgs/year" is spread evenly between the 2 x LGA's

6.2 Is the Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes – amending the zoning and minimum lot size maps of the PSLEP is the only means of achieving redevelopment of Lot 14/846633 to create rural residential allotments.

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SECTION B – Relationship to Strategic Planning Framework

6.3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Applicable Regional Strategy - Hunter Regional Plan 2016-2036

The *Hunter Regional Plan 2016 – 2036* (HRP) is the applicable strategy. The Introduction to HRP (p.4) states it “*is not intended to be a step-by-step approach to all land use planning. Rather, it provides an overarching framework to guide ... development proposals ...*.” New planning proposals are therefore required to be consistent with the guiding principles of the HRP.

The vision of the HRP is to: -

- meet a population increase of 130,000 persons by 2036;
- create 61,500 new jobs between 2016 and 2036;
- protect and enhance the Hunter Region’s 28% share of the NSW gross regional product;
- protect the reputation of the Hunter as Australia’s oldest wine making region and as one-of-three world’s best centres for developing thoroughbreds;
- sustain the viability of the Hunter’s existing 45,000 small-to-medium enterprises;
- sustain the Hunter’s current annual attraction for 7.6 million domestic and 113,000 international tourists.

The HRP sets out four (4) goals to establish the Hunter Region (with Greater Newcastle as its centrepiece and as the next Australian metropolitan city): -

- as the leading regional economy in Australia, including specific directions to grow tourism, protect and enhance agricultural productivity, manage the ongoing use of natural resources, and plan for greater land use compatibility;
- as a biodiversity-rich natural environment, including a specific direction to protect and connect natural areas;
- with thriving communities, including directions to enhance access to recreational facilities and connect open spaces; and
- with greater housing choice and jobs, including directions to create compact settlement, and promote housing diversity.

To realise its vision and achieve its goals, the HRP proposes to: -

- develop, diversify and connect the Hunter’s strategic centres of the: -
 - Global Gateways (Port of Newcastle, Newcastle Airport);

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- Lower Hunter (Newcastle City Centre, Broadmeadow Sport & Recreation Precinct, Kotara, Charlestown, Cardiff-Glendale, John Hunter Hospital, University of Newcastle, Raymond Terrace, Nelson Bay, Central Maitland, East Maitland, Kurri Kurri, Cessnock & Morisset);
- Upper Hunter (Singleton, Muswellbrook & Scone); and
- Mid-Coast (Forster-Tuncurry & Taree);
- develop the presence of the University of Newcastle and John Hunter Hospital as research and health facilities of world-class standard;
- improve the connectivity to, and expand the capacity of, the Port of Newcastle and Newcastle Airport as the gateways for goods and tourists; and
- establish the Hunter Development Corporation to coordinate and integrate economic development and infrastructure planning.

For each Council, "Local Government Narratives" are included to provide detailed guidance.

The HRP sets out the following guidance for the Port Stephens LGA: -

- Housing & employment projections to 2036: -
 - population increase of 18,550 persons;
 - housing stock increase of 11,050 dwellings;
 - increase of 5,665 jobs;
- Regional priorities: -
 - protect the functioning of Newcastle Airport;
 - leverage proximity to the global gateways (i.e. Airport);
- Regionally significant centres & employment land clusters: -
 - Strategic centres - Raymond Terrace & Nelson Bay;
 - Centres of local significance - Salamander Bay, Anna Bay, Medowie, Karuah, Tanilba Bay, Lemon Tree Passage, Fern Bay, Hinton, Woodville and Seaham;
 - Significant employment land clusters - Tomago & Heatherbrae;
- Locations for growth of dwellings (opportunities for future housing & urban renewal): -
 - Urban Release Areas at Fern Bay, Medowie & Kings Hill;
 - infill potential within Raymond Terrace & Nelson Bay.

Response to Port Stephens "Local Government Narrative": - Lot 14/846633 is located between the villages of Seaham and Wallalong, and nearby rural residential precincts at Wallalong (1.6km S) and Brandy Hill (2km SE). It is also clustered with 28 rural residential lots containing dwellings, varying between 1.5 hectares and 3.6ha (see **Attachment I**), being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood, which thereby acts as a barrier to expanding the region's tourism and agricultural industries.

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Development of the site in the manner shown in **Figure 9** is in-fill development. It respects the settlement pattern of the locality, promotes limited new housing opportunities to maximise the use of infrastructure already provided for rural residential living, and does not compromise the Port Stephens "Local Government Narrative".

Otherwise, the HRP strategy is underpinned by a framework of directions and actions to focus new housing and jobs in strategic centres and in renewal corridors close to transport.

Under directions to grow the economy of Port Stephens (Direction 6), to protect and enhance agricultural productivity (Direction 10), and to plan for greater land use compatibility (Direction 13), relevant actions within the HRP are to: -

Action 6.3

Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies.

Action 10.1

Protect locations that can accommodate agricultural enterprises from incompatible development, and facilitate the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans.

Action 10.3

Protect the region's wellbeing and prosperity through increased biosecurity measures.

Action 13.1

Identify and protect important agricultural land, including intensive agricultural clusters, in local plans to avoid land use conflicts, particularly associated with residential expansion.

Action 13.2

Limit urban and rural housing encroachment into identified agricultural and extractive resource areas, industrial areas and transport infrastructure when preparing local strategies.

Response to Actions 6.3, 10.1, 10.3, 13.1 & 13.2: - Lot 14/846633 has no natural attributes to attract tourism, has no potential for agricultural productivity, and contains no material suitable for commercial extraction (see **Attachment D**).

The site is clustered with 28 rural residential lots containing dwellings, varying between 1.5 hectares and 3.6ha (see **Attachment I**), being the consequence

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of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood, which thereby act as a further barrier to expanding the region's tourism and agricultural industries.

Under directions to protect and connect natural areas (Direction 14), to sustain water quality and security (Direction 15), and to increase resilience to hazards and climate change (Direction 16), relevant actions within the HRP are to: -

Action 14.1

Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.

Action 15.1

Protect water catchments to sustain high quality and dependable water supplies across the region.

Action 16.1

Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire, mine subsidence, and land contamination.

Response to Actions 14.1, 15.1 & 16.1: - Lot 14/846633 is nearby, but beyond, the Uffington State Forest system (13km away), is located clear of the region's drinking water catchments (see **Figure 17**), is outside any mine subsidence district, and is not flagged as containing land contamination issues.

The site is not recognised by the LHRCP as containing any priority conservation areas (see **Figure 10**).

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Figure 17: HRP – Proposed Biodiversity Corridors - extract



However, ecological investigation indicates the site does support threatened fauna species. It recommends measures be implemented to (see Section 9 of **Attachment G**): -

- avoid removing large older trees and hollow-bearing trees, and compensate for native vegetation removed;

Comment: - the site presently (at January 2018) contains 5,105 mature trees, comprised predominantly of Iron Bark (62%), Spotted Gum (30%), Forest Red Gum/Grey Gum (7%) species (see p.4 of **Attachment P**).

Some (83) of these mature trees are habitat trees (HBT's) - all HBT's have been located, tagged and uniquely numbered (see Appendix E of **Attachment G**). Building envelopes can be positioned to avoid removal or disturbance to any of these HBT's (see **Attachment R**). Furthermore, one (1) HBT (no. 28) is positioned within the Outer Protection Area of the APZ for Lot 14 only, whilst HBT's extend into the BAL-29 area for Lot 2 (2 - HBT nos. 81 & 82), Lot 5 (1 - HBT no. 78), Lot 8 (1 - HBT no. 30), and Lot 11 (1 - HBT no. 10). Significantly, all HBT's can be retained without compromising the management of APZ's across the entire site.

In addition, the suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates tree loss can be limited to a total of 239 trees, towards: -

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- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 749 plantings can be achieved within the targeted areas, realising a gain of 510 trees (or 3.13 trees planted for each tree removed) and a 9.9% increase in the site's tree population (p.9 of **Attachment P**).

- manage weeds in the long-term;

Comment: - the site is presently and effectively managed to minimise the occurrence of noxious species (see **Attachment E**). The proposal involves maintaining this weed management program.

- protect habitat supporting the Brush-tailed Phascogale species;

Comment: - the site is presently and effectively managed to protect and enhance habitat supporting the Phascogale (see **Attachment J**).

In particular, 28 forage areas are being established about suitable habitat trees on Lots 2, 7, 13, 14, 15, 16, 20, 21, 22, 23 & 24 (see pp.5, 6-11 of **Attachment J**), whilst 20 nesting/breeding boxes suitable for use by the phascogale are being installed in trees on Lots 2, 3, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25 & 26 (see pp.5, 12-16 of **Attachment J**). Significantly, all forage areas and nesting/breeding spots can be retained without compromising the management of APZ's across the entire site.

- protect habitat supporting the Koala species;

Comment: - the site presently contains 385 Koala feed trees comprising Forest Red Gum and Forest Grey Gum species (see p. 9 of **Attachment P** and pp.5-6 of **Attachment Q**).

The suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates Koala feed tree loss can be limited to a total of 13 trees, towards: -

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- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 454 plantings can be achieved within the targeted areas, realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala feed tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

- protect habitat supporting the Grey-crowned Babbler species; and

Comment: - the site presently contains only 12 nesting trees comprising the local Babbler community's preferred Prickly Leafed Paper Bark species (see p. 2 of **Attachment J** and p.4 of **Attachment P**). These are all located nearby Heydons Creek, so that no Babbler nesting tree loss will occur from the proposal.

Regardless, planting of the Babbler's preferred nesting species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1 & 2 (see pp.4 & 27 of **Attachment O** and pp.11 & 13 of **Attachment N**). A total of 140 plantings can be achieved within the targeted areas, realising a gain of 152 trees without loss that represents a massive boost to the site's Babbler preferred nesting tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

- control predation by domestic cats and dogs.

Comment: - the proposal involves placing restrictions to prohibit domestic cats, and to limit domestic dogs to one (1) per lot contained within a koala-proof compound (see p.2 of **Attachment P** and p.3 of **Attachment Q**).

The measures described above ensure the proposal does not negatively impact the threatened species using the site. More significantly, it generates positive strategic outcomes for the site by increasing tree population, restoring vegetation canopy to areas denuded by past grazing activities, enhancing habitat for the Phascogale, Koala and Babbler species, ensuring weed management is maintained, and formally establishing controls for domestic cats and dogs.

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The site is entirely free of inundation by flooding from the Paterson and Hunter Rivers. In addition, alternative access during most major flood events is already established between the site and Raymond Terrace by means of Clarence Town Road, Dixon Street (Seaham), Warren Street (Seaham), East Seaham Road, Italia Road and the Pacific Highway.

However, the site is mapped entirely as bushfire prone (see **Figure 14**), containing vegetation "Category 1" (orange) and vegetation "Buffer" (red). Adjoining land to the south contains no substantial hazard.

The site is presently managed to reduce fire risk in the manner shown in **Attachment H**. The site's fire management plan has been developed in consultation with local RFS personnel. A system of mown debris-free fire breaks is established and maintained internally and around the site's perimeter. A mobile 1,000 litre capacity fire tank and pump unit is permanently stored within the site, whilst separate fixed pump and hose units are located adjacent to the site's dams. A water access point is being established to the dam in the southwest, and will be dedicated for RFS use.

Bushfire Threat Assessment of the proposal, which nominates building envelopes with BAL's applied (see **Attachment L**), concludes that the application of APZ's and the relevant construction standards within the site can provide adequate protection to life and property in the event of a bushfire.

Under directions to promote housing diversity (Direction 22), and to deliver infrastructure to support growth and communities (Direction 26), relevant actions within the HRP are to: -

Action 22.5

Include guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:

- *not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;*

Response re: Agriculture: - With the emergence of rural residential lots in the locality, and particularly because of poor feed availability, there is no potential for agricultural enterprise on Lot 14/846633. Its soils are poor and vulnerable, allowing only shallow-rooted native hardwood vegetation to flourish (see **Attachment D** Sections 5.0 & 6.0).

However, the site adjoins Lot 51/1069432 at 599 Clarence Town Road, Woodville, which contains a poultry facility with four (4) large sheds. The facility is leased for "free range" egg production to "Manning Valley Free Range Eggs" (<http://www.manningvalleyeggs.com.au/>) to generate interim

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income that meets holding expenses (pers. Comm. McCloy Group 20/9/17).
The owner is not intending to expand the facility.

The sheds are located 230m, 260m, 300m and 330m respectively from the SW corner of the site. Using the *Environmental Guidelines for the Australian Egg Industry* (Australian Egg Corporation Limited Publication 08/01 June 2008, the facility has been determined to have a "Shed Area" capacity for 89,840 hens (even though the "Outdoor Range" capacity is only 18,900 hens – see **Attachment K** Sections 2.2 & 2.3).

Using the *Technical notes – Assessment and management of odour from stationary sources in NSW* (NSW Department of Environment and Conservation, November 2006), a separation distance of 413m applies to the farthest shed when the facility is operating at capacity. The resulting arc (i.e. scribed from the farthest shed) generally follows Barties Creek, so that ongoing operation of the facility on Lot 51/1069432 at full capacity is unlikely to generate adverse odour impact on future rural residential development established on Lot 14/846633 (see **Attachment K** Sections 2.4 & 3.1).

The site is otherwise located 0.8km north from the nearest land zoned "RU1 Primary Production", and, apart from the "free range" egg production facility discussed above, there is no intensive agricultural activity conducted in its vicinity.

Response re: Mineral and Extractive Resource Viability: - Geologically, the site contains several areas of rock outcrop and otherwise consists of a thin soil cover overlaying medium to coarse grained lithic sandstone and some conglomerate. This material is unsuitable as a resource for commercial extraction (see **Attachment D** Sections 4.0 & 10.0(g)).

The site is, otherwise, located 1.8km from the nearest activity area of Brandy Hill Quarry (see **Figure 7**), which is recognised as a "non coal extractive resource" by the LHRS (see **Figure 11**). In this context, the site is well clear of the direct impacts of quarry activity.

Response re: Biodiversity Values: - The site is nearby, but beyond, the Uffington State Forest system (13km away). It is not recognised by the LHRCP as containing any priority conservation areas (see **Figure 10**).

The site contains open woodland vegetation with a few older remnant trees surrounded by younger tree regrowth, but contains no native understorey (see **Attachment G**). Trees with hollows for roosting or nesting by avifauna, aboreal mammal, reptile and microchiropteran bat species are distributed unevenly across the site, with the majority located towards the SW corner.



Active ongoing management of the whole of Lot 14/846633 is necessary to prevent weed reinfestation (see **Attachment G** Section 4.1.3 and **Attachment E**), reduce fire hazard (see **Attachment L** Section 4) and retain its key habitat values.

In this context, the location of 10m x 20m building envelopes has been considered towards maximising tree retention and minimising the vegetation clearing associated with driveways, infrastructure, fencing and achieving Asset Protection Zone (APZ) and Bushfire Attack Level 29 (BAL-29) requirements beyond riparian areas (see **Attachment L** Figure 5 and Appendix B). This can be achieved for each of the proposal's 26 allotments without negatively impacting the site's current biodiversity values.

Furthermore, the site is clear of "proposed biodiversity corridors", waterways, National Parks and Reserves, and State Forests, so that its development for the proposal's 26 allotments can be achieved without negatively impacting the region's current biodiversity values.

- *not impact on drinking water catchments;*

Response: - The planning proposal satisfies this requirement.

- *not result in greater natural hazard risk;*

Response re: Bushfire Hazard: - The proposal's post-development scenario can be effectively managed to achieve the APZ and BAL-29 requirements of the *Planning for Bushfire Protection* publication (see **Attachment L**).

- *occur on land that is unlikely to be needed for urban development;*

Response: - The planning proposal satisfies this requirement.

- *contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and*

Response re: Biodiversity Values: - The site is nearby, but beyond, the Uffington State Forest system (13km away), and is otherwise clear of "proposed biodiversity corridors", waterways, and National Parks and Reserves. It is not recognised by the LHRCP as containing any priority conservation areas (see **Figure 10**).

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The site contains open woodland vegetation with a few older remnant trees surrounded by younger tree regrowth, but contains no native understorey (see **Attachment G**). Trees with hollows for roosting or nesting by avifauna, aboreal mammal, reptile and microchiropteran bat species are distributed unevenly across the site, with the majority located towards the SW corner.

Away from Barties Creek at the SW corner, the underlying geology is near or at the surface and the soils are particularly fragile and poorly developed (see **Attachment D** Sections 4.0 to 7.0), so that the woodland is vulnerable to wind and storm events, and to competition for the site's few nutrients. Furthermore, active ongoing management of the whole of Lot 14/846633 is necessary to prevent weed reinfestation (see **Attachment G** Section 4.1.3 and **Attachment E**), and to reduce fire risk to existing infrastructure and the surrounding settlement (see **Attachment H**).

On this basis, the site, generally, could not be considered significant towards conserving important biodiversity values.

Regardless, ecological investigation recommends measures be implemented to (see Section 9 of **Attachment G**): -

- avoid removing large older trees and hollow-bearing trees, and compensate for native vegetation removed;

Comment: - the site presently (at January 2018) contains 5,105 mature trees, comprised predominantly of Iron Bark (62%), Spotted Gum (30%), Forest Red Gum/Grey Gum (7%) species (see p.4 of **Attachment P**).

Some (83) of these mature trees are habitat trees (HBT's) - all HBT's have been located, tagged and uniquely numbered (see Appendix E of **Attachment G**). Building envelopes can be positioned to avoid removal or disturbance to any of these HBT's (see **Attachment R**). Furthermore, one (1) HBT (no. 28) is positioned within the Outer Protection Area of the APZ for Lot 14 only, whilst HBT's extend into the BAL-29 area for Lot 2 (2 - HBT nos. 81 & 82), Lot 5 (1 - HBT no. 78), Lot 8 (1 - HBT no. 30), and Lot 11 (1 - HBT no. 10). Significantly, all HBT's can be retained without compromising the management of APZ's across the entire site.

In addition, the suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates tree loss can be limited to a total of 239 trees, towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;

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- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 749 plantings can be achieved within the targeted areas, realising a gain of 510 trees (or 3.13 trees planted for each tree removed) and a 9.9% increase in the site's tree population (p.9 of **Attachment P**).

- manage weeds in the long-term;

Comment: - the site is presently and effectively managed to minimise the occurrence of noxious species (see **Attachment E**). The proposal involves maintaining this weed management program.

- protect habitat supporting the Brush-tailed Phascogale species;

Comment: - the site is presently and effectively managed to protect and enhance habitat supporting the Phascogale (see **Attachment J**).

In particular, 28 forage areas are being established about suitable habitat trees on Lots 2, 7, 13, 14, 15, 16, 20, 21, 22, 23 & 24 (see pp.5, 6-11 of **Attachment J**), whilst 20 nesting/breeding boxes suitable for use by the phascogale are being installed in trees on Lots 2, 3, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25 & 26 (see pp.5, 12-16 of **Attachment J**). Significantly, all forage areas and nesting/breeding spots can be retained without compromising the management of APZ's across the entire site.

- protect habitat supporting the Koala species;

Comment: - the site presently contains 385 Koala feed trees comprising Forest Red Gum and Forest Grey Gum species (see p. 9 of **Attachment P** and pp.5-6 of **Attachment Q**).

The suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates Koala feed tree loss can be limited to a total of 13 trees, towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;

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- o maintaining APZ's on all lots;
- o constructing the road through the site;
- o installing two (2) detention basins; and
- o establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 454 plantings can be achieved within the targeted areas, realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala feed tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

Accordingly, the proposal will not result in development that would sever koala movement across the site, but will, with a gain of 114.5% in the site's current Koala feed tree population, enhance the site's capability for Koala movement.

- protect habitat supporting the Grey-crowned Babbler species; and

Comment: - the site presently contains only 12 nesting trees comprising the local Babbler community's preferred Prickly Leafed Paper Bark species (see p. 2 of **Attachment J** and p.4 of **Attachment P**). These are all located nearby Heydons Creek, so that no Babbler nesting tree loss will occur from the proposal.

Regardless, planting of the Babbler's preferred nesting species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1 & 2 (see pp.4 & 27 of **Attachment O** and pp.11 & 13 of **Attachment N**). A total of 140 plantings can be achieved within the targeted areas, realising a gain of 152 trees without loss that represents a massive boost to the site's Babbler preferred nesting tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

- control predation by domestic cats and dogs.

Comment: - the proposal involves placing restrictions to prohibit domestic cats, and to limit domestic dogs to one (1) per lot contained within a koala-proof compound (see p.2 of **Attachment P** and p.3 of **Attachment Q**).

The measures described above ensure the proposal does not negatively impact the site's existing biodiversity values. More significantly, it generates positive strategic outcomes for the site by increasing tree population, restoring vegetation canopy to areas denuded by past grazing activities, enhancing habitat for the Phascogale, Koala and Babbler species, ensuring

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weed management is maintained, and formally establishing controls for domestic cats and dogs.

Furthermore, the proposal's 26 allotments and suggested building envelopes are located to protect the potential for Barties Creek as the site's principal corridor linkage.

- *facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.*

Response: - The planning proposal satisfies this requirement.

Action 26.1

Align land use and infrastructure planning to maximise the use and capacity of existing infrastructure and the efficiency of new infrastructure.

Response to Action 26.1: - The *Port Stephens Rural Residential Strategy 2017* (PSRRS) provides a guidance framework for assessment of planning proposals for rural residential development in the short term, and has been used to prepare this proposal. The PSRRS includes a map showing four (4) key locations to be the focus of Council's future strategic investigations – the site is partly within the northern fringe of the westernmost location.

Lot 14/846633 is located outside, and to the north of, the "Indicative Greater Newcastle Metropolitan Area". However, it is located 18 minutes' drive, 23 minutes' drive and 22 minutes' drive respectively from the "strategic centres" of Raymond Terrace, East Maitland and Maitland.

The site is clustered with 28 rural residential lots, each containing dwellings, varying between 1.5 hectares and 3.6ha (see **Attachment I**).

Development of the site in the manner shown in **Figure 9** respects the settlement pattern of the locality, and promotes new housing opportunities to maximise the use of infrastructure already provided for rural residential living - it will not compromise the HRP.

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6.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Applicable Local Strategy – [Port Stephens Community Strategic Plan 2013-2023](#)

The *Port Stephens Community Strategic Plan 2013 - 2023* (PSCSP) contains Council's adopted long term goals for the delivery of community resources, and is the outcome of extensive community consultation across the LGA. The relevant actions of the PSCSP are: -

3.1.1.6 *Review, develop and implement environmental strategies, plans and policies.*

3.1.1.7 *Regulate noxious weed control on private land in accordance with the State funding agreement.*

Comment: - The site is vulnerable to infestation by noxious weeds of significance, viz: -

- *Olea europaea* susp. *cuspidat* (African Olive - TSC Act "threatening process");
- *Senecio madagascariensis* (Fireweed – Port Stephens LGA Weed Class 4); and
- *Lantana camara* (Lantana - weed of national significance, TSC Act "threatening process").

It is presently and effectively managed to minimise the occurrence of noxious species (see **Attachment E**) – this needs to be ongoing.

3.3.1.7 *Prepare and review strategic land use strategies, policies and plans.*

3.3.1.9 *Review and prepare statutory plans (Local Environment Plan, Development Control Plan and Planning Proposals).*

The planning proposal is consistent with these actions, and therefore with the PSCSP.

Applicable Local Strategy – [Port Stephens Rural Lands Strategy 2011](#)

This strategy applies to rural land within the Port Stephens LGA, and, amongst other things, aims to (PSRLS Sections 4.2 & 4.3): -

- limit expansion to the towns that have the capacity for growth;

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- develop a land use framework that provides certainty for residents;
- encourage a broad range of agricultural and complementary rural uses;
- ensure current and future agriculture is not compromised by the fragmentation of rural land;
- ensure communities are adequately and appropriately serviced;
- protect and conserve native habitat and the biodiversity of the region; and
- recognise the impact of natural hazards on the future settlement pattern.

More specifically, the strategy suggests policy actions (PSRS Section 4.5), including:

-

- providing for rural residential development only in areas that have adequate access to roads and services;
- ensuring that any rural residential development is not located on land that is subject to flood inundation in the 1% AEP flood;
- minimising conflict between land uses;
- identifying minimum lot sizes that enable the continuation of land use for agriculture;
- considering the cumulative impact of development on the catchment;
- providing the most appropriate system of disposing domestic effluent, and limiting lot sizes to 1ha for created lots to connected to a reticulated sewerage system; and
- considering the impact of natural hazards on land use and settlement (e.g. bush fire, land degradation, acid sulphate soils, flooding)

The site is part of a neighbourhood accessed from Giles Road containing 28 serviced rural residential lots which range in area between 1.5ha and 3.6ha, being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood, so the proposal does not create a conflicting land use. Furthermore, the site's soils are poor and vulnerable, allowing only shallow-rooted native hardwood vegetation to flourish, so no potential exists for sustainable agriculture (see **Attachment D**).

The site is identified as bushfire prone, but is already managed with fire breaks, fixed pump and hose units and water access points established to mitigate fire risk. Bushfire Threat Assessment of the proposal, which nominates building envelopes with BAL's applied (see **Attachment L**), concludes that the application of APZ's and the relevant construction standards within the site can provide adequate protection to life and property in the event of a bushfire.

The site is entirely free of inundation by flooding from the Paterson and Hunter Rivers. It extends in height to about RL 50m AHD at its north-western corner, and falls to about RL 20m AHD at the south-western and north-eastern corners. The proposal will not lead to land degradation or exposing ASS conditions.

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The site is serviced by reticulated power supply, but is not serviced by reticulated sewer and water systems. Alternatively, On Site Sewage Management applies to the locality as per Council's OSSM Technical Manual. The site has capability to yield 68 dwellings (i.e. 1 x 4-bedroom dwelling per 0.4ha of usable area). The proposal will utilise only 38% of this capability, thus resulting in 62% reserve capacity for the site.

As regards water supply, the capture of rainwater applies to the locality. Based on average rainfall data for the locality (1,000mm per year), each allotment in the locality can be sustained for non-reticulated sources of water supply provided 350m² minimum of impervious surface is available to capture and direct rainfall runoff into sufficiently-sized tanks/reservoirs.

Applicable Local Strategy – Port Stephens Planning Strategy 2011

The *Port Stephens Planning Strategy 2011* (PSPS) is Council's adopted comprehensive planning strategy that guides the operations of the Council and the future growth and sustainability of the LGA. It was a response to the *Lower Hunter Regional Strategy 2006 – 2031* (LHRS), and Council's *Community Settlement and Infrastructure Strategy 2007* and Rural Lands Strategy, and focuses growth and expansion around existing centres and services. Amongst other things, it provides strategic direction for: -

- "rural residential" development as an accommodation option;

Comment: - the PSPS (Section 6.4.4) reinforces the importance of limiting rural residential development to appropriate locations expressed in the LHRS, but also indicates ...

"... there may be merit for limited, relatively minor extension of existing rural residential development where there is no adverse impact on either future land use capabilities or infrastructure ...".

The proposal is considered to have such merit, in that the site: -

- is already part of a neighbourhood containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood;
- is part of a neighbourhood containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), so that the proposal is **in-fill development**, and presents no land use conflicts;

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- is already accessed from Giles Road, and nearby electricity and telecommunication services;
- has no capability for sustainable agriculture and contains no viable mineral resource; and
- is elevated well above the floodplain and can be managed for bushfire hazard.

Furthermore, the residue areas of the locality have limited capability for further expansion due to the proximity and context of: -

- the activity area of the Brandy Hill Quarry;
- steep terrain exceeding 20% grades;
- bushfire hazards; and
- areas suiting conservation for biodiversity and corridor linkages.

Therefore, apart from Lot 14/846633, there is limited opportunity to expand the number of dwellings in the Giles Road locality, so that the planning proposal does not create a precedent and does not reasonably increase the expectations of the owners of adjoining land.

In summary, the proposal is consistent with this strategic direction, and therefore with Council's Planning Strategy.

Applicable Local Strategy – Port Stephens Rural Residential Strategy 2017

Council adopted the *Port Stephens Rural Residential Strategy 2017* (PSRRS) on 13/6/17. It is an interim strategy that applies to non-agricultural rural land within the Port Stephens LGA, and specifically aims to: -

- provide criteria for which Council can assess the appropriateness of rural residential development planning proposals in the short term;
- provide Council and the community with clarity on the future use and development of rural lands;
- identify preferred areas physically suitable for rural settlement which are compatible with surrounding land uses;
- ensure future development protects the environmental and cultural values of the area;
- ensure that existing prime agricultural land is preserved and agricultural industries are able to prosper and expand without being unduly limited by neighbouring residential uses;
- ensure that rural residential development does not hinder the strategic development of urban settlements in the future; and
- ensure new developments can have access to an appropriate level of community services in a cost effective manner.

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More specifically, the strategy suggests a set of spatially-based locational criteria for assessing rural residential development proposals, divided into two levels; namely "Exclusionary Criteria" and "Management Criteria", as follows: -

1.0 Exclusionary Criteria	Response
1.1 future urban growth areas	satisfied
1.2 within 2km of existing or planned major employment areas	satisfied
1.3 slopes exceeding 18% grade	satisfied
1.4 Class 1 and Class 2 Acid Sulfate Conditions	satisfied
1.5 below flood planning levels identified on Council's Flooding Hazard Map	satisfied
1.6 high environmental value land inc. SEPP 14 coastal wetlands plus 100m buffer, SEPP 71 coastal lakes	satisfied
1.7 noise exposure areas of ANEF 25 or greater	satisfied
1.8 important agricultural land as defined by BSAL mapping	satisfied
1.9 within 500m of known extractive industry or mining sites	satisfied
1.10 mineral resource potential sites identified by State Government	satisfied

The site is not affected by any "exclusionary" criteria.

2.0 Management Criteria	Response
Flooding	
2.1 potential development isolated in flood events must demonstrate to have access to evacuation facilities, via a public road that is given 24 hours warning of flood isolation	Satisfied - the site is serviced by Giles Road, and is not isolated in flood events. Alternative access during most major flood events is already established between the site and Raymond Terrace by means of Clarence Town Road, Dixon Street (Seaham), Warren Street (Seaham), East Seaham Road, Italia Road and the Pacific Highway. The site is otherwise 16km from Maitland, 15.5km from Raymond Terrace, and 5.8km from "smaller village services" at Wallalong.
2.2 development in floodprone areas to identify minimum lot size areas that provide appropriate stock refuge in	not applicable

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flood events	
Bushfire	
2.3 development in bushfire prone areas must be consistent with the planning principles for rezoning including the provision of contour map with BAL applied	Satisfied – see Attachment L (including contour map with BAL's applied), which concludes that application of APZ's and the relevant construction standards within the site should provide adequate protection to life and property in the event of a bushfire
Environmentally Sensitive Land	
2.4 development in SEPP 71 Coastal Zone needs to provide for the protection of the coastal environment for the benefit of both present and future generations through promoting ecological sustainable development principles	not applicable
2.5 koala habitat areas and corridors to be protected as per the Port Stephens CKPoM	<p>The proposal will cause an initial small loss of Koala feed trees, but can generate a significant gain in habitat to satisfy this criteria.</p> <p>The site presently contains 385 Koala feed trees comprising Forest Red Gum and Forest Grey Gum species (see p. 9 of Attachment P and pp.5-6 of Attachment Q).</p> <p>The suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of Attachment O). The tree removal data presented in Attachment O (pp.1-3) indicates Koala feed tree loss can be limited to a total of 13 trees, towards: -</p> <ul style="list-style-type: none"> • erecting dwellings on all lots; • constructing driveways on all lots; • maintaining APZ's on all lots; • constructing the road through the site; • installing two (2) detention basins; and • establishing a water access point to the existing SW dam for dedicated RFS use. <p>To compensate for this loss, planting of like-tree</p>

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	<p>species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of Attachment O and p. 13 of Attachment N). A total of 454 plantings can be achieved within the targeted areas, realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala feed tree population (p.12 of Attachment N and p.9 of Attachment P).</p>
2.6 development must not impact on endangered ecological communities, threatened species or habitats	<p>Ecological investigation indicates the site does support threatened fauna species. In particular, it recommends measures be implemented to protect habitat supporting the threatened Brush-tailed Phascogale and Grey-crowned Babbler species (see Section 9 of Attachment G).</p> <p><u>As regards the Phascogale</u>, the site is presently and effectively managed to protect and enhance habitat supporting the Phascogale (see Attachment J).</p> <p>In particular, 28 forage areas are being established about suitable habitat trees clear of the suggested dwelling footprints within Proposed Lots 2, 7, 13, 14, 15, 16, 20, 21, 22, 23 & 24 (see pp.5, 6-11 of Attachment J), whilst 20 nesting/breeding boxes suitable for use by the phascogale are being installed in trees clear of the suggested dwelling footprints within Proposed Lots 2, 3, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25 & 26 (see pp.5, 12-16 of Attachment J). Significantly, all forage areas and nesting/breeding spots can be retained without compromising the management of the suggested APZ's or access areas across the entire site.</p> <p><u>As regards the Babbler</u>, the site presently contains only 12 nesting trees comprising the local Babbler community's preferred Prickly Leafed Paper Bark species (see p. 2 of Attachment J and p.4 of Attachment P). These are all located nearby Heydons Creek, so that no Babbler nesting tree loss will occur from the proposal.</p>

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	<p>Regardless, planting of the Babbler's preferred nesting species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1 & 2 (see pp.4 & 27 of Attachment O and pp.11 & 13 of Attachment N). A total of 140 plantings can be achieved within the targeted areas, realising a gain of 152 trees <u>without loss</u> that represents a massive boost to the site's Babbler preferred nesting tree population (p.12 of Attachment N and p.9 of Attachment P).</p> <p>The proposal is not expected to impact other threatened species or habitats.</p>
2.7 Development must contribute to the conservation of important biodiversity values or the establishment of important biodiversity corridor linkages	<p>The site is nearby, but beyond, the Uffington State Forest system (13km away), and is otherwise clear of "proposed biodiversity corridors", waterways, and National Parks and Reserves. It is not recognised by the LHRCP as containing any priority conservation areas (see Figure 10).</p> <p>The site contains open woodland vegetation with a few older remnant trees surrounded by younger tree regrowth, but contains no native understorey (see Attachment G). Trees with hollows for roosting or nesting by avifauna, arboreal mammal, reptile and microchiropteran bat species are distributed unevenly across the site, with the majority located <u>towards the SW corner</u>.</p> <p>Away from Barties Creek at the SW corner, the underlying geology is near or at the surface and the soils are particularly fragile and poorly developed (see Attachment D Sections 4.0 to 7.0), so that the woodland is vulnerable to wind and storm events, and to competition for the site's few nutrients. Furthermore, active ongoing management of the whole of Lot 14/846633 is necessary to prevent weed reinfestation (see Attachment G Section 4.1.3 and Attachment E), and to reduce fire risk to existing infrastructure and the surrounding settlement (see Attachment H).</p>

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On this basis, the site, generally, could not be considered significant towards conserving important biodiversity values.

Regardless, ecological investigation recommends measures be implemented to (see Section 9 of **Attachment G**): -

- avoid removing large older trees and hollow-bearing trees, and compensate for native vegetation removed;

Comment: - the site presently (at January 2018) contains 5,105 mature trees, comprised predominantly of Iron Bark (62%), Spotted Gum (30%), Forest Red Gum/Grey Gum (7%) species (see p.4 of **Attachment P**).

Some (83) of these mature trees are habitat trees (HBT's) - all HBT's have been located, tagged and uniquely numbered (see Appendix E of **Attachment G**). Building envelopes can be positioned to avoid removal or disturbance to any of these HBT's (see **Attachment R**). Furthermore, one (1) HBT (no. 28) is positioned within the Outer Protection Area of the APZ for Lot 14 only, whilst HBT's extend into the BAL-29 area for Lot 2 (2 - HBT nos. 81 & 82), Lot 5 (1 - HBT no. 78), Lot 8 (1 - HBT no. 30), and Lot 11 (1 - HBT no. 10). Significantly, all HBT's can be retained without compromising the management of APZ's across the entire site.

In addition, the suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates tree loss can be limited to a total of 239 trees, towards: -

- erecting dwellings on all lots;

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- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 749 plantings can be achieved within the targeted areas, realising a gain of 510 trees (or 3.13 trees planted for each tree removed) and a 9.9% increase in the site's tree population (p.9 of **Attachment P**).

- manage weeds in the long-term;

Comment: - the site is presently and effectively managed to minimise the occurrence of noxious species (see **Attachment E**). The proposal involves maintaining this weed management program.

- protect habitat supporting the Brush-tailed Phascogale species;

Comment: - the site is presently and effectively managed to protect and enhance habitat supporting the Phascogale (see **Attachment J**).

In particular, 28 forage areas are being established about suitable habitat trees on Lots 2, 7, 13, 14, 15, 16, 20, 21, 22, 23 & 24 (see pp.5, 6-11 of **Attachment J**), whilst 20 nesting/breeding boxes suitable for use by the phascogale are being installed in trees on Lots 2, 3, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25

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& 26 (see pp.5, 12-16 of **Attachment J**). Significantly, all forage areas and nesting/breeding spots can be retained without compromising the management of APZ's across the entire site.

- protect habitat supporting the Koala species;

Comment: - the site presently contains 385 Koala feed trees comprising Forest Red Gum and Forest Grey Gum species (see p. 9 of **Attachment P** and pp.5-6 of **Attachment Q**).

The suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates Koala feed tree loss can be limited to a total of 13 trees, towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 454 plantings can be achieved within the targeted areas, realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala feed tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

Accordingly, the proposal will not result in development that would sever koala

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movement across the site, but will, with a gain of 114.5% in the site's current Koala feed tree population, enhance the site's capability for Koala movement.

- protect habitat supporting the Grey-crowned Babbler species; and

Comment: - the site presently contains only 12 nesting trees comprising the local Babbler community's preferred Prickly Leafed Paper Bark species (see p. 2 of **Attachment J** and p.4 of **Attachment P**). These are all located nearby Heydons Creek, so that no Babbler nesting tree loss will occur from the proposal.

Regardless, planting of the Babbler's preferred nesting species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1 & 2 (see pp.4 & 27 of **Attachment O** and pp.11 & 13 of **Attachment N**). A total of 140 plantings can be achieved within the targeted areas, realising a gain of 152 trees without loss that represents a massive boost to the site's Babbler preferred nesting tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

- control predation by domestic cats and dogs.

Comment: - the proposal involves placing restrictions to prohibit domestic cats, and to limit domestic dogs to one (1) per lot contained within a koala-proof compound (see p.2 of **Attachment P** and p.3 of **Attachment Q**).

The measures described above ensure the proposal does not negatively impact the site's existing biodiversity values. More significantly, it generates positive strategic outcomes for the site by increasing tree population, restoring vegetation canopy to areas denuded by past

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	<p>grazing activities, enhancing habitat for the Phascogale, Koala and Babbler species, ensuring weed management is maintained, and formally establishing controls for domestic cats and dogs.</p> <p>Furthermore, the proposal's 26 allotments and suggested building envelopes are located to protect the potential for Barties Creek as the site's principal corridor linkage.</p>
Aircraft Noise	
2.8 noise exposure areas of ANEF 25 or greater	not applicable
Non-Aboriginal Cultural heritage	
2.9 development near items identified within the PSLEP 2013 need to consider the impact on heritage values, including the setting of the items and any archaeological remains	not applicable
Aboriginal Cultural heritage	
<p>2.10 development should undertake an initial assessment of the likelihood of Aboriginal cultural heritage values including:</p> <ul style="list-style-type: none"> - a search of the Aboriginal Heritage Information Management System (AHIMS); - determination of whether the sites include landscape features that indicate the likely presence of aboriginal objects; - site inspections; and - consultation with the Aboriginal community. 	<p>The AHIMS and Australian Heritage databases list the site as containing no known aboriginal items of heritage significance (see Attachments B & C).</p> <p>The site is within the Worimi Local Aboriginal Land Council (LALC) area (see Figure 13). Informal enquiries by the owner's agent with the LALC have confirmed the site has no heritage or cultural significance.</p> <p>The site can be investigated formally for heritage and cultural significance at Development Application stage.</p>
Drinking Water Catchments	
2.11 Development within a drinking water catchment must be able to be connected to reticulated	Satisfied - the site is not within a drinking water catchment.

