# ATTACHMENTS UNDER SEPARATE COVER

# ORDINARY COUNCIL MEETING 27 JULY 2021



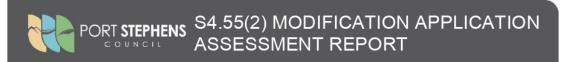
# PORT STEPHENS

COUNCIL

| ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS |  |  |
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| APPLICATION DETAILS          |   |  |
|------------------------------|---|--|
| Modification application no. | 16-2007-15-5  |  |
| Development description      | Caravan Park (81 long term sites, 75 short term sites)  |  |
| Modification description     | S4.55(2) modification to caravan park – Amend lot layout and internal road network, reduce total number of sites to 119, amend short term sites to long term, demolition of existing dwelling, new community facilities and additional dwelling sites |  |
| Applicant                    | ADW JOHNSON PTY LTD   |  |
| Date of lodgement            | 22/03/2021  |  |

#### **Modification Proposal**

The application proposes to modify an approved caravan park for 171 sites, including 102 long term sites, 45 short term sites and 24 caravan sites and community facilities.

The proposal seeks the following modifications to the Caravan Park:

- · Amend ratio of long term and short term sites to the following:
  - o 117 long term sites; and
  - o 2 short term caravan sites.
- Amendment to lot layout and internal road network, increasing the footprint of the development towards the rear of the site;
- Reduction in the overall number of approved sites from 171 to 119;
- · Increase size of typical dwelling sites;
- · Demolition of existing residence;
- · Amended architectural design and layout of community building;
- · Amendments to landscaping;
- · Relocation of tennis court; and
- Amendments to staging of development, reducing the number of stages from 5 to 3.

The conditions of consent proposed to be modified have been discussed in further detail below.

#### Site Description

The subject site, legally identified as Lot 2 DP 954600, is rectangular in shape and measures approximately 8.09ha. The site contains two dwellings and a large dam which was created as a result of historic sand mining activity. The site contains substantial vegetation, which is mapped as containing preferred koala habitat and endangered ecological communities.

The site is zoned RU2 Rural Landscape and rural residences are located to the west and east. To the south, is an approved caravan park, comprising 196 long term sites, known as the Sunrise over 55s lifestyle community which is currently under construction. A wetland is located to the north and north east of the site.

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#### Site History

The site has historically been used as a rutile and sand mine. A large dam located in the north east of the site remains as a result of previous mining activity. The site is currently used for rural residential purposes and contains two dwellings.

The original DA for a caravan park was approved on the 21st February, 2008, comprising of 156 sites, including 81 Long-Term Sites and 75 Short-Term Sites.

This development consent has subsequently been modified twice under Section 4.55 (formerly Section 96) of the *Environmental Planning & Assessment Act 1979*, as follows:

- DA-16-2007-15-3 Section 96(1A) Application for the Modification of Staging and Addition of Fifteen (15) Sites and Car Wash - Approved on 22nd November 2011.
- DA-16-2007-15-4 Section 4.55(1) Application to correct an administrative error to Section 96 issue date \_ approved on 29th April 2019.

DA16-2007-15-2 for a Section 96(1A) Application to amend the internal site layout and configuration was withdrawn prior to determination.

The application physically commenced in 2013 as a result of survey works and the installation of nest boxes, required under condition 66 of DA 16-2007-15-3.

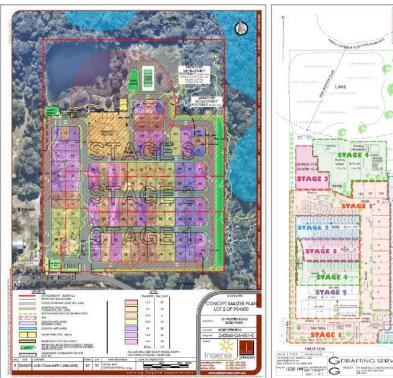


Figure 1: Proposed Site Plan



Figure 2: Approved Site Plan

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Figure 3: Proposed Club House facilities

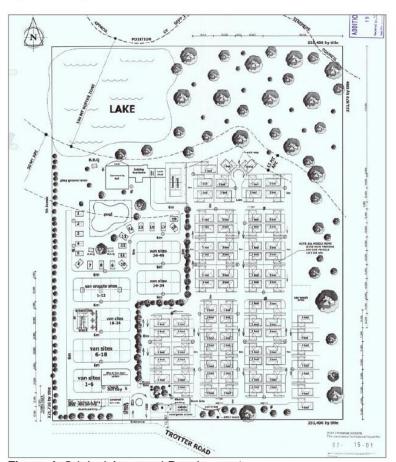


Figure 4: Original Approved Development

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| PROPERTY DETAILS                              |  |  |
|---|--|--|
| Property Address                              | 16 Trotter Road BOBS FARM  |  |
| Lot and DP                                    | LOT: 2 DP: 954600  |  |
| Zoning  | RU2 RURAL LANDSCAPE  |  |
| Site constraints that affect the modification | Bushfire Prone Land – Category 1 and 3; Acid Sulfate Soils – Class 2 and 4; Koala Habitat – Preferred, clear link, cleared, other link, cleared buffer; Endangered Ecological Communities – Swamp Sclerophyll Forest; Biodiversity Values Map; SEPP Coastal Management 2018 -combined footprint, Coastal wetlands proximity area (100m); Flood Prone Land – PMF, flood planning area, land subject to further investigation. LEP Wetland |  |
| ASSESSMENT SUMMARY                            |  |  |
| Designated Development                        | The application is not designated development  |  |
| Integrated Development                        | The application does require additional approvals listed under s4.46 of the EP&A Act   |  |
| Concurrence                                   | The application does not require the concurrence of another body   |  |
| Intownal Defounds                             |  |  |

The proposed modification was referred to the following internal specialist staff. The comments of the listed staff have been used to carry out the assessment against the S4.15 Matters for Consideration below.

<u>Development Engineer</u> – No objections were made and the application was supported subject to modified stormwater conditions.

<u>Natural Resources</u> – The application was supported, subject to modified conditions relating to offsetting requirements, koala fencing and tree removal.

Building Surveyor - No objection was made and the application supported unconditionally.

 $\underline{\text{Development Contributions}} - \text{The application was supported, subject to modified conditions for development contributions.}$ 

<u>Environmental Health</u> – The application was supported subject to modified conditions relating to the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, and management of contamination relating to the pond.

#### **External Referrals**

The proposed modification was referred to the following external agencies:

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<u>RFS</u> – The application was referred to the NSW Rural Fire Service (RFS) for a modified Bushfire Safety Authority (BSA), as the application is for a Special Fire Protection Purpose (Caravan Park). In response, RFS made no objection to the proposal and issued a BSA and General Terms of Approval. The General Terms of Approval includes requirements relating to APZ's, access, water and utility services.

<u>TfNSW</u> – The original application was sent Roads and Maritime Services (now Transport for NSW (TfNSW)) for comment. Accordingly, the proposed modification was sent to TfNSW for further comment. In response, TfNSW raised no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network, being Nelson Bay Road.

NRAR – The original application was not referred to the Natural Resource Access Regulator (NRAR) as integrated development. However, the proposed modification includes addition works which are located in proximity to a coastal wetland and therefore was referred to NRAR for consideration against the Water Management Act 2000. In response, NRAR made no objection to the proposal and issued General Terms of Approval in accordance with the Water Management Act 2000.

<u>Environment Protection Authority</u> – Referral was given to the Environment Protection Authority (EPA) due to the presence of PFOS being identified within the preliminary site investigation submitted with the application. In response, EPA advised the proposed development is not located within any of the three zones of the Williamtown PFAS Management Area. As such, the caravan park does not require ongoing monitoring or tailored precautionary dietary advice. EPA recommended the inclusion of standard conditions of consent to manage environmental impacts during construction.

<u>AUSGRID</u> - AUSGRID made no objection to the application subject to separation distance between overhead poles and mains be adhered to during construction.

#### **OTHER MODIFICATIONS - \$4.55**

#### S4.55(2)(a) - Substantially The Same Development

The development as modified is substantially the same as the approved development for the following reasons:

- The proposed modification generally maintains the same footprint as the original approval, with only minor extension towards side boundaries and relocation of the tennis court.
- The use of the development remains the same as approved, being for a caravan park;
- Community facilities are of the same nature and generally the same location. The community, hall, swimming pool and tennis court included in the original application are all retained as part of the proposed modification.
- The development retains the offering of short term sites, albeit comprising only two sites
- Access to the site and visitor car parking remain in the same location.

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Notable quantitative changes to the development include the reduction in total number of sites from 156 to 119, changes to internal lot layout and increased lot sizes. The proposal also includes a shift in the ratio of short term and long term sites, which was approved originally as 81 long term sites and 75 short term sites. The modified proposal includes 117 long term sites and 2 short term sites.

Despite the quantitative changes, no material or essential physical aspects of the development would be lost, or added, noting that the use of the development remains the same and key aspects of the development including, the development footprint, community facilities, car parking and access, remain generally the same. Similarly, the modified development proposal would continue to offer both short and long term sites, albeit with only two short term sites. On this basis, the application is considered substantially the same.

#### S4.55(2)(b) - Concurrence and Integrated Development

The application was referred to the following external agencies in accordance with clause 120 of the regulations:

<u>RFS</u> – The application was referred to RFS for a modified Bushfire Safety Authority (BSA), as the application is for a Special Fire Protection Purpose (Caravan Park). In response, RFS made no objection to the proposal and issued a BSA and General Terms of Approval. The General Terms of Approval includes requirements relating to APZ's, access, water and utility services.

NRAR – The original application was not referred to the Natural Resource Access Regulator (NRAR) as integrated development. However, the proposed modification includes addition works which are located in proximity to a coastal wetland and therefore was referred to NRAR for consideration against the Water Management Act 2000. In response, NRAR made no objection to the proposal and issued General Terms of Approval in accordance with the Water Management Act 2000.

#### S4.55(2)(c) - Notification

In accordance with Councils Community Participation Plan, the application has been notified. The application was notified and advertised for a total of 24 days from 6 April to the 30 April 2021. The notification period was extended beyond the standard 14 days, due to complications with the DA tracker during the first week of exhibition.

As a result of this process, 3 submissions were received from a total of 4 individuals.

#### S4.55(2)(d) - Submissions

There were 3 submissions received relating to the proposed modification. The matters raised in the submissions objecting to the development are discussed in the table below:

| Objection  | Comments  |
|--|---|
| Landscape Character Impacts to character of the land. The proposed palisade and colourbond fencing will cause impact to landscape character. | The development is substantially the same as that originally approved and no key elements of the development which would impact the character of the locality are proposed to be modified in this application and therefore do not impact the developments compatibility with the zone objectives.  A condition of consent is recommended requiring replacement of the palisade |

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| Objection  | Comments  |
|--|---|
|  | fencing with a solid panel timber style fence and a hedge plantings to ensure the amenity of the adjoining site to the west is maintained and landscape character unchanged. In addition, boundary plantings already exist which provide sufficient screening. No colourbond fences are proposed as part of the application.  |
| Bushfire Threat - Insufficient Asset Protection Zones  | - The NSW Rural Fire Service reviewed the application, finding the proposed APZ's within the applicant's bushfire assessment to be adequate. The proposed APZ's satisfy the requirements of Planning for Bushfire Protection 2019. A copy of the submission was forwarded to RFS for consideration as part of their assessment.   |
| Substantially the same development test  - The proposed development is not substantially the same. | The development as modified is substantially the same as the approved development for the following reasons:  • The proposed modification maintains generally the same footprint as that approved;  • The use of the development remains the same as approved, being for a caravan park;  • Community facilities are of the same nature and generally the same location. The community, hall, swimming pool and tennis court included in the original application are all retained as part of the proposed modification.  • The development retains the offering of short term sites, albeit comprising only two sites.  • Access to the site and visitor car parking remain in the same location.  Notable quantitative changes to the development include the number of sites, internal lot layout and a shift in the ratio of short to long term sites.  Despite the quantitative changes, no material or essential physical aspects of the development would be lost, nor any new uses or physical aspects added. |

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| Objection   | Comments   |
|---|--|
| Environmental Impacts  The application doesn't consider the necessary range of species.  No pets should be allowed.  Koala movement will be inhibited.  The site could support high value replanting rather than further development.  Section 5.2 of the Comprehensive Koala Plan of Management (CKPoM) requires Council to advertise in the local newspaper all development applications that are located in Preferred Koala Habitat, Supplementary Koala Habitat, Habitat Buffers, and Habitat Linking Area.  Adverse impacts to koalas generally. | <ul> <li>The biodiversity assessment submitted with the application has been assessed by Councils Natural Resources officer and found to cover an appropriate range of species.</li> <li>Existing conditions of consent restricting pet ownership are not proposed to change.</li> <li>A koala corridor is maintained toward the north of the site. No fencing is proposed at this location to ensure koala movement is not inhibited. Fencing around the developed areas is preferred to prevent koalas entering the development to reduce the possibility of koala's being injured by vehicle strike.</li> <li>Area to the north has been reserved for replanting of 80 compensatory koala feed trees, in accordance with the relevant legislative requirements and specifically Council's Comprehensive Koala Plan of Management.</li> <li>The application was notified and advertised publically on Councils website. Council no longer advertises development applications in the local newspaper.</li> <li>The proposal includes the removal of 6 koala feed trees. The application included the submission of a Biodiversity Assessment,' Version 2, prepared by MJD Environmental, dated March 2021 which includes an assessment against the Port Stephens Comprehensive Koala Plan of Management (CKPoM).</li> <li>Council's Natural Resources officer generally concurred with the findings of the report, subject to conditions requiring 80 compensatory koala feed tree plantings and general construction environmental management procedures the application was considered to conform with the requirements of State Environmental Planning Policy (Koala Habitat Protection) 2021 and the Council's CKPoM.</li> </ul> |
| Stormwater - Water runoff will impact neighbouring  | A Stormwater Management Plan was submitted with the application and  |
| - water runon will impact neighbouring  | submitted with the application and   |

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| Objection   | Comments  |
|---|---|
| properties.   | includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a condition of consent has been included in the consent requiring the provision of detailed engineering plans, prior to the issue of a construction certificate.   |
| The proposal will not include relocated or moveable dwellings.  | - The development is approved as a caravan park. The application includes sites suitable for future moveable dwellings which are subject to the requirements of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) 2005. No dwellings are proposed as part of the modification application. The applicant has conveyed within the S4.55 letter accompanying the application that they intend to seek a Section 82 Objection to Clause 135 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005 that requires relocatable homes to be constructed and assembled off site. The Section 82 objection occurs separate to the S4.55 assessment process. |
| The proposed development is of a high residential density.     The density compromises amenity and design standards.  | - The development is permitted as a result of the sites historical zoning provisions, which permitted caravan parks with consent on the site at the time of original approval. The density of Caravan Parks is governed by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005. The proposed modification includes a reduction in the density of the site from 171 to 119.  |
| Amendments to Conditions of consent     Conditions relating to bus services, fencing and restrictions on animals should be maintained.     BASIX requirements should not be | - Conditions relating to bus services and restrictions on animals are not proposed to be changed.  Conditions relating to koala fencing have been amended to prevent koala  |

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| Objection  | Comments   |
|--|--|
| removed.   | movement through the developed areas and encourage movement to the north through the revegetated area. This is considered to reduce the likelihood of vehicle strike occurring to koalas.  - BASIX does not apply to manufactured homes, as they do not meet the definition of a 'dwelling'. Therefore it is appropriate to delete the condition relating to BASIX.  |
| Landscaping     Landscaping around the boundaries is insufficient.     More street tree plantings should be included.                    | <ul> <li>Perimeter landscape plantings are proposed to provide screening of the development from adjoining properties and Trotters Road. In addition, the recommended modified conditions of consent include a requirement for further hedge plantings to be provided along the western and southern boundaries to further enhance the appearance of the development from these key locations.</li> <li>Internal street tree plantings have been included, commensurate with the already approved development. The trees provide improved internal amenity with some shade benefits. Council's development control plan does not specify tree plantings requirements for Caravan Parks.</li> </ul> |
| No proof is available that physical commencement of the application has occurred.  | Evidence has been submitted to     Council proving physical     commencement of the application has     occurred. The works relating to physical     commencement included survey work     and the installation of nest boxes,     required under condition 66 of DA 16- 2007-15-3.  |
| State Environment Planning Policy No. 21 – Caravan Parks (SEPP No. 21)  - The proposal is not well located for this form of development. | - Despite the site not being located in an area with proximate access to services, the site is located adjacent to a caravan park currently under construction that will include 196 long term sites once completed. The further provision of additional long term accommodation in this locality is expected to increase the demand for services and improve the viability for such services to be established in the area.  The provision of long-term accommodation at this location would  |

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| Objection | Comments                                 |
|-----------|--|
|           | positively contribute to housing supply. |
|           | The site is not situated in an area with |
|           | immediate access to tourist related      |
|           | activities, with most such activities    |
|           | being situated in closer proximity to    |
|           | local centres such as Nelson Bay and     |
|           | Anna Bay.                                |
|           | On this basis, the subject land is       |
|           | suitable for the proposed mix.           |

#### S4.55(3) - S4.15(1) Assessment

#### S4.15(1)(a)(i) - The provisions of any EPI

The application is consistent with the provision of the PSLEP2013 and all relevant SEPPs applicable to the proposal.

#### 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.

The site has historically been used for rutile and sand mining, established during the 1960s. The site has also been used as a residential dwelling and a tea tree plantation since 1980.

Given the sites historic use for mining, the application includes a preliminary site investigation (PSI) to investigate potential contamination of the site. The PSI included a review of historic landuses and satellite imagery as well as fieldwork investigations involving soil sampling. Based on the findings of the PSI, no exceedance of the adopted health-based criteria was reported in any of the soil or water samples analysed.

Elevated surface water PFOS, copper and zinc concentrations from the existing pond on the site were found to be in excess of the adopted ecological based criteria. The copper and zinc are commonly found in water at these levels which are considered representative of natural and ambient background contributions within an urbanised environment not considered to be of a level that would require an ecological risk assessment. A condition of consent has been recommend to restrict fishing and recreational activities occurring in the pond. A further condition is recommended requiring an unexpected finds protocol be adopted during works. Subject, to the recommended conditions, the application satisfies the requirements of SEPP 55. The reported PFOS concentration was above the adopted ecological based criteria but is

#### State Environmental Planning Policy No. 21 - Caravan Parks

Development for the purposes of caravan parks is regulated by State Environmental Planning Policy No 21 – Caravan Parks (SEPP 21).

Under Clause 10 – *Matters to be Considered by Councils*, a Council may grant a development consent required by this Policy only after it has considered the following:-

| Clause Reference                              | Assessment  |
|---|---|
| (a) whether, because of its location or       | The existing development comprises a mix of       |
| character, the land concerned is particularly | both long term and short term sites, catering for |

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| suitable for use as a caravan park for tourists or for long-term residence;  | affordable residential accommodation and tourist accommodation.  The proposed modification would remove all but two short term sites, leaving 117 long term sites.  Despite the site not being located in an area with proximate access to services, the site is   |
|--|--|
|  | located adjacent to a caravan park currently under construction that will include 196 long term sites once completed. The further provision of additional long term accommodation in this locality is expected to increase the demand for services and improve the viability for such services to be established in the area.  The provision of long-term accommodation at |
|  | this location would positively contribute to housing supply.  The site is not situated in an area with immediate access to tourist related activities, with most such activities being situated in closer proximity to local centres such as Nelson Bay and Anna Bay.  On this basis, the subject land is suitable for the proposed mix.                                   |
| (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence;   | There is no known shortage of tourist accommodation within the locality and the removal of the 12 campsites is not likely to cause displacement that cannot be accommodated by other facilities within the locality.   |
| (c) Whether there is adequate low-cost housing, or land available for low-cost housing, in that locality;  | The proposal would provide additional long term sites, potentially suitable for low cost housing. The provision of the additional dwellings provides a positive contribution to the local housing mix.   |
| (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park; | The proposal includes a number of community facilities including a swimming pool, tennis court, bowling green, recreational hall, gym, library, theatre room, kitchen, lounge and BBQ facilities. The facilities are accessibly located within the site.   |
| (e) any relevant guidelines issued by the Director;  | Nil.   |
| (f) the provisions of the Local Government<br>(Caravan Parks and Camping Grounds)<br>Transitional Regulation 1993.   | Consideration of the Local Government<br>(Manufactured Home Estates, Caravan Parks,<br>Camping Grounds and Moveable Dwellings)<br>Regulation 2005 is given elsewhere in this<br>report. The Local Government (Caravan Parks  |

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| and Camping Grounds) Transitional Regulation 1993 is not applicable to this proposal. |
|---|
|   |

#### State Environmental Planning Policy Infrastructure 2007

The proposal was referred to AUSGRID in accordance with clause 45 of the SEPP Infrastructure (2007). In response AUSGRID made no objection to the application subject to separation distance between overhead poles and mains be adhered to during construction. It is recommended that an advisory note be included on the consent regarding the maintenance of separation distances from electricity infrastructure during construction.

#### State Environmental Planning Policy (Koala Habitat Protection) 2021

This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The site is mapped as containing preferred koala habitat and the proposed modification involves removal of koala feed trees. The application included the submission of a Biodiversity Assessment,' Version 2, prepared by MJD Environmental, dated March 2021 which includes an assessment against the Port Stephens Comprehensive Koala Plan of Management (CKPoM). The assessment noted that no koalas were recorded during ecological surveys. Furthermore, field surveys did not record the presence of any secondary indications across the subject site. The assessment found that removal of 7 koala feed trees would be consistent with the assessment criteria of the CKPoM, subject to compensatory plantings.

Council's Natural Resources officer generally concurred with the findings of the report, however, additional information was requested to further demonstrate that the application avoids impact to preferred koala feed tree species. In response, an amended site plan was submitted with the application which limited the required koala feed tree removal to 6 trees. Subject to conditions requiring 80 compensatory koala feed tree plantings and general construction environmental management procedures, the application was considered to conform with the requirements of the SEPP.

#### State Environmental Planning Policy (Coastal Management) 2018

The subject land is located with the Coastal Environment Area, Coastal Use Area and land within the proximity area of a coastal wetland.

The application was reviewed by Councils Natural Resources Officer and Development Engineer and it was found that the proposal will not impact the biophysical or ecological integrity of the adjacent wetland nor is it considered to impact the quality/quality of the surface and ground water flows to and from said wetlands.

Moreover, with regard to the proposals location within the coastal environment area, it is considered that the development has been appropriately designed to avoid impact to the integrity of the biophysical and ecological environment, the values and natural coastal processes, marine vegetation, native vegetation and fauna and existing public open space and access to and along the foreshore.

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With regard to the proposals location within the coastal use area, the proposal would not inhibit access to and along the nearby wetland, nor would it cause overshadowing and loss of views, visual amenity and scenic qualities and heritage values associated with the wetland. The consent authority must also be satisfied that the development is designed and sited to avoid adverse impacts and to ensure the development has taken into account the surrounding built environment in its design.

Therefore the application would generally comply with the aims of the SEPP and the relevant matters for consideration and can therefore be supported.

#### Port Stephens Local Environmental Plan 2013 (PSLEP)

#### Clause 2.3 - Zone Objectives and Land Use Table

The use of the site as a caravan park is no longer permissible, however existing use rights are applicable, as defined under clause 4.65 of the EP&A Act 1979, as the original development consent was granted before the commencement of the environmental planning instrument having the effect of prohibiting the use (PSLEP 2013), and was physically commenced within one year after the date on which that provision commenced.

The proposed modifications will not impact the developments compatibility with the zone objectives.

#### Clause 4.3 - Height of Buildings

The site does not have a maximum building height allocated on the height of buildings map. The proposed community building has a height of 6.6m, which is consistent with the objectives of this clause.

#### Clause 5.10 - Heritage Conservation

The application included a supporting Aboriginal Heritage Due Diligence Assessment, prepared by McCardle Cultural Heritage, report no. J20096 DD and dated 16 February 2021. The report found that the presence of unknown Aboriginal heritage was unlikely due to previous ground disturbing activities having been undertaken on site, including the historic land clearing and use of the site as a rutile mine during the 1970s. An archaeological pedestrian survey was also conducted across the site, which found no sites or potential archaeological deposits. A search of the AHIMS database confirms that no previously recorded sites are present on the site. There are no local or state listed heritage items or areas located on the site.

#### Clause 7.1 - Acid Sulfate Soils

The subject land is mapped as containing potential Acid Sulfate Soils – Class 2 and 4. The proposed drainage infrastructure includes excavation to a depth of approximately 2m within the class 4 mapped area. The PSI indicated the site is in an area where acid sulfate soils are likely to be found, which may require management during future sub-surface works. Accordingly, a condition of consent has been included requiring that geotechnical investigation be undertaken to investigate potential uncovering of ASS. If ASS are likely to be uncovered an ASS management plan must be prepared.

#### Clause 7.2 - Earthworks

Balanced cut and fill is proposed to create a level building footprint. The proposed drainage infrastructure includes excavation to a depth of approximately 2m.

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The existing conditions of consent require that only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill.

#### Clause 7.3 - Flood Planning

The site is partially mapped as flood prone land, with a flood planning level of 3.2m. The proposal demonstrates that dwellings can be constructed above the flood planning level with flood free access to be constructed to access Trotters Road. Subject to the recommended modifications to conditions of consent, the development complies with the requirements of clause 7.3.

#### Clause 7.6 - Essential Services

The development is proposed to be connected to reticulated water, electricity and is to be connected to reticulated sewer. In addition, the application has demonstrated that stormwater drainage can be catered for in accordance with Councils requirements. The subject land also maintains direct access to Trotters Road, meeting the requirements of this clause.

#### Clause 7.9 - Wetlands

The proposal is located on land identified as wetland within the PSLEP2013. The application has been assessed by Councils Natural Resources Officer who has determined that the development will not have a negative impact on the flora and fauna of the wetland, including either native and migratory species, or the characteristics of the ground or surface water.

#### S4.15(1)(a)(ii) - Any Draft EPI

|   | Notes (what draft EPI if needed and comments where not compliant) |
|---|---|
| ☑ There are no draft EPI's that are relevant to the proposed development  |   |
| ☐ A draft EPI is relevant to the proposed development however the application is consistent with the aims and objectives of the document. |   |

#### S4.15(1)(a)(iii) - Port Stephens Development Control Plan 2014 (PSDCP)

| Chapter | Compliant          | Notes (where needed or if not compliant)       |
|---------|--------------------|--|
| В       | ⊠ General Controls | B2 – Natural Resources                         |
|         |                    | The development is located within 500m of land |
|         |                    | that contains items of environmental           |
|         |                    | significance including threatened species and  |
|         |                    | communities and wetlands, therefore the        |
|         |                    | provisions of this chapter apply.              |
|         |                    | The application included the submission of a   |
|         |                    | Biodiversity Assessment,' Version 2, prepared  |
|         |                    | by MJD Environmental, dated March 2021         |
|         |                    | which has been assessed by Council's Natural   |
|         |                    | Resources Officer.                             |
|         |                    | The applicable Biodiversity Offset Scheme      |

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clearing threshold for the site is 0.5ha. The proposed development includes removal of 0.48ha of native vegetation removal and therefore does not trigger the threshold. Of the proposed vegetation clearing, 6 preferred koala feed trees are proposed to be removed as part of the proposal, as outlined elsewhere in this report.

An ecological impact assessment Test of Significance considered whether the removal of native vegetation on site would constitute a significant impact on known threatened species, populations, and ecological communities from the locality such that a local extinction may occur (5 Part Test). The assessment concluded that the proposal was unlikely to have a significant impact on the threatened entities assessed.

The assessment was reviewed by Council's Natural Resources Officer and additional information requested to reduce the number of koala feed trees impacts by the proposal and additional impact assessment for other threatened species. In response, the requested information was provided and amended design was submitted which avoided impact to one preferred koala feed tree.

Council's Natural Resources Officer generally concurred with the findings of the applicants Biodiversity Assessment, subject to conditions requiring the planting of 80 compensatory preferred koala feed trees. The application complies with the requirements of the Port Stephens Comprehensive Koala Plan of Management.

Subject to the recommended conditions, the application satisfies the requirements of Section B2.

### B3 - Environmental Management

Acid Sulfate Soils

Following discussion against clause 7.1 of the PSLEP above, a condition of consent has been included requiring that geotechnical investigation be undertaken to investigate potential uncovering of ASS. If ASS are likely to be uncovered an ASS management plan must be prepared.

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#### Noise

The proposed modification maintains the large separation distance between the closest residential dwellings on adjoining land at 20 Trotter Road, being approximately 80m from the nearest proposed dwelling sites (Site 3 and 4) and 12 Trotter Road, being approximately 35m from the nearest proposed dwelling sites (Site 38 and 37).

With regard to No. 20 Trotter Road, sites 3 and 4 are long term dwelling sites and represent less likelihood of producing offensive noise, than the previously approved short term van sites at this location. In addition, the application proposes to remove the amenities block currently approved on this boundary. The proposed development remains the same distance from No. 12 Trotter Road as that approved and therefore any noise impacts would remain unchanged as a result of the proposal.

As a result, the proposed modification is considered to result in an improved acoustic environment for neighbouring residential receivers.

#### Earthworks

Balanced cut and fill is proposed to create a level building footprint. The proposed drainage infrastructure includes excavation to a depth of approximately 2m.

The existing conditions of consent require that only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill.

#### <u>Waste</u>

Each proposed dwelling site will be provided with a two-stream bin system consisting of:

 240L Red Bin for General Waste; and • 240L Yellow Bin for Recycling.

These bins will be delivered to kerbside to the internal road network for weekly pick up by a private contractor and taken to a suitable waste recovery facility. Existing conditions of consent are suitable to manage waste collection.

#### B4 - Drainage and Water Quality

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A stormwater management plan was submitted with the application and includes adequate quality and quantity controls as required by Councils policy. The stormwater drainage plan has been assessed as being consistent with the Infrastructure Specification and a condition of consent has been included in the consent requiring the provision of detailed engineering plans, prior to the issue of a construction certificate.

#### B5 - Flooding

The site is partially mapped as flood prone land, with a flood planning level of 3.2m. The proposal demonstrates that dwellings can be constructed above the flood planning level with flood free access to be constructed to access Trotters Road. Subject to the recommended modifications to conditions of consent, the development complies with the requirements of this section.

#### **B7** Heritage

Following discussion against clause 5.10 of the PSLEP above, the presence of unknown Aboriginal heritage is unlikely due to previous ground disturbing activities having been undertaken on site, including the historic land clearing and use of the site as a rutile and sand mine, established during the 1960s. A search of the AHIMS database confirms that no previously recorded sites are present on the site.

There are no local or state listed heritage items or areas located on the site.

#### **B8** - Traffic and Car Parking

#### Traffic and Access

The proposed modification involves a reduction in the total number of sites from 171 to 119. As a result, the traffic generated as a result of the proposed modification would be reduced. The existing consent conditions require the upgrade of Trotter Road which is to be maintained as part of the modified proposal.

The application was reviewed by Council's traffic engineer who confirmed that the application was consistent with Section B8 of the PSDCP with regard to traffic impacts and access requirements. In addition, the application was referred to TfNSW who made

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|   |                     | no objection to the DA.  Car Parking Figure BT of the PSDCP requires 1 visitor car parking space for every 10 sites, as a result 11 car parking spaces are required. 23 car parking spaces have been provided in the proposed modification, including 8 within stage 1 and 15 within Stage 3. |
|---|---------------------|---|
| С | ☐ Development Types | N/A.  |
| D | ☐ Specific Areas    | N/A.  |

# S4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement entered into under section 7.4

|  | Notes (where needed) |
|--|----------------------|
| ☐ There are no planning agreements that have |                      |
| been entered into under section 93F relevant |                      |
| to the proposed development.                 |                      |

#### S4.15(1)(a)(iv) - The regulations

<u>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings)</u> 2005

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005 (LG Regulations) contains standards for Caravan Parks. Clause 71 of the regulations state that Council must not grant an approval to operate a caravan park or camping ground, under the Local Government Act 1993 (LG Act) unless it is satisfied that it will be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1–8 of Division 3 of the LG Regulation.

The relevant matters relate to the design and operation of the site. A Section 68 approval cannot be granted to an operation that is inconsistent with the approved development, therefore, consideration has been given to the relevant provisions of the LG Regulations for the purposes of DA assessment.

Any non-compliances with requirements within the LG Regulations will be assessed under the future Section 68 approval process and would require the submission of an objection under s.82 of the LG Act. In this regard, it is noted that a S82 objection to clauses 124 and 135 of the LG Regulations is proposed by the applicant to facilitate the in-situ construction of moveable dwellings on the site, rather than transporting modular sections of dwellings to the site for installation.

#### Part 3 Caravan parks, camping grounds and moveable dwellings

Division 3 Caravan Parks and Camping Grounds

Subdivision 1 Land and site requirements

Clause 83 requires that a caravan park must not have an area of less than one hectare. The site has a total area of approximately 8.07ha and the caravan park as modified would have an area of approximately 5.7ha. Therefore, the proposal accords with requirements of this clause.

Clause 84 requires of the total land area of a caravan park of at least ten (10) per cent, or such lesser proportion (but not less than 6 per cent) be reserved for recreation and other communal activities. The Caravan park area is 5.7 hectares.

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The proposal includes staged provision of community facilities. Stages 1 and 2 are proposed to include 2128m² of open space/community areas to cater for 30,769m² of caravan park area, equating to 06.9% of the Stage 1 and 2 site area. The open space/community areas includes, the temporary community building facility and adjoining open space on lots 27, 28, 49 and 50, as well as landscaped open space areas and footpaths. The temporary community building facility contains a games room, library, media room, craft room, community kitchen and dining area, managers office, laundry, bathroom facilities and alfresco area. Despite the temporary communal area not reaching the 10% requirement, the 6.9% allocated is considered adequate given the number and quality of facilities proposed, and when taking into consideration that these facilities will be replaced with improved facilities as part of Stage 3.

The open space/community area to be completed as part of Stage 3, is 0.4ha, equating to 7% of the total caravan park area of 5.7ha. Despite the proposal not reaching the 10% requirement, the 7% allocated is considered adequate given the number and quality of communal facilities proposed, including a swimming pool, tennis court, bowling green, recreational hall, gym, library, theatre room, kitchen, lounge and BBQ facilities. The facilities are accessibly located within the site.

Under Clause 85, a long term dwelling site must have an area of at least 80m². The proposed long term sites have a proposed site area ranging between 233m²-294m² and therefore accord with the requirements of this clause.

#### Subdivision 2 Setbacks

Clause 87 requires each dwelling site to have vehicular road access to the access road. Each dwelling provides vehicle access to the road and therefore complies with the standard.

Clause 88 – Requires any community building to be setback 10 metres from the caravan park boundary or a dwelling site boundary (unless appropriately screened, in which case a setback of 3-5 metres applies). The proposed permanent community facilities are located 10m from any dwelling site at the closest point. The proposed temporary community building is located on site 50, with adjoining lots 49, 27 and 28 forming a buffer area greater than the 10m required.

Clause 89 requires a dwelling or camp site to not be located closer than 10m to a public road or 3m to any boundary, or a lesser distance if the dwelling site will be properly fenced, screened, enclosed or otherwise. All dwelling sites are surrounded by a perimeter road which ensures each site is located further than 10m from a public road and 3m from any boundary.

Clause 91 requires each moveable dwelling to be located a minimum of 3m from adjoining moveable dwellings. Sufficient site areas have been allocated to enable the separation distance once moveable dwellings are placed on the site.

#### Subdivision 3 - Roads

Clause 92 provides standards for entrance and exit roads. The proposed ingress/egress for the development is a combined 12.7m, satisfying the requirements of this clause.

Clause 93 – Requires provision of a 4x20m forecourt area. The proposed modification includes a forecourt at the office entry, compliant with these dimensions.

Clause 94 provides controls for the width of internal roads and including the following standards:-

- (i) at least 6 metres for a two-way access road; and
- (ii) at least 4 metres for a one-way access road.

Each internal road provides two-way access with a minimum width of 6m.

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Clause 96 requires each site must contain at least one resident car parking space. Each site is sufficiently sized to provide a single parking space for residents, and therefore complies with the requirements of this clause.

Clause 97 requires the provision of visitor car parking at a rate of one space for each 10 long-term sites, but no less than 4 spaces for any caravan park. The development provides 21 visitor car parking spaces, which is in excess of the 11 required in accordance with the requirements of this clause.

Clause 98 requires that at least one (1) of the visitor spaces must be a disabled parking space, although it is noted that there is no such requirement under Council's DCP. This can be addressed prior to the issue of an amended S.68 approval to operate for the Caravan Park.

Clause 99 requires all road surfaces to be all-weather sealed and must be adapted to the topography to allow for adequate drainage. The proposed road and drainage network has been assessed by Council's development engineering section and found to be adequate in this regard.

#### Subdivision 4 Utilities Services

Clause 101-103 Essential services are available, including water, sewer and electricity. All essential services are to be provided prior to the commencement of work as per the existing conditions. The proposed stormwater drainage system has been assessed by Council's engineering section and deemed to be adequate.

#### Subdivision 5 Shower and Toilet Facilities

Clause 106 - Provides that sites which are reserved for self-contained vans or other moveable dwellings are disregarded from the calculation of facilities. All of the sites will be reserved for self-contained moveable dwellings. As such, no provision of communal shower and toilet facilities is required.

#### Subdivision 6 - Laundry Facilities

Clause 112 t o118 require that Caravan Parks are to be provided with washing machines, laundry tubs, clothes dryers, drying areas, ironing facilities and hot and cold-water connection. These facilities can be provided within future movable dwellings, therefore, the construction of a dedicated laundry block is not required.

#### Subdivision 7 – Management

The requirements of Subdivision 7 do not relate to physical components of the site to be approved under a Development Application and are to be considered under a future S.68 approval to operate a caravan park.

#### Subdivision 8 - General

Clause 127 requires garbage removal arrangements be made for the caravan park. Garbage is proposed to be collected by a private waste contractor. Existing conditions of consent are sufficient to manage waste removal.

Clause 128 requires a dwelling site be located no further than 90m from a fire hydrant. Evidence of installation will be required prior to the issue of a S.68 approval to operate a caravan park.

#### Division 4 Relocatable homes and associated structures

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Future movable dwellings are required to comply with the provisions of Division 4, including the submission of a notice of completion to Council. Any variation to this division would require the submission of an objection under s.82A of the LG Act, however, no approval for the individual moveable dwellings is required under S68 of the LG Act, as the sites are located within a Caravan Park.

S4.15(1)(b) - The likely impacts of the development

|   | Notes (where needed)  |
|---|---|
| Social and Economic Environment: There would be beneficial impacts as a result of the development.  | The proposed increased of long term sites would provide for an increased number of residents in the locality which will provide ongoing economic input through daily living activities.   |
| ⊠ Built Environment: The proposed<br>development would not cause harm to the<br>existing character.   | The proposed community building is of a contemporary design quality which, whilst not visible from any public areas, would enhance the visual quality of the development.  The proposal incorporates appropriate perimeter landscaping to soften views of the development from key locations.   |
| ☑ Natural Environment: There are no adverse<br>impacts expected as a result of the proposed<br>development and appropriate conditions<br>have been added. | The environmental impacts of the development have been assessed by Councils natural resources officer and found to be acceptable, subject to conditions, including the planting of 80 compensatory koala feed trees. In addition, the application includes appropriate stormwater quantity and quality controls, in accordance with Council's Development Control Plan. |

#### S4.15(1)(c) - The suitability of the site

The site suitability matters assessed under the original application remain largely unchanged as a result of the proposed modification. The proposed additional vegetation clearing has been assessed by Council's Natural Resources Officer and found to be acceptable, subject to conditions relating to offsetting. The proposed road network, subject to existing conditions requiring the upgrade of Trotter Road will continue to function adequately as a result of the proposed modifications.

The application includes a stormwater design that appropriately manages water quantity and quality, in accordance with Council's Development Control Plan.

#### S4.15(1)(d) – Any submissions

Consideration of submissions has been given against section S4.55(2)(d) above.

#### S4.15(1)(e) – The public interest

The proposed modification, including an increase in the number of long term sites, represents additional accommodation in the locality to service the needs of the community. The further provision of additional long term accommodation in this locality is expected to increase the demand for services and improve the viability for such services to be established in the area.

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The proposed modification is in the public interest.

#### **MODIFIED CONDITIONS**

| Existing condition  | Modified condition                             |
|---|--|
| 2. The development is to be carried out in accordance with the approved plans and documentation submitted with the application set out in Schedule 3, except as modified by the conditions of this development consent or as noted in red by Council on the approved plans. | 2. CONDITION DELETED UNDER DA16-<br>2007-15-5. |

#### Comment:

Condition no longer required. The approved plans table is located within condition 132 and achieves the intent of this condition.

- The construction of the premises is required to comply in all respects with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. As the park is to be of mixed usage i.e. Manufactured Home Sites, Caravan Sites and Tent Sites, the requirements of the Regulations applicable to a Caravan Park shall apply.
- 9A. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.

#### Comment:

The condition has been modified to include reference to objection approval in accordance with Section 82 of the Local Government Act 1993.

 The Flood Planning Level for this development is 2.5 metres AHD. Flood Compatible Building Materials are listed in the attached Schedule.

Habitable room for the purposes of this clause includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom, bathroom, laundry and water closet.

The following design precautions must be adhered to:

 The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate 11A. The Flood Planning Level for this development is 3.2 metres AHD. Flood Compatible Building Materials are listed in the attached Schedule.

Habitable room for the purposes of this clause includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom, bathroom, laundry and water closet.

The following design precautions must be adhered to:

 The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition

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- verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. In sewered areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
- No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods;
- All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible;
- All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level;
- e. All electrical wiring below the Flood Planning Level sha1l be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed:
- f. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
- g. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level;

- shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. In sewered areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
- m. No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods;
- All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible;
- All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level;
- p. All electrical wiring below the Flood Planning Level sha1l be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed;
- q. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
- r. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level;
- s. All ducting below the Flood Planning Level shall be provided with openings for drainage and

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- h. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning;
- Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level;
- j. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level; and
- k. THIS CONDITION DELETED UNDER DA16-2007-15-3.

- cleaning;
- t. Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level;
- u. Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level; and
- v. THIS CONDITION DELETED UNDER DA16-2007-15-3.

#### Comment:

Condition amended to reflect latest flood planning level.

12A. Refer to existing Development Contributions table following this table.

12B. Refer to proposed Development Contributions table following this table.

#### Comment:

Development contributions have been amended to reflect the revised number and type of sites as well as staging.

- 32. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
- **34.** CONDITION DELETED UNDER DA 16-2007-15-5.

#### Comment:

The condition is a duplicate of condition 4 and therefore it is appropriate to delete this condition.

- 37. The development shall take place in accordance with the stated values of the energy efficiency scorecard or NatHERS assessment and/or the BASIX certificate submitted with the application. Prior to the issue of any occupation certificate an appropriately qualified person shall certify compliance with these requirements, as applicable.
- **37. CONDITION DELETED UNDER DA 16-** 2007-15-5.

#### Comment:

BASIX does not apply to manufactured homes, as they do not meet the definition of a 'dwelling'. Therefore it is appropriate to delete the condition.

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38. The development sha1l be carried out in accordance with the Building Sustainability Index (BASIX) certificate number 143924S. Where minor changes to the development occur (eg. colours and the like) these changes shall be referred to Council prior to the changes being made.

Where approved, a copy of the amended/new BASIX Certificate shall be submitted to Council within fourteen (14) days and will be considered sufficient to satisfy this condition

**38. CONDITION DELETED UNDER DA 16-** 2007-15-5.

#### Comment:

BASIX does not apply to manufactured homes, as they do not meet the definition of a 'dwelling'. Therefore it is appropriate to delete the condition.

- 41. In the event that the business ceases operation, the manager's residence shall be demolished, relocated from the site or approved as another conforming land use under the Local Environmental Plan. The title of the property shall be endorsed under Section 88B of the Conveyancing Act to give effect to this condition. Council shall be nominated as the sole authority permitted to alter/remove the endorsement.
- 41A. Demolition of the existing dwelling is to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.

#### Comment:

The application proposes demolition of the existing dwelling which was originally proposed to form a managers residence. The demolition of the dwelling is supported and therefore the condition has been amended to include standard demolition requirements.

#### New Condition 41.1

The development is to be carried out in accordance with the recommendations of the Aboriginal Heritage Due Diligence Assessment, prepared by McCardle Cultural heritage, report no. J20096 DD and dated 16 February 2021.

#### Comment:

New condition included to implement the recommendations of the Aboriginal Heritage Due Diligence submitted with the application.

#### **New Condition 41.2**

The temporary community building must be made available for use by residents at the commencement of Stage 1 of the development and remain available for use until an occupation certificate has been issued for the permanent community building within Stage 3. Following the issue of an occupation certificate for the permanent community building, the temporary community building is to be decommissioned and the site utilised as a long term site.

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#### Comment:

New condition included to reflect the staging of community buildings and ensure that temporary facilities are available until the completion of the permanent community building as part of Stage 3.

#### New Condition 41.3

The pond indicated on the Concept masterplan, dwg. 240060-DA-001-E, Version H, prepared by ADW Johnson and dated 13/05/2021 is not to be used for recreational purposes such as swimming or fishing.

Suitable signposting is to be installed to indicate the use limitations of the pond.

#### Comment:

The condition is required to satisfy the requirements of SEPP 55.

#### **New Condition 41.4**

Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has be contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

#### Comment:

The condition has been included to reflect the recommendations of the preliminary site investigation submitted with the application and satisfy the requirements of SEPP 55.

47A. The caravan park is approved for a maximum number of 102 long term sites and 69 short term sites. The caravan park shall be designed, constructed and operated in accordance with the requirements contained in the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 1995. Prior to operation, the applicant shall obtain separate approval to operate a caravan park under Section 68 of the Local Government Act.

47B. The caravan park is approved for a maximum number of 117 long term sites and 2 short term sites. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.

Prior to operation, the applicant shall obtain separate approval to operate a caravan park under Section 68 of the Local Government Act.

#### Comment:

The condition has been amended to reflect the new ratio of short and long term sites (117 Long-term and 2 short-term).

48A. The number and location of approved sites is demonstrated on the stamped and approved Site Plan authored by G & G Drafting Services and dated 7 May 2016 (Rev. M, Drawing Number 1320-1M) and endorsed with Councils

48A. CONDITION DELETED UNDER DA 16-2007-15-5.

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stamp.

#### Comment:

The intent of the condition is satisfied through condition 132 which includes the approved plans table. Therefore, it is appropriate to delete the condition.

56A. Landscaping shall be carried out in accordance with the approved Landscape Plan prepared by Urban Sanctum and dated April/May 2015 (Drawing Number: US 50665, pages 1 to 3). The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been carried out in accordance with the approved plan, prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.

56B. Landscaping shall be carried out in accordance with the approved Landscape Plan prepared by Mara Consulting and dated 5 March 2021 (Drawing Number: 2112, Revision A, Sheet L100 to L108). The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been carried out in accordance with the approved plan and as amended by conditions of consent, prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.

#### Comment:

Condition amended to reflect the proposed landscape plan.

58A. Tree plantings and fencing is to be carried out in accordance with the Landscape Plan prepared by Urban Sanctum and dated April / May 2015 (Drawing Number: US 50665, pages 1 to 3). In addition to the fencing detailed on the landscape plan bordering the development and the revegetation area shall be greater than one (1) metre in height to prevent the creation of numerous walking tracks through this area.

58B. Tree plantings and fencing is to be carried out in accordance with the Landscape Plan prepared by Mara Consulting and dated 5 March 2021 (Drawing Number: 2112, Revision A, Sheet L100 to L108).

#### Comment:

Condition amended to reflect the proposed landscape plan. The revegetation area can be protected from damage without the need for a specific exclusion fence. Fencing at this location would compromise koala migration through this area, which would be contrary to the objectives of Council's Comprehensive Koala Plan of Management.

- 60. The hedge planting demonstrated on the approved landscaping plan along the southern (front) boundary, shall be a species that reaches a minimum mature height of 1.5 metres. This hedge shall be maintained at this minimum height in perpetuity.
- 60A. The approved landscape plan prepared by Mara Consulting and dated 5 March 2021 (Drawing Number: 2112, Revision A, Sheet L100 to L108), is to be amended to include the following:
  - a) Additional hedge planting on along the southern (front) boundary, with a species that reaches a minimum mature height of 1.5 metres.

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- b) Additional hedge planting along the western boundary for the full extent of the western perimeter Road, with a species that reaches a minimum mature height of 1.5 metres. Plantings within asset protection zones must comply with Appendix 4 of Planning for Bush Fire Protection 2019.
- c) The palisade fence along the western boundary is to be replaced with a solid panel timber fence.

The amended plans are to be submitted to Council for approval, **prior to the issue of any Construction Certificate**.

#### Comment:

Amended to apply the original intent of condition to the new landscape plan. A solid panel fence is required to ensure light spill from vehicle movements on the perimeter road does not impact the neighbouring residence.

- 61. The screen planting demonstrated on the approved landscaping plan along the western boundary, shall be a species that reaches a minimum mature height of 1.8 metres to maintain privacy to the adjoining property. This hedge shall be maintained at this minimum height in perpetuity.
- **61. CONDITION DELETED UNDER DA 16-** 2007-5-5.

#### Comment:

The requirements of the condition have been captured under condition 60 above and therefore can be deleted.

- 62. Fencing should not compromise the potential for safe movement of koalas across the site. The preferred option for minimising restrictions to safe koala movement is that there be no fencing, however suitable fencing may include:
  - fences where the bottom of the fence is a minimum of200mm above ground level that would allow koalas to move underneath;
  - fences that facilitate easy climbing by koalas; for example, sturdy chain mesh fences, or solid style fences with timber posts on both sides at regular intervals of approximately 20m; or
  - open post and rail or post and wire (definitely not barbed wire on the bottom strand).

- 62A. Fencing within the area to the north of the perimeter road, must not compromise the potential for safe movement of koalas across the northern part of the site.

  Suitable fencing may include:
- a. open post and rail or post and wire fencing (no barbed wire on the bottom strand) and must be a minimum of 200 mm above ground level that would allow koalas to move underneath; or
- a koala friendly alternative as agreed in consultation with Council's natural resources team.

#### Comment:

The original condition sought to permit koala movement throughout the development with fences

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that can be traversed by koalas. However, this could place koalas at risk to vehicle strikes within the development. To address this, the modification has been modified to limit the use of koala friendly fencing to only those areas to the north of the perimeter road.

#### New Condition 63.1

Construction of the development must comply with the recommendations of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 detailed as follows:

- a. Demarcate subject site boundary with visible flicker tape of temporary fencing to ensure no impacts occur to retained vegetation adjacent to the site.
- b. All contractors will be specifically advised of the designated work area.
- All construction vehicles/machinery are to use the designated access from main roads. Speeds will be limited to reduce the potential of fauna strike and to reduce dust generation;
- d. Prior to the commencement of any vegetation removal, a preclearance survey will be conducted by the Project Ecologist to identify any areas containing significant habitat features. During the pre-clearance survey, any significant habitat features or trees that are known to have resident fauna present and all hollow-bearing trees will be:
  - Marked around the trunk of the tree at approximately 1.5 metres high with a 'H' marked several sides of the trunk using fluorescent spray marking paint; and/ or
  - ii. Marked with highly visible flagging tape.
- e. Tree removal is to be strictly limited to the subject site.
- f. Any mulch generated from the removal of vegetation on Site is to be reused on Site.
- g. Felled trees must be stockpiled and processed within marked clearing boundaries.
- h. Any fauna is handled appropriately, including the relocation of any arboreal mammals in accordance with PSC Technical Specification Trees (PSC 2014);
- Natural hollows of a suitable size and configuration should be salvaged and reinstalled in retained areas of vegetation in the Subject Site where possible to provide ongoing arboreal habitat opportunities for local fauna PSC Technical Specification - Nest Boxes (PSC 2014).

#### Comment:

The new condition is required to impose the recommendations of the Biodiversity Assessment report.

64A. The trees demonstrated on the landscaping plan prepared by Urban Sanctum and dated May 2015 (Drawing Number: US 50665, pages 1 to 3) for retention shall be retained. All existing native trees are to be retained within the 100m buffer zone. Prior to commencement of any work, these trees shall be identified on a plan and tree protection methods shall be implemented.

- 64B. The following vegetation within the subject site as identified on 'Figure 4: Vegetation' of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 is approved for removal / pruning:
  - a. Non-native/ Plantings Vegetation
  - b. Grassland/Pasture

Vegetation type MU 34: Coastal Sand Wallum Woodland (Disturbed) is approved for removal / pruning with the exception of Tree Number 1 and the tree identified as MU 34 located directly to the east of the Dam adjacent to MU 40 - Swamp Oak Rushland Forest, as identified in 'Attachment 1: Eucalyptus

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tereticornis Locations' in the '20111 – RFI Response – Ecology 16 Trotters Road, Bobs Farm', prepared by MJD Environmental, dated 11 May 2021.

#### Comment:

The condition clarifies which vegetation located on the site is approved for removal.

- 65. At least twelve (12) mature koala feed trees, i.e. Eucalyptus tereticornis, Eucalyptus robusta or Eucalyptus parramattensis shall be planted within the 100m wetland buffer area. The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the landscaping has been carried out in accordance with the approved plan, prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.
- 65A. A minimum of eighty (80) mature koala feed trees, i.e. Eucalyptus tereticornis, Eucalyptus robusta or Eucalyptus parramattensis shall be planted within the 100 m coastal wetland buffer area.

  Documentary evidence of koala feed tree planting must be provided to and approved by Council prior to the issue of any Occupation Certificate.

#### Comment:

The condition is required to satisfy the compensatory planting requirements of Council's Comprehensive Koala Plan of Management, as recommended within the Biodiversity assessment submitted with the application.

- 66. Six suitably sized nest boxes for microchiroteran bats shall be attached firmly to existing trees on site and positioned no less than 4m above the ground. These structures shall be certified by a fauna ecologist prior to the issue of any Occupation Certificate.
- 66A. Nest boxes as shown on 'Figure 5:
  Existing Nest Box Locations' in the
  'Biodiversity Assessment' Version 2,
  prepared by MJD Environmental, dated
  March 2021 that have been installed
  within trees approved to be removed
  must be relocated by a suitably qualified
  ecologist and be placed within trees
  along the north eastern boundary of the
  dam and retained vegetation in the
  northeast of site.

#### Comment:

The condition is required to ensure the nest boxes already installed as part of the development are relocated prior to the trees being removed.

- 69. The development shall be constructed in accordance with the recommendations contained in the Acid Sulfate Soils Management Plan dated 6 October 2006 prepared by Coffey Geotechnics, and in accordance with the Acid Sulfate Soils Manual.
- 69A. A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority, prior to the issue of any Construction Certificate.

The recommendations and/or mitigation measures contained within the ASS

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Management Plan must be complied with during works.

#### Comment:

The applicant has requested this condition be amended to reference the geotechnical report submitted with the application. The request cannot be supported as the condition relates to acid sulfate soils management which is not addressed within the geotechnical report provided with the application.

Alternatively, the condition has been amended to require the preparation of a further geotechnical report examining Acid Sulfate Soils, prior to the issue of a Construction Certificate.

New Condition 72.1:

No vegetation or natural landscape features other than that authorised for removal / pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.

#### Comment

The condition reaffirms that no vegetation or natural features, other than those approved for removal can be disturbed as part of the development.

- 106A. Stormwater is to be collected and treated for water quality such that it meets the water quality and nutrient reductions outlined in Port Stephens Council's "Urban Stormwater and Rural Water Quality Management Plan", Development Control Plan, relevant infrastructure specifications and all relevant State Environmental Planning Policies and is in accordance with the submitted Stormwater Management Concept by North Point Surveys and Stormwater Quality Strategy by ADW Johnson's. Full details including pit sizes, swale dimensions, finish levels, swale/pipe grades, invert levels and modelling calculations are to be submitted prior to issue of Construction Certificate for Civil Works. Complete modelling of water quality shall also be submitted showing compliance with these requirements.
- Detailed stormwater drainage plans, 106B. DRAINS model and MUSIC model must be prepared by a qualified Engineer in accordance with the approved Stormwater Management Plan, Issue B, prepared by ADW Johnson and dated 4 June 2021, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). The detailed plans must also include the following information in order to comply with the PSC DCP:
  - a. Additional onsite infiltration to reduce the volume and discharge of stormwater leaving the site to reduce impacts to the downstream wetland. The plans must demonstrate how the quantity of water and means of discharge is managed to mimic the existing environment and not concentrate flows.
  - b. The drainage strategy must incorporate the external catchment contributing runoff through this development. A catchment plan must be submitted at CC stage which includes the external catchment which contributes runoff and allowance must be made within

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- the internal drainage system to incorporate the runoff from the external catchment.
- c. Detailed basin cross sections and long sections and comprehensive DRAINS and MUSIC models are to be submitted at CC stage to reflect the approved strategy. These models must comprehensively reflect the proposed design.
- d. The bio-retention basin design must be informed by a groundwater assessment to consider rises in groundwater level.

Details demonstrating compliance must be provided to the Certifying Authority, Prior to the issue of a Construction Certificate for Each Stage.

#### Comment:

Condition amended to reflect Council's standard condition for the provision of detailed stormwater drainage plans prior to the issue of a Construction Certificate.

123A. The development shall provide fourteen (14) on-site visitor car parking spaces, including five (5) accessible parking spaces as part of Stage 1 of works. A further nine (9) on-site visitor car parking spaces shall be provided in Stage 2 of the works. These spaces shall be separately accessible, clearly line-marked, clearly signposted and adequately paved and drained in accordance with the Port Stephens Development Control Plan. Car parking must be provided prior to the issue of the occupation certificate or commencement of the use of the land in the relevant stage.

123B. Car parking is to be provided in accordance with the Concept masterplan, dwg. 240060-DA-001-E, Version H, prepared by ADW Johnson and dated 13/05/2021. These spaces shall be separately accessible, clearly linemarked, clearly signposted and adequately paved and drained in accordance with the Port Stephens Development Control Plan. Car parking must be provided prior to the issue of the occupation certificate or commencement of the use of the land in the relevant stage.

#### Comment:

Condition updated to reflect latest plan amendments to car parking.

- 131. The development is to be carried out in accordance with the General Terms of Approval contained within the Bushfire Safety Authority issued by the Rural Fire Service (Reference Number D16/2376) dated 16 November 2016.
- 131A. The development is to be carried out in accordance with the General Terms of Approval Issued by the following agencies:
  - a. NSW Rural Fire Service Bushfire Safety Authority (Reference Number DA-2007-00971-S4.55-1) dated 20

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|   | May 2021. b. Natural Resource Access Regulator – General Terms of Approval (Reference Number S961135700) dated 3 June 2021. |  |
|---|---|--|
| Comment:  | •   |  |
| Condition updated to reflect latest GTAs.   |   |  |
| 132. Refer to existing Plan table condition   | 132A. Refer to proposed Plan Table condition  |  |
| following this table.   | following this table.   |  |
| Comment:  |   |  |
| Condition amended to reflect latest developme   | ent plans and relevant supporting documents.  |  |
| New Advisory Note:  |   |  |
| O) There are electricity network assets adjacent to the proposed development in Trotter Road. |   |  |
| O) There are electricity network assets adja-   | cent to the proposed development in Trotter Road.   |  |

# **Existing Development Contributions Condition:**

12A. **Prior to the issue of any Construction Certificate or commencement of use** of the relevant stage, whichever occurs first, a monetary contribution is to be paid to Council pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979*, Section 94 of the *Environmental Planning and Assessment Act 1979*, and Councils Section 94 Contribution Plan towards the provision of the following public facilities:

Stage One

| 9 SHORT TERM SITES                |                  |             |
|-----------------------------------|------------------|-------------|
| Facility                          | Per lot/dwelling | Total       |
| Civic Administration              | \$178.00         | \$1,602.00  |
| Public Open Space, Parks and      | \$968.00         | \$8,712.00  |
| Reserves                          | φ900.00          | \$6,7 12.00 |
| Sports and Leisure Facilities     | \$2,281.00       | \$20,529.00 |
| Cultural and Community Facilities | \$0.00           | \$0.00      |
| Road Works                        | \$216.00         | \$1,944.00  |
| Fire & Emergency Services         | \$70.00          | \$630.00    |
|                                   | Total            | \$33,417.00 |

| 12 LONG TERM SITES                |                  |             |
|-----------------------------------|------------------|-------------|
| Facility                          | Per lot/dwelling | Total       |
| Civic Administration              | \$178.00         | \$2,136.00  |
| Public Open Space, Parks and      | \$968.00         | \$11,616.00 |
| Reserves                          |                  |             |
| Sports and Leisure Facilities     | \$2,281.00       | \$27,372.00 |
| Cultural and Community Facilities | \$1,147.00       | \$13,764.00 |
| Road Works                        | \$432.00         | \$5,184.00  |
| Fire & Emergency Services         | \$70.00          | \$840.00    |
|                                   | Total            | \$60,912.00 |

Stage Two

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| 15 SHORT TERM SITES               |                  |             |
|-----------------------------------|------------------|-------------|
| Facility                          | Per lot/dwelling | Total       |
| Civic Administration              | \$178.00         | \$2,670.00  |
| Public Open Space, Parks and      | \$968.00         | \$14,520.00 |
| Reserves                          |                  | \$14,320.00 |
| Sports and Leisure Facilities     | \$2,281.00       | \$34,215.00 |
| Cultural and Community Facilities | \$0.00           | \$0.00      |
| Road Works                        | \$216.00         | \$3,240.00  |
| Fire & Emergency Services         | \$70.00          | \$1,050.00  |
|                                   | Total            | \$55,695.00 |

| 25 LONG TERM SITES                |                  |              |
|-----------------------------------|------------------|--------------|
| Facility                          | Per lot/dwelling | Total        |
| Civic Administration              | \$178.00         | \$4,450.00   |
| Public Open Space, Parks and      | \$968.00         | \$24,200.00  |
| Reserves                          |                  |              |
| Sports and Leisure Facilities     | \$2,281.00       | \$57,025.00  |
| Cultural and Community Facilities | \$1,147.00       | \$28,675.00  |
| Road Works                        | \$432.00         | \$10,800.00  |
| Fire & Emergency Services         | \$70.00          | \$1,750.00   |
|                                   | Total            | \$126,900.00 |

Stage Three

| 14 SHORT TERM SITES                      |                  |             |
|--|------------------|-------------|
| Facility                                 | Per lot/dwelling | Total       |
| Civic Administration                     | \$178.00         | \$2,492.00  |
| Public Open Space, Parks and<br>Reserves | \$968.00         | \$13,552.00 |
| Sports and Leisure Facilities            | \$2,281.00       | \$31,934.00 |
| Cultural and Community Facilities        | \$0.00           | \$0.00      |
| Road Works                               | \$216.00         | \$3,024.00  |
| Fire & Emergency Services                | \$70.00          | \$980.00    |
|  | Total            | \$51,982.00 |

| 26 LONG TERM SITES                |                  |              |
|-----------------------------------|------------------|--------------|
| Facility                          | Per lot/dwelling | Total        |
| Civic Administration              | \$178.00         | \$4,628.00   |
| Public Open Space, Parks and      | \$968.00         | \$25,168.00  |
| Reserves                          |                  |              |
| Sports and Leisure Facilities     | \$2,281.00       | \$59,306.00  |
| Cultural and Community Facilities | \$1,147.00       | \$29,822.00  |
| Road Works                        | \$432.00         | \$11,232.00  |
| Fire & Emergency Services         | \$70.00          | \$1,820.00   |
|                                   | Total            | \$131,976.00 |

Stage Four

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|-------------|---------------------|
|             | 14 SHOPT TERM SITES |

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| Facility                                 | Per lot/dwelling | Total       |
|--|------------------|-------------|
| Civic Administration                     | \$178.00         | \$2,492.00  |
| Public Open Space, Parks and<br>Reserves | \$968.00         | \$13,552.00 |
| Sports and Leisure Facilities            | \$2,281.00       | \$31,934.00 |
| Cultural and Community Facilities        | \$0.00           | \$0.00      |
| Road Works                               | \$216.00         | \$3,024.00  |
| Fire & Emergency Services                | \$70.00          | \$980.00    |
|  | Total            | \$51,982.00 |

| 27 LONG TERM SITES                |                  |              |
|-----------------------------------|------------------|--------------|
| Facility                          | Per lot/dwelling | Total        |
| Civic Administration              | \$178.00         | \$4,806.00   |
| Public Open Space, Parks and      | \$968.00         | \$26,136.00  |
| Reserves                          |                  |              |
| Sports and Leisure Facilities     | \$2,281.00       | \$61,587.00  |
| Cultural and Community Facilities | \$1,147.00       | \$30,969.00  |
| Road Works                        | \$432.00         | \$11,664.00  |
| Fire & Emergency Services         | \$70.00          | \$1,890.00   |
|                                   | Total            | \$137,052.00 |

Stage Five

| 17 SHORT TERM SITES                      |                  |             |
|--|------------------|-------------|
| Facility                                 | Per lot/dwelling | Total       |
| Civic Administration                     | \$178.00         | \$3,026.00  |
| Public Open Space, Parks and<br>Reserves | \$968.00         | \$16,456.00 |
| Sports and Leisure Facilities            | \$2,281.00       | \$38,777.00 |
| Cultural and Community Facilities        | \$0.00           | \$0.00      |
| Road Works                               | \$216.00         | \$3,672.00  |
| Fire & Emergency Services                | \$70.00          | \$1,190.00  |
|  | Total            | \$63,121.00 |

| 12 LONG TERM SITES                |                  |             |
|-----------------------------------|------------------|-------------|
| Facility                          | Per lot/dwelling | Total       |
| Civic Administration              | \$178.00         | \$2,136.00  |
| Public Open Space, Parks and      | \$968.00         | \$11,616.00 |
| Reserves                          |                  |             |
| Sports and Leisure Facilities     | \$2,281.00       | \$27,372.00 |
| Cultural and Community Facilities | \$1,147.00       | \$13,764.00 |
| Road Works                        | \$432.00         | \$5,184.00  |
| Fire & Emergency Services         | \$70.00          | \$840.00    |
|                                   | Total            | \$60,912.00 |

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Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 contributions plan. The contribution amount is valid for twelve months from the consent date. Should payment take plan after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

## **Proposed Development Contributions Condition:**

12B. Prior to the issue of any Construction Certificate or commencement of use of the relevant stage, whichever occurs first, a monetary contribution is to be paid to Council pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, Section 7.11 of the *Environmental Planning and Assessment Act 1979*, and Council's Section 94 Contribution Plan towards the provision of the following public facilities:

## Stage One

| 41 LONG TERM SITES                    |                  |              |  |
|---------------------------------------|------------------|--------------|--|
| Facility                              | Per lot/dwelling | Total        |  |
| Civic Administration                  | \$178.00         | \$7,298.00   |  |
| Public Open Space, Parks and Reserves | \$968.00         | \$39,688.00  |  |
| Sports and Leisure Facilities         | \$2,281.00       | \$93,521.00  |  |
| Cultural and Community Facilities     | \$1,147.00       | \$47,027.00  |  |
| Road Works                            | \$432.00         | \$17,712.00  |  |
| Fire & Emergency Services             | \$70.00          | \$2,870.00   |  |
| _                                     | Total            | \$208,116.00 |  |

#### Stage Two

| 1110                                  |                  |              |  |
|---------------------------------------|------------------|--------------|--|
| 28 LONG TERM SITES                    |                  |              |  |
| Facility                              | Per lot/dwelling | Total        |  |
| Civic Administration                  | \$178.00         | \$4,984.00   |  |
| Public Open Space, Parks and Reserves | \$968.00         | \$27,104.00  |  |
| Sports and Leisure Facilities         | \$2,281.00       | \$63,868.00  |  |
| Cultural and Community Facilities     | \$1,147.00       | \$32,116.00  |  |
| Road Works                            | \$432.00         | \$12,096.00  |  |
| Fire & Emergency Services             | \$70.00          | \$1,960.00   |  |
|                                       | Total            | \$142.128.00 |  |

#### Stage Three

| 111100                                |                  |              |  |
|---------------------------------------|------------------|--------------|--|
| 47 LONG TERM SITES                    |                  |              |  |
| Facility                              | Per lot/dwelling | Total        |  |
| Civic Administration                  | \$178.00         | \$8,366.00   |  |
| Public Open Space, Parks and Reserves | \$968.00         | \$45,496.00  |  |
| Sports and Leisure Facilities         | \$2,281.00       | \$107,207.00 |  |
| Cultural and Community Facilities     | \$1,147.00       | \$53,909.00  |  |
| Road Works                            | \$432.00         | \$20,304.00  |  |
| Fire & Emergency Services             | \$70.00          | \$3,290.00   |  |
|                                       | Total            | \$238,572.00 |  |

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| 2 SHORT TERM SITES                    |                  |            |  |
|---------------------------------------|------------------|------------|--|
| Facility                              | Per lot/dwelling | Total      |  |
| Civic Administration                  | \$178.00         | \$356.00   |  |
| Public Open Space, Parks and Reserves | \$968.00         | \$1,936.00 |  |
| Sports and Leisure Facilities         | \$2,281.00       | \$4,562.00 |  |
| Cultural and Community Facilities     | \$0.00           | \$0.00     |  |
| Road Works                            | \$216.00         | \$432.00   |  |
| Fire & Emergency Services             | \$70.00          | \$140.00   |  |
|                                       | Total            | \$7,426.00 |  |

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 Contributions Plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

# **Existing Condition 132:**

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

| Plan/Doc.Title                                 | Plan Ref. No           | Sheet.       | Date             | Drawn By                 |
|--|------------------------|--------------|------------------|--------------------------|
| Site and<br>Staging Plan                       | 1320-1M                | 1 of 1       | November<br>2016 | G&G Drafting<br>Services |
| Landscaping<br>Plan                            | US 50665<br>LP.01B     | 1 of 3       | May 2015         | Forum Urban<br>Sanctum   |
| Stormwater Management Design and Plan          | 34062B                 | 1 of 1       | June 2016        | North Point<br>Surveys   |
| Community<br>Hall Plans                        | 1320/A1                | 1 and 2 of 2 | January 2016     | G&G Drafting<br>Services |
| Community Hall Section and Swimming Pool Plans | 1320/A3                | 7            | Undated          | G&G Drafting<br>Services |
| Managers<br>Residence<br>Plans                 | 1320/A4 to<br>1320/A7  | 4 to 7       | January 2016     | G&G Drafting<br>Services |
| Sales Office<br>Plan                           | 1320/S01               | 1 of 1       | June 2016        | G&G Drafting<br>Services |
| Machinery and<br>Mens Shed                     | 1320/M1 and<br>1320/M2 | 1 and 2 of 2 | June 2016        | G&G Drafting<br>Services |
| Bushfire Attack<br>Level Map                   | -                      | -            | -                | Peak Land<br>Management  |

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In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

# **Proposed Condition 132A:**

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

| Plan/Doc.Title   | Plan Ref. No                      | Sheet.  | Date               | Drawn By             |
|--|-----------------------------------|---|--------------------|----------------------|
| Concept<br>Masterplan  | 240060-DA-<br>001-E,<br>Version H | 1 Sheet   | 13 May 2021        | ADW Johnson          |
| Landscape<br>Plans (9<br>sheets)   | Rev A                             | L-100 – L108  | 5 March 2021       | Mara<br>Consulting   |
| Trotter Road<br>Caravan Park<br>Modification<br>Concept<br>Engineering<br>Lot 2 D.P.<br>954600 DA 16-<br>2007-15-4 | 240060 Issue<br>No. B             | 001, 002,<br>1101, 102,<br>211,231, 232,<br>233, 501, 701,<br>801 and 802             | 4 June 2021        | ADW Johnson          |
| Temporary<br>Clubhouse<br>siting   | Issue A                           | 01  | 5 March 2021       | MB                   |
| Ground Floor Plan (Temporary Clubhouse)  | 20L000AA<br>Rev A                 | 1 of 8  | 25 January<br>2021 | Ingenia              |
| Community<br>Building Plans<br>(7 sheets)  | 21-0008 Issue<br>B                | DA-A1-0-02,<br>DA-A1-2-01,<br>DA-A1-2-02,<br>DA-A1-6-01,<br>DA-A2-1-01,<br>DA-A2-1-02 | 2 March 2021       | Arqus Design         |
| Maintenance<br>Shed  | Issue A                           | 01  | 5 March 2021       | Ingenia<br>Lifestyle |

| Document Title        | Prepared by | Date        |
|-----------------------|-------------|-------------|
| Stormwater Management | ADW Johnson | 4 June 2021 |
| Plan (Issue B)        |             |             |

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# ITEM 2 - ATTACHMENT 2 PLANNERS ASSESSMENT REPORT.

16-2007-15-5

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

# **DETERMINATION**

The modification application is recommended to be approved by Council, subject to amended conditions as shown above.

