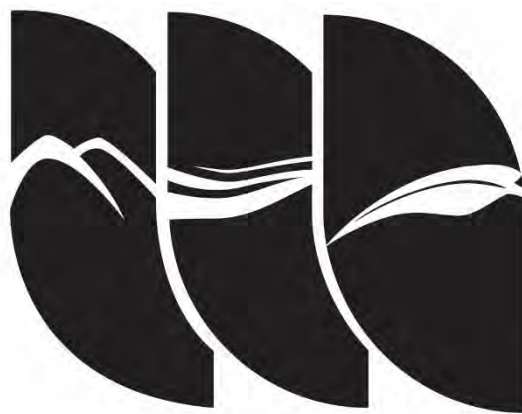


ATTACHMENTS UNDER SEPARATE
COVER

ITEMS 1 TO 4

ORDINARY COUNCIL MEETING
14 APRIL 2020



PORT STEPHENS
C O U N C I L

INDEX

Item No	Attach. No	Attachment Title	Page No
COUNCIL REPORTS			
1	2	PLANNERS ASSESSMENT REPORT.	3
3	1	SUBMISSION TABLE.	44
3	2	FERN BAY AND NORTH STOCKTON STRATEGY.	89
4	4	FULLERTON COVE PROPOSAL.	153
4	5	SEASIDE PROPOSAL.	205

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.



APPLICATION REFERENCES

Application Number	16-2019-661-1
Development Description	Proposed Demolition and Erection of a Residential Flat Building (26 Apartments) with Basement Parking and associated site works
Applicant	OBORN PROFESSIONAL CONSULTING GROUP PTY LTD
Land owner	Valore Holdings Pty Ltd
Date of Lodgement	16/10/2019
Value of Works	\$12,263,000.00
Submissions	Two (2)

PROPERTY DETAILS

Property Address	54 Shoal Bay Road NELSON BAY, 54A Shoal Bay Road NELSON BAY, 54B Shoal Bay Road NELSON BAY, 20 Gowrie Avenue NELSON BAY
Lot and DP	LOT: 41 DP: 213730, LOT: 40 DP: 213730, LOT: 39 DP: 213730, LOT: 47 DP: 224365
Current Use	Motel
Zoning	R3 MEDIUM DENSITY RESIDENTIAL
Site Constraints	Acid sulfate soils, class 4; State Environmental Planning Policy (Coastal Management) 2018; Stormwater drainage requirement area; Combined corridor map, local link; Bushfire prone land, category 3 (buffer).

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

SITE DESCRIPTION

The subject site is situated at 54 Shoal Bay Road, 54A Shoal Bay Road, 54B Shoal Bay Road and 20 Gowrie Avenue, Nelson Bay; legally identified as Lots: 39, 40 and 41 of DP: 213730, and Lot: 47 DP: 224365 (see **Figure 1**). The site currently includes a motel structure, carpark, double car garage and remnant landscaping. The development site benefits from a secondary frontage along Gowrie Avenue, and maintains direct access via two driveways located on the Shoal Bay Road frontage. The four allotments result in a total developable area of 2,265m².



Figure 1 – GIS aerial image

A site inspection was carried out on 14 February 2020. The subject site can be seen in the images below:



Figure 2 – Subject site from Gowrie Ave. Existing A-frame dwelling to be demolished and vegetation to be removed.

Page 2 of 41

16-2019-661-1



Figure 3 – Allotment boundary between 20 Gowrie Ave (development site) and 18 Gowrie Ave (neighbouring property). Existing pine trees to be removed.



Figure 4 – Slip road along Shoal Bay Road.



Figure 5 – Neighbouring allotment (56 & 58 Shoal Bay Road), trees on boundary to be removed per deed of agreement.

Page 3 of 41

16-2019-661-1



Figure 6 – Existing and proposed location of site access



Figure 7 – Existing motel buildings and vegetation on site to be demolished and removed.



Figure 8 – Adjacent motel development (3 storey – basement carpark) at 52 Shoal Bay Road Nelson Bay.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

PROPOSAL

The proposed development includes a four (4) storey residential flat building, comprising of twenty-six (26) residential units (see **Figure 2 & 3**). The proposal is facilitated by demolition of existing structure, earthworks, landscaping, stormwater management devices and utility infrastructure. Consent is sought for the following works:

- Demolition of all existing structures, including:
 - Single dwelling and ancillary double garage; and
 - Motel facility and ancillary structures;
- Earthworks and site preparation:
 - Excavation for foundations and basement level carpark; and
 - Removal of remnant vegetation;
- Construction of four storey residential flat building:
 - Twenty-six (26) apartments;
 - Eight (9) three-bedroom apartments
 - Eighteen (17) two-bedroom apartments;
 - Basement car park to accommodate 51 vehicles; and
 - Landscaping:
 - 5% of site area is to be communal open space
 - 15.9% of site area suitable as deep soil zone.



Figure 9 – Perspective view from corner of Shoal Bay Road and Gowrie Avenue, facing north



Figure 10 – Perspective view from Gowrie Avenue, facing south-west



Figure 11 – Level 1 floor plan and landscape plan

PLANNING ASSESSMENT

The application was assessed, and comments provided, by the following external agencies and internal specialist staff:

Building Surveyor – The plans demonstrate compliance with the BCA can be achieved. Condition regarding demolition to be included in addition to prescribe construction conditions. Excavation for basement appears to be in close proximity to side boundaries, and depilation report may be required where excavation is occurring within the zone of influence for surrounding structures. Standard conditions of consent have been provided to this effect.

Development Contributions – Residential flat buildings are subject to s7.11 developer contributions pursuant to Council's Development Contributions Plan 2019 and therefore the development is assessed against this plan.

It is noted that the site consists of 4 lots and the amount of contributions will be based on additional 22 units only.

Therefore the proposed development is considered to be acceptable subject to a standard condition of consent outlining the amount payable under s7.11 of the Act.

Development Engineer – Following the revision of stormwater drainage design, driveway profile and associated modelling, the application demonstrates compliance with Council water quality and quantity provisions under Chapter B4 of the DCP, and traffic and access provisions under Chapter B9 of the DCP.

The application is subsequently supported with standard conditions of consent.

Spatial Services – Addresses have been allocated to the proposed 26 apartments. The site address will remain at 54 Shoal Bay Road Nelson Bay. Unit numbers range from 101 to 309 dependant on floor and location within the building.

Vegetation Management – A deed of consent for tree lopping has been provided to support the removal trees within the zone of influence, located on a neighbouring property. The deed of consent outlines tree removal and associated works consented between the owners of the subject

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

site, and the neighbouring property to the west (being Lot 38 DP 213730). The landscape plan provided complies with Council's specifications for species, site coverage and shading; and is subsequently supported with standard conditions of consent.

AUSGRID – The application was referred to Ausgrid under SEPP (Infrastructure) 2007, due to works within proximity of network assets and comments regarding supply of electricity. The proposed development is supported with standard advices to these matters.

Rural Fires Act 1997

The subject site is partially mapped bushfire puffer area along the eastern portion of the site, per **figure 12** below. The proposed development is supported with a Bushfire Threat Assessment, of which indicates a maximum BAL level of 19, for the bushfire affected portion of the site, and BAL 12.5 for the area not impacted by bushfire mapping. The BAL assessment provided by the applicant has been reviewed by Council officers and is deemed to be consistent with actual site conditions and Planning for Bushfire Protection. Standard conditions of consent have been applied in this regard.



Figure 12 – Bushfire prone land mapping

Environmental Planning and Assessment Act 1979

Section 4.46 - Integrated development

Section 4.46 EP&A Act provides that development is integrated development if in order to be carried out, the development requires development consent and one or more other approvals. The proposed development is not integrated development for the purposes of s.4.46 and does not require any approvals / permits from other approval bodies.

Section 4.15 - Matters for Consideration

Page 7 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) was enacted to ensure that dwellings are designed to utilise less potable water and to minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units. A valid BASIX certificate has been submitted with the development application which demonstrates that the water, thermal comfort and energy requirements for the proposal have been achieved. The proposal is considered to satisfy the relevant provisions of SEPP BASIX.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development. It is noted that the subject site is not listed as contaminated land on the NSW EPA website, nor has previous record of contamination in Council's system. The land is not within an investigation area and the general industrial workshop use is not listed as a possible contaminating use. Noting this, the proposed development satisfies the requirements of SEPP No. 55.

State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) aims to promote an integrated and coordinated approach to land use planning in the coastal zone and gives effect to the objectives of the *Coastal Management Act 2016* by specifying how development proposals are to be assessed if they fall within the coastal zone.

The subject site is in an area mapped as a 'Coastal Environment Area' under the Coastal Management SEPP. The Coastal Environment Area includes land and waterbodies identified as being ecologically sensitive to impacts from coastal development activity. Clause 13 of the Coastal Management SEPP includes matters for consideration in respect to the granting of development consent. The proposed development has been assessed against the provisions of clause 13 as follows:

Matter for consideration	Assessment comment
The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	<p>The proposed development is located approx. 430m from the coastal foreshore and is located on an existing developed site. It is noted that the stormwater management measures proposed as part of the development proposal have been designed to mitigate any adverse effects to adjoining or downstream sites.</p> <p>The development is not considered likely to adversely impact upon the integrity of the coastal environment area.</p>
Coastal environmental values and natural coastal processes.	<p>Whilst the development is located within an area mapped as Coastal Environment Area, the subject site is located within an existing residential area and has been developed for the purposes of a hotel and dwelling. The proposal is considered to be in-fill development within an established residential area.</p> <p>Furthermore, due to the proximity of the development to the coastal foreshore the proposal is not anticipated to result in any adverse impacts to coastal environmental values or natural</p>

Page 8 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

	coastal processes.
The water quality of the marine estate, in particular the cumulative impacts of the proposed development on any sensitive coastal lakes.	The proposed development is not located within proximity to any sensitive coastal lakes.
Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.	The subject site is not located within close proximity to the coastal foreshore and does not contain marine or other native vegetation, headlands or rock platforms.
Existing public open space and safe access to and along the foreshore, beach, headland, or rock platform for members of the public, including persons with a disability.	The subject site is not located within close proximity to the foreshore. The development will not impact upon public open space or access.
Aboriginal cultural heritage, practices and places.	<p>The subject site has been previously disturbed and developed for the purposes of a motel and residential development. It is unlikely that the proposed development will impact upon Aboriginal cultural heritage, practices or places.</p> <p>Notwithstanding, due to the extent of excavation proposed, a condition of consent has been recommended that requires works to cease and for Office of Environment and Heritage to be notified in the event that an item of Aboriginal heritage significance is located on site during works.</p>
The use of the surf zone.	Not applicable.

As outlined in the assessment table above the development is designed, sited and will be managed to avoid any adverse impacts to the key matters for consideration listed above. Accordingly, the proposed development is considered satisfactory having regard to the relevant provisions of the Coastal Management SEPP.

State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development

State Environmental Planning Policy State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development (SEPP No. 65) aims to improve the quality of residential apartment development and provides an assessment framework ('the Apartment Design Guide') to facilitate the assessment of 'good design'.

SEPP No. 65 requires the consideration of any development application for residential accommodation meeting the application criteria, which includes residential flat buildings, against: nine design quality principles, the advice obtained from a design review panel and the Apartment Design Guide (ADG). In addition, clause 6A of SEPP 65 states that any of the following ADG provision supersedes DCP controls in respect of the following matters:

- a) visual privacy;

Page 9 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

- b) solar and daylight access;
- c) common circulation and spaces;
- d) apartment size and layout;
- e) ceiling heights;
- f) private open space and balconies;
- g) natural ventilation; and
- h) storage.

A SEPP 65 Statement has been submitted with the application, addressing the design quality principles.

The applicant amended their design in line with the advice provided by Newcastle City Council's Urban Design Consultative Group (UDCG), prior to lodgement. Further to this, the applicant has submitted a Design Verification Statement (prepared by Mark Lawler Architects, dated: 23rd September 2019) in support of their application. The proposal was reviewed by the Port Stephens Council Urban Design Panel (UDP), following lodgement of the application, and has been assessed against the nine design quality principles outlined below.

Apartment Design Guide	
Quality design principles	
Principle	Assessment
Principle 1: Context and neighbourhood character	<p>Principle 1 identifies that good design responds and contributes to its context, with context being established by the key natural and built features of an area. Responding to context involves identifying the desirable element of an area's existing or future character.</p> <p>The subject site is located approximately halfway between Shoal Bay and Little Nelson Bay. Tomaree National Park and a selection of beaches are all in walking distance. There is a cycleway opposite the site. The subject site is a rectangular corner site Northwest of the Shoal Bay Road and Gowrie Avenue roundabout. The long frontage is to Shoal Bay Road where there is a generous street reserve, which offers the opportunity for a wide landscape buffer to the busy road and attractive street presentation.</p> <p>South of Shoal Bay Road is an R2 zone containing a mix of single and two storey dwellings. All other surrounding sites are in an R3 zone. Directly adjoining the site to the North and to the East of Gowrie Avenue opposite the site are significant two storey accommodation buildings. Along the length of the Northern boundary is a large carpark servicing the motel to the North. There is currently vacant land to the West of the site of which appears undeveloped with remnant vegetation.</p> <p>The proposed development includes a maximum height of 10.4m, of which exceeds the height limit specified under the PSLEP 2013 by 14.4%. The proposed exceedance is attributed to the variance in ground level throughout the site, and was encouraged by the Port Stephens UDP to provide improved vertical interest and an overall better design outcome. The proposed height of the building is considered generally consistent with the character of the area, with particular reference to developments to the north, east and west.</p>
Principle 2: Built form and	Principle 2 identifies that good design achieves a scale, bulk and height

Page 10 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

scale	<p>appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>As detailed above the proposed development exceeds the 9m height limit specified under the PSLEP 2013, by 14.4%. However, it is noted that through a variation in setbacks, façade materials, decks, balustrades and roof parapet present a horizontal expression and serve to mitigate perceived vertical bulk. The decks to the North are smaller than those to the South, responding to setback limitations, and Northern decks are appropriately screens from the rear property through privacy devices. The Western elevation utilises vertical divisions including material changes and external screens.</p> <p>The building responds to its secondary frontage along Gowrie Street by providing decks, louvres, and material changes. Further, decks situated along the east are separated by 3.5m to ensure appropriate sunlight provisions are achieved. A combination of solid and vertical spaced battens provide opportunity for air flow while providing privacy.</p> <p>The proposal utilises an integrated design of which responds to the natural constraints of the site in order to produce a building of which is considered an appropriate built form and scale for the subject site and surrounding character of the area.</p>
Principle 3: Density	<p>Principle 3 stipulates that good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Council's LEP has not adopted a floor space ratio (FSR) provision and accordingly density is controlled through the application of, height, setback and landscaping controls.</p> <p>Amenity is created through generous apartment sizes, layouts and balconies, natural light and ventilations throughout the common spaces and foyer areas, proximity to Nelson Bay centre, services, cycleways and beaches, quality landscaping design, and substantial storage spaces.</p> <p>The proposal includes an exceedance to the height limit, but is considered generally consistent with the surrounding density and character of the area.</p>
Principle 4: Sustainability	<p>Principle 4 identifies that good design combines positive environmental, social and economic outcomes. Further, that good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents.</p> <p>A valid BASIX certificate has been submitted with the development. The applicant has also introduced screened and louvre elements to the north, west and east to reduce solar gains and increase thermal control of the apartments and internal elements of the building. Photo-voltaic panels will be provided in accordance with the BASIX assessment. Further panels in conjunction with the recent developments in battery storage, could alleviate total reliance on the main electricity grid. The applicant has stated that this is to be investigated with Services Consultants during construction documentation.</p> <p>Deep soil zones seek to regulate ground water re-charge and maintain vegetated areas. A community garden is proposed to enable residents to</p>

Page 11 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

	<p>grow their own fruits, vegetables and herbs; and may be inclusive of onsite composting.</p> <p>The proposed development is considered acceptable with respect to Principle 4.</p>
Principle 5: Landscape	<p>Principle 5 specifies that good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.</p> <p>The applicant proposes the provision of street tree plantings and landscaping at ground level of an appropriate scale to the development, which will ensure the appearance of the development is 'softened' when viewed from the public domain.</p> <p>A deed of consent for tree lopping has been provided to support the removal of trees within the zone of influence, on the neighbouring property to the west of the development site (Lot 38 in Deposited Plan 213730). The deed of agreement will have to be modified to include tree removal. The landscape plan provided complies with Council's specifications for species, site coverage and shading; and is subsequently supported with standard conditions of consent.</p>
Principle 6: Amenity	<p>Principle 6 provides that good design positively influences internal and external amenity for residents and neighbours. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p> <p>All apartments are provided with a high level of amenity with generous floor areas, balconies and all rooms of suitable size with access to natural light and ventilation. The design opens the buildings as much as possible to the North, South and East directions with more enclosed facades to the West to maintain privacy with most apartments facing North.</p> <p>Allocated storage spaces and parking areas are designated to each unit within the basement level. Additional storage is available within the kitchen and laundry areas.</p> <p>The amenity of the proposed development is acceptable, providing for an appropriate level of solar access, natural ventilation, privacy and outlook. In addition, the layout of the proposed residential units is considered appropriate and generally compliant with the criteria specified by the ADG as outlined further below.</p>
Principle 7: Safety	<p>Principle 7 identifies that good design optimises safety and security within the development and public domain.</p> <p>The development is appropriately designed in relation to safety with passive surveillance of Shoal Bay Road and Gowrie Ave is achieved via the balconies and living areas of the proposed residential units. Passive surveillance is also provided to communal open space areas. The development currently includes the following design measures to mitigate safety concerns:</p> <ul style="list-style-type: none"> • Access control using roller doors and security measures, appropriate fencing and signage;

Page 12 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

	<ul style="list-style-type: none"> • Surveillance through floor plans, open space, parking, landscaping and lighting; • Territorial reinforcement through delineation of spaces; • Activity and space management through appropriate design of public, private and common spaces. <p>The applicant has submitted a Crime Prevention Through Environmental Design (CPTED) report (prepared by deWitt Consulting and dated August 2019) which makes a number of recommendations relating to lighting, prevention measures for unauthorised access to the car park, secured access to lobbies, lifts and communal areas, accessibility and location of mailboxes, CCTV, removal of graffiti, and assurance of sightlines for entry/exits and communal areas.</p>
Principle 8: Housing diversity and social interaction	<p>Principle 8 specifies that good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>The proposed development includes an appropriate apartment mix which will be suitable to cater for a cross-section of future residents. The proposal includes eleven units of universal configuration which include design features which allow for changing needs of occupants, such as wider circulation spaces and level threshold transitions.</p> <p>The design panels recommended that the applicant provide an internal communal space connected to the external communal space area. The design was subsequently modified, including the reduction of one, one (1) bedroom unit in the north-western corner of the site for the purpose of creating a communal area to serve the needs of residents. This communal area is accessible from the main lobby / building entrance and provides access to external landscaped areas and the communal garden.</p>
Principle 9: Aesthetics	<p>Principle 9 provides that good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design also uses a variety of materials, colours and textures.</p> <p>With the exception to the building height exceedance, the overall aesthetics of the development are of good quality with the inclusion of range of materials, textures and colours. The range of materials and colours in conjunction with the articulation and modulation of building facades visually reduce the perception of the bulk and scale of the development to ensure consistency with surrounding development.</p>

The proposal was assessed against the ADG guidelines, per attachment 1 of this report. Part 3 of the guidelines talk to the siting of the development, and Part 4 of the guidelines outline matters for designing the building. Some minor non-compliances were identified through the assessment, however these matters are considered reasonably justified as follows:

- **3D-1 – Communal and Public Open Space**

Communal open space is provided within the north-western corner of the ground floor, featuring both indoor and outdoor space.

Page 13 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

The site has a combined area of 1238 m² and therefore requires 309.5 m² of communal open space. The development has approximately 190 m² of communal open space, of which does not achieve compliance with design criteria 1.

Despite this, the proposed development provides an integrated communal open space area, accessible via the main building entry point, of which leads to the communal garden space. Furthermore, all ground floor units benefit from an oversupply of private open space, by way of extended deck and courtyard areas, of which partially offsets the reduction of communal open space. In addition, the building is within short walking distances to a number of parks, beaches, walking tracks, recreational premises', and food & drink premises', as raised under the site context assessments provided elsewhere in this report.

With acknowledgement of;

- a) oversupply of private open space for individual units;
- b) integrated communal open space design;
- c) site context, and;
- d) availability of public indoor / outdoor recreation;

The numerical variation to communal open space provisions is considered an acceptable outcome for the subject development.

- **4B-3 – Natural Ventilation**

The development does not meet the minimum of 60% cross ventilation. However, internal apartment layouts have been designed to maximise airflow and circulation; and are supported with large balconies, inlets and outlets to assist in achieving the objectives of this provision.

The maximum overall depth of a cross-over or cross through apartment is 18m, in accordance with the numerical design criteria. Vertical and horizontal louvres are proposed to assist in the regulation of natural ventilation for all apartments.

The percentage of units of which achieve cross ventilation is non-compliant, however this element can be reasonably justified through individual unit design, shallow floor plans and apartment depth ratio; all of which seek to improve cross-ventilation outcomes.

- **4F-1 – Common Circulation and Spaces**

For buildings less than ten storeys in height, the ADG specifies that the maximum number of apartments off a circulation core on a single level is eight.

The proposed building includes a maximum of nine units per level, with two circulation cores - the west (containing both fire stairs and lift), and the east (containing fire stairs only). Five units are to utilise the western core, with 4 unit utilising the eastern core.

It is noted that the one additional unit on the second and 3rd floor of the building is considered a minor non-compliance of which will not prevent the development from achieving the objectives and intent of this control. Noting this, the minor non-compliance with numerical controls is considered acceptable, and will not impact on building use practicality for residents.

With the expectation of the three design criteria above, the proposed residential flat building achieves compliance, or conditional compliance, with Part 3 and Part 4 of the ADG. The

Page 14 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

assessment criteria, comments and matters of compliance have been outlined in the assessment table, located in attachment 1 of this report (below).

Port Stephens Local Environmental Plan 2013 (LEP)

The applicable clauses of the LEP2013 have been considered below:

Clause 1.3 – Land to which Plan applies

Port Stephens LEP2013 applies to land identified upon the 'Land Application Map'. The subject development occurs upon land located within the land application. LEP2013 applies to the development.

Land use table - zoning

The subject land is zoned R3 Medium Density Residential under LEP2013. The proposed development is a residential flat building, comprising of a range of two and three bedroom units, and ancillary residential uses. The proposed land use is permissible in the R3 Medium Density Residential zone, with consent.

The objectives of the R3 Medium Density Residential zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is considered to satisfy the zone objectives by providing a range of residential units to meet housing needs of the community, within a medium density environment.

Clause 1.9A – Suspension of covenants, agreements and instruments

Clause 1.9A provides that for the purpose of enabling development on land in any zone to be carried out, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply, to the extent necessary to achieve enable the development to occur. Clause 1.9A does not apply to covenants imposed by Council or other instruments such as bio-banking agreements.

There are no applicable covenants, agreements and instruments, accordingly, relevant to the development, accordingly clause 1.9A does not apply.

Clause 2.7 – Demolition requires development consent

Clause 2.7 identifies that the demolition of a building or work may be carried out only with development consent, unless identified as exempt development under an applicable environmental planning instrument.

The proposed development requires the demolition of the existing motel building, A-frame dwelling and ancillary structures. Should Council determine to approve the development conditions of consent could be provided in order to mitigate potential impacts to adjoining properties and the locality during demolition works.

Clause 4.1B – Minimum lot sizes for dual occupancies, multi-dwelling housing and residential flat buildings

Page 15 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Clause 4.1B specifies the minimum lot size required to facilitate development for the purposes of dual occupancies, multi dwelling housing and residential flat buildings in order to achieve planned residential density in certain zones. Clause 4.1B specifies that a minimum of 450 m² is required to facilitate a residential flat building in the R3 Medium Density Residential zone. The proposed development is to be situated across four existing allotments:

- 20 Gowrie Avenue Nelson Bay – 618 m²
- 54 Shoal Bay Road – 620 m²
- 54A Shoal Bay Road – 517 m²
- 54B Shoal Bay Road – 510 m²

Collectively, the proposed development site has a total area of 2,265 m² which exceeds the minimum lot size for residential flat buildings specified under this Clause.

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. To achieve these aims, clause 4.3(2) specifies that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' (HBM). The HBM identifies a 9m height limit applies to the subject development.

The proposed development has a maximum height of 10.3m and exceeds the height limit by up to 1.3 m or 14.4%.

The maximum building height of 9m prescribed under clause 4.3 is a development standard and may be varied in accordance with clause 4.6 of the PSLEP 2013. As such, the applicant has submitted a clause 4.6 seeking to vary the maximum building height development standard, as outlined below.

Clause 4.6 – Exceptions to development standards

Clause 4.6 provides a mechanism to vary the development standards, such as building height, prescribed within PSLEP2013. The objectives of the clause are to provide an appropriate degree of flexibility in applying certain development standards to particular development, and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

However, clause 4.6(3) provides that development must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a. *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b. *that there are sufficient environmental planning grounds to justify contravening the development standard.'*

In addition, clause 4.6(4) specifies that development consent must not be granted for development that contravenes a development standard unless:

- a. *the consent authority is satisfied that:*

Page 16 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

- i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

b. the concurrence of the Secretary has been obtained'

The applicant has submitted a clause 4.6 variation request, prepared by ADW Johnson and dated February 2020, to clause 4.3 (height of buildings) which nominates a maximum height limit of 9m for the subject site. The proposed development has a maximum height of 10.3m and exceeds the height limit by 1.3 m or 14.4%. The assessment of the applicant's clause 4.6 variation request is set out below:

Clause 4.6(3)(a) – Compliance is unreasonable or unnecessary

The applicant's clause 4.6 variation request provides that compliance with clause 4.3 (building heights) is unreasonable or unnecessary. The key reasons provided by the applicant have been summarised below:

- The height limit exceedance will not significantly impact the amenity of the area due to extensive building separation due to road reserves, existing site and neighbouring site conditions, and due to appropriate screening proposed.
- The proposal is consistent with the existing emerging character of the neighbourhood as there is an existing character in the immediate context of the development site that meets or exceeds 9m in height.
- The proposal is consistent with relevant strategic plans for the future development of the area such as the Hunter Regional Plan 2036 and the Port Stephens Planning Strategy 2011.
- The proposal remains consistent with the objectives of Clause 4.3 Height of Buildings by remaining consistent with the existing and desired future character of the locale and by adopting a building height that appropriate reflects the land use and zone.
- The proposed development is consistent with the objectives and intentions of R3 Medium Density Residential zone to provide for the residential needs of the community in a variety of dwelling formats.

Clause 4.6(3)(b) – Sufficient environmental planning grounds

In addition, the applicant suggests that the proposed development, with building height variation, remains to achieve the objectives of the R3 Medium Density Residential zone, and the minimum lot size requirements listed under Clause 4.1B of the LEP 2013. Furthermore, the proposed development will result in an increase of housing diversity and layout efficiency within the local, whilst assisting to achieve the objectives in the relevant strategic planning policies (being the Hunter Regional Plan 2036 and the Port Stephens Planning Strategy).

Clause 4.6(4) – Matters to be considered by consent authority

Page 17 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

As outlined above, clause 4.6(4) requires that the consent authority is satisfied that the following preconditions are satisfied prior to the granting of consent to a development that contravenes a development standard:

- The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),
- The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- The concurrence of the Secretary has been obtained.

These matters are considered in detail below:

Adequacy of the applicant's request

The applicant's justification for the clause 4.6 variation to the 9m building height control is considered to have adequately demonstrated that; a) compliance with the development standard is unreasonable or unnecessary, or b) sufficient environmental planning grounds exist to justify contravening the development standard.

The applicant's justification for the variation is primarily reliant upon;

- Compliance with other zoning and planning requirements for residential flat buildings under the PSLEP 2013;
- Demonstration of consistency with the surrounding context of the area;
- Demonstration of consistency with described future character of the area (by reason of Local and Regional Strategies); and
- The minimal impact that the height exceedance will have on adjoining properties or open space, by reason of privacy and overshadowing attributed to generally compliant setbacks and integrated design features.

In *Wehbe v Pittwater Council* (2007) LEC 827 (*Wehbe*), the Land and Environment Court identified five ways in which request to vary a development standard may be determined to be well founded.

These reasons include:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard,
2. The underlying objective or purpose of the development standard is not relevant to the development,
3. The objective or purpose of the development standard would be defeated or thwarted if compliance was required,
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard, and
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary as applied to the land.

Page 18 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Having regard to the first test set down in *Wehbe* it is noted that the objectives of clause 4.3 is to ensure that the height of buildings is appropriate for the context and character of the area. Clause 4.3 also seeks to ensure that building heights reflect the hierarchy of centres and land use structure. The 9m height control is reflective of the height of buildings considered to be appropriate for the context and character of the area under the current legislative planning framework. Despite this numerical control, a number of developments surrounding the site feature a 2-3 storey design. Furthermore, the subject site is situated 110m east (downhill) from the Western Suburbs Leagues Club, of which benefits from a variety of height zonings (including 12 m and 15 m). The proposed exceedance of 1.3 m is reflective of the variation in natural ground level across the site, and the proposed architectural exceedances throughout the roofline of which provides greater visual interest.

The proposed development does not exceed the height limit in a way of which would be considered intrusive or impactful, which results in a building of which is sympathetic to the streetscape and character of the area, by reason of design and scale. Noting this, the proposal is considered to pass the first test set down in *Wehbe*.

The second, third, fourth and fifth tests set down in *Wehbe* are not considered relevant to the current application, for the reasons set out below:

- a. The underlying purpose and objective of the height control are relevant to the development,
- b. The objective or purpose of the development standard would not be defeated or thwarted if compliance was required,
- c. Whilst it is acknowledged that the height control has been varied on occasion it is not considered to have been abandoned or destroyed. The threshold test required to demonstrate that a development standard has been abandoned or destroyed requires evidence of a 'pattern of abandonment such that the development standard can no longer be said to represent the existing and/or desired character of the locality' (*Abrams v The Council of the City of Sydney* (No 2) [2018] NSWLEC), and
- d. The zoning of the subject site is suitable.

The applicant's clause 4.6 variation request also adequately demonstrates that there are sufficient environmental planning grounds to justify contravening the standard.

Furthermore, the applicant's submission provides that the additional height will not cause significant overshadowing impacts, or any other environmental impact. This is supported by the allotment's northern orientation, and compliant setbacks to neighbouring properties to the north and west. Shadow diagrams have been provided of which ensure at least 3 hours of direct solar access is available to neighbouring properties, per the recommendations of Council's Controls and the ADG, as assessed above.

The development as proposed has demonstrated minimal further impact to adjoining properties in respect to: bulk and scale, natural ventilation, privacy, and amenity, in comparison to a development that was compliant with the 9m height controls. Further, per comments received from the UDP, the height exceedance allows for improved presentation to the streetscape, and increased amenity for future residents through raising of ceiling heights, improved ventilation and solar access opportunities.

Page 19 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Public interest – consistency with objectives of the standard and objectives of the zone

For the reasons outlined above the proposed development is considered to be consistent with the objectives of the building height standard.

Furthermore, the proposed residential flat building achieves the objectives of the R3 zone, by providing a range of additional housing stock to meet the needs of the growing community.

Concurrence of the Secretary

Concurrence of the Secretary is provided in accordance with the planning system circular PS 17-006 'Variations to development standards' (published by the Department of Planning, Industry and Environment (DPIE) and dated 15 December 2017). In accordance with clause 64 of the *Environmental Planning and Assessment 2000* (EP&A Regs), PS 17-006 provides Council with the Secretary's assessment concurrence for exceptions to development standards for applications made under clause 4.6. However, only a full council can assume the Secretary's concurrent where the variation to a numerical standard is greater than 10% or the variation is to a non-numerical standard. Subsequently, the application is to be reported to the elected Council for determination.

For the reasons outlined above the applicant's clause 4.6 variation request is supported.

Clause 7.1 – Acid sulfate soils

The site is mapped as containing potential Class 4 Acid Sulfate Soils (ASS). The proposed development is anticipated to entail excavations below 2 m of the natural ground surface. The development is supported with a preliminary Geotechnical Investigation, of which confirms that Acid Sulfate Soils are unlikely to be encountered through the proposed works.

Should Council determine to approve the development conditions of consent should be imposed to requiring an ASS Management Plan to be prepared should ASS be encountered during works.

Clause 7.2 – Earthworks

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 development results in the excavation of one level of up to 2.7 metres. Excavation works are largely contained within the footprint of the building, of which is setback at least 4 m from the western property boundary, 6m from the norther property boundary, and 3.3 m from the eastern property boundary (abutting Council road reserve). Standard conditions are to be enforced to ensure excavations do not impede on adjoining properties, and appropriate erosion and sediment controls are in place.

In addition, the subject site has been previously developed for the purposes of a motel and ancillary residential accommodation. Due to the extent of existing disturbance to the site it is unlikely that the proposed earthworks will impact upon Aboriginal relics. Notwithstanding, should Council resolve to approve the development a condition of consent should be imposed providing that works should cease and that Biodiversity Assessment Division (BCD) be notified in the event that any Aboriginal relics are encountered during works.

Page 20 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Clause 7.6 – 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. The subject land also maintains direct access to Shoal Bay Road and Gowrie Avenue, meeting the requirements of this clause. A condition is proposed that requires the provision of evidence that all essential services are available, prior to the issue of an occupation certificate.

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

There are no draft EPI's relevant to the proposed development.

Section 4.15(a)(iii) – any development control plan

Port Stephens Development Control Plan 2014

Chapter B – General ProvisionsPart B1 – Tree Management

The site contains a number of existing shrubs and small trees of which are not considered significant or threatened vegetation, nor contains significant habitat for threatened species. The development application intends to remove majority of the existing vegetation, with landscape plans proposed in lieu of previous shrubs.

The applicant has advised that the development requires the removal of a tree, relating canopy and root structure on Lot: 38 DP: 213730 – 56 Shoal Bay Road Nelson Bay. A deed of consent has been provided in support of the works. The tree removal has been reviewed by Council's Vegetation Management Officer and deemed compliant with the objectives and requirements of this chapter.

Part B2 – Natural Resources

The site is within 500m of the Tomaree National Park, of which contains mapped wetlands, migratory species and items of environmental significance. Despite this, the works are contained to the subject site, of which has been subject to development previously, and the vegetation to be removed is not identified as significant species. Standard conditions of consent are to be applied with relation to vegetation removal, water quality and erosion and sediment controls. Noting this, any potential impacts to surrounding areas of environmental significance would be reasonably avoided and / or mitigated.

Part B3 – Environmental Management*Acid Sulfate Soils*

The objective of this DCP Chapter is to ensure that developments do not disturb, expose or drain Acid Sulfate Soils (ASS) and cause environmental damage. As detailed within clause 7.1 discussion above, the proposed development could be undertaken, subject to conditions of consent, without resulting in adverse impact to ASS. In this regard the development is consistent with the objective and requirements of the DCP.

Noise

The separation distances incorporated into the development will limit any significant impacts on

Page 21 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

the adjoining development. The impacts of the development during construction could be limited through conditions of consent which limit construction work hours and mitigate noise derived from ventilation and air conditioning systems. Subject to conditions, the application is satisfactory in regards to noise management.

Earthworks

As discussed at clause 7.2 above the proposed development involves extensive earthworks in order to facilitate the proposed basement level car parking. The impacts of the proposed earthworks can be mitigated through conditions of consent. The proposal is therefore consistent with requirements outlined in Councils DCP relating to earthworks.

Waste

To ensure ongoing waste is managed responsibly, the development includes a waste storage areas catering for all waste, at the ground floor level. The development can be serviced by Council for waste collection.

A waste management plan has been submitted to Council detailing the proposed measures for management of demolition, cut and clearing waste. Should, Council resolve to approve the development conditions of consent should be imposed that require waste from demolition and building works to be separated into recyclable and non-recyclable materials, the reuse of materials on-site where possible, and the disposed of all other materials at an approved facility. Standard conditions of consent are to be applied ensuring these measures are undertaken throughout the development process.

Part B4 – Drainage and Water Quality

The development proposes an underground carpark infiltration system to cater for water runoff from the subject development. Conditions of consent have been imposed requiring details and management plans for the subject system. An existing drainage easement, benefiting upstream properties along Shoal Bay Road, runs through the site, adjoining properties and connects to the public system along Achilles Street. Upgrades to this easement are proposed to ensure the easement can cater for additional runoff as a result of the intensification of the subject site and surrounding catchment. Revised modelling demonstrates the culvert upgrades can cater for the expected flows from the catchment.

The driveway profile has been designed with an additional 300mm freeboard from the expected water level in the side road, to mitigate any potential flooding of the basement carpark.

Music model provided needed to include infiltration from the bio-retention node to account for losses to the underlying sand. A revised model was run which demonstrates the model still achieves Council's water quality requirements.

Noting the above arrangement, the development has demonstrated compliance with water quality and quantity controls, as listed under Chapter B4 of Council's DCP. Subsequently, the development complies, subject to conditions of consent and further information to be provided prior to construction.

Part B5 – Flooding

The subject site is noted flood affected and therefore the provisions of this chapter are not applicable to the assessment of this proposal.

Page 22 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Part B6 – Essential services

As detailed in the clause 7.6 LEP2013 discussion above, the proposed development provides for the satisfactory provision of essential services.

Part B9 – Road Network

The potential impacts of the development to the local road network have been assessed and it has been determined that subject to conditions of consent the development is satisfactory. The applicant submitted a Traffic Impact Assessment, prepared by BJ Bradley & Associates Consulting Civil and Traffic Engineers (dated 13 May 2019) which included the results of traffic surveys undertaken at the intersection of Shoal Bay Road and Gowrie Avenue. The proposed access arrangement includes ingress / egress via Shoal Bay Road, and the existing slip road accessible via the Western Suburbs leagues club carpark and entry. Speed zoning on Shoal Bay Road, of 50km for hour, is deemed suitable. The proposed development will generate approximately 15 trips during peak weekday periods, per the RTA Guidelines for Traffic Generating Development. The net increase in traffic generation compared with the existing motel development on site would be approximately 9 trips during weekday peak periods. This increase is catered for and aided by onsite parking provisions, sufficient driveway width, directional signage and speed limits.

Chapter B9 figure BT identifies the on-site parking requirements for the development as follows:

Development type	DCP requirement	Parking requirement	Proposed
Residential flat building	<ul style="list-style-type: none"> One car space for one and two bedroom dwellings Two car spaces for three > bedroom dwellings. One visitor space for every three dwellings. 	<ul style="list-style-type: none"> 17 x two bedroom units – 17 spaces. 9 x three bedroom units – 18 spaces. Visitor spaces – 9 spaces (rounded from 8.6). <p>Total required: 44 spaces, comprising – 35 residential and 9 visitor spaces.</p>	<p>42 resident car parking spaces.</p> <p>9 residential visitor spaces.</p>
<p>Comment: The development exceeds the parking required specified under this chapter. One motorbike space has been proposed in the basement carpark, however no numerical controls are outlined for this in Figure BT of Council's DCP. No specific areas for bike parking have been indicated, however conditions of consent are to be applied to ensure additional space is allocated for motorbikes and bicycles.</p>			

Part B10 – Social Impact

The proposed development provides additional housing opportunities that can rely upon existing social and recreational infrastructure existing within the Nelson Bay Town Centre. The development provides a range of apartment mix, including apartments of universal design, to cater for a range of housing needs.

Further, during construction the development will generate short term employment opportunities. The development is considered satisfactory having regard to Part B10.

Page 23 of 41

Chapter C – Development Types

The proposed development is that of a residential flat building. As such, refers to SEPP 65 Design Quality of Residential Flat Development as discussed elsewhere within this report.

Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulations 2000* (EP&A Regs) 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 that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the localitySocial and Economic Impacts

If approved the proposal will result in additional residential development in the LGA through the provision of a wide range of accommodation units. It would result in a large capital investment in the local economy and will create a number of short and indirect long-term employment opportunities. Furthermore, if approved the development would attract development contributions which will be used to create and improve community facilities, public open space, sport facilities, and infrastructure and the like, further adding to the positive economic impact of this development.

The proposed development would also provide additional housing opportunities that can rely upon existing social and recreational infrastructure existing within the Nelson Bay Town Centre. The development provides a range of apartment mix, including apartments of universal design, to cater for a range of housing needs.

Impacts on the Built Environment

The overall aesthetics of the development are of good quality with the inclusion of a range of materials, textures and colours. The range of materials and colours in conjunction with the articulation and modulation of building facades visually reduce the perception of the bulk and scale of the development to ensure consistency with surrounding development. The development will also result in the activation of both Shoal Bay Road and Gowrie Avenue.

Impacts on the Natural Environment

The development includes water quantity and quality control devices to reduce the impact of the development on the natural environment. The existing site is devoid of any natural habitat or native vegetation and there are no anticipated adverse impacts on the natural environment.

Section 4.15(1)(c) the suitability of the site for the development

With the exception of height, the proposed development has been designed in line with the applicable planning controls including SEPP No.65 and the ADG. Furthermore, the development is suitably located within the R3 zone, and provides additional residential accommodation to service the needs of the community. The proposal is in keeping with the context and character of the area, and despite a variation to the LEP height limit, will have minimal impact on adjoining developments and the wider suburban precinct. The proposal is considered suitable for the subject site.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Section 4.15(1)(d) any submissions made in accordance with this act or the regulationsPublic Submissions

The application was notified twice, each for a period of 14 days, in accordance with the provisions of Council's Community Participation Plan. The first notification period was from 24 October 2019 – 7 November 2019, with one submission being received.

The second notification period was from 17 February 2020 – 2 March 2020, with 2 submissions being received. The second notification period was triggered by substantial building redesign, post UDP meeting, of which resulted in an overall increase to the previously exhibited building height.

Overall, two submissions were received throughout both notification periods. The matters raised have been discussed in further detail below:

No.	Author of submission	Comment	Council response
1	1 x Resident	Concerns with regard to notification procedure.	The application was notified in accordance with the provisions of Council's controls.
2	1 x Resident	The proposal is out of context with the surrounding area.	Per the assessment provided throughout this report, the proposed development is considered complementary to the existing context and character of the area.
3	1 x Resident	Inconsistencies and incorrect data utilised for the traffic assessment provided by the applicant.	The traffic report provided by the applicant has been reviewed by Council's Traffic and Development Engineers and deemed to be satisfactory.
4	1 x Resident	The context and character of the area is incorrectly represented in the applicant's documents.	A number of plans and documentation has been submitted to Council in support of the proposal. In addition to contextual documents, a site inspection has also been undertaken as part of the assessment process. This, in conjunction with Council records, ensures a comprehensive review of the character and context of the area.
5	1 x Resident	Traffic often increases during peak tourist times. Additional residences will increase the current traffic issues throughout Shoal Bay Road and the surrounding network.	This has been taken into consideration in the traffic impact assessment provided by the applicant, and assessment conducted by Council's Traffic Engineers. Per the comments provided throughout this report, traffic management and onsite parking requirements are considered satisfactory.
6	1 x Resident	Waste collection is to be via the existing access roads. What happens with the allotments to the west become developed and there is no longer room within the road reserve for bin collection, as proposed?	The application is assessed and determined based on current site arrangement. The applicant has demonstrated that existing curb space for bin collection is satisfactory. If the neighbouring allotments are developed, they will need to demonstrate that sufficient space is available for bin storage.
7	1 x Resident	The remedial treatment of trees and fencing along the eastern boundary have not been detailed sufficiently to improve the current damage being	The proposed development includes the removal of existing trees and replacement of existing boundary fencing, per the plans provided. Any

Page 25 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

		done to the fence and any potential damage to car park surface. This has been an ongoing issue between property owners.	upgrade works, of which impact beyond the existing drainage easement, will require owners consent from the neighbouring property. The applicant as stated that works will be contained solely within the easement.
8	1 x Resident	There is a serious issue with regards to loss of income with the proposed works (drainage easement upgrades) causing a disruption to the amenity of the neighbouring motel and businesses. Where will guests park if upgrade works are being conducted within the motel carpark?	Any compensation for loss of business, or impacts upon business, should be negated between the property owners, and as such is considered a civil matter. Works within the drainage easement are permitted with consent from the benefactor (Council) provided they do not impact on property outside of said easement.

Section 4.15(1)(e) the public interest

The proposed development does not raise any significant general public interest considerations beyond the matters already discussed in this report. With the exception of height, the development is generally compliant with the applicable planning controls.

Section 7.11 – Contribution towards provision or improvement of amenities or services (developer contributions)

Council's Development Contribution Plan 2019 applies to the subject development.

DETERMINATION

The application is to be reported to the elected Council for determination, attributed to the exceedance in height controls and subsequent Clause 4.6 variation request made under the PSLEP 2013.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

ATTACHMENT 1 – ADG DESIGN CRITERIA AND ASSESSMENT TABLE

Assessment Criteria		
Control / Requirement	Proposed	Compliance / Comment
<i>Part 3 – Siting the development</i>		
3A-1 – Site analysis Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Site analysis plan submitted.	Yes – provided.
3B-1 Orientation Building types and layouts respond to the streetscape and site while optimising solar access within the development.	The development has been orientated to both Shoal Bay Road and Gowrie Avenue frontages. Building orientation is maximised towards the north, optimising solar access for the proposed development.	Yes – complies.
3B-2 Orientation Overshadowing of neighbouring properties is minimised during mid-winter.	The development provides setbacks to adjoining properties and has a northerly orientation. A shadow analysis has been provided which demonstrates that, attributed to the orientation and setback of the building, overshadowing of neighbouring properties is generally mitigated and secluded to the south (being Shoal Bay Road). Units located on the south of the building utilise shallow decking and open façade details to optimise solar provisions.	The proposed development is designed and orientated to minimise overshadowing of neighbouring properties mid-winter.
3C-1 Public Domain Interface Transition between private and public domain is achieved without compromising safety and security.	The proposal includes direct street entry, via lockable gates, for units situated along the ground floor of the development frontage, facing Shoal Bay Road. Both Shoal Bay Road and Gowrie Street frontages utilise a range of materials and treatments, with fencing and raised planter boxes limited to a maximum height of 1m. Building entries and private courtyards provide opportunity for casual interaction, without providing concealing spaces and impeding on building security. Clear entry features are provided along Shoal Bay Road, and landscape features	Yes – Subject to conditions, the development is considered to achieve a reasonable balance between privacy and security.