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sewer and able to demonstrate NorBE 'neutral and beneficial effect' in accordance with Hunter Water requirements	
Rural Land Resources	
<p>2.12 Development is a minimum 1km buffer from existing agricultural industries (e.g. Poultry farms, aquaculture) measures from property boundary to property boundary. Development proposed within the 1km buffer is required to provide expert reports to establish appropriate setbacks. These reports may relate to but not be limited to noise, odour, visual amenity and biosecurity risks</p>	<p>The site adjoins Lot 51/1069432 at 599 Clarence Town Road, Woodville, which contains a poultry facility with four (4) large sheds. The facility is leased for "free range" egg production to "Manning Valley Free Range Eggs" (http://www.manningvalleyeggs.com.au/) to generate interim income that meets holding expenses (pers. Comm. McCloy Group 20/9/17). The owner is not intending to expand the facility.</p> <p>The sheds are located 230m, 260m, 300m and 330m respectively from the SW corner of the site, and has a capacity for 89,840 hens (see Attachment K Sections 2.2 & 2.3).</p> <p><u>Visual Amenity</u> The facility is concealed from the site by the vegetation along Barties Creek, and thereby is not readily visible.</p> <p><u>Odour</u> A separation distance of 413m applies to the farthest shed when the facility is operating at capacity. The resulting arc (i.e. scribed from the farthest shed) generally follows Barties Creek, so that ongoing operation of the facility on Lot 51/1069432 at full capacity is unlikely to generate adverse odour impact on future rural residential development established on Lot 14/846633 (see Attachment K Sections 2.4 & 3.1).</p> <p><u>Noise</u> Residents in the Giles Road have observed the dominant prevailing winds to be directed towards the SW across the locality (perscomm. Rod Joyce 13/11/17). On this basis, the dominant prevailing winds encounter the existing poultry facility after exiting the site, so that ongoing operation of the facility on Lot</p>

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	<p>51/1069432 is unlikely to generate adverse noise impact on future rural residential development established on Lot 14/846633.</p> <p><u>Biosecurity Risks</u> Precautions to minimise biosecurity risk form essential elements of the facility's existing operation, and the proposal does influence the effectiveness of these precautions (see Attachment S Section 3). Regardless, the effectiveness of the precautions could be enhanced by: -</p> <ul style="list-style-type: none"> erecting high chain-wire fencing along the common boundary between Lot 14/846633 and Lot 51/1069432 to impede unauthorised visitor entry and entry by other animals to the facility from Lot 14/846633; and placing restrictions on the keeping of domestic dogs and cats within the allotments created upon Lot 14/846633 to further control the incidence of unauthorised entry by domestic animals to the facility from Lot 14/846633.
2.13 Development must not impact on strategic or important energy, mineral or extractive resource viability	Satisfied – the site is not identified as containing any viable resource, and is located more than 0.5km from the nearest identified extractive resource.
Scenic Amenity	
2.14 A visual impact assessment is required for land within a high or very high landscape area as defined in the Rural Land Study	Not applicable – the site is located within the "River Estuary – hills, lowlands & wetland" Rural Landscape Character Type by the Rural Land Study
2.15 Development fronting road corridors to identify appropriate buffer zone to prevent clearing and protect scenic qualities	<p>Satisfied – Attachment L indicates the following road setbacks to the proposed building envelopes – these are sited to minimise clearing and offer scenic quality: -</p> <ul style="list-style-type: none"> Lot 1 – 55m to Giles Road Lot 2 – 45m/40m to Giles Rd/internal road Lot 3 – 30m to internal road Lot 4 – 40m to internal road Lot 5 – 35m to internal road Lot 6 – 30m to internal road

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	<ul style="list-style-type: none"> • Lot 7 – 20m to internal road • Lot 8 – 60m to internal road • Lot 9 – 45m to internal road • Lot 10 – 35m to internal road • Lot 11 – 75m to internal road • Lot 12 – 85m to internal road • Lot 13 – 25m to internal road • Lot 14 – 40m to internal road • Lot 15 – 100m to internal road • Lot 16 – 30m to internal road • Lot 17 – 50m to internal road • Lot 18 – 30m/30m to internal road • Lot 19 – 25m to internal road • Lot 20 – 25/35m to internal road • Lot 21 – 45m to internal road • Lot 22 – 40m to internal road • Lot 23 – 25m to internal road • Lot 24 – 50m/30m to internal road • Lot 25 – 35m/35m to internal road • Lot 26 – 55m to internal road
Infrastructure and Services	
2.16 Development must be accessed via sealed roads	Satisfied – Giles Road and Croft Road are sealed roads that link the site to Clarence Town Road
2.17 Development must not result in the creation of direct access to a state road	Satisfied – Giles Road is a local road.
2.18 Local infrastructure contributions must not require a level of infrastructure greater than the nexus of apportionment and/or are equivalent to \$20,000 per lot, or less	Satisfied – the site is already part of a neighbourhood containing 28 rural residential lots where sufficient local infrastructure has been established, so that no significant change to the current level of contributions is required.
2.19 Development must not create additional demand for unplanned state infrastructure upgrades	Satisfied – the proposal does not generate any demand for state infrastructure upgrades.
2.20 Development must be able to be connected to reticulated power supply	Satisfied - is already part of a neighbourhood containing 28 rural residential lots connected to reticulated power supply.
2.21 Development requiring on-site sewage disposal must be carried out in accordance with Councils Development Assessment Framework (DAF) for the	On Site Sewage Management applies to the locality as per Council's OSSM Technical Manual. The site has capability to yield 68 dwellings (i.e. 1 x 4-bedroom dwelling per 0.4ha of usable area – see Section 2.2.6 above). The proposal will utilise only 38% of this capability, thus

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management of on-site sewage management, which includes a performance standards and recommendations about appropriate areas	resulting in 62% reserve capacity for the site.
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The proposal readily satisfies the PSRRS "management" criteria as regards flooding, aircraft noise, non-Aboriginal and Aboriginal cultural heritage, and drinking water catchments, and, by implementing design that minimises risk to and by the environment, can satisfy the "management" criteria as regards bushfire, environmentally sensitive land, rural land resources, scenic amenity, and infrastructure and services.

3.0 Land to where the assessment criteria applies	Response
3.1 Zoned RU1 – Primary Production, RU2 Rural Landscape, E3 Environmental Management, E4 Environmental Living	Satisfied – the site is within Zone RU2
3.2 Located a minimum of 800 metres from existing RU5 - Rural Village or R2 Low Density Residential zoned land	Satisfied – the site is located 2.7km N from land currently zoned R2 in Wallalong
3.3 Any part of the lot is located within 800 metres of existing R5 Large Lot Residential zoned land at the time this Policy was adopted	Not satisfied – the site is located 1.6km N and 2km NW respectively of land zoned R5 at High Street, Wallalong and Brandy Hill Drive, Brandy Hill.
3.4 Land outside that identified above may be considered if it can be justified that its inconsistency is of minor significance	<p>Satisfied - the site is located between and nearby two rural residential settlements at Wallalong and Brandy Hill, so that a residential settlement pattern has emerged in the area.</p> <p>More significantly, the site is already part of a neighbourhood containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha (see Attachment I), being the consequence of the "concessional lot" provision in Clause 13 of the <i>Port Stephens Local Environmental Plan 1987</i>. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential</p>

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	neighbourhood - the inconsistency with 3.3 above is therefore of minor significance
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The site is not consistent with the "assessment criteria", only in that it is not located within 800m of existing Zone R5 land. However, this inconsistency is considered to be of only minor significance because the site is already part of a neighbourhood containing 28 rural residential lots, being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood.

Furthermore, the only nearby supply of existing, vacant, serviceable Zone R5 land is located about 1.6km S of the site at Wallalong (see **Figures 5 & 6**). It contains about 21ha of land not affected by any "exclusionary" criteria. This suggests a maximum yield of 20 allotments, and, using the projected demand for Maitland LGA (see DPSRRS Vol 1 Section 4.2), has only 1 year's available supply.

Rural Residential Land Supply & Demand (using criteria Table 1 of DPSRR Vol 1 Sec 4.2)

LGA	Projected Supply	Avg dwlgs/year	Projected Demand	Supply Available (years)
Maitland	1,094	41	1,066	27.2*
Wallalong – Existing Zone R5 land	20			1.0*
TOTAL	1,114			

* assumes distribution of "Avg dwlgs/year" is spread evenly between the 2 x LGA's

Summary of Applicable Strategies

The site generally matches the characteristics for "rural residential development" identified by the PSRRS, and otherwise is consistent with both the applicable regional and local strategies for rezoning to rural residential land use. It: -

- is located within 20km of the major regional centres of Maitland and Raymond Terrace;
- is located within a neighbourhood already established with 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha, that is serviced by Giles Road and reticulated electricity;
- contains no significant biodiversity or conservation values, but otherwise contains values for threatened Koala, Phascogale and Babbler species which can be formally established and sustained with rural residential development;

ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL 4 GILES ROAD, SEAHAM.

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- contains no agricultural or mineral resource attributes, but otherwise is located nearby a "free range" egg production facility which is presently leased to generate interim income for only holding expenses, and which poses no visual, noise or odour issues;
- is elevated above the floodplain; and
- is otherwise not exposed to significant natural hazard impacts.

Significantly, the proposed lot size variation is consistent with the prevailing subdivision pattern in the neighbourhood, so that the risk of setting an undesirable precedent for other "RU2 Rural Living" land is low.

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6.5 Is the planning proposal consistent with State Environmental Planning Policies?

Applicable SEPP – [SEPP 30 – Intensive Agriculture](#)

State Environmental Planning Policy No. 30 – Intensive Agriculture (SEPP30) primarily aims to encourage cattle feedlots and “piggeries”, and provides a state-wide approach to the approval of those activities. However, the policy does not apply where those activities are prohibited by another environmental planning instrument.

Under the PSLEP, “intensive plant agriculture” is permitted on land zoned RU2 without consent, but “intensive livestock agriculture” is prohibited development. The PSLEP states: -

***intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:*

(a) dairies (restricted),

(b) feedlots,

(c) piggeries,

(d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

“Cattle feedlots” and “piggeries” as per SEPP30 are “intensive livestock agriculture”, and are therefore already prohibited development on Lot 14/846633, so that SEPP30 does not apply.

Relevant / Consistent / Inconsistent /Comments:

Planning Proposal is not inconsistent with SEPP 30.

Applicable SEPP – [SEPP 44 – Koala Habitat Protection](#)

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations are maintained over their present range, and to reverse the current trend of koala

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population decline. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

The *Port Stephens Comprehensive Koala Plan of Management (PSCKPOM)* applies to the Port Stephens LGA for the purposes of SEPP 44. Its principal objectives are to-

- *evaluate and rank koala habitat throughout the Port Stephens LGA;*
- *identify priority conservation areas and strategies to protect significant koala habitat and populations;*
- *identify threats that impact on koalas and koala habitat;*
- *provide for the long-term survival of koala populations by devising conservation strategies to effectively address each of the threats impacting on koalas and koala habitat;*
- *provide for the restoration of degraded koala habitat areas;*
- *ensure that adequate detail is provided with Development Applications in order to assess, minimise and ameliorate likely impacts on koala habitat;*
- *provide guidelines and development standards to protect koalas and koala habitat;*
- *provide for effective public awareness and education programs concerning koala conservation issues;*
- *encourage appropriate eco-tourism programs;*
- *provide a formal approach for the assessment, retrieval, rehabilitation and release of sick, injured, orphaned or distressed koalas;*
- *identify potential funding sources for implementation of the PSCKPoM;*
- *facilitate targeted koala conservation and management-oriented research projects within the Port Stephens LGA; and*
- *provide for the effective implementation and monitoring of the PSCKPoM.*

Consistency & Implications: - The PSCKPOM's Koala Habitat Planning Map (see **Figure 18**) suggests: -

- "preferred" habitat and associated 50m buffer traverse the NE corner of Lot 14/846633, coinciding with Heydons Creek; and
- "marginal" habitat extends mainly across the NE and SW corners of the site.

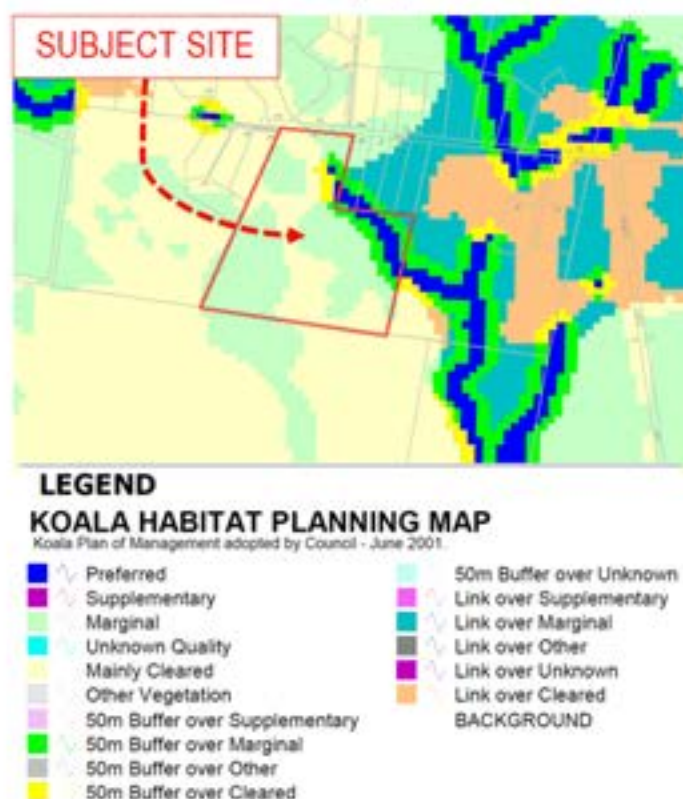
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Figure 18: PSCKPOM – Koala Habitat Planning Map - extract



However, field surveys (see **Attachment G** Section 7 and **Attachment Q** pp.5-6) indicate the "preferred" habitat mapping is erroneous, with a moderate to high density of habitat specimens occurring at the SW corner, along Barties Creek. The site presently contains 385 Koala feed trees comprising Forest Red Gum and Forest Grey Gum species (see p. 9 of **Attachment P** and pp.5-6 of **Attachment Q**).

The suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates Koala feed tree loss can be limited to a total of 13 trees, towards: -

- erecting dwellings on all lots (3 trees lost on Lot 7, 2 trees lost on Lot 8, 1 tree each lost on Lots 9 & 22);
- constructing driveways on all lots (NIL trees lost);
- maintaining APZ's on all lots (3 trees lost on Lot 7);
- constructing the road through the site (1 tree lost);
- installing two (2) detention basins (2 trees lost); and
- establishing a water access point to the existing SW dam for dedicated RFS use.

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To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 454 plantings can be achieved within the targeted areas, realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala feed tree population (p.12 of **Attachment N** and p.9 of **Attachment P**). More significantly, the plantings can create linkage between the "preferred" habitat areas along Barties Creek and the lower reach of Heydons Creek near the SE corner of the site.

Accordingly, the proposal will not result in development that would sever koala movement across the site, but will, with a gain of 114.5% in the site's current Koala feed tree population, enhance the site's capability for Koala movement.

For rezoning requests, performance criteria are applied by the PSCKPOM (Appendix 2), as follows: -

- a) *Not result in development within areas of Preferred Koala Habitat or defined Habitat Buffers.*

Comment: - the proposal will result in development to create allotments within areas of Preferred Koala Habitat (namely Lots 6, 7, 8, 9, 21 & 22) and defined "mainly cleared" Habitat Buffers (namely Lots 5, 10, 20 & 23), but Koala feed tree loss can be limited to only 13 trees.

To compensate for this loss, the planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover. A total of 454 plantings can be achieved within the targeted areas (including 40 trees along Barties Creek), realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala food tree population (p.12 of **Attachment N** and p.9 of **Attachment P**). This would result in a substantial and strategic expansion of the Preferred Koala Habitat area within the site. More significantly, the plantings can create linkage between the "preferred" habitat areas along Barties Creek and the lower reach of Heydons Creek near the SE corner of the site.

Accordingly, the proposal is justified in not complying with this performance criterion because of its potential to realise a substantial increase to the area of Preferred Koala Habitat and provide linkage between areas of Preferred Koala Habitat.

- b) *Allow for only low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas.*

Comment: - the site is assessed as containing no areas of Supplementary Koala Habitat or Habitat Linking Areas (see **Attachment G** Section 7.4 (b)).

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- c) *Minimise the removal of any individuals of preferred koala food trees, where ever they occur on the site.*

Comment: - the suggested building envelopes and accesses for all lots in the proposal have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates Koala feed tree loss can be limited to a total of 13 trees, towards: -

- erecting dwellings on all lots (3 trees lost on Lot 7, 2 trees lost on Lot 8, 1 tree each lost on Lots 9 & 22);
- constructing driveways on all lots (NIL trees lost);
- maintaining APZ's on all lots (3 trees lost on Lot 7);
- constructing the road through the site (1 tree lost);
- installing two (2) detention basins (2 trees lost); and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, the planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover. A total of 454 plantings can be achieved within the targeted areas (including 40 trees along Barties Creek), realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala feed tree population (p.12 of **Attachment N** and p.9 of **Attachment P**). This would result in a substantial and strategic expansion of the Preferred Koala Habitat area within the site. More significantly, the plantings can create linkage between the "preferred" habitat areas along Barties Creek and the lower reach of Heydons Creek near the SE corner of the site.

Accordingly, the proposal can result in minimal tree loss, but can also realise a substantial gain of 114.5% in the site's current Koala food tree population that is strategically positioned to enhance Koala movement.

- d) *Not result in development which would sever koala movement across the site. This should include consideration of the need for maximising tree retention on the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.*

Comment: - the site presently (at January 2018) contains 5,105 mature trees, comprised predominantly of Iron Bark (62%), Spotted Gum (30%), Forest Red Gum/Grey Gum (7%) species (see p.4 of **Attachment P**).

Some (83) of these mature trees are habitat trees (HBT's) - all HBT's have been located, tagged and uniquely numbered (see Appendix E of **Attachment G**). Building envelopes can be positioned to avoid removal or disturbance to any of these HBT's (see **Attachment R**).

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In addition, the suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates tree loss can be limited to a total of 239 trees.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 749 plantings can be achieved within the targeted areas, realising a gain of 510 trees (or 3.13 trees planted for each tree removed) and a 9.9% increase in the site's tree population (p.9 of **Attachment P**).

Impediments to safe and unrestricted Koala movement can be minimised by placing restrictions to (see p.2 of **Attachment P** and p.3 of **Attachment Q**): -

- prohibit domestic cats;
- limit domestic dogs to one (1) per lot contained within a koala-proof compound;
- limit roadway and boundary perimeter fencing to post, rail and/or plain wire fencing, with 0.25m clearance from the ground surface;
- enclose pools and basins with panelled fencing;
- limit the speed of vehicles to 50kph; and
- obligate residents to maintain the tree planting and other current established conservation initiatives.

Relevant / Consistent / Inconsistent /Comments:

Planning Proposal's inconsistency with the Port Stephens CKPoM, and therefore SEPP 44, can be justified by its potential to significantly expand Preferred Koala Habitat and provide linkage between Preferred Koala Habitat areas – this can be confirmed at Development Application stage.

Applicable SEPP – SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55) primarily aims to promote the remediation of contaminated land to reduce harm to human health and the environment, and provides a state-wide approach to development consent, rezoning land, remediation standards and notification requirements.

Lot 14/846633 has been utilised for grazing (up to 12 animals), and before 1983 was specifically a flood refuge for stock (see **Attachment D** Section 1.0) as part of

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an extensive pastoral holding extending to south towards the Hunter River into McClymonts Swamp. Such activity has been unlikely to generate significant contamination of the land.

Relevant / Consistent / Inconsistent / Comments:

The consistency of the Planning Proposal with SEPP 55 can be confirmed at Development Application stage (if required).

Applicable SEPP – SEPP 62 – Sustainable Agriculture

State Environmental Planning Policy No. 62 – Sustainable Agriculture (SEPP62) primarily aims to encourage sustainable land-based and natural water-based aquaculture, and provides a state-wide approach to the approval of those activities. The policy enables both "pond-based aquaculture" and "tank-based aquaculture" to occur on land zoned RU2.

Lot 14/846633 is part of a locality neither established, nor identified suitable, for sustainable aquaculture.

Relevant / Consistent / Inconsistent / Comments:

Planning Proposal is not inconsistent with SEPP 62.

Applicable SEPP – SEPP (Rural Lands) 2008

State Environmental Planning Policy (Rural Lands) 2008 (SEPP RL) primarily aims to facilitate the orderly and economic use and development of rural lands, to identify rural planning and rural subdivision principles, to implement measures to reduce land use conflicts, and to protect the ongoing viability of State significant agricultural land for agricultural use.

The Rural Planning Principles of SEPP RL are: -

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

Comment: Lot 14/846633 has been utilised for grazing (up to 12 animals), and before 1983 was specifically a flood refuge for stock (see **Attachment D** Section 1.0) as part of an extensive pastoral holding extending to south towards the Hunter River into McClymonts Swamp. It is not identified as "Biophysical Strategic Agricultural Land" by the DPSRRS (see **Figure 19**).



With the emergence of rural residential lots in the locality, and particularly because of poor feed availability, there has been no recent attempt to establish a commercially-viable agricultural enterprise on the site. This is understandable since its soils are poor and vulnerable, allowing only shallow-rooted native hardwood vegetation to flourish (see **Attachment D** Sections 5.0 & 6.0); consequently, the site has no potential for contemporary agribusiness options (i.e. beef production, feed lotting, cropping, plantation, horticulture, commercial nursery, horse stud – see **Attachment D** Sections 9.0 & 10.0).

Nearby "Free Range" Poultry Activity

The site adjoins land zoned "RU2 Rural Landscape" that contains a poultry facility. The facility is leased for "free range" egg production to generate interim income that meets holding expenses (pers. Comm. McCloy Group 20/9/17). The owner is not intending to expand the facility, which is located on land that forms part of the Wallalong "future growth area" flagged by the PSPS (see **Figure 2**). As discussed in Section 2.2.2, the adjoining land has already been the subject of a planning proposal to create a township for 3,700 dwellings.

The poultry facility includes (see **Attachment K**) four (4) large naturally-ventilated sheds and three (3) paddocks for free range access to open space and managed grassland. The facility is assessed to have a "Shed Area" capacity for 89,840 hens (even though the "Outdoor Range" capacity is only 18,900 hens). Using the *Technical notes – Assessment and management of odour from stationary sources in NSW* (NSW Department of Environment and Conservation, November 2006), a separation distance of 413m applies to the farthest shed when the facility is operating at capacity. The resulting arc (i.e. scribed from the farthest shed) generally follows Barties Creek, so that ongoing operation of the facility at full capacity is protected since it is unlikely to generate adverse odour impact on future rural residential development established on Lot 14/846633.

Presence of Other Agricultural Activity

The site is also located 0.8km north from the nearest land zoned "RU1 Primary Production", and, apart from the "free range" egg production facility discussed above, there is no intensive agricultural activity conducted in its vicinity - Lot 14/846633, therefore, will not impact on current, or potential opportunities for, primary production.

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Figure 19: Context of DPSRRS – Important Agricultural Lands - extract



- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

Comment: Lot 14/846633 would be utilised for in-fill rural residential development that is unlikely to impact on the region's agriculture-related trends, demands and issues.

- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

Comment: Lot 14/846633 is not identified as "Biophysical Strategic Agricultural Land" by the DPSRRS (see **Figure 19**), and does not contribute significantly to the State and rural communities' primary production.

- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

Comment: Lot 14/846633 is part of a neighbourhood containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential

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neighbourhood, so that the planning proposal is **in-fill development** and presents no land use conflicts, and thereby balances the social, economic and environmental interests of the community.

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

Comment: Lot 14/846633 is 1.8km from the activity areas of Brandy Hill Quarry (see **Figure 7**) which is recognised as a "non coal extractive resource" by the LHRS (see **Figure 11**), and is accessed from Giles Road, as well as Clarence Town Road.

In this context, the site is ideally located in that it: -

- is on the opposite side of the ridge from, and well clear of, the direct impacts of quarry activity;
- is nearby a facility authorised to supply a resource required for development works, thereby minimising transportation costs and environmental footprint.

Geologically, the site contains several areas of rock outcrop and otherwise consists of a thin soil cover overlaying medium to coarse grained lithic sandstone and some conglomerate. This material is unsuitable as a resource for commercial extraction (see **Attachment D** Sections 4.0 & 10.0(g)).

The site is flood-free, and presents as managed open woodland with no native understorey. It is currently managed to maintain the site's significant biodiversity values (see **Attachment J**).

The planning proposal provides a viable structure for continuing the management of its biodiversity values and native vegetation; the effectiveness of this structure can be confirmed at the Development Application stage.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

Comment: the planning proposal will create 26 additional allotments as in-fill development (see **Figure 9**).

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

Comment: Lot 14/846633 is accessed from Giles Road, and is nearby electricity and telecommunication services.

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The site is not isolated in flood events. Alternative access during most major flood events is already established between the site and Raymond Terrace by means of Clarence Town Road, Dixon Street (Seaham), Warren Street (Seaham), East Seaham Road, Italia Road and the Pacific Highway. Regardless, the impact of flooding would be limited because of the in-fill characteristics of the planning proposal.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comment: an inconsistency exists because the PSRRS is not a local strategy endorsed by NSW Planning & Environment.

However, this inconsistency is considered to be of only minor significance because the site is already part of a neighbourhood containing 28 rural residential lots, being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood.

Furthermore, the proposal is not inconsistent with the HRP, the PSCSP, the PSRLS, the PSPS, and the PSRRS.

The Rural Subdivision Principles of SEPP RL are: -

(a) the minimisation of rural land fragmentation,

Comment: Lot 14/846633 is fragmented, and the planning proposal is in-fill development that avoids any potential to expand primary production allotments.

(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,

Comment: Lot 14 in DP 846633 is part of a neighbourhood containing 28 rural residential lots, being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood, and immediately adjoins land earmarked for settlement expansion to the south. Any potential for conflict is minimised by confining the planning proposal to Lot 14 in DP 846633.

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- (c) *the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*

Comment: Lot 14 in DP 846633 is part of a neighbourhood accessed from Giles Road containing 28 rural residential lots ranging in size between 1.5 hectares and 3.6ha (see **Attachment I**), being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood, so that the proposal is **in-fill development**. It is fragmented from existing agricultural holdings.

- (d) *the consideration of the natural and physical constraints and opportunities of land,*

- (e) *ensuring that planning for dwelling opportunities takes account of those constraints.*

Comment: Lot 14/846633 is flood-free, and not isolated in flood events. Alternative access during most major flood events is already established between the site and Raymond Terrace by means of Clarence Town Road, Dixon Street (Seaham), Warren Street (Seaham), East Seaham Road, Italia Road and the Pacific Highway. Regardless, the impact of flooding would be limited because of the in-fill characteristics of the planning proposal.

The site is accessed from Giles Road, and is nearby electricity and telecommunication services. It presents as managed open woodland with no native understorey, and is currently managed to maintain the site's significant biodiversity values (see **Attachment J**).

The planning proposal provides a structure for continuing the management of its biodiversity values and native vegetation; the effectiveness of this structure can be confirmed at the Development Application stage.

Relevant / Consistent / Inconsistent /Comments:

Planning Proposal's inconsistency with SEPP RL can be justified by its context with an existing rural residential neighbourhood.

In summary, the proposal is generally consistent with the applicable SEPP's, and any inconsistency is justified by its minor significance, or by its potential to realise a substantial and strategic environmental benefit. This can be confirmed, as required, at the Development Application stage.

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6.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Direction – [Direction 1.2 – Rural Zones](#)

- (1) *The objective of this direction is to protect the agricultural production value of rural land.*
- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).*
- (4) *A planning proposal must:*
 - (a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
 - (b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*
- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
 - (a) *justified by a strategy which:*
 - (i) *gives consideration to the objectives of this direction,*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *is of minor significance.*

Comment: Lot 14/846633 is zoned "RU2 Rural Landscape" by the PSLEP, and the Planning Proposal seeks to rezone the site to "R5 Large Lot Residential".

The site is part of a neighbourhood accessed from Giles Road containing 28 serviced rural residential lots which range in area between 1.5ha and 3.6ha, so agricultural production would create a conflicting land use (see **Attachment I**). Furthermore, the site's soils are poor and vulnerable, allowing only shallow-rooted native hardwood vegetation to flourish, so no potential exists for sustainable agriculture (see **Attachment D**).

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The inconsistency of the planning proposal with Direction 1.2 is therefore justified because: -

- the "agricultural production" objective of this direction cannot be achieved on the site.

Relevant / Consistent / Inconsistent / Comments:

Planning Proposal's inconsistency with Direction 1.2 is justified by its locational context and poor soil type.

Applicable Direction – Direction 1.3 – Mining, Petroleum Production and Extractive Industries

(1) The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

(3) This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.*

Comment: Lot 14/846633 is 1.8km from the activity areas of Brandy Hill Quarry (see **Figure 7**) which is recognised as a "non coal extractive resource" by the LHRs (see **Figure 11**), and is accessed from Giles Road, as well as Clarence Town Road.

Geologically, the site contains several areas of rock outcrop and otherwise consists of a thin soil cover overlaying medium to coarse grained lithic sandstone and some conglomerate. This material is unsuitable as a resource for commercial extraction (see **Attachment D** Sections 4.0 & 10.0(g)).

Direction 1.3, therefore, has minimal application to the site.

Relevant / Consistent / Inconsistent / Comments:

Planning Proposal is of minor relevance to Direction 1.3.

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Applicable Direction – Direction 1.5 – Rural Lands

(1) The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,*
- (b) facilitate the orderly and economic development of rural lands for rural and related purposes.*

(3) This direction applies when:

- (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or*
- (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.*

(4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

(5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:*
 - i. gives consideration to the objectives of this direction,*
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and*
 - iii. is approved by the Director-General of the Department of Planning and is in force, or*
- (b) is of minor significance.*

Comment: Lot 14/846633 is zoned "RU2 Rural Landscape" by the PSLEP, and the Planning Proposal seeks to rezone the site to "R5 Large Lot Residential" and alter the minimum lot size standard from 40ha to 1ha.

The site has no potential for agricultural productivity (see **Attachment D**). It is clustered with 28 rural residential lots containing dwellings, varying between 1.5 hectares and 3.6ha (see **Attachment I**), which thereby act as a further barrier to expanding the region's agricultural industries.

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The site is flood-free, is accessed direct from Giles Road, and is serviced by electricity and telecommunication services - the planning proposal would be orderly and economic rural residential development.

An assessment of the planning proposal against the Rural Planning Principles and Rural Subdivision Principles of SEPP RL is presented in Section 6.5. In summary, the proposal: -

- will not impact on current, or potential opportunities for, primary production;
- applies to a site already fragmented and sterilised from agriculture and its emerging trends, demands and issues;
- applies to a site that does not contribute to the social and economic benefits derived from primary production by the State and rural communities;
- responds to the current locational circumstances of the site to balance the social, economic and environmental interests of the community;
- recognises the site's environmental advantages, and provides a structure for continuing the management of its biodiversity values and native vegetation;
- applies to a flood-free site directly accessed from Giles Road and nearby electricity and telecommunication services;
- is not inconsistent with the HRP, PSCSP, PSRLS, PSPS and DPSRRS;
- is in-fill development that avoids any potential to expand primary production allotments;
- applies to a site already fragmented and sterilised from agriculture, and where adjoining land is earmarked for settlement expansion, which thereby minimises the likelihood of rural land use conflict;
- applies to a site already clustered with 28 rural "small holdings" containing dwellings, varying between 1.5 hectares and 3.6ha; and
- provides a viable structure: -
 - for continuing management of the site's biodiversity values and native vegetation,
 - that accounts for flood-free conditions which are directly accessed from Giles Road,
 - that have access-to-Raymond Terrace alternatives in major flood events, and
 - that is nearby electricity and telecommunication services.

The planning proposal appears consistent with the principles of SEPP RL and, therefore, the objectives of Direction 1.5.

Relevant / Consistent / Inconsistent /Comments:

Planning Proposal appears consistent with Direction 1.5.

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Applicable Direction – Direction 2.1 – Environmental Protection Zones

- (1) The objectives of this direction is to protect and conserve environmentally sensitive areas.
- (3) This direction applies when a relevant planning authority prepares a planning proposal.
- (4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) is of minor significance.

Comment: Lot 14/846633 is entirely zoned "RU2 Rural Landscape" by the PSLEP, and no environment protection zone currently applies. It is nearby, but beyond, the Uffington State Forest system (13km away). It is not recognised by the LHRCP as containing any priority conservation areas (see **Figure 10**).

The site contains open forest/woodland vegetation with a few older remnant trees surrounded by younger tree regrowth and no native understorey (see **Attachment G** Section 4.1).

One (1) Endangered Ecological Community (EEC) is considered to be present within 1.14ha towards the SW corner of the site, and is intergraded with another vegetation community for a further 4.8ha (see **Attachment G** Section 4.1.1); namely: -

- Hunter Lowland Redgum Forest in the Sydney Basin Bioregion.

Away from Barties Creek at the SW corner, the underlying geology is near or at the surface and the soils are particularly fragile and poorly developed (see **Attachment D** Sections 4.0 to 7.0). Consequently, the components of this EEC

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are isolated, vulnerable to wind and storm events, and vulnerable to competition for light and the site's few nutrients from other emerging and more resilient vegetation communities.

Significantly, the site is entirely vulnerable to infestation by noxious weeds of significance (see **Attachment G** Section 4.1.3). It is presently and effectively managed to remove the occurrence of noxious species and prevent reinfestation (see **Attachment E**).

Trees with hollows for roosting or nesting by avifauna, aboreal mammal, reptile and microchiropteran bat species are distributed unevenly across the site, with the majority located towards the SW corner. It is noted a water access point is being established to the dam in the SW corner as part of site's current fire management plan, and will be dedicated for RFS use.

Ecological investigation recommends measures be implemented to (see Section 9 of **Attachment G**): -

- avoid removing large older trees and hollow-bearing trees, and compensate for native vegetation removed;
- manage weeds in the long-term;
- protect habitat supporting the Brush-tailed Phascogale species;
- protect habitat supporting the Koala species;
- protect habitat supporting the Grey-crowned Babbler species; and
- control predation by domestic cats and dogs.

Initiatives have been designed and are being implemented to preserve the site's key habitat values during approval works for construction and operation phases of the development. These include: -

- protecting all habitat vegetation outside of the disturbance areas;
- confining native vegetation clearing and disturbance to nominated building envelopes and bushfire management zones (see **Attachment L**);
- maintaining habitat trees identified and marked by the ecologist (see **Attachment R**);
- maintaining the noxious weed management program (see **Attachment E**);
- installing nest boxes (particularly for the Brush-tailed Phascogale - see **Attachment J**);
- installing fencing that permits the safe passage of koalas (see **Attachment Q**);
- enforcing residential-area vehicle speed limits to minimise fauna injuries and fatalities (see **Attachment Q**); and
- excluding the keeping of domestic cats in the site (see **Attachment Q**).

Active ongoing management of the whole of Lot 14/846633 is necessary to prevent weed reinfestation, reduce fire hazard and retain its key habitat values,

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which cannot be achieved by conserving any part of it within an environmental protection zone.

The planning proposal will result in the loss of only 239 trees (pp.1-3 of **Attachment O**) towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 749 plantings can be achieved within the targeted areas, realising a gain of 510 trees (or 3.13 trees planted for each tree removed) and a 9.9% increase in the site's tree population (p.9 of **Attachment P**).

Whilst the planning proposal is strictly inconsistent with Direction 2.1, its inconsistency is considered to be of minor significance and to be balanced by competing measures to manage noxious weed infestation, to retain and improve the drainage line environments where subsurface conditions can better sustain vulnerable populations and communities, to preserve use of the site by vulnerable species, and to significantly expand the site's tree population with strategic plantings. The measures to minimise the proposal's impact on the site's significant environmental interactions can be confirmed at the Development Application stage.

Relevant / Consistent / Inconsistent / Comments:

Planning Proposal's inconsistency with Direction 2.1 is of minor significance and can be offset by other measures to minimise the site's current decline – this can be confirmed at Development Application stage.

Applicable Direction – [Direction 2.3 – Heritage Conservation](#)

(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous significance.

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(3) This direction applies when a relevant planning authority prepares a planning proposal.

(4) A planning proposal must contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.*

Comment: Lot 14/846633 is not identified by either the PSLEP, or the AHIMS and Australian Heritage databases (see **Attachments B & C**), as containing known items of heritage significance.

The site is within the Worimi Local Aboriginal Land Council (LALC) area (see **Figure 13**). Informal enquiries by the owner's agent with the LALC have confirmed the site has no heritage or cultural significance.

The site can be investigated formally for heritage and cultural significance at Development Application stage.

Relevant / Consistent / Inconsistent /Comments:

Any inconsistency by Planning Proposal with Direction 2.3 is likely to be of minor significance – this can be confirmed at Development Application stage.

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Applicable Direction – Direction 3.1 – Residential Zones

- (1) The objectives of this direction area: -
 - (a) to encourage a variety and choice of housing types to provide for existing and future housing needs;
 - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services;
 - (c) to minimise the impact of residential development on the environment and resource lands.
- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:
 - (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
 - (b) any other zone in which significant residential development is permitted or proposed to be permitted.
- (4) A planning proposal must include provisions that encourage the provision of housing that will:
 - (a) broaden the choice of building types and locations available in the housing market, and
 - (b) make more efficient use of existing infrastructure and services, and
 - (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
 - (d) be of good design.
- (5) A planning proposal must, in relation to land to which this direction applies:
 - (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
 - (b) not contain provisions which will reduce the permissible residential density of land.
- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

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*(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
(d) of minor significance.*

Comment: Lot 14/846633 is zoned "RU2 Rural Landscape" by the PSLEP, and the Planning Proposal seeks to rezone the site to "R5 Large Lot Residential" and alter the minimum lot size standard from 40ha to 1ha.

The site is clustered with 28 rural residential lots containing dwellings, varying between 1.5 hectares and 3.6ha, being the consequence of the "concessional lot" provision in Clause 13 of the *Port Stephens Local Environmental Plan 1987*. Whilst not originally an intended outcome, this provision has, nevertheless, already transformed the locality from broad-scale rural land to a rural residential neighbourhood. All lots in the neighbourhood are accessed direct from Giles Road (see **Attachment I**). The site is serviced by reticulated power supply and telecommunication services, but is not serviced by reticulated sewer and water systems.

Alternatively, On Site Sewage Management applies to the locality as per Council's OSSM Technical Manual. The site has capability to yield 68 dwellings (i.e. 1 x 4-bedroom dwelling per 0.4ha of usable area). The proposal will utilise only 38% of this capability, thus resulting in 62% reserve capacity for the site.

As regards water supply, the capture of rainwater applies to the locality. Based on average rainfall data for the locality (1,000mm per year), each allotment in the locality can be sustained for non-reticulated sources of water supply provided 350m² minimum of impervious surface is available to capture and direct rainfall runoff into sufficiently-sized tanks/reservoirs.

The planning proposal: -

- broadens the supply of housing in Seaham by creating 26 allotments within 20km of, and centrally between, the "major regional centres" of Maitland (16km) and Raymond Terrace (15.5km), the "town" of East Maitland (19km) and the "stand alone shopping centre" of Green Hills (18km);
- is in-fill, low-impact development clustered with 28 existing rural residential allotments that utilises existing road, electricity and telecommunications infrastructure;

The planning proposal's yield for On Site Sewage Management can be confirmed by specialist assessment at Development Application stage; otherwise the planning proposal is consistent with the objectives and requirements of Direction 3.1.

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Relevant / Consistent / Inconsistent /Comments:

Planning Proposal is consistent with Direction 3.1, except that the capacity of the site for On Site Sewage Management needs to be confirmed at Development Application stage.

Applicable Direction – Direction 3.4 – Integrating Land Use and Transport

- (1) The objectives of this direction is to ensure that development achieves the objectives: -
- (a) improving access to housing, jobs and services by walking, cycling and public transport;
 - (b) increasing the choice of available transport and reduce dependence on cars;
 - (c) reducing travel demand including the number of trips generated by the development and the distances travelled, especially by car;
 - (d) supporting the efficient and viable operation of public transport services;
 - (e) providing for the efficient movement of freight.
- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.
- (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
 - (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).
- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

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(d) of minor significance.

Comment: Lot 14/846633 is zoned "RU2 Rural Landscape" by the PSLEP, and the Planning Proposal seeks to rezone the site to "R5 Large Lot Residential".

The site is within 10km of the established "smaller village" services at Wallalong (5.8km), Woodville (8.4km), Seaham Village (7km) and Hinton (7.7km), within 15km of the established "local centre" of Morpeth (12.2km), and within 20km of the commercial hubs of Maitland (16km) and Raymond Terrace (15.5km). There is minimal provision of public transport in the rural west of the Port Stephens LGA, and future residents would rely on private vehicle use.

The planning proposal facilitates the supply of "higher-end" housing, whereby there is low reliance on alternative transport options; this is considered to justify the inconsistency with Direction 3.2.

Relevant / Consistent / Inconsistent /Comments:

Planning Proposal's inconsistency with Direction 3.4 is of minor significance.

Applicable Direction – Direction 4.1 – Acid Sulphate Soils

(1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

(3) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

Comment: Lot 14/846633 is identified by the PSLEP ASS Map as "Class 5" land, and is more than 1km clear of any other "class" of land (see **Figure 20**).

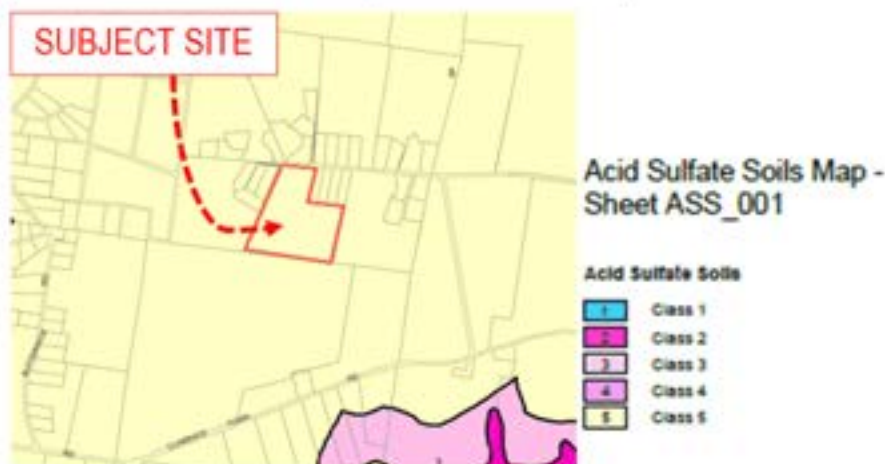
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Figure 20: Context of Site in Port Stephens LEP 2013 – ASS Map - extract



Direction 4.1, therefore, has no application to the site.

Relevant / Consistent / Inconsistent /Comments:

Direction 4.1 is not relevant to the Planning Proposal .

Applicable Direction – [Direction 4.3 – Flood Prone Land](#)

(1) *The objectives of this direction are:*

- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

(3) *This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.*

Comment: Lot 14/846633 is not identified by the PSLEP Flood Planning Map as a "Flood Planning Area" (see **Figure 21**).

The site is entirely free of inundation by flooding from the Paterson and Hunter Rivers. It extends in height to about RL 50m AHD at its north-western corner, and falls to about RL 20m AHD at the south-western and north-eastern corners.

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Figure 21: Context of Site in Port Stephens LEP 2013 – Flood Planning Map - extract



Direction 4.3, therefore, has no application to the site.

Relevant / Consistent / Inconsistent /Comments:

Direction 4.3 is not relevant to the Planning Proposal

Applicable Direction – [Direction 4.4 – Planning for Bushfire Protection](#)

(1) *The objectives of this direction are:*

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

(3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.*

(4) *In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*

(5) *A planning proposal must:*

- (a) *have regard to Planning for Bushfire Protection 2006,*

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- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
 - (c) ensure that bushfire hazard reduction is not prohibited within the APZ.
- (6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
 - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
 - (d) contain provisions for adequate water supply for firefighting purposes,
 - (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
 - (f) introduce controls on the placement of combustible materials in the Inner Protection Area.
- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the noncompliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

Comment: Lot 14/846633 is identified entirely as bushfire prone (see **Figure 14**), containing vegetation "Category 1" (orange) and vegetation "Buffer" (red). Adjoining land to the south contains no substantial hazard.

The site is presently managed to reduce fire risk in the manner shown in **Attachment H**. The site's fire management plan has been developed in consultation with local RFS personnel. A system of mown debris-free fire breaks is established and maintained internally and around the site's perimeter. A mobile 1,000 litre capacity fire tank and pump unit is permanently stored within the site, whilst separate fixed pump and hose units are located adjacent to the site's dams. A water access point is being established to the dam in the southwest, and will be dedicated for RFS use.

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The planning proposal is structured to match the current fire management plan, with the provision of a 2-way loop road to facilitate emergency access/egress from/to Giles Road, and ongoing RFS use of the SW dam for water supply.

Bushfire Threat Assessment of the proposal, which nominates building envelopes with BAL's applied (see **Attachment L**), concludes that the application of APZ's and the relevant construction standards within the site can provide adequate protection to life and property in the event of a bushfire.