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#### SCHEDULE 1 - RECOMMENDED CONDITIONS OF CONSENT

- A Construction Certificate is required prior to commencement of works approved by this application. The person having the benefit of this consent must appoint a principal certifying authority. If Council is not appointed as the Principal Certifying Authority then Council must be notified of who has been appointed. Note: at least two (2) days' notice must be given to Council of intentions to start works approved by this application.
- 2. CONDITION DELETED UNDER DA16-2007-15-5.
- Failure to comply with the conditions of consent constitutes a breach and on the spot fines may be issued under the Environmental Planning & Assessment Act 1979 and or the Protection of the Environment Operations Act 1997.
- 4. The development application has not been assessed against the provisions of the Building Code of Australia. A Section 96 application under the Environmental Planning & Assessment Act 1979 will be required if design amendments are necessary to comply with the provisions of the Building Code of Australia.
- 5. The excavated and/or filled areas of the site are to be stabilised and drained to prevent scouring and the finished ground around the perimeter of the building is to be graded to prevent ponding of water and ensure the free flow of water away from the building.
- 6. Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- 7. A garbage storage area is to be provided, designed and constructed so as to conceal its contents from view from public places and adjacent properties and is to be integrated into the landscaping scheme. The storage area shall be located so as to be readily accessible from within the site, and serviceable by the waste collector from the adjoining road.
- 8. A Construction Management Plan shall be submitted and approved by Council, prior to commencement of any work. The construction management plan shall specify operational details to minimise any potential impact to adjoining properties. The construction management plan should include but not limited to the following information:- Construction techniques, noise and vibration management, storage of equipment and building materials, hours of work:, primary route for truck movements, etc.
- 9A. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005,

## PORT STEPHENS COUNCIL

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excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.

- Submit full details prior to commencement of any work showing compliance with the Regulation are to be provided to Council in regard to the following:
  - a. Size of the dwelling sites and camp sites (Clause 85);
  - b. Setbacks of Community Buildings (Clause 88);
  - c. Setbacks of sites from roads and boundaries (clause 89);
  - d. Widths of entrance roads and forecourt (clause 92);
  - e. Construction of the amenities Block (clause 110);
  - f. Proximity of the sites from Amenities Block (Clause III) Note: The large vehicle sites shall be classified as short term sites;
  - g. Fire hydrants (Clause 128);
  - h. Fire Hose Reels (Clause 129);
  - i. Provision of a common soil waste dump point (Clause 102); and
  - The development shall be constructed in accordance with the NSW Government Floodplain Management Manual (2001).
- 11A. The Flood Planning Level for this development is 3.2 metres AHD. Flood Compatible Building Materials are listed in the attached Schedule.

Habitable room for the purposes of this clause includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, sunroom, bathroom, laundry and water closet.

The following design precautions must be adhered to:

- a. The floor level of any habitable room is to be located at a height not less than the Flood Planning Level. A survey certificate verifying compliance with this condition shall be provided to the Principal Certifying Authority as soon as practical on completion of the floor level. In sewered areas some plumbing fixtures may be located below the Flood Planning Level. Where this occurs sanitary drainage is to be fitted with a reflux valve to protect against internal sewage surcharge;
- No potentially hazardous or offensive material is to be stored on site that could cause water contamination during floods;
- c. All building materials, equipment, ducting, etc., below the Flood Planning Level shall be flood compatible;
- d. All main power supply, heating and air conditioning service installations, including meters shall be located above the Flood Planning Level;
- e. All electrical wiring below the Flood Planning Level sha1l be suitable for continuous submergence in water. All conduits below the Flood Planning Level shall be self-draining. Earth core leakage systems or safety switches are to be installed:
- f. All electrical equipment installed below the Flood Planning Level shall be capable of disconnection by a single plug from the power supply.
- g. Where heating equipment and fuel storage tanks are not feasible to be located above the Flood Planning Level then they shall be suitable for continuous

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submergence in water and securely anchored to overcome buoyancy and movement which may damage supply lines. All storage tanks shall be vented to an elevation above the Flood Planning Level;

- h. All ducting below the Flood Planning Level shall be provided with openings for drainage and cleaning;
- Septic and holding tank lids, inspection openings and associated electrical equipment connections and switchgear must be located above the 1% AEP Flood level:
- Any on-site effluent on site disposal must be carried out in an area above the 5% AEP flood level; and
- k. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 12B. Prior to the issue of any Construction Certificate or commencement of use of the relevant stage, whichever occurs first, a monetary contribution is to be paid to Council pursuant to section 4.17(1) of the *Environmental Planning and Assessment Act 1979*, Section 7.11 of the *Environmental Planning and Assessment Act 1979*, and Council's Section 94 Contribution Plan towards the provision of the following public facilities:

Stage One

| otage one                                |                  |              |  |
|--|------------------|--------------|--|
| 41 LONG TERM SITES                       |                  |              |  |
| Facility                                 | Per lot/dwelling | Total        |  |
| Civic Administration                     | \$178.00         | \$7,298.00   |  |
| Public Open Space, Parks and<br>Reserves | \$968.00         | \$39,688.00  |  |
| Sports and Leisure Facilities            | \$2,281.00       | \$93,521.00  |  |
| Cultural and Community Facilities        | \$1,147.00       | \$47,027.00  |  |
| Road Works                               | \$432.00         | \$17,712.00  |  |
| Fire & Emergency Services                | \$70.00          | \$2,870.00   |  |
|  | Total            | \$208,116.00 |  |

Stage Two

| 28 LONG TERM SITES                    |                  |             |  |
|---------------------------------------|------------------|-------------|--|
| Facility                              | Per lot/dwelling | Total       |  |
| Civic Administration                  | \$178.00         | \$4,984.00  |  |
| Public Open Space, Parks and Reserves | \$968.00         | \$27,104.00 |  |
| Sports and Leisure Facilities         | \$2,281.00       | \$63,868.00 |  |
| Cultural and Community Facilities     | \$1,147.00       | \$32,116.00 |  |
| Road Works                            | \$432.00         | \$12,096.00 |  |

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| Fire & Emergency Services | \$70.00 | \$1,960.00   |
|---------------------------|---------|--------------|
|                           | Total   | \$142,128.00 |

## Stage Three

| 47 LONG TERM SITES                    |                  |              |  |
|---------------------------------------|------------------|--------------|--|
| Facility                              | Per lot/dwelling | Total        |  |
| Civic Administration                  | \$178.00         | \$8,366.00   |  |
| Public Open Space, Parks and Reserves | \$968.00         | \$45,496.00  |  |
| Sports and Leisure Facilities         | \$2,281.00       | \$107,207.00 |  |
| Cultural and Community Facilities     | \$1,147.00       | \$53,909.00  |  |
| Road Works                            | \$432.00         | \$20,304.00  |  |
| Fire & Emergency Services             | \$70.00          | \$3,290.00   |  |
|                                       | Total            | \$238,572.00 |  |

| 2 SHORT TERM SITES                    |                  |            |  |
|---------------------------------------|------------------|------------|--|
| Facility                              | Per lot/dwelling | Total      |  |
| Civic Administration                  | \$178.00         | \$356.00   |  |
| Public Open Space, Parks and Reserves | \$968.00         | \$1,936.00 |  |
| Sports and Leisure Facilities         | \$2,281.00       | \$4,562.00 |  |
| Cultural and Community Facilities     | \$0.00           | \$0.00     |  |
| Road Works                            | \$216.00         | \$432.00   |  |
| Fire & Emergency Services             | \$70.00          | \$140.00   |  |
|                                       | Total            | \$7,426.00 |  |

Note: The amount of contribution payable under this condition has been calculated at the time of determination and in accordance with the Port Stephens Section 94 Contributions Plan. The contribution amount is valid for twelve months from the consent date. Should payment take place after twelve months the contribution shall be INDEXED at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics.

- 13. The construction site adjoins a public reserve. The following activities are not permitted to take place on or over the public reserve at any time during construction:
  - a. Access to the public reserve;
  - b. Use of the reserve by vehicles or machinery;
  - c. Storage of site sheds, building materials, cleared vegetation, rubbish etc; or

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- d. Any tree pruning, lopping or removal.
- 14. Lighting of the site shall be consistent with the approved Lighting Layout. This lighting shall be operational prior to the issue of any Occupation Certificate.
- All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 16. Where no sanitary facilities currently exist onsite for construction workers toilet accommodation for all tradespersons shall be provided from the time of commencement until the building is complete. The toilet facilities shall be located so as to have minimal impact of adjoining properties and shall not be placed on the road reserve, without separate approval from Council.
- 17. Construction work that is likely to cause annoyance due to noise is to be restricted to the following times:
  - a. Monday to Friday, 7am to 6pm;
  - b. Saturday, 8am to 1pm; and
  - c. No construction work to take place on Sunday or Public Holidays.

When the construction site is in operation the LIO level measured over a period of not less than 15 minutes must not exceed the background by more than 10dB(A). All possible steps should be taken to silence construction site equipment.

- 18. It is the responsibility of the applicant to erect a PCA sign (where Council is the PCA, the sign is available from Council's Administration Building at Raymond Terrace or the Tomaree Library at Salamander Bay free of charge). The applicant is to ensure the PCA sign remains in position for the duration of works.
- 19. Where the proposed development incorporates pile-driving activities for a period of 5 days or more (consecutive or non-consecutive combined total), prior to the commencement of works associated with piling system the applicant/beneficiary of the consent shall undertake the following actions:
  - a. An appropriately qualified Acoustic Engineer shall prepare an report on File No: 16-2007-15-1 the impact on adjoining properties in relation to anticipated noise and vibration with reference to compliance with British Standard 6472 - 1996 Guide to evaluation of human exposure to vibration in buildings (1Hz to 80 Hz):
  - Where the anticipated impacts exceed the prescribed performance standards of the noted Standard the consultant shall make recommendations on the method of minimising the noted impacts to meet the performance standards;
  - c. For pile driving activities with a duration in excess of 5 days as noted above the applicant/beneficiary of the consent shall engage an Acoustic Engineer to undertake monitoring of the pile driving to verify the identified performance standards noted are not exceeded. Details to be forwarded to Principal Certifying Authority.

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- 20. Pile driving shall only be carried out between the hours of 8.00am 3.30pm Monday to Friday excluding public holidays.
- 21. Development incorporating pile-driving activities for a period of less than five (5) days be that consecutive and a total combined throughout the construction process, shall comply with the provision of British Standard 6472- 1996.
- 22. The applicant or the person who is the beneficiary of the development consent incorporating pile-driving activities shall, prior to commencement of work prepare and submit for approval of a Construction Management Plan incorporating notification provisions for the pile-driving activities with practical measures taken to notify all adjoining property occupants of the commencement date and period of pile-driving works.

The notification shall be forwarded a minimum of 2 days prior to the commencement of works.

- 23. Separate approval is required to occupy, close or partially close the road reserve adjacent to the property under the Roads Act. The storage of materials, placement of toilets and rubbish skips within the road reserve is not permitted.
- 24. No construction or demolition work shall obstruct pedestrian or vehicular traffic in a public place, a hoarding or fence must be erected between the construction site and the public place.
- 25. Approved toilet accommodation for all tradespersons on the building site is to be provided from the time work commences until the building is complete. The toilet shall not be placed on the road reserve, without separate approval from Council.
- 26. A waste containment facility shall be provided on the construction site immediately after the first concrete pour for the building and is to be regularly serviced. Council may issue 'on the spot' fines for pollution/littering offences under the Protection of the Environment Operations Act 1997.
- 27. Tree clearing shall be carried out in accordance with Council's Tree Preservation Order. The development consent and construction certificate must be issued before it is possible to remove any trees within 3m of any approved building, as measured horizontally from the building wall to the outside trunk of the tree. Tree clearing for the vehicle driveway or any other purpose requires separate approval under the Tree Preservation Order. A copy of the Tree Preservation Order is attached.
- 28. Construction details for retaining walls greater than 600mm in height shall be submitted and approved by the Principal Certifying Authority prior to commencement of works associated with the retaining wall All retaining walls in excess of 1m shall designed by a Practicing Structural Engineer.

Where retaining walls exceed 1m in height and located within 500mm of a site boundary, they shall be constructed of masonry material.

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It is recommended to construct the retaining walls prior to the commencement of any other work, while the area is readily accessible and to prevent any movement of soil and/or potential damage to adjoining properties.

 All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with AS2601-2001 and WorkCover Authority requirements.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

30. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment, the person undertaking the excavation must preserve and protect the building from damage, which may involve underpinning and supporting the building in an approved manner.

The adjoining property owner shall be given 7 days notice before excavating below the level of the base of the footings of a building on an adjoining allotment of land. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, allotment of land includes a public road and any other public place.

31. The construction site is to be adequately protected and drainage controlled to ensure that erosion and sediment movement is kept on your site. Construction sites without appropriate erosion and sediment control measures have the potential to pollute the waterways and degrade aquatic habitats. Offenders will be issued with an 'on the spot' fine under the Protection of the Environment Operations Act 1997.

Note: Erosion and sediment control measures prepared in accordance with the Erosion and Sediment Control Regional Policy and Code of Practice or Managing Urban Stormwater - Soils and Construction produced by Landcom 2004, need to be maintained at all times. A copy of Landcom 2004 bluebook may be purchased by calling (02) 98418600.

- 32. CONDITION DELETED UNDER DA 16-2007-15-5.
- All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 34. A "KEEP PORT STEPHENS WATERWAYS POLLUTION FREE" sign shall be displayed and be clearly visible from the road frontage for public viewing on the site at the commencement of works and remain in place until completion of the development. Signs are available from Port Stephens Council.
- 35. Prior to the commencement of work, provide a 3m wide all weather vehicle access from the kerb and gutter to the building under construction for the delivery of materials & trades to reduce the potential for soil erosion. Sand shall not be stockpiled on the all weather vehicle access.

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- 36. All stockpiled materials shall be retained within the property boundaries. Stockpiles of topsoil, sand, aggregate, spoil or other materials sha1l be stored clear of the all weather vehicle access and drainage lines.
- 37. CONDITION DELETED UNDER DA 16-2007-15-5.
- 38. CONDITION DELETED UNDER DA 16-2007-15-5.
- 39. The Principal Certifying Authority shall only issue an occupation certificate when the building has been constructed in accordance with the approved plans, specifications and conditions of consent. No occupational use is permitted until the Principal Certifying Authority issues an occupation certificate.
  - NOTE: If an accredited certifier approves occupation of a dwelling the accredited certifier is to immediately notify Council in writing.
- 40. Prior to occupying the approved dwelling(s), contact Council's Land Information Section on 49800357 to obtain the correct house numbering.
- 41A. Demolition of the existing dwelling is to be carried out in accordance with Australian Standard AS 2601 'The demolition of Structures'. All waste materials are to be either recycled or disposed of to a licensed waste facility.

Any asbestos containing material encountered during demolition or works, is to be removed in accordance with the requirements of Safe Work NSW and disposed of to an appropriately licenced waste facility.

- Evidence is to be provided to the Certifying Authority demonstrating that asbestos waste has been disposed of in accordance with this condition.
- 41.1 The development is to be carried out in accordance with the recommendations of the Aboriginal Heritage Due Diligence Assessment, prepared by McCardle Cultural heritage, report no. J20096 DD and dated 16 February 2021.
- 41.2 The temporary community building must be made available for use by residents at the commencement of Stage 1 of the development and remain available for use until an occupation certificate has been issued for the permanent community building within Stage 3.
  - Following the issue of an occupation certificate for the permanent community building, the temporary community building is to be decommissioned and the site utilised as a long term site.
- 41.3 The pond indicated on the Concept masterplan, dwg. 240060-DA-001-E, Version H, prepared by ADW Johnson and dated 13/05/2021 is not to be used for recreational purposes such as swimming or fishing.

Suitable signposting is to be installed to indicate the use limitations of the pond.

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41.4 Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works must cease immediately until a qualified environmental specialist has be contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination and Council must be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

#### **Provision of Services**

- 42A. **Prior to the issue of an Occupation Certificate or the commencement of use** of the relevant stage, whichever occurs first, a section 50 certificate or other evidence from Hunter Water Corporation is to be provided that demonstrates water and sewer services have been adequately provided to the relevant stage of the development.
- 42.1 Prior to the commencement of use of each stage, an on-site sewage management system shall be installed in accordance with an approval issued under Section 68 of the *Local Government Act 1993* to service the relevant stage, and an approval to operate the system shall be obtained.
- 43. Prior to the commencement of any work, the applicant shall provide written evidence from Hunter Water to Council demonstrating that all necessary pre-construction approvals have been granted from Hunter Water Corporation for the connection of water and sewer to the development.
- 44. Prior the commencement of any work written evidence must be submitted to Council from Telstra Australia and Energy Australia confirming that satisfactory arrangements have been made for the provision of their respective services to the development.
- 45. The submission of documentary evidence from Energy Australia that satisfactory arrangements have been made for the provision of grid based electricity supply to the development, prior to the occupation of any component of the development.

## **Operational Conditions**

- 46. A register shall be kept by the owner or proprietors to record the occupancies and shall be available at any time for inspection by an authorised officer of Council.
- 47B. The caravan park is approved for a maximum number of 117 long term sites and 2 short term sites. The caravan park shall be constructed and operated in accordance with the requirements of the Local Government Regulations (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, excluding any objection approved in accordance with Section 82 of the Local Government Act 1993.

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Prior to operation, the applicant shall obtain separate approval to operate a caravan park under Section 68 of the Local Government Act.

- 48A. CONDITION DELETED UNDER DA 16-2007-15-5.
- 49A. Immediately following the commencement of use of stage 1, a temporary bus service consisting of a chartered bus or the like with a minimum of 12 seats, is to be engaged which services the site at least two times per week. The service must connect to both the Salamander Bay Shopping Centre and the Nelson Bay CBD. The service must be available to all permanent residents of the development.

Immediately following the commencement of use of stage 3, the chartered service is to be replaced with a permanent on-site bus service that is maintained for the life of the development. The permanent bus service shall:

- a. Travel a route that includes the Anna Bay CBD, Salamander Shopping Centre and the Nelson Bay CBD;
- b. Be available to all permanent residents at no cost; and
- c. Operate in and out of the commercial centres at least once a day (Monday to Saturday inclusive).
- 50. The Community Hall, Pool, BBQ area and tennis courts shall be accessible and available to permanent residents, to the extent that they are made available to short term occupants (ie. tourists).
- 51. THIS CONDITION DELETED UNDER DA16-2007-15-3
- 52. The caravan park or camping ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- 53. A person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van.
- 54. The owner of a holiday van that occupies a short term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12 month period.
- 55. The occupancy restrictions shall be incorporated into a Management Agreement for the Tourist Facility. A copy of the Management Agreement shall be provided to Council prior to the issue of the occupation certificate.

#### Landscaping and Fencing Conditions

56B. Landscaping shall be carried out in accordance with the approved Landscape Plan prepared by Mara Consulting and dated 5 March 2021 (Drawing Number: 2112, Revision A, Sheet L100 to L108). The landscape designer must provide a compliance certificate to the Principal Certifying Authority certifying that the

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landscaping has been carried out in accordance with the approved plan and as amended by conditions of consent, prior to the issue of any Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.

- 57. The area contained in the front setback facing Trotter Road is to be landscaped and kept clear of vehicles and materials at all times (excludes parking areas shown on the approved site plan).
- 58B. Tree plantings and fencing is to be carried out in accordance with the Landscape Plan prepared by Mara Consulting and dated 5 March 2021 (Drawing Number: 2112, Revision A, Sheet L100 to L108).
- 59. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 60A. The approved landscape plan prepared by Mara Consulting and dated 5 March 2021 (Drawing Number: 2112, Revision A, Sheet L100 to L108), is to be amended to include the following:
  - Additional hedge planting on along the southern (front) boundary, with a species that reaches a minimum mature height of 1.5 metres.
  - b. Additional hedge planting along the western boundary for the full extent of the western perimeter Road, with a species that reaches a minimum mature height of 1.5 metres. Plantings within asset protection zones must comply with Appendix 4 of Planning for Bush Fire Protection 2019.
  - The palisade fence along the western boundary is to be replaced with a solid panel timber fence.

The amended plans are to be submitted to Council for approval, **prior to the issue** of any Construction Certificate.

- 61. CONDITION DELETED UNDER DA 16-2007-5-5.
- 62A. Fencing within the area to the north of the perimeter road, must not compromise the potential for safe movement of koalas across the northern part of the site. Suitable fencing may include:
  - open post and rail or post and wire fencing (no barbed wire on the bottom strand) and must be a minimum of 200 mm above ground level that would allow koalas to move underneath; or
  - a koala friendly alternative as agreed in consultation with Council's natural resources team.
- 63. Lighting on the site is to be designed in accordance with Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting. Any lighting on the site is to be directed in such a manner so that no nuisance is caused to adjoining properties or to drivers on surrounding streets.

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#### Flora and Faunal Environmental Conditions

- 63.1 Construction of the development must comply with the recommendations of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 detailed as follows:
  - a. Demarcate subject site boundary with visible flicker tape of temporary fencing to ensure no impacts occur to retained vegetation adjacent to the site.
  - b. All contractors will be specifically advised of the designated work area.
  - All construction vehicles/machinery are to use the designated access from main roads. Speeds will be limited to reduce the potential of fauna strike and to reduce dust generation;
  - d. Prior to the commencement of any vegetation removal, a preclearance survey will be conducted by the Project Ecologist to identify any areas containing significant habitat features. During the pre-clearance survey, any significant habitat features or trees that are known to have resident fauna present and all hollow-bearing trees will be:
    - Marked around the trunk of the tree at approximately 1.5 metres high with a 'H' marked several sides of the trunk using fluorescent spray marking paint; and/ or
    - Marked with highly visible flagging tape.
  - e. Tree removal is to be strictly limited to the subject site.
  - Any mulch generated from the removal of vegetation on Site is to be reused on Site.
  - g. Felled trees must be stockpiled and processed within marked clearing boundaries.
  - h. Any fauna is handled appropriately, including the relocation of any arboreal mammals in accordance with PSC Technical Specification – Trees (PSC 2014);

Natural hollows of a suitable size and configuration should be salvaged and reinstalled in retained areas of vegetation in the Subject Site where possible to provide ongoing arboreal habitat opportunities for local fauna PSC Technical Specification - Nest Boxes (PSC 2014).

- 64B. The following vegetation within the subject site as identified on 'Figure 4: Vegetation' of the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 is approved for removal / pruning:
  - a. Non-native/ Plantings Vegetation
  - b. Grassland/Pasture

Vegetation type MU 34: Coastal Sand Wallum Woodland (Disturbed) is approved for removal / pruning with the exception of Tree Number 1 and the tree identified as MU 34 located directly to the east of the Dam adjacent to MU 40 - Swamp Oak Rushland Forest, as identified in 'Attachment 1: Eucalyptus tereticornis Locations' in the '20111 - RFI Response - Ecology 16 Trotters Road, Bobs Farm', prepared by MJD Environmental, dated 11 May 2021.

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65A. A minimum of eighty (80) mature koala feed trees, i.e. Eucalyptus tereticornis, Eucalyptus robusta or Eucalyptus parramattensis shall be planted within the 100 m coastal wetland buffer area.

Documentary evidence of koala feed tree planting must be provided to and approved by Council prior to the issue of any Occupation Certificate.

- 66A. Nest boxes as shown on 'Figure 5: Existing Nest Box Locations' in the 'Biodiversity Assessment' Version 2, prepared by MJD Environmental, dated March 2021 that have been installed within trees approved to be removed must be relocated by a suitably qualified ecologist and be placed within trees along the north eastern boundary of the dam and retained vegetation in the northeast of site.
- 67. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 68. Only Virgin Excavated Natural Material (VENM) in accordance with the Environmental Protection Agency NSW statutory definition shall be used for the approved land filling activities. The use of any material other than VENM may require an EPA licence for use as a landfill. The use of any material other than VENM for land filling purposes, without prior approval of council is prohibited. Council will insist on the removal of any prohibited material.
- 69A. A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (ASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitably qualified Geotechnical Engineer and submitted to the Certifying Authority, prior to the issue of any Construction Certificate.

The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.

- Low downward lighting shall be used on site to prevent an unreasonable impact on native fauna.
- 71. A Weed Management Plan shall be prepared to manage the on-going maintenance of the open space area in the waterern portion of the property, i.e. the wetland buffer area. This management plan shall include bush regeneration methods and techniques that ensure that this area is effectively managed in perpetuity.
- 72. No domestic dogs or cats are to be permitted on the subject site. Appropriate signage indicating this restriction shall be installed at the front entrance and/or front office detailing this restriction prior to the issue of any Occupation Certificate. The sign shall detail that this restriction is in place for the protection of native wildlife. This sign shall be maintained in perpetuity.
- 72.1 No vegetation or natural landscape features other than that authorised for removal / pruning by this Consent must be disturbed, damaged or removed. No additional works or access/parking routes transecting the protected vegetation must be undertaken without Council Approval.

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## **Swimming Pool conditions**

- 73. Details of the construction of the proposed swimming pool shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
- 74. The pool fencing shall be a material that prevents the access of koalas into this area, to reduce the potential of drowning.
- 75. A rope of 50mm or greater in diameter shall be affixed and left dangling at least 1m into the swimming pool to allow koalas to escape.
- 76. The construction of the swimming pool shall comply with the Swimming Pools Act and also the NSW Health Public Swimming Pool and Spa Pool guidelines (June 1996). The guidelines prescribed facilities required for public pools along with disinfection requirements.
- 77. Details of the Construction of the proposed swimming pool shall be forward to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- 78. The swimming pool is to be fully enclosed with fencing and gates to comply with the Swimming Pool Act 1992 and Regulations.
- 79. All backwash/pool waste water is to be piped/drained to the sewer of the Hunter Water Corporation in accordance with the requirements of the Hunter Water Corporation.
- 80. A durable resuscitation instruction chart is to be displayed in a prominent position in the pool at all times.
- 81. Where a common boundary fence forms part of the pool enclosure, maintenance and effectiveness of the fence is the responsibility of the pool owner, whilst ever the pool exists.
- 82. Pool plant and equipment shall be sited or enclosed in a sound absorbing enclosure to minimise any potential offensive noise impacts to adjoining neighbours as defined under the Protection of the Environment Operations Act 1997.
- 83. The swimming pool surrounds and/or paving is to be constructed in a manner so as to ensure water from the pool overflow does not discharge onto the neighbouring properties.
- 84. Where there is possible access from a window in any residential building to the swimming pool, access is to be restricted by:
  - a. The bottom of the lowest opening panel of the window must (when measured in the closed position) be at least 1.2 metres above finished floor level; and
  - b. There must not be any footholds wider than ten (10) millimetres between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.

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This does not apply to a child safe window or to a window that is totally enclosed by a child-safe grill.

Note: Child safe means a window being of substantial construction and being so fixed (by means of a keyed locking device or other child resistant device) that it has no opening through which it is possible to pass a standard test bar.

- 85. THIS CONDITION DELETED UDER DA16-2007-15-3
- 86. THIS CONDITION DELETED UNDER DA16-2007-15-3
- 87. THIS CONDITION DELETED UNDER DA16-2007-15-3

#### **Bushfire Conditions**

- 88. THIS CONDITION DELETED UNDER DA16-2007-15-3
- 89. An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan for implementation by the occupants in the event of a required evacuation. The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

### **Mosquito Management**

- 90. Mosquito Management shall be performed in accordance with the details submitted with the application dated 26 September 2007. Management techniques shall include:
  - a. A Public Education Display, being a sandwich board type warning sign displayed at peak mosquito periods, as well as printed fact sheets detailing effective personal prevention techniques.
  - b. A staff member/representative employed by the development that is available to the residents that is trained in mosquito biology. The person shall be responsible for customer/visitor education.
  - c. Methods to minimise water holding areas on the property (please note that no works are authorised in protected wetland areas without approvals from the relevant authorities).
  - d. The preparation of an on-site manua1/ management plan that involves the continual assessment of the vulnerability of occupants to exposure and the potential duration and seasonality of exposure. This document shall also contain a planning and management response (i.e. education, warnings, monitoring of on-site breeding etc.)

These measures shall be implemented prior to the issue of any Occupation Certificate.

91. All dwellings and buildings must be equipped with effective screens on all windows, doors and openings, to reduce the potential for mosquito borne disease. All screens must be installed prior to the issue of any Occupation Certificate.

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92. Any rainwater tanks and fabricated water storage structures must be equipped with effective screens on all openings, to reduce the potential for mosquito borne disease.

## **Disability Conditions**

- 93. The proposed development shall be provided with access and facilities for the disabled in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia. Details of such access and facilities shall be submitted to the Prescribed Certifying Authority with the Application for a Construction Certificate for the buildings.
- 94. A continuous and accessible path of travel, designed in accordance with Australian Standard 1428.1 shall be provided to and within any building on the site. This accessway shall provide access to all required facilities.
- 95. External access to the building required to be accessible must be in accordance with the Building Code of Austra1ia Part D and Australian Standard 1428.1, and must be provided:
  - a. From the allotment boundary at the main points of entry;
  - b. From any accessible car parking space on the allotment;
  - c. From any adjacent and associated accessible building on the allotment; and
  - d. Through the principal public entrance.

Details shall be provided demonstrating compliance with these requirements prior to the release of the Construction Certificate.

The minimum number of accessible car parking spaces shall be provide in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1

Access and facilities for the disabled provided in accordance with Australian Standard 1428.1 and the relevant provisions of the Building Code of Australia. These shall be maintained for the life of the development by existing or future owners.

96. The minimum number of accessible car parking spaces shall be provide in accordance with the Building Code of Australia Section D Subsection 3.5 and designed in accordance with Australian Standard 2890.1. Details shall be provided prior to the release of the Construction Certificate.

### **Environmental Health Conditions**

- 97. The construction of the kiosk shall comply with the National Food Premises Code.
- 98. Food preparation, storage and service areas are to be designed and constructed to comply with AS4674-2004 for the construction & fit out of food premises.

Where Council is nominated as the Principal Certifying Authority, Council's Food Surveillance Officer shall be given 48 hours' notice to inspect the premise for compliance under AS4674-2004 for the construction & fit out of food premises before operating the business.

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Where Council is not nominated as the Principal Certifying Authority, submit certification from an appropriate qualified person confirming compliance with AS4674-2004 for the construction & fit out of food premises before the issue of the occupation certificate.

Note: The business needs to be registered with Council so it can be added to the inspection program.

#### Signage Conditions

- 99. The advertising structures shall comply with Council's signage requirements under the Local Environmental Plan and Port Stephens Development Control Plan 2007. No advertisement shall be displayed without the consent of Council, unless the advertisement does not require approval under Council policy.
- 100. Flashing illuminated signage is not permitted. Illuminated signs must be fitted with an automatic timing device to extinguish the illumination between the hours of 10.00pm and 7.00am.
- 101. Any exempt advertisements shall relate to the approved development or premises situated on that land. The advertisement must be maintained in a presentable and satisfactory state of repair.
- 102. No signage is permitted within any Council or RTA Road Reserve.

#### **Fire Safety Conditions**

- 103. A fire safety schedule pursuant to Section 168 of the Environmental Planning & Assessment Amendment Regulation 2000 must be attached to the construction certificate, which specifies the fire safety measures that should be implemented in the building premises.
- 104. A fire safety certificate as prescribed by Section 174 Environmental Planning & Assessment Regulations 2000 which certifies the performance of the implemented fire safety measures in accordance with Section 170 of the Regulation must be submitted to the Principal Certifying Authority and the Commissioner of New South Wales Fire Brigades. A copy of fire safety certificate needs to be forwarded to Council, If Council is not nominated as the Principal Certifying Authority. A further copy of the certificate must also be prominently displayed in the building.
- 105. At least once in each twelve (12) month period, fire safety statements as prescribed by Section 175 Environmental Planning & Assessment Regulations 2000 in respect of each required essential fire safety measure installed within the building are to be submitted to Council. Such certificates are to state that:
  - The service has been inspected and tested by a person (chosen by the owner
    of the building) who is competent to carry out such inspection and test; and
  - b. That the service was or was not (as at the date on which it was inspected and tested) found to be capable of operating to a standard not less than that specified in the fire safety schedule for the building.

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#### Stormwater Conditions

- 106B. Detailed stormwater drainage plans, DRAINS model and MUSIC model must be prepared by a qualified Engineer in accordance with the approved Stormwater Management Plan, Issue B, prepared by ADW Johnson and dated 4 June 2021, Council's Infrastructure Specifications and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council). The detailed plans must also include the following information in order to comply with the PSC DCP:
  - a. Additional onsite infiltration to reduce the volume and discharge of stormwater leaving the site to reduce impacts to the downstream wetland. The plans must demonstrate how the quantity of water and means of discharge is managed to mimic the existing environment and not concentrate flows.
  - b. The drainage strategy must incorporate the external catchment contributing runoff through this development. A catchment plan must be submitted at CC stage which includes the external catchment which contributes runoff and allowance must be made within the internal drainage system to incorporate the runoff from the external catchment.
  - c. Detailed basin cross sections and long sections and comprehensive DRAINS and MUSIC models are to be submitted at CC stage to reflect the approved strategy. These models must comprehensively reflect the proposed design.
  - d. The bio-retention basin design must be informed by a groundwater assessment to consider rises in groundwater level.

Details demonstrating compliance must be provided to the Certifying Authority, **Prior** to the issue of a Construction Certificate for Each Stage.

107. CONDITION DELETED UNDER DA16-2007-15-3

## **Traffic and Road Conditions**

- 108. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 107. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 110. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 111. The vehicle driveway from the roadway to the property boundary incorporating the gutter crossing shall be constructed in accordance with the options shown on Council's Standard Dwg No. S123.
- A concrete dish crossing shall be constructed within the table drain in accordance with Council's Standard Drawing No. S106. Driveway grades shall be adjusted, if practical, to achieve this, or where driveway grades do not permit a dish crossing, provide a pipe (minimum 375mm diameter) for small catchments, 5.0m long, at a minimum distance of2.0 m from the edge of the roadway, ensuring an adequate grade within the drain. Gravel backfill and concrete headwalls shall be placed as indicated on Council's Standard Drawing No. S107.

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- 113. The stormwater system, including any water quality or quantity components, shall be maintained in perpetuity for the life of the development.
- 114. Submission of Works- As-Executed plans and report prepared and certified by a suitability qualified drainage engineer confirming all drainage works (volume, discharge, levels, location, etc) are built in accordance with conditions of consent and the approved plan. Minor variations in height can be certified providing they are clearly identified in the report and the engineer certifies that the overland flow paths are not altered, discharge rates are not increased, and no additional negative effects are imparted on any dwellings or property. Minor variations can only be certified where it can be demonstrated that the ease of maintenance and monitoring of the system has not been negatively affected.

The documents shall be submitted to, and accepted by the Certifying Authority, prior to issue of the occupation certificate.

- 115. Works associated with the approved plans and specifications shall not commence
  - a. A Construction Certificate has been issued, and
  - b. The Principal Certifying Authority has been nominated, and
  - c. Council has received two days notice of the commencement date.
- 116A. All civil engineering works for each stage shall be carried out in accordance with the Construction Certificate and Council's Subdivision & Development Code, to the satisfaction of Council or the Certifying Authority prior to the issue of any Occupation Certificate or the commencement of use of the land in the relevant stage.
- 117A. All civil engineering works associated with the Roads Act Approval shall be carried out to the satisfaction of Council as the Roads Authority (with a letter of practical completion issued) prior to issue of any Occupation Certificate or the commencement of use of the land. All works associated with the Roads Act Approval shall be at no cost to Council.
- 118. Works associated with the Roads Act Approval are subject to:
  - a. Inspection by Council;
  - b. Testing by a registered NATA Laboratory and
  - c. Approval by Council at each construction stage as determined by Council.
- 119A. The developer is to provide the following plans and/or CAD files:
  - Road construction plans in CAD form prior to commencement of road works;
     and
  - b. Works-as-executed drawings and CAD files of all engineering works prior to the issue of any Occupation Certificate or the use of the land.

The data is to be supplied as ACAD or DXF to the requirements of Council's Civil Asset Engineer.

120. THE CONDITION DELETED UNDER DA16-2007-15-3.

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- 121. A pedestrian footpath and connections shall be provided for the development, from the access to the development to the bus stop on Nelson Bay Road.
- 122. Provision for one (1) car parking space shall be made for every temporary and permanent site. This space shall not be located on the internal road network.
- 123B. Car parking is to be provided in accordance with Concept masterplan, dwg. 240060-DA-001-E, Version H, prepared by ADW Johnson and dated 13/05/2021. These spaces shall be separately accessible, clearly line-marked, clearly signposted and adequately paved and drained in accordance with the Port Stephens Development Control Plan. Car parking must be provided prior to the issue of the occupation certificate or commencement of the use of the land in the relevant stage.
- 124. Prior to the commencement of use, Trotter Road is to be upgraded to Council's Rural access class road (currently 6 metre sealed carriageway 1 x 10<sub>6</sub> ESAs) across the frontage of the development to the intersection of Trotter Road and Nelson Bay Road.
- THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 126. THIS CONDITION DELETED UNDER DA16-2007-15-3.
- 127. Engineering details in accordance with Council's Subdivision & Development Code of proposed road and drainage works shall be submitted to Council for approval prior to issue of the Construction Certificate.
- 128. All works as listed as conditions of development consent, which are located in public roads are subject to approval under section 138 of the Roads Act 1993. Engineering details in accordance with Council's File No: 16-2007-15-1 Subdivision and Development Code, of such works shall be submitted with a Roads Act application form and then approved by Council prior to approval to commence these works and prior to issue of the Construction Certificates. The following items are also required to be approved by Council prior to approval being granted to commence works:
  - Traffic control plans in accordance with the Roads and Traffic Authority Traffic Control at Worksites Manual;
  - b. Payment of fees and bonds (same Principle Certifying Authority fees, inspection fees and maintenance bonds as relevant to subdivisions); and
  - c. Contractors public liability insurances to a minimum value of \$1 0 million dollars.
- 129A. The following fees and/or bonds are to be paid as part of this consent:
  - a. Construction certificate/plan approval fee, prior to approval of construction certificate or plans;
  - b. PCA/inspection fee, prior to approval of construction certificate or plans;
  - Long Service Levy, prior to issue of construction certificate (verification of payment is required if paid directly to Long Service Board);
  - d. Maintenance Bond, prior to commencement of the use; and

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The rates are as listed in Council's fees and charges. Contact Council's Subdivision Engineer prior to payment.

130. All works required to be completed in accordance with the Roads Act approval shall be completed prior to the occupation of any component of the development.

## APPROVED PLAN CONDITIONS AND EXTERNAL AGENCY APPROVALS

- 131A. The development is to be carried out in accordance with the General Terms of Approval Issued by the following agencies:
  - a. NSW Rural Fire Service Bushfire Safety Authority (Reference Number DA-2007-00971-S4.55-1) dated 20 May 2021.
  - b. Natural Resource Access Regulator General Terms of Approval (Reference Number S961135700) dated 3 June 2021.
- 132A. The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent or as noted in red by Council on the approved plans:

| Plan/Doc.Title   | Plan Ref. No                      | Sheet.  | Date               | Drawn By           |
|--|-----------------------------------|---|--------------------|--------------------|
| Concept<br>Masterplan  | 240060-DA-<br>001-E,<br>Version H | 1 Sheet   | 13 May 2021        | ADW Johnson        |
| Landscape<br>Plans (9<br>sheets)   | Rev A                             | L-100 – L108  | 5 March 2021       | Mara<br>Consulting |
| Trotter Road<br>Caravan Park<br>Modification<br>Concept<br>Engineering<br>Lot 2 D.P.<br>954600 DA 16-<br>2007-15-4 | 240060 Issue<br>No. B             | 001, 002,<br>1101, 102,<br>211,231, 232,<br>233, 501, 701,<br>801 and 802 | 4 June 2021        | ADW Johnson        |
| Temporary<br>Clubhouse<br>siting   | Issue A                           | 01  | 5 March 2021       | МВ                 |
| Ground Floor<br>Plan<br>(Temporary<br>Clubhouse)   | 20L000AA<br>Rev A                 | 1 of 8  | 25 January<br>2021 | Ingenia            |
| Community<br>Building Plans<br>(7 sheets)  | 21-0008 Issue<br>B                | DA-A1-0-02,<br>DA-A1-2-01,<br>DA-A1-2-02,<br>DA-A1-6-01,                  | 2 March 2021       | Arqus Design       |

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|                     |         | DA-A2-1-01,<br>DA-A2-1-02 |              |                      |
|---------------------|---------|---------------------------|--------------|----------------------|
| Maintenance<br>Shed | Issue A | 01                        | 5 March 2021 | Ingenia<br>Lifestyle |

| Document Title        | Prepared by | Date        |
|-----------------------|-------------|-------------|
| Stormwater Management | ADW Johnson | 4 June 2021 |
| Plan (Issue B)        |             |             |

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. If there is any inconsistency between the plans and documentation referred to above the most recent document shall prevail to the extent of any inconsistency.

#### **ADVICES**

The following general information is provided to assist you with the preparation and prompt processing of your Construction Certificate where such application is made to Council.

- A) Plans in respect of an application for a Construction Certificate must be submitted to the Hunter Water Corporation for checking & stamping prior to application for the Construction Certificate being made.
- B) In the case of residential building work, prior to commencement of work submit to Councillor a private certifying authority a copy of the contract of insurance under Part 6 of the Home Building Act 1989 (specific for the building work the subject of this approval) and builders licence details. (Or alternatively present to Council a copy of an Owner Builders Permit issued by the Department of Fair Trading.)
- C) If the value of the work is \$25,000 or more, you will need to pay a levy to the Long Service Corporation prior to issue of the construction certificate. You can either pay the Long Service Levy Corporation direct and show us your receipt OR you can pay us and we'll send your money to them.
  - Note: Owner builders can ask for a reduction in the levy. For more details contact the Long Service Corporation, Locked Bag 3000, CCDS, Lisarow 2252, phone 131441.
- D) Access to an adjoining property for construction & maintenance work requires the owner(s) consent. It is the responsibility of the owner/applicant to ensure that no part of the structure encroaches onto the adjoining property. The adjoining property owner can take legal action to have an encroachment removed.
- E) This approval relates to Development Consent only and does not infer any approval to commence excavations or building works upon the land. A Construction Certificate should be obtained prior to works commencing.

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- F) An agreement should be formed between the owners and the NSW Department of Environment and Conservation to eradicate and take measures to control weeds along the common property boundary.
- G) The developer should note that vehicular access in and out of Trotter Road from Nelson Bay Road may be restricted to left in/left out only as a result of the future upgrade along this section of Nelson Bay Road.
- H) This consent has been issued based on the development being connected to an existing sewerage treatment system, and that the proposed development would be located a minimum distance from the SEPP 14 wetland. If either of the these assumptions were to be amended, then a new opinion should be sought from the Department of Planning, as to whether the proposal would be considered as a Major Project pursuant to State Environmental Planning Policy (Major Projects) 2005.
- I) Council's Development Control Plan PS 2 Parking and Traffic Guidelines, requires that the car parking spaces have the following dimensions where:

|   | Length | Width |
|---|--------|-------|
| A parking space has a wall or obstruction on one side | 5.5m   | 2.8m  |
| A parking space is enclosed on both sides             | 5.5m   | 3.0m  |
| A parking space is parallel to kerb                   | 6.0m   | 2.6m  |
| A parking space is unobstructed on both sides         | 5.5m   | 2.6m  |

The turning area required for 900 parking is 6.7m to 7.0m. Where the required turning area is not available, Council may be approached to approve a reduction where wider car spaces are provided.

- J) The consent shall be sought and obtained prior to any change of use of the premises.
- K) Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work shall cease and the National Parks an Wildlife Service shall be consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.
- L) The developer is responsible for full costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposal. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- M) The Commonwealth Disability Discrimination Act makes it an offence to discriminate against people on the grounds of disability, in the provision of access to premises, accommodation, or services. This applies particularly to new buildings or significant building alterations. It is the owner/applicants responsibility to ensure compliance with the requirements of this Act. Further information about disabled access obligations can be found at the Human Rights and Equal Opportunities Commission website www.hreoc.gov.au

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# ITEM 2 - ATTACHMENT 3 RECOMMENDED CONDITIONS OF CONSENT.



- N) Consideration should be given to the following enhanced access and facilities provisions for the proposed development:
  - Australian Standard 1428.2 Design for access and mobility Enhanced and additional requirements - buildings and facilities; and
  - Australian Standard 1428.4 Design for access and mobility Tactile ground surface indicators for the orientation of people with vision impairment
- O) There are electricity network assets adjacent to the proposed development in Trotter Road. Any works undertaken adjacent to Ausgrid asset must be undertaken with care in accordance with Ausgrid Network Standard Document NS 156 – Work Near or Around Underground Cables.

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# ITEM 3 - ATTACHMENT 1 AND EXPLANATORY NOTE.

# DRAFT VOLUNTARY PLANNING AGREEMENT



Dated 2021

# **Planning Agreement**

**Environmental Planning and Assessment Act 1979** 

**Port Stephens Council** 

Kingshill Development No 1 Pty Ltd

Kingshill Development No 2 Pty Ltd

Sydney . Melbourne . Brisbane . Cairns www.holdingredlich.com

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

This Planning Agreement is dated

2021

Parties:

Council

Port Stephens Council (ABN 16 744 377 876) of 116 Adelaide Street, Raymond Terrace NSW 2324

Landowner and Developer

Kingshill Development No 1 Pty Ltd (ABN 99 158 129 652) of Suite 1, 3B Macquarie Street, Sydney NSW 2000

Kingshill Development No 2 Pty Ltd (ABN 73 158 127 041) of Suite 1, 3B Macquarie Street, Sydney NSW 2000

#### Introduction:

- A The Developer owns the Land.
- **B** The Developer lodged the Development Application with Council for Development Consent to carry out the Development on the Land.
- C The Developer has offered to enter into this Agreement with the Council to provide the Development Contribution if the Development is undertaken.
- D The Parties agree that the Developer offers the Development Contributions to enhance, maintain and sustain the ecological values of the Land to ensure that the Development is not likely to significantly affect a threatened species, population, or ecological community, or its habitat.

#### It is agreed:

#### 1. Definitions and interpretation

#### 1.1 Definitions

In this deed, unless the context clearly indicates otherwise:

Act means the Environmental Planning and Assessment Act 1979 (NSW).

Address for Service means the address of each party appearing in Schedule 2 or any new address notified by any party to all other parties as its new Address for Service.

**Administrative Fees** means the reasonable costs incurred by the Council relating to and arising directly from the administration and implementation of this deed.

Annual Works Program means the program set out in section 5.2 of the BMP.

**Authority** means any Federal, State or local government or semi-governmental, statutory, judicial or public person, instrumentality or department.

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

Page 4

Bank Guarantee means an irrevocable and unconditional undertaking:

- by an Australian bank which is an eligible financial institution for the purposes of Treasury Circular NSW TC14/01 dated 24 January 2014 as amended, supplemented or substituted from time to time; and
- (b) on terms acceptable to the Council, in the Council's absolute discretion,

to pay the face value of that undertaking (being such amount as is required under this deed) on demand.

Base CPI means the CPI number for the quarter ending after the date of execution of this Deed.

**BCAMP** means the Biodiversity Conservation Area Management Plan prepared by RPS Group dated 27 June 2020 (version D02), as attached as **Annexure A** to this deed.

**BMP** means the Biodiversity Management Plan prepared by RPS Group dated 24 July 2020 (version 06) submitted with the Development Application.

- BMZ 1 means the zone described in section 3.3.2 of the BMP.
- BMZ 2 means the zone described in section 3.3.3 of the BMP.
- BMZ 3 means the zone described in section 3.3.4 of the BMP.
- BMZ 4 means the zone described in section 3.3.5 of the BMP.
- BMZ 5 means the zone described in section 3.3.6 of the BMP.

**Business Day** means any day that is not a Saturday, Sunday, public holiday or bank holiday in Sydney, and concludes at 5pm on that day.

CLM Act means the Contaminated Land Management Act 1997 (NSW).

Commencement Date means the date this deed commences in accordance with clause 2.1 of this deed

**Commercial Premises** has the same meaning as commercial premises under the Standard Instrument.

Consent Authority has the same meaning as in the Act.

**Conservation Area** means the area generally as shown on the plan attached as Annexure B to this deed, subject to clause 3 of Schedule 4.

#### Conservation Area Contribution means the:

- (a) provision of the Conservation Works; and
- (b) transfer of the Conservation Area to the Council,

in accordance with clause 2 of Schedule 4.

**Conservation Works** means the works to be undertaken on the Conservation Area prior to transfer of the Conservation Area to Council, comprising the works contemplated in the BMP.

Construction Certificate has the same meaning as in the Act.

Contamination has the same meaning as in the CLM Act and includes asbestos and lead.

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Contamination Consultant means a suitably qualified consultant as agreed by the Council.

Contribution Amount means the amount of the Monetary Contribution to be paid by the Developer in accordance with Schedule 4.

Costs means any loss, cost, fee, charge, expense, Tax, rate, fine, penalty or debts including those in connection with advisors and any compensation payable to any person in accordance with the law.

**CPI** means the Sydney Consumer Price Index (All Groups) published by the Commonwealth Statistician, or if that index no longer exists, any similar index that the Council specifies, in his or her sole discretion, for the purposes of this deed.

CPI Adjustment Date means 1 July 2020 and each anniversary of 1 July 2020 thereafter.

**Current CPI** means the CPI number for the quarter ending immediately before 31 March in the relevant adjustment year.

**Dealing** means in relation to the Land means, without limitation, selling, transferring, assigning, mortgaging, charging, disposing, encumbering or otherwise dealing with the Land.

**Development** means the development the subject of concept development application reference 16-2018-772-1, being a concept development for the future residential subdivision on the Land located within the Kings Hill Urban Release Area and Stage 1 subdivision works for initial site preparation and vegetation clearing.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

 $\textbf{Development Contribution} \ \ \text{means the contributions to be provided by the Developer in accordance with Schedule 4}.$ 

Developer means the Developer and the Landowner, unless otherwise specified in this deed.

**Explanatory Note** means the note exhibited with a copy of this deed when this deed is made available for inspection by the public pursuant to the Act, as required by the Regulation.

**General Register of Deeds** means the land register maintained under the *Conveyancing Act 1919* (NSW) and so titled.

GST means any form of goods and services tax payable under the GST Legislation.

GST Legislation means the A New Tax System (Goods and Services Tax) Act 1999 (Cth).

Land means the land described in Schedule 3.

**Mediation Program** means the Mediation Program of the Law Society of New South Wales as published on its website and as varied from time to time.

**Milestone** means the works or other activities specified in Column 1 of Table 1 in Schedule 6 relating to the carrying out of the Conservation Works.

**Milestone Notice** means a written notice from the Developer to the Council notifying the Council that the Developer has achieved the Milestone specified in the notice, in accordance with clause 1.2 of Schedule 6.

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**Monetary Contribution** means the Contribution Amount to be provided by the Developer to Council, to fund in-perpetuity maintenance of the Conservation Area prior to the transfer of the Conservation Area to Council, in accordance with clause 6 of Schedule 4.

**Nominated Officer** means an officer of the Council for the time being holding a position nominated by the Council for the purposes of this deed.

**Plan of Subdivision** means a registered plan of subdivision within the meaning of section 195 of the *Conveyancing Act 1919* (NSW).

### Planning Application means:

- (a) a Development Application; or
- (b) any other application required under the Act,

which seeks approval for the subdivision of the Land.

Real Property Act means the Real Property Act 1900 (NSW).

Register means the Torrens title register maintained under the Real Property Act.

Regulation means the Environmental Planning and Assessment Regulation 2000 (NSW).

Related Entity has the same meaning as in section 9 of the Corporations Act 2001 (Cth).

**Remediation** has the meaning given to it in *State Environmental Planning Policy No. 55 – Remediation of Land* and **remediate** has a corresponding meaning.

Residential Accommodation has the same meaning as residential accommodation under the Standard Instrument

Security means a Bank Guarantee for the amount and on the terms specified in Schedule 5.

Service Lot means a lot that is created for one or more of the following purposes:

- (c) to be dedicated or otherwise transferred to an Authority;
- (d) for any public utility undertaking within the meaning of the Standard Instrument as at the date of this deed:
- (e) to be association property within the meaning of the Community Land Development Act 1989 (NSW); or
- (f) for open space, recreation, environmental conservation, drainage or riparian land management,

but does not include a Super Lot.

Site Audit Report has the same meaning as in the CLM Act.

Site Audit Statement has the same meaning as in the CLM Act.

Site Auditor has the same meaning as in the CLM Act.

Standard Instrument means the Standard Instrument—Principal Local Environmental Plan.

**Strata Plan** means a strata plan or strata plan of subdivision within the meaning of the Strata Schemes Act.

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Strata Schemes Act means the Strata Schemes Development Act 2015 (NSW).

**Subdivision Works Certificate** means a certificate authorising works on the Land pursuant to Division 6.4 of Part 6 of the Act.

**Super Lot** means a lot that forms part of the Land which, following the registration of a Plan of Subdivision, is intended for further subdivision (including strata and community title subdivision):

- (a) for Residential Accommodation; or
- (b) to be used for Commercial Premises,

but does not include a Service Lot.

**Tax** means a tax, duty (including stamp duty and any other transaction duty), levy, impost, charge, fee (including a registration fee) together with all interest, penalties, fines and costs concerning them.

Transfer Date is defined in clause 3.2 of Schedule 4 to this Deed.

Urban Lot means a lot that forms part of the Land to be created by the registration of a:

- (a) Plan of Subdivision and is intended to be developed for Residential Accommodation; or
- (b) Strata Plan and has been or is being developed for Residential Accommodation,

but excluding any Service Lots and Super Lots.

### 1.2 Interpretation

In this deed unless the context clearly indicates otherwise:

- a reference to this deed or another document means this deed or that other document and any document which varies, supplements, replaces, assigns or novates this deed or that other document;
- a reference to legislation or a legislative provision includes any statutory modification, or substitution of that legislation or legislative provision and any subordinate legislation issued under that legislation or legislative provision;
- (c) a reference to a body or authority which ceases to exist is a reference to either a body or authority that the parties agree to substitute for the named body or authority or, failing agreement, to a body or authority having substantially the same objects as the named body or authority;
- a reference to the introduction, a clause, a schedule or an annexure is a reference to the introduction, a clause, a schedule or an annexure to or of this deed;
- clause headings, the introduction and the table of contents are inserted for convenience only and do not form part of this deed;
- (f) the schedules and annexures form part of this deed;
- (g) a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown or any other organisation or legal entity;
- a reference to a natural person includes their personal representatives, successors and permitted assigns;

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- (i) a reference to a corporation includes its successors and permitted assigns;
- a reference to a right or obligation of a party is a reference to a right or obligation of that party under this deed;
- an obligation or warranty on the part of 2 or more persons binds them jointly and severally and an obligation or warranty in favour of 2 or more persons benefits them jointly and severally;
- a requirement to do any thing includes a requirement to cause that thing to be done and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (m) including and includes are not words of limitation;
- (n) a word that is derived from a defined word has a corresponding meaning;
- (o) monetary amounts are expressed in Australian dollars;
- (p) the singular includes the plural and vice-versa;
- (q) words importing one gender include all other genders;
- (r) a reference to a thing includes each part of that thing; and
- (s) neither this deed nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting.

### 2. Operation and application of this deed

#### 2.1 Operation

- (a) This deed commences on the date that this deed is signed by all the parties.
- (b) For the avoidance of doubt, the obligation under this deed to deliver the Development Contribution does not take effect until:
  - any Development Consent for Subdivision Works within the Development has been granted; and
  - (ii) the Developer issues a notice to Council required under section 6.12(2)(c) of the Act for the commencement of works on the Land the subject of the first Subdivision Works Certificate.

### 2.2 Planning agreement under the Act

This deed constitutes a planning agreement within the meaning of section 7.17 of the Act and the parties agree on the matters set out in Schedule  $\bf 1$ .

### 2.3 Application

This deed applies to:

- (a) the Land; and
- (b) the Development.

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### 3. Application of sections 7.11, 7.12 and 7.24 of the Act

The application of sections 7.11, 7.12 and 7.24 of the Act are excluded to the extent stated in Schedule 1.

#### 4. Development Contribution

### 4.1 Developer to provide Development Contribution

The Developer undertakes to provide, or procure the provision of the Development Contribution to the Council in accordance with the provisions of Schedule 4 to this deed.

### 4.2 Acknowledgement

The Council acknowledges and agrees that the Council must use or expend the Monetary Contribution for the purpose of ongoing maintenance and management of the Conservation Area in accordance with the BCAMP.

#### 5. Enforcement

### 5.1 Developer to provide Security

The Developer has agreed to provide security to the Council for the performance of the Developer's obligations under this deed by providing the Security to the Council in accordance with the terms and procedures set out in Schedule 5.

### 6. Registration

## 6.1 Registration of deed

- (a) Within 20 Business Days of receiving a copy of this deed executed by the Council, the Developer, at their own expense is to take all practical steps and otherwise do anything to procure:
  - (i) the consent of each person, as required by the Registrar-General, who:
    - (A) has an estate or interest in the Land registered under the Real Property Act; or
    - (B) is seized or possessed of an estate or interest in the Land,

to the registration of this deed on the title to the Land and to the terms of this deed; and

- (ii) the execution of any documents;
- (iii) the production of the relevant certificates of title; and
- (iv) the lodgement of this deed in a registrable form at the NSW Land Registry Services for registration by the Registrar-General in the relevant folio of the Register for the Land, or in the General Register of Deeds if this deed relates to land not under the Real Property Act.
- (b) The Developer will take all practical steps and otherwise do anything reasonably required to procure the registration of this deed within three months of the date of this deed in the relevant folio of the Register for the Land, or in the General Register of Deeds if this deed relates to land not under the Real Property Act, including promptly responding to any

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requisitions made by the Registrar-General in respect of this deed and/or any ancillary documents.

## 6.2 Evidence of registration

- (a) The Developer must provide the Council with evidence of the lodgement of this deed pursuant to clause 6.1(a)(iv) within 10 Business Days of such lodgement at the NSW Land Registry Services.
- (b) The Developer and the Landowner will provide the Council with a copy of the relevant folio of the Register for the Land and a copy of the registered dealing containing this deed within 10 Business Days of receipt of notice of registration of this deed.

### 6.3 Release and discharge of deed

- (a) The Council agrees to do all things reasonably required by the Developer, including executing any form or providing any consent required by the NSW Land Registry Services to extinguish and discharge this deed:
  - over any Urban Lot, Super Lot or Service Lot that does not include any part of the Conservation Area, upon receipt of a Subdivision Certificate application that will create the Urban Lot, Super Lot or Service Lot; and
  - (ii) in relation to any other part of the Land or any Service Lot that includes part of the Conservation Area, once the Developer has completed its obligations under this deed to the reasonable satisfaction of the Council or this deed is terminated or otherwise comes to an end for any other reason.

#### 6.4 Landowner's interest in Land

The Landowner represents and warrants that at the date of this deed it is the owner of that part of the Land identified in Schedule 3.

### 7. Dispute Resolution

### 7.1 Not commence

A party must not commence any court proceedings relating to a dispute unless it complies with this clause 7.

## 7.2 Written notice of dispute

A party claiming that a dispute has arisen under or in relation to this deed must give written notice to the other party specifying the nature of the dispute.

## 7.3 Attempt to resolve

On receipt of notice under clause 7.2, the parties must endeavour in good faith to resolve the dispute expeditiously using informal dispute resolution processes such as mediation, expert evaluation or other methods agreed by them.

## 7.4 Mediation

If the parties do not agree within 21 Business Days of receipt of notice under clause 7.2 (or any further period agreed in writing by them) as to:

(a) the dispute resolution technique and procedures to be adopted;

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- (b) the timetable for all steps in those procedures; or
- (c) the selection and compensation of the independent person required for such technique,

the parties must mediate the dispute in accordance with the Mediation Program. The parties must request the president of the Law Society of NSW or the president's nominee to select the mediator and determine the mediator's remuneration.

### 7.5 Court proceedings

If the dispute is not resolved within 60 Business Days after notice is given under clause 7.2 then any party which has complied with the provisions of this clause 7 may in writing terminate any dispute resolution process undertaken under this clause and may then commence court proceedings in relation to the dispute.

### 7.6 Not use information

- (a) The parties acknowledge the purpose of any exchange of information or documents or the making of any offer of settlement under this clause 7 is to attempt to settle the dispute. No party may use any information or documents obtained through any dispute resolution process undertaken under this clause 7 for any purpose other than in an attempt to settle the dispute.
- (b) Unless agreed between the parties, no party may use any information or documents obtained through any dispute resolution process undertaken under clause 7.4 in court proceedings commenced pursuant to clause 7.5.

### 7.7 No prejudice

This clause 7 does not prejudice the right of a party to institute court proceedings for urgent injunctive or declaratory relief in relation to any matter arising out of or relating to this deed.

### GST

### 8.1 Definitions

Words and expressions used in this clause that are defined in the GST Legislation have the meaning given in that legislation.

### 8.2 Intention of the parties

The parties intend that no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties, except for expenses incurred under clause 12.15.

### 8.3 Reimbursement

If the Council is obliged to pay any GST on any supply made in accordance with this deed, the Landowner indemnifies the Council for the amount of any such payment required to be made.

### 8.4 Consideration GST exclusive

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this deed are exclusive of GST.

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#### 8.5 Additional Amounts for GST

If GST is imposed on any supply made in accordance with this deed, the Landowner must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

### 8.6 Non monetary consideration

Clause 8.5 applies to non-monetary consideration.

#### 8.7 Assumptions

The Developer acknowledges and agrees that in calculating any amounts payable under clause 8.5 the Developer must assume the Council is not entitled to any input tax credit.

### 8.8 No merger

This clause does not merge on completion or termination of this deed.

### 9. Assignment and transfer

#### 9.1 Right to assign or novate

- (a) Prior to a proposed assignment or novation of its rights or obligations under this deed, the party seeking to assign its rights or novate its obligations (Assigning Party) must seek the consent of the Council and:
  - (i) satisfy the Council (acting reasonably) that the person to whom the Assigning Party's rights or obligations are to be assigned or novated (Incoming Party) has sufficient assets, resources and expertise required to perform the Assigning Party's obligations under this deed insofar as those obligations are to be novated to the Incoming Party;
  - (ii) procure the execution of an agreement by the Incoming Party with the Council on terms satisfactory to the Council (acting reasonably) under which the Incoming Party agrees to comply with the terms and conditions of this deed as though the Incoming Party were the Assigning Party; and
  - (iii) satisfy the Council, acting reasonably, that it is not in material breach of its obligations under this deed.
- (b) The Assigning Party must pay the Council's reasonable legal costs and expenses incurred under this clause 9.1.

### 9.2 Right to transfer Land

- (a) The Developer must not sell or transfer to another person (**Transferee**) the whole or part of any part of the Land on which this deed remains registered under section 7.6 of the Act.
- (b) Despite clause 9.2(a), the Developer may sell or transfer the whole or any part of the Land on which this deed remains registered under section 7.6 of the Act to a Transferee if prior to the proposed sale or transfer the Developer:
  - (i) satisfies the Council, acting reasonably, that the proposed Transferee has sufficient assets, resources and expertise required to perform any of the remaining obligations of the Developer under this deed or satisfies the Council, acting reasonably, that the Developer will continue to be bound by the terms of this deed after the transfer has been effected;

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- (ii) procures the execution of an agreement by the Transferee with the Council on terms satisfactory to the Council, acting reasonably, under which the Transferee agrees to comply with the terms and conditions of this deed as though the Transferee were the Developer; and
- (iii) satisfies the Council, acting reasonably, that it is not in material breach of its obligations under this deed.
- (c) The Developer must pay the Council's reasonable legal costs and expenses incurred under this clause 9.2.

### 9.3 Replacement Security

Provided that:

- (a) the Developer has complied with clauses 9.1 and 9.2; and
- (b) the Transferee or Incoming Party (as the case may be) has provided the Council with a replacement Security in accordance with the requirements of Schedule 5 and on terms acceptable to the Council,

the Council will promptly return the Security to the Developer.

### 9.4 Transfer of Land between the Landowner and the Developer

- (a) The provisions of clauses 9.1 to 9.3 do not apply where the Landowner transfers any part of the Land it owns to the Developer.
- (b) Despite clauses 9.1 to 9.2, the Landowner may, without consent, Deal with or assign its rights under this deed or its interests in the Land on which this deed remains registered under section 7.6 of the Act to a Related Entity, provided that the Landowner:
  - notifies Council of the name of the assignee as soon as practicable prior to the assignment occurring; and
  - (ii) provides the Council with an executed deed of novation, on terms acceptable to Council (acting reasonably) requiring the assignee to comply with the terms of this deed.

### 10. Capacity

## 10.1 General warranties

Each party warrants to each other party that:

- this deed creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms; and
- (b) unless otherwise stated, it has not entered into this deed in the capacity of trustee of any trust.

## 10.2 Power of attorney

If an attorney executes this deed on behalf of any party, the attorney declares that it has no notice of the revocation of that power of attorney.

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#### 11. Reporting requirement

- (a) On each anniversary of the date of this deed or as otherwise agreed with the Council until such time as the Developer has provided the Development Contributions in accordance with this deed, the Developer must deliver to the Council a report (in a format acceptable to the Council) which must include those matters set out in clause 11(b).
- (b) The report must include a compliance schedule showing the details of all Development Contributions provided under this deed as at the date of the report and indicating any noncompliance with this deed and the reason for the non-compliance; and
- (c) Upon the Council's request, the Developer must deliver to the Council all documents and other information which, in the reasonable opinion of the Council are necessary for the Council to assess the Developer's compliance with this deed.

#### 12. General Provisions

### 12.1 Entire deed

This deed constitutes the entire agreement between the parties regarding the matters set out in it and supersedes any prior representations, understandings or arrangements made between the parties, whether orally or in writing.

#### 12.2 Variation and Review

- (a) This deed must not be varied except by a later written document executed by all parties.
- (b) This deed may be reviewed or modified and any review or modification of this deed will be conducted in the circumstances and in the manner determined by the parties.
- (c) The parties acknowledge that the Developer will refer the Developer to the Commonwealth under the Environment Protection Biodiversity Conservation Act 1999 (EPBC Act) as a controlled action, which may give rise to the potential for future variation or modification of this deed.
- (d) In the event that either party considers that a variation or modification of this deed is required, including because of a determination made pursuant to a referral under the EPBC Act, then the Developer and the Council agree to meet and review this deed.
- (e) During a review of the deed under cl 12.2(d), the parties agree to negotiate any variation or modification to the deed in good faith and use their best endeavours to reach agreement.
- (f) Any agreement reached during a review under clause 12.2(d) will not constitute an amendment to this deed until the amendment has been:
  - (i) confirmed in writing as a proposed amendment to this deed;
  - (ii) publicly notified in accordance with the Regulation;
  - (iii) approved by Council after consideration of any public submissions; and
  - (iv) signed by the parties.
- (g) A failure by a party to agree to participate in a review under this clause 12.2 is taken to be a dispute for the purposes of clause 7.

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(h) If the parties cannot agree to the terms of any amendment to this deed following a review under clause 12.2(d), either party may refer the matter to dispute resolution under clause 7.

#### 12.3 Waiver

A right created by this deed cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right does not constitute a waiver of that right, nor will a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.

#### 12.4 Further assurances

Each party must promptly execute all documents and do everything necessary or desirable to give full effect to the arrangements contained in this deed.

### 12.5 Time for doing acts

- (a) If:
  - (i) the time for doing any act or thing required to be done; or
  - (ii) a notice period specified in this deed,

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5 pm on the specified day, it is taken to have been done on the following Business Day.

#### 12.6 Governing law and jurisdiction

- (a) The laws applicable in New South Wales govern this deed.
- (b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

### 12.7 Severance

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this deed without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

### 12.8 Preservation of existing rights

The expiration or termination of this deed does not affect any right that has accrued to a party before the expiration or termination date.

### 12.9 No merger

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this deed for any reason, does not merge on the occurrence of that event but remains in full force and effect.

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# 12.10 Counterparts

This deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

### 12.11 Relationship of parties

Unless otherwise stated:

- (a) nothing in this deed creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and
- (b) no party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

#### 12.12 Good faith

Each party must act in good faith towards all other parties and use its best endeavours to comply with the spirit and intention of this deed.

#### 12.13 No fetter

Nothing in this deed is to be construed as requiring the Council to do anything that would cause the Council to breach any of the Council's obligations at law and without limitation, nothing in this deed shall be construed as limiting or fettering in any way the discretion of the Council in exercising any of the Council's statutory functions, powers, authorities or duties.

### 12.14 Explanatory note

The Explanatory Note must not be used to assist in construing this deed.

## 12.15 Expenses and stamp duty

- (a) The Developer must pay its own and the Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of this deed within 20 days of Council providing a valid tax invoice.
- (b) The Developer agrees to pay to Council the Administrative Fees.
- (c) Prior to the issue of any notice to Council required under section 6.12(2)(c) of the Act for the commencement of any works the subject of a Subdivision Works Certificate, the Developer will pay to Council the amount of \$50,000.00 (Administrative Fee Payment) to be held and applied towards payment or reimbursement of Administrative Fees reasonably incurred by the Council on and from the date Council grants the Subdivision Works Certificate for the Development.
- (d) On each anniversary of the date upon which the first Administrative Fee Payment is paid by the Developer to Council, the Developer will pay to the Council an amount of \$50,000. Within 14 days of receipt of the Administrative Fee Payment, Council will provide the Developer with a valid Tax Invoice for the Administrative Fee Payment.
- (e) The Administrative Fees payable by the Developer will not exceed \$250,000 in total and \$50,000 in Administrative Fees in any calendar year and nothing within this deed or this

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- clause 12.15 requires the Developer to pay more than \$250,000 in total in Administrative Fees and more than \$50,000 in Administrative Fees in any calendar year.
- (f) Upon the Council notifying the Developer that all Administrative Fees have been paid, the Council is to return the balance (if any) of the Administrative Fee Payment that has not been applied under this clause and provide the Developer with any outstanding Tax Invoices supporting any expenditure of the Administrative Fees requested by the Developer.
- (g) The Developer must pay for all reasonable costs and expenses associated with the giving of public notice of this deed and the Explanatory Note in accordance with the Regulation.
- (h) The Developer must pay all Taxes assessed on or in respect of this deed and any instrument or transaction required or contemplated by or necessary to give effect to this deed (including stamp duty and registration fees, if applicable).
- (i) The Developer must provide the Council with bank cheques, or an alternative method of payment if agreed with the Council, in respect of the Council's costs pursuant to clauses 12.15(a) and (g):
  - where the Council has provided the Developer with written notice of the sum of such costs prior to execution, on the date of execution of this deed; or
  - (ii) where the Council has not provided the Developer with prior written notice of the sum of such costs prior to execution, within 30 Business Days of demand by the Council for payment.

### 12.16 Notices

- (a) Any notice, demand, consent, approval, request or other communication (Notice) to be given under this deed must be in writing and must be given to the recipient at its Address for Service by being:
  - (i) hand delivered; or
  - (ii) sent by facsimile transmission (if a facsimile number is provided in the Address for Service); or
  - (iii) sent by prepaid ordinary mail within Australia; or
  - (iv) sent by email (if an email address is provided in the Address for Service).
- (b) A Notice is given if:
  - hand delivered, on the date of delivery but if delivery occurs after 5pm New South Wales time or a day that is not a Business Day, is taken to be given on the next Business Day;
  - sent by facsimile and the sending party's facsimile machine reports that the facsimile has been successfully transmitted;
    - (A) before 5pm on a Business Day, on that day;
    - (B) after 5pm on a Business Day, on the next Business Day after it is sent; or
    - (C) on a day that is not a Business Day, on the next Business Day after it is sent; or

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- (iii) sent by prepaid ordinary mail within Australia, on the date that is 2 Business Days after the date of posting; or
- (iv) sent by email:
  - (A) before 5pm on a Business Day, on that Day;
  - (B) after 5pm on a Business Day, on the next Business Day after it is sent; or
  - (C) on a day that it is not a Business Day, on the next Business Day after it is sent,

and the sender does not receive a delivery failure notice.