Page 27 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

	are utilised to soften the development interface along the corner frontage of the development site.	
<p><i>3C-2 Public Domain Interface</i></p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>Planting of street trees and the provision of pavement to Council specifications.</p> <p>The amenity of the public domain will be enhanced through the provision of landscape treatment and activation of the streetscape.</p>	Yes – complies.
<p><i>3D-1 Communal and Public Open Space</i></p> <p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site area. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (midwinter). 	<p>Communal open space is provided within the north-western corner of the ground floor, featuring both indoor and outdoor space.</p> <p>The site has a combined area of 1238 m² and therefore requires 309.5 m² of communal open space. The development has approximately 190 m² of communal open space.</p> <p>Per shadow diagrams provided with the application, at least 50% of the principal usable part of the communal open space will achieve a minimum of 2 hours direct sunlight between 9am and 3pm on June 21 (mid-winter).</p>	<p>Non-compliance with design criteria 1.</p> <p>The inclusion of communal open space was at the request of the design panels, and despite non-compliance with numerical controls, is considered an improved and practical outcome for the site than what was proposed originally.</p>
<p><i>3D-2 Communal and Public Open Space</i></p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>The proposed communal open space will provide for a range of activities and includes areas for seating as well as active areas, such as the community garden.</p>	Yes – complies.
<p><i>3D-3 Communal and Public Open Space</i></p> <p>Communal open space is designed to maximise safety.</p>	<p>The proposed communal open spaces are well defined and overlooked by the proposed apartments.</p> <p>Should Council elect to approve the development, recommended conditions of consent would be prepared requiring lighting and CCTV the proposed communal open space is adequately designed to ensure the safety of users.</p>	Yes – complies subject to conditions.
<p><i>3D-4 Communal and Public Open Space</i></p> <p>Public open space, where</p>	<p>Public open space is not required to be provided as part of the proposed development.</p>	N/A.

Page 28 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

provided, is responsive to the existing pattern and uses of the neighbourhood.		
<p>3E-1 Deep Soil Zones</p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> Site area between 650 m² & 1,500 m² – minimum dimension 3m and 7% of site area. 	<p>The application includes deep soil planting zones along the south-eastern and north-western corners to the allotment. Each area includes minimum dimensions of 3m, and deep soil zones exceed 7% of the site area.</p>	Yes – complies.
<p>3F-1 Visual Privacy</p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> Building height up to 12m (4 storeys): <ul style="list-style-type: none"> Habitable rooms and balconies - 6m. Non habitable rooms – 3m. No separation is required between blank walls. An additional 3 m separation is required when adjacent to a different zone which permits lower density residential development to provide a transition in scale and increased landscaping. 	<p>The proposed development has been designed so that the majority of apartments front Shoal Bay Road and Gowrie Avenue and as such achieve the required levels of external and internal visual privacy. It is noted that solid walls are provided between balconies.</p> <p>It is also noted that appropriate setbacks have been provided internally to the development and habitable windows and balconies have been offset to blank walls to maintain satisfactory visual privacy.</p> <p>There is a 6m setback (windows to habitable rooms and balconies) to levels 1 to 3 from the northern boundary.</p> <p>The development site is adjacent to R2 – Low Density Residential zoning located on the opposite side of Shoal Bay Road, and transition is aided by increased setback and landscaping design.</p>	Yes – complies.
<p>3F-2 Visual Privacy</p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>The development incorporates a number of features including; orientation, siting, setbacks, privacy screens and window offsets, to achieve a reasonable level of privacy without compromising solar access and ventilation.</p>	Yes – complies.
<p>3G-1 Pedestrian Access and Entries</p> <p>Building entries and pedestrian</p>	<p>The proposed residential building entry provides pedestrian access to Shoal Bay Road. A service pathway, and pedestrian access for ground floor residents is</p>	Yes – complies.

Page 29 of 41

access connects to and addresses the public domain.	proposed along the norther property boundary via Gowrie Avenue.	
<i>3G-2 Pedestrian Access and Entries</i> Access, entries and pathways are accessible and easy to identify.	The proposed lobbies will be visible from the public domain.	Yes – complies.
<i>3G-3 Pedestrian Access and Entries</i> Large sites provide pedestrian links for access to streets and connection to destinations.	The proposed development does not require the provision of a pedestrian link through the site.	N/A
<i>3H-1 Vehicle Access</i> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Access is provided via entry/exit ramp along the one-way side slip road along Shoal Bay Road. Vehicular access points are distinguished from pedestrian access areas, via façade treatment, level changes and retaining walls. Garbage collection and servicing areas are proposed to be screened.	Yes – complies.
<i>3J-1 Bicycle and Car Parking</i> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever less. The car parking need for a development must be provided off-street.	The site is located within the R3 zone. The site is not located within proximity to land zoned B3 Commercial Core or B4 Mixed Use.	N/A.
<i>3J-2 Bicycle and Car Parking</i> Parking and facilities are provided for other modes of transport.	Motorcycle and bicycle parking facilities are provided within the proposed basement area.	Yes – complies.
<i>3J-3 Bicycle and Car Parking</i> Car park design and access is safe and secure	The proposed basement car parks will be secured by doors and provide reasonable sight lines throughout. A clearly designed lobby area is provided to the proposed lift and stairs Should Council resolve to approve the development, conditions requiring lighting, use of CCTV monitoring, and	Yes – complies subject to conditions of consent.

16-2019-661-1

	definition of key circulation areas through colour/line marking would be recommended.	
<i>3J-4 Bicycle and Car Parking</i> Visual and environmental impacts of underground car parking are minimised.	The visual and environmental impacts of the proposed basement car park have been minimised. Ramp design and parking layout is logical. Natural ventilation requirements are to be included in recommended conditions of consent.	Yes – complies subject to conditions of consent.
<i>3J-5 Bicycle and Car Parking</i> Visual and environmental impacts of on-grade car parking are minimised.	No on-grade car parking is proposed.	N/A
<i>3J-6 Bicycle and Car Parking</i> Visual and environmental impacts of above ground enclosed car parking area minimised.	No above ground car parking is proposed.	N/A
<i>Part 4 – Designing the building</i>		
<i>4A-1 Solar and Daylight Access</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Numerical design criteria: <ul style="list-style-type: none"> • In all other areas (i.e. areas outside Sydney metropolitan area, Newcastle and Wollongong local government areas), living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter • A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. 	The applicant has demonstrated that at least 70% of units receive three or more hours of direct sunlight to living rooms and private open spaces.	Yes – complies.
<i>4A-2 Solar and Daylight Access</i> Daylight access is maximised where sunlight is limited.	The development provides opportunities for reflected light through north facing balconies that act as light shelves.	Yes – complies.
<i>4A-3 Solar and Daylight Access</i>	A number of design features have been incorporated including; balconies that	Yes – complies.

Page 31 of 41

Design incorporates shading and glare control, particularly for warmer months.	extend far enough to shade summer sun but still enable winter sun to penetrate living areas, shading devices such as eaves, awnings, balconies, and horizontal shading to north, west and east facing windows.	
<p><i>4B-1 Natural Ventilation</i></p> <p>All habitable rooms are naturally ventilated.</p>	<p>The buildings orientation maximises capture and use of prevailing breezes for natural ventilation to habitable rooms.</p> <p>The floor plan limits cross ventilation for the 6 units in the middle of each level, however this is aided by unit layout, as discussed under 4B-2 below.</p> <p>All units have unobstructed window openings with more than 5% of the floor area served.</p>	Yes – complies.
<p><i>4B-2 Natural Ventilation</i></p> <p>The layout and design of single aspect apartments maximises natural ventilation.</p>	Apartment depths for open plan habitable areas have been limited to 8m (3.2m x 2.5). Further, natural ventilation has been achieved to single aspect apartments by stack effect ventilation.	Yes – complies.
<p><i>4B-3 Natural Ventilation</i></p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for Residents.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	<p>The development does not meet the minimum of 60% cross ventilation. However, internal apartment layouts have been designed to maximise airflow and circulation; and are supported with large balconies, inlet and outlet to assist in achieving the objectives of this provision.</p> <p>The maximum overall depth of a cross-over or cross through apartment is 18m, in accordance with the numerical design criteria.</p> <p>Vertical and horizontal louvres are proposed to assist in the regulation of natural ventilation for all apartments.</p>	Percentage of units of which achieve cross ventilation is non-compliant, however this element can be reasonably justified through individual unit design, shallow floor plans and apartment depth ratio.
<p><i>4C-1 Ceiling Heights</i></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Numerical design criteria: Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable rooms – 2.7m. Non-habitable rooms – 2.4m. 	<p>The following ceiling heights have been provided:</p> <p>Habitable room – 3 m, and Non-habitable - 2.5 m.</p> <p>There are no two storey apartments, attic spaces or mixed use areas proposed.</p>	Yes – complies.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

<p><i>4C-2 Ceiling Heights</i></p> <p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>This objective has been achieved through compliance with the numerical requirements of control 4C-1 as outlined above.</p>	<p>Yes – complies.</p>
<p><i>4C-3 Ceiling Heights</i></p> <p>Ceiling heights contribute to the flexibility of building use over the life of the building.</p>	<p>The proposed building is only intended to be utilised for residential purposes, and is not located within a dedicated town centre.</p>	<p>N/A</p>
<p><i>4D-1 Apartment Size and Layout</i></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p>Numerical design criteria: Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Two bedroom – 70m² • Three bedroom – 90m² • An additional 5m² is required for apartments with more than one bathroom. • Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. 	<p>The following minimum internal areas have been proposed:</p> <ul style="list-style-type: none"> • Two bedroom – 80-88 m², and • Three bedroom – 106-130 m². <p>All of the proposed apartments comply with the minimum areas required by the design criteria. All habitable rooms will have a window in an external wall.</p>	<p>Yes – complies.</p>
<p><i>4D-2 Apartment Size and Layout</i></p> <p>Environmental performance of the apartment is maximised.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • Habitable room depths are limited to a maximum of 2.5 x the ceiling height. • In open plan layout (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. 	<p>All habitable rooms, are less than 8m in depth which equates to 2.5-2.7 x the ceiling height.</p> <p>In open plan layout apartment the maximum habitable room depth does not exceed 8m from a window.</p>	<p>Yes – complies, noting all units include an open plan design.</p>
<p><i>4D-3 Apartment Size and Layout</i></p> <p>Apartment layouts are designed</p>	<p>Proposed master bedrooms have a minimum area of 10m² and other bedrooms 9m², with a minimum</p>	<p>Yes – complies.</p>

Page 33 of 41

<p>to accommodate a variety of household activities and needs.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). • Bedrooms have a minimum dimension of 3m (excluding wardrobe space). • Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - One bedroom apartments - 3.6m. - Two or three bedroom apartments – 4m. • The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. 	<p>dimension of 3m (excluding wardrobe space).</p> <p>All living rooms have a minimum width of 4m and the width of cross-over or cross-through apartments are at least 6m, avoiding deep narrow apartment layouts.</p>	
<p><i>4E-1 Private Open Space and Balconies</i></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Numerical design criteria – all apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> • Two bedroom apartments – 10m² with a depth of 2m. • Three + bedroom apartments – 12m² with a depth of 2.4m. • For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m 	<p>The proposed development generally provides unit balconies as follows:</p> <ul style="list-style-type: none"> • Two bedroom unit – minimum area 10 m² and average depth 2.4 to 3.0m, and • Three bedroom unit – minimum area 12m² and average depth 2.4m. <p>Minimum POS area for ground floor units have been achieved, including a minimum area of 15m² and minimum depth of 3m.</p>	Yes – complies.
<p><i>4E-2 Private Open Space and Balconies</i></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>The proposed balconies are located adjacent to living areas, therefore extending the living spaces of the apartments. Insofar as is reasonably possible, the proposed balconies and terraces will face north, north-east, and east.</p>	Yes – complies.
<p><i>4E-3 Private Open Space and Balconies</i></p>	<p>The balcony design has been appropriately integrated into the</p>	Yes – complies subject to conditions of consent.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	architectural form of the building. A combination of solid and glazed balustrading has been incorporated which provides opportunity for screening of residential structures such as clothes drying areas. Should Council resolve to approve the development, conditions requiring the design integration of air-conditioning units, clothes drying areas and water and gas outlets should be imposed.	
<i>4E-4 Private Open Space and Balconies</i> Private open space and balcony design maximises safety.	The proposed balcony design achieves an adequate level of safety.	Yes – complies.
<i>4F-1 Common Circulation and Spaces</i> Common circulation spaces achieve good amenity and properly service the number of apartments. Numerical design criteria: <ul style="list-style-type: none"> For buildings less than ten storeys in height the maximum number of apartments off a circulation core on a single level is eight. 	The development includes one lift and two fire stairs resulting in two circulation cores (east and west). The proposed building includes a maximum of nine units per level, with two circulation cores (the west containing both fire stairs and lift, and the east containing fire stairs only). Five units are to utilise the western core, with 4 unit utilising the eastern core.	Minor non-compliance of which is considered generally acceptable. It is noted that the one additional unit on the second and 3 rd floor of the building is considered a minor non-compliance of which will not prevent the development from achieving the objectives and intent of this control.
<i>4F-2 Common Circulation and Spaces</i> Common circulation spaces promote safety and provide for social interaction between residents.	Should Council resolve to approve the development conditions requiring lighting, CCTV monitoring, apartment numbers and signage should be imposed.	Yes – subject to conditions.
<i>4G-1 Common Circulation and Spaces</i> Adequate, well designed storage is provided in each apartment. Numerical design criteria –in addition to storage in kitchens, bathrooms and bedrooms the following storage is provided: <ul style="list-style-type: none"> Studio apartments – 4m². One bedroom apartments – 6m². Two bedroom apartments – 8m². Three + bedroom apartments 	Storage has been provided within the proposed units, supplemented with storage within the basement levels. Storage provided to all units exceeds the minimum requirements.	Yes – complies.

Page 35 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

<p>– 10m².</p> <ul style="list-style-type: none"> At least 50% of the required storage is to be located within the apartment. 		
<p><i>4G-2 Common Circulation and Spaces</i></p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments.</p>	Secure and accessible resident storage will be located in the proposed basements via storage cages. Conditions of consent can be applied to ensure each unit is collected a correctly sized storage area.	Yes – complies subject to conditions.
<p><i>4H-1 Acoustic Privacy</i></p> <p>Noise transfer is minimised through the siting of buildings and building layout.</p>	Noise transfer will be minimised through apartment design and separation together with the location of service areas in the proposed basements.	Yes – complies.
<p><i>4H-2 Acoustic Privacy</i></p> <p>Noise impacts are mitigated within apartments through layouts and acoustic treatments.</p>	The proposed layouts will adequately mitigate any potential noise impacts within apartments.	Yes – complies.
<p><i>4J-1 Noise and Pollution</i></p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	The proposed development is not located in a noisy or hostile environment, such as near a major road, rail line or beneath a flight path.	N/A.
<p><i>4J-2 Noise and Pollution</i></p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	The proposed development is not located in a noisy or hostile environment, such as near a major road, rail line or beneath a flight path.	N/A
<p><i>4K-1 Apartment Mix</i></p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	A range of apartment types and sizes have been provided, including two and three bedroom units, which adequately caters for different household types.	Yes – complies.
<p><i>4K-2 Apartment Mix</i></p> <p>The apartment mix is distributed to suitable locations within the building.</p>	The apartment mix is suitably distributed throughout the development, and includes three bedroom predominately on ground level and on the corners of the building, whereby they are able to maximise POS and building frontage.	Yes – complies.
<p><i>4L-1 Ground Floor Apartments</i></p> <p>Street frontage is maximised</p>	Direct street access is provided for ground floor apartments, with private open space for each of the eastern and	Yes – complies.

Page 36 of 41

where ground floor apartments are located.	southern ground floor apartments fronting Gowrie Avenue and Shoal Bay Road respectively.	
<i>4L-2 Ground Floor Apartments</i> Design of ground floor apartments delivers amenity and safety for residents.	The development includes sufficient landscape screening and garden beds to ensure privacy of street fronting ground floor units. Window heights and transparent privacy screens enable passive surveillance of the streetscape, without impeding on resident privacy.	Yes – complies.
<i>4M-1 Facades</i> Building facades provide visual interest along the street while respecting the character of the local area.	The proposed building facades will provide visual interest along the adjoining public streets through the use of horizontal and vertical elements, projecting balconies and a use of a range of finishes and materials.	Yes – complies.
<i>4M-2 Facades</i> Building functions are expressed by the façade.	Building entries will be clearly defined.	Yes – complies.
<i>4N-1 Roof Design</i> Roof treatments are integrated into the building designed and positive respond to the streets.	The development adopts a series of angled architectural roof features continuing from 3 rd storey balcony awnings. The development provides visual interest and strong corners to make visual interest. These elements are proportionate and complement the building. Should Council determine to approve the development a condition of consent should be imposed to ensure that all roof mounted equipment is concealed within the external walls of the development or adequately screened so as not to be visible from a public place.	Yes – subject to conditions.
<i>4N-2 Roof Design</i> Opportunities to use roof space for residential accommodation and open space are maximised.	The development does not utilise roof space for residential accommodation or open space.	N/A.
<i>4N-3 Roof Design</i> <i>Roof design incorporates sustainability features.</i>	PV solar panels are proposed at roof level. Roof overhangs will assist in shading lower level apartments and roof insulation will maximise the passive thermal comfort of the 3 rd floor apartments.	Yes – complies.
<i>4O-1 Landscape Design</i> Landscape design is viable and sustainable.	The development incorporates street tree plantings and landscaping, as well as a communal garden to the west of the communal space. Council staff have assessed the	Yes – complies subject to conditions.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

	<p>proposed landscaping design and consider it appropriate for the site and area.</p> <p>Should Council resolve to approve the development, conditions requiring specific street tree plantings and installation triggers for landscaping are to be included.</p>	
<p><i>4O-2 Landscape Design</i></p> <p>Landscape design contributes to the streetscape and amenity.</p>	<p>Subject to the recommended conditions of consent the proposed landscape design is considered to contribute to the streetscape. The species proposed to be utilised are endemic to the area and are consistent with Council's Technical Specifications.</p>	<p>Yes – subject to conditions.</p>
<p><i>4P-1 Planting on Structures</i></p> <p>Appropriate soil profiles are provided.</p>	<p>The applicant has provided preliminary landscape plans and specifications by 'Terras Landscape Architects' which demonstrate appropriate soil profiles are provided.</p> <p>Subject to conditions of consent the proposed planting on structures is considered appropriate.</p>	<p>Yes – subject to conditions.</p>
<p><i>4P-2 Planting on Structures</i></p> <p>Plant growth is optimized with appropriate selection and maintenance.</p>	<p>The applicant has provided preliminary landscape plans and specifications by 'A Total Concept Landscape Architects & Swimming Pool Designers' which demonstrate appropriate soil profiles are provided.</p> <p>Subject to conditions of consent the proposed planting on structures is considered appropriate.</p>	<p>Yes – subject to conditions.</p>
<p><i>4P-3 Planting on Structures</i></p> <p>Planting on structures contributes to the quality and amenity of communal and public open spaces.</p>	<p>Subject to conditions of consent, the proposed landscape design is considered to include appropriate planting on structures in communal open space areas.</p>	<p>Yes - complies.</p>
<p><i>4Q-1 Universal Design</i></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members.</p> <p>Numerical design criteria:</p> <ul style="list-style-type: none"> • A benchmark of 20% of the total apartments incorporate the Liveable Housing 	<p>The development provides 8 residential units that comply with the silver level Liveable Housing Guidelines. This equates to a total of 30% of the total development.</p>	<p>Yes – complies.</p>

Page 38 of 41

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Guidelines silver level universal design features.		
<p><i>4Q-2 Universal Design</i></p> <p>A variety of apartments with adaptable designed are provided.</p>	<p>Accessible car parking spaces have been provided.</p> <p>Should Council resolve to approve the development, a condition should be imposed to ensure that at least 10% of the total apartments will be adaptable.</p>	Yes – complies subject to conditions.
<p><i>4Q-3 Universal Design</i></p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	The proposed development includes a variety of apartment types and sizes.	Yes – complies.
<p><i>4R-1 Adaptive Reuse</i></p> <p>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</p>	The proposed development does not involve any additions to existing buildings.	N/A
<p><i>4R-2 Adaptive Reuse</i></p> <p>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</p>	The proposed development does not involve any additions to existing buildings.	N/A
<p><i>4S-1 Mixed Use</i></p> <p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p>	The proposal does not include a mixed use development, and is for residential purposes only.	N/A
<p><i>4S-2 Mixed Use</i></p> <p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</p>	The proposal does not include a mixed use development, and is for residential purposes only.	N/A
<p><i>4T-1 Awnings and Signage</i></p> <p>Awnings are well located and complement and integrate with the building design.</p>	The proposal does not include a commercial street frontage nor high pedestrian activity along the streetscape.	N/A
<p><i>4T-2 Awnings and Signage</i></p> <p>Signage responds to the context and desired streetscape character.</p>	<p>Signage is not proposed under this application, as the development includes residential uses and no commercial activity.</p> <p>Should Council resolve to approve the</p>	Yes – subject to conditions of consent.

Page 39 of 41

	development a condition requiring that all conditioned identification and way finding signage be integrated into the design of the overall development should be imposed.	
<i>4U-1 Energy Efficiency</i> Development incorporates passive environmental design.	A valid BASIX certificate has been submitted. Adequate natural light will be provided to habitable rooms. Should Council resolve to approve the development a condition requiring the incorporation of screened outdoor clothes drying areas for each unit should be imposed.	Yes – subject to conditions of consent.
<i>4U-2 Energy Efficiency</i> Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	A valid BASIX certificate has been provided. The development is considered to incorporate sufficient passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Yes – complies.
<i>4U-3 Energy Efficiency</i> Adequate natural ventilation minimises the need for mechanical ventilation.	The proposed development is generally compliant with the ADG's design criteria for 4B-3 Natural Ventilation.	Yes – complies.
<i>4V-1 Water Management and Conservation</i> Potable water use is minimised.	A valid BASIX certificate has been provided. Should Council resolve to approve the development a condition of consent requiring compliance with the BASIX requirements should be imposed.	Yes – complies subject to conditions of consent.
<i>4V-2 Water Management and Conservation</i> Urban stormwater is treated on site before being discharged to receiving waters.	The proposed development includes a stormwater treatment system to ensure that stormwater is appropriately treated prior to discharge.	Yes – complies.
<i>4V-3 Water Management and Conservation</i> Flood management systems are integrated into the site design.	A stormwater detention tank is proposed at ground level and an OSD rainwater tank is provided at basement level 1. The detention and rainwater tanks have been appropriately integrated into the design.	Yes – complies.
<i>4W-1 Waste Management</i> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Adequate screened residential bin storage areas have been provided along the southern and western setbacks. The development can be serviced by Council.	Yes – complies.
<i>4W-2 Waste Management</i>	Adequate screened residential bin storage areas have been provided along	Yes – complies.

ITEM 1 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2019-661-1

Domestic waste is minimised by providing safe and convenient source separation and recycling.	the southern and western setbacks.	
<i>4X-1 Building Maintenance</i> Building design detail provides protection from weathering.	Robust materials have been proposed and design solutions such as use of roof overhangs to protect walls have been incorporated. Should Council resolve to approve the development, a condition requiring drip lines to be detailed on horizontal edges to avoid staining should be imposed.	Yes – complies, subject to conditions of consent.
<i>4X-2 Building Maintenance</i> Systems and access enable ease of maintenance.	Accessible services areas have been proposed.	Yes – subject to conditions.
<i>4X-3 Building Maintenance</i> Material selection reduces ongoing maintenance costs.	Robust materials that will weather well have been proposed. Should Council resolve to approve the development, conditions requiring sensors to control artificial lighting in common spaces, graffiti removal and robust and durable materials in common circulation areas and lift interiors should be imposed.	Yes – complies, subject to conditions of consent.

Page 41 of 41

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

ATTACHMENT 1: Fern Bay and North Stockton Strategy – Submissions Table

* Note: CN = City of Newcastle / PSC = Port Stephens Council

No.	Author of submission	Comment	Response
1.	NSW Communities & Justice (NSW C&J)	<p>CN Responsibility</p> <p>NSW C&J have advised Council that they will not be undertaking any future planning regarding the use of the Stockton Centre while residents still occupy the site.</p>	<p>CN Responsibility</p> <p>The Implementation Plan states that CN will continue to liaise with the landholder and the Department of Planning, Infrastructure and Environment (DPIE) to discuss the future use of the site.</p> <p>To ensure that Fern Bay residents can access local retail services, the Strategy has been amended to allow for a neighbourhood centre in addition to the future town centre.</p>
2.	Hunter Water Corporation (HWC)	<p>CN Responsibility</p> <p>Hunter Water Corporation (HWC) is in the process of reviewing options for future use of their land at Stockton.</p> <p>HWC would like to discuss the planned walking trail along lot 202 DP115470. HWC are planning to revegetate this site.</p> <p>Approximately 150 vehicles a week are using HWC land informally by the public to access Stockton Beach and illegal littering is occurring. HWC plans to fence off the site to restrict vehicle access. HWC is willing to work with CN to facilitate pedestrian access, although</p>	<p>CN Responsibility</p> <p>CN will work together with HWC to discuss options for future land use, and implementation of the Strategy.</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		their funding regulator does not permit them to contribute to costs. HWC are developing options for the former landfill site and view the expansion of the recreation precinct at Corroba as an opportunity to cap the site, which has been revegetated. Liaison with CN on future use is invited.	
3.	Defence Housing Australia (DHA)	PSC & CN Responsibility a. Commends the collaborative approach and supports the goals and planning principles in Strategy.	PSC & CN Responsibility a. Noted.
		PSC & CN Responsibility b. DHA is the applicant for two significant planning proposals in the Strategy Area – the Rifle Range and Fort Wallace. The planning proposals are consistent with the principles of the Strategy. The proposed developments will deliver sensitively designed residential communities, provide housing diversity, best practice coastal design, and the creation of new open spaces, connections to beachfront land and the preservation of European and Indigenous heritage.	PSC & CN Responsibility b. Port Stephens Council (PSC) will continue to progress the Rifle Range Planning Proposal, which received a Gateway determination on 25 November 2019. The Fort Wallace site has been rezoned to allow a mix of residential, open space, recreation and environmental uses. This is consistent with the Strategy.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC & CN Responsibility c. DHA is willing to work with landholders in the town centre and councils on the design and delivery of future connections and welcomes the opportunity to discuss funding, delivery and ownership arrangements.	PSC & CN Responsibility c. Discussions with DHA will be undertaken at the appropriate time regarding the connections and access arrangements.
		PSC & CN Responsibility d. Welcomes discussion regarding community access to Stockton Beach.	CN Responsibility d. As per the site specific Development Control Plan (DCP) for Fort Wallace, and concept plan that informed the Fort Wallace Planning Proposal, DHA have agreed to provide community access to the beach.
4.	Department of Planning, Industry and Environment (DPIE)	PSC & CN Responsibility a. Aligns with Hunter Regional Plan and Greater Newcastle Metropolitan Plan.	PSC & CN Responsibility a. The Strategy was prepared having regard for these planning documents.
		PSC & CN Responsibility b. Update references to planning proposals to reflect current status.	PSC & CN Responsibility b. The Strategy has been updated accordingly.
		PSC & CN Responsibility c. Town Centre mixture of uses is good. The Strategy does not reflect the executive summary statement that the Strategy area is	PSC & CN Responsibility c. The library proposed in the Strategy will provide access to digital resources and expanded learning opportunities,

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		connected by technology.	particularly for elderly residents with limited mobility. This has been clarified in the Strategy.
		PSC & CN Responsibility d. Housing. This section should align more with GNMP by maximising infrastructure, compact and infill development. Balance density with environmental constraints and local character. Maximise housing opportunities on vacant or large infill lots.	PSC & CN Responsibility d. The development of housing at the future town centre site at the Stockton Residential Centre will be subject to detailed master planning at a later stage, in response to the intentions of the landowner and site characteristics.
		PSC & CN Responsibility Part C Planning Principles e. Environmental i. Discussion needed about retaining biodiversity corridors ii. Clarification that the selection of housing sites will balance strategic location with areas that are already disturbed iii. The Strategy should include town centre housing principles that may be different to housing provisions in residential areas. 25 dwellings / hectare may be too low considering the single ownership, limited potential for land use conflict and potential for a building height that can reflect landscape attributes, historic built	PSC & CN Responsibility e. i. Housing Principle 3 recognises the importance of the biodiversity connections ii. Housing Principle 3 seeks to limit urban sprawl and impacts on natural environment. iii. Town centre master planning will provide detailed designs for the future uses of the site, having regard for the heritage value of the site and landscape attributes and will likely include the consideration of higher density residential development. The use of higher density will be considered through the planning proposal

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		form and future desired character.	process. Background information has been amended to remove reference to a dwelling yield.
		iv. Residential density can be increased closer to town centre	iv. The Strategy reflects a desire for residential densities to increase closer to the town centre.
		v. Improved connections as discussed in Open Space and Community Facilities Principle 1 can be achieved through design.	v. The detailed design of these connections will be further considered during implementation.
		vi. Has Transport for NSW confirmed that this is to be the only signalised intersection	vi. Transport for NSW did not provide a written submission during the exhibition period. Verbal advice informed the Traffic and Transport Study that Nelson Bay Road should have only one signalised intersection to ensure appropriate traffic flows was provided. This position is likely to be confirmed via consultation with Transport for NSW in relation to the Rifle Range planning proposal.
		vii. Duplication of Nelson Bay Road suggests that Council will be doing this. Strategy should be clear that it is the role of Transport for NSW.	vii. The Implementation Plan clarifies that Council will advocate to Transport for NSW for the duplication of Nelson Bay Road.
		viii. Tourism Principle 1 should be amended to	viii. Tourism Principle 1 has been amended to

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		state Nelson Bay Road and Town Centre	include 'and town centre'.
		CN Responsibility f. Constraints May need more information to inform best use of sites such as Hunter Water land.	CN Responsibility f. Clarification of the future interactions between CN and HWC has been included in the Strategy. The need to investigate and respond to the site constraints has also been noted in the Strategy.
		PSC Responsibility g. Commercial Identification of one town centre is preferred. Existing commercial land within Seaside Estate has the potential to provide an interim solution to commercial land need within study area. This site might have less competition with future town centre site.	PSC Responsibility g. In response to community feedback, the Strategy has been amended to allow for the consideration of a neighbourhood centre to provide retail services to the local residents in the short-term. PSC is progressing a planning proposal to remove the commercial zoned land in Seaside Estate. However, in order to address the loss of commercially zoned land in the locality, PSC will be concurrently progressing a planning proposal to rezone land at 42 Fullerton Cove Road, which seeks to rezone the site for commercial use. These planning proposals are being reported to Council on 24 March 2020, with a recommendation that they be submitted to

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			DPIE for a Gateway determination. It is noted that a commercial precinct in this locality is a priority for the community.
		PSC & CN Responsibility	PSC & CN Responsibility
		h. Implementation	h. Responses:
		i. Existing Stockton centre not in the Strategy need to include context	i. A summary of the existing use of the Stockton Residential Centre is provided in the Strategy. This site is currently operational. The Strategy recognises that CN will need to engage with the relevant State government agencies to discuss the future of the site
		ii. What agency consultation is being undertaken?	ii. Invitations for consultation was extended to Transport for NSW, Hunter Water, Defence Housing Australia, Worimi LALC, Communities & Justice, Property NSW and Fern Bay Public School. It should be noted that responses were not received from all agencies
		iii. Opportunity for DPIE to facilitate discussion with NSW C&J. Council to request assistance from DPIE on this matter. DPIE can potentially assist in consultation with Property NSW to facilitate preferred planning outcomes.	iii. CN requested that DPIE facilitate discussions with Property NSW and Communities & Justice so that the future of the Stockton Residential Centre could be clarified prior to adopting the Strategy. CN is awaiting

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		iv. Endorsement process to be determined based on consultation outcomes. Councils to confirm sections that require endorsement. Strategy to complement other strategic work; Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS).	DPIE's response to this request. iv. The Strategy is consistent with the draft LSPS and LHS.
5.	The National Trust of Australia (Hunter Regional Committee)	PSC & CN Responsibility a. Commends strategy and outcomes.	PSC & CN Responsibility a. Noted.
		PSC Responsibility b. Supports proposal to list the Rifle Range as a local heritage item in PSLEP. Recommends additional assessment be undertaken.	PSC Responsibility b. As part of the existing planning proposal to rezone the land for residential purposes, a further assessment of heritage significance will be undertaken to determine whether the site should be heritage listed. (Outside of area to be rezoned residential)
		PSC Responsibility c. While there appears to be no remaining relics of the Rifle Range, it is suggested that it be interpreted within the proposed Beachfront Estate by using a network of streets, walking tracks and bushland easements	PSC Responsibility c. This can be considered as part of the Development Control Plan for the development.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		that mimic the range layout and danger area template. Placemaking devices that interpret features typically found on live-fire ranges could also be included.	
		PSC Responsibility d. The Strategy should mention the Fern Bay Armour Plate and Ammunition Proofing Facility which is adjacent to the proposed Rifle Range housing estate as this may have interpretive value and potential unexploded ordinance. Recommend that the site remains open space with interpretation features.	PSC Responsibility d. The heritage assessment provided tin support of the planning proposal has recommended that master planning be informed by an interpretation strategy specifically in relation to a historic battery on site. Council will work with the proponent and Council's heritage adviser and consider the suggestion provided in relation to the Armour Plate and Ammunition Proofing Facility.
		CN Responsibility e. Support for recommendation that Fort Wallace be included in the State Heritage Register. Strategy should include timeframe for listing.	CN Responsibility e. CN agrees that the Fort Wallace site, including built heritage, be on the State Heritage Register. NSW Environment, Energy and Science (EES) have advised that while it remains on the Commonwealth Heritage List, it cannot be listed on the State Heritage Register. Many heritage studies have been undertaken, including studies for the Fort Wallace local

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			listing, for the site and can inform a future listing upon a change in ownership. The National Trust or other individuals or groups can seek a request for a State listing. Timing for a state listing is unknown at this point in time.
		CN Responsibility f. Support for adaptive re-use of suitable built form items at Fort Wallace for community use. Recommendation that heritage listing of Fort Wallace include a visual curtilage that links items across the site to establish extent of heritage items prior to planning the future use of the site.	CN Responsibility f. There have been extensive heritage studies conducted for the Fort Wallace site which informed a site specific DCP for consideration of CN, containing curtilage (and appropriate setbacks) to guide future development.
		PSC Responsibility g. There are reports of koala habitat at the Rifle Range site. Concern that wildlife corridors will be disturbed by urban development.	PSC Responsibility g. An ecological assessment report submitted with the Rifle Range planning proposal demonstrates appropriate management of koala habitat. The proposed master plan indicates potential disturbance of 2 koala feed trees. Where possible, koala feed trees will be selectively retained within the development footprint.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			It is considered unnecessary to include this detail in the Strategy as it will be assessed at the planning proposal and development application stages.
		PSC & CN Responsibility h. Stockton Bight beach has a long history of erosion and recession, now exacerbated by climate change impacts. Satellite imagery of the Rifle Range clearly indicates that sand blows have advanced 180 metres westward to the former '800 yard' target mounds. The environmental hazard analysis does not appear to address coastline retreat and advancing sand formations. Advancing sand dunes and proposed housing would constrict wildlife habitat and diminish the walking experience on the Tomaree-Stockton trail.	PSC & CN Responsibility h. In accordance with best practice planning for residential development potentially at risk from coastal hazards, all residential development is located inward of the 2100 'unlikely' hazard line. Given the proposed developments at Fort Wallace and Rifle Range represent new subdivisions, it is typical for local councils to apply a 100 year design life to such developments. Therefore, the risk to the subdivision from coastal hazards by 2100 has been investigated. The application of the 2100 hazard extent is particularly important given that Stockton is experiencing ongoing recession. The 2100 'unlikely' scenario is the typical conservative estimate used for planning purposes in NSW.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			Future development needs to be consistent with the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018, Ministerial Direction No. 2.2 Coastal Management and Council Coastal Management Plans, once adopted.
		PSC & CN Responsibility i. Concurs that a balance must be struck between 4WDs, quad bikes, horse riders and pedestrians (and environmental protection). This may necessitate denying motorized beach access south of the <i>Syigma</i> wreck site. The strategic goal to protect Stockton Bight is paramount.	PSC & CN Responsibility i. The Strategy is consistent with the Worimi Conservation Management Plan, which was prepared in consultation with the community. Through the implementation of Actions 1 and 2 (detailed in the Implementation Plan), PSC and CN will further consult with National Parks and Wildlife Service on this matter.
		CN Responsibility j. The Strategy lacks discussion regarding the future of the Stockton Centre. A caveat should be included to discuss this omission.	CN Responsibility j. NSW C&J have advised Council that they will not be undertaking any future planning regarding the use of the Stockton Residential Centre while residents still occupy the site. The Strategy includes a reference to the site

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			<p>history. In terms of future land use, as per the Fern Bay & North Stockton Commercial Lands Study 2017, it is the preferable site for a new town centre.</p> <p>The Strategy has been amended to clearly state CN will consult with NSW C&J.</p>
6.	Fern Bay Fullerton Cove Progress Association	PSC Responsibility a. A safe crossing point on Nelson Bay Road opposite Bayway/Palm Lake is a priority.	PSC Responsibility a. PSC is continuing to liaise with Transport for NSW on this matter as they are the relevant road authority for Nelson Bay Road.
		PSC Responsibility b. Existing crossing point to north of Bayway entrance needs upgrading so residents from both Bayway and Palm Lakes can access it. This requires a footpath on the western side of Nelson Bay Road from Palm Lake's entrance to the bus stop to the north. Traffic lights at Vardon Rd will assist in providing a break in traffic for easier crossing.	PSC Responsibility b. PSC recognises the importance of a pathway in this locality and is continuing to consult with Transport for NSW regarding the funding for a pathway and upgrades to the refuge so that it complies with the Disability Discrimination Act 1992 (DDA).
		PSC Responsibility c. Traffic lights on Vardon Road intersection are required before DHA development in 2026:	PSC Responsibility c. The Traffic and Transport Study prepared to inform the Strategy has recommended that right

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			<p>turn movements from Vardon Road onto Nelson Bay Road be restricted to ensure the intersection operates at an acceptable level. The recommendation will be presented to the Local Traffic Committee for consideration. The Traffic and Transport Study states that the improvement would be appropriate for the intersection until the Rifle Range development proceeded at which point traffic signals would be required. At the development application stage, PSC will determine the most appropriate mechanism for constructing this infrastructure.</p>
		<p>i. They will provide a regular break in traffic flow for residents crossing further north</p>	<p>i. The Strategy recognises the community desire to provide a safe crossing point on Nelson Bay Road for residents. It is considered that traffic signals provided as part of the Rifle Range development will facilitate this need.</p>
		<p>ii. They will provide safe means of crossing Nelson Bay Road for those on Western side.</p>	<p>ii. The Strategy recognises the community desire to provide a safe crossing point on Nelson Bay Road for residents. It is considered that traffic signals provided as part of the Rifle Range development will facilitate this need.</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		<p>iii. Traffic volumes on Vardon Road will increase regardless of DHA development due to 94 place childcare centre, rapidly growing public school and regular use of community centre.</p>	<p>iii. The Traffic Assessment prepared in support of the proposed childcare centre assessed the performance of the Vardon Road capacity as well its intersection with Nelson Bay Road. The assessment provided that "Given the low number of additional traffic movements generated by the development it is considered that the development will have minimal impact on the existing operation of the Nelson Bay Road and Vardon Road intersection."</p> <p>The Traffic and Transport Study prepared to inform the Strategy has recommended that right turn movements from Vardon Road onto Nelson Bay Road be restricted to ensure the intersection operates at an acceptable level. The recommendation will be presented to the Local Traffic Committee for consideration.</p>
		<p>PSC Responsibility</p> <p>d. Traffic study should be updated to reflect the childcare centre, rapidly growing public school and regular use of community centre.</p>	<p>PSC Responsibility</p> <p>d. Traffic studies undertaken in 2018 for the Strategy, Rifle Range planning proposal and the child care centre confirm that the road network is</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			<p>within acceptable capacity.</p> <p>The Traffic and Transport Study prepared to inform the Strategy has recommended that right turn movements from Vardon Road onto Nelson Bay Road be restricted to ensure the intersection operates at an acceptable level. The recommendation will be presented to the Local Traffic Committee for consideration.</p>
		<p>PSC Responsibility</p> <p>e. The traffic study fails to address the unsafe impact that a left turn only from Vardon Rd would have on the Fullerton Street roundabout as Stockton-bound cars will not anticipate cars doing a U-turn. Interim signage should be installed to reduce risk of accidents.</p>	<p>PSC Responsibility</p> <p>e. The Traffic and Transport Study prepared to inform the Strategy has recommended that right turn movements from Vardon Road onto Nelson Bay Road be restricted to ensure the intersection operates at an acceptable level. The recommendation will be presented to the Local Traffic Committee for consideration.</p>
		<p>PSC & CN Responsibility</p> <p>f. Traffic and Transport Study errors:</p> <p>i. No pedestrian crossing on Fullerton Street at Corroba Oval to cater for weekend sport parking</p>	<p>PSC & CN Responsibility</p> <p>f. Responses:</p> <p>i. The Strategy supports a pedestrian refuge to facilitate safer crossings to Corroba Oval, rather than a pedestrian crossing.</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		<p>ii. Does not mention 94 place childcare centre on Vardon Road</p> <p>iii. Bus stops in Seaside Estate are not correctly shown.</p> <p>iv. Recommendation to move Seaside Blvd / Ironbark Dr bus stop further east is based on</p>	<p>ii. The childcare centre was not approved at the time of the Traffic and Transport Study to inform the Strategy.</p> <p>A Traffic Assessment prepared in support of the proposed childcare centre assessed the performance of the Vardon Road capacity as well its intersection with Nelson Bay Road. The assessment provided that "Given the low number of additional traffic movements generated by the development it is considered that the development will have minimal impact on the existing operation of the Nelson Bay Road and Vardon Road intersection."</p> <p>iii. There are three bus stops within Seaside Estate, two of which are not shown on the map. One bus stop was determined to be in an inappropriate location, one was not constructed at the time that the Study was undertaken and the final bus stop is considered to be in a suitable location and condition.</p> <p>iv. Council does not determine the location of bus stops and will continue to liaise with</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		<p>incorrect assumption. Further assessment should be undertaken to determine safest site for bus stop.</p> <p>v. Study indicates that the bus stop opposite 1073 Nelson Bay Road will be removed to cater for off-road cycle path. This shelter is ideally located for a number of existing and future residents.</p>	<p>TFNSW, the relevant bus companies and the community regarding the location of bus stops in Seaside Estate. The Strategy and Implementation Plan have been updated to include an action for PSC to continue to liaise with the relevant stakeholders regarding the location of the bus stops.</p> <p>v. PSC will be constructing a shared pathway on the eastern side of Nelson Bay Road in 2020. While the final design of the project is not finalised, the bus stop will remain within the existing vicinity and the bus shelter will be reinstated. The future bus shelter will need to be DDA compliant.</p>
		<p>PSC & CN Responsibility</p> <p>g. The Commercial Lands Study does not meet the needs of the community and is out of date:</p> <p>i. DHA do not intend to include commercial zoned land at Rifle Range site.</p>	<p>PSC & CN Responsibility</p> <p>g. Responses:</p> <p>i. The Commercial Lands Study assessed potential sites, based on planning merit, for a future town centre and was an exercise to determine a preferred location. The Study provided recommendations that were considered by</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		<p>ii. Golf Course do not intend to include commercial development</p> <p>iii. Walkability rating for 42 Fullerton Cove Rd is inaccurate as it does not consider additional residents at Ingenia Development.</p>	<p>PSC & CN to prepare the Strategy.</p> <p>ii. The Strategy was amended prior to exhibition to remove the Golf Club site as a preferred town centre as requested by the land owner.</p> <p>iii. A development application was lodged with PSC to modify the approved caravan park to include a number of manufactured homes, however the application has been withdrawn.</p>
		<p>PSC & CN Responsibility</p> <p>h. The Commercial Lands Study should be updated to reflect changes and should also include criteria about heritage, land-owner intention and impact on the existing Stockton shopping centre.</p>	<p>PSC & CN Responsibility</p> <p>h. The Strategy was amended prior to exhibition to remove the Golf Club in order to reflect the landholder's intention.</p> <p>The Commercial Lands Study did not include consideration of heritage as it is not a constraint to development. Heritage matters are considered under clause 5.10 of the Newcastle and Port Stephens Local Environmental Plans.</p> <p>Action No 5 of the Implementation Plan seeks to address the impact on the existing Stockton centre by exploring place making options to revitalise the centre.</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		CN Responsibility	CN Responsibility
		i. Residents need to be made aware of the impact that the proposed Town Centre site at the Stockton Residential Centre site will have on the existing Stockton centre, as this will be significant.	i. The Commercial Lands Study was made available to the community during the exhibition period. This Study examines the potential impacts and suggests initiatives for minimising this impacts. These recommendations have been incorporated into the Implementation Plan.
		PSC Responsibility	PSC Responsibility
		j. Supports development of 42 Fullerton Cove Road because it is a convenient location, servicing a number of residents and will not impact on the viability of Stockton. The Strategy should be updated to identify this site to allow it to proceed further along the approvals process, which would give the proponent the ability to demonstrate that the constraints can be overcome.	j. PSC will be progressing the planning proposal, which will be reported to Council on 24 March 2020 with a recommendation that it be submitted to DPIE for a Gateway determination. The Strategy has been amended to allow for the consideration of a neighbourhood centre to service the needs of the community in the immediate term. The Strategy has been amended to remove the action stating that PSC will not support proposals to establish a town centre within Precinct Six.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC Responsibility	PSC Responsibility
		k. There is a strong desire in the community for a commercial precinct in the immediate future.	k. The Strategy has been amended to allow for the consideration of a neighbourhood centre to service the needs of the community in the immediate term. PSC is progressing the planning proposal for a neighbourhood centre at 42 Fullerton Cove Road in order to address this community priority.
		PSC & CN Responsibility	PSC & CN Responsibility
		l. Both councils need to continue advocating for a decision about the Stockton Residential Centre's future, particularly to meet the ongoing needs of the community, such as increased library floor space, youth centre and primary school.	l. The Implementation Plan details a number of actions that PSC and CN will deliver. Actions range from local infrastructure (e.g. footpaths and a new library) to advocacy on State government matters outside of council jurisdiction (e.g. school upgrades and the future of Stockton Residential Centre).
7.	Stockton Community Action Group	PSC & CN Responsibility a. Note that the proposed development of the Rifle Range, Stockton Residential Centre and Fort Wallace provide an attractive growth opportunity for PSC and CN.	PSC & CN Responsibility a. Noted.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		CN Responsibility	CN Responsibility
		b. Patrolled beach at Stockton has been impacted by ongoing erosion events caused by Port operations, causing sand to no longer be replenished at Stockton.	b. CN is in the process of preparing a program which will detail long term actions for coastal management. This is being prepared with NSW EES and other relevant groups.
		CN Responsibility	CN Responsibility
		c. It is considered that sand scraping from Stockton Bight offers a solution, but Stakeholder engagement is required.	c. The Implementation Plan states that CN will continue to investigate a potential source for beach nourishment in the Stockton area.
		PSC Responsibility	PSC Responsibility
		d. Encouraged that the Fern Bay / Rifle Range planning proposal documents support the investigation of sand qualities for beach nourishment and urges PSC to continue investigation.	d. PSC is currently preparing a Coastal Management Plan for the LGA. Following the identification of priority risk areas, appropriate solutions will be investigated. This process will include extensive community consultation.
		CN Responsibility	CN Responsibility
		e. Invites continued discussion between PSC and CN to address the technical and economic merit of pursuing investigations into sand scraping and transport of sand to south Stockton.	e. The Implementation Plan states that CN will continue to investigate a potential source for beach nourishment in the Stockton Area.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		CN Responsibility f. Several studies conclude that: <ul style="list-style-type: none"> • Large volumes of suitable sand exist in the berm vicinity of the beach at Rifle Range; • The Bight seems less impacted by recession and erosion than South Stockton Beach; and • Any transported sand south would likely be returned by natural littoral drift. 	CN Responsibility f. In relation to beach erosion, CN has requested that the State government alter the mandated requirement to only implement long term solutions to address the current situation in Stockton. Until such time as the State government agrees to change the limitation on short-term (emergency) responses to the loss of sand at Stockton Beach, CN will continue to work on developing a long-term solution to this problem. Hence, this issue cannot be addressed by this Strategy at this time.
		CN Responsibility g. Urges CN to progress a scoping assessment of the potential and viability of a combined sand scraping / sand pumping option based on sand from Stockton Bight.	CN Responsibility g. See above.
		PSC Responsibility h. Urges PSC to consider the benefits of a combined sand scraping exercise to benefit beach users.	PSC Responsibility h. PSC is currently preparing a Coastal Management Plan for the LGA. Following the identification of priority risk areas, appropriate solutions will be investigated. This process will include extensive community consultation.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
8.	Port Stephens Greens	PSC & CN Responsibility a. Welcomes the integrated approach by both Councils to address the land use changes in the locality.	PSC & CN Responsibility a. Noted.
		PSC & CN Responsibility b. The Strategy fits within the framework of the Lower Hunter Regional and Greater Newcastle Metropolitan Plans, which envisage significant growth in the Strategy Area, mainly through redevelopment of brownfield sites currently or previously accommodating State and Federal Government land uses.	PSC & CN Responsibility b. DPIE agree that the Strategy aligns with these Plans.
		PSC & CN Responsibility c. Welcomes the emphasis on traffic management and on encouraging walking and cycling. Believe that there could be a greater role for public transport such as on-demand shuttle buses and autonomous vehicles using renewable energy.	PSC & CN Responsibility c. The Strategy supports walking, cycling and public transport improvements, including the adoption of innovative technologies.
		CN Responsibility d. Support for the proposed ferry terminal at North Stockton which may reduce commuter traffic from Stockton Bridge to Tourle Street route.	CN Responsibility d. Noted