Relevant / Consistent / Inconsistent /Comments:

Planning Proposal is not inconsistent with Direction 4.4.

Applicable Direction – [Direction 5.1 – Implementation of Regional Strategies](#)

- (1) *The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.*
- (2) *This direction applies to land to which the following regional strategies apply:*
- (a) *Far North Coast Regional Strategy*
 - (b) *South Coast Regional Strategy (excluding land in the Shoalhaven LGA)*
 - (c) *Sydney–Canberra Corridor Regional Strategy*
 - (d) *Mid North Coast Regional Strategy (excluding land in the Mid-Coast LGA).*

Comment: Lot 14/846633 is not located within any of the listed strategy areas.

Relevant / Consistent / Inconsistent /Comments:

Planning Proposal does not undermine Direction 5.1

Applicable Direction – [Direction 5.10 – Implementation of Regional Plans](#)

- (1) *The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.*
- (2) *This direction applies to land to which a Regional Plan has been released by the Minister for Planning.*

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(3) This direction applies when a relevant planning authority prepares a planning proposal.

(4) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:

- (a) is of minor significance, and*
- (b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.*

Comment: Lot 14/846633 is located within the HRP area. An assessment of the planning proposal against relevant actions within the HRP is presented in Section 6.3. In summary, the proposal: -

- in relation to directions to grow the economy of Port Stephens, to protect and enhance agricultural productivity, and to plan for greater land use compatibility, it will not impact on: -
 - natural attributes to attract tourism;
 - potential for agricultural activity;
 - material suitable for commercial extraction;
- in relation to directions to protect and connect natural areas, to sustain water quality and security, and to increase resilience to hazards and climate change, it will not impact on: -
 - priority conservation areas;
 - drinking water catchments;
 - areas affected by flooding, mine subsidence and land contamination;
- in relation to directions to promote housing diversity, and to deliver infrastructure to support growth and communities, it will: -
 - respect the settlement pattern of the locality, and not encroach on sensitive land uses or high hazard areas;
 - promote new housing opportunities to maximise the use of infrastructure already provided for rural residential living.

However, the site is mapped entirely as bushfire prone (see **Figure 14**). Bushfire Threat Assessment of the proposal, which nominates building envelopes with BAL's applied (see **Attachment L**), concludes that the application of APZ's and the relevant construction standards within the site can provide adequate protection to life and property in the event of a bushfire.

ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL 4 GILES ROAD, SEAHAM.

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Furthermore, the suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates tree loss can be limited to a total of 239 trees, towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins;
- establishing a water access point to the existing SW dam for dedicated RFS use; and
- protecting and enhancing habitat supporting the threatened Phascogale, Koala and Babbler species.

To compensate for the tree loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**).

The plantings can be achieved within the targeted areas to realise a gain of 3.13 trees for each one removed, and a 9.9% increase in the site's tree population (p.9 of **Attachment P**). In addition, the proposal can substantially enhance the habitat of the Phascogale, Koala and Babbler species (see pp.5, 6- 16 of **Attachment J**, pp. 11-13 of **Attachment N**, pp.4 & 27 of **Attachment O**, and p.9 of **Attachment P**).

Otherwise, the planning proposal appears consistent with the vision, land use strategy, goals, directions and actions contained in the HRP and, therefore, the objectives of Direction 5.10.

Relevant / Consistent / Inconsistent /Comments:

The Planning Proposal is consistent with Direction 5.10.

In summary, the proposal is: -

- inconsistent with Section 117 Direction 1.2, but the inconsistency is justified;
- inconsistent with Section 117 Directions 1.3 and 3.4, but the inconsistencies are of minor significance; and
- appears consistent with Section 117 Directions 2.1, 2.3 and 3.1, but this needs to be confirmed at the Development Application stage.

ITEM 4 - ATTACHMENT 1 PLANNING PROPOSAL 4 GILES ROAD, SEAHAM.

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The proposal otherwise: -

- is consistent with Section 117 Directions 1.5, 4.4 and 5.10;
- is not relevant to Section 117 Directions 4.1 and 4.3; and
- does not undermine Section 117 Direction 5.1.

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SECTION C – Environmental, social and economic impact

6.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Ecological investigation indicates the site does support threatened fauna species. It recommends measures be implemented to (see Section 9 of **Attachment G**): -

- avoid removing large older trees and hollow-bearing trees, and compensate for native vegetation removed;

Impact Assessment: - the site presently (at January 2018) contains 5,105 mature trees, comprised predominantly of Iron Bark (62%), Spotted Gum (30%), Forest Red Gum/Grey Gum (7%) species (see p.4 of **Attachment P**).

Some (83) of these mature trees are habitat trees (HBT's) - all HBT's have been located, tagged and uniquely numbered (see Appendix E of **Attachment G**). Building envelopes can be positioned to avoid removal or disturbance to any of these HBT's (see **Attachment R**). Furthermore, one (1) HBT (no. 28) is positioned within the Outer Protection Area of the APZ for Lot 14 only, whilst HBT's extend into the BAL-29 area for Lot 2 (2 – HBT nos. 81 & 82), Lot 5 (1 – HBT no. 78), Lot 8 (1 – HBT no. 30), and Lot 11 (1 – HBT no. 10). Significantly, all HBT's can be retained without compromising the management of APZ's across the entire site.

In addition, the suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates tree loss can be limited to a total of 239 trees, towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 749 plantings can be achieved within the targeted areas, realising a gain of 510 trees (or 3.13 trees planted for each tree removed) and a 9.9% increase in the site's tree population (p.9 of **Attachment P**).

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- manage weeds in the long-term;

Comment: - the site is presently and effectively managed to minimise the occurrence of noxious species (see **Attachment E**). The proposal involves maintaining this weed management program.

- protect habitat supporting the Brush-tailed Phascogale species;

Comment: - the site is presently and effectively managed to protect and enhance habitat supporting the Phascogale (see **Attachment J**).

In particular, 28 forage areas are being established about suitable habitat trees on Lots 2, 7, 13, 14, 15, 16, 20, 21, 22, 23 & 24 (see pp.5, 6-11 of **Attachment J**), whilst 20 nesting/breeding boxes suitable for use by the phascogale are being installed in trees on Lots 2, 3, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25 & 26 (see pp.5, 12-16 of **Attachment J**). Significantly, all forage areas and nesting/breeding spots can be retained without compromising the management of APZ's across the entire site.

- protect habitat supporting the Koala species;

Comment: - the site presently contains 385 Koala feed trees comprising Forest Red Gum and Forest Grey Gum species (see p. 9 of **Attachment P** and pp.5-6 of **Attachment Q**).

The suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates Koala feed tree loss can be limited to a total of 13 trees, towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins; and
- establishing a water access point to the existing SW dam for dedicated RFS use.

To compensate for this loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**). A total of 454 plantings can be achieved within the targeted areas, realising a gain of 441 trees (or 34.92 trees planted for each tree removed) and a 114.5% increase in the site's Koala feed tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

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- protect habitat supporting the Grey-crowned Babbler species; and

Comment: - the site presently contains only 12 nesting trees comprising the local Babbler community's preferred Prickly Leafed Paper Bark species (see p. 2 of **Attachment J** and p.4 of **Attachment P**). These are all located nearby Heydons Creek, so that no Babbler nesting tree loss will occur from the proposal.

Regardless, planting of the Babbler's preferred nesting species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1 & 2 (see pp.4 & 27 of **Attachment O** and pp.11 & 13 of **Attachment N**). A total of 140 plantings can be achieved within the targeted areas, realising a gain of 152 trees without loss that represents a massive boost to the site's Babbler preferred nesting tree population (p.12 of **Attachment N** and p.9 of **Attachment P**).

- control predation by domestic cats and dogs.

Comment: - the proposal involves placing restrictions to prohibit domestic cats, and to limit domestic dogs to one (1) per lot contained within a koala-proof compound (see p.2 of **Attachment P** and p.3 of **Attachment Q**).

In summary, the planning proposal will result in the loss of some native vegetation, including 13 Koala feed trees, but in no loss of HBT's. Measures can be implemented to generate positive strategic outcomes for the site by increasing tree population, restoring vegetation canopy to areas denuded by past grazing activities, enhancing habitat for the Phascogale, Koala and Babbler species, ensuring weed management is maintained, and formally establishing controls for domestic cats and dogs.

Therefore, the planning proposal is considered unlikely to adversely affect the site's significant habitats, species, populations or communities.

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6.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Environmental Effects – Heritage

Lot 14/846633 is not identified by the PSLEP as containing or affecting any items of heritage significance.

The AHIMS and Australian Heritage databases list the site as containing no known aboriginal items of heritage significance (see **Attachments B & C**).

The site is within the Worimi Local Aboriginal Land Council (LALC) area (see **Figure 13**). Informal enquiries by the owner's agent with the LALC have confirmed the site has no heritage or cultural significance.

Therefore, the planning proposal is considered unlikely to adversely affect items of heritage and cultural significance – this can be formally confirmed at Development Application stage.

Environmental Effects – Contamination

Lot 14/846633 is not listed in the NSW Environmental Protection Authority's Contaminated Land Public Record.

The site has been utilised for grazing (up to 12 animals), and before 1983 was specifically a flood refuge for stock (see **Attachment D** Section 1.0) as part of an extensive pastoral holding extending to south towards the Hunter River into McClymonts Swamp.

With the emergence of "small lot holdings" in the locality, and particularly because of poor feed availability, there has been no recent attempt to establish a commercially-viable agricultural enterprise on the site.

Therefore, the planning proposal is considered unlikely to be impacted by significant contamination issues – this can be formally confirmed at Development Application stage.

Environmental Effects – Traffic Impacts and Vehicular & Pedestrian Access

Lot 14/846633 is clustered with 28 rural residential lots containing dwellings that are accessed direct from Giles Road (see **Attachment I**) and are calculated to generate 252 vehicle movements per day (vpd – derived from **Attachment F**

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Section 4.1.2). Giles Road is a local rural road that contains a 4m wide sealed pavement with 0.5m – 1m shoulders, and forms a cul-de-sac from Crofts Road (see Section 2.2 of **Attachment F** and **Attachment M**). The present condition of Giles Road has been compromised by the installation of various inadequate driveway junctions and drainage devices since its original construction (see **Attachment M**).

For the existing traffic movements, Giles Road warrants upgrade to a standard of 6m wide sealed pavement with 0.5m shoulder (see **Attachment F** Section 4.1.2). This can be achieved as a minor adjustment exercise, although the current effectiveness of the drainage structures along the northern side of Giles Road requires investigation and rectification (see **Attachment M**).

The planning proposal is expected to increase traffic volume for Giles Road from 252vpd to 486vpd (derived from **Attachment F** Sections 3.2.1, 3.2.2 & 4.1.1). Nevertheless, the forecast volume is still well within the capacity of the upgraded road standard, and the Austroads Level of Service would remain at "A".

Croft Road is similarly a local road that contains a 6m wide sealed pavement with 0.5m shoulders, and forms the only connection of Giles Road to Clarence Town Road and the wider road network Road (see **Attachment F** Section 2.2). It is considered adequate for both the existing and proposed traffic movements (see **Attachment F** Section 4.1.2).

Existing traffic flow is extremely light in the locality, with PM measurements of 30 vehicles per hour (vph) through the Crofts Road/Clarence Town Road intersection encountering 320vph along Clarence Town Road (see **Attachment F** Section 2.3). For the existing traffic flows and posted speed limits, the intersection warrants upgrade to provide auxillary lanes in Clarence Town Road for westbound "Channelised Right Turn" and eastbound "Basic Left Turn" (see **Attachment F** Section 4.2).

The planning proposal is expected to increase peak flows from 30vph to 58vph through the Croft Road/Clarence Town Road intersection (see **Attachment F** Sections 3.2.1, 3.2.2 & 4.1.1). Nevertheless, the forecast flow is still well within the capacity of the upgraded road intersection standard.

There are no pedestrian or cyclist facilities in the locality, and no observable pedestrian or cycling activity (see **Attachment F** Section 2.4). Council has no plans for developing or upgrading Giles Road (see **Attachment F** Section 2.5).

The planning proposal is expected to increase traffic volumes from 230 vehicle movements per day (vpd) to 450 vpd, and peak flows from 30vph to 58vph through the Croft Road/Clarence Town Road intersection (see **Attachment F** Sections 3.2.1, 3.2.2 & 4.1.1). Nevertheless, the Level of Service would remain at "A".

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Within the site, the proposal provides a satisfactorily graded and visible intersection with Giles Road, and low speed and safe environment with free flow conditions (see **Attachment F** Sections 3.3.1 & 3.3.2).

Therefore, subject to the Giles Road and intersection upgrades, the planning proposal is considered unlikely to adversely affect the local road network and can be accommodated within the recommended upgrades to achieve satisfactory operation for the observed existing conditions.

Environmental Effects – Stormwater Runoff

Lot 14/846633 extends in height to about RL 50m AHD at its north-western corner, and falls to about RL 20m AHD at the south-western and north-eastern corners. A low ridge traverses the site from north-west to south-east, and is bordered either side by Barties Creek to the south-west (2nd order watercourse – 20m vegetated riparian corridor required either side of the watercourse) and Heydons Creek to the north-east (1st order watercourse – 10m vegetated riparian corridor required either side of the watercourse). Heydons Creek and Barties Creek are partially tree-lined, and pass through existing dams at and beyond the site's extremities.

At present, the stormwater runoff intercepted by Giles Road is conveyed randomly towards the upstream terminal of Heydons Creek, and is creating significant erosion and sedimentation impacts towards and along Heydons Creek. The planning proposal will provide a managed pathway for this runoff.

The planning proposal, otherwise, involves a low density of development (i.e. 1 dwelling/hectare) across a low ridge, where runoff generated from the road pavement and roof surfaces can be easily intercepted and managed by standard and suitably-sized detention and water quality treatment devices (e.g. rainwater tanks) before discharge into the drainage lines.

The proposal is therefore considered unlikely to adversely affect the water quality conditions of Heydons Creek and Barties Creek – this can be formally confirmed at Development Application stage.

Environmental Effects – On Site Sewage Management

Lot 14/846633 is within a locality where a reticulated sewer system is not available for connection, so that On Site Sewage Management applies as per Council's OSSM Technical Manual. The site has capability to yield 68 dwellings (i.e. 1 x 4-bedroom dwelling per 0.4ha of usable area - see Section 2.2.6 above).

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The planning proposal creates allotments for 26 dwellings at a low density of 1 dwelling/hectare, so that only 38% of its capability will be utilised, thus resulting in 62% reserve capacity for the site.

The proposal is therefore considered unlikely to generate significant adverse risk to the site's environment – this can be formally confirmed at Development Application stage.

Environmental Effects – Bushfire Hazard

Lot 14/846633 is identified entirely as bushfire prone (see **Figure 14**), containing vegetation "Category 1" (orange) and vegetation "Buffer" (red). Adjoining land to the south contains no substantial hazard.

The site is presently managed to reduce fire risk in the manner shown in **Attachment H**. The site's fire management plan has been developed in consultation with local RFS personnel. A system of mown debris-free fire breaks is established and maintained internally and around the site's perimeter. A mobile 1,000 litre capacity fire tank and pump unit is permanently stored within the site, whilst separate fixed pump and hose units are located adjacent to the site's dams. A water access point is being established to the dam in the southwest, and will be dedicated for RFS use.

The planning proposal is structured to match the current fire management plan, with the provision of a loop road to facilitate emergency access/egress from/to Giles Road, and ongoing RFS use of the SW dam for water supply. Bushfire Threat Assessment of the proposal, which nominates building envelopes with BAL's applied (see **Attachment L**), concludes that the application of APZ's and the relevant construction standards within the site can provide adequate protection to life and property in the event of a bushfire.

Furthermore, the suggested building envelopes and accesses for all lots have been identified on the ground (see photographs on pp.5-14 & 15-20 of **Attachment O**). The tree removal data presented in **Attachment O** (pp.1-3) indicates tree loss can be limited to a total of 239 trees, towards: -

- erecting dwellings on all lots;
- constructing driveways on all lots;
- maintaining APZ's on all lots;
- constructing the road through the site;
- installing two (2) detention basins;
- establishing a water access point to the existing SW dam for dedicated RFS use; and
- protecting and enhancing habitat supporting the threatened Phascogale, Koala and Babbler species.

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To compensate for the tree loss, planting of like-tree species can be established within areas of the site previously cleared for pasture and presently devoid of tree cover; namely Sectors 1, 2, 3 & 4 (see p.27 of **Attachment O** and p. 13 of **Attachment N**).

The plantings can be achieved within the targeted areas to realise a gain of 3.13 trees for each one removed, and a 9.9% increase in the site's tree population (p.9 of **Attachment P**). In addition, the proposal can substantially enhance the habitat of the Phascogale, Koala and Babbler species (see pp.5, 6- 16 of **Attachment J**, pp. 11-13 of **Attachment N**, pp.4 & 27 of **Attachment O**, and p.9 of **Attachment P**).

The proposal's measures to mitigate bushfire hazard may generate short-to-medium term tree-loss impacts, but will generate significant gain in the site's tree population and positive outcomes for threatened fauna species currently using the site.

Environmental Effects – Water Supply

Lot 14/846633 is within a locality where a reticulated water supply system is not available for connection, so that on the site capture of rainwater applies.

Based on average rainfall data for the locality (1,000mm per year), each allotment in the locality can be sustained for non-reticulated sources of water supply provided 350m² minimum of impervious surface is available to capture and direct rainfall runoff into sufficiently-sized tanks/reservoirs. This will balance measures to manage the erosive forces of stormwater runoff.

The proposal is therefore considered unlikely to generate significant adverse effects by or on the site's environment – this can be formally confirmed at Development Application stage.

Environmental Effects – Odour

The SW corner of Lot 14/846633 is located 230m, 260m, 300m and 330m respectively from sheds on Lot 51/1069432 currently leased for "free range" egg production to generate interim income that meets holding expenses. The owner of Lot 51/1069432 is not intending to expand the facility.

A separation distance of 413m applies to the farthest shed when the facility is operating at capacity. The resulting arc (i.e. scribed from the farthest shed) generally follows Barties Creek, so that ongoing operation of the facility on Lot

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51/1069432 at full capacity is unlikely to generate adverse odour impact on future rural residential development established on Lot 14/846633 (see **Attachment K** Sections 2.4 & 3.1).

It is noted Lot 51/1069432 is part of the Wallalong "future growth area" flagged by the PSPS (see Section 2.2.2 above and **Figure 2**).

6.9 Has the planning proposal adequately addressed any social and economic effects?

Lot 14/846633 is part of a neighbourhood containing 28 serviced rural residential lots.

The planning proposal is infill development creating 26 allotments for "higher-end" housing that matches the prevailing neighbourhood.

The proposal is therefore unlikely to generate adverse social and economic effects.

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SECTION D – State and Commonwealth interests

6.10 Is there adequate public infrastructure for the planning proposal?

Lot 14 in DP 8466 is directly accessed from Giles Road, whilst electricity and telecommunications services are available to the site.

Developer contributions for local infrastructure will apply to the future development of Lot 14/846633 as per the *Port Stephens Section 94 Contributions Plan 2007*.

Reticulated sewer is not provided to the neighbourhood, and sewage management for future dwellings will be by means of site disposal as per Council's OSSM Technical Manual.

Reticulated water supply is not provided to the neighbourhood. However, average rainfall data for the locality (1,000mm per year) suggests each proposed allotment can be sustained using sufficiently-sized rainfall capture devices (e.g. tanks/reservoirs).

6.11 What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No authorities have been consulted at this stage. The planning proposal will be referred by Council to public authorities for comment; namely: -

- Hunter Local Land Services;
- Hunter Water Corporation;
- Land and Natural Resources;
- NSW Office of Water;
- NSW Rural Fire Service;
- Office of Agricultural Sustainability and Food Security;
- Office of Environment and Heritage;
- Parks and Reserves NSW;
- Resources and Energy;
- Roads and Maritime Services;
- State Emergency Service NSW; and
- Worimi Local Aboriginal Land Council.

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ITEM 5 - ATTACHMENT 3
PLANNING PROPOSAL FOR 2A AND 2B LAVIS
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Planning Proposal

Revised Post Gateway Final Version

Report Job No. 16279 Prepared by KDC Pty Ltd for Knightsbridge Estate Group Pty Ltd | 2 October 2019

Prepared by	Roxanne Willing	Reviewed by	Patrick Qunlan
Title	Town Planner KDC Pty Ltd	Title	Associate KDC Pty Ltd
Date	02 October 2019	Date	02 October 2019

This Report has been prepared in accordance with the brief provided by Knightsbridge Estate Group Pty Ltd and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the Client only and no responsibility will be taken for its use by other parties.



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ITEM 5 - ATTACHMENT 3
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Introduction

This Planning Proposal Report explains the intended effect of, and justification for, the Planning Proposal to amend Port Stephens Local Environmental Plan 2013. It has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Environment guides, including the updated *'A Guide to Preparing Planning Proposals'* and *'A Guide to Preparing Local Environmental Plans'*. The report comprises of the following sections:

- + Introduction
- + Background and summary details of the proposal
- + Part 1 - A Statement of Objectives or Intended Outcomes of the proposal
- + Part 2 - Explanation of the Provisions that are to be included in the proposal
- + Part 3 - Justification of the Objectives, Outcomes and Provisions, and the process for their implementation
- + Part 4 - Mapping
- + Part 5 - Details of the Community Consultation that is to be undertaken in relation to the planning proposal
- + Part 6 - Project Timeline
- + Conclusion

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Background

KDC Pty Ltd (KDC) acts on behalf of its client Knightsbridge Estate Group Pty Ltd in preparing this Planning Proposal for submission to Port Stephens Council (Council) in relation to land at 2A and 2B Lavis Lane, Williamtown (the Site); legally described as Lots 1 and 2 in DP1237147 (closed road portion of Lavis Lane).

The site is located on Nelson Bay Road, adjoining the McDonald's development situated on the roundabout intersection of Lavis Lane, Cabbage Tree Road and Nelson Bay Road. It will form part of the tourist facility located on the corner of Lavis Lane and Nelson Bay Road along with the existing McDonald's, approved hotel and motel, and the approved KFC. Figure 1 below is an extract of the approved site plan which currently exists on the site. Should this planning proposal be supported opportunity exists for a service station to be developed at the southern end of the site, subject to consent being granted by Council. A Right of Carriageway through the McDonald's site, to benefit the subject site, has been created which will provide access from Lavis Lane (shown in Photograph 1 below). Approval has also been granted from the RMS and Council for construction of an access from the RMS Classified road Nelson Bay Road to the site.

Figure 1 – Extract of Approved Site Plan



It must be noted that there is currently a service station operating at 1 Lavis Lane on the northern corner of the Lavis Lane and Nelson Bay Road intersection. The site operates under existing use rights as it is also within Zone RU2 Rural Landscape. Along with the other developments within the integrated tourist facility the subsequent service station will be consistent with the local area.

Currently the site has approval for a tourist facility with 4 lot subdivision (DA 16-2012-777-1) along with a McDonald's operation (DA16-2010-638-1) and a KFC operation (DA16-2016-45-1). The tourist facility approval (DA 16-2012-777-1) references a restaurant, a tavern, 3 food outlets, earthworks, tourist accommodation and a car wash. These existing development approvals were obtained under the previous Port Stephens Local Environmental Plan 2000 (and as modified).

The land to the west on the opposite side of Nelson Bay Road, at the intersection with Cabbage Tree Road (21 Cabbage Tree Road, Lot 6 DP 822162) has development consent for "Tourist Facility and Ancillary Restaurants (3)" (DA 16-2013-0275).



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The following photographs depict the Site and its environs.

Photograph 1 – View through to site via Right of Carriageway through the existing McDonald's Operation from Lavis Lane



Photograph 2 – North-western corner of the site viewed from Nelson Bay Road



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Photograph 3 – View from Nelson Bay Road across the northern end of the site



Photograph 4 – View from Southern end of the site looking North



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Part 1 - Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend Port Stephens Local Environmental Plan (LEP) 2013 to permit a "service station" on the subject Site.

Under Port Stephens LEP 2013 a service station is defined as follows:

"service station" means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- (b) the cleaning of motor vehicles,*
- (c) installation of accessories,*
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- (e) the ancillary retail selling or hiring of general merchandise or services or both.*

A "service station" is currently a prohibited land use on the Site under the RU2 Rural Landscape zoning. An amendment to the Port Stephens LEP 2013 is therefore required in order to permit the proposed land use.

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Part 2 - Explanation of the Provisions

The objective of this Planning Proposal will be achieved by an amendment to Schedule 1 *Additional permitted uses* of Port Stephens LEP 2013 to list "service station" as a land use permitted with consent on the subject land.

This method permits the proposed additional land use and retains the existing RU2 Rural Landscape Zone of the site.

The Additional Permitted Uses Map (CL1_004) of Port Stephens LEP 2013 shall also be amended to identify the site and the proposed additional permitted land use. This is illustrated in Part 4 of this report

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Part 3 - Justification

Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of any strategic study or report; however, it has strategic planning merit in being considered.

The site is located directly opposite the Aerospace and Defence Precinct identified in the Greater Newcastle Metropolitan Plan 2036 and is located on a main intersection already featuring a McDonalds, and a service station.

The site already has development consent for a "tourist facility" with 4 lot subdivision (DA 16-2012-777-1) along with a McDonald's operation (DA16-2010-638-1) and a KFC operation (DA16-2016-45-1). The tourist facility approval (DA 16-2012-777-1) references a restaurant, a tavern, 3 food outlets, earthworks, tourist accommodation and a car wash.

The land west, on the opposite side of Nelson Bay Road, at the intersection of Cabbage Tree Road Lot 6 DP 822162 has development consent for "Tourist Facility and Ancillary Restaurants (3)" (DA 16-2013-0275).

The intended outcome of this Planning Proposal will permit an additional land use "service station" that will provide services, consumer choice and contribute to the growth of the locality. It will complement the existing DA approved uses for the site. A "service station" supports the anticipated growth of employment generating land uses in the immediately adjacent Aerospace and Defence Precinct proposed in the Greater Newcastle Metropolitan Plan 2036.

The site is well located to take advantage of the future infrastructure expansion that will occur in the area, whilst being compatible with the existing surrounding uses (McDonalds on the southern side of Lavis Lane and service station on the northern side of Lavis Lane). The Planning Proposal is complementary to the existing approved land use on the site and is consistent with the existing and future character of the area.

The traffic volumes, access, parking availability, exposure, size and dimensions of the site and existing natural environment were all considered when analysing the development potential of the site. It was determined that the site demonstrates good characteristics for commercial development.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Rural/residential development under the current zoning would represent an under-utilisation of the site and fail to achieve the benefits of a transport orientated property, as well as having to overcome potential impacts of the high-volume traffic location of the Site and the affectation of aircraft noise and flooding.

Amendment to Port Stephens LEP 2013 in respect of the site would be most appropriate through an amendment to Schedule 1 - Additional Permitted Uses.

Three potential land use planning options to achieve the objective of this planning proposal were considered:

- a. Carry out development limited to the existing development approvals and those uses generally permitted in the RU2 Rural Landscape Zone.

This is not a recommended option. It does not permit the proposed additional complementary use "service station" on the site.

The land uses permitted with consent in the RU2 Rural Landscape Zone under the Port Stephens LEP 2013 are:

Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Tourist and visitor accommodation; Turf farming; Veterinary hospitals; Water recreation structures; Water supply systems.

- b. Rezone the subject land from RU2 Rural Landscape to a general business zone (B7 Business Park).

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This is not a recommended option. It would permit the full range of potential land uses that are permitted within the B7 Business Park Zone. It increases the risk of undermining other locations zoned, or planned for, future general business park land uses. This includes the land around the Airport already zoned and being developed under B7 Business Park Zone. It also increases the risk of undermining other nearby land directly identified for consideration for potential rezoning for Defence and Aerospace Related Employment land uses by the Greater Newcastle Metropolitan Plan 2036.

The land uses permitted with consent in the B7 Business Park Zone under the Port Stephens LEP 2013 are:

Air transport facilities; Airstrips; Business premises; Car parks; Centre-based child care facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Helpads; Highway service centres; Hotel or motel accommodation; Industrial training facilities; Information and education facilities; Jetties; Kiosks; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Research stations; Restaurants or cafes; Restricted premises; Roads; Service stations; Signage; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water reticulation systems; Wholesale supplies.

- c. Permit an additional permitted use on the site while retaining the existing RU2 Rural Landscape Zone for the subject land.

This is the recommended option. It limits the permitted additional use to a "service station" (only) while retaining the existing RU2 Rural Landscape Zone. This option eliminates the scope for further general commercial land uses that could undermine the planning for other existing centres including land that is directly identified in the Greater Newcastle Metropolitan Plan 2036. It will only permit a single additional type of land use "service station" to complement existing uses on the subject land, immediately adjacent and in the area generally. This option will support, and is consistent with, the existing and future desired character of the area.

An amendment to the Schedule of Additional Permitted Uses is seen to be the most effective means of achieving the intended outcome. This will also require an amendment to the Port Stephens LEP 2013 Additional Permitted Uses Map to include the Site.

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Section B - Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

NSW: Making It Happen

NSW: Making It Happen was released by the Premier for NSW on 14 September 2015 and replaces the State's previous 10-year plan *NSW 2021*. It outlines 30 key reforms for the State, including 12 personal priorities for the Premier. The priorities relevant to the Planning proposal are:

- + Creating jobs Building infrastructure
- + Making it easier to start a business
- + Encouraging business investment

The Planning Proposal is consistent with *NSW: Making It Happen*. It will provide additional employment opportunities. The intended outcome will encourage business investment by enabling the construction and subsequent operation of a service station operation. It will provide services to complement the approved Tourist Facility and provide services that are needed in the area for the planned growth of Newcastle Airport and the Williamstown Defence and Aerospace Precinct in the Greater Newcastle Metropolitan Plan 2036.

Hunter Regional Plan 2036

The Hunter Regional Plan was adopted in 2016 as a 20-year growth plan for the Hunter region. The Plan encompasses four goals aimed to achieve the vision for the region as a leading regional economy in Australia, with a vibrant metropolitan city at the heart.

Figure 4 – Extract from Hunter Regional Plan 2036 'Greater Newcastle 2036'



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The Planning Proposal is consistent with Goal 1 of Hunter Regional Plan 2036 to be "The leading regional economy in Australia. Consistency with the key relevant Directions and Actions of this Goal are set out in the following table (Directions and Actions that do not apply have been omitted):

Table 1 – Hunter Regional Plan Goals and Directions Compliance Table

Direction	Actions	Response
1. Grow Greater Newcastle as Australia's Next Metropolitan City.	1.1 Prepare a Greater Newcastle Metropolitan Plan.	The Planning Proposal will provide services to complement the approved "integrated tourist facility" and provide services that are needed in the area for the planned growth of Newcastle Airport and the Williamstown Defence and Aerospace Precinct in the Greater Newcastle Metropolitan Plan 2036.
2. Enhance connections to the Asia Pacific through global gateways.	2.1 Promote diversification of operations at the Port of Newcastle and the Newcastle Airport and enhanced connectivity to the Asia-Pacific. 2.2. Develop and review strategies and precinct plans for the global gateways and surrounding lands to support their growth, diversification and sustainability. 2.3. Prepare local plans that adequately respond to air, noise and other issues relevant to the gateways to protect their ongoing operations and expansion.	The Planning Proposal will permit a suitable complementary land use "service station" consistent with the existing and future character of the Newcastle Airport Global Gateway and existing and approved development of the site and the immediate local area. It will not preclude any future detailed local planning.
4. Enhance inter-regional linkages to support economic growth.	4.1 Enhance inter-regional transport connections to support economic growth. 4.2 Work with stakeholders to upgrade transport network capacity in line with changing demands. 4.3 Strengthen and leverage opportunities from the interconnections with other regions, particularly the Pacific Highway, the Golden Highway and the New England Highway. 4.4 Promote freight facilities that leverage the Port of Newcastle and its associated freight transport network. 4.5 Plan for multimodal freight facilities that support economic development of the region and respond to the location of the proposed Freight Rail Bypass. 4.6 Investigate opportunities for logistics and freight growth and other complementary land uses around airports, leveraging investments at Taree and Newcastle airports. 4.7 Enhance the efficiency of existing nationally significant transport corridors and protect their intended use from inappropriate surrounding land uses. 4.8 Enable development that relies on access to the Hunter Expressway interchanges, provided it encourages efficiencies to the inter-regional transport network.	The Planning Proposal seeks to permit a "service station" adjacent to a main road to support motorists in this locality. Access arrangements from Lavis Lane, and ingress access (only) at Nelson Bay Road, are already available via the existing approved development applications for the subject land. The intended outcome of a "service station" on the land will support the transport network in this region and have a positive impact for motorists. The intended outcome of a service station on the land will support the transport network. The service station will support the Newcastle airport by providing services to airport employees and users and refuelling options for future logistic and freight businesses.

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Direction	Actions	Response
	<p>4.9 Balance competing interests and deliver conservation, transport and land use planning objectives in the national pinch point area by:</p> <ul style="list-style-type: none"> identifying preferred habitat corridors and priorities for investment in conservation to sustain habitat connectivity; and developing an integrated management plan for the area. <p>4.11 Update the Hunter Regional Transport Plan to ensure there are improved connections to jobs, study and centres for Hunter residents.</p>	
6. Grow the economy of Midcoast and Port Stephens.	<p>6.1 Enhance tourism infrastructure and connectivity, recognising the importance of regional and inter-regional connections via the Pacific Highway and the Newcastle and Taree airports and cruise ship gateways; and local routes such as the Lakes Way and Nelson Bay Road.</p> <p>6.2 Enhance links to regional services in Greater Newcastle.</p> <p>6.3 Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies.</p> <p>6.5 Plan for and provide infrastructure and facilities that support the ageing population.</p>	<p>The primary purpose of the "service station" will be to provide services for travellers utilizing the Newcastle Airport. This will enhance the connectivity between the Newcastle Airport and other transport and tourist hubs (Nelson Bay). This is supported by the currently approved tourist facility at the site (which the potential future "service station" will form a part of).</p>
7. Develop enhanced manufacturing, Defence and aerospace hubs.	<p>7.1 Facilitate development opportunities on land surrounding Newcastle Airport at Williamtown to cluster emerging high-technology industry, Defence and aerospace activities.</p> <p>7.2 Grow and diversify the manufacturing sector through local planning and appropriate controls.</p> <p>7.3 Promote manufacturing business export opportunities and become part of global supply chains.</p> <p>7.4 Facilitate research partnerships between tertiary education providers and businesses.</p> <p>7.5 Protect strategic Defence establishments with appropriate planning controls and compatible adjoining land uses.</p>	<p>The intended outcome of this planning proposal will provide employees of the Defence and Aerospace hub with convenient services. The site will also form part of the 'special activation precinct' earmarked for development in the State budget. The service station development will support the proliferation of industry in the area by establishing a greater variety of basic services.</p>
13. Plan for greater land use compatibility.	<p>13.1 Identify and protect important agricultural land, including intensive agricultural clusters, in local plans to avoid land use conflicts, particularly associated with residential expansion.</p> <p>13.2 Limit urban and rural housing encroachment into identified agricultural and extractive resource areas, industrial areas and transport infrastructure when preparing local strategies.</p>	<p>The Planning Proposal will not impact important agricultural land. The proposal seeks to permit a compatible land use on the site having specific regard for the approved developments which will form tourist facility along with the subsequent service station.</p> <p>The site is not suited to residential use given aircraft noise and flooding. The intended outcome is suited to the main road location.</p>

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Direction	Actions	Response
	13.3 Amend planning controls to deliver greater certainty of land use.	The Planning Proposal seeks certainty of suitable land use for the site by limiting additional potential development to a "service station" (only).

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP 2036) sets out the NSW governments' goals for the Newcastle region and provides guidance on the potential future development of the Williamtown area.

The proposal to permit a "service station" as an additional permitted use on the site aligns with the intended outcomes of the GNMP 2036.

Williamtown is designated as a 'Catalyst Area', which will underpin new job opportunities for Greater Newcastle, including in the health, Defence and education industries. The site is directly opposite the 'Aerospace and Defence Precinct' and on a main intersection that is already developed for a McDonald's and a service station. The location of the Site in relation to the Williamtown Catalyst Area is shown in the following extract from the GNMP 2036 (page 75). Some land uses features have been added to show some key features that relate to this Planning Proposal).

Figure 5 – Extract from GNMP 2036: Williamtown Catalyst Area Map



The desired role for the Williamtown Catalyst Area in the GNMP 2036 is:

- + Global gateway providing domestic and international connectivity

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- + RAAF Base and civilian airport
- + Emerging Defence and aerospace hub

The outcomes identified for the Airport Precinct and the Aerospace and Defence Precinct are that Port Stephens Council (in consultation with the RAAF and Newcastle Airport Corporation) will align local plans to:

- + Avoid or minimise the development of new residential areas in locations currently or potentially affected by aircraft noise that will restrict domestic and Defence airport operations, and future international airport operations.
- + Provide for high-tech land uses, Defence and aerospace related industries in the Defence and Aerospace Related Employment Zone (DAREZ), including the maintenance and further development of the Joint Strike Fighter fleet

The proposal to permit a "service station" as an additional permitted use on the site aligns with and supports the above desired role and outcomes for the Williamtown Catalyst Area set by the GNMP 2036.

The Planning Proposal is also consistent with the narrative in the GNMP 2036 for the Port Stephens Local Government Area within Williamtown. The related elements of the narrative are:

- + Williamtown RAAF Base, Newcastle Airport and Tomago employment precinct are trading hubs whose links to the national freight and transport networks will be maintained and strengthened. This includes Nelson Bay Road, Tomago Road and the Pacific Highway.
- + Newcastle Airport has capacity for increased domestic and international flights and supports tourism within Greater Newcastle.
- + The potential defence and aerospace hub at the airport are a major opportunity for economic growth, as is the manufacturing and industrial cluster around Tomago, which has strong links to the Port.
- + Williamtown and Tomago are catalyst areas and an immediate focus for employment and infrastructure investment.

The Planning Proposal to permit a "service station" as an additional permitted use on the site is consistent and with and achieves a number of the Outcomes, Strategies and Actions in the GNMP 2036 for the Williamtown Catalyst Area.

The four overall Outcomes and Strategies for each are:

- + Outcome 1: Create a workforce skilled and ready for the new economy.
- + Outcome 2: Enhance environment, amenity and resilience for quality of life.
- + Outcome 3: Deliver housing close to jobs and services.
- + Outcome 4: Improve connections to jobs, services and recreation.

The following outlines how the Planning Proposal is consistent with the Strategies and Actions to achieve these Outcomes (note: Outcome 3 does not apply).

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Table 2 – Consistency with State Environmental Planning Policies

Greater Newcastle Metropolitan Plan 2036	
Outcome 1: Create a workforce skilled and ready for the new economy.	
Strategy 2 Grow the airport and aerospace and Defence precinct at Williamtown.	
Action 2.1 Newcastle Airport, Hunter Development Corporation and Port Stephens Council will: <ul style="list-style-type: none"> • Work with Transport for NSW to develop a travel demand management plan for the Defence and Airport Related Employment Zone and options for optimising movement, place outcomes and minimising congestion. • Provide development-enabling infrastructure and address environmental constraints to facilitate the growth and development of the Williamtown Defence and Airport Related Employment Zone for aerospace and defence industries and associated complementary uses. 	The Planning Proposal for a "service station" assist commuters by providing additional refuelling options and competition. The proposed use is complementary to the expansion of the Williamtown Aerospace and Defence precinct.
Action 2.2 Transport for NSW will: <ul style="list-style-type: none"> • Identify transport corridors that can cater for improved bus services to Williamtown to support increased worker and passenger movements. • Work with Port Stephens and Newcastle City councils to align local plans to protect transport corridors and ensure proposed changes in land uses minimise the cumulative impact on the operation of the road network. 	The proposed additional land use would use the existing approved ingress and access points to the subject land. It would not negatively affect the Nelson Bay Road transport corridor and will provide additional competition between fuel retailers.
Action 2.3 Port Stephens Council will: <ul style="list-style-type: none"> • Protect the Williamtown aerospace and defence precinct from inappropriate land uses (including bulky-goods retailing) • In consultation with Newcastle Airport and the RAAF, prevent residential development near the airport and limit residential development in areas affected by aircraft noise (including areas below flight paths) • Align local plans to facilitate the growth and change at the Defence and Airport Related Employment Zone over time. 	The Planning Proposal for a "service station" is: <ul style="list-style-type: none"> • Complementary to the proposed Williamtown Aerospace and Defence precinct; • Is commercial and is common near airports; and • Aligns with the outcomes of the GNMP 2036 (and does not preclude any future local planning for the area because of the existing approvals for the land and adjoining land uses).
Action 2.4 Newcastle Airport, Transport for NSW and Port Stephens and Newcastle City councils will investigate transport improvements between Williamtown, Newcastle City Centre and other destinations in the metro frame.	The proposed additional land use would use the existing approved ingress and access points to the subject land.
Outcome 2: Enhance environment, amenity and resilience for quality of life.	
Strategy 13 Protect rural amenity outside urban areas	
Action 13.1 Greater Newcastle councils will align local plans to: <ul style="list-style-type: none"> • Enable the growth of the agricultural sector by directing urban development away from rural areas and managing the number of new dwellings in rural areas. • Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector and build the sector's capacity to adapt to changing circumstances. Protect and preserve productive agricultural land to support the growth of agricultural industries and keep fresh food available locally.	The potential for land-use conflicts with surrounding rural land uses is minimal. The subject land is not used for any agricultural purpose. The proposed additional permitted use will complement the existing approved uses for the site. Immediately next to the site is a McDonalds restaurant and there is a service station located on the opposite side of Lavis Lane. The proposed Defence and Aerospace Related Employment Zone under the GNMP 2036 is on the opposite side of Nelson Bay Road.