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

# Schedule 1 - Summary of Requirements

## Table 1 - Requirements under section 7.4 of the Act (clause 2.2)

The parties acknowledge and agree that the table set out below provides for certain terms, conditions and procedures for the purpose of the deed complying with the Act.

| Requ   | irement under the Act  | This deed   |  |  |
|--|--|---|--|--|
|  | ning instrument and/or development ication — (section 7.4(2))  |   |  |  |
| The I  | Developer has:   |   |  |  |
| (a)  | sought a change to an environmental planning instrument.   | (a) No  |  |  |
| (b)  | made, or proposes to make, a Development Application.  | (b) Yes   |  |  |
| (c)  | entered into an agreement with, or is<br>otherwise associated with, a person, to<br>whom paragraph (a) or (b) applies. | (c) No  |  |  |
|  | ription of land to which this deed applies –<br>ion 7.4(3)(a))   | See Schedule 3  |  |  |
|  | ription of development to which this deed<br>ies – (section 7.4(3)(b))   | See definition of Development in clause 1.1   |  |  |
| plan   | ription of change to the environmental<br>ning instrument to which this deed applies –<br>ion 7.4(3)(b))               | Not applicable  |  |  |
|  | scope, timing and manner of delivery of ribution required by this deed – (section B)(c))                               | See Schedule 4  |  |  |
| Applicability of sections 7.11 and 7.12 of the Act – (section 7.4(3)(d)) |  | The application of sections 7.11 and 7.12 of the Act is not excluded in respect of the Development. |  |  |
| <b>Appl</b> 7.4(3  | icability of section 7.24 of the Act – (section B)(d))   | The application of section 7.24 of the Act is not excluded in respect of the Development.           |  |  |
|  | ideration of benefits under this deed if on 7.11 applies – (section 93F(3)(e))   | No  |  |  |
| <b>Mec</b> 7.4(3   | hanism for Dispute Resolution — (section B)(f))  | See clause 7  |  |  |
| Enfo   | rcement of this deed – (section 7.4(3)(g))   | See clause 5 and clause 6   |  |  |
| No obligation to grant consent or exercise functions – (section 7.4(10)) |  | See clause 12.13  |  |  |

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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## Table 2 – Other matters

| Requirement under the Act  | This deed            |
|--|----------------------|
| Registration of the Planning Agreement – (section 7.6 of the Act)  | Yes (see clause 6)   |
| Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before a construction certificate is issued – (clause 25E(2)(g) of the Regulation) | No (see Schedule 6 ) |
| Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before an occupation certificate is issued – (clause 25E(2)(g) of the Regulation)  | No                   |
| Whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before a subdivision certificate is issued – (clause 25E(2)(g) of the Regulation)  | No                   |

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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## Schedule 2 Address for Service

(clause 1.1)

Council

Contact: Port Stephens Council
Address: 116 Adelaide Street

RAYMOND TERRACE NSW 2324

Facsimile No: (02) 4988 0130

Email: Council@portstephens.nsw.gov.au

**Developer and Landowner** 

Kingshill Development No 1 Pty Ltd

Contact: Wesley Chong

Address: Suite 1/3B Macquarie Street, Sydney NSW 2000

Facsimile No: (02) 9251 5089

Email: Wesley.chong@pmno1.com

Kingshill Development No 2 Pty Ltd

Contact: Wesley Chong

Address: Suite 1/3B Macquarie Street, Sydney NSW 2000

Facsimile No: (02) 9251 5089

Email: Wesley.chong@pmno1.com

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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# Schedule 3 Land

(clause 1.1)

| Lot  | Deposited Plan | Folio Identifier | Landowner                             |
|------|----------------|------------------|---------------------------------------|
| 41   | 1037411        | 41/1037411       | Kingshill Development No 1<br>Pty Ltd |
| 4821 | 852073         | 4821/852073      | Kingshill Development No 2<br>Pty Ltd |

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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### **Schedule 4 Development Contributions**

(clause 4)

### 1. Development Contributions

(a) The Developer undertakes to provide the Development Contribution to the Council in the manner set out in the table below:

| Development<br>Contribution       | Timing  | Value   |
|-----------------------------------|---|---|
| Conservation Area<br>Contribution | In accordance with clause 2 of<br>this Schedule 4 | Conservation Works<br>estimated at \$3,500,000, in<br>accordance with Table 1 of<br>Schedule 6. |
| Monetary Contribution             | In accordance with clause 6 of this Schedule 4    | In accordance with clause 6 of this Schedule 4  |

### 2. Conservation Area Contribution

- (a) The Developer must:
  - carry out the Conservation Works in accordance with Schedule 6 to the Council's satisfaction (acting reasonably) prior to the transfer of the Conservation Area to the Council; and
  - (ii) transfer the Conservation Area to the Council in accordance with clause 3.4 of this Schedule 4.

### 3. Selection of Conservation Area

## 3.1 Site selection process

- (a) The parties acknowledge that while the approximate location of the Conservation Area is shown on the plan at Annexure B, the final location of the Conservation Area is yet to be determined.
- (b) The parties agree that the final location of the Conservation Area will be determined by the following process:
  - the Developer must, at its own cost and within at least 6 months of fulfilling all Milestones, prepare and provide the Council with a plan (Conservation Area Plan) identifying the boundaries of the Conservation Area (Proposed Site);
  - (ii) the Council may inspect the Proposed Site for the purpose of determining whether it is suitable to constitute the Conservation Area. The Developer agrees to grant access to the Land to the Council and its nominees, agents and contractors for this purpose;
  - (iii) the Council will provide written notice to the Developer of whether the Proposed Site is suitable to constitute the Conservation Area. The Council agrees to use reasonable

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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endeavours to provide such notice within 28 Business Days of receipt of the Conservation Area Plan. If a notice under this clause:

- states that the Proposed Site is to constitute the Conservation Area, the relevant Proposed Site will form the Conservation Area;
- (B) states that the Proposed Site is not suitable as a Conservation Area, the Developer must, within 30 Business Days of the Council's notification under this clause, provide a Conservation Area Plan for an alternative location for the Conservation Area, in which case the provisions of clauses 3.1(b)(i) to (iii) of this Schedule 4 will continue to apply until the location for the Conservation Area is determined in accordance with clause 3.1(b)(iii)(A) of this Schedule 4;
- (C) if no final location for the Conservation Area is determined after the Developer has provided 3 different Conservation Area Plans for the Proposed Site, the parties shall be in dispute and the provisions of clause 7 of this deed will apply in relation to the Conservation Area; and
- (D) if the Developer does not provide any Conservation Area Plan by the time required under clause 3.1(b)(i) or clause 3.1(b)(iii)(B) of this Schedule 4, the Council may decide in its sole discretion the location of the Conservation Area.

#### 3.2 Contamination

- (a) Not more than one month prior to the date on which the Developer proposes to transfer the Conservation Area to the Council (Transfer Date), the Developer must, at its cost, obtain and provide to the Council:
  - (i) a contamination report prepared by a Contamination Consultant which:
    - (A) confirms the nature and extent of any Contamination on the Conservation Area; and
    - (B) outlines any contamination remediation works which have been undertaken on the Conservation Area for the purposes of making it suitable for the purposes of conservation.
  - (ii) only if contamination remediation works have been undertaken, as identified in the contamination report required by this clause, a Site Audit Report and Site Audit Statement from a Site Auditor in respect of the Conservation Area which:
    - states that the Conservation Area is suitable or will be suitable for the purposes of conservation as at the Transfer Date;
    - (B) are addressed to the Council; and
    - (C) are otherwise on terms satisfactory to the Council (acting reasonably).
- (b) If the Developer does not comply with clause 3.2(a), the Council may:
  - refuse to accept the transfer of the Conservation Area until such time as clause 3.2(a) has been complied with; and
  - (ii) without limiting the Developer's obligations under clause 3.2(a), require that the Developer undertake works, at the Developer's cost and within a timeframe determined by the Council (acting reasonably), so as to enable the Developer to comply with clause 3.2(a),

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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- (iii) in which case the Developer must comply with the Council's requirements.
- (c) The Council must notify the Developer in writing within 15 Business Days of receipt of the contamination report in accordance with clause 3.2(a) whether the Council is satisfied that the Developer has complied with its obligations under clauses 3.2(a) and 3.2(b). For the avoidance of doubt, any failure by the Council to provide a notice in accordance with this clause 3.2(c) does not affect the Developer's obligation to transfer the Conservation Area to the Council in accordance with clause 3.4 of this Schedule 4.

## 3.3 Registration of positive covenant

- (a) Upon registration of the transfer of the Conservation Area to the Council, the Council must register a positive covenant to the Conservation Area.
- (b) The covenant must provide that the owner of the Conservation Area must maintain and manage the Conservation Area in accordance with the BCAMP.
- (c) The covenant must provide that if the Council transfers the Conservation Area that the transferee is to register a positive covenant on title of the Conversation Area in substantially the same terms as the positive covenant that is required by this clause 3.3.

#### 3.4 Transfer of the Conservation Area

- (a) Following receipt of:
  - a notice from the Council stating that the Proposed Site is suitable to constitute the Conservation Area pursuant to clause 3.1(b); and
  - (ii) a notice from the Council in accordance with clause 3.2(c) of this Schedule 4; and
  - (iii) a notice from the Council stating that all Milestones have been achieved pursuant to clause 1.2 of Schedule 6,

the Developer agrees to:

- (iv) register a Plan of Subdivision to create a lot comprising the Conservation Area; and
- (v) deliver to the Council:
  - (A) a form of transfer in respect of the land comprising the Conservation Area executed by the Landowner and in registrable form; and
  - (B) the certificates of title for the Conservation Area,

and must take any other necessary action (other than paying stamp duty associated with the transfer) to give effect to the transfer of the title of the Conservation Area to the Council free of all encumbrances and affectations (including any charge or liability for rates, taxes and charges), other than any encumbrances set out in clause 3.4(b) of this Schedule 4

- (b) Upon transfer, the Conservation Area will be free from any encumbrances other than service easements, the positive covenant required by clause 3.3, or such other encumbrances as agreed with the Council and such agreement by the Council must not be unreasonably withheld or delayed.
- (c) The Developer must promptly comply, or procure compliance with, any requisitions raised by the Registrar-General in relation to the transfer of the Conservation Area.

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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- (d) The Developer will pay all rates and taxes owing in respect of the Conservation Area up to and including the date that the Developer delivers the form of transfer and certificates of title for the Conservation Area pursuant to clause 3.4(a)(v) of this Schedule 4, after which time the Council will be responsible for all rates and taxes in relation to the Conservation Area.
- (e) The Developer must, from the Commencement Date not undertake any action or activity, prior to the transfer being registered that will have a detrimental effect on the conservation values of the Conservation Area except where the Developer is:
  - directed to undertake such action or activity by another government agency or instrumentality (such as the NSW Rural Fire Service);
  - (ii) maintaining existing access and existing tracks; or
  - (iii) otherwise required by law to undertake such an action or activity including in order to comply with any conditions of a Development Consent or any order made under the Act in respect of the Land.
- (f) For clarity, the Developer and the Council agree that transfer of the Conservation Area is made subject to any rights of the Crown in respect of Aboriginal objects that may be located within the Conservation Area.

#### 4. Compulsory Acquisition

- (a) The Developer expressly agrees that clause 4(b) and clause 4(c) of this Schedule 4 operate, to the extent necessary, as a deed poll in favour of the Council.
- (b) If the Developer does not transfer any part of the Conservation Area to the Council as required by this deed, the Developer consents to the Council compulsorily acquiring that part of the Conservation Area in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 (NSW), for the amount of \$1.00.
- (c) The Developer and the Council agree that:
  - this clause 4 is an agreement between them for the purposes of section 30 of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW); and
  - (ii) in this clause 4, they have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition.
- (d) If the Council must pay compensation under Part 3 of the Land Acquisition (Just Terms Compensation) Act 1991 to any person, other than the Developer, in accordance with the compulsory acquisition arrangements under clause 4 of this Schedule 4, the Developer:
  - (i) must reimburse the amount of that compensation to the Council on request; and
  - (ii) indemnifies and agrees to keep indemnified the Council against all claims made against the Council pursuant to the Land Acquisition (Just Terms Compensation) Act 1991 as a result of any acquisition by the Council of the whole or any part of the Conservation Area under this clause 4 of this Schedule 4.
- (e) The Developer must pay the Council, promptly on demand, an amount equal to all costs, charges or expenses incurred by the Council acquiring the whole or any part of the Conservation Area as contemplated by this clause 4 of this Schedule 4.

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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### 5. Indemnity

- (a) The Developer indemnifies and agrees to keep indemnified the Council against all claims made against the Council as a result of:
  - any harm, injury or death suffered by any person or animal as a result of Contamination at the Conservation Area; and
  - any Contamination that is required to be cleaned up by an Authority to allow the use of the Conservation Area for conservation purposes,

but, in each case, limited to any Contamination that existed on or before the date that the Conservation Area is transferred to or acquired by the Council.

### 6. Monetary Contribution

- (a) The Developer must pay the Monetary Contribution to the Council prior to the transfer of the Conservation Area in accordance with this Schedule 4.
- (b) The Contribution Amount will be an amount equal to the sum represented by "X" in the following formula:

 $X = $3,000,000 \times (Current CPI/Base CPI)$ 

- (c) To avoid doubt on each CPI Adjustment Date, the value of X in clause 6(b) will be adjusted by multiplying X by an amount equal to the Current CPI divided by the Base CPI.
- (d) For the avoidance of doubt, if the Developer does not undertake the Development, the Developer is not required to pay the Monetary Contribution.

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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### Schedule 5 Security terms

(clause 5.1)

### 1. Developer to provide Security

- (a) In order to secure the payment or performance of the obligations of the Developer under this deed, the Developer has agreed to provide the Security in the form of a Bank Guarantee and at the time set out in the table below. The Security is limited to one Bank Guarantee only and will not exceed the amount set out in the table below.
- (b) The Bank Guarantee must:
  - (i) name the "Port Stephens Council ABN 16 744 377 876" as the relevant beneficiary;
  - (ii) be in the amount as set out in the table below;
  - (iii) be as security for the Secured Obligation as set out in the table below; and
  - (iv) not have an expiry date.

| Bank Guarantee<br>Amount | Secured Obligation  | Timeframe   |
|--------------------------|---|---|
| \$600,000                | All obligations imposed on the<br>Developer under this deed | Prior to the issue of a notice to Council required under section 6.12(2)(c) of the Act for the commencement of works the subject of a Subdivision Works Certificate but after any Development Consent for Subdivision Works within the Development has been granted |

### 2. Claims under Bank Guarantees

- (a) The Council may:
  - call upon any Security provided in accordance with this deed where the Developer has failed to provide a fulfil the Secured Obligation in accordance with this deed; and
  - (ii) retain and apply such monies and any costs and expenses incurred by the Council in rectifying any default by the Developer under this deed.
- (b) Prior to calling upon the Security, the Council must give the Developer not less than 10 Business Days written notice of his or her intention to call upon the Security.
- (c) If:
  - (i) the Council calls upon a Security; and
  - (ii) applies all or part of such monies and any costs and expenses incurred by the Council in rectifying any default by the Developer under this deed; and

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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has notified the Developer of the call upon the Security in accordance with clause 2(i) of this Schedule 5 ,

then the Developer must provide the Council with a replacement Security to ensure that, at all times, until the date the Security is released in accordance with clause 3 of this Schedule 5, the Council is in possession of Security for a face value equivalent to the relevant Security required to be provided in accordance with clause 1 of this Schedule 5.

## 3. Release of Security

If:

- the Developer has paid or satisfied all of its obligations under this deed with regards to that Secured Obligation; and
- (b) the whole of the Security relevant to the Secured Obligation has not been expended,

then the Council will promptly return the Security as it relates to that Secured Obligation (less any costs, charges, duties and taxes payable) to the Developer.

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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## Schedule 6 Conservation Works

### 1. Conservation Works

### 1.1 Timing of Conservation Works

(a) The Developer must complete the Conservation Works in accordance with any Development Consent and in accordance with the timeframe specified in the BMP.

### 1.2 Attainment of Milestones relating to the Conservation Works

- (a) If the Developer considers that it has achieved a Milestone in accordance with Table 1 of this Schedule 6, the Developer will forward a milestone notice (Milestone Notice) to the Council together with such other supporting documentation as is necessary for the Council to determine whether that Milestone has been achieved. The Developer must promptly provide any additional information reasonably requested by the Council.
- (b) The Council will, within 28 days of receiving the Milestone Notice and all the information required under clause 1.2(a) of this Schedule 6, determine whether the Milestone specified in the Milestone Notice has been achieved and notify the Developer of its determination.
- (c) If the Council, acting reasonably, is not satisfied that the Milestone has been achieved, the Council will in its determination notify the Developer and provide an explanation as to why it is considered that the Milestone had not been achieved and, if applicable, provide details of:
  - (i) any additional work or tasks which must be undertaken; and/or
  - (ii) any information or documents which must be provided,

by the Developer, in order to achieve the Milestone. The Developer may, after taking into account the Council's explanation and undertaking the work or providing the information or documents required, re-submit a Milestone Notice together with any necessary documentation.

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# 2. Conservation Works – Table 1

| Column 1   | Column 2   |
|--|--|
| Description of the Milestone works   | Standard of the works  |
| BMZ 1 – refer to BMP Section 3.3.2.3 Phase 0 (yr -2)<br>BMZ 2 – refer to BMP Section 3.3.3.2 Phase 0 (yr -2)<br>BMZ 3 – refer to BMP Section 3.3.4.3 Phase 0 (yr -2)<br>BMZ 4 – refer to BMP Section 3.3.5.3 Phase 0 (yr -2)<br>BMZ 5 – refer to BMP Section 3.3.6.3 Phase 0 (yr -2) | As described in the BMP and in accordance with applicable Annual Works Program in accordance with the BMP.   |
| BMZ 1 – refer to BMP Section 3.3.2.3 Phase 0 (yr -1) BMZ 2 – refer to BMP Section 3.3.3.2 Phase 0 (yr -1) BMZ 3 – refer to BMP Section 3.3.4.3 Phase 0 (yr -1) BMZ 4 – refer to BMP Section 3.3.5.3 Phase 0 (yr -1) BMZ 5 – refer to BMP Section 3.3.6.3 Phase 0 (yr -1)             | As described in the BMP and in accordance with applicable Annual Works Program in accordance with the BMP.  To achieve Performance Targets as per end of Phase 0 (refer to BMP Tables 18, 22, 25, 27 and 29 respectively for each BMZ) |
| BMZ 1 - refer to BMP Section 3.3.2.3 Phase 1 (yr +1) BMZ 2 - refer to BMP Section 3.3.3.2 Phase 1 (yr +1) BMZ 3 - refer to BMP Section 3.3.4.3 Phase 1 (yr +1) BMZ 4 - refer to BMP Section 3.3.5.3 Phase 1 (yr +1) BMZ 5 - refer to BMP Section 3.3.6.3 Phase 1 (yr +1)             | As described in the BMP and in accordance with applicable Annual Works Program in accordance with the BMP.   |
| BMZ 1 - refer to BMP Section 3.3.2.3 Phase 1 (yr +2) BMZ 2 - refer to BMP Section 3.3.3.2 Phase 1 (yr +2) BMZ 3 - refer to BMP Section 3.3.4.3 Phase 1 (yr +2) BMZ 4 - refer to BMP Section 3.3.5.3 Phase 1 (yr +2) BMZ 5 - refer to BMP Section 3.3.6.3 Phase 1 (yr +2)             | As described in the BMP and in accordance with applicable Annual Works Program in accordance with the BMP.   |
| BMZ 1 - refer to BMP Section 3.3.2.3 Phase 1 (yr +3) BMZ 2 - refer to BMP Section 3.3.3.2 Phase 1 (yr +3) BMZ 3 - refer to BMP Section 3.3.4.3 Phase 1 (yr +3) BMZ 4 - refer to BMP Section 3.3.5.3 Phase 1 (yr +3) BMZ 5 - refer to BMP Section 3.3.6.3 Phase 1 (yr +3)             | As described in the BMP and in accordance with applicable Annual Works Program in accordance with the BMP.  To achieve Performance Targets as per end of Phase 1 (refer to BMP Tables 18, 22, 25, 27 and 29 respectively for each BMZ) |
| Perimeter Fencing (including Koala fence) - refer to BMP Section 3.2.1.3 Phase 0-1 (up to yr +1)   | As described in the BMP and in accordance with applicable Annual Works Program in accordance with the BMP.   |

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

Page 32 Execution page Executed as a deed Signed, sealed and delivered for and on behalf of the Port Stephens Council (ABN 16 744 377 876) by its Authorised Officer, in the presence of: Signature of witness Signature of the Authorised Officer Name of witness in full Name of Authorised Officer Address of witness Office held Executed by Kingshill Development No 1 Pty Ltd (ABN 99 158 129 652) in accordance with section 127 of the Corporations Act: Signature of Director Signature of Director/Secretary

Name of Director/Secretary

S:11143815\_1 PEH

Name of Director

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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| Executed by Kingshill Development No 2 Pty Ltd (ABN 73 158 127 041) in accordance with section 127 of the Corporations Act: |                                 |
|---|---------------------------------|
| Signature of Director   | Signature of Director/Secretary |
| Name of Director  | Name of Director/Secretary      |

# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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Annexure A BCAMP



# BIODIVERSITY CONSERVATION AREA MANAGEMENT PLAN

Kings Hill Conservation Area



# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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### REPORT

| Document status |                              |                 |              |              |             |
|-----------------|------------------------------|-----------------|--------------|--------------|-------------|
| Version         | Purpose of document          | Authored by     | Reviewed by  | Approved by  | Review date |
| D01             | Interim Draft for discussion | Janene Devereux | Mark Aitkens | Mark Aitkens | 10/06/2020  |
| D02             | Draft for Council Review     | Mark Aitkens    |              | Mark Aitkens | 27/06/2020  |

| Approval for issue |              |
|--------------------|--------------|
| Mark Aitkens       | 27 June 2020 |

This report was prepared by RPS within the terms of RPS' engagement with its client and in direct response to a scope of services. This report is supplied for the sole and specific purpose for use by RPS' client. The report does not account for any changes relating the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report. RPS does not accept any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the report.

| Prepared by:                   | Prepared for:              |  |  |
|--------------------------------|----------------------------|--|--|
| RPS                            | APP                        |  |  |
| Mark Aitkens                   | Adam Smith                 |  |  |
| Principal Ecologist            | Project Director           |  |  |
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| Carrington NSW 2294            | North Sydney NSW 2060      |  |  |
| T +61 2 4940 4200              | T 0497 794 863             |  |  |
| E mark.aitkens@rpsgroup.com.au | E adam.smith@app.com.au    |  |  |

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# ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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#### REPORT

# **GLOSSARY OF TERMS**

| Term              | Definition  |
|-------------------|---|
| BC Act            | Biodiversity Conservation Act 2016                              |
| BCAMP             | Biodiversity Conservation Area Management Plan                  |
| BMP               | Biodiversity Management Plan                                    |
| EEC               | Endangered ecological community                                 |
| EP&A Act          | Environmental Planning and Assessment Act 1979                  |
| EPBC Act          | Environmental Protection and Biodiversity Conservation Act 1999 |
| LALC              | Local Aboriginal Land Council                                   |
| LEP               | Local Environment Plan  |
| LGA               | Local Government Area   |
| Locality          | The area within a 5km radius of the Conservation Area           |
| OEH               | NSW Office of Environment and Heritage                          |
| PCT               | Plant community type  |
| SEE               | Statement of Environmental Effects                              |
| SIS               | Species Impact Statement  |
| Conservation Area | The area as shown in Figure 1 for biodiversity conservation     |
| TEC               | Threatened ecological community                                 |
| TSC Act           | Threatened Species Conservation Act 1995                        |
| VMP               | Vegetation Management Plan                                      |

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### DRAFT VOLUNTARY PLANNING AGREEMENT **ITEM 3 - ATTACHMENT 1** AND EXPLANATORY NOTE.

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### REPORT

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| Glos | sary c                          | of Terms     |   |   |  |  |  |
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| 1    | INTE                            | INTRODUCTION |   |   |  |  |  |
|      | 1.1 Need for a BCAMP            |              |   |   |  |  |  |
|      | 1.2                             |              | ives  |   |  |  |  |
|      | 1.3                             | Roles        | Roles and Responsibilities  |   |  |  |  |
|      | 1.4                             | Implem       | nentation   |   |  |  |  |
|      |                                 | 1.4.1        | Aboriginal Matters of Significance                                      |   |  |  |  |
|      |                                 | 1.4.2        | Plan Revision   |   |  |  |  |
|      | 1.5                             | Relatio      | nship with other Management Plans                                       |   |  |  |  |
|      | 1.6                             |              | ation   |   |  |  |  |
|      |                                 | 1.6.1        | NSW Biodiversity Conservation Act 2016                                  |   |  |  |  |
|      |                                 | 1.6.2        | NSW Biosecurity Act 2015.   |   |  |  |  |
|      |                                 | 1.6.3        | Commonwealth Environmental Protection and Biodiversity Conservation Act |   |  |  |  |
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#### INTRODUCTION 1

This Biodiversity Conservation Area Management Plan (BCAMP) has the purpose of providing a management framework necessary for maintaining biodiversity conservation outcomes within the proposed Conservation Area shown in **Figure 1**. The Conservation Area is located within land situated at 3221 Pacific Highway, Kings Hill [Lot 41 DP1037411 and Lot 4821 DP852073 ('the land')] in the Port Stephens Council Local Government Area (LGA)

The BCAMP is to be implemented once the proposed Conservation Area is established on the land by KHD over a period of up to 5 years in accordance with a program of works set out in a site specific Biodiversity Management Plan (BMP). Once the Conservation Area is established to a 'maintenance standard' (after intensively managing weeds and feral fauna, and the installation of various infrastructure such as tracks and fencing/access points as specified in the BMP), the Conservation Area will transfer to Port Stephens Council for care, control and management in accordance with this BCAMP.

## Need for a BCAMP

The BCAMP provides guidance on the in-perpetuity maintenance and monitoring program that is particularly focused on the protection of sensitive species such as the Koala (Phascolarctos cinereus). Brush-tailed Phascogale (Phascogale tapoatafa), forest and woodland birds, large forest owls, wetland birds and threatened orchid species. This BCAMP is to be implemented on an ongoing basis that runs with the inperpetuity conservation agreement for this area, unless otherwise revised

### **Objectives**

The long-term objectives for the Conservation Area are to:

- Restore, reinstate, protect and maintain areas of high ecological, scientific, cultural or aesthetic values identified within the Conservation Area over the long term.
- Maintain viable local populations of threatened species and ecological communities.
- Locally suppress the activity of key threatening process (KTPs) that may otherwise substantially diminish the biodiversity integrity of the Conservation Area.

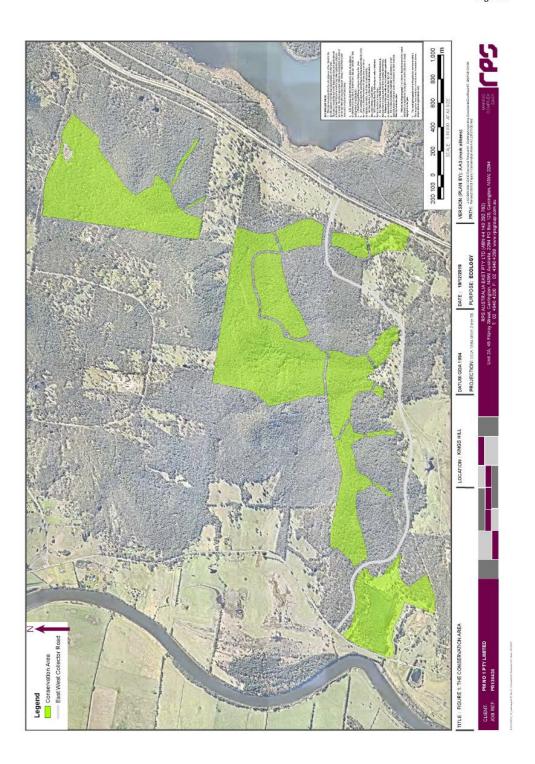
In this respect, the BCAMP is to:

- Provide a clear description of management objectives, prescriptions and targets necessary to maintain the biodiversity of the Conservation Area:
- Provide guidance on acceptable compatible recreation or other land use activities within the Conservation Area over time
- Identify and assign responsibilities for ongoing management actions for the implementation period;
- Define an adaptive management framework for managing unforeseen circumstances; and
- Define the review process for the BCAMP.

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### 1.3 Roles and Responsibilities

Three key roles responsible for the implementation of this BCAMP are outlined in Table 1

Table 1: BCAMP Roles and Responsibilities

| Role                | Qualification  | Responsibility  |  |  |
|---------------------|--|---|--|--|
| Land Holder         | • NA   | <ul> <li>Implementation of this plan in<br/>consultation with suitably experienced<br/>and qualified service providers</li> </ul> |  |  |
| Bushfire Specialist | <ul> <li>FPAA - Building Planning &amp; Design Level 2<br/>Accredited</li> </ul> | Oversee delivery of fuel load<br>maintenance  |  |  |
| Ecologist           | Tertiary qualifications in ecology; and 10 or more years' experience             | Monitoring     BCAMP compliance (audit)     Development of works programs     Plan revision                                       |  |  |

#### 1.4 Implementation

The primary objective of the BCAMP is to maintain the biodiversity values contained within the Conservation Area, once it is established to a condition and standard specified in the BMP. Management is evidence-based following evaluation of performance targets against monitoring results that demonstrates completion. The evaluation of performance targets (see **Sections 3.2** and **3.3**) is to be performed annually using data obtained from the monitoring program and associated analysis of results (see **Section 4**). The decision framework used to evaluate the efficacy of the BCAMP is described in **Section 5** (Adaptive Management), which also allows for the introduction of adjustments, where necessary, to maintain a timely delivery on the BCAMPs objectives.

This BCAMP is a guiding management document for annualised implementation following review and consideration of monitoring results and performance criteria. An Annual Works Program is to be prepared and implemented by the Project Conservation Manager. This outcome focused process is expected to provide an orderly implementation of management actions that aim to achieve the objectives of the BCAMP.

#### 1.4.1 Aboriginal Matters of Significance

The implementation of this BCAMP will acknowledge and be sensitive to area of Aboriginal cultural significance such as the elevated ridgelines and rock outcrops. Activities in line with the BCAMP are to be done sensitively and with regard to the significance and, where necessary, in consultation with Local Aboriginal Land Council (LALC). Recommended BCAMP works are to consider involving this input to define areas with sensitivity during the planning stages of the works to be carried out through engagement of LALC and the indigenous community in those areas and within the BCAMP area generally.

### 1.4.2 Plan Revision

Revisions to the BCAMP are not expected as any variations to the prescriptions and methods specified in this plan are expected to be handled through the 'Annual Works Program' process (See **Section 5.2**). However, the operation of the BCAMP may continue in accordance with an in-perpetuity conservation agreement arranged in under the relevant Voluntary Planning Agreement (VPA) prepared for the Proposal.

The BCAMP will seek to consolidate and maintain the establishment works achieved through the BCAMP by focusing on the maintenance of weeds, feral fauna and infrastructure within an in-perpetuity management arrangement. The management framework, specifications and costs of the BCAMP would be developed in collaboration with PSC to ensure the lasting protection of biodiversity values contained within the Conservation Area. The BCAMP would be finalised and executed under the VPA, which will 'run with the land' to ensure in-perpetuity conservation outcomes.

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#### 1.5 Relationship with other Management Plans

This BCAMP provides for an in-perpetuity management and maintenance framework for the Conservation Area. This plan replaces the BMP once its recommendations are implemented and, through a rigorous initial management program, aims to establish a benchmark to be upheld through future maintenance in order to result in long lasting biodiversity improvements to the Conservation Area (and the greater area as a whole).

#### 1.6 Legislation

Environmental regulation relevant to the preparation of this BCAMP are listed below:

- NSW Biodiversity Conservation Act 2016 (BC Act);
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act);
- NSW Biosecurity Act 2015;
- NSW Water Management Act 2000 (WM Act);
- State Environmental Planning Policy Coastal Management 2018; and
- Port Stephens Council Comprehensive Koala Plan of Management (PSC CKPoM) (PSC 2002).

The relevance of these statutes is outlined in the following sections

#### 1.6.1 NSW Biodiversity Conservation Act 2016

The BC Act and supporting regulations establish a modern and integrated legislative framework for land management and conservation in NSW. The purpose of the BC Act, with reference to the assessment of development (Part 4 of the EP&A Act) or activities (Part 5 of the EP&A Act), is:

(k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity

(I) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values

(m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales.

### 1.6.2 NSW Biosecurity Act 2015

The NSW Biosecurity Act 2015 divides NSW into regions based on combined LGAs and priority weeds for a region. Some weeds are managed at a state level as they form part of a broader containment strategy. The legislation complements listed Weeds of National Significance (WoNS). The Act provides for the identification and classification of listed weeds to identify the duty required for management. The duty assigned to the weed informs land managers and owners of their role and responsibility in managing the weed within the site. Weeds identified as occurring within the site listed as a priority weed within the region, need to be managed according to the duty assigned to the species in NSW WeedWise (NSW DPI 2019).

## 1.6.3 Commonwealth Environmental Protection and Biodiversity Conservation Act 1999

The purpose of the EPBC Act is to ensure that actions likely to cause a significant impact on Matters of National Environmental Significance (MNES) undergo a process of assessment. Under the EPBC Act, an action includes a Proposal, undertaking, development or activity that may impact MNES. An action that 'has, will have or is likely to have a significant impact on a MNES' is deemed to be a 'controlled action' and may not be undertaken without prior approval from the Commonwealth Minister for the Department of the Agriculture, Water and Environment (DAWE). MNES categories listed under the EPBC Act are:

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- World heritage properties;
- National heritage places;
- Wetlands of international importance (Ramsar wetlands);
- Threatened species and ecological communities (Section 18 and 18A);
- Migratory species:
- Commonwealth marine areas;
- · Nuclear actions (including uranium mining); and
- A water resource, in relation to coal seam gas development and large coal mining development.

The first step in considering MNES protected under the EPBC Act (e.g. Section 18 and 18A) is a self-assessment performed in accordance with the Significant Impact Guidelines 1.1 - Matters of National Environmental Significance (DoE 2013). This is performed to determine if there is likelihood for an action to have a significant impact on MNES. Regulatory approval from the Commonwealth Minister for the Environment is required for actions that have, or are likely to have, a significant impact on MNES.

### 1.6.4 NSW Water Management Act 2000

The objects of the Water Management Act 2000 are to provide for the sustainable and integrated management of the water sources for the benefit of both present and future generations and, in particular:

- Ecologically sustainable development;
- · Protect, enhance and restore water recourses;
- · Recognise and foster social and economic benefits;
- · Recognise the role of the community;
- Provide efficient and equitable sharing of water;
- Management of water sources with other aspects of the environment including native vegetation and native fauna;
- Encourage the sharing of responsibility and efficient use of water; and
- Encourage best practice management and use of water

In NSW, the regulator and policy maker for water resource management is the NSW Department of Industry – Water (Doi Water). The department develops natural resource management policy frameworks, strategies and plans related to water management.

#### 1.6.5 NSW Rural Fires Act

Section 63 of the Rural Fires Act 1997 identifies the duty of the owner or occupier of land to take the notified steps and any other practical steps to prevent the occurrence of bush fires on, and to minimise the danger of the spread of bush fire on or from that land. Notified steps include any directions that the Bush Fire Coordinating Committee (BFCC) advise to take under Section 4 of the Rural Fire Act 1997, and include any steps identified in the Bush fire risk management plan for that land.

### 1.6.6 NSW Coastal Management SEPP 2018

The aim of the Coastal Management SEPP 2018 is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act* 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and

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(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The Coastal Management SEPP 2016 regulates development in the coastal zone for the purpose of protecting values such as Littoral Rainforest and Coastal Wetlands, inclusive of 'proximal areas' as defined by relevant buffers to these features. In this respect, the Conservation Area comprises lands within the coastal zone to which this policy applies.

This BCAMP has the purpose of maintaining the ecological integrity of lands occurring within the coastal zone notably vegetation and habitat within 50 m of wetland 803.

### 1.6.7 Port Stephens CKPoM

Section 5.3 of the Port Stephens CKPoM provides performance criteria for development applications. These are listed below

- Minimise the removal or degradation of native vegetation within Preferred Koala Habitat or Habitat
- Maximise retention and minimise degradation of native vegetation within Supplementary Koala Habitat b. and Habitat Linking Areas;
- Minimise the removal of any individuals of preferred koala food trees (PKFTs), wherever they occur on a development site. In the Port Stephens LGA these tree species are Swamp Mahogany (Eucalyptus robusta), Parramatta Red Gum (Eucalyptus parramattensis) and Forest Red Gum (Eucalyptus tereticornis). An additional list of tree species that may be important to koalas based on anecdotal evidence is included in Appendix 8 of the Port Stephens Council CKPoM (as recommended by the CKPoM Consultative Committee);
- Make provision, where appropriate, for restoration or rehabilitation of areas identified as Koala Habitat including Habitat Buffers and Habitat Linking Areas over Mainly Cleared Land. In instances where Council approves the removal of koala habitat (in accordance with dot points 1-4 of the above waive clause), and where circumstances permit, this is to include measures which result in a "net gain" of koala habitat on the site and/or adjacent land:
- Make provision for long term management and protection of koala habitat including both existing and restored habitat:
- Not compromise the potential for safe movement of koalas across the site. This should include maximising tree retention generally and minimising the likelihood that the proposal would result in the creation of barriers to koala movement, such as would be imposed by certain types of fencing;
- Be restricted to identified envelopes which contain all buildings and infrastructure and fire fuel reduction zone: and
- Include measures to effectively minimise the threat posed to koalas by dogs, motor vehicles and swimming pools by adopting minimum standards for these threats.

This BCAMP has the purpose of maintaining outcomes that align with the majority of these performance  $criteria\ through\ restoration\ works\ (e.g.\ weed\ control),\ revegetation\ using\ PKFTs,\ provision\ of\ infrastructure\ to$ prevent koala movement into the urban area or domesticated dog entry into the Conservation Area and provide functional movement pathways for Koalas to move freely throughout the locality to and from

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### EXISTING ENVIRONMENT

#### 2.1 Overview

A summary of the existing environment, as detailed in the prior BMP (RPS 2020), is provided in the following sections and has been used as the basis for the preparation of management precincts, actions and prescriptions for the Conservation Area. Project documentation was reviewed in conjunction with a detailed site investigation

#### Land uses and events 2.2

Historical disturbances evident within the Conservation Area and more broadly operating in the local area

- Land clearing and logging;
- Track constructions within native vegetation:
- Construction of turkey nest and inline dams;
- Past and current livestock grazing; and

These land uses and events have ceased following implementation of the BMP (RPS 2020) or allowed to continue under a strict management framework (e.g. track construction). Notwithstanding, the extent and influence of these disturbances across the Conservation Area has been largely determined by access (i.e. effects of terrain). Steeper, rockier lands have no discernible evidence of past/ current livestock grazing as the suitability and access to these areas is poor. Similarly, there is limited evidence of feral deer grazing in these areas owing to the ground conditions (i.e. lands generally less suitable for this species). These areas do exhibit signs of past selective logging (i.e. tree stumps) and associated high weed cover. The extent of weed cover in these areas is likely attributed to the combined influence of past selective logging and absence of livestock/ feral deer grazing that would otherwise inhibit weed growth/ spread

The more arable forested parts of the Conservation Area typically coincide with the subject site footprint and is comparatively grassier with lower weed densities. Past logging is also evident in these areas as is firewood collection. The presence of turkey nest and inline dams is likely associated with more extensive historical livestock grazing practices, with the majority of livestock grazing now restricted to the predominantly treeless and lightly wooded parts of the eastern and western parts of the Conservation Area. Feral deer activity is commonly observed in these parts of the Conservation Area, with the associated herbivory of this species likely to be influencing understorey structure (i.e. simplified shrub and grassier groundcover stratum).

#### 2.3 **Future Land Uses and Improvements**

Notwithstanding the in-perpetuity conservation agreement for the Conservation Area, there are areas of the Conservation Area that may afford other land use opportunities of a kind that are compatible with, or separated from, recognised biodiversity values. To this end, these areas will be specified within the conservation agreement and, if needed, subject to further assessment (under a separate development application) to demonstrate that the proposed activities (e.g. eco-tourism, mountain bike trails, horse riding, orienteering, tree climbing, ceremonial areas, cultural heritage, environmental appreciation and education activities) are permissible, appropriate and compatible with the approved conservation agreement.

#### 2.4 Fire History

The fire history of the study area is unknown prior to 2012 (RFS 2019). A small isolated fire event was recorded in the north-western part of the study area in July 2016 (RFS 2019). No wildfires have been

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recorded within the subject site since 2012, which is supported by field observations that indicate no evidence of any recent fire events to 2020. However, isolated ecological burns have been performed as per guidance provided in RPS (2020).

#### 2.5 Flora

## 2.5.1 Plant Community Types

Seven native plant community types (PCTs) are mapped as occurring within the Conservation Area (RPS 2020a) and are listed in **Table 2** Threatened ecological communities (TEC) are also detailed within **Table 2**. The spatial extent of each PCT is shown in **Figure 2**.

Table 2: PCTs occurring within the Conservation Area

| PCT   | PCT Name  | Area (ha) |
|-------|---|-----------|
| 783   | Coastal freshwater swamps of the Sydney Basin Bioregion <sup>1</sup>  | 9.21      |
| 1230  | Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and<br>northern Sydney Basin Bioregion |           |
| 1525  | Sandpaper Fig - Whalebone Tree warm temperate rainforest <sup>2</sup>   | 2.42      |
| 1584  | White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley        |           |
| 1590  | Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest  | 111.36    |
| 1600  | Spotted Gum - Narrow-leaved Ironbark shrub - grass open forest of the central and lower Hunter3                         | 1.05      |
| 1728  | Swamp Oak - Prickly Paperbark - Tall Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast  |           |
| Total |   | 231.19    |

#### 2.5.2 Threatened Flora

Three threatened flora species are known to occur within the Conservation Area as outlined in **Table 3**, which also provides estimates of the number of individuals from direct counts and habitat area mapping using a 30 m buffer from recorded individuals.

Table 3: Threatened Flora within the Conservation Area

| Cuarian                 | BC Act     | Abundance and Habitat |                   |  |  |
|-------------------------|------------|-----------------------|-------------------|--|--|
| Species                 | BC Act     | Count                 | Habitat Area (ha) |  |  |
| Maundia triglochinoides | Vulnerable | 42                    | 0.48              |  |  |
| Pterostylis chaetophora | Vulnerable | 468                   | 3.72              |  |  |
| Corybas dowlingii       | Endangered | 1,467                 | 8.62              |  |  |

The location of threatened flora species within the Conservation Area is shown in **Figure 3**. A general description of each species habitat and ecology is provided in the following sections.

<sup>3</sup> Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin and North Coast Bioregions EEC

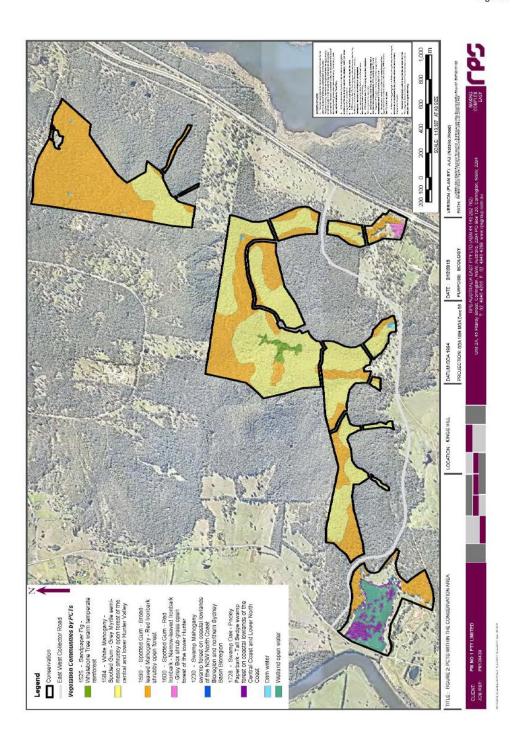
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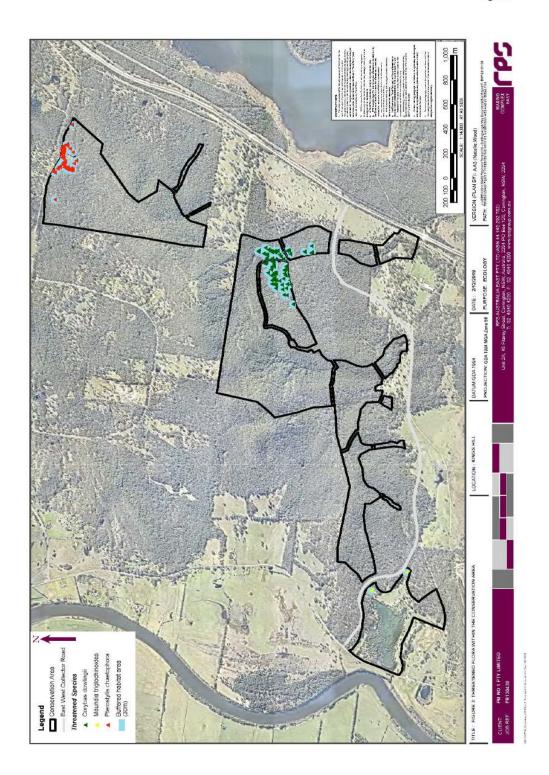
<sup>&</sup>lt;sup>1</sup> Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions EEC

 $<sup>^{\</sup>rm 2}\,{\rm Lower}$  Hunter Valley Dry Rainforest in the Sydney Basin and NSW North Coast Bioregions VEC

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#### 2.5.2.1 Maundia triglochinoides

Harden (1993) describes Maundia triglochinoides as a wetland species that "grows in swamps or shallow freshwater in heavy clay; north from southern Sydney". According to the Threatened Species Profile Database (BCD 2019), the ecology and habitat of Maundia triglochinoides is as follows:

- Grows in swamps, lagoons, dams, channels, creeks or shallow freshwater 30 60 cm deep on heavy clay, low nutrients;
- Flowering occurs during warmer months;
- Associated with wetland species (e.g. Triglochin procerum);
- Probably wind pollinated;
- Diaspore is the seed and root tubers, which are probably dispersed by water;
- Spreads vegetatively, with tufts of leaves arising along rhizome. Populations expand following flood
  events and contract to more permanent wetlands in times of low rainfall; and
- Flowers November-January.

According to the NSW Scientific Committee (2001), the habitats in which Maundia triglochinoides grows is vulnerable to filling, changes in hydrology, water quality and weed invasion. Locally, it appears that the growth of Alligator Weed (Alternanthera philoxeroides) in combination with livestock grazing (i.e. highly palatable species) has substantially impacted the numbers of individuals observed within the Conservation Area. Recent observations indicate the species is now restricted to the southern location shown in Figure 3, with it now being absent (temporarily) from the northern recorded occurrence.

#### 2.5.2.1.1 Management Implications

The following lifecycle/ habitat related factors represent management matters for this species:

- · Maintaining habitat integrity through prevention of weed invasion and dominance;
- · Prevention of herbivory by livestock and feral deer; and
- Managing micro habitat requirements through the maintenance of water occurrence and depth.

### 2.5.2.2 Pterostylis chaetophora

Pterostylis chaetophora belongs to a clade of greenhoods commonly referred to as Rustyhoods or Oligochaetochilus. According to the Threatened Species Profile Database (BCD 2019), the ecology and habitat of Pterostylis chaetophora is as follows:

- Prefers seasonally moist, dry sclerophyll forest with a grass and shrub understorey.
- Flowers from September to November. Vegetative reproduction is not common in this group of Greenhoods, but some species may form more than one dropper annually. Fails to flower in dry
- Plants are deciduous and die back to the large, underground tubers after seed release. New rosettes
  are produced following soaking autumn and winter rains.

The species occurs in two conservation reserves being Columbey National Park and Wingen Maid Nature Reserve. Observations from local occurrences at Columbey National Park, Wallaroo State Forest, Grahamstown West and the Conservation Area provide additional context for defining the habitat preferences for this species, these being:

A species rich mix of tree species with open forest structure and canopy gaps. Species include Grey
Box (Eucalyptus moluccana), Ironbarks [mostly Broad-leaved Ironbark (Eucalyptus fibrosa)], Forest
Redgum (Eucalyptus tereticornis) and Spotted Gum (Corymbia maculata) with the latter species never
being dominant.

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The proximal incidence of Melaleuca nodosa. The presence of this species, which is likely linked to imperfectly drained soils, could represent favourable soil conditions reflective of locally retaining elevated soil moisture levels after sufficient autumn - winter rainfall events. This habitat preference may be important in the perennial survival of orchid tubers and also serve to activate flowering events.

This greenhood group comprises members adapted to semi-arid to arid conditions, with continental distributions reflective of these characteristics (i.e. largely inland distribution). Key adaptations of this group

- Multiple flowers per raceme for increased seed production (i.e. ~ 3,500 seeds per fertilised flower);
- Flower height (i.e. elevated position to maximise dispersal potential);
- Flowering time (i.e. typically in spring where the production of dehisced seed coincides with increased windiness to aid dispersal potential); and
- Longer lived seed to survive the drier hotter summer months (~ 1 year versus ~ 0.5 years for non rustyhoods).

The germination and later survival of Pterostylis chaetophora is solely dependent on its relationship with the symbiotic fungus Ceratobasidium cornigerum (Dr Mark Clements pers. coms. 2019); this being consistent with findings from earlier mycorrhizal - Pterostylis studies (Warcup 1981). Without this fungus, Pterostylis chaetophora is unable to germinate then reproduce.

#### 2.5.2.2.1 Management Implications

The following lifecycle/ habitat related factors represent management matters for this species

- Maintaining patch integrity through management of edge effects (e.g. weed invasion and dominance);
- Managing micro habitat requirements through the maintenance of bare earth patches.

### 2.5.2.3 Corybas x dowlingii

The habitat of Corybas x dowlingii, a stable hybrid between C. barbarae and C. acontiflorus (Wagner et al 2020), is described in the NSW Scientific Committee (2007) final determination as "typically grows in gullies in tall open forest on well-drained gravelly soil at elevations of 10-200m". It forms clonal colonies, an aspect of its ecology that has allowed for the successful translocation of this species at Bulahdelah in response to an impact from the construction of the Pacific Highway bypass at that location

The final determination (NSW Scientific Committee 2007) identifies three populations of C. x dowlingii. The Bulahdelah population of C. x dowlingii includes approximately 3,400 plants, while the Port Stephens populations include approximately 15,000 plants. The size of the Freemans Waterhole population is unknown. In relation to the latter, a recent study for 1,000 ha of native vegetation near Freemans Waterhole in the Awaba - Eraring locality resulted in the detection of an estimated 325,000 individuals of C. x dowlingii at 2,132 locations (i.e. mean ~152 plants/ location) (RPS 2019 in prep.). This is in addition to numerous finds of this species in the Mandalong valley (RPS 2014).

While not noted to occur in the conservation reserve network (NSW Scientific Committee 2007), C. x dowlingii Bell (2009) has recorded it within Columbey National Park with a portion of the above-mentioned Awaba - Eraring population occurring within the Lake Macquarie City Council administered BioBank site.

#### 2.5.2.3.1 Management Implications

The following lifecycle/ habitat related factors represent management matters for this species:

- Maintaining patch integrity through management of edge effects (e.g. weed invasion and dominance);
- Managing fire intervals.

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### 2.5.3 Exotic Flora Species

### 2.5.3.1 Species with Regulatory Management Specifications

Exotic flora requiring management occur within the Conservation Area are listed in **Table 4** along with their Biosecurity Duty as specified in the Hunter Regional Strategic Weed Management Plan 2017-2022 (Hunter Local Land Services 2017). The extent and percent cover of important weed species requiring management is provided in the final annual monitoring report prepared under the former BMP, which is to be used as a baseline for ongoing reference.

Table 4: Exotic flora requiring management within the Conservation Area

| Exotic Species  | Classification  | Biosecurity Duty (Hunter Local Land Services 2017)   |  |  |
|---|---|--|--|--|
| Lantana<br>(Lantana camara)                           | Weed of National<br>Significance (WoNS)<br>Biosecurity Act 2015 | Weed of community concern for agricultural and environmental outcomes  All plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose. Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable.   |  |  |
| Alligator Weed<br>(Alternanthera<br>philoxeroides)    | WoNS<br>Biosecurity Act 2015                                    | State Priority Weed Objective - CONTAINMENT An owner or occupier of land in the Alligator weed biosecurity zone on which there is the weed Alternanthera philoxeroides (Alligator Weed) must.  a) if the weed is part of a new infestation of the weed on the land, notify the local control authority for the land as soon as practicable in accordance with Part 6, and b) eradicate the weed or if that is not practicable destroy as much of the weed as is practicable and suppress the spread of any remaining weed. |  |  |
| Water Hyacinth<br>(Eichhornia<br>crassipes)           | WoNS<br>Biosecurity Act 2015                                    | State Priority Weed Objective - CONTAINMENT  An owner or occupier of land in the Water Hyacinth biosecurity zone on which there is the weed Eichhornia crassipes (Water Hyacinth) must:  a) if the weed is part of a new infestation of the weed on the land, notify the local control authority for the land as soon as practicable in accordance with Part 6, and  b) eradicate the weed or if that is not practicable destroy as much of the weed as is practicable and suppress the spread of any remaining weed.      |  |  |
| Blackberry<br>(Rubus fruticosus<br>species aggregate) | WoNS<br>Biosecurity Act 2015                                    | State Priority Weed Objective – ASSET PROTECTION   |  |  |
| Asparagus<br>(Asparagus spp.)                         | WoNS<br>Biosecurity Act 2015                                    | State Priority Weed Objective – ASSET PROTECTION   |  |  |
| Fireweed<br>(Senecio<br>madagascariensis)             | WoNS<br>Biosecurity Act 2015                                    | State Priority Weed Objective – ASSET PROTECTION   |  |  |
| African Olive<br>(Olea europaea<br>subsp. cuspidata)  | Biosecurity Act 2015  | Regional Priority Weed Objective - ASSET PROTECTION  |  |  |

The Regional Strategic Response for Alligator Weed and Water Hyacinth is:

- Detailed surveillance and mapping to locate all infestations.
- High level pathways analysis to identify potential introduction areas and preventative options.
- Implement quarantine and/or hygiene protocols.
- Monitor progress towards eradication.

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The Regional Strategic Response for Lantana, Blackberry and Asparagus spp. is:

- Develop region-wide coordinated campaigns for collaborative management
- · Identification of regional containment zones where required
- · Identification of key sites/assets in the geographic area
- Species managed in accordance with published weed management plan

The Regional Strategic Response for African Olive is:

- Establish agreed quarantine and/or hygiene protocols.
- Surveillance and mapping to locate all infested properties.
- Monitor change in current distribution to ensure containment of spread.
- · High level analysis of pathways to identify potential introduction areas and preventative options.
- · Identification of key sites/assets in the geographic area
- Develop region-wide coordinated campaigns for collaborative management.
- Species managed in accordance with published weed management plans

#### 2.5.3.2 Species for Management Consideration

Other notable exotic species recorded within the Conservation Area that are deserving of management focus are listed below:

- Carpet Grass (Axonopus fissifolia):
- Spear Thistle (Cirsium vulgare);
- Whiskey Grass (Andropogon virginicus);
- Wild Tobacco (Solanum mauritianum);
- Large-leaved Privet (Ligustrum lucidum);
- Small-leaved Privet (Ligustrum sinense);
- Crofton Weed (Ageratina adenophora);
- Cotton Bush (Gomphocarpus fruticosus);
- · Camphor Laurel (Cinnamomum camphora); and
- Mickey Mouse Plant (Ochna serrulata).

Where identified, these species should be supressed and/ or eradicated to prevent further invasion or erosion of the biodiversity values within the Conservation Area.

### 2.6 Fauna

#### 2.6.1 Habitat

Fauna of the Conservation Area can be broadly characterised by those occupying habitats described as dry sclerophyll and mesic forests on various geomorphic surfaces (e.g. soils, aspect, slope) dissected by 1st to 3rd order streams and some floodplain environs. The catchment mostly comprises ephemeral 1st and 2rd order streams on moderately steep grades that exhibit short duration flows following effective rainfall events. These flows ultimately drain into wetlands located on the coastal floodplain in the south and west. Few instances of naturally prolonged water accumulations occur within these drainages outside the floodplain environment.

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In some drainages, these flows are intercepted by constructed online water detention structures built for the purposes of watering livestock. Also, there are scattered turkey nest dams throughout the Conservation Area acting as additional offline watering points.

The hydrogeomorphology of a 3rd order stream in the east of the Conservation Area is characterised by small semipermanent pools interconnected by dry elongated clayey riffle zones with no gravel substrate. Flows in this stream are rainfall dependant and are generally stagnant outside rainfall events

Rocky ground is commonly seen on elevated lands, which on mid to lower slopes breaks to clayey soils. A heterogenous distribution of fallen logs and hollow-bearing trees was observed, these representing habitat features with positive influence on bird, mammal and reptile species diversity.

#### 2.6.1.1 Hollow-bearing Trees

The distribution of hollow-bearing trees across the Conservation Area is not even and varies in accordance with historical land use. Relatively inaccessible lands generally comprise higher densities of hollow-bearing trees, as these forests were more difficult to clear or log.

The predicted hollow-bearing tree deficit for the Conservation Area was estimated in the former BMP and mapped. Enhancement works performed under the former BMP resulted in the installation of natural and artificial hollows to lift the amount of this habitat type across the Conservation Area. The extent of hollow installation is provided in the final annual monitoring report prepared under the former BMP, which is to be used as a baseline for ongoing reference.

### 2.6.1.2 Fallen Logs

The predicted fallen log length deficit for the Conservation Area was constructed from a comparison of the modelled distribution (RPS 2020a) and a benchmark state of 45 m/ ha or greater for PCT 1590 and 70 m/ ha for PCT 1584. Enhancement works performed under the former BMP have uplifted the amount of this habitat type within the Conservation Area. The extent of fallen log installation is provided in the final annual monitoring report prepared under the former BMP, which is to be used as a baseline for ongoing reference.

#### 2.6.2 Connectivity

Habitat connectivity throughout the Conservation Area provides continuous links through the landscape to the north, south and tentatively to the east beyond the immediately adjacent Pacific Highway. The Hunter River to the west creates discontinuity to habitats on the western side of the river. High canopy connectivity habitats are prevalent throughout the site, providing strong habitat resources for a range of arboreal fauna species. Important movement pathways identified in the Conservation Area are shown in Figure 4.

### 2.6.3 Threatened Fauna Species

Eighteen threatened fauna species have been recorded within the Conservation Area with recorded locations shown in Figure 5. By habitat type, species observations are as follows:

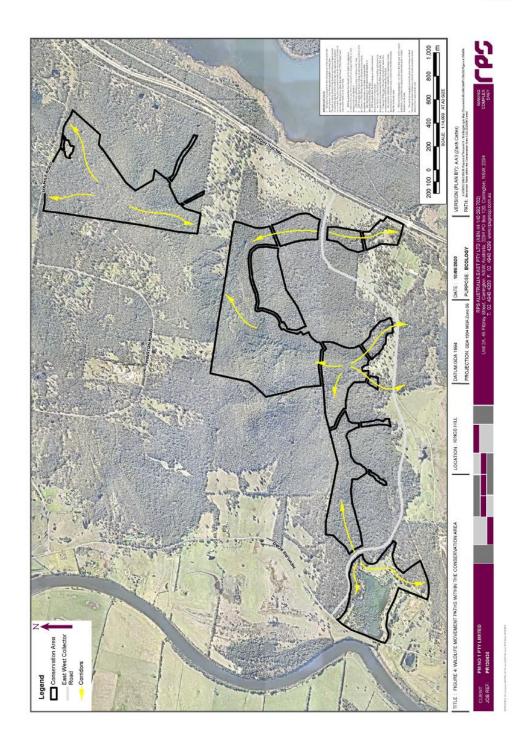
Wetland area (PCTs 783, 1230, 1728)

- White-bellied Sea Eagle (Haliaeetus leucogaster) (vulnerable under the BC Act);
- Grey-crowned Babbler (Pomatostomus temporalis) (vulnerable under the BC Act);
- Dusky Woodswallow (Artamus cyanopterus) (vulnerable under the BC Act); and
- Black-necked Stork (Ephippiorhynchus asiaticus) (endangered under the BC Act).

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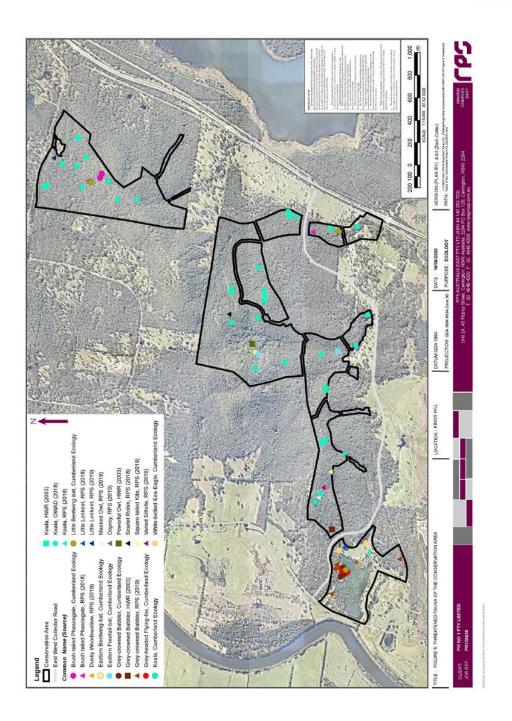
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Sclerophyll Forest (PCTs 1584 and/ or 1590)

- Grev-crowned Babbler (vulnerable under the BC Act):
- Glossy-black Cockatoo (Calyptorhynchus lathami) (vulnerable under the BC Act);
- Scarlet Robin (Petroica boodang) (vulnerable under the BC Act);
- Brown Treecreeper subspecies (Climacteris picumnus victoriae) (vulnerable under the BC Act);
- Varied Sittella (Daphoenositta chrysoptera) (vulnerable under the BC Act);
- Little Lorikeet (Glossopsitta pusilla) (vulnerable under the BC Act):
- Powerful Owl (Ninox strenua) (vulnerable under the BC Act);
- Masked Owl (Tyto novaehollandiae) (vulnerable under the BC Act);
- Squirrel Glider (Petaurus norfolcensis) (vulnerable under the BC Act);
- Brush-tailed Phascogale (Phascogale tapoatafa) (vulnerable under the BC Act);
- Koala (Phascolarctos cinereus) (vulnerable under the BC Act and EPBC Act);
- Eastern Freetail Bat (Mormopterus norfolkensis) (vulnerable under the BC Act);
- Grey-headed Flying-fox (Pteropus poliocephalus) (vulnerable under the BC Act and EPBC Act);
- Little Bentwing Bat (Miniopterus australis) (vulnerable under the BC Act); and
- Eastern Bentwing Bat (Miniopterus schreibersii oceanensis) (vulnerable under the BC Act).

A more detailed analysis for the White-bellied Sea Eagle, Grey-crowned Babbler, Black-necked Stork, large forest owls (Powerful and Masked Owl), Squirrel Glider, Brush-tailed Phascogale, Koala and Grey-headed Flying Fox is provided in the following sections to assist with the scoping of management actions and specifications provided in this BCAMP.

#### 2.6.3.1 White-bellied Sea Eagle

#### 2.6.3.1.1 Lifecycle

The White-bellied Sea-eagle reaches sexual maturity at approximately 6 years old (Marchant and Higgins 993; DoE 2015). The juvenile birds have a high mortality rate; however, they can live up to 30 years (Parks and Wildlife Service Tasmania 2006; as cited by, DoE 2015). White-bellied Sea-eagles breed in single monogamous pairs and only raise one clutch of 1-2 rarely 3 per year. Although a second clutch may be laid in the same nest or in a nearby nest if a nest fails early in incubation (Marchant and Higgins 1993; NSW Scientific Committee 2016). The breeding period is typically from June to January (NSW Scientific Committee 2016), however, it varies by a month or two between Northern and Southern Australia with commencement earlier in the north and cessation later in the south (DoE 2015). Eggs are mostly laid in June to September and young birds remain in the nest for 65-70 days (Marchant and Higgins 1993), After fledging, young birds are fed by the parents for up to three months after fledging the nest before being driven out of the breeding territory at approximately four months later (DoE 2015).

#### 2.6.3.1.2 Habitat

The White-bellied Sea Eagle is found in coastal habitats (especially those close to the sea-shore) and around terrestrial wetlands in tropical and temperate regions of mainland Australia and its offshore islands (DoE, 2017a). It occupies habitat characterised by the presence of large areas of open water (larger rivers, swamps, lakes, the sea) and have been recorded in (or flying over) a variety of terrestrial habitats (DoE, 2017a). This species has been recorded at or in the vicinity of freshwater swamps, lakes, reservoirs billabongs, saltmarsh and sewage ponds. Within the locality, there are 71 recorded locations of the Whitebellied Sea Eagle, scattered throughout and predominantly in association with Grahamstown Dam in the east and along larger riparian areas and wetlands.

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The White-bellied Sea-eagle nests are primarily built in tall emergent eucalypt trees and they may be built in a variety of sites including; bushes, mangroves, cliffs, rocky outcrops, caves, crevices, on the ground or even on artificial structures (Marchant & Higgins 1993; DoE 2015). Nest trees often have emergent dead branches which are used as 'guard roosts' (Dennis et al. 2011b; Debus et al. 2014; as cited by, NSW Scientific Committee 2016). In subtropical eastern NSW White-bellied Sea-eagles nest at least 220 m from human settlements (mean 460 m, O'Donnell and Debus 2012, NSW Scientific Committee 2016). Spencer and Lynch (2005; as cited by, NSW Scientific Committee 2016) report the White-bellied Sea-eagle avoids nesting near urban areas. Nests may be abandoned if disturbed (Debus et al. 2014; as cited by, NSW Scientific Committee 2016).

#### 2.6.3.1.3 Local Occurrence

A pair of White-bellied Sea Eagle's has been repeatedly recorded in the Conservation Area using a large Forest Redgum for breeding purposes. The White-bellied Sea Eagle nest is located in close proximity to Wetland 803. Habitat is largely restricted to the estuarine environment with limited foraging opportunities evident in the Conservation Area. Habitat and recorded locations for this species are shown in Figure 6.

#### 2.6.3.2 Grey-crowned Babbler

#### 2.6.3.2.1 Lifecycle

The Grey-crowned Babbler is primarily an insectivore that occasionally eats seed. It is terrestrial and arboreal species favouring the latter behaviour when compared to other babbler species. Foraging forays are commonly seen on the ground where it turns leaf litter, bark and small stones to uncover prey and also low shrubs and trees in feeding flocks of 2-15 birds. Feeding flocks maintain a tight association and rarely separated by more than 30 m at any one time for social and predator evasion reasons (Higgins and Peter

Co-operatively breeding groups comprise a breeding pair and several non-breeding birds who are helpers of auxiliaries. Helpers or auxiliaries aid in the building/ maintenance of dome shaped brood and roost nests in addition to feeding young. Nests often build in tall shrubs and small trees (saplings), with Casuarina glauca and Melaleuca styphelioides favoured on site. Groups often roost in one nest for warmth and predator evasion reasons (Higgins and Peter 2002).

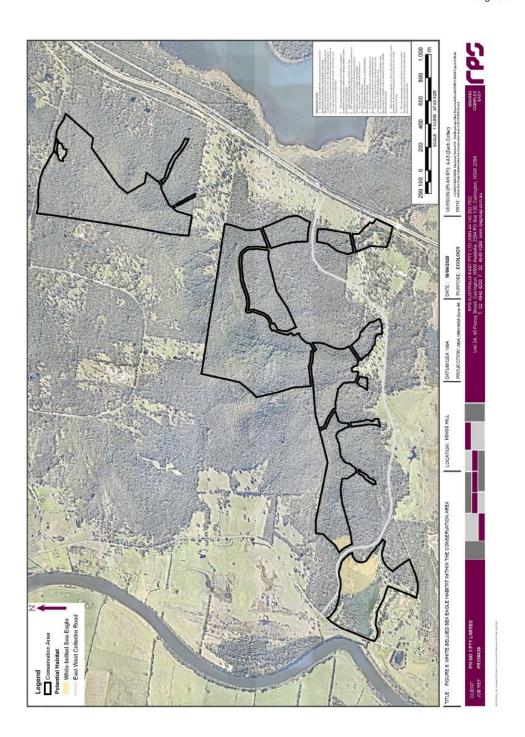
Groups typically comprise 4-12 birds with declining populations often identified by small groups of 1-3 birds and linked to fragmentation (i.e. >300m separation between habitat patches), predation and habitat simplification (i.e. burning for fuel reduction, tree dieback, removal of fallen timber/ logs, cattle grazing and invasion of pasture grasses/ exotic plants). Habitat simplification is often denoted by the loss of important resources for feeding and nest building through depletion of an accumulated leaf litter layer, increase in groundcover plant species and loss of shrub layer (Higgins and Peter 2002).

Groups live in permanent territories, often adjoining others, which are aggressively defended throughout the year. Home ranges or territories vary in area (e.g. 1.5 to 50 ha) with territory size dependant on resource availability and quality and not necessarily the number of birds. Offspring often stay with the breeding pair for up to two years, with dispersal occurring into neighbouring unoccupied habitat thereafter and form new breeding groups once sexually mature (i.e. 2-4 years) (Higgins and Peter 2002).

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#### 2.6.3.2.2 Habitat

The Grey-crowned Babbler can be found in open Box-Gum Woodlands on the slopes, Box-Cypress pine and open Box Woodlands on alluvial plains and in woodlands on fertile soils in coastal regions (OEH, 2019). Woodlands typically have regenerating trees, tall shrubs and an intact ground cover of grass and forbs (NSW Scientific Committee, 2011c). Nests for this species are dome-shaped and built from sticks and are usually located in shrubs or saplings and may also be built on the outermost leaves of low branches of larger eucalypts (OEH, 2019).

#### 2.6.3.2.3 Local Occurrence

There are 13 recorded locations of the Grey-crowned Babbler within the locality. Recent surveys of the study area recorded two Grey-crowned Babblers and one nest. Habitat for this species is not widespread throughout the Conservation Area and is restricted and generally concentrated to the vegetated margins of wetland 803 where a complex of young trees and understory structure is apparent; a localised circumstance consistent with habitat occupancy by a second flock of this species in the periphery of wetland 804 to the south west (Mark Aitkens pers obs 2019). Habitat and the recorded locations for this species are shown in **Figure 7**.

#### 2.6.3.3 Black-necked Stork

#### 2.6.3.3.1 Lifecycle

Black-necked Storks build large nests high in tall trees close to water that usually provide clear observation of the surroundings and are at low elevation (reflecting the floodplain habitat) (OEH 2019b). In NSW, breeding activity occurs May — January. Recorded nesting in Tomago NSW in 2017 involved a nest built in a Narrow-leaved Paperbark (Melaleuca linariifolia) approximately three metres tall, growing in wetland dominated by Common Reed (Phragmites australis). The tree had multiple trunks and the crown was broad and flattened at the top (Lindsey 2019).

#### 2.6.3.3.2 Habitat

This species inhabits tropical and warm-temperate terrestrial wetlands, estuarine and littoral habitats and occasionally grassland and wooded areas (Marchant and Higgins 1990). Foraging occurs in fresh or saline waters up to 0.5m deep, preferring extensive sheets of shallow freshwater over grassland or sedgeland; shallow swamps with short emergent vegetation and abundant aquatic flora and permanent billabongs and pools on floodplains (Marchant and Higgins 1990). Less common in intertidal waters, littoral and estuarine mudflats or areas of fringing mangroves (Marchant and Higgins 1990).

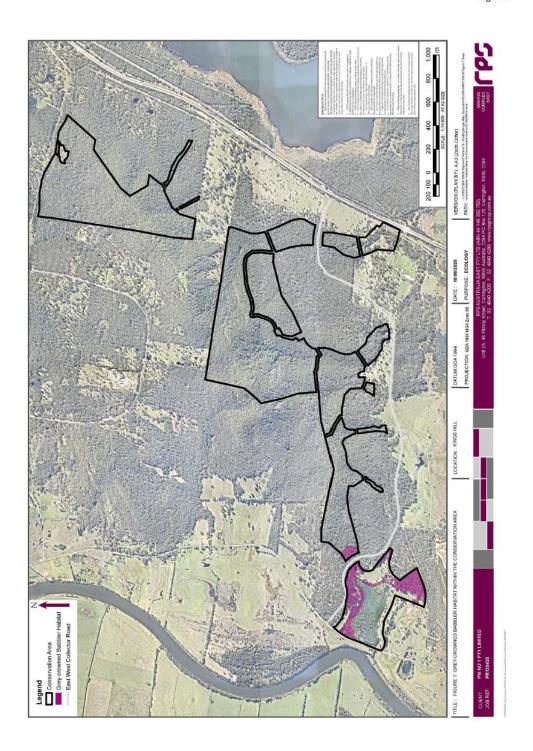
#### 2.6.3.3.3 Local Occurrence

The Black-necked Stork has been rarely observed in the Conservation Area despite frequent surveys by local ornithologists/ bird enthusiasts since 2016 and less frequent observations since 2000. The infrequent occurrences of this species are restricted to Wetland 803 where it is likely to have been moving through the locality or potentially foraging. Habitat for this species is restricted to the western part of the Conservation Area and is restricted to Wetland 803.

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#### 2.6.3.4 Large forest owls (Powerful and Masked Owls)

#### 2.6.3.4.1 Lifecycle

The Powerful Owl (Ninox strenua) reaches sexual maturity at 2 years of age in captivity and it is thought to reach sexual maturity at 3 to 4 years in the wild. The Powerful Owl is monogamous and lives in large permanent home ranges from 300 ha to 1500 ha depending on the habitat quality (DEC 2006). Breeding is strictly seasonal, occurring from mid-May to mid-July. A single clutch of 1-2 eggs is laid per year, although, a replacement clutch may be laid if the first attempt fails early on (DEC 2006). Juveniles are dependent for 6-7 months post-fledging and lifespan is up to 25+ years in captivity and thought to be approximately 15 years in the wild (Data from Fleay 1979, Schodde and Mason 1980, Hollands 1991, Debus and Chafer 1994, McNabb 1996, Kavanagh 1997, Higgins 1999; as cited by DEC 2006).

#### 2.6.3.4.2 Habitat

The Powerful Owl inhabits a range of vegetation types from woodland and open sclerophyll forest to tall open wet forest and rainforest (OEH 2019b). It typically utilises large areas of connected woodland or forest habitat, however, it can also occur in fragmented habitats.

The Powerful Owl forages in open or closed sclerophyll forest or woodlands and may also hunt in open habitats (OEH 2019b). As a hunter of arboreal prey, the Powerful Owl feeds predominantly on Common Ringfail Possums, Common Brush-tailed Possums, Greater Gliders and Sugar Gliders (Bain et al., 2014). Large eucalypts that are at least 150 years old, with hollows at least 0.5m deep are the primary nesting habitat for this species (OEH 2019b). Smaller trees with hollows and a shrub layer within which prey species reside are also habitat components for the Powerful Owl (OEH 2019b). Moist forest in unlogged corridors in gully systems is used for nesting and roosting (DEC 2006). Optimal breeding habitat contains; mature forest stands with large hollow bearing trees, dense understorey shrubs for fledglings and high densities of arboreal marsupials (Schodde and Mason 1980, McNabb 1996, Kavanagh 1997, Higgins 1999; as cited by, DEC 2006).