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC & CN Responsibility	PSC & CN Responsibility
		e. The duplication of Nelson Bay Road is an overdue priority and is rightly accommodated in the Strategy.	e. The Strategy supports the duplication of Nelson Bay Road.
		CN Responsibility	CN Responsibility
		f. Supports the identification of Precinct One (North Stockton) as the most appropriate location for a new town centre.	f. The Strategy identifies North Stockton as the most appropriate location for a new mixed use town centre. The Strategy has also been amended as a result of community feedback to allow for consideration of a neighbourhood centre within the Strategy area.
		PSC Responsibility	PSC Responsibility
		g. Does not support consideration of an alternative town centre site further north as it would be peripheral to the areas of future housing growth. A small neighbourhood retail / commercial precinct on the Seaside Estate would be appropriate to service local needs.	g. Due to the significant community feedback requesting that a secondary commercial site be considered as an immediate measure to serve the needs of the residents, the Strategy has been amended to allow consideration of a neighbourhood centre. PSC is progressing the planning proposal to remove the commercial zoned land in Seaside Estate. However, in order to address the loss of commercially zoned land in the locality, PSC will be concurrently progressing a planning proposal to

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			rezone land at 42 Fullerton Cove Road
		CN Responsibility h. Precinct One is a much larger area than is required for retail and commercial uses and would be suitable for medium density housing, including affordable housing, and shop top apartments, creating a higher-density built form that could support car-free living.	CN Responsibility h. Higher density development will be considered during the planning proposal and master planning for the site (to be undertaken by the landowner as part of any future proposals). The Strategy recognises that it will be a mixed use town centre, with higher densities being considered in proximity to essential services and amenities.
		PSC Responsibility i. Does not support any further significant housing developments off Nelson Bay Road and Fullerton Cove Road as this rural land and bushland between Fern Bay and the airport precinct should remain as a green buffer, including its role as a biodiversity corridor.	PSC Responsibility i. The Strategy does not identify any further housing developments. However, PSC is considering the following in this area: <ul style="list-style-type: none"> • Planning proposal at 42 Fullerton Cove Road for a neighbourhood centre • Planning proposal for rural residential development at 6 and 16A George Street, 3 and 3A Zircon Land, 10 – 12 Road 530 and 21 Coks Lane, Fullerton Cove. <p>These proposals are subject to an assessment process and will need to address these matters, including biodiversity corridors.</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC Responsibility	PSC Responsibility
		j. Importance of the Worimi Conservation Lands is also recognised and imposes a constraint to any further development on the north east of Nelson Bay Road.	j. Noted.
		PSC Responsibility	PSC Responsibility
		k. Opposed to intensive development at 21 Fullerton Cove Road. The proposed modification to the approved caravan park is a very different development and should be subject to a separate DA. The site is not suitable for residential development as it is flood prone in light of predicted sea level rise.	k. A development application was lodged with PSC to modify the approved caravan park to include a number of manufactured homes, however the application has been withdrawn.
		PSC Responsibility	PSC Responsibility
		l. The Cove development and approved (but still under development) section of Seaside Estate should mark the final extent of residential development to the north of the Strategy area.	l. The Strategy does not identify development beyond these areas, however, as noted above, Council is considering a planning proposal for rural residential development on land to the north of The Cove development.
		PSC Responsibility	PSC Responsibility
		m. Supports the rezoning of an endangered ecological community (EEC) west of Nelson Bay Road to	m. The planning proposal for 42 Fullerton Cove Road proposes to rezone part of the site to B1 Neighbourhood

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		Environmental Protection.	Centre, and the remaining area, approximately 4.2ha, to E2 Environmental Conservation.
		PSC Responsibility n. Concerned about any future development at 42 Fullerton Cove Road as it is not an appropriate development site.	PSC Responsibility n. PSC is progressing a planning proposal on this site. The planning proposal notes that there are a number of matters, such as flooding and biodiversity that will need to be addressed should it receive a Gateway determination to proceed.
		PSC & CN Responsibility o. Management of the coastal zone is a challenge in the Strategy area and the precautionary principle should be employed when designating land uses, including infrastructure for land that may be subject to inundation in the foreseeable future.	PSC & CN Responsibility o. Future development needs to be consistent with the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management) 2018, Ministerial Direction No. 2.2 Coastal Management and Council Coastal Management Plans, once adopted.
9.	Newcastle Golf Club	PSC Responsibility a. Club owns approximately 75ha of land within the Strategy area, including a substantial frontage to Nelson Bay Road.	PSC Responsibility a. Noted.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC Responsibility b. The Club has been exploring development opportunities that will improve the course and ensure the long-term financial stability of the Club. It is unlikely that the Club will ever sell land.	PSC Responsibility b. Noted.
		PSC Responsibility c. The Club has looked at a number of development options, including a supermarket, petrol station, fast food and seniors housing. It was determined that retail use would not be financially viable for the Club and would be exposed to unacceptable risk.	PSC Responsibility c. Noted.
		PSC Responsibility d. The Club is at advanced stages of negotiations for a senior's living development, which involves a low risk potential long term lease.	PSC Responsibility d. Noted.
		PSC Responsibility e. The identification of a 'Potential Town Centre' and as potentially accommodating residential development is only partly consistent with the Club's plans.	PSC Responsibility e. The Strategy does not identify the Golf Course as the preferred town centre site.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC Responsibility	PSC Responsibility
		f. The Commercial Lands Study analysis of the ecological constraints of the site is not accurate as it does not take into consideration the need to clear 6ha in order to replace holes lost to development along the frontage of Nelson Bay Road.	f. The Strategy does not identify the Golf Course as the preferred town centre site.
		PSC Responsibility	PSC Responsibility
		g. A DA for seniors living is likely to be lodged early 2020. As such the Strategy should be amended to remove reference to a potential town centre site and identify it as suitable for the type of development the Club now proposes. This will reduce any delays to the DA process caused by the Strategy and ensure timely occurrence of development of anticipated in the Strategy.	g. The Strategy has been amended to reflect the intentions of the Golf Club. The Precinct Two precinct plan shows the relevant area of the Golf Course intended for residential development.
		PSC Responsibility	PSC Responsibility
		h. The proposal is likely to include more than 150 dwellings, which is higher density than that foreshadowed in the draft Strategy. The Strategy should be updated to reflect the proposed density. The Club's proposal is sufficiently developed for	h. The proposal for a seniors housing development will require a Site Compatibility Certificate (SCCs). SCCs ensure that the development is broadly compatible with surrounding land uses, before they proceed to the DA lodgement,

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		it to be included as a 'key site' in section 3B of the Background Investigations.	<p>assessment and determination stage. DPIE oversees the issuing of SCCs.</p> <p>The Precinct Two structure plan does not identify a lot yield, rather, it shows the area intended to be used for residential development.</p> <p>The Golf Club has been included as a Key Site in the Background Information, noting that access to Nelson Bay Road will be limited.</p>
		PSC & CN Responsibility	PSC & CN Responsibility
		i. Concerned by the concept design for the future duplication of Nelson Bay Road, which requires a corridor width of 34.8m. The current reserve outside the club is 30m. Believe that a 5.1m footpath/cycleway on both sides of the road is excessive and a shared 2.5m pathway would be adequate. This would remove the need for any acquisition of the Club's land. The concept does not appear to come from the Traffic Study. Final Strategy should adopt a concept that will fit within the existing 30m road reserve.	i. The concept design for the duplication was prepared by Council to indicate the potential design. However, the final detailed design will be prepared by Transport for NSW and will include consultation with the community.
		PSC Responsibility	PSC Responsibility
		j. It is hoped that the project, which will	j. The proposed development is

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		enhance the Club's profile and provide it with financial viability, will be supported by both Councils and be consistent with the adopted Strategy.	considered consistent with the Strategy.
10.	Monteath & Powys	PSC Responsibility a. Notes that the draft Strategy identifies the need for a new local centre and potentially a neighbourhood centre to cater for an underserved and growing area.	PSC Responsibility a. Noted.
		PSC Responsibility b. Requests that the Strategy be amended to identify 42 Fullerton Cove Road as a neighbourhood centre that will complement the future local centre at North Stockton. Development of the site will enable a timely delivery of services to the area.	PSC Responsibility b. The Strategy has not been amended to specifically identify the site at 42 Fullerton Cove Road. However, it has been amended to allow for a neighbourhood centre within the Strategy area. The Strategy has been amended to remove the statement that Council will not support planning proposals to establish a town centre within Precinct Six. PSC is progressing the planning proposal for 42 Fullerton Cove Road and will be reporting it to Council on 24 March 2020, with a recommendation that it be submitted to DPIE for

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			a Gateway determination.
		PSC Responsibility c. Does not object to the future local centre being located in North Stockton, but a supermarket is required in the short-term. A neighbourhood centre is unlikely to compromise the local centre, which will have a large format supermarket as an anchor.	PSC Responsibility c. The Strategy has been amended to allow for the consideration of a neighbourhood centre of a size that will not impact on the viability of the future town centre.
		PSC Responsibility d. The site has the requisite area for a local centre as indicated in the <i>Commercial Lands Study (Hill PDA)</i> (the Study), is located close to residential development and is considered more accessible than the existing B1 zoned land in Seaside Estate.	PSC Responsibility d. The planning proposal is being progressed as detailed above.
		PSC Responsibility e. The Study notes that an interim neighbourhood centre has potential on the proviso that it does not impact on the future Local Centre proposed for North Stockton. It is considered that a neighbourhood centre at the site comprising of a supermarket with a gross floor area of 1000 m ² and 500 m ² of retail	PSC Responsibility e. The Strategy has been amended to allow for the consideration of a neighbourhood centre of a size that will not impact on the viability of the future town centre.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		space would complement the local centre and would be unlikely to detract from the viability and opportunities in a larger town centre.	
		PSC Responsibility f. The existing population is currently underserved and needs a neighbourhood centre in the short to medium term. The site is within walking distance of seniors living estates and is accessible by an existing bus service and could be easily accessed by existing residential development. A neighbourhood centre is the highest and best use of the site.	PSC Responsibility f. PSC is progressing the planning proposal to remove the commercial zoned land in Seaside Estate. However, in order to address the loss of commercially zoned land in the locality, PSC will be concurrently progressing a planning proposal to rezone land at 42 Fullerton Cove Road. Note: 2 Seaside Blvd has recently been subdivided and is now known as 2, 4, 4A, 4B, 5, 20, 21, 22, 23, 24, 25 and 26 Seaside Boulevard, Fern Bay.
		PSC Responsibility g. The site at 2 Seaside Boulevard was assessed in the Study as being less suitable for an interim supermarket due to site area, accessibility and exposure. It is only walkable for Seaside residents whereas a number of seniors housing developments would benefit from a neighbourhood centre being located on the	PSC Responsibility g. These planning proposals are being reported to Council on 24 March 2020, with a recommendation that they be submitted to DPIE for a Gateway determination. Council notes that a commercial precinct in this locality is a priority for the community.

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		Fullerton Cove side of Nelson Bay Road.	
		PSC Responsibility h. 42 Fullerton Cove Rd should be identified in the Strategy in order to allow for the progression of the rezoning and timely development of the site, which would be supported by the community.	PSC Responsibility h. While the Strategy is not being amended to identify the site, it will be amended to allow for the consideration of a neighbourhood centre in the locality. This will provide strategic framework for Council to progress the planning proposal.
11.	Perception Planning	PSC & CN Responsibility a. Great initiative of PSC and CN.	PSC & CN Responsibility a. Noted.
		PSC Responsibility b. Submission concerns land immediately to the north of the Strategy boundary – 16 and 16A George Street, 3 and 3A Zircon Land, 10 – 12 Road 530 and 21 Coks Lane, Fullerton Cove. The land received a Gateway determination on 24 May 2019, with a condition to prepare a Precinct Plan to address settlement pattern, developable and infill areas, connectivity (transport, habitat) and open space / community facilities. Initial investigation identified that reticulated water is located within	PSC Responsibility b. The boundaries of the Study Area were based on the environmental constraints (ecological, flood prone land etc.), which formed a natural boundary. A planning proposal for this land is being considered outside of the Strategy process. PSC is progressing a planning proposal for additional residential development on this land. A Gateway determination was received on 24 May 2019. PSC is working with the applicant to address the conditions of the Gateway so that it

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		<p>Fullerton Cove Road and reticulated sewer is located 2km to the north. The deceleration lane on Nelson Bay Road lends itself to low-density residential development that could contribute to the housing targets for Port Stephens.</p> <p>Given that the draft Strategy states that there is limited opportunity for growth in the Strategy area, it is requested that Council consider the northern expansion of the study area to include the site, which presents a rare opportunity to provide housing.</p>	can progress to public exhibition.
12.	Resident	<p>PSC Responsibility</p> <p>a. Expressed confusion about the survey, particularly regarding what was meant by supporting the outcomes of the planning proposals at 42 Fullerton Cove Road and 2 Seaside Blvd.</p>	<p>PSC Responsibility</p> <p>a. The survey sought to determine whether the community supported the intended outcome of each planning proposal. PSC acknowledges that the two planning proposals are related, and will therefore be progressing them concurrently.</p>
		<p>PSC Responsibility</p> <p>b. Bought land in Seaside on the basis that there would be a commercial space with shops, café and other services. Concerned that this will be removed through the rezoning process.</p>	<p>PSC Responsibility</p> <p>b. PSC is progressing a planning proposal to remove the commercial zoned land in Seaside Estate. However, in order to address the loss of commercially zoned land in the</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			<p>locality, PSC will be concurrently progressing a planning proposal to rezone land at 42 Fullerton Cove Road, which seeks to rezone the site for a neighbourhood centre.</p> <p>These planning proposals are being reported to Council on 24 March 2020, with a recommendation that they be submitted to DPIE for a Gateway determination. It is noted that a commercial precinct in this locality is a priority for the community.</p>
		<p>PSC Responsibility</p> <p>c. Supports the planning proposal to rezone land at 42 Fullerton Cove Road to allow commercial development as this is needed and wanted by the community. This land is suitable and available now, unlike the preferred Town Centre site at the Stockton Residential Centre.</p>	<p>PSC Responsibility</p> <p>c. The Strategy has been amended to allow for the consideration of a neighbourhood centre to service the needs of the community in the immediate term.</p>
		<p>PSC & CN Responsibility</p> <p>d. It is an injustice that the Strategy was not prepared prior to the numerous developments being undertaken in the area.</p>	<p>PSC & CN Responsibility</p> <p>d. Both CN and PSC recognised the need for a Strategy in the fast growing location in order to provide direction for future development and prepared the Strategy to address this need.</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC & CN Responsibility	PSC & CN Responsibility
		e. The Strategy is already out of date due to the number of developments continuing in the area.	e. Information was correct at the time the studies were undertaken and they provided the basis for the Strategy to be prepared for exhibition. Amendments to the Strategy have been made due to community feedback. Due to the changing nature of development planning, the Strategy will be reviewed and updated regularly to ensure that it remains relevant.
		PSC Responsibility	PSC Responsibility
		f. Williamtown should be included in the Strategy due to its proximity to the housing and amount of commercial development occurring there.	f. The boundaries of the Study Area were based on the environmental constraints (ecological, flood prone land etc.), which formed a natural boundary. Williamtown is subject to the DAREZ Land Use Development Strategy, which was prepared by GHD Pty Ltd on behalf of the Department of Planning in 2006. It recognises the strategic significance of the DAREZ, the need to protect and support the RAAF Williamtown Base, the need for employment lands in close proximity to the airport and

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			<p>environmental management needs.</p> <p>Furthermore, DPIE have budgeted to investigate the declaration of Williamtown as a Special Activation Precinct to assist in delivering the Defence and Aerospace Related Employment Zone (DAREZ) on lands south of Newcastle Airport.</p> <p>The immediate need for a neighbourhood centre within the Fern Bay locality has been recognised and the Strategy has been amended to allow for this.</p>
		<p>PSC & CN Responsibility</p> <p>g. It appears that the Strategy and town centre is being based around future defence developments, existing sports fields and council facilities, whereas the current and future hub exists at Fern Bay, so the Strategy should focus on Fern Bay and Williamtown.</p>	<p>PSC & CN Responsibility</p> <p>g. Government agencies, including Council, Hunter Water and Defence Housing Australia own sites with development potential within the locality. It is important that the Strategy provides a framework for the development opportunities of these sites, and other privately owned sites, to contribute to the overall viability of the locality.</p>
		<p>PSC & CN Responsibility</p> <p>h. The Strategy should be clearer about how council will work with</p>	<p>PSC & CN Responsibility</p> <p>h. The Implementation Plan identifies various ways that the councils</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		State departments on matters that are outside of council's powers.	will liaise with state agencies on matters that are outside of local government jurisdiction.
13.	Resident	PSC & CN Responsibility a. Critical parts of the Strategy are relying on data that is out of date and does not provide an accurate analysis for future planning for community.	PSC & CN Responsibility a. Information was correct at the time the studies were undertaken and they provided the basis for the Strategy to be prepared for exhibition. Amendments to the Strategy have been made due to community feedback. Due to the changing nature of development planning, the Strategy will be reviewed and updated regularly to ensure that it remains relevant.
		PSC & CN Responsibility b. The most important requirement for the community is the need for a local shopping centre.	PSC & CN Responsibility b. The Strategy has been amended to allow for the consideration of a neighbourhood centre.
		PSC Responsibility c. The size of the commercial zoned land at 2 Seaside Boulevard (9,740m ²) restricts the scale and design of a neighbourhood centre, which typically requires 1.5ha.	PSC Responsibility c. PSC is progressing a planning proposal to remove the commercial zoned land in Seaside Estate. However, in order to address the loss of commercially zoned land in the locality, PSC will be concurrently progressing a planning proposal to rezone land at 42

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			<p>Fullerton Cove Road, which seeks to rezone the site for commercial use.</p> <p>These planning proposals are being reported to Council on 24 March 2020, with a recommendation that they be submitted to DPIE for a Gateway determination.</p>
		<p>PSC Responsibility</p> <p>d. The commercial area consists of 8 residential sized house lots within residential streets with no space for parking. The developer, Rawson Communities, has submitted an application to rezone the site to residential.</p>	<p>PSC Responsibility</p> <p>d. The planning proposal is being progressed.</p>
		<p>PSC & CN Responsibility</p> <p>e. The basic facts are out of date so the analysis of the potential site for local shopping facilities is flawed.</p>	<p>PSC & CN Responsibility</p> <p>e. The Commercial Lands Study assessed potential sites, based on planning merit, for a future town centre and was an exercise to determine a preferred location. The Study provided recommendations that were considered by PSC & CN to prepare the Strategy.</p>
		<p>PSC & CN Responsibility</p> <p>f. The other sites that are not available for commercial development</p>	<p>PSC & CN Responsibility</p> <p>f. The Commercial Lands Study assessed potential sites, based on</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		but have been inaccurately stated as having potential are the Newcastle Golf Club, who have plans for an over 55s development and DHA, who are planning residential development on the old rifle range.	planning merit, for a future town centre and was an exercise to determine a preferred location. The Study provided recommendations that were considered by PSC & CN to prepare the Strategy. The Strategy does not recommend the referenced sites for a town centre.
		PSC Responsibility g. The community has responded with petition of support for a shopping centre at 42 Fullerton Cove Road.	PSC Responsibility g. Council recognises that a local supermarket is a high priority for the local community. As such, the Strategy has been amended to allow for the consideration of a neighbourhood centre and PSC is progressing the planning proposal at 42 Fullerton Cove Road.
		PSC Responsibility h. The Commercial Lands Study, 2017 has not been updated to reflect the facts in the study area and should not be used as the basis for decision making by PSC	PSC Responsibility h. The Commercial Lands Study assessed appropriate sites for a future town centre and was an exercise to determine preferred locations to inform the Strategy. Any future planning proposals will need to undertake a commercial lands analysis and will be able to rely on this up to date data for justification. The recommended progression of the

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
			planning proposal at 42 Fullerton Cove Road highlights that the studies undertaken for the Strategy, while important tools in the decision-making process, are recommendations to Council only.
14.	Resident	<p>PSC Responsibility</p> <p>a. Requests that there is a secondary access, other than Vardon Road, to the proposed Rifle Range development due to the school zone, childcare centre, playground and Vardon Road in on a blind corner off Nelson Bay Road, which has a speed zone of 70-km/hr</p>	<p>PSC Responsibility</p> <p>a. Transport for NSW have advised that only one signalised intersection should be identified as this is the best approach to ensure efficient traffic flows along Nelson Bay Road.</p> <p>The Traffic and Transport Study: Fern Bay and North Stockton identified Vardon Road as the most appropriate location for a signalised intersection.</p> <p>A Traffic impact assessment will need to be undertaken at the development application stage of the Rifle Range development to determine traffic impacts and appropriate treatments.</p> <p>Master planning of the Stockton Residential Centre and Rifle Range will identify future need and connections.</p>

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		PSC Responsibility	PSC Responsibility
		b. Acknowledges the proposed traffic lights on Vardon Road but this will not remove large volumes of traffic from school zone and increased danger to children.	b. Road improvements are likely to be required as part of the Rifle Range development. A 40km/hour speed limit during school hours is currently in place adjacent to the public school and childcare centre on Vardon Road.
		PSC Responsibility	PSC Responsibility
		c. Taylor Road should be considered for an alternative access road to the Rifle Range development as it has good access to Nelson Bay Road, kerb and gutter, there are no blind spots on Nelson Bay Road and it does not have a school zone and other children activities.	c. A 40km/hour speed limit during school hours is currently in place adjacent to the public school and childcare centre on Vardon Road. The Traffic and Transport Study identified that Taylor Road would require significant upgrades and widening to accommodate a signalised intersection and would result in additional traffic passing through local roads to access the school on Vardon Road. The study also found that a signalised intersection on Taylor Road would likely cause queuing, which would impact on access and egress from Fullerton Street.
Other			
15.	Petition	PSC Responsibility	PSC Responsibility
		A petition containing 634 signatures was presented to	PSC is progressing the planning proposal and it will be reported to Council on

ITEM 3 - ATTACHMENT 1 SUBMISSION TABLE.

No.	Author of submission	Comment	Response
		<p>PSC Councillors during public access on 26 November 2019.</p> <p>The petition requests that PSC support and complete the planning proposal at 42 Fullerton Cove Road to enable the timely development of a neighbourhood supermarket and shops which will provide much needed retail services to the community.</p>	<p>24 March 2020, with a recommendation that they be submitted to DPIE for a Gateway determination. It is noted that a commercial precinct in this locality is a priority for the community.</p>







PORT STEPHENS
COUNCIL



City of
Newcastle

Fern Bay and North Stockton Strategy



PORTSTEPHENS.NSW.GOV.AU | NEWCASTLE.NSW.GOV.AU    

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Acknowledgement

Port Stephens Council and City of Newcastle acknowledges the Worimi People as traditional custodians of this land and pays its respects to Worimi Elders, past, present and future.

Revision History

Revision	Date	Detail	Council Resolution CN	PSC
1	28 May 2019	Draft Strategy (Version 1)	N/A	N/A
2	22 October 2019	Draft Strategy (Version 2)	76	197
3	24 March 2020	Final Strategy		

Abbreviations

CN	City of Newcastle
DCP	Development Control Plan
DHA	Defence Housing Australia
EPA	Environment Protection Authority
GNMP	Greater Newcastle Metropolitan Plan 2036
HRP	Hunter Regional Plan 2036
LEP	Local Environmental Plan
LGA	Local Government Area
NLEP	Newcastle Local Environmental Plan 2012
NPWS	National Parks and Wildlife Services
PFAS	Per- and Poly-Fluoroalkyl Substances
PSC	Port Stephens Council
PSLEP	Port Stephens Local Environmental Plan 2013
RAAF	Royal Australian Air Force

Definitions

Town centre	Shopping and business centre for the district, located in North Stockton. Includes health and professional services mixed with tourist accommodation and medium and higher density residential development.
Neighbourhood centre	A small-scale commercial centre, located in Fern Bay, comprising limited retail development, including a neighbourhood supermarket to serve the day to day needs of the people who live or work in the local area. The neighbourhood centre is limited in area so as to not undermine the viability of the future town centre.

List of Figures

Figure 1	Strategy Area
Figure 2	Land use precincts
Figure 3	Monitoring, reporting and review cycle
Figure 4	Regional context map
Figure 5	Overall Structure Plan
Figure 6	Precinct 1: North Stockton
Figure 7	Precinct 2: Original Fern Bay
Figure 8	Precinct 3: Beachfront
Figure 9	Precinct 4: Sports
Figure 10	Precinct 5: Seaside Estate
Figure 11	Precinct 6: Fullerton Cove

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Contents

Executive Summary	3
Part A Introduction.....	6
Part B Goals	13
Part C Planning Principles	20
Part D Precinct Plans.....	24
Attachment 1 Implementation Plan	
Attachment 2 Background Investigations	

Executive Summary

Port Stephens Council and City of Newcastle have developed the Fern Bay and North Stockton Strategy (the Strategy) to guide future development and ensure sufficient community infrastructure is provided for the growing community. The Strategy is based on evidence utilising information gathered from technical studies and investigations.

The Strategy seeks to identify opportunities for Fern Bay and North Stockton to create a pedestrian focused place which offers housing diversity, a mixed-use town centre, connected open spaces and community facilities.

To achieve this vision the Strategy is guided by the following goals (Part B):

- 1 **Environment:** protect the treasured and unique Stockton Bight for future generations and attract responsible heritage and nature-based tourism.
- 2 **Town Centre:** establish a conveniently located mixed-use town centre connected by **technology**, transport, housing, tourism and great public places.
- 3 **Housing:** grow a resilient coastal community with access to liveable and diverse housing.
- 4 **Open Space and Community Facilities:** improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles.
- 5 **Transport:** prioritise safe and convenient travel by walking, cycling and use of public transport and duplicate Nelson Bay Road for its full length from Stockton to Newcastle Airport to support regional journeys.
- 6 **Tourism:** advocate for tourist and visitor accommodation to support the regional visitor economy and Newcastle Airport.

The Strategy sets out planning principles (Part C) for each goal to guide future development, including the preparation and assessment of planning proposals to amend the relevant Local Environmental Plan (LEP).

Implementation of the Strategy is driven through identification of specific outcomes (Part D) for the six precincts that make up the Strategy Area: North Stockton, Original Fern Bay, Beachfront, Sports, Seaside Estate and Fullerton Cove (Figure 2). The actions are allocated a colour-coded number. The colour aligns the action to the specific precinct goal.

Future development is likely to occur in the North Stockton and Beachfront precincts through redevelopment of larger, already disturbed sites. Development further north (of Fern Bay) is limited due to a range of environmental factors.

Fern Bay and North Stockton are well connected to the Newcastle City Centre, Newcastle Airport and Port Stephens. The Strategy seeks to provide housing options which are close to employment opportunities, as well as increase the opportunities for attracting visitors to the area, building upon the rich culture and raw beauty of Stockton Bight.

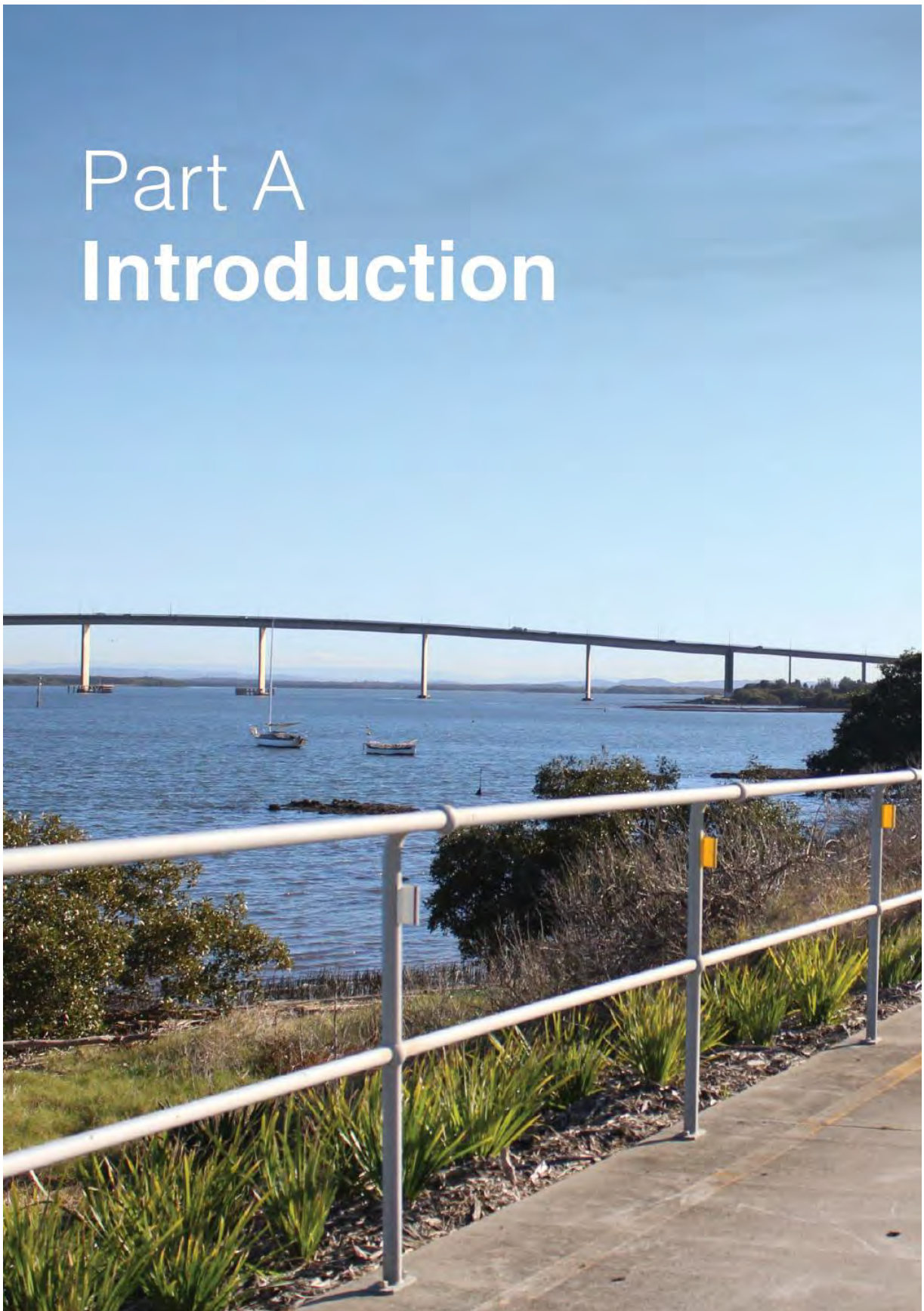


Figure 1 – Strategy Area

Fern Bay and North Stockton Strategy

4

Part A Introduction



Part A Introduction

A1 Purpose

Fern Bay has experienced rapid population growth over the last 15 years. In this time, the area has developed from a small village to a larger community incorporating a number of large, disconnected residential developments. This has resulted in the creation of an urban population where a semi-rural village centre had been.

Port Stephens Council (PSC) and City of Newcastle (CN) have received planning proposals for the redevelopment of the Rifle Range and Fort Wallace sites, proposing up to approximately 400 additional dwellings within the Strategy Area. The Fort Wallace planning proposal was gazetted on 13 September 2019. The Rifle Range planning proposal received a Gateway determination on 25 November 2019. These additional residents are expected to increase demand for essential community services and transport infrastructure. The redevelopment of large land holdings within North Stockton and South of Fern Bay have the potential to create positive outcomes and infrastructure for the community. PSC and CN have identified the need to develop this Strategy to guide development in Fern Bay and North Stockton for the next 20 years.

A2 Structure of the Strategy

- Part A provides context for the Strategy
- Part B provides an overview of the goals for the area as informed by community aspirations.
- Part C lists principles to inform future planning when land is rezoned.
- Part D details the outcomes for each of the six precincts in the Strategy Area with specific actions to achieve the goals.

A3 Application and Effect

The Strategy Area includes land within the Port Stephens (Fern Bay and Fullerton Cove) and City of Newcastle (North Stockton) local government areas (LGAs) (Figure 1). The Strategy does not include the established Stockton neighbourhood, south of Corroba Oval or most parts of the Fullerton

Cove locality due to a range of known environmental constraints limiting development potential.

Amendments to relevant Local Environmental Plans (LEPs), Development Control Plans (DCPs) and Local Infrastructure Plans will be required to implement the Strategy. Planning proposals within the Strategy Area are to demonstrate consistency with the planning principles (Part C) and achieving the goals of the Strategy (Part B).

A4 Precincts

Six precincts (Figure 2) have been identified within the Strategy Area:

North Stockton includes the Stockton Residential Centre (a residential care facility, which opened in 1900 and important in the Hunter region's history for its role as a quarantine station and use as a mental health facility) and Fort Wallace (built for the defence of Newcastle during World War One) immediately to its south. Both sites have significant heritage value.

Original Fern Bay includes the original village boundary for Fern Bay, providing single detached dwellings within a grid street pattern. Palm Lakes Resort and Bayway Village are located to the north of the precinct and consist of manufactured dwellings for people aged over 50. Newcastle Golf Course is a significant land holding with opportunities for future development.

Beachfront comprises the greatest area of environmentally significant land, being Worimi Conservation Lands (WCL) and Stockton Beach. While no recent development has occurred within this precinct, the Rifle Range offers opportunities for future urban development and connection to the surrounding environmental lands.

Sports precinct includes Corroba Oval and surrounding recreational land. The precinct will provide a common place for recreation and community activities for the Stockton Peninsula.

Seaside Estate is a planned community located within proximity to Stockton Beach and WCL. It consists mostly of single dwellings and some landscaped recreation areas.

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Fullerton Cove includes the only rural lands in the Strategy Area. The Cove Village, located in the south of the precinct, provides housing for over 55s with resort style facilities. Rural dwellings and agricultural land use are dispersed through the

northern section of the precinct. The precinct has the ability to accommodate a neighbourhood centre, providing for the day to day needs of the community.

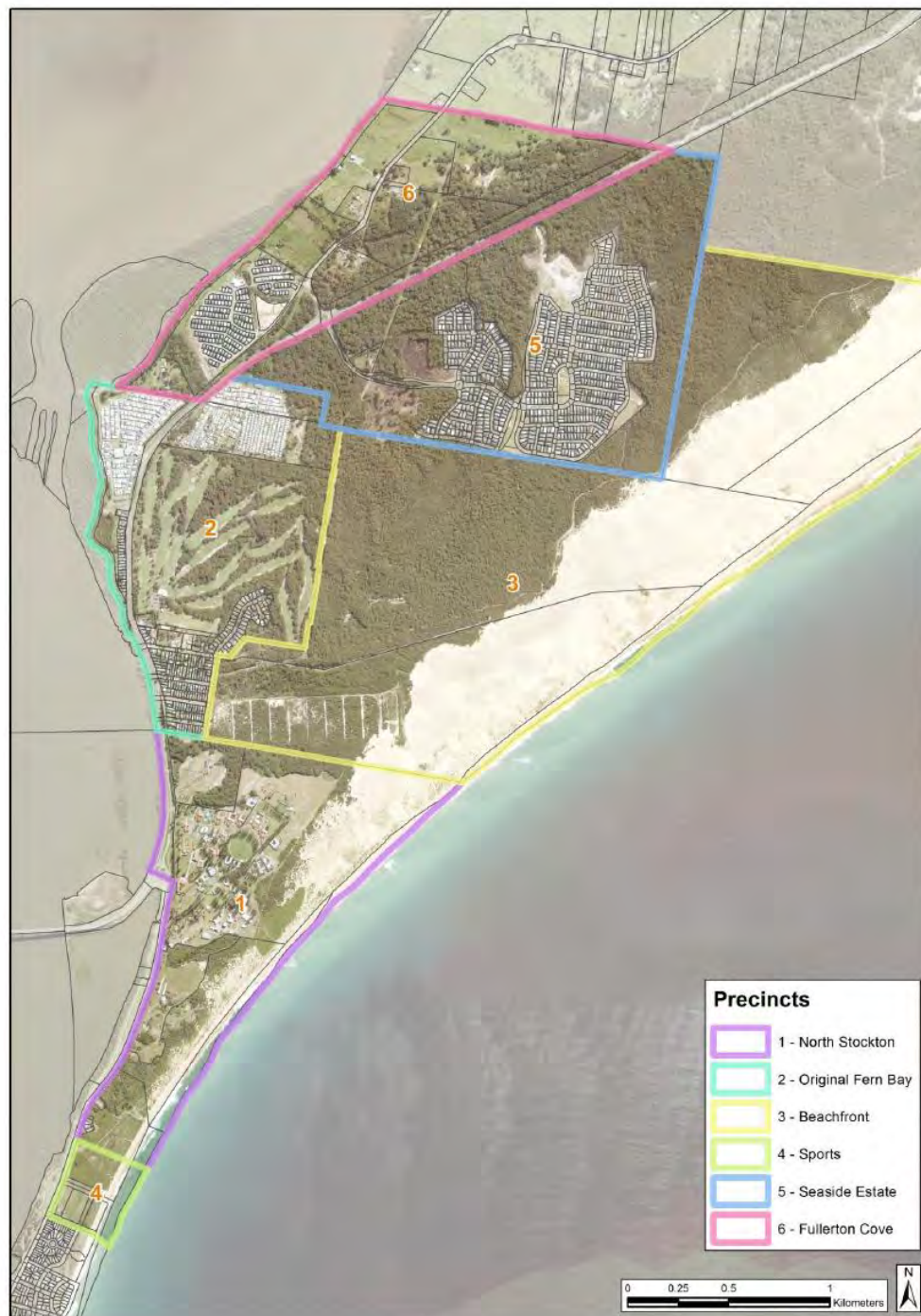


Figure 2 – Land use precincts

Fern Bay and North Stockton Strategy

8

A5 Monitoring and Review

CN and PSC will monitor and review the Strategy. An annual report to each respective council on the implementation of its outcomes will be provided. The Strategy will be reviewed every five years, or as necessary.



Figure 3 – Monitoring, reporting and review cycle

Partnerships

CN and PSC have worked collaboratively to develop the Strategy with early input sought from the community and relevant organisations to plan for coordinated and sustainable growth.

The two Councils are unable to deliver this Plan alone and will require cooperation and assistance across Government, industry and the community.

Further engagement will occur throughout this process. Roles for each council, State agencies and other organisations have been clearly outlined in the Implementation Plan (**Attachment 1**) to ensure that the goals of the Strategy are realised.

A6 Community Engagement

The Strategy has been guided by community input via comments received on an interactive online map, community survey and two separate drop-in sessions in September 2017.

The themes identified as priorities are Environment; Housing and People; Town Centre; Open Space and Community Facilities; Transport and Tourism. The goals for each of these focus

areas reflect the aspirations derived from the community during the consultation. The community aspirations also act as strategic directions for planning and decision making that will help achieve the goals for each focus area.

The Strategy was exhibited in October/November 2019. Key changes to the Strategy include the consideration of a neighbourhood centre within the Strategy Area, the inclusion of the Newcastle Golf Course as a Key Site and updating information.

A7 Regional context

Fern Bay and North Stockton are well positioned within the region (Figure 4) to capitalise on the vision projected by the NSW Government in the Greater Newcastle Metropolitan Plan 2036 (2018).

The Strategy Area is situated on the main thoroughfare between Newcastle City and Newcastle Airport. The Airport and Newcastle Port are considered 'Global Gateways' that offer employment opportunities next to Fern Bay and North Stockton. The Strategy Area's proximity to these regional assets in addition to the lifestyle and visitor opportunities offered in Fern Bay and North Stockton demonstrate the potential to positively contribute to Greater Newcastle.

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

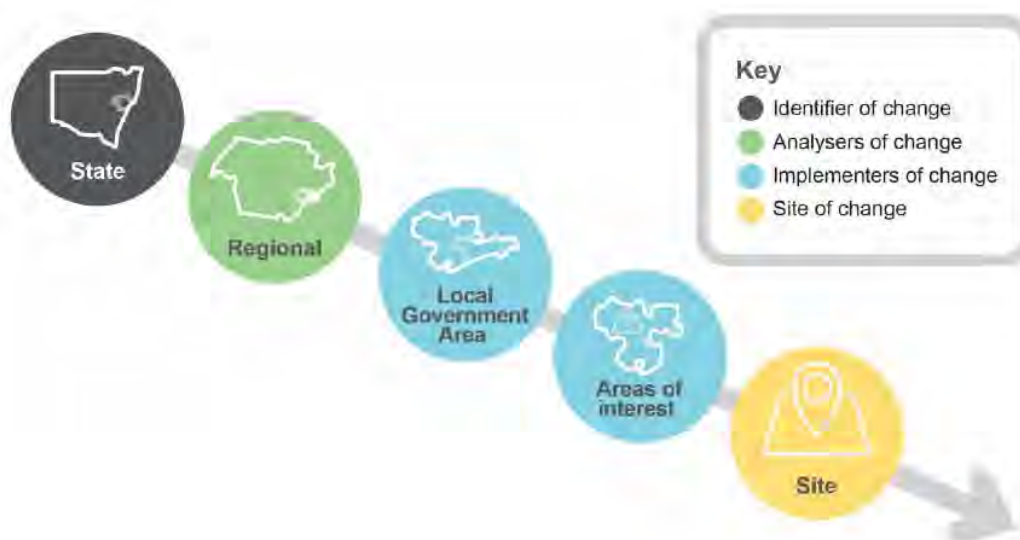


Figure 4
–
Regional
context
map

Fern Bay and North Stockton Strategy

10

A8 Planning Context

**Hunter Regional Plan 2036 (2016)**

The Strategy is aligned with and will contribute to achieving key goals of the Hunter Regional Plan 2036:

Goal 1 'The leading regional economy in Australia' by promoting new small business with the establishment of a new mixed-use town centre (Direction 8) and growing tourism in the region at both Fern Bay and Stockton (Direction 9). The Strategy also supports the establishment of the DAREZ lands by providing additional housing within a 30 minute drive of the Airport/RAAF Base (Direction 7).