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Strategy 14 Improve resilience to natural hazards	
<p>Action 14.1</p> <p>Greater Newcastle councils will apply the following principles to land use planning and development assessment decisions:</p> <ul style="list-style-type: none"> • Employ risk-responsive land use controls so that new development does not occur in high risk areas. • Ensure coastal dependent development mitigates natural hazards and incorporates resilience measures that have triple bottom line benefits. • Prevent intensive urban development in the Blue and Green Grid • Ensure the planning for urban development adjoining or interfacing with the Blue and Green Grid addresses the impact of extreme events. <p>Action 14.2</p> <p>The Department of Planning and Environment will work with Greater Newcastle councils to plan for a changing climate by:</p> <ul style="list-style-type: none"> • Ensuring major redevelopments include a natural hazard risk assessment that incorporates climate change parameters and mitigation/adaptation measures. • Ensuring planning for road upgrades of critical linkages considers sea level rise and flooding and incorporates resilient design and materials to reduce reconstruction and recovery costs. • Developing a methodology to incorporate evacuation considerations into strategic, precinct and site-based planning. • Developing policies to achieve the NSW Government aspirational target of net zero emissions by 2050. 	<p>The site is categorised as a High Hazard Floodway under the Williamstown Salt Ash Floodplain Risk Management Study and Plan and consequently may be considered a high-risk area. However, the existing and currently approved future ground levels are significantly higher than the levels that have been modelled in the study. As such a Local Flood Study will be undertaken to provide further detail on the flood categorisation of the site at the development application stage. It is highly likely the local flood study will re-categorise the site, de-escalating its status from a high-risk area to a low risk area.</p> <p>The context of the site and scale of development should also be considered in terms of the risk status of the area. The relatively small footprint of a typical service station, it is unlikely to significantly add to flood impacts of other properties, over and above what has already been approved. The existing historic use of the site, being for residential purposes, should be noted as being much higher risk due to the habitation and consequent presence of people in the flood affected land. Given that customers of service stations typically stay only a short time, the risk during flood events is considered relatively small for service station customers. The risk for the workers at the service station can be managed by an onsite Flood Emergency Response Plan. In addition, the adjoining roads (both Lavis Lane and Nelson Bay Road) have ground levels in this vicinity of approximately RL 2m AHD, so the facilities would not be accessible to service station customers as the major events approach the site.</p> <p>Under these circumstances, the Planning Proposal has minor significance from a floodplain risk management perspective, particularly considering it is for a single low-risk use only and can be supported.</p>
Outcome 4: Improve connections to jobs, services and recreation.	
Strategy 23 Protect major freight corridors	
<p>Action 23.2</p> <p>Greater Newcastle councils will work with Transport for NSW to develop a plan to optimise last mile freight delivery.</p>	<p>The proposed additional use "service station" will assist industry in last mile of freight delivery by providing additional fuel service options.</p>

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

The site falls within the Port Stephens Local Government Area (LGA), for which there are various strategies and plans, explored below.

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**Port Stephens Planning Strategy 2011**

The Port Stephens Planning Strategy 2011 (PSPS) provides a high-level strategic planning strategy to guide the area's future growth and sustainability. The PSPS identifies key planning matters and outlines how it will enhance planning opportunities within the local government area. Throughout the strategy, specific reference is made to Williamtown and the commercial growth of this area with the consolidation of Newcastle Airport, RAAF Base and DAREZ Business Park. The matters relevant to this Planning Proposal and how this Planning Proposal addresses them is set out below:

Table 3 – PSPS 2011 Relevant Key Planning Matters

Significant environmental assets (the coast, the waterways, landscape and natural areas etc.) and constraints (flooding and acid sulphate soils etc.).
The subject site is cleared with no significant environmental assets. Development (filling) has taken place on the land under existing consents. The Site Selection Report for the DAREZ Strategy 2008 did not identify any significant threatened species records. The site is identified as subject to flooding and potentially impacted by Class 3 Acid Sulphate Soils; however, it already has approval for filling to occur to raise the level of the site suitable for commercial-type land uses. Approximately 50% of the site has already been filled for the existing McDonald's and the approved (but not constructed) KFC restaurant. The proposed additional permitted use "service station" is a suitable use of the land and development design solutions can be considered with a separate future development application.
The impact of military aircraft noise.
Due to the impact of military aircraft noise the type of development which can be established in the Williamtown area is limited. The additional permitted use of a service station constitutes an appropriate development type for this area as the impact of such noise on the operation is largely inconsequential and able to be minimized.
Areas of economic growth (including the Defence and Airport Related Employment Zone).
An additional "service station" will provide services to proposed DAREZ developments in area as well as the 'special activation precinct' identified in the state budget. This has been reinforced by Council by approving the integrated tourist facility. It will provide economic opportunities in the Williamtown area while also supporting tourist activities of the Port Stephens region through providing additional consumer choice and services to travellers.
Newcastle Airport (with ready access to other centres)
The Planning Proposal will enhance the connectivity between the Airport and other tourist or urban centres within the Port Stephens LGA and Hunter region by addition services and consumer choice to travellers moving to and from the airport.

Defence and Airport Related Employment Zone (DAREZ) Land Use Development Strategy 2008

The site is located south east of land identified for consideration under the DAREZ Strategy 2008. The goals of the DAREZ Strategy were to identify the area for the development of the Airport and to provide areas for supporting industries for the Williamtown RAAF base and Newcastle Airport. While the site was not included in the resulting DAREZ zone the proposed development will still align with, and not detract from, the land use outcomes for the area.

The Planning Proposal aims facilitate provision of essential services to the area, while also giving improved consumer options to the employees and businesses and the public accessing the DAREZ. It will also provide for the efficient operation of the road network by providing convenient services to roadway users provided by the existing approved access arrangements.

The development is a suitable supporting land use consistent with the goals of the DAREZ Strategy.

Port Stephens Rural Strategy 2011

The preparation of the Port Stephens Rural Strategy 2011 (PSRLS) provides Council with an overarching document that considers all aspects which impact upon rural lands and guidance on the future of such areas. Although the land is within the RU2 Rural Landscape Zone, the site and its location characteristics, and future planning for the area (for example under the Greater Newcastle Metropolitan Plan 2036) have the effect that the Port Stephens Rural Strategy 2011 has limited real application to the consideration this Planning Proposal. Consideration of rural planning matters are appropriately considered under other sections of this Planning Proposal (for example State Environmental Planning Policy Rural Lands (2008) and NSW Ministerial Direction 1.5 Rural Lands).

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Notwithstanding the above, the Williamtown area is considered a Rural Village of the PSRS Settlement Hierarchy. As the site is rural-zoned land the relevant principles of the strategy should be considered:

Table 4 – PSRS 2011 Relevant Key Planning Matters

Issue and Principle	Response
Growth Management	
<ul style="list-style-type: none"> Embody the concepts of Ecologically Sustainable Development; 	The subject site is currently cleared and unused. The DAREZ Strategy 2008 site selection report did not find any recorded threatened species. There is very little ecological value on the site, and it is already subject to development approvals for an "integrated tourist facility".
<ul style="list-style-type: none"> Limit expansion to those settlements that have the capacity for growth; 	The Williamtown rural village contains the DAREZ zone which encourages development for the Newcastle Airport and surrounding area. Williamtown "village" near the Airport is planned to change over time into a Defence and Aerospace Employment Zone.
<ul style="list-style-type: none"> Avoid development in areas of conservation significance; 	The subject site has little conservation significance as established by DAREZ Strategy 2008 and existing development and development approvals.
Land Use Planning	
<ul style="list-style-type: none"> Develop a land use framework that provides certainty for the residents; 	Considering the surrounding land uses and the development of the Newcastle Airport and Defence and Airport Related Employment Zone area the type of development this planning proposal will allow is not unexpected for this specific site.
<ul style="list-style-type: none"> Allow for there to be flexibility in the implementation of land use policies 	This Planning Proposal aims to enhance the flexibility in land use options for the subject site.
<ul style="list-style-type: none"> Ensure that current and future agriculture is not compromised by fragmentation of rural land 	The location of the Site at the intersection of Nelson Bay Road and Lavis Lane, the existing surrounding development (McDonalds and a service station), existing development approvals, and proximity to the Newcastle Airport Defence and Airport Related Employment Zone mean this Planning Proposal will not compromise agriculture land uses or lead to fragmentation of rural lands.
<ul style="list-style-type: none"> Ensure that there are sufficient land stocks to meet the residential needs of the community; 	Due to the site's location in proximity to the Newcastle Airport, existing and approved development, and the environmental impacts from flooding and acid sulphate soils as identified in the Port Stephens LEP 2013 the site is considered to be unsuitable and undesirable to be used for residential purposes.
Community Services and Quality of Life	
<ul style="list-style-type: none"> Ensure that people living in rural areas and settlements have access to an appropriate level of community services and facilities 	A potential future "service station" will provide the local community with greater consumer choice, convenient services, and employment opportunities which is appropriate considering the surrounding development.
Economic Growth	
<ul style="list-style-type: none"> Provide for a diversity of employment opportunities which capitalise on the economic strengths of Port Stephens; 	A "service station" on the site, in conjunction with existing and surrounding proposed future land uses, close to the DAREZ and Newcastle Airport, the surrounding development types, will provide long term employment opportunities and capitalize on trade generated by the airport and movement to tourist and urban centres.
<ul style="list-style-type: none"> Develop strategies to retain the existing businesses; 	No existing business is established on the site.
<ul style="list-style-type: none"> Ensure that the current diversity of economic activity continues; 	This planning proposal will allow for an increase in diversity for economic activities and its location clustered with other commercial premises will enhance the economic activities in the Williamtown area.

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<ul style="list-style-type: none"> Build on the industry sectors that have been identified as the drivers of the future economy; 	As the subsequent development is oriented to service the development within the DAREZ zone it will build upon the industry established in Williamtown area.
<ul style="list-style-type: none"> Encourage a wide range of agricultural and other complementary rural uses such as tourism having regard to environmental impact; 	This planning proposal will provide a complimentary rural land use providing services to operations in rural lands and to the tourism sector in the Port Stephens area.
<ul style="list-style-type: none"> Target job opportunities and education that allows for the retention of young people in the community; 	The establishment of a service station will provide job opportunities within the Williamtown area appropriate for young people. Alongside the DAREZ business park the ability to retain young people in the community will be enhanced.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The consistency of the Planning Proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in the following table (SEPPs that do not apply to the Planning Proposal have been omitted).

Table 5 – Consistency with State Environmental Planning Policies

Title	Consistency with the Planning Proposal
SEPP No. 33 Hazardous and Offensive Development	<p>This Planning Proposal only proposes to consider amending the Port Stephens LEP 2013 to make the proposed land use "service station" permissible with consent.</p> <p>A "petrol station" ("service station") is a type of "industry" that may be potentially hazardous. The source of hazard "liquid fuel leaks/spills" and the possible impacts are "fire, explosion" (<i>Hazardous and Offensive Development Application Guidelines – Applying SEPP 33</i>).</p> <p>A Hazard Analysis will be undertaken for a potential "service station" on the subject at the future Development Application stage. The Development Application stage is the most appropriate timing to undertake a Hazard Analysis, because it will be informed by in order detailed design and operational procedures, detailed site design, setbacks and operational procedures, against the requirements of this this SEPP and the Guideline.</p> <p>Completing a Hazard Analysis at the Development Application stage will ensure the most up to date information is provided for assessment against this SEPP.</p> <p>The Planning Proposal satisfies the provisions of this SEPP.</p>
SEPP No. 44 Koala Habitat Protection	<p>The site is covered by the Port Stephens Koala Plan of Management (CKPOM) prepared in accordance with the SEPP. It is classified as mainly cleared by the CKPOM mapping. It is cleared land and subject to existing development approval (as outlined earlier). The Planning Proposal adequately addresses the CKPOM Performance Criteria for Rezoning Requests. Any subsequent Development Application for a "service station" will also have to satisfy the CKPOM Performance Criteria for Development Applications.</p> <p>The Planning Proposal satisfies the provisions of this SEPP.</p>
SEPP No. 55 Remediation of Land	<p>The site is within the Williamtown Investigation area given its proximity to the Williamtown RAAF Base and its associated PFAS contamination.</p> <p>A letter from the NSW EPA is available at Attachment B which discusses the potential PFAS contamination at the site. The letter states that:</p> <p><i>"All results of testing of these samples were at or below laboratory limits of detection with the exception of one soil sample with returned a result of 0.0005 mg/kg. This result is 12,000 times lower than the adopted screening criteria of 6mg/kg for direct contact with residential soil."</i></p>

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	<p>On this basis, there is a very low potential for any interaction with PFAS contamination during the construction of the development. In any case, risks associated with PFAS contamination can be readily managed through the following measures:</p> <ul style="list-style-type: none"> • All surface and groundwater encountered during works should be considered PFAS-impacted unless other information is available. • Development and implementation of a water management plan that outlines controls to minimize worker, public, and livestock exposure to extracted water and describe the design and operation of on-site disposal of extracted water by irrigation/seepage. • Any groundwater that accumulated in footings or other excavations and needs to be pumped out should be pumped out to a location on the property where it can seep into the ground and not run off. This must be as close to the point of origin and as far away from drainage points and other property boundaries as practicable. Extracted groundwater must not be permitted to run off the property. <p>This is supported by a Phase 1 Preliminary Contamination Assessment prepared by RCA Australia, included at Attachment E. The documents states that:</p> <ul style="list-style-type: none"> • Fill has been imported to the site and its documentation has been reviewed and identified as generally suitable with some data gaps. • The site is likely considered to be affected by PFAS contamination originating from the nearby RAAF base although the limited sampling undertaken at the site does not have concentrations which would likely be considered a constraint to the proposed development. • There is some uncertainty about the quality of the stockpiles and the fill platform due to the data gaps in some of the source material and that further assessment is recommended if appropriate documentation from the source site cannot be provided. • It is recommended that a Construction Management Plan (CMP) is to include provision for disposal and management measures should potential asbestos containing materials to be encountered during the construction works. • An Acid Sulphate Soil Management Plan is also recommended should the proposed construction works require excavation beneath 1m depth from existing surface. • The risks from potential contamination is most likely during the construction phase and that risks associated with the uncertainties can be managed such that the site could be made suitable for the proposed development. <p>The previous and current approved uses of the Site are not likely to hinder the intended outcome of this Planning Proposal – the additional permitted use “service station”. The EPA also provided further advice on 13 August 2019 as per their previous advice, and the results of both surface and soil testing carried out at the proposed site, the EPA is of the opinion that there is a very low potential for any interaction with PFAS contamination during the construction phase of the development and that risks associated with PFAS contamination can be readily managed through the measures contained in that letter.</p> <p>The Planning Proposal satisfies the provisions of this SEPP.</p>
Infrastructure 2007	The Planning Proposal will enable a suitable land use adjacent to classified road and is consistent with this SEPP.

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	<p>Access arrangement to and from Nelson Bay Road is proposed to be in accordance with the existing approved Development Applications applicable to the site (ingress to the site only directly from Nelson Bay Road).</p> <p>A future Development Application will be referred to the RMS for concurrence as a service station development on a Classified Road triggers 'traffic generating development.'</p> <p>The Planning Proposal satisfies the provisions of this SEPP.</p>
Rural Lands 2008	<p>This SEPP is relevant because certain types of outdoor recreation developments and uses have the potential to conflict with NSW Rural Planning Principles (note: under section 9.1 of the <i>NSW Environmental Planning and Assessment Act 1979 (NSW)</i> the Minister has directed that councils exercise their functions relating to local environmental plans in accordance with the NSW Rural Planning Principles). The consistency of the Planning Proposal with these principles is discussed in the following table Ministerial Directions.</p> <p>In summary the potential for potential land-use conflicts with surrounding rural land uses is minimal. The subject land is not used for any agricultural purpose. The proposed additional permitted use will complement the existing approved uses for the site. Immediately next to the site is a McDonalds restaurant and there is a service station located on the opposite side of Lavis Lane. The proposed Defence and Aerospace Related Employment Zone under the Greater Newcastle Metropolitan Plan 2036 is on the opposite side of Nelson Bay Road.</p> <p>Any inconsistency of the Planning Proposal with this SEPP is of minor significance.</p>

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

The following table reviews the consistency of the Planning Proposal with Ministerial Directions for Local environmental plans under section 9.1 of the *Environmental Planning and Assessment Act 1979 (NSW)* (Directions that do not apply to the Planning Proposal have been omitted).

Table 6 -- Consistency with Section 9.1 Directions

Section 9.1 Directions & Assessment	
1. Employment and Resources	
1.2 Rural Zones	<p>This direction applies when a proposal will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>In this instance, the Planning Proposal is seeking to make a "service station" an additional permitted use on the subject land and retain the existing RU2 Rural Landscape Zone.</p> <p>Requirement 'a' of this direction is a planning proposal must not rezone land from a rural zone to an urban-type zone. This Planning Proposal does not seek to rezone any rural land; it only seeks to add an additional permitted use within the existing RU2 Landscape Zone. Requirement 'a' of this Direction is not relevant.</p> <p>Requirement 'b' of this Direction is a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone. This Planning Proposal only seeks to make a "service station" permissible with development consent.</p> <p>Any inconsistency with requirement 'b' is of minor significance. The site is already subject to development approval for a substantial "integrated tourist facility" and including 4 x take-away restaurants, a tavern, tourist accommodation and a car wash.</p> <p>The Planning Proposal for an additional permitted use "service station" will have no additional impact on the local character of the Williamtown and area and is consistent with its planned future character – a Defence and Aerospace Catalyst Area under the Greater Newcastle Metropolitan Plan 2036.</p>

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	Any inconsistency of this Planning Proposal with this direction is of minor significance.
1.5 Rural Lands The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes	<p>This direction applies because the planning proposal will affect land within the existing RU2 Rural Landscape Zone.</p> <p>The rural planning principles in State Environmental Planning Policy (Rural Lands) 2008 are:</p> <ul style="list-style-type: none"> (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. <p>Any inconsistency of the Planning Proposal for an additional permitted use "service station" on the site with these principles is of minor significance; they have limited application to the subject land under its existing and future strategic land use planning context.</p> <p>The site is already subject to development approval for a substantial "integrated tourist facility" and including 4x take-away restaurants, a tavern, tourist accommodation and a car wash. It is not used for any agricultural purposes and adjoins and existing McDonalds, and there is an existing service station on the opposite side of Lavis Lane.</p> <p>The additional permitted use "service station" will have no additional impact on the local character of the Williamtown and area and is consistent with its planned future character – a Defence and Aerospace Catalyst Area under the Greater Newcastle Metropolitan Plan 2036.</p> <p>Any future "service station" made permissible by this Planning Proposal would also be required to consider the objectives of the RU2 Rural Landscape Zone. A development application will be subject to assessment against the "heads of consideration" for development applications under section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 (NSW).</p> <p>The Planning Proposal aligns with the future planning of the Williamtown Catalyst Area as a Defence and Aerospace Employment Precinct under the greater Newcastle Metropolitan Plan 2036 and the Hunter Regional Plan 2036.</p> <p>Any inconsistencies of the Planning Proposal with NSW Rural Planning Principles of this Direction are of minor significance.</p>
2. Environment and Heritage	
2.2 Coastal Management The objective of this direction is to protect and manage coastal areas of NSW.	<p>[Not applicable – the subject land is not within the "Coastal Zone" defined by the SEPP.]</p> <p>[The provisions of this SEPP do not apply to the planning Proposal – the subject land is not within the "Coastal Zone"]</p>

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3. Housing, Infrastructure and Urban Development	
3.5 Development Near Regulated Airports and Defence Airfields	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a Defence airfield.</p> <p>The site is within the 25-30 noise contours of the 2025 Australian Noise Exposure Forecast (ANEF) for RAAF Base Williamtown. A "service station" is a type of "commercial premises" for the purposes building site acceptability for aircraft noise, under the provisions of the <i>Port Stephens Development Control Plan 2014</i> (the DCP) and <i>AS 2021-2015 Acoustics – Aircraft noise intrusion</i> and an acoustic report for a potential future "service station" would be required with a development application.</p> <p>The site is located in areas mapped in the DCP as requiring consideration for bird strike, height and extraneous lighting. These matters are also able to be addressed with a future DA. Organic waste and/or storage of bins associated with the proposed development might be attractive to vermin and/or birds and will potentially increase the risk of bird strike operating from RAAF Base Williamtown. Defence requests that an appropriate condition for the management of organic waste (such as maximum storage onsite and the use of covered/enclosed bins) be included in any subsequent approval.</p> <p>Due to the proximity of the proposed development to RAAF Base Williamtown, it is suggested that all outdoor lighting design associated with the proposal is to comply with the requirements of the Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes to reduce potential hazard to aircrafts.</p> <p>Defence also requests that the proposed commercial development building should be comprised of non-reflective building materials. If any reflective surfaces from the proposed commercial development are found to cause a glare problem for pilots Defence may request these surfaces be suitably modified to extinguish the glare.</p> <p>The Planning Proposal is able to satisfy the requirements of this Direction. The matters for consideration are suitable to be addressed with a future development application. In any case, the Planning Proposal will also be referred to the Commonwealth Department of Defence for comment.</p> <p>The Planning Proposal is able to satisfy the provisions of this Direction and the Port Stephens DCP. The comments from the Commonwealth Department of Defence have been addressed above.</p>
4. Hazard and Risk	
4.1 Acid Sulphate Soils	<p>This direction applies when a Planning Proposal relates to land that is mapped as having a probability of containing ASS.</p> <p>The Site is identified in Port Stephens LEP 2013 maps as having Class 3 probability of ASS. The intended outcome of this Planning Proposal to permit a "service station" can be suitably addressed with a future development application for the proposed future use and is a manageable risk. The probability of ASS is of minor significance.</p> <p>Any inconsistency of the Planning Proposal with this Direction is of minor significance.</p>
4.3 Flood Prone Land	<p>This direction applies to Planning Proposals on land affected by flooding.</p> <p>The site is categorized as a High Hazard Floodway under the <i>Williamtown Salt Ash Floodplain Risk Management Study and Plan</i>. Surrounding areas are categorized as either High Hazard Floodway or High Hazard Storage and consequently may be considered a high-risk area. However, the existing and currently approved future ground levels are significantly higher than the levels that have been modelled in the study. As such a Local Flood Study will be undertaken to provide further detail on the flood categorisation of the site at the development application stage. It is highly likely the local flood study will re-categorise the site, de-escalating its status from a high-risk area to a low risk area.</p> <p>The context of the site and scale of development should also be considered in terms of the risk status of the area. Given the relatively small footprint of a typical service station, it is unlikely to significantly add to flood impacts of other properties, over and above what has already been approved. Also, given that customers of service stations typically stay only a short time, the risk during flood events is considered relatively small for service station customers. The risk for the workers at the service station can be managed</p>

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	<p>by an onsite Flood Emergency Response Plan. In addition, the adjoining roads (both Lavis Lane and Nelson Bay Road) have ground levels in this vicinity of approximately RL 2m AHD, so the facilities would not be accessible to service station customers as the major events approach the site.</p> <p>Given the above, the planning proposal has minor significance from a floodplain risk management perspective and can be supported.</p> <p>Council's Floodplain Risk Management Plan suggests that development within a floodway should not be encouraged unless specific community needs and benefits are demonstrated through the new use. The proposed service station use within flood prone land is considered appropriate and will provide a valuable use within the Williamtown area, cohesive with the future development of the site and region. The service station will encourage commercial competition in fuel retail, where the area currently falls short of fuel options currently. The service station will also encourage employment within the rural landscape, contributing to the overall growth of the Williamtown area and commercial development to support the Airport use.</p> <p>The intended outcome of this Planning Proposal to make a "service station" permitted (with development consent) can be addressed with a future development application for the use and is a manageable risk.</p> <p>Consultation can be undertaken with the NSW Office of Environment & Heritage as part of a Gateway Determination (if required).</p> <p>BCD, previously OEH, has no concerns in relation to biodiversity or flooding.</p>
4.4 Planning for Bushfire Protection	<p>This direction applies when a planning proposal will affect, or is in proximity to, land mapped as bushfire prone land.</p> <p>The property is identified as being partially affected by bush fire prone land (buffer); however, there is no vegetation on the site or nearby and thus the risk is not significant enough to preclude future commercial development.</p> <p>The RFS has considered the information submitted and has no specific recommendations in relation to bush fire protection.</p>
5. Regional Planning	
5.10 Implementation of Regional Plans	<p>This direction applies to land that is covered by the Hunter Regional Plan 2036.</p> <p>The Planning Proposal will permit a suitable complementary land use "service station" consistent with the existing and future character of the area Newcastle Airport Global Gateway (Hunter Regional Plan 2036) and the Williamtown Aerospace and Defence Precinct (identified by the Greater Newcastle Metropolitan Plan 2036).</p> <p>The planning proposal is consistent with the relevant Goals and Directions of the Hunter Regional Plan 2036 principally including:</p> <p><i>Goal 1 The leading regional economy in Australia.</i></p> <p><i>Direction 1 – Grow Greater Newcastle as Australia's next metropolitan city.</i></p> <p><i>Direction 2 – Enhance connections to the Asia Pacific through global gateways.</i></p> <p><i>Direction 4 – Enhance inter-regional linkages to support economic growth.</i></p> <p><i>Direction 6 – Grow the economy of Port Stephens.</i></p> <p><i>Direction 7 – Develop advanced manufacturing, Defence and aerospace hubs.</i></p> <p><i>Direction 13 – Plan for greater land use compatibility.</i></p> <p>The consistency of this Planning Proposal with the above matters is described in higher detail previously at Section B – Relationship to Strategic Planning Framework in this Planning Proposal.</p> <p>The Planning Proposal is consistent with this Direction.</p>

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6. Local Plan Making	
<p>6.1 Approval and Referral Requirements</p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>This direction applies when a relevant planning authority prepares a proposal to allow a specific use to be carried out.</p> <p>This Planning Proposal does not introduce any additional referral or concurrence requirements to the Port Stephens LEP 2013.</p> <p>The Planning Proposal is consistent with this Direction.</p>
<p>6.3 Site Specific Provisions</p> <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p>	<p>This direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>The planning proposal seeks to add a 'service station' as an additional permitted use on the subject land. It does not impose any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. Notwithstanding the intent of the proponent, this planning proposal is not approving any particular type of 'service station', potential concept, or and development application.</p> <p>Proceeding with the current planning proposal, for a site-specific provision, allows its consideration to proceed in advance, under the circumstances.</p> <p>The Planning Proposal is consistent with this Direction.</p>

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Section C - Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Site is not identified on Port Stephens LEP 2013 Maps as containing environmentally sensitive land or significant environmental attributes. In addition, the *Defence and Airport Related Employment Zone – Williamtown, Stage 1 - Site Selection Report* the site was found to not have any significant threatened species records.

The Planning Proposal does not seek to alter the zoning of the Site, as the intended outcome is to permit a specific additional use (service station). As the Site is predominantly cleared land, the intended outcome is achievable on the Site with minimal, if any, disturbance to the natural environment including vegetation.

Any potential environmental impact must be addressed at development application stage for any proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Traffic and Access

The site is located along the RMS classified road Nelson Bay Road which connects the major urban centre of Newcastle with the Newcastle Airport at Williamtown and further along to the tourist centre of Nelson Bay. In addition, this road is the major road which connects residents with either of the abovementioned urban centres.

The site is currently accessible via Lavis Lane however approval has been granted from the RMS and council for construction of an access from the RMS Classified road Nelson Bay Road. The access from Nelson Bay Road will give pass through traffic a convenient access which will reduce impact on the surrounding road network. Meanwhile the Lavis Lane access will directly support the tourist facility and the internal premises reducing impact on Nelson Bay Road by providing an integrated pathway for patrons to access multiple services without the need to re-access public roads reducing impacts on the surrounding network.

It is expected that the majority of trade would consist of pass through trade with no expected increase of traffic load due to the development. Details of site access will be supplied with the future development application.

In addition, due to the noise generated by the current high volumes of passing traffic at the site this additional permitted use is considered to be a more compatible land use.

Natural Environment

The site is cleared land with only grass vegetation. It is not located with an area of environmental significance. The site is located in a class 3 acid sulphate probability zone, mitigation measures will be supplied as part of a subsequent development application for the service station. The historical use of the site is described in the Phase 1 Preliminary Contamination Assessment at Attachment E and found to be of minimal risk which can be appropriately managed at the construction stage of development.

Scenic and Landscape Value

The majority of the land in the area is cleared agricultural land consistent with the land zoning. On the corner of Nelson Bay Road and Lavis Lane is a service station and a Takeaway Food and Drinks premises. As per Port Stephens Development Application tracker another Take Away Food and Drinks premises is approved to be constructed. The future development of a service station will adjoin the existing Take Away Food and Drink premises and consistent with this cluster of commercial premises.

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Flooding

The site is categorised as a High Hazard Floodway under the *Williamstown Salt Ash Floodplain Risk Management Study and Plan*. Surrounding areas are categorised as either High Hazard Floodway or High Hazard Storage. The 1% AEP flood level on the site is RL 2.4m AHD and the Flood Planning Level is 2.9m AHD. The peak flood level results from rainfall in the Hunter, Paterson and Williams river catchments and has a long lead time in this location. The probable maximum flood level is RL 5.2m AHD.

The hydrodynamic models used in the *Williamstown Salt Ash Floodplain Risk Management Study and Plan* used ground level data from the 2007/08 LiDAR and 2012/13 LiDAR. The models did not account for the development approval on the site (original consent June 2013) which allows filling to generally around RL 3m AHD over most of the site (with the finished floor level of the buildings at RL 3.2m AHD/ 3.4m AHD/ 3.5m AHD). The existing DA-approved filling has already started to occur on the subject land.

The filling may push the High Hazard Floodway published in the *Williamstown Salt Ash Floodplain Risk Management Study and Plan* to the south, increasing the depth and velocity of the floodwaters resulting in a potential increase to the flood risk for existing residents in Williamstown and Fullerton Cove (particularly along Cabbage Tree Road and Fullerton Cove Road).

The flooding provisions of the *Port Stephens Development Control Plan 2014* generally requires a flood study (a comprehensive technical investigation of flood behaviour which includes numerical flood modelling) to accompany any development proposal for filling in floodway/s or flood storage areas. However, any part of this site above RL 2.9m AHD would now be outside the Flood Planning Area and therefore would not be categorised as High Hazard or Floodway. The site would still be categorised as "flood prone", being within the extent of the PMF event. For events less frequent than the 1% AEP event up to the PMF event, the site becomes a High Hazard Floodway.

Given the relatively small footprint of a typical service station, it is unlikely to significantly add to flood impacts of other properties, over and above what has already been approved. Also, given that customers of service stations typically stay only a short time, the risk during flood events is considered relatively small for service station customers. The risk for the workers at the service station can be managed by an onsite Flood Emergency Response Plan. In addition, the adjoining roads (both Lavis Lane and Nelson Bay Road) have ground levels in this vicinity of approximately RL 2m AHD, so the facilities would not be accessible to service station customers as the major events approach the site.

Issues relating to stormwater quality, drainage, flood refuge and issues relating to potentially hazardous and/ or polluting materials can be addressed at the service station DA stage. Given the above, it is considered that the planning proposal has minor significance from a floodplain risk management perspective and can be supported. Further information on flooding is also included in this Planning Proposal at Attachment C. *Further consideration of s9.1 (s11.7) Direction 4.3 Flood Prone Land – 2 Lavis Lane, Williamstown NSW 2318* KDC 21 March 2018) and in the response to Direction.

Amenity

The Planning proposal to permit the additional permitted use "service station" will have minimal additional impacts. The site is already approved for an "integrated tourist facility" and is adjacent to a McDonalds and there is an existing service station nearby. The site is on the main intersection of Nelson Bay Road and Lavis Lane, and near the Newcastle Airport and RAAF Base Williamstown.

The amenity on the site will be affected by the general traffic noise. The level of annoyance or discomfort depends on a number of factors, including the type, timing, duration and frequency of noise or if the disturbance is out of the ordinary, that is, differs from the 'background' noise. With regard to the substantial increase in traffic flows as identified by both the state and federal government studies, vehicles will generate a high duration and frequency of noise.

The location of the Site, situated along a classified road and also within the vicinity of the RAAF Base and Newcastle Airport, may result in offensive noise that would reduce residential amenity. In this context a more suitable and compatible use of the site would be for non-residential development. This is consistent with the adjoining commercial land uses operating under recent development consents.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Development of a "service station" will have a positive social and economic impact. The identified positive impacts are summarised below:

- Future development will generate improved employment opportunities with flow on employment multipliers benefitting the local community;

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- The operation would provide improved services to the area meeting the daily needs of surrounding residents, workers, tourists and travellers; and
- Future development would result in economic benefits associated with the short-term construction works.

The service station will form part of the approved "integrated tourist facility" and will provide patrons and Newcastle Airport users a convenient service with positive social and economic implications.

Section D - State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The Site is currently serviced; and surrounding road upgrade works are planned by the RMS. The tourist facility currently has approval for entry (only) from Nelson Bay Road.

Q11. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Department of Planning and Environment supports the planning proposal. The Following table summarises the comments received and the directions that KDC has considered for the planning proposal exhibition.

Table 7 – Views of the State and Commonwealth public Authorities

Agency	Comments	Actions Undertaken
Roads and Maritime Services (RMS)	Roads and Maritime have reviewed the previous advice dated 13 August 2019 requesting an updated Traffic Impact Statement to assess the addition of a service station to the proposed development and since withdrawn this requirement. Roads and Maritime have no further comments on the Planning Proposal at this time.	Nil
NSW Environment Protection Authority (EPA)	The EPA are of the opinion that there is a very low potential for any interaction with PFAD contamination during the construction phase of the development and the risks associated with PFAS contamination can be readily managed through the measures outlined in the EPA's letter dated 1 December 2016.	The planning proposal has been updated to address the comments from the EPA at: <ul style="list-style-type: none"> • Table 5 Consistency with State Environmental Planning Policies (SEPP 55 Remediation of Land).
NSW Rural Fire Service (RFS)	The RFS has considered the information submitted and has no specific recommendations in relation to bush fire protection.	The planning proposal has been updated to address the comments from the RFS at: <ul style="list-style-type: none"> • Table 6 Consistency with Section 9.1 Directions (Direction 4.4 Planning for Bushfire Protection).
Office of Environment and Heritage (OEH)	OEH now BCD has no concerns in relation to biodiversity or flooding. BCD has not reviewed and will not be commenting on the Aboriginal cultural heritage assessment for this planning proposal	The planning proposal has been updated to address the comments from the OEH: <ul style="list-style-type: none"> • Table 6 Consistency with Section 9.1 Directions (Direction 4.3 Flood Prone Land).
Australian Government Department of Defence	<u>Aircraft Noise</u> Defence notes that the subject site is within the 20 to 25 Australian Noise Exposure Forecast contours for RAAF Base Williamtown.	The planning proposal has been updated to address the comments from the Defence: <ul style="list-style-type: none"> • Table 6 Consistency with Section 9.1 Directions

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	<p>While Defence is conscious of the noise generated by its activities and makes every effort to minimise community aircraft noise exposure, Defence cannot readily modify its activities due to the establishment or intensification of noise-sensitive developments in close proximity to RAAF Base Williamtown. Defence's requirements to conduct a broad range of flying scenarios, both day and night, means current noise mitigation measures may require adaption to meet future training requirements. Defence will not accept any liability based on aircraft noise.</p> <p><u>Bird Strike</u> The subject site is located in an area mapped by Defence as "Birdstrike Group B". In this area, certain land uses that have the potential to attract wildlife should be avoided as they will potentially increase the risk for bird strike for aircraft operation from RAAF Base Williamtown.</p> <p>Organic waste and/or storage of bins associated with the proposed development might be attractive to vermin and/or birds and will potentially increase the risk of bird strike operating from RAAF Base Williamtown. Defence requests that an appropriate condition for the management of organic waste (such as maximum storage onsite and the use of covered/enclosed bins) be included in any subsequent approval.</p> <p><u>Extraneous Lighting</u> Extraneous lighting is a potential hazard to aircraft. Consequently, the amount of upward light emitted in specific areas near airfields must be controlled. Due to the proximity of the proposed development to RAAF Base Williamtown, it is suggested that all outdoor lighting design associated with the proposal is to comply with the requirements of the Civil Aviation Safety Authority Manual of Standards Part 139 Aerodromes.</p> <p>Glare from reflective surfaces can affect the visibility of pilots during daylight hours. Defence requests that the proposed commercial development building should be comprised of non-reflective building materials. If any reflective surfaces from the proposed commercial development are found to cause a glare problem for pilots Defence may request these surfaces be suitably modified to extinguish the glare.</p>	(Direction 3.5 Development Near Regulated Airports and Defence Airfields).
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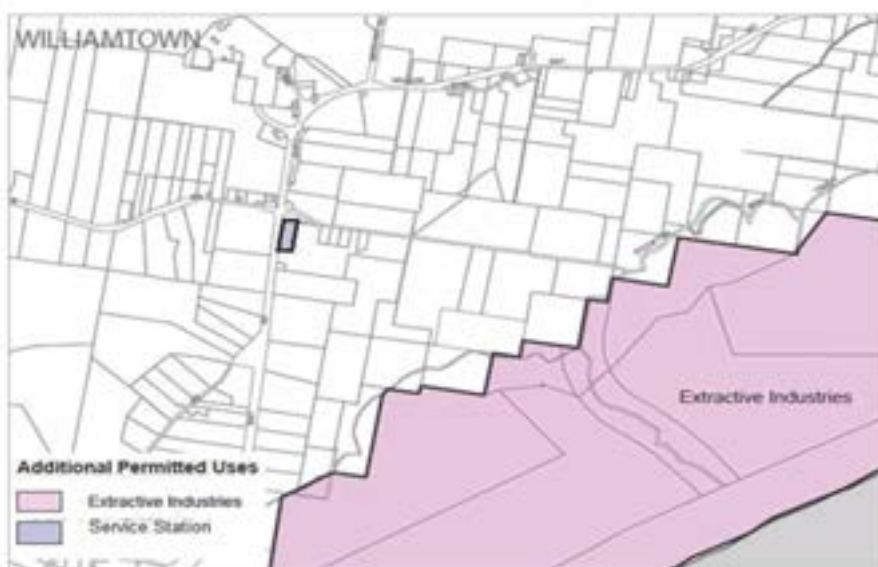


Part 4 - Mapping

Figure 6 - Existing Additional Permitted Uses Map Extract (CL1_004)



Figure 7 - Proposed Amendment to Additional Permitted Uses Map (CL1_004)



ITEM 5 - ATTACHMENT 3
LANE, WILLIAMTOWN.

PLANNING PROPOSAL FOR 2A AND 2B LAVIS



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LANE, WILLIAMTOWN.



Part 5 - Community Consultation

This Planning Proposal is of low impact in accordance with 'A guide to preparing local environmental plans' published by the Department of Planning and Environment. It is for an additional permitted use already subject to development consent for an "integrated tourist facility".

It is proposed that the amendment to the Port Stephens LEP 2013 be publicly exhibited for a 14-day period.

The public exhibition will include notification in a local newspaper, Port Stephens Council's website and by writing to adjoining landowners.

Any future development would be subject to assessment of a Development Application which would also be notified in accordance with Council's Notification Policy.

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Part 6 - Project Timeline

The following table outlines the projected timeframes for the Planning Proposal.

Table 8 – Project Timeline

Part 6 - Project Timeline	
September 2018	Council resolution to prepare the Planning Proposal
May 2019	Gateway determination
May - July 2019	Anticipated timeframe for completion of any further technical information
July - August 2019	Timeframe for government agency consultation
October 2019	Public exhibition period
November 2019	Timeframe for consideration of submissions
December - January 2019	Consideration of the Planning Proposal by Council
December 2019	Date of submission to the Department to finalise the LEP
December 2019 - January 2020	Anticipated date RPA will make the plan (if delegated)
December 2019 - January 2020	Anticipated publication date

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ITEM 5 - ATTACHMENT 3 PLANNING PROPOSAL FOR 2A AND 2B LAVIS LANE, WILLIAMTOWN.



Conclusion

The proposal to amend the Port Stephens LEP 2013 to permit "service station" at Lots 1 and 2 in DP1237147 generally referred to as 2A and 2B Lavis Lane, Williamtown NSW 2318, will enable employment generating, commercial activity to occur on a site that is accessible, well suited to non-residential land use and will provide a much needed service to the area in future.

The proposal aligns with adopted local and regional planning strategies and will not compromise the DAREZ or any future local planning. The intended outcome is compatible with surrounding land uses, the built environment and infrastructure.

Amending the Port Stephens LEP 2013 as proposed will enable appropriate use of the Site for the benefit of the local community and will generate short term (construction) and long-term employment opportunities, without any significant or ongoing adverse effects. Any further assessment can be undertaken following a Gateway Determination.

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Attachment A – Supporting Figures

Figure 8 – Port Stephens LEP 2013 Map Extract: Land Zoning (LZN_004)



Figure 9 – Port Stephens LEP Map Extract: Flood Planning Map (FLD_004)



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LANE, WILLIAMTOWN.



Attachment B – NSW EPA Letter 1 December 2016

Attached Separately

ITEM 5 - ATTACHMENT 3
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Attachment C – Further Consideration of s9.1 of the EP&A Act 1979

Attached Separately

ITEM 5 - ATTACHMENT 3
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LANE, WILLIAMTOWN.**



Attachment D - Minutes Ordinary Council - 25 September 2018

Attached Separately

ITEM 5 - ATTACHMENT 3
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Attachment E – Phase 1 Preliminary Contamination Assessment

RCA Australia

Attached Separately

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DOC16/599667: SF16/32347

Dear

Mr David Gaddes – 2 Lavis Lane, Williamtown

The Environment Protection Authority (EPA) has been approached by Mr David Gaddes to provide information to the Bank regarding the Williamtown Contamination Issue, and specifically its potential impacts on land owned by Mr Gaddes at 2 Lavis Lane Williamtown.

PFAS (per- and poly-fluorinated alkyl substances) are a group of manufactured chemicals that have been used as fire retardants since the 1950s. PFAS chemicals have also been used in a range of common household products and specialty applications, including in the manufacture of non-stick cookware; fabric, furniture and carpet stain protection applications; food packaging; and in some industrial processes. PFAS chemicals were present in foam used at the Williamtown RAAF Base in fire-fighting training and operations prior to a change in Defence policy issued in 2008.

On 8 August 2016, the Commonwealth Department of Defence (Defence) released its Human Health Risk Assessment (HHRA) examining possible pathways for human exposure to PFAS arising from contamination at the Williamtown RAAF Base. Defence has also released an Environmental Site Assessment which includes modelling to predict the movement of the PFAS chemicals.

Both reports reinforce that the drinking or consumption of groundwater is a major exposure pathway for PFAS contamination and highlights that incidental swallowing of groundwater or surface water, particularly by children, should be avoided when showering, bathing and swimming.

The NSW Government is recommending that residents from the Williamtown community living inside the Williamtown Investigation Area (copy attached) follow precautionary advice to minimise their exposure to PFAS chemicals originating from the Williamtown RAAF Base. The precautionary advice is:

- Do not use groundwater, bore water or surface water for drinking or cooking.
- Do not eat eggs or drink milk produced in the advisory area.
- Avoid swallowing groundwater or surface water when bathing, showering, swimming and paddling.
- Moderate consumption of fruit and vegetables, meat and poultry produced in the advisory area while further work and analysis is undertaken.
- Locally caught seafood is safe to eat (but it is recommended that Dusky Flathead be caught and released by recreational fishes). People who source and eat large amounts from a single

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location, such as fishers and local residents, may wish to limit the number of serving of individual species.

The EPA is aware of Mr Gaddes premises, and is aware that he has obtained development consent from Port Stephens Council for the commercial development of his premises. The EPA notes that the proposed development once constructed will not interact with contaminated surface or groundwater and as a result, will not give rise to human health exposure pathways to PFAS chemicals.