The Masked Owl (Tyto novaehollandiae) is a large forest owl that occupies dry eucalypt forests and woodlands from sea level to 1100 m. Pairs have a large home-range of 500 to 1000 hectares and is not a species exhibiting seasonal variation in its distribution. It roosts and breeds in moist eucalypt forested gullies, using large tree hollows or sometimes caves for nesting with a preference for vertical hollows in large trees.

Masked Owls feed mainly on small mammals, such as rodents, rabbits and bandicoots. Other prey animals include possums, reptiles, birds and insects, with hunting taking place in the early hours of night. The birds sit on low perches listening for prey which, once detected, is taken from the ground or from the tree branches.

The LMCC (2014) identify specific conservation priorities for Large Forest Owls with reference to nest and/or breeding roost tree habitat. Habitats for conservation priority include:

- Confirmed nest sites (including a 100m buffer), breeding roost trees (including a 50m buffer) and sustainable home range extant habitat around such sites;
- Riparian habitat;
- Corridor connectivity along riparian corridors and between major habitat fragments; and
- Old growth forest.

#### 2.6.3.4.3 Local Occurrence

Knowledge on the known area of occurrence of Large Forest Owls within the Conservation Area is derived from recent stag watch surveys (RPS 2020a), owl calling surveys (RPS 2020a) and historical data obtained from HWR (2004). No roost hollows have been observed within the Conservation Area. However, stag watching of suitable trees within the Conservation Area is incomplete.

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HWR (2004) report a Powerful Owl roost site in Conservation Area. This observation was in dense vegetation (John-Paul King pers com 2019). A Masked Owl was heard calling in the western part of the Conservation Area during stag watching in that location. Current observations indicate that Large Forest Owls are foraging throughout the Conservation Area, with no current known breeding nest trees identified at this stage

Habitat and the recorded locations for large forest owls are shown in Figure 8.

#### 2.6.3.5 Squirrel Glider

#### 2.6.3.5.1 Lifecycle

Squirrel Gliders nest in tree hollows and live in family groups of 2 to 9 individuals, typically comprising a mature male, one or more adult females and their offspring. They live for approximately 3 - 4 yrs (Murray 2007 pers. comm.; Sharpe & Goldingay 2010; as cited in, LMCC 2015) and have an average adult weight of about 200g. Reproduction peaks in late autumn and winter with food availability influencing timing of reproduction (Millis & Bradley 2001; Goldingay, Sharpe, Beyer & Dobson 2006; Sharpe & Goldingay 2010 as cited in, LMCC 2015).

High population density is only achievable in habitats with abundant hollow bearing trees (>4 habitat trees/ha) and abundant food trees (Smith and Murray 2003; van der Ree 2000; Sharpe & Goldingay 2010). Dead trees (stags) are an important habitat component and are used when available (Rowston 1998; Ball, Goldingay & Wake 2011; Beyer, Goldingay & Sharpe 2008).

#### 2.6.3.5.2 Habitat

Squirrel Gliders are sparsely distributed in eastern Australia, from northern Queensland to western Victoria (OEH 2019b). Populations of this species are highly localised and dependent on availability of suitable foraging habitat with tree hollows. Colonies require multiple den trees within their home ranges (LMCC

This species prefers a range of dry and moist sclerophyll forest, swamp forest, and woodland vegetation communities dominated by winter flowering eucalypts or flowering banksias, (Quin et al. 2004; Sharpe 2004; Sharpe & Goldingay 2010, HWR Ecological 2003), or summer flowering eucalypts with an understorey of acacia species that provide edible gum exudates in winter (e.g. A. irrorata, A. parramattensis, and A. longifolia) (Smith and Murray, 2003).

Squirrel gliders eat nectar from flowers, pollen and sugary plant and insect exudates (LMCC 2015). In addition to pollen and nectar, arthropods are an important food source (Sharpe & Goldingay 1998; Dobson, Goldingay & Sharpe 2005; Ball et al. 2009).

#### 2.6.3.5.3 Local Occurrence

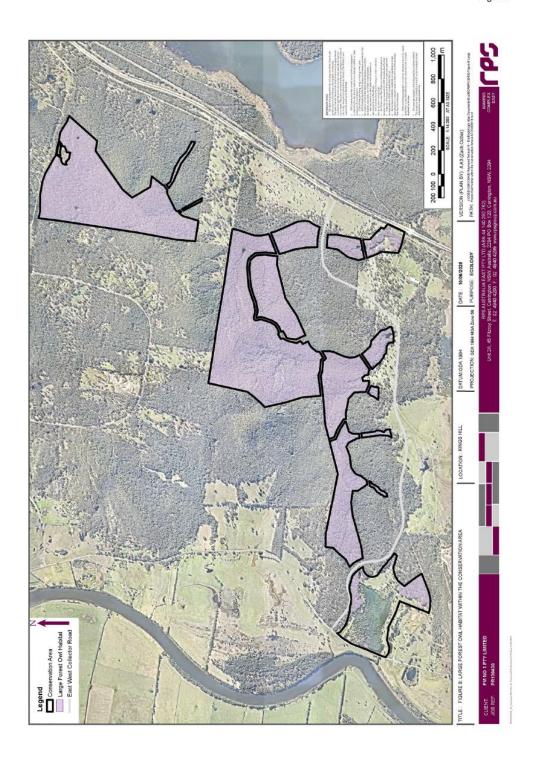
Recent surveys indicate the Squirrel Glider is likely absent from the location (RPS 2020a). However, marginal habitat is considered to present with nectar resources restricted to the eucalypt canopy. Potential habitat within the Conservation Area is largely limited to patches of Forest Redgum, Grey Ironbark, Grey Gum and Melaleuca styphelioides occurrences with a preference for lower elevations (HWR 2004). The potential habitat area is mapped in Figure 9.

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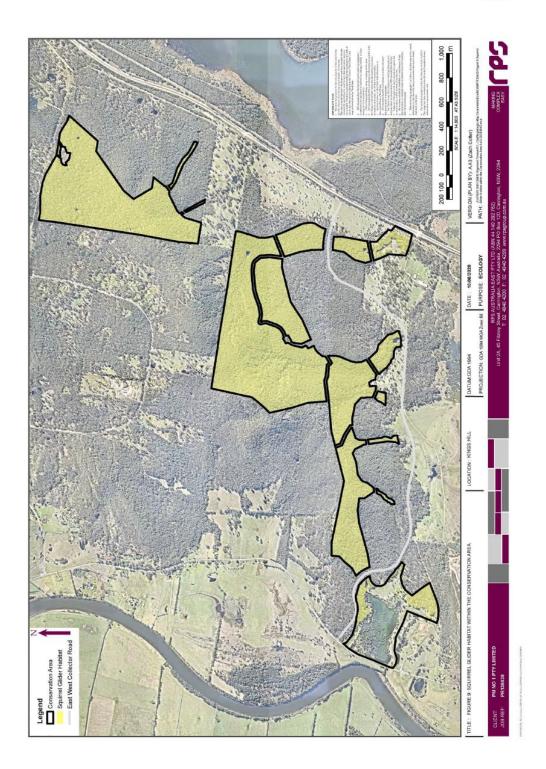
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#### 2.6.3.6 Brush-tailed Phascogale

#### 2.6.3.6.1 Lifecycle

The Brush-tailed Phascogale (Phascogale tapoatafa) is a bark foraging insectivore (Scarff et al 1998; Scarff and Bradley 2006) nocturnally active species occupying hollows as diurnal refugia and breeding. Mating occurs May - July; males die soon after the mating season whereas females can live for up to three years, but generally only reproduce once (OEH 2019b).

Female Brush-tailed Phascogale have exclusive territories of approximately 20 - 40 ha, whilst males have overlapping territories often greater than 100 ha (OEH 2019b); although home ranges of 2.3 – 8 ha have been reported in high quality spatially limited habitat (van der Ree et al 2001). Brushed-tailed Phascogales reside in tree hollows with entrances 2.5 - 4 cm wide and use many different hollows over a short time span (OEH 2019b), van der Ree et al (2001) indicates a preference for hollows occurring within trees with 80 cm diameter at breast height (DBH) or greater, although Rhind (2003) and Beyer and Goldingay (2006) note the frequent usage of nest boxes by this species.

#### 2.6.3.6.2 Habitat

The Brush-tailed Phascogale broadly prefers dry sclerophyll open forest with sparse groundcover of herbs, grasses, shrubs or leaf litter; although is also known in rainforest and wet sclerophyll forest (OEH 2019b). This species preferentially uses a habitat complex comprising groundcover layer features (e.g. fallen logs) and arboreal features such as hollow-bearing trees for denning and "rough barked trees of 25 cm DBH or greater" (OEH 2019b) for foraging.

The Brush-tailed Phascogale is a scansorial species (i.e. adapted to climbing) and forages on trees for invertebrates. High value habitat comprises vegetation with high invertebrate biomass and is linked to 'arboreal surface roughness' (i.e. tree trunks with high habitat values for invertebrates), and is thus an indicator of forage resource availability (e.g. increased abundance of prey species such as invertebrates) This habitat factor is consistent with findings presented in local studies on this species (Firebird 2013), where the species was observed in several Ironbark trees, including Eucalyptus crebra (Narrow-leaved Ironbark), E. siderophloia (Grey Ironbark) and E. fibrosa (Red Ironbark). A den site located to the northwest of the Conservation Area was located in a dead hollow-bearing 'stag' tree.

Data representing the distribution of 'rough-barked trees' species with a DBH of 30 cm or more was used identify habitat that is likely to represent high value foraging habitat for this species. Tree species used to model 'arboreal surface roughness' are listed below:

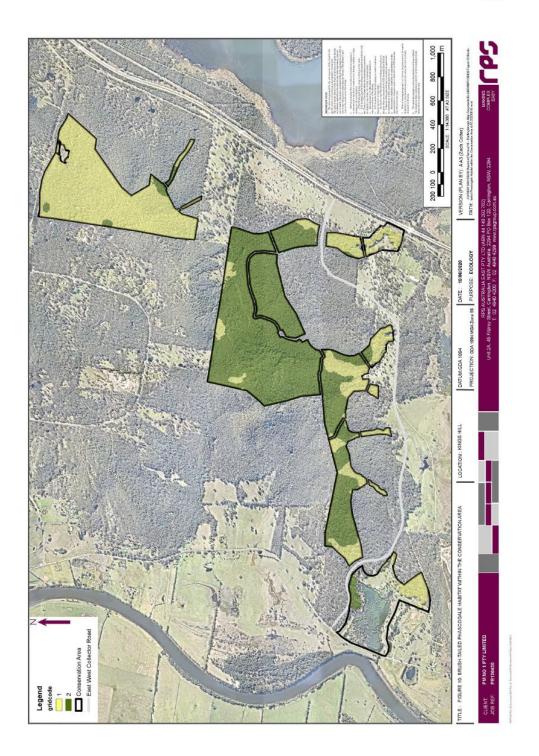
- Grey Gum and Small-fruited Grey Gum
- White Mahogany;
- White Stringybark:
- Blackbutt
- Red Bloodwood; and

The combined consideration of key habitat features (i.e. fallen logs, hollow-bearing trees and arboreal surface roughness) represents the likely extent of habitat of importance to the Brush-tailed Phascogale within the Conservation Area (i.e. breeding and high value foraging habitat), as shown in Figure 10.

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#### 2.6.3.6.3 Local Occurrence

The distribution pattern of the Brush-tailed Phascogale is likely controlled by the seasonal reliability of rainfall and diversity of food resources (Scarff et al 1998), with abundance in its habitat being highly variable over time and most likely in response to the distribution of key habitat features (e.g. hollows and rough-barked trees) at a range of scales (Mansfield et al 2017).

Brush-tailed Phascogale within the Conservation Area will preferentially occupy vegetation in hollow rich areas, particularly where trees are >80cm DBH, and where coincident with a high occurrence of roughbarked trees suitable for foraging **Figure 10**.

Local ecological studies and threatened species assessments performed within and adjacent the Conservation Area have recorded the occurrence of the Brush-tailed Phascogale (e.g. HWR Ecological 2004; 2005; EcoBiological 2010). Firebird (2013) identified the presence of actively breeding individuals in Spotted Gum Ironbark vegetation located immediately to the north of the Conservation Area and noted a likely broad and connected occurrence in the locality north through to Wallaroo State Forest and National Park.

Given the propensity of this species to disperse, the abundance of habitat connections north from the Conservation Area to large areas of habitat known comprising this species (Firebird 2013), it is considered that this species is widely distributed locally throughout numerous habitat patches. The maintenance of habitat suitability and connections there between represent the main conservation focus for the local population of this species.

#### 2.6.3.7 Koala

#### 2.6.3.7.1 Lifecycle

Koalas reach sexual maturity at 2 years of age and produce one Koala a year or rarely twins. Koalas live for between 10 and 20 years, and generally breed between September and February (DPIE 2019) comprising male bellowing, fighting and scent marking in in the period between August to October. Gestation is approximately 2 months and a newborn Koala resides in the pouch until around 7 months, with emergence starting from September. When the young koala is about one year old, its mother is able to mate again (DPIE 2019).

Koalas are typically solitary and dominant males are territorial, often driving off young males (DPIE 2019). Koalas rest for most of the day and at night they move between feed trees and along the ground in open woodland or cleared areas (DPIE 2019).

#### 2.6.3.7.2 Habitat

Koalas inhabit open eucalypt forest and woodland and feed on approximately 70 species of eucalypt and 30 species of non-eucalypt trees within NSW; however, local occurrences are more likely limited a small number of preferred feed tree species. Measures for total and digestible nitrogen and plant secondary metabolites (PSMs) obtained from the Conservation Area (Marsh and Youngentob 2019) confirmed local Koala feed tree preferences to include Eucalyptus tereticornis (Forest Red Gum), Eucalyptus punctata (Grey Gum), Eucalyptus microcorys (Tallowwood), Eucalyptus moluccana (Grey Box) and Eucalyptus propinqua (Smallfruited Grey Gum) and supplementary feed tree Eucalyptus globoidea (White Mahogany) as listed in PSC (2002) and OEH (2018).

BioLink (2017) note the following in relation to the mapping PKH within the PSC LGA and the dominant vegetation type of the Conservation Area:

"Seaham Spotted Gum - Ironbark Forest contain one or more PKFTs and so warrants recognition as PKH. However, field data indicates that constituent PKFTs are a sub-dominant feature of the tallest-stratum, hence implying the need to downgrade both PCTs from Secondary (Class B) – which requires dominance by one or more Secondary PKFTs, to the lower and more marginally aligned Secondary (Class C/B)" (BioLink (2017).

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However, the distribution of preferred koala feed trees within the Conservation Area does not correlate with vegetation mapping. Therefore, the extent of higher value koala foraging habitat varies with the distribution of

Koala habitat selection is not exclusively restricted to browse preferences as Koalas are a species limited by low energy budgets from a low nutrient Eucalypt diet (Krockenberger 2003). For this reason, and where possible, Koalas preferentially occupy a home range that simultaneously satisfies all key habitat factors within the smallest possible area (e.g. minimise energy cost) provided the threat of predation risk is acceptable. Therefore, a more accurate habitat model that accounts for key factors additional to browse preference would include dietary need and the consideration of:

- Seasonal thermoregulation and water budget requirements (Briscoe et al 2014; Ellis et al 2011; Ellis et al 2018); and
- Threat avoidance to minimise the propensity for predation.

Habitat accommodating key habitat needs is likely to be characterised by forests comprising a variety of PKFTs with high canopy connectedness, which provides cooler microclimates for thermoregulation and sponsors inter-tree canopy movements (Goldingay and Taylor 2016) to minimise the threat of predation. These areas of habitat are also likely to comprise larger trees, which also provide additional shelter from predators and shade from the summer heat (Moore and Foley 2005; Matthews et al. 2007).

A map showing the extent of habitat within the Conservation Area is provided in Figure 11

#### 2.6.3.7.3 Local Occurrence

The Koala has been consistently recorded throughout Port Stephens LGA. It occurs in the east at Tomaree in high densities amid small areas of primary habitat through to low density occurrence in the west within the Conservation Area, with intervening noteworthy occurrences at Grahamstown Dam, Medowie and Salt Ash to Bobs Farm. According to BioLink (2019), historical occurrences at Tomago and Williamstown appear to have been negatively impacted by frequent intense fires in this area; a known threat to the survival of the

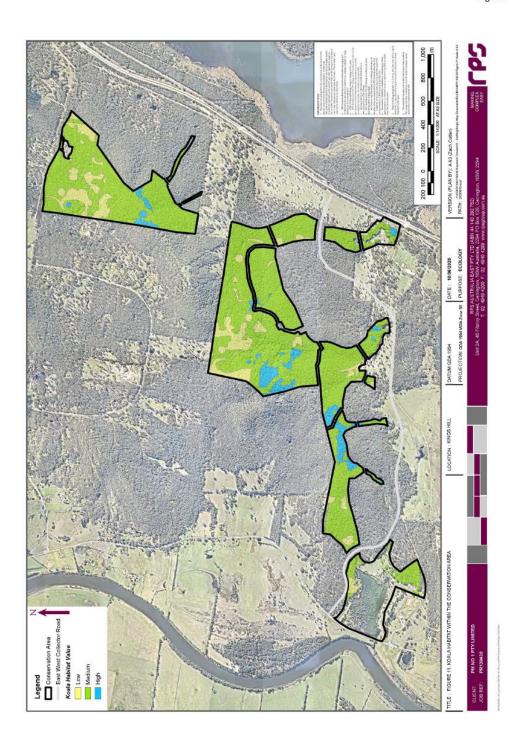
Recent genetic studies of Koalas at multiple sites in the Port Stephens including Tomaree, Karuah, Grahamstown West and the Conservation Area (Hogan et al 2019 in prep) identified two distinct genetic clusters, this being the basis for the identification of two separate Koala populations. The population in the east is likely bounded by movement barriers located in the Salt Ash area, where anthropogenic influences are likely to have negatively influenced east - west geneflow thereby geographically isolating this population from proximal occurrences.

BioLink (2019) indicate a geographic limit to the Kings Hill hub, which includes the Conservation Area, by reference to movement barriers such as the Pacific Highway, Williams River and Italia Road/ Balickera Channel. However, the genetic study indicates otherwise, showing geneflow between Koalas within the Conservation Area and that west of the Pacific Highway and north of Balickera Channel. The abundance of Koala habitat north and east of the Conservation Area, and limited amount to the south, indicate the Conservation Area is likely located at the southern extremity of an unbounded population that extends north/ north west from Wallaroo National Park and east of Karuah.

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#### 2.6.3.8 Grey-headed Flying Fox

#### 2.6.3.8.1 Lifecycle

Australian flying-foxes are seasonal, synchronous and polygamous breeders (DECCW 2009a, Eby 2008 as cited by GeoLINK 2013). Mating behaviour in Grey-headed Flying-foxes commences in January with conception occurring in April / May (Nelson 1965, Martin et al. 1996). They have a low reproductive rate, with a single pup generally born from October to December (Martin and Mcllwee 2002; Divijan 2008 as cited by, DoEE 2017). Individuals reach sexual maturity in the second year of life, but typically do not successfully raise young until the third year (Mcllwee and Martin 2002; as cited by DoEE 2017).

Newborn flying-foxes are incapable of thermoregulation (Bartholomew et al. 1964; as cited by, GeoLINK 2013) and the young cling to their mothers for approximately four to five weeks. Flying-foxes can live for over 16 years in the wild, however, average life expectancy is more likely to be under seven years (Divljan et al. 2006; as cited by, GeoLINK 2013).

#### 2.6.3.8.2 Habitat

According to DoEE (2017), Grey-headed Flying-fox has historically occupied forests and woodlands in the coastal lowlands, tablelands and slopes of south-eastern Australia, from Bundaberg in Queensland to Geelong in Victoria, with rare sightings outside its range. More recently, camps have established in Adelaide, the Australian Capital Territory and inland areas of central and southern New South Wales and Victoria.

GeoLINK (2013) identified that the Lower Hunter supports 20 known camps of the GHFF, seven of which are identified as critical to the survival (CTS) of the GHFF in the Lower Hunter: Millfield, Martinsville, Morisset, Blackbutt Reserve, Anna Bay, Medowie and Tocal. Six camps were clearly not CTS of the GHFF: Black Hill, Belmont, Glenrock, Hannan Street, Italia Road and Raymond Terrace. However, in a review of the Raymond Terrace camp, PSC (2017) identified this camp to qualify as CTS.

The flowering phenology described by Eby and Law (2008), as adjusted for the Lower Hunter region (GeoLINK 2013) for important feed tree species present on site are listed in **Table 5** according to their bimonthly flowering phenology. Scores for duration represent the length in months of individual flowering events. The winter and spring food bottleneck, which is shaded in **Table 5**, is a sensitive period for the Greyheaded Flying Fox as this period coincides with gestation and immediately precedes birth and lactation.

Table 5: Flowering Phenology for Grey-headed Flying Fox Important Nectar Species

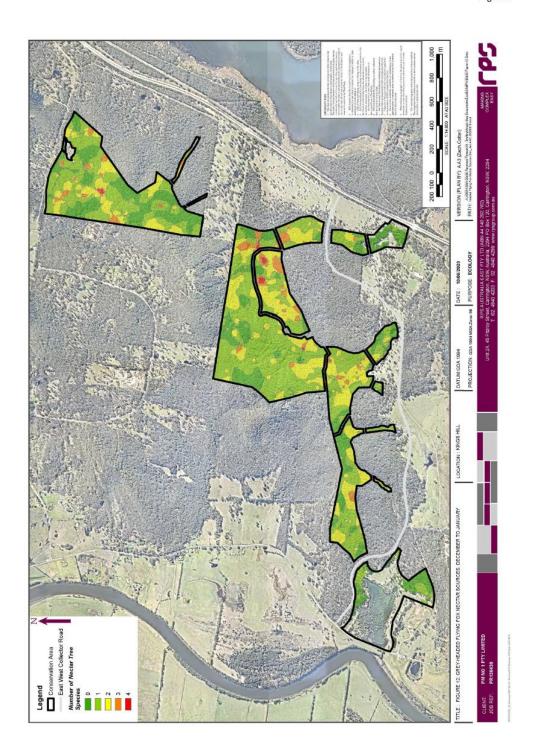
| Species                 | D-J | F-M | A-M | J-J | A-S | O-N | Flowering duration (months) |
|-------------------------|-----|-----|-----|-----|-----|-----|-----------------------------|
| Corymbia gummifera      |     |     | ×   |     |     |     | 1                           |
| Corymbia maculata       |     |     | ×   | ×   | х   |     | ≤3                          |
| Eucalyptus acmenoides   | ×   |     |     |     |     | x   | 1                           |
| Eucalyptus fibrosa      | ×   |     |     |     |     | х   | 2                           |
| Eucalyptus molucanna    |     | х   |     |     |     |     | 2                           |
| Eucalyptus pilularis    | ×   | ×   |     |     |     |     | 2                           |
| Eucalyptus propinqua    | ×   | X   |     |     |     |     | 2                           |
| Eucalyptus punctata     | ×   | Х   |     |     |     |     | 1                           |
| Eucalyptus robusta      |     |     | х   | ×   |     |     | ≥3                          |
| Eucalyptus siderophloia | ×   |     |     |     |     | х   | 2                           |
| Eucalyptus tereticornis |     |     |     |     | х   | х   | 2                           |

The distribution of nectar feed tree species according to the bimonthly phenology outlined in **Table 6** has been modelled for each bimonthly period is shown in **Figures 12** to **17**.

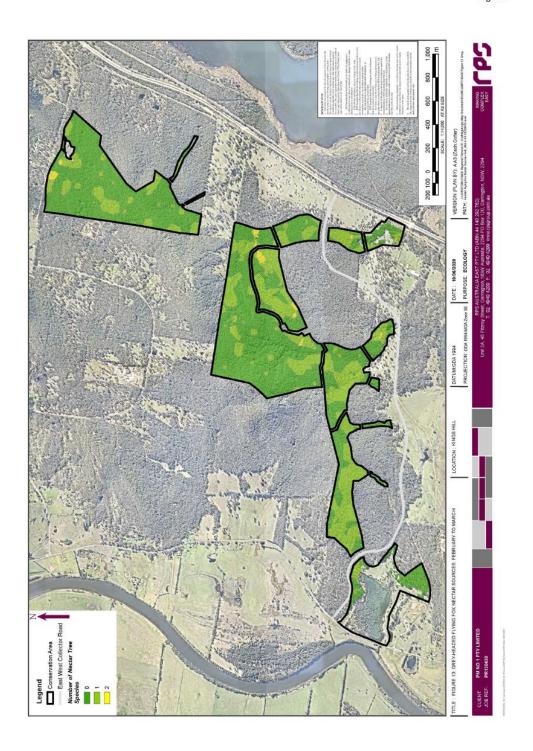
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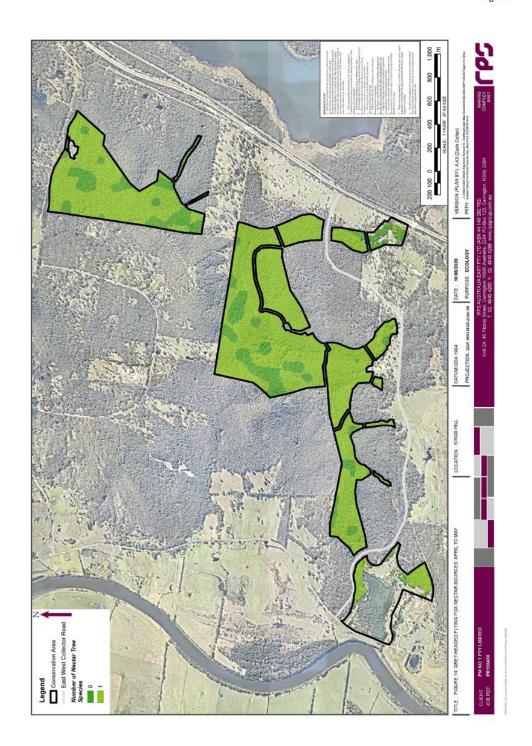
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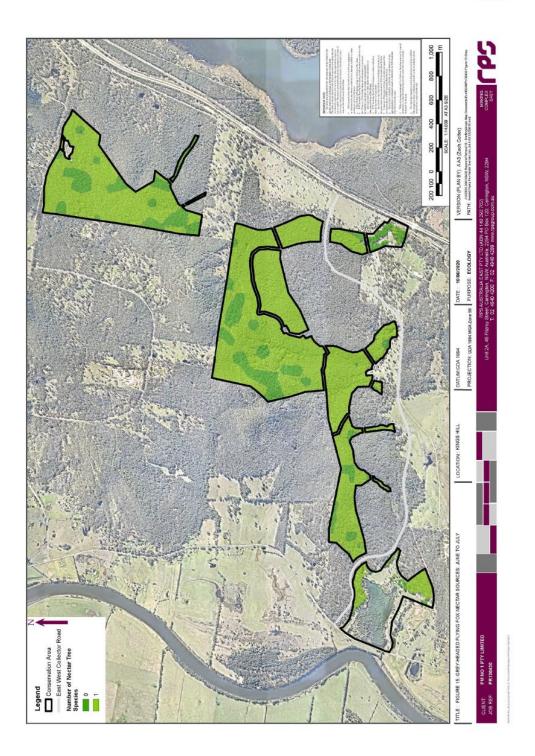
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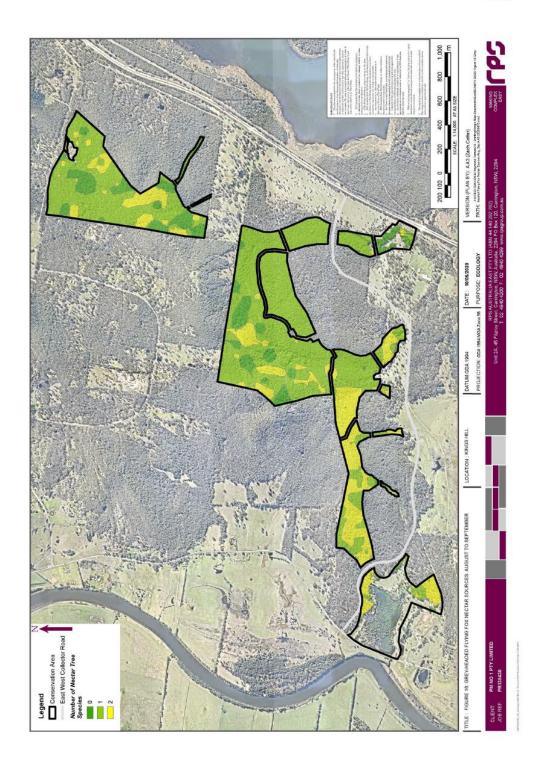
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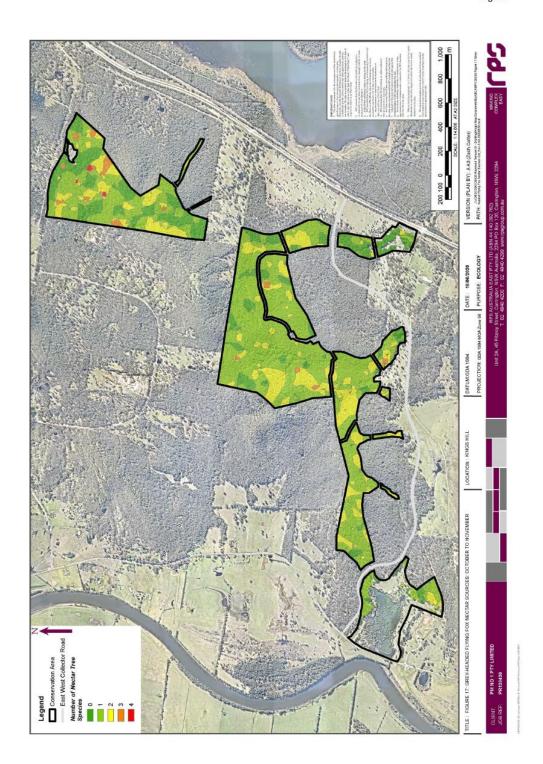


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#### 2.6.3.8.3 Local Occurrence

Port Stephens Local Government Area currently supports nine known flying-fox camps. The nearest camp to the Conservation Area is located at Raymond Terrace, hereafter referred to as the Ross Walbridge Reserve Camp, and is the only constantly utilised flying-fox camp in the LGA. According to Port Stephens Council (2017), the Ross Walbridge Reserve Camp contains at least 8,000 individuals (of three different species) with a maximum record of 21,000 in April 2016. Other flying-fox camps in the local government area include:

- Anna Bay, Tomago (Fullerton Cove), Wallaroo NP (Italia Rd) and North of Italia Road and are currently
- Bob's Farm (two Camps 3km apart) where a large number of animals were recorded in 2015, but no other evidence of sustained camp usage has been recorded.
- Medowie where animals were recorded in 2013 and 2014, but in no other year.
- Schnapper Island; where a small number of animals were observed roosting in 2014.

The Ross Walbridge Reserve Camp has been permanently occupied since 2013 and due to the number of animals consistently utilising the site, it was designated a Nationally Significant Flying-fox Camp. The proportion of Grey-headed Flying Fox within this camp has varied from 1.1-30.1% relative to the total number of individuals within the Hunter Region, with the camp occupancy routinely spiking during the cooler months (i.e. bottle food period). More recently (i.e. post 2015 winter period), camp numbers in the food bottleneck period of the year are considerably less than historical levels, presumably due to wildfire related disruptions to nectar resources throughout the Port Stephens area (Port Stephens Council 2017).

Approximately 51% of land within 20 km of the Raymond Terrace site supports native forests and woodlands in patches ranging in size from small remnants to extensive tracts in conservation reserves and state forests. Rainforest is rare and rainforest fruit provides insignificant food resources for flying-foxes during late summer and autumn. By contrast, approximately 85% of the forested land within 20km of Raymond Terrace contains flowering trees visited by the animals (Port Stephens Council 2017).

#### 2.6.4 Exotic Fauna

Pests such as the fallow deer (Dama dama), European fox (Vulpes vulpes) and Wild dog (excluding Dingo) occur within the locality, with fallow deer and wild dog commonly found in the Conservation area. These pest species represent a threat to native vegetation and structure and for fauna such as the Koala.

#### 2.7 Infrastructure

### 2.7.1 Access

The Conservation Area comprises a network of managed tracks and specific provisions for access control (i.e. gates), which are shown in Figure 18.

#### 2.7.2 Fencing

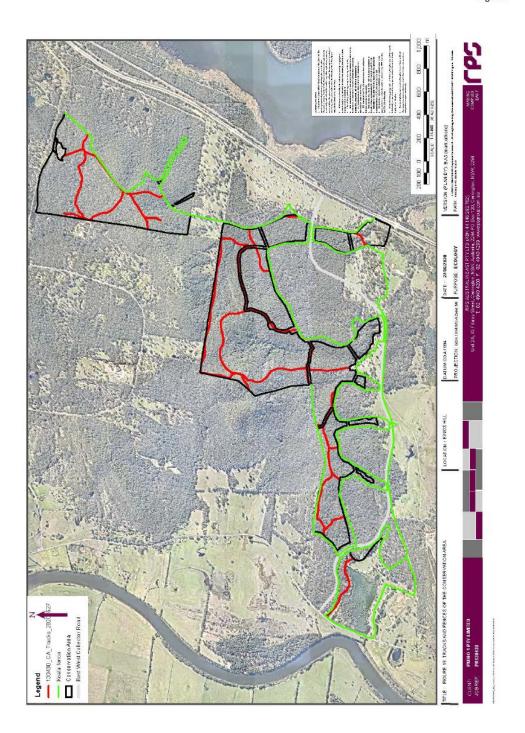
A Koala fence is situated between the Conservation Area and proximal urban lands as shown in Figure 18. Fencing on boundaries with E2 and rural lands is variable and maintained in consultation with adjoining land holders for the purposes of restricting the entry of livestock and vehicles.

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### 3 MANAGEMENT ZONES

#### 3.1 Units, Timing and Frequency

Management prescriptions specified in this BCAMP are to be implemented in-perpetuity using two different management units, as described in **Table 6**, these reflective of the differing scales in management activity.

Table 6: BCAMP Management Units

| Management Unit                   | Scale     | Focus of Management Actions  |
|-----------------------------------|-----------|--|
| Conservation Area Management Zone | Landscape | Access, fencing, feral fauna control, high threat weed control and fire management |
| Biodiversity Management Zone      | Targeted  | Protection of threatened species and wetland habitat                               |

A guide for the timing and frequency of management actions within these management units is outlined in Table 7

Table 7: Timing and Frequency Guidance for Management Actions

| Management Actions          | Timing                | Frequency  |
|-----------------------------|-----------------------|--|
| Access and fencing          | Autumn - winter       | As required  |
| Feral fauna management      | Autumn - winter       | Annually   |
| Fire                        | Consultation with RFS | Integrated with weed control and habitat enhancement works |
| Weed control                | Spring and summer     | Annually   |
| Threatened flora protection | As required           | Annually   |

The objectives, performance targets, actions and specification guidance for each management unit are described in the following sections.

#### 3.2 Conservation Area Management Zone

The entirety of the Conservation Area defines this management zone. Management actions performed at this scale are focused on minimising the effects of anthropogenic impacts through controlling access, managing unwanted impacts from herbivore grazing or protecting sensitive species such as the koala (i.e. fencing), controlling highly mobile exotic herbivore with large home ranges and protecting fauna and their habitats from wild fire. The following sections provide details on these management matters.

#### 3.2.1 Access and Fencing

#### 3.2.1.1 Overview

The rural and urban zoned land adjoining the Conservation Area represents a potential source for impacts that may negatively influence the protection of biodiversity values. Access management is a preventative approach that seeks to avoid the occurrence of these impacts. It also provides opportunity for the establishment of managed trafficable pathways for passive recreation purposes or implementation of management actions.

Access management aims to protect the biodiversity values of the Conservation Area by preventing impacts from unauthorised access, livestock grazing and exposure of threatened species to threats commonly found in adjoining urban and rural environments. Access management includes the installation of fences, gates/ signage and tracks. Fencing serves two main outcomes:

 Protect vegetation and habitat contained within the Conservation Area from damage caused by livestock and anthropogenic activity associated with unauthorised entry (unauthorised logging, dumping of waste, bushfire threats etc); and

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· Separate native fauna such as the koala from threats present in the adjoining urban/ rural environment.

#### 3.2.1.2 Objectives and Performance Targets

The objectives and performance targets for access management works is provided in Table 9.

Table 8: CMA Access and Fencing Objectives and Performance Targets

# Prevent movement of livestock into Conservation Area Prevent unauthorised access into Conservation Area Prevent unauthorised access into Conservation Area Unauthorised human activities are prevented

The annual works program is to have an ongoing regard for the maintenance of fences and gates to a standard that meets the specified performance target.

#### 3.2.1.3 Specification Guidance

#### 3.2.1.3.1 Fencing

Fencing is required to create a barrier between the wildlife habitat within the lands to be retained and managed for conservation purposes and that of the adjoining development precincts. The intent of fencing should be to contain koala movement within the designated environmental lands while at the same time restricting access to the corridor by people and domestic animals. This barrier effect can be achieved by way of a standard floppy-top design typically deployed on road upgrades.

However, a recent review of the efficacy of fencing (in terms of impeding koala movement) that was completed for NSW Roads & Maritime Services (Phillips and Fitzgerald 2014), provided strong *defacto* support for acceptance of a broader range of fence types being recognised as capable of influencing/ impeding koala movement. This knowledge has allowed us to promote less expensive designs that are capable of achieving the same end result. By example, the fencing standard we have recommended for purposes of the Ocean Drive Road Corridor Koala Management Framework (Biolink 2014) comprises 1500 - 1800 mm x 50 mm x 50 mm galvanised mesh supported above ground by 60mm galvanised pipe uprights at 3m intervals.

#### 3.2.1.3.2 Tracks

All access gates and trails shall be assessed in terms of their operational requirements and delegated a classification and category in accordance with-NSW RFS Fire Trails standards (2019). Furthermore, these trails will be submitted to the NSW RFS to be included on the district fire trail register to ensure ongoing maintenance to the identified standard.

## 3.2.2 Feral Fauna Control

#### 3 2 2 1 Overview

Introduced species pose direct and indirect threats to native fauna either through predation or competition. Pests such as the fallow deer (*Dama dama*), European fox (*Vulpes vulpes*) and Wild dog (excluding Dingo) can pose threats to native fauna through excessive predation and competition for grazing and habitat removal. Their management is important for maintaining native fauna populations and encouraging recolonisation of native species into rehabilitated areas.

### 3.2.2.2 Objectives and Performance Targets

The objectives and performance targets for access management works is provided in Table 9.

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#### Table 9: CMA Feral Fauna Management Objectives and Performance Targets

| M | lanagement Objective                   | P | erformance Target           |
|---|--|---|-----------------------------|
| • | Eradicate Wild Dog (excl. Dingo)       | • | No evidence of Wild Dogs    |
| • | Maintain low abundance of European Fox |   | No evidence of European Fox |
| • | Eradicate Feral Deer                   | • | No evidence of Feral Deer   |

The annual works program is to have an ongoing regard for the control of feral fauna to a standard that meets the specified performance target.

#### 3.2.2.3 Specification Guidance

Typical management actions that will be implemented for pest species include, but are not limited to:

- Coordinated culling of feral deer in associated with other landowners and Local Land Services;
- Baiting using canid pest injectors to control European fox and wild dog;
- Destruction of rabbit warrens;
- Trapping and removal program for wild dogs and feral cats; and
- Fence maintenance.

#### 3.2.3 Weed Control

#### 3.2.3.1 Overview

A realistic approach consistent with the objectives for weed species established under the Biosecurity Act involves controlling and suppressing weed species, thus providing a better opportunity for native flora to germinate, grow and establish dominance. Areas of dense weeds, specifically Lantana, African Olive and other noxious weeds will be targeted during VMP actions with the removal of approximately 95% of weeds from the Conservation Area within 5 years is the desired outcome. However, these efforts will need ongoing inspections and maintenance as prolific and noxious weeds are difficult to control.

A list of high threat weed species (as determined by the Biodiversity Conservation Division {BCD}) detected within the Conservation Area include;

- Crofton Weed (Ageratina adenophora);
- Alligator Weed (Alternanthera philoxeroides)
- Whiskey Grass (Andropogon virginicus);
- Asparagus (Asparagus spp.)
- Carpet Grass (Axonopus fissifolia);
- Camphor Laurel (Cinnamomum camphora)
- Water Hyacinth (Eichhornia crassipes)
- Lantana (Lantana camara)
- Large-leaved Privet (Ligustrum lucidum);
- Small-leaved Privet (Ligustrum sinense);
- Mickey Mouse Plant (Ochna serrulata)
- African Olive (Olea europaea subsp. cuspidata)
- · Blackberry (Rubus fruticosus species aggregate)

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· Fireweed (Senecio madagascariensis)

#### 3.2.3.2 Objectives and Performance Targets

The objectives and performance targets for the management of high threat weeds is provided in Table 10.

Table 10: Weed Control Management Objectives and Performance Targets

| Management Objectives                  | Performance Target  |
|--|---|
| Keep weed levels at <5%                | High threat weed cover is < 5%  |
| Utilise fire to aid in weed management | <ul> <li>Weed propagules stored in the seed bank are exhausted<br/>through the use of fire</li> </ul> |

The annual works program is to have an ongoing regard for the control of weeds to a standard that meets the specified performance target outlined in **Table 10**.

#### 3.2.3.3 Specification Guidance

Environmental restoration specialists, Toolijooa provides a guideline for weed management both within the initial five years of works and into the future, specifying that a staged approach across zones has a number of advantages, such as

- It allows treated areas to be effectively managed post primary weed treatment before moving to the next target area.
- Provides the opportunity to manage any more complex weed suite outbreaks due to increased light and space from primary weed control efforts.
- Provides the opportunity for local fauna utilising the weeds to adapt and safely relocate over a longer periods of time.
- Aims to spread the costs for weed management over the longer term, whilst reaching the specified reductions in weed density throughout each zone.

The recommended weed treatments and associated timing is provided below in Table 11.

Table 11: Recommended Weed Treatment Methodologies (Toolijooa, 2020)

| Weed Species  | Treatment Method  | Seasonal<br>Timing | Yearly Treatment<br>Events  |  |
|---|---|--------------------|---|--|
| Lantana<br>(Lantana camara)                           | Splatter-gun herbicide treatment, cut and paint and hand removal where appropriate.                           | Almost all year    | 3 sessions in first 12<br>months and no more than<br>2 visits required each year. |  |
| Alligator Weed<br>(Alternanthera<br>philoxeroides)    | Hand removal or selective foliar<br>herbicide treatment. Biomass removed<br>from site.                        | Spring –<br>Summer | At least 3 treatments each year.  |  |
| Blackberry<br>(Rubus fruticosus species<br>aggregate) | Foliar herbicide treatment, scrape and paint or manual grubbing where appropriate. Biomass removed from site. | Spring –<br>Summer | Two visits in the growing season each year.                                       |  |
| Ground Asparagus<br>(Asparagus spp.)                  | Foliar herbicide treatment or manual grubbing where appropriate. Corms and berries removed from site.         | Almost all year    | Two visits in the first year<br>and no more than one visit<br>required each year. |  |
| Fireweed<br>(Senecio madagascariensis)                | Foliar herbicide treatment and/or slashing prior to seed set.   | Spring –<br>Summer | At least 3 treatments each year.  |  |
| African Olive<br>(Olea europaea subsp.<br>cuspidata)  | Cut and paint/foliar spray juveniles, basal bark or frill and fill mature individuals.                        | Spring -<br>Summer | 3 sessions in first 12<br>months and no more than<br>2 visits required each year. |  |

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#### Table Note

Toolijooa (2020) also outline that the utilising of fire in weed management may also bring forth a desired outcome, where targeted controlled burns may reduce the required weed management efforts. This may be particularly effective for areas of dense African Olive. Fire is considered one of the most effective ways in which to achieve large-scale treatment of the existing weeds and seed sources scattered through these areas of African Olive. The proposed use of fire for management purposes is detailed in the following section.

#### 3.2.4 Fire

#### 3.2.4.1 Overview

Fire intensity and frequency shapes the natural environment. Frequent fire doesn't allow plants enough time to develop their fire recovery adaptations and may lead to localised species extinctions or a contraction of a plant community extent. Conversely, prolonged inter fire intervals can lead to a dominance of a small suite of longer-lived taxa to the detriment of other plant community species. Fire may also be used to aid in the management of other matters such as high threat weeds and feral fauna.

The use of traditional Aboriginal cool burning techniques is recommended for the Conservation area, as these techniques can encourage native grasses to regenerate and produce new feed, reduce scrub and fuel to prevent intense bushfires, and also promote biodiversity (Landcare 2019). The adoption of traditional Aboriginal burning requires a sound understanding of local conditions to ensure it is effective and safe and therefore should only be conducted by qualified personnel, in addition to consultation with the RFS, that understand the area and the specific management objectives assigned to the Conservation Area.

#### 3.2.4.2 Objectives and Performance Targets

The objectives and performance targets for fire management works is provided in Table 12.

Table 12: Conservation Area Fire Management Objectives and Performance Targets

| Management Objective  | Performance Target  |  |
|---|---|--|
| Record and analyse all fire suppression assets on<br>site to inform future bush fire management<br>planning.  | Maintain fire suppression assets to facilitate proposed fire management activities            |  |
| Determine Bush fire Mitigation Measures (BMMs) in accordance with Planning for Bushfire Protection (2018) that impact on the forested landscape and natural heritage values | Complete any work required to support the continuation of Bushfire Mitigation Measures        |  |
| Development of Bush fire Management Plan for the landscape  | Provide a document that mitigates the risk of bush fire to life, property and the environment |  |
| Protection of revegetation works  | Revegetation works are mature into self-sustaining populations                                |  |
| Protection of Koala feed tree enrichment plantings  | Evidence of Koala activity in areas with low or no recorded activity                          |  |
| Protection of Koala fence   | Fences maintained in functional order   |  |
| Use of appropriate fire intervals to maximise biodiversity values   | Reduction in fuel load accumulation and incidence of high threat weeds                        |  |

The annual works program is to have regard for the management objectives outlined in Table 12.

### 3.2.4.3 Specification Guidance

In making decisions on fire management it is important for land managers to be aware of the appropriate fire intervals for the specific vegetation types when considering either hazard reduction burns or ecological burns (for biodiversity enhancement). Recommended fire intervals are listed below in **Table 13** for the native vegetation types recorded within the EPAs on the NPWS (2004).

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Table 13: Recommended Fire Intervals for PCTs within the Conservation Area

| PCT Name  | Vegetation Formation (NPWS 2004)       | Minimum<br>Interval (Years) | Maximum<br>Interval (Years) |
|---|--|-----------------------------|-----------------------------|
| 783 Coastal freshwater swamps of the Sydney<br>Basin Bioregion  | Estuarine and saline<br>wetland        | Fire should                 | be avoided                  |
| 1525 Sandpaper Fig - Whalebone Tree warm temperate rainforest   | Rainforest                             | Fire should                 | be avoided                  |
| 1584 White Mahogany - Spotted Gum - Grey<br>Myrtle semi-mesic shrubby open forest of the<br>central and lower Hunter Valley       | Dry sclerophyll shrub /grass<br>forest | 5                           | 50                          |
| 1590 Spotted Gum - Broad-leaved Mahogany -<br>Red Ironbark shrubby open forest  | Dry sclerophyll shrub forest           | 7                           | 30                          |
| 1600 Spotted Gum - Narrow-leaved Ironbark shrub - grass open forest of the central and lower Hunter                               | Dry sclerophyll shrub /grass<br>forest | 5                           | 50                          |
| 1230 Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion         | Swamp sclerophyll forest               | 7                           | 35                          |
| 1728 Swamp Oak - Prickly Paperbark - Tall<br>Sedge swamp forest on coastal lowlands of the<br>Central Coast and Lower North Coast | Swamp sclerophyll forest               | 7                           | 35                          |

Appropriate fire intervals allow time for sustainable vegetation community recovery for both floristics diversity and structure. A plant's post fire recovery adaptations require time to develop and include reaching a maturity and size that will allow for reproduction to produce adequate seed for 'storage' in soil and/or canopy to survive subsequent fire events, and to have developed sufficient vegetative mass or parts to protect against fire and enable it to resprout after a fire.

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#### 3.3 **Biodiversity Management Zones**

#### 3.3.1 Overview

Six Biodiversity Management Zones (BMZs) are to be used to provide a targeted, spatially representative and coordinated application of management actions across the Conservation Area. BMZs have been delineated through an examination of current biodiversity values known to occur within this Conservation Area as outlined in Section 2. BMZ descriptions and management focus are described in Table 14.

Table 14: BMZ Descriptions and Management Focus

| BMZ | Descriptor                     | Management<br>Area Size | Management Focus  |
|-----|--------------------------------|-------------------------|---|
| 1   | Koala Protection Zone 1        | 55 ha                   | The protection, maintenance, or improvement of koala habitat  |
| 2   | Koala Protection Zone 2        | 47 ha                   | The protection, maintenance, or improvement of koala habitat  |
| 3   | Koala Protection Zone 3        | 45 ha                   | The protection, maintenance, or improvement of koala habitat  |
| 4   | Riparian Protection Zone       | 10 ha                   | Targeting this riparian area to maintain or improve outcomes in weed management and koala habitat protection                              |
| 5   | Wetland Protection Zone        | 32 ha                   | Targeting the wetland and proximal lands to deliver maintain or improve outcomes for wetland vegetation and associated threatened species |
| 6   | Threatened Flora<br>Protection | 53 ha                   | Protecting habitat known to comprise a threatened flora species   |

#### 3.3.2 BMZ 1: Koala Protection Zone 1

#### 3.3.2.1 Overview

A considerable amount of Tree Nutrient Enrichment works was conducted across the majority of this zone as shown in Figure 20 (RPS 2020), to substantially improve the foraging values and carrying capacity for the Koala within the Conservation Area and improve habitat connections with vegetation to the north. These enrichment works require protection through appropriate fire management practices.

#### 3.3.2.1 Objectives and Performance Targets

The objectives and performance targets for this zone is provided in Table 15.

Table 15: BMZ 1 Management Objectives and Performance Targets

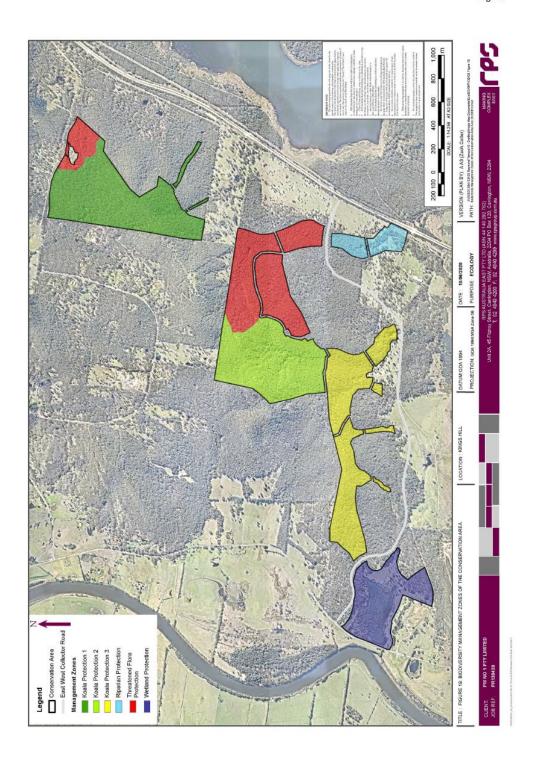
| Management Objective  | Performance Target  |  |
|---|---|--|
| Protection of Tree Nutrient Enrichment area                   | Seedlings reach maturity     No burning until 2035  |  |
| Maintain or increase habitat carrying capacity for the Koala  | Evidence of Koala activity in areas with low or no recorded activity  |  |
|   | <ul> <li>Weed management successfully maintained to prevent loss or<br/>natural eucalypt recruitment</li> </ul>   |  |
|   | Maintain appropraite fire frequency and intenstiy   |  |
| Minimise the imapct of key threatening processes on the Koala | <ul> <li>Regulated fire mosaics patterns afford protection against<br/>uncontrolled widlfire events</li> </ul>  |  |
|   | <ul> <li>Mortality from wild dog attack is minimised</li> </ul>   |  |
|   | <ul> <li>Mortality from interactions with urban environments (e.g.<br/>domestic dog attack, vehicle strike and swimming pool<br/>drownings) are prevented through effective boundary fencing</li> </ul> |  |

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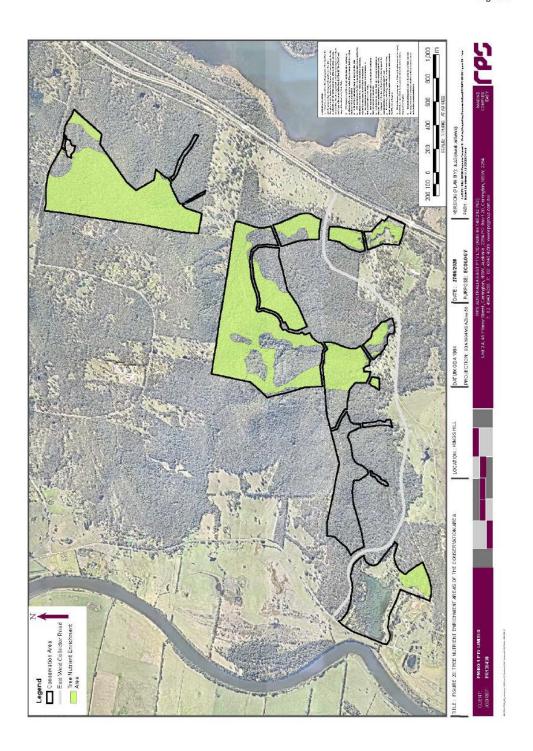
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#### 3.3.2.2 Management Actions

The management actions for this BMZ include:

- Protection of tree nutrient enrichment works from fire until the year 2035. Cool burn techniques may be used along the edges of this zone to reduce fuel loads and protect enrichment works, but only if this is deemed necessary to protect the zone, and in line with the prescribed inter-fire intervals for each PCT as specified in Table 14; and
- Areas not under tree nutrient enrichment, require fire as per the recommended fire intervals specified in Table 14

#### 3.3.3 BMZ 2: Koala Protection Zone 2

#### 3.3.3.1 Overview

Tree Nutrient Enrichment works conducted in the more elevated regions of this zone as shown in Figure 20 (RPS 2020) to broadly improve the foraging values and carrying capacity for the Koala within the Conservation Area. These enrichment works require protection through appropriate fire management

#### 3.3.3.2 Objectives and Performance Targets

The objectives and performance targets for this zone is provided in Table 16.

Table 16: BMZ 2 Management Objectives and Performance Targets

| Management Objective   | Performance Target   |
|--|--|
| Protection of Tree Nutrient Enrichment area                  | Seedlings reach maturity     No burning until 2035   |
| Maintain or increase habitat carrying capacity for the Koala | Evidence of Koala activity in areas with low or no recorded activity     Weed management successfully maintained to prevent loss of natural eucalypt recruitment   |
| Minimise the imapct of key threatening processes             | Maintain appropraite fire frequency and intenstiy     Regulated fire mosaics patterns afford protection against uncontrolled widlfire events   |
| on the Koala   | Mortality from wild dog attack is minimised     Mortality from interactions with urban environments (e.g., domestic dog attack, vehicle strike and swimming pool drownings) are prevented through effective boundary fencing |

### 3.3.3.3 Management Actions

The management actions for this BMZ include:

- Areas of tree nutrient enrichment are protected from fire for until the year 2035 with cool burn fire methods employed following this date as per the vegetation types specified in Table 14;
- Areas not under tree nutrient enrichment, require fire as per the recommended fire intervals specified in Table 14

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#### 3.3.4 BMZ 3: Koala Protection Zone 3

#### 3.3.4.1 Overview

This BMZ has received no tree nutrient enrichment plantings due to pre-existing high foraging habitat for the Koala. Conversely, an intense weed management program involving a variety of removal methods including the use of fire was completed for this area to remove large patches of African Olive.

#### 3.3.4.2 Objectives and Performance Targets

The objectives and performance targets for this zone is provided in Table 17.

Table 17: BMZ 3 Management Objectives and Performance Targets

| Management Objective  | Performance Target  |
|---|---|
| Protection of Tree Nutrient Enrichment area                   | Seedlings reach maturity     No burning until 2035  |
| Maintain or increase habitat carrying capacity for the Koala  | Evidence of Koala activity in areas with low or no recorded activity     Weed management successfully maintained to prevent loss of   |
|   | natural eucalypt recruitment  Maintain appropraite fire frequency and intenstiy   |
| Minimise the imapct of key threatening processes on the Koala | <ul> <li>Regulated fire mosaics patterns afford protection against<br/>uncontrolled widlfire events</li> </ul>  |
|   | <ul> <li>Mortality from wild dog attack is minimised</li> </ul>   |
|   | <ul> <li>Mortality from interactions with urban environments (e.g.<br/>domestic dog attack, vehicle strike and swimming pool<br/>drownings) are prevented through effective boundary fencing</li> </ul> |

#### 3.3.4.3 Management Actions

The management actions for this BMZ include:

- . Use of cool burn fire methods as per the vegetation types specifications in Table 14;
- Ongoing monitoring to ensure lasting suppression of African Olive; and

## 3.3.5 BMZ 4: Riparian Protection Zone

### 3.3.5.1 Overview

The Riparian Protection Zone comprises localised elevated soil moisture and fertility making a productive area for vegetation growth. The mesic vegetation types that often prevail are often at risk from high threat weeds and frequent fire regimes. Management and maintenance specified for this zone aim to preserve this area as habitat for threatened species. In relation to the Koala, this habitat is vital for movement and thermoregulation (i.e. a sheltered habitat comprising refugia from extreme heat).

### 3.3.5.2 Objectives and Performance Targets

The objectives and performance targets for this zone is provided in Table 18.

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#### Table 18: BMZ 4 Management Objectives and Performance Targets

| Management Objective   | Performance Target   |  |  |
|--|--|--|--|
| Maintence and monitoring of Tree Nutrient<br>Enrichment      | Seedlings reach maturity   |  |  |
| Maintain or increase habitat carrying capacity for the Koala | Evidence of Koala activity in areas with low or no recorded activity     Weed management successfully maintained to prevent loss |  |  |

#### 3.3.5.3 Management Actions

The management actions for this BMZ include:

- Use of small cool burns (e.g. 1 2 ha burns) within recommended fire intervals specified in Table 14 to create a temporally rich fire mosaic pattern across the management zone; and
- Continued weed maintenance to ensure high threat weeds remain <5% and to allow for the natural
  expansion and recruitment of preferred tree species within this zone.</li>

#### 3.3.6 BMZ 5: Threatened Flora Protection Zone

#### 3.3.6.1 Overview

Three threatened flora species occur within the Conservation Area, including Maundia triglochinoides, Corybas dowlingii and Pterostylis chaetophora. The main threats to these occurrences include the potential for displacement through rubbish dumping/ weed invasion, alteration of hydrological regimes and impacts from fire

#### 3.3.6.2 Objectives and Performance Targets

The objectives and performance targets for the management of threatened flora is provided in Table 19.

#### Table 19: BMZ 5 Management Objectives and Performance Targets

|   | Management Objective  |   | Performance Target   |
|---|---|---|--|
| • | Prevent habitat loss from livestock grazing, feral deer herbivory, rubbish dumping, weed invasion and altered hydrology | • | Fencing and gates successfully maintained to prevent rubbish dumping and grazing by feral species  Weed management successfully maintained to prevent loss |
| • | Improve habitat for population increase   | • | Evidence of Maundia triglochinoides in constructed habitat and recruitment observed in areas planted during BMP works.                                     |
|   |   |   | No prescribed burning to protect threatened species  |

### 3.3.6.3 Management Actions

The management actions for this BMZ include:

- Use of sensitive weed management practices (i.e. hand weeding and careful use of chemical methods) to ensure these areas of known threatened species are protected;
- Maintenance of fencing to protect from pest species; and
- Burning regime limited to each species (i.e. areas of Maundia triglochinoides and Corybas dowlingii avoided, and areas of Pterostylis chaetophora burned within the prescribed inter-fire intervals specified for each PCT in Table 14).

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#### 3.3.7 BMZ 6: Wetland Protection Zone

#### 3.3.7.1 Overview

The Wetland Protection Zone comprises habitat for wader bird species including migratory species, with the currently treeless periphery utilised for livestock grazing, which is likely to have had an adverse impact on threatened species

#### 3.3.7.2 Objectives and Performance Targets

The objectives and performance targets for the management of high threat weeds is provided in Table 20.

Table 20: BMZ 6 Management Objectives and Performance Targets

#### Management Objective

#### Performance Target

- Prevent habitat loss from livestock grazing, feral deer herbivory, rubbish dumping, weed invasion and altered hydrology

  Fencing and gates successfully maintained to prevent rubbish dumping and grazing by feral species

  Monitoring of revegetated areas as per BMP
- Improve habitat for population increase of threatened species, including Maundia triglochinoides and Koala
- Monitoring of revegetated areas as per BMP
- Continued evidence of Maundia triglochinoides in constructed habitat and recruitment observed in areas planted during BMP works
- · No prescribed burning to protect threatened species
- Continued evidence of Koala activity in revegetated area

#### 3.3.7.3 Management Actions

The management actions for the Wetland Protection Zone include:

- No prescribed burning due to the sensitive nature of this area;
- Maintenance of fencing to prevent grazing from feral species and segregation of Koalas from urban
- Maintenance of Maundia triglochinoides constructed habitat where required;
- Maintenance of constructed White-bellied Sea Eagle habitat where required; and
- Sensitive weed management (i.e. hand weeding and careful use of chemical methods) to ensure these areas of known threatened species are protected.

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#### MONITORING AND ANALYSIS 4

#### 4.1 Overview

The Project Ecologist is to perform routine monitoring and inspection work to measure the performance of the BCAMP. The Project Ecologist will be responsible for:

- Auditing the annual management prescriptions as approved by Council in the corresponding annual
- Obtain monitoring data for comparison against baseline conditions to evaluate the efficacy of management actions;
- Prepare an annual works program following review of monitoring data and the estimated management prescriptions outlined in this BCAMP; and
- Prepare an annual report outlining the audit/ monitoring results and proposed annual works program for review and approval by Port Stephens Council.

The first monitoring report is to provide baseline dataset (Section 4.3) using the monitoring framework (Section 4.2) for future reference/ comparison against objectives and performance targets specified in Sections 3.2 and 3.3. This report is also to provide a clear Annual Works Program for Council approval (Section 5.2), as varied by any adaptive management prescriptions (Section 5.1), thereby provide clear definition of the management actions to be reviewed in the next monitoring cycle.

#### 4.2 Monitoring

#### 4.2.1 Methods

#### 4.2.1.1 Point Intercept Transect

The per cent cover of weed species is to be measured using the point intercept method for a 50 m long transect. The presence of a weed species is to be measured at every metre along the 50 m transect with the result multiplied by two to produce a score out of 100 (i.e. per cent). Data generated from annual monitoring events will be compared with baseline data (to be collected during Phase 0). Compliance with performance targets and completion criteria is to be determined from this comparison.

### 4.2.1.2 Photograph Points

The progressive visual monitoring of the Conservation Area using fixed photograph points will provide a visual appreciation for the success or failure of management actions performed under this BCAMP. They will enable contractors to adjust review and adjust works accordingly to enhance the quality of retained vegetation further and provide required information for ongoing monitoring reports.

Photographs are to be taken from a standardised point (i.e. recorded GPS point) at an approximate height of 1.5 m. At least a 5 megapixel was used for each photograph. A horizontal field of view of approximate 40 degrees is achieved, which is within the central angle of view for human vision (i.e. 40-60 degrees).

#### 4.2.1.3 Plant Counts

The monitoring of threatened flora populations will involve a count of individuals every three years at the locations specified in Figure 9. The location of each individual plant is to be recorded using suitable GPS equipment with high accuracy (e.g. differential global positioning system for post processing). Additional surveys elsewhere in the Conservation Area may be performed to determine if new previously undetected sub-populations are emerging.

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#### 4.2.1.4 Acoustic Recordings

Monitoring of Koala presence is to be performed using passive acoustic and sound recognition techniques to detect bellowing males during the breeding season (Law et al 2018). This method can also be used to detect and Large-forest Owls.

#### 4.2.2 Design and Frequency

The monitoring locations for the methods outlined in Section 4.2.1 are shown in Figure 21. Monitoring frequency and timing is outlined in Table 21.

Table 21: Monitoring Frequency Guidance

| Monitoring Method   | Focus               | Frequency              | Recommended Timing  |
|---------------------|---------------------|------------------------|---|
| Point Intercept     | Weed cover          | Annual                 | April - May   |
| Photograph Points   | Weed cover          | Annual                 | April - May   |
| Plant Counts        | Threatened<br>Flora | Once every three years | Corybas dowlingii in peak flower ~July<br>Pterostylis chaetophora in peak flower ~October<br>Maundia triglochinoides in peak flower ~December |
| Acoustic Recordings | Koala               | Once every three years | Breeding season (August - October)  |

#### 4.3 Baseline

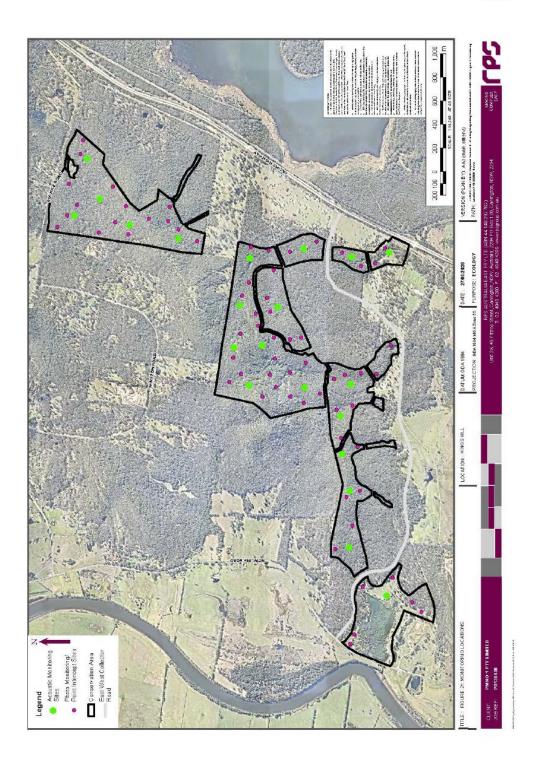
The baseline state of the Conservation Area is defined by the annual monitoring results reported through the implementation period of the BMP (RPS 2020). This is defined in the final monitoring report prepared under the BMP, which is to be used as the baseline in this management plan.

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#### 4.4 **Data Analysis**

#### Point Intercept

Point intercept transect results are to be reviewed empirically against baseline/ prior monitoring events and performance targets. Results are to be used to refine management prescriptions

#### 4.4.2 Threatened Flora

Threatened flora monitoring results are to be analysed using total counts and spatial distributions to evaluate annual variation. Comparison with baseline conditions is to be used to determine if decline or growth is occurring. A threat analysis is to be performed to determine if variation observed is related to a matter that can be managed or is simply a reflection of natural variation.

#### 4.4.3 Koala

The analysis of monitoring data is to be used to determine if Koala breeding activity remains within the Conservation Area. This would be determined by one or more of the following observations:

- Evidence of male bellowing in the breeding period (August to October); and/or
- Presence of female koalas.

Activity monitoring using scat searches (Phillips and Callaghan 2011) and/ or dog detection would be used to gain an appreciation of habitat occupancy. The latter method would be used to collect faecal matter for DNA analysis, with the results from this method offering superior insight on Koala status within the Conservation

#### Reporting

A monitoring report is to be prepared annually and submitted to Port Stephens Council at least one month prior to financial year end to detail the status of the BCAMP. The annual monitoring reports will:

- Report on the management actions performed including details including extent and timing for evaluation against the annual works program (see Section 5.2 for details on the annual works program) and performance targets for each BMZ;
- Compare annual monitoring results against baseline; and
- Discuss any problems encountered in implementing the BCAMP.

The adaptive management framework is to be considered as outlined in Section 5.1. Recommendations regarding timing and responsibility for corrective measures are to be discussed together with a detailed prescription for the forthcoming annual work program for review and approval by Port Stephens Council.

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### 5 ADAPTIVE MANAGEMENT

#### 5.1 Framework

To account for uncertainties and to improve management response, all impacts to biodiversity will be adaptively managed using an Adaptive Management Framework. The adaptive management framework actions are detailed below noting this BCAMP represents steps 1 to  $4_1$  with any specifications for adaptive management to be determined through steps 5 to 7.

- 1. Describe Undertake and complete comprehensive baseline biodiversity data collection.
- 2. Model Model the biological environment and its response to certain management actions/decisions.
- 3. Identify Set clear biodiversity management objectives.
- Do Implement the modelled biological management action.
- Learn Use the monitoring program to evaluate the biological response to management actions
  against objectives and performance targets. Where required, prepare draft adaptive management
  response and include in annual monitoring report.
- Consult Share draft adaptive management response with relevant stakeholders (i.e. Port Stephens Council). Seek approval to implement revised management actions.
- 7. Adapt Implement revised and approved adaptive management actions.

Draft adaptive management responses are to be defined through Step 5 and approved and reported through the Annual Monitoring Report as specifications in the 'Annual Works Program'.

#### 5.2 Annual Works Program

The Annual Works Program represents a set of detailed Council approved management prescriptions for the forthcoming management year as determined through the combined review of proposed management actions outlined in Section 3 and preceding monitoring results. This process of adapted management has the purpose of maintaining a focus on delivering the BCAMP objectives over the life of the plan. The Annual Works Program is to be drafted for review and approval by Council prior to its implementation, as outlined in Steps 5 to 7 in the above framework section. The Annual Works Program is to be implemented on a financial year cycle. Council is to receive a draft Annual Works Program at least 1 month before the end of the financial year to enable evaluation and approval of the final Annual Works Program in time for implementation.

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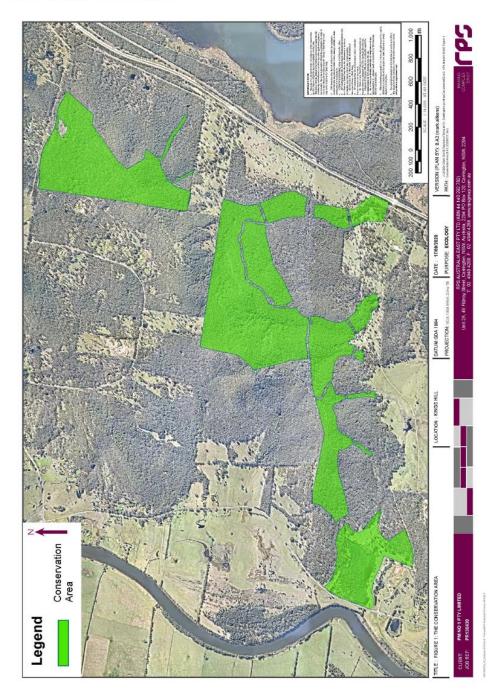
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### Annexure B Conservation Area



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#### Annexure C Explanatory Note

### **Explanatory Note**

## Exhibition of draft Voluntary Planning Agreement Kings Hill Urban Release Area

| Lot Number | Deposited Plan Number |
|------------|-----------------------|
| Lot 41     | DP 1037411            |
| Lot 4821   | DP 852073             |

Environmental Planning & Assessment Regulation 2000 (clause 25E)

#### **Planning Agreement**

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft voluntary Planning Agreement (the Planning Agreement) under Section 7.4 of the Environmental Planning and Assessment Act 1979 (the Act).

The Planning Agreement will require the provision of conservation works (estimated at \$3,500,000), embellishment and public dedication of a Conservation Area, a Monetary Contribution of \$3,000,000 for ongoing management of the Conservation Area and a \$250,000 Monetary Contribution towards administrative costs of Council in administering the Planning Agreement and the Conservation Area.

This Explanatory Note has been prepared jointly between the parties as required by clause 25E of the Environmental Planning and Assessment Regulation 2000 (the Regulations).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

#### Parties

Kingshill Development No 1 Pty Ltd and Kingshill Development No 2 Pty Ltd (together **the Developer**), made an offer to Port Stephens Council (**the Council**) to enter into a voluntary Planning Agreement, in connection with a Development Application.

#### Description of subject land

The land to which the Planning Agreement applies is legally described above and known as Kings Hill in New South Wales (the Land).

#### **Description of Proposed Development**

This Planning Agreement applies to the development described in Development Application 16-2018-772-1 being a concept development for the future residential subdivision on the Land located within the Kings Hill Urban Release Area and Stage 1 subdivision works for initial site preparation and vegetation clearing.

## ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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#### Summary of Objectives, Nature and Effect of the Planning Agreement

#### Objectives of the Planning Agreement

To secure the embellishment, creation and dedication of the Conservation Area and its ongoing management and maintenance.

#### Nature of the Planning Agreement

The Planning Agreement is a planning agreement under section 7.4 of the Act.

It is an agreement between Council and the Developer under which the Development Contribution (as set out in Schedule 4 of the Planning Agreement) are to be made by the Developer for public purposes (as defined in section 7.4(2) of the Act).