Goal 2 'A biodiversity-rich natural environment' by protecting natural areas, including Worimi Conservation Lands and Hunter Wetlands, (Direction 14) and considering natural hazards and climate change for future residential areas (Direction 16)

Goal 3 'Thriving communities' by enhancing walking and cycling opportunities through identifying appropriate and accessible spaces and facilities (Direction 17 & 18) and protecting natural, built and cultural heritage (Direction 19). The design of a new mixed-use town centre is to incorporate place-making principles (Direction 20).

Goal 4 'Greater housing choice and jobs' by establishing a compact settlement surrounding a new mixed-use town centre and limiting further development on the urban fringe (Direction 21) and promote a mix of housing choices in new and existing residential areas (Direction 20).

Greater Newcastle Metropolitan Plan 2036 (2018)

The Strategy is aligned with and will contribute to achieving key outcomes of the Greater Newcastle Metropolitan Plan 2036:

Outcome 1 'Create a workforce skilled and ready for the new economy' by providing housing close to the airport and aerospace and defence precinct (Strategy 2) and increase tourism opportunities (Strategy 6).

Outcome 2 'Enhance environment, amenity and resilience for quality of life' by creating great public places where the community can come together (Strategies 10 and 11) and consider natural hazards and climate change for future residential areas (Strategy 14).

Outcome 3 'Deliver housing close to jobs and services' by increasing housing diversity and choice (Strategy 16).

Outcome 4 'Improve connections to jobs, services and recreation' by integrating land use and transport planning (Strategy 20).

The GNMP also requires CN and PSC to work together to coordinate housing and infrastructure development in Fern Bay to protect transport connections between the Newcastle Airport and Newcastle Port. It also requires focus on development of tourism opportunities in Stockton to support the establishment of a cruise ship terminal in the Carrington Precinct.

Newcastle 2030 CSP (2018) and Port Stephens CSP (2018)

The Strategy is aligned with the Newcastle 2030 and Port Stephens Community Strategic Plans, which outline the community's agreed aspirations and needs for the respective LGAs.

Newcastle Local Planning Strategy (2015)

Stockton's existing town centre, located in Mitchell Street, is a 'Local centre (minor)' that should be promoted as a tourism destination without reducing its appeal as a place to reside.

Identifies the consideration of a new commercial centre in North Stockton and the need to consider coastal erosion. The Strategy identifies an opportunity for a new town centre at North Stockton to service residents outside the existing Stockton Local Centre pedestrian catchment.

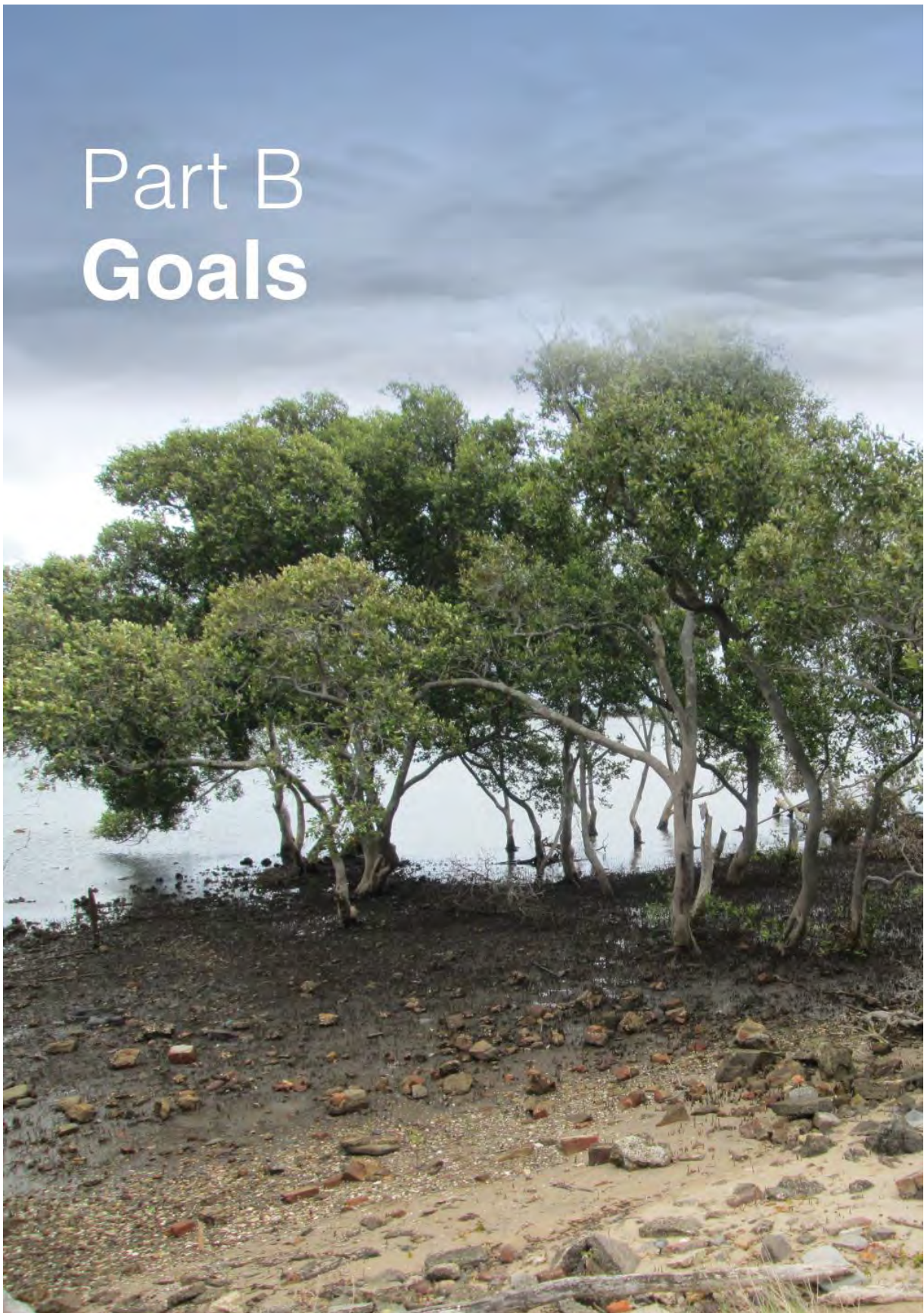
Port Stephens Planning Strategy (2011)

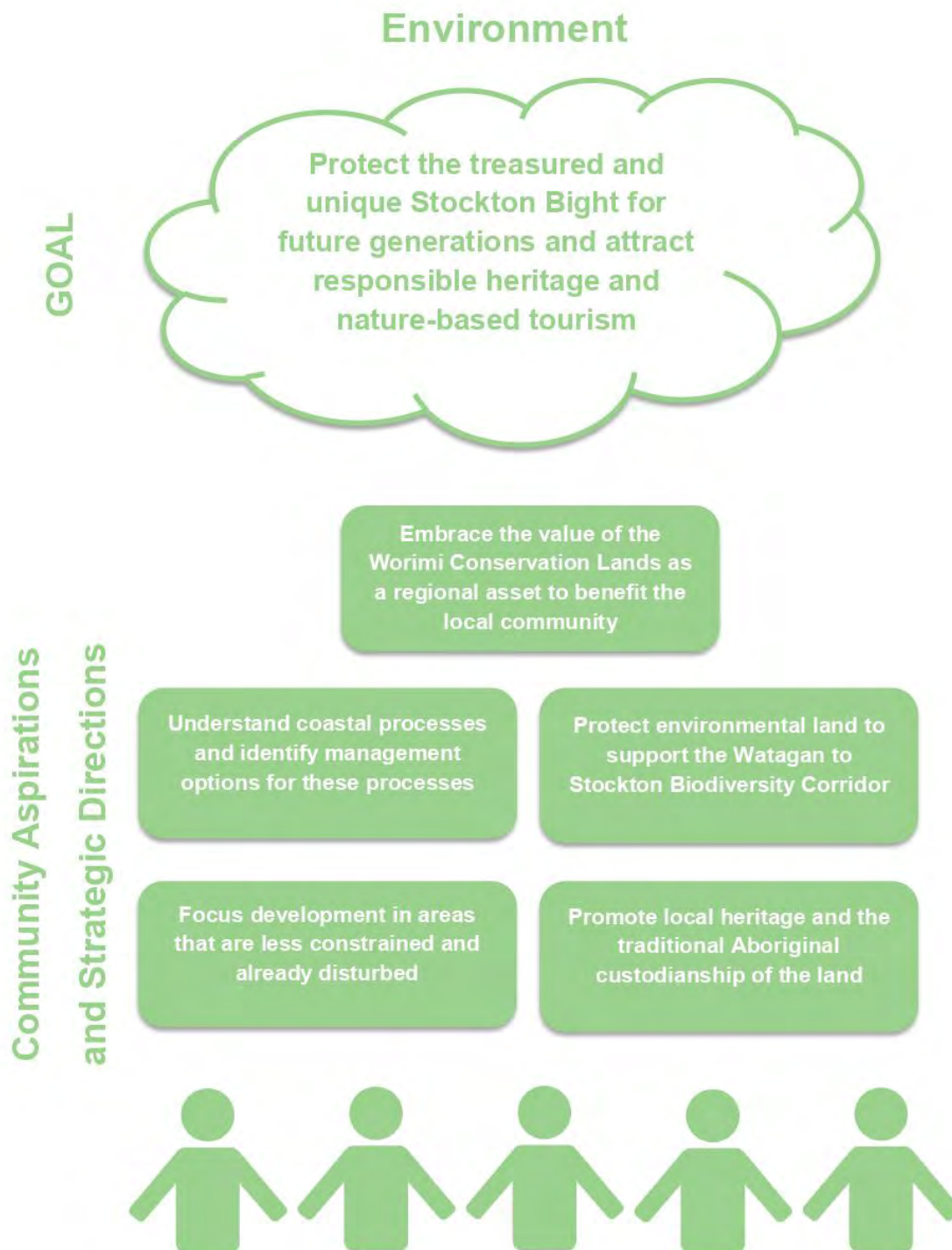
Fern Bay is a 'Smaller Village Centre' within the Eastern Growth Corridor of Port Stephens. Opportunities exist for increasing densities to maximise access to existing infrastructure and additional commercial zoned land is required. There are opportunities for infill (42) and greenfield (1,396) residential dwellings with an estimated density of 10-12 dwellings per hectare.

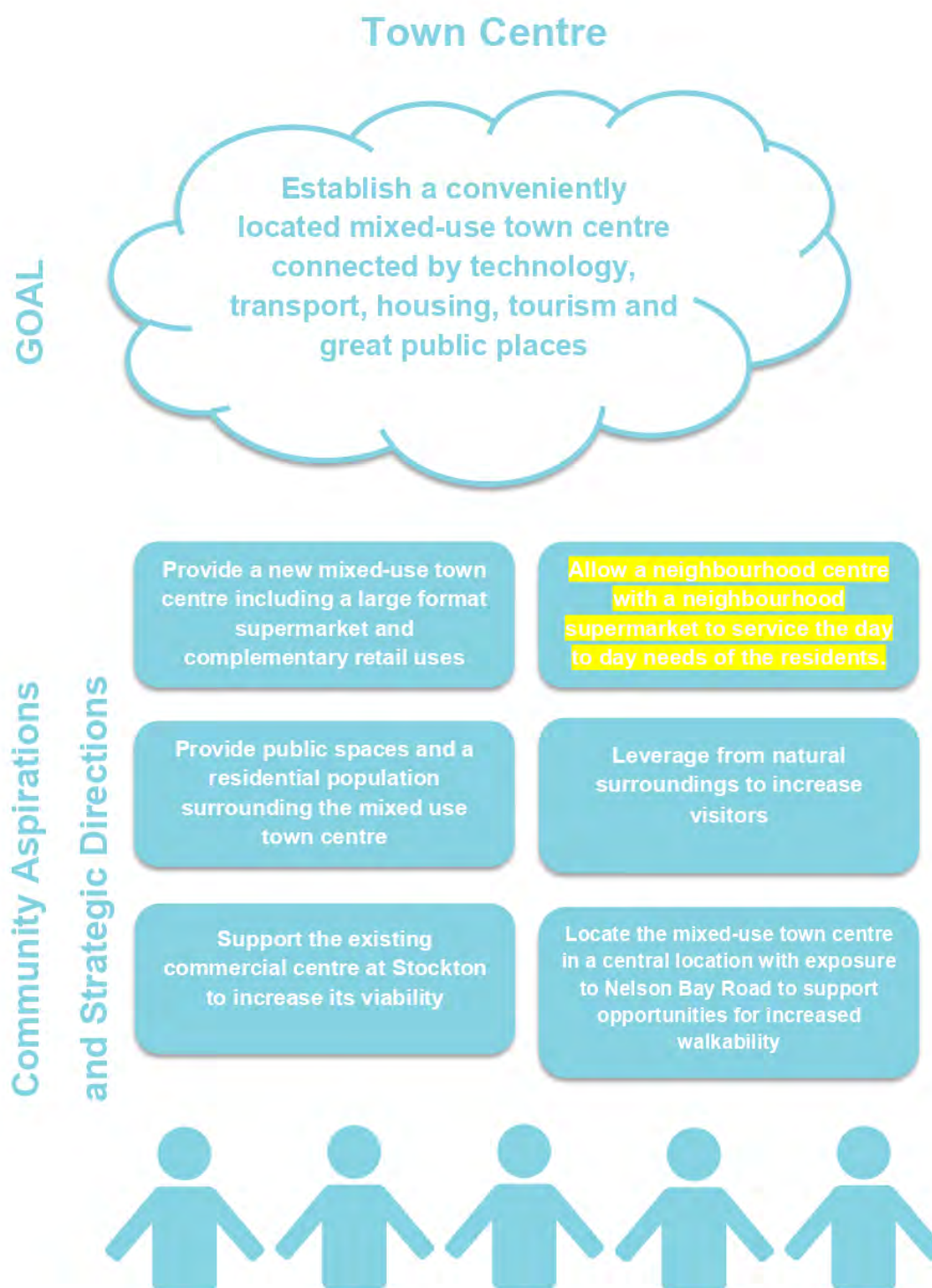
Planning proposals and key sites

- Rifle Range
- Fort Wallace
- Seaside Estate
- Stockton Residential Centre
- 42 Fullerton Cove Road
- Newcastle Golf Course

Part B Goals



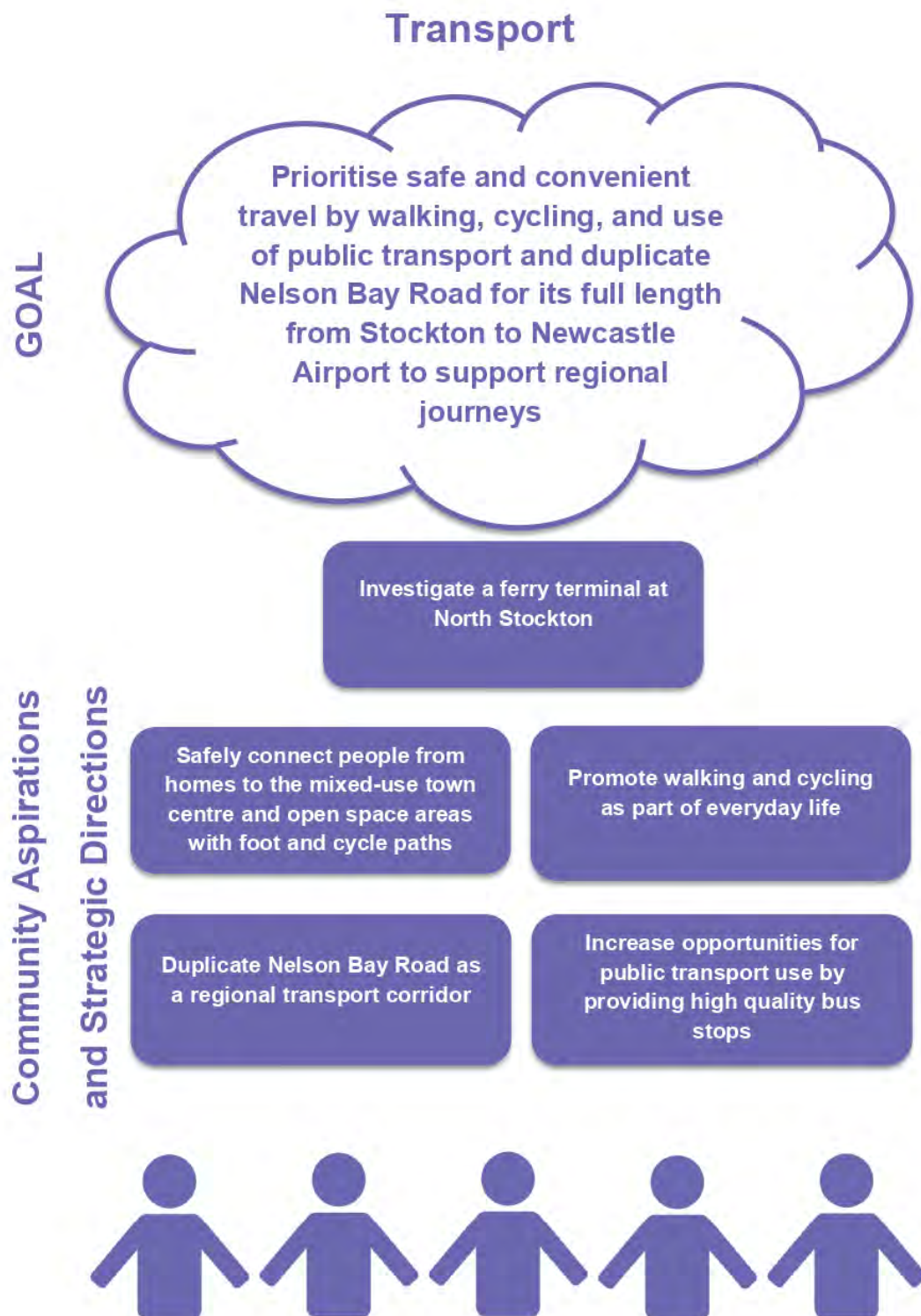






Open Space and Community Facilities





Tourism

GOAL

Advocate for tourist and visitor accommodation to support the regional visitor economy and Newcastle Airport

Community Aspirations
and Strategic Directions

Encourage tourist and visitor accommodation in the new mixed-use town centre

Consider land uses that support tourism and tourism support facilities

Consider hotel and other tourist and visitor accommodation along Nelson Bay Road

Recognise the area's tourism potential with connections to Newcastle City, Newcastle Airport and the Tomaree Peninsula



Part C

Planning Principles



This Part provides the principles for development within the Strategy Area. A planning proposal within the Strategy Area is to demonstrate how it is consistent with the principles and how it contributes to achieving each of the listed goals.

C1 Environment

Goal: Protect the treasured and unique Stockton Bight for future generations and attract responsible heritage and nature-based tourism

Principles

1. Grow tourism in the region

- Encourage visitors to experience the history and natural beauty of the area and promote tourism support services such as cafes, restaurants and short-term accommodation.

2. Protect the coast and increase resilience to natural hazards

- Consider the Newcastle Coastal Zone Management Plan 2018 and requirements of the future Coastal Management Program under the *Coastal Management Act 2016*.

3. Protect important environmental assets and enhance biodiversity connections

- Protect the Watagan to Stockton Link Biodiversity Corridor including WCL and other areas of environmental significance.

4. Recognise and conserve heritage

- Ensure the indigenous and non-indigenous significance of the area is reflected in the built environment through design, colours and materials.

C2 Town Centre

Goal: Establish a centrally located mixed-use town centre in North Stockton that is connected by technology, transport, housing, tourist and visitor accommodation and great public places

Principles

1. A traditional pattern of complete streets and public spaces

- Identify a distinct town centre incorporating a public domain that enables engagement and interaction of people.
- Provide a legible layout, with appropriate "landmarks" and adequate signage.
- Develop policies that promote high quality, creative design of development, urban spaces and landscape settings.
- Provide a variety of public spaces that are useable and pleasant to reflect community needs, including those for quiet reflection, noisy activities, public events and casual meetings.

2. Pedestrian priority and integrated public transport

- Provide a compact retail core and street network to encourage low vehicle speeds, use of public transport, walking and cycling, including commuter cycling and links to the beach.

3. Balanced and discrete parking provision

- Provide convenient car parking for shoppers at a level of provision that will encourage the use of public transport but not disadvantage retailers in competition with other town centres.

C3 Housing

Goal: Grow a resilient coastal community with access to liveable and diverse housing

Principles

1. Focus housing growth in locations that maximise infrastructure and services

- Encourage higher density residential development in the town centre, near public transport stops, parks and other public open spaces.

2. Deliver greater housing supply and choice to encourage more affordable housing

- Provide housing that is diverse in form, number of bedrooms, configuration and is

universally designed¹ to cater for aging in place.

- Provide aged care accommodation co-located with the mixed-use town centre to provide older residents easier access to services and transport.
- 3. **Limit urban sprawl and impacts on the natural environment**
- Promote housing development within the existing urban footprint and provide highest residential densities in proximity to the town centre.

C4 Open Space and Community Facilities

Goal: Improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles

Principles

1. Optimise access

- Improve connections between residential and community areas and provide multipurpose, safe and innovative spaces that are equitably distributed across the local government areas.

2. Connect with nature and culture

- Utilise the existing natural setting and cultural values to design an integrated open space network.

3. Maximise user experience

- Encourage social connections and community participation and promote health and wellbeing. The development of a new library would facilitate the engagement of local residents with digital resources and expanded learning opportunities.

4. Engage with new technology

- The development of a new library will assist local residents to access digital

resources and expanded learning opportunities.

C5 Transport

Goal: Prioritise safe and convenient travel by walking, cycling and use of public transport and duplicate Nelson Bay Road for its full length from Stockton to Newcastle Airport to support regional journeys

Principles

1. Prioritise pedestrians and cyclists

- Link footpaths/shared paths from homes to the town centre, public spaces, and transport nodes including bus stops and ferry terminal(s).

2. Support public transport ridership

- Provide high quality transit stops (shelter, seating, signage, information and lighting) forming part of the transport network enabling convenient and safe access within and from the Strategy Area.

3. Maintain the integrity of Nelson Bay Road as a regional transport corridor

- Limit of one signalised intersection on Nelson Bay Road.
- Promote walking and cycling.
- Duplicate Nelson Bay Road to two lanes of travel in each direction from Stockton to Newcastle Airport and allow a share path, bus and access lanes. **Note: Transport for NSW are the authority for Nelson Bay Road and will be responsible for the design and construction of the road.**

C6 Tourism

Goal: Advocate for tourist and visitor accommodation to support the regional visitor economy and Newcastle airport

¹ **universal design** is the design and composition of an environment (e.g. building) so that it can be accessed, understood and used to the greatest

extent possible by all people regardless of their age, size, ability or disability (Source: National Disability Authority, 2012).

Principle

1. **Encourage tourist and visitor accommodation in the new town centre**
 - Allow land uses to support tourism and tourism support facilities, hotel or tourist and visitor accommodation along Nelson Bay Road and in the mixed-use Town Centre.

Part D Precinct Plans



This Part provides the outcomes for each precinct that will be implemented through the Implementation Plan (Attachment 1).

Figure 5 – Overall Structure Plan

Environment Outcomes

- Investigate a Tomaree to Stockton walk (involving boardwalk/trails and observation decks) to link with the Great North Walk.
- Investigate the establishment of formal walking trails (including directional, educational and interpretational signage) to link Seaside Estate and the Rifle Range site with the WCL and existing beach access.

Town Centre Outcomes

- Implementation of the Stockton Public Domain Plan and Traffic Plan.
- Review residential uses (particularly single dwellings) that are permissible within the B2 Local Centre Zone of NLEP in the existing Stockton centre.
- Further explore place making options and events to better activate spaces and assist in overall revitalisation of the existing Stockton centre.
- Allow for the consideration of a neighbourhood centre, with a neighbourhood supermarket, in Fern Bay. The centre should be limited in area to be consistent with the Strategy's objective to provide a mixed-use town centre in a central location with exposure to Nelson Bay Road.

Open Space and Community Facilities Outcomes

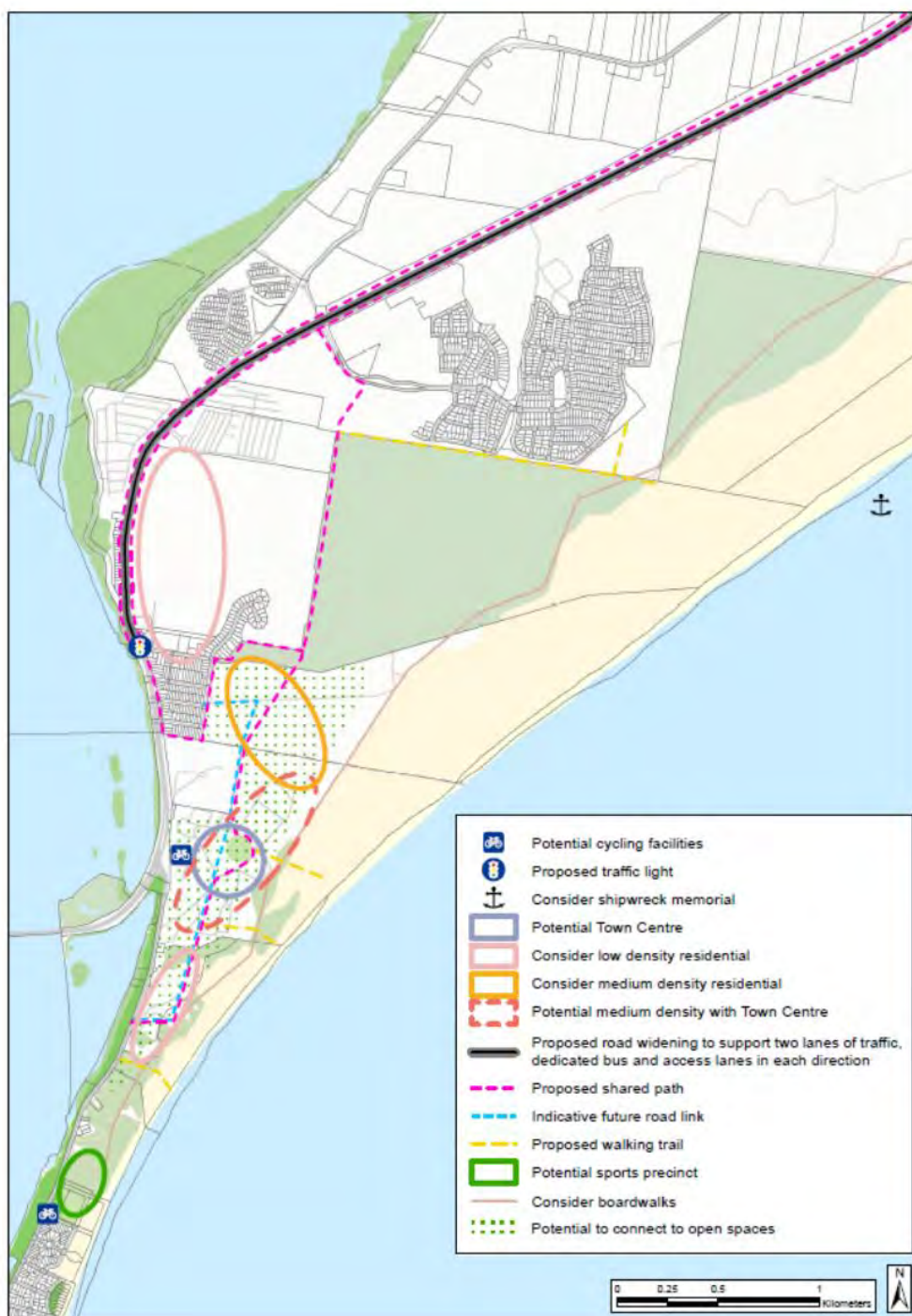
- Investigate future ownership of the beachfront land within the Strategy Area to enable continuous public access to the beach from Stockton to the WCL.
- Investigate feasibility of a new modern library and multipurpose facility to be located within the proposed mixed-use town centre.

Transport Outcomes

- Provide a shared path from Seaside Boulevard, along the access trail to the east of Newcastle Golf Club, through to Popplewell Road then link up with the existing shared path to the east of Nelson Bay Road. This could also include a link to the rear of Bayway Village.
- Indicative shared path providing a link between future development of the Rifle Range, potential mixed-use town centre and Fort Wallace sites. The location of this path would be determined pending detailed design of these developments.
- A future road link should be provided connecting the existing Fern Bay residential area through to North Stockton (Fullerton Street). The road would pass through the Rifle Range, the potential mixed-use town centre and Fort Wallace sites. Ensure relevant site specific DCP sections allow for a road link connecting the three sites.
- Relocate, upgrade or construct bus stops in accordance with the Seca Traffic and Transport Study.
- Duplicate Nelson Bay Road to two lanes of travel in each direction between Vardon Road and Seaside Boulevard and allow a share path, bus and access lanes and two vehicle lanes in both directions. Note: Transport for NSW are the authority for Nelson Bay Road and will be responsible for the design and construction of the road.

Tourism Outcomes

- Consider land uses to support tourism and tourism support facilities, hotel or tourist and visitor accommodation along Nelson Bay Road.



Fern Bay and North Stockton Strategy

Figure 6 – Precinct 1: North Stockton

Environmental Outcomes

- Recommend that Fort Wallace is included on the State Heritage Register.
- Review public access points to the northern parts of Stockton Beach to enhance accessibility, considering the impact on coastal erosion.
- Investigate a potential source of sand for beach nourishment in Stockton area.

Town Centre Outcomes

- **Preferred Option:** Liaise with the land owner to discuss future use of site. The site remains operational and no decision has been made by the State Government regarding the future use of the site. A masterplan to outline how the site can be redeveloped into the future is required to support any future change in land use. The masterplan process is to consider (but is not limited to) connections to adjacent sites, access to Stockton Beach, heritage and environmental opportunities, dwelling type and yield (including provision of affordable housing), location of mixed-use town centre incorporating commercial, residential, tourist and visitor accommodation, open space and community uses.

Housing Outcomes

- Provide housing incorporated with a mixed-use town centre comprising residential (low - medium density) accommodation, commercial, community and recreation uses. Note, the envisaged potential land uses would allow the existing uses on the site to continue.
- Fort Wallace – the planning proposal was gazetted on 13 September 2019. The land has been rezoned and requires a development application to be approved in order for the site to be developed.

Transport Outcomes

- Upgrade the existing bus stop on the eastern side of Fullerton Street, adjacent to the Fort Wallace access, to provide seating and shelter.
- Remove the signage for the bus stop to the immediate north of the Stockton Bridge. Upgrade the existing bus stop on the western side of Nelson Bay Road, adjacent to the Stockton Cemetery access, to provide seating and shelter. This would be developed in conjunction with a pedestrian refuge to be provided in this location.
- Provide a bus stop with seating and shelter along the western side of Fullerton Street, opposite the access to the potential future mixed-use town centre. Encouraging safe crossing of Fullerton Street at the existing pedestrian crossing in this location.
- Review the operation of the roundabout intersection at Nelson Bay Road / Fullerton Street prior to planning for the North Stockton Precinct which may not be required if the predicted level of background growth or future development is not realised.
- Investigate a ferry terminal at North Stockton to support growth in the longer term. An existing boat ramp at North Stockton (south of Corroba Oval) has recently been upgraded. This opportunity could be further investigated in the future.

Tourism Outcomes

- Encourage tourism and visitor accommodation in the mixed-use town centre.



Figure 7 – Precinct 2: Original Fern Bay

Town Centre Outcomes

- Liaise with landowner to discuss potential future use of the site. The masterplan process is to consider (but is not limited to) connections to adjacent sites, access to WCL, heritage and environmental opportunities, dwelling type and yield, tourist and visitor accommodation, open space and community uses.

Housing Outcomes

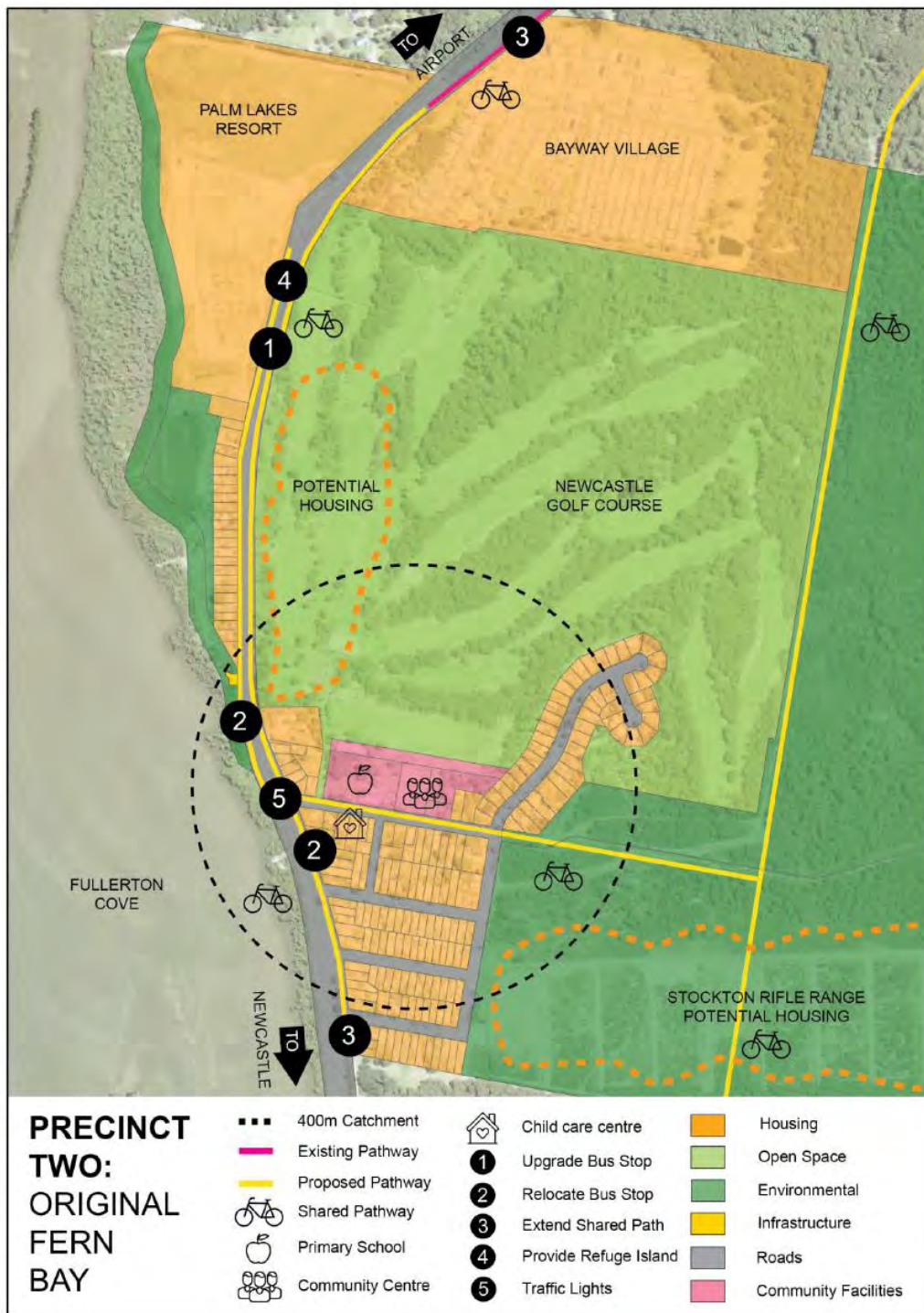
- Provide housing with greater densities closer to the proposed mixed-use town centre.
- Undertake feasibility modelling to identify incentives or necessary amendments to planning controls to encourage infill housing development in Original Fern Bay.
- Consult with the NSW Department of Education on potential growth scenarios and the provision of educational facilities and advocate for the provision of preschools.

Transport Outcomes

- Upgrade the existing bus stop on the western side of Nelson Bay Road, adjacent to the Palm Lakes Resort access, to provide seating and shelter.
- Relocate the existing bus stop on the eastern side of Nelson Bay Road, north of Vardon Road, to the south of Vardon Road. This relocation will allow for sufficient area to provide a bus stop with seating and shelter located in close proximity to the future signalised intersection of Nelson Bay Road and Vardon Road allowing for pedestrian phases on the signals.
- Provide a bus stop with seating and shelter along the western side of Nelson Bay Road, to the north of Vardon Road, to encourage safe crossing at the future signalised intersection.
- Upgrade the existing footpath along the eastern side of Nelson Bay Road, between Bayway Village and Braid Road, to provide a shared path along the length of Nelson Bay Road through the locality.
- Extend the existing footpath, along the frontage of the residential developments on the western side of Nelson Bay Road, to the south to Vardon Road providing connection for pedestrians to cross safely at the future signalised intersection of Nelson Bay Road and Vardon Road.
- Provide a suitably located refuge island at Nelson Bay Road near Palm Lakes / Bayway Village.
- Construct traffic signals and pedestrian crossing at the intersection of Vardon Road and Nelson Bay in conjunction with the Rifle Range Planning Proposal to allow the safe crossing of Nelson Bay Road for pedestrians and enable safe vehicular access onto Nelson Bay Road.

Tourism Outcomes

- Landuses along Nelson Bay Road to consider hotel or tourist and visitor accommodation.



Fern Bay and North Stockton Strategy

31

Figure 8 – Precinct 3: Beachfront

Environment Outcomes

- Review the heritage significance of the Rifle Range site through consideration of a planning proposal.

Housing Outcomes

- Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted by DHA for the Rifle Range site, which received a Gateway determination on 25 November 2019.
- Support the proposed town centre by providing medium density housing within walkable distances.

Open Space and Community Facilities Outcomes

- Investigate options for improved continuous public access to the beach from Stockton to the WCL.

Transport Outcomes

- Provide an internal bus stop as part of the future development of the Rifle Range Site. Consideration should be given to providing bus services through the existing Fern Bay residential area, to service houses adjacent Rifle Range site.

Figure 8 – Precinct 4: Sports

Open Space and Community Facilities Outcomes

- Investigate a new Sporting Precinct at Corroba Oval including multipurpose courts, additional playing fields, parking, amenities building and undercover seating.

Transport Outcomes

- Consider constructing a pedestrian refuge island on Fullerton Street to ensure safe pedestrian access to Corroba Oval.
- Request Transport for NSW to review the 70km/hr speed limit on Fullerton Street and consider a reduction to 50km/hr.
- Consider cycling facilities (including electric) at the proposed Sporting Precinct at Corroba Oval or the mixed-use town centre and Stockton Ferry terminal.
- Advocate to Transport NSW for a new ferry terminal at North Stockton. A potential location is the existing boat ramp that has recently been upgraded.

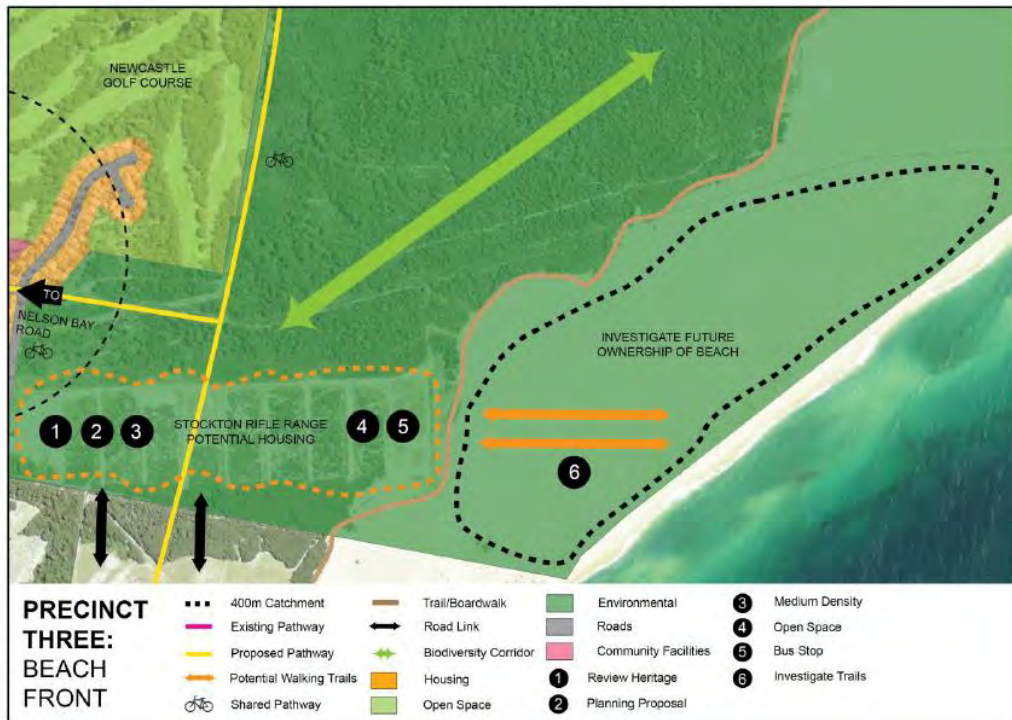


Figure 9 – Precinct 5: Seaside Estate**Town Centre Outcomes**

- Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 2, 4, 4A, 4B, 5, 20, 21, 22, 23, 24, 25 and 26 Seaside Boulevard, Fern Bay.

Open Space and Community Facilities Outcomes

- Continue investigations to improve recreational and community facilities at Seaside Estate, including public toilets within the development.

Transport Outcomes

- Relocate and upgrade (seating and shelter) the existing Seaside Estate bus stop in consultation with the community, Transport for NSW and bus companies to provide greater connectivity for local residents.

Figure 10 – Precinct 6: Fullerton Cove**Environment Outcomes**

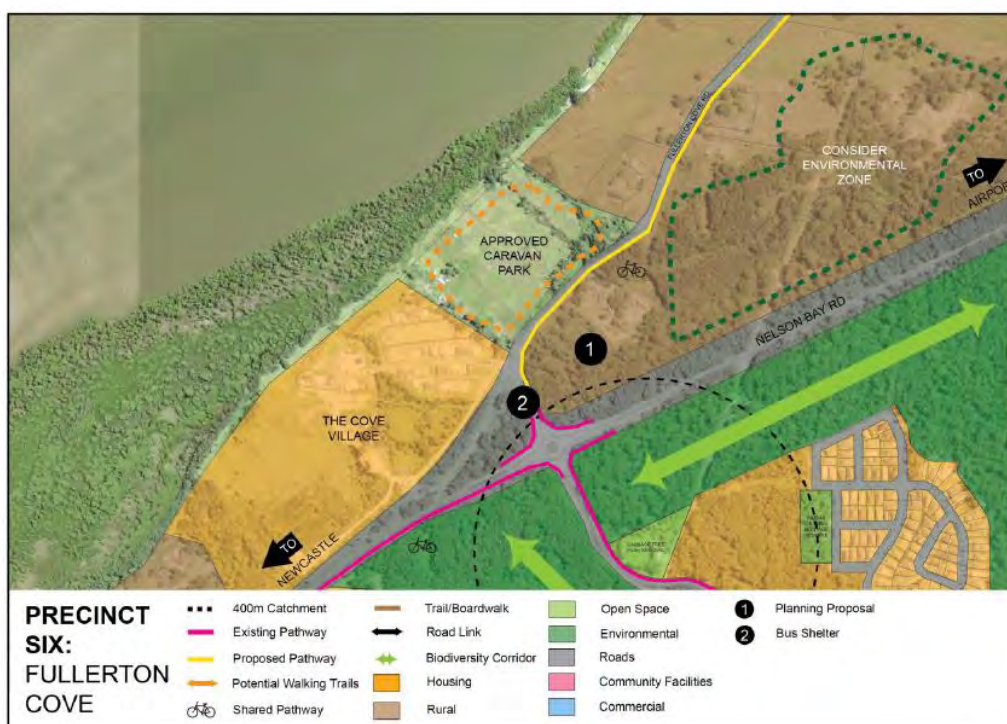
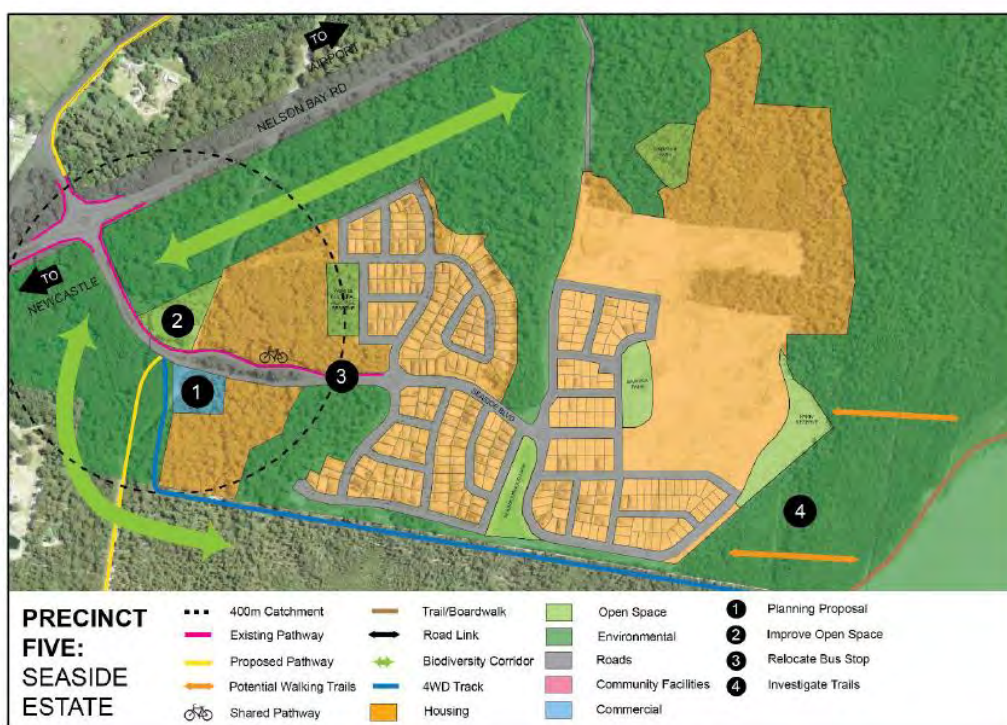
- Consider rezoning land mapped as containing an endangered ecological community to an environmental zone.