None of the precautionary measures listed above will be relevant to Mr Gaddes development once constructed, particularly as the premises will be supplied with reticulated town water, which is safe to drink.

The EPA is aware that Defence has carried out testing of both surface water and soil at Mr Gaddes property. All results of testing of these samples were at or below laboratory limits of detection with the exception of one soil sample which returned a result of 0.0005 mg/kg. This result is 12,000 times lower than the adopted screening criteria of 6 mg/kg for direct contact with residential soil.

On this basis, there is a very low potential for any interaction with PFAS contamination during the construction of Mr Gaddes' development. In any case, risks associated with PFAS contamination can be readily managed through the following simple measures:

- All surface water and groundwater encountered during works should be considered PFAS-impacted unless other information is available.
- Development and implementation of a water management plan that outline controls to minimise worker, public, and livestock exposure to extracted water and describe the design and operation of on-site disposal of extracted water by irrigation/seepage.
- Any groundwater that accumulates in footings or other excavations and needs to be pumped out should be pumped to a location on the property where it can seep into the ground and not run off. This must be as close to the point of origin and as far away from drainage points and other property boundaries as practicable. Extracted groundwater must not be permitted to run off the property.

As discussed, the EPA is of the opinion that the contamination of groundwater and surface water within the Williamstown Investigation area should not impact unreasonably on Mr Gaddes' development.

Please contact me on Ph. 4908 6815 if you require further information.

Yours sincerely

1 December 2016

ADAM GILLIGAN
Regional Director North

Contact officer: KAREN MARLER
(02) 49086803

Encl. Map of Williamstown Investigation Area

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21 March 2018

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Sir/Madam,



RE: Further consideration of s9.1 (s117) Direction 4.3 Flood Prone Land – 2 Lavis Lane, Williamtown NSW 2318

This letter has been prepared by KDC Pty Ltd (KDC) on behalf of Knightsbridge Estate Group Pty Ltd for Port Stephens Council (Council). It is prepared in response to Council's request for further consideration of s9.1 (previously s117) Direction 4.3 Flood Prone Land as part of the Planning Proposal lodged in 2016 for the rezoning of 2 Lavis Lane, Williamtown NSW.

1 Site Description

The site is located at 2 Lavis Lane, Williamtown and is legally known as Lot 21 DP 628819 and Lot 1 DP 1173212 (hereafter referred to as "the site".) The site is located on Nelson Bay Road, adjoining a new McDonald's establishment, on the roundabout at Lavis Lane/Cabbage Tree Road and Nelson Bay Road. The site is mapped inside a Flood Planning zone as per the Port Stephens Local Environmental Plan 2013 (LEP) Flood Planning Maps (refer to Figure 1).

Figure 1 – Port Stephens LEP Map Extract: Flood Planning Map (FLD_004)



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2 Background

In January 2016, on behalf of Knightsbridge Estate Group Pty Ltd, KDC lodged a formal submission in relation to the Draft Port Stephens Floodplain Risk Management Policy and Flood Hazard Maps, particularly the Flood Hazard Maps Part 1 – 5. The submission raised concern over the integration of the policy into environmental planning legislation, the mapping categories used, the impact of the policy on development assessment in the area and more specifically and the impact the policy would have on the future development of the site. A copy of the submission is attached at Endosure A.

Under the Draft Port Stephens Flood Hazard Maps, the site was categorized as High Hazard Floodway Area (refer to Figure 2).

Figure 2 – Port Stephens Flood Hazard Map



It was considered that this categorisation was unwarranted due to site specifics such as the raised nature of the site and existing active approvals onsite.

The site has been provided with a Development Consent that permits 3 fast food restaurants, a carwash, a booking office, a tavern and 50 room motel. In addition to the approved developments listed above, a further development lot to the south of the land that the approved developments are on has approval for filling to be above the current flood planning level. It was considered that if the land was provided a High Hazard Floodway categorisation, the development potential of this site will be greatly affected.

It was also noted that the land that currently contains the new McDonald's building (north of the site) has been raised due to potential flooding impacts. A section of road adjoining the McDonald's building to the North West was given a Low Hazard Flood Storage categorisation. The McDonald's site and land to the south will be raised to a similar height as the Low Hazard Flood Storage land, and as such it was suggested that the subject site should be provided a similar Low Hazard Flood Storage categorisation.

Given the approved developments on the subject site were underway and there was a raised McDonald's site already in existence in the area, it was suggested that the flood hazard mapping had not taken into account site specifics, current development and recently completed development.

ITEM 5 - ATTACHMENT 3 PLANNING PROPOSAL FOR 2A AND 2B LAVIS LANE, WILLIAMTOWN.



The submission concluded that even if the category of the site was not changed, the proposed Policy and associated mapping should continue to facilitate development in high risk zones, particularly given the flood mitigation strategies that are available through appropriate site planning and development alternatives.

3 Williamstown Salt Ash Floodplain Risk Management Study and Plan

The Williamstown Salt Ash Floodplain Risk Management Study and Plan (the Plan) was adopted by Port Stephens Council on 12 December 2017 (refer to Figure 3). Under the Plan, the site is categorized as Floodway (pink) and Flood Storage (yellow).

Figure 3 – 1% AEP Design Event – Hydraulic Categories (Figure A – 7)



Once again, it is considered that site specifics were not taken into account in the production of the Flood Hazard Maps under the Plan. High level modelling has been utilized and has therefore incorrectly categorized the site as primarily Floodway. Notwithstanding, it is still considered that the ministerial directions are able to be adequately satisfied, as outlined below.

4 Ministerial Directions

The Environmental Planning and Assessment Act 1979 (EP&A Act) section 9.2(2) (previously section 117) contains a list of Directions issued by the Minister for Planning to relevant planning authorities. Section 4.3 pertains to Flood Prone Land.

4.1 Section 4.3 Flood Prone Land

Where this direction applies

(2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

As stated above, the site is classified as flood prone land under the Port Stephens LEP and Williamstown Salt Ash Floodplain Risk Management Study and Plan. A Planning Proposal has been lodged to amend the Port

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Stephens LEP to permit the use of a "service station" at the site. This will enable employment generating commercial activity to occur on a site that is accessible, well suited to non-residential land use and will provide a much needed service to the area in the future. As such, the provisions of Section 4.3 are applicable to the site and will be assessed below.

Objectives

(1) The objectives of this direction are:

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

What a relevant planning authority must do if this direction applies

Provision	Comment	Compliant
A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).	It is proposed that a site specific flood study ("Local Flood Study") be undertaken post Gateway determination. This Study will specifically assess the existing and approved raised levels of surrounding ground levels in determining the Flood Hazard of the site. The scope of the Study will be to demonstrate that the planning proposal is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	Y
A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	The planning proposal seeks to allow the use of a service station in RU2 Rural Landscape and is therefore compliant with this provision.	Y
A planning proposal must not contain provisions that apply to the flood planning areas which: (a) permit development in floodway areas,	It is noted that existing and currently approved future ground levels are significantly higher than the levels that have been modelled. As such a Local Flood Study will be undertaken to provide further detail on the flood categorisation of the site. The Local Flood Study will provide detail on the impacts of the	Y

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<p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the development of that land,</p> <p>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services,</p> <p>(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p>	<p>Planning Proposal on the surrounding area.</p> <p>The planning proposal does not propose a significant, unreasonable increase in the development of the site.</p> <p>The proposed use of the site as a service station will be privately funded and not require substantial government spending. The Local Flood Study will also be able to provide evidence of this through identifying any offsite impacts.</p> <p>Development of the service station will not be carried out without development consent.</p>	
<p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	<p>The planning proposal is not in regard to residential land.</p>	N/A
<p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	<p>The Local Flood Study to be undertaken post Gateway determination will demonstrate that the planning proposal is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</p>	N/A

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As stated above, it is proposed to undertake a Local Flood Study for the site once Gateway determination has been obtained. Due to the ground levels of the site, it is anticipated that the Study will recategorize the site. The flood category of the site will comply with the s177 directions outlined above and will demonstrate that the proposal is suitable for the site.

5 Conclusion

In conclusion, it is considered that the Williamstown Salt Ash Floodplain Risk Management Study and Plan has incorrectly categorised the site as within a Floodway due to utilizing outdated and high-level flood modelling. Notwithstanding this, it is considered that section 117 of the EP & A Act 1979 (Ministerial Directions) can be adequately satisfied through the undertaking of an updated site specific Local Flood Study post Gateway determination. It is anticipated that the Study will appropriately recategorise the site. It is therefore requested that Council resolve to support this Planning Proposal and forward it to the Department of Planning and Environment for Gateway Determination.

Yours Sincerely

Patrick Quinlan
Senior Planner
KDC Pty Ltd

Enclosures:

Enclosure A - Submission to Draft Port Stephens Floodplain Risk Management Policy and Flood Hazard Maps

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LANE, WILLIAMTOWN.**



Enclosure A – Submission to Draft Port Stephens Floodplain Risk Management
Policy and Flood Hazard Maps

KDC Pty Ltd

ITEM 5 - ATTACHMENT 3 PLANNING PROPOSAL FOR 2A AND 2B LAVIS LANE, WILLIAMTOWN.



29th January 2016

The General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Sir/Madam,



PLANNING DEVELOPMENT PROPERTY
KDC PTY LTD ABN 61 148 085 492
PHONE (02) 4940 0442
EMAIL reception@kdc.com.au
WEBSITE www.kdc.com.au
ADDRESS Suite 28, 125 Bull Street
Newcastle West NSW 2302

RE: Submission to Draft Port Stephens Floodplain Risk Management Policy and Flood Hazard Maps

We wish to make a formal submission to Council on behalf of our client Knightsbridge Estate Group Pty Ltd, in relation to the Draft Port Stephens Floodplain Risk Management Policy and Flood Hazard Maps. The submission below is reliant on the information provided with public notification which is identified as:

- Flood Hazard Maps Part 1-5; and
- Floodplain Risk Management Policy.

Floodplain risk planning approach across each statutory planning layer

Prior to finalising a legislative structure and ultimately the policy detail, there needs to be a clear understanding of the floodplain risk management planning outcomes expected from each layer of statutory plans.

The approach should reflect the aims of the Floodplain Development Manual and best practice floodplain risk management. This requires an assessment of risks to property and persons across a range of potential flood events within the whole floodplain as defined by the Manual. This would ideally be the outcome of a floodplain risk management study and plan (that deal with management strategies beyond planning) as required by the Manual. However, where not available and the severity of the planning issues permits, there may need to be less extensive studies to underpin each statutory planning layer. These matters need to be clearly resolved to avoid significant issues.

Integration of the Port Stephens Floodplain Risk Management Policy into Environmental Planning Legislation

The intended Policy should provide clear direction to Port Stephens Council as what is required to be achieved within subordinate statutory plans, when floodplain risk management plans are required, the level of detail expected when preparing such plans, and what to do when flood risk information is not available. This should be achieved by outlining basic policies within the proposed NSW Planning Policy supported with technical guidelines. The technical guidelines need to be clear when providing direction for development assessment issues and the preparation of supporting documents.

Mapping of Flood Areas

The range of flood maps could be simplified to one that shows the three flood risk zones for main riverine flooding, with an application of the above approach. To avoid delays to the planning process other lands that are shown by way of preliminary assessment as potentially flood liable could be shown as flood investigation areas. Flood mapping could also include lands subject to known overland flow flooding, being included within the definition of flooding within the Floodplain Development Manual.

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Future Development Potential – 2 Lavis Lane, Williamtown

We represent our client Knightsbridge Estate Group Pty Ltd who owns Lot 21 DP 628819 and Lot 1 DP 1173212 (closed road portion of Lavis Lane), No. 2 Lavis Lane, Williamtown, hereafter referred to as "the site". We wish to raise concerns regarding the proposed flood categorisation of the site and land in the vicinity of the site, as proposed in Port Stephens Draft Floodplain Risk Management Policy, which is currently on public exhibition (refer to the figure below).

Figure 1 – Subject Area



The site is located on Nelson Bay Road, adjoining a new McDonald's establishment, on the roundabout at Lavis Lane/Cabbage Tree Road and Nelson Bay Road. The site is identified within a High Hazard Floodway area in the proposed flood hazard maps. Given the categorisation of the land and surrounding properties during the initial flood study, greater consideration should be given to low risk developments in high hazard flood zones, particularly for commercial and industrial developments, as opposed to simplified maps indicating flood risk zones. This would facilitate appropriate development, while also ensuring public safety.

The site is located near the intersection of Nelson Bay Road and Lavis Lane, in close proximity to Newcastle Airport. This is a strategic location at the junction of key links from the F3 Freeway and from Newcastle. Newcastle Airport is the 12th busiest airport in Australia accommodating over 1.2 million passengers a year.

Most people travelling to and from Newcastle Airport do so by private vehicle, taxi/hire car service, or bus service. The majority of people utilising the airport will travel through the precinct identified on the attached plan. The opportunity to provide service and tourist related facilities within this precinct will bring with it significant economic benefits to the LGA. Future development should reflect its identity as a gateway to Newcastle, Port Stephens, and the Hunter Valley.

Land in the vicinity of the RAAF Base Williamtown and Newcastle Airport has been identified as having the potential for regionally significant employment generating development to meet the demands of the expected population growth forecast by the Lower Hunter Regional Strategy. The Defence and Airport Related Employment Zone (DAREZ) at Williamtown was subsequently identified through a Land Use and Development Strategy (2007) which provides for the staged development of the DAREZ Business Park over the next 10-25 years.

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The DAREZ Business Park will provide opportunities for development in the commercial, industrial and technological fields in close proximity to, and having strong supportive synergies with, the existing RAAF Base and Airport facilities (DAREZ Strategy, GHD 2007).

The large majority of employees and visitors to the area for either business related trips or recreation will pass through this precinct to access Newcastle or the Hunter Valley. It is also envisaged that transient workers will be required within the DAREZ Business Park from time to time, in addition to those workers who already provide unique services to the RAAF Base. This land provides the opportunity for accommodation and facilities to service their needs in close proximity to the RAAF Base and Newcastle Airport. Development upon this land is not intended to compete with the facilities to be provided within the DAREZ Business Park, rather it would provide complementary support services.

The site is located to the south east of the DAREZ study area and is strategically located close to key road links to Newcastle and the F3 Freeway. This strip along Nelson Bay Road, south of Newcastle Airport and RAAF Base Williamtown, provides a unique opportunity for development to provide support services and facilities for visitors to the Region and workers associated with the DAREZ Business Park. Food outlets, taverns, accommodation facilities and other service and hospitality related activities are compatible with the environmental limitations of the land and the adjoining employment generating development lands. The proposed Floodplain Policy will restrict development opportunities due to a high risk flood categorisation imposed on the area. The proposed Flood Policy and associated maps should be changed to reflect a more supportive approach to development within this area, rather than by sterilising this precinct.

It is noted that the land that currently contains the new McDonald's building has been raised due to potential flooding impacts. It is further noted that the development consent issued for the subject site permits for ground levels to be raised and compacted, which is currently underway. A section of road adjoining the McDonald's building to the North West has been given a Low Hazard Flood Storage categorisation. It is suggested that the McDonald's site and land to the south that will be raised to a similar height as the Low Hazard Flood Storage land, and as such the subject site should be provided a similar Low Hazard Flood Storage categorisation.

The site has been provided with a Development Consent that permits 3 fast food restaurants; a carwash, a booking office, a tavern and 50 room motel. The Development Consent provides for a flood level that the proposed flood policy will not have an impact upon and as such will impact on the relevance of the flood hazard mapping. Further to the approved developments listed above a further development lot to the south of the land that the approved developments are on has approval for filling to be above the current flood planning level. If the land is provided a High Hazard Floodway categorisation the development potential of this site will be greatly affected. Given the approved developments on the subject site are underway and there is a raised McDonald's site already in existence in the area, it would suggest that the flood hazard mapping has not taken into account current development and recently completed development within the Floodplain Risk Management Policy.

We propose the above mentioned development considerations for the site and surrounding area be taken into account as part of the Draft Port Stephens Floodplain Risk Management Policy.

ITEM 5 - ATTACHMENT 3 PLANNING PROPOSAL FOR 2A AND 2B LAVIS LANE, WILLIAMTOWN.



Impact on Development Assessment

While we understand that this Policy is necessary and well overdue, considering the flood risk to residents of the Port Stephens LGA, the Policy should not have adverse impacts on the process and length of development assessment. A policy structure that allows for the application of different flood planning levels for different elements of a development to achieve positive planning outcomes should be implemented. Accordingly, the Policy should still facilitate development, particularly surrounding commercial land uses.

The study maps highlight which properties are expected to be affected by flooding. Even if a small portion of the property is affected, the whole property area will be classified as affected. Development controls are applied to a whole property and cannot be split, regardless of flood extent, however application of the control depends on where on the property the proposed development is located, and what type it is.

We note, Councils have a responsibility for identifying and then managing the risk to life and property from flooding, and have a duty of care to disclose this information to the community. Additionally, Council's catchment wide flood study represents significant advances on previous site based investigations, which all members of the community are able to access is significantly important. However, in the context of promoting good planning outcomes, it is important Council Development Assessment Officers consider reasonable forms of development on flood prone affected lands. Considering there are a range of risk management approaches to development, designed to ensure appropriate levels of risk to private property and public infrastructure, and risk to life issues, are managed as part of the planning process and the delivery of infrastructure. This should be noted particularly for land in the vicinity of the RAAF Base Williamtown and Newcastle Airport, as it has been identified as having the potential for regionally significant employment generating development to meet the demands of the expected population growth forecast by the Lower Hunter Regional Strategy.

Flood Mitigation

There are a number of development options which can be adopted to reduce flood constraints on development potential. On a small scale, these may include:

- Flood protection bunds around fields or communities;
- Road/rail culverts to convey minor streams and drains;
- Local land drainage and river diversion works, especially for water supply and abstraction purposes;
- Constructing buildings on raised ground;
- Constructing buildings on stilts (with storage underneath);
- Using flood resistant materials;
- On-site flood secure locations;
- Constructing buildings away from areas that are subject to erosion, for example river banks.
- Local flood storage areas, to store floodwater from local runoff;
- Build-up local embankments to a height above the last flood water level;
- Plant vegetation on the embankments to help stability and reduce erosion.

Conclusion

ITEM 5 - ATTACHMENT 3 PLANNING PROPOSAL FOR 2A AND 2B LAVIS LANE, WILLIAMTOWN.

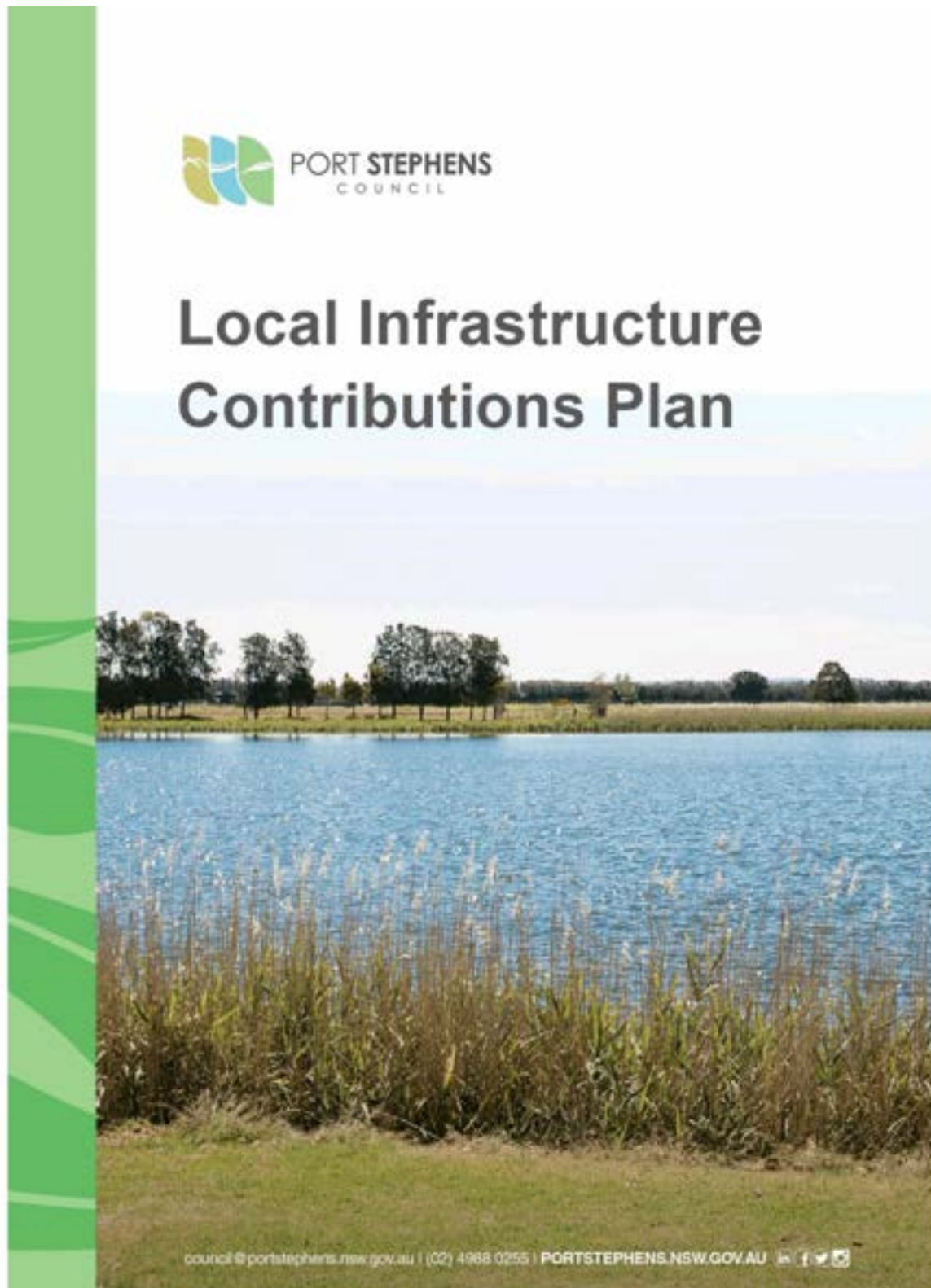
As previously stated, we understand the importance of this strategy in terms of public safety. Despite this, the categorisation applied to the subject site is firstly not considered to be warranted given the raised nature of the site and existing active approvals, and as such should be provided a Low Hazard Flood Storage category. Although in our opinion the risk category for the site should be altered, if the category being provided to the site is not changed, the proposed Port Stephens Floodplain Risk Management Policy and Flood Hazard Maps, should continue to facilitate development in high risk zones, particularly given the flood mitigation strategies are available through appropriate site planning and development alternatives. We ask these matters be taken into consideration when finalizing the proposed Flood Policy.

We also ask that the process for implementing the Port Stephens Floodplain Risk Management Policy and Flood Hazard Maps be undertaken in an efficient and timely manner, to achieve good planning outcomes in addition to managing the risk to life and property from flooding.

Yours Sincerely

Benjamin Young
Managing Director
KDC Pty Ltd

ITEM 6 - ATTACHMENT 2 DRAFT PORT STEPHENS LOCAL
INFRASTRUCTURE CONTRIBUTIONS PLAN.



ITEM 6 - ATTACHMENT 2 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

1.0 Executive Summary

Part 7 of the *Environmental Planning and Assessment Act 1979* (the Act) authorises Port Stephens Council (Council) to collect contributions of money, land or both from new development to provide for local infrastructure needs. The Port Stephens Local Infrastructure Contributions Plan (the Plan) has been prepared in accordance with the Act for the purpose of imposing conditions requiring contributions. The Plan authorises the imposition of conditions of consent requiring contributions and provides the framework for the calculation and collection of contributions.

The Plan describes the areas where contributions apply, the types of new development required to pay contributions, how contributions are calculated and the infrastructure that will be funded (wholly or partly) by contributions.

In the period 2016-2036, the population of Port Stephens is expected to increase at a rate of 1.1% per annum. Council will provide new or upgraded local infrastructure such as roads, parks and sporting facilities to accommodate this growth. This Plan sets out the infrastructure and upgrades that will be funded (wholly or partly) by new development and the rate of contributions that will be levied.

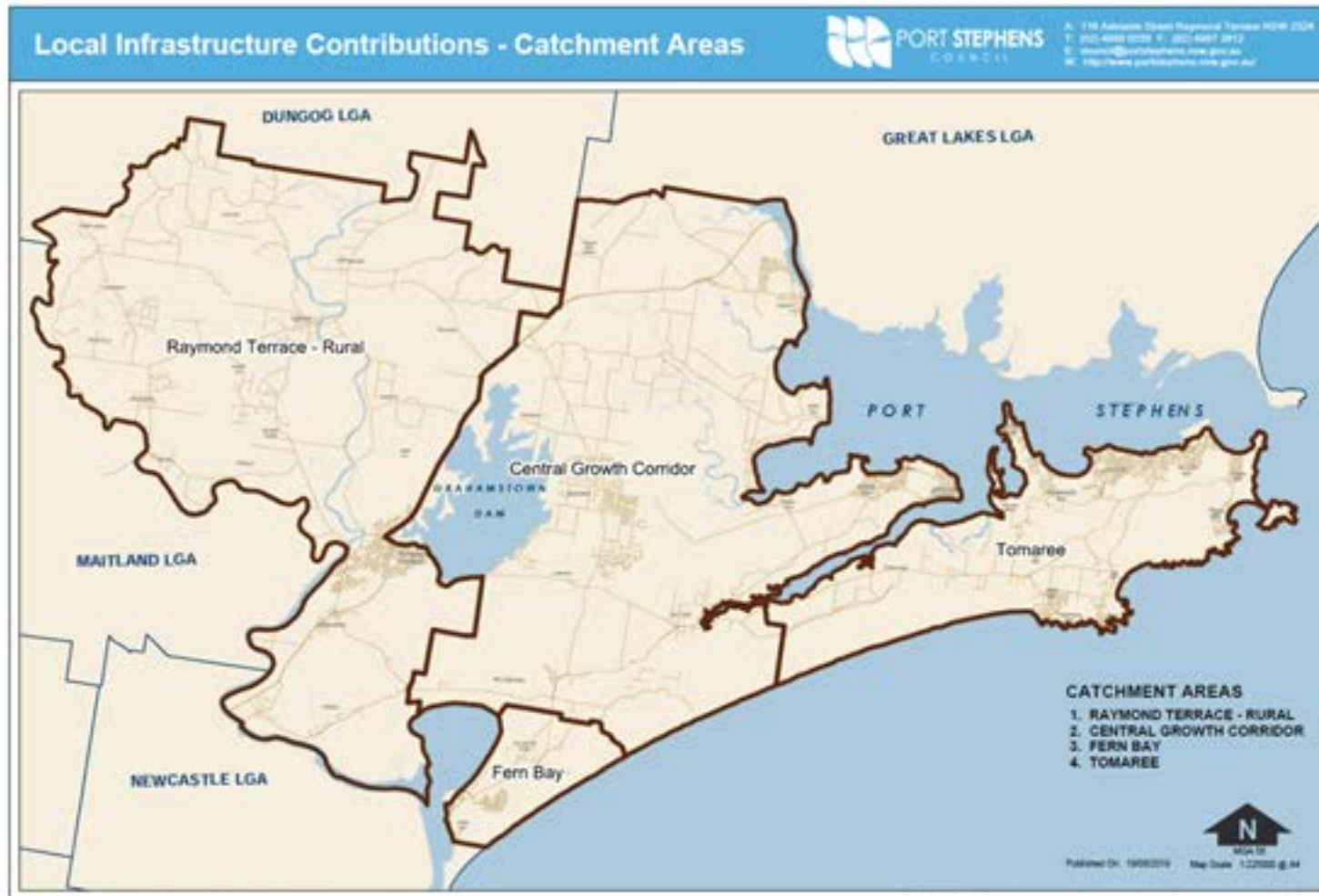
The Plan was adopted by Council at a meeting held on 10 December 2019 and came into effect on 1 January 2020. The Plan supplements the provisions of the *Port Stephens Local Environmental Plan LEP 2013* (LEP) (as amended from time to time).

1.1 Structure of the Plan

The Plan has the following chapters:

- Chapter 1 – Executive Summary: A summary of the essential components of the Plan, including a summary of the contribution rates;
- Chapter 2 – Introduction: Outlines the purpose and objectives of the Plan, including the catchments of land and the types of development it applies to;
- Chapter 3 – Plan Operation: Provides a description of how the contributions are calculated, how they will be indexed in the future and details on making payments;
- Chapter 4 – Administration: Describes the management and administration of the Plan, including how contributions are reported;
- Chapter 5 – Contribution Strategy: Lists each local infrastructure contribution category within each catchment in detail and includes the nexus between new development and the need for additional local infrastructure.
- Appendices: Includes a detailed Work Schedule that lists the infrastructure and upgrade works to be funded (wholly or partly) by contributions and maps showing the location of the works.

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1.2 Summary of Contribution Rates

For the purposes of this Plan, the local government area (LGA) has been divided into 5 catchments as illustrated in the Catchment Area Map above.

Additional catchments for specific areas may be determined from time to time (e.g. Kings Hill Urban Release Area) and would be included via a formal amendment to the Local Infrastructure Contributions Plan.

Contributions rates for each catchment have been calculated based on the items listed in the Work Schedule at Appendix A and the Contribution Strategy in Chapter 5 of this Plan.

Table 1 below provides a summary of the contributions payable towards the specific infrastructure categories in each catchment. Further details are provided in Chapter 5 of this Plan.

Table 1 – Summary of local infrastructure contribution category rates per catchment

Infrastructure Category	Catchment Rate (per dwelling/lot)			
	West Raymond Terrace - Rural	Central Growth Corridor	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$587	\$587	\$587	\$587
Civic Administration – Works Depot	\$1,531	\$1,531	\$1,531	\$1,531
Town Centre Upgrades	\$4,124	\$4,124	\$4,124	\$4,124
Public Open Space, Parks and Reserves	\$1,147 \$922	\$2,038 \$2,152	\$1,516	\$381
Sports and Leisure Facilities	\$2,185	\$3,135	\$2,292	\$2,004
Community and Cultural Facilities	\$0	\$0	\$824	\$0
Road Works	\$5,136	\$2,882	\$2,283	\$0
Medowie Traffic and Transport	\$0	\$3,067 \$2,909	\$0	\$0
Shared Paths	\$2,516 \$2,485	\$831 \$847	\$3,312	\$3,070
Bus Facilities	\$17	\$36 \$30	\$0 \$11	\$1,035
Fire and Emergency	\$34	\$0	\$226	\$2,813 \$0
Flood and Drainage Works	\$665	\$1,452	\$1,738	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$2,407 \$3,082

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Total	\$17,942	\$19,683	\$18,433	\$17,952
	\$17,686	\$19,649	\$18,444	\$15,814

Table 2 – Summary of discounts for Secondary Dwellings, Tourist and Visitor Accommodation and Housing for Seniors or People with a Disability

Infrastructure Category	Catchment Rate (per dwelling)			
	West Raymond Terrace - Rural	Central Growth Corridor	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$294	\$294	\$294	\$294
Civic Administration – Works Depot	\$766	\$766	\$766	\$766
Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573 \$461	\$1,019 \$1,076	\$758	\$190
Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$2,568	\$1,441	\$1,141	\$0
Medowie Traffic and Transport	\$0	\$1,533 \$1,454	\$0	\$0
Shared Paths	\$1,258 \$1,243	\$415 \$423	\$1,656	\$1,535
Bus Facilities	\$8	\$18 \$15	\$0 \$5	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406 \$0
Flood and Drainage Works	\$332	\$726	\$869	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,203 \$1,541
Total	\$8,968 \$8,843	\$9,839 \$9,824	\$9,215 \$9,222	\$8,973 \$7,907

Table 3 – Summary of discounts for Caravan Parks

Infrastructure Category	Catchment Rate (per site)			
	West Raymond Terrace - Rural	Central Growth Corridor	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$294	\$294	\$294	\$294
Civic Administration – Works Depot	\$766	\$766	\$766	\$766

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Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573	\$1,019	\$758	\$190
Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$4,109	\$2,306	\$1,826	\$0
Medowie Traffic and Transport	\$0	\$2,454	\$0	\$0
Shared Paths	\$1,258	\$415	\$1,656	\$1,535
Bus Facilities	\$8	\$18	\$0	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406
Flood and Drainage Works	\$332	\$726	\$869	\$0
Cross Boundary Contributions	\$0	\$0	\$0	\$1,203
Total	\$10,509	\$11,625	\$9,900	\$8,973
	\$10,384	\$11,541	\$9,907	\$7,907

Table 4 – Summary of discounts for Tourist and Visitor Accommodation

Infrastructure Category	Catchment Rate (per unit)			
	West	Central	Tomaree	Fern-Bay/ Fullerton Cove
Civic Administration – Plan Management	\$294	\$294	\$294	\$294
Civic Administration – Works Depot	\$766	\$766	\$766	\$766
Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573	\$1,019	\$758	\$190
Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$2,568	\$1,441	\$1,141	\$0
Medowie Traffic and Transport	\$0	\$1,533	\$0	\$0
Shared Paths	\$1,258	\$415	\$1,656	\$1,535
Bus Facilities	\$8	\$18	\$0	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406
Flood and Drainage Works	\$332	\$726	\$869	\$0

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Cross-Boundary Contributions	\$0	\$0	\$0	\$1,203
Total	\$8,968	\$9,839	\$9,215	\$8,973

~~Table 5 – Housing for Seniors or People with a Disability (excluding Residential Care Facilities and development undertaken by a Social Housing Provider)~~

Infrastructure Category	Catchment Rate (per dwelling/unit)			
	West	Central	Tomaree	Fern Bay/ Fullerton Cove
Civic Administration – Plan Management	\$294	\$294	\$294	\$294
Civic Administration – Works Depot	\$766	\$766	\$766	\$766
Town Centre Upgrades	\$2,062	\$2,062	\$2,062	\$2,062
Public Open Space, Parks and Reserves	\$573	\$1,019	\$758	\$190
Sports and Leisure Facilities	\$1,092	\$1,567	\$1,146	\$1,002
Community and Cultural Facilities	\$0	\$0	\$412	\$0
Road Works	\$2,568	\$1,441	\$1,141	\$0
Medowie Traffic and Transport	\$0	\$1,533	\$0	\$0
Shared Paths	\$1,258	\$415	\$1,656	\$1,535
Bus Facilities	\$8	\$18	\$0	\$517
Fire and Emergency	\$17	\$0	\$113	\$1,406
Flood and Drainage Works	\$332	\$726	\$869	\$0
Cross-Boundary Contributions	\$0	\$0	\$0	\$1,203
Total	\$8,968	\$9,839	\$9,215	\$8,973

Table 4 – Summary of road haulage contribution

Development Type	Contribution Amount
Extractive Industry and/or mining	\$0.084/t/km

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2.0 Introduction

2.1 Name of this Plan and Commencement

This is the Port Stephens Local Infrastructure Contributions Plan 2020 (the Plan).
The Plan commences on 1 January 2020.

2.2 Purpose and Objectives of this Plan

The primary purpose of the Plan is to satisfy the requirements of the Environmental Planning and Assessment Act 1979 (the Act) and authorise the imposition of conditions of consent requiring contributions for the provision of public services and amenities as a result of the increase in demand caused by new development.

The objectives of the Plan are to:

- (a) Authorise the consent authority, or an accredited certifier, to impose conditions under the Act requiring contributions when granting consent to development on land to which this Plan applies, including complying development;
- (b) Provide an administrative framework for Port Stephens Council (Council) in relation to contributions towards the provision, extension or augmentation of local infrastructure;
- (c) Identify additional local infrastructure that will be required to service future development;
- (d) Ensure that local infrastructure is provided to service the needs of the future population without unfairly burdening the existing community with the costs of providing this infrastructure;
- (e) Enable Council to recoup funds it has spent will or may spend in the provision of local infrastructure in anticipation of new development, subject to any amendment to the plan;
- (f) Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of local infrastructure contributions on an equitable basis; and,
- (g) Ensure Council is accountable in the administration of the Plan and the local infrastructure contributions framework.

2.3 Land to which this Plan Applies

This Plan applies to all land within the Port Stephens Local Government Area (LGA) (see Land Application Map below).



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Words and expressions used in this Plan have the same meaning as the Act and *Port Stephens Local Environmental Plan 2013 (PSLEP)*, unless otherwise defined in the Plan.

2.5 Development to which this Plan Applies

This Plan applies to the following development:

- The subdivision of land, where the subdivision would facilitate a potential increase in the number of dwellings permitted on that land;
- Residential accommodation;
- Seniors housing as defined in the *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (Seniors Housing SEPP)*, with the exception of residential care facilities;
- Tourist and visitor accommodation;
- Caravan parks;
- Moveable dwellings;
- Manufactured homes, as defined in *State Environmental Planning Policy 36 – Manufactured Home Estates*;
- Manufactured home estates, as defined in *State Environmental Planning Policy 36 – Manufactured Home Estates*; and,
- Extractive industry; and
- Mining.

2.6 Contributions Rate Reductions Adjustments

Certain development has the potential to have a lesser impact on the demand for local infrastructure or should be facilitated for policy reasons. Contributions rate reductions apply to the following development for the reasons set out below.

2.6.1 Secondary Dwellings (Granny Flats)

Secondary dwellings are subservient to a primary dwelling, being either 60m² or 40% of the floor area of the primary dwelling. Secondary dwellings are also recognised as a form of affordable housing to be incentivised, consistent with the aims and objectives outlined in *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Therefore the contribution rate will be 50% of all local infrastructure categories.

2.6.2 Caravan Parks

The Australian Bureau of Statistics Census of Population and Housing 2016 (2016 Census) identified an occupancy rate of 2.5 persons per dwelling for the LGA. The occupancy rate for caravan parks was reported as 1.7 persons per dwelling or caravan. Due to the lower occupancy rate, it is considered that there would be a lesser demand for local infrastructure generated from caravan parks. In addition, caravans are generally towed to site, and therefore the impact on road infrastructure is considered likely greater from this form of development. Therefore a lesser discount should be applied for road work categories.

Therefore the contribution rate will be 50% for all local infrastructure categories except for the road work categories, where the discount will be 20%.

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A caravan park might include both caravans and moveable dwellings. Where development includes moveable dwellings with long term occupants, which have similar demands for the provision of Council facilities and services as other medium density development, no adjustment to the contribution rate will be applied.

This Plan also permits Council to not adjust the contribution rate for caravan parks at its discretion, depending on the circumstances of the case. Some of the matters Council might consider include the status of the majority of the occupancy (long term or short term), the size and nature of the proposed dwellings (caravans or moveable dwellings installed onsite) and the provision of affordable housing options in the locality.

2.6.3 Tourist and Visitor Accommodation

Tourist visitation can create additional demands on local infrastructure in excess of a permanent population demand. For example, demand for public assets and services such as roads, parking, cycleways, boat ramps, tourist information services, foreshore and beach facilities, wharf and aquatic facilities, playing field facilities and passive open space and libraries are all increased as a result of tourist visitation.

However occupancy rates for tourist and visitor accommodation is more sporadic than residential accommodation. Therefore the contribution rate will be 50% for all infrastructure categories.

2.6.4 Housing for Seniors or People with a Disability

Seniors housing is defined under the Seniors Housing SEPP as:

residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

but does not include a hospital.

Note this Plan does not apply to residential care facilities, which may be subject to a contributions plan that authorises conditions for fixed development consent levies under Section 7.12 of the Act.

The Ministerial Direction, issued on 14 September 2007 under Section 7.17 of the Act, exempts payment of a contribution for development carried out under the Seniors Housing SEPP where undertaken by a social housing provider. The SEPP sets out the recognised social housing providers that will be exempt from contributions.

Seniors housing contributes to the demand for local infrastructure, however occupancy rates for seniors housing is less than that of standard dwellings, at a rate of 1.5 people per dwelling. Therefore for seniors housing that is not subject to the Ministerial Direction, the contribution rate will be 50% for all infrastructure categories.

2.7 Savings and Transitional Arrangements

The local infrastructure contributions for development under this Plan shall be determined at the date of determination of the development application or the date of issue of the complying development certificate.

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This Plan applies to applications lodged but not determined before the date of commencement of the Plan.

This Plan does not affect any conditions imposed under a previous plan(s). Any application made under the Act to modify a development consent issued before the commencement date of this Plan will be determined against the plan that applied at the date the consent was originally determined.

2.8 Relationship to other plans

This plan repeals the Port Stephens Development Contributions Plan 2007. The repeal of the Port Stephens Development Contributions Plan 2007 does not affect the previous operation of that plan or anything duly completed under that plan, including any indexation provisions. Development consents, including a condition requiring development contributions levied under a previous plan, will continue to be in force.

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3.0 Plan Operation

3.1 Calculating the Contributions

The formula for calculating the amount of local infrastructure contributions will vary according to the type of amenity or service to be provided. The formula is based on consideration of:

- The demand generated by a development, based on a calculation recognising population, dwellings, traffic or other relevant factors;
- The current capital cost of providing the amenity or service including, where appropriate, the current cost of acquiring land; and
- The calculation will be rounded up to the nearest dollar.

3.2 Indexation

To ensure that the value of local infrastructure contributions are not eroded over time by movements in the Consumer Price Index (CPI) or through changes in the costs of studies used to support the Plan, local infrastructure contribution rates will be reviewed with reference to the following specific costs and indices:

- Changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing this Plan by reference to increases in salary rates under the Port Stephens Council Enterprise Agreement 2018 (or any subsequent Enterprise Agreement);
- Changes in the capital costs of various studies and activities required to support the strategies in the Plan by reference to the actual costs incurred by Council in obtaining these studies; and
- Changes in the CPI Sydney – All Groups.

In accordance with the *Environmental Planning and Assessment Regulation 2000* (the Regulation), the rates set out in the Plan will be amended without the need to prepare a new contributions plan if the amendments are necessary to fix minor typographical errors, index rates according to the CPI, and to omit the details of works that have been completed.

For changes to the CPI Sydney - All Groups, the contribution rates within the Plan will be amended on a quarterly basis in accordance with the following formula:

$$\frac{\$Ca + \$Ca \times (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

Where:

\$Ca	is the contribution at the time of adoption of the Plan expressed in dollars.
Current Index	is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.
Base Index	is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics. At the date of adoption of the Plan this figure is ().

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Note: In the event that the Current CPI Sydney - All Groups, is less than the previous CPI Sydney - All Groups, the current index shall be taken as not less than the previous index.

3.2.1 Land Cost

The value assessed for land acquisition costs will be reviewed as and when required and this factor will be varied, as necessary, to reflect current costs.