#### Effect of the Planning Agreement

The Planning Agreement:

- relates to the Developer's development at Kings Hill;
- does not exclude the effect of sections 7.11, 7.12 and 7.24 of the Act;
- requires the establishment, embellishment and dedication of a Conservation Area on the Developer's land in connection with the Development, and for the Monetary Contribution to be paid and the Conservation Area dedicated to Council before works commence under a Subdivision Works Certificate for the Developer's development;
- is to be registered on the title to the Developer's land;
- requires the Developer to provide security in the form of a bank guarantee for the Conservation
  Works before works commence under a Subdivision Works Certificate for the Developer's
  development;
- imposes restrictions on the transfer of the Developer's land, or the assignment or novation of the Developer's obligations under the Planning Agreement;
- provides for dispute resolution by expert determination and mediation;
- provides that the Planning Agreement is subject to the law of New South Wales; and
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the Agreement.

## ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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## Assessment of the Merits of the Planning Agreement How the Planning Agreement Promotes the Objects of the Act and the public interest

The Planning Agreement promotes the following objectives of the Act:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;
- to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats; and
- to promote the orderly and economic use and development of land.

The Planning Agreement promotes the public interest through the provision of public amenities and public services and the enhancement of the natural environment.

#### The Planning Purposes served by the Planning Agreement

The conservation works will be carried out for the purposes of enhancing the quality of the natural environment and promoting the conservation of threatened and other species of native animals and plans, preserving and conserving sites of Aboriginal cultural heritage and providing a public conservation area.

The monetary contribution will be used to maintain and manage the Conservation Area following dedication of the Conservation Area to Council.

How the Planning Agreement promotes the objectives of the *Local Government Act 1993* and the elements of the Council's Charter (now section 8A)

The Planning Agreement is consistent with the following purposes of the Local Government Act 1993:

- provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and the wider public; and
- to give councils a role in the management, improvement and development of the resources of their areas

By enabling Council to provide public infrastructure and facilities, the Planning Agreement is consistent with the following guiding principles of councils, set out in section 8A of the *Local Government Act 1993* (replacing the Council's Charter):

- Councils should provide strong and effective representation, leadership, planning and decisionmaking.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should plan strategically, using the integrated planning and reporting framework, for the
  provision of effective and efficient services and regulation to meet the diverse needs of the local
  community.
- Councils should manage lands and other assets so that current and future local community needs
  can be met in an affordable way.

## ITEM 3 - ATTACHMENT 1 DRAFT VOLUNTARY PLANNING AGREEMENT AND EXPLANATORY NOTE.

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- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

#### Whether the Planning Agreement conforms with the Council's Capital Works Program

The Planning Agreement will provide for additional reserve space and public Conservation Area within the locality through the dedication of the Conservation Area and a monetary contribution for ongoing management. The Planning Agreement is not inconsistent with Council's Capital Works Program and will provide a unique area for Council to open walking trails, nature appreciation centres, eco-tourism facilities and, in conjunction with Aboriginal cultural representatives, provide opportunities for tourism and appreciation of Aboriginal cultural heritage sites.

Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

No. The Planning Agreement relates to the establishment of a Conservation Area and Monetary Contribution and is unrelated to a construction certificate, occupation certificate or subdivision certificate.



Proposed amendment to Port Stephens Local Environmental Plan 2013 Lot 5 DP233358, 14 Popplewell Road, Fern Bay



## FILE NUMBERS

**Council:** 58-2017-10-1

**Department:** PP\_2019\_PORTS\_002\_00

## SUMMARY

| Proponent:                        | Defence Housing Australia (DHA)   |
|-----------------------------------|---|
| Subject property:                 | 14 Popplewell Road, Fern Bay  |
| Lot Number:                       | Lot 5, DP233358   |
| Site area:                        | 111 hectares  |
| Site area proposed to be rezoned: | 17 hectares   |
| Current zoning:                   | E2 Environmental Conservation   |
| Proposed zoning:                  | Part of the land to be zoned R3 Medium<br>Density Residential and part to remain<br>E2 Environmental Conservation |
| Existing Minimum Lot Size:        | 40 hectares   |
| Proposed Minimum Lot Size:        | 200m <sup>2</sup> and 500 m <sup>2</sup> (R3) and 40 hectares (E2)  |
| Existing Maximum Building Height: | No maximum building height specified  |
| Proposed Maximum Building Height: | 9 and 15 metres (R3) and no maximum building height (E2)  |

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| Attachment F | Stormwater Management Plan                      |
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| Attachment H | Site Audit Statement                            |
| Attachment I | Ecological Assessment Report                    |
| Attachment J | Heritage Impact Statement                       |
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|              | Assessment Report                               |
| Attachment L | Servicing Report                                |
| Attachment M | Consultation Report                             |
| Attachment N | Site Environmental Management Plan              |
| Attachment O | Social Impact Assessment                        |
| Attachment P | Stockton Rifle Range Sand Dune Transgression    |
|              | Assessment and Management Plan                  |
|              |   |

#### **BACKGROUND**

This planning proposal seeks to amend the Port Stephens Local Environmental Plan 2013 (LEP) to enable the redevelopment of the largely disturbed areas of the former Rifle Range site at 14 Popplewell Road, Fern Bay for residential uses, while retaining the areas of higher environmental value.

The planning proposal will amend the land use zone for part of the site from E2 Environmental Conservation to R3 Medium Density Residential. This will enable various residential uses that are currently not facilitated by the current E2 zoning, such as multi-dwelling housing, semi-detached dwellings, attached dwellings and residential flat buildings.

The draft Development Control Plan (DCP) includes urban and built form controls to inform future subdivision and residential development of the site. The draft DCP Amendment will give effect to a masterplan that has been prepared for the site and submitted with the planning proposal and will guide development outcomes in relation to heritage, access, landscaping, open space and building setbacks.

A draft Voluntary Planning Agreement (VPA) is being developed as a mechanism to control the impact of sand dune transgression on future development and minimise possible financial risk to Council for the management of sand dune transgression. Council has received an offer to

enter into an agreement with Defence Housing Australia, which is to be finalised prior to gazettal of the amendment to the LEP. The works to be covered by the VPA are detailed in the Section 4 of the Stockton Rifle Range Dune Transgression Assessment and Management Plan (ATTACHMENT Q) and are discussed below.

#### SITE

The site is legally known as Lot 5, DP233358, 14 Popplewell Road, Fern Bay and is adjoins the Stockton Centre to the south and the Worimi Conservation Lands to the north. The site has a total area of approximately 111 hectares, however the planning proposal is only seeking to rezone approximately 17 hectares of the site.

The site is located within the Port Stephens Local Government Area and is part of the Stockton Peninsula, with the town centre of Stockton (located within the City of Newcastle) situated approximately 4km to the south of the site.

Stockton town centre is a small community of low and medium density residential development, with a mix of uses that serve the day to day needs of residents, such as newsagencies, hairdressers and grocers, as well as services such as hardware and real estate agents. Access to the Newcastle City Centre is available via ferry from Stockton, a trip of approximately ten minutes.

The site is located in the suburb of Fern Bay, which accommodates a number of small communities in distinct pockets of residential development separated by Nelson Bay Road, the Newcastle Golf Club, and Worimi lands. The site lies immediately to the east of the existing (original) community of Fern Bay, comprising six streets of low-density residential development, some small scale retail including the Fern Bay Store, and social infrastructure including the Fern Bay Public School and Fern Bay Reserve, which contains community hall playground and sporting facilities. The Newcastle Golf Club and the Worimi Conservation lands lie to the north, with the developments of 'Bayway Village', 'The Cove Village' (over 50s communities) and 'Seaside Estate' beyond.

The site forms part of a special uses area that sits between the two residential communities of Stockton and Fern Bay. These uses include the Stockton Cemetery and the Stockton Centre immediately adjoining the site to the south. Fort Wallace, a former defence site also currently owned by Defence Housing Australia (DHA) and recently rezoned for residential use, lies to the south of the Stockton Centre. A redundant Hunter Water wastewater treatment works facility and Corroba Oval separates Fort Wallace from the Stockton Town Centre. Some small pockets of private residential uses are interspersed.

The subject site is considered to have very high Aboriginal cultural value to the Worimi people. A number of artefact scatterings in the form of shell

middens and open campsites are located on the site and demonstrate its historical use by the Aboriginal people.

On 28 January 1941, the Rifle Range was officially opened, although the government did not formally acquire the site until 1942.

An anti-aircraft battery, known as the Links Battery, was established on the site to the north of the classification range. From 1953 the site was used as a training facility for all shooting in the region and was utilised by the police force, military, school cadets and civilian rifle clubs.

The Rifle Range was closed in December 1997, as it was no longer required by the military. In 2015, DHA purchased the land holding from the Department of Defence. The site is currently vacant, non-operational and secured.

The site is located within a unique and sensitive coastal setting that has the opportunity to offer the high amenity of the bushland, Stockton Beach and walking opportunities both north and south to Stockton, whilst accommodating new homes and open space that will contribute to the vitality of the area.

The vision for the former Rifle Range site is for a sensitively designed residential community providing housing diversity, best practice design and the creation of new open space and connections, together with the preservation of European and Indigenous heritage and environmental assets for the wider community.

The site is considered to be suitable for residential development given its location within walking distance to existing facilities in Fern Bay, which includes a small retail food and drink premises, Fern Bay Public School, Fern Bay Reserve and the Newcastle Golf Course. The site is accessible via motor vehicle, public transport or cycling to nearby employment areas in Williamtown and Newcastle City.

DHA have a responsibility to provide housing for members of the defense force and their families in proximity to army bases and amenity. The proximity of the site to the Williamtown base and the amenity of Stockton and Newcastle CBD make it an excellent site for the development of housing.

The land is currently zoned E2 Environmental Conservation. However, the part of the site proposed to be rezoned, approximately 17ha, is already largely disturbed and the vegetation is considered to be of low quality. The proposed zone boundary is considerate of the ecological attributes of the site and appropriately responds to the higher values on some parts of the site by retaining the E2 Environmental Conservation zone in these locations.

The Fern Bay and North Stockton Strategy, adopted by both Port Stephens and Newcastle City Councils on 14 April 2020 identifies the site as offering opportunities for future urban development.

FIGURE 1 - Subject Site



FIGURE 2 - Indicative Master Plan and landscape context

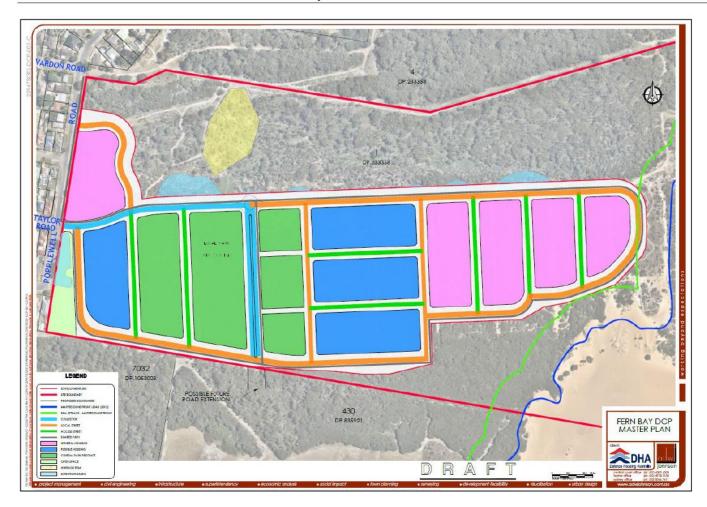


FIGURE 3 - Site photo and local site context (site outlined in red)



#### PART 1 - Objectives or intended outcomes

The planning proposal seeks to achieve the following outcomes:

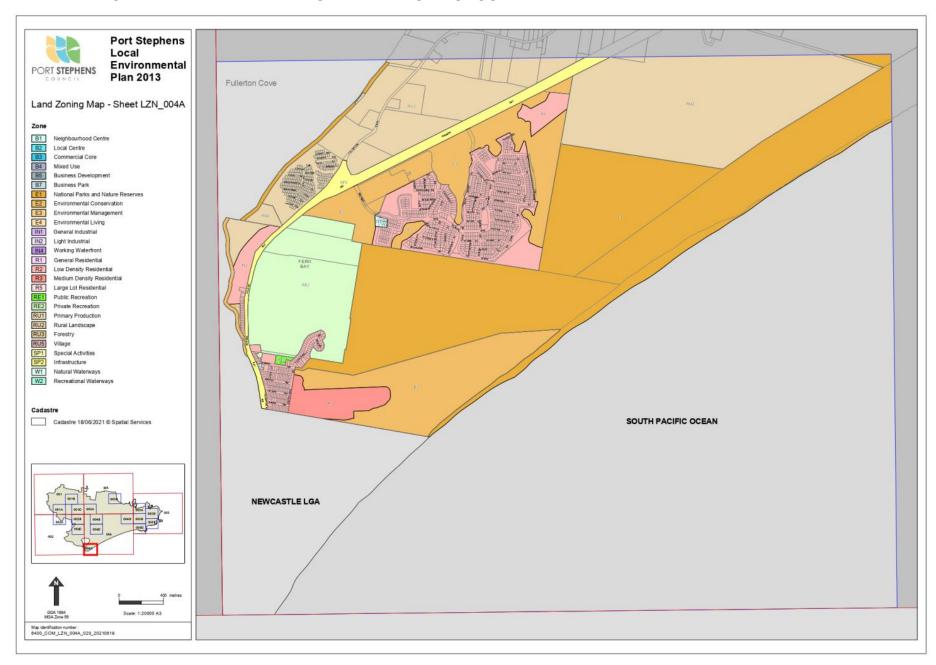
- Maintain the areas of high ecological value of the site by retaining the northern part of the existing E2 Environmental Conservation zone;
- Facilitate the sensitive renewal and ongoing management of a currently underutilised site in disturbed areas;
- Deliver a diversity of housing through a mixture of densities and housing typologies on the site, including townhouses, single dwellings, and multi-dwelling housing;
- Open the site to the community through the delivery of public open space and landscaping; and
- 5. Ensure orderly development and the clear delineation in the ownership and ongoing management of the site.

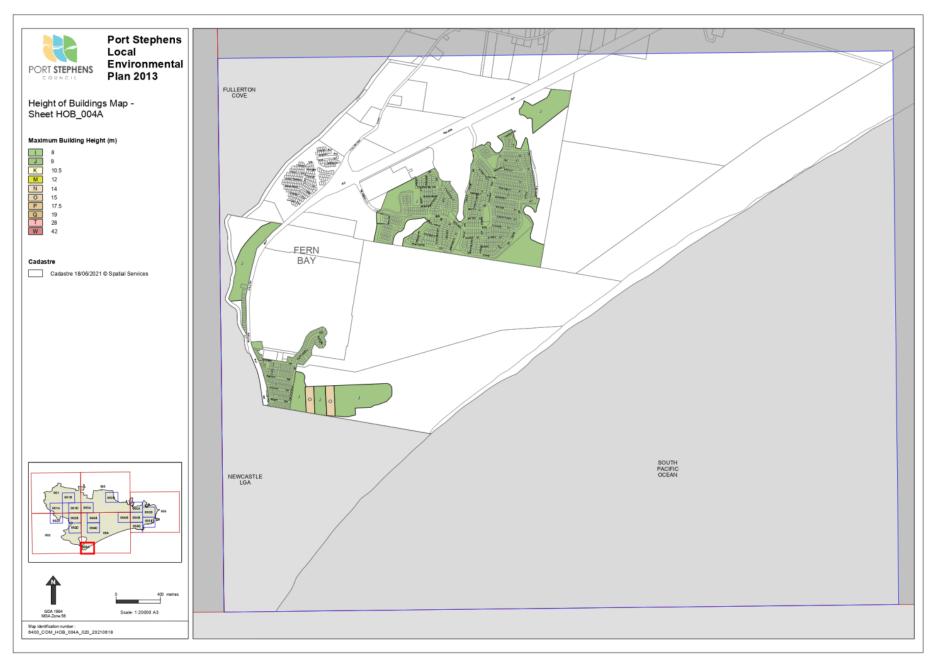
#### PART 2 – Explanation of provisions

The objectives of the planning proposal will be achieved by the following amendments to the Port Stephens Local Environmental Plan 2013 (LEP):

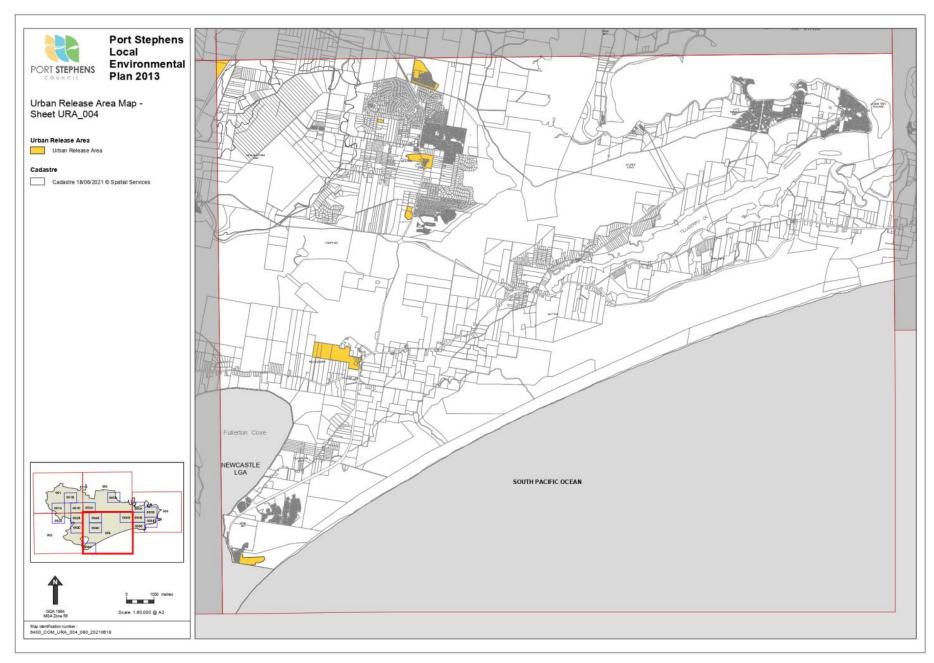
- Land Zoning Map Sheet LZN\_004A to show part of the subject site as R3 Medium Density Residential while retaining an E2 Environmental Conservation zoning on the remainder of the site;
- Height of Buildings Map Sheet HOB\_004A to show part of the subject site as 9m and part 15m, being limited to areas zoned for residential development only;
- Lot Size Map Sheet LSZ\_004A to show the part of the subject site with a minimum lot size of 500m² and part of the site with a minimum lot size of 200m², being limited to areas zoned for residential development only while retaining the existing AB3 40ha minimum lot size zoning on the remainder of the site; and
- Urban Release Area Map Sheet URA\_004 to identify the land as an Urban Release Area.

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#### PART 3 - Justification

#### Section A - Need for the planning proposal

Rezoning the land is considered to be the most appropriate process to achieve the objectives for the site and orderly planning. The intended planning framework would be as follows:

- An amended LEP, controlling the permissible land uses, minimum lot sizes and height of buildings on the site;
- A site specific DCP, providing guidance on the development of the site to ensure that it is sensitively managed; and
- A voluntary planning agreement for the ongoing management of sand dune transgression.

It is intended that the planning proposal be accompanied by a site-specific Development Control Plan (DCP) that sets out the key objectives for the development of the site and planning guidelines to achieve these objectives. This will provide more certainty around built form outcomes, ensure sensitive parts of the site are adequately managed, and will complement zoning controls.

A letter of offer from Defence Housing Australia to enter into a Voluntary Planning Agreement (VPA) under Section 7.4 of the Environmental Planning and Assessment Act 1979 has been received. The purpose of the VPA will be to implement the Sand Dune Transgression Assessment and Management Plan in order to minimise the risk of sand dune transgression on the future development and to ensure that Council is not financially burdened by future impacts.

#### Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is supported by a suite of specialist assessments that have informed consideration of the site's potential for redevelopment, including coastal engineering, ecology, heritage, landscape, transport, stormwater, bushfire and servicing assessments.

These assessments have been used as the basis to develop the proposed master plan, which has subsequently informed planning controls for the site with respect to land use, height of buildings and the DCP.

The proposed rezoning achieves the goals of the Hunter Regional Plan 2036, released in November 2016, including supporting the leading regional economy in Australia, a biodiversity-rich natural environment, thriving communities and greater housing choice and jobs. The Hunter Regional Plan seeks to deliver more housing and better housing choice in well serviced areas with high amenity, supporting the renewal of the strategically placed site. The directions of the Hunter Regional Plan are discussed in further detail in the next section.

The planning proposal is consistent with the Port Stephens Local Strategic Planning Statement (LSPS) and the Port Stephens Local Housing Strategy (Live Port Stephens), which were adopted by Council on 14 July 2020.

The Fern Bay and North Stockton Strategy came into effect on 14 April 2020. The planning proposal is consistent with this Strategy and will assist in implementing the actions identified in this local area strategy.

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

There is limited potential under the site's current land use zoning to develop the site for residential development. Residential development in the E2 zone is limited to bed and breakfast accommodation, dual occupancies, dwelling houses, and eco-tourist facilities. Under the E2 Environmental Conservation zoning, the site is considered appropriate for some residential uses so long as they meet the objectives of protecting areas of high ecological, scientific, cultural or aesthetic values. Semi-detached dwellings and multi-dwelling housing are among the uses not permitted under the current zoning.

The current minimum lot size of 40ha would allow for a maximum of 2 lots on the approximately 111ha site. Under Clauses 4.1AA *Minimum subdivision lot size for community title schemes* and 4.1A *Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones* of the Port Stephens LEP 2013, the 40ha minimum lot size would be applicable to community title schemes and strata plan schemes while the site was zoned E2 Environmental Conservation.

Accordingly, the maximum residential development of the site under the current zoning would be two dwellings. It is considered that this does not achieve the best use of the site considering the low ecological value of the disturbed range area, the strategic location of the site, and the financial realities of maintaining the parts of the site with high ecological value.

There is no maximum height of buildings control currently applicable to the site. It is considered that a maximum height of buildings control would be appropriately applied to the site in conjunction with an amended land use and lot size zoning to control potential visual impacts and scale of development.

A planning proposal to amend the land use zoning, ensuring that it responds appropriately to the diverse parts of the large site, the minimum lot size and maximum height of buildings is considered to be the best way to achieve the objectives of the planning 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)?

#### Hunter Regional Plan 2036

The renewal of the site to deliver a diversity of housing, serving the housing needs of the local population and supporting the defence base while making the most efficient use of existing social and physical infrastructure is consistent with the Hunter Regional Plan 2036 (HRP).

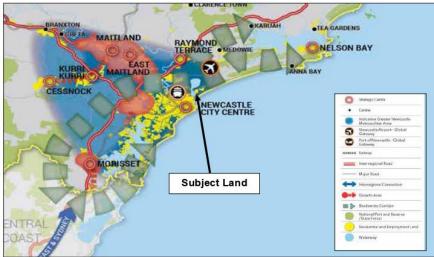


Figure 8: Hunter Regional Plan

The planning proposal achieves the goals of the HRP by:

- Supporting strategically important local employment through a relationship with DHA and the Williamtown RAAF base, and contributing to the Hunter region, being the leading regional economy in Australia;
- Protecting a biodiversity-rich natural environment by increasing the sustainability of funding sources for site management and introducing a zoning which would protect the ecological value of the site;
- Increasing the diversity and sustainability of the local community by increasing the population and accommodating a broad range of age groups, supporting local retail and services such as the local school at Fern Bay; and
- Allowing the renewal of the site with controls that facilitate a diverse range of housing typologies, supporting greater housing choice in the region.

There are several mapping inconsistencies in the Regional Plan regarding the site, which create difficulties in interpreting the DPIE's intended strategic direction for the area. Specifically, the Hunter Regional Plan includes seven maps showing conflicting/inconsistent information for the Stockton area.

However, consultation with the DPIE indicates that the mapping was based on existing zoning and is intended to provide a high-level strategic framework and does not provide direction in relation to individual sites. The DPIE advised that the HRP is supported by local planning in order to provide direction on a site-specific basis. There is nothing in the plan that precludes a merit assessment of a planning proposal to rezone the site for residential uses.

The DPIE has indicated that planning proposal should be assessed with particular consideration of Directions 20 – 24. Table 1 below addresses these Directions.

| Table 1: Response to HRP 2036 Direction |
|---|
|---|

| Direction   | Consistent | Comment   |
|---|------------|---|
| Direction 20: Revitalise existing communities. This direction relates to the concentration of development in existing areas to revitalise communities and focus social and physical infrastructure. | Yes        | The Rifle Range site lies adjacent to the existing Fern Bay Town Centre and in close proximity to the Stockton Town Centre, both of which provide a range of social and physical infrastructure which would efficiently service the residential development of the Rifle Range site. Key infrastructure includes the Fem Bay public school and the ferry between Stockton and Newcastle CBD.  Newcastle CBD, approximately 4km south of the site, also offers amenity and regional infrastructure and services. The proposal would accommodate growth in population to support local shops, schools, and services in Fern Bay and Stockton. |
| Direction 21: Create<br>a compact<br>settlement. This<br>direction seeks to<br>focus development in<br>locations with<br>established services<br>and infrastructure.                                | Yes        | The renewal of the Rifle Range site for residential uses would support an alignment of infrastructure delivery in the area by permitting residential uses on a well-located site in close proximity to both the   |

One identified action is for Councils to identify opportunities for urban redevelopment or renewal in urban locations with access to public transport and services in the Greater Newcastle metropolitan area and where there may no longer be a need for employment land.

Fern Bay and Stockton communities. It is important also for DHA to provide housing for defence members in close proximity to the Williamtown Base. When compared to other sites in the 30km radius of the Williamtown Base, the subject site is very well serviced and the most appropriate location for additional housing in the Port Stephens LGA.

While the proposed zone, height of buildings and minimum lot size will provide for a range of dwelling types, it is not considered to be a high-density development. The number of dwellings delivered for the site area could be achieved with a traditional subdivision model, which would be unlikely to achieve dwelling diversity. A key principle of the master plan has been to appropriately balance the environmental values of the site with the delivery of housing. By reducing the footprint of development and increasing the height, the master plan has minimised impact on sensitive areas of the site and achieved a range of dwelling types.

Promote housing diversity. This direction relates to the need to provide diverse housing to accommodate the

Yes

Housing diversity is a key objective of the proposal for the site. The R3 Medium Density Residential zoning in the Port Stephens LEP permits a broad range of

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diverse needs of the community, including housing for older people, adaptable housing, and social and affordable housing. A key action is to respond to the demand for housing for resource industry personnel, and encourage housing diversity, including studios and one and two bedroom dwellings.

housing to be delivered on the site.

In addition, the delivery of housing for defence personnel would support social diversity and affordability for these key workers in the region.

The residential typologies that would be accommodated on site would allow for a diverse community, including defence members with families and single defence members. The indicative master plan accommodates a broad range of dwelling types such as freestanding houses, semi-detached terrace dwellings with private open spaces that could support single people and smaller families, as well as multi-dwelling cluster housing and small scale residential apartment buildings that encourage flexibility and households at all stages of life. This is a good social outcome compared to the typical options for housing around the base and in the local area.

The DHA model also seeks to provide 50% defence housing on the site and 50% of housing available for private sale to members of the public. This again encourages a diverse community.

## Direction 23: Grow centres and renewal corridors.

Concentration of development in strategic centres, urban renewal corridors and locally significant centres.

#### Yes

Fem Bay is identified as a locally significant centre under the Hunter Regional Plan 2036. The proposal would contribute to the Fern Bay centre by opening the site to the community including access to the coast, a diverse and cohesive community to support local retail and services, and through the interpretation of the heritage elements of the site.

The proposal would also accommodate growth in population to support local shops, schools, and services in Stockton.

# Direction 24: Protect the economic functions of employment land.

This direction encourages the promotion and protection of industry through land use and infrastructure planning.

#### Yes

The proposed rezoning would support the function of the nearby Williamtown RAAF base and the sustainability of the Defence force in the region by delivering housing stock for Defence personnel and contributing to financial outcomes for DHA. The site has not been required by Defence for defence purposes in some time and the use of the site in its current situation does not contribute to employment in the region.

The site and proposed concept plan is sufficiently separated from nearby employment so as not to have an impact on the viability of existing industrial areas.

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The Hunter Regional Plan 2036 also includes Local Government Narratives which are intended to guide councils in investigation and implementation of the plan in order to achieve outcomes on the ground. The alignment of the planning proposal with key priorities of relevance to the Rifle Range site are discussed below.

Table 2: Response to HRP 2036 Local Priorities

| Local Priority   | Consist<br>ent | Comment   |
|--|----------------|---|
| Provide a buffer to the Port of Newcastle operations through appropriate zoning to safeguard its future. | Yes            | The Port of Newcastle is an increasingly important global gateway to the region. The planning proposal would not impact the sustainability of the Port of Newcastle in its continued operations. The site is located in an existing residential and special use area and is considered suitable for residential uses. Land buffers to the Port of Newcastle are appropriately zoned (IN1 and IN2). The subject site is not within the identified buffer zone. |
| Provide small-scale renewal<br>and redevelopment of larger<br>sites for infill housing.                  | Yes            | The planning proposal would enable renewal of a currently underutilised site in a key location, with strong links to Newcastle and the airport, and provide increased, diverse housing to meet the needs of the community.  |

It is considered that the planning proposal aligns with the Hunter Regional Plan 2036.

**Greater Newcastle Metropolitan Plan 2036** 

The Hunter Regional Plan 2036 is supported by the Greater Newcastle Metropolitan Plan 2036. Released in September 2018, the plan is the first ever for Greater Newcastle. The Plan sets out strategies and actions that will drive sustainable growth, delivering on the vision established in the Regional Plan.

Overall, the Plan seeks to drive better planned and designed housing and infrastructure by primarily encouraging infill development to maximise the benefits of investment; support connections between homes and jobs; improve the mix of dwellings in the region; and improve amenity and environmental outcomes of development.

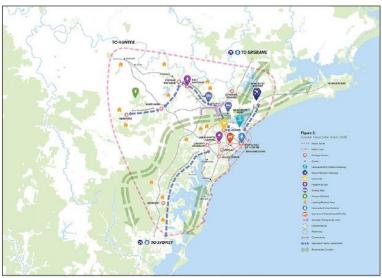


Figure 9: Greater Newcastle Metropolitan Plan

The planning proposal seeks to deliver well designed homes with a mix of densities through a concept design that carefully balances development and the surrounding environment. The planning proposal would enable Defence staff and their families to live close to their jobs, supporting the growth of the Williamtown base – a key area of jobs growth in the region. The planning proposal is located near existing residential areas, linking to existing public transport connections and infrastructure.

Specifically, the planning proposal supports the following strategies:

 Strategy 2: Grow the airport and aerospace and defence precinct at Williamtown.

The base at Williamtown is a core strategy to achieve Outcome 1: Create a workforce skilled and ready for the new economy.

Newcastle Airport is one of the largest combined defence and civilian aerodromes in Australia, with major upgrades planned to accommodate new Joint Strike Fighters posed to create a cluster of economic activity and new jobs. The planning proposal is directly related to the needs of Defence to deliver additional housing to accommodate growth and adequately support the needs of existing workers and their families at the Williamtown base. The planning proposal will deliver high amenity housing for defence members and their families in close proximity to the base, without increasing housing in areas impacted by the ANEF contours.

Strategy 10: Create better buildings and great places.

The planning proposal will preserve the heritage value of the site, including the anti-aircraft battery. The concept plan that supports the planning proposal retains the layout of the firing range through the street network, and enshrines good urban design and place-making principles through a sensitive approach to the site ecology, creation of new public spaces, and innovative built form concepts that would sit lightly on the land.

• Outcome 3: Deliver housing close to jobs and services

The planning proposal will deliver housing for Defence staff close to the Williamtown base, seeking to reduce travel time to the base and deliver high amenity housing for Defence members and their families.

The planning proposal would locate additional housing in the Fern Bay centre, within walking distance of Fern Bay Public School, Community Hall, Fern Bay Reserve, Fern Bay store, and golf course. While not a major centre or transport node, the planning proposal does achieve housing in walking distance of key land uses and public transport. Nelson Bay Road is used as a bus route for regular and for school services. Buses serve Stockton and Fern Bay, and complete a loop via Vardon Road Popplewell Road and Rankin Rod to access Nelson Bay Road for the return journey to Newcastle.

The planning proposal seeks controls for the site that will enable a range of dwelling types, with a mix of densities, to be delivered.

Port Stephens Local Government Area Narrative

One aspect of the Port Stephens Local Government Area Narrative is for Port Stephens Council and Newcastle City Council to coordinate housing and infrastructure development between Stockton and Fern Bay, maximizing housing

opportunities while protecting transport connections between the Newcastle Airport and Newcastle Port.

The planning proposal directly supports this narrative by locating housing that supports the broader strategy for Greater Newcastle between Stockton and Fern Bay. Housing in this location for Defence staff would support transport connections between Newcastle Airport and Fern Bay.

#### Assessment Criteria

- a) Does the proposal have strategic merit?
  - Will the proposal give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?

As detailed at Section 4.3 of this report, the planning proposal will give effect to the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036.

 Will the proposal give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement?

Yes. The planning proposal will give effect to the Local Strategic Planning Statement and the Local Housing Strategy (*Live Port Stephens*).

 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

The planning proposal is responding to a change in circumstances that have not been recognised by existing strategic plans. This planning proposal seeks to amend the zoning and density controls that apply to the site to provide for important housing for members of the Defence Force and their families. There is an ongoing and increasing need to provide accommodation on sites that are:

- Within close proximity to the Williamtown RAAF base;
- Not affected by the airport ANEF contours or other unworkable site or environmental constraints; and
- · Within close proximity to services and community infrastructure.

The subject site enables the provision of such development, maximising the delivery of a diversity of dwellings whilst protecting areas of high environmental significance and responding to the site's constraints. The delivery of housing for defence members and their families will also support

the function of the Williamtown RAAF base, identified as a key economic driver in the region.

The planning proposal will provide essential housing for DHA through delivery of a range of dwelling types and will additionally allow for private housing to be developed, which will subsidise the delivery of housing for Defence staff and their families. The planning proposal will also provide for a range of key workers to be accommodated in the area close to their employment, with excellent amenity.

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

#### Port Stephens Local Strategic Planning Statement

The Port Stephens Local Strategic Planning Statement (LSPS) was adopted by Council on 14 July 2020. 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 of the Port Stephens Local Strategic Planning Statement:

- Planning Priority 4: Ensure suitable land supply
- Planning Priority 5: Increase diversity of housing choice
- Planning Priority 6: Plan infrastructure to support communities
- Planning Priority 7: Conserve biodiversity values and corridors
- Planning Priority 10: Create people friendly spaces in our local centres where people can come together

The planning proposal will provide diverse housing within proximity to employment markets, particularly Williamtown, in an area that can be adequately serviced and has limited environmental value. The site is well connected to strategic centres.

#### Port Stephens Local Housing Strategy (Live Port Stephens)

The Port Stephens Local Housing Strategy (*Live Port Stephens*) was adopted by Council on 14 July 2020. *Live Port Stephens* is the overarching strategy to guide land use planning decisions for new housing in Port Stephens.

Live Port Stephens includes actions to boost housing supply, offer more diverse and affordable housing options and support new housing by providing the infrastructure and services that make communities liveable.

The planning proposal is consistent with these actions as it seeks to provide increased housing supply, housing diversity through the use of a range of lot sizes, affordable housing choices which are close to employment

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opportunities and will provide increased community access to open spaces and recreational areas, including Stockton Beach.

#### Fern Bay and North Stockton Strategy 2020

The Fern Bay and North Stockton Strategy was prepared by both Port Stephens Council and City of Newcastle and came into effect on 14 April 2020.

The Strategy focuses on achieving 5 goals:

- Environment: Protect the treasured and unique Stockton Bight for future generations and attract responsible heritage and nature-based tourism.
- Town Centre: Establish a conveniently located mixed-use town centre connected by technology, transport, housing and great public places.
- Housing: Grow a resilient coastal community with access to liveable and diverse housing.
- Open Space and Community Facilities: Improve access to useable open spaces and well-designed community facilities to support daily activity and healthy lifestyles.
- Transport: Prioritise safe and convenient travel by walking, cycling and use of public transport while maintaining regional journeys on Nelson Bay Road.

Land use and infrastructure outcomes have been identified to achieve the goals.

The Strategy area has been broken up into 6 Precincts and provides specific measures to achieve the Strategy's goals. The Rifle Range site is located within Precinct 3: Beachfront Precinct.

The Strategy acknowledges that the site is largely disturbed and is considered appropriate for low / medium density residential development, accommodating approximately 300 dwellings and open space. The limited opportunity for growth in the Strategy Area reinforces the importance of housing at the Rifle Range. The planning proposal avoids the area of the site with greater environmental value.

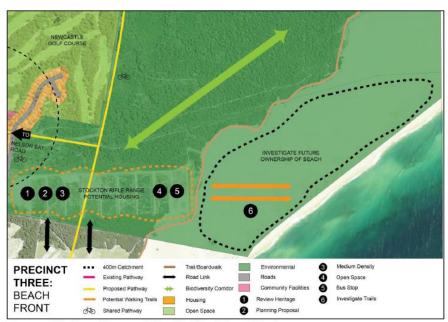


Figure 10: Fern Bay and North Stockton Strategy

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

**Table 3: Relevant State Environmental Planning Policies** 

| SEPP   | Consistency and Implications  |
|--|---|
| SEPP 55 – Remediation of Land This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.   | A Site Audit Statement has been prepared and demonstrates that the site is considered to be suitable for the uses set out in the planning proposal.  Application of the SEPP at DA stage and further work will ensure that the land is developed in accordance with the SEPP. |
|  | The planning proposal is consistent with the SEPP.  |
| State Environmental Planning Policy (Koala Habitat Protection) 2021 This SEPP applies to land across NSW that is not a National Park, Forestry Reserve, biodiversity certified land or rural zoned land (RU1, RU2 or RU3). | The SEPP applies to land in the Port Stephens LGA. The Port Stephens Comprehensive Koala Plan of Management applies to the site.  The planning proposal has been assessed in detail under the now repealed SEPP 44 and the Port Stephens Comprehensive Koala Plan of          |

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The SEPP encourages the conservation and management of natural vegetation that provide habitat for koalas to ensure a permanent free-living populations will be maintained over their present range and reverse the current decline.

Management (CKPoM) in the Ecological Assessment prepared by Umwelt, provided in (Attachment I).

Assessment under SEPP 44 and the new State Environmental Planning Policy (Koala Habitat Protection) 2021 both require assessment of the proposal in accordance with the Port Stephens CKPoM.

The assessment concludes that preferred koala habitat, including suitable koala feed trees, and supplementary koala habitat are present on the site. Impacts on koala habitat have been largely avoided and minimised, and the proposal is considered consistent with the performance criteria of the CKPoM.

A preliminary Koala Plan of Management has been submitted with the planning proposal to demonstrate how the concept master plan facilitates appropriate management of koala habitat.

The current indicative Master Plan indicates potential disturbance to 2 koala feed trees. Where possible, koala feed trees will be selectively retained within the development footprint. This will be assessed in detail at DA stage.

## The planning proposal is consistent with this SEPP.

## State Environmental Planning Policy Coastal Management

The aim of this SEPP is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.

The site falls within the Land Application Map of the Coastal Management SEPP, which gives effect to the objectives of the NSW Coastal Management Act 2016 by specifying how development proposals are to be assessed if they fall within the coastal zone.

In accordance with Council policy and best practice planning for residential subdivision and development potentially at risk from coastal hazards, all residential development in the concept

| master plan is located well landward of the 2100 'unlikely' hazard line. |
|--|
| The planning proposal is consistent with this SEPP.                      |

## 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<br>Direction    | Aim of Direction | Consistency and Implications |
|-----------------------------|------------------|------------------------------|
| 2. ENVIRONMENT AND HERITAGE |                  |                              |

## 2.1 Environmental Protection Zones Controls

- 4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- 5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".

The planning proposal relates to land that is currently zoned E2 Environmental Conservation. A portion of this land is considered suitable for residential development and is proposed to be rezoned to R3 Medium Density Residential.

A planning proposal may be inconsistent with the terms of the Direction if the planning proposal is justified by a strategy prepared in support of the planning proposal which gives consideration to the objectives of the Direction.

The Umwelt Ecological Assessment, provided at (**Attachment I**), gives consideration to this Direction and has concluded that the planning proposal seeks to appropriately protect and conserve environmentally sensitive areas.

The Rifle Range site contains five native vegetation communities including Frontal Dune Blackbutt-Apple Forest, Mahogany-Baloskion Swamp Forest, Coastal Tea-tree-Banksia Scrub, Foredune Spinifex and Beach Wetlands. A wide range of flora and fauna species have been recorded within and surrounding the Study Area as part of previous ecological surveys.

The proposed rezoning has focused on the retention of as much intact vegetation as

| possible, and the impacts to local          |
|---|
| biodiversity and threatened species are     |
| minimal. As such, a key mitigation strategy |
| is for the proposal to minimise direct      |
| impact. This is enshrined in the proposed   |
| controls and extent of area to be rezoned.  |
|   |

Mitigation measures including preclearance surveys, clearance supervision, weed control, and dune rehabilitation will be employed at DA and construction to further address Direction 2.1.

The planning proposal is consistent with the Hunter Regional Plan, the Greater Newcastle Metropolitan Plan and the Fern Bay and North Stockton Strategy.

#### 2.2 Coastal Protection

This direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.

The consistency of the planning proposal with key coastal planning policies has been assessed in detail in the Coastal Engineering Assessment, provided at (Attachment G) and the Sand Dune Transgression Assessment and Management Plan (Attachment Q).

The planning proposal gives effect to the relevant legislation and guidelines.

#### 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.

The site is listed on Schedule 5 of the Port Stephens LEP 2013 as Item 34 – Stockton Beach Dune System, including Aboriginal site and shell middens, ship wrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts.

In addition, the proposed development area includes a portion of the Fern Bay site complex (38-4-0895) and six sites (burials and artefacts) of significance of the Aboriginal community.

The assessment of European heritage conservation has been provided in the attached Heritage Impact Assessment, (Attachment J). The assessment concludes that the planning proposal appropriately manages the heritage value of the site.

An Aboriginal Cultural Heritage and Archaeological Assessment Report has also been prepared to inform this planning proposal, provided at (**Attachment K**). The assessment concludes that the planning proposal appropriately manages the Aboriginal cultural heritage value of the site.

The recommendations of both reports include limiting the extent of the proposed rezoning so that no development occurs to the north of the current access road and key sites of significance are avoided.

Further measures, including further survey prior to construction, an interpretation strategy, excavation of test pits, full salvage excavation, and management of any artefacts found have been recommended for subsequent development stages should the rezoning proceed.

The draft DCP includes a requirement that the initial subdivision stage give consideration to the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report.

#### 2.4 Recreation Vehicle Areas

The planning proposal does not seek to enable land to be developed for the purposes of a recreation vehicle area.

Currently, the site is often illegally accessed by recreational vehicles, primarily by quad bikes. The proposed rezoning and concept master plan would facilitate increased passive surveillance through appropriate development, landscaping and management.

The draft DCP includes a requirement that the subdivision restricts access to the adjoining environmental land.

#### 3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT

## 3.1 Residential Zones

Encourage a variety and choice of housing types to provide for existing and future

Housing diversity is a key objective of the master plan for the site, which has informed the planning proposal. The proposed R3 Medium Density Residential zoning would permit a broad range of housing to be

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housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

delivered on the site. In addition, the delivery of housing for defence personnel would support social diversity and affordability for these key workers in the region.

The location of the site, in close proximity to the Stockton Centre and Newcastle CBD, will ensure that residential development is well serviced and contributes to the efficient use of existing infrastructure.

This planning proposal does not contain provisions which would reduce the permissible residential density of land.

#### 3.3 Home Occupations

The objective of this direction is to encourage the carrying out of low impact small businesses in dwelling houses.

The planning proposal does not seek to change the permissibility of home occupations in dwelling houses.

## 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.

The planning proposal is informed by a Transport Study undertaken by Better Transport Futures (Attachment D). The study considers how a residential development of the site under the proposed planning controls would impact the surrounding transport network. The study concludes that the site is well serviced by public transport infrastructure and that local roads have the capacity to accommodate the additional vehicles that may result from a residential land use and is appropriate for residential development under the relevant transport legislation and guidelines.

The objective of this Direction is to ensure that urban development, including aspects such as location, design, street layouts and subdivision, all improve access to housing, jobs and services by walking, cycling and public transport; increasing choice of available transport; reducing travel

demand; and supporting efficient and viable operation of public transport.

The Direction requires consistency with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001). As this Planning Proposal considers a residential land use, Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) is the most relevant guideline.

The planning proposal would locate additional housing in the Fern Bay centre, within walking distance of Fern Bay Public School, Community Hall, Fern Bay Reserve, Fern Bay store, and golf course. While not a major centre or transport node (Principles 1 of Improving Transport Choice Guidelines for Planning and Development (DUAP 2001), the Planning Proposal does achieve housing in walking distance of key land uses (Principle 2) and public transport (Principle 3). Nelson Bay Road is used as a bus route for regular and for school services. Buses serve Stockton and Fern Bay, and complete a loop via Vardon Road Popplewell Road and Rankin Rod to access Nelson Bay Road for the return journey to Newcastle.

In addition, the planning proposal seeks to provide housing through Defence Housing Australia, for Defence staff located at Williamtown and Newcastle. Therefore, the planning proposal seeks to reduce travel distance to base.

## 3.5 Development near licensed Aerodromes

The site is identified on the RAAF Base Williamtown Obstacle Limitation or Operations Surface Map and Height Trigger Map under the Port Stephens DCP 2014. Council considers this to be in the vicinity of a licenced aerodrome. However, the site is not impacted by the ANEF contours from

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|   | the RAAF base. Consultation should be undertaken with the Department of Defence as part of the planning proposal rezoning process. The planning proposal is consistent with the requirements of the Direction.   |
|---|--|
| 4. HAZARD AND RISK  |  |
| 4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.   | The planning proposal relates to land with an Acid Sulfate Soil Class of 3, 4 and 5. The site is predominately Class 4, with the whole of the proposed land use zoning change in the Class 4 Acid Sulfate Soils area.  |
| 4.3 Flood prone land  | The planning proposal does not seek to rezone flood prone land.  |
| 4.4 Planning for Bushfire Protection The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas. | The proposal has been assessed for its compliance with bushfire protection legislation and policy in detail in the Bushfire Risk Assessment Report, provided at (Attachment O). The report concludes that the planning proposal does not preclude development that meets bushfire protection standards.  As a result of consultation undertaken with the Rural Fire Service, a perimeter road has been included in the DCP masterplan.   |
| 5. REGIONAL PLANNING  |  |
| 5.10 Implementation of Regional Plans The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional plans.   | The planning proposal would achieve the goals of the Hunter Regional Plan 2036 by:  1. Supporting strategically important local employment through a relationship with DHA and the Williamtown RAAF base, and contributing to the Hunter region being the leading regional economy in Australia;  2. Protecting a biodiversity-rich natural environment by increasing the sustainability of funding sources for site management and introducing a zoning which would protect the ecological value of the site; |

|   | 3. Increasing the diversity and sustainability of the local community by increasing the population and accommodating a broad range of age groups, supporting local retail and services such as the local school at Fem Bay; and  4. Allowing the renewal of the site with controls that facilitate a diverse range of   |
|---|---|
|   | housing typologies, supporting greater housing choice in the region.  |
| 6. LOCAL PLAN MAKING  |   |
| 6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.  | This is a matter for consideration by Council during the assessment of the Planning Proposal. This planning proposal does not contravene the objectives of this Direction.  |
| 6.2 Reserving Land for Public Purposes The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. | The purpose of this Direction is to ensure that any land to be dedicated for public use is the result of proper consultation and approved by the relevant authorities.  The site specific DCP requires that public open space of a minimum area of 1.5 hectares is included in the subdivision of the site.  This open space will be dedicated to Council. Further design work and consultation will be undertaken at the DA stage regarding this matter. |

#### Section C - Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal has been informed by an ecological assessment undertaken by Umwelt (**Attachment I**).

Overall, the assessment concludes that the disturbed areas of the Rifle Range (the land to the south of the main cleared track, which was used as the shooting range) and a small pocket of land to the north of the main cleared

track are low quality ecological communities. The vegetation primarily to the north of the main track is of a higher quality and should be preserved. Five native vegetation community types have been mapped within the subject site, being Frontal Dune Blackbutt-Apple Forest, Mahogany-Balosion Swamp Forest, Coastal Tea-tree – Banksia Scrub, Foredune Spinifex, and Beach Wetlands.

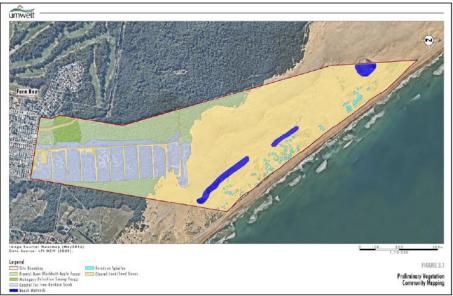


Figure 8: Distribution of identified vegetation communities

Only one ecological community has been identified as likely to confirm to a threatened ecological community, being the Mahogany-Baloskion Swamp Forest, occurring in a small part of the site to the north-west. The planning proposal seeks to rezone part of the site from E2 Environmental Conservation to R3 Medium Density Residential zoning. The proposed residential zone would generally include a small area to the north and the land to the south of the main cleared track, which has been assessed to be disturbed and low value ecological communities. This approach retains the E2 Environmental Conservation zoning in the high value, intact ecological communities to the north.

Four threatened fauna species listed under the TSC or EPBC Acts have previously been recorded in the subject site, being:

- The grey-headed flying-fox (Pteropus poliocephalus), listed as vulnerable under the TSC and EPBC Acts;
- Little bentwing-bat (Miniopterus australis), listed as vulnerable under the TSC Act;
- Eastern bentwing-bat (Miniopterus schreibersii oceanensis), listed as vulnerable under the TSC Act;
- East coast freetail-bat (Mormopterus norfolkensis), listed as vulnerable under the TSC Act.

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No endangered populations listed under the TSC or EPBC Acts have been recorded within the subject site.

The Master Plan indicates potential disturbance to 2 koala feed trees. Where possible, koala feed trees will be selectively retained within the development footprint. Furthermore, a Preliminary Koala Plan of Management is included in the Ecological Assessment. There are also no hollow bearing trees are within the current Master Plan development footprint. This will be further assessed at DA stage, and it is noted that the planning proposal does not seek approval for the removal of any trees or works to the site.

An assessment of significance has been undertaken for the New Holland Mouse in the Ecological Assessment, noting that 'coastal dune vegetation occurring in the Port Stephens LGA is likely to comprise an important population of the species'. However, the species has not been recorded on the site. The species is known to occur in the Worimi Conservation Lands, with the closest record on the NSW BioNet Atlas (from 2013) being within 2 km north of the site. The more detailed assessment in the EPBC Act Referral notes that the species 'is associated with heathlands and vegetation sand dunes and is found to peak in abundance 3 to 5 years following a fire. The last fire to impact the Rifle Range occurred in late 2006 and would have likely resulted in suitable habitat for the species'.

While the development site is not known as a historical or important foraging site for this species, 15.3 hectares of potential forest and shrub habitat is proposed to be impacted by the current Master Plan. However, this has been assessed as not having a significant impact on the species. Based on the Master Plan, 29.6 hectares of suitable habitat for the New Holland Mouse will be retained. Avoidance and mitigation measures outlined in the Ecological Assessment would be undertaken to minimise any substantial impacts.

Further survey work for the species may be required if determined by the Commonwealth Department of the Environment and Energy after the review of the EPBC Act Referral and/or required under a BAM assessment at the DA stage.

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

The planning proposal is not likely to result in development that will create any significant adverse environmental effects.

A range of technical assessment have been undertaken to ensure that potential impacts of the rezoning are acceptable, including the ecological assessment summarised in the previous section of this report.

#### **Coastal impacts**

#### Erosion

Changes to the coastal system to the east of the Rifle Range site have been investigated to assess the potential impacts of short and long term erosion, sea level rise, and ongoing recession. The assessment, prepared by BMT WBM (Attachment G), demonstrates three scenarios for erosion by 2100 and the impact of each scenario on the Rifle Range site, considering specifically the concept master plan as an example of a potential residential development of the site.

The three scenarios are as follows:

- An 'almost certain' erosion scenario including short and medium term erosion, ongoing recession (due to the Newcastle Harbour breakwaters), but excluding the impacts of sea level rise;
- A 'likely' erosion scenario including short and medium term erosion, ongoing recession, and future recession due to sea level rise of 0.4 m by 2100 (equivalent to the current rate of sea level rise); and
- An 'unlikely' erosion scenario including short and medium term erosion, ongoing recession, and future recession due to sea level rise of 0.9 m by 2100 (equivalent to highest emission scenario along which we are tracking). The 'unlikely' scenario is the typical conservative estimate used for planning purposes in NSW.

In accordance with Council policy and best practice planning for residential subdivision and development potentially at risk from coastal hazards, all residential development in the concept master plan is located well landward of the 2100 'unlikely' hazard line. The report recommends that the proposed rezoning be supported.

#### Sand Dune Transgression

A Sand Dune Assessment and Management Report was undertaken given the known risk of dune transgression and sand drift to assets within the Stockton Bight dune system.

Sand drift can become a hazard when windborne sediments impact coastal development, such as roads, residential development and other built infrastructure near to the coast. At best, drifting sand is a nuisance, and at worst it may completely overwhelm coastal developments.

This Rifle Range Dune Management Plan presents short term, and medium - long term dune management actions to manage the risk of dune migration and create a sustainable and stabilising vegetation community buffer that increases hind dune resilience but allows for natural dune functions. The plan details:

- The goals for dune management at the site, being to retain and manage the existing vegetated buffer, ensure the mobile / active dune area of the site remain unvegetated, and adopted an adaptive approach to managing long term dune migration risks
- Short to medium term goal of vegetation management measures for appropriate dune sections to reduce sand drift hazards and dune migration hazards to the site
- An adaptive monitoring program for monitoring the dune toe to track the dune migration hazard, with triggers signalling when to shift into the next phase of action to manage dune migration.
- Processes for reviewing, evaluating and updating the management plan to incorporate best practice methods as they arise in future.

To ensure that the recommendations of this report are implemented and long term monitoring is undertaken, Defence Housing Australia has submitted a letter of offer to enter into a Voluntary Planning Agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979 with Council. The VPA is to be executed prior to gazettal of the amendment to the LEP.

#### Heritage impacts

Consultation regarding the Aboriginal cultural values associated with the subject site has been undertaken to inform the master planning for the site and this planning proposal by Umwelt. Notifications of work on the site were developed and publicly displayed, with four parties registering their interest in ongoing consultation, being:

- · Kuruah Indigenous Corporation;
- Mur-Roo-Ma Inc;
- · Nur-Run-Gee Pty Ltd; and
- · Worimi Local Aboriginal Land Council.

Karuah Indigenous Corporation, Mur-Roo-Ma Inc, Nur-Run-Gee Pty Ltd and Worimi Local Aboriginal Land Council undertook a pedestrian survey of the site late 2016. The registered parties then had the opportunity to provide feedback as a group, provided in full in the report. A key point raised with regard to significance was the importance of the northern side of the current access road, which has storylines attached to it. Key recommendations from this consultation was no development to the northern side of the access road; no impact at the intersection of Braid Road and Popplewell Road due to known burials in the area and no impact in the southwestern corner of the rifle range due to known burials. The planning proposal and indicative master plan is considered to adequately address these recommendations.

An Aboriginal Cultural Heritage and Archaeological Assessment Report concludes that from an Aboriginal cultural heritage and archaeological standpoint, there are no factors that should prevent the rezoning of the site.

Consideration has been given to the ownership and management of land, given the land to the north of the site is owned by the Worimi and managed by NSW Parks. Discussions have been held regarding the potential to dedicate land to the north of the main road, which is intended to remain undisturbed, to the Worimi. This matter can be determined separately to the rezoning process.

Worimi Local Aboriginal Land Council provided feedback during the consultation period and confirmed that the Aboriginal Cultural Heritage and Archaeological Assessment Report Recommendations are correct and comply with the onsite studies, as were undertaken by the Registered Aboriginal Parties.

The draft DCP requires that the initial subdivision development considers the recommendations of the Aboriginal Cultural Heritage and Archaeological Assessment Report – Residential Development Planning Proposal – Stockton Rifle Range, Stockton (Umwelt 2017).

#### European

An assessment of heritage impact was undertaken by Urbis (Attachment J), informing the development of a concept master plan for the site. The site is included in the listing of Item 34 (Stockton Beach Dune System, including Aboriginal site and shell middens, ship wrecks, WWII ramparts, tank traps, proofing range, rifle range and tin huts) on Schedule 5 of the Port Stephens LEP and is significant as it represents Australia's involvement in World War 2.

The draft DCP aims to restore, maintain and interpret heritage features and areas of archaeological potential. The heritage integrity of the site will be maintained by requiring the street network to be generally consistent with the alignment of the existing rifle range firing mounds, as shown on the master plan in the draft DCP. Furthermore, the DCP requires that the heritage anti-aircraft battery is stabalised, remnants of the rifle range stop butt are retained for heritage interpretation and the pedestrian access, wayfinding and heritage interpretation are included in the subdivision development.

#### **Bushfire risk**

An assessment of bushfire risk with respect to the development of the site for residential uses was undertaken (**Attachment O**), and demonstrates how the concept master plan could implement appropriate bushfire risk mitigation measures. The report found that the predominant bushfire hazard is located to the north and south of the subject site.

The assessment concludes that the master plan and associated design principles can comply with all performance criteria's outlined for integrated (residential subdivision) development and minimum construction requirements

at detailed design stages. The assessment also found that the proposed design provides for suitable access and water provisions for emergency management.

As a result of consultation with the Rural Fire Service, the masterplan in the draft DCP was updated to include a perimeter road around all future residential development.

#### Traffic and transport impacts

A transport study was prepared for the planning proposal to assess the high-level potential of the transport network to accommodate residential development of the site (**Attachment D**). In order to understand what the impacts of the development might be and what development levels may be possible, a notional development yield of 318 lots, as shown in the concept master plan, has been assumed. The assessment has also considered the cumulative impacts of the potential rezoning of the Fort Wallace site (in Newcastle LGA and subject to a separate planning proposal).

It is noted that, with the site intended to provide housing for defence members, trips north towards the Williamtown base are expected to be higher than a usual site, with local traffic from the site expected to be split evenly between north and south bound trips. The performance of right turn movements from the local Fern Bay network to Nelson Bay road under existing access arrangements would be poor and it is recommended that one intersection be provided with improvements to facilitate safe right run movements, and that the relevant road be upgraded to meet current council standards.

The draft DCP requires that the proponent construct signalisation of the Vardon Road and Nelson Bay Road intersection. This requirement will form a condition of consent of the subdivision development application.

Council's Traffic Engineer advised that signals at the Vardon Road/ Nelson Bay Road intersection offer the best solution to traffic and pedestrian safety and access. Further, signals at this location would provide an important connection between the properties on the western side of Nelson Bay Road with the school, community centre and public transport facilities.

Detailed design of the intersection is to be undertaken at the DA stage and TfNSW will need will need to agree on the location of proposed traffic signals (although Vardon Road would be Council's preferred location).

#### Stormwater impacts

The Stormwater Management Plan (Attachment F) specifically addresses stormwater quantity and quality. It has addressed the impacts of the development of the site on the existing drainage regime, determined the stormwater discharge constraints and identified proposed stormwater device

measures to adequately treat the stormwater prior to discharging to receiving waters.

Based on review of the existing site topography and geotechnical conditions, it has been identified that any surface runoff will infiltrate into the existing sand substrate within the site limits. Stormwater management principles were considered in the development of the concept master plan, resulting in a proposed development footprint, built form typologies, and drainage strategy that will manage stormwater prior to discharging into the natural drainage system.

The Gateway determination required "further detail on the proposed stormwater measures, including analysis of geotechnical properties and consideration of water-sensitive urban design measures for the site".

The Biodiversity Conservation Division (of DPIE) have provided verbal advice that a revised Stormwater report (**Attachment F**), satisfies the Gateway condition.

This revised Stormwater Management Plan specifically addresses both stormwater quantity and quality. It has addressed the impacts of development of the site on the existing drainage regime, determined the stormwater discharge constraints and identified proposed stormwater device measures to adequately treat the stormwater prior to discharging to receiving waters.

Based on review of the existing site topography and geotechnical conditions, it has been identified that any surface runoff will infiltrate into the existing sand substrate within the site limits.

The assessment determined the necessary mitigation measures required to be implemented are able to be readily provided within the subject land. The measures include the construction of stormwater quality devices which are able to adequately reduce pollutant loads to Port Stephens Council requirements, ensuring protection of existing environment and hydrology. Detailed ground water monitoring being undertaken in preparation for the development application.

Council engineers have confirmed that the proposed locations of groundwater monitoring wells are satisfactory and covers all development area and groundwater level contours could be drawn from these wells if predicted highest groundwater levels are known from those wells. These groundwater level contours could be used to obtain the groundwater level/s at the proposed infiltration facilities. Infiltration facilities could be designed based on the highest groundwater level.

Council's requirement for groundwater modelling is to obtain Predicted Highest groundwater levels where the infiltration facilities are proposed. Based on these levels, base of the infiltration facilities could be designed. A minimum of 1m clearance is required from the predicted highest groundwater level and base of the infiltration facilities.

Council engineers have advised that satisfactory information has been provided to allow for rezoning of the site, with additional engineering details to be provided as part of the development application (such as incorporating WSUD features within the development, splitting up infiltration areas, water quality modelling etc).

#### Servicing impacts

ADW Johnson was commissioned to investigate the capacity of civil services in the area to support a residential use of the site (**Attachment L**).

The report concludes that:

- Water. There is sufficient capacity in the surrounding water mains for
  potable water supply. At the development design and application stage,
  security of supply will need to be addressed in accordance with Hunter
  Water's design guidelines;
- Sewer. There are multiple locations in the neighbourhood where sewer
  connections could be made to service a residential development of the
  site and the Fern Bay 1 Waste Water Pump Station has sufficient capacity
  to receive waste water from a residential development of the site. It is
  likely that a small pump will be required on the site to enable the waste
  water to be transported;
- Electricity. Popplewell Road currently has a high voltage transfer main running north south. It is envisaged that a high voltage connection will be made from the transfer main, with input from an electrical engineer at design stage to confirm the number and location of substations required;
- Telecommunications. Upgrades will be required to the network in line with future NBN roll outs to make services available on the site.
- **Gas.** There are no domestic gas services in the neighbourhood, although a gas main runs along Nelson Bay Road. It is expected that extensions to the network may be made by providers for commercial reasons.

The site could support residential development with adequate civil services.

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

The planning proposal is expected to deliver a range of social and economic benefits to the existing and future community in the area, including:

1. Employment through construction and maintenance of residential development. The planning proposal would facilitate increased residential development opportunity on the site, which would contribute to local employment opportunities and may result in investment in the local economy through both construction and ongoing services (in services such as handiwork, bush and garden care, etc). However, it is noted that development of the site also has the potential to result in impacts to local residents such as noise and dust. Conditions of

- development consent should be applied to any future development approvals on the site to manage such potential impacts;
- 2. Increased demand for local shops and services. Preliminary community consultation indicates that neighbourhood shops and services, such as the Fern Bay Primary School and the Fern Bay Store, would benefit from the increased residential density and development of the site with increased demand. Increased demand resulting from more local residents may result in healthier local business and services and allow a broader range of services to be provided in the local area.
- 3. Housing for Defence staff. DHA provides housing and services to staff members of the Defence Force and their families. The site is located close to the Royal Australian Air Force (RAAF) Base Williamtown which lies approximately 11 kilometres to the north. The planning proposal will provide essential housing for DHA through delivery of a range of dwelling types, and allow for private housing to subsidise the housing to be developed and delivered to Defence staff and their families. The planning proposal will also provide for a range of key workers to be accommodated in the area close to their employment, with excellent amenity.

#### Section D - State and Commonwealth interests

#### Q10. Is there adequate public infrastructure for the planning proposal?

Is there adequate public infrastructure for the planning proposal? It is considered that the planning proposal will be well serviced by public infrastructure. It is noted that the planning proposal seeks to enable increased residential uses on a portion of the site, with a land use zone that allows for detached, semi-detached and attached dwellings. An indicative master plan has been developed to demonstrate the site's potential, illustrating how approximately 318 dwellings could be facilitated.

This master plan has been used to undertake a preliminary assessment of civil infrastructure, including water, sewer, electricity, telecommunications and gas services. This report, provided at (**Attachment L**), has concluded that there is capacity in the essential civil services to provide for a residential development of the site. While gas services are not currently available to the Fern Bay community, it is considered that the residential development of the site may increase the feasibility for the providers to extend this service. The availability of public transport infrastructure has been considered.

Newcastle Buses bus route 118 serves Fern Bay and Stockton, while buses to Williamtown are available through Port Stephens Coaches. The Newcastle to Stockton Ferry provides access to Newcastle CBD from Stockton centre. The Stockton Cycle way, which runs parallel to Fullerton Street from near the Stockton Bridge was opened by Council in 2013 and connects the peninsula

# ITEM 4 - ATTACHMENT 2 RIFLE RANGE PLANNING PROPOSAL.

from Stockton Bridge in the north to the Stockton Ferry terminal in the south. It is constructed as high standard concrete pavement dual use path.

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

A detailed summary of comments received by public authorities and Council's response is located in the submissions table (ATTACHMENT B). No objections to the planning proposal were received.

The main issues raised include:

- The site contains both Aboriginal and European heritage items. The proposed DCP controls are appropriate for the management and celebration of the site's heritage;
- Public access to the Worimi Conservation Lands (WCL) is not permitted under the park's Plan of Management;
- Confirmation regarding the future dedication of the remaining E2 land to WCI.
- The impact of the proposal on the adjoining WCL, particularly illegal access, weed control and fire management;
- · Stormwater management concerns;
- · Coastal erosion concerns;
- · Impact of the proposal on biodiversity corridors and koala habitat;
- · The need for a perimeter road for bushfire protection; and
- Traffic impact on Nelson Bay Road and the need for an intersection upgrade.

# PART 4 - Mapping

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

- Land Zoning Map Sheet LZN\_004A, to show part of the subject site as R3 Medium Density Residential while retaining an E2 Environmental Conservation zoning on the remainder of the site;
- Height of Buildings Map Sheet HOB\_004A, to show part of the subject site as 9m and part 15m, being limited to areas zoned for residential development only; and
- Lot Size Map Sheet LSZ\_004A, to show the part of the subject site with a minimum lot size of 500m² and part of the site with a minimum lot size of 200m², being limited to areas zoned for residential development only while retaining the existing AB3 40ha minimum lot size zoning on the remainder of the site.
- Urban Release Area Map Sheet URA\_004 to identify the land as an Urban Release Area.

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# ITEM 4 - ATTACHMENT 2 RIFLE RANGE PLANNING PROPOSAL.

# PART 5 – Community consultation

In accordance with the Gateway determination, the planning proposal was exhibited for 28 days, from 1 June to 1 July 2020. Five submissions from the community were received during this time. The submissions table in **ATTACHEMENT B** provides a detailed summary and council comment. The issues raised are summarised as follows:

# Sand dune transgression

The impact of sand dune transgression and the potential liability to Council was raised during the exhibition period. While the planning proposal addressed the potential impacts of sand erosion, it failed to address the impact of sand dune transgression, or the eastward movement of sand dunes, on future development.

#### Comment

Following exhibition of the planning proposal, the proponent undertook a Dune Transgression Assessment and Management Plan to address concerns raised during exhibition regarding the potential impact of sand transgression on the development area.

The assessment indicates that the eastern most part of the site could be impacted by future sand transgression, however with regular monitoring and mitigation measures, the impact will be minimised.

In order to reduce the risk to Council, a planning agreement is being entered into so that the ongoing monitoring, reporting and mitigation works will be undertaken by the land holder.

Council's Environmental Officer is satisfied that the Dune Transgression Assessment and Management Plan provides an adequate mitigation plan for sand transgression. The plan seeks to mitigate the impacts by way of:

- Implementing a monitoring and reporting program
- Retaining and strengthening the existing vegetated buffer immediately around the site
- Dune maintenance program
- Alternate future measures (approx. after 2075). These are yet to be determined to due to unknown future conditions.

These measures will form the basis of a planning agreement to ensure that the works are carried out as part of the development and into the future. The amendment to the LEP will not be gazetted until the VPA is executed.

# **Environmental impact**

Concern has been raised that future development of the site will have an inappropriate impact on biodiversity and threatened species habitat. It is

# ITEM 4 - ATTACHMENT 2 RIFLE RANGE PLANNING PROPOSAL.

suggested that the site be protected and used for a mountain biking destination.

#### Comment

The land is currently zoned E2 Environmental Conservation. However, the part of the site proposed to be rezoned, approximately 17ha, is already largely disturbed and the vegetation is considered to be of low quality. The proposed zone boundary is considerate of the ecological attributes of the site and appropriately responds to the higher values on some parts of the site by retaining the E2 Environmental Conservation zone in these locations.

The draft DCP requires a faunal movement corridor between coastal forests to the north and south of the site which is designed to ensure the effective movement of Koala and Squirrel glider. Mature trees within the corridor are to be retained where possible, and trees or vegetation is not to be spread greater than 30m apart. Furthermore, planting within the corridor is to be locally endemic native species.

# Traffic impact

It has been requested that the main access to the site from Nelson Bay Rd is via Taylor Road rather than Vardon Road so as to not increase traffic on an already congested local street, which is dangerous for school children and those attending the child care centre.

It was further requested that, regardless of what road is the primary access to the site, that traffic lights are installed on the intersection with Nelson Bay Road.

# Comment

The Transport Study concludes that the local streets are able to cater for the proposal, subject to upgrades in accordance with Council requirements. Upgrading these roads will be a condition of development consent and is a requirement in the DCP.

The draft DCP requires that the proponent construct signalisation of the Vardon Road and Nelson Bay Road intersection. This requirement will form a condition of consent of the subdivision development application. Council's Traffic Engineer advised that signals at the Vardon Road/ Nelson Bay Road intersection offer the best solution to traffic and pedestrian safety and access in this location.

# ITEM 4 - ATTACHMENT 2 RIFLE RANGE PLANNING PROPOSAL.

# PART 6 – Project timeline

|                          | July<br>2021 | Aug<br>2021 | Sept<br>2021 | Oct<br>2021 |  |
|--------------------------|--------------|-------------|--------------|-------------|--|
| Council Report           |              |             |              |             |  |
| Parliamentary<br>Counsel |              |             |              |             |  |
| Finalising<br>mapping    |              |             |              |             |  |
| VPA drafting             |              |             |              |             |  |
| Gazettal                 |              |             |              |             |  |

**OFFICIAL** 



2 July 2021

Sarah Connell Port Stephens Council 116 Adelaide Street Raymond Terrace NSW, 2224

Dear Sarah

# Re: Offer to enter into Voluntary Planning Agreement - Fern Bay Rifle Range.

Defence Housing Australia (DHA) owns the property situated at 14 Popplewell Road, Fern Bay, NSW, known as the 'Fern Bay Rifle Range', being the land comprised in folio identifier Lot 5 / DP 233358.

DHA offers an intention to enter (or other appropriate party) to enter into a Voluntary Planning Agreement (VPA) with Port Stephens Council (Council). That agreement is to satisfy the requirements for Planning Agreements as set out in Section 7.4 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act) prior to issue of Council's Development Consents. As a Government entity, any such offer is subject to the appropriate Delegate's approval of the final terms and conditions of the VPA.

If Council confirms its in-principle agreement to the offer, this will allow Council to finalise the Planning Proposal and enable DHA to proceed with preparing and submitting a development application (DA).

Upon confirmation this offer is acceptable to Council, DHA will arrange for a draft VPA document to be prepared for Council's consideration.

The key terms of DHA proposal are set out below:

#### 1. The parties to the Voluntary Planning Agreement

The parties to the VPA will be DHA or other appropriate party and Port Stephens Council.

# 2. The land the subject to the Voluntary Planning Agreement

14 Popplewell Road Fern Bay (Fern Bay Rifle Range), Lot 5 / DP 233358. The VPA will apply to the area shown as Area A in the Dune Transgression Management Works (provided within **Attachment A**).

# 3. VPA Letter of Offer

The works to be covered under the Planning Agreement are detailed in Section 4 the Dune Transgression Management Works provided within **Attachment B** to this letter.

Sydney CBD office

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Level 2, 287 Elizabeth St Sydney NSW 2000 T. 139 342 | dha.gov.au ABN 72 968 504 934

#### **OFFICIAL**

#### 4. Time when the VPA will be entered into

- The VPA is to be executed prior to gazettal of the amendment to the Port Stephens Local Environmental Plan 2013.
- b. The VPA will require the works to commence before the issue of the first subdivision works certificate for residential subdivision.

#### 5. Timing for the provision of the works

A program outlining the stages of the development will be covered within the VPA.

It is important that the timing of the delivery of the dune transgression management works under the VPA be aligned with certain delivery of the project.

# 6. Registration of Planning Agreement

DHA or other appropriate party will accept that it will be obliged to procure registration of the Planning Agreement by Land and Property Information on the title to the land.