Town Centre Outcomes

- Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 42 Fullerton Cove Road, Fullerton Cove.

Transport Outcomes

- Provide seating and shelter on both sides of Fullerton Cove Road in the location of the existing bus zones.



ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Attachment 1 Implementation Plan

Key:	
I	Immediate – 0-2 years (2020 – 2022)
S	Short term – 3-5 years (2023 – 2025)
M	Medium term – 6-10 years (2026 – 2030)
L	Long term – 11-20 years (2031 – 2040)
O	Ongoing (continuous action and/or monitoring)

No	Actionable Outcome	Specific
		What will be undertaken?
Overall		
1	Investigate a Tomaree to Stockton walk (involving boardwalk/trails and observation decks) to link with the Great North Walk.	Discussions with relevant stakeholders will be undertaken to plan for a connected trail.
2	Investigate the establishment of formal walking trails (including directional, educational and interpretational signage) to link Seaside Estate and the Rifle Range site with the WCL and existing beach access.	<ul style="list-style-type: none"> Ensure Planning Proposals or staging of existing residential developments include pedestrian access to conservation lands and the beach. Discuss options with Seaside Estate residents/developer, NPWS and WCL Board of Management.
3	For existing Stockton Town Centre: Implementation of the Stockton Public Domain Plan and Traffic Plan.	Staging and costing of the works, detailed design and implementation.
4	For existing Stockton Town Centre: Review residential uses (particularly single dwellings) that are permissible within the B2 Local Centre Zone of Newcastle Local Environmental Plan 2012.	Further investigate removing single dwellings as a permissible use within the B2 Local Centre Zone in response to actions contained within Newcastle Local Planning Strategy and the Hill PDA Commercial Study.
5	For existing Stockton Town Centre: Further explore place making options and events to better activate spaces and assist in overall revitalisation of the existing centre.	Consider more activities to celebrate Stockton's unique history, heritage and culture.
6	Investigate options for improved continuous public access to the beach from North Stockton to the WCL.	Undertake discussions concerning future ownership and management of beachfront land with key stakeholders, including landowners so the community can access the beach. Sites include Lot 5, DP 233358; Lot 430, DP 835921; and Lot 202, DP 1150470.
7	Investigate feasibility of a new modern library and multipurpose facility to be located within the proposed mixed-use town centre.	A larger library is required to support the District Area (Fullerton Cove, Fern Bay and Stockton). Further planning and understanding around feasibility is required.

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Measurable	Assignable	Realistic	Timing
How will the action be measured as a success?	Who will implement the action?	What results can be achieved given resources?	
Overall			
Funding and approval of a project plan to construct a Tomaree to Stockton Walk.	NPWS, WCL Board of Management and Worimi LALC (landowners). PSC (Strategic Planning) & CN as advocates in conjunction with land owners and board.	The project would require multi-agency cooperation and significant contributions from grant funding. Liaison with the State government is recommended.	S
<ul style="list-style-type: none"> Future planning proposals to identify how these will work. Detailed costing and design for location and number of links finalised. 	NPWS, WCL Board of Management and Worimi LALC and site landowners. PSC (Strategic Planning) to advocate and consider with any relevant rezoning.	<ul style="list-style-type: none"> Subject to working in collaboration with landowners and key stakeholders. PSC does not own any land and this may increase complexity in delivering the projects. 	M
Implementation of the works outlined in the plan.	CN	Through work programs and already agreed upon funding.	O
Finalise assessment as part of preparation of the Housing Strategy and Local Strategic Planning Statement and potential planning proposal.	CN	Through work programs and already agreed upon funding.	S
Community feedback, activated spaces and a revitalised centre.	Stockton Community in partnership with CN	Through work programs and place making grants.	O
Improved public access to the beach between Stockton and WCL	CN, PSC (Strategic Planning + Community and Recreation Assets), NPWS, landowners and other key stakeholders.	Through work programs. Investigation needs to understand ongoing maintenance and associated costs required.	S
Selection of preferred site and location ideally within an identified community hub or precinct, located within the proposed mixed use centre and better understanding of associated costs.	CN and PSC (Library Services)	Preparation of a project brief can be done through work programs. A new library for Stockton is listed in the Development Contributions Plan. Funding and grants are also available to construct libraries.	S

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

No	Actionable Outcome	Specific
8	A future road link should be provided connecting the existing Fern Bay residential area through to North Stockton (Fullerton Street). The road would pass through the Rifle Range, the potential mixed-use town centre and Fort Wallace sites.	Ensure relevant site specific DCP Sections allows for a road link connecting the three sites.
9	Construct footpaths and shared paths in accordance with the Seca Traffic and Transport Study.	Four paths have been identified and prioritised in the Seca T&T Study. These paths will be designed, costed and included in the relevant SAMP.
10	Relocate, upgrade or construct bus stops in accordance with the Seca Traffic and Transport Study.	Eleven bus stop locations have been identified and prioritised in the Seca T&T Study. These bus stops will be designed, costed and included in the relevant SAMP.
11	Advocate for widening of Nelson Bay Road to two lanes of travel in each direction plus bus and access lanes between Vardon Road and Seaside Boulevard.	Provide a written submission to Transport for NSW detailing outcomes of the Seca T&T Study and need for upgrade and prioritise journeys to the Newcastle airport.
12	Prepare an amendment to the Strategic Asset Management Plan (SAMP) to align the infrastructure items outlined in this Strategy with the SAMP for each council.	Each council will prepare separate amendments to their SAMP to ensure that the infrastructure identified in this Strategy can be delivered as the area grows.
13	Prepare an amendment to the relevant Local Infrastructure Contributions Plan to align the infrastructure items outlined in this Strategy.	Each council will prepare separate amendments to their Infrastructure Contributions Plans to ensure that the infrastructure identified in this Strategy can be delivered as the area grows.
14	Consider infrastructure funding options in addition to the SAMP and Infrastructure Contributions Plans.	Council's often rely on grant funding, either wholly or partly, to deliver infrastructure projects. This action will be implemented by identifying other funding options, such as state and national grants, to deliver the infrastructure identified in this Strategy.
Precinct 1: North Stockton		
15	Review public access points to the northern parts of Stockton Beach to enhance accessibility, considering the impact on coastal erosion.	Consolidation of access points to be considered through the preparation of the Stockton Coastal Management Plan.
16	Investigate potential source of sand for beach nourishment in Stockton area.	Further explore with landowner and key stakeholders potential to use sand from north of Fort Wallace as a source of sand to replenish the southern end of Stockton.

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Measurable	Assignable	Realistic	Timing
Council Adopted DCP's identifying the proposed link	CN and PSC (Strategic Planning + Civil Assets)	Subject to landowners undertaking relevant proposals and liaison with Council.	S
Inclusion of proposed paths in relevant SAMP and Development Contributions Plans.	CN and PSC (Civil Assets)	Though works programs. Development Contributions funds may be utilised and grants should be considered following detailed design and costing.	S
Inclusion of proposed paths in relevant SAMP and Development Contributions Plans.	CN and PSC (Civil Assets)	Though works programs. Development Contributions funds may be utilised and grants should be considered following detailed design and costing.	S-M
Construction of road widening.	Transport for NSW – construction CN and PSC – written submission (Strategic Planning)	Transport for NSW are intending to develop a Strategy which will identify and prioritise upgrades along the corridor. Implementation of this action will be dependent on Transport for NSW.	I
The adoption of an amended SAMP for each council.	CN and PSC (Civil Assets)	The SAMP is updated every 12 months. Depending on the timing for adoption of this Strategy, the infrastructure items can be identified in a future amendment to the SAMP.	I
The adoption of an amended Contributions Plan for each council	CN and PSC (Strategic Planning)	An amendment can be prepared to the existing Contributions Plans adapted by each council. This could occur following adoption of the Strategy.	I
This action will be measured by the identification of potential grant funding schemes and the completion of grant applications for infrastructure item identified in this plan.	CN and PSC (Strategic Planning, Civil Assets + Community and Recreation Assets)	Council often applies for grants to assist in delivering infrastructure projects. This action is realistic given the nature of infrastructure delivery through local government.	O
Precinct 1: North Stockton			
<ul style="list-style-type: none"> Public access points are constructed. Monitoring through implementation of Plans. Visual inspections to show reduction of informal access points. 	CN	<ul style="list-style-type: none"> CN will implement this action through respective work programs. Funding sources may be available through grants or Development Contributions. 	S-M
Investigation studies for sand sourcing completed.	CN	Investigations conducted as part of implementation of Newcastle Coastal Zone Management Plan and preparation of Coastal Management Program.	S

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

No	Actionable Outcome	Specific
17	Preferred Option: Liaise with land owner to discuss future use of site. A masterplan to outline how the site can be redeveloped into the future is required to support any future change in land use. The masterplan process is to consider matters identified in this Plan.	Development of a masterplan consistent with the Fern Bay and North Stockton Strategic Plan, Local Environment Plan, Development Control Plan and other relevant legislation.
18	Establish a ferry terminal at North Stockton to support growth in the longer term.	Advocate to Transport NSW for a new ferry terminal at North Stockton. A potential location is the existing boat ramp that has recently been upgraded.
Precinct 2: Original Fern Bay		
19	Undertake feasibility modelling to identify incentives or necessary amendments to planning controls to encourage infill housing development in Original Fern Bay.	Further investigate planning incentives to encourage infill housing in original Fern Bay by liaising with DPE.
20	Consult with the NSW Department of Education on potential growth scenarios and the provision of educational facilities and advocate for the provision of preschools.	Provide a joint written submission to NSW Department of Education on potential growth scenarios, the provision of educational facilities and consider the provision of preschools.
21	Provide a suitably located refuge island at Nelson Bay Road near Palm Lakes / Bayway Village.	Liaise with Transport for NSW regarding relocating the refuge island.
22	Construct traffic signals and pedestrian crossing at the intersection of Vardon Road and Nelson Bay in conjunction with the Rifle Range Planning Proposal to allow the safe crossing of Nelson Bay Road for pedestrians and enable safe vehicular access onto Nelson Bay Road.	Traffic signals will be linked to development of the Rifle Range site and subject to the development progressing.
Precinct 3: Beachfront		
23	Review the heritage significance of the Rifle Range site through the assessment of the Request to Amend the Port Stephens Local Environmental Plan.	Prepare Councils planning proposal to list the Rifle Range as a Heritage item (Part 1) in Schedule 5 of the PSLEP.
24	Proceed with planning proposal as per the Gateway determination (dated 25 November 2019) to allow part of the site to be zoned R3 Medium Density Residential.	Proceed with LEP Amendment to allow around 300 dwellings the Rifle Range site.

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Measurable	Assignable	Realistic	Timing
Completion of the master plan.	Landowner in consultation with CN	Through work programs.	S
Construction of a ferry terminal.	Transport for NSW – construction CN – written submission	Need for the terminal is apparent from the overuse of the Stockton terminal and projected growth identified in this plan. Implementation will be dependent on Transport for NSW	I
Precinct 2: Original Fern Bay			
PSC to review progress including reviewing DAs or CC's for infill development.	PSC (Strategic Planning) to liaise with DPE.	Through work programs.	M
Discussion with NSW Department of Education and ongoing review of social infrastructure to support the North Stockton and Fern Bay community.	PSC & CN (Strategic Planning) – written joint submission	Through works programs.	I
Construction of refuge island.	PSC (Civil Assets) / Transport for NSW	Needs to be identified in the SAMP and funding determined.	S
Construction of traffic signals.	PSC (Strategic Planning) / landowner	Identification of the item in Development Contributions Plan may be necessary.	M
Precinct 3: Beachfront			
An amendment to the LEP is gazetted 12 months following the Gateway Determination.	PSC (Strategic Planning)	The NSW Department of Planning and Environment identifies 12 months as a target timeframe for minor LEP amendments.	I
Completion of the detailed assessment, exhibition of the planning proposal and Gazettal of the LEP Amendment	PSC (Strategic Planning)	Through work programs.	I

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

No	Actionable Outcome	Specific
Precinct 4: Sports		
25	Investigate a new Sporting Precinct at Corroba Oval including multipurpose courts, additional playing fields, parking, amenities building and undercover seating.	<ul style="list-style-type: none"> Prepare a report considering the potential upgrades needed to support the community and recommendations from the Stockton Coastal Zone Management Plan and Program. Liaise with HWC as adjoining landowner.
26	Consider constructing a pedestrian refuge island on Fullerton Street to ensure safe pedestrian access to Corroba Oval.	Identify the refuge island in the SAMP.
27	Request Transport for NSW to review the 70km/hr speed limit on Fullerton Street and considered a reduction to 50km/hr.	Provide a written submission to Transport for NSW detailing outcomes of the Seca T&T Study and need for review.
Precinct 5: Seaside Estate		
28	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 2 Seaside Boulevard, Fern Bay.	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for Site 6.
29	Continue investigations to improve recreational and community facilities at Seaside Estate.	Liaise with developer to better understand what facilities are proposed and when they will be constructed to support residents of the development.
30	Consult with the community and other stakeholders regarding the proposed relocation of the bus stop at Lots 4 and 5 DP 280073, 5B and 7 Seaside Boulevard.	Council will continue to liaise with the relevant stakeholders, including Transport for NSW, bus companies and the community to determine the most appropriate location for bus stops within Seaside Estate.
Precinct 6: Fullerton Cove		
31	Consider rezoning land mapped as containing an endangered ecological community to an environmental zone.	Investigate preparing a planning proposal by liaising with DPIE, ESS and relevant Council staff to amend LEP.
32	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 42 Fullerton Cove Road, Fullerton Cove.	Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for Site 4.

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

Measurable	Assignable	Realistic	Timing
Precinct 4: Sports			
Adoption of a masterplan for the site.	CN	Report prepared initially may be included through works programs. Master planning of the site may require an external consultant (which may be funded by Development Contributions).	S
Construction of refuge island	CN / Transport for NSW	Needs to be identified in the SAMP and funding determined.	S
Review undertaken by Transport for NSW and response received.	Transport for NSW – review CN – written submission	Through works program.	I
Precinct 5: Seaside Estate			
Completion of the detailed assessment.	PSC (Strategic Planning)	Through work programs.	I
Community feedback on appropriate facilities.	PSC (Strategic Planning) to	Through work programs.	S
Community feedback on appropriate location.	PSC (Strategic Planning, Community Development and Engagemnet, and Facilities and Services) to facilitate communication between relevant stakeholders.	Through work programs	S
Precinct 6: Fullerton Cove			
Preparation of a planning proposal to amend the LEP.	PSC (Strategic Planning)	Through work programs.	S
Completion of the detailed assessment and preparation of a planning proposal.	PSC (Strategic Planning)	Through work programs.	I

Attachment 2 Background Investigations

Attachment 2 provides an overview of the investigations that were carried out to inform the Planning Principles (Part C) and Precinct Plans (Part D).

List of Figures in Attachment

- Figure 2A Existing land uses
- Figure 2B Environmental considerations heat map
- Figure 2C Potential town centre site
- Figure 2D Strengths and opportunities - SWOT Analysis: Stockton Local Centre
- Figure 2E Images showing growth
- Figure 2F Envisaged demographic
- Figure 2G Anticipated dwellings
- Figure 2H Expected growth
- Figure 2I Envisaged housing types
- Figure 2J Estimated growth
- Figure 2K Standards for open space and facilities
- Figure 2L Location of community facilities and open space

Figure 2K Nelson Bay Road Future Cross Section



Figure 2A – Existing land uses

Environmental

The Strategy Area has a diverse range of environmental attributes affecting land use patterns. The Heat Map (Figure 6) illustrates how land in the Strategy Area is affected by accumulative constraints. The Strategy Area is bound by the Hunter River and Stockton Beach which increases the likelihood of flooding and drainage issues. The following list includes some of the environmental considerations in the Strategy Area:

- Coastal Zone and Wetlands
- Drainage and Flooding
- Endangered Ecological Communities
- Heritage (Indigenous and Non-Indigenous)
- Ramsar (Hunter) Wetlands
- Koala Habitat

Coastal Erosion

Stockton has the largest active dunes in coastal Australia and the Stockton Beach has a long history of erosion and recession. The dunes are un-vegetated which allows sand to be blown into and northwards along the dunes and onto surrounding lands (BMT WBM, 2017). Past modelling has indicated that the breakwaters at the Hunter River entrance have interrupted the flow of sand from Nobbys north to Stockton Beach. Erosion continues to worsen resulting in a significant volume of sand being lost from Stockton Beach each year. Sand from further north along the dunes may offer a potential source of sand to replenish eroded beach. Hazard lines have been developed to assist with planning for growth. These hazard lines are under review by CN.

Biodiversity

The Strategy Area is located within the Watagan to Stockton Link Biodiversity Corridor (identified by the HRP). Planning in this area aims to conserve existing remnant vegetation and invest in the rehabilitation of land to strengthen the regionally significant corridor. The viability of the corridor is influenced by current and future land

use demands in the area. The Strategy attempts to ensure lands of ecological significance are protected to support the corridor.

Worimi Conservation Lands

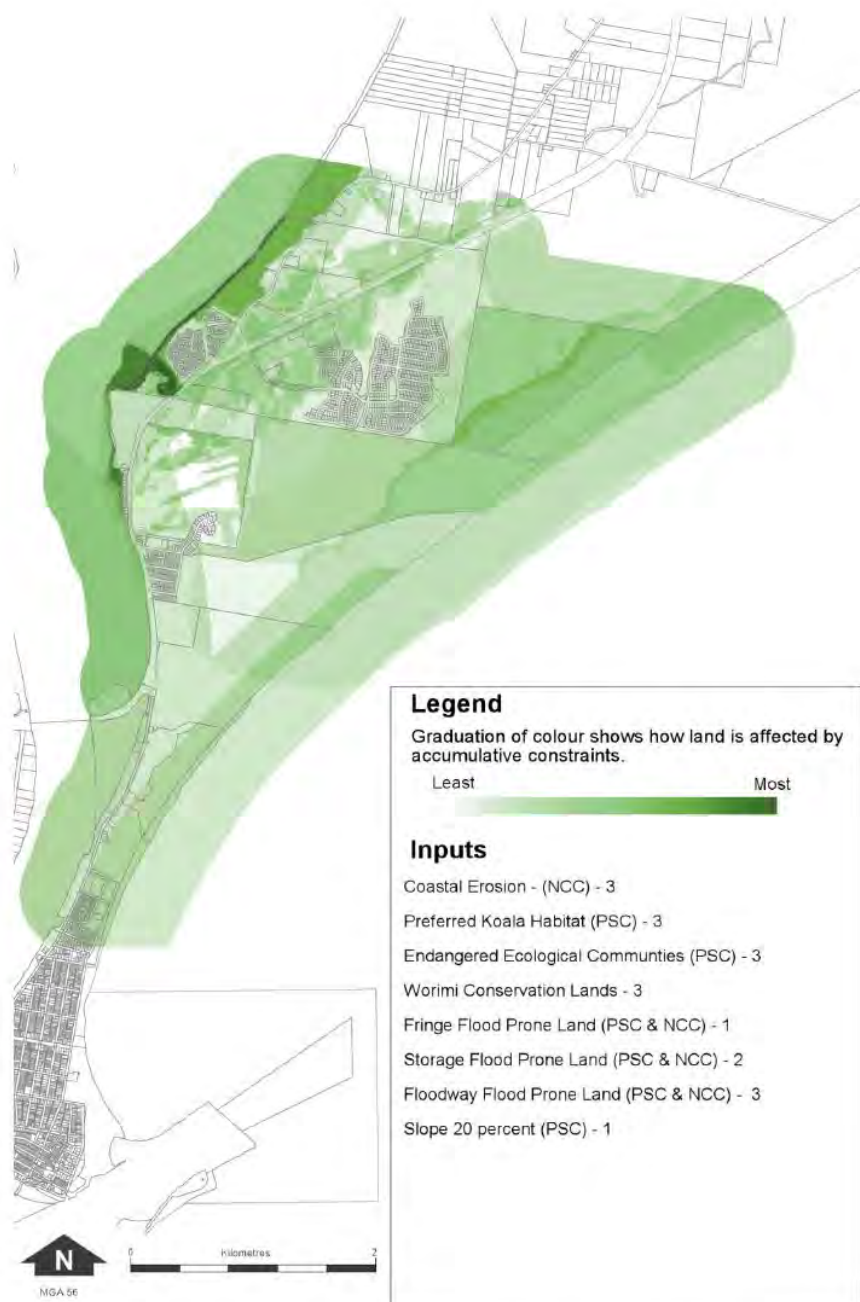
Worimi Conservation Lands (WCL) and Stockton Bight are distinctive features of the Port Stephens Local Government Area (LGA) connecting Nelson Bay to Stockton. The Bight includes 30km of beach and prominent sand dunes reaching up to 40m in height. The Stockton Bight provides a unique setting for outdoor recreation, education and cultural tourism.

The Plan of Management for WCL sets a vision to protect, respect and connect with Country. Considerable archaeological investigations and reporting of the lands has been undertaken with a number of sites (including middens, stone artefacts and bird, fish, animal bone and burial sites) identified as providing material evidence of the Worimi People's past use. The sites protected are "important to Aboriginal people for social, spiritual, historical, and commemorative reasons" (OEH, 2015).

There is limited pedestrian access to the WCL including the absence of a walking trail to Stockton Beach. While significant tourism opportunities are available at WCL, such as four-wheel driving, horse riding and quad bike riding, these activities must be balanced with the efforts seeking to protect conservation lands including Aboriginal sites.

PFAS Contamination

The Williamstown RAAF Base PFAS Management Area Maps published by the EPA identify the North West portion of the Strategy Area as part of its Broader Management Zone. The EPA advises that the topography and hydrology of the area means PFAS detections could occur within the Broader Management Zone. Precautionary advice issued by the EPA for residents in the PFAS Management Area aims to discourage activities that would increase the likelihood of human exposure to PFAS chemicals originating from the Williamstown RAAF Base.



Map disclaimer: The map focuses on identifying where development is not appropriate due to land suitability. The map is intended to give an overview of constrained land within the Strategy Area only and an indication of where future development should be located.

Figure 2B – Environmental considerations heat map

Background Investigations: Fern Bay and North Stockton Strategy

3

2.2 Town Centre

This section investigates the demand, potential locations and opportunity for a supermarket and supporting retail uses within the Strategy Area.

2.2.1 Existing Retail Development

Existing retail development in Fern Bay is limited to a takeaway food and drink shop on Nelson Bay Road. While the existing commercial centre at Stockton (7-10 minute drive from Strategy Area) offers a supermarket, residents have indicated that they are more likely to travel to Medowie, Newcastle and Mayfield for their main shop. These centres are approximately 20 minutes by car outside peak hours.

A recent study by Hill PDA found that there is sufficient demand in the Strategy Area to support a retail centre of approximately 6,285m². The Hill PDA Study recommends:

- a new local centre of 4,000–6,500m² (including a large format supermarket of 2,800–3,200m² with complementary specialty floor space) within the Strategy Area;
- that the new centre could leverage from its natural surroundings to increase visitors;
- the resident population within the immediate vicinity of the new local centre should be increased; and
- there may be potential for a mixed-use development (retail and residential) at the new centre given recent housing trends.

2.2.2 Where should a supermarket be located?

The Hill PDA study examined 6 sites within the Strategy Area (Figure 7) and ranked the sites from 1 (Very Poor) to 5 (Very Strong) against several assessment criteria that included:

- **Developable Area:** a centre 5,000–6,000m² provided over one level with at grade parking would require approximately 2ha of developable land;

- **Location:** a successful centre must be centrally located for convenient access by a majority of residents of which it serves;
- **Exposure:** retail development benefits from being located in high profile locations such as main arterial roads;
- **Accessibility:** with people becoming increasingly 'time poor' convenience and accessibility increases the attractiveness and visitation of a centre; and
- **Walkable Catchment:** walkable communities bring significant economic and social benefits including reduced vehicle emissions and petrol costs, improved traffic safety and health benefits. A centre that has a higher residential population within 800m (10min walk) is likely to experience increased pedestrian activity and vitality.

The sites assessed are in single ownership and their developable area offers greater opportunity for major changes in land use than other sites.

There are two sites already zoned for commercial use within the Strategy Area including the take-away food and drink shop (referred to in B2.1) and Site 6 (Figure 7). These sites were found not to be suitable for expanded commercial use as a town centre due to their size or location.

The site ranking process identified Site 1 (in North Stockton Precinct) and Site 2 (in Original Fern Bay Precinct) as the preferred locations for a town centre. Both sites are accessible to residents in the Strategy Area, have large developable areas and contain comparatively few environmental constraints. The town centre's location will be dependent on the intentions of landowners and willingness to accommodate development. Should a Planning Proposal be lodged for either site councils will consult with each other and the State Government in considering the proposal. A masterplan will be needed for either site to determine the appropriate scale, type and mix of development that could occur.



Criteria	Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
Developable Area	5	5	5	5	5	2
Location	5	2	5	3	3	2
Exposure	5	5	1	4	2	1
Accessibility	4	4	1	5	3	1
Walkable Catchment	5	4	2	2	2	2
Bushfire Prone	5	2	2	2	2	3
Flood Prone	5	2	5	2	2	3
Veg / Ecology	5	5	5	2	5	3
Total Score	39	29	26	25	24	17

Figure 2C – Potential town centre sites

2.2.3 Coexisting with the existing commercial centre at Stockton

The Hunter Regional Plan (DPE, 2016) identifies the importance of utilising existing centres for commercial and retail development to ensure that new centres:

- a. are integrated with existing or planned residential development;
- b. encompass high quality urban design;
- c. consider transport and access requirements; and
- d. do not undermine existing centres.

The Hill PDA study examined the existing commercial centre at Stockton and Figure 8 identifies its strengths and opportunities. Significantly, the existing commercial centre at Stockton is not conveniently located for residents in the north of the Strategy Area and does not meet the needs of current residents in Fern Bay.

The Hill PDA study does identify that a new retail centre may result in a moderately strong or significant impact on trade in the existing Stockton commercial centre, although this impact would lessen overtime with population growth and expenditure in the locality.

Despite the potential impact on the existing commercial centre in Stockton, it is recommended that a new mixed-use town centre be supported to:

- meet the needs of the local (and future) residents in an area which is currently underserved;
- reduce travel demand by providing an improved range of shops and services to reduce the number of journeys made by local residents to surrounding centres. This supports a reduction in vehicle emissions, improves transport safety and can contribute to lower cost of living; and
- increase employment opportunities in the area.

The existing commercial centre at Stockton will continue to provide an important role in supporting the residents and visitors of Stockton by providing a mix of retail and community uses. Although it is not located within the Strategy Area, there are several initiatives that may improve the performance of the Stockton commercial centre, these include:

- Local eat street
- Tourism
- Increase the resident population surrounding the town centre.

STRENGTHS

- Compact and walkable retail core, with flat topography and minimal fall
- Anchor tenant located at the northern end of centre (i.e. entry point)
- Well served by public carparks/street parking
- Proximity to strong amenities (schools, medical services) encouraging dual purpose visits
- Well served by bus services
- Close proximity to natural assets (open space, beaches, leisure centre)
- Proximity to touristic accommodation
- Existence of adaptive reuse opportunities
- Strong projected population growth in the locality

OPPORTUNITIES

- Improve and expand retail offer
- Include a stronger anchor tenant
- Increase residential densities
- Raise the tourism profile of the area
- Implement competitive pricing strategies
- Address reputation and safety/anti-social behaviour concerns surrounding the centre. Potentially through increased surveillance

Figure 2D – Strengths and opportunities - SWOT Analysis: Stockton Local Centre (Source: Hill PDA, 2017)

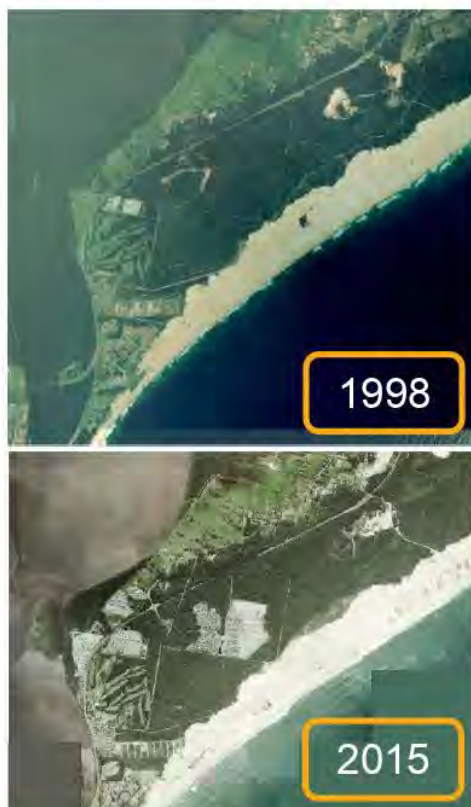
B3 Housing

Figure 2E – Images showing growth

B3.1 How has the area grown?

From 2006 to 2016 Fern Bay's population doubled from 1,137 to 2,673 people. This growth has been facilitated by new developments such as the Seaside Estate, Palm Lakes Resort and The Cove Village.

Previously, PSC's vision for Fern Bay was a compact village confined to the existing urban footprint within the Original Fern Bay Precinct (PSC, 2002). The rapid increase in residential development in the area has resulted in development being out of step with the provision of infrastructure.

Fern Bay is a desirable place to live and visit, and is identified as part of the Eastern Growth Corridor (PSC, 2011). The Strategy not only attempts to identify the community infrastructure required to support the local

community but also to ensure that further growth of the Strategy Area occurs in a coordinated way.

The current demographics for each precinct can be summarised as:

Precinct	Demographics
North Stockton	(307 persons at 1.8 persons/ha) Consisting mostly of residents from the care facility aged between 35 and 74 years of age.
Original Fern Bay	(930 persons at 7.08 persons/ha outside Bayway Village and 729 persons at 27.25 persons/ha within Bayway Village) Has the most diverse mix of age groups of any precinct.
Beachfront	(0 persons)
Sports	(0 persons)
Seaside Estate	(1,111 persons at 5.17 persons/ha) Predominately young families with the highest number persons aged 0-14.
Fullerton Cove	(568 persons at 0.31 persons/ha) Predominately people aged over 65 due to The Cove Village.

(Source: Remplan, 2018)

B3.2 What does the future population look like?

POPULATION FORECASTS



Note: Assumes 100% of dwelling potential will be constructed. Site specific investigations required.

AGE

	2018	2036
0 - 4	106	201
5 - 19	404	1,031
20 - 34	423	571
35 - 49	639	1,546
50 - 64	836	1,000
65 - 74	733	560
75 - 84	414	127
85+	91	22
Total	3,681	5,966

Figure 2F – Envisaged demographic (Source: Remplan, 2018)

Hill PDA (2017) provided forecasts for Fern Bay, Fullerton Cove and Stockton as part of the Commercial Lands Study. High growth scenario projections predict a population of up to 12,500 people.

It is expected that Stockton (not including North Stockton) will grow from 4,400 up to 5,000 people by 2036. This is consistent with projections forecast by profile.id which expect a population of 4,526 in Stockton by 2041 (profile.id, 2018).

B3.3 Where will future housing occur?

The HRP has set a target of 95% of people living within 30 minutes of a strategic centre. The Strategy Area is within 30 minutes of a

strategic centre (Newcastle Airport) and the following precincts are expected to accommodate housing growth.

Precinct	Estimated dwelling yield
Seaside Estate	133
North Stockton	110 + 750+
Beachfront	300
Original Fern Bay	60+
Fullerton Cove	145
Total	1,618

Note: Assumes approximately 750 dwellings can be accommodated with mixed use town centre.

Figure 2G – Anticipated dwellings



Note: Assumes 100% of dwelling potential will be constructed. Site specific investigations required.

Figure 2H – Expected growth (Source: Remplan, 2018)

Future housing within the Strategy Area will predominantly be focused on **four** key sites, within the North Stockton Precinct, **Original Fern Bay Precinct** and south of the Beachfront Precinct. Housing is to be integrated within and surrounding the mixed-use town centre and adjoining properties. Figure 13 illustrates the diversity of housing that may be provided in the differing precincts. The greatest diversity of housing will be provided in conjunction with the mixed-use town centre. A challenge associated with 'aging in place' within the Strategy Area will be to provide adequate social support services to the community.



Figure 21 – Envisaged housing types

Key Site: Town Centre

Potential Dwellings	Subject to detailed site investigations
Existing Zone	SP2 Infrastructure (Health Services Facility)
Potential Land Uses	Mixed-use town centre (commercial/residential), community and recreation uses. Potential zones and planning controls will be determined through the master planning process. The planning controls will be determined through the master planning process. The envisaged potential land uses would allow the existing uses on the site to continue.

Key Site: Rifle Range

Potential Dwellings	Approximately 300
Existing Zone	E2 Environmental Conservation
Potential Land Uses	Low / medium density residential and open space

A Gateway determination was issued for the Rifle Range Planning Proposal on 25 November 2019. The site is largely disturbed and is considered appropriate for residential development. The limited opportunity for growth in the Strategy Area reinforces the importance of housing at the Rifle Range. Vehicle and shared (bicycle and pedestrian) connections between the Rifle Range and the future town centre must be demonstrated with any proposal.

Key Site: Fort Wallace

Potential Dwellings	Approximately 110
Existing Zone	SP2 Infrastructure (Defence)
Potential Land Uses	Low density residential and open space

On 13 September 2019, a planning proposal to rezone Fort Wallace to allow a mix of housing types was gazetted. The proposal focuses development on lands already disturbed and of a coastal character. The bulk and scale proposed will protect important views to heritage features and the coastline.

Key Site: Newcastle Golf Club

Potential Dwellings	Approximately 150
Existing Zone	RE2 Private Recreation
Potential Land Uses	Seniors Living

The Newcastle Golf Club are preparing a development application for a seniors living development, with the intention of lodging it with PSC in early 2020, which will include the development of approximately 150 dwellings. The land does not require rezoning in order to permit the development. Access to Nelson Bay Road should be limited in accordance with this Strategy.

Infill Development

Infill housing may be provided within the Original Fern Bay Precinct. The Port Stephens Planning Strategy (2011) identifies an opportunity for 42 infill dwellings. It is expected that any additional dwellings will mostly be provided in the form of secondary dwellings. Potential for up to 60 infill dwellings has been investigated within Original Fern Bay subject to detailed site investigations.

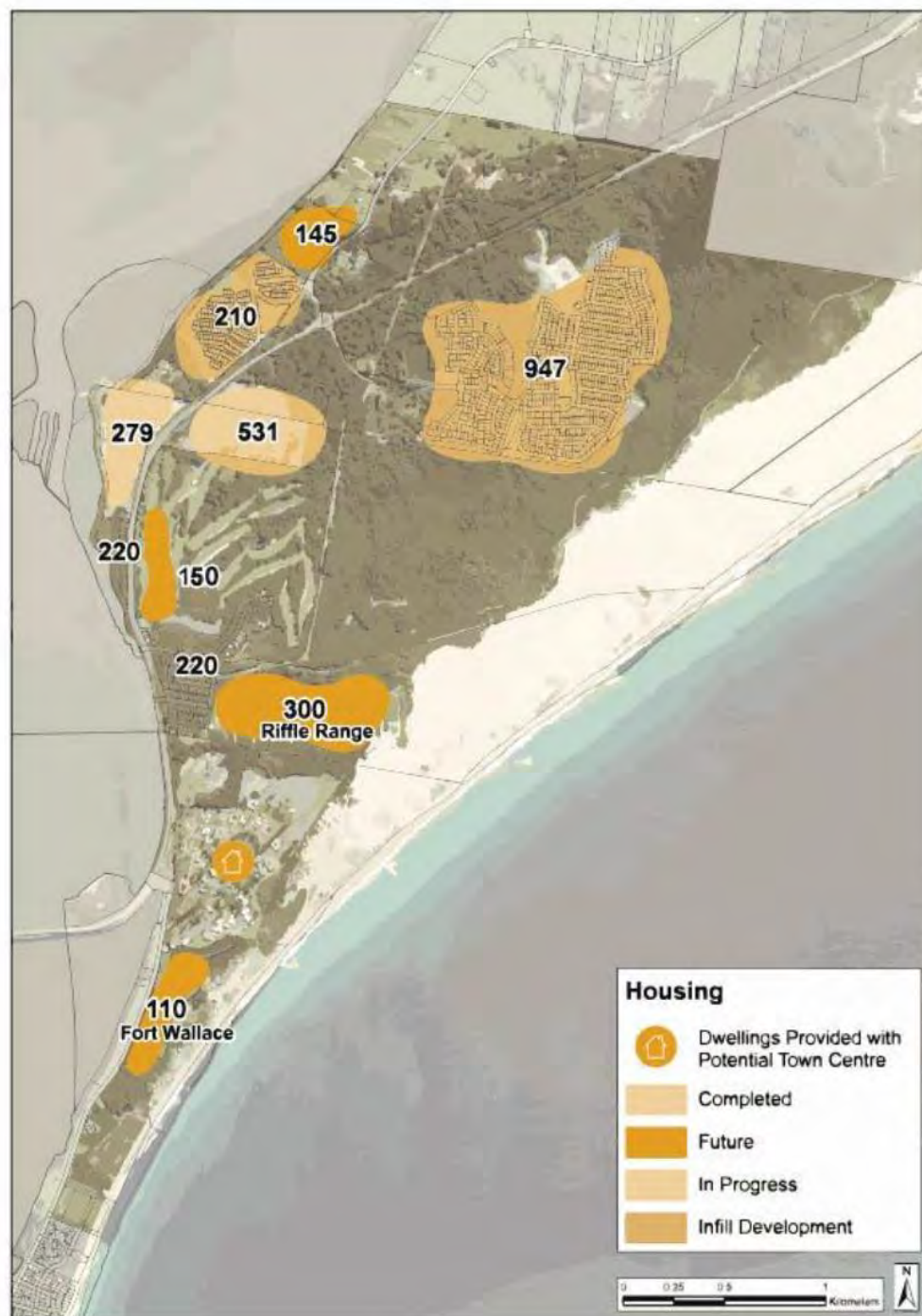


Figure 2J – Estimated growth

Background Investigations: Fern Bay and North Stockton Strategy

11

B4 Open Space and Community Facilities

This section investigates the provision of open space and community facilities.

B4.1 What are the existing open spaces and community facilities?

Figure 2K – Standards for open space and facilities			District ¹		Plan provision
Item		Standard	Required ²	Currently provided	
Community Services					
A	Community Multipurpose Facility	600-1,000 m ²	600-1,000 m ²	165 m ²	1
Cultural Services and Leisure Facilities					
B	Library	42m ² per 1,000 people	504 m ²	157 m ²	1
Recreational Facilities					
C	Surf Lifesaving Clubs	1 facility per 30,000 people	-	1	-
		1 boat ramp per 6,000 people	2	3	-
	Parkland	District 1 per 15, 000 - 25, 000 people	-	1	-
		Local 0.4 ha of local park per 1,000 people	4.8 ha	7.5 ha	4.4 ha
D	Public Toilets (Strat Area only)	1 per 2,000 people	3	2 toilet blocks	2
Sports Facilities					
E	Multipurpose Courts	2 courts per 10,000 people	2	0	-
F	Skate / BMX	1 per 10, 000 - 15, 000 people	1	2	-
G	Soccer fields	1 sports ground (comprising two playing fields per 5,000 people)	4	2	4
H	Sports fields (local)	0.4 ha per 1,000 people	4.8 ha	5 ha	-
I	Tennis Courts	2 courts per 10,000 people	2	7	-
J	Playgrounds (Strat Area only)	1 per 1,500 people	4	4	-
K	Dog exercise area	1 per 5, 000 - 10, 000 people	1	1	1
Sources: AEC, 2013 and CN Parkland & Recreation Plan			KEY		
			Oversupply – no action		
			Meets standard – monitor over time		
			Undersupply – requires action		
			City of Newcastle Standard		

Terms used in this Section

active recreation area means an area used for structured recreational activities which require specialised parkland development and management (e.g. sports fields, playgrounds, golf courses, gymnasiums etc.)

district park means a park area of substantial size, well developed, offering a broad range of quality recreation opportunities i.e. quality landscaping, signage, playground for a variety of ages, seating, shade, paths, toilets, BBQ facilities and lighting. Not necessarily within walking distance. Generally regular in shape, preferably not less than 50m wide.

local park means defined spaces primarily serving a local population. Positioned in a visible location for safety. Ideally 5-10m walk of majority of households. May support community gardens and/or off leash dog areas.

passive recreation area means an undeveloped area, including an environmentally sensitive area, which requires minimal development or management and is used for less structured recreational activities (e.g. walking, jogging, fishing,

¹ Includes Fern Bay, Fullerton Cove and Stockton to ensure an equitable distribution along the peninsula.

² To meet standards under the high growth scenario (12,220 people within the District Area by 2031) (HillPDA, 2017).



Background Investigations: Fern Bay and North Stockton Strategy

14

B4.2 What is the condition of open spaces and community facilities?

There is a diverse range of active and passive open space areas within the Strategy Area. Passive open spaces are mostly provided within the Worimi Conservation lands, Hunter Wetlands, Stockton Beach and along the Hunter River Foreshore. There are opportunities to improve access to these open space areas, particularly Stockton Beach and encourage recreation activities, such as walking, hiking and fishing. Sections of the beach have been inaccessible to the public due to fragmented public/private ownership. Continuous public access beachfront from Stockton through to the WCL would benefit the local and community and general public.

Palm Lakes Resort, The Cove Village and Bayway Village include open space areas and facilities for their residents; these spaces are not open to the public.

Corroba Oval (2.8 ha in Sports Precinct) is centrally located along the peninsula in Stockton, servicing both the Fern Bay and Stockton community. Corroba Oval provides the hard surface playing courts within the Strategy Area which are not easily accessible for Fern Bay residents and could be better adapted for multiple purposes. Survey responses from the community indicate a desire to:

- increase the number of soccer fields;
- improve the parking area;
- prioritise safe pedestrian movements;
- improve the amenity of the club house, seating and toilets; and
- upgrade the netball courts to be co-located with other sporting uses.

Fern Bay Community Centre and Reserve (0.7 ha in Original Fern Bay Precinct) has recently been upgraded to form a central community and recreational hub for the public; however there is limited room for expansion and it is unlikely this facility will be able to cater for the predicted growth in the Strategy Area.

Amenities and toilet block provided at Corroba Oval require upgrading. Further investigation is required to determine requirement for extra provision of toilet block within the Strategy Area.

Seaside Estate open space areas, including six parks, are owned and managed under a Community Title Scheme. Residents have indicated a need for additional high quality community infrastructure, embellishment and amenities.

Child care services, including long day care, outside of school hours and preschool services are lacking within the District Area (GHD, 2017).

Library services may be improved. PSC operates a mobile library service from Fern Bay Community Centre every fortnight. The service is restricted from visiting most residential areas due to vehicle access and manoeuvrability constraints. The Stockton Library, operated by CN, is open two full days and two half days per week; however, is comparatively small (157m²) in size. Although located outside the Strategy Area the library serves Fern Bay residents. A review of standard provisions and community responses indicates that the footprint and function of the library is inadequate to service the existing and evolving needs of the community.

B4.3 What are the opportunities for new open space and community facilities?**Community Hub**

The nature of libraries is changing to form hub like spaces, with a growing focus on community activities that support lifelong learning and digital access to information. A library is an essential service for community wellbeing and cohesion. Co-locating a library with related and supporting uses (such as internal and external meeting spaces for youth, art and cultural activities and events) combined with good quality amenities will establish a community hub to exchange

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

information and support the evolving community.

The incorporation of a community hub with the proposed town centre will contribute to the centre's viability and promote a strong sense of community.

Additional Open Space areas may be provided through the redevelopment of the Fort Wallace (North Stockton Precinct) and Rifle Range (Beachfront Precinct) sites where the following is proposed:

- Fort Wallace – gathering and event space, adaptively reused heritage buildings, sport lawn and picnic area, playground, community space and walking trails.
- Rifle Range – open lawn and field area, playground, picnic and shelters.

Subject to consideration by Council, these facilities may be shared by the public.

A range of suggestions have been received from the community. Council's limited capacity to provide additional infrastructure within existing open space areas will require further consideration of the suggestions in planning for new open space areas with new developments (e.g. Rifle Range, Fort Wallace and Town Centre). Suggestions for consideration will include (but are not limited to):

- **Community / Men's Shed** with public access to support the health and wellbeing of men and women;
- **Off-Leash Dog Area** as currently none exist in the Strategy Area;
- **Seating, picnic facilities and rubbish bins and toilets** to improve the appeal and usability of open space areas;
- **Shade trees and landscaping** to promote an urban tree canopy and increase the usability of open space during summer; and
- **Skate Park** to cater for the increasing number of adolescent children within the Strategy Area.