3.2.2 Consent

The local infrastructure contributions conditioned in a development consent are calculated on the basis of the contribution rates determined in accordance with this Plan. If the local infrastructure contributions are not paid within the quarter in which consent is granted then the contributions payable will be adjusted as follows:

$$\$C_p = \$C_{dc} + \frac{[\$C_{dc} \times (\$C_q - \$C_c)]}{\$C_c}$$

Where:

- \$C_p** is the amount of the local infrastructure contribution calculated at the time of payment.
- \$C_{dc}** is the amount of the original local infrastructure contribution as set out in the development consent.
- \$C_q** is the local infrastructure contribution rate applicable at the time of payment.
- \$C_c** is the local infrastructure contribution rate applicable at the time of the original consent.

The current contributions are as stated in this Plan.

3.2.3 Ministerial Direction

On 21 August 2012, the then Minister for Planning and Infrastructure issued a Direction under Section 7.17 of the Act that places a cap on local infrastructure contributions for residential development.

The Direction requires, among other things, that a consent authority or planning panel cannot impose a section 7.11 condition on a development consent for residential dwellings or residential lots that exceeds the following caps:

- \$30,000 for each dwelling or lot within a greenfield area; and
- \$20,000 for each dwelling or lot in infill areas.

The contribution rates calculated in accordance with this Plan will not exceed the thresholds in the Ministerial Direction, unless the Plan is subject to an IPART review or any subsequent direction from the Minister.

3.3 Other Forms of Contributions

Other forms of local infrastructure contributions that may be considered under the provisions of the Act include:

- 1 Dedication of land;
- 2 Voluntary Planning Agreement; and
- 3 Works in Kind or Material Public Benefit Agreement.

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A decision as to whether to accept the dedication of land free of cost to Council will be at the complete discretion of Council. Factors Council will take into consideration matters including, but not limited to:

- The extent to which the land satisfies a community need;
- The extent to which the land satisfies the purpose for which the contribution was sought;
- Consideration of location and other factors which may affect the benefit to Council and the community; and
- An assessment of recurrent maintenance costs to Council.

3.3.2 Voluntary Planning Agreements (VPA)

A VPA under Section 7.4 of the Act is a legally binding arrangement between one or more planning authorities and a developer.

Under a VPA, the developer may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The provisions under a VPA may be additional to, or instead of, payment of contributions imposed under Section 7.11 or Section 7.12 of the Act.

The offer to enter into a VPA will generally need to accompany the relevant development application or planning proposal. Developers should refer to any relevant Council policies and guidelines available on Council's website.

3.3.3 Works in Kind Agreement (WIKa) and Material Public Benefit Agreement (MPBA)

A WIKa is the undertaking of a work or provision of a facility that is scheduled within the Works Schedule of this Plan (Appendix A) in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply.

A MPBA involves the undertaking of a work or provision of a facility in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. An MPBA may include the provision of work that is not scheduled within the Works Schedule of this Plan (Appendix A). Council may accept the provision of a MPBA for projects not nominated in the Works Schedule if it can be justified that the public benefit is of equivalent or greater value to the community.

The acceptance of works through a WIKa or MPBA is at the complete discretion of Council and developers should refer to any relevant Council policies and guidelines available on Council's website.

3.4 Settlement of Contributions

The local infrastructure contribution must be paid at the time specified in the development consent or complying development certificate, which will generally be determined in accordance with this Plan.

Settlement of contributions shall be finalised at the following stages:

- Development applications for subdivision – prior to release of the subdivision certificate;
- Development applications for building or other work - prior to the issue of the construction certificate;

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- Applications for both building work and subdivision – prior to the issue of the construction certificate, subdivision works certificate, or release of the subdivision certificate, whichever comes first;
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent or upon issue of the occupation certificate, whichever occurs first;
- Development requiring a complying development certificate – before the commencement of any building work or subdivision work authorised by the certificate; or
- Development applications for moveable dwellings, manufactured homes, caravan parks or manufactured home estates and the like – prior to approval under Section 68 of the *Local Government Act, 1993*.

3.5 Deferred Payment of Contributions

Council, at its complete discretion, may permit the settlement of monetary contributions for local infrastructure on a deferred basis. Such a request must:

- Be made in writing by the applicant with valid reasons for deferral;
- Not prejudice the timing or the manner of the provision of public facilities included in the Works Schedule; and
- In the case of a contribution being made by way of a VPA, WIKA, MPBA or land dedication in lieu of a cash contribution, Council and the applicant must have a legally binding agreement for the provision of works or land dedication.

If the application for deferral is accepted, the following conditions will apply:

- (a) Deferral of settlement will be for a maximum of one year or until commencement of use in accordance with the conditions of consent (whichever comes first);
- (b) The bank guarantee will be issued by an Australian bank or a bank in Australia for the amount of the total contribution or the amount of the outstanding contribution, plus an amount equal to thirteen months interest;
- (c) Any changes associated with managing the bank security are payable by the applicant;
- (d) The bank unconditionally pays the guaranteed sum to the Council, if the Council so demands in writing, not earlier than 12 months from the provision of the guarantee or completion of the work;
- (e) The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- (f) The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- (g) Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid; and
- (h) Indexing will be calculated from the date the contribution was due until the date of payment.

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Prior to the payment of contributions, an applicant must request an updated contributions calculation from Council. This will confirm the contributions amount payable which may or may not be inclusive of indexing. Applicants should email the request to Council.

Council will issue email advice that will remain valid until the next quarterly CPI update released by the Australian Bureau of Statistics. If the contributions are not paid by the date specified in the advice, a new request will be required.

Once an applicant obtains the advice, the applicant can present the email and pay the contributions in person or by mail, email or telephone.

Council will provide a receipt confirming payment. In the case of a development application, an applicant can provide a copy of the receipt to the accredited certifier in the process of obtaining a Construction Certificate.

3.7 Refunding the Contribution

The Act does not refer to refunds for contributions and there is no express power for a council to refund contributions already paid in accordance with a condition of consent. However, Council, at its complete discretion, may consider a refund of a contribution where:

- (a) A consent has been modified under the Act resulting in a reduction of the contributions payable; or
- (b) Development has not commenced and will not proceed in accordance with the consent and the contributions have been paid. In this case the consent will need to be surrendered in accordance with the Act.

In each case, Council will consider refunding the contributions if it has not been spent and the refund will not impact on Council's ability to deliver the works in the Works Schedule. The applicant must apply for the refund in writing within 12 months from the payment of the contribution.

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4.0 Plan Administration

4.1 Accredited Certifiers

In accordance with the Regulation, an accredited certifier must not issue a certificate for building work or subdivision work unless it has verified that the condition requiring the payment of monetary contributions has been satisfied.

In particular, the accredited certifier must ensure that the applicant provides a receipt(s) confirming that the monetary contributions have been paid in full to Council. Further, a copy of the receipt(s) must be included with the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to these requirements are where a VPA, WKA, MPBA, dedication of land or deferred payment arrangement has been agreed to by Council. In such cases, Council will issue advice confirming that an alternative payment method has been agreed with the applicant.

Under the Act, accredited certifiers are responsible for calculating local infrastructure contributions for complying development and imposing a condition requiring contributions on a complying development certificate in accordance with this Plan. Accredited certifiers must notify Council of their determination within two business days of making the determination, in accordance with the Regulation. Applicants must pay the monetary contribution before commencing the complying development works.

4.2 Accounting for Contributions

Council has established identifiable accounts for the management of local infrastructure contributions, including details of financial transactions for specific categories of works and contributions. Contributions will be spent in accordance with this Plan. Interest will be calculated on funds held and credited as appropriate. Council will maintain a register of all contributions received in accordance with the Act and Regulation.

4.3 Annual Statement

Council will produce an annual statement in accordance with the Regulation. This information will be available for public inspection on Council's website following adoption by Council.

4.4 Review of This Plan

The Works Schedule will be reviewed annually in line with capital works programming **and updated in accordance with the Regulations.**

Council will generally review this Plan every five years or as required to ensure it addresses community needs, Council priorities and relevant legislation.

The Plan will also be amended to address the matters listed in the Regulation. In particular, indexation of contributions will be reviewed and the Plan amended on a quarterly basis without the need for a public exhibition.

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4.5 Pooling of Contributions

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. In this regard, contributions collected will be allocated to works as indicated in the schedules **Work Schedule of this Plan (Appendix A)**.

4.6 Repealed Contributions

Council will continue to collect contributions under repealed plans, which will be used to fund works or the provision of facilities within the equivalent **catchment area** listed in the Works Schedule of this Plan (Appendix A).

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5.0 Contributions Strategy

Council provides public facilities for the current and future population of Port Stephens, including visitors to the area and the workforce located in the LGA. For Council to levy contributions, there must be a clear nexus between the proposed development and the need for the infrastructure, public service or amenity which the contributions will fund. This Chapter details the relationship (nexus) between the expected development in the Port Stephens LGA and the demand for infrastructure, services or amenity.

Council levies new development based on the cost of providing a reasonable standard of public facilities and amenities. A baseline level of adequate infrastructure is determined through developing strategic asset management documents (e.g. Council's Strategic Asset Management Plan and Plans of Management).

Contributions are determined by equating the contribution to the cost per person or cost per vehicular movement, or other appropriate basis for the provision of the infrastructure item, public service or amenity.

The methodology adopted in calculating development contributions (excluding heavy haulage levies) is based on the following steps:

- Step 1: Determine the number of existing lots/dwellings in each catchment as at 1 July 2018
- Step 2: Forecast the number of lots/dwellings in each catchment as at 30 June 2037. The forecasted number of lots/dwellings is illustrated in Appendix B.
- Step 3: Calculate the number of future lots/dwellings to be developed until 30 June 2037 in each catchment by subtracting the numbers in Step 1 from Step 2.
- Step 4: Determine the cost and timing of projects in each catchment that are required solely due to new development occurring.
- Step 5: Determine the cost and timing of projects in each catchment that are required which will benefit both existing residents and new developments.
- Step 6: Allocate percentage of the cost of projects in Step 4 to be recovered through developer contributions. This information is provided in the Work Schedule attached as Appendix A.
- Step 7: Allocate a proportion of the costs of projects identified in Step 5 to be funded by general rates based on the number of lots/dwellings in each catchment as at 1 July 2019 divided by the number of lots/dwellings in each catchment as at 30 June 2036.
- Step 8: Allocate the remaining costs of projects in Step 6 to be recovered through developer contributions.
- Step 9: Calculate the development contribution by adding the sum of projects in each catchment from Step 5 and Step 7, and dividing by the number of lots/dwellings in each catchment calculated in Step 3 and times the apportionment rate determined in Step 6.

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$$SC = \sum \left(\frac{STP}{ND} \right) \times \%F^{\$}$$

Where:

- \$C** is the amount of contributions per lot/dwelling for a given catchment.
- \$TP** is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).
- %F^{\$}** is the apportionment of the project cost towards local infrastructure contributions.
- ND** is the amount of new lots/dwellings to be developed within that catchment.

5.1 Nexus and Apportionment

There must be an established nexus or relationship between the expected types of development in the area and the demand for public amenities and services. Contributions must also be based on a reasonable apportionment of costs to reflect the needs of new development, the existing community and different land uses.¹

This Chapter describes how nexus and apportionment have been considered in the preparation of this Plan and the determination of local infrastructure requirements and contributions.

5.1.1 Nexus

In establishing nexus and identifying the projects in the Works Schedule, the following matters have been considered:

- Whether the anticipated development creates a need or increases the demand for the particular public facility;
- What types of facilities will be required to address that demand;
- Whether existing facilities can satisfy that demand (or a component of it); and
- When new facilities or upgrades will be required to satisfy the demand (i.e. thresholds or timing).

5.1.2 Apportionment

Apportionment ensures that new development pays contributions towards local infrastructure proportionate to the demand created by the new development. The type of new development and land use is considered when estimating the likely future demands. The needs of the existing population and community are also estimated and considered in determining the amount of funding for new

¹ Secretary's Practice Note: Local Infrastructure Contributions, published by the NSW Department of Planning, Infrastructure, January 2019.

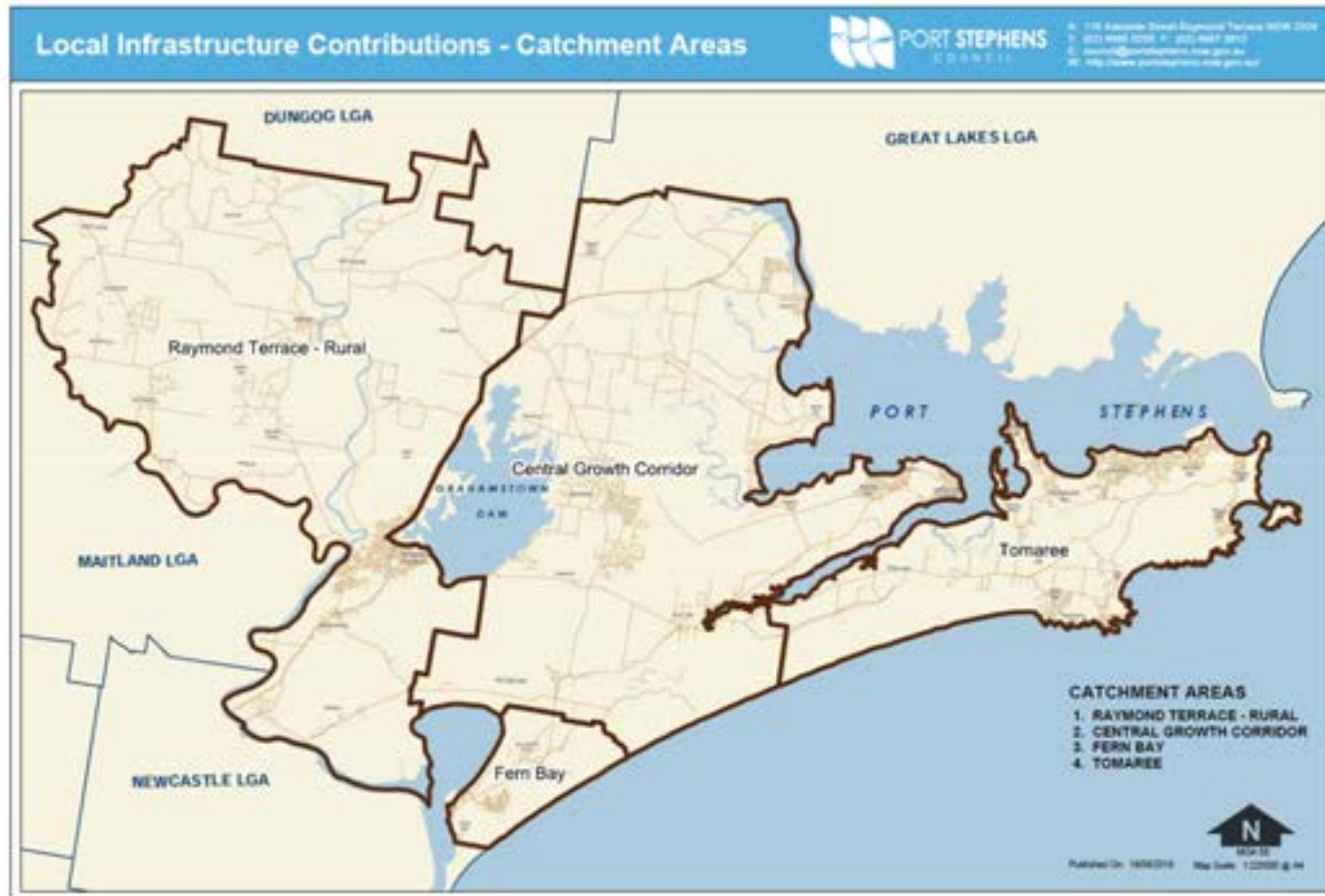
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infrastructure or upgrades which will be sourced from contributions levied on new development.

5.2 Contributions Catchments

The contribution catchments are geographic areas where new development will contribute to the infrastructure items and upgrades identified in the Works Schedule for each catchment. The catchments are areas where new development and the infrastructure it will fund are located and the boundaries of the catchments have been identified based on where and how new populations are likely to access public amenities and services. The size of the catchments have been calculated to promote efficiency in the timing of the provision of infrastructure whilst also ensuring that the spatial nexus between local infrastructure and development is retained. The catchment areas are illustrated in the Catchment Area Map below.

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5.3 Local Infrastructure Categories

This Plan provides for Section 7.11 Contributions separated into the categories described below. This Chapter provides a brief description of each category and the nexus identified between expected new development and the local infrastructure to be provided.

5.3.1 Civic Administration – Plan Management

Council must provide resources and expend funds to prepare Contribution Plans, provide for the ongoing administration of plans and the review and preparation of new plans. This includes employee resources as well as consultant costs to prepare background studies.

The services provided by the employees dedicated to the administration of local infrastructure contributions is directly attributable to the increase in demand for public amenities and services created by new development.

It is considered reasonable and equitable that a management charge should apply to the management and administration of the Plan. The management of the Plan is a LGA-wide costs and therefore the rate is split evenly across all catchments and wholly funded by local infrastructure contributions.

The costs of plan management have been determined using estimates of yearly administration based on employee wages, estimates of yearly consumables and estimates of plan costs for plan updates every 5 years. The final contribution amount has been determined using the following formula:

$$SC = \sum \frac{STA}{ND}$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TA is the total cost of each activity to administer the Plan over the lifetime of the Plan.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West-Raymond Terrace - Rural	\$587
Central Growth Corridor	\$587
Tomaree	\$587
Fern Bay/Fullerton Cove	\$587

5.3.2 Civic Administration – Works Depots

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The Strategic Asset Management Plan (Adopted January 2019) identifies future plans to redevelop and relocate the Raymond Terrace and Nelson Bay works depots. The projects are identified as necessary to meet the needs of future growth and maintain a desired level of service.

A site area for a new works depots at Raymond Terrace is estimated at between 2.02 to 2.6 hectares and for Nelson Bay, between 1.4 to 1.6 hectares. These areas are based on the functional life of a depot facility for a maximum of 50 years, servicing a population of 160,000.

The construction of a new works depot at Raymond Terrace, including all assets and infrastructure, is estimated at \$11.25 million and at Nelson Bay \$7.5 million. It should be noted that the unit costs are strategic estimates and are dependent on the final site selected and construction materials used.

The depots provide a base for Council to provide maintenance and construction services for the entire Port Stephens LGA. The expected population increase will result in additional demand for services operating out of Council's depots, such as road works and construction services. Therefore it is considered reasonable that a portion of contributions collected from development be applied towards the redevelopment of Council's work depots.

It is also identified that the provision of Council services through the works depots is a LGA-wide costs and therefore the rate is split evenly across all catchments.

The funding has been apportioned to take into account the demands of projected growth. The formula below has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F^{\$}$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F^{\$} is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West-Raymond Terrace - Rural	\$1,531
Central Growth Corridor	\$1,531
Tomaree	\$1,531

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Fern Bay/Fullerton Cove

\$1,531

5.3.3 Town Centre Upgrades

The State Government has identified Raymond Terrace and Nelson Bay as Strategic Centres in the Hunter Regional Plan 2036. The Hunter Regional Plan also identifies Medowie and Fern Bay as a regionally significant centre and the location of current and future housing opportunities in our LGA.

Raymond Terrace provides vital civic and commercial services to the residents of Port Stephens, with the Council administration building, NSW Services and the Port Stephens Hunter Police District headquarters located in the town centre.

Nelson Bay is a primary driver for the visitor and tourist economy in the LGA and Greater Newcastle. Nelson Bay is identified as a regional tourist destination and significant population centre in Port Stephens, offering lifestyle and leisure opportunities for both residents and visitors.

Medowie and Fern Bay are thriving centres earmarked for growth in the State's Hunter Regional Plan. Establishing and consolidating the town centres and surrounding recreation and community facilities will ensure they can service the needs of the growing community and beyond.

To support these strategic centres, Council has prepared local land use strategies that identify town centre improvements and upgrades in Raymond Terrace, Medowie and Nelson Bay to accommodate predicted growth (See the Raymond Terrace and Heatherbrae Strategy, Medowie Planning Strategy, the Nelson Bay Delivery Program and related public domain plans). Additionally Port Stephens Council and City of Newcastle are preparing the Fern Bay/North Stockton Strategy that will unlock the development of a town centre. The Strategic Asset Management Plan (adopted January 2019) also lists identified projects.

Town centre improvements will contain the following works:

- Road and intersection upgrades.
- Street furniture.
- Signage and wayfinding.
- Amenity improvements.
- Kerb and gutter improvements and drainage works

The town centre improvements and upgrades outlined in these plans and strategies will support growth in these strategic centres. The anticipated demand for services and amenities within these centres is likely to increase as a result of population growth caused by new development. Further it is recognised that these regionally significant centres are likely to provide amenities to residents and visitors beyond the boundaries of their respective catchments. Therefore contributions towards town centre upgrades in these centres have been applied equally across the LGA at a common rate.

The estimated costs within this category has been determined based on works identified within local land use strategies, public domain plans, and the Strategic Asset Management Plan. The apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand on town centres from new development. The below formula has been used to calculate the contribution:

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$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F\$$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F\$ is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West-Raymond Terrace - Rural	\$4,124
Central Growth Corridor	\$4,124
Tomaree	\$4,124
Fern Bay/Fullerton-Cove	\$4,124

5.3.4 Public Open Space, Parks and Reserves

Council owned open space, parks and reserves are an important public amenity providing spaces for sport and play, healthy activity, social gathering, and green spaces in urban areas.

Council has prepared an LGA-wide Recreation Strategy to provide the overarching framework and strategic direction for recreation facilities and services in Port Stephens, including open spaces. Council, as a land manager, has also prepared both individual and generic Plans of Management and master plans for Council's parks and open spaces. These documents identify the need for new and augmented infrastructure works and have informed the Works Schedule.

New development will increase our population and place an increased demand for open space, parks and reserves and that this creates an appropriate nexus with the local infrastructure included within the Works Schedule. Projects have been listed where they are of regional value, and therefore attract a high demand from future populations, including populations beyond the immediate locality, as well as projects in areas that are already at capacity.

All new park and recreation items are the result of identified new community demand and are required to cater for the Port Stephens community moving forward. Therefore all new facilities will be funded wholly by local infrastructure contributions. Likewise, the acquisition of new land to service an identified community need is

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linked directly to a requirement for an increased level of service. As such, land acquisitions may be wholly funded through contributions.

The replacement and upgrade of existing park infrastructure involves a review of the park layout, relocation of assets as required and upgrade of the assets with current products. As some assets continue to serve the same purpose, a stronger reliance on replacement is evident with these items and therefore local infrastructure contributions may not fund the entirety of these works. In these instances apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand on town centres from new development.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F\%$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold);

%F% is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$1,147 \$922
Central Growth Corridor	\$2,038 \$2,152
Tomaree	\$1,516
Fern Bay/Fullerton Cove	\$381

5.3.5 Sports and Leisure Facilities

Sports and leisure facilities range from large integrated complexes, such as Tomaree Sport Complex and Lakeside Sport Complex, to local level facilities such as skate parks, netball courts and tennis courts. These facilities play a vital role in the community, supporting active lifestyles and opportunities for social interactions.

Council has prepared an LGA-wide Recreation Strategy to provide the overarching framework and strategic direction for recreation facilities and services in Port Stephens. Council, as a land manager, has also prepared both individual and generic Plans of Management and master plans for sports and leisure facilities. These documents identify the need for new and augmented infrastructure works, and have informed the Works Schedule.

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The anticipated population increase as a result of new development will create additional demand for sports and leisure facilities. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the work schedule under this category.

It should be noted that Council will collect contributions for regional facilities, such as Tomaree Sports Complex and facilities at Lakeside, from development across the entire Port Stephens LGA. This is considered to be reasonable as it is likely that populations outside of their respective geographical catchment will utilise these larger, regional scale facilities.

Sporting and leisure infrastructure is a maintenance heavy asset class. The ongoing maintenance tasks associated with these assets are funded through the Public Domain and Services budget. However, where infrastructure works will increase the capacity of the open space to cater for more regular use as a result of new development (i.e. field renovation, drainage works, surface replacement and flood lighting), the increased level of service is to be reflected in the apportionment of funding from local infrastructure contributions. Should new fields or playing surfaces be required, these assets will provide for an increased level of community service and will be able to be funded wholly through development contributions.

The development of master planning documents for key community and recreation precincts will set the strategic direction for facilities upgrades, inform Council's planning strategies and provide accurate project costings for the implementation of the plan. As such, these plans may be funded through local infrastructure contributions.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F^1$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F¹ is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$2,185
Central Growth Corridor	\$3,135

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Tomaree	\$2,292
Fern Bay/Fullerton Cove	\$2,004

5.3.6 Community and Cultural Facilities

Community and cultural facilities can range from multipurpose indoor or outdoor spaces that facilitate social and community interaction to cemeteries.

Multipurpose community facilities can include meeting spaces for centre-based activities such as playgroups, youth, aged and people with a disability. Indoor spaces could include a hall, meeting rooms, offices and activity rooms. Outdoor spaces could include fenced / enclosed areas, play equipment and garden sheds.

Council has identified a range of multipurpose community facilities in the Works Schedule. The anticipated population growth caused by new development will increase the demand for these types of facilities and therefore it is considered that there is an appropriate nexus between development and this category. The funding has been apportioned to take into account the demands of projected growth.

Council provides a public service to the community through the provision of cemeteries. The anticipated population growth through new development will likely increase the demand for these types of facilities and therefore it is considered that there is an appropriate nexus between development and this category.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F^S$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F^S is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$0
Central Growth Corridor	\$0
Tomaree	\$824
Fern Bay/Fullerton Cove	\$0

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5.3.7 Road Works

Council provides a public service to the community through the provision of new roads and the upgrade of existing roads. This service applies to local roads within the Port Stephens LGA.

The Plan provides the means of collecting contributions from new development and expending payments received on identified local road projects, on a prioritised basis.

This Plan provides for all new development that will lead to increased traffic generation to contribute. It is based on there being zero traffic generation from vacant land at the date of adoption of this Plan.

The nexus has been established through considering the following:

- The anticipated increase in external traffic (to and from the new development) which will create a demand for improvements to the existing road network.
- The nexus between the anticipated development and the improvements to the existing road network taking into account :
 - The traffic generated according to the type of development;
 - The expected increase in traffic as a consequence of that development;
 - The availability, status and capacity of the existing road network;
 - The extent to which the proposed road network will meet the needs of the public;
 - Those road projects which will be used on a collective basis within the districts; and
 - Apportionment of costs to reflect the sharing of the roadwork projects between existing population/road users and those users created by new development.

The Works Schedule identifies:

- Projects which have or will be undertaken to satisfy future demand; and
- Projects that are proposed to be undertaken within a timeframe related to the collection of anticipated income from contributions and the Council apportioned income.

To determine the growth of traffic from new development, the total projected traffic generation for road works has been determined by extending the existing traffic generation by the expected growth rate over the life of the Plan.

In determining the apportionment, Council has considered the ratio of complete replacement against the cost of upgrade. This is shown using the following formula:

$$\%F^S = \frac{C^u - C^l}{C^u}$$

Where:

$\%F^S$ is the apportionment of costs towards local infrastructure contributions.

C^u is the cost of upgrade.

C^l is the current literal replacement cost.

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Based on the apportionment, the below formula has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F^3$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F³ is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West-Raymond Terrace - Rural	\$5,136
Central Growth Corridor	\$2,882
Tomaree	\$2,283
Fern Bay/Fullerton Cove	\$0

5.3.8 Medowie Traffic and Transport

Medowie, which is identified as a regionally significant centre in the Hunter Regional Plan 2036 and Greater Newcastle Metropolitan Plan 2036, is slated for long-term housing growth with a number of urban release areas and potential future growth opportunities identified.

The additional population generated because of development will create additional vehicle, pedestrian and cycle movements. The impacts of increased traffic in the area and on adjoining intersections and other road connections has been considered and appropriate facilities and upgrades identified to maintain appropriate safety and amenity.

An assessment of the future traffic and transport needs for Medowie has been carried out to determine future requirements as the result of Medowie's growth. This was undertaken as a series of Local Area Traffic Management studies prepared by Urban Research and Planning (URaP) in 2017. The studies identified works that are to be implemented within designated time periods throughout Medowie. These works have informed the projects listed within the Works Schedule.

The need for the proposed traffic and transport upgrades and infrastructure has been determined on the basis of an analysis of the road network, safety measures, environmental capacities of roads for the existing traffic situation, as well as the

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estimated additional traffic resulting from forecast growth in terms of population, land use, and floor space area within Medowie. From this, an appropriate nexus has been identified and the cost of works has been apportioned between the existing community and future development accordingly.

It should be noted that this category is unique to the Central Catchment and the contributions will only apply to new development in that catchment.

The apportionment rate has been determined based on the percentage of population increase expected in the catchment area. Therefore local infrastructure contributions will only be applied towards the portion of expected population increase.

The below formula has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F^{\$}$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F^{\$} is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$0
Central Growth Corridor	\$3,067 \$2,909
Tomaree	\$0
Fern Bay/Fullerton Cove	\$0

5.3.9 Shared Pathways

A shared pathway is an area open to the public that is designated for use by both bicycle riders and pedestrians. Shared pathways are an important piece of local infrastructure to ensure active transportation between development and existing areas, including town centres.

Council's Pathway Plans and locational Pedestrian Access and Mobility Plans (PAMPs) identify current and planned shared pathways. The anticipated population increase as a result of new development will create additional demand for these identified pathways. Therefore it is considered that there is an appropriate nexus

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between development and the projects listed in the Works Schedule under this category.

Similar to projects in public open space, parks and reserves, all new pathways that provide an improved level of service to the community will be funded wholly by local infrastructure contributions.

The below formula has been used to calculate the contribution:

$$SC = \sum \left(\frac{STP}{ND} \right) \times \%F^3$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F³ is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Calculation of Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$2,516 \$2,485
Central Growth Corridor	\$831 \$847
Tomaree	\$3,312
Fern Bay/Fullerton Cove	\$3,070

5.3.10 Bus Facilities

Whilst Transport for NSW controls the routes and operations of buses in the Port Stephens LGA, it is Council's responsibility to provide the local infrastructure, such as seating and shelters.

All forms of urban development, including residential, will result in a need for public transport. Shelters and seating are an integral part of bus facilities to provide comfort and weather protection for the public.

Council has identified a number of projects within the Works Schedule and appropriately apportioned local infrastructure contributions against these works. The anticipated population increase as a result of new development will create additional demand for these bus facilities. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the Works Schedule under this category.

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$$SC = \sum \left(\frac{STP}{ND} \right) \times \%F\$$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West-Raymond Terrace - Rural	\$17
Central Growth Corridor	\$36 \$30
Tomaree	\$0 \$11
Fern Bay/Fullerton Cove	\$1,035

5.3.11 Fire and Emergency

Council undertakes a number of activities on behalf of, and in consultation with, emergency services such as the Rural Fire Service and State Emergency Services. This includes the construction and upgrade of emergency facilities on Council owned land.

Port Stephens often suffers from a number of natural disasters, including bushfires, flooding and storm events, which requires action from emergency services. Therefore the facilities provided by Council play a vital public service role to the community.

The anticipated population increase as a result of new development will create additional demand for fire and emergency services. Therefore it is considered that there is an appropriate nexus between development and the projects listed in the Works Schedule under this category.

The capital replacement of emergency services facilities is linked to a community requirement for an increased level of service. These replacements occur intermittently and similar to community facilities, involve a significant budget allowance. As these facilities have wide ranging community benefits to existing and future populations, the apportionment of funding from local infrastructure contributions has been determined taking into account the increased demand from new development.

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The below formula has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F\%$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F% is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$34
Central Growth Corridor	\$0
Tomaree	\$227
Fern Bay/Fullerton Cove	\$2,813
	\$0

5.3.12 Flood and Drainage Works

As a result of local characteristics, the Port Stephens LGA suffers from a range of flooding and drainage issues. New development can increase the amount of non-porous area, which then results in additional flow rates and volume and impacts the existing flooding and drainage network. Therefore it is considered that there is a suitable nexus between flood and drainage works and new development generally.

Council has identified a number of projects relating to flooding and drainage through the Strategic Asset Management Plan. This Plan identifies a number of those projects to be funded by contributions in the Works Schedule where new development will have an impact. The cost of the works have been appropriately apportioned towards local infrastructure contributions.

Therefore it is considered that there is an appropriate nexus between new development and the projects listed in the Works Schedule under this category.

The flooding and drainage works listed in the Work Schedule are anticipated to benefit both existing and identified future residential land. In order to determine the amount to be funded by local infrastructure contributions, Council has determined the approximate area of land that would be positively affected by the works. The percentage of the developable land resulting from the works is taken to be the percentage amount funded by local infrastructure contributions.

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The below formula has been used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F^{\$}$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F^{\$} is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

Section 7.11 Contribution:

CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$665
Central Growth Corridor	\$1,452
Tomaree	\$1,738
Fern Bay/Fullerton Cove	\$0

5.3.13 Cross Boundary Contributions

Section 7.14 of the Act enables conditions to be imposed for contributions for the benefit of an area that adjoins the local government area in which the new development is to be carried out. A contributions plan approved by both councils can set out the apportionment between councils.

This Chapter provides for the local infrastructure contributions to be paid between Council and the City of Newcastle and Midcoast Council in specified areas. The contribution is required to be paid at a time specified in the condition imposing the contribution, however if no time is specified, the contribution must be paid in accordance with Chapter 3.4 Timing of Settlement in this Plan.

City of Newcastle

These site-specific contributions will apply to land in the localities of Fern Bay and Fullerton Cove as shown in the Catchment Area Map.

The anticipated residential growth within Fern Bay and Fullerton Cove will result in demand for local infrastructure located within both Newcastle and Port Stephens LGAs. This demand will require the upgrade of existing facilities, as well as require the provision of new local infrastructure in both LGAs. This category relates to works within the City of Newcastle LGA only as projects within Fern Bay and Fullerton Cove will be funded by contributions collected under other categories.

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Council, with the assistance of the City of Newcastle, has identified a number of projects that the cross boundary contribution will fund in the Works Schedule.

The costs will be shared between Port Stephens and City of Newcastle based on the percentage of the expected population increases. Using projection data provided by the City of Newcastle's website and detailed projections undertaken by Port Stephens Council for the preparation of this plan, it is expected that the population of the Fern Bay/Fullerton Cove and Stockton area will increase by 1,314. Of that increase, it is expected that 79.1% will occur in Fern Bay/Fullerton Cove. Therefore, contributions from Port Stephens Council will contribute 79.1% towards the total costs of projects. A formula is provided below:

$$\%PSC = \frac{PFB}{PopTot}$$

Where:

%PSC is the proportion of costs towards Port Stephens Council.

PFB is the projected population increase in Fern Bay, taken to be 1,039.

PopTot is the projected population increase in Fern Bay and Stockton, taken to be 1,314

The below formula is then used to calculate the contribution:

$$\$C = \sum \left(\frac{\$TP}{ND} \right) \times \%F\%$$

Where:

\$C is the amount of contributions per lot/dwelling for a given catchment.

\$TP is the total cost of a project within that catchment (including relevant indexation between the original date of the estimation and staging threshold).

%F% is the apportionment of the project cost towards local infrastructure contributions.

ND is the amount of new lots/dwellings to be developed within that catchment.

All of the contributions received under this category will be wholly apportioned to the City of Newcastle, to go towards the construction of these works.

It should be noted that these contributions will only apply to new development in the Fern Bay/Fullerton Cove catchment because there is only a nexus between the cross boundary infrastructure requirements and development in that catchment.

Section 7.11 Contribution:

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CATCHMENT	CONTRIBUTION PER LOT/DWELLING
West Raymond Terrace - Rural	\$0
Central Growth Corridor	\$0
Tomaree	\$0
Fern Bay/Fullerton Cove	\$2,407
	\$3,082

5.3.14 Road Haulage

There are a number of extractive industries operating in the Port Stephens LGA and there could be opportunities for new development or expansion of existing sites, subject to relevant approvals.

Extractive industries generate significant truck movements in Port Stephens, which impacts the road performance and conditions along haulage routes. To offset the impact of haulage associated with mining and extractive industry, this Plan authorises the consent authority to apply a haulage contribution rate where an application is made for such a use. It should be noted that the haulage rate will apply to the proposed haulage route for the life of the development (subject to CPI amendments) and contributions collected will only go towards the road repairs, resealing, upgrading and reconstruction of that road.

The contributions rate for heavy haulage has been calculated based on the following:

- Step 1: Determine the design Equivalent Standard Axles (ESA) per applicable vehicle (classes 3-12) for affected local roads.

$$dESA = \frac{365 \times AADT \times ESA \times DL \times DF}{NoHR}$$

Where:

dESA is the design ESA.

AADT is the annual average daily traffic count for heavy vehicles over Council's haulage routes.

ESA is the average ESA per heavy vehicle.

DL is the design life in years.

DF is the directional distribution factor.

NoHR is the number of haulage routes used to determine the ESA and AADT.

- Step 2: Estimate the cost to reconstruct/maintain one lane for one kilometre for the above ESA, which is based on the capital cost, maintenance cost and whole of life cost for Council's haulage routes.

- Step 3: Calculate the reconstruction/maintenance cost per ESA per km by dividing the outcome from Step 2 by the outcome from Step 1.

$$\$km = \frac{\$M}{dESA}$$

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Where:

\$km is the cost of maintenance per ESA per km.

dESA is the design ESA calculated in step 1.

\$M is the cost to reconstruct/maintain one land for one kilometre.

Step 4: Determine the typical heavy haulage vehicle ESA (assumed at 2.6 ESA based on a typical truck and dog combination).

Step 5: Calculate the reconstruction/maintenance cost per typical heavy haulage vehicle per km by multiplying the outcome from Step 3 by the outcome from Step 4.

$$\$HVkm = \$km \times hvESA$$

Where:

\$HVkm is the maintenance cost per typical heavy vehicle.

\$km is the cost of maintenance per ESA per km as calculated in step 3.

hvESA is the heavy vehicle ESA.

Step 6: Determine the typical load per typical heavy haulage vehicle (assumed at 15 tonnes).

Step 7: Calculate the reconstruction/maintenance cost per tonne per km by dividing the outcome from Step 5 by the outcome from Step 6.

$$\$tkm = \frac{\$HVkm}{t}$$

Where:

\$tkm is the maintenance cost per tonne per km.

\$HVkm is the maintenance cost per typical heavy vehicle as calculated in Step 5.

t is the typical load per typical heavy vehicle.

Step 8: Determine the administration on-cost applicable relating this Plan, i.e. the preparation, implementation and administration as a proportion of the calculated cost of reconstruction/maintenance (calculated at 2.79%).

Step 9: Calculate the total contribution rate by multiplying the outcome from Step 8 by the outcome from Step 7.

$$\$CR = \$tkm \times (100\% + \$PA)$$

Where:

\$CR is the contribution rate per tonne per kilometre.

\$tkm is the maintenance cost per tonne per km.

\$PA is the cost of administering the Plan.

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Based on the above, the contribution rate set out below will apply to this development type across the entire Port Stephens LGA. Notwithstanding the above, Council will accept a variation to the below contribution rate where it is justified by a Traffic and Transport Economic Study that has been prepared to the satisfaction of Council.

Section 7.11 Contribution:

\$0.084/t/km (which is equivalent to \$1.191/t based on a 14.5km haulage route)

Local Infrastructure Contributions Plan

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Appendix A

Work Schedule

- A.1 Depot and Administration Building
- A.2 Town Centre Upgrades
- A.3 Public Open Space, Parks & Reserves
- A.4 Sports & Leisure Facilities
- A.5 Community & Cultural Facilities
- A.6 Road Works
- A.7 Medowie Traffic & Transport
- A.8 Shared Paths
- A.9 Bus Facilities
- A.10 Fire and Emergency Services
- A.11 Flooding and Drainage Works
- A.12 Newcastle Council Cross Boundary Projects

The Work Schedule gives detail of the specific public amenities and services proposed by the Council, together with an estimate of their cost and staging.

Both staging and costs will be reviewed annually in line with capital works programming and a full review of Works Schedules will be conducted every 5 years.