#### 7. The security for each kind of contribution that will be provided

In addition to registration of the VPA by Land and Property Information, DHA or other appropriate party offers an appropriate security to Port Stephens Council to secure obligations under the Planning Agreement, subject to required delegate approval of exact terms and details.

#### 8. Costs for preparing Planning Agreement

The VPA would require DHA or other appropriate party to pay the Council's reasonable legal fees and associated costs for preparing the VPA up to \$30,000 (including GST).

#### 9. Contact details

The Planning Agreement would identify details of DHA or other appropriate party's (ABN/ACN), and the key contact person together with contact details including address, fax, telephone numbers and email address.

DHA believes the proposal outlined above provides a compelling opportunity to unlock the development and land release potential for the Property. DHA is happy to provide further details of the proposal and to discuss the proposal with Council.

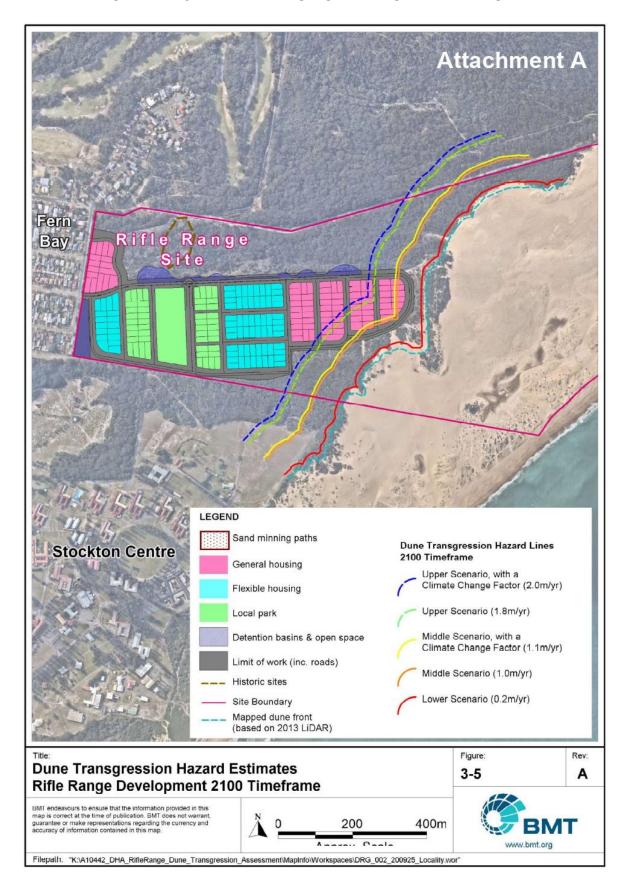
For the avoidance of doubt, this Letter of Offer does not constitute a binding agreement. Any agreement will only be binding upon the formal VPA being executed by both parties.

We look forward to Council's in-principle agreement to the proposal, so the parties can move to negotiation of a VPA

Yours faithfully,

Gulliver Coote, Development Manager Defence Housing Australia

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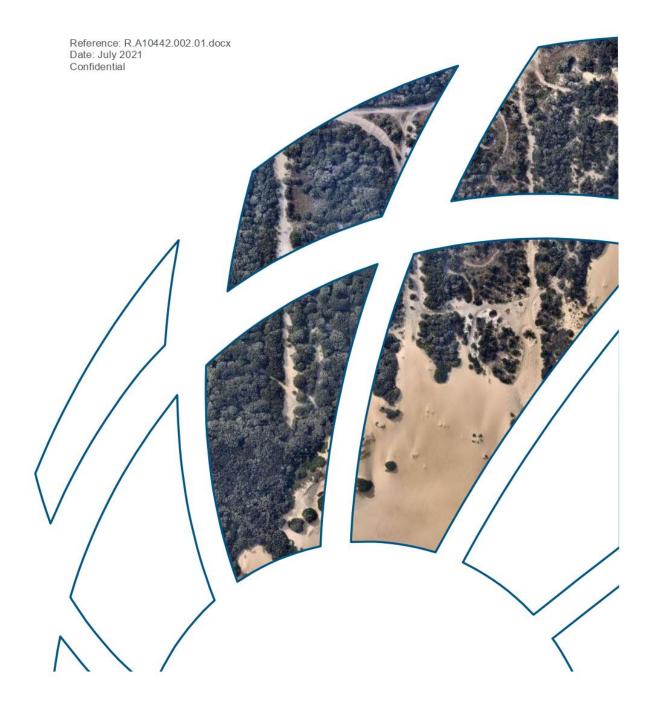
ITEM 4 - ATTACHMENT 5

LETTER OF OFFER TO ENTER INTO VPA.

# **Attachment B**



# **Stockton Rifle Range Dune Transgression Assessment and Management Plan**



# **Document Control Sheet**

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| Document:         | R.A10442.001.01.docx  |
|-------------------|---|
| Title:            | Stockton Rifle Range Dune Transgression<br>Assessment and Management Plan |
| Project Manager:  | Verity Rollason   |
| Author/s:         | Verity Rollason, Ainslie Downes, Tom<br>Doyle                             |
| Client:           | Defence Housing Australia   |
| Client Contact:   | Gulliver Coote  |
| Client Reference: | PROC49349   |
|                   |   |

Synopsis: Dune Transgression (Hazard) Mapping Assessment for the transgressive dune system located seaward of DHA's proposed development at the Fern Bay Rifle Range site.

#### REVISION/CHECKING HISTORY

| Revision Number | Date       | Checked by |  | Issued by |  |
|-----------------|------------|------------|--|-----------|--|
| 0               | 16/11/2020 | VPR        |  | TBD       |  |
| 1               | 23/11/2020 | VPR        |  | VPR       |  |
| 2               | 01/07/2021 | TBD        |  | TBD       |  |

#### DISTRIBUTION

| Destination               |     | Revision |   |   |   |   |   |   |   |   |    |
|---------------------------|-----|----------|---|---|---|---|---|---|---|---|----|
|                           | 0   | 1        | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Defence Housing Australia | PDF | PDF      |   |   |   |   |   |   |   |   |    |
| BMT File                  | PDF | PDF      |   |   |   |   |   |   |   |   |    |
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#### Commercial terms

BMIT requests the ability to discuss and negotiate in good faith the terms and conditions of the proposed terms of engagement, to facilitate successful project outcomes, to adequately protect both parties and to accord with normal contracting practice for engagements of this type.



# ITEM 4 - ATTACHMENT 5 LETTER OF OFFER TO ENTER INTO VPA.

Stockton Rifle Range Dune Transgression Assessment and Management Plan Contents

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# ITEM 4 - ATTACHMENT 5 LETTER OF OFFER TO ENTER INTO VPA.

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Stockton Rifle Range Dune Transgression Assessment and Management Plan Introduction

#### 1

# 1 Introduction

# 1.1 Scope of Report

Defence Housing Australia (DHA) is currently pursuing a Planning Proposal to develop the former Stockton Rifle Range (the site) into a residential subdivision. Port Stephens Council (Council) is currently reviewing this Planning Proposal and as part of their assessment has requested a Dune Transgression (Hazard) Mapping Assessment be provided given the known risk of dune transgression and sand drift to assets within the Stockton Bight dune system.

This report provides an assessment of dune transgression hazards (Section 3) that may impact upon the site and the proposed residential subdivision. Where impacts may occur, this report discusses mitigation measures to reduce the risks (Section 3.3). A Dune Management Plan (Section 4) is also provided that is focused on vegetation management to assist in reducing the immediate hazard of sand drift to the development where appropriate.

# 1.2 Site Description

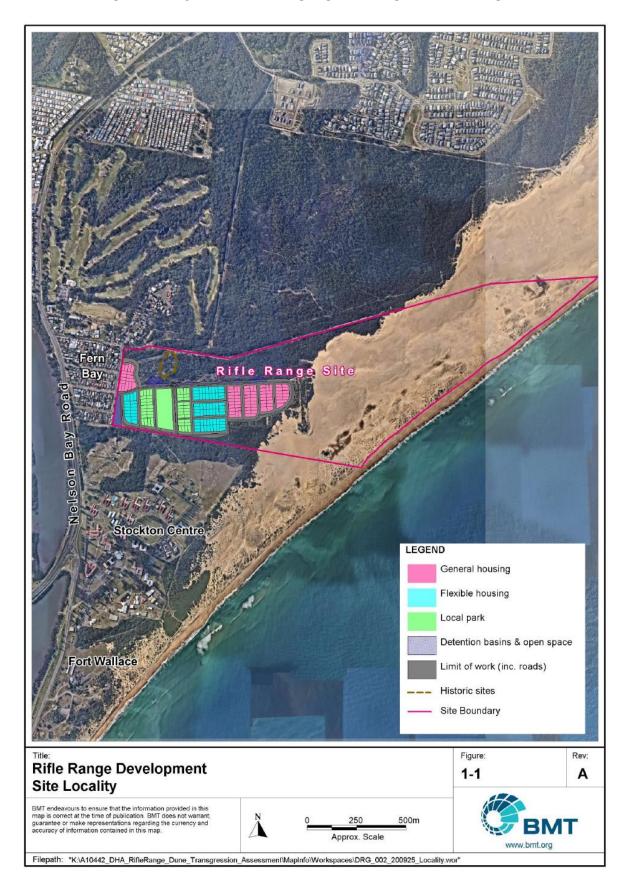
It is well recognised that the 32 km Stockton-Newcastle Beach (Stockton Bight) is one of the largest, most active coastal dune systems in NSW (Short, 2007). The landward transgression of sand within this dune system is part of the active coastal sand system transporting sediment in a net northwards direction along the NSW coast. Generally, the dunes are most mobile and variable within the unvegetated (bare) sand areas, with vegetated areas instead tending to capture and retain windblown sands. The bare sands of the dunes are highly mobile, and can transgress (or regress) substantially, depending on the prevailing wind conditions. In some instances, the mobile sands can engulf areas of well-established vegetation, and new 'blowouts' can form to destabilise areas of existing vegetation.

The Stockton Rifle Range site lies on Stockton Beach in NSW around 5.2 km north of the entrance to Newcastle Harbour, as shown in Figure 1-1. The site, located in Port Stephens Local Government Area (LGA), lies north of the existing residential development at Stockton and adjacent to the Stockton Centre.

The Rifle Range site includes beach frontage on Stockton Beach. The site's coastal frontage encompasses a considerable area of active transgressive dunes, which are naturally unvegetated. Closer to the shoreline, patchy vegetation is present. Fronting the site, the beach itself is fairly wide, and the surf zone typically displays a deep trough then single detached bar cut by rips. The dunes at Stockton Rifle Range vary considerably in height across the site. The foredune crest is typically 5 - 6 m in height, but dune heights across the site may be as low as 1 - 2 m and as high as 20 m AHD. Dune vegetation is very patchy adjacent to the shoreline, then generally absent, before becoming well established from around 500 m from the shoreline.

The entire site extends to the shoreline of Stockton Beach, however the proposed development footprint will not extend onto the foredunes or beach. The proposed development is comprised of various residential development types including freestanding houses and townhouses. There is currently a vegetated buffer between the active (bare) sand dunes and the eastern most proposed house blocks ranging from approximately 130 m to 200 m along the beachfront boundary of the development.





Stockton Rifle Range Dune Transgression Assessment and Management Plan Introduction

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#### 1.3 Dune Form and Processes

Active coastal dune systems are naturally dynamic and mobile systems that change over time through the action of wind. Windbome sediment transport drives changes in dune topography through the process of erosion and accretion. Transgressive coastal dune systems are a type of barrier dune that migrate landwards over time due to prevailing onshore winds. The movement of the sand dunes are influenced by wind direction, frequency and strength. A schematic cross section that demonstrates typical dune morphology is presented in Figure 1-2. Newcastle Bight (Stockton Beach) has the largest actively mobile transgressive dune system in the NSW coastal zone.

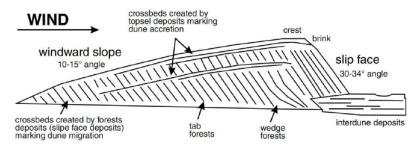


Figure 1-2 Typical Dune Morphology (source: Chevron, 2011 in Birch and Freeman, 2017)

Note: lower angle windward slopes and high angle slip face slopes

Sand deposition can occur on the windward slope, causing the dune to build upwards (or accrete). Sand deposition can also occur on the leeward slope, causing the dune to build laterally (transgress) in a down wind direction. When the leeward slope becomes steepened to the angle of repose of dry sand (about 34°), sands literally fall (or slip) down the leeward slope and the dune moves forward as a whole (see Figure 1-2). This over steepened leeward slope is also referred to as the dune 'slip face'. The slip face depositional process (and dune form) is common for transgressive dunes built from prevailing onshore winds.

*Dune erosion* typically occurs on the windward slope of the dune. Progressive and persistent erosion can lead to the formation of a dune deflation hollow along the downwind margins of the transgressive dune. This is a common feature within the Stockton Bight transgressive dunes.

Sand drift is a known and documented hazard on the NSW coast, one that is required to be assessed when defining hazards in the coastal zone. Sand drift poses a nuisance where sand is being blown into developments, and a major risk where dunes are migrating to engulf houses and development.

Historically, the NSW Soil Conservation Service and others mitigated this risk by vegetating active and bare sand on dunes, to capture and hold the sand in place. This is suitable on a small(er) scale particularly for beaches with minimal sand dune reserves. However, there were some locations where stabilising the active sand dunes resulted in erosion of downdrift beaches because the coastal sand supply to these beaches occurred via the wind blowing sand along and through the active dunes on land, rather than underwater in the surfzone.



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Stockton Rifle Range Dune Transgression Assessment and Management Plan Dune Hazard and Risk 4

# 2 Dune Hazard and Risk

# 2.1 Hind Dune Hazard (Dune Migration and Sand Drift)

Sand drift can become a hazard when windborne sediments impact coastal development, such as roads, residential development and other built infrastructure near to the coast. At best, drifting sand is a nuisance, and at worst it may completely overwhelm coastal developments (NSW Govt, 1990). The following matters require consideration when assessing hazards from dune transgression:

- Historical transgression the historical behaviour of a transgressive dune provides some
  insight into how that dune system may behave in future. Long term changes in dune
  morphology can be analysed from aerial photogrammetry records of dune topography and/or
  other survey data (e.g. LiDAR digital elevation models). Slip face movement can be used to
  determine long term rates of dune transgression.
- Climate change influences anthropogenic climate change will result in change to natural
  systems and may increase rates of dune transgression through a change in wind strength and
  direction. The possible influence of climate change on future migration rates of the
  transgressive dunes at Stockton is difficult to estimate, noting that the landward movement of
  dunes is influenced by the local wind climate (direction, frequency and strength) in addition to
  the moisture content of dune sediment, and sediment supply from the coast.
- Nuisance sand drift hazard the zone landward of the transgressive dune slip face may
  experience minor sand drift, which may result in minor (nuisance) impacts (as opposed to
  major consequences that would be experienced from the ingress of sand from slip face
  migration). The historical behaviour of this hazard zone is not measurable from topographic
  records. The nuisance sand drift hazard is considered to be insignificant relative to the
  migration of the transgressive dune at the site.

# 2.2 Summary of Past Dune Migration Studies at Fern Bay

Dune migration and sand drift hazards in the Fern Bay region have been investigated in the past (AWACS, 1993; Umwelt, 2014; BMT, 2019), with the hind dune hazard estimations varying between studies. Hind dune related hazards have been broken down into the following two components in those studies:

- Dune migration hazard which refers to the slip face migration of the mobile transgressive dune over stabilised/vegetated back beach land (see Figure 1-2). The rate of migration can be measured from historical topographic records (higher accuracy) and aerial photographs (lower accuracy).
- Nuisance sand drift hazard which refers to the zone immediately landward of the transgressive dune slip face (or dune front), where minor sand drift impacts may occur.

The impact from dune migration hazard is significantly greater than the impact from nuisance sand drift hazard.

A review of previous dune migration studies for the Fern Bay region has been conducted and the following points are noted.



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Stockton Rifle Range Dune Transgression Assessment and Management Plan Dune Hazard and Risk 5

- The AWACS (1993) dune hazard is based on historic transgression rate of 3.2 metres per year and long-term wind climate increase in migration of 15%, plus the addition of a 50-metre nuisance inundation/safety zone buffer.
- The AWACS dune hazard estimation is conservative and represents a 'worst case' scenario:
  - Migration rates are based on topographic records between 1954 to 1984, noting the accuracy of photogrammetry records prior to 1960 is often questionable.
  - The long-term wind factor estimates an increase in annual migration rate of 15%. However recent climate modelling by CSIRO (2007) indicates that wind occurrence from dominant directions on the NSW coast is expected to change by +/- 5% over 30 years and +/-10% over 70 years, although for higher winds, like that which drive dune migration, the changes are predicted to be smaller. Therefore, a 15% increase in annual migration rates is considered to be worst case (and conservative).
  - The 50-metre nuisance sand drift safety zone is overly conservative, noting the impacts from this hazard type are minor (and more manageable) relative to migration of the transgressive dune slip face.
- Dune migration rates were re-assessed by Umwelt (2007, 2014) and included recent survey information. A revised dune migration rate of 2.3 metres per year was proposed. Dune reshaping from mining operations between 1997 and 2001 were also noted to reduce the hazard timeframes.
- BMT assessed the dune transgression hazard for the Fem Bay Seaside Village Development located north of the Rifle Range site using the most up to date photogrammetry profiles available in 2019. Additionally, an increase in migration rate to account for climate change was applied by increasing rates by 10%. The methodology used by BMT (2019) is the same as the one applied for this assessment (outlined in Section 3). The adopted future dune transgression rates from the Fem Bay study were:
  - Lower (10<sup>th</sup> percentile) dune transgression rate (+/- climate change) at 0.5 metres per year,
  - Middle (50<sup>th</sup> percentile) dune transgression rate (+/- climate change) at 2.0 metres per year,
  - Upper (90<sup>th</sup> percentile) dune transgression rate (+/- climate change) at 4.0 metres per year.

BMT considers the recent rates calculated by both Umwelt and BMT to be reasonable, and will provide a good comparison for the hazard estimation derived for the study site itself, described in Section 3



Stockton Rifle Range Dune Transgression Assessment and Management Plan **Dune Transgression Assessment**  6

# 3 Dune Transgression Assessment

# 3.1 Data Summary

The data that formed the basis of this review and that was selected for use in the dune transgression assessment is summarised in Table 3-1.

This report determines dune transgression rates by assessing long term trends using historic photogrammetry. The available dataset, spanning nearly seven decades, is considered adequate and appropriate for use in this instance.

Table 3-1 Summary of Data Review Materials

| Dataset   | Summary and Project Relevance  |
|---|--|
| Aerial<br>Photogrammetry<br>Profile Data<br>1954 – 2018 | Topographic profile data derived from aerial photogrammetry for the years 1954, 1965, 1972, 1974, 1975, 1977, 1983, 1990, 1994, 1999, 2001 and 2018. Photogrammetry records were obtained for:  Beach A77 (Fern Bay)  Block 1: Profiles 1 – 15  Block 4: Profiles 20 – 27  Photogrammetry profiles were oriented normal to the shoreline and spaced at 50 metre (m) intervals.  Data was downloaded from NSW Beach Profile Database on 25/09/2020. |
| Aerial Imagery<br>2020                                  | Aerial imagery for the Site and adjoining dunes from 2020, downloaded from NearMaps  |

# 3.2 Hazard Assessment

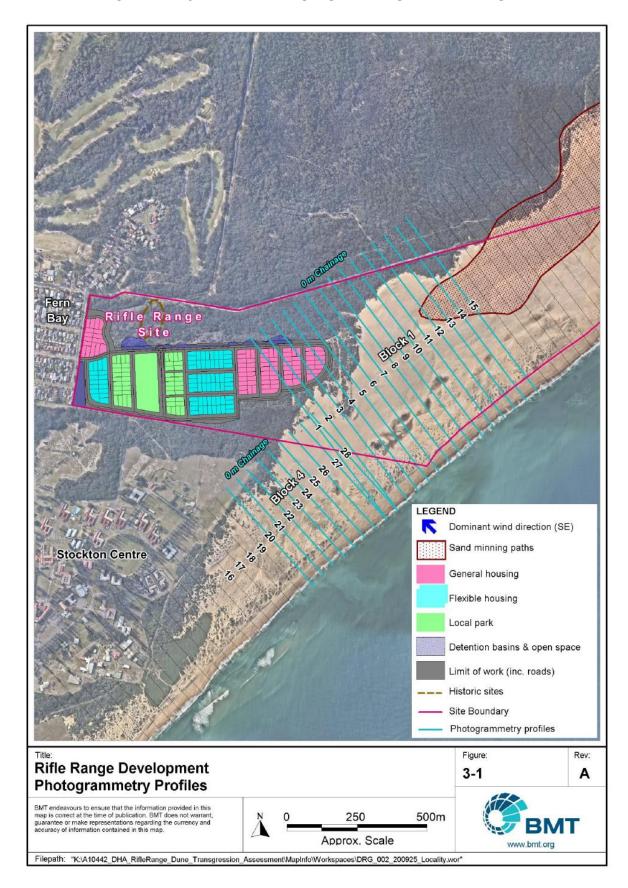
#### 3.2.1 Historical Dune Transgression

Long term rates of dune transgression were determined from aerial photogrammetry profiles spanning a 1 km stretch of the coastline centred on the Site (Block 1, Profile 4). Dune topography data was obtained from the NSW Beach Profile Database photogrammetry records mapped in Figure 3-1 and described in Table 3-2.

The transgressive dune topography was disturbed throughout the Fern Bay region between circa 1997 to 2003, from widespread sand mining and associated dune reshaping. This generally involved the dune crests being lowered and a volume of sand being redistributed in a seaward direction. As shown in Figure 3-1, only a small area of dune mining occurred within the dune photogrammetry cross sections being assessed. Therefore, the profile data from 1999 was discarded as there is adequate profiles across the 90s. The 2001 profile data was carefully inspected for any impacts of mine disturbance and for any affected cross sections 2001 data was not included within this review of historical dune migration rates.

For some recent years (2016 on), photogrammetry data did not extend landwards across the transgressive dune portion of the profile (i.e. topographic information was available for the beach and foredune only). Therefore, only the 2018 LiDAR dataset has been incorporated into this assessment.





Stockton Rifle Range Dune Transgression Assessment and Management Plan **Dune Transgression Assessment** 

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Table 3-2 Historical Dune Topography Information Used in Assessment

| Data Set<br>ID | Date       | Topographic<br>Dataset | Block 1<br>(Profiles 1 – 15) | Block 4<br>(Profiles 20 – 27) |
|----------------|------------|------------------------|------------------------------|-------------------------------|
| 1              | 22/07/1954 | Photogrammetry         | ✓                            | ✓                             |
| 2              | 26/09/1965 | Photogrammetry         | ✓                            | ✓                             |
| 3              | 9/09/1972  | Photogrammetry         | ✓                            | ×                             |
| 4              | 19/06/1974 | Photogrammetry         | ×                            | ✓                             |
| 5              | 27/05/1975 | Photogrammetry         | ✓                            | ж                             |
| 6              | 19/08/1977 | Photogrammetry         | ✓                            | ж                             |
| 7              | 13/09/1983 | Photogrammetry         | ✓                            | ✓                             |
| 8              | 3/01/1990  | Photogrammetry         | ✓                            | ж                             |
| 9              | 21/06/1994 | Photogrammetry         | ✓                            | ✓                             |
| 10             | 3/01/2001  | Photogrammetry         | ✓                            | ✓                             |
| 11             | 03/08/2018 | LiDAR                  | ✓                            | ✓                             |

The transgressive dune slip face provides a good and consistent physical (morphological) indicator of historical dune migration rates. For each time series record, a consistent slip face contour (10 metres AHD) position (chainage in metres) was measured from each profile. A times series record of dune slip face positions were tabulated for each photogrammetry profile within a spreadsheet (see examples shown in Figure 3-2). The annual rate of slip face transgression was then calculated for each photogrammetry profile for the:

- (1) pre-mining period (1954 to 1994);
- (2) post-mining period (2001 to 2013) and
- (3) whole period of assessment (pre- and post-mining combined, as well as most recent).

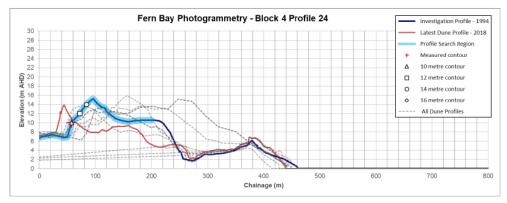
For the most part, dune slip face positions were found to be (naturally) migrating in a landwards direction (i.e. transgressing). The rates of transgression were somewhat variable as demonstrated in Figure 3-3. The median rate of dune profile migration was measured at 1.0 metres per year (m/yr), with 10% of the dune profiles transgressing at or below 0.2 m/yr and 90% of dune profiles at or below 1.8 m/yr.

Table 3-3 presents the measured rates of dune profile migration for both the pre- and post-mining period.

The rates of dune transgression resulting from this assessment were similar but slightly lower than those calculated by BMT (2019) for the Fern Bay Village site (refer Section 2.2) which is located north of the Rifle Range. This trend of increasing transgression rates moving northward is consistent with the geomorphology of the Stockton Bight transgressive dune field, which generally widens to the north as the shoreline orientation trends towards a perpendicular angle to the prevailing southeasterly onshore winds (see Figure 3-4).



Stockton Rifle Range Dune Transgression Assessment and Management Plan **Dune Transgression Assessment**  9



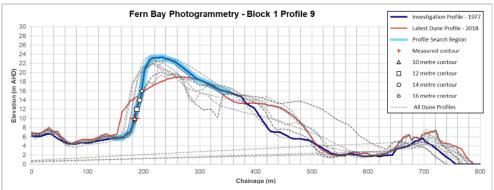


Figure 3-2 Example Transgressive Dune Slip Face Position Measurements, Rifle Range

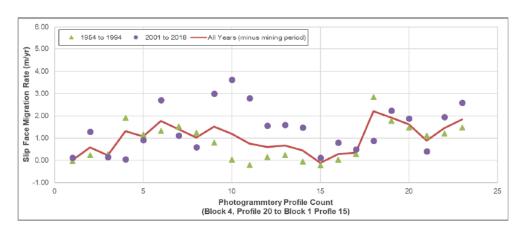


Figure 3-3 Transgressive Dune Slip Face Migration Rates, Rifle Range



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Table 3-3 Rifle Range Historical Dune Transgression Migration Rates (by Time Period)

| Dune Migration Rates |                            | Lower<br>(10 <sup>th</sup> percentile) | Middle<br>(50 <sup>th</sup> percentile) | Upper<br>(90 <sup>th</sup> percentile) |  |  |
|----------------------|----------------------------|--|---|--|--|--|
| Time Period          | Time series count          | metres / year                          |   |  |  |  |
| 1954 to 1994         | 5 (Block 4)<br>8 (Block 1) | 0.0                                    | 0.8                                     | 1.7                                    |  |  |
| 2001 to 2018         | 2                          | 0.1                                    | 1.3                                     | 2.8                                    |  |  |
| All Years            | 7 / 10                     | 0.2                                    | 1.0                                     | 1.8                                    |  |  |

Note 'All Year' migration rates are based on weighted annual rate of change from all data points (and not simply an average of pre and post mining migration rates)



Figure 3-4 Stockton Bight Transgressive Dune System (Source: NearMap, 2020)

Note the transgressive dune system widens to the north, where the shoreline faces more south

# 3.2.2 Future Dune Transgression Estimations

As outlined above, the rate of historical dune movement is variable across the study region. Nonetheless, historical dune slip face migration rates are considered a reasonable benchmark to estimate future rates of dune transgression. Climate change may also play a role in the future rates of dune movement, albeit a minor one.

For the purpose of this assessment, the following approach has been taken to estimate future dune transgression rates:

- Adopt the historical dune migration rate, rounded to the nearest 0.1 m/yr (noting that this rounding
  has been used to demonstrate variability between percentiles however it should be recognised
  that there is high degree of uncertainty that does exist due to the highly variable dataset).
- Estimate a lower, middle and upper dune transgression rate, based on the 10<sup>th</sup>, 50<sup>th</sup> and 90<sup>th</sup> percentile slip face migration rates measured from the historical dune profile records.



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 Account for possible increased migration rates from climate change (e.g. changes in wind direction, intensity) by increasing the lower, middle and upper historical rates by 10% (again rounded to 0.1 m/yr).

The adopted future dune transgression rates, using the above approach are as follows (see also Table 3-4):

- · Low dune transgression rate (+/- climate change) at 0.2 metres per year
- · Middle dune transgression rate with no climate change factor at 1.0 metres per year
- · Middle dune transgression rate (+/- climate change) at 1.1 metres per year
- . Upper dune transgression rate with no climate change factor at 1.8 metres per year
- · Upper dune transgression rate with a climate change factor is 2.0 meters per year

Table 3-4 Adopted Dune Transgression Migration Rates, Rifle Range

| Dune Migration Rate                                       | Lower<br>(90 <sup>th</sup><br>percentile) | Middle<br>(50 <sup>th</sup><br>percentile) | Upper<br>(10 <sup>th</sup><br>percentile) |     |
|---|---|--|---|-----|
|   | metres / year                             |  |   |     |
| Adopted Historical Dune Migration Rates                   | All years                                 | 0.2  | 1.0                                       | 1.8 |
| Adopted Climate Change<br>Influenced Dune Migration Rates | Climate Change<br>Factor +10%             | 0.2  | 1.1                                       | 2.0 |

**Note** the adopted rounding convention means that the climate change factor only influences the middle and upper dune migration rates.

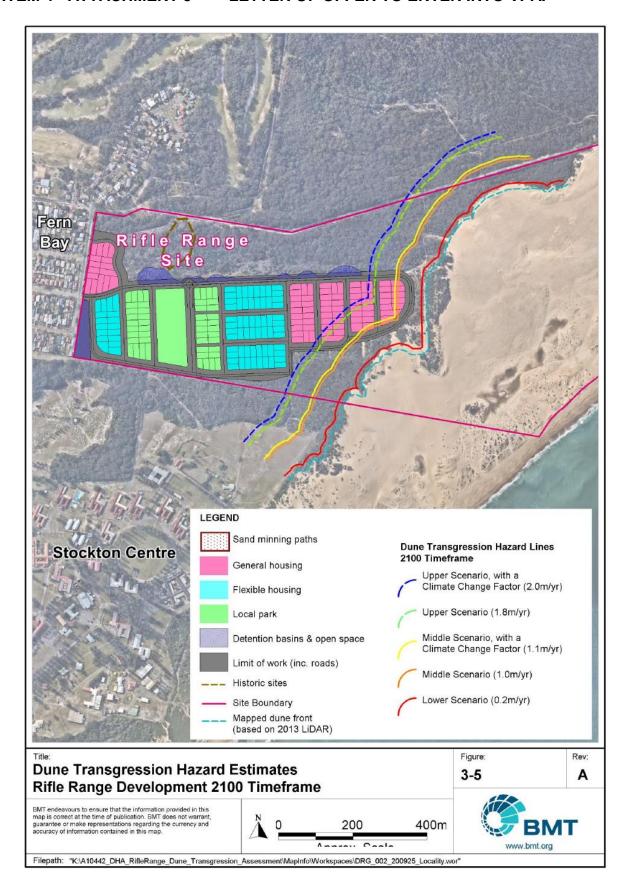
# 3.2.3 Site Impact Timeframes

The vegetated buffer between the proposed site development and the transgressive dune front varies between approximately 50 and 150 metres (based on 2020 aerial imagery observations). The future estimated transgressive dune impacts to the site (using the 50m buffer zone) under the five reported scenarios are therefore as follows:

- 2263 timeframe, under the 'lower dune transgression rate' scenario (0.2 m/yr)
- 2063 timeframe, under the 'middle dune transgression rate' scenario (1.0 m/yr)
- 2058 timeframe, under the 'middle dune transgression rate' scenario that accounts for an
  increased migration rate due to climate change (1.1 m/yr)
- 2041 timeframe, under the 'upper dune transgression rate' scenario (1.8 m/yr)
- 2038 timeframe, under the upper dune transgression rate' scenario that accounts for an increased migration rate due to climate change (2.0 m/yr)

Figure 3-5 presents maps the transgressive dune hazard estimates for the 2100 timeframe, relative to the transgressive dune front (toe) mapped from the 2013 LiDAR topography dataset.





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# 3.3 Potential Mitigation Options and Strategies

It is difficult to manage large active transgressive dune systems, like that approaching the Rifle Range site. Indeed, the transgressive dune field at Stockton Bight is a unique and important geomorphic feature that needs to be preserved.

There are a range of options available, some of which may be suitable for managing the dune migration hazard to the site development without impeding the natural dune transgression. The range of options available are as follows, with further description in the following sections:

Do nothing

**Dune Transgression Assessment** 

- Monitor
- · Screen protection (against nuisance sand drift),
- Stabilise mobile sand
- Rehabilitate areas of existing vegetation (e.g. maintain and strengthen the vegetated buffer already established at the site)
- Remove sand for environmental reuse (e.g. harvest wind blown sands for sand nourishment of Stockton Beach to the south, depending on volumes occurring), or for commercial use.

#### 3.3.1 Do Nothing

Based on the dune hazard assessment, the present-day rate of landward dune transgression is estimated at up to 1.8 m/yr. Thus, if nothing is done and transgression rates remain the same in the future, it is projected that site buildings and infrastructure may being impacted by dune transgression as little as 17 years (under a worst-case upper range climate change scenario), or more likely in about 37 years (under a best estimate middle range climate change scenario).

Whilst houses will not be engulfed for many years, the risk may still be realised within a typical 50 year planning timeframe. Therefore, "do nothing" is not considered a suitable option at the site.

# 3.3.2 Monitor

A monitoring program designed to track the migration of the active dunes towards the proposed Rifle Range development site is recommended for the short to medium term option. The rate of dune movement towards the Site would need to be periodically monitored at various locations and this data used to reassess the dune migration hazard.

Various methods of monitoring dune movement can be adopted, these include:

- Aerial photogrammetry/ photography this would allow for the toe of the dune to be derived and tracked as it encroaches on the Site.
- Ground survey this could utilise survey instruments or high accuracy GPS and would allow the
  toe of the dune to be tracked.
- Airborne LiDAR survey aerial LiDAR data (with 1x1m footprint) is costly but would provide
  another accurate means to monitor dune movement. Costs may be reduced where statewide data
  collection programs provide LIDAR data for the public of NSW.

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Each of the above monitoring methods have been effectively used during previous studies of the area to determine the rate of dune migration, as outlined in Section 3.

While monitoring is an effective and worthwhile activity, it should be linked with a long-term management plan that is activated when key triggers or benchmarks are reached or exceeded, even though this may not be triggered for more than 100 years (if lower rates continue). Recommended dune migration monitoring triggers are presented in Section 4.

#### 3.3.3 Screen Protection

Screening either in the form of a built structure or tall vegetation can be installed around houses and key infrastructure to protect private property and the community from nuisance sand drift.

The land on the seaward side of the proposed Rile Range development is vegetated with established tree species with extensive canopy coverage. This vegetation will provide some level of protection against nuisance sand drift.

Based on this existing vegetation coverage, it is not recommended that further screening is installed as limited additional benefits would be derived from this.

#### 3.3.4 Stabilise Mobile Sand

Theoretically, this option involves vegetating areas of bare sand, in order to slow sand movement as the vegetation forms a protective cover over the dune surface, captures windblown sand, and decreases the wind speed at ground level.

In this case however, <u>stabilising the unvegetated and active area of the dunes within the site footprint is not recommended</u>. That is, the recommendation of AWACS (1993) of complete revegetation of the active dunes to the foredune crest is not supported, for reasons as follows.

Previous attempts to establish vegetation on the dunes in the area as part of a heavy mineral sand mining operation on the mobile dune system were unsuccessful. Trails showed that it was difficult to establish vegetation due to the expansive mobile dune system and significant volume of sand that smothered any planted vegetation and buried other protective structures.

Stabilising the active sand dune portion of the site would result in environmental impacts, including potential downdrift erosion and risk to adjacent sites where sand supply to the north ceases because sand is trapped by vegetation on the Rifle Range site. Other environmental impacts include destabilisation of this natural geomorphic feature that is unique in NSW.

# 3.3.5 Rehabilitate Areas of Existing Vegetation

Retaining and strengthening the existing vegetated buffer immediately around the site is recommended as a primary option for hazard mitigation. The existing buffer of vegetation protects the site from nuisance sand drift, and may also provided a limited buffer to long term dune migration.

The Dune Management Plan in Chapter 4 outlines the area of existing vegetation within which vegetation of sparsely vegetated areas and rehabilitation of existing areas including weed management is recommended.



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#### 3.3.6 Remove Sand for Environmental Reuse or Commercial Use

At some point in the future, if the active dune continues to transgress into the Site, the issue could be managed by harvesting sand which is considered a valuable resource. There is the potential to remove sand encroaching on the Site for either environmental reuse or commercial use. The suitability of this option would be assessed in more detail at that time that it may be required. Other options for beneficial reuse of sand from the site to supply Stockton Beach (south of the site) may be explored at the current time. It is important to be clear that such reuse options are very unlikely to reduce the long term risk from dune transgression to the Rifle Range site, however there may be other community benefits.

This option would involve removing sand once it crosses onto private property (the Site) rather than removing or altering the mobile sand dune eastward of the site. It is not envisioned that sand will encroach on the development for more than 20 to 40 years, but when it does, depending on the quantities of sand and the legislative setting, the sand may be sold for commercial reuse or an arrangement made with local authorities for the sand to be reused for environmental purposes such as beach nourishment projects.

For sand removal to work, an encroachment control zone or buffer would need to be established on the Site in an undeveloped area between the Rifle Range development and the mobile dune system. When sand moves into this control zone it could be harvested and used as appropriate at the time.

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# 4 Dune Management Plan

# 4.1 Overview

This Rifle Range Dune Management Plan presents short term, and medium - long term dune management actions to manage the risk of dune migration and create a sustainable and stabilising vegetation community buffer that increases hind dune resilience but allows for natural dune functions. The plan details:

- The goals for dune management at the site, being to retain and manage the existing vegetated buffer, ensure the mobile / active dune area of the site remain unvegetated, and adopted an adaptive approach to managing long term dune migration risks
- Short to medium term goal of vegetation management measures for appropriate dune sections to reduce sand drift hazards and dune migration hazards to the site
- An adaptive monitoring program for monitoring the dune toe to track the dune migration hazard, with triggers signalling when to shift into the next phase of action to manage dune migration. The adaptive management planning process is illustrated in Figure 4-1.
- Processes for reviewing, evaluating and updating the management plan to incorporate best practice methods as they arise in future.

The DMP is based on the outcomes of the Dune Transgression Assessment (Chapters 2 and 3 above), the Rifle Range Flora and Fauna Management Plan (FFMP) (SMEC, 2008) and the Rifle Range Ecological Assessment Report (Umwelt, 2017).



Figure 4-1 Recommended Adaptive Management Plan Process



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# 4.2 Goals for Dune Management

- Avoid modifying the natural dune landscape values, particularly by keeping the mobile / active
  dune area of the site unvegetated, until and unless intervention is required in future to mitigate
  the dune migration hazard to the site.
- Rehabilitate and maintain the existing vegetated buffer to provide a short to medium term buffer to sand drift
- Undertake monitoring of dune transgression at appropriate intervals, to determine when risk
  trigger points are reached, and to better understand dune behaviour to support implementation
  of effective dune migration mitigation measures when needed in future
- Implement appropriate and environmentally sensitive mitigation measures, at that time when the final trigger point is reached
- Regularly review this Dune Management Plan, to incorporate best practice guidelines and research regarding dune behaviour and managing dune migration risks.

# 4.3 Indicators of success

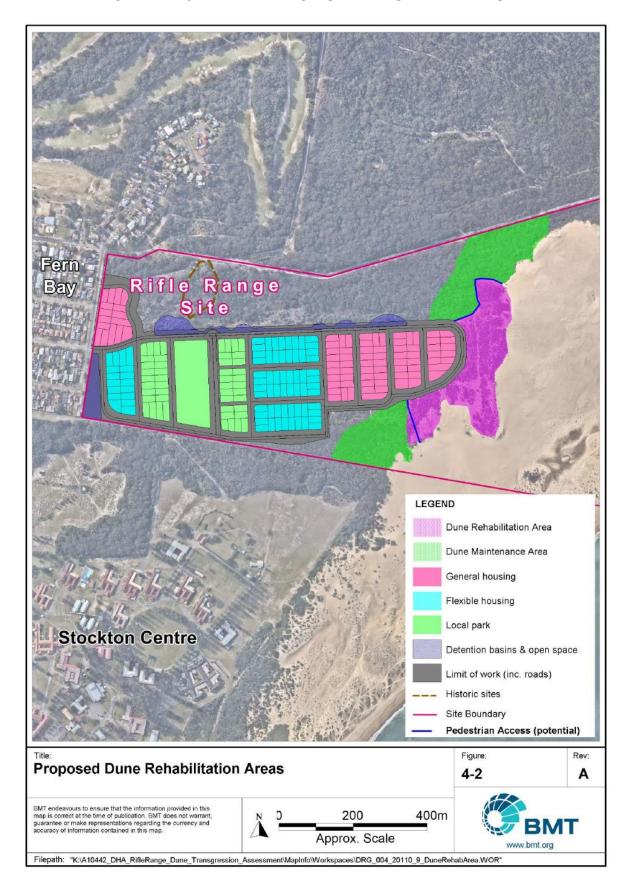
#### Short to medium term:

- The central area between the current transgressive dune toe and the site development (i.e. the Dune Rehabilitation Area in Figure 4-2) is well-established with endemic dune vegetation that replicates the natural dune zonation
- · Amenity, environmental condition, and heritage values are enhanced
- The rehabilitated vegetation buffer alleviates nuisance sand drift, and provides resilience to dune migration
- The community is engaged and invested in the management of the dunes, variously
  demonstrated by their involvement in dune maintenance, understanding of the benefits of dune
  habitats, actively avoiding damaging activities such as 4WDing and informal trampling / access
  through the dunes, and using the established pedestrian accessways.
- There is an ongoing commitment by the community (through the community management plan or similar arrangement) to:
  - o monitoring of dune migration at 5 yearly intervals until a trigger is reached
  - o dune maintenance works, and
  - o retention of the natural active dune field.

#### Medium to long term (in addition to the above):

- Dune monitoring has been completed at 5 yearly intervals (and/or until a trigger is reached) via tracking of the dune toe or similar assessment of lidar and other data sources.
- Should a trigger be reached, the next phase of the Dune Management Plan is initiated, and the latest dune mitigation measures investigated and implemented as suitable.





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# 4.4 Short Term Dune Management

Based on review of available data and the dune hazard assessment undertaken in this report the short term actions of the Dune Management Plan involve:

- Establishment and implementation of a dune rehabilitation program including weed removal, revegetation, and planting sparsely vegetated areas for the Dune Rehabilitation Area, and weed removal and maintenance activities in the Dune Maintenance Area (see Figure 4-2 for areas).
- Construction and establishment of designated beach accessways and dune fencing, to promote
  vegetation establishment and reduce damage from informal access to rehabilitating and healthy
  dune areas (refer potential pedestrian access routes in Figure 4-2).

The dune rehabilitation program should commence immediately to allow enough time for plants to establish, and diversity to occur. Rehabilitation of the dunes within the study area should aim to replicate the composition of the local natural dune vegetation with respect to zonation and proximity to the sea and is based on existing information provided in the Rifle Range Flora and Fauna Management Plan (FFMP) (SMEC, 2008) and the Rifle Range Ecological Assessment Report (Umwelt, 2017).

The following sections provide rehabilitation specifications for the following:

- · Site planning and preparation;
- Restoration of the sand dune profile;
- Proposed plantings including rehabilitation zones, species mix, planting densities and stock supply;
- Planting methods, including details on fertilizer use, mulch and watering;
- Weed control priorities and techniques;
- Restoration and enhancement of habitat values;
- · Fencing, signage and access control requirements; and
- Maintenance and monitoring over a 12-month establishment phase.

#### 4.4.1 Site planning and preparation

A general staging of activities relevant to dune rehabilitation is shown in Table 4-1 and described below.

DHA will need to engage a rehabilitation contractor to implement the rehabilitation activities outlined in the following sections of this plan. Upon engagement of the contractor, a site assessment of the Dune Rehabilitation Area (as shown in Figure 4-2) should be undertaken to confirm the extent of existing native vegetation and exotic weeds (for removal) and to determine materials and resources required for rehabilitation. This should include confirmation of the following:

- Quantities, type and source of planting stock, mulch, tree guards, herbicide and fertilisers;
- Adequate water source for planting and maintenance;



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- · Planting and weeding tools and machinery;
- Installation of habitat features: and
- Fencing and signage specifications.

Table 4-1 General Staging of Dune Rehabilitation Activities

| Key Activities  | Planning | Rehabilitation |
|---|----------|----------------|
| Dune Rehabilitation Framework (this plan)                           |          |                |
| Approvals and Rehabilitation Contractor Engagement                  |          |                |
| Sourcing of rehabilitation materials, services and plant propagules |          |                |
| Site fencing and signage  |          |                |
| Access point construction   |          |                |
| Preparing / minor reshaping of sand for planting                    |          |                |
| Weed control  |          |                |
| Planting and site rehabilitation                                    |          |                |
| Maintenance and Monitoring  |          | Ongoing        |

Prior to any works being undertaken locations of vegetation protection zones, accessways and locations for the stockpiling of rehabilitation materials should be established. These zones will need to be established by the landscaping/revegetation contractors on site at the time that the revegetation works commence.

The vegetation protection zones will be areas that are heavily vegetated with mostly native species inside the Dune Rehabilitation Area, plus the designated Dune Maintenance Area shown in Figure 4-2. The only activities that should occur within the vegetation protection zones are carefully targeted weed removal activities and selective native replacement planting as deemed necessary.

Any native vegetation that is cleared from the study area (i.e. when creating formal accessway etc.) that is in good condition should be stockpiled and used as mulch or brush-matting in rehabilitation. Pre-spraying weeds prior to site clearing will help reduce weed propagules and their spread during rehabilitation.

#### 4.4.2 Preparing Dune for Planting

Natural dunes vary in slope, size and shape depending on the combination of factors that have controlled their formation. This topographic variability also contributes to subtle but valuable variations in microclimate and habitat. Unnatural protruding hummocks or steep-sided undulations may interrupt or concentrate wind flow, and accelerate the formation of dune blowouts. Unnatural dune mounds (hummocks), dune blowouts, and steeply sloped dune faces are then difficult and sometimes impossible to revegetate, particularly as the dune shapes enhance wind flows that destabilises vegetation establishment. Where such dune shape irregularities occur (i.e. unnatural



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hummocky mounds, steep areas devoid of vegetation), minor reprofiling will be needed to ensure the success of rehabilitation and replanting activities.

The following areas may require minor, low impact reshaping in preparation for rehabilitation planting. It is noted that the aim of the dune shaping is to create a gentle dune slope so vegetation can establish. An example dune cross section profile showing topography is provided in Figure 4-3, however the site for this Plan may not look exactly like this figure, as it is in the hind dune area, not foredune (active vegetated dunes near beach and ocean). After weed treatment and removal of Bitou Bush, smoothing to remove the hummocky dune mounds and spaces caused by Bitou Bush infestation may be needed prior to replanting.

- Dune blowouts with steep convex shapes may require subtle smoothing to reduce slopes before planting.
- Area of informal tracks, particularly 4WD tracks, may need minor reshaping to raise the level and
  provide a more natural dune shape. Raising of these unvegetated areas using existing sand
  reserves is recommended not only to re-create the natural dune zonation, but also as a deterrent
  to 4WD and other informal access where the pathway is no longer present.
- Natural dune gradients range from zero to 1 in 1.5 (1 Vertical :1.5 Horizontal) and vary considerably at any site. If and as required, steeply sided unvegetated dune areas within the dune rehabilitation area (see Figure 4-2) should be subtly smoothed to approximately a 35-degree slope angle to improve planting success (e.g. old erosion escarpments on the foredune). Dunes with gentler slopes than 35-degrees can be left untouched. Similarly, steeper dune areas that are already well established with healthy native vegetation (i.e. not bitou bush) should also be left untouched.

The following guidance is important when preparing dune areas for planting

- Areas of existing native and endemic vegetation should not be disturbed.
- In areas with some native vegetation and where erosion is not severe to the point that it is
  preventing natural revegetation, brushing and Spinifex cuttings can be used on their own and no
  reshaping is necessary.
- Re-planting will need to commence immediately in unvegetated areas, to avoid windblown losses
  and stabilise the sand, and to deter access. Weed removal should therefore be timed carefully so
  that it coincides with the appropriate season for planting dune vegetation. If the works are
  completed too far in advance of planting, the likelihood of dune erosion by wind is extremely high.

It is noted that a plan for formal pedestrian accessways to replace any informal paths, and recommended locations for fencing to restrict 4WD access are provided in section 4.5.7 - 8.

# 4.4.3 Rehabilitation Zones and Planting Species

Generally, there are three broad planting zones for dune rehabilitation (see Figure 4-3): Primary (Incipient dune), secondary (foredune) and a tertiary (hind dune) vegetation zone. This rehabilitation specification will eventually aim to replicate the hind dune zone, however initial plantings will need to begin with species found in the primary and secondary zones, so the habitat can establish suitable conditions for the tertiary species to survive.



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The planting mix across the study area should comprise the following, noting that the species list for each zone is provided in Figure 4-3:

- Primary vegetation zone species (initial planting campaign), including sand-binding grasses
  and succulent creepers which are highly tolerant to salt, wind and smothering and can grow in
  unstable sand on exposed bare sites.
- Secondary vegetation zone species (initial planting campaign), including shrubs and short-lived
  trees, capable of withstanding considerable exposure to strong winds and salt spray should also
  be introduced to the foredune and hind dune, noting these species are relatively intolerant of sand
  burial and will rely on sand-binding protection of primary species and may require tree guards in
  more exposed locations. Staking is not recommended.
- Tertiary vegetation zone species (follow up maintenance campaign), with longer-lived beach scrub species to be introduced to the more protected hind dune.

Planting stock of local provenance should be sourced from a local supplier with expertise in dune plant propagation.

Plantings should be established at a high density to promote rapid vegetation cover to reduce the risk of weed invasion and sand erosion. To achieve this, groundcovers should be planted at least 2-5 plants/m² with higher density plantings at the peripheries of the revegetation area to reduce edge effects. Shrubs and trees should be spaced at 1.5 m centres to promote rapid canopy cover in the foredune and hind dune. Species should be planted in proportions reflecting nearby dune vegetation composition (refer to Figure 4-3). Plantings should be randomly placed and staggered and straight planting rows should be avoided.

The rehabilitation area should be fenced off during revegetation and interpretive signage should be installed at the location of works to inform the public of the rehabilitation works. Refer to Sections 4.5.7 and 4.5.8 for details on accessways and fencing.

# 4.4.3.1 Primary Vegetation Zone (Spinifex) Plating

Spinifex sericeus should be a key sand-stabilising component of dune rehabilitation and should be established by hand planting seed heads, runners and/or tubestock as follows. Spinifex (Spinifex sericeus) is the most important sand stabilising plant on the NSW coast, particularly along the coastline region north from the Hunter River.

Provided soil moisture is adequate, spinifex runners should be planted between October and March. Runners approximately 400-600 mm long, with root buds, should be planted at a depth of 200-300 mm with the runner tip, or one to two nodes, left exposed.

Spinifex seed heads mature from November to December and should be collected and buried to a depth of 30-100 mm, preferably in moist sand. Refer to Figure 4-4 for details on planting tubestock guidelines.

High nitrogen fertiliser should be broadcast over spinifex plantings 2-3 weeks after planting, or following seed germination.



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#### **Dune Management Plan**

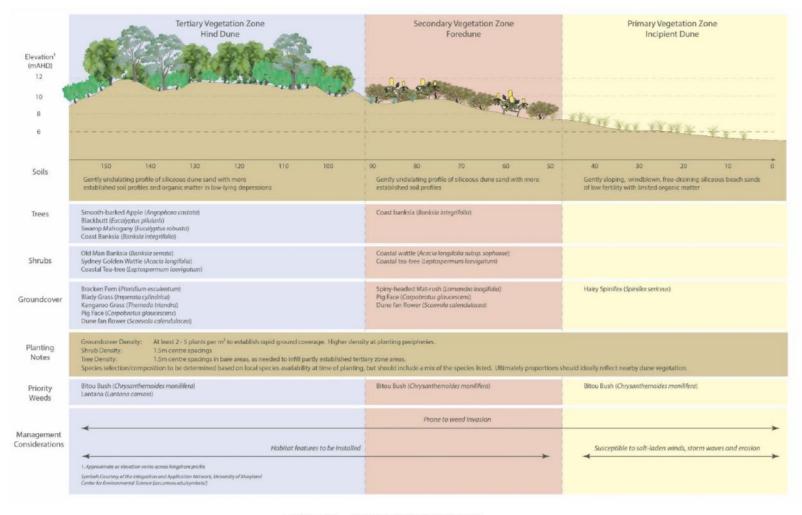


Figure 4-3 Dune Rehabilitation Plan

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# 4.4.3.2 Secondary and Tertiary Vegetation Zone (Tubestock) Planting

Figure 4-4 summarises best-practice dune planting guidelines prepared by DLWC (2001), which should be adopted for this plan.

Provided soil moisture is adequate, tubestock planting should be carried out from April through to September and should avoid hot weather and drought periods. Tubestock should be well-watered prior to planting out. Holes should be dug deeper and twice as wide as the tubestock and filled with water and allowed to drain. A handful of weed-free mulch should be placed into each hole. Seedlings should be removed from the tubestock and placed into the planting hole and sand should be backfilled to the same level as the top of the soil in the tubestock. Trees and shrubs may require protection from wind and sand blasting through the use of tree guards. Staking is not recommended.

#### Water

Tubestock should be watered in ensuring the water soaks in around the root area and that roots are not exposed after watering.

#### **Fertilisers**

Whilst the addition of fertiliser can assist in plant establishment, a slow-release native fertiliser (low phosphorous) should only be used to stimulate spinifex growth (refer to Section 4.4.3.1). As most dune plants are adapted to relatively impoverished soils, fertilising beyond this initial planting is not recommended.

#### Mulch

Light mulch should be placed around the plantings avoiding contact with the stem.

Any weed-free vegetation cleared locally should be stockpiled and composted for use as mulch in the planting program. If no cleared vegetation is available for mulching, appropriate mulch should be sourced elsewhere.

#### 4.4.4 Brush-matting

Brush-matting involving the redistribution of cleared native vegetation with seeds or fruit capsules across the study area should be undertaken to stabilise sands and provide a seed source for natural recruitment (if locally sourced native vegetation branches are available). This is a particularly useful technique in sites prone to wind erosion and is commonly used to rehabilitate sand mining sites.

To ensure maximum success, seed-bearing stems and branches from cleared native shrubs and trees should be stockpiled at a stage when they hold viable seed. The harvested stems can then be laid over the rehabilitation area for sand stabilisation and seed germination.

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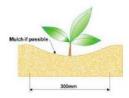


 Holes should be dug slightly deeper than the size of the container and twice as wide.

- Check by placing container into hole.
- Fill hole with water and allow to drain.
- Trim any roots that are protruding from the bottom of the tube. If this is necessary, the plant itself should be tip pruned to reduce stress and dehydration.
- Squeeze the base of the tube firmly.
- Place stem between fingers, turn upside down and firmly but carefully remove the tube.
- If pot bound, gently tease out roots by running a knife down the inside of the tube.
- Place plant in hole so that the surface of the tube soil is level with the original ground surface (dashed line in diagram). If a fertiliser pellet is used, place it in soil 20 - 50mm from the base of the root ball.
- Back fill around the plant, taking care not to damage the roots.
- If water crystals are used, ensure they are mixed thoroughly with the soil. Finger down firmly so there are no air pockets around the plant. Make sure there is no mulch mixed with soil at this stage.
- Do not build the soil level up against the exposed plant stem as this will encourage stem rot.



Not to scale



- Shape the soil surface to produce a shallow depression approximately 300mm around the plant to collect water from rain and hand watering.
   The depression should be able to hold at least half a bucket of water.
- Water in gently, up to half a bucket per plant depending on soil dampness. Apply water upslope from the plant, not directly onto the root area.
- Check that roots are not exposed after watering. Add more topsoil if necessary.
- Mulch lightly around plant. Avoid heaping mulch against the plant as this leaves it prone to stem rot and insect attack.

Figure 4-4 Planting Guidelines (DLWC, 2001)

# 4.4.5 Weed Control

Weeds can degrade dune habitats by competing with native plants and disrupting ecological processes. BMT understand that there is an existing weed control program being implemented targeted at Bitou Bush removal. Weed hygiene practices and control should be an ongoing management issue during rehabilitation.

Targeted weed control during dune rehabilitation should focus on highly invasive, dominating or difficult to control species which have the potential to transform dune vegetation and associated habitats. Based on previous ecological surveys undertaken, Table 4-2 lists weeds found within dune habitats of the study area (and also species that are not native to the study area) that should be

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targeted during the program. Those species that are listed as priority weeds for the City of Newcastle or Weeds of National Significance are particularly important to remove.

The technique of weed control to be used, i.e. chemical, manual and/or mechanical removal, should depend on the nature of the target weeds and site condition at the time of removal. Manual weed control and spot herbicide application should be used when target weeds are growing in close proximity to native vegetation, including planted species.

Pre-spraying weeds prior to manual removal will help reduce weed propagules and their spread during rehabilitation. To avoid damage to adjoining native dune vegetation, spraying should only be undertaken in calm, dry weather and the site should be appropriately signed and fenced. Planting, brush-matting and/or mulching should be carried out soon after weed removal to prevent more weeds from establishing and stabilise the bare sand dunes. All operators controlling weeds in the dune habitats must have sufficient training to ensure non-target plants and habitats are protected.

Table 4-2 Dune Habitat Weeds Previously Recorded in the Study Area

| Species                                      | Common Name             | City of Newcastle<br>Priority Weed | Weed of National<br>Significance |
|--|-------------------------|------------------------------------|----------------------------------|
| Chrysanthemoides monilifera subsp. rotundata | Bitou Bush              | ✓                                  | ✓                                |
| Lantana camara                               | Lantana                 |                                    | ✓                                |
| Opuntia stricta                              | Common Prickly Pear     | ✓                                  | ✓                                |
| Melinis repens                               | Red Natal Grass         |                                    |                                  |
| Phoenix canariensis                          | Canary Island Date Palm |                                    |                                  |
| Solanum chenopodioides                       | Whitetip Nightshade     |                                    |                                  |
| Cyperus brevifolius                          | Mullumbimby Couch       |                                    |                                  |
| Cortaderia selloana                          | Pampas Grass            | ✓                                  |                                  |
| Eragrostis curvula                           | African Lovegrass       |                                    |                                  |
| Megathyrsus maximus<br>var. maximus          | Guinea Grass            |                                    |                                  |
| Stenotaphrum Secundatum                      | Buffalo Grass           |                                    |                                  |
| Aegopodium podagraria                        | Goutweed                |                                    |                                  |
| Rubus fruticosus sp. agg.                    | Blackberry Complex      |                                    | ✓                                |

# 4.4.6 Habitat Features

The revegetation specifications have considered rehabilitating habitat conditions suitable for significant fauna with a focus on Angophora, Eucalypts, Banksia, Acacia and Leptospermum fruiting resources. Following weed control and planting, the following features should also be installed to restore and enhance habitat values in the rehabilitation zone:

 Any cleared logs and weed-free vegetative litter stockpiled during clearing for accessways (or other clearing done in the study area) should be re-distributed across the foredune and hind dune to increase habitat complexity; and

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 Brush-matting should be applied to enhance natural recruitment and to provide habitat and create micro-niches.

# 4.4.7 Pedestrian Access and Signage

DHA is currently pursuing a Planning Proposal to develop the former Stockton Rifle Range (the site) into a residential subdivision. While the shoreline is some 0.5 km or more away from the development, and through bare sand dunes at times > 20 m in height, it is still likely that residents will seek to access the dunes, and potentially the beach.

In order to avoid ad hoc trampling of re-establishing or high quality habitat, potential routes for pedestrian access have been delineated on Figure 4-2. The potential routes have been drawn following existing tracks or breaks in the vegetation evident in the aerial photography. Using existing tracks are easier for contractors to establish and avoids further break up of existing, well established habitat. The access routes should be confirmed with contractors on-site, and more suitable routes chosen as necessary, provided impacts to existing high quality habitat are minimised.

The accessways should be clearly signposted and adequately constructed to encourage usage. Once the accessways are chosen, all other informal pathways and tracks should be revegetated, as part of the revegetation works. There may be a need to use fencing to deter continued use of the former tracks; and to keep people on the formal tracks.

A surface cover is generally required in order to protect accessways from wind erosion and the physical movement of sand downhill by pedestrian traffic. The type of surface used for the pedestrian accessways needs to be selected based on





the site characteristics, expected usage and provide safety and comfort for users. As it is anticipated the accessways will be subject to regular and reasonably high usage, it is recommended that board and chain accessways are considered for implementation. The design of board and chain accessways allows for adjustment to changing dune profiles. They are beneficial as they are flexible and the spaces between the boards act as sand traps. Due to their design and with proper maintenance, they can accommodate sand loss due to erosion, as well as gains due to aeolian sand transport. Some steps may be necessary to ensure safe pedestrian access if any accessway sections exceed a slope of approximately 1 in 4. Alternatively, a raised boardwalk could be considered (is appropriate) in hind dune areas that are less susceptible to erosion and accretion issues.

It is also recommended that fencing is installed along each side of the accessway to direct and confine pedestrian movement and keep people off the vegetated dunes, as shown in the example photo. Recommendations for fencing types are provided in the following Section.

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### 4.4.8 Dune Fencing

Four-wheel driving on Stockton beach and sand dunes is a very popular activity in the nearby Worimi Conservation Lands. More than 22 km of Stockton beach front and over 350 hectares of dunes in the Recreational Vehicle Area is available to users to the north of the study area. Driving on the beach and dunes in front of and within the Stockton Rifle Range site is not allowed. However, illegal vehicle access in this area is an ongoing issue as is evident by the damaged vegetation covers and engrained tyre tracks in the dunes of the study area.

Driving on dune systems has significant geomorphic and ecological impacts including physical damage to plants, causing and impeding regeneration and growth of new plants, causing dune blowouts, lowering dune crests and moving sand. Erosion is considerably greater where vehicles are regularly traversing a dune system.

The following approaches are recommended to deter 4WD access on the site, and to protect rehabilitation areas from 4WD and pedestrian access, as follows.

- Protective fencing should be established to enhance and protect dune rehabilitation and stabilisation areas.
- Fencing should be established along the landward fringe of the rehabilitation area to deter access through the hind dunes, and be established bordering the new designated accessways.
- If considered necessary to further restrict particularly 4WD access across the site, fencing along the west-east boundaries may be erected.
- Signage should be erected along landward and seaward fending margins and at access ways, to
  deter access to the rehabilitation zone and to raise community awareness of dune values,
  sensitivities and rehabilitation efforts.

There are a range of protective fencing options available that are commonly used in dune systems, as summarised in **Table 4-3**. The choice of fencing is dependent on-site characteristics and also construction and maintenance costs. It is recommended that for protective fencing at the Rifle Range site fencing with posts and either wire, Bayco wire or mesh is selected.

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Table 4-3 Comparison of Dune Fencing Options (Modified from DLWC, 2001)

# Fence Type **Features** Post and Plain Wire Advantages · Cost effective, simple to install, easy maintenance Disadvantages · Less of a deterrent for people crossing / accessing dunes Subject to rust Common Use / Location Seward side and along toe of access tracks on beaches where sand burial and wave damage are likely Post and Bayco Wire Advantages · Doesn't rust, simple to install, easy maintenance Disadvantages Slightly more expensive than wire, easily vandalised, in some locations prone to theft Common Use / Location Alternative to plain wire Post and Wire Mesh Advantages · Greater deterrent for accessing dunes, strong Disadvantages More expensive than wire, subject to rust, can be difficult to raise or recover if sand builds up Common Use / Location Seaward and landward sides and along access tracks on medium to high use beaches (where risk of damage is Post and Rail Advantages · Visually appealing, strong, durable, low maintenance Disadvantages Expensive Common Use / Location Around surf clubs and public amenities, on medium use beaches with low likelihood of wave damage or burial

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### 4.4.9 Routine Dune Maintenance Program for Established Areas

The maintenance schedule outlined in Table 4-4 is recommended for all land within the Dune Maintenance Area as shown in Figure 4-2, and any vegetation protection zones identified during the Site planning and preparation stage (refer Section). In the medium term, it is anticipated that the Dune Rehabilitation Area would also be added to the routine dune maintenance program.

A simple reporting system should be established (such as through the Community Management Plan or site management board) for residents and local community members to report any issues they notice, e.g. siting of Bitou Bush, broken fencing, vegetation die-off etc). Signage that includes a phone number or website for reporting issues should be erected near accessways on the site.

Table 4-4 Routine Dune Maintenance Schedule

| Task                   | Maintenance Activities   | Recommended Frequency  |
|------------------------|--|--|
| Weed<br>Control        | Targeted manual weed control and spot herbicide application.   | Bi-annually initially, moving to<br>annually as maintenance work<br>reduces over time once the<br>vegetation is established. |
| Additional<br>Planting | Replacement planting for individual<br>plant species in appropriate zone<br>(based on the specifications<br>outlined in Figure 4-3) for individual<br>plants that are damaged or die for<br>unknown reasons. |  |
| 4WD<br>Management      | Repair any damaged fencing and<br>signage  |  |
| Access<br>Management   | Repair designated pedestrian<br>accessways to dunes, signage and<br>fencing as required  |  |
| Reporting<br>System    | Establish and maintain a reporting system for community to report issues e.g. siting of Bitou Bush, broken fencing, vegetation die-off etc).   | Establish at commencement of Dune<br>Management Plan.<br>Maintain and update as required.                                    |
|                        | Erect signage near accessways on the site with a phone number or website for reporting issues.   |  |

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# ITEM 4 - ATTACHMENT 5 LETTER OF OFFER TO ENTER INTO VPA.

Stockton Rifle Range Dune Transgression Assessment and Management Plan **Dune Management Plan** 

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# 4.5 Medium to Long Term Dune Management

The short-term dune rehabilitation works will assist in stabilising the dune system and building the vegetation buffer currently present at the site. The medium to long term dune management actions involve:

- Commencing the Adaptive Dune Transgression Monitoring Program with the first monitoring episode to occur in 2025, 5 years from the finalisation of this Plan. This will include periodic monitoring of dune movement and dune toe position using up to date information. Outcomes will be used to revise recommended actions.
- Expanding the Routine Dune Maintenance Program to include newly established and thriving vegetation in the Dune Rehabilitation Area.

# 4.5.1 Adaptive Dune Transgression Monitoring Program

The Dune Migration Adaptive Monitoring Program involves monitoring of dune movement initially at 5 yearly intervals until such time as the first trigger is reached. The first monitoring episode shall occur at 2025, being 5 years from the Dune Transgression Assessment conducted in Section 3. The dune monitoring program and adaptive management triggers are outlined in Table 4-5 below.

Table 4-5 Dune Migration Monitoring Program Plus Trigger Points for Action

| Monitoring Interval  | Monitoring Activity  |  |
|--|--|--|
| 5-yearly intervals until<br>Trigger Point 1<br>Next monitoring date: 2025  | Conduct 5-yearly Dune Transgression Monitoring  Engage appropriately qualified consultant to obtain and analyse information to re-assess the dune transgression rate, and compare with previous rates identified (e.g. as in Section 3). The methodology outlined in Section 3 should be used as a minimum, or better method as available at the time.  Update Dune Management Plan  Based upon findings of dune transgression monitoring, and which may include new/renewed rehabilitation activities, accessways, trigger points and future dune migration management approaches |  |
| Trigger Point 1:  Dune Toe within 15 years of impacting the site (~30 m from Site under greatest migration rate)   | Conduct Yearly Dune Migration Monitoring As per 5-yearly approach above.   |  |
| Trigger Point 2: Dune Toe within 10 years of impacting the site (~20 m from Site under greatest migration rate; noting likely occurrence is > 10 years away) | Continue Yearly Dune Migration Monitoring Until the preferred action is selected and implemented.  Conduct Assessment to Select Preferred Mitigation Action Engage appropriately qualified consultant to review available mitigation options and select the preferred action for implementation (noting best practice methods and government policy will have changed by that time). The preferred action should meet environmental goals, in addition to community need.  Implement Mitigation Action   |  |

# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

# ITEM 4 - ATTACHMENT 5 LETTER OF OFFER TO ENTER INTO VPA.

Stockton Rifle Range Dune Transgression Assessment and Management Plan **Dune Management Plan**  32

Trigger Points 1 and 2 were chosen to enable adequate time for the investigation of appropriate management measures and for concept design, detailed design, approval and implementation to be undertaken successfully prior to site impacts occurring. Exact details for the mitigation action have not been specified, as the risk is some 17-50 years away, and it is anticipated that mitigation methods and government policy will have evolved in that time.

# 4.5.2 Routine Dune Maintenance Program for Established Areas

Once the dune vegetation in the Dune Rehabilitation Area is established (as per the short term actions) this area along with the Dune Maintenance Area should be subject to the Routine Dune Maintenance Program outlined in Section 4.4.9 (Table 4-4). Routine maintenance will keep the rehabilitated vegetation thriving, minimise weed infestations and manage dune accessways and illegal 4WD activities. Routine maintenance activities are likely to be minimal, as the vegetation should have established itself and be almost self-sufficient at this stage. For example, watering, replenishing mulch supplies and repairing tree guards should no longer be required.

Routine dune maintenance shall be implemented for as long as feasible, to maintain the dune system in as best condition possible to act as a buffer to sand drift for the development at the Rifle Range.

# 4.5.3 Longer Term Management

At some point after 2038, the dune toe has been calculated to reach the eastern proximity of the proposed development site. At this time, alternative management measures should be investigated by the Community Association, and DHA. The triggers and process for this shift in management approach are described in Section above.

Noting that the specified trigger points are not too far away from being reached, the adaptive monitoring program specifies the appropriate approach to investigating, selecting and implementing a preferred mitigative action.

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# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

# ITEM 4 - ATTACHMENT 5 LETTER OF OFFER TO ENTER INTO VPA.

Stockton Rifle Range Dune Transgression Assessment and Management Plan References

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#### **ITEM 4 - ATTACHMENT 5** LETTER OF OFFER TO ENTER INTO VPA.



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ITEM 5 - ATTACHMENT 1

SIX MONTHLY REPORT JANUARY TO JUNE 2021.



# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

# ITEM 5 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY TO JUNE 2021.

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The Six month report January to June 2021 has been prepared in accordance with the requirements of Section 404(5) of the *Local Government Act 1993*:

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every six months."

# Acknowledgement

Port Stephens Council acknowledges the Worimi People as the traditional custodians of the land of Port Stephens. We also pay our respect to Aboriginal Elders past, present and future.

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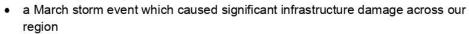
# General Manager's message

Dear Councillors,

Once again the past 6 months have been interesting times, with lockdowns in other states and closer to home in Greater Sydney. This has impacted our Local Government Area on a number of fronts.

It has been a very busy and productive period with:

- an exponential increase in the number of grants and projects coming online. Resulting in a greater than the normal number of capital works
- finalising the financial year end, with our figures showing that we've balanced our budget and made an underlying financial surplus
- nearing the Council term end, producing an end of term report on achievements in progressing the communities priorities in the Community Strategic Plan



- significant place activation underway including the Medowie Makeover and Public Domain Plan prepared for Raymond Terrace
- development applications being determined within a net median turnaround time of 26 days
- · and much more.



Wayne Wallis, General Manager



# **Principal Activities**

# Key Priorities update

The following key priorities were nominated for investigation and progression over the Delivery Program period – 2018 to 2021. Over the past 6 months, we have investigated funding sources to resource these initiatives and infrastructure projects, with the progress achieved for the 6 months outlined below.

# **Accessible Port Stephens**

Council has been working on the review of the Disability Inclusion Action Plan (DIAP), which will be incorporated into a Community Wellbeing Plan. Over the last 6 months we have:

- · held internal workshops with key stakeholders
- attended various events as part of the targeted engagement requirements of DIAPs
- · held workshops with service providers, carers and people living with a disability
- ran a 'Wheelchair Challenge' where staff spent a day in a wheelchair
- · began drafting the Wellbeing Plan.

Council has also continued to make our communication channels user-friendly for all by writing in plain English, making our website and social media content accessible, and creating easy-read summaries for complex documents.



#### Williamtown Special Activation Precinct (SAP) (DAREZ)

The Williamtown Special Activation Precinct (SAP) was declared on 28 May 2020. Community consultation on the SAP began in December 2020 with a series of dropin sessions at the Williamtown Community Hall. Council staff also briefed the SAP team and their consultants during a site visit. Council will continue to work with the State government as part of the SAP process to enable a defence and aerospace precinct at Williamtown.

In April a four-day Enquiry by Design (EBD) workshop was held with all the agencies and consultants involved in the SAP. This EBD aimed to define and test development scenarios and identify the opportunities and constraints.

At present, the SAP team are working on refining the draft structure plan (which outlines the sub-precincts and land uses) and draft technical reports which will inform the draft Masterplan for exhibition. This is likely to be exhibited later in September 2021.

#### **Birubi Information Centre**

Detailed design and construction drawings are well underway with tender documents for construction commencement on track for later in 2021.