Note: A district skate park and playground will be built in Griffith Park in Stockton. The park is likely to attract local residents and visitors to the area. A local skate park should be considered within the Seaside Estate Precinct to meet the needs of Fern Bay residents.

B5 Transport

A traffic and transport study (Seca, 2018) has been undertaken to:

- assess the capacity of the existing road network to support new urban development and population growth;
- ensure the function of Nelson Bay Road as a regional connection is maintained; and
- investigate opportunities to prioritise active transport and improved safety.

B5.1 Active Transport (Walking/Cycling)

The Strategy Area is car dependent and offers few destinations within a walkable distance (400-800 metres) of residential areas. The future mixed-use town centre offers an opportunity to better connect residents to services and each other. The benefits of active transport in people's lives include:

- more exercise;
- reduced pollution;
- more opportunities for interaction; and
- reduced road congestion and cost.

The Strategy Area can benefit from higher levels of walking and cycling by providing:

- an interconnected path network enabling greater alternative choices of travel routes and methods to destinations;
- safe street crossings; and
- increased residential densities surrounding destinations.

B5.2 Public Transport

Bus The Strategy Area is serviced by Hunter Valley Buses and Port Stephens Coaches in addition to a school bus service. Bus services connect residents to Newcastle City, Newcastle Airport and Stockton.

Ferry A 10 minute ferry service is available from the Stockton peninsular to Newcastle (Queen Street Wharf). The Draft Regional NSW Services and Infrastructure Plan (Transport for NSW, 2017) lists new ferry stops in Newcastle as an "initiative for

investigation". The timing for investigation and delivery of these proposed stops is unknown. Cycling facilities may be appropriate at the Ferry Terminal. The provision of an end of trip facility which allows for both e-bikes (with charging area) and regular bicycles may encourage additional Ferry patronage and less vehicular movements.

B5.3 Roads and Private Vehicles Nelson Bay Road provides a major connection between Nelson Bay to the north and Kooragang to the south. It forms part of the regional road network and carries a high volume of traffic between Newcastle and the Port Stephens LGA, including Newcastle Airport / Williamtown RAAF base. Within the Strategy Area the road varies between a dual and single lane carriageway. Nelson Bay Road should provide dual carriageways in each direction as well as provision for public transit whilst ensuring additional connections onto the corridor are limited. A concept design for the future duplication of Nelson Bay Road is provided in Figure 2L. **Transport for NSW are the authority for Nelson Bay Road and will be responsible for designing and constructing the duplication of the road.**

North of Stockton Bridge, Nelson Bay Road connects with Fullerton Street. This intersection provides the only vehicle access into and out of Stockton.

Traffic surveys and modelling indicate the intersection of Vardon Road and Nelson Bay Road is heavily used, particularly the right hand turn out of Vardon Road. Providing traffic signals at this intersection would accommodate future growth projections, support vehicle movements to/from Fern Bay Public School and Newcastle Golf Course and provide improved pedestrian connectivity for existing residents on the western side of Nelson Bay Road travelling south.

Parking A parking survey was undertaken around the Stockton foreshore to understand parking requirements. The Council carpark is

well utilised with overflow parking occurring in surrounding streets and the Stockton Foreshore.

CN is investigating the feasibility of expanding the car park at Stockton Ferry Terminal to

cater for additional commuters. A concept plan under design would see the total number of parking spaces at the terminal increase from 120 to more than 250 by extending the existing car park to the east.

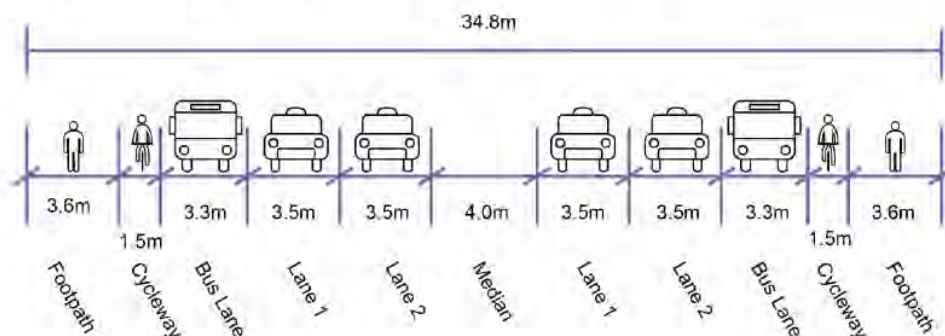


Figure 2K – Nelson Bay Road Future Cross Section

B6 Infrastructure

This section describes how the need of essential infrastructure may be met.

Gas

Jemena have confirmed that gas mains are located within the vicinity of the proposed growth areas and these mains have adequate capacity to serve expected growth. Further consultation at master planning stage is recommended.

Telecommunications

The North Stockton Precinct falls within an active NBN area and any development within this precinct, including the potential mixed-use town centre, will be connected to the network.

Water and Sewer

The Rifle Range and Fort Wallace sites are included in Hunter Water's Growth Plan. Water to service the mixed-use town centre is not included in the growth plan and requires further consultation at master planning stage.

No regional upgrades are required to the water system as there is surplus existing capacity. In terms of waste water, should it exceed

capacity, Hunter Water would connect initial stages and undertake a risk assessment to determine if system upgrades are required.

Through Site links

Shared "through site" links proposed as part of this Plan are to be made publicly accessible. If these are logically associated with a particular proposal, access will have to be negotiated with the relevant land owner.

Local Infrastructure Contributions

It is likely some of the community infrastructure proposed in this Plan will be funded from Local Infrastructure Contributions. The relevant Local Infrastructure Contribution Plans will be reviewed to incorporate the outcomes of this Plan. Further detail is provided in the Implementation Plan (**Attachment 1**)

Infrastructure is to be integrated into the planning, design and construction phases of development. The Strategy supports an

ITEM 3 - ATTACHMENT 2 FERN BAY AND NORTH STOCKTON STRATEGY.

intensity and more diverse range of land uses and commits to ensuring new sites are well serviced. The Beachfront Precinct must be

accompanied by the appropriate level of supporting infrastructure to result in a high level of amenity.

References

- AEC Group. 2013, 'Review of Standards Guiding the Provision of Council's Community & Recreational Facilities: Port Stephens Council'
- Department of Planning and Environment. 2018, 'Greater Newcastle Metropolitan Plan 2036'
- Department of Planning and Environment. 2016, 'Hunter Regional Plan 2036'
- Environment Protection Authority. 2018, 'RAAF Base Williamstown PFAS contamination'
- GHD. 2017, Social Impact Assessment - Fort Wallace & Riffle Range
- Giles-Corti B, et al. Increasing density in Australia: maximising the health benefits and minimising harm. Perth, Western Australia: National Heart Foundation of Australia, 2012.
- Hartig T, et al. 1991, Restorative Effects of Natural Environment Experiences. Environment and Behaviour. 23 (1): 3-26.
- Healthy Spaces and Places. 2011, Australian Government & PIA
- HillPDA. 2017, 'Commercial Land Study: Fern Bay and North Stockton'
- Hooper, P., et al. 2015, "The building blocks of a 'Liveable Neighbourhood': Identifying the key performance indicators for walking of an operational planning policy in Perth, Western Australia." Health & Place 36: 173-183.
- Merom D, et al. 2006, Active commuting to school among NSW primary school children: implications for public health. Health & Place. 12 (4): 678-687.
- National Disability Authority. 2012, 'What is Universal Design'
- City of Newcastle. 2017, 'Community Assets and Open Space Policy'
- City of Newcastle. 2018, 'Draft Community Strategic Plan' and existing Plan.
- City of Newcastle. 2014, 'Parkland and Recreation Strategy'
- Office of Environment and Heritage. 2012, 'Heritage Database - Stockton Centre'
- Office of Environment and Heritage. 2015, 'Worimi Conservation Lands Plan of Management'
- Port Stephens Council. 2002, 'Port Stephens Urban Settlement Strategy'
- Port Stephens Council. 2011, 'Port Stephens Planning Strategy'
- Profile.id. 2018, Demographic and Population Statistics
- Remplan. 2018, Demographic and Population Statistics
- Sallis, J. F., et al. 2012, "Role of Built Environments in Physical Activity, Obesity, and Cardiovascular Disease." Circulation 125(5): 729-737.
- Seca. 2018, 'Traffic and Transport Study: Fern Bay and North Stockton'
- Urbis. 2012, 'Fullerton Cove Economic Analysis'
- Urbis. 2016, 'Heritage Impact Statement - Fort Wallace'



PORTSTEPHENS.NSW.GOV.AU
NEWCASTLE.NSW.GOV.AU




**Proposed amendment to Port Stephens Local
Environmental Plan 2013**
Rezoning of Lot 14 DP 258848
42 Fullerton Cove Road, Fullerton Cove



CONTENTS

SUMMARY	3
BACKGROUND.....	4
SITE.....	5
PART 1 – Intended outcome	8
PART 2 – Explanation of provisions	8
PART 3 – Justification	10
Section A – Need for the planning proposal.....	10
Q1. Is the planning proposal a result of any strategic study or report? ...	10
Q2. Is the planning proposal the best means of achieving the intended outcome, or is there a better way?	11
Section B – Relationship to strategic planning framework	12
Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?	12
Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement?	16
Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	19
Q6. Is the planning proposal consistent with applicable Ministerial Directions?	23
Section C – Environmental, social and economic impact	36
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?	36
Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	37
Q9. Has the planning proposal adequately addressed any social and economic effects?	38
Section D – State and Commonwealth interests	39
Q10. Is there adequate public infrastructure for the planning proposal? ..	39
Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	39
PART 4 – Mapping	40
PART 5 – Community consultation	40
PART 6 – Project timeline	41

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

ATTACHMENTS

ATTACHMENT 1 – Current Land Zoning Map
ATTACHMENT 2 – Proposed Land Zoning Map
ATTACHMENT 3 – Current Lot Size Map
ATTACHMENT 4 – Proposed Lot Size Map
ATTACHMENT 5 – Current Height of Building Map
ATTACHMENT 6 – Proposed Height of Building Map
ATTACHMENT 7 – Fern Bay & North Stockton Commercial Lands Study
ATTACHMENT 8 – Draft Fern Bay and North Stockton Strategy
ATTACHMENT 9 – Petition to Support and Complete Planning Proposal
ATTACHMENT 10 – Ecological Assessment
ATTACHMENT 11 – Flooding and Stormwater Management Study

FILE NUMBERS

Council: 58-2017-4-1

Department: To be provided at Gateway determination.

SUMMARY

Purpose:	The purpose of this planning proposal is to amend the <i>Port Stephens Local Environmental Plan 2013</i> (LEP) to enable the development of a neighbourhood centre with a neighbourhood supermarket in Fullerton Cove to provide day to day retail services for the residents in Fern Bay and Fullerton Cove.
Subject land:	Lot 14, DP 258848 42 Fullerton Cove Road, Fullerton Cove
Proponent:	Monteath & Powys on behalf of Christine Jordan
Proposed changes:	<ul style="list-style-type: none"> • Rezone part of Lot 14 DP 258848 from RU2 Rural Landscape to E2 Environmental Conservation • Rezone part of Lot 14 DP 258848 from RU2 Rural landscape to B1 Neighbourhood Centre • Remove Minimum Lot Size requirement of the proposed B1 zone from AB2 20 hectares

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

- Introduce a height of building limit of 9 metres to the B1 zone
- Introduce a new local provision limiting future retail development to a maximum gross floor area of 1,500 square metres

Area of land: ~ 6.7 hectares

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable the development of a neighbourhood centre, with a neighbourhood supermarket, at 42 Fullerton Cove Road, Fullerton Cove.

The subject site is currently zoned RU2 Rural Landscape and the planning proposal seeks to rezone approximately 2.5ha to B1 Neighbourhood Centre with the remaining 4.2ha to be rezoned E2 Environmental Conservation to address the environmental constraints of the site.

There is nearby land zoned B1 Neighbourhood Centre within Seaside Estate, Fern Bay, identified in **Figure 1**. The site is the subject of a separate planning proposal to rezone the land to R2 Low Density Residential. This planning proposal seeks to replace the existing B1 zone in a more suitable location at 42 Fullerton Cove, Fullerton Cove.

Fern Bay and Fullerton Cove are underserved and the planning proposal seeks to facilitate a neighbourhood supermarket and shops to provide day to day retail services to the local community. Submissions received from the local community on the draft Fern Bay and North Stockton Strategy indicate a strong desire for local retail services within Fern Bay or Fullerton Cove in the immediate future.

As identified in the planning proposal, the following additional investigations will be provided should the planning proposal receive a Gateway determination to proceed:

- Biodiversity Development Assessment Report
- Traffic Impact Study
- Stage 1 Contamination Report
- Flood and Drainage Study
- Bushfire Risk Assessment

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

SITE

The subject site has an area of approximately 6.7 hectares and is located adjacent to the intersection of Nelson Bay Road and Fullerton Cove Road. **Figure 1** identifies the subject site and local context.

The subject site is currently zoned RU2 Rural Landscape and comprises one lot. The site is currently used for residential purposes and has been largely cleared around the existing dwellings.

The surrounding land use zones are a mixture of rural, residential and environmental conservation zones. The neighbouring properties consist of residential and rural dwellings, rural activities including livestock grazing and a wedding venue with guesthouse at Stanley Park House. The nearest commercial development that offers day to day grocery items is Stockton IGA located 8km to the south.

The site was previously the subject of a similar planning proposal which was refused at Gateway in 2013. The following table details how the reasons for refusal have been addressed in this planning proposal.

Table 1 – Reasons for refusal of the previous planning proposal

Reasons for refusal	Addressed in the planning proposal
Inconsistency with strategic framework including the Lower Hunter Regional Strategy (LHRS) and the Port Stephens Planning Strategy (PSPS)	The planning proposal has been updated to demonstrate consistency with the PSPS, the draft Local Strategic Planning Statement and the Hunter Regional Plan (HRP) which has replaced the LHRS.
Lack of demonstrated site-specific merit.	The planning proposal has been updated to detail the site-specific merit criteria provided by the DPIE <i>Guide to preparing planning proposals</i> including reference to the Hill PDA Fern Bay & North Stockton Commercial Lands Study 2017, justifying the need for the planning proposal and site suitability (ATTACHMENT 7).
Unable to demonstrate land could be developed.	The planning proposal is considered to warrant sufficient strategic merit to proceed beyond Gateway. Additionally, the planning proposal has been updated to include a restriction on retail floor area and the B1 zone has been reduced. Should the planning proposal receive a Gateway determination to proceed a Biodiversity Development Assessment Report (BDAR) and a

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

	Flood and Drainage Study will be prepared.
Inconsistent with relevant State Environmental Planning Policies (SEPPs) and Ministerial Directions.	The planning proposal has been updated to address consistency with the relevant SEPPs and Ministerial Directions. Where the planning proposal is inconsistent, the inconsistency is considered minor or justifiable.
No identification of biodiversity offsetting.	The proposed B1 Neighbourhood Centre zone has been reduced since the previous proposal. Any offsetting requirements will be addressed through a BDAR should the planning proposal receive a Gateway determination to proceed.
Needs to demonstrate community benefit.	Section C of the planning proposal details the community benefit of progressing this planning proposal, including support from residents received as submissions during the exhibition of the draft Fern Bay and North Stockton Strategy.

Figure 1 – Locality



ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.**PART 1 – Intended outcome**

The intended outcome of the planning proposal is to enable a neighbourhood centre, with neighbourhood supermarket, for local day to day retail convenience and services within the Fern Bay area while protecting and managing biodiversity values and flood prone land.

The proposal will enable the development of a neighbourhood centre comprising:

- a neighbourhood supermarket;
- neighbourhood shops; and
- associated car parking and landscaping

The proposal will also allow the existing B1 zoned land at Seaside Estate, identified in **Figure 1**, to be rezoned to R2 Low Density Residential without extinguishing commercial lands and retail opportunities within the area.

PART 2 – Explanation of provisions

The intended outcome 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_004A (**ATTACHMENT 1**) for Lot 14 DP 258848 from RU2 Rural Landscape to part B1 Neighbourhood Centre and part E2 Environmental Conservation (**ATTACHMENT 2**)
- Amend Lot Size Map Sheet LSZ_004A (**ATTACHMENT 3**) from AB2 20 hectares to part AB2 20 hectares and part no specified minimum lot size (**ATTACHMENT 4**)
- Amend Height of Building Map Sheet HOB_004A from no height specified (**ATTACHMENT 5**) to part no height specified and part J 9 metres (**ATTACHMENT 6**)
- Insert a local provision limiting the retail gross floor area of development to 1,500 square metres

Figures 2, 3 and 4 indicate the proposed changes to the Land Zoning Map, Lot Size Map and Height of Building Map.

It is noted that the proposed boundaries are indicative and will be informed by the findings of a Biodiversity Development Assessment Report (BDAR) should the planning proposal receive a Gateway determination to proceed.

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

Figure 2 - Existing and proposed land zoning map



Figure 3 - Existing and proposed lot size map



Figure 4 –Existing and proposed height of building map



ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

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 Hill PDA Fern Bay and North Stockton Commercial Lands Study 2017 (Hill PDA Study) (**ATTACHMENT 7**) prepared for Newcastle City and Port Stephens councils to guide the development of a land use strategy for Fern Bay and North Stockton.

The Hill PDA study identified the subject site as a potential future location for a new town centre. While the study found the Stockton Residential Centre, Oval Drive, Stockton to be the preferred option for a town centre, the planning proposal is seeking to develop a smaller scale neighbourhood centre, with a neighbourhood supermarket, that can provide day to day services for the community.

The Hill PDA Study also conducted a shopper survey which found 75% of respondents indicated a new retail centre, or expanded retail offer, was a priority for Fern Bay and Stockton in the next 10 years. As the timing for redevelopment of the existing Stockton Residential Centre is uncertain, rezoning the subject site at 42 Fullerton Cove Road can facilitate this need for local retail services.

The Hill PDA study determined the retail floorspace demand for the area and found the demand for additional retail floorspace in 2017 was 2,300sqm. This suggests that the area is currently underserved. As the planning proposal will have a limited gross floor area for retail development of 1,500sqm, a future town centre in Stockton could have a retail floor area of 5,200sqm (**Table 2**). Based on the projected demand, it is considered there is sufficient demand for both a neighbourhood centre and a larger town centre within the Fern Bay and North Stockton area.

Table 2 – Demand for retail floorspace by 2031 under a high residential growth scenario (adapted from the Hill PDA Study, page 29)

	2031
Net demand of retail floorspace (sqm)	6,700
Proposed neighbourhood centre maximum floorspace (sqm)	1,500
Net demand of retail floorspace for a future town centre (sqm)	5,200

NB: the high growth scenario assumes all planning proposals within the locality are realised.

Informed by the Hill PDA Study, the draft Fern Bay and North Stockton Strategy (FBNSS) (**ATTACHMENT 8**) identified a strong community desire for a neighbourhood centre in the short to medium term to support local residents. In response to the exhibition of the FBNSS, the local community prepared a petition (**ATTACHMENT 9**) to support and complete this planning proposal. The petition was brought to the attention of councillors during public

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

access on the 26 November 2019 where Councillors supported the idea of a neighbourhood supermarket at this location. The planning proposal will enable an outcome from the FBNSS by facilitating the development of a neighbourhood centre in Fern Bay.

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

In order to achieve the intended outcome, the following options were considered:

- a. **Develop land already zoned B1 Neighbourhood Centre** – Rather than rezone the subject site, the land at Seaside Estate that is already zoned B1 Neighbourhood Centre could be developed to facilitate a small neighbourhood centre, with a neighbourhood supermarket.

The Hill PDA Study (**ATTACHMENT 7**, pages 34 and 38) identified that land zoned B1 Neighbourhood Centre within Seaside Estate is less desirable than the land the subject of this planning proposal due to the following:

- Developable area – Seaside Estate has 1ha less developable land than that available at 42 Fullerton Cove Road
- Exposure – Seaside Estate does not have direct exposure to Nelson Bay Road. While 42 Fullerton Cove Road has limited exposure to Nelson Bay Road due to the need to retain existing vegetation, the site can attract passing traffic from Nelson Bay Road onto Fullerton Cove Road.
- Accessibility – Seaside Estate does not have right turn access to the site for users entering from Nelson Bay Road. Whereas 42 Fullerton Cove Road has more suitable vehicle and pedestrian access.

In consideration of both sites for a new retail centre the Hill PDA Study ranked the Seaside Estate site as the least preferred option of the six identified sites. The 42 Fullerton Cove Road site however, was ranked third.

Furthermore, Council has received a request from the landowner at Seaside Estate to rezone the land to R2 Low Density Residential. The request is based on a number of issues associated with providing commercial development on the site including those matters mentioned above.

- b. **Rezone the Stockton Residential Centre for a new town centre** – Develop the land at Stockton Residential Centre and create a single town centre.

The Hill PDA Study found the existing Stockton Residential Centre to be the preferred location for a new town centre. The redevelopment of the Stockton Residential Centre is uncertain and there is an immediate need to service residents now. The future town centre requires further strategic planning, rezoning and significant investment in order to provide an expanded retail offering. As outlined in **Section A**, this proposal will not prevent the future use

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

of the Stockton Residential Centre for a town centre as envisioned by the FBNSS. This proposal will facilitate a neighbourhood centre to service residents in the immediate future that will complement the future town centre.

Section B – Relationship to strategic planning framework

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)?

a) Does the proposal have strategic merit?

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* (HRP) applies to the Port Stephens local government area (LGA) and is an applicable consideration for this planning proposal.

The HRP does not directly address Fullerton Cove but does identify the adjacent suburb of Fern Bay as a centre of local significance.

The HRP identifies a regional priority for Port Stephens to “leverage proximity to major global gateways – and its attractive and valuable natural environment and coastal and rural communities – to generate economic growth and diversity”.

The planning proposal will support this priority by enabling the development of a neighbourhood centre that will generate economic growth and diversity within the Fern Bay and Fullerton Cove localities and increase expenditure in the Port Stephens LGA.

The most relevant direction from the HRP is:

- *Direction 6 – Grow the economy of Midcoast and Port Stephens*

The planning proposal will lead to short term jobs during construction and long-term jobs once businesses are established as a result of the zoning change. The new retail services will also increase local expenditure by allowing locals to purchase day to day needs within their own LGA instead of travelling to higher order centres in neighbouring LGAs.

The planning proposal is also consistent with:

- *Direction 8 – Promote innovative small business and growth in the service sectors* as it will provide local commercial opportunities for small businesses;
- *Direction 14 – Protect and connect natural areas* as it will rezone 4.5ha of RU2 Rural Landscape zoned land within the Watagan to Stockton Link to E2 Environmental Conservation and focus development on disturbed areas of the site;

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

- *Direction 17 – Create healthy built environments through good design* as the neighbourhood centre would be in walking distance and cycling distance for residents of The Cove Village and Seaside Estate. While the total walkable catchment is low, there are limited alternative locations to provide these essential services;
- *Direction 21 – Create a compact settlement* as the site is centrally located between existing residential neighbourhoods and will provide significant social benefits for residents; and
- *Direction 26 – Deliver infrastructure to support growth and communities* as development of the site will provide the growing community with day to day retail services including a neighbourhood supermarket.

Further investigations are required should the planning proposal receive a Gateway determination to proceed to determine consistency with:

- *Direction 16 – Increase resilience to hazards and climate change A* revised Flood and Drainage Study will be prepared to address resilience to hazards and climate change.

The planning proposal is consistent with the HRP as it will assist in growing the economy within Port Stephens, provide opportunities for small businesses, provide retail facilities that support the growing community and will protect the natural environment.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) applies to part of the Port Stephens LGA, including Fullerton Cove and Fern Bay.

The GNMP does not directly address Fullerton Cove but does identify the adjacent suburbs of Fern Bay and Stockton as areas “where housing and infrastructure opportunities should be maximised while protecting the transport connection between the Newcastle Airport and Newcastle Port”.

The most relevant strategy from the GNMP is:

- *Strategy 8 – Address changing retail consumer demand*

Changing shopper habits has led to increased demand for fresh produce, dairy, baked goods and prepared food being purchased a more frequent basis. The planning proposal will facilitate a local neighbourhood centre that would allow Fern Bay and Fullerton Cove residents to access grocery items and other necessities within close proximity of their homes instead of outside the local area (e.g. Raymond Terrace, Stockton, Mayfield).

The planning proposal is also consistent with:

- *Strategy 9 – Plan for jobs closer to the Metro frame* as it will provide additional retail jobs within the Metro frame (**Figure 5**);

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

- *Strategy 10 – Create better buildings and great places* as future commercial development would be subject to design objectives of the Port Stephens Development Control Plan 2014;
- *Strategy 11 – Create more great public spaces where people come together* as it will facilitate the development of a neighbourhood centre where people can come together; and
- *Strategy 13 – Protect rural amenity outside urban areas* as the site is surrounded by low density urban development including The Cove Village, Bayway Village, Palm Lake Resort and Seaside Estate (**Figure 1**, page 7) as well as an approved caravan park at 21 Fullerton Cove Road, Fullerton Cove.

Further investigations are required should the planning proposal receive a Gateway determination to proceed to determine consistency with:

- *Strategy 14 – Improve resilience to natural hazards* A revised Flood and Drainage Study will be prepared to address resilience to natural hazards.

The planning proposal is consistent, or justifiably inconsistent, with the GNMP as it will address changing retail needs, provide jobs and create great places where people can come together.

Figure 5 - Identification of the subject site in the Greater Newcastle Metropolitan Plan (page 10)



ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

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

Natural Environment

The site has high biodiversity values including two endangered ecological communities (EECs), koala habitat, and several threatened fauna species observed on site (**ATTACHMENT 10**). The proposed E2 Environmental Conservation zoning will facilitate the protection of the environmental values by limiting development in these areas. The E2 zoning is in keeping with neighbouring lands including land surrounding the Seaside Estate.

The remaining portion of the site is to be zoned B1 Neighbourhood Centre. The B1 zoned land will avoid land with biodiversity value and occur in predominantly cleared and disturbed parts of the site. It is noted the final boundary of the rezoning is to be informed by a BDAR should the planning proposal receive a Gateway determination to proceed.

Land Uses

The proposal will not conflict with the current land uses surrounding the subject site as the proposed zoning maintains ecological values and development will complement the residential needs of the area.

The majority of the site is proposed to be zoned E2 Environmental Conservation in keeping with the land surrounding the Seaside Estate. The remainder of the site is proposed to be zoned B1 Neighbourhood Centre to meet the needs of the local community and provide necessary retail services.

The subject site is suitable for a neighbourhood centre, with a neighbourhood supermarket, as it has good exposure to a major arterial road, is centrally located and accessible for local residents and passing trade along Nelson Bay Road.

Fern Bay is expected to experience continued population growth where demand for retail services will continue to grow. The proposal will facilitate day to day retail convenience for these residents as well as provide greater employment opportunities for the local area on land that is underutilised.

Services and Infrastructure

All relevant infrastructure and services are available within the area and will be connected at the time of development.

It is considered that there is sufficient infrastructure capacity in the existing road networks to support the proposal. A traffic impact study will be prepared to consider the impact of development on the local road network should the planning proposal receive a Gateway determination to proceed.

Local augmentation of sewer, water, drainage and other infrastructure services can be undertaken as the site adjoins an existing urban area.

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

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

Council does not currently have an endorsed Local Strategic Planning Statement, or endorsed local strategy or strategic plan. Responses to the most relevant local strategies are provided below.

Draft Port Stephens Local Strategic Planning Statement

The draft Port Stephens Local Strategic Planning Statement (LSPS) was considered by Council on 11 February 2020, where it was endorsed for public exhibition. The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic and environmental planning priorities for the future.

The planning proposal is consistent with the following planning priorities from the LSPS:

- *Planning Priority 2 Make business growth easier* as the proposal will provide new business opportunities;
- *Planning Priority 6 Plan infrastructure to support communities* as the proposal will provide necessary retail facilities and services for the community;
- *Planning Priority 7 Conserve biodiversity values and corridors* as the proposed E2 zoning will conserve the environmental values of the site
- *Planning Priority 9 Protect and preserve productive agricultural land* as the land, while rural, is not productive agricultural land; and
- *Planning Priority 10 Create people friendly spaces in our local centres where people can come together* as the commercial development can provide a place for people to come together in close proximity to housing.

Further investigations are required should the planning proposal receive a Gateway determination to proceed to determine consistency with:

- *Planning Priority 8 Improve resilience to hazards and climate change* A revised Flood and Drainage Study will be prepared to address resilience to hazards and climate change.

The planning proposal is consistent with the LSPS as it will provide business opportunities and retail facilities for the community, conserve the biodiversity values of the site and create a great space for people to come together.

Port Stephens Planning Strategy 2011

The *Port Stephens Planning Strategy 2011* (PSPS) was adopted by Council in 2011. The PSPS pre dates the most recent strategic planning guidance that has been provided by the NSW Government in the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan 2036*. The PSPS will be replaced by the Port Stephens Local Strategic Planning Statement in 2020.

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

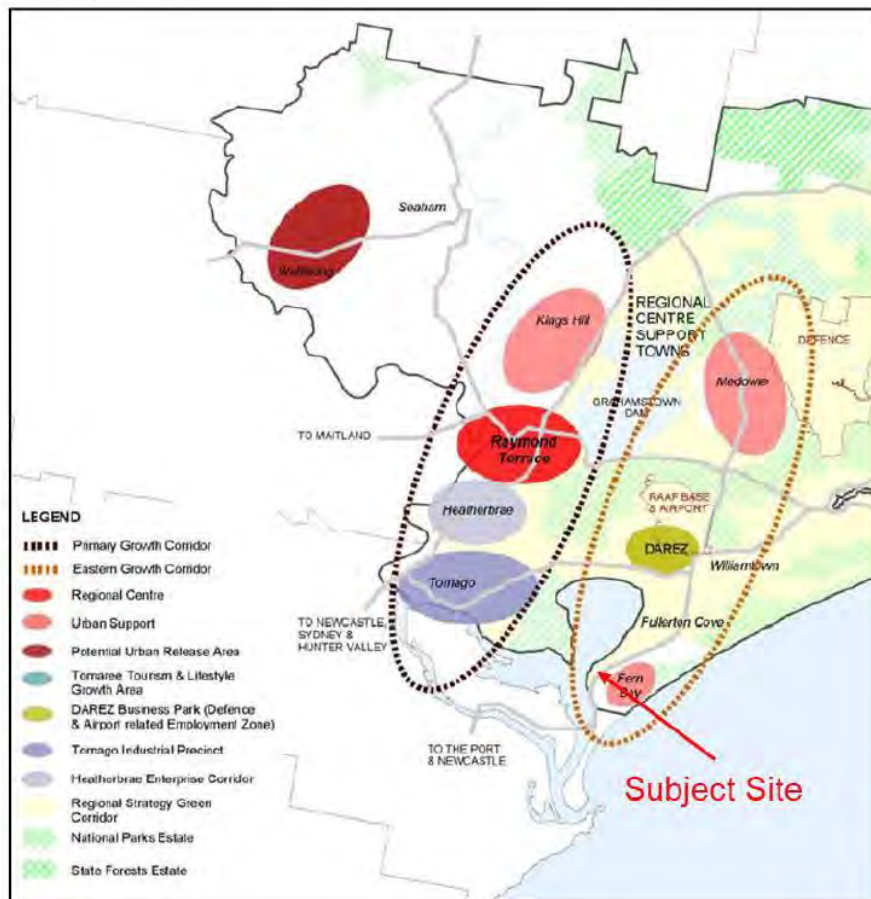
The PSPS identifies the subject site in the “Eastern Growth Corridor” encompassing Medowie, Williamtown, Newcastle Airport and Fullerton Cove / Fern Bay (Figure 6).

The PSPS indicates significant new residential development is expected at Seaside Estate with population projections indicating future growth.

The population of Fern Bay and Fullerton Cove increased by 103% between 2006 and 2016. This growth has increased demand for more retail services in the area.

The planning proposal is consistent with the objectives of the PSPS as it will increase employment and provide convenience retail for the day to day needs of surrounding residents.

Figure 6 – Identification of the subject site in the Port Stephens Planning Strategy (page 4)



ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

Draft Fern Bay and North Stockton Strategy

The draft Fern Bay and North Stockton Strategy (FBNSS) (**ATTACHMENT 8**) has been developed by Port Stephens Council and the City of Newcastle to guide future development and ensure sufficient community infrastructure is provided for the growing community. The subject site is located within Precinct 6 and identified in **Figure 7**.

The planning proposal is consistent with:

- *Environment Planning principle – Protect important environmental assets and enhance biodiversity connections* as it seeks to rezone 4.5ha of land with high environmental value to E2 Environmental Conservation; Rezoning this land will provide better protection of the Swamp Oak Forest and koala habitat located on site;
- *Overall Structure Plan Outcome – Support the development of a neighbourhood centre in Fern Bay* as it seeks to facilitate the development of a neighbourhood centre, with a neighbourhood supermarket, in the Fern Bay area;
- *Precinct 6 Outcome – Consider rezoning land mapped as containing an endangered ecological community to an environmental zone* as it seeks to rezone the referenced land to E2 Environmental Conservation; and
- *Precinct 6 Outcome – Undertake a detailed assessment of the 'Request to Amend the Port Stephens Local Environmental Plan' submitted for 42 Fullerton Cove Road, Fullerton Cove* as this has been undertaken during the progression of this planning proposal.

The planning proposal is consistent with the FBNSS as it seeks to protect environmentally significant land as well as facilitate a neighbourhood centre in the Fern Bay area.

Figure 7 - Identification of the subject site within the draft Fern Bay and North Stockton Strategy (page 31).



ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

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

An assessment of relevant State Environmental Planning Policies (SEPPs) against the planning proposal is provided in the table below.

Table 3 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP 44 - Koala Habitat Protection	<p>The Port Stephens Comprehensive Koala Plan of Management (CKPoM) has been prepared in accordance with Part 3 of SEPP 44, and is applicable in the Port Stephens LGA. Schedule 2 of the CKPoM sets out the performance criteria for planning proposals, which have been addressed below.</p> <p>a. <i>Not result in development within areas of preferred koala habitat;</i></p> <p>The proposed B1 Neighbourhood Centre does not contain land mapped as preferred koala habitat (Figure 8).</p> <p>b. <i>Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i></p> <p>The proposed B1 Neighbourhood Centre does not contain land mapped as supplementary habitat (Figure 8).</p> <p>c. <i>Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i></p> <p>There are no preferred koala feed trees within the proposed B1 zone. No preferred koala feed trees will be removed as a result of this rezoning.</p> <p>d. <i>Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement</i></p> <p>Development of the site would not sever koala movement across the site. Fullerton Cove Road and Nelson Bay Road currently form significant barriers that limit koala movements through the site.</p> <p>Additionally, an Ecological Assessment (ATTACHMENT 10) of the site found the proposal was "unlikely to have a significant impact upon the koala".</p>

Figure 8 - Site specific koala habitat mapping from the Ecological Assessment (ATTACHMENT 10, page 34)



The planning proposal is consistent with this SEPP.

**SEPP 55 –
Remediation
of Land**

Council has considered the likely contamination of the subject site in accordance with Clause 6 of the SEPP. As the subject site is within the broader PFAS Management Zone, a Stage 1 Contamination Report will be prepared should the planning proposal receive a Gateway determination to proceed.

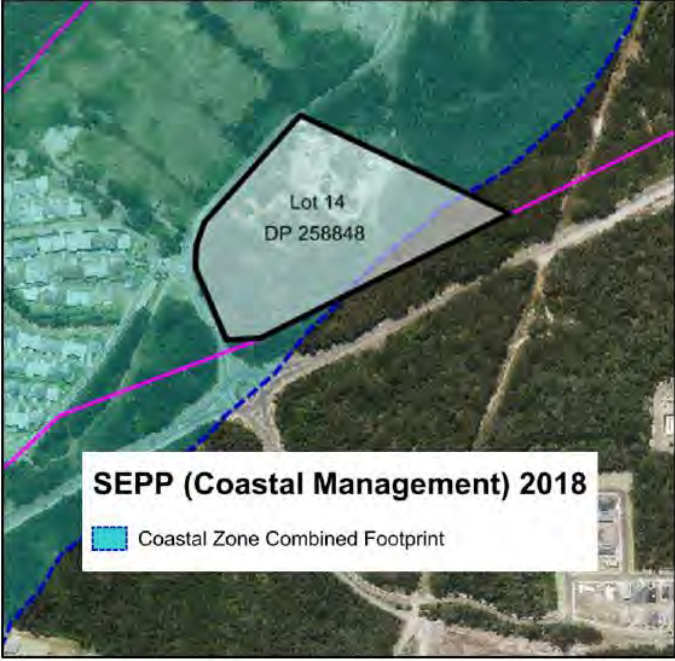
The planning proposal is consistent with this SEPP.

**SEPP –
Coastal
Management**

The Coastal Management SEPP is applicable as the subject site is mapped within the NSW Coastal Zone Combined Footprint (Figure 9).

The planning proposal is not likely to cause increased risk of coastal hazards.

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

	<p>The site does not have direct frontage to the coastal foreshore. The proposal will have no direct impact on the amenity of the coastal foreshore. The proposal will not exacerbate potential impact of coastal processes and coastal hazards.</p> <p>A detailed flood study will be prepared to confirm the water quality of nearby coastal bodies will not be impacted should the planning proposal receive a gateway determination to proceed.</p> <p>Figure 9 - Coastal management mapping</p>  <p>SEPP (Coastal Management) 2018</p> <p>Coastal Zone Combined Footprint</p> <p>Any inconsistency of the planning proposal with this SEPP is considered of minor significance and can be investigated further following a Gateway determination.</p>
SEPP – Infrastructure 2007	<p>The Infrastructure SEPP applies to the subject site, however it is considered that there is sufficient infrastructure capacity in the existing networks to support the proposal.</p> <p>A traffic impact study will be prepared to consider the impact of development on the local road network should the planning proposal receive a Gateway determination to proceed.</p> <p>The planning proposal is consistent with this SEPP.</p>

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

SEPP – Primary Production and Rural Development	<p>The Primary Production and Rural Development SEPP applies because the subject site is currently zoned RU2 Rural Landscape and located within proximity of oyster leases in Fullerton Cove.</p> <p>The subject site, while zoned rural, is not used for agricultural purposes. The environmental constraints of the site make the land unsuitable for primary production and would benefit from a rezoning to E2 Environmental Conservation. The remaining land could be better utilised to provide a neighbourhood centre with a supermarket for the residents of Fullerton Cove and Fern Bay.</p> <p>The proposal has considered the effects of the proposal on the water quality of Fullerton Cove and potential impacts on oyster aquaculture. Further investigation will be undertaken through a flooding and drainage study and consultation with the Department of Primary Industries – Agriculture should the planning proposal receive a Gateway determination to proceed.</p> <p>Any inconsistency of the planning proposal with this SEPP is considered of minor significance and can be investigated further following a Gateway determination.</p>
--	--

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

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 4 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. Employment and Resources	
1.1 Business and Industrial Zones The objectives of this direction are to: encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified centres.	<p>This direction applies because the planning proposal will affect land within a proposed business zone.</p> <p>A planning proposal must:</p> <p><i>(a) give effect to the objectives of this direction</i></p> <p>The planning proposal will provide additional employment land in close proximity to residential neighbourhoods. Additionally, the proposal will not undermine employment opportunities in the area or the viability of a future town centre due a restricted gross floor area (GFA) of 1,500sqm.</p> <p><i>(b) retain the areas and locations of existing business and industrial zones</i></p> <p>While this planning proposal does not propose the removal of business zones it will facilitate the removal of the existing B1 Neighbourhood Centre zone within the Seaside Estate. The proposal, however, will provide a more appropriate location for commercial development as provided in the Hill PDA Study (ATTACHMENT 7).</p> <p><i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones</i></p> <p>The planning proposal seeks to limit the retail GFA to 1,500sqm. The Hill PDA Study projected a net demand for retail floorspace of 6,700sqm by 2031. As the proposal will provide 1,500sqm of retail floorspace, approximately 5,200sqm by 2031 will remain available for a viable town centre in another location.</p> <p><i>(d) not reduce the total potential floor space area for industrial uses in industrial zones</i></p> <p>The planning proposal will not impact on the potential floor space area of industrial zones.</p>

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

	<p><i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment</i></p> <p>As identified in Section B, the planning proposal is consistent, or justifiably inconsistent, with the HRP and the GNMP.</p> <p>The planning proposal is consistent with this direction.</p>
<p>1.2 Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>This direction applies because the proposal will affect land within an existing rural zone.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> • <i>not rezone land from a rural zone to residential, business, industrial, village or tourist zone</i> • <i>not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)</i> <p>The planning proposal seeks to rezone rural land to B1 Neighbourhood Centre and increase the permissible density. The subject site however is currently used for residential purposes and is within proximity of low density residential housing located on rural zoned land. The redevelopment of this site would be in keeping with the nearby developments and would support the neighbouring residents of Fullerton Cove and Fern Bay.</p> <p>The inconsistency of the planning proposal with this direction is considered to be of minor significance.</p>
<p>1.4 Oyster Aquaculture</p>	<p>This direction does not apply as the planning proposal does not affect land in proximity to a Priority Oyster Aquaculture Area. While there are current oyster leases in the area there are no operating oyster farms.</p>
<p>1.5 Rural Lands</p> <p>The objectives of this direction are to: protect the agricultural production value of rural land; facilitate the orderly and economic use and development of rural lands for rural and</p>	<p>This direction applies because the proposal seeks to rezone rural land.</p> <p>A planning proposal must:</p> <p><i>(a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement</i></p> <p>The planning proposal is consistent with the HRP and the GNMP, which has considered the objectives of this direction. The proposal is also consistent with the draft LSPS.</p>

<p>related purposes; assist in the proper management, development and protection of rural land to promote the social, economic and environmental welfare of the State; minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses; encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land; and support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</p>	<p><i>(b) consider the significance of agriculture and primary production to the State and rural communities</i></p> <p>The planning proposal will not result in the fragmentation of agriculture and primary production lands or impact on the industry as the site is used for residential purposes.</p> <p><i>(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources</i></p> <p>The planning proposal seeks to rezone the majority of the site from RU2 Rural Landscape to E2 Environmental Conservation to protect the environmental values of the site.</p> <p><i>(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions</i></p> <p>The subject site is constrained by flood prone land and high environmental values, making it unsuitable for agricultural activities. The less constrained parts of the site where clearing and development has occurred is suitable for an intensification of land use through the provision of a neighbourhood centre to support surrounding residential communities.</p> <p><i>(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities</i></p> <p>The subject site is currently used for residential purposes and is not suitable for primary production. Rezoning the land will not impact on rural economic activities.</p> <p><i>(f) support farmers in exercising their right to farm</i></p> <p>The planning proposal will not impact on the rights of neighbouring rural properties as it will primarily facilitate non-residential uses.</p> <p><i>(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses</i></p> <p>The proposal will not result in the fragmentation of rural land as the subject site is not currently used for rural land</p>
--	--

uses. The proposal will complement the neighbouring residential and urban uses.

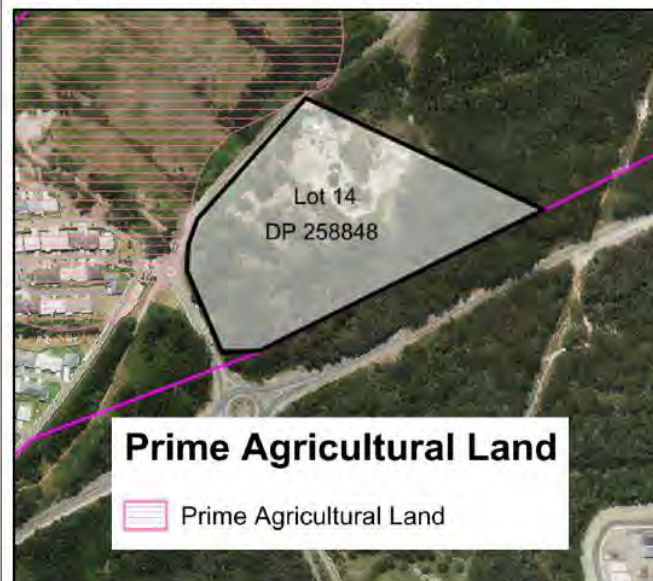
(h) consider State significant agricultural land identified in *State Environmental Planning Policy (Primary Production and Rural Development) 2019* for the purpose of ensuring the ongoing viability of this land

The land is not State significant agricultural land and is not mapped as prime agricultural land (**Figure 10**).

(i) consider the social, economic and environmental interests of the community.

The planning proposal will provide positive social, economic and environmental outcomes for the community. The rezoning will provide additional employment and retail services for the community, boost the local economy and will protect the environmental values of the site through E2 Environmental Conservation zoning. Additionally, the community has indicated strong support for a local supermarket at this location.

Figure 10 Prime agricultural land mapping



The inconsistency of the planning proposal with this direction is considered to be of minor significance.

2. Environment and Heritage

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

<p>2.1 Environmental Protection Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>This direction applies because the planning proposal seeks to rezone part of the subject site to E2 Environmental Conservation.</p> <p><i>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>The planning proposal seeks to protect the environmental values of the site by zoning approximately 4.2ha of land to E2 Environmental Conservation. The proposed boundary of the E2 zone has been informed by an Ecological Assessment (ATTACHMENT 10) taking into consideration the existing disturbed land, ecologically endangered communities and koala habitat.</p> <p>The final zone boundaries will be informed by a BDAR should the planning proposal receive a Gateway determination to proceed.</p> <p>The planning proposal is consistent with this direction.</p>
<p>2.2 Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>This direction applies because the land is mapped within the NSW Coastal Zone Combined Footprint (Figure 9 page 21).</p> <p>The direction provides that a planning proposal must not rezone land which would enable increased development or more intensive land use on land that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan. The site is identified as flood prone. Flooding is addressed separately in the response to Direction 4.3 Flood Prone Land.</p> <p>Any inconsistency of the planning proposal in relation to enabling increased development on flood prone land is addressed separately in the response to Direction 4.3 Flood Prone Land.</p>
<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage</p>	<p>The site does not contain any listed items of heritage significance listed in the LEP.</p> <p>There are however listed conservation items within the locality of the site (Figure 11). Stanley Park House is located to the north of the subject site. To the south and east is the Stockton Beach Dune System which includes Aboriginal sites, shell middens, ship wrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts.</p>

significance and indigenous heritage significance.