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A.1 Depot and Administration Buildings

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CAF1	Raymond Terrace Works Depot	11,250,000	60%	2020
CAF2	Nelson Bay Works Depot	7,500,000	60%	2020
Total Estimate		18,750,000		

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A.2 Town Centre Upgrades

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
TCU1	Meadowie – Town Centre Upgrades	7,500,000	60%	2036
TCU2	Fern Bay – Town Centre Upgrades	7,500,000	60%	2036
TCU3	Nelson Bay – Town Centre Upgrades	15,000,000	60%	2036
TCU4	Raymond Terrace – Town Centre Upgrades	20,500,000	60%	2036
Total Estimate		\$0,500,000		

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A.3 Public Open Space, Parks and Reserves

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF1	Knox Park, Raymond Terrace - playground replacement	70,000	60%	2020
OSF2	Hinton - construction of public amenities	200,000	60%	2020
OSF3	Lakeside 2 Reserve, Raymond Terrace - public amenities	150,000	100%	2020
OSF4	Bettles Park, Raymond Terrace - park improvements, entry feature, succession planting, park furniture etc.	120,000	40%	2020
OSF5	Feeney Park, Raymond Terrace - playground	70,000	60%	2020
OSF6	Seaham Park, Seaham - playground	150,000	60%	2020
OSF7	Seaham Park, Seaham - park furniture, shelters and BBQ	60,000	40%	2020
OSF8	Kitty Hawk - playground, park furniture and shade trees	120,000	60%	2024
OSF9	Raymond Terrace Foreshore, Raymond Terrace - Riverside Park - public amenities	150,000	60%	2025
OSF10	Wallalong - playground	150,000	60%	2025
Total Estimate		1,240,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF11	Boyd Oval, Medowie - play facilities, furniture, paths and landscape improvements	70,000	60%	2020
OSF12	Aliceton Reserve, Karuah - landscaping, playground and recreation facilities	250,000	100%	2020
OSF13	Memorial Park, Karuah - park furniture and carpark works	50,000	40%	2020
OSF14	Kindiebank Reserve, Medowie - playground	70,000	60%	2020
OSF15	Koondah Park to Rudd Reserve, Lemon Tree Passage - park furniture and respite seating	50,000	100%	2020
OSF16	Peace Park, Tanilba Bay - park furniture and BBQ facilities	50,000	60%	2020
OSF17	Aliceton Reserve, Karuah - public amenities	150,000	100%	2024
OSF18	Medowie - playground, amenities, park furniture, paths and landscape improvements	2,000,000	100%	2024
OSF19	Coolabah Reserve, Medowie - park furniture, seating and half multi-sport court	70,000	60%	2024
OSF20	Crichton Drive Reserve, Medowie - playground	70,000	60%	2024
OSF21	Coachwood Reserve, Medowie - off-leash dog exercise area improvements	80,000	40%	2024
OSF22	Henderson Park, Lemon Tree Passage - masterplan and design	30,000	100%	2024
OSF23	Henderson Park, Lemon Tree Passage - upgraded paths, landscaping, park furniture and BBQ	150,000	60%	2024
OSF24	Stephens Square, Maitlabula - recreational facilities improvement	70,000	60%	2024
OSF25	Foster Park, Tanilba Bay - boat ramp	300,000	60%	2024
OSF26	Gula Reserve, Tanilba Bay - playground	70,000	60%	2024
OSF27	Lilly Pilly Reserve, Lemon Tree Passage - boat ramp	300,000	60%	2025
OSF28	McCann Park, Lemon Tree Passage - recreation facility improvements	150,000	60%	2025
OSF29	Koondah Park, Lemon Tree Passage - formalise off-leash dog exercise area	80,000	100%	2025
OSF30	Sunset Park, Tanilba Bay - park furniture and upgrade works	60,000	40%	2025
OSF31	Henderson Park, Lemon Tree Passage - playground	150,000	60%	2031
OSF32	Medowie South - open space land acquisition	750,000	100%	2031
OSF33	Medowie North - open space land acquisition	750,000	100%	2031
Total Estimate		5,770,000		

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Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF34	Conroy Park Upgrades, Corlette – park furniture, shelters and BBQs	80,000	40%	2020
OSF35	Spencer Park, Soldiers Point - playground and park furniture	150,000	60%	2020
OSF36	Taylor's Beach – playground	70,000	60%	2020
OSF37	Little Beach, Nelson Bay – playground facilities upgrade	150,000	60%	2024
OSF38	George Reserve, Soldiers Point - playground, accessible pathways, landscaping and park furniture	250,000	60%	2024
OSF39	Shoal Bay Foreshore Reserve, Shoal Bay – park furniture, shelters and park facilities upgrades	200,000	100%	2024
OSF40	Anna Bay Recreation Area, Anna Bay - facilities improvement	100,000	60%	2025
OSF41	Angophora Park, Corlette - playground and park furniture	110,000	60%	2025
OSF42	Conroy Park, Corlette – public amenities block	150,000	60%	2025
OSF43	Barry Park, Fingal Bay - park furniture and improvements	60,000	60%	2025
OSF44	Fisherman's Bay – park furniture and shelters	60,000	60%	2025
OSF45	One Mile Beach, One Mile – park furniture, shelters and BBQs	60,000	60%	2025
OSF46	Bob Cairns, Salamander Bay - playground	70,000	60%	2025
OSF47	Pearson Park, Soldiers Point – park furniture upgrade	70,000	40%	2025
OSF48	Binubi Point Aboriginal Place, Anna Bay - masterplan implementation	1,000,000	60%	2025
OSF49	Boat Harbour – seating, shelters and BBQs	80,000	40%	2031
Total Estimate		2,790,000		

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF50	Boomerang Park Raymond Terrace – off-leash dog exercise area	80,000	100%	2020
OSF51	Lakeside Aquatic Centre, Raymond Terrace – facilities upgrades	500,000	60%	2025
OSF52	Tomaree Aquatic Centre, Nelson Bay – facilities upgrades	500,000	60%	2025
OSF53	Tiligerry Aquatic Centre, Maitabula – facilities upgrades	200,000	60%	2025
OSF54	Nelson Bay Foreshore, Nelson Bay - playground upgrades and park facilities improvements	750,000	80%	2025
OSF55	Nelson Bay Foreshore, Nelson Bay - viewing platforms, lighting, beach facilities, beach access points, landscape improvement	500,000	80%	2025
OSF56	Apex Park redevelopment, Nelson Bay – implementation of masterplan	500,000	80%	2025
OSF57	Boomerang Park, Raymond Terrace – playground upgrade, park facilities improvements and skate park improvements	500,000	80%	2025
OSF58	Fly Point Reserve, Nelson Bay – skate park improvements	250,000	80%	2025
Total Estimate		3,780,000		

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A.4 Sports and Leisure Facilities

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF1	Lakeside Sports Complex, Raymond Terrace - Field renovation	200,000	60%	2025
SRF2	Brandon Park, Seaham - netball and tennis surface upgrades	150,000	60%	2025
SRF3	Brandon Park, Seaham - carpark upgrades	80,000	60%	2025
Total Estimate		430,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF4	Mallabula Sports Complex, Mallabula - playground upgrades	100,000	60%	2020
SRF5	Mallabula Sports Complex, Mallabula - review of masterplan	50,000	100%	2024
SRF6	Mallabula Skate Park, Mallabula - facilities upgrade	150,000	60%	2024
SRF7	Medowie - new courts and carpark for tennis	150,000	60%	2025
SRF8	Ferodale Sports Complex, Medowie - additional playing field and facility improvements	2,000,000	100%	2025
SRF9	Yulong Oval, Medowie - multipurpose amenities upgrades	1,200,000	60%	2025
SRF10	Mallabula Sports Complex, Mallabula - floodlighting and power upgrades	250,000	60%	2031
Total Estimate		3,900,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF11	Tomaree Aquatic Centre, Nelson Bay - shade structure	150,000	100%	2024
SRF12	Salamander Sports Complex, Salamander Bay - lighting upgrades	50,000	60%	2024
SRF13	Salamander Sports Complex, Salamander Bay - field renovation	400,000	60%	2024
Total Estimate		600,000		

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF14	King Park Sports Complex, Raymond Terrace - carpark upgrade	500,000	60%	2020
SRF15	Tomaree Sports Complex, Nelson Bay - Don Waring field upgrade	1,535,364	60%	2021
SRF16	Tomaree Sports Complex, Nelson Bay - sports pavilion B1	2,726,072	100%	2021
SRF17	King Park Sports Complex, Raymond Terrace - Implementation of Masterplan	7,500,000	100%	2025
SRF18	King Park Sports Complex, Raymond Terrace - Field renovation	400,000	60%	2025
SRF19	Tomaree Sports Complex, Nelson Bay - upgrade to Oval 1	3,644,952	60%	2027
SRF20	Tomaree Sports Complex, Nelson Bay - road realignment and new car park	786,659	60%	2027
SRF21	Tomaree Sports Complex, Nelson Bay - entry car park	625,515	60%	2027
Total Estimate		17,718,562		

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A.5 Community and Cultural Facilities

East Timoree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CCF1	Anna Bay – Multi-purpose Community Facility	1,500,000	80%	2027
Total Estimate		1,500,000		

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A.6 Roadworks

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW1	Richardson Road/Halloran Way, Raymond Terrace – roundabout extension	200,000	100%	2020
RW2	Paterson Street, Hinton – bridge to 3 Paterson Street	108,739	63%	2020
RW3	Giggins Road, Heatherbrae – Hank Street to end	109,940	77%	2020
RW4	Duns Creek Road, Duns Creek – 124 Duns Creek Road to 185 Duns Creek Road	276,480	48%	2020
RW5	Clarence Town Road, Glen Oak – 1598 Clarence Town Road to 1575 Clarence Town Road	346,949	47%	2020
RW6	Kurunga Avenue/Dawson Road, Raymond Terrace – upgrade intersection to roundabout	950,000	100%	2020
RW7	East Seaham Road, East Seaham – 806 East Seaham Road to 1042 East Seaham Road	1,121,170	48%	2020
RW8	Glenelg Street, Raymond Terrace – 12 Glenelg Street to Adelaide Street	165,750	54%	2025
RW9	Adelaide Street, Raymond Terrace – 249a Adelaide Street to 251 Adelaide Street	268,497	54%	2025
RW10	Duns Creek Road, Duns Creek – 201 Duns Creek Road to 238 Duns Creek Road	296,352	48%	2025
RW11	Duns Creek Road, Duns Creek – 238 Duns Creek Road to 316 Duns Creek Road	317,952	59%	2025
RW12	East Seaham Road, East Seaham – 248 East Seaham Road to 248 East Seaham Road	149,532	64%	2025
RW13	East Seaham Road, East Seaham – 248 East Seaham Road to 318 East Seaham Road	163,218	64%	2025
RW14	East Seaham Road, East Seaham – 318 East Seaham Road to 348 East Seaham Road	337,634	64%	2025
RW15	East Seaham Road, East Seaham – 348 East Seaham Road to 407 East Seaham Road	481,257	64%	2025
RW16	Rees James Road, Raymond Terrace – Bellevue Street to Kurunga Avenue	768,006	81%	2025
RW17	Rees James Road, Raymond Terrace – Kurunga Avenue to 40 Rees James Road	427,775	81%	2025
RW18	Rees James Road, Raymond Terrace – 42 Rees James Road to 50 Rees James Road	354,822	81%	2025
RW19	Rees James Road, Raymond Terrace – 50 Rees James Road to end	666,517	88%	2025
	Six Mile Road, Eagleton – 149 Six Mile Road to Winston Road	354,897		2025
	Six Mile Road, Eagleton – Winston Road to 401 Six Mile Road	1,245,249		2025
	Six Mile Road, Eagleton – 401 Six Mile Road to 431 Six Mile Road	670,914		2025
RW23	Central Carpark, Raymond Terrace	729,302	44%	2025
RW24	Lakeside Sports Complex 1, Raymond Terrace	795,984	33%	2025
RW25	Lakeside Sports Complex 2, Raymond Terrace	1,475,695	70%	2025
RW26	King Park Sports Complex 1, Raymond Terrace	959,023	44%	2025
	Six Mile Rd, Eagleton – 6 Six Mile Road to 149 Six Mile Road	610,546		2030
RW28	Boomerang Park 2, Raymond Terrace	271,187	44%	2030
Total Estimate		14,623,387	11,741,781	

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW29	The Bucketts Way, Twelve Mile Creek – 309 The Bucketts Way to 309 The Bucketts Way	235,104	38%	2020
RW30	The Bucketts Way, Twelve Mile Creek – 451 The Bucketts Way to boundary	272,256	33%	2020
RW31	Ferodale Road, Medowie – 51 Ferodale Road to 85 Ferodale Road	360,000	72%	2020
RW32	Tanilba Road, Murrumbidgee – Fairlands Road to Murrumbidgee Road	606,864	85%	2020
RW33	Ferodale Road – Campvale drain bridge upgrade	1,200,000	100%	2020
RW34	Richardson Road/Grahamstown Dam Road, Campvale – upgrade intersection to roundabout	2,000,000	100%	2020

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RW35	Ferodale Road/Peppertree Road, Medowie – upgrade intersection to signalised	1,600,000	100%	2020
RW36	Medowie Road, Campvale – 276 Medowie Road to start of island	108,540	63%	2025
RW37	Ferodale Road, Medowie – Roundabout to 38 Ferodale Road	187,479	54%	2025
RW38	Ferodale Road, Medowie – Roundabout to 46 Ferodale Road	111,387	54%	2025
RW39	Ferodale Road, Medowie – 38 Ferodale Road to 44 Ferodale Road	157,783	54%	2025
RW40	Ferodale Road, Medowie – 21 Lavenock Avenue	333,590	64%	2025
RW41	Avenue Of The Allies, Tanilba Bay - Diggers Drive to Lemon Tree Passage Road	664,589	66%	2025
RW42	Grahamstown Road, Medowie - Aquatic Centre to 8 Grahamstown Road	886,761	74%	2025
RW43	Tarean Road, Karuah – 233 Tarean Road to 264 Tarean Road	275,962	54%	2030
RW44	Tarean Road, Karuah – 264 Tarean Road to 370 Tarean Road	275,962	54%	2030
RW45	Tarean Road, Karuah – 423 Tarean Road to 443 Tarean Road	173,664	54%	2030
RW46	Tarean Road, Karuah – 443 Tarean Rd to 446 Tarean Rd	275,962	54%	2030
RW47	Yulong Park, Medowie	584,634	44%	2030
Total Estimate		10,310,537		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW48	Tomaree Road, Shoal Bay – Messines Street to 42 Tomaree Road	294,910	78%	2020
RW49	Tomaree Road, Shoal Bay – 42 Tomaree Road to 86 Tomaree Road	522,161	78%	2020
RW50	Tomaree Road, Shoal Bay – 86 Tomaree Road to 136 Tomaree Road	685,355	78%	2020
RW51	Gowie Avenue, Nelson Bay – Shoal Bay Road to Kerrigan Street	308,172	78%	2020
RW52	Tomaree Sports Complex 2, Nelson Bay	1,273,795	70%	2020
RW53	One Mile Beach Reserve 2, One Mile	255,024	70%	2020
RW54	Dowling Street, Nelson Bay – Fingal Street to 29 Dowling Street	359,558	73%	2025
RW55	Foreshore Drive, Corlette – 45 Foreshore Drive to 83 Foreshore Drive	418,736	75%	2025
RW56	Church Street, Nelson Bay – Government Road to Dowling Street	479,338	59%	2025
RW57	Dowling Street, Nelson Bay – parking action – bypass work	750,000	100%	2022
RW58	Dowling St/Fingal St – parking action – signalised intersection	1,600,000	40%	2026
RW59	Donald St/Stockton St – parking action – signalised intersection	1,600,000	40%	2026
Total Estimate		8,527,049		

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A.7 Medowie Traffic & Transport

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
MTT1	Medowie Road – gateway treatment at entrance to Medowie north of Boundary Road	33,000	43%	2021
MTT2	Medowie Road – gateway treatment and change in speed zone north of Kindiebark Drive,	33,000	43%	2021
MTT3	Medowie Road – gateway treatment at entrance to Medowie south of South Street	33,000	43%	2021
MTT4	Medowie Road – gateway treatment and change in speed zone south of Ferodale Road	33,000	43%	2021
MTT4	Medowie Road – horizontal displacement mid-block treatment between Boundary Road and Kirrang Drive	50,000	43%	2021
MTT5	Medowie Road/Brocklesby Road – upgrade intersection to roundabout	2,050,000	43%	2021
MTT6	Lisadell Road and Abundance Road – pavement widening from Fairlands Road to Industrial Road	2,050,000	43%	2021
MTT7	Lisadell Road/Fairlands Road – road widening and upgrade intersection to roundabout	802,000	43%	2021
MTT8	Lisadell Road/Abundance Road – road realignment to create a T intersection with priority given to the through movement.	615,000	43%	2021
MTT9	Abundance Drive – gateway treatment and change in speed zone south of Industrial Road	33,000	43%	2021
MTT10	Abundance Drive/Ferodale Road – upgrade intersection to roundabout	902,000	43%	2021
MTT11	Ferodale Road/Kirrang Drive – upgrade existing roundabout	820,000	43%	2021
MTT12	Ferodale Road – upgrade entrance to commercial land at 37B Ferodale Road to roundabout	820,000	43%	2021
MTT13	Various roads – on-road signage and line markings	16,500	43%	2021
MTT14	Medowie Road – off-road shared path from Boundary Road to Kirrang Drive	450,000	43%	2021
MTT15	Medowie Road – off-road shared path from Federation Drive to Kindiebark Drive	515,000	43%	2021
MTT16	Medowie Road – off-road shared path from Medowie Road to Cherry Tree Close	50,000	43%	2021
MTT17	Medowie Road – off-road shared path from Silver Wattle Drive to Ferodale Road	205,000	43%	2021
MTT18	Medowie Road – off-road shared path from Ferodale Road to 500m south	500,000	43%	2021
MTT19	Various roads – on-road signage and line markings within rural-residential areas	16,500	43%	2021
MTT20	Ferodale Rd – Off-road shared path from Kirrang Drive to Coachwood Drive	1,080,000	43%	2021
MTT21	Ford Avenue – off-road shared path with cadastral corridor from Ford Avenue to Sylvan Avenue	50,000	43%	2021
MTT22	Medowie Road – upgrade pedestrian refuge at Kirrang Drive/Federation Drive	24,200	43%	2021
MTT23	Medowie Road – upgrade pedestrian refuge south of Kindiebark Drive	24,200	43%	2021
MTT25	Medowie Road – install pedestrian refuge island at Silver Wattle Drive	24,200	43%	2021
MTT24	Silver Wattle Drive – install pedestrian refuge island at Medowie Road	24,200	43%	2021
MTT26	Medowie Road – upgrade pedestrian refuge island at Ferodale Road	24,200	43%	2021
MTT27	Medowie Road – install pedestrian refuge island south of Ferodale Road	50,000	43%	2021
MTT28	Medowie Road install pedestrian refuge island at Blueberry Road	24,200	43%	2021
MTT29	Kirrang Drive – install pedestrian refuge island at Ferodale Road	24,200	43%	2021
MTT30	Brocklesby Road – install pedestrian refuge island at Ferodale Road	25,000	43%	2021
MTT31	Ferodale Road – upgrade pedestrian refuge island west of Medowie Road	24,200	43%	2021
MTT32	Various Intersection Upgrades – kerb and gutter and ramps at Ferodale Road intersection with Waropara, Bottle Brush Avenue and Kirrang Drive	157,500	43%	2021
MTT33	Install Bicycle Parking Facilities	50,000	43%	2021
MTT34	Medowie Road/Kindiebark Drive – upgrade intersection to roundabout	820,000	43%	2032
MTT35	Brocklesby Road – off-road shared path from Medowie Road to Ferodale Road	975,000	43%	2032
MTT36	Medowie Road – off-road shared path from Ferodale Road to South Street	1,280,000	43%	2032

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MTT37	Waropara Rd – off-road shared path from Ferodale Road to Kula Road	800,000	43%	2032
MTT38	Medowie Road/Blueberry Road – improve channelisation of intersection	175,000	43%	2032
MTT39	Medowie Rd – improve roundabout approaches at intersections with Ferodale Road, South Street and access to Kingston site	3,000,000	43%	2032
MTT40	Wilga Road – off-road shared path from Wilga Road to Town Centre including bridge for creek crossing	360,000	43%	2032
MTT41	Kirrang Drive – off-road shared path from Ferodale Road to Medowie Road	870,000	43%	2032
Total Estimate		19,934,100		

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A.8 Shared Paths

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP1	Raymond Terrace to Lakeside, Raymond Terrace - construction of a new shared pathway	350,000	100%	2020
SP2	King Park waterfront, Raymond Terrace - construction of a new shared pathway	450,000	16%	2027
SP3	Kingston Parade, Heatherbrae - shared path from Kingston Parade to Pacific Highway	28,500	100%	2027
SP4	Pacific Highway, Heatherbrae - shared path from Kingston Parade to Hunter River High School	108,300	100%	2027
SP5	Paterson Road, Hinton - shared path from High Street to Swan Street	250,000	100%	2027
FP6	Swan Street, Hinton - footpath from Hinton Road to Stuart Park	85,500	100%	2027
SP7	Warren Street, Seaham - shared path from school crossing to community hall	70,300	100%	2027
SP8	Lakeside No 2 Reserve, Raymond Terrace shared path from Halloran Way to Luskin Close	48,600	100%	2027
	Wattle Street, Raymond Terrace shared path from Tarean Road to Engel Avenue	45,600		2027
SP10	King Park Reserve, Raymond Terrace - shared path from Newline Road to Fitzgerald Bridge	315,400	100%	2027
SP11	Beaton Avenue, Raymond Terrace - shared path from Kanwarly Close to King Park	220,000	100%	2027
SP12	Adelaide Street, Raymond Terrace - shared path from Richardson Road to Roslyn Park	280,000	100%	2027
SP13	Mount Hall Road, Raymond Terrace - shared path from Clyde Circuit to Pacific Highway underpass	81,700	100%	2027
SP14	Glennig Street, Raymond Terrace - shared path from Adelaide Street to Golf course	400,000	100%	2027
SP15	Hunter Street, Raymond Terrace - shared path from William Street to Barmer Lane	74,000	100%	2027
SP16	Newbury Park Reserve, Raymond Terrace - shared path from Adelaide Street to Mount Hall Road	89,700	100%	2027
SP17	Pacific Highway, Raymond Terrace - shared path from Martens Avenue to Rosemount Drive	92,000	100%	2027
FP18	Kangaroo Street, Raymond Terrace - footpath from Port Stephens Street to Carmichael Street	16,100	100%	2027
SP19	Adelaide Street, Raymond Terrace - shared path from Pacific Highway to Elkin Avenue	45,600	100%	2027
SP20	Adelaide Street, Raymond Terrace - shared path from Kangaroo Street to Sturgeon Street	49,000	100%	2027
SP21	Adelaide Street, Raymond Terrace - shared path from Rees James Road to Richardson Road	110,200	100%	2027
SP22	Adelaide Street, Raymond Terrace - shared path from Rees James Road to Bellevue Street	312,000	100%	2027
SP23	Rees James Road, Raymond Terrace - shared path from Bellevue Street to end	675,000	100%	2027
FP24	Kangaroo Street, Raymond Terrace - footpath from Carmichael Street to Sturgeon Street North	6,125	100%	2027
FP25	Kangaroo Street, Raymond Terrace - footpath from Sturgeon Street to Adelaide Street (median)	2,500	100%	2027
Total Estimate		4,206,125	4,160,825	

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP9	Wattle Street, Raymond Terrace shared path from Tarean Road to Engel Avenue	45,600	100%	2027
SP26	Engel Avenue, Karuah - shared path from Wattle Street to Karuah MPC	39,900	100%	2027
SP27	Mustons Road, Karuah - shared path from Boronia Road to Mustons Gully	64,600	100%	2027
SP28	Mustons Road, Karuah - shared path from Mustons Gully to Tarean Road	133,000	100%	2027
FP29	Tarean Road, Karuah - footpath from Bundabah Street to Longworth Park	26,000	100%	2027
SP30	Medowie Road, Medowie - shared path from Federation Drive to Kindiebark Drive	260,000	100%	2027
SP31	Medowie Road, Medowie - shared path from Silver Wattle Drive to Ferodale Road	142,500	100%	2027
SP32	Medowie Road, Medowie - shared path from Ferodale Road to Brocklesby Road	580,700	100%	2027
SP33	Kirrang Drive, Medowie - shared path from Yulong Oval to Ferodale Road	100,000	100%	2027

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SP34	South Street, Medowie – shared path from Medowie Road to Sylvan Avenue	72,200	100%	2027
FP35	Silver Wattle Drive, Medowie – shared path from Medowie Road to Bottle Brush Avenue	19,250	100%	2027
FP36	Grey Gum Street, Medowie – footpath from Medowie Road to Bottle Brush Avenue	17,000	100%	2027
SP37	Lemon Tree Passage Road, Lemon Tree Passage – shared path from end of existing to Crawley Avenue	40,000	100%	2027
SP38	Lemon Tree Passage Road, Lemon Tree Passage – shared path from Crawley Avenue to Blanch Street	123,500	100%	2027
SP39	Meredith Avenue, Lemon Tree Passage – from Kawarren Street to Kenneth Parade	39,900	100%	2027
SP40	Cook Parade, Lemon Tree Passage – shared path from Morton Avenue to Meredith Avenue	338,200	100%	2027
SP41	Kawarren Street, Lemon Tree Passage – shared path from Blanch Street to Kenneth Parade	171,000	100%	2027
SP42	President Wilson Walk, Tanilba Bay – shared path from Pershing Place to Diggers Drive	106,400	100%	2027
SP43	President Wilson Walk, Tanilba Bay – shared path from Diggers Drive to King Albert Avenue	68,400	100%	2027
FP44	President Wilson Walk, Tanilba Bay – footpath from Lemon Tree Passage Road to Lloyd George Grove	19,800	100%	2027
Total Estimate		2,364,350		
		2,409,950		

East Tamaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP45	Government Road, Shoal Bay – shared path from Fingal Bay to Shoal Bay missing link	625,000	7%	2027
SP46	Gan Gan Road, Anna Bay – shared path from Gordon Close to Old Main Road	357,200	100%	2027
SP47	Gan Gan Road, Anna Bay shared path from existing path to existing path	250,000	100%	2027
SP48	Campbell Avenue, Anna Bay – shared path from Gan Gan Road to Robinson Street	220,000	100%	2027
SP49	Robinson Street, Anna Bay – shared path from Campbell Avenue to Robinson Reserve	165,000	100%	2027
SP50	Sandy Point Road, Corlette – shared path from Roy Wood Reserve to foreshore	19,000	100%	2027
SP51	Foreshore Drive, Salamander Bay/Corlette – shared path from Cook Street to Sandy Point Road	931,000	100%	2027
SP52	Bagnall Beach Road, Corlette – shared path from Marlin Street to crossing point	19,000	100%	2027
SP53	Bagnall Beach Road, Corlette – shared path from crossing point to Marway Street	49,400	100%	2027
SP54	Bagnall Beach Road, Corlette – shared path from King Fisher Reserve to detention basin	103,000	100%	2027
SP55	Bagnall Beach Road, Corlette – shared path from Marlin Street to end of existing	24,700	100%	2027
SP56	Marine Drive, Fingal Bay – shared path from Boulder Bay Road to Barry Park	300,000	100%	2027
SP57	Beach Road, Nelson Bay – shared path from Gowrie Avenue to Harwood Avenue	220,000	100%	2027
SP58	Beach Road, Nelson Bay – shared path from Victoria Parade to boat ramp	85,880	100%	2027
SP59	Beach Road, Nelson Bay – shared path from boat ramp to Gowrie Avenue	45,600	100%	2027
SP60	Victoria Parade, Nelson Bay – shared path from Fly Point to Beach Road	248,000	100%	2027
FP61	Donald Street, Nelson Bay – footpath from Magnus Street to grassy knoll	7,875	100%	2027
SP62	Victoria Parade, Nelson Bay – shared path from Magnus Street to Yacaaba Street	165,300	100%	2027
SP63	Salamander Way, Salamander Bay – shared path from Port Stephens Drive to Community Close	904,500	100%	2027
SP64	Beach Road, Shoal Bay – shared path from Harwood Avenue to Shoal Bay Road	161,500	100%	2027
SP65	Government Road, Shoal Bay – shared path from Messines Street to Peterie Street	241,300	100%	2027
SP66	Government Road, Shoal Bay – shared path from Peterie Street to Sylvia Street	159,600	100%	2027
SP67	Shoal Bay Road, Shoal Bay – shared path from Beach Road to end of existing path	155,800	100%	2027
SP68	Sylvia Street, Shoal Bay – shared path from Government Road to Horace Street	36,100	100%	2027
Total Estimate		5,494,755		

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Fern Bay/Fullerton Cove

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP69	Nelson Bay Road, Fern Bay – shared path from Braed Road to Bayway Village	579,000	100%	2026
SP70	Shared path between Seaside Boulevard and Popplewell Road	725,000	100%	2026
SP71	Nelson Bay Road, Fern Bay – shared path from Vardon Road to existing CoN path.	228,000	100%	2026
Total Estimate		1,532,000		

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A.9 Bus facilities

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS1	Elizabeth Avenue at Bareena Street, Raymond Terrace – bus shelter	20,000	60%	2036
BS2	Rees James Road (near SE5), Raymond Terrace – bus shelter	20,000	60%	2036
Total Estimate		40,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS3	Tarean Road at golf course, Karuah – bus shelter	40,000	80%	2036
BS4	Fitzroy Street at Campbell Avenue and Admiralty Drive at Caswell Crescent, Tanilba Bay – bus shelter	40,000 20,000	80%	2036
BS5	Lemon Tree Passage Road at Blanch Street, Lemon Tree Passage – bus shelter	20,000	60%	2036
BS6	Nelson Bay Road at Lemon Tree Passage Road, Salt Ash – bus shelter	20,000	60%	2036
BS7	Nelson Bay Road at Steel Street, Williamtown – bus shelter	20,000	60%	2036
Total Estimate		120,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS8	Fitzroy Street at Campbell Avenue, Anna Bay – bus shelter	20,000	60%	2036
Total Estimate		20,000		

Fern Bay/Fullerton Cove

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS9	Fern Bay – relocate, replace, upgrade or remove 11 existing bus shelters and provide pedestrian refuge on Nelson Bay Road for access	515,000	100%	2036
Total Estimate		515,000		

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A.10 Fire and Emergency Services

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF1	Seaham – enclose existing carport at RFS station to provide a training room and kitchen facilities	80,000	60%	2020
Total Estimate		80,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF2	Corlette – Expand current SES building by three vehicle bays	300,000	60%	2020
FEF3	Soldiers Point - expand current facility to 3 vehicle-bay and adding a training room at Soldiers Point	250,000	60%	2031
Total Estimate		550,000		

Fern Bay/Fullerton Cove

	Kings Hill – Erect new 3-bay RFS station	1,400,000		2031
Total Estimate		1,400,000		

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A.11 Flooding and Drainage Works

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD1	Tregenna Street, Raymond Terrace – upgrading the drainage system at the intersection of Tregenna Street and Adelaide Street	650,000	70%	2020
FD2	Elizabeth Street, Raymond Terrace – construction of a new drainage system from Elizabeth Street to Philip Street via Charles Street	550,000	70%	2020
FD3	Kingslon Parade, Heatherbrae – upgrading the drainage system from Kingslon Parade to the floodplain via 5 Kingslon Parade	300,000	70%	2020
FD4	Richardson Road/Halloran Way, Raymond Terrace - detention basin with pre-treatment	850,000	70%	2020
FD5	Enterprise Drive, Tomago - upgrade drainage system at Enterprise Drive	350,000	70%	2027
Total Estimate		2,700,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD6	Abundance Road, Medowie - construction of a new drainage system from Abundance Road to Campvale Drain	600,000	100%	2020
FD7	Abundance Road, Medowie – land acquisition	2,000,000	100%	2025
FD8	Campvale Drain, Medowie - augmentation of Campvale Drain from pinch Point to the pumping station	500,000	100%	2027
FD9	James Road, Medowie - enlarge 200m of existing drain between 102 and 104 James Road, creation of trunk drainage system and easement	900,000	70%	2027
FD10	George Street, Karuah – construct a new drainage system	200,000	100%	2027
FD11	Meredith Avenue, Lemon Tree Passage – upgrade the existing drainage system	500,000	50%	2032
Total Estimate		4,700,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD12	Waratah Avenue, Soldiers Point – upgrading the drainage system and construction of a new drainage channel	400,000	50%	2020
FD13	Magnus Street, Nelson Bay – construct drainage system from Magnus Street to Victoria Parade and construct the overflow pipe drainage system	800,000	50%	2027
FD14	Soldier Point Road, Salamander Bay - upgrading the trunk drainage system at the intersection of Fleet Street and Soldiers Point Road	300,000	50%	2027
FD15	Nelson Bay Road, Anna Bay – widening of Fern Tree Drain	800,000	50%	2027
FD16	Stockdon Street, Nelson Bay - extending and upgrading the drainage system at 45 Donald Street to Donald Street drainage system	300,000	50%	2027
FD17	Gan Gan Road, Anna Bay – upgrade drainage between Moma Point Road and McKinley Swamp	3,765,000	50%	2032
Total Estimate		6,365,000		

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A.12 Cross Boundary Projects – City of Newcastle

Fern Bay/Fullerton Cove

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CBP1	South Stockton Active Hub	200,000 158,143	100%	2020 2022
	Stockton Local Centre Upgrade	600,000		2020
	Corroba Oval Upgrade	800,000		2021
	Stockton Tennis Court Upgrade	300,000		2021
CBP2	Stockton sporting facilities – upgrades to Corroba Oval, Ballast Ground, pool, netball and tennis court and supporting infrastructure	2,372,146	60%	2023
Total Estimate		1,900,000 2,530,289		

Appendix B

Projected Population Data

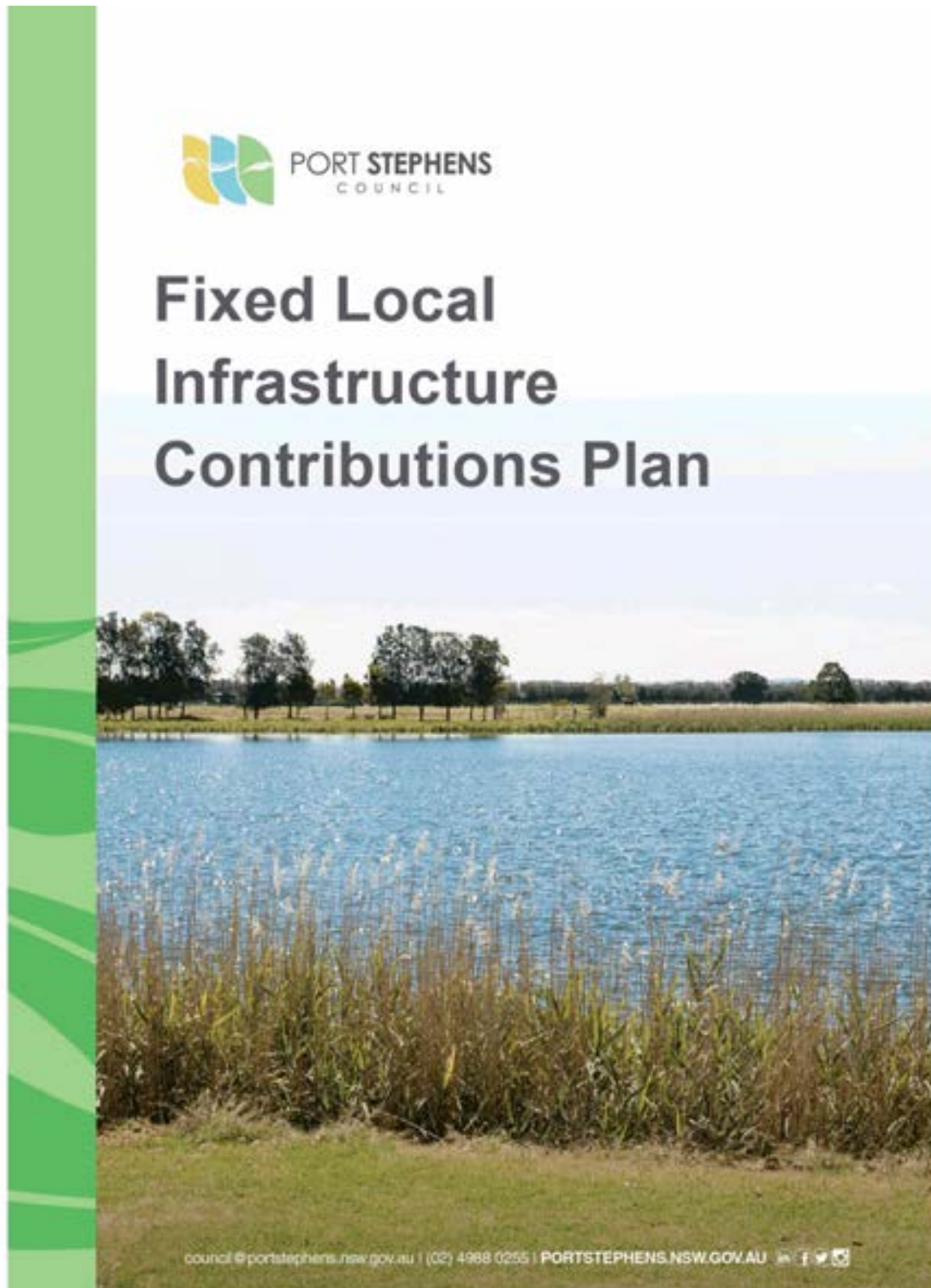
ITEM 6 - ATTACHMENT 2 DRAFT PORT STEPHENS LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN.

This data has been collated and prepared by REMPLAN, based on the 2016 Census, trends for births, deaths and migrations and an audit of the estimated development pipeline, including determined development applications and land identified in strategies and rezoning applications.

	Projected Dwelling Numbers								
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Raymond Terrace – Rural	8,243	8,321	8,399	8,475	8,538	8,565	8,592	8,616	8,628
Central Growth Corridor	8,866	9,043	9,226	9,447	9,681	9,789	9,818	9,841	10,050
Tomaree	16,112	16,161	16,201	16,226	16,246	16,261	16,272	16,289	16,368
Fern Bay	1,818	1,871	1,933	2,001	2,053	2,106	2,158	2,193	2,218

	Projected Dwelling Numbers									Total Dwelling Increase
	2027/28	2028/29	2029/30	2030/31	2032/33	2033/34	2034/35	2035/36	2036/37	
Raymond Terrace – Rural	8,639	8,649	8,657	8,664	8,858	9,011	9,242	9,444	9,690	1,447
Central Growth Corridor	10,265	10,488	10,717	10,954	11,141	11,314	11,466	11,591	11,712	2,846
Tomaree	16,489	16,616	16,713	16,814	16,942	17,104	17,270	17,425	17,596	1,484
Fern Bay	2,243	2,268	2,293	2,318	2,319	2,320	2,322	2,323	2,325	507

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**ITEM 6 - ATTACHMENT 3 DRAFT PORT STEPHENS FIXED LOCAL
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1.0 Introduction

1.1 Name of this Plan and Commencement

This is the Port Stephens Fixed Local Infrastructure Contributions Plan 2020 (the Plan). The Plan commences on **1 January 2020**.

1.2 Purpose and Objectives of this Plan

The primary purpose of the Plan is to satisfy the requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and authorise the imposition of conditions of consent requiring contributions for the provision of public services and amenities as a result of the increase in demand caused by new development.

The objectives of the Plan are to:

- (a) Authorise the imposition of conditions on development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the Act and in accordance with this Plan;
- (b) To assist Port Stephens Council (Council) to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area; and
- (c) To identify the purposes for which contributions are required.

1.3 Land to which this Plan Applies

This Plan applies to all land within the Port Stephens Local Government Area (LGA) as shown in the Land Application Map below.

1.4 Interpretation

Words and expressions used in this Plan have the same meaning as the Act and *Port Stephens Local Environmental Plan 2013* (PSLEP), unless otherwise defined in the Plan.

1.5 Development to which this Plan Applies

This Plan applies to development, excluding development to which the Port Stephens Local Infrastructure Contributions Plan applies and other exclusions listed below.

This Plan does not apply to development identified as exempt from requirements to pay contributions in any applicable Ministerial Direction issued under s7.17 of the Act.

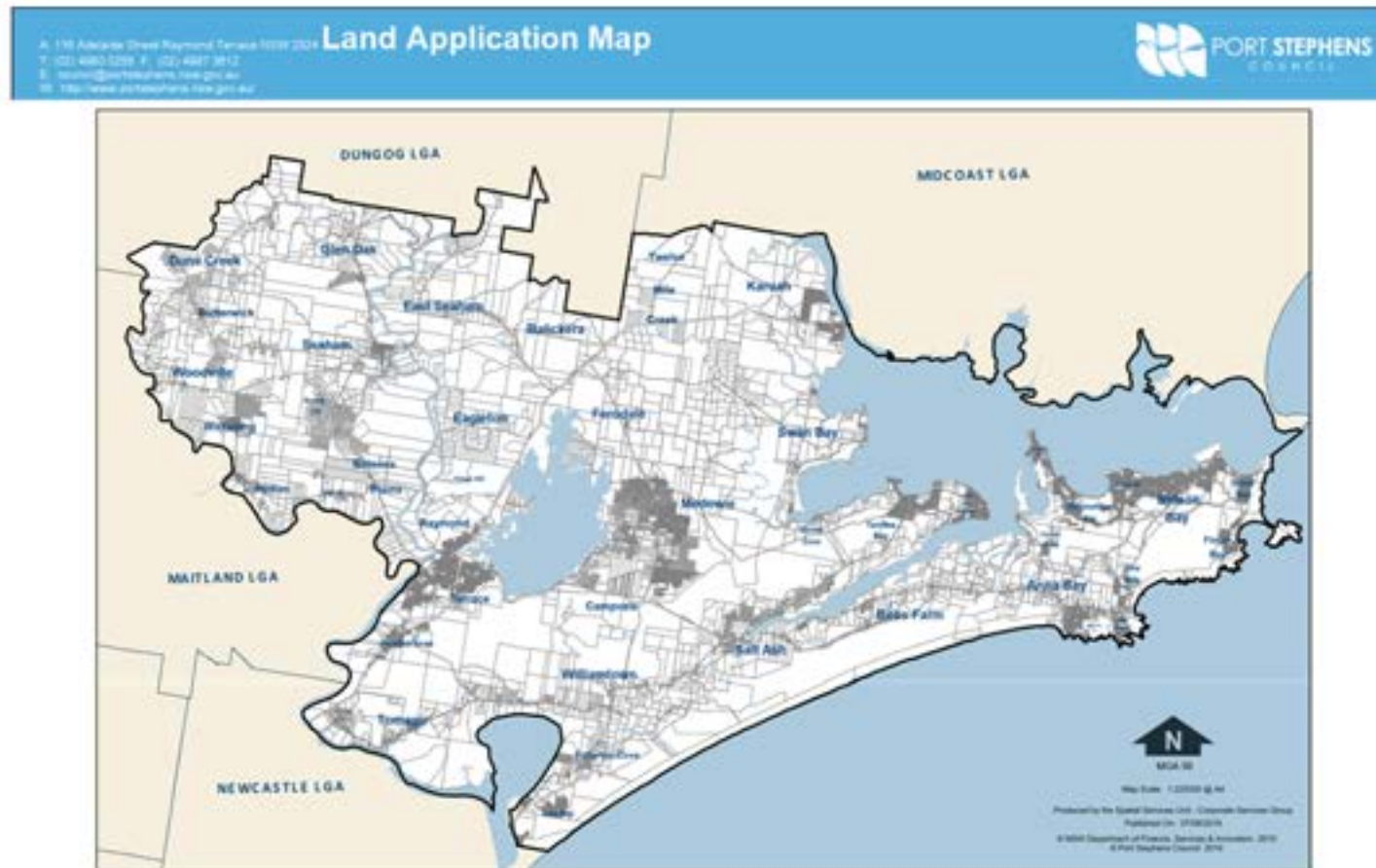
This Plan does not apply to public infrastructure carried out by or on behalf of Council, such as, but not limited to, libraries, community facilities, recreation areas and facilities, and car parks.

1.6 Application of Money Collected under this Plan

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Money paid to Council under a condition authorised by this Plan is to be applied towards meeting the costs of one or more local infrastructure as projects listed within the Works Schedule, but not necessarily in the order specified in the Works Schedule.

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1.7 Savings and Transitional Agreements

Local infrastructure contributions required under this Plan shall be determined at the date of determination of the development application or the date of issue of the complying development certificate.

This Plan applies to applications lodged but not determined before the date of commencement of the Plan.

This Plan does not affect any conditions of consent imposed under a previous plan(s). Any application made under the Act to modify a development consent issued before the commencement date of this Plan will be determined against the plan that applied at the date the consent was originally determined.

1.8 Relationship to Other plans

This plan repeals the Port Stephens Fixed Development Contributions Plan 2007. The repeal of the Port Stephens Fixed Development Contributions Plan 2007 does not affect the previous operation of that plan or anything duly completed under that plan, including any indexation provisions. Development consents, including a condition requiring development contributions levied under a previous plan will continue in force.

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2.0 Administration and Operation

2.1 Calculating the Contributions

Contributions will be determined in accordance with the maximum levies set out in Clause 25K of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), as summarised in the table below.