The NSW Government has confirmed \$4.4m in the 2022 budget for this project.

A funding request has been made to the Federal Government to contribute to any funding shortfall if tenders for construction differ markedly from quantity survey estimates.

Council is in discussions with the Worimi Conservation Lands Board of Management and Worimi Local Aboriginal Land Council and National Parks to determine the use, management and funding agreements for the site once operational.

Once complete The Birubi Information Centre will provide an improved visitor experience and help ease congestion on Birubi headland.

# **Coastal Management Program**

Port Stephens Council is currently working on a coastal management program (CMP), which identifies risks to the coast and sets a long-term strategy for managing these risks into the future.

In January 2020, Council received the initial expert report for stage 2 of the Coastal Management Program (CMP). The report includes detailed studies to assess coastal erosion, coastal inundation and sand dune transgression until 2120. As of June 2021, Council had received the final draft.

In the last 6 months, Council has undertaken community engagement for this plan at events such as Pizza for the Planet, the Hunter Surf Club board meeting, and the Stockton Community Liaison Group.

Council has begun preparations for Stage 3 and Stage 4 of the CMP including a work plan and a grant application with the DPIE Coast and Estuary grants team.

Stage 3 of the coastal management program is scheduled to begin later in 2021.

# Cycleways, footpaths and beautification

The shared path along Waropara Road, Medowie was completed in late 2020.

Construction of the shared path alongside Medowie Road, Medowie has commenced, with completion anticipated July / August 2021. Shoal Bay Foreshore pathways are also under construction as part of the broader Shoal Bay Foreshore upgrade, with completion expected August / September 2021.

Planning is complete with construction anticipated to commence for paths alongside Nelson Bay Road through Fern Bay in August 2021, on Lemon Tree Passage Road missing link from Mallabula to Lemon Tree Passage in July 2021, and on the Avenue of the Allies in Tanilba Bay in July 2021.

#### **Events**



Picture - Nations of Origin

<sup>5 |</sup> Port Stephens Council

With the easing of COVID-19 restrictions Port Stephens welcomed a large number of events including the Peter Wilson Memorial Championships, WSL Port Stephens Pro QS 1,000 - 2021 (Men's & Women's), Spartan Port Stephens, Port Stephens Triathlon, Fingal Bay Twilight Markets, NSW Veterans Golf Matchplay Championships, Port Stephens Surf Festival, Sail Port Stephens, NSW Rugby U13, 14's and 15's Country Championships providing an estimated economic benefit of more than \$5.9 million to the local economy.

Sail Port Stephens returned to Port Stephens after being cancelled in 2020 due to COVID-19. This event contributing a \$1 million boost to the Port Stephens economy.

### **Funding investigations**

From 2018 to 2019, as part of the Operational Plan, Council endorsed the investigation of other funding options for a range of major projects.

We will continue to seek a broader range of State and Federal Government grants. This can be challenging, as grant program priorities do not often match those of local projects. We keep Council informed through regular reporting of the status of grant applications.

Council continues to optimise its investment returns.

# Gateway, location and town signage

Stage 1 of the gateway signage program was completed before June 2019 with no activity undertaken in the past 6 months.

Future stages of the signage program will look at each suburb as funding becomes available.

### Key road projects

Council has a plan to deliver a number of key capital works projects. Over the past 6 months, the following has been achieved on these key projects:

- Church Street, Nelson Bay Council has completed reconstructing the road
  pavement along the full length of Church Street to improve the ride quality and
  pavement strength, as well as improve the drainage and pedestrian accessibility.
- Fingal Bay Link Road (estimated cost is \$188 million) The State Government
  has committed to providing funding for this project. Transport NSW will lead the
  planning and delivery and is currently undertaking project due diligence,
  reviewing options and consultation.
- Tanilba Road, Mallabula Council has plans to reconstruct Tanilba Road from Bay Street to The Parkway Ave North including pavement widening, kerb and gutter construction and drainage upgrades. Construction is scheduled for the 2021 to 2022 financial year.

- Tomaree Road, Shoal Bay Council is continuing with the full reconstruction of Tomaree Road between Marine Drive and Verona Road. This is to include pavement widening, kerb and gutter and footpath construction and drainage upgrades, utilising Council funding as well as Road to Recovery funds.
   Construction of stages 1 and 2 from Rigney Street to Verona Road is already complete. Council plans to complete stage 3 from Marine Drive to Rigney Street when funding is available.
- Duns Creek Road Council will begin to undertake road safety improvements on Duns Creek Road including sealing of sections thanks to Federal Blackspot funding supplementing Council's PS2020 funds. Works will include widening, sealing, addition of guardrail and correction of super elevation on curves.
   Planning has commenced, with environmental considerations progressing. The design is anticipated to be complete by mid-2021, with major roadworks planned for the 2021 to 2022 financial year.
- Swan Bay Road Council completed an additional 1.1km stage of widening and sealing Swan Bay Road towards Morten Road including safety improvements to culverts along Swan Bay Road. Council is also progressing with the sealing of the unsealed end of Swan Bay Road with acquisitions and service relocations to allow for future roadworks.

#### **Koala Sanctuary**

The Koala Sanctuary has been trading now for 9 months and has been very well received with over 15,000-day visitors welcomed in the period January to June 2021 with over 3,700 guests nights booked across the range of accommodation options on offer. All our visitors seem to enjoy the peace and serenity that is unique to Port Stephens Koala Sanctuary. Our Net Promoter Score, derived from guest feedback for the past 6 months was 76.42% which is an outstanding result and recognised as world-class. COVID 19 travel restrictions have undoubtedly impacted operations during this time with no international or educational markets realised however the Sanctuary has reached budgeted income targets for its first year of operation thanks to interstate and intrastate guests. The NSW Government's Dine and Discover program rolled out in March has also been a great initiative to bring day visitors to the Sanctuary, so far over 4000 visitors have used their vouchers to visit and enjoy the sanctuary.

# **Medowie Sport and Community Facility**

Construction of the facility finished in February 2020 but Council's initial search for an operator was hindered by COVID-19. At the end of 2020 after a competitive expression of interest process, a suitable local operator signed a lease, with Medowie Social opening at the end of January 2021.

Medowie Social provides:

- function, events and meeting spaces for use by the Port Stephens community and beyond
- · a fenced children's playground and outdoor seating
- a synthetic lawn bowls green to facilitate regular club use and weekend social
  use
- · a restaurant, bar and live music venue.

#### Off-leash dog parks

Council has completed the construction of a fenced off-leash dog exercise area in Boomerang Park, Raymond Terrace. This follows the install of another fenced off-leash dog exercise area at Lancaster Park, Soldiers Point. These facilities supplement existing fenced off-leash areas at Coachwood Reserve, Medowie and the Fingal Bay foreshore park. Council has recently completed a review of the dog exercise area mapping for Fisherman's Bay, Boat Harbour and Anna Bay areas.

# **Placemaking**

Place Plans collate all of the community values (Place Score) and actions relevant to individual places. They will provide a place filter over Council's strategies and documents, and provide clarity to residents, businesses, landowners and other community members on the direction for their place. These plans will deliver placemaking opportunities that will be delivered by Council and the community.

Each plan will include actions that are to be delivered over the next 3-5 years and support a community approach to the delivery of place outcomes.



Over the last 6 months, we have prepared draft Place Plans for Karuah, Shoal Bay, Medowie, and Anna Bay. Consultation and engagement for these place plans will continue over the next 6 months.

# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

### ITEM 5 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY TO JUNE 2021.

### Port Stephens Council depot development

Planning continues for the construction of the new Depot at Kangaroo St, Raymond Terrace. Council has received 50% of the design plans and associated cost estimates. Construction is scheduled to commence December 2021 / January 2022 subject to contractor availability and all works programmed to be completed by mid-2023.

### Strategic Planning Statement and Local Housing Strategy

The Local Strategic Planning Statement (LSPS) and Local Housing Strategy (Live Port Stephens) were adopted in July 2020. Implementation of these key planning documents has commenced by investing in a liveability index and amending the Port Stephens Development Control Plan to improve development assessment processes and reduce the cost of new housing.

#### Williamtown Management area

Department of Defence has prepared a project plan to manage ongoing PFAS contamination remediation.

Council is continuing to monitor the implementation of the Department of Defence PFAS contamination remediation program and will continue to liaise with relevant agencies, community groups and residents as appropriate.

In June Council resolved to continue the rate reduction for properties in the Williamtown Management Area for the 2021 to 2022 financial year. A special subcategory of rates applies a discount of 50% for residents in the primary zone, 25% in the secondary zone and 10% in the broader zone. Refer to our Operational Plan 2021 to 2022 on Council's website for more.

# **Delivery Program Objectives update**

As with all businesses that have faced challenges during the COVID-19 pandemic we have remain committed to delivering services to our community in the best possible way while remaining flexible and agile if and when any challenges are thrown our way.

We have adapted, revised and re-baseline our work programs, diverting resources and planned projects to respond where necessary to the evolving circumstances.

Our progress made in the past six months to June 2021 reflects this approach.

In this report, we use the icons below to indicate the status of our Operational Plan actions, which form part of the Delivery Program 2018-2021.





OFF TRACK (Operational Plan Actions >5% off the target )

### ITEM 5 - ATTACHMENT 1

# SIX MONTHLY REPORT JANUARY TO JUNE 2021.

# **Our Community**

Port Stephens is a thriving and strong community respecting diversity and heritage

# C1 Community diversity

#### We have continued to:

- provide facilities and services for children
- provide support for young people to build their confidence and contribution to the community
- · encourage Port Stephens to be inclusive and access friendly
- · support needs of an ageing population
- · support volunteers to deliver appropriate community services

# Key outcomes include:

- Childcare Services continuing to provide quality childcare services to our community, with Grahamstown OOSH externally assessed and meeting National Quality Standards. The numbers of children attending our programs, in general, have returned to pre-COVID levels.
  - o Childcare Customer Satisfaction rating of 92.7%.
  - 80,218 childcare positions filled for the year
  - o 42 Family Day Care registered Educators
- Youth support actively engaging youth through review of the Youth Advisory Program and prospectus, during Youth Week on discussions to protect our planet, and being recognised as a finalist in the Local Government Awards for the Live at the Alley project.



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- Wellbeing Strategy continuing work on developing a Wellbeing Strategy
  which incorporates Council's Disability Inclusion Action Plan and planning for the
  needs of an ageing population.
- **Port Stephens Seniors Festival** holding the annual festival in April, providing several activities to engage seniors across Port Stephens.
- Volunteer support recognising and acknowledging the key role that
  volunteers play in our community during National Volunteer Week 'Recognise.
  Reconnect. Reimagine.' Helping to keep our parks, reserves and cemeteries
  pristine, improve our natural bush areas and keep our local centres up and
  running. Our volunteers give their time and energy to make Port Stephens a
  better place without them, many of our services and programs couldn't exist.



# Key challenges include:

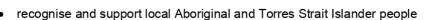
- Childcare recruiting, retaining and filling shifts has been an ongoing issue along with ensuring that venues meet all the requirements of Childcare regulations and Council Health inspections.
- Engagement during COVID restrictions, engagement had been challenging to carry out.
- Volunteer activity has been limited due to COVID restrictions and declining volunteer involvement. The absence of a Volunteer Coordinator has reduced some support to the program.

### ITEM 5 - ATTACHMENT 1

# SIX MONTHLY REPORT JANUARY TO JUNE 2021.

# C2 Recognised traditions and lifestyles





- support and promote local cultural activities
- recognise and support the heritage of Port Stephens
- provide public libraries as vibrant community spaces

# Key outcomes include:





- Aboriginal and Torres Strait Islander support continuing project planning for the rollout of the Gathang language project and NAIDOC week in July.
- Local cultural support managing artists for the Terrace Reflections and William Street shade structure projects in conjunction with planning the Yacaaba Art Walk.
- · Heritage support being provided through valued external advisory services for 6 Development Applications, 10 Council projects and 4 customer requests. The heritage character and values of King Street Raymond Terrace have been recognised in the Raymond Terrace Public Domain Plan (PDP) and Streetscape Design Guidelines adopted by Council in February 2021.
- **Library services** being involved in:
  - 🖶 Library & Information 🛛 4 School Holiday programs 🖶 Tomaree Library Mural Week
    - (resuming face to face)
- (by artist Jordan Lucky)

- Mobile Library promotional video
- Seed Library launch (for sustainable practices)
- Cooperative Library Agreement development with Newcastle and Dungog

### Key challenges include:

- Aboriginal support with changes to the Local Area Land Council leadership, relationship building is essential.
- Library services the March rain event affected both Raymond Terrace and Tomaree branches, with some of the collection lost and damage to the carpet.

# C3 Community partnerships

#### We have continued to:



- · assist community service providers to effectively deliver services in the region
- support local community events that highlight and foster the creative and diverse nature of our community
- provide recreational and leisure services
- support financially creative and active communities

# Key outcomes include:

- Community Services support continuing work on the Targeted Early Intervention program, Community directory updates, development of a Seniors Atlas, planning for Interagency training sessions along with preparations for NAIDOC week.
- Leisure and Recreational contract services
  - managing leases and licenses for our aquatic centres, surf lifeguards and other operators within agreed service levels
  - attendance increasing by almost 29% at our aquatic centres and 44% at our beaches from 2020 to 2021, with the lifting of COVID-19 State Government and public health order restrictions
  - Royal Life Audits at Tilligerry, Tomaree Aquatic Centre and Lakeside Leisure Centre being undertaken
  - Lakeside Leisure Centre renovations kicking off from Monday 28 June with a new café, entry area and more spaces to relax
  - Commencing the reassignment process of the commercial lease at Fingal Surf Club for Salt Water restaurant and Longboat Café back to council.



Six month progress report January to June 2021 | 14

| Attendance                                  | January to June 2020 | January to May 2021   |
|---|----------------------|-----------------------|
| Aquatic Centres                             | 52,151               | 67,060                |
|   | January to June 2020 | January to April 2021 |
| Beach Visitation<br>(PSC patrolled beaches) | 368,424              | 528,731               |

Beach Safety Statistics (Birubi, Fingal and One Mile Beach January to April 2021):

- 4 68,343 preventative actions were undertaken
- ♣ 34 rescues performed
- 240 first aid treatments
- 854 law enforcement actions
- 37,921 cases of info/advice to the public
- Community financial assistance 3 incredible women being awarded International Women's Day Scholarships. \$55,157 in Mayoral funds and \$21,110 in Ward funds being donated over the period.



# Key challenges include:

Leisure and Recreational contract services - reduction in the number of 'Learn
to Swim' teachers in the region, meeting visitor expectations whilst pools are
closed for facility upgrades and ongoing management of public behaviour across
beaches with lifeguards and volunteers lifesavers keeping people safe.

# **Our Place**

Port Stephens is a liveable place supporting local economic growth

P1 Strong economy, vibrant local businesses, active investment

We have continued to:

- support sustainable business development in Port Stephens
- support and deliver services that attract sustainable visitation to Port Stephens.

# Key outcomes include:

- Business Support undertaking a Business Health Check Survey which will
  inform the current review of the Economic Development & Tourism Strategy.
  Operation of the Business Concierge Service has been important in reaching out
  to new, growing and relocating businesses, connecting them with information,
  making introductions and making their experience of doing business in Port
  Stephens easier.
- Community Funding Program delivering the program across 5 targeted funding streams, with 101 applications, 51 recipients and a total of \$187,700 distributed across the community for 2020-2021. This new-look funding program has resulted in greater strategic alignment, with a more diverse range of funding streams tailored to the varying needs of the community.



Pictured: Artist Jordan Lucky working on public art in Nelson Bay

#### Place activation

- delivering the Summer Fund program for Shoal Bay, funded by the NSW Government Festival of Place over March/April. Activities included music and street performances, roving entertainment and foreshore lighting.
- Launching "Its On" in Nelson Bay, on 24 June, with activities including live acoustic music, markets, kid's activities and public art.
- Events due to COVID-19 restrictions easing early on in the period and a large influx of events that were postponed in 2020, council received 54 event applications, 68 private ceremony applications and 19 film over the past 6 months. Refer to page 5 for more on Events.
- Visitation following the impacts of the 2020 Covid lockdown, domestic visitation remained high. Commissions received from tour and accommodation revenue increasing by 10.5 % (based on 2019 data).

Destination Port Stephens provided a Council briefing outlining plans for the upcoming year and strategies to grow the visitor economy outside of traditional tourism areas.

# Key challenges include:

- Business community uncertainty with COVID continuing to impact operations.
- Event uncertainty with COVID 19 impacting planning for events. The easing of restrictions earlier in the period saw an increase in applications demanding shorter timeframe assessment. However, new restrictions in June saw one of our largest events for 2021, Nations of Origin, being postponed.
- Changes to accommodation bookings with Port Stephens being declared a
  natural disaster zone in March/April, and more recent changes to the public
  health order we have seen an increase in tour and accommodation amendments,
  cancellations, refunds and general enquiries.

### ITEM 5 - ATTACHMENT 1 SIX MOI

### SIX MONTHLY REPORT JANUARY TO JUNE 2021.

#### P2 Infrastructure and facilities

#### We have continued to:

- · plan civil and community infrastructure to support the community
- · build Council's civil and community infrastructure to support the community
- maintain Council's civil and community infrastructure to support the community
- deliver road infrastructure services on behalf of Roads and Maritime Services.

# Key outcomes include:

# Infrastructure planning and renewal

- Grant opportunities for local and regional roads such as Fixing Local Roads round 1 and 2, Local Roads and Community Infrastructure phase 1 and 2, Roads to Recovery, Clarence Town Road have contributed to an increase in road infrastructure upgrades – refer to Service Delivery from page 36
- delivering the Smart Parking Project 65 meters, 950+ sensors, 7 digital signs, 3 apps, and parking enforcement vehicles
- o responding and recovery from the March storm
- working on drainage improvement works in Nelson Bay, Anna Bay Floodplain Risk Management Study and Lower Hunter Floodplain Cumulative Development Impact Study
- processing 94 Flood Certificate requests and 46 Development Application referrals within the targeted timeframes
- Processing 140 development applications that required development engineering assessments. 88% were assessed within the targeted timeframe.
- Council fleet completing our Fleet Health check and Chain of Responsibility internal audit report. The Check provided encouraging results with some recommended improvements to the system and the audit only including actions already on our road map to be completed. The capital purchasing plan was not completely fulfilled due to a purchasing pause and difficulty with supply chains during COVID.
- Traffic engineering and road safety delivering Road Safety Projects and convening the monthly Local Traffic Committee meetings.

# · Community and recreation

 updating Council's Asset Management System through inspections for Sports Facilities and Electrical Periodic Certification program for priority assets

- progressing the comprehensive review of Council's Plans of Management, the draft Place Space Strategy and the Community Infrastructure Sponsorship Policy
- o conducting our asset inspection program
- o delivering several key projects refer to Service Delivery from page 36.
- Capital works program delivering our capital works program (from survey and
  design to construction) as outlined in Service Delivery from page 36. While we
  implemented financial austerity measures as a result of COVID, government
  infrastructure stimulus funding has also increased demand for the team. Given
  the 'stimulus' nature of the funding, many grants required projects to be fasttracked, with the team remaining flexible and responsive to these requests
  and supplementing resourcing from internally seconded staff as well as externally
  sourced contractors.
- Road maintenance fixing potholes and heavy patching in line with service standards throughout January to March due to dry weather conditions, however following the March storm, our crew have been doing their best to maintain the number of potholes on major roads due to the continuing wet weather. This has meant that the smaller back streets have not been given the services they require in line with service standards and some high priority projects haven't been completed.
- Roadside and drainage maintenance throughout January to March our crews
  were heavily involved in delivering capital works projects, however, following the
  March storm, the team have been heavily involved in repairing drains, washouts
  and continuing complete capital works projects.
- Open space, foreshore and building maintenance continuing, with high priority defects being fixed however the number of lower priority defects are growing.
- Cemetery maintenance continuing maintenance of our 7 cemeteries.
- Maintaining RMS roads completing required RMCC quality documentation, including a successful review by independent audit and receiving a 'good' satisfaction score in the Transport for NSW annual survey.

# Challenges:

- High profile projects project management, delivery and communication is key to successful delivery.
- Staff shortages and grant stimulus funding have put pressure on existing resources and meeting capital works timelines.

- RMS night works significant night works requiring contractor supervision has been impacting our staff work/life balance.
- COVID impacting full potential of road safety projects.
- March storm put significant pressure on staff and infrastructure as they worked night and day responding and investigating the many drainage and flooding related enquiries. 98 storm damage assessments completed. This also hampered our service standards for mowing of parks and reserves due to the ground retaining water and therefore unable to mow.



### ITEM 5 - ATTACHMENT 1

# SIX MONTHLY REPORT JANUARY TO JUNE 2021.

# P3 Thriving and safe place to live

#### We have continued to:



- provide land use plan, tools and advice that sustainably support the community
- enhance public safety, health and liveability through the use of Council's regulatory controls and services
- support the amenity and identity of Port Stephens
- support emergency services and protect Council assets from bushfires and extreme weather events.

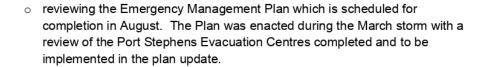
# Key outcomes include:

- · Key planning progress including:
  - endorsement of the Raymond Terrace Public Domain Plan by the Council in February 2021.
  - receiving an award from LGNSW Professionals for the 'Revamping Rezoning' project which has streamlined and accelerated our processes.
  - resolving long-standing rezonings to qualify Council for \$3 million in grant funding from the State government's Public Spaces Legacy Fund.
  - commencing place planning for local centres to respond to community values gathered in the Liveability survey (Place Score).
- Development assessments consistently being under the targeted 40-day turnaround, determining 542 development applications, reducing the 100-day list to 25 and approving 133 construction certificates.
- Environmental Health services including completing:
  - food shop surveillance, with 252 primary inspections and 27 re-inspections completed over the period, with 89% satisfactory at primary inspection.
     Regulatory action resulted in 14 warning letters, 9 improvement notices and 18 penalty notices.
  - inspections of On-site Sewage Management Systems, resulting in 710 primary inspections, with a 98% satisfactory result. The number of wastewater systems with major non-compliances remains very low.
  - skin penetration surveillance of premises, with 35 inspections conducted and overall compliance very good, at above 90%.
- Land use compliance and ranger services including:
  - continuing to respond to alleged unauthorised land use, construction or other works in accordance with the Compliance Policy
  - 2 new temporary Rangers joining the team to assist with the bulky waste and illegal waste dumping program and parking enforcement

- o an increase in the number of matters that were court elected
- rangers targeting campaigns for unlawful signage, compliance with disabled parking and promotion of school zone parking and safety
- Council now removing approximately 70% of all waste reported, with the remainder being managed by the offender or property owner.



- · Supporting amenity and identity including:
  - adoption of the Raymond Terrace Public Domain Plan which was a regional award winner from the Australian Institute of Landscape Architects
  - Medowie 7 Day Makeover held in May 2021 set a new record for the most volunteers in a single day and the highest number of sponsors of any town
  - receiving a \$3 million grant from the NSW Government's Public Spaces Legacy Fund which will be used to upgrade the Raymond Terrace town centre, create a new town square at Lemon Tree Passage, and shared paths along the foreshore at Lemon Tree Passage and Nelson Bay.
- Emergency support including:
  - maintaining all Council Emergency Service assets within agreed levels and maintaining the RFS and SES facilities to the required standard
  - maintaining Asset Protection Zones and Fire Trails quarterly in accordance with the Lower Hunter Bushfire Risk Management Plan and Council's contract



New dashboard to help manage disaster risk in Port Stephens - A new online
disaster dashboard will provide real-time information to help the Port Stephens
community be aware of, prepare for and respond to local emergencies. The
disaster dashboard will be a key source of information for the community.

Having the right information straight from the source is so important. This dashboard provides our community with localised emergency updates, preparedness advice and seasonal awareness of potential risks. The Port Stephens community has experienced many emergencies — from floods, fires and storms to COVID-19. We know the impact these emergencies can have and how important it is to be prepared.

### Key challenges include:

- Funding arrangements between State Government organisations and Council are proving problematic in managing the expectations of Emergency Service Volunteers and the levels of service they require in the Emergency Service Facilities.
- Community knowledge and expectations of APZ's continue to be a challenge.
- The Port Stephens LEMC is still awaiting an update of the Recovery template which in the past has been provided by Resilience NSW.
- Staff shortages resourcing illegal dumping investigations remains a challenge, with the team ensuring that regulatory responsibilities were maintained during the period.

### ITEM 5 - ATTACHMENT 1

# SIX MONTHLY REPORT JANUARY TO JUNE 2021.

# Our Environment

Port Stephens' environment is clean, green, protected and enhanced

# **E1 Ecosystem Function**

#### We have continued to:



- · protect and enhance the local natural environment
- · re-educate the community about the natural environment

#### Key outcomes include:

- Environmental policies and strategies continuing to develop and monitor several environmental policies, strategies and information including:
  - Biodiversity Offset Policy and the Natural Resources technical specifications
  - o Sustainability Strategy and Action Plan
  - o review of the guidelines and templates for flora and fauna
  - o Biodiversity Development Assessment Report (BDAR) guidelines document
  - review of technical information for customers for the Biodiversity Conservation Act and the Biodiversity Offsets Scheme
  - reviewing the process of tree permits and tree self-certifications to make it simpler and easier
  - reviewing technical information about our street trees to enable us to effectively select trees that are appropriate to the areas being developed.
- Nature conservation and environmental assessment programs: completing:
  - o trees planted 4087
  - tree permit applications 84 assessed
  - tree notifications 43 assessed
  - o environmental assessments 149 pre-lodgement assessed, 68 DAs assessed
  - 76.1 ha across 190 sites of environmental significance was regenerated and restored with the help of 957 volunteers
  - biosecurity compliance inspections 573 sites for priority weeds. 22 compliance and enforcement actions. 311 sites treated to control priority weeds.

# Environmental education - continuing to:

- raise awareness about protecting the natural environment through programs such as 'No Space for Weeds' campaign. Localising the campaign to Port Stephens with assistance from the NSW Department of Primary Industries, conducting 415 stakeholders face to face sessions.
- complete the 2020-2021 Weeds Treatment and Inspection Program doubling the numbers through our Business Excellence approach.



Pictured: Sticky nightshade is a new invasive species spotted in the west of Port Stephens.

# Key challenges include:

 Resource constraints - restricting our ability to provide adequate investment for natural area management as well as delivery of workshops and education programs.

# **E2 Environmental Sustainability**

#### We have continued to:

· reduce the community's environmental footprint

# Key outcomes include:

- Waste services
  - 1999 tonnes of waste collected
  - o 450 tonnes of recycling collected
  - 130 tonnes of green waste collected at green waste drop off days<sup>1</sup>
  - o promoting our local campaign Don't be a Tosser.



 Improving Council energy usage - by sourcing funds to introduce an energy reduction program that will increase the solar panel portfolio and energysaving lighting. Council adopted the program as part of the Community Strategic Plan in June 2021 and will implement it in the 2021-2022 financial year.

# Key challenges include:

 Waste tonnage high - an increase in single-use items during COVID and damage from the storm event in March 2021.

1 as at May 2021

#### E3 Environmental resilience

#### We have continued to:

- encourage community resilience to coastal hazards
- encourage community resilience to detrimental impacts from the environment
- encourage community resilience to the impacts of climate change.

#### Key outcomes include:

- Coastal Management Program work continuing, refer to Key Priorities section
  of this report.
- Supporting PFAS affected communities continuing to monitor the
  Department of Defence's remediation plan and providing rate relief to ratepayers
  within the PFAS impacted area. Refer Key Priorities section of this report.
- Monitoring decommissioned land-fill sites as per EPA compliance and responsible land use.
- Climate Change Action Council endorsing the Climate Change Policy and requesting discussion on climate change with the community as part of the CSP review.

#### ITEM 5 - ATTACHMENT 1

#### SIX MONTHLY REPORT JANUARY TO JUNE 2021.



# **Our Council**

Port Stephens Council leads, manages and delivers valued community services in a responsible way

#### L1 Governance





- develop and encourage the capabilities and aspirations of a contemporary workforce
- · provide strong civic leadership and government relations
- provide a strong ethical governance structure
- provide strong supportive business systems for Council's operations
- · reduce risk across Council.

#### Key outcomes include:

- Human Resources program continuing work on :
  - improving Cornerstone (Human Resource Information System), our approach to learning and development and rolling out initiatives to support psychological health.
  - o successfully negotiating the 2021-2025 Enterprise Agreement.
- Civic leadership continuing delivery of:
  - o support to Council and the executive team on time and budget
  - o citizenship ceremonies.

#### Newcastle airport partnership:

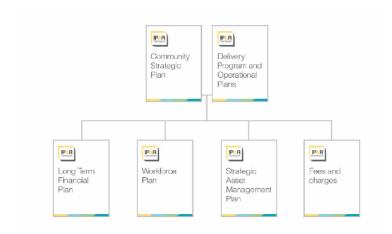
- with the Mayor and General Manager participating on the Board of NAPL and GNAPL (jointly owned by PSC and NCC) meeting on a bi-monthly basis.
- operations are now getting back on track with the resumption of more normal travel patterns. However, COVID interruptions are likely to continue for some time. The Prime Minister recently announced funding of \$66M to enable programmed RAAF runway works to be extended to meet Code E (widebodied) plane standards.
- planning is now underway to expand the airport terminal, runway aprons, car
  parking and ground transport infrastructure to accommodate international
  Code E travel works are estimated at \$80M. We are advocating to the State
  Government for grant funding to assist with the Code E air travel opportunities
  to the region.
- recognising completion of construction and official opening of Stage 1 of the Astra Aerolab aerospace business park by the Deputy Premier in December



2020. Considerable effort is being undertaken to attract suitable tenants to the business park.

- Working with Hunter Councils continuing:
  - bi-monthly meetings by the Mayor with the Hunter Joint Organisation of Councils to address relevant issues of regional significance, including consideration of the Hunter 2050 Foundation.
  - o monthly meetings of the General Manager for Arrow Collaborative Services Ltd and Hunter Councils Legal Services Ltd, subsidiary companies owned by Hunter Councils. Arrow Collaborative Services Ltd (formerly Strategic Services Australia Ltd) is undergoing a significant transformation program and has adopted a master business plan which will see the implementation of strategies to leverage the growth of its existing business and expand business investment opportunities to the benefit of shareholder members. Adopted new branding and marketing collateral as 'Arrow'.
- Governance and Legal Services completing:
  - o Governance Health Check score 98.24%
  - o 456 requests to access information, with only 32 formal applications required
  - 274 legal pieces of advice provided across the organisation
  - o adopting the 2020-2021 Internal Audit Plan
- Internal audit program 6 internal audits and 2 compliance audits completed and 14 actions identified.
- 2021 Community satisfaction survey the annual survey was carried out in May/June with a record 2,200 responses received. At the time of writing this report, the results have not been analysed as resources have been focused on legislative reporting to the outgoing Council. The results will be available in the coming months.
- Integrated planning and reporting continuing with:
  - adoption of our annual Integrated Planning and Reporting (IPR) documents (Delivery Program, Operational Plan, Workforce Plan, Long Term Financial Plan and Strategic Asset Management Plan) and Fees and Charges for 2021 to 2022.
  - Six Month reporting to Council on progress made on the Delivery Program 2018-2021 (December 2020 and June 2021)
  - o End of Term 2017 to 2021 reporting to the outgoing Council on 27 July
  - a work program to review the Community Strategic Plan 2022 to 2032 including consideration of Liveability Index data.





- Service Reviews completing a record number of service reviews and mini check-in surveys resulting in increased benefits and reduced costs.
- Corporate Improvement and Business Systems completing a new Corporate Systems and Data Management Strategy.
- Integrated Risk Management completing the first phase of our Risk
  Development Program, initiating a multi-year program to mature the capacity and
  capability of intelligent risk management at Council. This extensive program has
  examined a number of key aspects of the risk management framework, including
  processes, systems, documentation and risk language. This approach is
  extending existing risk management practices to further integrate effective risk
  management in support of Council's Community Strategic Plan. Refer to Risk
  Management under the Scorecard section of this report.

#### Key challenges include:

- HR providing proactive preventative measures to combat increasing workers compensation issues.
- Newcastle Airport COVID has had a severe impact on the airport operations and NAPL was not able to provide its usual dividend to shareholders in 2020 -2021.
- Information and Privacy keeping abreast of the legislative changes affecting local government.
- IPR collating end of financial year data for the outgoing Council in a compressed timeframe when official figures have not been finalised.
- Business Systems cybersecurity continues to be a challenge.

#### ITEM 5 - ATTACHMENT 1

#### SIX MONTHLY REPORT JANUARY TO JUNE 2021.



#### L2 Financial Management

We continue to:



- maintain strong financial sustainability
- · maximise non-rate revenue and investment to support Council services.

#### Key outcomes include:

- Financial management achieving a projected underlying surplus despite
  earlier predictions of a deficit, which is a testament to the skills, attitude and
  aptitude of every staff member of Council.
- Property Management continuing with:
  - leasing a number of long term vacancies at significant commercial properties in Raymond Terrace and Newcastle.
  - o completion of the final sale in Stage 1 of the Salamander Bay commercial land project. Development consents have been obtained for 2 long running 1 into 4 lot subdivision projects as well as one 1 into 2 lot subdivision. From those projects 2 lots have been sold, 4 are currently being marketed and the final 4 will be listed next financial year. 1 surplus site has been sold and contract preparation is underway on 3 other sites.

#### Holiday Parks - with:

- average occupancies across the Holiday Parks increasing by 9.69% from 45.19% in 2019 to 54.88% in 2021 (closed in 2020).
- 156,723 guest nights booked (an increase of 9,265 since 2019).
- strong performance reaching record income goals and increased visitation.
   With this came extra demands on staff and holiday park infrastructure,
   however, guests continued to be pleased with their choice to stay at the Port
   Stephens Holiday Parks with overall Net Promoter Scores (NPS) remaining
   high during this period at an average of 67.29%.
- Koala Sanctuary achieving over 14,641 day visitors and 3,720 overnight guests with a NPS of 76.42%.
- COVID restrictions impacting operations with no international or educational markets realised, however with the NSW Government Dine and Discover program over 4000 visitors have used their vouchers to visit and enjoy the Sanctuary.

## ITEM 5 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY TO JUNE 2021.



### Key challenges include:

- Financial management the last 6 months have presented challenges with budget constraints and ongoing COVID related issues. Despite costs increasing in certain areas such as insurance and worker's compensation, we have delivered financial sustainability and maintained the budget.
- Leasing ongoing works to fill vacancies in commercial buildings under current market conditions.

#### ITEM 5 - ATTACHMENT 1

#### SIX MONTHLY REPORT JANUARY TO JUNE 2021.



### L3 Communication and engagement

#### We have continued to:



- provide information in a range of accessible formats
- strengthen Council's reputation
- · provide a voice for the community.

#### Key outcomes include:

- Customer First with:
  - o the Customer First Action Plan underway
  - 28,424 calls received by the team
  - 200 calls being diverted from the Customer Relations Team direct to SUEZ to answer waste enquiries.
- Council communication continuing with:
  - improving internal communication providing Operational Updates to communicate changes to the way we do things here at PSC including 'working from home' and ensuring we're providing our employees with accurate, timely, relevant and engaging communications.
  - providing external communications which has been in heavy demand over the period with some large annual campaigns such as the Community and Library Satisfaction surveys, Business Health Check, Volunteers Week and providing critical and up to date information during the March rain event.
  - Social media focusing on prioritising publicity via our owned channels and allowing for two way conversation and more immediate access to information. The March rain event saw huge growth, being praised by our fellow emergency response agencies for our approach to clear, timely communication via Facebook.
  - Website redevelopment of the website and the digital services improvement program. 519,372 page views and 165,063 users.
- Community engagement continuing with Place Planning, Raymond Terrace
  William Street works, Raymond Terrace Levee path communications, Anna Bay
  Dog off leash review.

#### ITEM 5 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY TO JUNE 2021.



### Key challenges include:

- Smart Parking a high number of calls resulting from people registering.
- March rain event proved to be a challenging time with approximately 1000 more calls received and heavy demand on communications compared to the previous month. Power outages and issues with the phone system have proved to be challenging during this period.
- Communications balancing the consistent ratio of planned and reactive communications. Working closely with our key internal customers to ensure we're getting across key issues early.

### Scorecard

Our seven key result measures underpin everything we do at Port Stephens Council:



#### Service Delivery

Target > 95% Integrated Plans delivered on time
Achievement: 97.6% of Operational Plan Actions on track





#### **Community Satisfaction**

Target > 80% Community Satisfaction

Achievement: 80% (Source: 2020 Community Satisfaction Survey)

2021 Community Satisfaction Survey results not available.





#### **Employee Engagement**

Target > 70% Employee Engagement

Achievement: 81% (Source: 2020 Employee Engagement Survey)





#### Governance

Target > 95% Governance Health Check

Achievement: 98.24% (as of June 2021)





#### Risk Management

Target > 80% Risk Management Maturity

Achievement: 86% (As of October 2020)





#### Financial sustainability

Target > underlying financial surplus

Achievement: \$316,000 (As of March 2021 QBR)





#### Infrastructure Backlog

Target: Reduction in the backlog

Achievement: \$13.83 m (As of June 2020)

2020-2021 financial statements not finalised.





On track (target achieved or on track to be achieved)



Monitor (<5% off the target)



Off-track (>5% off the target)

#### We successfully balance these key metrics by:

- ensuring that we're delivering on what we say we're going to do
- ensuring our community is satisfied with the level of service
- · ensuring our assets are maintained in an acceptable standard
- being financially sustainable
- · having the right practices and governance in place
- · having an appropriate risk maturity and
- having engaged employees

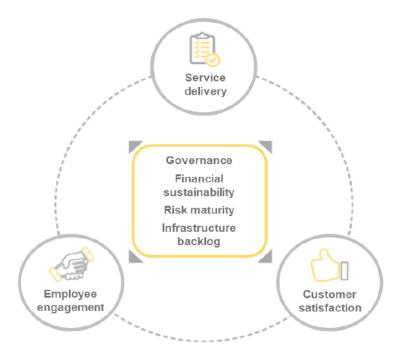


Image: Key result measures

### 1. Service delivery

From January to June 2021, we made the following progress on the 2020-2021 Operational Plan actions which contribute to the achievement of Delivery Program objectives:

• 97.6% (85 actions) on track

The following tables are a summary of individual road, community and recreation projects that were completed and are in progress as of 30 June 2021. It is not an exhaustive list of all Capital Works projects carried out during this period.

| Roads and Drainage projects completed | Expenditure 1 January<br>to 30 June 2021 |
|---------------------------------------|--|
| Clarencetown Rd Seg 10, Woodville     | \$217,624                                |
| Grahamstown Rd, Medowie               | \$732,288                                |
| Warren St / Bus Interchange, Seaham   | \$797,072                                |
| Masonite Rd, Tomago                   | \$43,404                                 |
| Seaham Rd Seg 10, Nelsons Plains      | \$435,597                                |
| TOTAL                                 | \$2,225,985                              |

| Roads & Drainage projects in construction         | Expenditure 1 January<br>to 30 June 2021 |
|---|--|
| Clarencetown Rd Riverflat, Seaham                 | \$1,464,031                              |
| Medowie Rd, Medowie Shared Path                   | \$595,862                                |
| Lemon Tree Passage Rd, Salt Ash (near Michael Dr) | \$610,833                                |
| Soldiers Point Rd, Salamander Bay                 | \$135,991                                |
| Port Stephens Dr, Anna Bay                        | \$121,564                                |
| TOTAL   | \$2,928,281                              |

# ITEM 5 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY TO JUNE 2021.

| Roads & Drainage projects in planning                           | Expenditure 1 January<br>to 30 June 2021 |
|---|--|
| Fern Bay Shared Pathway (PS2020)                                | \$2,880                                  |
| Raymond Terrace Levee Bank Shared Path (PS2020)                 | \$5,298                                  |
| William St, Raymond Terrace – Town Centre Improvements (PS2020) | \$14,972                                 |
| Foreshore Drive, Salamander Bay                                 | \$357,237                                |
| Kula Rd, Medowie  | \$42,434                                 |
| Gan Gan Rd, Anna Bay at Campbell Ave – Town<br>Centre           | \$56,202                                 |
| Tanilba Bay Shared Path – Ave of Allies (PS2020)                | \$62,009                                 |
| Lemon Tree Passage Rd Missing Link Shared Path (PS2020)         | \$5,197                                  |
| Duns Creek Rd Nth Wallaby Cl, Duns Creek                        | \$45,463                                 |
| Clarencetown Rd Seg 270, Glen Oak                               | \$44,536                                 |
| Clarencetown Rd Seg 130, Seaham                                 | \$47,858                                 |
| Warren St Seg 130, Seaham                                       | \$43,055                                 |
| Newline Rd Seg 290-300, East Seaham                             | \$57,612                                 |
| TOTAL   | \$784,753                                |
| Community & Recreational and Structures projects completed      | Expenditure 1 January<br>to 30 June 2021 |
| Shoal Bay West Amenities  | \$126,777                                |
| Barry Park, Fingal Bay shelter replacement                      | \$8,564                                  |
| Soldiers Point Revetment  | \$291,221                                |
| Mallabula Hall, Flooring coverings & lighting upgrade           | \$22,447                                 |
| Tilligerry Arts Group, Replace roof coverings                   | \$32,144                                 |
| Medowie Tennis Amenities  | \$12,016                                 |
| Peace Park, Tanilba Bay   | \$2,569                                  |
| Williamtown Hall, Switchboard and lighting                      | \$1,200                                  |
| Longworth Park Amenities, Karuah                                | \$144,393                                |
| TOTAL   | \$641,331                                |



Pictured: Construction of new revetment rock wall at Soldiers Point



Pictured: New amenities at Shoal Bay

## ITEM 5 - ATTACHMENT 1 SIX MONTHLY REPORT JANUARY TO JUNE 2021.

| Community & Recreational and Structures projects in construction | Expenditure 1 January<br>to 30 June 2021 |
|--|--|
| Shoal Bay Pathway  | \$142,159                                |
| Nelson Bay Tennis Club, Fencing & Retaining Wall                 | \$206,414                                |
| Tomaree Sports Complex Amenities                                 | \$96,044                                 |
| Nelson Bay CBD Improvements including Shoal Bay Parklets         | \$76,414                                 |
| TOTAL  | \$521,031                                |

| Community & Recreational and Structures projects in planning | Expenditure 1 January<br>to 30 June 2021 |
|--|--|
| Robinson Reserve Playground                                  | \$6,842                                  |
| George Reserve Salamander Bay, Amenities                     | \$247                                    |
| Little Beach Boat Ramp, Nelson Bay                           | \$32,632                                 |
| Mallabula Sports Complex Playground Replacement              | \$26,977                                 |
| Mallabula Sports Complex Tennis Expansion                    | \$32,850                                 |
| Tilligerry Skatepark   | \$2,638                                  |
| Henderson Park Lemon Tree Passage, Shade Sail                | \$1,380                                  |
| Boyd Oval Amenities, Medowie                                 | \$68,839                                 |
| Birubi Information Centre                                    | \$31,479                                 |
| Stuart Park Amenities, Hinton                                | \$26,404                                 |
| Raymond Terrace Depot  | \$180,770                                |
| TOTAL  | \$411,058                                |

#### 2. Community satisfaction

We conducted our annual Community Satisfaction Survey in May/June 2021. The results from this satisfaction survey were not finalised at the time of drafting this report.

We achieved an overall satisfaction score of 80% in the 2020 Community Satisfaction Survey. This score meets the yearly target of 80% and was 4 percentage points higher than our 2019 score. A detailed report is available on the Council's website.

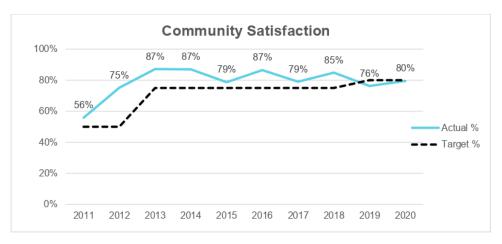


Figure: Community Satisfaction

#### 3. Employee engagement

We conducted our annual Employee Engagement Survey in October 2020, resulting in our highest ever 81% engagement score.

For the second year in a row, we exceeded our ambitious target of 70%, which continues to place us in the top quartile of organisations in Australia and New Zealand. We continue to score significantly above the average Local Government score of 54%.

During the past 6 months, we have implemented a robust plan with key stakeholders to further improve and sustain effective strategies with short- and long-term milestones. The success of this program to date was confirmed in our recent Employee Check-In Survey, conducted in May 2021, which returned another engagement score of 81%.

There have been several improvements in all key areas, which we focussed on during the year and new issues identified which will form part of our focus areas for the next 6 month period.

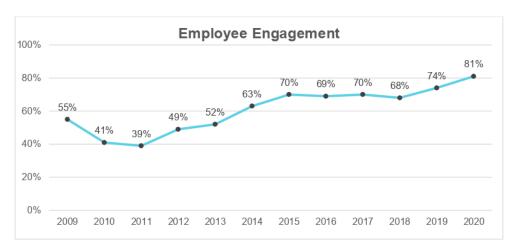


Figure: Employee Engagement

#### 4. Governance

The annual Governance Health Check was completed in June 2021, with a score of 98.24% achieved. This result exceeds the target of >95%.

Council develops and monitors its governance through a range of initiatives and actions, such as policy development, legislative compliance, internal audit program and workplace practices.

The Governance Health Check is a tool to measure our governance and performance. It covers 4 areas – ethics, risk management, information management and reporting. The graph below demonstrates our progress in achieving our Governance Health Check scores from 2015 to 2021.

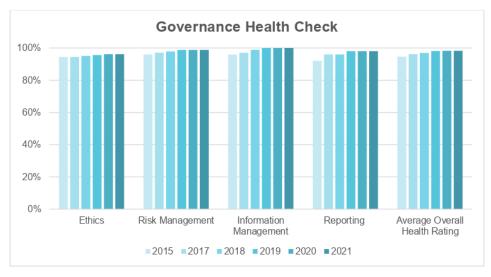


Figure: Graph Governance Health Check

#### 5. Risk management

Council has updated the Risk Management Framework (RMF), which includes the risk management policy, appetite statement and plan. Key risk management practices have been reviewed and aligned to the revised RMF.

A new risk management technology system has been deployed to better support Council to identify and assess risks, capturing all relevant risk data in a single source for better risk decision making.

Council continues to support the safety and wellbeing of its workforce.

During the last 6 months Council has undertaken the following key health and safety outputs:

- 104 Ergonomic assessments
- 7 Workplace inspections
- · 25 Safety compliance audits
- 767 Safety observations

Council continues to support its workforce wellbeing by facilitating over 110 worker hearing tests, over 140 workers to obtain the influenza vaccine, and over 60 workers to participate in respiratory testing.

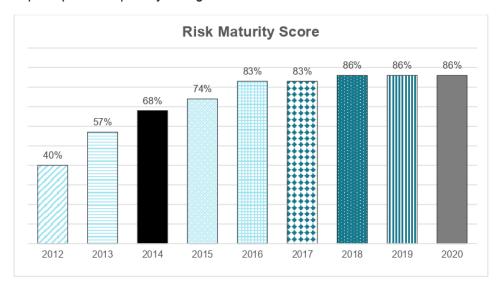


Figure: Graph Risk Maturity Score

#### 6. Financial sustainability

Up to 2020, our Council has consistently delivered a modest 1% surplus — in part due to our diverse non-rate revenue streams.

As outlined in our Annual Report 2019-2020, COVID-19 significantly impacted almost every facet of our operations, however through careful cashflow management and reprioritising spending we achieved a small underlying surplus as at the March 2021 Quarterly Budget Review\*.

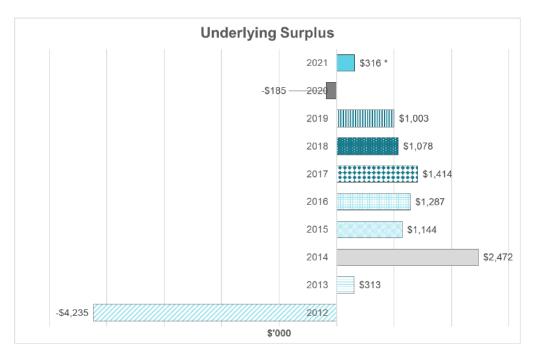


Figure: Graph Underlying Surplus

#### 7. Infrastructure backlog

The infrastructure backlog is reported on an annual basis in the Annual Report, with results for 2020 to 2021 not available at the time of writing this report.

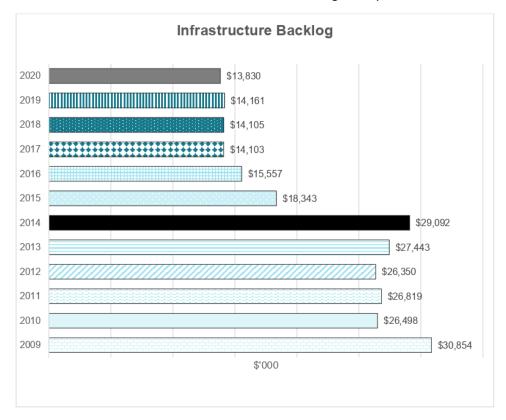


Figure: Graph Infrastructure Backlog

<sup>45 |</sup> Port Stephens Council



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**ITEM 6 - ATTACHMENT 1** 

**END OF TERM REPORT 2017-2021.** 



End of Term Report 2017 to 2021

















# About this report

Welcome to the Port Stephens Council End of Term Report 2017 to 2021. The theme of this report is reflective of our journey with the community, our partners and volunteers over the past four years - 'Making a Difference'.

This report is designed to provide a snapshot upfront of who we are, the highlights and challenges of 4 years at a glance (pages 6 to 20). We then look in more detail at what we said we would do and the progress made in achieving outcomes over the reporting period (page 29 to 64).

The report has been prepared in accordance with the Integrated Planning and Reporting requirements of the Local Government Act 1993 and is a report on Council's achievements and progress in implementing the Community Strategic Plan over the past four years 2017 to 2021.

Council continues to deliver on the Community's vision of 'A great lifestyle in a treasured environment' and quadruple bottom line (social, economic, environmental and governance) considerations through 4 main focus areas of the Port Stephens Council Community Strategic Plan 2018 to 2028<sup>^</sup>

#### Our Community | Our Place | Our Environment | Our Council

Each key direction/goal of the Community Strategic Plan has a corresponding set of objectives which we deliver on through our 4-year Delivery Program and annual actions in our Operational plan.

We have formed partnerships with many other government departments, agencies and private enterprises (outlined on page 7

and 66 of our Operational Plan) to help deliver on all aspects of the community's aspirations and priorities. We effectively resource the community's priorities, delivery program and annual actions via our Long Term Financial Plan (finance), Strategic Asset Management Plan (assets) and Workforce Plan (people).

A number of Community Indicators measured over time help us to understand if the community is better off as a result of the work carried out by Council and our partners. More detail on these indicators, trends and outcomes can be found on pages 67 to 74, with highlights provided throughout the report wherever this symbol is shown.

Our Annual and Six Monthly reports also outline progress made on our Delivery Program and Operational Plans. These can be found on our website – www.portstephens.nsw.gov.au

In this report, we have taken a plain English, honest and authentic approach, as with many of our other reports. This is the fourth report of its type to be prepared for our Local Government Area (LGA).

Data provided from external sources is the latest available at the time of writing this report. Similarly, Council's data does not represent the final information for the financial year ended 30 June 2021 for either budgetary or operational performance and only represents the latest information available. Final audited financial figures will be provided in the 2020 to 2021 Annual Report.

This report was prepared in May/June 2021 and presented at the last Council meeting in July 2021.

This report also captures the achievements of the last year of the Community Strategic Plan 2013 to 2023 under the 4 focus areas mentioned above. The symbols used represent information for the respective years <sup>1</sup> 2017-2018, <sup>2</sup>2018-2019, <sup>3</sup>2019-2020, <sup>4</sup>2020-2021 and <sup>5</sup>2017-2021.

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#### ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

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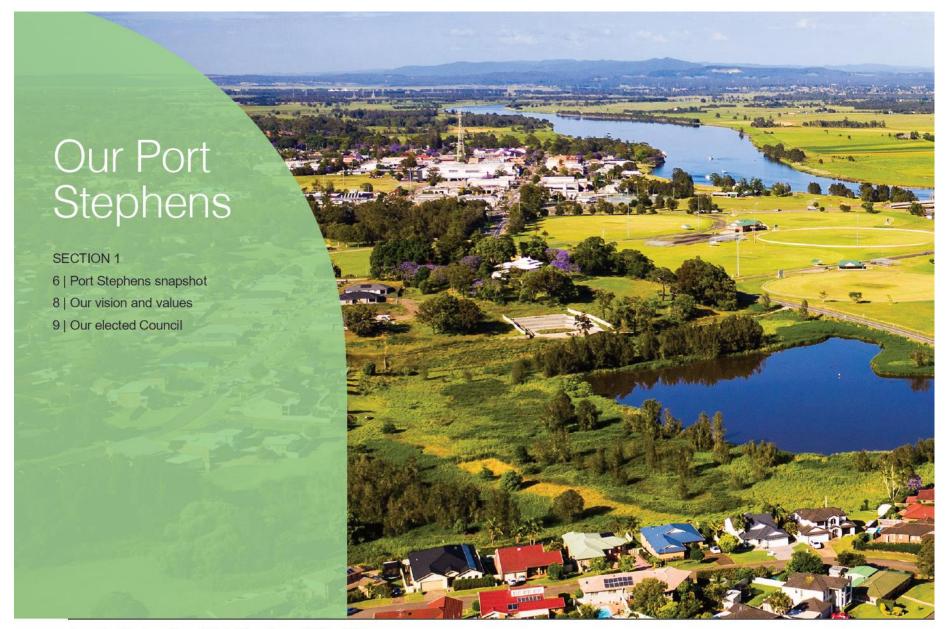
We acknowledge the Worimi people as the traditional custodians of this land.

© 2021 Port Stephens Council.

Despite our best efforts Council makes no statements, warranties or representations about the accuracy, completeness or reliability of any information contained in the report. The Council disclaims all responsibility and liability (including without limitation, liability in negligence) for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason.

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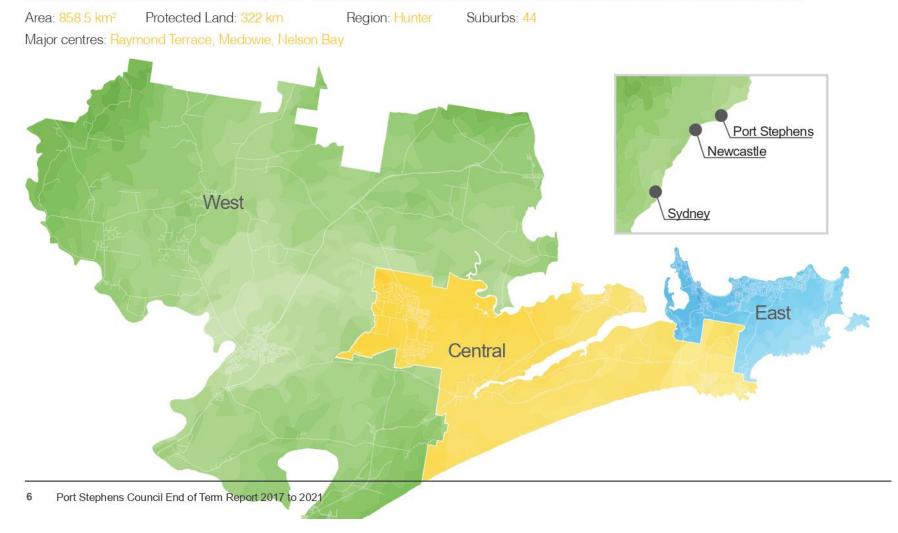


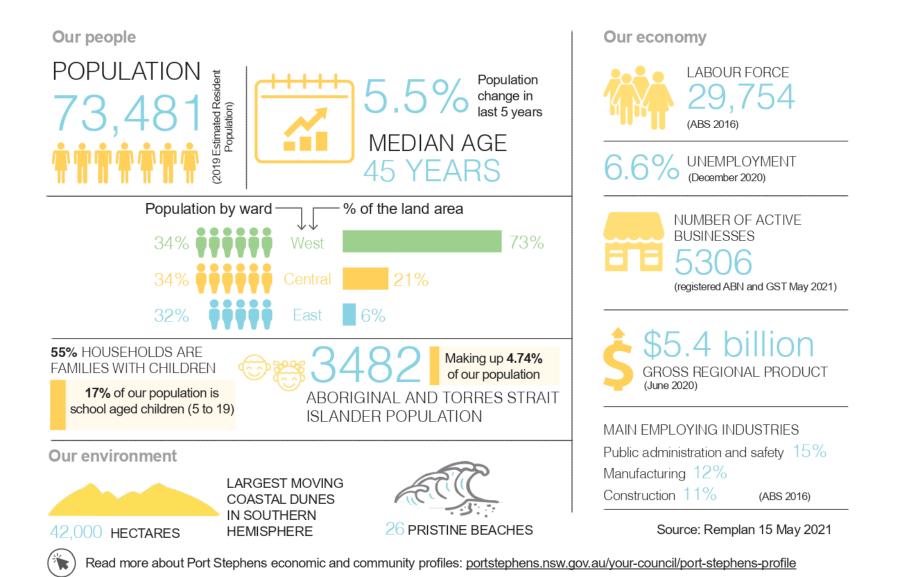
Our Port Stephens

# Port Stephens snapshot

#### **Our location**

Located on the east coast of Australia, about 2 hours north of Sydney, Port Stephens is known for its incredible natural beauty and vibrant community. These characteristics make our place an ideal tourist and retirement destination as well as a great place to live, work and play.





PORT STEPHENS COUNCIL 315

Our Port Stephens

# Our vision and values

### **Our Community's vision**

A great lifestyle in a treasured environment.

#### Council's vision

Engaged and resilient people in strong healthy relationships, working collaboratively, enhancing community wellbeing.

### Council's purpose

To deliver services valued by our community in the best possible way.

### **Values**

R

**Respect** - creating a unique, open and trusting environment in which each individual is valued and heard.

**Integrity** - being honest and inspiring trust by being consistent, matching behaviours to words and taking responsibility for our actions.

**Teamwork** - working together as one Council, supporting each other to achieve better results for everyone.

**Excellence** - improving the way we work, to meet the challenges of the future.

**Safety** - providing a safety focused workplace culture to ensure the wellbeing of staff, their families and the community.



<sup>8</sup> Port Stephens Council End of Term Report 2017 to 2021

# Our elected Council

Port Stephens Council has a popularly elected Mayor and 9 Councillors representing 3 wards – East, Central and West.

The community normally elects its Council for a 4 year term. The current Council term was originally 3 years because the State Government's council amalgamation process delayed elections in 2017. The election due to be held in September 2020 was also postponed until September 2021 due to COVID-19.





Read more about our elected council at : portstephens.nsw.gov.au/your-council/about-council/mayor-and-councillors

Our Port Stephens



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Our journey



Message from the Mayor

Together as a community we have continued to remain strong, resilient and have supported each other through the past 4 years. While we faced significant challenges in 2020 and 2021, we have also achieved many milestones that we as a community should celebrate and be proud of.

In September 2017, my first year as Mayor and alongside a new team of Councillors, we set out to make a difference in our Council term. We heard a number of community priorities — from accessible playgrounds, cycleways and footpaths to coastal management, key roads, revitalised town centres and more for business.

To ensure we delivered on these community priorities, we included several key projects in our Delivery Program 2018 to 2022. Today we can celebrate the work we've done including the Port Stephens Koala Sanctuary, Nelson Bay Next, 7 Day Makeovers at Anna Bay and Medowie, Medowie Sport and Community Facility Centre and a 20-year vision for land use as part of our Local Strategic Planning Statement.

We continue to check in with what our community values most. In September 2020, we teamed up with Place Score to hear from 3,700 people as part of our first Liveability Index. This score from our community helps to inform decisions we make, like which projects we should focus on, how these projects compare over time and whether our community is better off as a result of our actions. Through programs and projects such as Port Stephens

2020, Restart Port Stephens and the Liveability Index, we continue to make a difference to our community.

When preparing the Community Strategic Plan in 2018, we said that we alone 'cannot address all of our community's aspirations and must partner with others to achieve these outcomes'. Through strong leadership and stewardship we have worked with our partners to:

- secure the Williamtown Special Activation Precinct (SAP)
- develop Stage 2 of the Coastal Management Program
- restart Port Stephens through advocating for funding for economic stimulus packages and investment in infrastructure
- rebrand and promote Port Stephens through our Incredible Place Strategy
- secure competitive grants totalling \$39 million
- sign the Yabang Gumba-Gu agreement
- · develop a Community Wellbeing Strategy

It's my pleasure to share with you our highlights and challenges over the past 4 years as we worked to deliver on our community's priorities. I hope it makes a difference in the lives of our community and provides a platform for us to build our future together.

Ryan Palmer
Mayor of Port Stephens

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Message from the General Manager We should be proud of what we have achieved over the past 4 years. Together with our community, highly engaged workforce, dedicated volunteers and strong relationships with our key partners, we have continued to deliver for Port Stephens.

I am extremely grateful to our employees for getting on with the job particularly in the wake of the challenges we have experienced over the past year — who continued to come to work each day during the COVID-19 pandemic and the March 2021 storm event which caused significant infrastructure damage across our region.

Our employees have adapted and continue to think of alternative ways to deliver services, connect and act as a key response agency for our community despite the challenges we have faced.

We've carefully managed our resources to ensure our financial and operational sustainability, which has enabled us to continue our services in the areas most valued by our community.

Through our service review program and commitment to Business Excellence, we have been able to continue to improve our efficiency and effectiveness. We don't keep just doing things the same way — every 4 years, we conduct a thorough review of our processes

and have a strong culture of 'delivering services valued by our community in the best way'.

We are firmly focused on reviewing how we are meeting our community's 4 focus areas. We keep track of our progress by maintaining a scorecard (refer to page 21 for more) of our key results: service delivery, community satisfaction, employee engagement, governance, risk management, financial sustainability and infrastructure backlog.

Despite living in a global pandemic we have achieved some all-time high key results measures. We returned an underlying financial surplus, achieved higher than average community satisfaction and employee engagement scores, reduced our infrastructure backlog and achieved significant milestones in service delivery — all while ensuring governance and risk frameworks were in check. We've also made a difference by delivering our largest ever capital works program with \$91 million of public infrastructure over the 4 years.

I am proud of what we have achieved together and I look forward to the next chapter in making a difference in our community's lives.

Wayne Wallis General Manager of Port Stephens Council



Our journey

# Our community advocacy priorities

Council cannot deliver on all the community priorities alone. We advocate to other levels of government to deliver and support for many aspects. Our focus over the term has been:



#### Connecting our community



Advocated to improve high-speed internet connectivity and addressing telecommunications 'black spots' throughout the Port Stephens area, particularly around the Williamtown aerospace precinct.



Advocacy continued



Project underway



Funding secured











Runway upgrades to accommodate long-range international flights, terminal expansion and development of Hunter Defence Aerospace Zone. Government funding of \$66 million has been announced for the runway upgrades.



Sought firm commitment and funding for the extension of M1, upgrades for Cabbage Tree Road and Nelson Bay Road, sealing of unsealed roads and pathway connections across Port Stephens. A total of \$3 million has been secured from the NSW Government Public Space Legacy fund.





### Foreshore revitalisation



We secured \$5.4 million from the NSW Government for a purpose built tourism facility at Anna Bay. The centre will provide an improved visitor experience and ease congestion on the Birubi headland. Construction is scheduled for 2022

**Birubi Information Centre** 





Funding to implement foreshore revitalisation works that seek to maximise the social and economic value of our foreshore areas through improving facilities to cater for visitors, tourism businesses and residents. Stage 1 and 2 of the Coastal Management Program have been completed. Council will now apply for grant funding for stage 3 and 4 of this program.





#### Future-proofing Local Government

Indexing Federal Assistance Grants to future proof funding for local government. We have continued advocacy and maintained existing funding levels.



# Progressing the Williamtown Special Activation Precinct (SAP)

Advocated for the development of a masterplan for the Williamtown SAP. Progress planning for and funding of the establishment of a SAP at Williamtown. An allocation has been secured for the project from the State Government Snowy Hydro fund.







#### Innovation hub

In partnership with local industry associations, Council advocated for improved education opportunities in Port Stephens. Seeking a commitment to facilitate discussions with tertiary institutions regarding creation of a regional innovation hub in the local government area. Funding of \$7 million was announced by the NSW State Government for a new Connected Learning Centre (CLC) TAFE campus in Salamander Bay.



# Sports and recreation infrastructure

Sought funding support for a high class, multifunctional sports complex that will cater for local, regional and national sporting organisations and events. **\$2.4 million** from the NSW Government and over **\$800K** from the Federal Government have been secured for sport and recreation infrastructure projects such as Tomaree and King Park Regional sports complex.







## Kings Hill urban development

Sought commitment to assist the Council and landowners to implement the Kings Hill urban release area, delivering approximately 4,000 dwellings.







#### Town centre revitalisation

Sought support and funding opportunities to complement the Council's financial commitment to invest in and rejuvenate the town centres of Port Stephens. Over \$730,000 from the State government provided for trial temporary improvements to Nelson Bay and Raymond Terrace





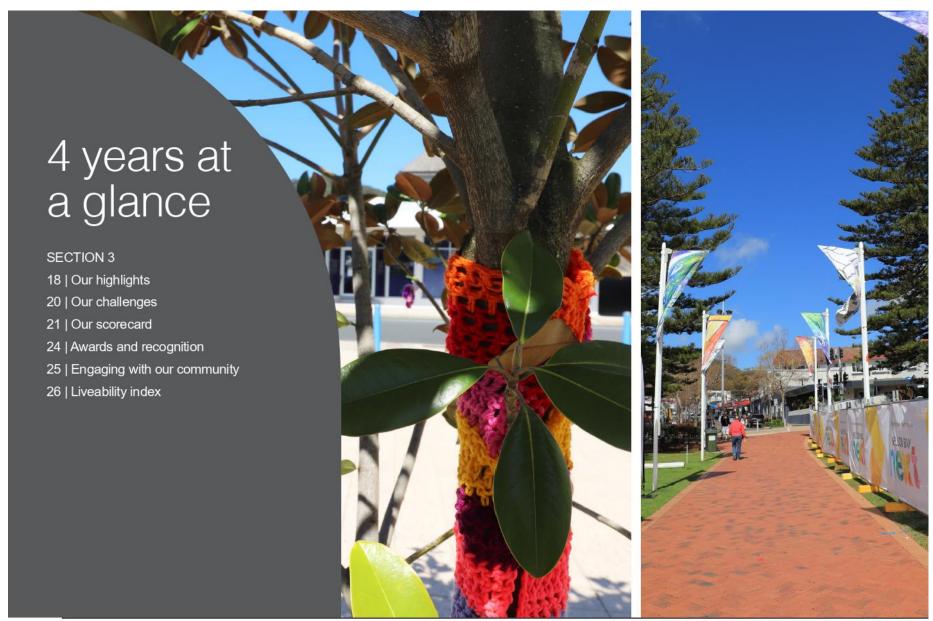


# Responding to PFAS

Continuing to engage with the Department of Defence around its ongoing PFAS contamination remediation program and liaise with relevant agencies, community groups and residents as appropriate.

Our journey

1!



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4 years at a glance

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# **ITEM 6 - ATTACHMENT 1**

# END OF TERM REPORT 2017-2021.

# Our highlights

# Four years at a glance







Thrive Kids\*



through our Community Support,

Mayoral and Ward funds





1.836 HA bushland regeneration

planted



to plan for our community's wellbeing

average community satisfaction^^





through annual awards

through our Community Connections Program including Have A Yarn



22,474 T **OF RECYCLING** collected

REDUCING **ELECTRICITY** CONSUMPTION

by installing solar panels on Council buildings.

# Our Place



in public infrastructure delivered



42 DAYS

average pre-gateway assessment time (from 504 days^)



\$6M spent on open spaces



\$6M

spent on footpaths and cycleways to construct 5.8km



in visitor

expenditure

AWARD

Makina housina more affordable



9.338 **DEVELOPMENT APPLICATIONS** 

determined with median turnaround reduced to 26 days





\$39M in competitive grants received





new citizens welcomed



**BALANCING THE** BUDGET through careful cash flow management and

strong non-rate revenue



**NEW DISASTER DASHBOARD** 

to manage emergencies including COVID-19





**NEW RISK AND ENVIRONMENTAL** 

management systems implemented

^ 2017-18, #2020-21, \*2017-18 to 2020-21, ^^2018-2020

Port Stephens Council End of Term Report 2017 to 2021

# **Highlights** – Projects

- 1 East Seaham Road construction
- 2 Robinson Reserve rehabilitation
- 3 King Park and Tomaree Sports Complex Master Plans
- 4 Planning Acceleration Program
- 5 Koala Sanctuary construction and opening
- 6 Place activation and business support (Ranging from Incredible Place Strategy to Business Support Fund)
- 7 Lagoons Estate drainage
- 8 Smart parking
- 9 Medowie Social
- 10 Strategic Planning Framework (LSPS, Live Port Stephens)
- 11 Newline Road landfill capping
- 12 Town centre planning and improvements
- 13 Nelson Bay Next

Read more in our annual reports















4 years at a glance

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# Our challenges

As with all things in life, our journey has not been without a number of challenges along the way. There have been 7 natural disasters - 3 fires, 2 storms, 1 flood and a pandemic. Whilst challenging, these events have also connected us closer as a community together, given us further insight about what is most important and enhanced our approach to disaster management.



#### NATURAL DISASTERS

The drought, bush fires and rain events have all had wide-reaching effects on our community, environment and local infrastructure. We've reached out to support NSW farmers and continuing to do our best to repair our roads and infrastructure from these disastrous events. Read more on page 49.



### COVID

One of our greatest challenges has been managing the social and economic impacts of COVID-19 on our community and our Council. We anticipate the effects of COVID-19 will be felt for many years to come. To help and unite our community Council adopted our Restart Port Stephens Plan.



# DELIVERING MORE PROJECTS WITH LIMITED FUNDING

Following Council's unsuccessful application for a Special Rate Variation in 2019 Council endorsed a number of projects called PSC 2020 that were important to the community. Read more on page 40.

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# Our scorecard

Our 7 key result measures underpin everything we do at Port Stephens Council.



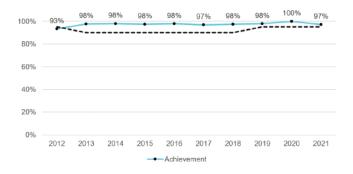
Read more about our result measures and integrated plans on our website - www.portstephens.nsw.gov.au

# 1. Service Delivery

Target: >95% Integrated Plans delivered

on time

Achievement: 97.6% (June 2021)



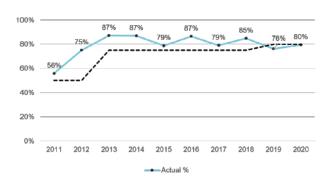
# 2. Community Satisfaction

Target: >80%

Achievement: 80% (2020 Community Satisfaction Survey)

Results for 2021 Community Satisfaction Survey were not

finalised at the time of writing this report.

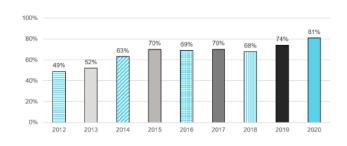


4 years at a glance

# 3. Employee engagement

Target: >70%

Achievement: 81% (October 2020)



# 4. Governance

Target: >95% governance health check

**Achievement:** 98.24% (June 2021)

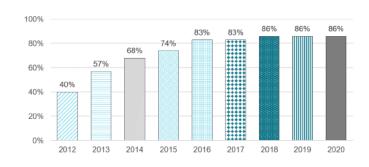


# 5. Risk Management

Target: >80% risk management maturity

score

Achievement: 80% (October 2020)

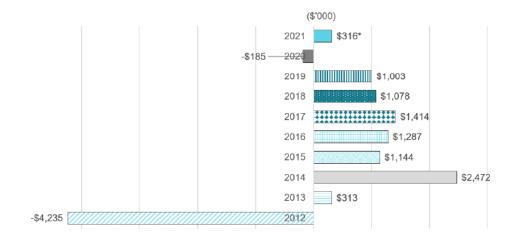


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# 6. Financial sustainability

**Target:** underlying surplus **Achievement:** \$316,000

<sup>\*</sup> March 2021 Quarterly Budget Review result



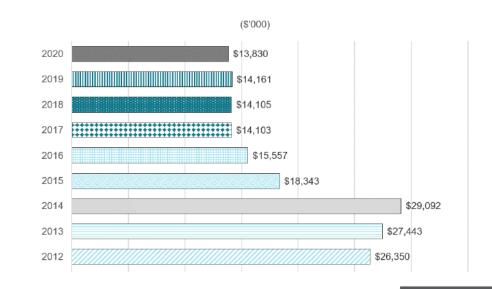
# 7. Infrastructure backlog

Target: reduction in backlog

Achievement: \$13.83 million (June 2020)

Financial results for 2021 were not finalised at the

time of writing this report.



4 years at a glance

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# Awards and recognition

#### Council awards

At Port Stephens Council, we believe in doing the right things in the best possible way. We are proud of our culture of excellence and the recognition we have received for over **30 awards received** during this term - doing our best for our community and striving to make a difference. The awards span each of our focus areas from "Making housing more affordable" (Place) to "Winning our war on weeds" (Environment), "Thrive Kids expansion" (Community) to "Excellence in Workplace Health and Safety Culture" (Council).