A search of the AHIMS database was undertaken. Some items of Aboriginal heritage were identified as being recorded in the locality including within the Stockton Beach Dune System.

The site is not identified as an area of potential archaeological value.

Consultation will be undertaken with the Worimi Aboriginal Land Council and the Environment, Energy and Science Group of the Department of Planning Industry and Environment should the planning proposal receive a Gateway determination to proceed.

Figure 11 – Heritage conservation items map



The consistency of the planning proposal with this direction can be confirmed by undertaking consultation following a Gateway determination.

3. Housing, Infrastructure and urban Development

3.4 Integrating Land Use and Transport

The objective of this direction is to

This direction applies because the planning proposal will create a business zone.

The planning proposal is consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

<p>ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the sustainable transport objectives.</p>	<p>and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> as detailed below.</p> <p><u>Improving Transport Choice</u></p> <p>The planning proposal is consistent with the following development principles of <i>Improving Transport Choice</i>:</p> <ol style="list-style-type: none"> <i>1. Concentrate in centres</i> – The subject site is located within the Fern Bay area, and within walking distance of the nearby residences. The nearest bus stop is located less than 200m from the proposed neighbourhood centre ensuring the site is accessible. <i>2. Mix uses in centres</i> – The planning proposal will provide essential retail services for the surrounding residential neighbourhoods that are currently underserved. The site will be in walking distance of a bus stop and residences. <i>3. Align centres within corridors</i> – The site is located adjacent to Nelson Bay Road and within walking distance of existing bus stops. The development of a neighbourhood centre could boost the effectiveness of the existing bus service. <i>4. Link public transport with land use strategies</i> – The planning proposal is consistent with the FBNSS which has considered and established goals for public transport in Fern Bay. <i>5. Connect streets</i> – The site is located adjacent to an existing bus stop and will provide a connecting pathway to the bus stop in line with the Port Stephens Development Control Plan 2014 (DCP). <i>6. Improve pedestrian access</i> – The subject site is located within walking distance of existing residences. To comply with the DCP pathways will be provided that connect to adjacent bus stop and existing pathways on site as well as connection to the future shared pathway identified in the Port Stephens Pathways Plan. <i>7. Improve cycle access</i> – The subject site is located within cycling distance of several existing residential neighbourhoods. Cycling facilities will be provided to comply with the DCP. A future shared pathway has been identified in the Port Stephens Pathways Plan along Fullerton Cove Road and Nelson Bay Road in proximity of the subject site.
--	---

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

	<p><i>8. Manage parking supply</i> – Appropriate parking will be provided during the development application stage.</p> <p><i>9. Improve road management</i> – The development will utilise the access from Fullerton Cove Road avoiding Nelson Bay Road, a classified road.</p> <p><i>10. Implement good design</i> – The needs of pedestrians, cyclists and public transport users will be further considered during the development application stage.</p> <p><u>The Right Place for Business and Services</u></p> <p>The planning proposal is consistent with the following strategies from <i>The Right Place for Business and Services</i>:</p> <p><i>1. The right location</i> – The planning proposal seeks to provide a neighbourhood centre at a site located centrally to the Fern Bay and Fullerton Cove area. The site is within walking distance of residents of The Cove and future residents of Seaside Estate. The site will provide the only retail services in the immediate area.</p> <p><i>2. The right centre</i> – The planning proposal seeks to provide a neighbourhood centre to cater for the day to day retail needs of the surrounding community. The area is currently underserved and this proposal will meet those needs.</p> <p>The planning proposal is consistent with this direction.</p>
<p>3.5 Development Near Regulated Airports and Defence Airfields</p> <p>The objectives of this direction are to: ensure the effective and safe operation of regulated airports and defence airfields; ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in</p>	<p>This direction applies because the site is mapped within the RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map (Figure 12).</p> <p>The site is mapped within the range requiring structures higher than 45m to be referred to the Commonwealth Department of Defence.</p> <p>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <p>(a) <i>consult with the Department of Defence if:</i></p> <ul style="list-style-type: none"> (i) <i>the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i> (ii) <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i>

the vicinity; and ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The planning proposal seeks to introduce a building height limit of 9m and will not exceed height provisions.

(b) *for land affected by the operational airspace, prepare appropriate development standards, such as height controls.*

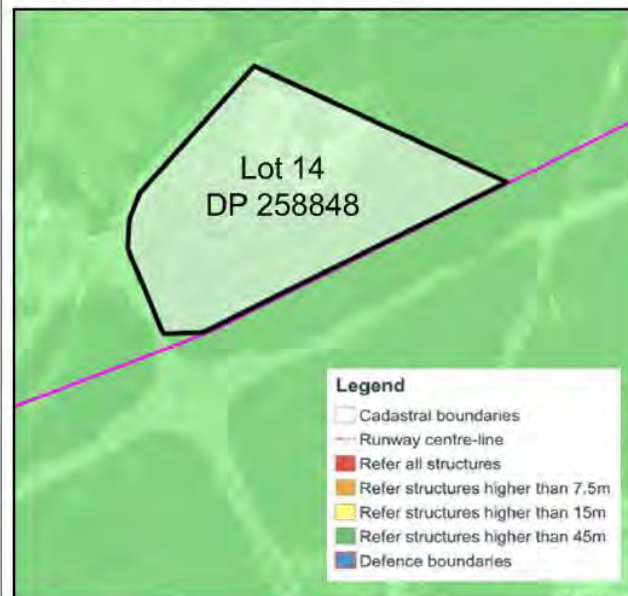
The subject land is affected by the RAAF Base Weapons Range Height Trigger restricting structures over 45m (**Figure 12**). The planning proposal seeks to introduce a building height limit of 9m.

(c) *not allow development types that are incompatible with the current and future operation of that airfield.*

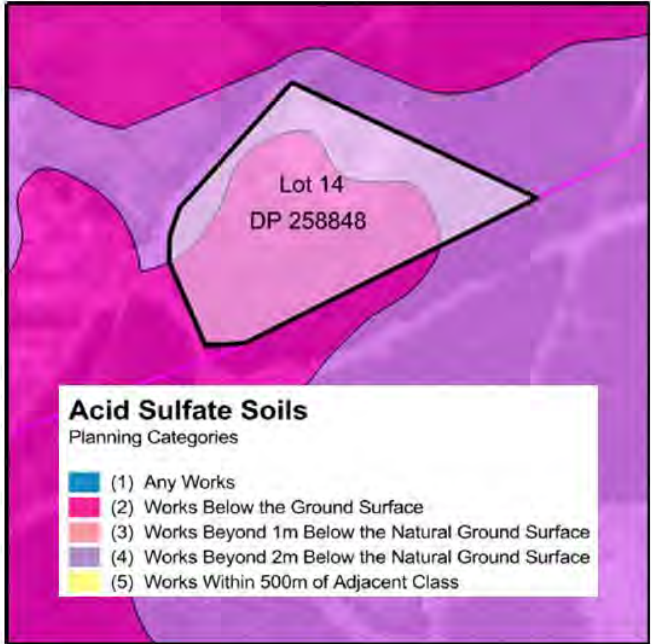
The subject site is located 7km from Newcastle Airport and RAFF Base Williamtown. A neighbourhood centre at this location would not be incompatible with the current and future use of the airfields.

While not required, consultation will be undertaken with the Department of Defence should the planning proposal receive a Gateway determination to proceed.

Figure 12 – RAAF Base Williamtown and Salt Ash Air Weapons Range Height Trigger Map



The planning proposal is consistent with this direction.

4. Hazard and Risk	
<p>4.1 Acid Sulfate Soils</p> <p>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.</p>	<p>This direction applies because the site is mapped as containing Class 2 and Class 4 acid sulfate soils (Figure 13).</p> <p>As development of the site will require significant fill, the risk from acid sulfate soils as a result of the planning proposal is low. The provisions of Clause 7.1 <i>Acid sulfate soils</i> of the LEP will apply to any future development and suitable to manage this issue.</p> <p>Figure 13 – Acid sulfate soil mapping</p>  <p>The consistency of the planning proposal with this direction can be confirmed by undertaking an acid sulfate soils study following a gateway determination.</p>
<p>4.3 Flood Prone Land</p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's</p>	<p>This direction applies as the subject site is identified as flood prone land within the flood planning area (Figure 14).</p> <p>The land proposed to be zoned B1 Neighbourhood Centre is predominantly Low Hazard Flood Fringe (green), Low Hazard Flood Storage (light blue) or High Hazard Flood Storage (blue).</p> <p><i>(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone</i></p>

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

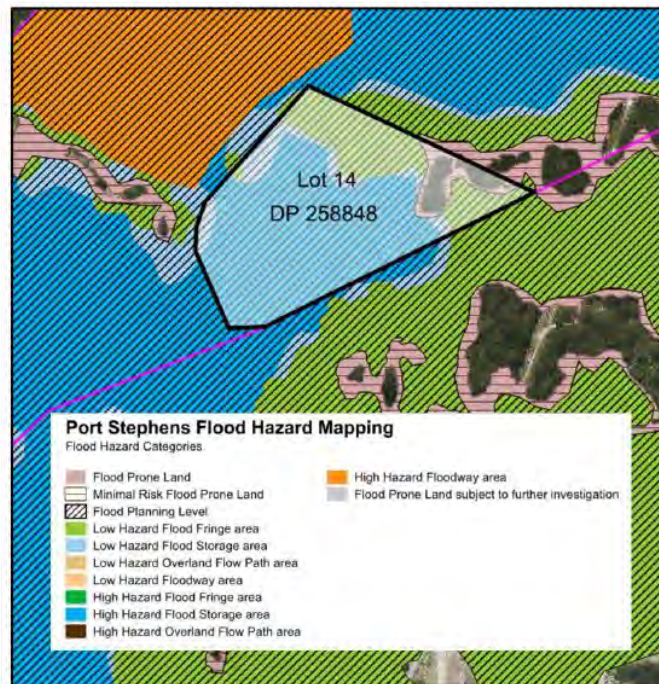
<p>Flood Policy and the principles of the Floodplain Development Manual 2005 and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p><i>Land Policy and the principles of the Floodplain Development Manual 2005.</i></p> <p>The provisions of Clause 7.3 <i>Flood Planning</i> of the LEP and Chapter B5 <i>Flooding</i> of the Port Stephens Development Control Plan will apply to any future development.</p> <p><i>(5) 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.</i></p> <p>The planning proposal is inconsistent with this direction but it is considered to be of minor significance due to the social and economic benefits of the proposal and community feedback detailed in Section C.</p> <p><i>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</i></p> <p><i>(a) permit development in floodway areas</i></p> <p>The planning proposal is inconsistent with this direction but it is considered to be of minor significance due to the social and economic benefits of the proposal and community feedback detailed in Section C.</p> <p><i>(b) permit development that will result in significant flood impacts to other properties</i></p> <p>Consistency with this direction can be confirmed following a Flooding and Drainage Study should the planning proposal receive a gateway determination to proceed.</p> <p><i>(c) permit a significant increase in the development of that land</i></p> <p>The planning proposal is inconsistent with this direction but it is considered to be of minor significance as the associated risk of commercial development on the site would be commensurate with the existing and recent development on flood prone land.</p> <p><i>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure of services</i></p> <p>The planning proposal is unlikely to require additional government spending on flood mitigation measures.</p>
--	--

(e) permit development to be carried out without development consent except for the purposes of agriculture, roads or exempt development

Future development of the site would require development consent.

Further technical information on the potential impact of development of the site through a Flooding and Drainage Study will be undertaken should the planning proposal receive a Gateway determination to proceed.

Figure 14 – Port Stephens flood hazard mapping



Any inconsistency of the planning proposal with this direction is considered of minor significance and can be addressed through a Flooding and Drainage Study following a Gateway determination.

4.4 Planning for Bushfire Protection

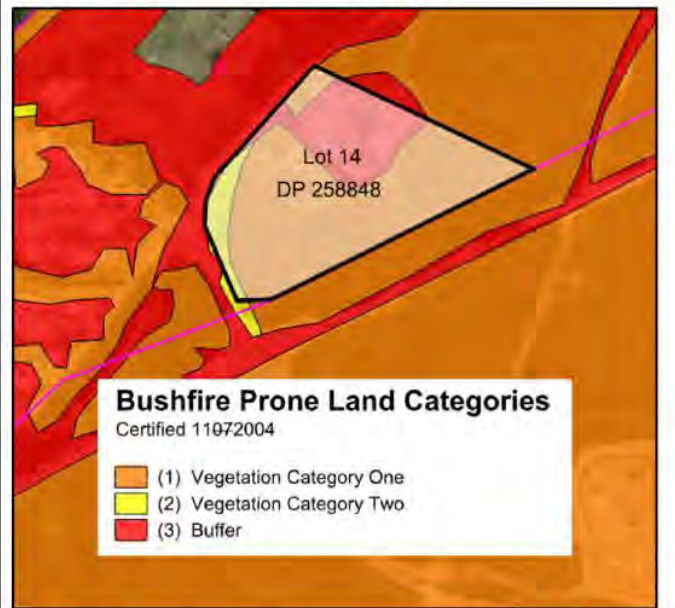
The objectives of this direction are to: protect life, property

This direction applies because the subject site is identified as bushfire prone land (**Figure 15**).

Consultation with the Commissioner of the NSW Rural Fire Service will be undertaken should the planning proposal receive a Gateway determination to proceed.

A planning proposal must:

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

<p>and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage sound management of bush fire prone areas.</p>	<p>(a) have regard to <i>Planning for Bushfire Protection 2006</i></p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ</p> <p>The planning proposal has considered the planning principles detailed in <i>Planning for Bushfire Protection</i>. A Bushfire Risk Assessment will be undertaken should the planning proposal receive a Gateway determination to proceed.</p> <p>Figure 15 – Bushfire prone land mapping</p>  <p>Bushfire Prone Land Categories Certified 11072004</p> <ul style="list-style-type: none"> (1) Vegetation Category One (2) Vegetation Category Two (3) Buffer <p>Any inconsistency of the planning proposal with this direction is considered of minor significance and can be addressed through a Bushfire Risk Assessment following a Gateway determination.</p>
<p>5. Regional Planning</p> <p>5.10 Implementation of Regional Plans</p> <p>The objective of this direction is to give</p>	<p>This direction applies because the subject site is located within the boundaries of the Hunter Regional Plan (HRP).</p> <p>As detailed under Section B, the planning proposal is consistent with the HRP as it will enable the development of a neighbourhood centre that will generate economic growth and diversity within the Fern Bay and Fullerton</p>

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.	<p>Cove locality and increase expenditure in the Port Stephens local government area.</p> <p>The planning proposal is consistent with this direction.</p>
--	--

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?**

An Ecological Assessment (**ATTACHMENT 10**) was prepared as part of the previous planning proposal over the subject site, examining the likelihood of significant impact upon any threatened species, populations or ecological communities listed within the *Threatened Species Conservation Act 1995* (TSC Act) and the threatened entities listed federally under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act).

The Ecological Assessment was undertaken in 2011 and considered the likelihood of biodiversity offset requirements. Since the preparation of this assessment, the boundaries of the proposed B1 zone have been minimised to lessen impacts on the endangered ecological communities (EECs) present on site. The findings of the assessment are detailed below.

Field investigations confirmed that no threatened flora was present onsite however eight threatened fauna species including the Eastern False Pipistelle, Little Bentwing-bat, Eastern Bentwing-bat, Eastern Freetail-bat, Powerful Owl, Grey-headed Flying Fox, Greater Broad-nosed Bat and Eastern Cave Bat and two EECs being Swamp Oak Floodplain Forest and Swamp Mahogany - Paperbark Forest (Swamp Sclerophyll Forest) were present on site.

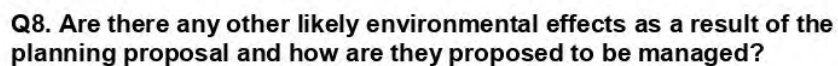
Desktop investigations found an additional 13 threatened flora and 39 threatened fauna species recorded or predicted to occur within five kilometres of the subject site.

The Ecological Assessment found the planning proposal will not adversely impact on threatened flora or fauna populations or matters of national environmental significance, however it is anticipated to have the following ecological impacts:

- Direct removal of Swamp Oak Floodplain Forest; and
- Indirect impacts to retained vegetation including two EEC's

The potential environmental impacts of the rezoning require further investigation through a Biodiversity Development Assessment Report (BDAR)

Figure 16 - Environmental Constraints mapping from the Ecological Assessment (ATTACHMENT 10, page 32)



37

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

The preliminary assessment found that Council policies regarding water quality and detention for the hypothetical development can be achieved. It is expected the proposed filling for development of approximately 2ha will not have a significant impact on flood levels. Riparian corridors are not expected to be a constraint for the proposed development, however liaison with the Department of Primary Industry - Water during the development application phase should be undertaken to confirm this.

As the Stormwater management Study was preliminary, further modelling and detailed assessment will be provided should the planning proposal receive a Gateway determination to proceed.

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

The proposal will result in significant positive social and economic effects including:

- Increased employment opportunities in the Port Stephens LGA and Hunter Region through construction jobs to carry out building works, as well as ongoing employment through retail and transport jobs to service the future commercial development;
- Increased commercial opportunities for businesses within the Port Stephens LGA;
- Increased expenditure within the Port Stephens LGA;
- Increased provision of day to day retail services including a supermarket and specialty retail; and
- Reduced travel times for Fern Bay and Fullerton Cove residents to access everyday essentials such as groceries and in turn reduced carbon emissions and air pollution.
- A place for the community to come together

In response to the exhibition of the FBNSS, submissions were received that supported the outcomes of the Fullerton Cove Proposal and a neighbourhood supermarket in the area. Additionally, a petition (**ATTACHMENT 9**) of 634 signatures in support of the Fullerton Cove Proposal was provided to Council during public access on the 26 November 2019. Given the number of community submissions received, the proposal is considered to have an overall positive impact on the community.

Currently the area has limited supermarket options with large travel distances. The nearest supermarket is an IGA (8km) that provides local convenience for the Stockton Area. The nearest large supermarkets for Fern Bay and Fullerton Cove residents are Mayfield Aldi (13km), Mayfield Woolworths (13.2km), or Warabrook Woolworths (13.5km). These supermarkets each take over 15 minutes to reach by car, or up to 45 minutes by bus. A neighbourhood supermarket, which is limited to a GFA of 1,000sqm by the LEP, would

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

provide a significantly more convenient option for the areas approximate 3,500 residents.

The planning proposal is intended to complement the existing retail centre. As development will be limited to a GFA of 1,500sqm it is unlikely that the proposal will impact on the economic viability of the existing Stockton centre or a future town centre at the Stockton Residential Centre.

The residents of the local area have demonstrated a desire for this site to be developed into a supermarket, and rezoning to B1 Neighbourhood Centre would facilitate this need. A neighbourhood centre would create a public space for people as well as deliver necessary retail services to support the community. It will provide a convenient and accessible location for residents to buy their food and groceries as well as provide additional business and employment opportunities. The liveability of the Fullerton Cove and Fern Bay residents will be significantly improved through the provision of a neighbourhood centre, with a neighbourhood supermarket, at this location.

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

All relevant infrastructure and services are available within the area and will be connected as part of the future development of the land.

It is considered that there is sufficient infrastructure capacity in the existing road networks to support the proposal. A traffic impact study will be prepared to consider the impact of development on the local road network should the planning proposal receive a Gateway determination to proceed.

Local augmentation of sewer, water, drainage and other infrastructure services can be undertaken as the site adjoins an existing urban area

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 to proceed. The following agencies will be consulted with:

- NSW Rural Fire Service
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Water
- Commonwealth Department of Defence
- Transport for NSW
- Department of Planning, Industry and Environment - Environment, Energy and Science Group
- Worimi Aboriginal Land Council

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.**PART 4 – Mapping**

The proposed map layer amendments are included as attachments to the planning proposal as follows:

ATTACHMENT 1 – Current Zoning Map LZN_004A

ATTACHMENT 2 – Proposed Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN_004A from RU2 Rural Landscape to part B1 Neighbourhood Centre and part E2 Environmental Conservation Zone

ATTACHMENT 3 – Current Lot Size Map LSZ_004A

ATTACHMENT 4 – Proposed Lot Size Plan – Map Amendment to Lot Size Map – Sheet LSZ_004A from AB2 20 hectares to part AB2 20 hectares and part no specified minimum lot size

ATTACHMENT 5 – Current Height of Building Map Sheet HOB_004A

ATTACHMENT 6 – Proposed Height of Buildings Map – Map amendment to Height of Buildings Map – Sheet HOB_004A from no specified height to part no specified height and part J 9 metres

PART 5 – Community consultation

External consultation has been undertaken during the preparation of the draft Fern Bay and North Stockton Strategy. During the exhibition period, a petition in support of this proposal was provided to Council. After consideration of the petition and submissions received, the FBNSS was amended to address the community desire for a neighbourhood centre with a neighbourhood supermarket to be located within the Fern Bay area.

Community consultation for the planning proposal 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 the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace

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

ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

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:

- Biodiversity Development Assessment Report
- Traffic Impact Study
- Stage 1 Contamination Report
- Flood and Drainage Study
- Bushfire Risk Assessment

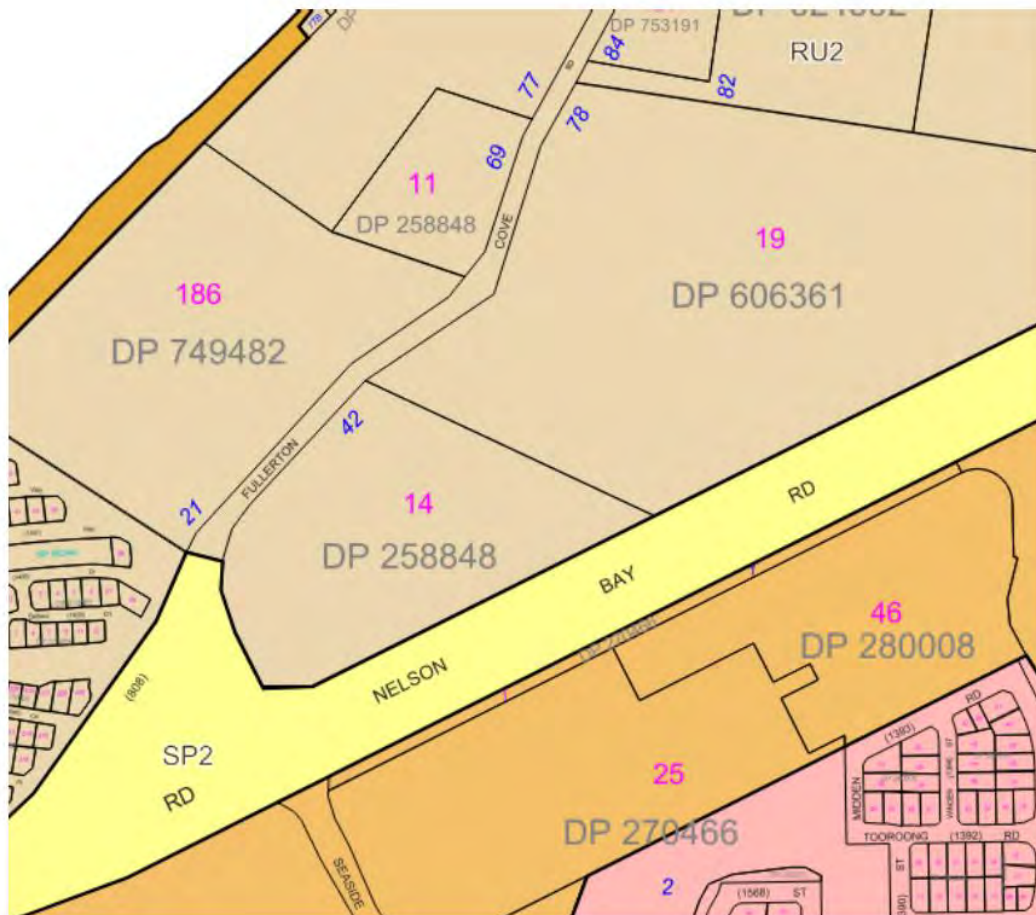
The planning proposal is expected to be reported to Council following the completion of the public exhibition period. The following timetable is proposed:

	Apr '20	May '20	Jun '20	Jul '20	Aug '20	Sep '20	Oct '20	Nov '20	Dec '20	Jan '21	Feb '21	Mar '21	Apr '21	May '21
Gateway Determination														
Agency Consultation														
Further Studies					X									
Public Exhibition														
Review of Submissions														
Council Report														
Parliamentary Counsel														

X – Window for targeted orchid surveys to be undertaken as part of a BDAR, should the planning proposal receive a Gateway determination to proceed.

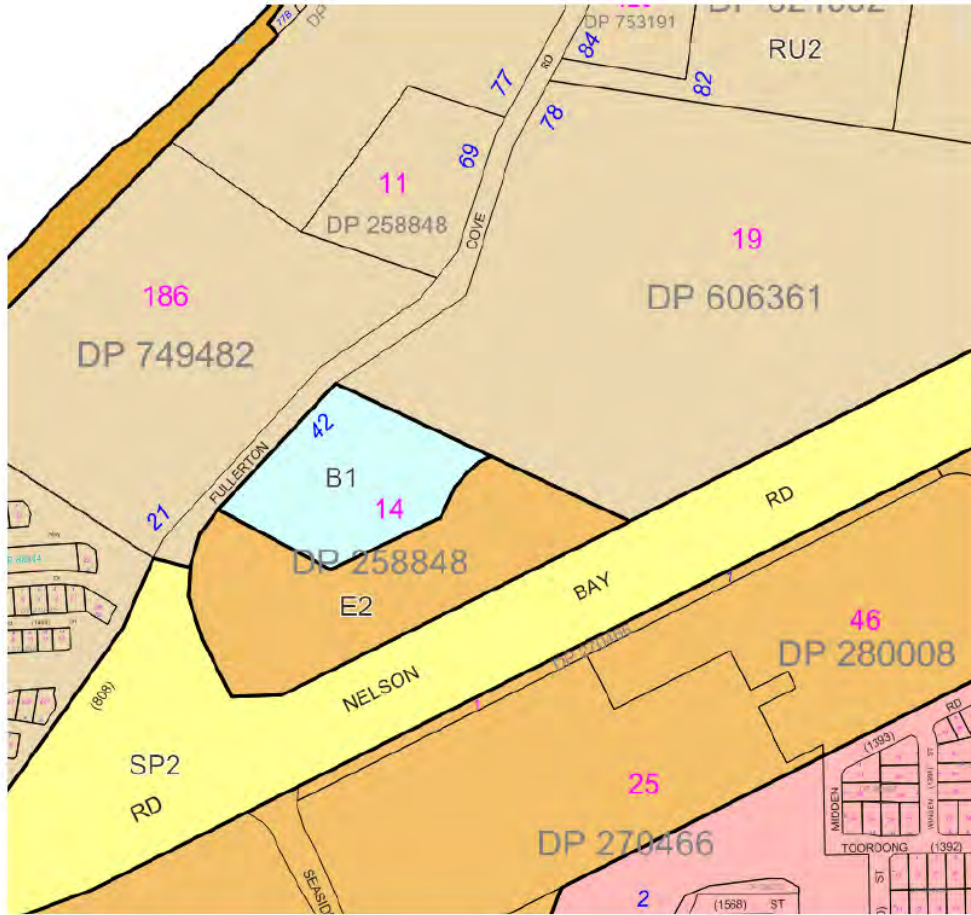
ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

ATTACHMENT 1 – Current Land Zoning Map



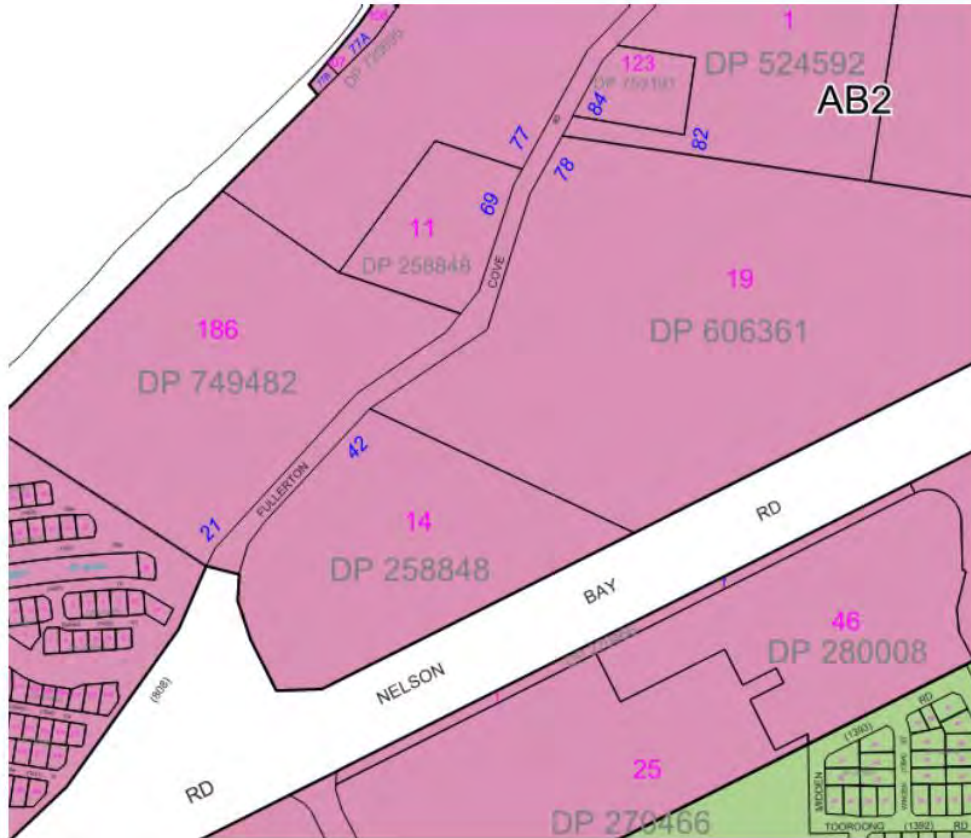
ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

ATTACHMENT 2 – Proposed Land Zoning Map



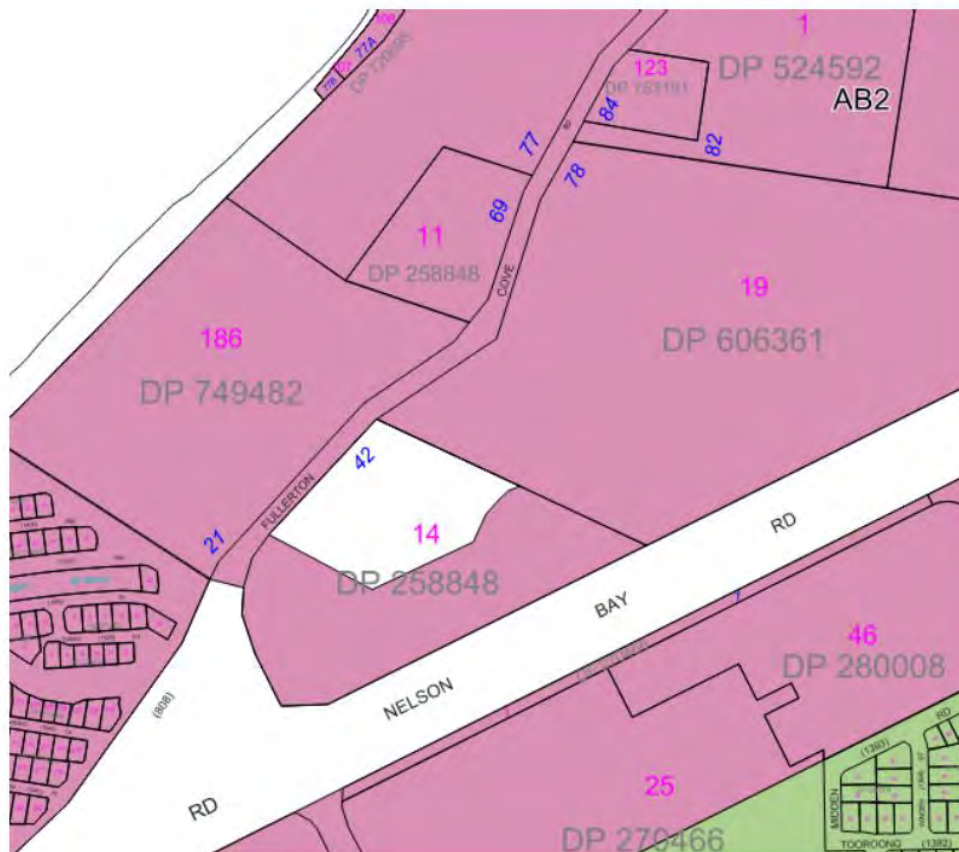
ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

ATTACHMENT 3 – Current Lot Size Map



ITEM 4 - ATTACHMENT 4 FULLERTON COVE PROPOSAL.

ATTACHMENT 4 – Proposed Lot Size Map



ATTACHMENT 5 – Current Height of Building Map



The map displays a coastal region with several land parcels and roads. Key features include:

- Parcels:**
 - Parcel 11 (pink) with DP 258848.
 - Parcel 19 (pink) with DP 606361.
 - Parcel 25 (pink) with DP 270466.
 - Parcel 46 (pink) with DP 280008.
 - Parcel 186 (pink) with DP 749482.
 - Parcel 42 (pink) with DP 258848.
 - Parcel 14 (pink) with DP 258848.
 - Parcel 2 (blue) with DP 270466.
- Roads:**
 - Nelson Bay Rd (top right).
 - Nelson Rd (middle right).
 - Nelson Cove (top left).
 - RD (bottom left).
 - RD (bottom right).
- Landmarks:**
 - School (bottom left).
 - Church (bottom right).
 - Large green area labeled 'J' (center).
- Other Labels:**
 - DP 753191 (top right).
 - DP 270486 (bottom left).
 - DP 270466 (bottom right).
 - DP 280008 (center right).
 - DP 749482 (center left).
 - DP 606361 (center right).
 - DP 258848 (center left).
 - DP 258848 (center right).

ATTACHMENT 7 – Fern Bay and North Stockton Commercial Lands Study

Information referenced in this report can be inspected upon request.

ATTACHMENT 8 – Draft Fern Bay and North Stockton Strategy

Information referenced in this report can be inspected upon request.

ATTACHMENT 9 – Petition to Support and Complete Planning Proposal

Information referenced in this report can be inspected upon request.

ATTACHMENT 10 – Ecological Assessment

Information referenced in this report can be inspected upon request.

ATTACHMENT 11 – Flooding and Stormwater Management Study

Information referenced in this report can be inspected upon request.



Proposed amendment to Port Stephens Local
Environmental Plan 2013



CONTENTS

SUMMARY	3
BACKGROUND.....	4
SITE.....	4
PART 1 – Objectives or intended outcomes.....	6
PART 2 – Explanation of provisions	6
PART 3 – Justification	7
Section A – Need for the planning proposal	7
Q1. Is the planning proposal a result of any strategic study or report?	7
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	8
Section B – Relationship to strategic planning framework	9
Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan or Greater Newcastle Metropolitan Plan?	9
Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement?	13
Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	15
Q6. Is the planning proposal consistent with applicable Ministerial Directions?	18
Section C – Environmental, social and economic impact	29
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?	29
Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	29
Q9. Has the planning proposal adequately addressed any social and economic effects?	30
Section D – State and Commonwealth interests	30
Q10. Is there adequate public infrastructure for the planning proposal?	30
Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	30
PART 4 – Mapping	31
PART 5 – Community consultation	31
PART 6 – Project timeline	32

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

ATTACHMENTS

ATTACHMENT 1 – Current Zoning Plan
ATTACHMENT 2 – Proposed Land Zoning Map
ATTACHMENT 3 – Current Lot Size Map
ATTACHMENT 4 – Proposed Lot Size Map
ATTACHMENT 5 – Current Height of Building Map
ATTACHMENT 6 – Proposed Height of Building Map
ATTACHMENT 7 – Fern Bay & North Stockton Commercial Lands Study
ATTACHMENT 8 – AHIMS Search Result

FILE NUMBERS

Council: 58-2017-1-1
Department: To be provided at Gateway determination.

SUMMARY

Purpose: The purpose of this planning proposal is to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable the development of additional housing within the Seaside Estate, Fern Bay.

Subject land: Part of Lot 27, DP 270466
 Lots 2, 3, 4, 20, 21, 22, DP 280072
 Part of Lots 5, 19, 23 & 24, DP 280072

 2, 4, 4A, 4B, and 6 Seaside Boulevard,
 Fern Bay
 20, 22, 23, 24, 25 and 26 Sovereign Street,
 Fern Bay

Proponent: Monteath & Powys on behalf of Rawson Communities

Proposed changes:

- Rezone from B1 Neighbourhood Centre to R2 Low Density Residential;
- Introduce a minimum lot size of 500 square metres; and
- Amend the height of buildings from 8 metres to 9 metres

Area of land: 1 hectare

Lot yield: ~ 6 lots

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013* (LEP) to enable low density residential development on land at 2, 4, 4A, 4B, and 6 Seaside Boulevard, Fern Bay and 20, 22, 23, 24, 25 and 26 Sovereign Street, Fern Bay (Seaside Estate).

The site is zoned B1 Neighbourhood Centre and the planning proposal seeks to rezone the land to R2 Low Density Residential.

A separate planning proposal at 42 Fullerton Cove Road, Fullerton Cove (Fullerton Cove Proposal) seeks to replace the B1 zone that will be removed by this planning proposal. The Fullerton Cove Proposal is considered the most suitable location for a neighbourhood centre.

SITE

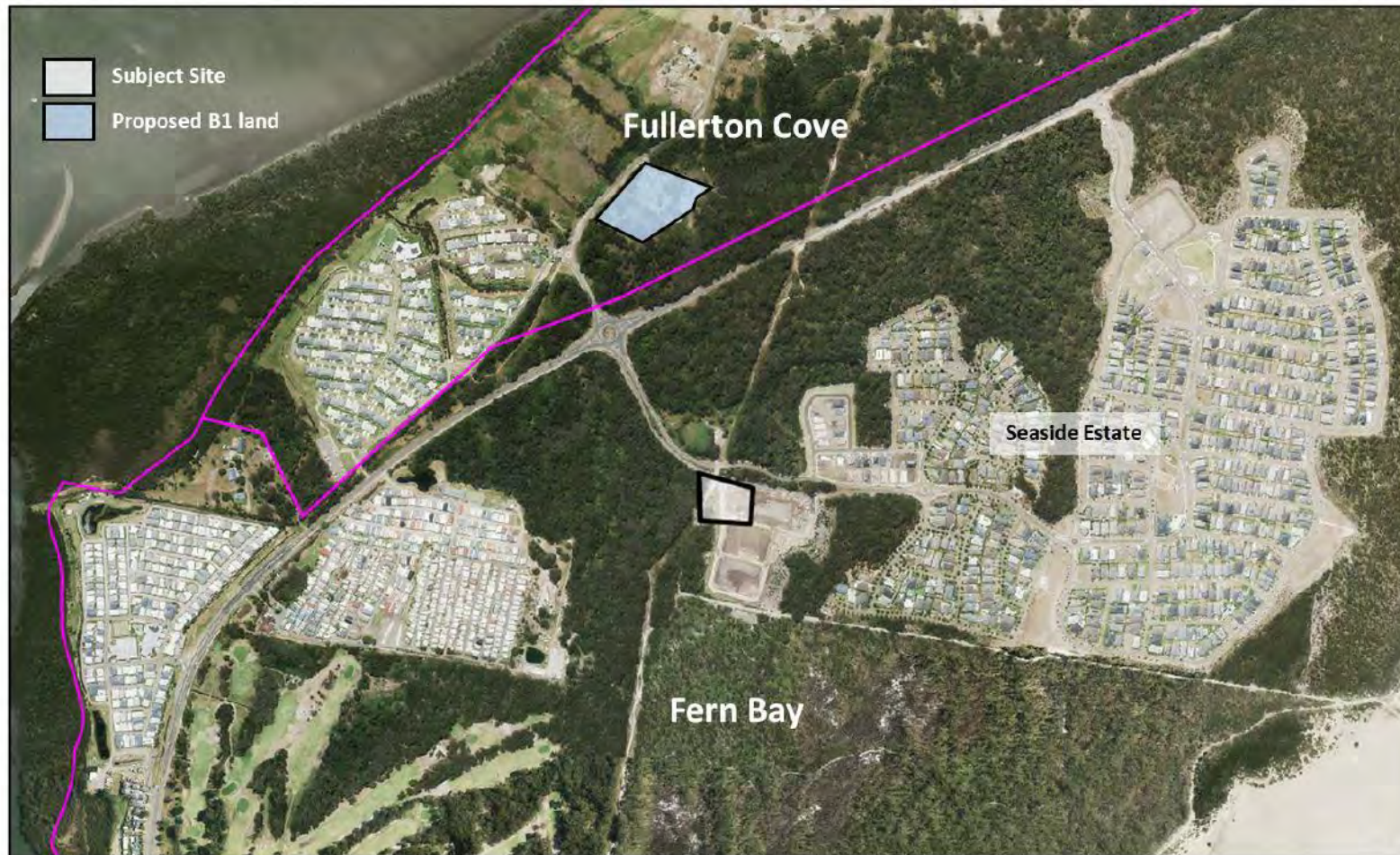
The proposed rezoning area is approximately 1 hectare and forms part of a major project, the Seaside Estate Residential Subdivision (MP 06_0250). Subdivision of the site has already been undertaken and is not intended to be altered in the event of a rezoning. Approximately 6 residential lots can be gained from the rezoning. **Figure 1** identifies the subject site.

Figure 1 – Lot layout for Seaside Estate, Fern Bay



The surrounding lands are zoned R2 Low Density Residential and E2 Environmental Conservation. The estate consists of low density residential dwellings, a childcare centre and two parks. The Fullerton Cove Proposal is located approximately 800 metres west of the subject site (**Figure 2**).

Figure 2 - Locality



ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

PART 1 – Intended Outcome

The intended outcome of the planning proposal is to enable low density residential development within the Seaside Estate.

The proposal will allow the site to provide additional residential housing within the Seaside Estate. It is intended that the B1 Neighbourhood Centre will be relocated to a more suitable site at 42 Fullerton Cove Road, Fullerton Cove.

PART 2 – Explanation of provisions

The intended outcome 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_004A (**ATTACHMENT 1**) from B1 Neighbourhood Centre to R2 Low Density Residential (**ATTACHMENT 2**)
- Amend Lot Size Map Sheet LSZ_004A from no specified minimum lot size (**ATTACHMENT 3**) to 500 square metres (**ATTACHMENT 4**)
- Amend Height of Building Map Sheet HOB_004A from I 8 metres (**ATTACHMENT 5**) to J 9 metres (**ATTACHMENT 6**)

Figures 3, 4 and 5 indicate the proposed changes to the Land Zoning Map, Lot Size Map and Height of Building Map.

Figure 3 – Existing and proposed land zoning map



ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Figure 4 – Existing and proposed lot size map



Figure 5 – Existing and proposed height of building map

**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 Hill PDA Fern Bay and North Stockton Commercial Lands Study 2017 (Hill PDA Study) (**ATTACHMENT 7**) prepared for City of Newcastle and Port Stephens councils to guide the development of a land use strategy for Fern Bay and North Stockton.

The Hill PDA Study assessed the suitability of the subject site, as well as five alternative sites, to accommodate a new town centre in the Fern Bay and North Stockton area. Of the sites assessed, the subject site was found to be the least favourable due to issues regarding its location, exposure,

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

accessibility, and walkable catchment. The unsuitability of the subject site for commercial use is discussed in greater detail in Section B (page 13).

The Stockton Residential Centre (SRC) was found to be the most suitable location for a new town centre. The SRC site however, requires further strategic planning, including rezoning, before the vision of a future mixed use town centre can be realised.

The Fullerton Cove site was also assessed as a potential town centre and scored higher than the subject site. The Fullerton Cove site is currently the subject of a planning proposal to facilitate a neighbourhood centre. The Fullerton Cove Proposal seeks to relocate the B1 zoned land that will be removed from Seaside Estate as a result of this planning proposal.

It is noted that Council does not wish to extinguish all opportunities for a neighbourhood centre within the Fern Bay locality. The subject site would not be rezoned to R2 Low Density Residential until the Fullerton Cove Proposal is certain and imminent.

Q2. Is the planning proposal the best means of achieving the objective or is there a better way?

The intended outcome of the planning proposal is to enable low density residential development at Seaside Estate.

Under the existing B1 Neighbourhood Centre zone, residential development is limited to:

- Attached dwellings;
- Boarding houses; and
- Shop top housing.

These categories of residential development are not compatible with the existing neighbourhood which consists of dwelling houses and dual occupancies. Rezoning the site to R2 Low Density Residential will enable residential development compatible with the existing local character of the Seaside Estate.

As provided in the Hill PDA Study, the site is not considered suitable for a new town centre to service the surrounding areas of Fern Bay, Fullerton Cove and Stockton. While some commercial uses, such as a neighbourhood shop, may be appropriate, the scale of these uses (i.e. no greater than 100sqm) would require an area significantly less than the existing B1 zone. Furthermore, the proposed R2 zone will still allow neighbourhood shops to be developed.

The planning proposal is therefore considered the best means of achieving residential development on the subject site.