Type of Development	Levy
All development with a proposed cost of up to and including \$100,000	Nil
All development with a proposed cost of more than \$100,000 and up to and including \$200,000	0.5% of that cost
All development with a proposed cost of more than \$200,000	1% of that cost

2.2 Calculating the Cost of Works

Clause 25J of the Regulation provides the framework for determining the proposed cost of development:

- 1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation;
 - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed;
 - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- 2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- 3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - (a) the cost of the land on which the development is to be carried out;
 - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development;
 - (c) the costs associated with marketing or financing the development (including interest on any loans);
 - (d) the costs associated with legal work carried out or to be carried out in connection with the development;

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- (e) project management costs associated with the development;
- (f) the cost of building insurance in respect of the development;
- (g) the costs of fittings and furnishings, including any refitting or refurbishing; associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land);
- (h) the costs of commercial stock inventory;
- (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law;
- (j) the costs of enabling access by disabled persons in respect of the development;
- (k) the costs of energy and water efficiency measures associated with the development;
- (l) the cost of any development that is provided as affordable housing;
- (m) the costs of any development that is the adaptive reuse of a heritage item.

For the purposes of subclause (2) above, a development application or an application for a complying development certificate *must* be accompanied by a report setting out an estimate of the proposed cost of carrying out development prepared as follows:

- ***Where the estimated cost of carrying out the whole of the development as approved by the consent is \$1,000,000 or less*** - a cost summary report in accordance with Appendix A of this Plan; or
- ***Where the estimated cost of carrying out the whole of the development as approved by the consent is more than \$1,000,000*** - A quantity surveyor's detailed cost report, completed by a quantity surveyor who is a registered associate member or above of the Australian Institute of Quantity Surveyors, in accordance with Appendix A of this Plan of this Plan.

Council may review the valuation of works and seek to have the report independently reviewed to verify the costs. The cost of any independent review will be borne by the applicant prior to the determination of the application. No consent will be issued until such time that the costs have been paid.

2.3 Settlement of Contributions

Contributions must be paid at the time specified in the condition imposing the contribution. If no time is specified, the levy must be paid in accordance with the following:

- Development applications for subdivision where subdivision construction works are proposed – prior to the issue of the subdivision certificate;
- Development applications for building or other work – prior to the issue of the construction certificate;
- Development applications for both building work and subdivision – prior to the issue of the construction certificate, subdivision works certificate, or release of the subdivision certificate, whichever comes first;
- Development requiring a complying development certificate – before the commencement of any building work or subdivision work authorised by the certificate; or

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- Development applications where no building approval is required; prior to commencement of the use in accordance with the conditions of consent.

2.4 Accredited Certifiers

In accordance with the Regulation, an accredited certifier must not issue a construction certificate for building work or subdivision work unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the accredited certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by Council. In such cases, Council will issue advice confirming that an alternative payment method has been agreed with the applicant.

Under section 7.21 of the Act, accredited certifiers are responsible for calculating local infrastructure contributions for complying development and imposing a condition requiring contributions on a complying development certificate in accordance with this Plan. Accredited certifiers must notify Council of their determination within two business days of making the determination, in accordance with the Regulation. Applicants must pay the monetary contribution before commencing the complying development works.

2.5 Indexation

Pursuant to Clause 25J(4) of the Regulation, the proposed cost of carrying out development is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (CPI) All Group Index Number for the weighted average of eight capital cities between the date the proposed cost was determined by the Council and the date the levy is paid.

Contributions required as a condition of consent under the provisions of this Plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

$$\text{Contribution at time of payment} = \text{ODC} + A$$

Where

ODC is the original contribution as set out in the consent
A is the adjustment amount which is
 $\text{ODC} \times [(\text{Current Index} - \text{Base Index}) / \text{Base Index}]$

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Where

Current Index is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics available at the time of review of the contribution rate.

Base Index is the CPI Sydney - All Groups, as published by the Australian Bureau of Statistics at the date of issuing development consent or the Complying Development Certificate.

Note: In the event that the Current CPI Sydney - All Groups, is less than the previous CPI Sydney - All Groups, the current index shall be taken as not less than the previous index.

2.6 Deferred or Periodic Payments

Council, at its complete discretion, may permit the settlement of contributions for local infrastructure on a deferred basis. Such a request must:

- Be made in writing by the applicant with valid reasons for deferral;
- Not prejudice the timing or the manner of the provision of public facilities included in the Works Schedule; and
- In the case of a contribution being made by way of a VPA, WKA, MPBA or land dedication in lieu of a cash contribution, Council and the applicant must have a legally binding agreement for the provision of works or land dedication.

If the application for deferral is accepted, the following conditions will apply:

- (a) Deferral of settlement will be for a maximum of one year or until commencement of use in accordance with the conditions of consent (whichever comes first);
- (b) The bank guarantee will be issued by an Australian bank or a bank in Australia for the amount of the total contribution or the amount of the outstanding contribution, plus an amount equal to thirteen months interest;
- (c) Any changes associated with managing the bank security are payable by the applicant;
- (d) The bank unconditionally pays the guaranteed sum to the Council, if the Council so demands in writing, not earlier than 12 months from the provision of the guarantee or completion of the work;
- (e) The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- (f) The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- (g) Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid; and
- (h) Indexing will be calculated from the date the contribution was due until the date of payment.

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2.7 Other Forms of Contributions

Other forms of local infrastructure contributions that may be considered under the provisions of the Act include:

1. Dedication of land;
2. Voluntary Planning Agreement; and
3. Works in Kind or Material Public Benefit Agreement.

The acceptance of other forms of contributions is at the complete discretion of Council and developers should refer to relevant Council policies and guidelines prior to lodging a development application.

2.8 Pooling of Contributions

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. In this regard, contributions collected will be allocated to works as indicated in the schedules.

Appendix A

Cost Summary Reports

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Cost Summary Report

Development Costs less than \$1,000,000

Development Application No:	_____
Complying Development No:	_____
Date:	_____
Applicant's name:	_____
Applicant's address:	_____
Development type:	_____
Development address:	_____

DEVELOPMENT COSTS:

Demolition and alterations	\$
Structure	\$
External walls, windows and doors	\$
Internal walls, screens and doors	\$
Wall finishes	\$
Floor finishes	\$
Ceiling finishes	\$
Fittings and equipment	\$
Hydraulic services	\$
Mechanical services	\$
Fire Services	\$
Lift Services	\$
External works	\$
External services	\$
Other related works	\$
Subtotal	\$
Subtotal above carried forward	\$
Preliminaries and margin	\$

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Consultants fees	\$
Other related development costs	\$
GST	\$
Total Development Costs	\$

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development certificate.
- Calculated the proposed cost of carrying out the development in accordance with clause 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices.
- Included GST in the calculation.

Signed:

Name:

Position & Qualifications:

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**Quantity Surveyor's Cost Summary Report
Development Costs greater than \$1,000,000**

Development Application No: _____

Complying Development No: _____

Date: _____

Applicant's name: _____

Applicant's address: _____

Development type: _____

Development address: _____

Development Details:

Gross Floor Area – Commercial	m ²	Gross Floor Area – other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area Car parking	m ²	Total car parking spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

Estimate Details

Professional fees	\$	Excavation	\$
% of Development cost	%	Cost per m ² of site area	\$ /m ²
% of Construction cost	%	Car park	\$
Demolition and site preparation	\$	Cost per m ² of site area	\$ /m ²
Cost per m ² - site area	\$ /m ²	Cost per space	\$
Construction - Commercial	\$	Fit out – Commercial	\$
Cost per m ² - commercial area	\$ /m ²	Cost per m ² - commercial area	\$ /m ²

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Construction Residential	\$	Fit out - residential	\$
Cost per m ² - residential area	\$ /m ²	Cost per m ² - residential area	\$ /m ²
Construction – retail	\$	Fit out - retail	\$
Cost per m ² - retail area	\$ /m ²	Cost per m ² - retail area	\$ /m ²

I certify that I have:

- Inspected the plans the subject of the application for development consent, complying development certificate.
- Prepared and attached an elemental estimate generally prepared in accordance with the most recent Australian Cost Management Manuals published by the Australian Institute of Quantity Surveyors (AIQS).
- Calculated the proposed cost of carrying out the development in accordance with clause 25J of the *Environmental Planning and Assessment Regulation 2000* at current prices.
- Included GST in the calculation.
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed:

Name:

Position & Qualifications:

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Appendix B

Work Schedule

- | | |
|------|---|
| A.1 | Depot and Administration Building |
| A.2 | Town Centre Upgrades |
| A.3 | Public Open Space, Parks & Reserves |
| A.4 | Sports & Leisure Facilities |
| A.5 | Community & Cultural Facilities |
| A.6 | Road Works |
| A.7 | Medowie Traffic & Transport |
| A.8 | Shared Paths |
| A.9 | Bus Facilities |
| A.10 | Fire and Emergency Services |
| A.11 | Flooding and Drainage Works |
| A.12 | Newcastle Council Cross Boundary Projects |

The Work Schedule gives detail of the specific public amenities and services proposed by the Council, together with an estimate of their cost and staging.

Both staging and costs will be reviewed annually in line with capital works programming and a full review of Works Schedules will be conducted every 5 years.

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A.1 Depot and Administration Buildings

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CAF1	Raymond Terrace Works Depot	11,250,000	60%	2020
CAF2	Nelson Bay Works Depot	7,500,000	60%	2020
Total Estimate		18,750,000		

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A.2 Town Centre Upgrades

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
TCU1	Meadowie – Town Centre Upgrades	7,500,000	60%	2036
TCU2	Fern Bay – Town Centre Upgrades	7,500,000	60%	2036
TCU3	Nelson Bay – Town Centre Upgrades	15,000,000	60%	2036
TCU4	Raymond Terrace – Town Centre Upgrades	20,500,000	60%	2036
Total Estimate		\$0,500,000		

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A.3 Public Open Space, Parks and Reserves

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF1	Knox Park, Raymond Terrace - playground replacement	70,000	60%	2020
OSF2	Hinton - construction of public amenities	200,000	60%	2020
OSF3	Lakeside 2 Reserve, Raymond Terrace - public amenities	150,000	100%	2020
OSF4	Bettles Park, Raymond Terrace - park improvements, entry feature, succession planting, park furniture etc.	120,000	40%	2020
OSF5	Feeney Park, Raymond Terrace - playground	70,000	60%	2020
OSF6	Seaham Park, Seaham - playground	150,000	60%	2020
OSF7	Seaham Park, Seaham - park furniture, shelters and BBQ	60,000	40%	2020
OSF8	Kitty Hawk - playground, park furniture and shade trees	120,000	60%	2024
OSF9	Raymond Terrace Foreshore, Raymond Terrace - Riverside Park - public amenities	150,000	60%	2025
OSF10	Wallalong - playground	150,000	60%	2025
Total Estimate		1,240,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF11	Boyd Oval, Medowie - play facilities, furniture, paths and landscape improvements	70,000	60%	2020
OSF12	Aliceton Reserve, Karuah - landscaping, playground and recreation facilities	250,000	100%	2020
OSF13	Memorial Park, Karuah - park furniture and carpark works	50,000	40%	2020
OSF14	Kindebank Reserve, Medowie - playground	70,000	60%	2020
OSF15	Koondah Park to Rudd Reserve, Lemon Tree Passage - park furniture and respite seating	50,000	100%	2020
OSF16	Peace Park, Tanilba Bay - park furniture and BBQ facilities	50,000	60%	2020
OSF17	Aliceton Reserve, Karuah - public amenities	150,000	100%	2024
OSF18	Medowie - playground, amenities, park furniture, paths and landscape improvements	2,000,000	100%	2024
OSF19	Coolabah Reserve, Medowie - park furniture, seating and half multi-sport court	70,000	60%	2024
OSF20	Crichton Drive Reserve, Medowie - playground	70,000	60%	2024
OSF21	Coachwood Reserve, Medowie - off-leash dog exercise area improvements	80,000	40%	2024
OSF22	Henderson Park, Lemon Tree Passage - masterplan and design	30,000	100%	2024
OSF23	Henderson Park, Lemon Tree Passage - upgraded paths, landscaping, park furniture and BBQ	150,000	60%	2024
OSF24	Stephens Square, Maitabula - recreational facilities improvement	70,000	60%	2024
OSF25	Foster Park, Tanilba Bay - boat ramp	300,000	60%	2024
OSF26	Gula Reserve, Tanilba Bay - playground	70,000	60%	2024
OSF27	Lilly Pilly Reserve, Lemon Tree Passage - boat ramp	300,000	60%	2025
OSF28	McCann Park, Lemon Tree Passage - recreation facility improvements	150,000	60%	2025
OSF29	Koondah Park, Lemon Tree Passage - formalise off-leash dog exercise area	80,000	100%	2025
OSF30	Sunset Park, Tanilba Bay - park furniture and upgrade works	60,000	40%	2025
OSF31	Henderson Park, Lemon Tree Passage - playground	150,000	60%	2031
OSF32	Medowie South - open space land acquisition	750,000	100%	2031
OSF33	Medowie North - open space land acquisition	750,000	100%	2031
Total Estimate		5,770,000		

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Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF34	Conroy Park Upgrades, Corlette – park furniture, shelters and BBQs	80,000	80%	2020
OSF35	Spencer Park, Soldiers Point - playground and park furniture	150,000	60%	2020
OSF36	Taylor's Beach – playground	70,000	60%	2020
OSF37	Little Beach, Nelson Bay – playground facilities upgrade	150,000	60%	2024
OSF38	George Reserve, Soldiers Point - playground, accessible pathways, landscaping and park furniture	250,000	60%	2024
OSF39	Shoal Bay Foreshore Reserve, Shoal Bay – park furniture, shelters and park facilities upgrades	200,000	100%	2024
OSF40	Anna Bay Recreation Area, Anna Bay - facilities improvement	100,000	60%	2025
OSF41	Angophora Park, Corlette - playground and park furniture	110,000	60%	2025
OSF42	Conroy Park, Corlette – public amenities block	150,000	60%	2025
OSF43	Barry Park, Fingal Bay - park furniture and improvements	60,000	60%	2025
OSF44	Fisherman's Bay – park furniture and shelters	60,000	60%	2025
OSF45	One Mile Beach, One Mile – park furniture, shelters and BBQs	60,000	60%	2025
OSF46	Bob Cairns, Salamander Bay - playground	70,000	60%	2025
OSF47	Pearson Park, Soldiers Point – park furniture upgrade	70,000	80%	2025
OSF48	Binubi Point Aboriginal Place, Anna Bay -masterplan implementation	1,000,000	60%	2025
OSF49	Boat Harbour – seating, shelters and BBQs	80,000	80%	2031
Total Estimate		2,780,000		

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
OSF50	Boomerang Park Raymond Terrace – off-leash dog exercise area	80,000	100%	2020
OSF51	Lakeside Aquatic Centre, Raymond Terrace – facilities upgrades	500,000	60%	2025
OSF52	Tomaree Aquatic Centre, Nelson Bay – facilities upgrades	500,000	60%	2025
OSF53	Tiligerry Aquatic Centre, Maitabula – facilities upgrades	200,000	60%	2025
OSF54	Nelson Bay Foreshore, Nelson Bay - playground upgrades and park facilities improvements	750,000	80%	2025
OSF55	Nelson Bay Foreshore, Nelson Bay - viewing platforms, lighting, beach facilities, beach access points, landscape improvement	500,000	80%	2025
OSF56	Apex Park redevelopment, Nelson Bay – implementation of masterplan	500,000	80%	2025
OSF57	Boomerang Park, Raymond Terrace – playground upgrade, park facilities improvements and skate park improvements	500,000	80%	2025
OSF58	Fly Point Reserve, Nelson Bay – skate park improvements	250,000	80%	2025
Total Estimate		3,780,000		

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A.4 Sports and Leisure Facilities

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF1	Lakeside Sports Complex, Raymond Terrace - Field renovation	200,000	60%	2025
SRF2	Brandon Park, Seaham - netball and tennis surface upgrades	150,000	60%	2025
SRF3	Brandon Park, Seaham - carpark upgrades	80,000	60%	2025
Total Estimate		430,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF4	Mallabula Sports Complex, Mallabula - playground upgrades	100,000	60%	2020
SRF5	Mallabula Sports Complex, Mallabula - review of masterplan	50,000	100%	2024
SRF6	Mallabula Skate Park, Mallabula - facilities upgrade	150,000	60%	2024
SRF7	Medowie - new courts and carpark for tennis	150,000	60%	2025
SRF8	Ferodale Sports Complex, Medowie - additional playing field and facility improvements	2,000,000	100%	2025
SRF9	Yulong Oval, Medowie - multipurpose amenities upgrades	1,200,000	60%	2025
SRF10	Mallabula Sports Complex, Mallabula - floodlighting and power upgrades	250,000	60%	2031
Total Estimate		3,900,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF11	Tomaree Aquatic Centre, Nelson Bay - shade structure	150,000	100%	2024
SRF12	Salamander Sports Complex, Salamander Bay - lighting upgrades	50,000	60%	2024
SRF13	Salamander Sports Complex, Salamander Bay - field renovation	400,000	60%	2024
Total Estimate		600,000		

All Catchments

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SRF14	King Park Sports Complex, Raymond Terrace - carpark upgrade	500,000	60%	2020
SRF15	Tomaree Sports Complex, Nelson Bay - Don Waring field upgrade	1,535,364	60%	2021
SRF16	Tomaree Sports Complex, Nelson Bay - sports pavilion B1	2,726,072	100%	2021
SRF17	King Park Sports Complex, Raymond Terrace - Implementation of Masterplan	7,500,000	100%	2025
SRF18	King Park Sports Complex, Raymond Terrace - Field renovation	400,000	60%	2025
SRF19	Tomaree Sports Complex, Nelson Bay - upgrade to Oval 1	3,644,952	60%	2027
SRF20	Tomaree Sports Complex, Nelson Bay - road realignment and new car park	786,659	60%	2027
SRF21	Tomaree Sports Complex, Nelson Bay - entry car park	625,515	60%	2027
Total Estimate		17,718,562		

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A.5 Community and Cultural Facilities

East Tamaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CCF1	Anna Bay – Multi-purpose Community Facility	1,500,000	80%	2027
Total Estimate		1,500,000		

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A.6 Roadworks

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW1	Richardson Road/Halloran Way, Raymond Terrace – roundabout extension	200,000	100%	2020
RW2	Paterson Street, Hinton – bridge to 3 Paterson Street	108,739	63%	2020
RW3	Giggins Road, Heatherbrae – Hank Street to end	109,940	77%	2020
RW4	Duns Creek Road, Duns Creek – 124 Duns Creek Road to 185 Duns Creek Road	276,480	48%	2020
RW5	Clarence Town Road, Glen Oak – 1598 Clarence Town Road to 1575 Clarence Town Road	346,949	47%	2020
RW6	Kurunga Avenue/Dawson Road, Raymond Terrace – upgrade intersection to roundabout	950,000	100%	2020
RW7	East Seaham Road, East Seaham – 806 East Seaham Road to 1042 East Seaham Road	1,121,170	48%	2020
RW8	Glenelg Street, Raymond Terrace – 12 Glenelg Street to Adelaide Street	165,750	54%	2025
RW9	Adelaide Street, Raymond Terrace – 249a Adelaide Street to 251 Adelaide Street	268,497	54%	2025
RW10	Duns Creek Road, Duns Creek – 201 Duns Creek Road to 238 Duns Creek Road	296,352	48%	2025
RW11	Duns Creek Road, Duns Creek – 238 Duns Creek Road to 316 Duns Creek Road	317,952	59%	2025
RW12	East Seaham Road, East Seaham – 248 East Seaham Road to 248 East Seaham Road	149,532	64%	2025
RW13	East Seaham Road, East Seaham – 248 East Seaham Road to 318 East Seaham Road	163,218	64%	2025
RW14	East Seaham Road, East Seaham – 318 East Seaham Road to 348 East Seaham Road	337,634	64%	2025
RW15	East Seaham Road, East Seaham – 348 East Seaham Road to 407 East Seaham Road	481,257	64%	2025
RW16	Rees James Road, Raymond Terrace – Bellevue Street to Kurunga Avenue	768,006	81%	2025
RW17	Rees James Road, Raymond Terrace – Kurunga Avenue to 40 Rees James Road	427,775	81%	2025
RW18	Rees James Road, Raymond Terrace – 42 Rees James Road to 50 Rees James Road	354,822	81%	2025
RW19	Rees James Road, Raymond Terrace – 50 Rees James Road to end	666,517	88%	2025
	Six Mile Road, Eagleton – 149 Six Mile Road to Winston Road	354,897		2025
	Six Mile Road, Eagleton – Winston Road to 401 Six Mile Road	1,245,249		2025
	Six Mile Road, Eagleton – 401 Six Mile Road to 431 Six Mile Road	670,914		2025
RW23	Central Carpark, Raymond Terrace	729,302	44%	2025
RW24	Lakeside Sports Complex 1, Raymond Terrace	795,984	33%	2025
RW25	Lakeside Sports Complex 2, Raymond Terrace	1,475,695	70%	2025
RW26	King Park Sports Complex 1, Raymond Terrace	959,023	44%	2025
	Six Mile Rd, Eagleton – 6 Six Mile Road to 149 Six Mile Road	610,546		2030
RW28	Boomerang Park 2, Raymond Terrace	271,187	44%	2030
Total Estimate		14,623,387	11,741,781	

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW29	The Bucketts Way, Twelve Mile Creek – 309 The Bucketts Way to 309 The Bucketts Way	235,104	38%	2020
RW30	The Bucketts Way, Twelve Mile Creek – 451 The Bucketts Way to boundary	272,256	33%	2020
RW31	Ferodale Road, Medowie – 51 Ferodale Road to 85 Ferodale Road	360,000	72%	2020
RW32	Tanilba Road, Murrumbidgee – Fairlands Road to Murrumbidgee Road	606,864	85%	2020
RW33	Ferodale Road – Campvale drain bridge upgrade	1,200,000	100%	2020
RW34	Richardson Road/Grahamstown Dam Road, Campvale – upgrade intersection to roundabout	2,000,000	100%	2020

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RW35	Ferodale Road/Peppertree Road, Medowie – upgrade intersection to signalised	1,600,000	100%	2020
RW36	Medowie Road, Campvale – 276 Medowie Road to start of island	108,540	63%	2025
RW37	Ferodale Road, Medowie – Roundabout to 38 Ferodale Road	187,479	54%	2025
RW38	Ferodale Road, Medowie – Roundabout to 46 Ferodale Road	111,387	54%	2025
RW39	Ferodale Road, Medowie – 38 Ferodale Road to 44 Ferodale Road	157,783	54%	2025
RW40	Ferodale Road, Medowie – 21 Lavenock Avenue	333,590	64%	2025
RW41	Avenue Of The Allies, Tanilba Bay - Diggers Drive to Lemon Tree Passage Road	664,589	66%	2025
RW42	Grahamstown Road, Medowie - Aquatic Centre to 8 Grahamstown Road	886,761	74%	2025
RW43	Tarean Road, Karuah – 233 Tarean Road to 264 Tarean Road	275,962	54%	2030
RW44	Tarean Road, Karuah – 264 Tarean Road to 370 Tarean Road	275,962	54%	2030
RW45	Tarean Road, Karuah – 423 Tarean Road to 443 Tarean Road	173,664	54%	2030
RW46	Tarean Road, Karuah – 443 Tarean Rd to 446 Tarean Rd	275,962	54%	2030
RW47	Yulong Park, Medowie	584,634	44%	2030
Total Estimate		10,310,537		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
RW48	Tomaree Road, Shoal Bay – Messines Street to 42 Tomaree Road	294,910	78%	2020
RW49	Tomaree Road, Shoal Bay – 42 Tomaree Road to 86 Tomaree Road	522,161	78%	2020
RW50	Tomaree Road, Shoal Bay – 86 Tomaree Road to 136 Tomaree Road	685,355	78%	2020
RW51	Gowie Avenue, Nelson Bay – Shoal Bay Road to Kerrigan Street	308,172	78%	2020
RW52	Tomaree Sports Complex 2, Nelson Bay	1,273,795	70%	2020
RW53	One Mile Beach Reserve 2, One Mile	255,024	70%	2020
RW54	Dowling Street, Nelson Bay – Fingal Street to 29 Dowling Street	359,558	73%	2025
RW55	Foreshore Drive, Corlette – 45 Foreshore Drive to 83 Foreshore Drive	418,736	75%	2025
RW56	Church Street, Nelson Bay – Government Road to Dowling Street	479,338	59%	2025
RW57	Dowling Street, Nelson Bay – parking action – bypass work	750,000	100%	2022
RW58	Dowling St/Fingal St – parking action – signalised intersection	1,600,000	40%	2026
RW59	Donald St/Stockton St – parking action – signalised intersection	1,600,000	40%	2026
Total Estimate		8,527,049		

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A.7 Medowie Traffic & Transport

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
MTT1	Medowie Road – gateway treatment at entrance to Medowie north of Boundary Road	33,000	43%	2021
MTT2	Medowie Road – gateway treatment and change in speed zone north of Kindiebark Drive,	33,000	43%	2021
MTT3	Medowie Road – gateway treatment at entrance to Medowie south of South Street	33,000	43%	2021
MTT4	Medowie Road – gateway treatment and change in speed zone south of Ferodale Road	33,000	43%	2021
MTT4	Medowie Road – horizontal displacement mid-block treatment between Boundary Road and Kirrang Drive	50,000	43%	2021
MTT5	Medowie Road/Brocklesby Road – upgrade intersection to roundabout	2,050,000	43%	2021
MTT6	Lisadell Road and Abundance Road – pavement widening from Fairlands Road to Industrial Road	2,050,000	43%	2021
MTT7	Lisadell Road/Fairlands Road – road widening and upgrade intersection to roundabout	802,000	43%	2021
MTT8	Lisadell Road/Abundance Road – road realignment to create a T intersection with priority given to the through movement.	615,000	43%	2021
MTT9	Abundance Drive – gateway treatment and change in speed zone south of Industrial Road	33,000	43%	2021
MTT10	Abundance Drive/Ferodale Road – upgrade intersection to roundabout	902,000	43%	2021
MTT11	Ferodale Road/Kirrang Drive – upgrade existing roundabout	820,000	43%	2021
MTT12	Ferodale Road – upgrade entrance to commercial land at 37B Ferodale Road to roundabout	820,000	43%	2021
MTT13	Various roads – on-road signage and line markings	16,500	43%	2021
MTT14	Medowie Road – off-road shared path from Boundary Road to Kirrang Drive	450,000	43%	2021
MTT15	Medowie Road – off-road shared path from Federation Drive to Kindiebark Drive	515,000	43%	2021
MTT16	Medowie Road – off-road shared path from Medowie Road to Cherry Tree Close	50,000	43%	2021
MTT17	Medowie Road – off-road shared path from Silver Wattle Drive to Ferodale Road	205,000	43%	2021
MTT18	Medowie Road – off-road shared path from Ferodale Road to 500m south	500,000	43%	2021
MTT19	Various roads – on-road signage and line markings within rural-residential areas	16,500	43%	2021
MTT20	Ferodale Rd – Off-road shared path from Kirrang Drive to Coachwood Drive	1,080,000	43%	2021
MTT21	Ford Avenue – off-road shared path with cadastral corridor from Ford Avenue to Sylvan Avenue	50,000	43%	2021
MTT22	Medowie Road – upgrade pedestrian refuge at Kirrang Drive/Federation Drive	24,200	43%	2021
MTT23	Medowie Road – upgrade pedestrian refuge south of Kindiebark Drive	24,200	43%	2021
MTT25	Medowie Road – install pedestrian refuge island at Silver Wattle Drive	24,200	43%	2021
MTT24	Silver Wattle Drive – install pedestrian refuge island at Medowie Road	24,200	43%	2021
MTT26	Medowie Road – upgrade pedestrian refuge island at Ferodale Road	24,200	43%	2021
MTT27	Medowie Road – install pedestrian refuge island south of Ferodale Road	50,000	43%	2021
MTT28	Medowie Road install pedestrian refuge island at Blueberry Road	24,200	43%	2021
MTT29	Kirrang Drive – install pedestrian refuge island at Ferodale Road	24,200	43%	2021
MTT30	Brocklesby Road – install pedestrian refuge island at Ferodale Road	25,000	43%	2021
MTT31	Ferodale Road – upgrade pedestrian refuge island west of Medowie Road	24,200	43%	2021
MTT32	Various Intersection Upgrades – kerb and gutter and ramps at Ferodale Road intersection with Waropara, Bottle Brush Avenue and Kirrang Drive	157,500	43%	2021
MTT33	Install Bicycle Parking Facilities	50,000	43%	2021
MTT34	Medowie Road/Kindiebark Drive – upgrade intersection to roundabout	820,000	43%	2032
MTT35	Brocklesby Road – off-road shared path from Medowie Road to Ferodale Road	975,000	43%	2032
MTT36	Medowie Road – off-road shared path from Ferodale Road to South Street	1,280,000	43%	2032

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MTT37	Waropara Rd – off-road shared path from Ferodale Road to Kula Road	800,000	43%	2032
MTT38	Medowie Road/Blueberry Road – improve channelisation of intersection	175,000	43%	2032
MTT39	Medowie Rd – improve roundabout approaches at intersections with Ferodale Road, South Street and access to Kingston site	3,000,000	43%	2032
MTT40	Wilga Road – off-road shared path from Wilga Road to Town Centre including bridge for creek crossing	360,000	43%	2032
MTT41	Kirrang Drive – off-road shared path from Ferodale Road to Medowie Road	870,000	43%	2032
Total Estimate		19,934,100		

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A.8 Shared Paths

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP1	Raymond Terrace to Lakeside, Raymond Terrace - construction of a new shared pathway	350,000	100%	2020
SP2	King Park waterfront, Raymond Terrace - construction of a new shared pathway	450,000	16%	2027
SP3	Kingston Parade, Heatherbrae - shared path from Kingston Parade to Pacific Highway	28,500	100%	2027
SP4	Pacific Highway, Heatherbrae - shared path from Kingston Parade to Hunter River High School	108,300	100%	2027
SP5	Paterson Road, Hinton - shared path from High Street to Swan Street	250,000	100%	2027
FP6	Swan Street, Hinton - footpath from Hinton Road to Stuart Park	85,500	100%	2027
SP7	Warren Street, Seaham - shared path from school crossing to community hall	70,300	100%	2027
SP8	Lakeside No 2 Reserve, Raymond Terrace shared path from Halloran Way to Luskin Close	48,600	100%	2027
	Wattle Street, Raymond Terrace shared path from Tarean Road to Engel Avenue	45,600		2027
SP10	King Park Reserve, Raymond Terrace - shared path from Newline Road to Fitzgerald Bridge	315,400	100%	2027
SP11	Beaton Avenue, Raymond Terrace - shared path from Kanwar Close to King Park	220,000	100%	2027
SP12	Adelaide Street, Raymond Terrace - shared path from Richardson Road to Roslyn Park	280,000	100%	2027
SP13	Mount Hall Road, Raymond Terrace - shared path from Clyde Circuit to Pacific Highway underpass	81,700	100%	2027
SP14	Glenn Street, Raymond Terrace - shared path from Adelaide Street to Golf course	400,000	100%	2027
SP15	Hunter Street, Raymond Terrace - shared path from William Street to Barmer Lane	74,000	100%	2027
SP16	Newbury Park Reserve, Raymond Terrace - shared path from Adelaide Street to Mount Hall Road	89,700	100%	2027
SP17	Pacific Highway, Raymond Terrace - shared path from Martens Avenue to Rosemount Drive	92,000	100%	2027
FP18	Kangaroo Street, Raymond Terrace - footpath from Port Stephens Street to Carmichael Street	16,100	100%	2027
SP19	Adelaide Street, Raymond Terrace - shared path from Pacific Highway to Elkin Avenue	45,600	100%	2027
SP20	Adelaide Street, Raymond Terrace - shared path from Kangaroo Street to Sturgeon Street	49,000	100%	2027
SP21	Adelaide Street, Raymond Terrace - shared path from Rees James Road to Richardson Road	110,200	100%	2027
SP22	Adelaide Street, Raymond Terrace - shared path from Rees James Road to Bellevue Street	312,000	100%	2027
SP23	Rees James Road, Raymond Terrace - shared path from Bellevue Street to end	675,000	100%	2027
FP24	Kangaroo Street, Raymond Terrace - footpath from Carmichael Street to Sturgeon Street North	6,125	100%	2027
FP25	Kangaroo Street, Raymond Terrace - footpath from Sturgeon Street to Adelaide Street (median)	2,500	100%	2027
Total Estimate		4,206,125	4,160,825	

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP9	Wattle Street, Raymond Terrace shared path from Tarean Road to Engel Avenue	45,600	100%	2027
SP26	Engel Avenue, Karuah - shared path from Wattle Street to Karuah MPC	39,900	100%	2027
SP27	Mustons Road, Karuah - shared path from Boronia Road to Mustons Gully	64,600	100%	2027
SP28	Mustons Road, Karuah - shared path from Mustons Gully to Tarean Road	133,000	100%	2027
FP29	Tarean Road, Karuah - footpath from Bundabah Street to Longworth Park	26,000	100%	2027
SP30	Medowie Road, Medowie - shared path from Federation Drive to Kindiebark Drive	260,000	100%	2027
SP31	Medowie Road, Medowie - shared path from Silver Wattle Drive to Ferodale Road	142,500	100%	2027
SP32	Medowie Road, Medowie - shared path from Ferodale Road to Brocklesby Road	580,700	100%	2027
SP33	Kirrang Drive, Medowie - shared path from Yulong Oval to Ferodale Road	100,000	100%	2027

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SP34	South Street, Medowie – shared path from Medowie Road to Sylvan Avenue	72,200	100%	2027
FP35	Silver Wattle Drive, Medowie – shared path from Medowie Road to Bottle Brush Avenue	19,250	100%	2027
FP36	Grey Gum Street, Medowie – footpath from Medowie Road to Bottle Brush Avenue	17,000	100%	2027
SP37	Lemon Tree Passage Road, Lemon Tree Passage – shared path from end of existing to Crawley Avenue	40,000	100%	2027
SP38	Lemon Tree Passage Road, Lemon Tree Passage – shared path from Crawley Avenue to Blanch Street	123,500	100%	2027
SP39	Meredith Avenue, Lemon Tree Passage – from Kawarren Street to Kenneth Parade	39,900	100%	2027
SP40	Cook Parade, Lemon Tree Passage – shared path from Morton Avenue to Meredith Avenue	338,200	100%	2027
SP41	Kawarren Street, Lemon Tree Passage – shared path from Blanch Street to Kenneth Parade	171,000	100%	2027
SP42	President Wilson Walk, Tanilba Bay – shared path from Pershing Place to Diggers Drive	106,400	100%	2027
SP43	President Wilson Walk, Tanilba Bay – shared path from Diggers Drive to King Albert Avenue	68,400	100%	2027
FP44	President Wilson Walk, Tanilba Bay – footpath from Lemon Tree Passage Road to Lloyd George Grove	19,800	100%	2027
Total Estimate		2,364,350		
		2,409,950		

East Tamaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP45	Government Road, Shoal Bay – shared path from Fingal Bay to Shoal Bay missing link	625,000	7%	2027
SP46	Gan Gan Road, Anna Bay – shared path from Gordon Close to Old Main Road	357,200	100%	2027
SP47	Gan Gan Road, Anna Bay shared path from existing path to existing path	250,000	100%	2027
SP48	Campbell Avenue, Anna Bay – shared path from Gan Gan Road to Robinson Street	220,000	100%	2027
SP49	Robinson Street, Anna Bay – shared path from Campbell Avenue to Robinson Reserve	165,000	100%	2027
SP50	Sandy Point Road, Corlette – shared path from Roy Wood Reserve to foreshore	19,000	100%	2027
SP51	Foreshore Drive, Salamander Bay/Corlette – shared path from Cook Street to Sandy Point Road	931,000	100%	2027
SP52	Bagnall Beach Road, Corlette – shared path from Marlin Street to crossing point	19,000	100%	2027
SP53	Bagnall Beach Road, Corlette – shared path from crossing point to Marway Street	49,400	100%	2027
SP54	Bagnall Beach Road, Corlette – shared path from King Fisher Reserve to detention basin	103,000	100%	2027
SP55	Bagnall Beach Road, Corlette – shared path from Marlin Street to end of existing	24,700	100%	2027
SP56	Marine Drive, Fingal Bay – shared path from Boulder Bay Road to Barry Park	300,000	100%	2027
SP57	Beach Road, Nelson Bay – shared path from Gowrie Avenue to Harwood Avenue	220,000	100%	2027
SP58	Beach Road, Nelson Bay – shared path from Victoria Parade to boat ramp	85,880	100%	2027
SP59	Beach Road, Nelson Bay – shared path from boat ramp to Gowrie Avenue	45,600	100%	2027
SP60	Victoria Parade, Nelson Bay – shared path from Fly Point to Beach Road	248,000	100%	2027
FP61	Donald Street, Nelson Bay – footpath from Magnus Street to grassy knoll	7,875	100%	2027
SP62	Victoria Parade, Nelson Bay – shared path from Magnus Street to Yacaaba Street	165,300	100%	2027
SP63	Salamander Way, Salamander Bay – shared path from Port Stephens Drive to Community Close	904,500	100%	2027
SP64	Beach Road, Shoal Bay – shared path from Harwood Avenue to Shoal Bay Road	161,500	100%	2027
SP65	Government Road, Shoal Bay – shared path from Messines Street to Pelerie Street	241,300	100%	2027
SP66	Government Road, Shoal Bay – shared path from Pelerie Street to Sylvia Street	159,600	100%	2027
SP67	Shoal Bay Road, Shoal Bay – shared path from Beach Road to end of existing path	155,800	100%	2027
SP68	Sylvia Street, Shoal Bay – shared path from Government Road to Horace Street	36,100	100%	2027
Total Estimate		5,494,755		

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Fern Bay/Fullerton Cove

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
SP69	Nelson Bay Road, Fern Bay – shared path from Braed Road to Bayway Village	579,000	100%	2026
SP70	Shared path between Seaside Boulevard and Popplewell Road	725,000	100%	2026
SP71	Nelson Bay Road, Fern Bay – shared path from Vardon Road to existing CoN path.	228,000	100%	2026
Total Estimate		1,532,000		

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A.9 Bus facilities

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS1	Elizabeth Avenue at Bareena Street, Raymond Terrace – bus shelter	20,000	60%	2036
BS2	Rees James Road (near SE5), Raymond Terrace – bus shelter	20,000	60%	2036
Total Estimate		40,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS3	Tarean Road at golf course, Karuah – bus shelter	40,000	80%	2036
BS4	Fitzroy Street at Campbell Avenue and Admiralty Drive at Caswell Crescent, Tanilba Bay – bus shelter	40,000 20,000	80%	2036
BS5	Lemon Tree Passage Road at Blanch Street, Lemon Tree Passage – bus shelter	20,000	60%	2036
BS6	Nelson Bay Road at Lemon Tree Passage Road, Salt Ash – bus shelter	20,000	60%	2036
BS7	Nelson Bay Road at Steel Street, Williamtown – bus shelter	20,000	60%	2036
Total Estimate		120,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS8	Fitzroy Street at Campbell Avenue, Anna Bay – bus shelter	20,000	60%	2036
Total Estimate		20,000		

Fern Bay/Fullerton Cove

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
BS9	Fern Bay – relocate, replace, upgrade or remove 11 existing bus shelters and provide pedestrian refuge on Nelson Bay Road for access	515,000	100%	2036
Total Estimate		515,000		

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A.10 Fire and Emergency Services

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF1	Seaham – enclose existing carport at RFS station to provide a training room and kitchen facilities	80,000	60%	2020
Total Estimate		80,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FEF2	Corlette – Expand current SES building by three vehicle bays	300,000	60%	2020
FEF3	Soldiers Point - expand current facility to 3 vehicle-bay and adding a training room at Soldiers Point	250,000	60%	2031
Total Estimate		550,000		

Fern Bay/Fullerton Cove

	Kings Hill – Erect new 3-bay RFS station	1,400,000		2031
Total Estimate		1,400,000		

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A.11 Flooding and Drainage Works

West Raymond Terrace - Rural

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD1	Tregenna Street, Raymond Terrace – upgrading the drainage system at the intersection of Tregenna Street and Adelaide Street	650,000	70%	2020
FD2	Elizabeth Street, Raymond Terrace – construction of a new drainage system from Elizabeth Street to Philip Street via Charles Street	550,000	70%	2020
FD3	Kingslon Parade, Heatherbrae – upgrading the drainage system from Kingslon Parade to the floodplain via 5 Kingslon Parade	300,000	70%	2020
FD4	Richardson Road/Halloran Way, Raymond Terrace - detention basin with pre-treatment	850,000	70%	2020
FD5	Enterprise Drive, Tomago - upgrade drainage system at Enterprise Drive	350,000	70%	2027
Total Estimate		2,700,000		

Central Growth Corridor

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD6	Abundance Road, Medowie - construction of a new drainage system from Abundance Road to Campvale Drain	600,000	100%	2020
FD7	Abundance Road, Medowie – land acquisition	2,000,000	100%	2025
FD8	Campvale Drain, Medowie - augmentation of Campvale Drain from pinch Point to the pumping station	500,000	100%	2027
FD9	James Road, Medowie - enlarge 200m of existing drain between 102 and 104 James Road, creation of trunk drainage system and easement	900,000	70%	2027
FD10	George Street, Karuah – construct a new drainage system	200,000	100%	2027
FD11	Meredith Avenue, Lemon Tree Passage – upgrade the existing drainage system	500,000	50%	2032
Total Estimate		4,700,000		

Tomaree

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
FD12	Waratah Avenue, Soldiers Point – upgrading the drainage system and construction of a new drainage channel	400,000	50%	2020
FD13	Magnus Street, Nelson Bay – construct drainage system from Magnus Street to Victoria Parade and construct the overflow pipe drainage system	800,000	50%	2027
FD14	Soldier Point Road, Salamander Bay - upgrading the trunk drainage system at the intersection of Fleet Street and Soldiers Point Road	300,000	50%	2027
FD15	Nelson Bay Road, Anna Bay – widening of Fern Tree Drain	800,000	50%	2027
FD16	Stockdon Street, Nelson Bay - extending and upgrading the drainage system at 45 Donald Street to Donald Street drainage system	300,000	50%	2027
FD17	Gan Gan Road, Anna Bay – upgrade drainage between Moma Point Road and McKinley Swamp	3,765,000	50%	2032
Total Estimate		6,365,000		

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A.12 Cross Boundary Projects – City of Newcastle

Fern Bay/Fullerton Cove

Project No	Project Description	Estimate \$	Apportionment	Staging Threshold
CBP1	South Stockton Active Hub	200,000 158,143	100%	2020 2022
	Stockton Local Centre Upgrade	600,000		2020
	Corroba Oval Upgrade	800,000		2021
	Stockton Tennis Court Upgrade	300,000		2021
CBP2	Stockton sporting facilities – upgrades to Corroba Oval, Ballast Ground, pool, netball and tennis court and supporting infrastructure	2,372,146	60%	2023
Total Estimate		1,900,000 2,530,289		

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