For more detail read our Annual Reports on portstephens.nsw.gov.au/your-council/policies-formspublications/publications-and-information/annual-reports

# Community awards

Over the term, we formally recognised outstanding contributions made by both individuals and groups to our community fabric, environment and culture. These awards are presented on Australia Day with winners recognised in the following categories. We applaud these individuals and groups who together with our council, partners and volunteers go a long way to making a difference in our community.



Read more on <u>portstephens.nsw.gov.au/live/community/</u> community-awards

| Community Awards                     | 2018   | 2019  | 2020  |
|--------------------------------------|--|---|---|
| Freeman of Port Stephens             |  | Lorraine Nicol  |   |
| Citizen of the Year                  | Ben Niland   | Alicia Cameron  | John Chambers   |
| Young Citizen of the Year            | Amy Dufour   | Tasmyn Fellows  | Daniel Howard   |
| Port Stephens Medal                  | Hunter Region Botanic<br>Gardens<br>Michael Murray<br>Lee Anlezark | Mambo Wanda Wetlands<br>Reserves and Landcare<br>Committee<br>Kenyon Windeyer<br>Donald 'Steve' Jones | Medowie Girl Guides Dennis Peters John de Ridder Andrew Smith |
| Sports person of the Year            | Graeme Chamberlain   | Dion Cooper   | Maya Stewart  |
| Cultural Endeavour                   | Michael Francis  | Rhys Fabris   | Kay Newton and Peter Robinson                                 |
| Environmental Citizen of the<br>Year |  | Nigel Waters  |   |

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# Engaging with community

# **Community Engagement Strategy**

We are committed to listening to our community and ensuring they are actively involved in shaping the future of Port Stephens through community engagement. Over the term, we have further refined our approach which is reflected in our Community Engagement Strategy endorsed by Council in November 2019. This strategy recognises that community information sharing, consultation and participation are vital for effective decision making. It includes a Community Participation Plan that sets out how we consult with our community on planning documents and development applications.



You can read more about our Community Engagement Strategy: <u>portstephens.nsw.gov.au/grow/port-stephens-planning-strategies/community-engagement-strategy</u>

We have a dedicated online community engagement platform: <u>haveyoursay.portstephens.nsw.gov.au</u> where community members can also learn and participate in current projects and programs.

# **Community Satisfaction Survey**

We check in annually with our community to help plan for the future, find out how we are performing in our service delivery and what we can do to improve. Understandably it's a key driver for Council and one of our key result measures. You can read more about the results of our community satisfaction survey on our website.



portstephens.nsw.gov.au/your-council/policies-formspublications/publications-and-information/communitysatisfaction-survey

# Liveability Index 2020

Another dimension of our community engagement has been via a place census, conducted in September 2020 to better understand what our community values most and how they rate their neighbourhoods. This is different from the annual community satisfaction survey as it looks more broadly at community wellbeing, liveability and where the community is now to plan for the future. Read more on page 26.

4 years at a glance



In September 2020 we teamed up with Place Score to complete our first ever place census. Over 3,700 people told us what they value (CF – Care Factor) and how they rate their neighbourhood (PX – Place Experience).

The results allow us to focus on the things most valuable to our community and help us make decisions that will have the biggest impact on the community's wellbeing.





5,700 people shared their values



3,738 people shared ideas for change

LIVEABILITY

what a place is like to live in - a livable place is a healthy place

Port Stephens



National Average



In Port Stephens our ideal neighbourhood has:

- Locally owned and operated businesses that provide the community with their daily needs
- A well maintained and managed public domain, footpaths, parks, roads and other public assets
- Easy to access shared community amenities, like the local shops, on foot or bike

Liveability is influenced by safety, the natural environment, infrastructure, accessibility, things to do, attractiveness and inclusivity.

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# **OUR TOP COMMUNITY VALUES**

Things most important to us in our ideal neighbourhood:



Elements of natural environment



General condition of public open space



Sense of neighbourhood safety



Protection of the natural environment



Locally owned and operated businesses



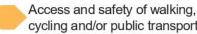
Local businesses that provide for daily needs



Walking/jogging/bike paths that connect housing to communal amenity

# **OUR LIVEABILITY PRIORITIES**

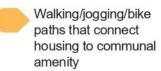
Things important to our community and rated as underperforming. We must continue to work to improve these.



cycling and/or public transport Protection of the natural



Sense of neighbourhood safety



General condition of public open space

# **OUR STRENGTHS**

Things our community cares about and rated as performing well. We must continue to celebrate and protect these.



Sense of personal safety



Elements of natural environment



Local businesses that provide for daily needs



Access to neighbourhood amenities



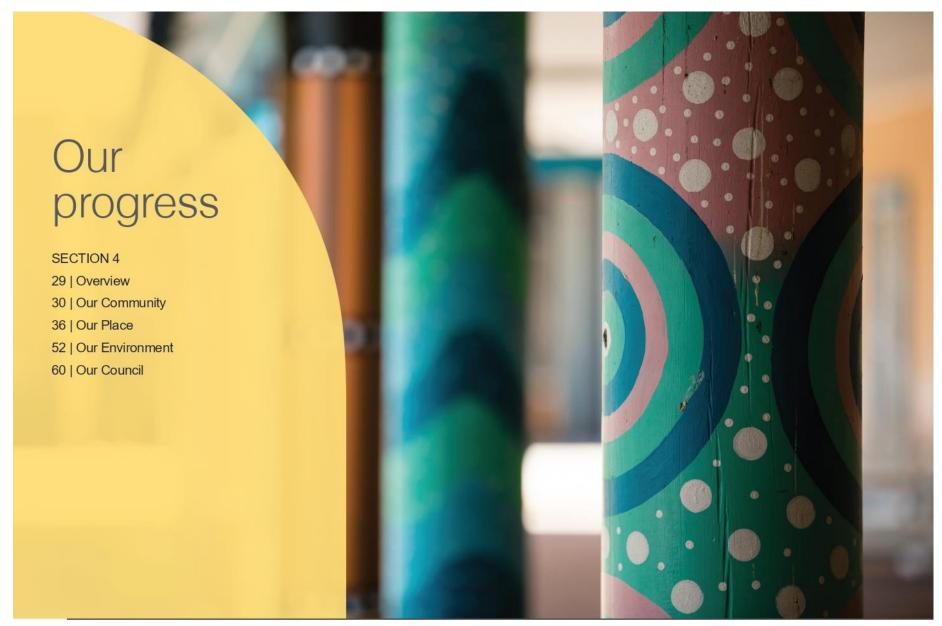
Locally owned and operated businesses



The results of the Liveability Index highlighted a number of things important to the community that were under-performing. Some of these included walking paths/cycleways, condition of public open space and protection of the natural environment. Over the period, Council has undertaken a number of projects and activities in these areas as outlined in this report, with the place census providing a further platform for us to build on as we review the priorities for the next Community Strategic Plan. Read more on page 30 onwards.

4 years at a glance

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# Overview - our progress | making a difference

# How have we contributed to the Community Strategic Plan?

To illustrate our contributions in making a difference to our community and the Community Strategic Plan we've provided our progress and community indicators under each key direction of Our Community, Our Place, Our Environment and Our Council.



Community indicators to measure performance and effectiveness of long term strategies



Challenges faced



Port Stephens Council Liveability Index 2020 priorities



# **Our Community**

Port Stephens is a thriving and strong community respecting diversity and heritage.



# **Our Place**

Port Stephens is a liveable place supporting local economic growth.



# **Our Environment**

Port Stephens' environment is clean and green, protected and enhanced.



# Our Council

Port Stephens Council leads, manages and delivers valued community services in a responsible way.

Our progress

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# Our community

Port Stephens is a thriving and strong community respecting diversity and heritage



## C1 Goal:

# **Community diversity**

Our community accesses a range of services that support diverse community needs.

#### C2 Goal:

# Recognised traditions and lifestyle

Our community supports the richness of its heritage and culture.

#### C3 Goal:

# **Community** partnerships

Our community works with Council to foster creative and active communities.

## What we said we will do?

Provide facilities and services for children.

Provide support for young people to build their confidence and contribution to the community.

Encourage Port Stephens to be inclusive and access friendly.

Support needs of an ageing population.

Support volunteers to deliver appropriate community services.

Recognise and support local Aboriginal and Torres Strait Islander People.

Support and promote local cultural activities.

Recognise and support the heritage of Port Stephens.

Provide public libraries as vibrant community spaces.

Assist community service providers to effectively deliver services in the region.

Support local community events that highlight and foster the creative, diverse nature of our community.

Provide recreational and leisure facilities.

Financially support creative and active communities.



Our community values things to do in their neighbourhoods and a range of community activities, for example, volunteering, gardening, art, community organised events and so on.

Ideal neighbourhoods should offer sense of welcome and have access to shared community and commercial assets such as library, sports facilities or gyms and so on.

30 Port Stephens Council End of Term Report 2017 to 2021

# C1 Community diversity | making a difference 2017 to 2021

# Helping local kids thrive

We have proudly been supporting local families to help children thrive for more than 40 years by offering quality early education and childcare programs. Our trusted childcare service offers more than 75,000 childcare places for children attending OOSH (before and after school care and vacation care) in Port Stephens and the Hunter Region doubling the places filled since 2017. Additionally, Family Day Care provided over 7,000 childcare places across the Port Stephens, Hunter and Central Coast regions. We have:

**Expanded** - OOSH services to 8 locations and mobile preschool to 5 days a week.

**Re-branded** - our services so that all of our childcare options come under the same banner 'Thrive Kids'.

**Provided vital service** - to support working families throughout COVID.



Due to the impacts of COVID-19 we have faced a shortage of Educators - 42 Family Day Care Educators in 2020-2021 compared to 70 in 2018 -2019 and difficulty in recruiting Educators in OOSH.

# Supporting our youth - keeping our youth connected

Youth activities, programs and services we've provided that make a difference include:

- Youth Week
- · Youth Advisory Panel
- · Pathways and Possibilities project
- Youth Strategy 2020 to 2025
- · Mayoral Academic Scholarships.

More opportunities will be available through:

**Tomaree Sports Complex** - with funding from the NSW Government we plan to construct a state-of-the-art multipurpose building for youth services in conjunction with the local sporting community.

**New TAFE campus in Salamander Bay** – following Council approval of a DA in December 2020.



83,550 TOTAL CHILDCARE

**PLACES** 



Our progress

31















# Making our place more inclusive

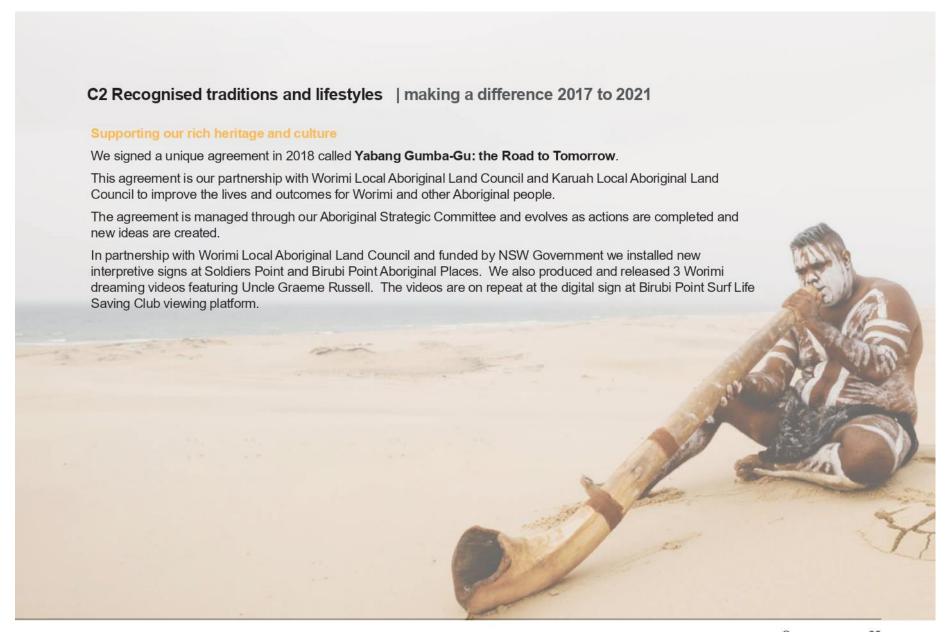
Accessibility and inclusivity have been a key priority of our Delivery Program 2018-2021, with a range of integrated plans, programs and projects occurring across the local government area, including:

- Disability Inclusion Action Plan (DIAP) adopted in October 2017, we have undertaken 22 out of 24 actions to make Port Stephens
  more inclusive and accessible. Some of these projects include a new all-abilities playground at Bernie Thompson Reserve, a new
  playground with inclusive play elements at Bagnalls Beach East, floating wheelchairs at our beaches, making access improvements when
  upgrading our amenities and making our communications user friendly.
- Volunteers supporting our 700 +volunteers to do the great job they do.



ACTIONS COMPLETED OUT OF 24 Disability Inclusion Action Plan

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Our progress

# Connecting with our community

We believe our libraries are a vital part of our social infrastructure in making a difference to our community, as can be seen from the very high level of user satisfaction with this service, refer to page 67.

Our library services go above and beyond what traditionally libraries may have. They provide literacy support for young children, bridge the digital divide, serve as inclusive community spaces where everyone is welcome and connect people from all walks of life.

Library Services have made a difference to our community through a number of innovations during the past 4 years. Some of these include:

- · implementing a Seed Library
- · an annual 'Food for Fines' amnesty
- · Story time and Read and Rhyme sessions
- Call & collect and homebound delivery throughout the COVID-19 pandemic.



# **CASE STUDY**

# **Bringing our commun-knitty together**

In 2020 during COVID, we were fighting social isolation with... knitting needles! 'The pandemic impacted our way of life, connections and social networks, creating a sense of isolation and loneliness for many,' said our Community Development and Engagement Coordinator, Amber Herrmann.

During the lockdown, we asked our community to pick up their knitting needles, dial up a friend and Have a Yarn.

'This was a fun, inclusive and creative project that gave people a feeling of contributing to the broader community, a sense of pride and connection to their local area while maintaining a physical distance,' Amber said

We received over 600 knitted and crocheted pieces — from simple squares to koalas, flowers and hearts. 'I wanted to give back to the community I grew up in,' remarked a 92-year old participant.

'The best thing was picking up my knitting needles for the first time in 50 years and sharing the experience with my friends, family and partner,' said another.

The finished designs were installed across public spaces in Port Stephens adding vibrancy and fun to our streets. The project was funded by the NSW Department of Communities and Justice to provide social inclusion for seniors — a key priority of the NSW Ageing Strategy.



Read more here: https://www.portstephens.nsw.gov.au/your-council/news/commun-knity-connects-post-lockdown-by-having-a-yarn

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# C3 Community Partnerships | making a difference 2017 to 2021

# Diversity of our community

We have been supporting our diverse community needs through working with other levels of government, agencies and partners. Council and staff participate in a range of Committees, Panels and groups from the Local Traffic Committee to the Williamtown Consultative Committee to discuss pertinent issues with relevant stakeholders – refer to our Annual Reports for a full list of all Committees.

Council also has a Community Directory on its website with a full guide to nonprofit, local groups and services in our region for our community.

We annually celebrate diversity and welcome new citizens at our citizenship awards.

# Supporting active communities

With 26 beaches and a port more than twice Sydney Harbour, it's no wonder Port Stephens has a strong connection with the water, with over 3 million people visiting our beaches during the past 4 years. We've been making a difference to our community by rescuing over 300 lives at our beaches. In addition to our normal surveillance in 2020 we signed up Surf Life Saving to operate at One Mile Beach during the winter season - meaning for 2 years we have patrols that will be looking after our swimmers all year round.

We've also been working to support our active communities through our annual grant funding program running an altered program from 2020 to 2021, to support our community during the COVID-19 pandemic.

The 2020-2021 program was designed to support a range of activities and contributed to some amazing initiatives such as the Tomaree Museum Pop up Shop and Summer on Magnus Street.



278 New Citizens welcomed

\$649,096 450 Grant recipients

Our progress

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# Our place

Port Stephens is a liveable place supporting local economic growth



### P1 Goal:

Strong economy, vibrant local businesses, active investment

Our community has an adaptable, sustainable and diverse economy.

### P2 Goal:

Goal: Infrastructure and Facilities

Our community's infrastructure and facilities are safe, convenient, reliable and environmentally sustainable.

### P3 Goal:

Goal:

Thriving and safe place to live

Our community supports a healthy, happy and safe place.

#### What we said we will do?

Support sustainable business development in Port Stephens.

Support and deliver services that attract sustainable visitation to Port Stephens.

Plan civil and community infrastructure to support the community.

Build Council's civil and community infrastructure to support the community.

Maintain Council's civil and community infrastructure to support the community.

Deliver road infrastructure services on behalf of Roads and Maritime services. Provide land use plans, tools and advice that sustainably support the community.

Enhance public safety, health and liveability through use of Council's regulatory controls and services.

Support the amenity and identity of Port Stephens.

Support emergency services and protect Council assets from bushfires and extreme weather events.



Our community values neighbourhoods with locally owned and operated businesses that provide the community with their daily needs.

Neighbourhoods should have easy to access shared community amenities like local shops within walking or cycling distance.

Neighbourhoods should have well maintained and managed public domain, footpaths, parks, roads and other public assets.

Port Stephens Council End of Term Report 2017 to 2021

# P1 Strong economy, vibrant local businesses, active investment | making a difference 2017 to 2021

#### Sustainable business environment

Supporting and growing local business and our economy has and continues to be a priority for our Council and the community, as highlighted in the 2020 Liveability Index.

A few of the initiatives we have undertaken are:

- 'Easy To Do Business' program assisting 4500 actively trading businesses in Port Stephens to reduce red tape and make business growth easier
- Economic Development and Tourism Strategy 2019 to 2021 adopted in 2019 to provide a framework for creating a vibrant place that supports local economic growth
- · Port Stephens Investment Prospectus and Investor Concierge Service an integrated approach to attract and support investment
- Visitor Economy Start House program a innovative education and training program designed to increase and expand business
  opportunities within the visitor economy
- Small Business Support Service a helpline and dedicated web-page making a difference in providing businesses with up-to-date information and support amidst COVID.



Our progress

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# Creating active and vibrant spaces

Place activation is a deliberate effort to bring public space to life.

We have seen many vibrant examples, big and small, of place activation across our local government area from:

- Illuminate Raymond Terrace attracting 7000 visitors to celebrate the new facilities in Boomerang Park, Raymond Terrace
- Fern Bay Fiesta a family-friendly event to support our community to have a say on their suburb's future
- 7 Day Makeovers Anna Bay and Medowie
- Street Eats and Beat music event as part of the Robinson Reserve development
- It's On new seies of activities in Neslon Bay.

Over the term, we have attracted a wide variety of community events ranging from the **Port Stephens Seaside Scavenge** to the **Port Stephens Pro**, **Nations of Origin** to the **Tomaree Arts Festival**.

In 2019, in partnership with Destination Port Stephens we began to refresh our marketing pitch. In June 2020 we launched our new destination brand – **Incredible by Nature**.

Incredible by Nature perfectly captures what we all love about Port Stephens - the amazing natural beauty and the personality of the people who call PS home.

In September 2020, we also **opened the Koala Sanctuary**. Making a difference from an economic and environmental perspective:

- playing a vital role in caring for sick, injured and orphaned koalas
- · research and education
- · offering unique tourist accommodation

# **CASE STUDY**

Better places. Better spaces. Power to the people.

# 7-Day Makeover for Anna Bay and Medowie

They say many hands make light work — that's certainly true for Anna Bay and Medowie's town centres. After the success at Anna Bay in December 2019, the community and Council joined together again in May 2021 to break ground again to makeover the town of Medowie.

The 7-Day Makeover program empowers communities to improve their town centres to create places that encourage people to gather, increase foot traffic, support business growth and improve liveability and wellbeing. That's a key part of our Council's commitment to creating a strong economy, vibrant communities and active investment.

Hundreds of community volunteers, Councillors and Council staff worked day and night to rejuvenate Anna Bay's town centre as part of the 7 Day Makeover in December 2019.

Medowie was also a record-breaker with the most volunteers in a single day at 201 and a new record for the highest number of sponsors of a 7 Day Makeover town.

Another marvellous example of Council, locals and partners working together to make a difference to our community.

See the results of the makeover on YouTube: <a href="youtube.com/">youtube.com/</a> watch?reload=9&v=v1R736XPmyU

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# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

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Our progress

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# P2 Infrastructure and facilities | making a difference 2017 to 2021

# Investing (Building and Maintaining) in our infrastructure backbone

One of our key resources, alongside our employees and funding, is safe and reliable infrastructure.

Following an unsuccessful application for a special rate variation in 2018-2019, where IPART deemed us as financially fit and unable to raise a special rate, we set about **making the projects that make a difference** to the community in other ways.

We went back to the community in July 2019 with a shortlist of projects that could be delivered without increasing rates. Many large and small projects have been completed in this extraordinary program **Port Stephens 2020 Projects** (PSC 2020 Projects) along with continuing to maintain our existing portfolio of assets.

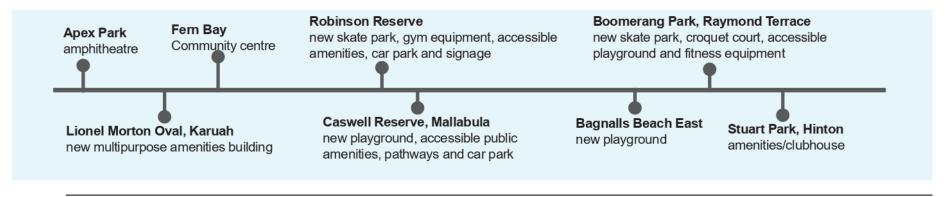
Over the past 4 years, we have spent in excess of **\$91 million on Public Infrastructure**, with these last 2 years our biggest capital works programs ever with PSC 2020 projects that include:

- \$6 million spent on a number of footpaths and cycleways including along Anna Bay to Boat Harbour, Gan Gan Road, Anna Bay, Waropara Road, Medowie, Medowie Road (Ferodale Rd to South Street) Medowie, Boomerang Park, Raymond Terrace, Seaham Park path, Avenue of the Allies, Tanilba Bay and many more.
- major upgrades to our parks, reserves and community facilities as outlined below.



95%\*\*

Overall infrastructure asset condition rating \*Between satisfactory to excellent condition



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# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

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We know that there is more work to do as extreme temperature fluctuations, severe weather events have impacted the surface and appearance of our roads.

With over 720 kilometres of local and regional roads to maintain, we have made significant progress over the period delivering some major road upgrade projects.

Over the 4 years, we have **spent \$44m on road projects**. Some of the **key road projects completed** include:

- Stage 1 Tomaree Road reconstruction,
- Lemon Tree Passage Road Salt Ash and Tanilba Bay,
- · Vardon Road Fern Bay,
- · Church Street, Nelson Bay,
- Tomaree Road, Shoal Bay (stage 1 and 2),
- · Swan Bay Road,
- · Holdom Road Karuah,
- · Italia Road East Seaham
- East Seaham Road, East Seaham.

# Highlights: INFRASTRUCTURE BACKLOG REDUCTION \$29 \$13.83 million (2014) (2020)

# Did you know Council is responsible for maintaining -

- 724 km local and regional roads
- 214 km of pathways
- 19 wharfs
- 329 hectares of natural bushland
- 298 hectares of watercourses
- 24 multipurpose community facilities
- 18 single use community buildings
- 46 public amenity buildings
- 5 depots
- 15 emergency services buildings

This is not a full list.

- 4 library branches
- 1 mobile library
- 45 sports grounds
- 57 playgrounds
- 9 skate parks
- 51 tennis courts
- 28 netball courts
- 4 fenced off-leash dog parks
- 3 aquatic centres
- 2 surf clubs
- 19 boat ramps
- 20 sea walls
- 122 km of open drains
- 319 km of drain pipes

Our progress

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# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

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Our progress

# P3 Thriving and safe place to live | making a difference 2017 to 2021

# Making Port Stephens a better place

As outlined in the 2020 Liveability Index, our community highly values neighbourhood amenities, the overall visual character of the neighbourhood and sense of neighbourhood safety, as well as personal safety.

Making a difference to amenity and identity across Port Stephens has been a key priority of Council as outlined in the Delivery Program 2018 -2021. We have prepared **Public Domain Plans for both Nelson Bay and Raymond Terrace** to activate both these town centres.

To provide housing choice, supply and affordability, we prepared a 20-year vision for land use in Port Stephens, our Local Strategic Planning Statement (LSPS) and planned for the future housing needs of our area in our Local Housing Strategy: Live Port Stephens. These 2 key planning documents contribute to the long term objectives of the Community Strategic Plan by supporting housing diversity and more affordable housing choices across Port Stephens. By investing in establishing the Liveability Index we will be able to measure over time if we are making a difference in these and many other aspects important to the community.

Improving housing affordability is a key focus of the Local Housing Strategy we prepared in 2020.

2017 Award - Premier's award for Making Housing more Affordable for Development Applications Turnaround times.

Read the LSPS and Live Port Stephens: portstephens.nsw.gov. au/grow/port-stephens-planning-strategies/port-stephens-local-strategic-planning-statement



The challenge for Port Stephens is to provide a sustainable supply of affordable housing choices at the right price and in the right locations. Many factors can influence property and rental prices, however there are opportunities for Council to plan for more affordable housing by reducing housing costs. This can be done through the local planning system and in partnership with developers, including community housing providers. We have made significant process improvements to lower costs for new homeowners by providing accelerated assessments and removing unnecessary requirements.

Port Stephens has been identified by the government as a pivotal location for economic growth. With **increasing private investment and substantial financial commitments** by state and federal government for projects ranging from infrastructure and residential development to defence, aviation, innovation and education; the future growth of the region is assured.

Council has invested significant resources over 20 years into supporting the development of a Defence and Airport Related Employment Zone —including the Williamtown Aerospace Centre. From 2014 to 2015 Council worked closely with the Department of Premier and Cabinet to determine the site's potential.

In May 2020 the State Government announced the establishment of the fifth **Special Activation Precinct (SAP)** in NSW to be established in Williamtown. The declaration of the SAP realises the alignment of the planning and investment necessary to realise Port Stephens Council's long term vision for the Williamtown area.

<sup>44</sup> Port Stephens Council End of Term Report 2017 to 2021

After more than 20 years of our Council advocating for a defence and airport employment zone, we are proud to have achieved this outcome for our community.

# **Planning Acceleration Program**

We continue to make a difference to our community by reducing the net median development application (DA) turnaround (26 days) compared with the Premier's target of 40 days and reducing our planning proposal pre-gateway time from 504 days in 2017-2018 to 42 days in 2020-2021.



The community's satisfaction with new development has decreased over the period, requiring further investigation to establish the cause at a time when the capital investment from development applications is \$263 million (2019-2020).

# Highlights:

26 DAYS

Net median time for DA turnaround

42 DAYS

Average pre-gateway assessment time

# **CASE STUDY**

# **Revamping Rezoning**

In 2018, our Strategic Planning team began a 2-year project to 'revamp' the rezoning process, making our planning processes more efficient.

At the time there was an average processing times of over 2 years. Many rezonings were inconsistent with local and State strategies or lacked sufficient information to progress, meaning that land release had stalled in Port Stephens.

After a comprehensive review, our team developed a framework to better support decision-makers and made significant process changes to provide applicants with clearer guidance.

The changes have markedly reduced the backlog of rezonings by 60%, fast-tracking delivery of land release in our growth areas, and increased transparency for applicants and our community. Local assessment time-frames for rezonings are now some of the fastest in the State, with customer feedback overwhelmingly positive.

An efficient rezoning process helps us provide a sustainable supply of affordable housing choices for our community.

In 2021, the team was highly commended for the project by the Local Government Professionals Association.

Our progress

# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

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- 6 Lemon Tree Passage Road before
- 7 Lemon Tree Passage Road after
- 8 Tomago Boat Ramp before
- 9 Tomago Boat Ramp after
- 10 Apex Park, Nelson Bay before
- 11 Apex Park, Nelson Bay after
- 12 Boomerang Park, Raymond Terrace - before
- 13 Boomerang Park, Raymond Terrace - after



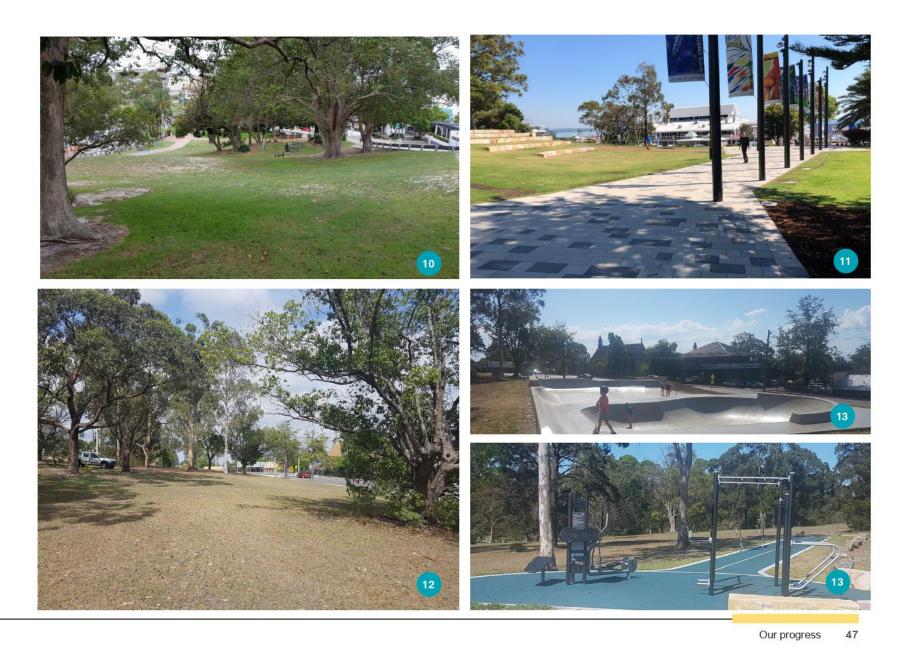






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# Importance of safety and emergency support

It is important that our community feels safe. Various factors contribute to the community feeling safe in their neighbourhood, including road safety, level of crime, environmental factors, only some of which can be influenced by Council. Our 2020 Liveability Index highlighted that sense of personal safety is a strength and something we should protect, however a sense of neighbourhood safety is a priority to work on.

Port Stephens Council is committed to reducing the crime rate, re-offending and anti-social behaviour. We have and continue to work closely with Port Stephens Police. Ongoing actions and initiatives relating to safety are undertaken by Council include statutory enforcement, ranger surveillance (animal compliance, illegal dumping) and education programs. These include:

- ranger services enforcement of legislation (acts, regulations, codes and policies) and effective animal control to ensure compliance with statutory and safety requirements
- incorporating safer by design Crime Prevention Through Environmental Design strategies into planning processes

- memorandum of understanding with Police
- facilitating the Local Emergency Management Committee
- Inspections/investigations of on-site sewer management systems, food premises, private swimming pools, illegal waste and a range of other measures – Read more in our Annual Reports available on Councils website.

On page 49, we reflect on the journey we have faced together with the community amongst natural disasters and a global pandemic. Extraordinary and extreme circumstances! Whilst remaining agile to these situations, we prepare for emergency situations and support emergency services by:

- implementing and maintaining the Port Stephens Emergency Management Plan
- maintaining asset protection zones and registered fire trails on Council owned and managed land in accordance with Council agreed service levels
- construction of a much needed new Rural Fire Service facilities at Fingal Bay and Karuah
- ensuring the Rural Fire Service and State Emergency Service buildings are maintained within agreed levels.







74%

Community members feel safe in their neighbourhood (2020 Community Satisfaction Survey)

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# **CASE STUDY**

### **EMERGENCY SUPPORT**

Our community has seen and been impacted by 7 natural disasters (drought, floods, fires, storms and a worldwide pandemic). At times a number of these emergencies have overlapped, adding to the challenges, disruption and despair felt by our community. The term 'unprecedented' has been coined and used regularly over the past 18 months.

As the level of government closest to our community, we know the important role Council plays during times of emergency.

When COVID began, we quickly found ourselves as the first point of call for our community members and businesses who didn't know where to turn. To respond we connected our community and businesses with the information and support they needed, created programs to promote connection with each other and planned for how we'd help our people reconnect when it was safe to do so.

Having the right information straight from the source is so important. This dashboard provides our community with localised emergency updates, preparedness advice and seasonal awareness of potential risks.

The Port Stephens Disaster Dashboard is an online warehouse of real-time, local emergency information supported by Resilience NSW Regional Disaster Preparedness Program and rolled out to 27 councils across the state. The dashboard contains:

- real-time information related to live emergencies
- · information to help prepare for an emergency
- guidance on the assistance available to recover from a recent emergency.

This dashboard has been an invaluable resource, particularly when the community was faced with another extreme weather event in March 2021. Our community grappled with record rainfall, a one in 100-year rainfall event which resulted in flooding, landslips, road closures and damage to property and infrastructure across our local government area.

Keeping the community and media up to date with the latest information all the while working hard with local authorities including the SES, Police and emergency services to support and respond to our community – this is how all together we make a difference. There is more work to be done in the recovery phase, which we will continue to keep the community updated on over the coming months.

Our progress

# **ORDINARY COUNCIL - 27 JULY 2021 - ATTACHMENTS**

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Our progress

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# Our environment

Port Stephens' environment is clean, green, protected and enhanced



#### E1 Goal:

# **Ecosystem functions**

Our community has healthy and dynamic environmental systems that support biodiversity conservation.

### E2 Goal:

# Environmental sustainability

Our community supports the richness community uses resources sustainably, efficiently and equitably.

### E3 Goal:

# Environmental resilience

Our community is resilient to environmental hazards and climate change.

### What we said we will do?

Protect and enhance local natural environment.

Educate the community about the natural environment.

Reduce the community's environmental footprint.

Encourage community resilience to coastal hazards.

Encourage community resilience to detrimental impacts from the environment.

Encourage community resilience to the impacts of climate change.



Port Stephens community aspires to neighbourhoods that feature **unique natural elements**, views, landscapes or vegetation.

Our Council and residents must protect and maintain the connection to nature offered by the area by promoting sustainable behaviours in the community.

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## E1 Ecosystem functions | making a difference 2017 to 2021

#### Protecting our natural environment

A healthy natural environment is critical to our people, providing clean air, water and healthy soils. In turn, this supports ecological, cultural, recreational, economic and aesthetic values. As indicated in the Liveability Index our community highly values and wants Council and residents to protect our natural environment.

Council has continued to play an important role in protecting and enhancing the natural environment. Over the period we have been making a difference with a variety of programs and measures to do this including:

- Developing and implementing a range of nature conservation programs
- Rehabilitation and protection against invasive species of our significant environmental assets, Mambo Wetlands, through a \$100,000 grant from the NSW Government
- Adopting and implementing our Local Weed Prioritisation Policy
- Adopting the Raymond Terrace Flying Fox Camp Management Plan
- · Revising our Tree Vandalism Policy
- · Adopting our Environmental Policy
- Developing our Natural Assets Register

We are finalising a Biodiversity Strategy and a Local Biodiversity Offsets Policy.





2017 to 2021

**54,372** TREES PLANTED

1836 hectares
BUSHLAND RESTORED

1,790
WEED TREATMENTS

7273 VOLUNTEERS

Did you know the benefit of planting just one tree?

One tree absorbs on average 21.5kg carbon per year

Planting 54,372 trees absorbs on average 1,170 tonnes of carbon per year

To find out about more the benefits of trees refer

https://www.portstephens.nsw. gov.au/grow/land-environmentand-heritage/trees

Our progress

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### **CASE STUDY**

### WAR AGAINST WEEDS

To win our war on weeds and make a difference we need to work smarter.

That's why our Natural Resources team developed an innovative model for prioritising and managing weeds.

'With 2700 introduced species to Australia, there are always going to be more weeds than there are resources,' said our Natural Resources team leader Jordan Skinner.

'Our model has ensured efforts are focused on managing the most significant weeds while maximising efficiency. It helps us work out what time and resources we'll need to make a real difference on the ground.'

The success of our model and the hard work of our team was recognised at the 2020 Local Government NSW Excellence in the Environment Awards.

Find out more about how we manage weeds in Port Stephens: <a href="https://www.portstephens.nsw.gov.au/live/environment-and-sustainability/weeds-and-pests/your-responsibilities">https://www.portstephens.nsw.gov.au/live/environment-and-sustainability/weeds-and-pests/your-responsibilities</a>

#### Air and water quality

Air quality within Port Stephens is good<sup>1</sup>. It is influenced by factors such as local traffic and rural activities, with air pollution sources generally limited to 10 facilities that occur within our region. With data for this report analysed from the Stockton Monitoring Station. Monitoring occurs at a number of sites within the Lower Hunter.

The **Beach Watch Program** monitors and reports recreational water quality at swimming sites. Beaches with the best water quality consistently over the 2017 – 2021 reporting period include Zenith Beach, One Mile Beach, Fingal Bay, Box and Birubi Beach. Beach Watch only collects data from 4 sites.

For more information, visit <a href="https://www.environment.nsw.gov.au/topics/water/beaches/reporting-beach-water-quality/about-weekly-star-ratings">https://www.environment.nsw.gov.au/topics/water/beaches/reporting-beach-water-quality/about-weekly-star-ratings</a>



When sewage or storm-water contamination is suspected, as was the case in January 2021 when a sewage leak occurred at Nelson Bay, Council closed the beaches and swimming area. We then conducted water quality testing until samples indicated that the water quality was suitable for swimming.

#### **Educating our community**

We're continuing to make a difference by educating our community on a variety of environmental matters to increase awareness and appropriate action. Examples of the programs include:

- Western LG Koala Corridors
- Share the Shore videos
- Birubi Sand Dune Rehabilitation
- · Sustainability and Climate Change Survey
- TAFE and Coastal Management Program, Bio-security Act presentations
- Volunteer Introduction to Bush Regeneration

<sup>1</sup>Air quality results from the Stockton Air Monitoring Station for the period July 2017 to March 2021 were all within the air quality category of 'Good' except for 2 occurrences of 'Fair' quality for particulate matter (PM10) during February to March 2019, and October to April 2019.

Our progress

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### E2 Environmental sustainability | making a difference 2017 to 2021

#### Our environmental footprint

Water is a precious resource that we have become only too familiar with over the past few years with the effects of drought and necessary water restrictions.

We have been making a difference by:

- participating in the **Hunter Water Corporation (HWC) Community Consultative Committee**, (an advisory committee), to advise HWC on matters affecting Port Stephens
- · preparing Drought Management Plans for our key water use areas in conjunction with HWC.

#### Reducing our energy consumption

Our community is doing its bit to help the environment and reduce our environmental footprint, with yearly Ausgrid reports for our LGA, showing a **decrease in the daily electricity average** (kWh per customer per day) and an increase in the number of solar customers and solar energy exported to the grid<sup>2</sup>.

Council is also doing its bit by:

- · proudly joining the City Power Partnership
- installing solar panels on Council's Administration Building, Salamander Waste Transfer Station, many of our libraries, community centres and Rural Fire Service buildings
- installing solar pool pre-heating at Lakeside Leisure Centre, Tomaree Aquatic Centre and Tilligerry Aquatic Centre
- we used recycled glass 'greencrete' in the upgrade of Tanilba Bay roundabout
- installing a Building Management System at our Administration Building, Lakeside Leisure Centre and many sports and community buildings to deliver energy efficiencies and lower operating costs
- commencing preparation of a Sustainability Strategy and Action plan to help our Council manage resources and energy consumption.

<sup>&</sup>lt;sup>2</sup> Refer to Ausgrid website for more detail - https://www.ausgrid.com.au/Industry/Our-Research/Data-to-share/Average-electricity-use

<sup>56</sup> Port Stephens Council End of Term Report 2017 to 2021



#### Managing our waste

The way we currently manage waste has been in place since 1999 and it's now time to plan for the next 20 years. We are planning to make a difference to our community and the environment with our **war on waste**, by developing a **waste strategy** that will look at how we deal with garbage, recycling, green waste, litter, kerbside collections and drop-off days. It will also include how we'll educate our community on what they can do to reduce waste and make sure it goes in the right place. In late 2020 we held a number of face to face sessions with the community to help develop the strategy.

As we welcome over 1.5 million visitors to our area each year, using indicators like waste per capita becomes a bit problematic as an increase in visitation ultimately impacts the amount of waste generated and collected. Whilst some of the indicators on page 73 do not show an improvement over time we have continued with our war on waste despite the challenging impacts of both COVID-19 (more waste generated) and mixed organic waste by a number of waste education programs. These include:

- · Waste avoidance and reuse workshops
- Youth education on better recycling practices and reducing litter

Did you know?

Managing litter costs more than \$180 million per year in NSW

43% of litter is cigarette butts

Waterways get polluted by litter



In 2018 the NSW Environment Protection Authority (EPA) made a surprise announcement that has significantly impacted how we manage waste in Port Stephens. For 20 years, our domestic waste was composted with our state-of-the-art system. It allowed us to recycle 100% of green and food waste without the need for a separate green bin, diverting more than 50% of waste from landfills. In October 2018, a regulation known as the Resource Recovery Exemption Order was revoked for mixed organic waste. The order had allowed this compost to be used on land for grazing agriculture, forestry plantations and rehabilitated mine sites. Suddenly, this was forbidden due to potential physical contaminants and environmental risks. This meant an immediate stop to an important part of our waste management process.



Our progress

## E3 Environmental resilience | making a difference 2017 to 2021

Resilience to coastal hazards

Our community values the **coast**, **being one of our greatest assets** in living in a 'treasured environment'.



The coast though is an ever-changing and dynamic environment with many threats which have the potential to impact how our community enjoys and uses the coast both now and into the future.

One of our key priorities is **making a difference for the long term**. A 10-year **Coastal Management Program (CMP)** will build resilience against environmental risks and help retain the unique natural environment we have in Port Stephens.

We've also been making a difference at the Little Beach boat ramp near Shoal Bay which is often being covered in the sand despite regular maintenance by our Council. In 2020 and 2021 we've taken action to address the cause of the problem — sand migrating around from Shoal Bay and inundating the boat launch site. We used drones to survey the beach and find where to remove sand and how much to take.

#### Supporting our community from environmental impacts



It has been 6 years since Williamtown residents were told their land had been contaminated by **PFAS** (per and polyfluoroalkyl substances) from the historical use of firefighting foam at RAAF Williamtown. A Community Reference Group was originally created to keep affected communities informed and provide a forum to raise issues with government agencies — with our General Manager participating since its inception. Despite opposition from the community and our Council, the NSW Government abolished the group in October 2019 in preference of agencies speaking directly with the community as required.

Our Council asked the Premier to reinstate the Community Reference Group so that we could continue to support those who have been impacted by PFAS. Department of Defence has developed a remediation plan for the PFAS management zone and is progressively implementing remediation works.

In 2018-2019 we continued supporting landholders at Williamtown affected by PFAS contamination with a special sub-category of rates – a discount of 50% for residents in the primary zone, 25% in the secondary zone and 10% in the broader zone. Council has continued with **providing this rate relief** and monitors the Department of Defence's remediation activities along with supporting the affected communities however we can.



Quarterly monitoring of decommissioned waste landfill sites as per schedule

Completed capping and rehabilitation of the former waste landfill site (Newline Road, Raymond Terrace)

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#### Taking action on climate change

Climate change action benefits everyone — it reduces potential damage to community and council assets, protects our environment and improves community wellbeing. We're seeking to make a difference which is why in 2020, Council **endorsed a Climate Change Policy** - an overarching guide for how our Council will **respond to climate change now and in the future**. The Policy has 3 main focus areas – education, mitigation and adaptation.



Read more: http://www.portstephens.nsw.gov.au/live/environment-and-sustainability/sustainability-and-climate-change

We're also committed to working in partnership with other councils, our community and all levels of government to respond to the challenges of climate change. Council also agreed that as part of the review of the Community Strategic Plan for 2022-2032 that climate change would form part of discussions with the community.

We're also in the process of updating our Climate Change Adaptation Action Plan to identify our priority actions to address climate change risks. Results in late 2020 of the review of the Climate Change Adaptation Action Plan were that:

- progress of the 35 treatment actions has been ongoing the Coastal Management Program is expected to drive the completion of more actions over the next 18 months.
- updated climate data and modelling saw a moderate increase in risk level across 30% of priority risks, a minor increase across 65% and no change across 5%
- we lead our peers across 14% of key performance areas, the average for 57% of operational activities, lagging in 29% of operations (dedicated climate change officers and total funding dedicated to climate change).
- engage with the community on climate change actions through the Community Strategic Plan



26 actions CLIMATE CHANGE ADAPTATION ACTION PLAN



Our progress

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#### ITEM 6 - ATTACHMENT 1

#### **END OF TERM REPORT 2017-2021.**

## Our council

Port Stephens leads, manages and delivers valued community services in a responsible way



#### L1 Goal:

#### Governance

Our Council's leadership is based on trust and values of Respect, Integrity, Teamwork, Excellence and Safety.

#### L2 Goal:

## Financial management

Our Council is financially sustainable to meet community needs.

#### L3 Goal:

## Communication and engagement

Our community understands Council's services and can influence outcomes that affect them.

#### What we said we will do?

Develop and encourage the capabilities and aspirations of a contemporary workforce.

Provide strong civic leadership and government relations.

Provide a strong ethical governance structure.

Provide strong supportive business systems for Council's Operations.

Reduce risk across Council.

Maintain strong financial sustainability.

Maximize nonrate revenue and investment to support Council services. Provide a customer first organisation.

Provide information in a range of accessible formats.

Strengthen Council's reputation.

Provide a voice for the community.



81% EMPLOYEE ENGAGEMENT SCORE

October 2020
OUR HIGHEST SCORE



GOVERNANCE HEALTH CHECK

80% COMMUNITY SATISFACTION SCORE

June 2020

Port Stephens Council End of Term Report 2017 to 2021

#### ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

### L1 Governance | making a difference 2017 to 2021

#### Employer of choice and excellence

Our organisational culture, the way we carry out our work through **business excellence** and having a **highly engaged workforce** are some of the key ingredients to making a difference to our community. People who go the extra mile and don't just do things the way we always have are critical to a **stable**, **efficient and productive workforce**. With many challenges faced over the past 4 years, moving from the threat of a merger to the impacts of COVID, our workforce has remained resilient, continuing to get on with doing the job, thinking of alternate ways to deliver services and connect with the community.

Valuing staff as your number one asset and investing in their mental and physical health with an **employee wellbeing program** is the true testament of being an employer of choice. This is a workforce that is willing to go above and beyond to serve its community, with staff available around the clock to communicate, direct help and assist a community in need during the many natural disasters over the past 4 years.

We have been able to govern the ship and ensure that our 7 key result measures, refer to page 21 are maintained amidst a global pandemic. These result measures are not mutually exclusive - we need to effectively balance and manage these together in a sustainable way.

#### Strong advocacy, governance, leadership

Council has been actively making a difference for our community in seeking funding and commitments to several projects from the NSW and Federal Government. This can take a long time and as with the **Special Activation Precinct**, it took over 20 years of lobbying to bring to fruition.

But getting the money and having the right people is only part of the equation in getting these projects off the ground for the community. At Port Stephens Council safety always comes first! We have a well-developed approach to risk management and safety through our Risk Management Framework.

We've been leading the way with our safety culture, receiving multiple awards in recognition of our approach.

Our annual Governance Health Check also provides reassurance to the community that we are **operating in a sound way meeting our legislative and operational requirements**. This is across the spectrum of ethics, risk management, information management and reporting.

Our progress

# L2 Financial Management | making a difference 2017 to 2021

#### Financially responsible and sustainable

The difference we have made to the community over the past 10 years can be seen in the **turnaround** from a large underlying deficit of \$4.235m in 2011-2012 to an underlying surplus of \$316,000 in 2020-2021. Despite the pandemic and 6 natural disasters, through careful management of our cash flow, reducing non-essential projects and reprioritising our spending, we have continued to:

- keep our rates amongst the lowest in the Hunter region,
- meet asset renewal targets, while improving service delivery to the community
- · balance our budget.

In the past 4 years, we have increased returns from property developments and investments in our Holiday Parks operations and (prior to COVID) a dividend of \$2 million per annum for the Newcastle Airport.

A financially sustainable local government delivering prioritised services.

Whilst being financially responsible we've always been there to support our community no matter what. Realising that many businesses and our community were experiencing significant challenges from COVID-19, in 2019-2020 we offered several measures to **increase access to financial hardship**. Additionally, we reallocated funds from the PS 2020 projects to the Restart Port Stephens Plan.

# L3 Communication and engagement | making a difference 2017 to 2021

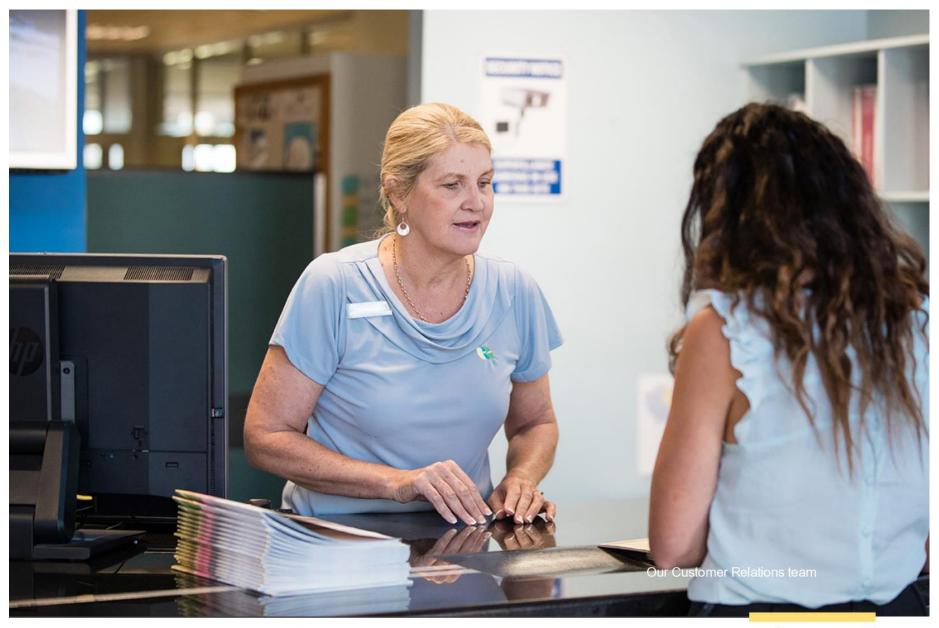
#### Customers come first and foremost

We've been making a difference to our customer's experience by:

- being the first point of call during COVID seeing a 25% increase in customer enquiries from April to June 2020 alone
- continuing to update our dedicated COVID-19 webpage and Disaster Dashboard to ensure our community has quick access to all information they need
- continuing to actively review and improve our website to ensure information is easily accessible
- re-branding and launching our e-newsletter PSToday (previously known as Informe) to focus on good news in our community
- moving with the times from newspaper advertisements to digital as our main source of information. For more information, refer to our 2019-2020 Annual Report available on our website
- · streamlining our customer request management
- launched a number of online forms.

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ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.



Our progress

#### Importance of community voice

Providing a real voice for our community is of the utmost importance to our Council.



Whilst data is not yet available from 2021, the 2020 and 2019 community satisfaction survey results (of 1,408 and 1,145 respondents) indicated the community's perception of the opportunity to provide input in Council projects was at 27%.

We know we have to work on this, which is why in 2020 we reached out to the community via the Liveability index to ensure we get a whole of community perspective on priorities. Over 3,700 people across our community told us what the value and how they rate their neighbourhoods. It will inform the review of the Community's Strategic Plan for the next 10 years, place planning, Wellbeing Strategy and so much more – but we know that the community is not interested in plans but on the ground results which is why we will be checking in with the community over the next 12 months to hone in on these priorities.

Having said that, we have done much to make a difference in engaging with our community over the past 4 years. We've been committed and do believe we've been listening to our community to ensure they are actively involved in shaping the future of Port Stephens.

The benefits are clear — we earn our community's trust, identify solutions to complex problems and get the best result for all.

Our Community Engagement Strategy, endorsed in November 2019, reflects this commitment and our approach. It includes a community participation plan that sets out how we'll consult with our community on planning documents and development applications - a legislative requirement for all NSW councils.

Below are a few of the many projects and activities that we've engaged our community on over the past 4 years:

- Local Strategic Planning Statement (LSPS) and Local Housing Statement (LHS)
- · Coastal Management Program (CMP)
- · Port Stephens 2020 projects and other major works
- · Raymond Terrace Public Domain Plan
- · Smart Parking System
- · Special Rate Variation proposal
- · Fern Bay and North Stockton Strategy

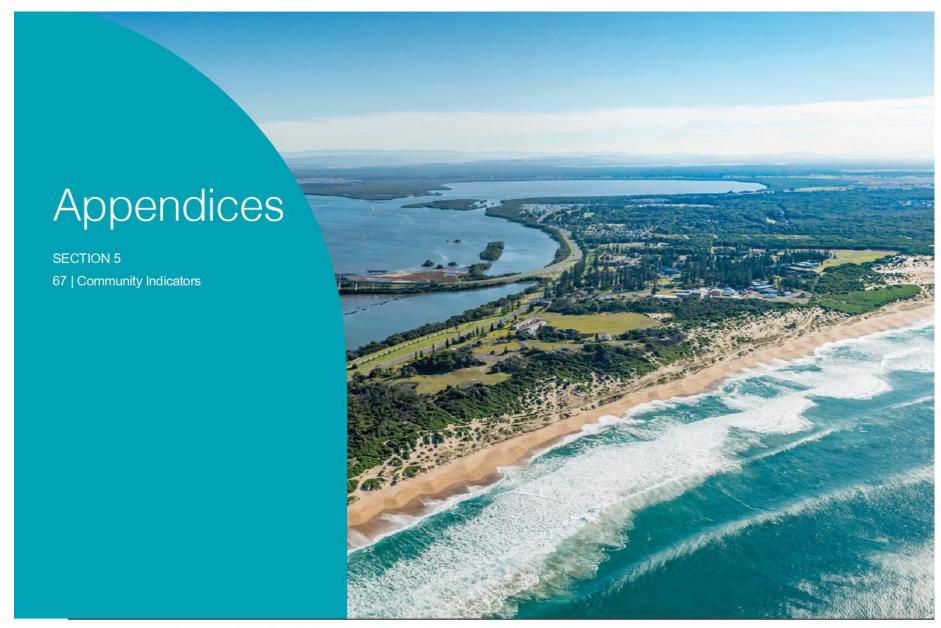
- Boomerang Park off-leash dog park and Robinson reserve
- Kings Park Sports Complex master plan
- · Birubi Point Aboriginal Place
- · Location of Karuah Rural Fire Service building
- · Nelson Bay Public Domain Plan
- Waste Strategy
- · and many more.

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ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.



Our progress



66 Port Stephens Council End of Term Report 2017 to 2021

# Community Indicators

▲ Progressing towards community outcome

▼ Progressing away from community outcome

- Stable

| CSP Key<br>Direction      | Community Indicator                       | Measure  | 2017<br>-<br>2018 | 2018<br>-<br>2019 | 2019<br>-<br>2020 | 2020<br>-<br>2021 | Making a<br>difference |  |  |
|---------------------------|---|--|-------------------|-------------------|-------------------|-------------------|------------------------|--|--|
| C1 Community<br>Diversity | Usage of Council child care centres       | Number of family day care places filled  | 6,837             | 6,735             | 7,843             | 7,113             | <b>A</b>               |  |  |
|                           |   | Total number of childcare places filled (before and after school care)   | 36,406            | 58,354            | 70,926            | 75,227            | <b>A</b>               |  |  |
|                           | Participation in Council youth activities | Data not available. Refer to page 31 for youth activities.   |                   |                   |                   |                   |                        |  |  |
|                           | Usage of community halls                  | Percentage of community halls users (of total responses from annual community satisfaction survey)                     | -                 | 36%<br>n = 431    | 36%<br>n = 524    | #                 | _                      |  |  |
|                           | Access friendly infrastructure            | Disability Inclusion Action Plan - actions completed/met annual target   | 13* out<br>of 24  | 15* out<br>of 24  | 22* out<br>of 24  | 22* out<br>of 24  | <b>A</b>               |  |  |
|                           |   | Overall accessibility of facilities in the local area (% of total responses from annual community satisfaction survey) | -                 | 65%<br>n = 1146   | 68%<br>n = 1507   | #                 | <b>A</b>               |  |  |
|                           | Sustainable Volunteer<br>Groups           | Participation with a volunteer group (% of total responses from annual community satisfaction survey)                  | -                 | 34%<br>n = 1159   | 44%<br>n = 1482   | #                 | <b>A</b>               |  |  |

<sup>-</sup> Data not available

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<sup>#</sup> Community Satisfaction Survey 2021 results not finalised.

<sup>\* 8</sup> of the above are ongoing.

## ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

| CSP Key<br>Direction                    | Community Indicator  | Measure   | 2017<br>-<br>2018 | 2018<br>-<br>2019 | 2019<br>-<br>2020             | 2020<br>-<br>2021             | Making a<br>difference |
|---|--|---|-------------------|-------------------|-------------------------------|-------------------------------|------------------------|
| C2 Recognised traditions and lifestyles | Cooperative activities with local Aboriginal and Torres Strait Islander people         | % of actions completed or commenced in Yabang Gumba-Gu Plan   | 100%              | 100%              | 95%                           | 79%¹                          | <b>A</b>               |
|   | Participation in cultural activities and events  | Attendance at cultural activities or events (% of total responses from annual community satisfaction survey)                      | -                 | 66%<br>n = 1159   | 81%<br>n = 1482               | #                             | <b>A</b>               |
|   | Preservation of Port<br>Stephens heritage  | Heritage Projects Fund grants   | \$6,000           | \$6,000           | \$5,500                       | \$5,208                       | •                      |
|   |  | Heritage advice on Development<br>Applications (DA), Council Projects (CP)<br>and requests for information (RI) within 10<br>days | -                 | -                 | DA - 11<br>CP - 34<br>RI - 10 | DA - 22<br>CP - 35<br>RI - 19 | <b>A</b>               |
|   | Public library usage<br>(within Port Stephens Council<br>local government area)        | Library user satisfaction   | 99%               | 99%               | ##                            | **                            | _                      |
|   |  | Number of people visited library branches   | 217,360           | 199,610           | 146,881                       | 120,447^                      | •                      |
|   |  | Library use of resources - internet and<br>Wifi (number of individual sessions)   | 42,176            | 35,485            | 27,336                        | 18,741^                       | •                      |
|   |  | Library use of resources - number of collection item loaned (checkouts)   | 318,869           | 299,371           | 243,337                       | 211,329^                      | •                      |
|   |  | Library use of resources - attendance at programs   | 8,126             | 9,184             | 6,471                         | 2,640^                        | •                      |
| ## Comparative data                     | ction Survey 2021 results not fi<br>a not available.<br>action Survey 2021 results not | on going over multiple  |                   | _                 |                               |                               | _                      |

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## ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

| of services to the hity tion in hity activities and for recreation and hacilities | Current number and type of community services available  Number of community-run events supported and managed by Council  Attendance at community activities or events (% of total responses from annual community satisfaction survey)  Number of people/ attendance at | For a guide  |  | available refeebsite.  5  94%   | 2021 ariety of service er to the Com  |  |
|---|--|--|--|---|---|--|
| to the aity tion in ity activities and  | Number of community-run events supported and managed by Council  Attendance at community activities or events (% of total responses from annual community satisfaction survey)   | For a guide<br>Directory or  | on services and Council's week   | available refeebsite.  5  94%   | er to the Com   |  |
| ity activities and  | supported and managed by Council  Attendance at community activities or events (% of total responses from annual community satisfaction survey)  | 7  | 97%  | 94%   |   | •  |
|   | events (% of total responses from annual community satisfaction survey)  | -  |  |   |   |  |
|   | Number of people/ attendance at  |  |  | n = 1,482   | #   | •  |
|   | swimming pools   | 225,167  | 263,838  | 183,632   | 101,318 <sup>^</sup>  | •  |
|   | Usage of recreation and leisure facilities   | -  | <b>51%</b><br>n = 1,159  | 56%<br>n = 1,482  | #   | <b>A</b>   |
|   | Number of people/ attendance at beaches and surf clubs   | 619,651  | 957,652  | 767,273   | 738,786^^   | _  |
| f Council's<br>assistance   | Annual grant funding (comprising<br>Community project funds, Mayoral and Ward<br>funds)  | 93<br>grants<br>\$122,922  | 120 grants<br>\$91,815   | 101<br>grants<br>\$123,011  | 136 grants<br>\$311,278   | <b>A</b>   |
| spend   | Number of tourists   | 1.5 million  | 1.8 million  | 1.7 million   | 1.5 million*  | _  |
|   | Total visitor expenditure  | \$535<br>million   | \$606<br>million   | \$568<br>million  | \$549<br>million*   | _  |
|   | Financial support for Destination Port Stephens  | \$397,500  | \$397,500  | \$407,962   | \$400,000*  | _  |
|   |  | Number of tourists  Total visitor expenditure  Financial support for Destination Port Stephens | Number of tourists  Total visitor expenditure  Financial support for Destination Port Stephens  Spend  Spend  Number of tourists  1.5 million  \$535  million  \$397,500 | Number of tourists  Total visitor expenditure  Financial support for Destination Port Stephens  Spend  Number of tourists  1.5 million  1.8 million  \$535 \$606 million  \$397,500 \$397,500 | Spend Number of tourists 1.5 million 1.8 million 1.7 million  Total visitor expenditure \$535 million million million \$568 million \$397,500 \$397,500 \$407,962 | Spend Number of tourists 1.5 million 1.8 million 1.7 million 1.5 million 5311,278  Total visitor expenditure \$535 \$606 \$568 \$549 million million million million 5407,962 \$400,000° |

\* Up to 31 December 2020

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## ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

| CSP Key<br>Direction                     | Community<br>Indicator               | Measure   | 2017<br>-<br>2018             | 2018<br>-<br>2019  | 2019<br>-<br>2020  | 2020<br>-<br>2021 | Making a<br>difference |
|--|--------------------------------------|---|-------------------------------|--------------------|--------------------|-------------------|------------------------|
|  | Competitive and sustainable business | Number of active businesses in Port Stephens  | -                             | 4,591              | 4,955              | 5,306^^           | <b>A</b>               |
|  | environment                          | Business satisfaction survey result (Port Stephens is a good place to conduct business)   | -                             | 57%                | -                  | 82%               | <b>A</b>               |
|  | Range of and attendance at iconic    | Economic benefit from major events  | \$8.2<br>million              | \$10<br>million    | \$7.8<br>million   | \$5.6<br>million  | ▼                      |
|  | events                               | Number and attendance at iconic events held   | Data not a                    | vailable. Re       | ~                  |                   |                        |
| P2<br>Infrastructure<br>and facilities   | Reduction in infrastructure gap      | Reduction in Infrastructure backlog (gap)   | \$14.11<br>million            | \$14.16<br>million | \$13.83<br>million | ~                 | •                      |
|  | Condition of public assets           | Overall Council infrastructure assets between satisfactory to excellent condition as a percentage of gross replacement cost (buildings, storm water drainage, open spaces and recreational assets and other infrastructure excluding roads) | 94%                           | 94%                | 95%                | ~                 | _                      |
|  |                                      | Community satisfaction with maintenance of parks  | 92%                           | 91%                | 93%                | #                 | _                      |
|  |                                      | Community satisfaction with maintenance of cemeteries   | 94%                           | 95%                | 92%                | #                 | _                      |
|  |                                      | Community satisfaction with maintenance of swimming pools   | 90%                           | 91%                | 90%                | #                 | _                      |
|  |                                      | Community satisfaction with sports and recreational facilities  | 90%                           | 91%                | 92%                | #                 | _                      |
|  |                                      | Community is confident that Council is managing its resources (assets) (% of total responses from annual community satisfaction survey)   | 73%                           | 61%                | 63%                | #                 | •                      |
| - Data not availab<br>~ Data not availal | ole<br>ble. FY 2020-2021 results r   | ^^ Up to 30   | April 2021<br>nity Satisfacti | on Survey 20       | )21 results no     | t finalised.      |                        |

<sup>70</sup> Port Stephens Council End of Term Report 2017 to 2021

#### ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

| CSP Key<br>Direction  | Community<br>Indicator                                | Measure   | 2017<br>-<br>2018 | 2018<br>-<br>2019 | 2019<br>-<br>2020 | 2020<br>-<br>2021 | Making a<br>difference |
|---|---|---|-------------------|-------------------|-------------------|-------------------|------------------------|
|   | Condition of Council controlled roads                 | Overall Council Roads between satisfactory to excellent condition as a percentage of gross replacement cost | 90%               | 92%               | 95%               | #                 | <b>A</b>               |
|   |   | Community satisfaction with maintenance of local roads  | 75%               | 71%               | 68%               | #                 | ▼                      |
|   |   | Community satisfaction with roadside maintenance  | 84%               | 81%               | 79%               | #                 | •                      |
| P3 Thriving<br>and safe<br>place to live                    | Efficient planning processes                          | Number of development applications determined   | 871               | 801               | 775               | 941               | <b>A</b>               |
|   |   | Net median time for DA turnaround (Number of days)  | 34                | 38                | 34                | 26                | <b>A</b>               |
|   |   | Average planning proposal review time (Number of days)  | 504               | 344               | 174               | 42                | <b>A</b>               |
|   | Perception of safety                                  | Perception of safety in the LGA 'How safe do you feel in your neighbourhood?'                               | -                 | 72%               | 74%               | #                 | _                      |
|   | Housing affordability and stress                      | Number of residential building approvals (New houses and other residential) (Data Source - Remplan)         | 290               | 343               | 266               | -                 | •                      |
|   |   | Value of residential building approvals (million) (Data Source - Remplan)                                   | \$185 m           | \$125 m           | \$110 m           | -                 | •                      |
|   | Emergency services support                            | Data not available. Refer to page 48 and 49   |                   |                   |                   |                   |                        |
|   | Increased community satisfaction with new development | Community satisfaction with new developments  | -                 | 76%               | 69%               | #                 | •                      |
| # Community Satisfaction Survey 2021 results not finalised. |   |   |                   |                   |                   |                   |                        |

Appendices

<sup>~</sup> Data not available. FY 2020-2021 results not finalised.

## ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

| CSP Key<br>Direction  | Community Indicator                               | Measure  | 2017<br>-<br>2018 | 2018<br>-<br>2019 | 2019<br>-<br>2020 | 2020<br>-<br>2021 | Making a<br>difference |
|-----------------------|---|--|-------------------|-------------------|-------------------|-------------------|------------------------|
| E1 Ecosystem function | Air and water quality                             | Refer to page 55   |                   |                   |                   |                   |                        |
|                       | Habitat preserved and regenerated                 | Bushland restoration works (hectares)                        | 968 ha            | 377 ha            | 346 ha            | 145 ha            | ▼                      |
|                       |   | Number of bushland sites managed                             | 415               | 400               | 429               | 419               | _                      |
|                       |   | Number of volunteers engaged                                 | 1,748             | 1,524             | 1,899             | 2,102             | <b>A</b>               |
|                       |   | Number of trees planted                                      | 23,541            | 6,532             | 4,629             | 7,508             | _                      |
|                       |   | Bio-security (weed) treatments on Council land               | 294               | 264               | 672               | 560               | <b>A</b>               |
|                       | Noxious weed infestations                         | Bio-security (weed) private property inspections             | 513               | 583               | 823               | 1504              | <b>A</b>               |
|                       |   | Number of compliance & enforcement actions                   | 4                 | 12                | 103               | 69                | <b>A</b>               |
|                       | Participation in environmental education programs | Number of public events                                      | 9                 | 6                 | 18                | 2                 | •                      |
|                       |   | Number of community members engaged                          | 169               | 102               | 473               | 29                | •                      |
|                       |   | Number of face to face training sessions for weed management | 91                | 93                | 559               | 1188              | <b>A</b>               |

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## ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

| CSP Key Direction                     | Community Indicator                         | Measure  | 2017<br>-<br>2018 | 2018<br>-<br>2019 | 2019<br>-<br>2020 | 2020<br>-<br>2021 | Making a<br>difference |  |  |
|---------------------------------------|---|--|-------------------|-------------------|-------------------|-------------------|------------------------|--|--|
| E2<br>Environmental<br>sustainability | Improved water consumption                  | Data not available for the local government area. Refer to page 56 for more information on v<br>Council has been doing to make a difference. |                   |                   |                   |                   |                        |  |  |
| ,                                     | Improved energy consumption                 | LGA daily average usage (residential) (kWh per customer per day) <sup>2</sup>  | 17.1              | 17.1              | 16.7              | -                 | <b>A</b>               |  |  |
|                                       |   | Energy exported to the grid from Solar (MWh)²  | 12,081            | 15,702            | 21,711            | -                 | <b>A</b>               |  |  |
|                                       |   | Council's usage of electricity (MWh)   | 8,400             | 8,400             | 7,137             | 7,004             | <b>A</b>               |  |  |
|                                       | Waste per capita (landfill, recycle, green) | Landfill - Red bin waste (tonnes)  | 20,137            | 19,727            | 25,318            | 23,533            | •                      |  |  |
|                                       |   | Landfill Per capita  | 0.27              | 0.27              | 0.34              | 0.32              | _                      |  |  |
|                                       |   | Green waste (tonnes)   | 3,097             | 3,003             | 3,011             | 2,398             | ▼                      |  |  |
|                                       |   | Green Waste Per capita   | 0.04              | 0.04              | 0.04              | 0.03              |                        |  |  |
|                                       |   | Recycling – yellow bin (tonnes)  | 6,382             | 5,892             | 5,069             | 5,132             | ▼                      |  |  |
|                                       |   | Recycling Per capita   | 0.09              | 0.08              | 0.07              | 0.07              | ▼                      |  |  |
|                                       |   | Recycling - compost (tonnes)   | 5,783             | 6,022             | 6,085             | 5,213             | ▼                      |  |  |
|                                       |   | Compost Per capita   | 0.08              | 0.08              | 0.08              | 0.07              | _                      |  |  |
|                                       |   | Waste diverted from landfill (tonnes)  | 13,669            | 12,863            | 13,992            | 14,276            | _                      |  |  |
|                                       |   | Community satisfaction with waste collection service and access to waste depot/transfer stations   | 91%               | 92%               | 92%               | #                 | _                      |  |  |

<sup>-</sup> Data not available. FY 2020-2021 results not finalised. # Community Satisfaction Survey 2021 results not finalised.

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<sup>&</sup>lt;sup>2</sup> Data source - Ausgrid https://www.ausgrid.com.au/Industry/Our-Research/ Data-to-share/Average-electricity-use

## ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.

| CSP Key                           | Community Indicator  | Measure  | 2017   | 2018                                 | 2019                                 | 2020                                 | Making a   |
|-----------------------------------|--|--|--|--------------------------------------|--------------------------------------|--------------------------------------|------------|
| Direction                         | Community marcator   | Medsule  | 2018   | 2019                                 | 2020                                 | 2021                                 | difference |
| E3<br>Environmental<br>resilience | Coastal hazards mitigation and response                                    | Develop a Coastal Management<br>Program (CMP)  | Data not available. Refer to page 58 for Coastal Manag Program progress. |                                      |                                      |                                      |            |
| resilience                        | Rehabilitated landfill sites   | Monitor and manage environmental impacts from decommissioned waste landfill sites      | 100%   | 100%                                 | 100%                                 | 100%                                 | _          |
|                                   | Climate change mitigation and response                                     | Development and implementation of actions in the Climate Change Adaptation Action Plan | -  | 13 out of<br>35 actions<br>completed | 26 out of<br>35 actions<br>completed | 26 out of<br>35 actions<br>completed | _          |
| L1 Governance                     | Stable and productive workforce C  | Employee Engagement  | 70%  | 68%                                  | 74%                                  | 81%                                  | <b>A</b>   |
|                                   |  | Community's confidence that<br>Council is managing its resources<br>(workforce)        | 75%  | 66%                                  | 67%                                  | #                                    | •          |
|                                   | Community satisfaction with Council  | Community Satisfaction score   | 85   | 76                                   | 80                                   | #                                    | _          |
| L2 Financial management           | A financially sustainable local government delivering prioritised services | Community confidence in Council's management of Finance                                | 73%  | 51%                                  | 58%                                  | #                                    | •          |
|                                   |  | Underlying financial surplus (\$,'000)   | \$1,078  | \$1,003                              | -\$185                               | \$316 <sup>*</sup>                   | <b>A</b>   |
| L3                                | Positive media coverage  | Media sentiment  | -  | -                                    | -                                    | 96%**                                |            |
| Communication and engagement      | Community perceptions of Community engagement                              | Community's perception of opportunity to provide input in Council projects             | -  | 39%                                  | 27%                                  | #                                    | •          |
|                                   | Community perception of Council  | Community's perception of trust that Council is working towards the community needs    | -  | 42%                                  | 46%                                  | #                                    | <b>A</b>   |
| - Data not available              |  | *March 2021  | OBR result   |                                      |                                      |                                      |            |

Data not available

<sup>#</sup> Community Satisfaction Survey 2021 results not finalised.

<sup>\*</sup>March 2021 QBR result

<sup>&</sup>quot;Aggregate of 'Neutral' and 'Positive'

<sup>74</sup> Port Stephens Council End of Term Report 2017 to 2021

ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.



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ITEM 6 - ATTACHMENT 1 END OF TERM REPORT 2017-2021.



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