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.**Section B – Relationship to strategic planning framework**

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)?

a) Does the proposal have strategic merit?

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* (HRP) applies to the Port Stephens local government area (LGA) and is an applicable consideration for this planning proposal.

Fern Bay is identified as a centre of local significance and earmarked as an area to deliver future housing and urban renewal opportunities in the HRP.

The HRP identifies a regional priority for Port Stephens to “leverage proximity to major global gateways – and its attractive and valuable natural environment and coastal and rural communities – to generate economic growth and diversity”.

The planning proposal seeks to support this priority by enabling the development of a neighbourhood centre in a more suitable location. The Hill PDA study found the subject site to be unsuitable for the development of a town centre. Enabling an alternative location to be developed will provide more economic growth and diversity than developing the existing B1 Neighbourhood Centre zoned land.

The most relevant direction and action from the HRP include:

- *Direction 23 – Grow centres and renewal corridors; and*
- *Action 23.1 – Concentrate growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses.*

The planning proposal will facilitate the above by providing additional housing within a local centre and within 20 minutes of the strategic centres of Newcastle City and Raymond Terrace.

The planning proposal is also consistent with:

- *Direction 8 – Promote innovative small business and growth in the service sectors* as the proposed R2 zoning permits small businesses, including neighborhood shops, with consent and the business zone will be relocated to a more appropriate site (subject to a separate planning proposal);
- *Direction 13 – Plan for greater land use compatibility* as it will not remove important agricultural land or create any potential conflict between land uses;

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

- *Direction 14 – Protect and connect natural areas* as it will avoid the clearing of any further native vegetation;
- *Direction 15 – Sustain water quality and security* as future development will be required to manage storm water in accordance with the Port Stephens Development Control Plan 2014 (DCP);
- *Direction 16 – Increase resilience to hazards and climate change* as the land is mapped as Low Hazard Flood Fringe and is suitable for residential development;
- *Direction 17 – Create healthy built environments through good design* as it will provide additional housing in an area that has planned infrastructure (e.g. footpaths and shared paths) to connect to parks, shops and services.
- *Direction 21 – Create a compact settlement* as the Seaside Estate is an existing approved subdivision and the provision of additional housing will not have any adverse environmental, social or economic impacts; and
- *Direction 24 – Protect the economic functions of employment land* as the existing B1 zone will be relocated a more appropriate site (subject to a separate planning proposal). Additionally, the Hill PDA Study shows this will not impact on the viability of a future town centre.

The planning proposal is consistent with the HRP as it will provide additional housing within an existing residential neighbourhood, in close proximity to employment opportunities, without increasing demand for infrastructure and services.

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) applies to part of the Port Stephens LGA, including Fern Bay, and is an applicable consideration for this planning proposal.

The GNMP identifies Fern Bay as an area “where housing and infrastructure opportunities should be maximised while protecting the transport connection between the Newcastle Airport and Newcastle Port”. The subject site is identified within a housing release area in the GNMP (**Figure 6**).

The planning proposal seeks to support this vision by providing housing within an existing residential neighbourhood where all infrastructure requirements have been achieved.

The planning proposal is consistent with:

- *Strategy 2 – Grow the airport and aerospace and defence precinct at Williamstown* as it will provide additional housing (and workers) within 15min drive of Williamstown;
- *Outcome 3 – Deliver housing close to jobs and services* as it will provide homes close to jobs and services including employment clusters at Williamstown, Tomago, Raymond Terrace and Newcastle;

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

- *Strategy 8 – Address changing retail consumer demand* as a more suitable site will be rezoned for retail purposes to service local residents and benefit from passing trade on Nelson Bay Road;
- *Strategy 9 – Plan for jobs closer to homes in the Metro frame* as above;
- *Strategy 12 – Enhance the Blue and Green Grid and the urban tree canopy* as the site will be landscaped and street trees planted during development;
- *Strategy 14 – Improve resilience to natural hazards* as the land is mapped as Low Hazard Flood Fringe and is suitable for residential development;
- *Strategy 16 – Prioritise the delivery of infill housing opportunities within existing urban areas* as the proposal seeks to provide additional housing within the Seaside Estate, an existing urban area;
- *Strategy 17 – Unlock housing supply through infrastructure coordination and delivery* as the land is serviced by existing infrastructure and will provide additional housing in an appropriate location; and
- *Strategy 20 – Integrate land use and transport planning* as the proposal will access an existing bus route (136) to Stockton (south) and Newcastle Airport (north).

The planning proposal is consistent with the GNMP as it will provide additional housing within a housing release area, in close proximity to employment opportunities, without increasing demand for infrastructure and services.

Figure 6 - Identification of the subject site in the Housing Opportunities map from the Greater Newcastle Metropolitan Plan 2036 (page 42)



ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

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

Natural Environment

The proposed change in land use is unlikely to incur any additional impacts on the natural environment.

The subject site has already been assessed for development under the existing approval (MP 06_0250) for Seaside Estate, Fern Bay. Rezoning the land from B1 Neighbourhood Centre to R2 Low Density Residential will not alter the lot layout or require any additional land clearing. **Figure 1** (page 5) displays the lot layout where Lots 2, 3, 4, 20, 21 and 22 are wholly within the B1 zoned land and have already been cleared.

Land Uses

The Hill PDA Study (**ATTACHMENT 7**) assessed the suitability of the subject site to accommodate a new town centre of 4,000 – 6,500sqm area. The Hill PDA Study found the site to be unsuitable for the following reasons:

- Location – The site would only be conveniently located for residents of Seaside Estate.
- Exposure – The site does not have exposure to a major arterial road with limited opportunities to attract passing trade. The site also has no exposure to inward traffic due to an existing vegetated lane separation.
- Accessibility – The subject site does not have direct access to a major road with the area accessed via a single entry/exit via Seaside Blvd, with only left in/left out access.
- Walkable catchment – The site has a relatively small walking catchment. Approximately some 300 to 400 of the existing and future dwellings within Seaside Estate, Fern Bay are estimated to be within walking distance.

The land proposed to be rezoned to B1 Neighbourhood Centre at 42 Fullerton Cove has been assessed by the Hill PDA Study and found to be a more suitable location for a town centre than the subject site. Out of a possible maximum score of 40, the site at Fullerton Cove scored 25 while the subject site at Seaside Estate scored 17.

Services and Infrastructure

The proposed change in land use is unlikely to incur any additional infrastructure needs.

The site benefits from the existing infrastructure provided as part of the Seaside Estate Major Project (MP 06_0250) including sewer, water supply, power and communications. As evident in **Figure 1** (page 5), the clearing and subdivision of the site and construction of roads have been completed.

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

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

Council does not currently have an endorsed Local Strategic Planning Statement, or endorsed local strategy or strategic plan. Responses to the most relevant local strategies are provided below.

Draft Port Stephens Local Strategic Planning Statement

The draft Port Stephens Local Strategic Planning Statement (LSPS) was considered by Council on 11 February 2020, where it was endorsed for public exhibition. The LSPS identifies the 20-year vision for land use in Port Stephens and sets out social, economic and environmental planning priorities for the future.

The planning proposal is consistent with *Planning Priority 4 Ensure suitable land supply* as it will provide additional housing on land that is serviced and unconstrained.

Draft Port Stephens Local Housing Strategy (Live Port Stephens)

The draft Port Stephens Local Housing Strategy (Live Port Stephens) was considered by Council on 11 February 2020, where it was endorsed for public exhibition. Live Port Stephens provides the road map to accommodate people who want to live in our LGA over the next 20 years.

Live Port Stephens identifies Fern Bay as a centre with convenient links to major employment areas.

The planning proposal is consistent with the following planning priorities from Live Port Stephens:

- *Priority 1.1 Ensure adequate supply of new housing* as it will contribute additional housing within an identified centre
- *Priority 2.2 Provide more affordable housing near jobs* as it will provide housing in proximity to major employment areas including Newcastle, Williamstown and Tomago; and
- *Priority 3.1 Facilitate new housing within existing urban areas* as it will provide additional housing within the existing residential neighbourhood Seaside Estate.

The planning proposal is consistent with Live Port Stephens as it will provide additional housing supply in a suitable location with access to major employment areas.

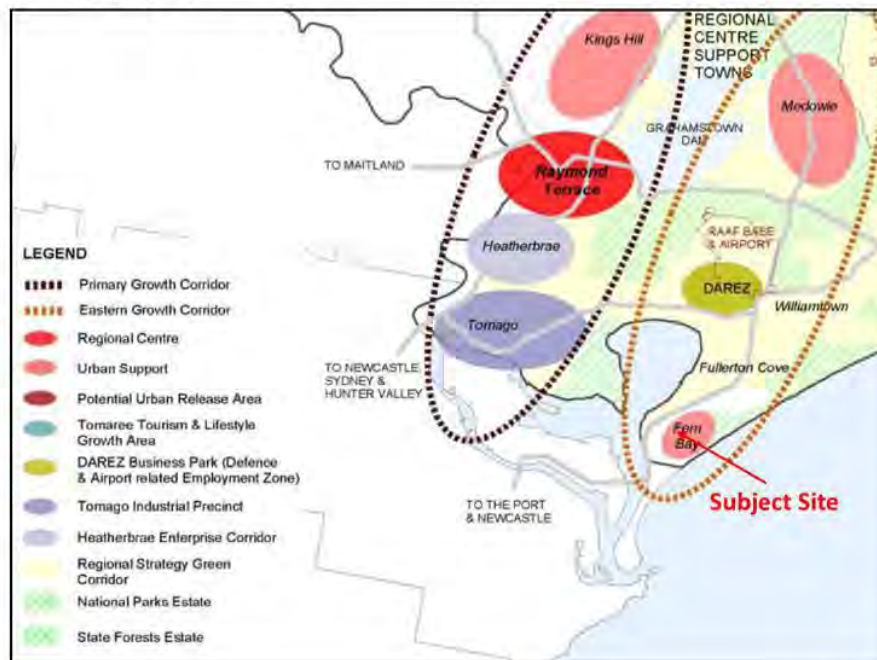
ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Port Stephens Planning Strategy 2011

The *Port Stephens Planning Strategy 2011* (PSPS) was adopted by Council in 2011. The strategy pre dates the most recent strategic planning guidance that has been provided by the NSW Government in the HRP and the GNMP. The PSPS will be replaced by the Port Stephens Local Strategic Planning Statement in 2020.

The PSPS seeks to encourage sufficient supply of a diverse range of housing in the LGA. The PSPS identifies the subject site within the Eastern Growth Corridor as an urban support area (**Figure 7**).

Figure 7 – Identification of the subject site in the Port Stephens Planning strategy (page 4)



The PSPS indicated significant new residential development was expected at Seaside Estate, Fern Bay by 2013. While the population of Fullerton Cove and Fern Bay increased by 103% between 2006 and 2016, the growth was not as high as projected in the PSPS due to environmental constraints within the Seaside Estate. Rezoning the subject site to R2 Low Density Residential would provide additional residential lots and facilitate an increase in dwellings and people living in the Fern Bay area.

The planning proposal is considered to be consistent with the objectives of the PSPS as it will result in additional housing supply and diversity in close proximity to major employment areas at Tomago and Williamtown.

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Draft Fern Bay and North Stockton Strategy

The draft Fern Bay and North Stockton Strategy (FBNSS) (**ATTACHMENT 7**) has been developed by Port Stephens Council and the City of Newcastle to guide future development and ensure sufficient infrastructure for the growing community. The subject site is located within Precinct 5 of the FBNSS and identified in **Figure 8**.

The most relevant principles from the FBNSS are:

- *Housing – 1. Focus housing growth in locations that maximise infrastructure and services*
- *Housing – 2. Deliver greater housing supply and choice*
- *Housing – 3. Limit urban sprawl and impacts on the natural environment*

The planning proposal will facilitate housing in a location that maximises existing infrastructure and limits urban sprawl and impacts on the natural environment.

The most relevant outcome from the FBNSS is:

- *Precinct 5 – Undertake a detailed assessment of the ‘Request to Amend the Port Stephens Local Environmental Plan’ submitted for 2 Seaside Boulevarde, Fern Bay*

The above outcome relates to this planning proposal. This outcome has been achieved during the progression of this planning proposal.

The planning proposal is also consistent with:

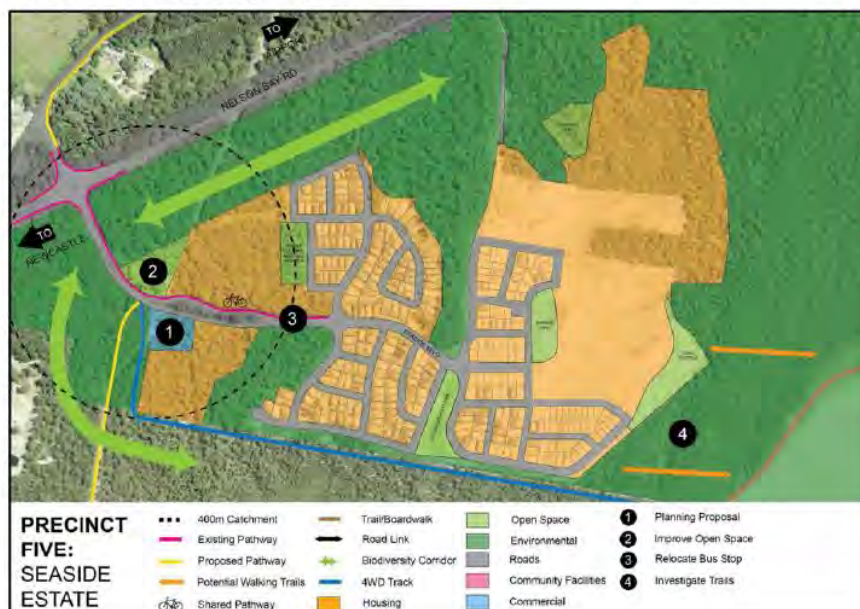
- *Environment Principle 2 Protect the coast and increase resilience to natural hazards* as it is not within the coastal zone and is on Low Hazard Flood Fringe land that is considered suitable for residential development;
- *Environment Principle 3 Protect important environmental assets and enhance biodiversity connections* as it will not result in any further native vegetation removal;
- *Open Space and Community Facilities Principle 1. Optimise access* as the site is within a walkable distance and directly opposite a local park;
- *Transport Principle 1. Prioritise pedestrians and cyclists* as the site will have access to existing and planned foot paths and shared paths;
- *Transport Principle 2. Support public transport ridership* as the site will access an existing bus route (136) to Stockton (south) and Newcastle Airport (north); and
- *Transport Principle 3. Maintain the integrity of Nelson Bay Road as a regional transport corridor* as future development will not create any new access onto Nelson Bay Road.

The planning proposal is consistent with the FBNSS as it seeks to provide additional housing utilising existing infrastructure and will support proposals to

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

establish a neighbourhood centre at 42 Fullerton Cove Road and a town centre at the Stockton Residential Centre.

Figure 8 - Identification of the subject site within the Draft Fern Bay and North Stockton Strategy (page 31).



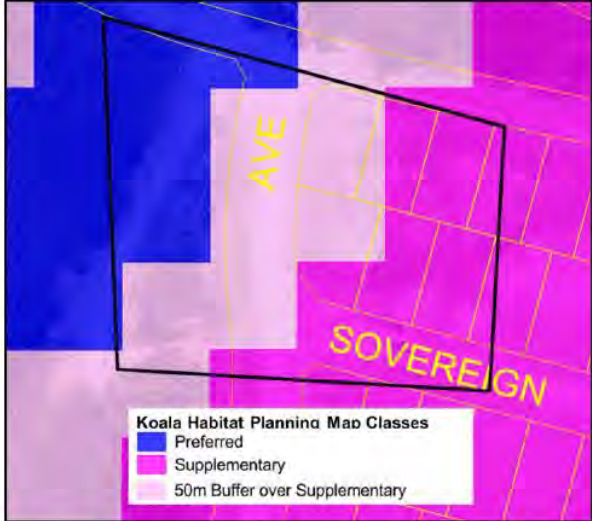
Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

An assessment of relevant State Environmental Planning Policies (SEPPs) against the planning proposal is provided in the table below.

Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP 44 – Koala Habitat Protection	<p>The Port Stephens Comprehensive Koala Plan of Management (CKPoM) has been prepared in accordance with Part 3 of SEPP 44, and is applicable in the Port Stephens Local Government Area. Schedule 2 of the CKPoM sets out the performance criteria for planning proposals, which have been addressed below.</p> <p>a. <i>Not result in development within areas of preferred koala habitat;</i></p> <p>The portion of the subject site identified for development does not contain preferred koala habitat (Figure 9).</p>

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

SEPP	Consistency and Implications
	<p>b. <i>Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i></p> <p>The portion of the subject site to be developed will consist of low density residential development.</p> <p>c. <i>Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i></p> <p>The rezoning will not result in any additional clearing of koala food trees.</p> <p>d. <i>Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement</i></p> <p>The Seaside Estate is surrounded by E2 Environmental Conservation land to provide habitat and linkages for koalas. The rezoning would not impact on existing koala movements.</p> <p>A Flora and Fauna Assessment of Seaside Estate has previously been undertaken. Land clearing works have already been completed. The proposal will not incur any additional clearing and is unlikely to impact on koala habitat or movement.</p> <p>Figure 9 – Koala Habitat Mapping</p> 

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

SEPP	Consistency and Implications
SEPP 55 – Remediation of Land	<p>Clause 6 of the <i>State Environmental Planning Policy 55 – Remediation of Land</i> (SEPP 55) requires Councils to consider the likely contamination of land before it can be rezoned.</p> <p>In considering the potential for contamination of the land in June 2010, the Director General of the NSW Department of Planning determined that there was no evidence that the site proposed for the Seaside Estate was contaminated.</p> <p>Given the assessments previously carried out, the existing urban zone and nature of the land, it is considered that the site is not contaminated and no further assessment is required.</p>
SEPP Infrastructure 2007	<p>The Infrastructure SEPP may apply to development on the subject site, however it is considered that there is sufficient infrastructure capacity in the existing networks to support the proposal.</p> <p>All relevant infrastructure and services are available within the area and will be connected as part of the future development of the land. It is considered that there is sufficient infrastructure capacity in the existing road networks to support the proposal.</p> <p>The proposal is unlikely to have any adverse impacts on existing infrastructure.</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 2 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. Employment and Resources	
1.1 Business and Industrial Zones	This Direction applies because the proposal relates to land currently zoned B1 Neighbourhood Centre.
The objectives of this direction are to:	<p>A planning proposal must:</p> <p>(a) give effect to the objectives of this direction</p>

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
encourage employment growth in suitable locations; protect employment land in business and industrial zones; and support the viability of identified centres.	<p>The planning proposal will remove employment opportunities on the subject site but will facilitate the rezoning of land at 42 Fullerton Cove Road, Fullerton Cove to provide a more suitable location for a neighbourhood centre.</p> <p><i>(b) retain the areas and locations of existing business and industrial zones</i></p> <p>The proposal seeks to remove approximately 2,200sqm of developable business zoned land as the site is unsuitable for commercial development and more appropriate land can be provided at 42 Fullerton Cove Road, Fullerton Cove as per the Hill PDA Study.</p> <p><i>(c) not reduce the total potential floor space area for employment uses and related public services in business zones</i></p> <p>The proposal will reduce the potential floor space area for employment uses on the subject site. The Fullerton Cove Proposal however, seeks to replace the business zone, leading to an overall increase in B1 zoned land in the area.</p> <p><i>(d) not reduce the total potential floor space area for industrial uses in industrial zones</i></p> <p>The planning proposal will not impact on the potential floor space area of industrial zones.</p> <p><i>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</i></p> <p>As identified in Section B, the planning proposal is consistent with the HRP and the GNMP.</p> <p>The proposal is inconsistent with this direction but it is of minor significance as the subject site is unsuitable for commercial development. A more appropriate location at 42 Fullerton Cove Road is intended to replace the business zone subject to this proposal which will increase the overall availability of commercial land in the area.</p> <p>It is noted the subject site would not be rezoned until the Fullerton Cove Proposal is certain and imminent in order to</p>

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
	<p>maintain the current supply of business zoned land in Fern Bay.</p> <p>The inconsistency of the planning proposal with this direction is considered to be of minor significance.</p>
2. Environment and Heritage	
<p>2.1 Environmental Protection Zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>The subject site does not include any environmentally significant areas but is adjacent to E2 Environmental Conservation zoned land.</p> <p>A planning proposal must:</p> <p><i>Include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p>Flora and Fauna Assessment was undertaken as part of the project approval (MP 06_0250) for Seaside Estate. The proposal does not change or alter the findings or outcomes of the assessment or impact any existing conservation area or habitat.</p> <p>The planning proposal is consistent with this direction.</p>
<p>2.2 Coastal Management</p>	<p>The subject site is not mapped within the NSW Coastal Management Zone (Figure 10).</p> <p>Figure 10 – Coastal management mapping</p> 

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The site does not contain any listed items of heritage significance listed in the LEP.</p> <p>The site is not identified as an area of potential archaeological value. Nonetheless, condition D18 of the existing approval requires sub-surface monitoring of all future works for non-Aboriginal objects.</p> <p>A search of the AHIMS database (ATTACHMENT 8) was undertaken and several items of Aboriginal heritage were identified as being recorded in or near the subject site. As part of the project approval (MP 06_0250), an Aboriginal Heritage Assessment was undertaken. The subdivision layout for Seaside Estate was amended to incorporate the findings of this assessment.</p> <p>A Cultural Heritage Management Plan was prepared in consultation with the Worimi Aboriginal Land Council and applies to the site.</p> <p>Rezoning the site from B1 to R2 is unlikely to impact on heritage items as the approved lot layout will not change. Future development of the site will adhere to the provisions within the Cultural Heritage Management Plan.</p> <p>The planning proposal is consistent with this direction.</p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones The objectives of this direction are to 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	<p>This Direction applies because the planning proposal seeks to create an R2 Low Density Residential zone.</p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <p><i>(a) broaden the choice of building types and locations available in the housing market</i></p> <p>The planning proposal will increase the number of houses available in the housing market.</p> <p><i>(b) make more efficient use of existing infrastructure and services</i></p> <p>The planning proposal will provide housing where existing infrastructure is provided.</p>

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
<p>infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p>	<p><i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe</i></p> <p>The subject site is located within an existing residential neighbourhood on land zoned for urban development.</p> <p><i>(d) be of good design.</i></p> <p>Future development of the site will be subject to the DCP.</p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <p><i>(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)</i></p> <p>The land is already adequately serviced as a result of the existing approval for Seaside Estate (MP 06_0250).</p> <p><i>(b) not contain provisions which will reduce the permissible residential density of land.</i></p> <p>The planning proposal is seeking to introduce a residential zone, the permissible residential density of land will increase as a result of this proposal.</p> <p>It is considered that the proposal is consistent with the objectives of this direction as the subject site is located within an existing residential neighbourhood on land that can make more efficient use of existing infrastructure and services.</p> <p>The planning proposal is consistent with this direction.</p>
<p>3.4 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and</p>	<p>This direction applies because the planning proposal will create a residential zone.</p> <p>The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport choice – Guidelines for planning and development (DUAP 2001)</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> as detailed below.</p> <p>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:</p>


ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
street layouts achieve the sustainable transport objectives	<p><u>Improving Transport Choice</u></p> <p>The planning proposal is consistent with the following development principles of <i>Improving Transport Choice</i>:</p> <ol style="list-style-type: none"> <i>1. Concentrate in centres</i> – The subject site is located within an existing centre. The site is approximately 300m from the nearest bus stop. <i>2. Mix uses in centres</i> – The site has limited accessibility with only left in/left out available to the site. This limitation is more appropriate for residential development than commercial development as provided in the Hill PDA Study. <i>3. Align centres within corridors</i> – The site is located 300m from Nelson Bay Road, a major transport corridor. <i>4. Link public transport with land use strategies</i> – The planning proposal is consistent with the FBNSS which has considered and established goals for public transport in Fern Bay. <i>5. Connect streets</i> – There is 1 bus stop on Seaside Boulevard and 2 on Nelson Bay Road within walking distance of the site. <i>6. Improve pedestrian access</i> – The subdivision allows for walking connectivity and footpaths have already been constructed. <i>7. Improve cycle access</i> – The subject site is located within cycling distance of several existing residential neighbourhoods. <i>8. Manage parking supply</i> – Parking will be addressed at the development application stage and dwellings will require consistency with the DCP. <i>9. Improve road management</i> – The roads have already been constructed and provide sufficient capacity to cater for the proposal. <i>10. Implement good design</i> – The existing subdivision of the site considered the needs of pedestrians, cyclists and public transport users. <p><u>The Right Place for Businesses and Services</u></p>


ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
	<p>The planning proposal is consistent with the following strategies from <i>The Right Place for Businesses and Services</i>:</p> <p>1. <i>The right location</i> – The site is currently isolated commercial land. As it is unsuitable for commercial development the planning proposal seeks to rezone the land for residential purposes.</p> <p>2. <i>The right centre</i> – The subject site is inconsistent with the right centre, making it better suited to residential development rather than commercial.</p> <p>The planning proposal is consistent with this direction.</p>
<p>3.5 Development Near Regulated Airports and Defence Airfields</p> <p>The objectives of this direction are to: ensure the effective and safe operation of regulated airports and defence airfields; ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p>This direction applies because the site is mapped within the RAAF Base Obstacle Limitations or Operations Surface Map and Height Trigger Map (Figure 11).</p> <p>The site is mapped within the range requiring structures higher than 45m to be referred to the Commonwealth Department of Defence.</p> <p>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</p> <p>(a) <i>consult with the Department of Defence if:</i></p> <ul style="list-style-type: none"> (i) <i>the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i> (ii) <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i> <p>The planning proposal seeks to amend the building height limit from 8m to 9m and will not exceed height provisions.</p> <p>(b) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>The subject land is affected by the RAAF Base Weapons Range Height Trigger restricting structures over 45m (Figure 11). The planning proposal seeks to amend the building height limit from 8m to 9m.</p>

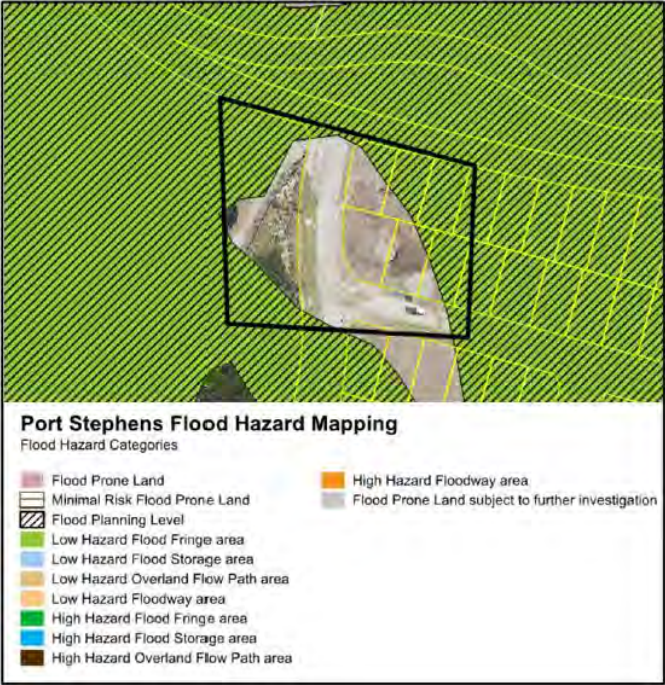
ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

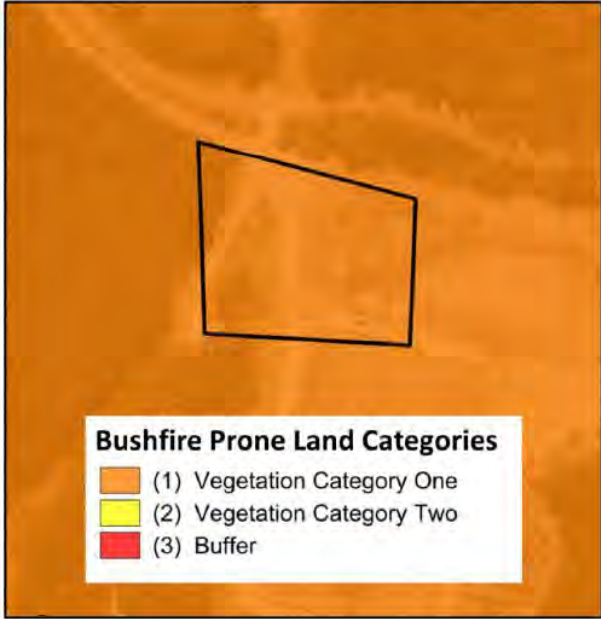
Ministerial Direction	Consistency and Implications
	<p>(c) <i>not allow development types that are incompatible with the current and future operation of that airfield.</i></p> <p>The subject site is located 7km from Newcastle Airport and RAFF Base Williamtown. Residential housing at this location would support the current and future use of the airfields.</p> <p>While not required, consultation will be undertaken with the Department of Defence should the planning proposal receive a Gateway determination to proceed.</p> <p>Figure 11 – RAAF Base Williamtown and Salt Ash Air Weapons Range Height Trigger Map</p>  <p>The planning proposal is consistent with this direction.</p>
4. Hazard and Risk	
<p>4.1 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has</p>	<p>This direction applies because the site is mapped as containing Class 4 acid sulfate soils (Figure 12).</p> <p>As the rezoning will not increase the permissible density for development, this direction can be addressed during the development application stage. The provisions of Clause 7.1 <i>Acid sulfate soils</i> of the LEP will apply to any future development and suitable to manage this issue.</p>

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
<p>a probability of containing acid sulfate soils.</p>	<p>Figure 12 - Acid sulfate soil mapping</p>  <p>Acid Sulfate Soils Planning Categories</p> <ul style="list-style-type: none"> (1) Any Works (2) Works Below the Ground Surface (3) Works Beyond 1m Below the Natural Ground Surface (4) Works Beyond 2m Below the Natural Ground Surface (5) Works Within 500m of Adjacent Class <p>The planning proposal is consistent with this direction.</p>
<p>4.3 Flood Prone Land</p> <p>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Policy and the principles of the Floodplain Development Manual 2005 and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the</p>	<p>This direction applies because parts of the subject site are identified as flood prone land (Figure 13).</p> <p>The planning proposal is seeking to rezone commercial land to residential. The proposal will not impact on the potential flood impacts on or off site as the subdivision, clearing, road and drainage works have already been completed at the subject site. As the lot layout is not proposed to be amended following a rezoning, there will be no increase in development.</p> <p>The flood risk for the subject site is the same or lower than the surrounding existing residential zoned land.</p> <p>The LEP contains existing provisions that give effect to and are consistent with the NSW Flood Prone Land Policy, which are not proposed to be amended.</p>

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

Ministerial Direction	Consistency and Implications
<p>potential flood impacts both on and off the subject land.</p>	<p>Figure 13 - Port Stephens flood hazard mapping</p>  <p>Port Stephens Flood Hazard Mapping Flood Hazard Categories</p> <ul style="list-style-type: none"> Flood Prone Land Minimal Risk Flood Prone Land Flood Planning Level Low Hazard Flood Fringe area Low Hazard Flood Storage area Low Hazard Overland Flow Path area Low Hazard Floodway area High Hazard Flood Fringe area High Hazard Flood Storage area High Hazard Overland Flow Path area High Hazard Floodway area Flood Prone Land subject to further investigation <p>The planning proposal is consistent with this direction.</p>
<p>4.4 Planning for Bushfire Protection</p> <p>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; and to encourage sound management of bush fire prone areas.</p>	<p>This direction applies because the subject site is identified as bushfire prone land (Figure 14).</p> <p>Consultation with the Commissioner of the NSW Rural Fire Service will be undertaken should the planning proposal receive a Gateway determination to proceed.</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i> (b) introduce controls that avoid placing inappropriate developments in hazardous areas (c) ensure that bushfire hazard reduction is not prohibited within the APZ <p>The planning proposal is consistent with this direction as the adjoining land has the equivalent risk and is zoned for residential purposes. Additionally, the objectives of this direction can be achieved at the development application stage through a Bushfire Assessment Report.</p>

Ministerial Direction	Consistency and Implications
	<p>Figure 14 - Bushfire prone land mapping</p>  <p>Bushfire Prone Land Categories</p> <ul style="list-style-type: none"> (1) Vegetation Category One (2) Vegetation Category Two (3) Buffer <p>The planning proposal is consistent with this direction.</p>
5. Regional Planning	
<p>5.10 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.</p>	<p>This direction applies as the subject site is located within the boundaries of the Hunter regional Plan (HRP)</p> <p>As identified in Section B, the planning proposal is consistent with the HRP as it will provide additional housing within an existing residential neighbourhood, in close proximity to employment opportunities, without increasing demand for infrastructure and services.</p>

ITEM 4 - ATTACHMENT 5 SEASIDE 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?

A Flora and Fauna Assessment was undertaken for the Seaside Estate development. The existing approval for clearing, earthworks, roadwork, stormwater, and servicing provisions for sewer, water supply, power and communications were based on this assessment.

As clearing required for future development has been completed (**Figure 13**), there are no critical habitats or threatened species, populations or ecological communities, or their habitats that will be adversely affected as a result of the proposal.

Figure 15 – Extent of clearing and construction works



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

No. As clearing required for future development has been completed, there are no further impacts anticipated as a result of this planning proposal.

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The proposal will result in the following positive social and economic effects:

- Employment opportunities in the Port Stephens LGA and Hunter Region from construction works;
- Increased provision of housing within an existing residential neighbourhood; and
- An increased population to support a future neighbourhood centre in Fullerton Cove (subject to a separate planning proposal).

Removing business zoned land in Fern Bay may have a negative social and economic impact on the local community where an undersupply of retail floor area has been identified. Therefore, the site will not be rezoned to residential until the Fullerton Cove Proposal is certain and imminent.

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

The subject site has been cleared with roads and drainage constructed (**Figure 13**). The site can be connected to all infrastructure services due to its location within Seaside Estate, Fern Bay.

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

During the assessment and determination of the Seaside Estate Subdivision (MP 06_0250) consultation with the Department of Defence, the Rural Fire Service, Department of Water and Energy, Primary Industries and NSW National Parks and Wildlife Services was undertaken.

Further consultation with relevant State and Commonwealth agencies can be undertaken following a Gateway determination to proceed. The following agencies will be consulted with:

- NSW Rural Fire Service
- Commonwealth Department of Defence
- Hunter Water Corporation
- Worimi Aboriginal Land Council

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.**PART 4 – Mapping**

ATTACHMENT 1 – Current Zoning Plan LZN_004A

ATTACHMENT 2 – Proposed Zoning Map – Map Amendment to Land Zoning Map – Sheet LZN_004A from B1 Neighbourhood Centre to R2 Low Density Residential Zone

ATTACHMENT 3 – Current Lot Size Map LSZ_004A

ATTACHMENT 4 – Proposed Lot Size Plan – Map amendment to Lot Size Map – Sheet LSZ_004A from no specified minimum to 500 square metres

ATTACHMENT 5 – Current Height of Building Map Sheet HOB_004A

ATTACHMENT 6 – Proposed Height of Buildings Map – Map amendment to Height of Buildings Map – Sheet HOB_004A from I 8 metres to J 9 metres

PART 5 – Community consultation

External consultation has been undertaken during the preparation of the draft Fern Bay and North Stockton Strategy. Submissions received during the exhibition period indicate a desire for a neighbourhood centre and supermarket to be located within the area, including a petition in support of the Fullerton Cove Proposal.

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 the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, Port Stephens Street, Raymond Terrace

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

ITEM 4 - ATTACHMENT 5 SEASIDE PROPOSAL.

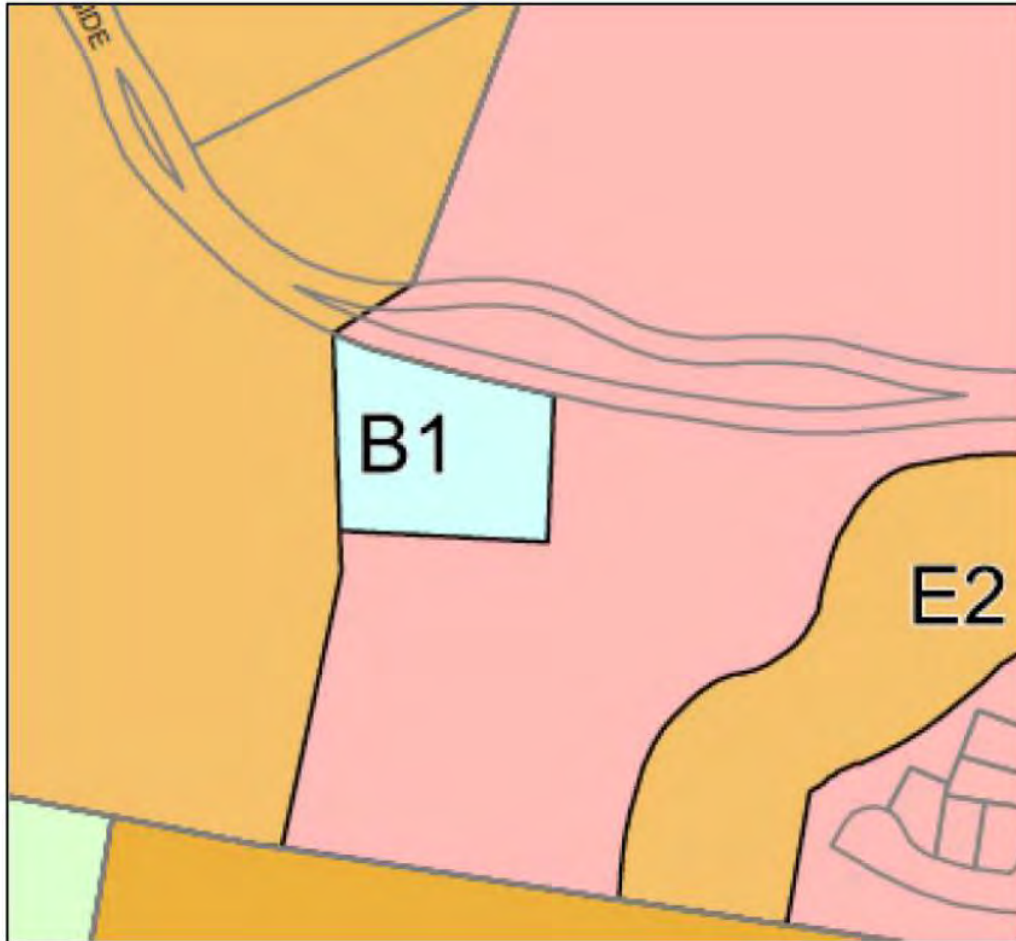
PART 6 – Project timeline

The planning proposal is expected to be reported to Council following the completion of the public exhibition period. It is noted the progression of the planning proposal should occur concurrently with the Fullerton Cove Proposal. The following timetable is proposed:

	Apr '20	May '20	Jun '20	Jul '20	Aug '20	Sep '20	Oct '20	Nov '20	Dec '20	Jan '21	Feb '21	Mar '21	Apr '21	May '21
Gateway Determination														
Agency Consultation														
Further Studies														
Public Exhibition														
Review of Submissions														
Council Report														
Parliamentary Counsel														

NB: Additional time has been allocated for further studies to accommodate the needs of the Fullerton Cove Proposal.

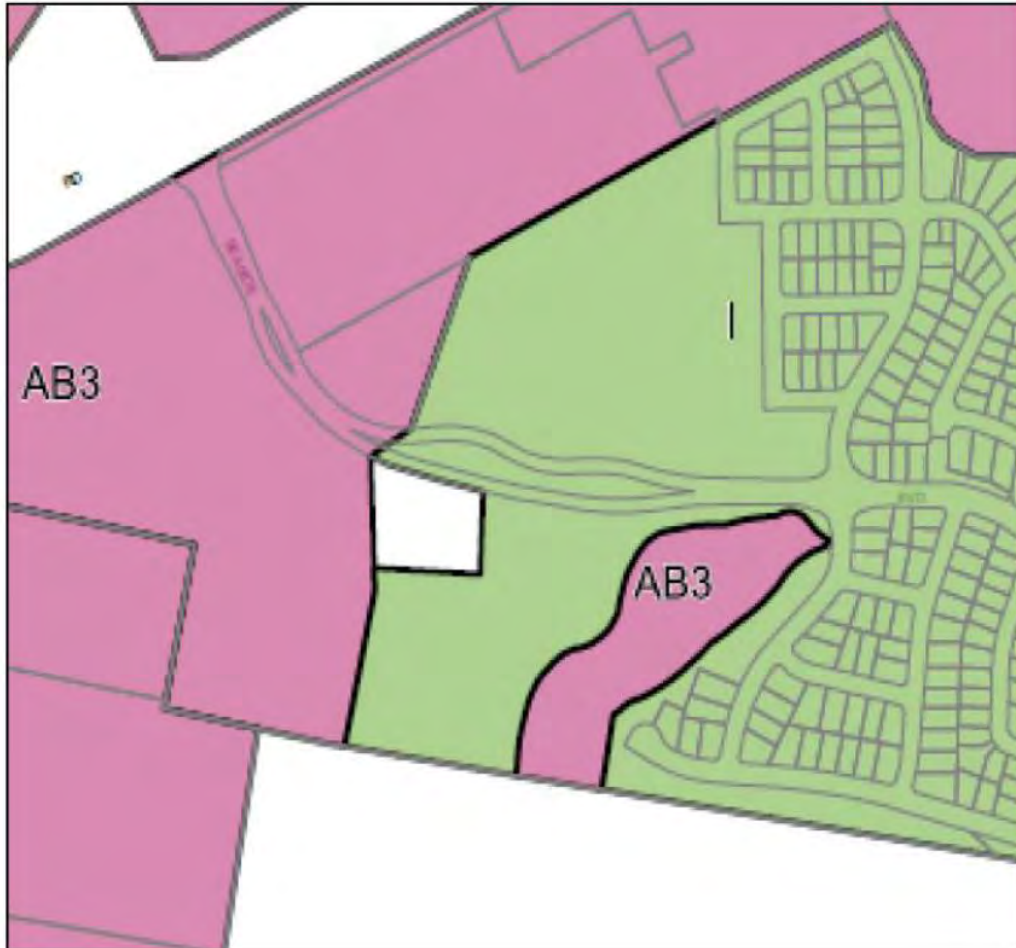
ATTACHMENT 1 – Current Zoning Plan



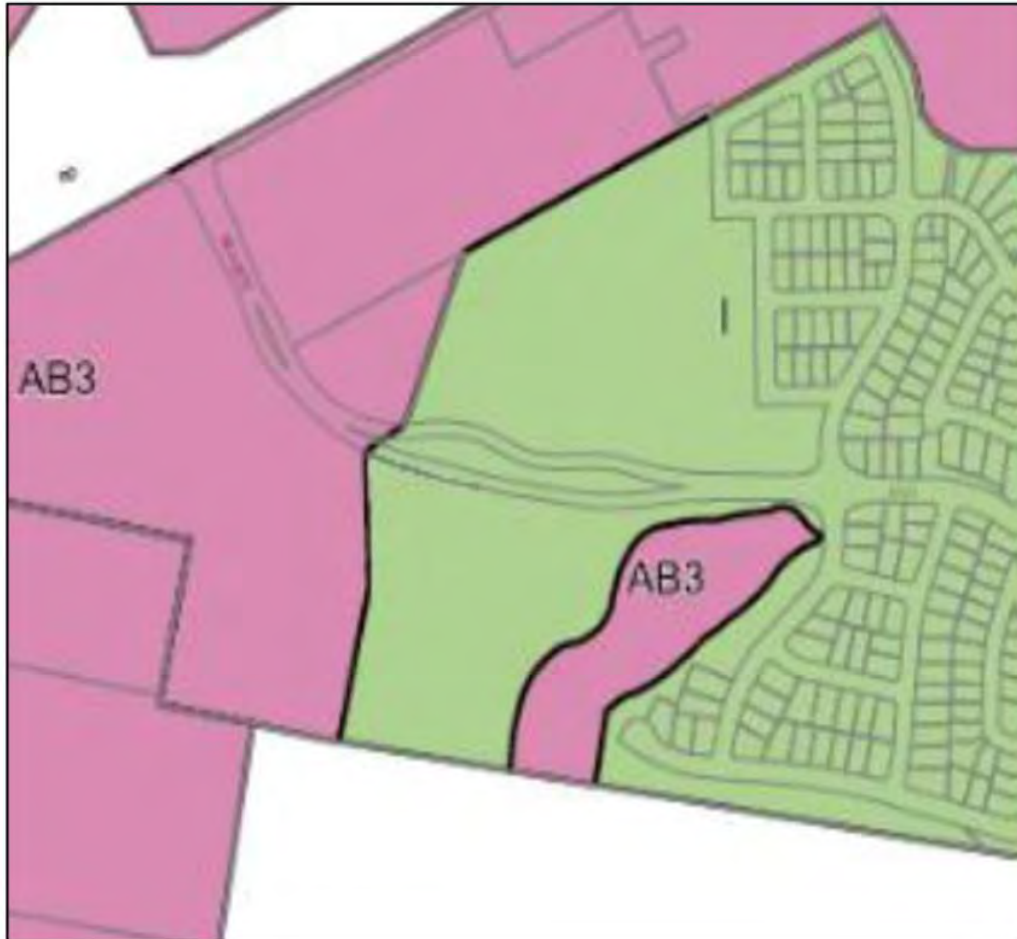
ATTACHMENT 2 – Proposed Land Zoning Map



ATTACHMENT 3 – Current Lot Size Map



ATTACHMENT 4 – Proposed Lot Size Map



ATTACHMENT 5 – Current Height of Building Map



ATTACHMENT 6 – Proposed Height of Building Map



ATTACHMENT 7 – Fern Bay & North Stockton Commercial Lands Study

Information referenced in this report can be inspected upon request.

ATTACHMENT 8 – AHIMS Search Result

Information referenced in this report can be inspected upon request.